



## **The Regional Municipality of Durham**

### **Finance & Administration Committee Agenda**

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

**Tuesday, February 12, 2019**

**9:30 AM**

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**1. Declarations of Interest**

**2. Adoption of Minutes**

- A) Finance & Administration Committee meeting – [January 15, 2019](#)

Pages 4 - 17

**3. Statutory Public Meetings**

There are no statutory public meetings

**4. Delegations**

- 4.1 Mr. Ivan Battye re: Report #2018-INFO-91: Update on work to support development of the Pickering airport lands, dated June 1, 2018.
- 4.2 Mr. Mark Murphy, Senior Director, Capital Planning & Development and Mr. Matthew Anderson, President and Chief Executive Officer, Lakeridge Health, re: where acute health care services will be delivered across Durham Region over the next 25 years.
- 4.3 Mr. Joe Muldoon, Head, Trent University Durham, re: request for support from the Region for an expansion project at Trent Durham GTA.

**5. Presentations**

There are no presentations

## 6. Administration

### 6.1 Correspondence

- A) Direction Memorandum from Sandra Austin, Director  
Corporate Policy and Strategic Initiatives re: Public advertising  
for citizen representation on the Durham Region Roundtable  
on Climate Change (DRRCC) 18 - 19

Recommendation: Receive for information

### 6.2 Reports

- A) Closed Meeting Protocol ([2019-A-5](#)) 20 - 32
- B) Durham York Energy Centre – Notice of Dispute from Covanta  
([2019-A-6](#)) 33 - 34
- C) Additional Recommended Actions Related to: Bill 68 –  
Modernizing Ontario's Municipal Legislation Act, 2017 ([2019-A-8](#)) 35 - 75

## 7. Finance

### 7.1 Correspondence

- A) Vic Fedeli, Minister of Finance – re: Writing to Heads of  
Council regarding the Ontario Cannabis Legalization  
Implementation Fund (OCLIF) 76 - 78

**Pulled from January 11, 2019 Council Information  
Package by Councillor Shaun Collier**

Recommendation: Receive for information

### 7.2 Reports

- A) Approach for Review of the Region of Durham's Long Term  
Financial Planning Framework ([2019-F-6](#)) 79 - 85
- B) Request for 2019 Pre-Budget Approval for the Purchase of  
Replacement Ambulances ([2019-F-7](#)) 86 - 87
- C) 2019 Durham Region Transit (DRT) Servicing and Financing  
Study ([2019-F-8](#)) 88 - 132
- D) Public Process for the Proposed Seaton Area Specific  
Development Charge By-law ([2019-F-9](#)) 133 - 136

- E) Joint Bus Procurement Results ([2019-F-10](#))

137 - 139

**8. Advisory Committee Resolutions**

There are no advisory committee resolutions to be considered

**9. Confidential Matters**

**9.1 Reports**

- A) Confidential Report of the Commissioner of Corporate Services – Labour Relations/Employee Negotiations with respect to the Ontario Nurses Association (ONA) Local 92- Fairview Lodge Lakeview Manor (2019-A-7) Under Separate Cover

**10. Other Business**

**11. Date of Next Meeting**

Tuesday, March 19, 2019 and Wednesday, March 20, 2019 at 9:30 AM – 2019 Business Plans and Budgets

**12. Adjournment**

Notice regarding collection, use and disclosure of personal information:

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**The Regional Municipality of Durham**

**MINUTES**

**FINANCE & ADMINISTRATION COMMITTEE**

**Tuesday, January 15, 2019**

A regular meeting of the Finance & Administration Committee was held on Tuesday, January 15, 2019 in the Lower Level Boardroom (LL-C), Regional Headquarters Building, 605 Rossland Road East, Whitby, Ontario at 9:30 AM

Present: Councillor Foster, Chair  
Councillor Collier, Vice-Chair, left the meeting at 10:59 AM on municipal business  
Councillor Ashe  
Councillor Drew, left the meeting at 11:18 AM  
Councillor Leahy  
Councillor Mulcahy, attended the meeting at 9:33 AM  
Councillor Nicholson  
Regional Chair Henry, attended for part of the meeting

Also

Present: Councillor Marimpietri, attended for part of the meeting  
Councillor Joe Neal  
Councillor John Neal, attended for part of the meeting

Staff

Present: E. Baxter-Trahair, Chief Administrative Officer  
S. Austin, Director, Corporate Policy and Strategic Initiatives, Office of the CAO  
D. Beaton, Commissioner of Corporate Services  
J. Demanuele, Director of Business Services, Works Department  
J. Hunt, Director, Legal Services, Corporate Services – Legal  
B. Kelly, Manager, Sustainability, Office of the CAO, attended for part of the meeting  
W. Leonard, Director, Durham Emergency Management Office, Office of the CAO, left the meeting at 11:06 AM  
S. Munns, Director, Corporate Communications, Office of the CAO  
L. O'Dell, Director, Departmental Services, Corporate Services – HR  
V. Patterson, General Manager, DRT, attended the meeting at 9:37 AM  
N. Pincombe, Director, Business Planning, Budgets and Risk Management, Finance Department  
J. Presta, Director of Environmental Services, Works Department  
S. Rashad, Systems Support Specialist, Corporate Services – IT  
M. Simpson, Director, Financial Planning and Purchasing, Finance Department  
N. Taylor, Commissioner of Finance  
R. Walton, Regional Clerk/Director of Legislative Services, Corporate Services – Legislative Services, attended for part of the meeting

L. Fleury, Legislative Officer, Corporate Services – Legislative Services

**1. Declarations of Interest**

There were no declarations of interest.

**2. Adoption of Minutes**

Moved by Councillor Leahy, Seconded by Councillor Ashe,

- (1) That the minutes of the regular Finance & Administration Committee meeting held on Wednesday, December 12, 2018, be adopted.

CARRIED

**3. Statutory Public Meetings**

There were no statutory public meetings.

**4. Delegations**

**4.1 Mr. Greg Milosh re: the 2019 Budget**

Mr. Greg Milosh appeared before the Committee with respect to the importance of the striking of the annual operating budget and noted that the budget impacts both the financial position of the Region and the finances of Durham property tax payers.

Mr. Milosh stated that he does not believe that Councillors have a clear understanding of the financial position of the Region including all sources of revenue, all expenses and all reserves and investments, and that in order to provide proper financial oversight to the Region's business and to effectively draft an operating budget, Councillors need to dramatically improve their understanding of the Region's finances.

Mr. Milosh requested that prior to approving the 2019 budget, the Commissioner of Finance give Council a comprehensive education and training session on all matters financial.

Mr. Milosh noted that the investment portfolio warrants considerable scrutiny and could be used to mitigate or preclude a tax increase. He added that several reserve funds, rate stabilization funds, and unfunded long-term liabilities also warrant similar scrutiny.

Mr. Milosh added that the CD Howe Institute gave Durham a "D" grade when they graded the financial reports of some of Canada's municipalities.

Mr. Milosh responded to questions from the Committee members.

**4.2 Mr. Robert Howard, Chief Possibility Officer & Vice President, External Relations, United Way Durham Region, re: recent announcement of the closing of the General Motors Plant**

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Mr. Robert Howard, Chief Possibility Officer & Vice President, External Relations, United Way Durham Region appeared before the Committee with respect to the recent announcement of the closure of the General Motors (GM) plant in Oshawa and the United Way in Durham Region. He thanked the Region for last year's campaign which raised over \$150,000.

Mr. Howard stated that according to the information they have received, the closure of the GM plant is going to have a serious impact on Durham Region. He advised that representatives from the United Way Durham Region have been meeting with other community partners to look at what the impact will be. He noted that the universities and college will be teaming up with the United Way for a campaign in March and that the messaging will be around Durham's community response.

Mr. Howard added that this year's ride for United Way will be themed around battling poverty in Durham Region.

Mr. Howard responded to questions from the Committee members.

4.3 Mr. A.J. Kehoe re: Development of protocols to ensure content on durham.ca matches policies and procedures of the Region

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Mr. A.J. Kehoe appeared before the Committee with respect to developing protocols for updates to the durham.ca website.

Mr. Kehoe advised that he wanted to register as a delegation to appear before the Region's Health & Social Services Committee. He checked the Region's website which stated that the deadline to register was Monday at 9:30 AM the week of the meeting. When he submitted his delegation request he was told that he had missed the deadline which was noon on Wednesday the week before the meeting. When he questioned the discrepancy, he was advised that information on the website does not supersede the by-law and he could delegate at the February meeting instead.

Mr. Kehoe stated that the issue he planned to present on was time sensitive, so he wrote a letter of appeal to the Regional Chair and the Committee Chair. The next day he was contacted and advised that he would be added to an addendum for the Committee meeting subject to a two-thirds vote. The Committee voted to hear him and he was able to make his delegation.

Mr. Kehoe stated that durham.ca can and should be better maintained by incorporating content accuracy protocols. He requested that staff be asked to better develop their protocols for ensuring the content on durham.ca matches the actual policies and procedures of Durham Region and report back to Council on their progress regarding this matter.

D. Beaton, Commissioner of Corporate Services explained that there are protocols in place for updating web pages which staff do follow. He noted that in this instance a number of pages were updated when the by-law was amended,

and it was human error that the description on the page in question was missed and apologized for the error.

**5. Presentations**

There were no presentations.

**6. Administration**

**6.1 Correspondence**

- A) Jon Pegg, Chief of Emergency Management, Ministry of Community Safety and Correctional Services – re: Writing to John Henry, Regional Chair and CEO – regarding compliance with the Emergency Management and Civil Protection Act

Moved by Councillor Ashe, Seconded by Councillor Collier,

- (2) That the correspondence from Jon Pegg, Chief of Emergency Management, Ministry of Community Safety and Correctional Services regarding compliance with the Emergency Management and Civil Protection Act, be received for information.

CARRIED

- B) Steve Clark, Minister, Ministry of Municipal Affairs and Housing – re: Writing to Heads of Council regarding reducing the provincial reporting burden affecting the municipal sector

Staff responded to questions with respect to what is being done to reduce the provincial reporting burden for municipalities.

Moved by Councillor Ashe, Seconded by Councillor Collier,

- (3) That the correspondence from Steve Clark, Minister, Ministry of Municipal Affairs and Housing regarding reducing the provincial reporting burden affecting the municipal sector, be received for information.

CARRIED

**6.2 Reports**

- A) Succession Management Bi-annual Update (2019-A-2)

Report #2019-A-2 from D. Beaton, Commissioner of Corporate Services, was received.

Moved by Councillor Collier, Seconded by Councillor Leahy,

- (4) That Report #2019-A-2 of the Commissioner of Corporate Services be received for information.

CARRIED

- B) Appointment of Citizen Members to the Durham Region Roundtable on Climate Change (DRRCC) (2019-A-3)

Report #2019-A-3 from S. Austin, Director of Corporate Policy and Strategic Initiatives, was received.

Staff responded to questions with respect to how members are solicited for the Committee and whether vacancies are advertised. Staff was asked to look at including more unaffiliated, public representatives on the Committee. Staff advised they would prepare a memorandum for the next Committee meeting in this regard.

Moved by Councillor Drew, Seconded by Councillor Nicholson,  
(5) That we recommend to Council:

- A) That the following citizen members be reappointed to the DRRCC:
- i) Celina Desbiens – University Student
  - ii) Todd Hall – President at Environment & Risk Assurance Services Inc.
  - iii) Daniel Hoornweg – Professor and Research Chair, University of Ontario Institute of Technology
  - iv) June Kinniburgh – Durham Food Policy Council
  - v) Carol Mee – Public Health
  - vi) Ruben Plaza – Corporate Environmental Manager, St Marys Cement
  - vii) Kent Shadwick – Environmental and Office Services at York Catholic District School Board
  - viii) Martin Vroegh – Citizen Representative
- B) That the following new citizen members be appointed to the DRRCC:
- i) One representative from BILD-Durham.

CARRIED

## **7. Finance**

### **7.1 Correspondence**

- A) Information Report #2018-INFO-157: Contract Amendments Funded Within Approved Capital Project Budgets and Emergency Expenditures for Period From August 1, 2018 Ending October 31, 2018
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Staff responded to questions with respect to the use of contingencies, oversight on projects, reporting protocols, and unspent funds. Staff was asked to provide information in the next periodic report on the number of projects where the contingency is not used. Staff was also asked to report back on any trends with vendors.



Moved by Councillor Ashe, Seconded by Councillor Collier,  
(6) That Information Report #2018-INFO-157 of the Commissioner of  
Finance be received for information.

CARRIED

B) Information Report #2018-INFO-160: Update to Sick Leave Liabilities and Cash-  
Out Payments

Staff responded to questions with respect to unfunded liabilities, and the history of the current sick leave benefits for paramedics and Durham Region Transit employees. Staff was asked to report back by September 2019 with options on how to deal with unfunded sick leave liabilities including some commentary on the results of the actuarial study on unfunded liabilities.

Staff was also asked to report on where the funds (for Durham Region Transit unfunded liabilities) that the City of Oshawa is paying to the Region are being directed.

Moved by Councillor Ashe, Seconded by Councillor Collier,  
(7) That Information Report #2018-INFO-160 of the Commissioner of  
Finance be received for information.

CARRIED AS AMENDED  
(See Following Motion)

Moved by Councillor Nicholson, Seconded by Councillor Ashe,  
(8) That the main motion (7) of Councillors Ashe and Collier be amended to  
add the following as a new part B):

‘B) That staff report on options to deal with unfunded liabilities by September  
2019.’

CARRIED

The main motion (7) of Councillors Ashe and Collier was then put to a vote  
and CARRIED AS AMENDED.

C) Information Report #2018-INFO-161: Regional Reserve Fund Balances as of  
October 31, 2018

Staff responded to questions with respect to the pending reserve fund strategy.

Moved by Councillor Ashe, Seconded by Councillor Collier,  
(9) That Information Report #2018-INFO-161 of the Commissioner of Finance  
be received for information.

CARRIED

D) Information Report #2018-INFO-164: The Consolidated Budget Status Report to  
October 31, 2018 and Full Year Forecast

Staff responded to questions with respect to water rates, winter control spending, potential Canadian sources for receiving recyclable material, DRT ridership, fares and advertising revenue.

Moved by Councillor Ashe, Seconded by Councillor Collier,  
(10) That Information Report #2018-INFO-164 of the Commissioner of Finance be received for information.

CARRIED

E) Direction Memorandum from Works Committee re: Works Department – 2019 Water Supply and Sanitary Sewerage Business Plans and Budgets (2019-W-7)

Moved by Councillor Ashe, Seconded by Councillor Leahy,  
(11) That the Direction Memorandum from the Works Committee re: Works Department – 2019 Water Supply and Sanitary Sewerage Business Plans and Budgets (2019-W-7) be referred to consideration of Report #2019-F-2 of the Commissioner of Finance.

CARRIED

The Committee recessed at 11:25 AM and reconvened at 11:34 AM.

7.2 Reports

A) 2019 Regional Business Plans and Property Tax Budget Guideline (2019-F-1)

Report #2019-F-1 from N. Taylor, Commissioner of Finance, was received.

Discussion ensued with respect to how the guideline was determined, whether there is room to reduce the guideline, the use of reserves to lower taxes, the Durham Regional Police Services budget, potential changes to provincial subsidies, the impact of the General Motors plant in Oshawa closing, and residents' concerns/budgeting priorities.

Moved by Councillor Ashe, Seconded by Regional Chair Henry,  
(12) That we recommend to Council:

That the following detailed direction and guidelines for the 2019 Business Plans and Budgets for the Durham Regional Police Services Board, Durham Region Transit Commission, Conservation Authorities, Durham Region Local Housing Corporation, Regional Operations and other Outside Agencies be approved:

- A) That the 2019 Property Tax Guideline not exceed an overall tax impact of 2.2 per cent compared to the 2018 approved budget incorporating the following specific guidelines:
- i) The 2019 Business Plans and Budget for the Durham Regional Police Services Board not exceed \$206.65 million, an increase of approximately 3.9 per cent compared to the 2018 approved budget;
  - ii) The 2019 Business Plans and Budget for the Durham Region Transit

Commission not exceed \$58.15 million, an increase of approximately 4.2 per cent compared to the 2018 approved budget;

- iii) The 2019 Operating Budget for each Conservation Authority not exceed an increase of 2.5 per cent, plus or minus any current value assessment adjustments, and the 2019 Special Benefitting Programs Budget for each Conservation Authority not exceed an increase of 1.5 per cent, plus or minus any current value assessment adjustments, compared to the 2018 approved budget; and
  - iv) The 2019 Budget for the Durham Regional Local Housing Corporation not exceed an increase of 3.0 per cent for operations and 25.0 per cent for the capital program compared to the 2018 approved budget;
- B) That the Commissioner of Finance provide the background for a Reserve Fund financing strategy including the purposes of the reserve funds, future requirements and recommendations for future contributions and uses as identified in the Servicing and Financing studies, with an interim report to be provided in February 2019 outlining the steps towards a final recommended Regional Long-Term Financial Planning Strategy prior to the 2020 business planning and budget deliberations; and
- C) That copies of Report #2019-F-1 be forwarded to the Durham Regional Police Services Board, Durham Region Transit Commission, Conservation Authorities, Durham Regional Local Housing Corporation and other Outside Agencies to guide the development of detailed 2019 Business Plans and Budgets.
- B) 2019 Current and Capital Business Plans and Budgets and Nine-Year Capital Forecasts for the Water Supply and Sanitary Sewerage Systems (2019-F-2)

Report #2019-F-2 from N. Taylor, Commissioner of Finance, was received.

Discussion ensued with respect to the water and sewer system budgets, in particular: the user rates for water and sewer versus level of service, the need for a dump truck, the new water billing system, and the use of reserve funds to lower rates. Staff was asked to include projected surpluses from fees and service charges in the upcoming reserve fund financing study.

Moved by Councillor Leahy, Seconded by Councillor Mulcahy,

(13) That we recommend to Council:

- A) That the 2019 Current and Capital Business Plans and Budgets for the Water Supply System, with a total gross expenditure of \$182.21 million (net user rate supported expenditure of \$107.93 million) and related financing as set out below, be approved:

|   | 2018<br>Gross Budget<br>(\$ 000's) | 2019<br>Gross Budget<br>(\$ 000's) | Variance<br>Incr/(Decr)<br>(\$ 000's) |
|---|------------------------------------|------------------------------------|---------------------------------------|
| <b><u>EXPENDITURES</u></b>                                  |                                    |                                    |                                       |
| Operations:   |                                    |                                    |                                       |
| Watermain Cleaning and Repairs                              | 3,649                              | 3,572                              | (77)                                  |
| Valves and Hydrants   | 3,208                              | 3,211                              | 3                                     |
| Water Connections   | 4,217                              | 4,370                              | 153                                   |
| Water Meters  | 755                                | 666                                | (89)                                  |
| Depot Operations  | 5,724                              | 5,758                              | 34                                    |
| Plants East   | 2,780                              | 2,926                              | 146                                   |
| Plants Central  | 13,118                             | 13,263                             | 145                                   |
| Plants North  | 2,879                              | 3,026                              | 147                                   |
| Sunvalley   | 28                                 | 29                                 | 1                                     |
| Engineering and Staff Support                               | 6,676                              | 7,335                              | 659                                   |
| Facilities Management                                       | 6,532                              | 6,603                              | 71                                    |
| Administration  | 304                                | 315                                | 11                                    |
| Headquarters Shared Costs                                   | 1,050                              | 1,073                              | 23                                    |
| Utility Finance   | 3,440                              | 3,658                              | 218                                   |
| Share of Regional Corporate Costs                           | 6,347                              | 6,145                              | (202)                                 |
| Contribution to Asset Management Reserve Fund               | 4,985                              | 5,234                              | 249                                   |
| Subtotal Operations   | 65,692                             | 67,184                             | 1,492                                 |
| Capital/Debt Charges:                                       |                                    |                                    |                                       |
| TCA Capital   | 2,359                              | 3,361                              | 1,002                                 |
| TCA Construction  | 114,533                            | 109,973                            | (4,560)                               |
| Debt Charges  | -                                  | 1,694                              | 1,694                                 |
| Subtotal Capital/Debt Charges                               | 116,892                            | 115,028                            | (1,864)                               |
| <b>TOTAL EXPENDITURES</b>                                   | <b>182,584</b>                     | <b>182,212</b>                     | <b>(372)</b>                          |
| <b><u>FINANCING</u></b>                                     |                                    |                                    |                                       |
| Contributions from Reserve Funds:                           |                                    |                                    |                                       |
| Residential Development Charges - Growth Related Capital    | 27,245                             | 57,358                             | 30,113                                |
| Commercial Development Charges - Growth Related Capital     | 2,417                              | 1,769                              | (648)                                 |
| Industrial Development Charges - Growth Related Capital     | 1,400                              | -                                  | (1,400)                               |
| Industrial Development Charges - Debt Charges               | -                                  | 536                                | 536                                   |
| Institutional Development Charges - Debt Charges            | -                                  | 28                                 | 28                                    |
| Water Rate Stabilization Reserve Fund                       | -                                  | 2,000                              | 2,000                                 |
| Asset Management Reserve                                    | 4,509                              | 4,985                              | 476                                   |
| Fees and Service Charges                                    | 2,708                              | 2,791                              | 83                                    |
| Financing From Others:                                      |                                    |                                    |                                       |
| Region of York - TCA Construction                           | 1,550                              | 325                                | (1,225)                               |
| Oversizing Costs Related to Seaton/Federal Lands            | 18,785                             | 4,488                              | (14,297)                              |
| Debenture Proceeds:   |                                    |                                    |                                       |
| Newcastle Water Supply Plant, Clarington                    | 17,580                             | -                                  | (17,580)                              |
| <b>Financing From Non-User Revenue Sources</b>              | <b>76,194</b>                      | <b>74,280</b>                      | <b>(1,914)</b>                        |
| <b>User Revenues Financing (including frontage charges)</b> | <b>106,390</b>                     | <b>107,932</b>                     | <b>1,542</b>                          |
| <b>TOTAL FINANCING</b>                                      | <b>182,584</b>                     | <b>182,212</b>                     | <b>(372)</b>                          |

- B) That the Nine-Year Capital Forecast for 2020 to 2028 inclusive, in the amount of \$1.05 billion as detailed in the Water Supply System Capital Budget, be received for information;

- C) That the 2019 Current and Capital Business Plans and Budgets for the Sanitary Sewerage System with a total gross expenditure of \$235.10 million (net user rate supported expenditure of \$102.12 million) and related financing as set out below, be approved:

|   | 2018<br>Gross Budget<br>(\$ 000's) | 2019<br>Gross Budget<br>(\$ 000's) | Variance<br>Incr/(Decr)<br>(\$ 000's) |
|---|------------------------------------|------------------------------------|---------------------------------------|
| <b><u>EXPENDITURES</u></b>                                  |                                    |                                    |                                       |
| Operations:   |                                    |                                    |                                       |
| Cleaning, Repairs and Maintenance Holes                     | 2,025                              | 2,112                              | 87                                    |
| Sewer Connections   | 2,882                              | 2,944                              | 62                                    |
| Depot Operations  | 3,091                              | 3,198                              | 107                                   |
| WPCPs and Pumping Stations                                  | 22,786                             | 23,236                             | 450                                   |
| Duffin Creek WPCP   | 35,353                             | 35,551                             | 198                                   |
| Regional Environmental Laboratory                           | 2,413                              | 2,571                              | 158                                   |
| Engineering and Staff Support                               | 6,261                              | 6,769                              | 508                                   |
| Facilities Management                                       | 6,810                              | 7,075                              | 265                                   |
| Administration  | 307                                | 318                                | 11                                    |
| Headquarters Shared Costs                                   | 1,050                              | 1,073                              | 23                                    |
| Utility Finance   | 3,440                              | 3,658                              | 218                                   |
| Share of Regional Corporate Costs                           | 5,894                              | 5,687                              | (207)                                 |
| Contribution to Asset Management Reserve Fund               | 8,234                              | 8,646                              | 412                                   |
| Subtotal Operations   | 100,546                            | 102,838                            | 2,292                                 |
| Capital/Debt Charges:                                       |                                    |                                    |                                       |
| Duffin Creek WPCP - TCA Capital                             | 1,880                              | 1,480                              | (400)                                 |
| Regional Environmental Lab - TCA Capital                    | 480                                | 172                                | (308)                                 |
| TCA Capital   | 2,582                              | 2,409                              | (173)                                 |
| TCA Construction  | 49,518                             | 106,437                            | 56,919                                |
| Debt Charges  | 21,434                             | 21,761                             | 327                                   |
| Subtotal Capital/Debt Charges                               | 75,894                             | 132,259                            | 56,365                                |
| <b>TOTAL EXPENDITURES</b>                                   | <b>176,440</b>                     | <b>235,097</b>                     | <b>58,657</b>                         |
| <b><u>FINANCING</u></b>                                     |                                    |                                    |                                       |
| Contributions from Reserve Funds:                           |                                    |                                    |                                       |
| Residential Development Charges - Growth Related Capital    | 8,625                              | 11,859                             | 3,234                                 |
| Residential Development Charges - Debt Charges              | 11,167                             | 11,499                             | 332                                   |
| Commercial Development Charges - Growth Related Capital     | 737                                | 1,266                              | 529                                   |
| Commercial Development Charges - Debt Charges               | 1,440                              | 1,439                              | (1)                                   |
| Industrial Development Charges - Growth Related Capital     | 1,800                              | 1,000                              | (800)                                 |
| Asset Management Reserve                                    | 6,900                              | 8,234                              | 1,334                                 |
| Regional Environmental Lab Equipment Replacement Reserve    | 460                                | 135                                | (325)                                 |
| Fees and Service Charges                                    | 6,066                              | 6,811                              | 745                                   |
| Financing From Others:                                      |                                    |                                    |                                       |
| Region of York - TCA  | 1,468                              | 1,132                              | (336)                                 |
| Region of York - TCA Construction                           | 11,498                             | 23,514                             | 12,016                                |
| Developer Contribution                                      | -                                  | 13,080                             | 13,080                                |
| Region of York - Operating                                  | 26,964                             | 27,109                             | 145                                   |
| Debt Proceeds:  |                                    |                                    |                                       |
| Courtice Trunk Sanitary Sewer, Clarington                   | -                                  | 25,900                             | 25,900                                |
| <b>Financing From Non-User Revenue Sources</b>              | <b>77,125</b>                      | <b>132,978</b>                     | <b>55,853</b>                         |
| <b>User Revenues Financing (including frontage charges)</b> | <b>99,315</b>                      | <b>102,119</b>                     | <b>2,804</b>                          |
| <b>TOTAL FINANCING</b>                                      | <b>176,440</b>                     | <b>235,097</b>                     | <b>58,657</b>                         |

- D) That the Nine-Year Capital Forecast for 2020 to 2028 inclusive, in the amount of \$1.32 billion as detailed in the Sanitary Sewerage System Capital Budget, be received for information;

- E) That capital project approval be granted for expenditures and financing for the 2019 capital projects detailed within the 2019 Water Supply and Sanitary Sewerage Systems Business Plans and Budgets where contract awards are consistent with the Regional Budget Management Policy; and
- F) That the necessary By-laws with respect to the 2019 Current and Capital Business Plans and Budgets for the Water Supply and Sanitary Sewerage Systems be presented to Regional Council.

CARRIED

C) Proposed End-User Maintenance Agreement with INIT Innovations in Transportation, Inc. (INIT) (2019-F-3)

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Report #2019-F-3 from N. Taylor, Commissioner of Finance, was received.

Moved by Councillor Ashe, Seconded by Councillor Leahy,

(14) That we recommend to Council:

- A) That an End-User Maintenance Agreement with INIT Innovations in Transportation, Inc. be negotiated in order to minimize risks associated with critical system failures, at a total cost not to exceed \$1,458,970 over five years (July 1, 2018 to June 30, 2023) before applicable taxes, increasing the current contract value from \$5,792,731 (before taxes) to \$7,251,700, with the estimated 2019 cost of \$265,571 to be included in DRT's 2019 Business Plan and Budget; and
- B) That the Commissioner of Finance be authorized to execute the necessary agreements.

CARRIED

D) Recommendation to Leverage Ontario Education Collaborative Marketplace (OECM) – Production and Multi-Function Printing Equipment RFP (2019-F-4)

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Report #2019-F-4 from N. Taylor, Commissioner of Finance, was received.

Staff responded to questions with respect to the \$19,000 early cancellation penalty and the annual savings.

Moved by Councillor Mulcahy, Seconded by Councillor Leahy,

(15) That we recommend to Council:

- A) That the current term of Xerox contract for the print shop equipment managed by the Finance Department as originally established through the Region's RFP-627-2014 be cancelled early effective April 1, 2019 at a cost of approximately \$19,000;
- B) That the Production and Multi-Function Printing Equipment RFP issued by Ontario Education Collaborative Marketplace (OECM) and awarded through a competitively bid RFP to Xerox, be leveraged to replace the Region's existing Xerox print shop printing equipment Agreement for the provision of

updated Xerox equipment for a period of 7 years beginning April 1, 2019 until 2026 at an estimated total cost of \$980,000 to be funded from individual Regional departments' printing budgets; and,

- C) That the Commissioner of Finance be authorized to execute any applicable agreements.

CARRIED

E) Amendment to Vehicle Advance and Casual Travel Reimbursement Rates (2019-F-5)

---

Report #2019-F-5 from N. Taylor, Commissioner of Finance, was received.

Moved by Councillor Leahy, Seconded by Councillor Nicholson,  
(16) 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 #2019-F-5, effective January 1, 2019.

CARRIED

**8. Advisory Committee Resolutions**

There were no advisory committee resolutions to be considered.

**9. Confidential Matters**

9.1 Reports

- A) Confidential Report of the Commissioner of Corporate Services – Labour Relations/Employee Negotiations with respect to the Ontario Nurses Association Local 92 – Hillsdale Estates (ONA 92-HE) (2019-A-1)
- 

Confidential Report #2019-A-1 from D. Beaton, Commissioner of Corporate Services, was received.

Moved by Councillor Ashe, Seconded by Councillor Leahy,  
(17) That we recommend to Council:

That the recommendations contained in Confidential Report #2019-A-1 of the Commissioner of Corporate Services be adopted.

CARRIED

**10. Other Business**

10.1 Reserved Parking Spots for Committee Meetings

---

Moved by Councillor Nicholson, Seconded by Councillor Leahy,



- (18) That staff investigate the possibility of setting aside twelve (12) parking spots on Standing Committee meeting days, reserved for members who attend the meetings.

CARRIED

**11. Date of Next Meeting**

The next regularly scheduled Finance & Administration Committee meeting will be held on Tuesday, February 12, 2019 at 9:30 AM in the Lower Level Boardroom (LL-C), Regional Headquarters Building, 605 Rossland Road East, Whitby.

**12. Adjournment**

Moved by Councillor Ashe, Seconded by Councillor Leahy,

- (19) That the meeting be adjourned.

CARRIED

The meeting adjourned at 12:33 PM

Respectfully submitted,

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A. Foster, Chair

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L. Fleury, Legislative Officer



# Memorandum

**Office of the  
Chief  
Administrative  
Officer**

**TO:** Finance and Administration Committee

**FROM:** Sandra Austin, Director Corporate Policy and Strategic Initiatives

**Copy:** Elaine Baxter-Trahair, Chief Administrative Officer

**DATE:** February 12, 2019

**RE:** Public advertising for citizen representation on the Durham Region Roundtable on Climate Change (DRRCC)

---

## **Purpose**

The proposed appointment of citizen members to the Durham Region Roundtable on Climate Change (DRRCC) was presented to the Finance and Administration Committee on January 15, 2019. In its discussion, the Committee directed staff to bring forward a process to advertise for future citizen representative vacancies. This memo is a submission in response to Committee's direction.

## **Background**

The DRRCC is an ad hoc committee, formed to champion and assist Durham Region in its response to climate change. The DRRCC has three main areas of focus including outreach, advocacy and education.

The DRRCC is composed of between 14 to 19 members including: The Regional Chair, 4 Regional Councillors, 8 - 13 citizen members (representing the community at large) and the Chief Administrative Officer (CAO) of the Region (plus a Regional staff member as an alternate).

On December 20, 2018 Regional Council appointed 4 Regional Councillors to the DRRCC. On January 30, 2019 Regional Council approved the appointment of 8 returning DRRCC citizen members, leaving 5 citizen member seats unfilled.

## **Appointment of Citizen Members**

As indicated in the Terms of Reference, when there is a vacancy, staff from the CAO's office will contact community and industry leaders to invite them to volunteer for the DRRCC. Beginning in 2019, staff will also ensure that all citizen member vacancies are publicly advertised via a corporate news release and through the Region's social medial channels. In nominating citizen members to the DRRCC, the goal is to include representation from a wide range of sectors. By advertising these positions, the Region will enhance its ability to attract members with a broad range of knowledge and experience who can contribute valuable input to issues related to climate change in Durham Region.

Respectfully submitted,

Original signed by:

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Sandra Austin  
Director, Corporate Policy and Strategic Initiatives  
Regional Municipality of Durham



# The Regional Municipality of Durham Report

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To: Finance & Administration Committee  
From: Commissioner of Corporate Services  
Report: [#2019-A-5](#)  
Date: February 12, 2019

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**Subject:**

Closed Meeting Protocol

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**Recommendations:**

That the Finance & Administration Committee recommends to Regional Council:

That the updated Closed Meeting Protocol, included as Attachment #1 to this report, be approved.

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**Report:**

**1. Purpose**

- 1.1 The purpose of this report is to present an updated Closed Meeting Protocol for approval by Committee and Council.

**2. Background**

- 2.1 The Closed Meeting Protocol was originally approved by Regional Council on April 6, 2016. The Protocol provides information regarding the statutory requirements and Regional procedures with respect to Council and Committee meetings that are closed to the public.
- 2.2 The Closed Meeting Protocol applies to any meeting for which the closed meeting provisions of the *Municipal Act* apply. A meeting is defined in the Act as: any regular, special or other meeting of a council, of a local board or of a committee of either of them, where a quorum is present, and members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee.
- 2.3 The Protocol has been updated to reflect changes to the *Municipal Act* legislation and to clarify the procedure for the circulation of closed meeting minutes, as well as for minor formatting changes.

**3. Discussion**

- 3.1 Effective in January 2018, Section 239(2) of the *Municipal Act* was amended to add new discretionary Closed Meeting exceptions as follows:

- (h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- (j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
- (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

The Closed Meeting Protocol has been updated to include the new Closed Meeting exceptions.

3.2 The Protocol has also been updated by adding a new Section 8 to clarify the procedure for the distribution of Closed Meeting Minutes.

3.3 Minor formatting revisions were also made to the Protocol for ease of use.

#### **4. Conclusion**

4.1 It is requested that Committee and Council approve the minor amendments made to the Closed Meeting Protocol.

4.2 For additional information, contact: Ralph Walton, Regional Clerk/Director of Legislative Services, at 905-668-7711, extension 2100.

#### **5. Attachments**

Attachment #1: Amended Closed Meeting Protocol

Prepared by: Leigh Fleury, Legislative Officer, at 905-668-7711, extension 2020.

Respectfully submitted,

Original signed by

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

Recommended for Presentation to Committee

Original signed by

Elaine C. Baxter-Trahair  
Chief Administrative Officer

## Closed Meeting Protocol

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### 1. Objective

To provide information regarding the statutory requirements and Regional procedures with respect to Council and Committee meetings that are closed to the public.

### 2. Definitions

**Closed Meeting** – means a meeting, or part of a meeting, which is closed to the public as permitted by the Municipal Act, also referred to as an "in-camera meeting".

### 3. Should the Meeting be Closed

In the interests of accountability and transparency, and when possible, Regional Council endeavours to conduct its decision making in public. Staff are requested to consider the following questions when determining whether a matter should be considered in a Closed Meeting:

**Question 1:** Does the matter meet the criteria in the Municipal Act (Section 10 of the Procedural By-law) for the meeting to be closed?

**Question 2:** If so, just because the meeting can be closed, does that mean it should be closed?

The determination regarding whether a matter should be dealt with in a Closed Meeting is the responsibility of the relevant Department Head in consultation with the Regional Clerk and the Director of Legal Services.

It is important to remember that non-confidential matters should not be discussed during a Closed Meeting. The Committee should rise from the Closed Meeting and discuss any non-confidential matters publicly in open session.

### 4. Municipal Act Rules for Closed Meetings

Discretionary Exceptions (the meeting may be closed to consider these matters):

| Topic / Municipal Act Exception                          | Discussion Can Include  |
|--|---|
| Security of Property of the Regional Corporation         | <ul style="list-style-type: none"> <li>• Regional property</li> <li>• Regional facilities</li> <li>• Regional assets</li> </ul> |
| Personal Matters About Identifiable Individuals          | <ul style="list-style-type: none"> <li>• Municipal employees</li> <li>• Members on boards and committees</li> </ul>             |
| A Proposed or Pending Acquisition or Disposition of Land | <ul style="list-style-type: none"> <li>• Purchases</li> <li>• Sales</li> <li>• Leases</li> </ul>                                |

| Topic / Municipal Act Exception  | Discussion Can Include   |
|--|--|
|  | <ul style="list-style-type: none"> <li>• Expropriations</li> </ul>   |
| Labour Relations or Employee Negotiations  | <ul style="list-style-type: none"> <li>• Union or Employee Negotiations</li> </ul>   |
| Litigation or Potential Litigation, including matters before Administrative Tribunals  | <ul style="list-style-type: none"> <li>• Current or Pending Litigation</li> <li>• Matters before the Ontario Municipal Board</li> </ul>  |
| Advice that is Subject to Solicitor-Client Privilege   | <ul style="list-style-type: none"> <li>• Legal Opinions or Advice</li> <li>• Status Reports/Briefings</li> </ul>   |
| Matters under Other Legislation  | <ul style="list-style-type: none"> <li>• Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)</li> <li>• Emergency Management and Civil Protection Act</li> </ul>   |
| Information explicitly supplied in confidence to the Region by Canada, a province or territory or a Crown agency of any of them.   | <ul style="list-style-type: none"> <li>• Information supplied in confidence by the Government of Canada, a province or territory, or a Crown agency.</li> </ul>  |
| A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the Region which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization. | <ul style="list-style-type: none"> <li>• Information which could prejudice a competitive position.</li> <li>• Information which could interfere with contractual or other negotiations of an individual, group or organization.</li> </ul> |
| A trade secret or scientific, technical, commercial or financial information that belongs to the Region and has monetary value or potential monetary value.  | <ul style="list-style-type: none"> <li>• Information that has monetary value or potential monetary value.</li> </ul>   |
| A position, plan, procedure,   | <ul style="list-style-type: none"> <li>• Legal Opinions or Advice</li> <li>• Status Reports/Briefings</li> </ul>   |

| Topic / Municipal Act Exception   | Discussion Can Include  |
|---|---|
| criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the Region. |   |
| Education or Training   | <ul style="list-style-type: none"> <li>• Council Orientation</li> </ul> |

Mandatory Exceptions (the meeting must be closed to consider these matters):

| Topic / Municipal Act Exception  | Discussion Can Include  |
|--|---|
| Request under the Municipal Freedom of Information and Protection of Privacy Act | <ul style="list-style-type: none"> <li>• FOI Requests</li> </ul>  |
| An Ongoing Investigation respecting the Region by an Ombudsman                   | <ul style="list-style-type: none"> <li>• Ongoing Investigation by Ombudsman appointed under the Ombudsman Act or Ombudsman appointed by the Region</li> </ul> |

## 5. Statutory Requirements for Closed Meetings

Pursuant to Sections 238 and 239 of the Municipal Act:

- Public notice of a Closed Meeting must be given.
- Before holding a meeting or part of a meeting that is to be closed to the public, Council must state by resolution, the fact of the holding of the Closed Meeting and the general nature of the matter to be considered at the Closed Meeting.
- All resolutions, decisions and other proceedings at Closed Meetings are to be recorded without note or comment.
- Closed Meeting proceedings shall be recorded by the Regional Clerk and/or his or her designate.
- Any person may request an investigation of whether the Region has complied with Section 239 of the Municipal Act or the Procedural By-law in respect of a meeting or part of a meeting that was closed to the public.



## 6. Access Requests for Closed Meeting Reports and Materials

Reports and materials prepared for consideration at Closed Meetings are records that may be subject to Freedom of Information (FOI) access requests under the Municipal Freedom of Information and Protection of Privacy Act. While it would be desirable to protect the confidentiality of records that are considered at Closed Meetings, in the event of an appeal, the Region could be ordered to release such records.

## 7. Closed Meeting Reports and Recommendations

### Reports

Whenever possible, written Closed Meeting reports are preferred over verbal reports as written reports provide for a more detailed account of the confidential record. Written reports also ensure that Council/Committee is prepared for any decisions they may need to consider in relation to a Closed Meeting discussion. It is also important to ensure that information that can be made available to the public is disclosed appropriately. Aside from a singular report appearing on a Closed Meeting agenda, consideration shall also be given to the following:

**Option A:** A report to appear on the Open Meeting agenda which provides as much general context in relation to the Closed Meeting matter as possible without disclosing confidential details and a confidential attachment to provide the accompanying confidential details; or

**Option B:** A companion report to appear on the Open Meeting agenda which provides for as much general context in relation to the Closed Meeting matter as possible without disclosing confidential details; or

**Option C:** A recommendation for Council/Committee to direct staff to prepare a related information report to be included as part of a subsequent Open Meeting agenda.

### Report Titles

The following standard format is to be used for Closed Meeting report titles and included on Open Meeting agendas for notice purposes:

Confidential Report of the <Department Head> – <reference to Topic/Municipal Act Exception> with respect to <reference to subject matter, property location>

The Regional Clerk's office may be consulted when developing report titles.

### Distribution of Reports

Unless otherwise directed by Council/Committee, distribution of Confidential Reports will be limited to Members of Council, the Chief Administrative Officer, Department Heads, the Regional Clerk and/or his or her designate, and other Regional Staff as deemed necessary, at the discretion of Council, the Regional Chair or relevant committee.

## **Recommendations**

Under the Municipal Act, a Council or Committee in a Closed Meeting is permitted to vote on procedural motions or to direct or instruct Regional officers, agents or employees. Some actions which conform to this requirement are inherently confidential and should not be considered publicly. Other actions, however, can and should be voted on in an Open Meeting. The following are best practices with respect to the consideration of an Open Meeting motion related to a matter discussed by Council or Committee in a Closed Meeting:

**Option A:** If it is recommended that a report be received for information, this recommendation must be introduced in the Open Meeting. In this case, the following procedural motion should be used to rise from the Closed Meeting:

That Council/Committee rise from the closed meeting and report.

Once Council/Committee has risen from the Closed Meeting, the recommendation to receive the report for information may be introduced, using the following motion:

That Confidential Report <report #> be received for information.

**Option B:** If the report includes recommendations for approval by Council/Committee, the recommendations must be introduced in the Open Meeting. In this case, the following procedural motion should be used to rise from the Closed Meeting:

That Council/Committee rise from the closed meeting and report.

Once Council/Committee has risen from the Closed Meeting, the recommendations may be introduced by Council/Committee, using the following motion:

That the recommendations contained in Confidential Report <report #> be adopted.

In order to ensure that there is appropriate context for the introduction of the motion, the Chair shall consider presenting appropriate background information prior to Council's consideration of the motion.

**Option C:** If it is recommended that direction be given to staff to report back at a subsequent meeting, this direction can appear as part of a recommendation within the staff report and be passed in a Closed Meeting:

That staff be directed to report back at a subsequent meeting of Council/Committee in relation to <subject matter>.

If determined to be appropriate, greater detail can also be provided as part of the direction to staff. The following is an example to illustrate:

That staff be directed to prepare a report for the January 1, 2019 Council/Committee meeting in relation to the approach contemplated in Option Two of Report #2015-X-1 regarding <subject matter>.

**Option D:** If it is recommended that information which was previously confidential be released publicly at a subsequent time, this direction can appear as part of a recommendation within the staff report; or may be part of a motion for direction to staff. The recommendation may be passed in the Open Meeting or the Closed Meeting. If the recommendation is being passed in the Open Meeting, the following procedural motion should be used to rise from the Closed Meeting:

That Council/Committee rise from the closed meeting and report.

Once Council/Committee has risen from the Closed Meeting, the recommendations may be introduced by Council/Committee, using the following motion:

That the recommendations contained in Confidential Report <report #> be adopted; and

That staff be directed to report back at a subsequent meeting of Council/Committee in order to publicly release information in relation to <subject matter>.

In order to ensure that there is appropriate context for the introduction of the motion, the Chair shall consider presenting appropriate background information prior to Council's consideration of the motion.

## **8. Closed Meeting Minutes**

Minutes of a Closed Meeting will be recorded in accordance with the Municipal Act and Section 10.8 of the Procedural By-law. All resolutions, decisions and other proceedings at Closed Meetings are to be recorded without note or comment. Closed Meeting proceedings shall be recorded by the Regional Clerk and/or his or her designate.

Unless otherwise directed by Council/Committee, distribution of Closed Meeting Minutes will be limited to Members of Council, the Chief Administrative Officer, Department Heads, the Regional Clerk and/or his or her designate, and other Regional Staff as deemed necessary, at the discretion of Council, the Regional Chair or relevant committee.

## **9. Public Disclosure**

### **Disclosing Closed Meeting Information**

Members of Council and Regional Staff shall not disclose or release information considered in a Closed Meeting. This is a standard practice established to protect the interests of both Council and the Region. However, if Council deems it desirable and appropriate to release the final recommendations, the following clause may be included

as part of the motion to adopt the recommendations in the confidential report, to authorize staff to release/publish the recommendations adopted by Council:

- b) That staff be directed to release the recommendations adopted by Council as it pertains to Confidential Report <report #>;

### **Disclosing Closed Meeting Agenda Items**

Although information contained in Closed Meeting reports shall not be disclosed, the Municipal Act requires that public notice of meetings be provided in a Procedural By-law. The Region's Procedural By-law requires that there be public notice of meetings and that the agenda, including a list of items to be considered at each meeting, be posted on the website and made available prior to the meeting.

In order to be accountable and transparent, and to inform individuals of the matters to be dealt with in closed session, Council and its committees shall open all meetings in open session and pass a motion to move into closed session. Once matters in the Closed Meeting have been dealt with, Council/Committee shall reconvene in open session to disclose, in a general manner, how the agenda items were dealt with in the Closed Meeting. A sample Chair's script is attached as Appendix A to the Closed Meeting Protocol.

## **10. Addition of a Closed Meeting Item Not on the Agenda**

In the event an item not appearing on an agenda must be considered at a meeting due to exceptional circumstances involving urgent or time sensitive issues, prior to the next regularly scheduled meeting or in advance of the time required to convene a special meeting, the item may be added to the agenda by way of an addendum pursuant to Section 8.7 of the Procedural By-law.

In order for a 'time sensitive' matter to be added to an addendum, as soon as practical the relevant Department Head shall advise the Regional Clerk of the matter and provide an explanation as to its urgency.

In the event an item not appearing on an agenda or addendum must be added to the agenda, the Chief Administrative Officer and/or relevant Department Head shall advise Council/Committee and provide an explanation as to its urgency. Pursuant to Section 19.4 of the Procedural By-law, the item can be introduced by dispensing with notice on a two-thirds majority vote of the members present and voting.

## **11. Attendance at a Closed Meeting**

Unless otherwise directed by Council/Committee, attendance at Closed Meetings is limited to the Chief Administrative Officer, Department Heads, the Regional Clerk and/or his or her designate, and other Regional Staff as deemed necessary, at the discretion of the relevant Department Heads.

Regional Staff are to remain outside the Closed Meeting room until called to speak to their specific matter. Regional Staff should vacate the meeting once their matter has been dealt with by Council/Committee.

## **12. Closed Meeting Prelude**

In order to remind the Members of Council/Committee of their obligations in closed session, the Chair shall read a script at the beginning of the closed session detailing the Closed Meeting rules of the Region of Durham (Appendix B to the Closed Meeting Protocol).

**Appendix "A"****Sample Script when rising from the Closed Meeting**

Council/Committee met in Closed Session to consider matters it is permitted to do so under the Municipal Act, and as listed on today's Council/Committee agenda. The following items were considered during the Closed Session:

List of Items Considered in Closed Session

In the continuing interest of transparency and open government, I am reporting in public session any outcomes from today's closed session meeting.

As a result of our closed session today, I wish to report the following:

Examples:

Minutes from Previous Closed Session – A question of Item <x> was considered by Council/Committee from these minutes

LPAT Appeal Update – Council received information regarding LPAT Litigation related to <ROPA amendment number or file number>

Labour Relations/Employee Negotiations – Direction was given to staff respecting negotiations with Local XXXX.

Litigation Matter – Direction was given to staff with respect to litigation related to <subject matter>

Solicitor-Client Privilege – Council/Committee received legal advice related to <subject matter>

**Appendix "B"****Sample Script at the Beginning of a Closed Meeting**

Please be advised that Council/Committee will now meet in Closed Session in accordance with subsection 239(2) of the Municipal Act to consider:

- (a) the security of property of the Regional Corporation
- (b) personal matters about an identifiable individual
- (c) a proposed or pending acquisition or disposition of land
- (d) labour relations or employee negotiations
- (e) litigation or potential litigation
- (f) advice that is subject to solicitor-client privilege
- (g) a matter in respect of which Council may hold a closed meeting under another Act
- (h) information explicitly supplied in confidence to the Regional Corporation by Canada, a province or territory or a Crown agency of any of them
- (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the Regional Corporation, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization
- (j) a trade secret or scientific, technical, commercial or financial information that belongs to the Regional Corporation and has monetary value or potential monetary value
- (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the Regional Corporation

I will be verbally reporting out in a general sense on all items considered in the closed session once we rise from the closed session and move back to open session.

Note: Only reference the section of the Municipal Act that pertains to the matters to be considered in Closed Session. Any other matters not mentioned in the motion to move into closed session cannot be discussed.

MFIPPA Requests or Ombudsman Investigation

Please be advised that Council/Committee will now meet in Closed Session in accordance with subsection 239(3) of the Municipal Act to consider:

- (a) a request under the Municipal Freedom of Information and Protection of Privacy Act
- (b) an ongoing investigation respecting the municipality by the Ombudsman

I will be verbally reporting out in a general sense on all items considered in the closed session once we rise from the closed session and move back to open session.

Note: Only reference the section of the Municipal Act that pertains to the matters to be considered in Closed Session. Any other matters not mentioned in the motion to move into closed session cannot be discussed.

Educational or Training Sessions

Please be advised that Council/Committee will now meet in Closed Session in accordance with subsection 239(3.1) of the Municipal Act for the purpose of <subject>.

Examples: Council Orientation; Professional Development

I will be verbally reporting out in a general sense on all items considered in the closed session once we rise from the closed session and move back to open session.





## The Regional Municipality of Durham Report

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To: Finance and Administration Committee  
From: Director of Legal Services, Corporate Services Department  
Report: [#2019-A-6](#)  
Date: February 12, 2019

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**Subject:**

Durham York Energy Centre – Notice of Dispute from Covanta

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**Recommendation:**

That this report be received for information.

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**Report:**

**1. Purpose**

- 1.1 The purpose of this report is to advise Regional Council that a Notice of Dispute has been received from Covanta in respect of the 2017 Electricity Production Liquidated Damages and Recall Period Extension.

**2. Background**

- 2.1 In May of 2018 the Regions of Durham and York as co-owners of the Durham York Energy Centre (DYEC) notified Covanta as operator of the DYEC that liquidated damages for the electricity shortfall had been assessed. Covanta was invoiced for same and remitted the amounts not in dispute. Pursuant to article 28.3.1 of the Project Agreement the amounts in dispute are found in confidential attachment #1.
- 2.2 In July of 2018 the Regions notified Covanta that the disputed amount would be retained from the next invoice of monies owing to Covanta. The Regions also notified Covanta that the recall period (essentially a warranty period) would be extended for a further two years due to ongoing concerns regarding certain deficiencies in the equipment which necessitates component repairs and replacement.
- 2.3 By letter dated November 30, 2018 Covanta put the Regions on notice that they were putting these issues into dispute and requested negotiations and dispute resolution in accordance with the project agreement.

**3. Next Steps**

- 3.1 Pursuant to section 28.6.1 of the project agreement, when a matter has been put into dispute, the parties shall first attempt to in good faith to promptly resolve the dispute by negotiations between the owner representative and the project manager. If those good faith negotiations do not produce a resolution, upon the request of either party, the negotiations may be elevated to executive officers for each party.
- 3.2 If negotiations ultimately do not resolve the dispute, the parties may agree to attempt mediation or arbitration or a combination of both.
- 3.3 Pursuant to section 28.3.1 of the project agreement, the dispute and the details of the dispute are to be kept confidential and as such any details will only be provided to council in camera however we wish to advise Regional Council at this time that steps are being taken presently to undertake good faith negotiations in accordance with s.28.6.1 and that any proposed resolution pursuant to said negotiations will be reported to the Regional Council by way of confidential report for review and approval.

**4. Attachments**

Attachment #1: Confidential memo dated February 12, 2019

Respectfully submitted,

Original signed by

---

J. Hunt  
Director of Legal Services

Original signed by

---

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

Original signed by

---

Elaine C. Baxter-Trahair  
Chief Administrative Officer



## The Regional Municipality of Durham Report

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To: Finance and Administration Committee  
From: Commissioner of Corporate Services  
Report: [#2019-A-8](#)  
Date: February 12, 2019

---

**Subject:**

Additional Recommended Actions Related to: Bill 68 – *Modernizing Ontario's Municipal Legislation Act, 2017*

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**Recommendations:**

That the Finance and Administration Committee recommends to Regional Council:

- A) That the following actions be taken in order to implement the provisions of Bill 68 that come into force as of March 1, 2019:
- i) That the current Council Code of Conduct and Complaint Procedure be repealed;
  - ii) That a by-law authorizing a Council Code of Conduct generally in the form as set out in Attachment #1 to this report be approved;
  - iii) That the Council Staff Relations policy as set out in Attachment #2 to this report be approved;
  - iv) That the Council Pregnancy and Parental Leave policy as set out in Attachment #3 to this report be approved;
  - v) That a by-law to amend the Council Procedural by-law generally in the form as set out in Attachment #4 to this report be approved; and
  - vi) That a by-law to repeal and replace By-law #58-2016 being a by-law to appoint the Integrity Commissioner generally in the form as set out in Attachment #5 to this report be approved.
- B) That the Regional Clerk be designated as the head of the municipality under the Ombudsman Act;
- C) That a copy of this report be sent to the Clerks of the area municipalities;

- D) That a copy of the approved Code of Conduct be sent to the local boards; and the Region's Integrity Commissioner; and
  - E) That Council, in Committee of the Whole, have an education and training session with the Integrity Commissioner.
- 

**Report:****1. Purpose**

1.1 The purpose of this report is to present proposed measures in order to meet obligations with respect to the Bill 68 provisions that come into force on March 1, 2019, including a mandatory code of conduct for local boards, and an expanded role for the Integrity Commissioner. The recommended actions at this time include:

- Repeal and replace the Code of Conduct to incorporate local boards, the expanded duties of the Integrity Commissioner, as well as housekeeping revisions;
- Adopt a Council Staff Relations Policy;
- Adopt a Pregnancy and Parental Leaves Policy for Council;
- Amend the Procedural By-law to reflect revisions to Section 5 of the *Municipal Conflict of Interest Act* as it pertains to discussion of suspension of a member's remuneration at a meeting; and
- Repeal and replace the Integrity Commissioner's appointment by-law to reflect their expanded role with respect to the provision of advice and inquiries under the *Municipal Conflict of Interest Act*.

**2. Background**

2.1 Council previously considered Report #2017-COW-289 which outlined amendments required to various Regional by-laws and procedures in order to meet the obligations of Bill 68 that for the most part came into effect in January of 2018.

2.2 Additional amendments to various acts as a result of Bill 68 come into effect as of March 1, 2019. High-level changes include:

- Amendments to the *Municipal Act*:
  - Municipalities required to adopt policies with respect to Council Staff Relations and Pregnancy and Parental Leaves for Members of Council;
  - Municipalities required to establish codes of conduct for Council and local boards;
  - Requirement to appoint an Integrity Commissioner, or make arrangements

to contract with the Integrity Commissioner for another municipality;

- Expansion of Integrity Commissioner's responsibilities including conducting inquiries relating to specific sections of the *Municipal Conflict of Interest Act*, responding to requests from Council members for advice respecting their obligations under the Code of Conduct, other rules or policies of the municipality, or the *Municipal Conflict of Interest Act*, and the provision of educational information to members of Council;
- Requirement to indemnify the Integrity Commissioner.
- Amendments to the *Municipal Conflict of Interest Act*:
  - Allowing a member to take part in a discussion if the subject matter being considered is whether to suspend the remuneration paid to the member, however the member may not vote on the matter;
  - Requirement to make declarations of interest in writing and for the municipality to keep a registry of such declarations; and
  - Ability for Integrity Commissioner to apply to a judge for a determination as to whether a member has contravened Section 5, 5.1, or 5.2 of the *Municipal Conflict of Interest Act*.

2.3 The Region is well positioned to meet the new obligations as a result of having a pre-existing Code of Conduct, an Integrity Commissioner and a Conflict of Interest Registry.

2.4 Amendments will be required to the Code of Conduct, the Integrity Commissioners appointing by-law and agreement, and the Procedural By-law in order to include the March 1, 2019 Bill 68 provisions.

### **3. Amendments to Integrity Commissioner's Duties**

3.1 Previously, if an individual believed that a member of Council had a pecuniary interest in a matter and had contravened the *Municipal Conflict of Interest Act* they would need to submit an application to a judge to make a determination on whether a contravention had occurred. As of March 1, 2019, an elector, or a person demonstrably acting in the public interest may still apply to a judge, or they may apply to the Integrity Commissioner for an inquiry to be carried out concerning an alleged contravention of the *Municipal Conflict of Interest Act*. The Integrity Commissioner must complete their inquiry within 180 days of receiving a complete application.

3.2 The Integrity Commissioner may conduct the inquiry as they see necessary, including holding a public meeting to discuss the inquiry. Upon completion of the inquiry, the Integrity Commissioner may apply to a judge for determination as to whether or not the member has contravened sections 5, 5.1, or 5.2 of the *Municipal Conflict of Interest Act*. The Commissioner's cost of applying to the judge are to be

paid for by the municipality or local board as the case may be.

- 3.3 As of March 1, 2019, in accordance with Section 223.3 of the *Municipal Act*, the Region will also be required to indemnify the Integrity Commissioner for costs incurred in connection with the defence of a proceeding if the proceeding relates to an act done in good faith in the performance or intended performance of a duty or authority under the Act or a by-law passed under it. The agreement between the Integrity Commissioner and the Region has been amended to reflect this provision. There is no financial impact to the Region to indemnify the Integrity Commissioner.
- 3.4 Section 223.3 of the Act has also been amended to include the provision of advice as part of the Integrity Commissioner's functions. Further details about this function can be found later in this report under the amendments to the Code of Conduct. The Integrity Commissioner's agreement has also been amended to reflect this.
- 3.5 Provide educational information to members of Council.

#### **4. Codes of Conduct – Principles**

- 4.1 In accordance with Ontario Regulation 55/18, as of March 1, 2019 there are prescribed subject matters that must be included in a Code of Conduct including:
- a. Gifts, benefits and hospitality.
  - b. Respectful conduct, including conduct toward officers and employees of the municipality or the local board, as the case may be.
  - c. Confidential information.
  - d. Use of property of the municipality or of the local board, as the case may be.
- 4.2 We have reconciled our Code of Conduct against the new requirements and we are satisfied that we meet the requirements.

#### **5. Codes of Conduct – Council and Local Boards**

- 5.1 Amendments are being proposed to the Code of Conduct in order to incorporate the legislative provisions that come into effect as of March 1, 2019 including:
- a. The provision of advice by the Integrity Commissioner. This has been included in the Code of Conduct and a procedure in this regard has been developed and is contained within the draft by-law included as Attachment #1 to this report. In accordance with the procedure, Council members will email the Integrity Commissioner directly with requests for advice.
  - b. The power of the Integrity Commissioner to make inquiries into alleged contraventions under certain sections of the *Municipal Conflict of Interest Act*. This has been included in the Code of Conduct and captured in the Code of Conduct Complaint Procedure contained within the draft by-law included as Attachment #1 to this report.
  - c. The application of the Code of Conduct to local boards. The Code has been amended to include members of the Region's local boards. Currently the local boards of the Region to which the Code of Conduct will apply include:

- the 9-1-1 Management Board,
- Development Charges Complaint Committee,
- Land Division Committee, and
- Durham Regional Transit Commission.

5.2 The Regional Clerk has been in consultation with the Integrity Commissioner on the procedures for the submission of complaints under the Code of Conduct, requests for inquiries under the *Municipal Conflict of Interest Act*, and requests for advice from Council members.

## **6. Codes of Conduct - Advisory Committees**

6.1 At this time, it is not being recommended that Codes of Conduct be developed for the Region's Advisory Committees. Advisory Committees are comprised of citizen members who are volunteering their time in order to provide advice to Regional Council on their respective areas of expertise. It is inherent that conflicts may exist as the Committee members are generally selected for their role in the specific industry/subject matter that they are advising on. As such, it is felt that it would be too onerous to place restrictions/rules on these volunteer members and may discourage citizen participation.

6.2 If Council wishes to have a Code of Conduct for Advisory Committees, it is recommended that it be principles based and non-prescriptive in order not to restrict Committee members in their other related capacities.

## **7. Council Staff Relations Policy**

7.1 As of March 1, 2019, amendments to section 270 of the *Municipal Act* will require the Region to adopt and maintain a policy with respect to the relationship between Members of Council and the officers and employees of the Region. The Region currently has robust policies in place which govern the relationships between employees and members of Council. As such, the Policy included as Attachment #2 to this report is a summary of the framework that exists at the Region to govern employee/council relations. This will ensure that the Region is in compliance with the aforementioned amendment to the *Act*.

## **8. Council Pregnancy and Parental Leaves Policy**

8.1 Section 259(1) of the *Municipal Act* states that if a member is absent for three successive months without being authorized to do so, then their seat becomes

vacant. This Section was amended through Bill 68 in 2017 to include an exception which states that the vacancy clause does not apply if the member of council is absent for 20 consecutive weeks or less if the absence is the result of a member's pregnancy or birth of the member's child or the adoption of a child by the member.

- 8.2 As of March 1, 2019, amendments to section 270 of the *Municipal Act* will also require the Region to adopt and maintain a policy with respect to pregnancy leaves and parental leaves for Members of Council. A policy in this regard has been developed in consultation with the local area municipalities and is included as Attachment #3 to this report.

## **9. Disclosures**

- 9.1 The Region has been proactive and already developed written forms for members to use to disclose conflicts of interest. A registry for the posting of these forms is also in use.

## **10. Amendments to Procedural By-law**

- 10.1 In accordance with the March 1, 2019 amendment to Section 5 of the *Municipal Conflict of Interest Act*, which allows for a member of Council to participate in discussion, but not vote, if the matter under consideration is whether or not to suspend their remuneration; it is being recommended that the following be added as a new Section 15.1 c) of the Procedural By-law: "If the matter under consideration is whether to suspend the remuneration paid to a member under section 223.4 (5) or (6) of the *Municipal Act*, the member may take part in the discussion of the matter, including making submissions to Council and may attempt to influence the voting on any question in respect of the matter, however, the member is not permitted to vote on any question in respect of the matter.") A draft amending by-law is included as Attachment #4 to this report.

## **11. Ombudsman Act**

- 11.1 Subsection 1.1(1)(a) of the Ombudsman Act states that the "head" of a public sector body that is a municipality is a member of the council of the municipality, or a committee of the council, designated by by-law of the municipality as head. Section 23 of the *Municipal Act* allows a municipality to delegate its powers and duties to a person or body subject to certain restrictions.
- 11.2 The Regional Clerk has been the liaison between the Provincial Ombudsman's office and the corporation. The Clerk receives inquiries from the Ombudsman's office and directs them to the appropriate Regional department area contact person.

In order to formalize this role, it is being requested that the Regional Clerk be designated as the "head" of the institution for the purposes of the Ombudsman Act.



## **12. Attachments**

- Attachment #1: By-law to adopt Code of Conduct
- Attachment #2 Council Staff Relations Policy
- Attachment #3 Council Pregnancy and Parental Leaves Policy
- Attachment #4 Amendment to Procedural By-law
- Attachment #5 Integrity Commissioner Appointment Confirmation By-law

Prepared by: Leigh Fleury, Legislative Officer, at 905-668-7711, extension 2020.

Any questions regarding this report may be directed to Ralph Walton, Regional Clerk/Director of Legislative Services, 905-668-7711 extension 2100.

Respectfully submitted,

Original signed by

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

Recommended for Presentation to Committee

Original signed by

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Elaine C. Baxter-Trahair  
Chief Administrative Officer

**By-law Number \*\*\*-2019**  
**of The Regional Municipality of Durham**

Being a by-law to adopt a Code of Conduct for Members of the Council of The Regional Municipality of Durham and its local boards.

Whereas section 223.2(1) of the Municipal Act requires a municipality to establish codes of conduct for members of the council and of its local boards.

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

**1. Purpose**

- 1.1 The purpose of this code is to establish clear conduct rules for members of council and local boards.

**2. Principles**

- 2.1 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 and members appointed to the Region's local boards. In turn, adherence to these standards will protect and maintain the Region's reputation and integrity.
- 2.2 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;
  - 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.

**3. Definitions**

- 3.1 In this Code of Conduct:

- A) "child" means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family;
- B) "Code of Conduct" means the rules which govern the conduct of members established pursuant to the authority of section 223.2 of the Municipal Act, 2001, S.O. 2001, c. 25;
- C) "complaint" means a written request to investigate the conduct of any member for a possible violation of the Code of Conduct filed in accordance with the Complaint Procedure;

- D) “confidential information” means any information in the possession of, or received in confidence by, the Region that the Region is prohibited from disclosing, or has decided to refuse to disclose, under the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56, or any other law, which includes, but is not limited to:
- (1) information of a corporate, commercial, scientific or technical nature received in confidence from third parties;
  - (2) personal information as defined in subsection 2(1) of the Municipal Freedom of Information and Protection of Privacy Act;
  - (3) information that is subject to solicitor-client privilege;
  - (4) information that concerns any confidential matters pertaining to matters related to an identifiable individual, personal, labour relations, litigation, property acquisition, the security of the property of the municipality or a local board;
  - (5) any other information lawfully determined by the Council to be confidential, or required to remain or be kept confidential by legislation or order; and
  - (6) any information considered by or made available to Council during a closed meeting pursuant to subsection 239(2) of the Municipal Act, 2001.
- E) "Council" means the council of The Regional Municipality of Durham;
- F) “Gift or Benefit” means anything of value including but not limited to cash or monetary equivalent, fee, object of value, service, meal, travel, accommodation or entertainment;
- G) “Harassment” includes
- any comment, conduct, action or gesture that is unwelcome or that ought reasonably be known to be unwelcome that could affect a person’s dignity or a person’s psychological or physical health; and
  - Sexual Harassment.
- H) "information" means any record, document, data, material, correspondence or evidence however recorded, whether oral or in printed form, on film, by electronic means or otherwise;
- I) "Integrity Commissioner" means the Integrity Commissioner appointed by the Council pursuant to section 223.3 of the Municipal Act, 2001;
- J) “local board” means any local board established by the Region of Durham which meets the criteria outlined in the Municipal Act including but not limited to: the 9-1-1 Management Board, Development Charges Complaint Committee, Land Division Committee, and Durham Regional Transit Commission;
- K) "member" means a member of the Council or local board, unless the context otherwise requires;
- L) "parent" means a person who has demonstrated a settled intention to treat a child as a part of his or her family;
- M) "person" includes a corporation, partnership, association and any other entity, as the context allows, and expressly includes a member as well as Council;

- N) "Region" means The Regional Municipality of Durham;
- O) "sexual harassment" includes any comment, conduct, action or gesture of a sexual nature or respecting sexual orientation, gender identity or gender expression that is unwelcome or that ought reasonably to be known to be unwelcome;
- P) "spouse" means a person to whom a person is married or with whom the person is living in a conjugal relationship outside marriage; and
- Q) "staff" means the municipal administrative staff of the Region and of its municipal corporations and local boards.

#### **4. Application of this Code**

- 4.1 This Code of Conduct applies to every member.

#### **5. Compliance with Declaration of Office**

- 5.1 Every member shall act in accordance with his or her declaration of office sworn or terms of appointment, as applicable.

#### **6. Adherence to Council Policies and Procedures**

- 6.1 Every member shall observe and comply strictly with every provision of this Code of Conduct, as well as all other policies and procedures adopted or established by Council affecting the member, whether or not acting in his or her capacity as a member.

#### **7. Conduct at Meetings**

- 7.1 Every member shall conduct himself or herself properly and in a civil manner at Council, committee and other meetings, and in accordance with the provisions of the Region's Council Rules of Procedure By-law, this Code of Conduct, and any other applicable law.

#### **8. Conduct Respecting Others**

- 8.1 Every member has the duty and responsibility to treat all members of the public, other members and all staff appropriately and without abuse, bullying or intimidation, and to ensure that the work environment is free from discrimination and harassment.
- 8.2 A member shall not:
  - A) use indecent, abusive or insulting words or expressions toward any other member, any member of staff or any member of the public;
  - B) speak in a manner that is discriminatory to any individual, based on that person's race, ancestry, place of origin, creed, gender, sexual orientation or gender identification, age, colour, marital status, or disability; and
  - C) engage in any Harassment of any other member, any member of staff or any member of the public.

#### **9. Conduct Respecting Staff**

- 9.1 Every member acknowledges that staff operate under the direction of the senior municipal administration, and in accordance with the decisions of Council, and are required to serve the Region as a whole and not the needs or desires of any individual member.
- 9.2 Every member shall:
  - A) be respectful of the role of staff to provide advice based on political neutrality and objectivity and without undue influence from any member or

faction of the Council; and

- B) show respect for staff, and for their professional capacities and responsibilities.

9.3 A member shall not:

- A) maliciously or falsely injure or impugn the professional or ethical reputation of any member of staff;
- B) compel any member of staff to engage in partisan political activities, or subject any member of staff to threat or discrimination for refusing to engage in any such activity; and
- C) use or attempt to further his or her authority or influence by intimidating, threatening, coercing, commanding or influencing improperly any staff member or interfering with that staff person's duties, including the duty to disclose improper activity.

## **10. Gifts, Benefits, Services and Hospitality**

10.1 A Gift or Benefit to a Member's Spouse, Child or Parent that is connected directly or indirectly to the performance of the Member's duties is deemed to be a Gift or Benefit to the Member if provided with the Member's knowledge or solicited by the Member.

10.2 In order to preserve the image and integrity of the Region, business gifts to Members are discouraged. The Region recognizes that moderate hospitality is an accepted courtesy of a business relationship. However, Members should not solicit or accept any gift or benefit that:

- A) is intended to influence, might influence, or could reasonably be perceived that it might influence or is intended to influence, the Member in the performance of the Member's duties as an elected official; or
- B) is intended, or could reasonably be perceived that it is intended, as a reward for any action or impending action by the Member.

10.3 If the refusal of any gift or act of hospitality will strain the Region's business relationship, the Regional Chair or Chief Administrative Officer may accept it on behalf of the municipality with the appropriate acknowledgment.

10.4 Generally, the Regional Chair or Chief Administrative Officer will be the official recipient of those gifts afforded to the Region for ceremonial, symbolic, protocol or official business purposes. Members will turn over such a gift to the Regional Chair or Chief Administrative Officer. Wherever possible, ceremonial, symbolic, protocol or official business gifts should be presented at a meeting of Council.

10.5 Despite section 10.2, a Member may accept the following:

- A) a political contribution offered, accepted and reported in accordance with applicable law;
- B) food or beverage, of reasonable value, at a banquet, reception, ceremony or similar event that the Member attends for a legitimate municipal purpose;
- C) a Gift or Benefit that is received as an incident of protocol or social obligation that normally and reasonably accompanies the responsibilities of office;
- D) a token gift such as a souvenir, memento or commemorative gift that is given in recognition of service on a committee, for speaking at an event, or for representing the Municipality at an event;
- E) a communication to the office of a Member, including a subscription to a

newspaper or periodical;

- F) a service provided by a person volunteering time without compensation;
- G) food, lodging, transportation or entertainment lawfully provided by a government (federal, provincial, local or foreign) or government agency or by a not-for-profit organization whose members are governments or government agencies (examples of such a not-for-profit organization include the Canadian Association of Nuclear Host Communities and the Federation of Canadian Municipalities);
- H) food, lodging, transportation or entertainment lawfully provided by the organizer of a conference, seminar, charity fundraiser, reception, ceremony, cultural event, sporting event, business, or political event where the Member is speaking or attending in an official capacity;
- I) an invitation from and at the expense of a private third party to attend a conference, seminar, charity fundraiser, reception, ceremony, cultural event or other similar event within the Municipality where the proceeds raised are to support a not-for-profit or charity organization.;
- J) reimbursement of a reasonable expense incurred, or an honorarium received, in the performance of activities connected with a public authority, or a municipal association, agency, board or corporation, including a corporation of which the Municipality is a shareholder or member; and
- K) compensation authorized by Council or law.

10.6 This section does not preclude a Member from soliciting funds or donations in support of a charitable or philanthropic cause, organization, or charity provided that all funds or donations are provided directly by the donor(s) to the recipient organization or charity.

10.7 Members will be required to exercise their personal judgment of the provisions within this section.

## **11. Recommendations of Integrity Commissioner and Authority of Council**

In a report on a Complaint that relates to a Gift or Benefit, in addition to the range of recommendations otherwise provided under this Code, the Integrity Commissioner may recommend, and upon consideration of the Integrity Commissioner's report the Council, in addition to its other powers under this Code, may impose, one or more of the following remedies:

- A) that the Member be directed to return the Gift or Benefit;
- B) that the Member be directed to reimburse the donor for the value of a Gift or Benefit already consumed;
- C) that the Member forfeit the Gift or Benefit to the Municipality; and
- D) that the Member be directed to remit to the Municipality the value of a Gift or Benefit already consumed.

## **12. Confidential Information**

12.1 No member shall:

- A) disclose, release or publish by any means to any person or to the public any confidential information acquired by virtue of his or her office, in any form, except when required or authorized by Council or the board or otherwise by law to do so;
- B) use confidential information for personal or private gain or benefit, or for the personal or private gain or benefit of any other person or body;

- C) disclose a matter, the substance of the matter, and information pertaining to a matter, that has been debated or discussed at a meeting closed to the public, and shall be maintained as confidential, unless authorized by the Council, local board or legislation to be released, generally or subject to conditions, and such are complied with;
- D) disclose the content of any matter referred to in the preceding paragraph or the subject-matter of deliberations, at a meeting closed to the public meeting, only after the Council or committee lawfully and knowingly discusses the information at a meeting that is open to the public or releases the information to the public;
- E) without lawful authority, disclose, or make personal use of, any of the following types of confidential information:
  - (1) information concerning litigation, negotiation or personnel matters;
  - (2) information the publication of which may infringe on the rights of any person (e.g. source of a complaint where the identity of a complainant is given in confidence);
  - (3) price schedules in any contract, tender or proposal document while such remains a confidential document;
  - (4) information deemed to be "personal information" under the Municipal Freedom of Information and Protection of Privacy Act; and
  - (5) any other information or statistical data required by law not to be released; and
- F) obtain access, or attempt to gain access, to confidential information in the custody of the municipality except to the extent that such access is necessary for the performance of his or her duties and such access is not prohibited by Council, the local board or otherwise by law.

### **13. Use of Regional Property, Services and Other Resources**

13.1 Subject to 13.2 below, no member shall:

- A) use, or permit the use of, Regional land, facilities, equipment, supplies, services, staff or other resource, including any municipally-owned information, website, transportation delivery service or funds allocated for the member expenses of his or her office, for any purpose or activity other than the lawful business of the Region; or
- B) seek or acquire any personal financial gain from the use or sale of confidential information, or of any Regionally-owned intellectual property including any invention, creative writing or drawing, computer program, technical innovation, or any other information or item capable of being patented or copy righted, of which property remains exclusively that of the Region.

13.2 Incidental and occasional personal, non-commercial use of email/internet and a personal communication device (i.e. blackberry) is permitted.

### **14. No Improper use of Influence**

14.1 No member shall:

- A) use the influence of his or her office for any purpose other than for the lawful exercise of his or her official duties and for municipal purposes;
- B) use his or her office or position to influence or attempt to influence the decision of any other person, for the member's private advantage or that of the member's parent, child, spouse, staff, friend, or associates, business or otherwise;

- C) attempt to secure preferential treatment beyond activities in which members normally engage on behalf of their constituents as part of their official duties; or
  - D) hold out the prospect or promise of future advantage through the member's supposed influence within Council or the local board, in return for any action or inaction.
- 14.2 For the purposes of this provision, "private advantage" does not include a matter that:
  - A) is of general application;
  - B) affects a member, his or her parents/children or spouse, staff, friends or associates, business or otherwise, as one of a broad class of persons; or
  - C) concerns the remuneration or benefits of a member.
- 14.3 Section 14.1 does not prevent a member from requesting that Council or the local board, as applicable grant a lawful exemption.
- 15. No Reprisal or Obstruction in the Application or Enforcement of this Code**
- 15.1 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.
- 15.2 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.
- 16. Legislative Environment**
- 16.1 Members acknowledge that in addition to this Code of Conduct, the following legislation also governs the conduct of members:
  - A) Municipal Act, 2001;
  - B) Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50;
  - C) Municipal Elections Act;
  - D) Municipal Freedom of Information and Protection of Privacy Act;
  - E) Occupational Health and Safety Act, R.S.O. 1990, c. 0.1;
  - F) Human Rights Code, R.S.O. 1990, c. H.19;
  - G) Criminal Code, R.S.C. 1985, c. C-46; and
  - H) The Region's Procedural By-law.
- 16.2 A member may become disqualified and lose his or her seat by operation of law, including being convicted of an offence under the Criminal Code or the Municipal Elections Act, 1996, or being found to have failed to comply with the Municipal Conflict of Interest Act, whether or not the conduct in question involves a contravention of this Code of Conduct.
- 16.3 In the case of any inconsistency between this Code of Conduct and a federal or provincial statute or regulation, the statute or regulation shall prevail.
- 16.4 All references to any statute, regulation, by-law or legislation shall be deemed



to be a reference to the statute, regulation, by-law or legislation as amended, consolidated, replaced or superseded.

- 16.5 Regional Councillors also serve as Members of Council for the Townships of Brock, Scugog and Uxbridge, the Cities of Pickering and Oshawa, and the Towns of Ajax, Whitby and Clarington. Each of these municipalities have their own codes of conduct.
- 16.6 This Code applies to the activities of the Regional Chair and Members of Council and local boards while executing their responsibilities as Regional Chair, Councillors and local board members respectively. Area municipal codes of conduct apply to the activities of the Members of Council in accordance with their role as area municipal councillors.
- 16.7 Should the Region's Integrity Commissioner receive a complaint or inquiry which he/she believes is an area municipal matter, the Region's Integrity Commissioner will forward the request to the appropriate municipality's Integrity Commissioner.
- 16.8 Should an issue arise that is of joint responsibility for the Region and the area municipality, both the Integrity Commissioner for the Region and the municipality, and the Clerk of the municipality will work together to develop a process to resolve the matter and report the findings to both Regional and City/Town Council.

## **17. Integrity Commissioner**

- 17.1 The Integrity Commissioner shall be responsible for performing in an independent manner the following functions as assigned by the Region with respect to:
- A) the application of the Code of Conduct;
  - B) the application of any procedures, rules and policies of the Region governing the ethical behaviour of members; and
  - C) to maintain custody and control of the integrity commissioner's complaint and inquiry files and, on completion of their term of appointment, to transfer open files relating to ongoing matters to the incoming Integrity Commissioner appointed by Council.
- 17.2 In addition, to the responsibilities set out in Section 17.1, the Integrity Commissioner shall also provide:
- A) information to Council as to members' obligations under the Code of Conduct and the Complaint Procedure;
  - B) information to Council with respect to compliance with the requirements of the Municipal Conflict of Interest Act including with respect to declaring a conflict of interest, and not using any influence where a matter is being considered by an officer or employee of the Region;
  - C) advice to individual members regarding specific situations as they relate to the application of the Code of Conduct;
  - D) advice to individual members regarding their obligations under the Municipal Conflict of Interest Act;
  - E) advice to Council on other policies and procedures that relate to the ethical behavior of members;
  - F) information to the public regarding the Code of Conduct and the obligations of members under the Code of Conduct and the Municipal Conflict of Interest Act; and
  - G) an annual report to Council on the activities of the Integrity Commissioner.

- 17.3 Without limiting the generality of Section 17.1, the Integrity Commissioner may determine, on a case-by-case basis, whether to undertake an investigation or not to undertake an investigation on whether a member has contravened the Code of Conduct or sections 5, 5.1 or 5.2 of the Municipal Conflict of Interest Act. 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.
- 17.4 Without limiting the generality of Article 17, all determinations of the Integrity Commissioner under the Code of Conduct shall be made in his or her own absolute discretion and shall be final and binding.
- 17.5 Any written advice given by the Integrity Commissioner to a member binds the Integrity Commissioner in any subsequent consideration of the conduct of the member in the same matter as long as all the relevant facts known to the member were disclosed to the Integrity Commissioner.

## **18. Complaints**

- 18.1 All complaints pursuant to the Code of Conduct shall be filed in accordance with the Complaints Procedure in Appendix "A" attached hereto.

## **19. Inquiries**

- 19.1 An elector or a person demonstrably acting in the public interest may apply in writing to the Integrity Commissioner for an inquiry to be carried out concerning an alleged contravention of sections 5, 5.1 or 5.2 of the Municipal Conflict of Interest Act.
- 19.2 The application must set out the reasons for believing that a member has contravened the aforementioned sections of the MCIA and include a statutory declaration attesting to the fact that the applicant became aware of the contravention not more than six weeks before the date of the application (Or within the period of time starting six weeks before nomination day for a regular election and ending on voting day).
- 19.3 The Integrity Commissioner must complete the inquiry within 180 days after receiving the completed application, unless the inquiry is terminated.
- 19.4 Upon completion of the inquiry, the Commissioner may apply to a judge for a determination as to whether the member has contravened the aforementioned sections of the Act.
- 19.5 All requests for inquiry shall be filed in accordance with the Complaints Procedure in Appendix "A" attached hereto.

## **20. Advice**

- 20.1 All requests for advice pursuant to the Code of Conduct shall be filed in accordance with the Advice Procedure in Appendix "B" attached hereto.
- 20.2 Requests by a member of Council or a local board for advice must be in writing.
- 20.3 Advice given by the Integrity Commissioner to a member of Council or local board shall be provided in writing.

## **21. Penalties**

- 21.1 Council may, where it has received a report from its Integrity Commissioner that there has been a violation of the Code of Conduct, impose one of the following penalties on a member who has been found to be in contravention of the Code of Conduct:
- A) a reprimand; or
  - B) suspension of the remuneration paid to the member in respect of his or

her services as a member for a period of up to ninety (90) days.

**22. Annual Reports**

- 22.1 The Integrity Commissioner shall submit an annual report to Council which will include information on the nature and volume of activity for the past year and provide examples, while maintaining the anonymity of the persons involved, in respect of advice provided and the nature of complaints received and responded to.
- 22.2 The annual report of the Integrity Commissioner shall be provided to Council for information purposes. The report is a public document.

**23. Commencement and Administration**

- 23.1 This By-Law shall be administered by the Clerk.
- 23.2 This By-Law comes into force and effect on March 1, 2019.
- 23.3 The short title of this By-Law is the "Code of Conduct".

This By-law Read and Passed on the -----<sup>th</sup> day of -----, 2019.

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J. Henry, Regional Chair and CEO

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R. Walton, Regional Clerk

**APPENDIX “A”**  
**REGION OF DURHAM – CODE OF CONDUCT**  
**COMPLAINT/APPLICATION FOR INQUIRY PROCEDURE**  
**(the “Complaint Procedure”)**

**1. Procedure — Informal Complaint related to the Code of Conduct**

- 1.1 Any person who believes that a member is in contravention of the Region of Durham’s Code of Conduct may address their concerns in the following manner:
- A) advise the member that their behaviour or activity contravenes the Code of Conduct;
  - B) encourage the member to stop the prohibited behaviour or activity;
  - C) if applicable, confirm to the member their satisfaction or dissatisfaction with the member’s response to the concern identified; and
  - D) keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information, including steps taken to resolve the matter.
- 1.2 If any person is not satisfied with the response received through the aforementioned informal process, the person may proceed with a formal complaint through the Integrity Commissioner as outlined in Section 2 of the Complaint Procedure.

**2. Procedure — Formal Complaint related to the Code of Conduct**

- 2.1 Any person who has reasonable grounds to believe that a member has contravened the Code of Conduct may address their concerns through the formal complaint process set out below:
- A) all formal complaints (“Complaints”) must be made in writing using the Region’s Complaints Form (see Schedule “A”) and shall be dated and signed by the person making the Complaint (the “Complainant”);
  - B) the Complaint must include an explanation as to why the issue raised may be a contravention of the Code of Conduct and any evidence in support of the allegation must be included with the Complaints Form;
  - C) any witnesses in support of the allegation must be identified on the Complaint Form;

- D) the Complaint Form must include the name of the member alleged to have breached the Code of Conduct, the specific provision(s) of the Code of Conduct allegedly contravened, the date, time and location of the alleged contravention(s) and any other information as required on the Complaint Form;
  - E) the Complaint shall be filed with the Integrity Commissioner who will determine whether the matter is, on its face, a Complaint with respect to non-compliance with the Code of Conduct and not covered by other legislation or policies; and
  - F) the Complaint must be submitted to the Integrity Commissioner no later than six (6) months from the date on which the Complainant became aware of the alleged contravention, and no action will be taken on a Complaint received after this deadline.
- 2.2 The Integrity Commissioner will advise the Regional Clerk when a Complaint is received, assign a file number to the Complaint and provide updates to the Clerk on the status of the Complaint.
- 2.3 The Integrity Commissioner may request additional information from the Complainant in order to properly assess the Complaint.
- 2.4 A Complainant may at any time abandon a Complaint.

### **3. Response of Integrity Commissioner of Complaint Outside Jurisdiction**

- 3.1 If the Complaint received by the Integrity Commissioner does not relate to a non-compliance with the Code of Conduct, it will be deemed not to be a Complaint and the Integrity Commissioner shall advise the Complainant in writing as follows:
- A) Criminal Matter — if the Complaint is an allegation of a criminal nature consistent with the Criminal Code, R.S.C. 1985, c. C-46, the Complainant shall be advised that pursuit of such an allegation must be made through the appropriate police service;
  - B) Municipal Freedom of Information and Protection of Privacy — if the Complaint is more appropriately addressed under the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56, the Complainant shall be referred to the Clerk to have the matter reviewed under that statute; or
  - C) Other Matters – if the matter is covered by other policies or legislation, the Complainant will be advised and directed to proceed in a manner as considered appropriate by the Integrity Commissioner.

#### **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. 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.

#### **5. Opportunity for Resolution**

- 5.1 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.

#### **6. Investigation**

- 6.1 If the Integrity Commissioner determines that a formal investigation is required, he or she shall:
- A) provide a copy of the Complaint and any supporting materials to the member whose conduct is in question with a request that a written response to the allegation be provided to the Integrity Commissioner within ten (10) days;
  - B) provide a copy of the response provided by the member to the Complainant with a request for a written reply within ten (10) days;
  - C) have free access to all books, accounts, financial records, electronic data processing records, reports, files and all other papers, things or property belonging to or used by the municipality that the Integrity Commissioner believes to be necessary for an investigation; and
  - D) make interim reports to Council where necessary and as required to address any issues of interference, obstruction, delay or retaliation, if any, encountered during the investigation.
- 6.2 The Integrity Commissioner may elect to exercise the powers under sections 33 and 34 of the Public Inquiries Act, 2009, S.O. 2009, c. 33, Sched. 6, in which case those sections apply to the investigation.

#### **7. Co-Operation**

- 7.1 A Member shall co-operate in every way possible with the Integrity Commissioner

in any investigation of a Complaint and the enforcement of the Code of Conduct.

## **8. Suspension of Investigation**

8.1 The Integrity Commissioner will cease the investigation if:

- A) a Complainant abandons the request for an investigation, in which case the Integrity Commissioner shall report to Council as set out in Section 9; or
- B) the Integrity Commissioner determines that there are reasonable grounds to believe that there has been a contravention of any other statute or of the *Criminal Code*, in which case the Integrity Commissioner shall immediately refer the matter to the appropriate authorities and suspend the investigation until any resulting police investigation and charge(s) have been finally disposed of, and shall report the suspension to Council.

## **9. Report Re Recommendation**

9.1 The Integrity Commissioner shall report to the Complainant and the member on the results of his or her review within sixty (60) days of receiving a complete Complaint Form/Affidavit upon completion of an investigation. If the investigation process requires more than sixty (60) days, the Integrity Commissioner shall provide an interim report to the Complainant and member indicating when the complete report may be available.

9.2 If during the investigation process, the Complaint is withdrawn, sustained or resolved, the Integrity Commissioner shall report to Council outlining the findings, the terms of any resolution and any recommended action within thirty (30) days.

9.3 If upon completion of the investigation, the Integrity Commissioner finds that there has been no contravention of the Code, or that a contravention occurred but the member took all reasonable measures to prevent it, or the contravention committed was trivial or committed through inadvertence or an error of judgment made in good faith, the Integrity Commissioner shall set this out in its report to Council.

9.4 If upon completion of the investigation, the Integrity Commissioner finds that a breach of the Code of Conduct has occurred, the Integrity Commissioner shall report his or her findings to Council including a recommendation as to the imposition of a penalty as set out in subsection 223.4(5) of the Municipal Act, 2001 S.O. 2001, c. 25, namely either:

- A) a reprimand; or
- B) a suspension of remuneration paid to the member for a period of up to ninety (90) days.

9.5 The report shall only disclose such information that in the Integrity Commissioner's

opinion is required for the purposes of the report.

## **10. No Complaints or Reports Prior to Election**

10.1 If the Integrity Commissioner has not completed an inquiry before nomination day for a regular election, as set out in Section 31 of the Municipal Elections Act, 1996, the Integrity Commissioner shall terminate the inquiry on that day.

10.2 If an inquiry is terminated the Integrity Commissioner shall not commence another inquiry in respect of the matter unless, within six (6) weeks after voting day in a regular election, as set out in Section 5 of the Municipal Elections Act, 1996, the person or entity who made the request or the Member whose conduct is the subject matter of the request, makes a written request to the Integrity Commissioner that the inquiry be commenced. No inquiry respecting a former Member may be commenced.

10.3 Between Nomination Day and Voting Day in a regular election:

- A) There shall be no requests for an inquiry, and the Integrity Commissioner shall not accept any requests for an inquiry, respecting whether a Member has contravened the Code of Conduct.
- B) The Integrity Commissioner shall not report to Council on whether a Member has contravened the Code of Conduct or the Municipal Conflict of Interest Act; and
- C) Council shall not consider whether to impose penalties on a Member.

## **11. No Appeal of Integrity Commissioner's Decision**

11.1 There is no appeal from the decision of the Integrity Commissioner.

## **12. Request for Inquiry under the Municipal Conflict of Interest Act**

12.1 An elector, or any person demonstrably acting in the public interest may apply in writing to the Integrity Commissioner for an inquiry to be carried out concerning an alleged contravention of sections 5, 5.1 or 5.2 of the Municipal Conflict of Interest Act using the process set out below:

- A) all requests for an inquiry must be made in writing using the Region's Application for Inquiry Form (see Schedule "B") and shall be dated and signed by the person making the inquiry (the "Applicant");
- B) the Inquiry must include an explanation as to why the issue raised may be a contravention of the applicable sections of the Municipal Conflict of Interest Act and any evidence in support of the allegation must be included with the Inquiry Form;



- C) the Inquiry Form must include the name of the member alleged to have breached the Municipal Conflict of Interest Act, and any other information as required on the Complaint Form;
- D) the Request for Inquiry shall be filed with the Integrity Commissioner who will conduct any such inquiries he/she considers necessary; and
- E) the Inquiry must be submitted to the Integrity Commissioner no later than six (6) weeks from the date in which the applicant became aware of the alleged contravention, unless both of the following are satisfied.
  - The applicant became aware of the alleged contravention within the period of time starting six weeks before nomination day for a regular election, as set out in section 31 of the Municipal Elections Act, and ending on voting day in a regular election, as set out in section 5 of that Act.
  - The applicant applies to the Commissioner within six weeks after the day after voting day in a regular election.

12.2 The Integrity Commissioner will advise the Regional Clerk when a Request for Inquiry is received, assign a file number to the Request and provide updates to the Clerk on the status of the Request.

12.3 The Integrity Commissioner may request additional information from the applicant, the municipality, or may conduct a public meeting as he/she believes necessary to investigate the inquiry.

12.4 The Integrity Commissioner shall complete the inquiry within 180 days after receiving the completed application.

12.5 A Complainant may at any time abandon a Complaint, provided in the judgement of the Integrity Commissioner, the matter does not warrant an application to the courts.

### **13. Confidentiality**

13.1 The Integrity Commissioner and every person acting under his or her instructions shall preserve the confidentiality of all documents, material or other information, whether belonging to the Region or not, that come into their possession or to their knowledge during the course of their duties as required by section 223.5 of the Municipal Act, 2001.

### **14. Delegation**

14.1 The Integrity Commissioner may delegate in writing to any person, other than a member, any of the Integrity Commissioner's powers and duties.



## Schedule “A” - Council Code of Conduct

### Formal Complaint Form

#### **About the Applicant**

Full Name \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

I, \_\_\_\_\_ (insert full name), of \_\_\_\_\_  
(insert City, Town, etc. of residence) in the Province of Ontario, have personal knowledge  
of the facts as set out in this Complaint Form, because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(insert reasons – e.g. I work for /I attended a meeting at which, etc.) and have reasonable  
and probable grounds to believe that a member of the Region of Durham Council,  
namely:

\_\_\_\_\_ (insert name of member) has contravened section(s)  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ (specify section(s) of the Council Code of Conduct  
of the Region of Durham.) The particulars of which are as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(If more room is required, please use Schedule “A” to set out the statement of facts in consecutively numbered paragraphs, with each paragraph being confined as far as possible to a particular statement of fact. If you wish to include exhibits to support this complaint, please refer to the exhibits as Exhibit A, B, etc. and attach them to this Complaint Form).

**PLEASE READ BEFORE SIGNING:** If the Integrity Commissioner launches an inquiry into a complaint then the content of this form, including the complainant’s identity, will typically be shared with the Member who is the subject of the complaint. Also, at the end of the inquiry the Integrity Commissioner may issue a public report that includes information about the complaint, including possibly the identities of the parties involved. Only sign this complaint form if you understand and accept the potential for disclosure of your identity and the information you provide.

I request that this matter be reviewed by the Region of Durham’s Integrity Commissioner.

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**(Signature of Complainant)**

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**(Date)**

Personal Information on this form is collected pursuant to the Municipal Freedom of Information and Protection of Privacy Act and The Regional Municipality of Durham’s Council Code of Conduct and will be used to conduct an investigation on the details of the complaint. Questions about the collection of this information should be directed to the Regional Clerk, The Regional Municipality of Durham, 605 Rossland Road East, Whitby, ON L1N 6A3, 905- 668-7711.

[illegible]

**(Date)**

If this information is required in an accessible format, please contact 1-800-372-1102 ext. 2020



## Schedule “B” - Application for Inquiry into Alleged Contravention of Municipal Conflict of Interest Act

### **About the Applicant**

Full Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

### **Applicant is (check one):**

- ☐ an elector in the Regional Municipality of Durham
- ☐ an individual demonstrably acting in the public interest
- ☐ a corporation (including a municipality) demonstrably acting in the public interest

Where the Applicant is a corporation please identify its authorized representative for purposes of this application:

\_\_\_\_\_

**About the Allegation**

Name of the Member of Council who is the subject of the allegation (complete a separate form for each Member who is the subject of an allegation):

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The Applicant alleges that the Member contravened the following sections of the *Municipal Conflict of Interest Act* (check all that apply):

☐ section 5

☐ section 5.1

☐ section 5.2

The following are the Applicant's reasons for believing that the Member has contravened the above section(s) of the *Municipal Conflict of Interest Act*:

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(If more room is required then please attach additional sheets that set out the reasons in consecutively numbered paragraphs, with each paragraph being confined as far as possible to a particular statement of fact. If you wish to include exhibits to support this application then please refer to the exhibits as Exhibit A, B, etc., and attach them to this form.)

**PLEASE READ BEFORE SIGNING:** If the Integrity Commissioner launches an inquiry into an allegation then the content of this form, including the Applicant's identity, will typically be shared with the Member who is the subject of the allegation. Also, information on this form and information obtained during the inquiry, including possibly the identities of the parties involved, might be disclosed in the Integrity Commissioner's published reasons at the end of the inquiry and might be disclosed in an application to the Superior Court. Only sign this application form if you understand and accept the potential for disclosure of your identity and the information you provide.

The Applicant applies to the Integrity Commissioner for an inquiry to be carried out concerning the alleged contravention:

\_\_\_\_\_  
Signature of Applicant  
(or of representative if Applicant is a corporation)

\_\_\_\_\_  
Date

Personal Information on this form is collected pursuant to the *Municipal Freedom of Information and Protection of Privacy Act* and Part V.1 of the *Municipal Act* and will be used by the Integrity Commissioner to consider this application and to conduct an inquiry into it. Questions about the collection of this information should be directed to the Regional Clerk, The Regional Municipality of Durham, 605 Rossland Road East, Whitby, ON L1N 6A3, 905-668-7711.

**Note: The statutory declaration on the next page is a mandatory part of the application (required by the *Municipal Act*). It must be declared before a person authorized to take declarations in Ontario (including any Ontario lawyer).**

## DECLARATION

Required by subsection 223.4.1(6) of the *Municipal Act*

I, \_\_\_\_\_ (insert full name), of \_\_\_\_\_ (city, town, etc.) of \_\_\_\_\_ (specify municipality), \_\_\_\_\_ (add province/country if outside Ontario/Canada) solemnly declare that:

1. I am the Applicant.

1. The Applicant is a corporation and I am its authorized representative.

(strike out the line above that does not apply and initial the striking out)

2. I attest to the fact that the Applicant became aware of the Member's alleged contravention of the *Municipal Conflict of Interest Act* not more than six weeks before today.

2. [In a municipal election year:] I attest to the fact that the Applicant became aware of the Member's alleged contravention of the *Municipal Conflict of Interest Act* within the period of time starting six weeks before the fourth Friday of July, and ending on voting day.

(strike out the paragraph above that does not apply and initial the striking out)

3. I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

DECLARED before me at the )  
of this )  
day of )  
, 20 )  
)  
)  
A Commissioner, etc. )  
)  
)

\_\_\_\_\_  
Applicant or Representative



**APPENDIX “B”**  
**REGION OF DURHAM – CODE OF CONDUCT**  
**ADVICE PROCEDURE**  
**(the “Advice Procedure”)**

**1. Procedure — Request for Advice**

- 1.1 Any Council or local board member who wishes to obtain advice from the Region’s Integrity Commissioner must request the advice in writing by emailing the Integrity Commissioner at: [integritycommissioner@fasken.com](mailto:integritycommissioner@fasken.com) .
- 1.2 Requests for Advice must specify the date, if any, by which the member requires the advice. The Integrity Commissioner will endeavor to respond to all Requests for Advice by the date requested.
- 1.3 The Integrity Commissioner will provide advice to members of Council and local boards as it pertains to:
  - A) Their obligations under the code of conduct
  - B) Their obligations under a procedure, rule or policy of the municipality or of the local board as the case may be, governing the ethical behavior of members
  - C) Their obligations under the Municipal Conflict of Interest Act.
- 1.4 The Integrity Commissioner will advise the Regional Clerk when a Request for Advice is received, assign a file number to the Request and provide updates to the Clerk on the status of the Request.

**2. Response of Integrity Commissioner to Request for Advice Outside Jurisdiction**

- 2.1 If the request for advice received by the Integrity Commissioner does not relate to the Code of Conduct, the Municipal Conflict of Interest Act sections 5, 5(1) or 5(2), or a procedure, rule or policy governing the ethical behavior of members; it will be deemed not to be within the Integrity Commissioner’s mandate and the Integrity Commissioner shall advise the Complainant of such in writing as follows:
  - A) Criminal Matter — if the request for advice is with respect to a matter that is of a criminal nature consistent with the Criminal Code, R.S.C. 1985, c. C-46, the Council member shall be advised that the request for advice must be made through the appropriate police service or through independent legal counsel;
  - B) Municipal Freedom of Information and Protection of Privacy — if the request for advice falls under the Municipal Freedom of Information and Protection of

Privacy Act, R.S.O. 1990, c. M.56, the Council member shall be referred to the Clerk; or

- C) Other Matters – if the matter is covered by other policies or legislation, the Council member will be advised and directed to proceed in a manner as considered appropriate by the Integrity Commissioner.

### **3. Response in Writing**

- 3.1 The Integrity Commissioner will respond to all requests for advice in writing, to the Council member who made the request for advice.

### **4. Release of Advice**

- 4.1 Advice provided by the Integrity Commissioner may be released with the member's written consent.
- 4.2 If a member releases part of the advice provided by the Commissioner, then the Commissioner may release part or all of the advice without requiring consent from the member.

### **5. Advice is Binding**

- 5.1 Any written advice given by the Integrity Commissioner to a member binds the Integrity Commissioner in any subsequent consideration of the conduct of the member in the same matter as long as all the relevant facts known to the member were disclosed to the Integrity Commissioner.

### **6. Confidentiality**

- 6.1 The Integrity Commissioner and every person acting under his or her instructions shall preserve the confidentiality of all documents, material or other information, whether belonging to the Region or not, that come into their possession or to their knowledge during the course of their duties as required by section 223.5 of the Municipal Act, 2001.

### **7. Delegation**

- 7.1 The Integrity Commissioner may delegate in writing to any person, other than a member, any of the Integrity Commissioner's powers and duties.



**Regional Municipality of Durham**  
Corporate Services  
Council Policy Manual

|  |                         |
|--|-------------------------|
| <b>Title: Council and Staff Relations Policy</b>                 |                         |
| <b>Policy #: xxxxxxxxxx</b>                                      |                         |
| <b>Approved by Regional Council</b>                              | <b>Page #: 1 (of 3)</b> |
| <b>Issued: March 1, 2019</b>                                     | <b>Revised:</b>         |
| <b>Responsibility: Corporate Services – Legislative Services</b> | <b>Section: Xx</b>      |

## **1. Policy**

- 1.01 The Regional Municipality of Durham promotes a respectful, tolerant, harassment-free relationship and workplace for Members of Council and the officers and employees of the Corporation, guided by the Procedural By-law, Council Code of Conduct, the Employee Code of Conduct, the Conduct and Behaviour Policy, Code of Ethics Policy, and the Harassment and Discrimination Prevention Policy. These policies make up the Council and Staff Relations Policy.

## **2. Purpose**

- 2.01 The purpose of this policy is to provide guidance on how The Regional Municipality of Durham ensures a respectful, tolerant, harassment-free relationship and workplace between Members of Council and the officers and employees of the Corporation.

## **3. Legislative and Administrative Authority**

- 3.01 The *Municipal Act, 2001* requires Council to adopt and maintain a policy with respect to the relationship between Members of Council and the officers and employees of the municipality.
- 3.02 The Council and Staff Relations Policy identifies the legislation, policies and procedures that the Region complies with in order to promote a respectful relationship between Members of Council and the officers and employees of the Region.

## **4. Policy Requirements**

- 4.01 The relationship between Members of Council and the officers and employees of the corporation is guided by, but not limited to, the following:

- i) Council Procedural By-law:

The Procedural By-law establishes rules, procedure and conduct within Council and Committee meetings.

ii) Council Code of Conduct:

The Council Code of Conduct encourages high standards of conduct on the part of all municipal officials. Adherence to these standards protects and maintains the Region's and the Council members' reputation and integrity.

iii) Employee Code of Conduct:

The purpose of the Employee Code of Conduct is to identify and promote standards of ethical behavior for Regional employees. It is a guide based on the corporate values, and provides an overview of key policies, practices and behaviours that define the expected conduct to which employees are responsible. The guiding principles in the Employee Code of Conduct include: respect, integrity, transparency, accountability and health and safety.

iv) Conduct and Behaviour Policy:

The Conduct and Behaviour policy contains rules governing acceptable conduct and behavior of employees which are necessary for the orderly operation of the business, the benefit and protection of the rights and safety of employees and the protection of the Region of Durham's assets.

v) Code of Ethics Policy:

The Code of Ethics Policy contains a framework for ethical behavior.

vi) Harassment and Discrimination Prevention Policy:

The purpose of the Harassment and Discrimination Prevention Policy is to foster a workplace of respectful behavior and promote awareness of human rights, and to prevent all forms of harassment and discrimination.

vii) Policies on the Use of Corporate Resources for Election Purposes:

The Employee Use of Corporate Resources for Election Purposes Policy and the Use of Corporate Resources for Election Purposes Policy provide guidance on the appropriate use of corporate resources during municipal, school board, provincial and federal election campaigns, and campaigns on a question on the ballot to protect the interests of both members of Council and the Corporation.

## **5. Procedures**

5.01 The Regional Clerk or designate, shall be responsible for receiving complaints and/or concerns related to this policy. Upon receipt of a complaint and/or concern, the Clerk/designate shall notify:

- In the case of officers and employees of the Corporation, the Chief Administrative Officer;
- In the case of Members of Council, the Integrity Commissioner.

## **6. Roles and Responsibilities**

- 6.01 Members of Council and officers and employees of the Region are required to adhere to this policy and its governing provisions, including the Procedural By-law, Council Code of Conduct, the Employee Code of Conduct, the Conduct and Behaviour Policy, Code of Ethics Policy, the Harassment and Discrimination Prevention Policy, and the policies on the Use of Corporate Resources for Election Purposes.

## **7. Application**

- 7.01 This policy applies to all employees and members of Regional Council.

## **8. References**

- 8.01 Procedural By-law #44-2018
- 8.02 Council Code of Conduct
- 8.03 Conduct and Behaviour Policy #2.20
- 8.04 Employee Code of Conduct
- 8.05 Code of Ethics Policy #2.10
- 8.06 Harassment and Discrimination Policy #8.10
- 8.07 Employee Use of Corporate Resources for Election Purposes Policy #2.13
- 8.08 Use of Corporate Resources for Election Purposes Policy #4.1

## **9. Inquiries**

- 9.01 For additional information regarding this policy please contact Ralph Walton, Regional Clerk/Director of Legislative Services.



**Regional Municipality of Durham**  
Corporate Services  
Council Policy Manual

|  |                         |
|--|-------------------------|
| <b>Title: Pregnancy and Parental Leaves for Members of Council</b> |                         |
| <b>Policy #: xxxxxxxxxx</b>  |                         |
| <b>Approved by Regional Council</b>                                | <b>Page #: 1 (of 2)</b> |
| <b>Issued: March 1, 2019</b>                                       | <b>Revised:</b>         |
| <b>Responsibility: Corporate Services – Legislative Services</b>   | <b>Section: Xx</b>      |

## **1. Policy**

- 1.01 The Regional Municipality of Durham recognizes a member of Council's right to take leave for the member's pregnancy, the birth of the member's child or the adoption of a child by the member as required by and in accordance with section 270 of the *Municipal Act, 2001*.

## **2. Purpose**

- 2.01 The purpose of this policy is to provide guidance on how The Regional Municipality of Durham addresses a member's pregnancy or parental leave pursuant to section 270 of the *Municipal Act, 2001*.

## **3. Definitions**

- 3.01 Pregnancy and/or Parental Leave – an absence of 20 consecutive weeks or less as a result of a member's pregnancy, the birth of a member's child or the adoption of a child by the member in accordance with Section 259(1.1) of the *Municipal Act, 2001*.

## **4. Legislative and Administrative Authority**

- 4.01 The *Municipal Act, 2001* requires Council to adopt and maintain a policy with respect to pregnancy leaves and parental leaves of members of council.

## **5. Policy Requirements**

- 5.01 Regional Council supports a member of Council's right to pregnancy and/or parental leave in keeping with the following principles:
- i) A member is elected to represent his or her constituents.
  - ii) A member's pregnancy and/or parental leave does not require Council approval and his or her office cannot be declared vacant as a result of the leave.
  - iii) A member will continue to receive communication from the Region as if the member were not on leave.
  - iv) A member shall continue to receive all remuneration, reimbursements and benefits that all members of Regional Council are afforded.

## **6. Procedures**

- 6.01 Where a member of Council will be absent due to a pregnancy and/or parental leave, the member shall provide, preferably in advance of the leave, written notice to the Regional Clerk indicating expected start and end dates.
- i) The member shall inform same of any changes regarding end date.
- 6.02 A local Council may appoint a temporary alternate member to Regional Council to act in the place of the member on leave until the member resumes acting as a member of both Councils in accordance with Section 267(1) of the *Municipal Act, 2001*.

## **7. Roles and Responsibilities**

- 7.01 Members of Council and officers and employees of the Region are required to adhere to this policy.
- 7.02 The Regional Clerk or designate is delegated the authority to make administrative changes to this policy that may be required from time to time due to legislative changes or for amendments that do not change the intent of the policy.

## **8. Application**

- 8.01 In accordance with Section 270 of the *Municipal Act, 2001*, this policy applies to members of Council and shall only apply during the time that the member is in office.

## **9. Inquiries**

- 9.01 For additional information regarding this policy please contact Ralph Walton, Regional Clerk/Director of Legislative Services.

**By-law Number \*\*-2019**  
**of The Regional Municipality of Durham**

Being a by-law to amend By-law #44-2018 to adopt a quorum, govern the proceedings of council and its committees, the conduct of its members and the calling of meetings.

Whereas Section 5 of the Municipal Conflict of Interest Act states that where a member has a pecuniary interest in any matter the member shall disclose the interest, not take part in the discussion of, or vote on any question in respect of the matter, and shall not attempt in any way to influence the voting on any such question;

And Whereas as of March 1, 2019 the Municipal Conflict of Interest Act will be amended to allow a Member of Council to take part in discussion when the matter under consideration at a meeting or part of a meeting is to consider whether to suspend the remuneration paid to the member under the Municipal Act, 2001; however, the member may not vote on any question in respect of the matter;

And Whereas the Municipal Conflict of Interest Act will be further amended as of March 1, 2019 to state that the member may attend the meeting or part of the meeting during which the matter is under consideration in the case of a meeting that is not open to the public.

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

1. That By-law #44-2018 be amended under Section 15.1 'Declarations of Interest', to add the following to the end of 15.1 b):

'except if the matter under consideration is whether to suspend the remuneration paid to a member under section 223.4 (5) or (6) of the Municipal Act, the member may take part in the discussion of the matter, including making submissions to Council and may attempt to influence the voting on any question in respect of the matter, however, the member is not permitted to vote on any question in respect of the matter.'

This By-law Read and Passed on the ----<sup>th</sup> day of -----, 2019, effective March 1, 2019.

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J. Henry, Regional Chair and CEO

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R. Walton, Regional Clerk



**By-law Number \*\*-2019**  
**of The Regional Municipality of Durham**

Being a by-law to confirm the appointment of Guy W. Giorno as the Integrity Commissioner for the Regional Municipality of Durham (Regional Integrity Commissioner).

Whereas pursuant to Section 8 of the Municipal Act 2001 S.O. c. 25 provides in part that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising authority;

And Whereas Sections 223.4 to 223.8 of the Municipal Act, 2001 provide that an Integrity Commissioner has certain powers and protections during investigations;

And Whereas Regional Council passed a Code of Conduct and Complaint Procedure for Regional Council on September 16, 2016 contained in Report 2016-COW-6 (Code of Conduct);

And Whereas Regional Council passed a by-law authorizing an updated Code of Conduct on February 27, 2019;

And Whereas Council for the Regional Municipality of Durham passed a resolution at its meeting of December 14, 2016 to authorize the execution of an agreement with Fasken Martineau that Guy W. Giorno be appointed the Regional Integrity Commissioner and for Fasken Martineau to provide services to facilitate the delivery of services for the Regional Integrity Commissioner.

And Whereas the agreement with Fasken Martineau and Guy W. Giorno will be amended as of March 1, 2019 to reflect changes to the Municipal Act and Municipal Conflict of Interest Act legislation.

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

1. That an original agreement with Fasken Martineau for the appointment of Guy W. Giorno as the Regional Integrity Commissioner was executed on December 22, 2016 (the Agreement) on such terms and conditions as were presented in the Request For Proposals, and the parties are executing an Amending Agreement to meet the legislative change requirements coming into effect on March 1, 2019 as a result of Bill 68 amendments to the Municipal Act and the Municipal Conflict of Interest Act.
2. That outside of the terms of the amending agreement, that all other terms and conditions of the original agreement, including the duration of the original agreement remain the same, being the term which had commenced on January 1, 2017 and will continue through to the end of this current term of Regional Council which commenced on December 1, 2018 and will end on November 14, 2022.
3. That the agreement with Fasken Martineau and Guy W. Giorno as the Regional Integrity Commissioner provide the following roles and provide the following services:

**Role:**

The role of the Regional Integrity Commissioner is:

1. The application of the Code of Conduct for Members of Council and for members of local boards
2. The application of any procedures, rules and policies of the Region and local boards governing the ethical behavior of Members of Council and local boards.
3. The application of sections 5, 5.1 and 5.2 of the Municipal Conflict of Interest Act to Members of Council and local boards.
4. Respond to requests from Members of Council and of local boards for advice respecting their obligations under the Code of Conduct applicable to the member.
5. Respond to requests from Members of Council and of local boards for advice respecting their obligations under a procedure, rule or policy of the Region or of a local board, governing the ethical behaviour of members.
6. Respond to requests from Members of Council and of local boards for advice respecting their obligations under the Municipal Conflict of Interest Act.
7. Provide educational information to Members of Council and local boards.

### **Duties**

The Regional Integrity Commissioner shall cause to perform, in an independent manner, the functions of an Integrity Commissioner pursuant to Part V.1 of the Municipal Act, 2001 with respect to the application of the Code of Conduct for Members of Council of the Regional Municipality of Durham, including any legislation, procedures, rules and policies of the Region of Durham governing the ethical behaviour of the Members of Council. The mandate of the Regional Integrity Commissioner will include:

1. Provisions of advice and education upon request by a Member of Council or by Council as a whole, regarding ethical obligations and responsibilities under their Code of Conduct, and any other legislation, rules or policies governing their ethical behaviour; and
2. Receiving, assessing and investigating where appropriate, complaints made by Council, a member of Council, a member of staff, or a member of the public respecting an alleged breach of the Code of Conduct for the Members of Council of the Regional Municipality of Durham through the provisions of the Code of Conduct and the Complaints Protocol.
3. Receiving, assessing and conducting an inquiry, where appropriate, with respect to requests for inquiry made by an elector or a person demonstrably acting in the public interest concerning an alleged contravention of section 5, 5.1 or 5.2 of the Municipal Conflict of Interest Act.
4. Giving advice on policy issues and the workings of the Regional Integrity Commissioner's office.
5. All advice being provided in writing in accordance to the requirements of s. 223.3(2.2)

### **Reporting to Council**

1. The Regional Integrity Commissioner will report directly to Regional Council with a report containing the results of investigations and one annual report summarizing the year's activities, observations and any resulting general recommendations.
2. The Integrity Commissioner may recommend that Regional Council impose penalties in accordance with the Municipal Act, 2001 if in the opinion of the Regional Integrity Commissioner, a Member of Council has contravened the Code of Conduct.

**Other General Provisions**

- 1. That should the Regional Integrity Commissioner conduct an investigation or provide any other service, it shall do so in accordance with the terms and conditions of the Agreement executed between it and the Regional Municipality of Durham and shall adhere to all applicable laws, applicable statutes and established Regional policies.
- 2. That any local municipality within the geographic region of the Regional Municipality of Durham desirous to retain the Regional Integrity Commissioner to provide Integrity Commissioner services for their municipality that they may execute the Agreement with the Regional Municipality of Durham and shall pay the Regional Integrity Commissioner for services in accordance to their hourly fee in accordance to the terms of the Agreement provided they have obtained the required approvals to do so.
- 3. That should the Regional Municipality of Durham or any local municipality desire any further services from the Regional Integrity Commissioner outside what is outlined in this by-law, the Regional Integrity Commissioner may oblige in providing such other services, so long as the respective Council of the municipality requesting such other service has passed a resolution through their respective Council to authorize the Regional Integrity Commissioner to provide such other service. If authorized to do so, the Regional Integrity Commissioner will charge their hourly fee in accordance to the Agreement for such other services to the municipality requesting such other services.
- 4. That all services provided by the Integrity Commissioner conform to all the statutory requirements of s. 223.3 to 223.8 of the Municipal Act S.O., 2001

That By-law #58-2016 be repealed effective March 1, 2019.

This By-law Read and Passed on the ----<sup>th</sup> day of -----, 2019, effective as of March 1, 2019.

\_\_\_\_\_  
J. Henry, Regional Chair and CEO

\_\_\_\_\_  
R. Walton, Regional Clerk



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Toronto ON M7A 1Y7  
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C.S. - LEGISLATIVE SERVICES

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|-------------------|
| Original          |
| To: CIP           |
| Copy Dr. Kyle     |
| To: W. Taylor     |
| Chief Paulina     |
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| CC: S.C.C. File   |
| Take Appr. Action |

} emailed

November 20, 2018

Dear Head of Council (elect):

Recently, Ontario's Government for the People moved to a new cannabis retail model to meet our key priorities of combatting the illegal market and keeping our children and communities safe.

Today, the Province is beginning the fulfillment of its commitment to provide \$40 million in funding over two years to municipalities to help with the implementation costs of recreational cannabis legalization.

The Ontario Cannabis Legalization Implementation Fund (OCLIF) will be distributed as follows:

- In early January, the first payment of \$15 million will be made to all municipalities on a per household basis, adjusted so that at least \$5,000 is provided to each municipality. This will enable all municipalities to proceed with their planned legalization activities.
- A second payment of \$15 million will then be distributed following the deadline for municipalities to opt-out under the *Cannabis Licence Act*, which is January 22, 2019.
  - Municipalities that have not opted-out as of January 22, 2019 will receive funding on a per household basis, adjusted so that at least \$5,000 is provided to each municipality. This funding will support initial costs related to hosting retail storefronts.
  - Municipalities that have opted-out will receive only a second \$5,000 each.
- The Province is setting aside \$10 million of the municipal funding to address costs from unforeseen circumstances related to the legalization of recreational cannabis, and priority will be given to municipalities that have not opted-out. Further details will be provided at a later date.

.../cont'd



- Finally, if Ontario's portion of the federal excise duty on recreational cannabis over the first two years of legalization exceeds \$100 million, the Province will provide 50 per cent of the surplus only to municipalities that have not opted-out as of January 22, 2019.

Our government is committed to respecting taxpayers and their hard-earned money. We believe municipalities have an obligation to do likewise.

As such, municipalities must use this funding to address the costs that directly relate to the legalization of recreational cannabis. Examples of permitted costs include:

- increased enforcement (e.g. police, public health and by-law enforcement, court administration, litigation);
- increased response to public inquiries (e.g. 311 calls, correspondence);
- increased paramedic services;
- increased fire services; and
- by-law / policy development (e.g. police, public health, workplace safety policy).

Lower-tier and upper-tier municipalities will receive a 50/50 split of the allocation. The household numbers will be split between the upper- and lower-tier, and the allocation calculated accordingly. Decisions to adjust the split in allocation and transfer funding can be made at the local level as needed. Upper-tier municipalities will receive funding in relation to opt-out decisions made by the lower-tier municipality.

The Deputy Minister of Finance will write to your Treasurer with further details on the administration of this funding and attach each municipality's specific allocation notice.

To assess the impact of the funding, the Association of Municipalities of Ontario and the City of Toronto have been asked to work with the Ministry of Finance to establish a process by which a sample group of municipalities can assess the use and impact of these funds. More information on this process will be provided at a later date.

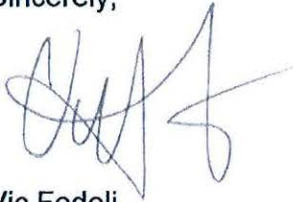
Our government is committed to building a retail system for cannabis sales that will help eliminate the illegal market and is safe and reliable with rules that keep cannabis out of the hands of children and youth, while keeping our roads safe. Complementary to this municipal funding, the Province continues to do the following:

.../cont'd

- Increase the capacity of law enforcement to help detect drug impaired driving through training. The Province has also created a specialized legal team to support drug impaired driving prosecutions, increased capacity at the province's Centre of Forensic Sciences, and has created a Cannabis Intelligence Coordination Centre.
- Support local boards of health (public health units) by providing a suite of tools and resources for enforcement of the *Smoke-Free Ontario Act, 2017*, which includes rules for smoking and vaping of cannabis.
- Conduct an integrated public awareness campaign to communicate the rules and regulations for recreational cannabis and educate Ontarians about the health and safety measures in place to protect them.

We appreciate the efforts of municipalities in the implementation of the federal government's legalization of cannabis and look forward to continuing to work together.

Sincerely,



Vic Fedeli  
Minister of Finance

c: The Honourable Caroline Mulroney, Attorney General  
The Honourable Steve Clark, Minister of Municipal Affairs and Housing  
Paul Boniferno, Deputy Attorney General  
Greg Orenacsak, Deputy Minister of Finance  
Laurie LeBlanc, Deputy Minister of Municipal Affairs and Housing  
Renu Kulendran, Ontario Legalization of Cannabis Secretariat, Ministry of Attorney General  
Nicole Stewart, Executive Lead, Cannabis Retail Implementation Project, Ministry of Finance  
Kate Manson-Smith, Assistant Deputy Minister, Local Government and Planning Policy Division, Ministry of Municipal Affairs and Housing  
Dan Miles, Chief of Staff



## The Regional Municipality of Durham Report

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To: The Finance and Administration Committee  
From: Commissioner of Finance  
Report: [#2019-F-6](#)  
Date: February 12, 2019

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### **Subject:**

Approach for Review of the Region of Durham's Long Term Financial Planning Framework

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### **Recommendation:**

That the Finance and Administration Committee recommends:

That this report be received for information.

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### **Report:**

#### **1. Purpose**

1.1 The Regional economy is facing uncertainty and challenges related to the forthcoming transition from the traditional employment sectors, the evolution of the Region into a more intensified part of the Greater Toronto and Hamilton Area and the ongoing growth in population across the Region. The strong and well regarded long term financial and business planning practices of the Region need to evolve by building on those strengths of long term financial forecasts, consideration of financial implications and risk assessments.

1.2 In the 2019 Regional Business Plans and Property Tax Guideline Report #2019-F-1, Council approved the following resolution:

"The Commissioner of Finance provide the background for a Reserve Fund financing strategy including the purposes of the reserve funds, future requirements and recommendations for future contributions and uses as identified in the Servicing and Financing studies, with an interim report to be provided in February 2019 outlining the steps towards a final recommended Regional Long-Term Financial Planning Strategy prior to the 2020 business planning and budget deliberations".



- 1.3 The purpose of this report is to outline the approach that will be taken to review the status of Reserve and Reserve Funds in conjunction with an update to the Regional Council's Long Term Financial Planning Framework. Staff will undertake a review of the existing elements of the long term financial plan framework with the goal of updating the strategy in light of the external environment, challenges and opportunities for Regional services, prevailing best practices and, the commitment to the Region's long term financial sustainability, flexibility and affordability.
- 1.4 This review will be developed with input from all program areas, ensuring an interdisciplinary approach to reflect the diversity and scope of Regional services. Staff will report back to Council in the Fall of 2019 with the status on and recommendations from this review, including a review of Reserves and Reserve Funds.

## **2. Reserves and Reserve Funds**

- 2.1 As part of the Region's commitment to fiscal responsibility, long-term financial planning and sound business practice, solid Reserves and Reserve Fund positions have been established and maintained.
- 2.2 Discretionary Reserve Funds, such as the General Levy Stabilization Fund, Water Supply Treatment Plant/Rate Stabilization Reserve Fund and Sanitary Sewerage Treatment Plant/ Rate Stabilization Reserve Fund protect the Region against unforeseen costs and maintain stable taxes and other revenue sources. These funds offer flexibility to meet unforeseen challenges and renewal of Regional facilities due to its broadly defined purpose. Some Reserve Funds have been established to address explicit purposes, such as infrastructure renewal Reserve Funds (e.g. the Regional Roads Rehabilitation Reserve Fund), legislated Reserve Funds (e.g. Development Charges Reserve Fund), and operating reserves (e.g. liability, insurance, sick leave and self-funded purposes).
- 2.3 Maintaining adequate and sufficient levels of reserves and reserve funds gives the Region financial flexibility to minimize the impacts of growth requirements and future liabilities and complements the Region's pay-as-you-go financing for major capital expenditures. As well, with the recent provincial changes and fiscal challenges, the Region faces increased risk of reduced provincial investments and grants. The Region through its long term financial planning is positioned to be able to temporarily respond allowing program areas the time needed to adjust programs and services to the new provincial funding levels.
- 2.4 Through the review of the Long Term Financial Planning Framework, the formalization of a policy, which outlines the purpose, benefits and maintenance level of the various Reserves and Reserve Funds would contribute to the strengthening the Region's sound fiscal policies.



### **3. Current Long Term Financial Planning**

- 3.1 Regional Council's current financial management policies and long term financial planning strategies balance legislated stewardship responsibilities and best practice standards with maintenance of sufficient financial flexibility to enable the Region to adapt to risks such as economic downturns or unanticipated expenditures.
- 3.2 Adherence to the Region's long-standing financial policies have allowed key Regional Council priorities to continue moving forward despite significant expenditure requirements and challenging economic conditions, and with phased and affordable impacts to property taxes and user rates.
- 3.3 It is through the Long Term Financial Planning process that strategies such as the use of the Federal Gas Tax and the establishment of the Regional Road Levy are considered and approved by Council.
- 3.4 The accumulation of funds to up-front finance a portion of major capital projects has resulted in predictable and lower debt levels and debt costs. Over the previous fifteen year period the Region has internally financed nearly \$600 million in capital projects from reserve funds and reserves and avoided additional debentures in property tax programs, as well as water and sewer programs funded through water/sewer user rates. These up-front financing strategies resulted in approximately \$367 million in debt interest costs being avoided. Some examples include the Courtice Water Pollution Control Plant (\$50.0 million), Water Regulation Capital Works (\$22.1 million), Fairview Lodge (\$32.0 million) and Hillsdale Estates (\$11.0 million). Currently, the total Regional debt (as of December 31, 2018) is \$197.2 million, where \$103.5 million is internally financed.
- 3.5 The strategy of maximizing the up-front financing of capital projects, maintaining solid reserve fund balances, and minimizing debt issuance, has assisted the Region in retaining the current Triple A rating.

"In our view, Durham's credit profile benefits from very strong financial management. The regional administration is experienced and works with the region's council to enact policies and undertake long-term financial planning to achieve fiscal sustainability."

S&P Global, February 15, 2018

"The consistent practice of long-term financial planning helps the regional municipality to identify and address fiscal challenges before they arise."

"While the level of debt will be higher than in the past, both the debt burden and debt affordability will remain consistent with Durham's Aaa rating, and we expect that the region will successfully address its challenges through long-term fiscal planning."

“We expect that the region will successfully address these challenges through its long-term fiscal planning, and its debt burden will remain manageable even as the region’s debt continues to increase over the next few years, a key supportive factor to its credit profile.”

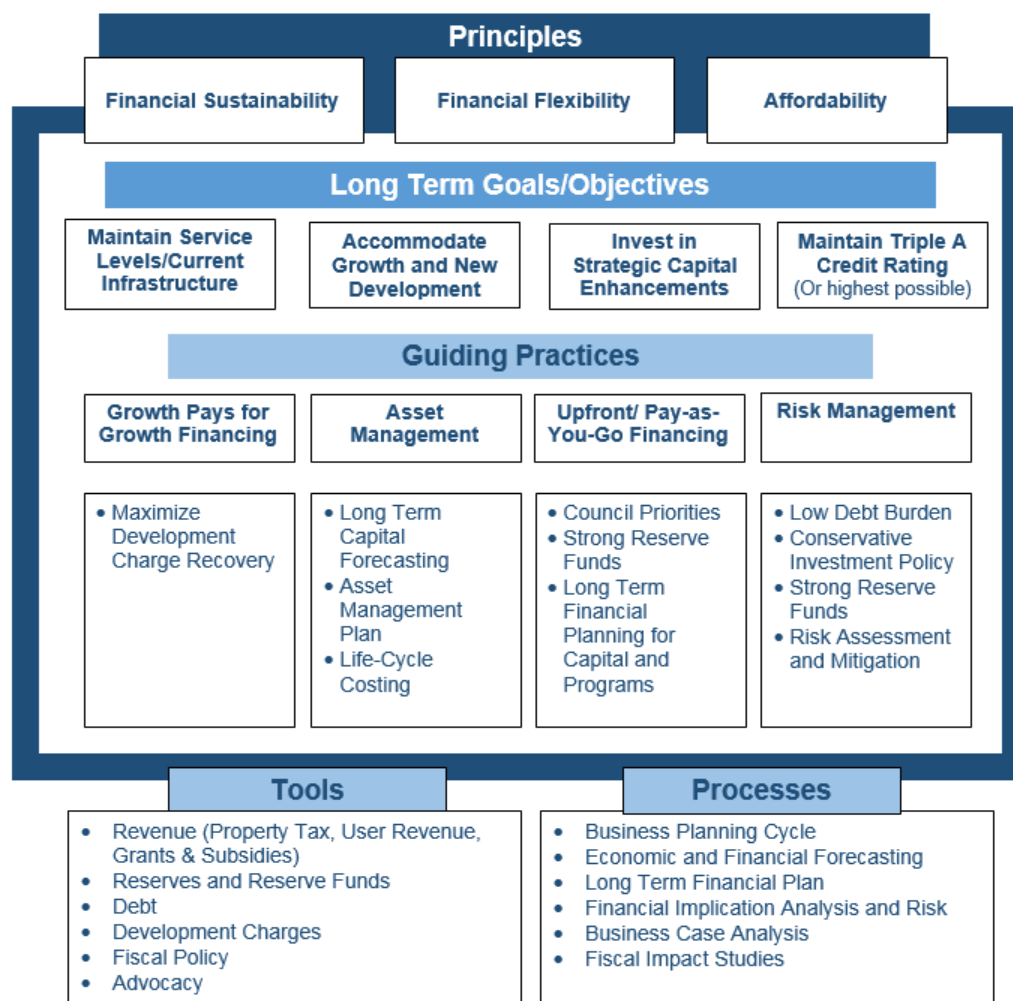
Moody’s Investors Service, 2017

- 3.6 The Region has a solid record of long term financial planning of capital and program needs to meet obligations, accommodate pressures, respond to uncertainties and ensure predictable, sustainable and affordable property tax increases.
- 3.7 Principles that guide the current Long Term Financial Planning Framework include sustainability, flexibility and affordability.
- Sustainability is the continued ability of the Region to pay for Council approved programs, services and capital projects over the long term.
  - Flexibility is the ability to address uncertainties and liabilities while minimizing the reliance on debt and impacting taxpayer affordability.
  - Tax Payer Affordability is being able to meet the needs of the Region’s growing and evolving population and business community without placing undue burden on residential and non-residential taxpayers.

In addition, Council’s current Long Term Financial Planning Framework is guided by robust asset management and risk management practices and adherence to Pay-As-You-Go and Growth-Pays-For-Growth financing practices.

- 3.8 The Region’s current Long Term Financial Planning Framework which supports the Strategic Plan is summarized in Figure 1 on the following page:

**Figure 1: Region of Durham's Current Long Term Financial Planning Framework**



#### **4. Updating the Region's Long Term Financial Planning Framework**

- 4.1 While the Region has a strong financial foundation, service and infrastructure pressures continue to grow and evolve. Looking forward it is critical that the Region's Long Term Financial Planning framework continues to provide relevant and current guidance to Council decisions in order to ensure sustainability and affordability. The intent of this update is to ensure that policies remain current and continue to reflect best practices and the efficient utilization of all financing tools in the most effective fashion.
- 4.2 Based on a review of best practices the following approach, in Table 1, outlines the recommended approach to the update of the Long Term Financial Planning Framework:

**Table 1: Review of the Long Term Financial Planning Framework**

|             |  |
|-------------|--|
| Goal        | <ul style="list-style-type: none"> <li>• Refine existing financial framework and policies. Where appropriate develop additional financial policies concerning reserve funds, debt limits and investments according to best practices;</li> <li>• Establish specific targets for debt and reserves.</li> </ul>  |
| Principles  | <ul style="list-style-type: none"> <li>• Continue to be guided by the principles of sustainability, flexibility and affordability.</li> <li>• The framework should remain integrated, incorporating Regional Council's Strategic Plan, the Corporate Asset Management Plan, long term financial plan and performance reporting frameworks.</li> <li>• Regional Council remains committed to maintaining the Region's long-standing Triple A Credit Rating, or highest rating available to a sub-sovereign.</li> <li>• Financial capacity is critical towards meeting future service level objectives and infrastructure needs to meet those service levels.</li> </ul>   |
| Methodology | <ul style="list-style-type: none"> <li>• Iterative process involving interdisciplinary consultation.</li> <li>• Scan of best practices of long term financial planning frameworks and policies, including reserve fund targets, debt ratios and performance measures as well as frequency and type of reporting.</li> <li>• Detailed review of purpose of the reserve funds and reserves, including the usage, contributions, potential consolidation and target balances.</li> <li>• Analysis of the Region's fiscal health, including financial performance and debt profile.</li> <li>• Economic and financial analysis of forecast pressures, risks and uncertainties.</li> <li>• Impact assessment of potential changes on the Region's financial position.</li> <li>• Review of investment policies and strategies to support financial growth of reserve funds and reserves.</li> </ul> |

## 5. Conclusion

- 5.1 The Regional economy is facing uncertainty and challenges related to the forthcoming transition from the traditional employment sectors, the evolution of the Region into a more intensified part of the Greater Toronto and Hamilton Area and the ongoing growth in population across the Region. The strong and well regarded long term financial and business planning practices of the Region need to evolve by building on those strengths of long term financial forecasts, consideration of financial implications and risk assessments.
- 5.2 The review and update of the Region's Long Term Financial Planning Framework, including a review of Reserves and Reserve Funds, is recommended with consideration of future uncertainty in the operational and capital program, financial flexibility required to maintain the Triple A credit rating and appropriate rate stabilization levels maintained by other jurisdictions and other relevant factors.

- 5.3 It is recommended that an update on the Long Term Financial Planning Framework be brought in the Fall 2019 as a foundational component of the 2020 business planning process.

Respectfully submitted,

Original Signed By

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Nancy Taylor, BBA, CPA, CA  
Commissioner of Finance

Recommended for Presentation to Committee

Original Signed By

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Elaine C. Baxter-Trahair  
Chief Administrative Officer



## The Regional Municipality of Durham Report

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To: The Finance and Administration Committee  
From: Commissioner of Finance  
Report: [#2019-F-7](#)  
Date: February 12, 2019

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### **Subject:**

Request for 2019 Pre-Budget Approval for the Purchase of Replacement Ambulances

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### **Recommendation:**

That the Finance and Administration Committee recommend to Regional Council that the request for 2019 pre-budget approval for the purchase of nine replacement ambulances, at a total cost not to exceed \$1,668,000, be approved provided that this expenditure will be financed within the 2019 budget guideline approved by Regional Council.

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### **Report:**

#### **1. Overview**

- 1.1 To meet the Demers Ambulance March 2019 build cycle and ensure that delivery and in-service dates for the ambulances occur in 2019, Region of Durham Paramedic Services is requesting pre-budget approval for the purchase of nine replacement ambulances at a cost not to exceed \$1,668,000.
- 1.2 All ambulances purchased for the Paramedic Service Division must be certified compliant with the current Ontario Provincial Land Ambulance and Emergency Response Vehicle Standard.
- 1.3 In November 2016, Regional Council, through Report 2016-COW-56, approved the Demers Type III Mystere MX164A ambulance as the standard ambulance for Region of Durham Paramedic Services for a period of three years. In addition, Demers Ambulance is the current compliant Vendor of Record with the Ontario Ministry of Health and Long-Term Care Emergency Health Services Branch.
- 1.4 All ambulances with the Region of Durham Paramedic Services fleet have been manufactured and supplied by Demers Ambulances. A consistent supplier allows for the standardization of the equipment storage and configuration of the patient care compartment. A standardized fleet ensures that Region of Durham paramedics and allied agency personnel are able to consistently and efficiently locate all patient care equipment and supplies in all the Region's fleet.

## **2. Financial Implications**

- 2.1 The total cost of the purchase of the nine replacement ambulances for pre-budget approval is \$1,668,000. Based on asset management requirements, Region of Durham Paramedic Services annually replaces a minimum of nine ambulances a year.
- 2.2 The following provides the details on the nine ambulances:
- 5 ambulances with power load system
  - 3 ambulances that are power load ready with cot
  - 1 ambulance that is power load ready
- 2.3 Region of Durham Paramedic Services has indicated that the purchase of the nine replacement ambulances can be accommodated within the 2019 property tax guideline approved by Regional Council.

## **3. Conclusion**

- 3.1 The pre-budget approval of nine replacement ambulances for Region of Durham Paramedic Services prior to the approval of the 2019 Business Plans and Budgets by Regional Council scheduled for March 27, 2019 will allow for the procurement of the ambulances from the 2019 build cycle and ensure delivery and an in-service date in 2019.
- 3.2 The funding for this purchase will be provided within the overall budget guideline as established by Region Council for the 2019 Business Plans and Budget.

Respectfully submitted,

Original Signed by Nancy Taylor

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Nancy Taylor, BBA, CPA, CA  
Commissioner of Finance

Recommended for Presentation to Committee

Original Signed by Elaine C. Baxter-Trahair

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Elaine C. Baxter-Trahair  
Chief Administrative Officer



## The Regional Municipality of Durham Report

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To: The Finance and Administration Committee  
From: Commissioner of Finance  
Report: [#2019-F-8](#)  
Date: February 12, 2019

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**Subject:**

2019 Durham Region Transit (DRT) Servicing and Financing Study

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**Recommendation:**

That the Finance and Administration Committee recommends to Regional Council that this report be received as background information to the forthcoming 2019 Durham Region Transit budget.

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**Report:**

**1. Introduction**

- 1.1 The 2019 Durham Region Transit (DRT) Servicing and Financing Study provides an overview of DRT's service and investment priorities in keeping with Regional and organizational objectives, background information on the 2018 performance and initiatives, and highlights financial implications and risks. This report was considered by the Transit Executive Committee on February 6, 2019.
- 1.2 The Region's vision of an integrated transportation system as set out in the Strategic Plan, Regional Official Plan and Transportation Master Plan (TMP), will continue to be pursued through ongoing collaboration amongst DRT, Regional Departments (including Planning, Finance and Works Departments), Provincial and Federal governments, and local area municipalities. The TMP, a multi-modal plan establishing Durham's strategy for achieving an integrated transportation network, seeks to elevate the role of public transit in addressing the Region's growth-related transportation impacts through 2031 recognizing the role of transit in "building a healthier and more inclusive community".



- 1.3 Improving transit access and availability are also instrumental to advancing other strategic priorities of Durham Region, including the Economic Development Strategy and Action Plan, Multi-year Accessibility Plan, Age-Friendly Strategy and Action Plan, Community Climate Change Local Action Plan, and the forthcoming Community Energy Plan.
- 1.4 As such, transit continues to be a priority of Council supported by annual Regional investments and the allocation of Provincial and Federal investment when available. For 2019, Regional Council has recently approved a \$2.36 million (4.22 per cent) increase in the DRT net property tax budget guideline, bringing the guideline to \$58.2 million, from \$55.8 million in 2018. DRT continues to work towards meeting this property tax budget guideline through refinement of the 2019 service plan, fare structure and capital budgeting which will be presented as part of the 2019 Business Planning and Budget deliberations.

### **Transportation Master Plan (TMP)**

The Durham Transportation Master Plan (TMP), approved by Council in December 2017, is a strategic planning document that defines the policies, programs and infrastructure modifications needed to manage anticipated transportation demands to the year 2031 and beyond.

The TMP is structured around seven Strategic Directions, with Goals and specific Actions identified for advancing each Direction. The Strategic Directions and Goals are listed on the following page. Caption textboxes throughout this report refer to relevant excerpts from the TMP.

The projects and programs that are recommended in the TMP are to be implemented through the annual Regional Financial and Business Planning process, including the Servicing and Financing studies for transportation and for transit (this report).

### **TMP Strategic Directions and Goals**



#### **Strengthen the bond between land use and transportation**

- Neighbourhoods and employment areas will offer multi-modal options
- Key nodes and corridors will feature transit-oriented development



#### **Elevate the role of integrated public transit including rapid transit**

- Transit will be convenient and reliable across the Region
- Higher Order Transit will connect major destinations
- Transit will offer a superior user experience



#### **Make walking and cycling more practical and attractive**

- A comprehensive Region-wide cycling network will connect people to destinations with safe and comfortable facilities supporting both utilitarian and recreational cycling
- Cycling routes that provide access to major destinations, improve network connectivity, and enhance Regional cycling tourism will be prioritized to provide a cohesive network over a shorter-term horizon
- Built environments will support walking and cycling
- Walking and cycling to transit will be easier
- Programs will motivate Durham residents to walk and cycle



#### **Optimize road infrastructure and operation**

- Regional roads will be continuous and connected
- Regional roads will serve all modes and users
- Regional roads will grow with the Region
- Road operations will support a better quality of life



#### **Promote sustainable travel choices**

- Smart Commute Durham will increase its reach and effectiveness
- Residents will make sustainable travel choices more often
- New development will support sustainable travel choices



#### **Improve goods movement to support economic development**

- The built environment will support goods movement
- Collaboration will inform and support shared solutions
- Freight information will support policies, plans and practices



#### **Invest strategically in the transportation system**

- Phased transportation investments will support Regional objectives
- A life-cycle approach will optimize total costs
- Transportation funding will be adequate, stable and predictable
- Performance measurement will support evaluation and updates

## **2. Durham Region Transit's Objectives**

- 2.1 Beyond day-to-day service delivery, DRT has developed organizational objectives for the 2018-2020 timeframe providing direction on priority initiatives that advance key customer, workforce and corporate interests. These objectives, which were presented to the Transit Executive Committee on September 20, 2018, include:
- a. Create value for transit customers:
    - Modernize DRT's website, the main window of DRT's electronic platforms;
    - Make navigating the DRT network more obvious (information, wayfinding, DRT and PULSE brands);
    - Disseminate information, and propose ridership incentive initiatives;
    - Leverage PRESTO's convenience and functionalities (in support of transit use, mobility integration);
    - Keep improving the bus stop environment (safety, accessibility, comfort, cleanliness);
    - Monitor, publish and increase on-time performance (reliability being transit's best selling feature); and
    - Refresh DRT's Service Strategy (focus on high-order transit, Regional growth, innovations like OnDemand).
  - b. Enhance effectiveness at delivering transit services:
    - Focus and prioritize safety as the fabric of our organizational culture;
    - Continue cyclical training in customer service excellence and inclusiveness;
    - Strengthen employee engagement and internal communications;
    - Specify design requirements for DRT's new garage and start planning with a new division;
    - Keep honing our ability to deliver the services that have been planned (care of the fleet, recovery from incidents);
    - Continue to remove barriers to accessibility (improving processes, preserving effective use of resources); and,
    - Align with and measure against performance targets and standards.
  - c. Identify, pursue and achieve financial efficiencies:
    - Strive for sustained fare revenue to protect our revenue-cost ratio (strategic at low-income, fare integration);
    - Strategically invest in required PRESTO and other fare collection equipment (open payment);
    - Refine the asset plan to sustain needed and timely growth;

- Continue to replace our fleet and shape its composition (route productivity, energy efficiency, maintenance costs);
- Keep harmonizing service planning, delivery and administrative processes; and,
- Pursue external funding sources.

### 3. **Durham Region Transit's Five-Year Service Strategy (Approved in 2016)**

- 3.1 As part of DRT's objectives and actions, DRT's Council-approved Five-Year Service Strategy establishes multi-year goals for Durham's transit network based on strategic investments in transit services throughout the Region in support of anticipated growth and the evolving travel needs of residents and visitors. The aim is to achieve a transit network that is available, consistent, direct, frequent and seamless. Established through comprehensive engagement with partner agencies and the public, these goals guide DRT's service priorities and the investments in support thereof. For 2019, DRT is looking to implement service enhancements that continue to advance the goals of the Service Strategy, including more frequent service, expanded hours, realigned routes and early introduction of services in new growth areas.

### 4. **2019 Service and Financing Priorities**

- 4.1 Collectively, the strategic plans and objectives described above guide DRT's budget process in identifying key priorities for investment that support the delivery of safe, modern and reliable transit services and that provide value to our customers and Region taxpayers. In keeping with the goals of the Transportation Master Plan, DRT's organizational objectives, and Five-Year Service Strategy, the 2019 Servicing and Financing Study outlines DRT's efforts to provide greater value to our customers and the residents and businesses of Durham by:
- a. **Investing in service enhancements** to expand the reach of the Frequent Network, establish transit as an attractive travel option in growing communities and improve specialized service delivery.
  - b. **Strengthening transit services in Rural North Durham** by expanding scheduled and OnDemand service to provide more travel options and better connections to the regional transit network.
  - c. Building upon ongoing **customer amenity and outreach initiatives** toward key market segments including low income persons, youth and post-secondary students.

- d. **Managing fleet assets and transit innovations** to address repair pressures, increase choice and add capacity (including the introduction of articulated buses).
  - e. Continuing to favour the **transition to electronic fare media** to leverage the convenience of PRESTO.
  - f. **Advancing higher-order transit** in Durham along high demand corridors, including Highway 2 and the Simcoe Street corridor in Oshawa.
- 4.2 The 2019 Transit Servicing and Financing Study provides an overview of DRT's efforts to advance these service priorities, and associated financial implications. Full details of budget implications will be included as part of DRT's proposed 2019 Business Plan and Budget.

## 5. Investing in Service Enhancements

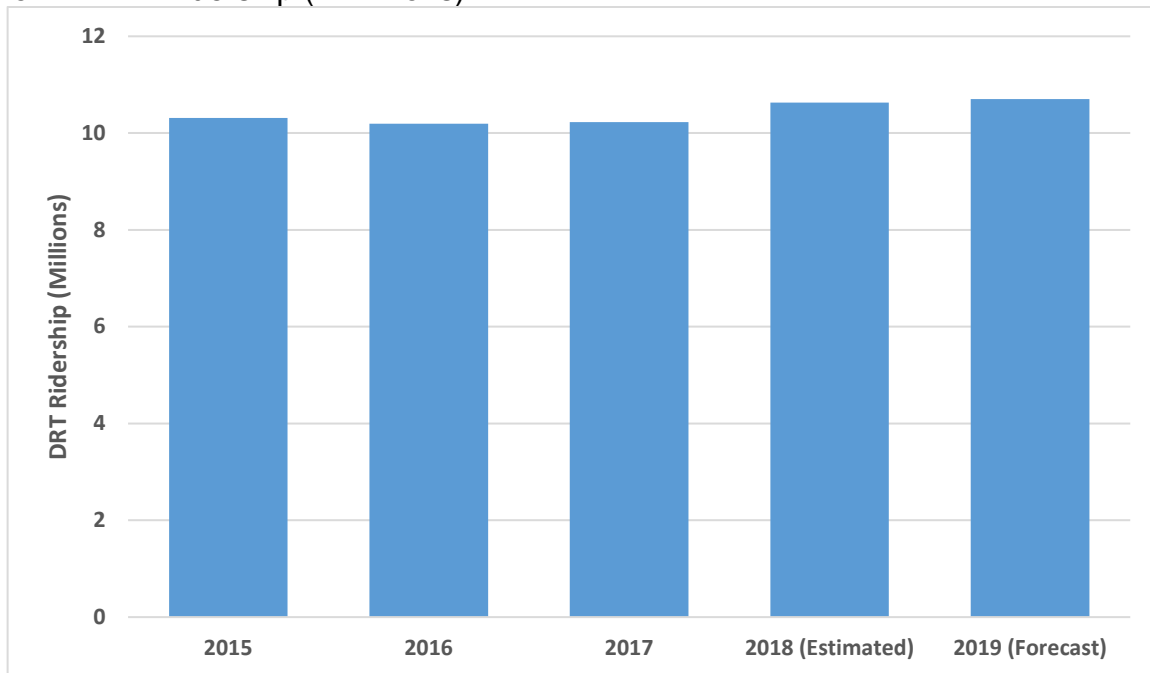
### 5.1 Conventional Service Ridership and Route Performance

On February 17, 2016, Regional Council approved the Five-Year Service Strategy (Report #2016-F-11). The strategy has provided a roadmap for the evolution of transit services in the Region of Durham towards a transit network that is more available, consistent, direct, frequent, and seamless. The positive effects on the Region of the Five-Year Service Strategy are evidenced by the one-million increase in boardings (including transfers), from 13.01M to 13.99M or eight per cent, since its approval in 2016. Two thirds of these new boardings have occurred on the Frequent Network which provides reliable and frequent service seven days a week to over 55 per cent of homes within the Lakeshore Service Area (Pickering to Courtice, including Brooklin).

For 2018, overall estimated ridership for DRT was 10.66 million, a 4.2 per cent increase over 2017 actual ridership (10.23 million) and 1.7 per cent above targeted. DRT is forecasting ridership of 10.7 million passengers for 2019, a 0.35 per cent increase over 2018.

Figure 1 below shows actual ridership since 2015, 2018 estimated ridership, and 2019 forecasted ridership. Since 2015, the year prior to the approval of the Five-Year Service Strategy, ridership has grown by three per cent. On a per capita basis, ridership has remained steady over this period at approximately 15.5 rides annually per Durham resident.

**Figure 1: DRT Ridership (in millions)**



In 2018, the largest portion of DRT's market continued to be Adults, but the greatest increase in ridership occurred in the U-Pass category which grew by approximately 343,000 rides, or 13.4 per cent. Youth ridership has decreased over the past three years in step with youth population decline, including a reduction of about 44,000 rides, or 3.7 per cent, in 2018. DRT is looking to continue ridership improvement initiatives targeting youth started in 2018 (described below).

**Table 2:** Durham Region Transit Ridership by rider category

| Riders             | 2017 Actual       | 2017 Actual (Percent Distribution) | 2018 Budget       | 2018 Est. Actual  | 2018 Est. Actual (Percent Distribution) | Difference (2018-2017 Actual) | % Change (2018-2017 Actual) |
|--------------------|-------------------|------------------------------------|-------------------|-------------------|---|-------------------------------|-----------------------------|
| Adult              | 3,353,235         | 32.8%                              | 3,436,151         | 3,365,737         | 31.6%                                   | 12,502                        | 0.4%                        |
| U-Pass             | 2,563,016         | 25.1%                              | 2,705,688         | 2,906,259         | 27.3%                                   | 343,243                       | 13.4%                       |
| Co-Fare            | 1,240,213         | 12.1%                              | 1,259,818         | 1,301,336         | 12.2%                                   | 61,123                        | 4.9%                        |
| Youth              | 1,212,381         | 11.9%                              | 1,218,425         | 1,168,067         | 11.0%                                   | (44,314)                      | -3.7%                       |
| Senior             | 459,118           | 4.5%                               | 469,184           | 474,769           | 4.5%                                    | 15,651                        | 3.4%                        |
| Child              | 89,596            | 0.9%                               | 89,799            | 99,968            | 0.9%                                    | 10,371                        | 11.6%                       |
| Access             | 854,319           | 8.4%                               | 841,099           | 877,386           | 8.2%                                    | 23,068                        | 2.7%                        |
| GO Bus             | 132,792           | 1.3%                               | 137,695           | 119,999           | 1.1%                                    | (12,793)                      | -9.6%                       |
| Other <sup>1</sup> | 325,726           | 3.2%                               | 325,632           | 350,403           | 3.3%                                    | 24,677                        | 7.6%                        |
| <b>Total</b>       | <b>10,230,396</b> | <b>100.0%</b>                      | <b>10,483,491</b> | <b>10,663,923</b> | <b>100.0%</b>                           | <b>433,527</b>                | <b>4.2%</b>                 |

<sup>1</sup> Other includes underpayment fares, unclassified, ride-to-read, support persons, on-demand etc.

Further details regarding ridership trends and route performance are provided in Attachment #1 and #2.

## 5.2 Investing in Transit Services

DRT's proposed 2019 Business Plan and Budget would implement year four of the Five-Year Service Strategy, which has guided the evolution of DRT services since 2016. In 2019, DRT will initiate consultations to inform the development of the next Five-Year Service Strategy for the 2021 to 2025 period.

### **TMP Key Action:**

Regularly publish a Five-Year Service Strategy identifying planned changes to transit routes and other service characteristics.

Through service resource reallocation, DRT would be looking for 2019 at service changes focused on:

- expanding and enhancing the Frequent Network,
- serving new growth areas,
- enhancing Saturday service,
- expanding OnDemand service
- optimizing late night service

To achieve service objectives for 2019 while minimizing property tax impacts, DRT will propose the reallocation of service hours from lightly utilized bus trips to high performing corridors, further strengthening the grid network of routes and improving service levels for the greatest number of passengers. Redirecting resources supports DRT's continuing efforts to build a transit network for Durham Region which is more available, consistent, seamless, direct, and frequent. Any resulting scheduling changes are communicated to passengers and residents through DRT's website, traditional and social media, and on-board notifications ahead of the changes taking effect.

Service reallocation is part of DRT's annual review of route performance. When conducted in a way that negatively impacts the least number of passengers, while producing improved travel options for the largest number of passengers, service reallocation can produce favourable ridership and revenue results. As an example, in 2018 DRT removed 3,100 revenue service hours from Route 111, reducing boardings by 25,000, or an average of less than eight boardings per hour. At the same time, 3,700 new revenue service hours were allocated to Route 916 (Rossland), generating an average of 33 new boardings per hour invested (123,000 new boardings), a return of 413 per cent.

### 5.3 Enhancing Specialized Services

DRT Specialized Services provides a demand-responsive transit service that has no fixed routes or schedules. Specialized Services is a shared-trip service, meaning that passengers are not generally taken directly from origin to destination. Rather, there may typically be multiple passengers on board the same vehicle which may make multiple pick-up and drop-off stops. A reservation process serves to book and schedule passenger trips which may use a combination of internal resources and contracted service providers (such as taxi services).

DRT works closely with peer transit agencies in the GTHA to ensure specialized services policies and processes improve customer experience, are consistent, and that they comply with the *Accessibility of Ontarians with Disabilities Act* (AODA), Ontario Regulation 191/11 Integrated Accessibility Standards (IAS), and industry best practices. DRT estimates that since 2010, previously approved capital budgets have included over \$13.3 million in capital costs related to meeting IAS Transportation Standards.

Key highlights of 2018 enhancements on DRT Specialized Services include:

- Implementation of dedicated trip booking telephone lines in the fall of 2018 between member-agencies of the GTHA Specialized Services Working Group, increasing employee efficiency and reducing time on the telephone to book inter-regional trips.
- Upgrade trip booking and scheduling software for integrated and OnDemand trips. The enhanced capabilities integrate the schedules of conventional and specialized services to streamline the trip planning process and provide a more effective trip schedule for customers. They also enable DRT to investigate mobile solutions to provide real-time service information for Specialized Services customers.
- Deployment of PRESTO devices on DRT Specialized Services vehicles, allowing customers to benefit from the convenience of electronic fare payment.



Further to report 2017-DRT-03, the Transit Executive Committee authorized DRT to continue to improve fairness and equity for all DRT Specialized Services customers, by completing an eligibility review of all active customers registered before 2015 based on historical criteria at the time of a non-accessible conventional transit system.

The eligibility review process is set to begin in 2019 and be managed by the Eligibility Unit at DRT Specialized Services. The process would require temporary support from a health care professional, specifically an Occupational Therapist, to ensure the review process is consistent with the regular and on-going processing of new applications. There are approximately 2,000 customer files to be reviewed, with an anticipated completion time of 18 to 24 months.

Further details regarding Specialized Services are provided in Attachment #3.

## **6. Strengthening Transit Services in Rural North Durham**

- 6.1 On February 17, 2016 Regional Council approved the Rural-North Service Strategy as part of the 2016 Durham Region Transit Servicing and Financing Study (Report #2016-F-11) which included a set of service improvements in Brock, Scugog, and Uxbridge townships.

- 6.2 Scheduled service currently operates on high demand travel corridors, connecting Rural North Durham's largest urban settlement areas with each other, and to destinations in Oshawa and Pickering. In September 2017, DRT launched four new OnDemand services as part of the Rural-North Service Strategy, providing mobility from rural areas not served by scheduled service to urban settlement areas.

### **TMP Key Action:**

When expanding service into rural parts of the Durham Region, consider introducing new demand-responsive services or expand nearby demand-responsive routes.

Customers who wish to use OnDemand services can pre-book a trip by contacting DRT no later than 14:00 one business day prior to the desired trip.

- 6.3 Between 2016 and 2017, revenue service hours in Rural North Durham increased by 52 per cent from 9,105 hours to 13,875. Given the significant changes made to Rural North Durham in earlier years, 2018 saw minor schedule adjustments only, allowing monitoring of the new services and giving customers the chance to familiarize themselves with the network changes made. Overall, ridership continues to increase on the scheduled service routes operating in the Rural North area. Compared to 2017, boardings from June to December 2018:

- Were stable on Routes 601 and 960.
- Increased by 28 per cent on weekdays, and 38 per cent on Saturdays on Route 950. (The Ontario college labour disruption led to decreased use of Route 950 in 2017).
- Increased by 69 per cent on Route 603.

The table below summarizes the average daily boardings on Rural North Durham scheduled service routes from June to December 2016, 2017 and 2018 (these months align with service improvements occurring in both June 2016 and 2017).

**Table 3: Scheduled Service Average Daily Boardings**

| <b>Average daily boardings June to December</b> |             |             |             |
|---|-------------|-------------|-------------|
| <b>Route</b>                                    | <b>2016</b> | <b>2017</b> | <b>2018</b> |
| <b>Weekday</b>                                  |             |             |             |
| <b>601 – Brock-Uxbridge</b>                     | 16          | 16          | 16          |
|   |             |             |             |
| <b>603 – Pickering-Uxbridge</b>                 | No Service  | 13          | 22          |
| <b>950 – Reach-Simcoe North</b>                 | 223         | 227*        | 290         |
| <b>960 – Newmarket-Uxbridge</b>                 | 4           | 12          | 11          |
| <b>Saturday</b>                                 |             |             |             |
| <b>950 – Reach-Simcoe North</b>                 | No Service  | 64          | 88          |

\*The Ontario college labour disruption led to decreased use of route 950 in 2017.

- 6.4 When launching the OnDemand services, it was anticipated that early ridership would be modest. The benefit of OnDemand services is that no expenses are incurred for services that are not requested. Continued ridership monitoring in 2019 will ensure service expansion leads to ridership growth. The table below summarizes OnDemand boardings for 2017 and 2018.

**Table 4: Boardings - OnDemand**

| <b>Route</b>               | <b>Boardings<br/>September to December<br/>2017</b> | <b>Boardings<br/>June to December<br/>2018*</b> |
|----------------------------|---|---|
| OnDemand 651 Uxbridge      | 0.0   | 50.0  |
| OnDemand 652 Scugog        | 0.0   | 10.0  |
| OnDemand 653 Brock-Orillia | 41.0  | 28.0  |
| OnDemand 654 Brock-Lindsay | 15.0  | 63.0  |

\*Includes first two weeks of December 2018.

- 6.5 Through service resource reallocation, DRT would be looking for increases to the service span and frequency on select scheduled service routes, expanding the availability of OnDemand service, and reviewing service levels to match demand. In consideration of DRT's overall long-term goals for delivering sustainable and quality rural transit services, promotion of the services will continue, and consultation with local municipalities and customers will be conducted. Monitoring of service connections and ridership levels will continue in 2019, and trip adjustments will be made to improve service with existing resources. Beyond 2020, service in Northern Durham will be guided by an updated Five-Year Service Strategy, building on the success of the current Five-Year and Rural-North service strategies.

## 7. Customer Amenity and Outreach Initiatives

### 7.1 Customer Amenity Initiatives

Customer satisfaction is a key performance measure of DRT's success. A key driver of customer satisfaction is the efforts DRT is making to engage with various market segments and invest in customer amenities that improve the transit experience. This includes the installation of hard surfaces at bus stops, the installation and relocation of bus shelters across the network, and the installation of other amenities such as shelter lighting and system information.

2018 achievements include:

- The launch of a new, modernized DRT website with easy links to system information, trip planning tools and real time information on bus arrivals.
- The hard surfacing of bus stops to improve accessibility and the customer experience overall. The provincial accessibility requirements, Accessibility for Ontarians with Disabilities Act, set minimum standards to be achieved in Ontario by 2025. As of December 2018, approximately 80 per cent of stops have a hard surface.

**Table 5:** 2018 bus stops summary

| <b>Bus Stop Type</b>                    | <b>December 2018</b> |
|---|----------------------|
| Total Active Bus Stops                  | 2,757                |
| Total Hard surface                      | 2,232                |
| Connected to the sidewalk network       | 1,749                |
| Hard surface, but no pedestrian network | 483                  |
| No hard surface.                        | 525                  |

- Through a rural hard surfacing pilot, five DRT rural bus stops along Taunton Road between Audley Road and Middlecote Drive were upgraded to a hard surface waiting area, future shelter area, and connections to the sidewalk network. The goal is to overcome the challenges of stop locations along rural roads, where ditches, gravel shoulders, and the lack of pedestrian networks pose a barrier to accessing bus stops. Lessons learned from the pilot will inform DRT's ten-year capital plan for bus stop hard surfacing, including how to cost effectively address infrastructure needs at DRT's 232 rural bus stops.
- The launch of a new signage pilot at the Pickering Station / Pickering Parkway Terminal location by Metrolinx in collaboration with DRT. Valuable customer feedback will be gathered by Metrolinx to further inform GTHA-wide wayfinding decisions. DRT intends to leverage this project to update signage and customer information throughout its network.

DRT is looking to continue hard surfacing and shelter installations at new stop locations, along with retrofitting existing shelters with solar lighting. Signage and customer information improvements are also being planned, including a pilot of real-time bus arrival information displays at five major transfer points and terminals in the network. To ensure that the entire bus stop network is accessible by 2025, an average of 90 transit stops per year would have to be hard surfaced.

## 7.2 Customer Outreach Initiatives

In 2018, DRT undertook various ridership improvement initiatives, using \$50,000 approved by Council for that purpose. Following is a summary of the nature and outcome of these initiatives.

**Table 6:** 2018 Customer Outreach Initiatives

| <b>Initiative</b>  | <b>Cost</b> | <b>Estimated Revenue Impact</b> | <b>Status</b>   |
|--|-------------|---------------------------------|---|
| Low-Income Travel Study – a travel survey designed to understand the travel needs of Ontario Disability Support Program (ODSP) and Ontario Works (OW) recipients, toward informing a potential low-income travel support program   | \$29,000*   | \$8,000                         | Field work completed in fall 2018, analysis of results pending  |
| U-Pass Travel Study – a travel survey designed to understand the travel patterns of U-Pass holders, toward price setting and future service design   | \$19,800**  |                                 | Field work completed in fall 2018, analysis of results pending  |
| 2-4-1 Youth Pass promotion – a fare incentive pilot through which any Youth purchasing the July monthly pass was able to travel during August for free   |             | (\$7,700)***                    | The pilot was successful to the point of actually generating instantaneous increase in PRESTO revenue for DRT, with 82 per cent increase in Youth period pass sales compared to the same period in 2017 |
| Family Weekend Travel for the summer – a fare incentive pilot through which any Adult monthly pass holder could travel on weekends during July and August with up to three other persons (adult, children) at no additional charge |             |                                 | This pilot generated some interest, but DRT was unable to properly measure the uptake due to technology limitations   |

| Initiative   | Cost     | Estimated Revenue Impact | Status  |
|--|----------|--------------------------|---|
| High School Outreach – DRT staff visited the Whitby Youth Fair in May and selected high schools in October with giveaways to promote transit as a mode of travel | \$629    |                          | This outreach generated much interest, with staff engaging with over 1,100 youths |
| Total  | \$49,429 | \$300                    |   |

\*Matching funding of \$26,900 was provided by Regional Social Services for the project.

\*\*Additional funding of \$41,800 was provided from DRT consulting budget for the project.

\*\*\*It is estimated that the 2-4-1 Youth Pass promotion generated \$7,700 in new revenue for DRT

In 2019, DRT will continue to identify and pursue creative, targeted and market-responsive fare incentive and market research initiatives, and will report back to the Transit Executive Committee (TEC) on their outcome. Key priorities will be to advance the recommendations resulting from the 2018 Low Income Travel Study, continue engagement with youth through schoolboards and selected schools, and negotiate a new U-Pass agreement with Durham's post secondary institutions

### 7.3 U-Pass Agreement

DRT's U-Pass program provides a significantly discounted transit pass to all full-time post-secondary students at Durham College, the University of Ontario Institute of Technology (UOIT) and Trent University (Durham Greater Toronto Area campus) through a fee levied by the participating institutions. This program has been successful in growing transit ridership among post-secondary students and in helping to manage transportation and parking challenges at and around campus locations.

Effective September 1, 2018 the U-Pass fee increased from \$127/semester to \$135/semester, as per the terms of the Region's current multi-year U-Pass agreement which is in effect through August 31, 2019. The U-Pass fee amounts to 29 per cent of the price of a monthly adult pass.

In the fall of 2018, staff met with representatives of Durham's three post-secondary institutions participating in the U-Pass program to initiate discussions on a renewed U-Pass agreement to take effect in September 2019. A one-year extension of the existing U-Pass agreement was agreed to by the institutions with a \$4.00 fee increase from \$135/semester to \$139/semester (three per cent increase) to be in effect September 1, 2019 through August 31, 2020.

To support discussions on a new multi-year U-Pass agreement, a robust data collection exercise was undertaken in collaboration with the three institutions in the Fall of 2018. This included an on-line survey of student travel behaviours conducted in October 2018 with a total of 2,359 students responding. A smaller sample of 559 students was then provided with a pre-loaded PRESTO card for travel during November 2018 to collect data on student transit usage, including travel to campus and travel more broadly within and beyond the Region. Analysis of the data is underway.

On January 17, 2019 the provincial government announced its plan to reduce tuition for post-secondary students in Ontario. As part of these efforts students would be offered choice in whether to pay non-essential non-tuition fees. What would constitute essential and non-essential fees is being reviewed. At this time, the implications for the U-Pass program 2019 ridership and revenue forecasts are unknown.

#### 7.4 Transit Needs of Low-Income Persons

In 2018 DRT and Regional Social Services initiated a travel study to better understand the transit usage and needs of low-income persons and gain insight into how best to target support for transportation to work, education, health care and any other destinations.

As part of the study, 400 Ontario Works and Ontario Disability Support Program clients completed a survey on their travel patterns at the end of September 2018. Survey participants were then provided with a pre-loaded PRESTO card for travel on Durham Region Transit during the month of October. Analysis of the results of the survey and transit use is underway. A report back on the analysis and recommendations on how the Region can best support the transit needs of low-income and other vulnerable persons in Durham Region is expected in early 2019.

## 8. Managing Fleet Assets and Transit Innovations

### 8.1 Asset Management

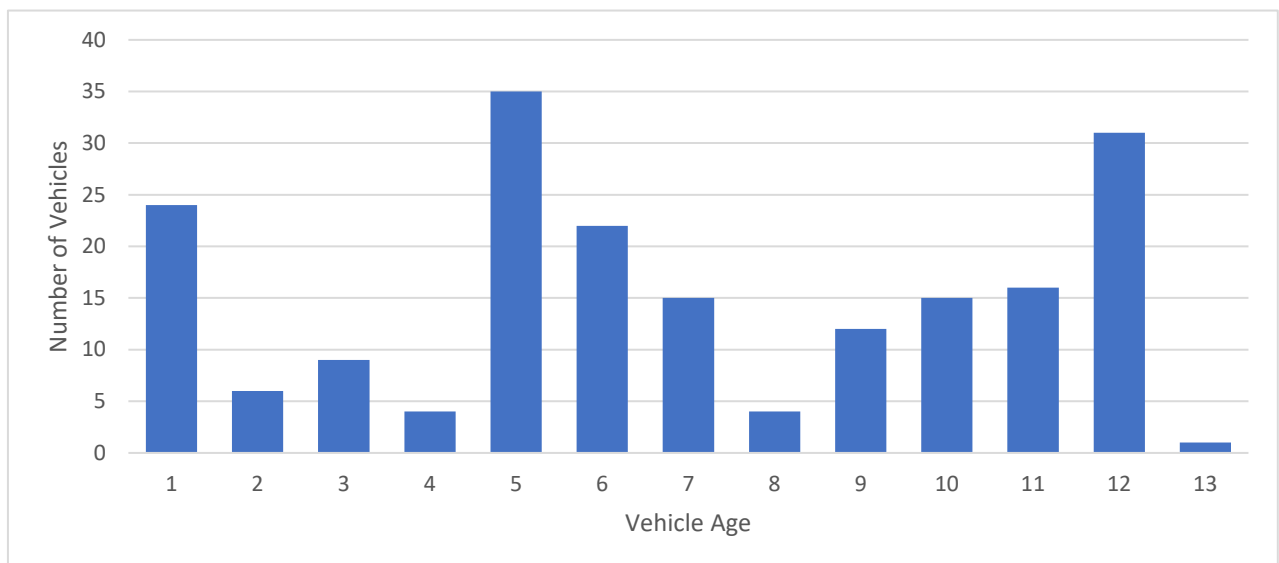
DRT's fleet replacement plan considers the current average age of the fleet, the economic useful life of vehicles, and sets a fleet replacement schedule to achieve target fleet age to efficiently deliver service while minimizing the risk of fleet failure.

**TMP Key Action:**

As part of developing the Five-Year Service Strategy, continue to assess the transit fleet needs and prepare a fleet expansion plan as needed.

The average age of the current fleet of 194 conventional buses is 6.9 years, below the target of seven years. In 2017 and 2018, as part of the Regional Business Planning and Budget process, DRT purchased 37 new conventional buses using senior government funding and matching Regional funding to replace existing conventional buses. The Region's inventory of conventional buses now includes only one bus that exceeds 12 years of age, which is the expected useful life of the buses.

**Figure 2:** Age Distribution of DRT Conventional Fleet





However, DRT faces increased needs for major repairs of vehicles. With a typical lifecycle of 12 years, conventional buses require powertrain refurbishment at mid-life around year six (or earlier depending on kilometres accumulated). As Figure 3 shows, a significant share of DRT's fleet is either near end of life or approaching mid-life. Based on vehicle production timelines, it is not expected that DRT will receive new buses approved for order in the 2019 Budget until 2020. This will increase the need for repairs to keep older buses in service until the new buses arrive. Bus repair pressures are expected to ease somewhat in 2020 as two waves of bus orders are received based on both the 2019 and 2020 budget approvals, subject to the timing of the budget approvals.

At this stage of growth on the busiest routes, DRT now envisages for some replacement buses to be sixty-foot articulated buses. A first for DRT's fleet, these new articulated buses would replace existing BRT PULSE buses that would be repurposed to regular service allowing for the retirement of conventional buses that have exceeded their useful life.

BRT PULSE buses serving the Highway 2 corridor accumulate kilometres at a faster rate than buses on regular service due to the length of the route between Oshawa and Scarborough, as well as increased service frequency and larger passenger loads. BRT buses, with six years remaining of useful life, experience increased wear and tear having accumulated higher mileage of up to 100,000 km per year in comparison to buses serving regular routes of up to 78,000 kms per year. The replaced BRT buses would be re-purposed to travel fewer kilometers per year while serving on regular routes for the remainder of their useful life.

Articulated buses provide increased capacity for 86 passengers, accommodating greater loads than regular conventional buses (with capacity for 54 passengers). The introduction of articulated buses would help address passenger crowding issues and alleviate the need to dispatch additional buses at peak times when full bus loads are regularly experienced. The recent expansion of the Raleigh garage in Oshawa was designed in consideration of diversifying the fleet to include articulated buses and features one maintenance bay to accommodate a sixty-foot vehicle.

- 8.2 Keeping pace with growth also means expanding storage and maintenance facilities to accommodate the fleet expansion and support efficient operations. Over the next five years DRT has identified a need for new facilities, including an Indoor Bus Storage/Servicing Facility (\$50 million in 2020) and a new Transit Facility in Seaton (\$25.0 million in 2023).

**TMP Key Action:** Identify new operations and maintenance facility needs to support service expansion as early as possible in the planning process.

DRT is expected to finalize land acquisition for a new Indoor Bus Storage/Servicing Facility in north Oshawa that will allow for more efficient servicing of vehicles in closer proximity to the routes they serve. Funding for the land acquisition was approved in DRT's 2018 capital budget (\$4.25 million).

Engineering and design assessments would follow, with construction expected to begin in 2020, subject to funding availability.

### 8.3 Transit Innovations

Durham Region's rich history of automotive excellence and its emergence as Ontario's energy capital make it well-positioned to be a leader in preparing for and initiating the transition to new transportation innovations. These efforts help profile Durham as being at the leading edge of mobility and energy advancement to attract new investment, employers and skilled labour. It also positions Durham to benefit from the customer service and financial benefits that these innovations offer.

Governments worldwide are attempting to understand and navigate the potential benefits and disruptive impact of several transportation advancements, including:

- a. The electrification of transportation in personal, passenger and commercial sectors supporting the shift to zero-emission vehicles and alternative fuels;
- b. The adoption of microtransit solutions that target specific geographic areas or mobility barriers with smaller vehicles and flexible routes;
- c. The arrival of Transportation Network Companies, such as Uber and Lyft, that enable on-demand ride hailing or sourcing through a smart phone app;
- d. The advancement of autonomous and connected vehicle technologies promising safer roads through automated operation and navigation; and
- e. The development of analytical and visualization tools identifying meaningful trends in transit data to better inform the public, passengers and planners.

For public transit, understanding how new technologies and mobility options integrate with current services is essential to maintaining a modern transit service responsive to customer expectations. DRT and Durham Region are actively engaging with industry, government and academic partners to monitor, inform and, where applicable, test emerging technologies.

This includes exploring electric bus trials, autonomous and connected vehicle technology demonstrations, on-demand and microtransit service delivery models, and data analytics to track performance levels and enhance the customer experience.

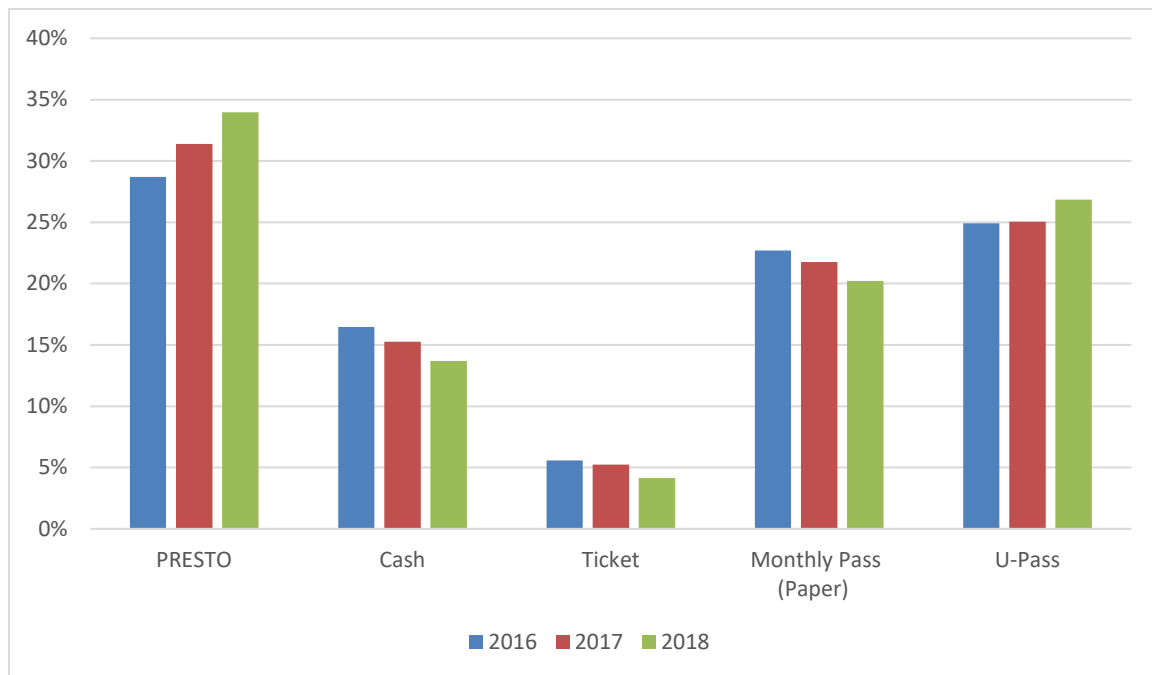
DRT continues to assess the operational feasibility, risks and financial commitments necessary to advance these and related innovation initiatives. Costs associated with participating in these initiatives are anticipated to be covered in large part through funding contributions from industry and government partners. DRT's contributions are expected to be primarily in-kind through the provision of assets such as buses or data for testing purposes.

**TMP Key Action:**

Leverage new and cost-effective mobility services and technologies that can support and complement DRT's route network by addressing the "last mile" needs of transit riders.

**9. Transition to Electronic Fare Media****9.1 2018 Fare Media and Revenue**

DRT fare media trends have evolved with transit customers increasingly adopting the PRESTO card. The use of PRESTO reached an estimated 34 per cent of fares paid (using PRESTO e-purse or period pass) in 2018, compared to 31 per cent in 2017, and 29 per cent in 2016. Meanwhile, cash and paper fare (ticket or pass) ridership has experienced a corresponding decline.

**Figure 3: Ridership Distribution by Fare Media Type**

PRESTO and U-Pass revenues are trending to budget surplus positions for 2018, offsetting a large share of a deficit generated by lower-than-budgeted cash fare, ticket and paper pass sale revenue. Overall, a 1.5 per cent variance (up to \$400,000 deficit) is estimated on budgeted fare revenues of \$27.3 million for 2018.

DRT's revenue-cost ratio for 2018 is estimated to remain constant with that of 2017 at 38 percent.

## 9.2 PRESTO

DRT continues to build awareness of PRESTO card benefits with passengers and the general public, including seamless travel on GTHA transit systems, on-line account management, customer loyalty discounts and card registration protections against lost funds. This is part of a tiered action plan to encourage the ongoing transition to PRESTO along with the phase-out of legacy paper-based fares and minimizing of cash transactions.

Under the PRESTO master agreement with the 905 GTHA transit agencies, annual fees paid by Durham Region to Metrolinx for the delivery of PRESTO services provided by Metrolinx, including a suite of services known as "905 Core services", are scheduled to increase from the current four per cent of revenue (\$0.4 million) collected through PRESTO in 2018 to the following:

- 2019: five per cent of revenue collected through PRESTO (estimated \$0.5 million);
- 2020: six per cent of revenue collected through PRESTO (estimated \$0.7 million).

- \$0.8 million); and
- 2021 to 2027: nine per cent of revenue collected through PRESTO (estimated over \$1 million per year).

DRT is striving for a 70 per cent market share of PRESTO use by January 1, 2021, or later depending on the timing of the delivery of enabling functionalities and the supporting upgrading of on-board PRESTO devices. As PRESTO use continues to grow, DRT should realize administrative savings associated with the discontinuation of legacy fares.

Based on the minimum revenue protections in the agreement, if DRT does not achieve PRESTO ridership and revenue targets, then there is a potential risk DRT could incur additional costs if the actual aggregate fee generated by all participating transit agencies, as a group (except the TTC), is below target. Similarly, should 905 Common Core service costs exceed 3.5 per cent of PRESTO revenues following the upgrading of PRESTO devices expected to begin in 2020, then Metrolinx and 905 Transit Agencies will work in good faith to develop a strategy to address the resulting cost pressures. Potential cost saving measures being implemented at Metrolinx have not yet been addressed as to whether they would translate into any fee reduction for the participating transit agencies.

The current PRESTO devices in place on DRT vehicles are now ten years old and approaching end of life. The capital cost of replacing all devices is borne by transit agencies but not yet known, representing a substantial risk to DRT's capital budget given the current fleet of approximately 194 conventional buses. Depending on the useful life of the new devices, they may be required to be replaced more than once in the next ten years, which would also result in additional capital replacement costs.

The Region's receipt of Provincial Gas Tax Funding (discussed below in section 11) is dependant on DRT's adoption of the PRESTO system. Proposed increases to Provincial Gas Tax funding are still subject to Provincial Government approvals. Should the proposed increases not materialize, PRESTO capital costs, and other capital costs will need to be financed from other sources. Further details regarding the Operating Agreement for PRESTO were provided in Report #2017-DRT-22.

### 9.3 Consideration for 2019 Fares

In 2018, the only DRT fares that increased were for Adult single rides, which increased by 5-cents from \$3.10 to \$3.15. DRT's adult cash fare of \$3.75 has not increased since May 1, 2016, when a 25-cent increase was applied, following a 25-cent increase in 2015. Like other GTHA transit agencies, DRT cash fares are priced to provide a higher rate than non-cash fares recognizing the lower revenue certainty they offer compared to electronic fare payments, monthly passes and tickets.

DRT also continues to provide reduced fares for low-income and other vulnerable groups including the monthly Access Pass for eligible Ontario Disability Support Program clients (at \$46 or 39 per cent of the price of an adult monthly pass) and reduced fares for seniors and children.

DRT's proposed fare adjustments for 2019 are being refined and will be included in the 2019 Budget and Business Plan for TEC, Finance and Administration Committee and Council consideration. Any proposed adjustments to fares will be on the basis of supporting continued transition to electronic fare media and to help maintain DRT's target revenue-cost ratio of 35 per cent to 40 per cent.

## **10. Advancing Rapid Transit**

- 10.1 Attractive and seamless rapid transit is integral to Durham Region's economic competitiveness (including congestion and emission reductions), and in connecting Durham residents to employment opportunities within and beyond the region. A key strategic direction of the Durham Region TMP is to "elevate the role of public transit in Durham including rapid transit.
- 10.2 Ridership growth on DRT's Frequent Network of routes established through the Five-Year Service Strategy underpins the demand for improved frequent transit connections in Durham. The Transportation Master Plan (TMP) identifies the Lakeshore East GO extension to Bowmanville as a critical component of the Region's rapid transit network. Modelling work carried out for the TMP confirms that the extension has significant transportation and mobility benefits. The TMP also sets out a Higher-Order Transit Network integrating planned rapid transit and frequent routes to and from the existing and planned GO Stations along the extension.
- 10.3 The Durham-Scarborough and Simcoe Street rapid transit corridors are priority projects for the Region's Higher-Order Transit Network and are outlined in Metrolinx's 2041 Regional Transportation Plan. In support of these efforts, the Region of Durham is seeking a commitment from the Province and Metrolinx to invest in the delivery of the Durham-Scarborough Bus Rapid Transit project and prepare the Initial Business Case for the Simcoe Street Rapid Transit corridor.

### **TMP Key Action:**

Work with Provincial and Federal Governments to maximize senior government grant funding opportunities to obtain sustainable, dedicated funding sources for financing transportation infrastructure and services.

- 10.4 The Durham-Scarborough Rapid Transit project is identified as an “In Development” Project in the Metrolinx Regional Transportation Plan (2018). In August 2016, the Ontario Government committed \$10 million to Metrolinx to work with Durham Region and the City of Toronto to advance planning, design, and engineering work for the Durham-Scarborough Highway 2 BRT vision (discussed in section 10 above). Metrolinx established a steering group of Durham Region and the City of Toronto staff and retained a consultant to undertake the work. The Initial Business Case analysis portion of the work was completed in 2018, and the Environmental Assessment using the Transit Project Assessment Process (TPAP) is anticipated to be completed in 2020/21. Regional staff will report back at key milestones to the Transit Executive Committee as this work progresses.
- 10.5 Completion of Durham-Scarborough Rapid Transit between downtown Oshawa and the Scarborough City Centre would offer frequent and reliable transit service through median lanes and other priority measures. It would also include completion of BRT infrastructure along Highway 2 as part of the Durham portion of the corridor. The project has an estimated total capital cost of \$450 million (including Durham and Toronto segment costs and fleet costs).
- 10.6 The Project would connect regional destinations to the planned Scarborough Subway Extension, Simcoe Rapid Transit corridor in Oshawa, and the Lakeshore East Extension to Bowmanville. The Initial Business Case for the Durham-Scarborough BRT completed by Metrolinx has estimated there could be more than \$686 million in economic benefits resulting from BRT completion along Highway 2 with extension to Scarborough Centre (over 30 years, shared between Durham and Toronto). Metrolinx has tentatively awarded a contract for the completion of the Preliminary Design Business Case, work that is expected to start in 2019.
- 10.7 The Simcoe Street Rapid Transit corridor is identified as a future project in the Metrolinx Regional Transportation Plan (2018). Within the City of Oshawa, this link would connect the new communities along the 407 corridor, the future 407 Transitway, the growing University of Ontario Institute of Technology/Durham College north campus, downtown Oshawa, the Durham-Scarborough BRT, and the new downtown Oshawa GO station that is part of the planned Lakeshore East extension. This initiative is key to achieving an integrated rapid transit network in Durham. Initiating feasibility and preliminary design studies is an important first step to determining required investment and economic benefits.

## **11. Operating Cost Pressures and Risks**

- 11.1 DRT is facing a number of potential operating cost pressures including:
- Maintaining and improving service levels in communities experiencing rapid population growth and development (will be exacerbated if transit-supportive land use densities are not achieved);
  - Timely repair and replacement of aging fleet required to mitigate upward trending of major repair costs;

- Volatility of winter maintenance services at DRT bus pads, stops and shelters due to potential for severe weather impacts during fall and early spring;
- Fuel price volatility representing a risk to future DRT operating budgets;
- Increasing PRESTO fees and unknown device replacement capital costs; and
- Impact on future operating budgets of debt charges relating to major facility expansion plans;

## 12. Capital Cost Pressures and Risks

12.1 A financing challenge facing DRT is the need for replacement vehicles. Conventional buses purchased in large one-time purchases in 2006-2008 and 2013 (BRT buses) will have to be replaced within the ten-year forecast and beyond.

12.2 A similar significant financing challenge is the need for capital to meet growth demands in the Region over the forecast period. If the growth forecasts of the Transit DC Background study are achieved, DRT will be required to expand its fleet.

**TMP Key Action:** Identify new operations and maintenance facility needs to support service expansion as early as possible in the planning process.

12.3 There is a risk of vehicle procurement cost increases over the next ten years as manufacturers experience an increase in demand as a result of senior government funding programs. Vehicle procurement is also subject to currency risk.

12.4 Keeping pace with growth also means expanding storage and maintenance facilities to accommodate the growing fleet and support efficient operation.

## 13. Federal and Provincial Funding

### 13.1 Provincial Quick Win Program

Total funding for Quick Win projects included \$82.3 million in provincial funding and over \$22 million in Regional funding.

Through the Provincial Quick Win program, the Region has advanced curbside Bus Rapid Transit along Highway 2 through priority segments in the City of Pickering and the Town of Ajax. Construction of the Quick Win projects are substantially complete. In total, the Quick Win project provided for improvements to the Westney and Raleigh Facilities, enhanced passenger amenities, intelligent transportation systems, traffic signal priority technologies, new Bus Rapid Transit

**TMP Key Action:**  
Pursue additional sustainable funding from provincial and federal governments.



(BRT) bus purchases, and road widenings along Highway 2 at the six key intersection locations across Whites Road, Liverpool Road, Brock Road, Westney Road, Harwood Avenue, and Salem Road. In total, close to five km of bus only lanes along Highway 2 in Pickering and Ajax were constructed through the Quick Win Program. DRT 900 PULSE BRT service has been operating since 2013. The Quick Win program funded environmental assessment addressed approximately ten km along Highway 2 and will enable future construction of additional bus-only lanes when funding becomes available.

### 13.2 Public Transit Infrastructure Fund (PTIF)

On March 31, 2017, the federal government announced that Durham Region's application to receive \$17.5 million in Federal Government funding through the Public Transit Infrastructure Program (PTIF) was approved to cover 50 per cent of eligible transit and active transportation project costs. Projects that have been funded by PTIF include vehicle purchases, equipment, facility upgrades and road related projects. The Region's 50 per cent share of project costs were funded as part of DRT's 2017 and 2018 capital budgets.

Currently all PTIF projects are expected to be completed in time to meet the new program spending deadline of March 31, 2020.

**Table 7:** Public Transit Infrastructure Fund (PTIF) Projects

| <b>Project</b>   | <b>Total Project Cost</b> | <b>Project Status</b>  |
|--|---------------------------|--|
| Conventional Bus Replacements (24 buses)   | \$11,792,289              | Project completed.   |
| Conventional Bus Replacements (4 buses)  | \$2,402,531               | Project completed.   |
| Conventional Bus Replacements (4 buses)  | \$2,326,960               | Project completed.   |
| Specialized Services Fleet Replacements (8 vehicles)   | \$1,080,289               | Project completed.   |
| Mini- Bus Fleet Expansion (2 buses)  | \$242,661                 | Project completed.   |
| On Board Bus Security Cameras  | \$2,600,000               | Installation scheduled for completion by March 31, 2019.   |
| Construction of BRT Curbside Lanes on Highway 2-Westney to Harwood                                     | \$8,950,000               | Detailed design and some construction has been completed. Project is expected to be completed prior to the March 31st, 2020 deadline.  |
| Design & Critical Utility Relocations for Highway 2 BRT Curbside Expansion-Brock Road to Glenanna Road | \$1,000,000               | Detailed design is underway. All property required for road works has been purchased. Additional significant utility (Veridian) relocations will be required in the next phase to make this segment ready for widening construction. |
| Additional design of Bus Rapid Transit roadwork and utility investigations on Highway 2                | \$1,662,000               | Detailed design for Delta to Merritton, Dixie to Liverpool and Salem to Galea is underway. Project is expected to be completed prior to March 31st, 2020.  |
| Raleigh Garage Site Construction   | \$2,175,500               | Garage doors have been replaced. Demolition and soil treatment expected to begin in Spring 2019 and completed in Summer 2019.  |
| Construction of On Road Cycling lane on Highway 2-Lake Ridge to Galea                                  | \$535,000                 | Project completed.   |
| North Simcoe Commuter Lot-Simcoe and Reg. Rd. 12   | \$293,000                 | Project Completed.   |
| <b>TOTAL</b>   | <b>\$35,060,228</b>       |  |

### 13.3 Investing in Canada Infrastructure Program, Transit Stream (Phase 2 of PTIF)

In March 2018, the Canadian and Ontario Governments released their Canada-Ontario Bilateral Infrastructure Agreement 2018, which included a stream of funding for transit infrastructure projects. Through the program, about \$233 million could be spent in Durham Region to expand and improve the transit system over the next nine years. The federal government is contributing almost \$95 million, the provincial government is contributing \$78 million, and Durham Region will be required to contribute about \$60 million.

Additional program details were provided in Report #2018-COW-94.

**TMP Key Action:**

Work with Provincial and Federal Governments to maximize senior government grant funding opportunities to obtain sustainable, dedicated funding sources for financing transportation infrastructure and services.

An interdisciplinary team of staff of Durham Region Transit, the Works Department, and the Finance Department continue to develop plans and budgets for projects that could be implemented by the program's 2027 deadline, would qualify for the funding, and reflect priorities of the recent Transportation Master Plan and DRT's service strategy. Preliminary plans have included the advancement of BRT on Highway 2, transit facility construction and vehicles.

**Table 8:** Preliminary Investing in Canada Infrastructure Program, Transit Stream Project Cost Estimates (\$ million)\*

|  | Eligible Costs | Ineligible Costs ** | Total        |
|--|----------------|---------------------|--------------|
| Advancement of Highway 2 BRT   | 172.0          | 48.0                | 220.0        |
| A new central facility   | 55.0           | -                   | 55.0         |
| Articulated buses  | 8.0            | -                   | 8.0          |
| Preparatory activities for rapid transit on Simcoe Street  | 2.5            | -                   | 2.5          |
| <b>Total Cost Estimates</b>  | <b>237.5</b>   | <b>48.0</b>         | <b>285.5</b> |
| * Estimates are subject to change as plans are further developed and more information on ineligible costs becomes available.   |                |                     |              |
| ** Amounts shown do not include \$5 million that was approved in the 2018 transportation capital budget for property acquisition for BRT projects along Regional Highway 2, or \$4.25 million for property acquisition for a new facility that was approved in the DRT 2018 capital budget, in anticipation of potential funding opportunities from senior levels of government. |                |                     |              |

Ineligible costs will include land acquisition and project delivery costs associated with planning, engineering, architecture, supervision, management and other activities normally carried out by Regional staff.

Staff continue to anticipate a draft Transfer Payment Agreement from the Province, which is administering the funding program. Project submission procedures and submission deadlines are not yet available.

Staff continue to work towards project plans and financing strategies for the Investing in Canada Infrastructure Program and will report back to the Transit Executive Committee and Committee of the Whole with proposed projects and financial implications, after further details of the program and project submission procedures are known.

#### 13.4 Provincial Gas Tax

In January 2017, the Province of Ontario proposed increasing funding for local transit through an enhancement to the existing Provincial Gas Tax program starting in 2019. Funding will increase from two cents per litre to four cents per litre by 2021/2022, resulting in Durham's share increasing as follows:

**Table 9:** Provincial Gas Tax Revenues

| Provincial Gas Tax                                 | Actual    | Forecast* |           |           |
|--|-----------|-----------|-----------|-----------|
|  | 2018/2019 | 2019/2020 | 2020/2021 | 2021/2022 |
| Municipal Share (per litre)                        | \$0.020   | \$0.025   | \$0.030   | \$0.040   |
| Ontario-wide Funding for Municipalities (millions) | \$364     | \$401     | \$482     | \$642     |
| Durham Region's Allocation (millions)              | \$8.87    | \$9.77    | \$11.74   | \$15.64   |

\*The forecasted municipal shares and Ontario wide revenues for municipalities shown are as estimated and reported by the Province January 27, 2017. Durham Region's forecasted allocations have been estimated based on Durham's 2018/19 share of Ontario-wide funding for municipalities.

- 13.5 It will be recommended that the Region's share of the Provincial Gas Tax increase be used to support service improvements, among other funding priorities.

#### **14. Conclusion and Next Steps**

- 14.1 DRT will continue to monitor ridership and route performance and pursue initiatives to grow transit ridership.
- 14.2 DRT's service plan and capital budget are being refined and will be presented as part of the 2019 Business Planning and Budget deliberations.
- 14.3 A similar report was presented to the Transit Executive Committee on February 6, 2019.

#### **15. Attachments**

- Attachment #1: Ridership Trends
- Attachment #2: Route Performance
- Attachment #3: Specialized Services

Respectfully submitted,

Original Signed By

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Nancy Taylor, BBA, CPA, CA  
Commissioner of Finance

Recommended for Presentation to Committee

Original Signed By

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Elaine C. Baxter-Trahair  
Chief Administrative Officer

## Ridership Trends

### 1. Background

Durham Region Transit (DRT) collects ridership data via a number of sources including electronic fare boxes, smart card technology and invoice data. Importantly, DRT's level of ridership (which refers to the number of passengers making one-way trips from their starting point to their final destination) has implications for the financial sustainability of DRT through the fare revenue that DRT collects. Ridership trends are also tracked so that DRT can evaluate performance against objectives and make informed decisions regarding services and fares.

### 2. System Wide Ridership Trends

DRT ridership has increased every year but in 2015 and 2016. Projected year-end ridership for 2018 is 10.66 million passengers, an increase of more than 400,000 over 2017 or 4.2 percent, and 180,000 or 1.7 percent above the budget target. While a good portion of this increase in ridership is attributable to the increase in winter semester U-pass passengers compared to the previous year and the impact of the labour disruption experienced at Durham College, increases are observed in every fare category but Youth and GO Bus.

**Figure 1:** DRT Ridership (millions)

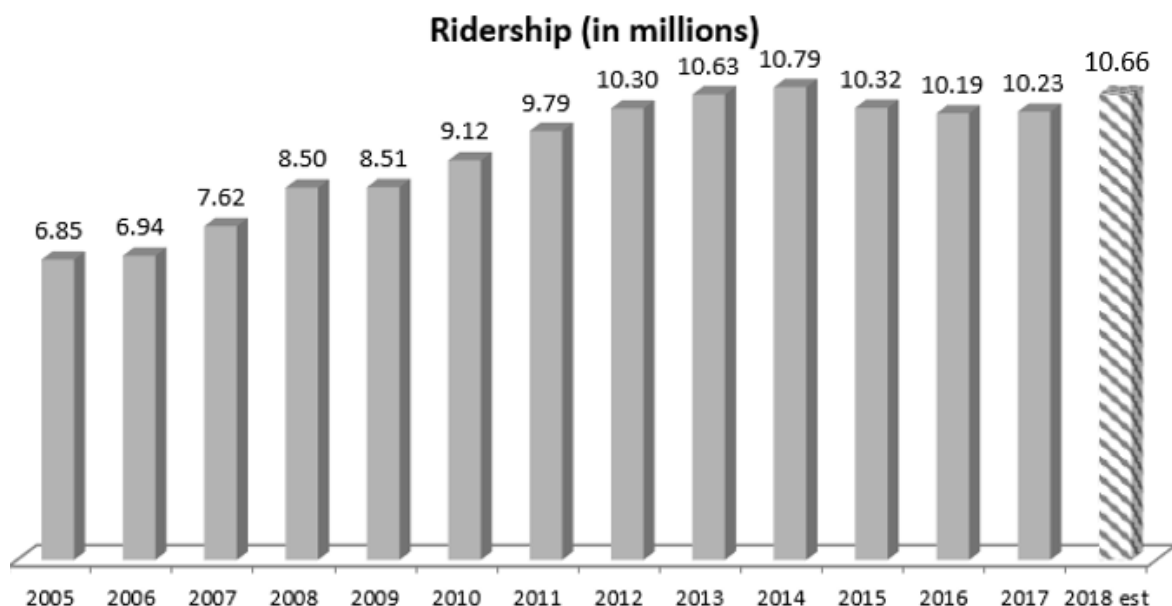


Table 1 compares 2018 estimated actual ridership to 2017 and 2016 levels, as well as 2018 budgeted levels, for each fare category. DRT's largest market segment continues to be Adults.

**Table1:** 2018 Estimated DRT Ridership by Fare Categories

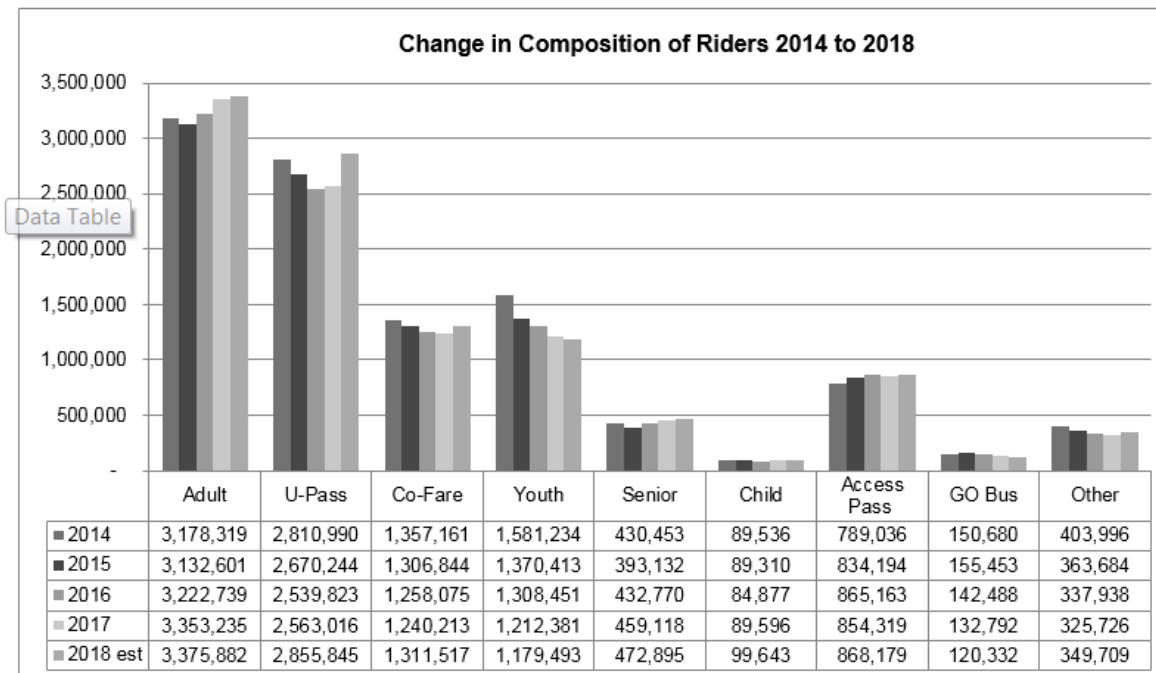
| Riders             | 2017 Actual       | 2017 Actual (Percent Distribution) | 2018 Budget       | 2018 Est. Actual  | 2018 Est. Actual (Percent Distribution) | Difference (2018-2017 Actual) | % Change (2018-2017 Actual) |
|--------------------|-------------------|------------------------------------|-------------------|-------------------|---|-------------------------------|-----------------------------|
| Adult              | 3,353,235         | 32.8%                              | 3,436,151         | 3,365,737         | 31.6%                                   | 12,502                        | 0.4%                        |
| U-Pass             | 2,563,016         | 25.1%                              | 2,705,688         | 2,906,259         | 27.3%                                   | 343,243                       | 13.4%                       |
| Co-Fare            | 1,240,213         | 12.1%                              | 1,259,818         | 1,301,336         | 12.2%                                   | 61,123                        | 4.9%                        |
| Youth              | 1,212,381         | 11.9%                              | 1,218,425         | 1,168,067         | 11.0%                                   | (44,314)                      | -3.7%                       |
| Senior             | 459,118           | 4.5%                               | 469,184           | 474,769           | 4.5%                                    | 15,651                        | 3.4%                        |
| Child              | 89,596            | 0.9%                               | 89,799            | 99,968            | 0.9%                                    | 10,371                        | 11.6%                       |
| Access             | 854,319           | 8.4%                               | 841,099           | 877,386           | 8.2%                                    | 23,068                        | 2.7%                        |
| GO Bus             | 132,792           | 1.3%                               | 137,695           | 119,999           | 1.1%                                    | (12,793)                      | -9.6%                       |
| Other <sup>1</sup> | 325,726           | 3.2%                               | 325,632           | 350,403           | 3.3%                                    | 24,677                        | 7.6%                        |
| <b>Total</b>       | <b>10,230,396</b> | <b>100.0%</b>                      | <b>10,483,491</b> | <b>10,663,923</b> | <b>100.0%</b>                           | <b>433,527</b>                | <b>4.2%</b>                 |

<sup>1</sup> Other includes underpayment fares, unclassified, ride-to-read, support persons, on-demand etc.

Figure 2 illustrates the changes in each of DRT's fare categories over the past five years. Significant growth has been achieved in the Adult and U-Pass ridership categories.



**Figure 2: Changes in Ridership Composition from 2014 to 2018**



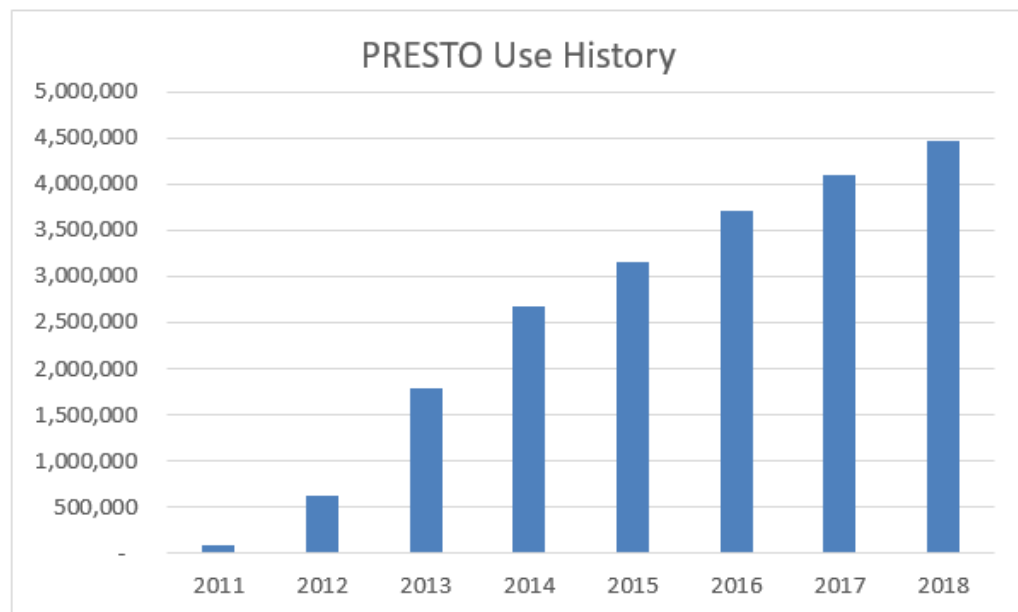
### 3. Fare Payment Trends

PRESTO is the electronic fare card system available to all GTHA transit customers. PRESTO users can load value onto their PRESTO card either in the form of money onto their “e-purse” (and they then pay one trip at a time off their card balance), or in the form of a monthly period pass (and they then pay once a month for unlimited travel on DRT).

The use of PRESTO on DRT continues to rise since the implementation of the electronic fare system in June 2011. A total of 3.6 million trips were validated with the PRESTO system in 2018.

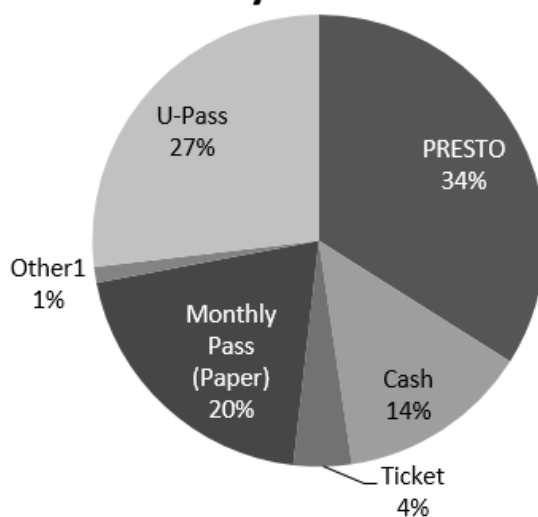
The use of PRESTO represents as much as 46 percent of non U-Pass ridership. The majority of PRESTO-paid passenger trips are paid for using the e-purse option (91 per cent) while the rest (9 per cent) are paid for using the monthly period pass option.

**Figure 3: PRESTO Use History**

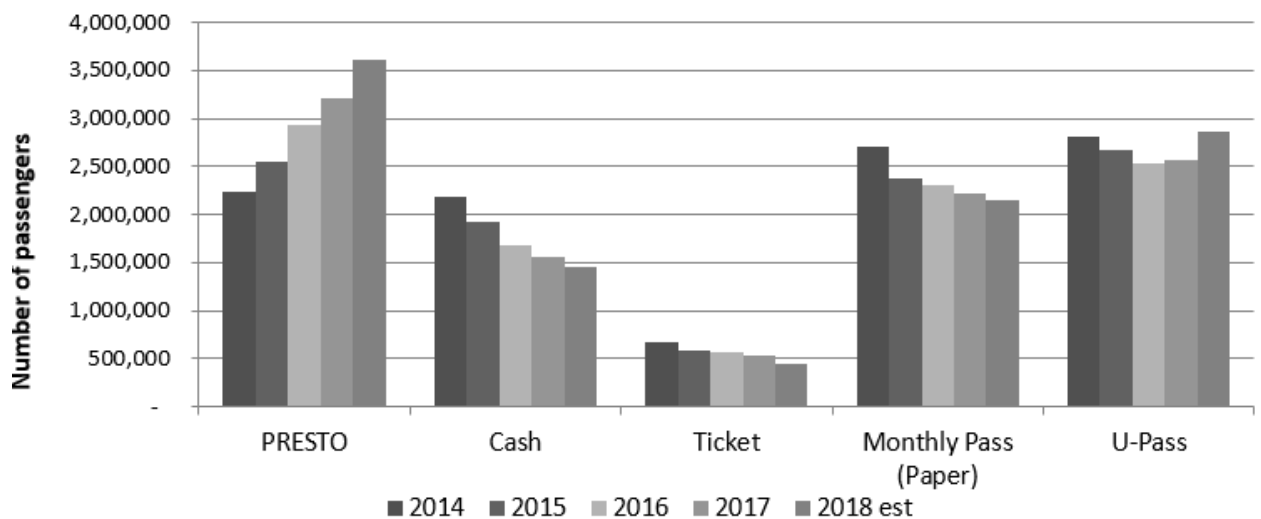


In 2018, forecasted trips paid with PRESTO account for about 34 per cent of all DRT passenger trips, compared to 31 per cent in 2017. Meanwhile, trips paid by cash, monthly paper pass and ticket trips have experienced a corresponding decline, as expected given the lesser convenience and the premium on cash fares.

### 2018 Fare Payment Distribution

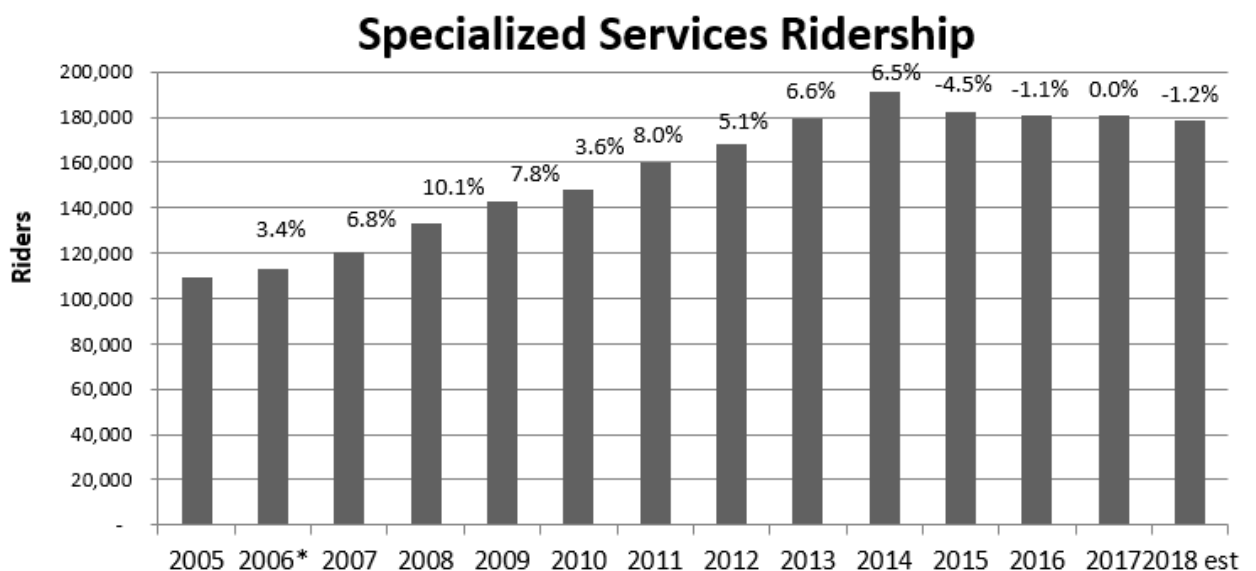


**Figure 4: 2017 Fare Payment Distribution**

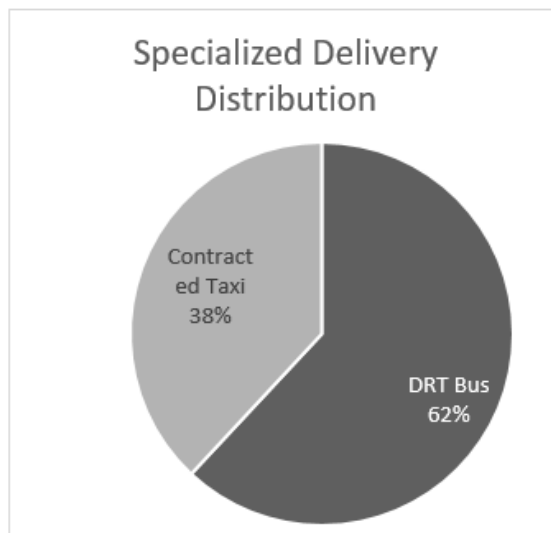
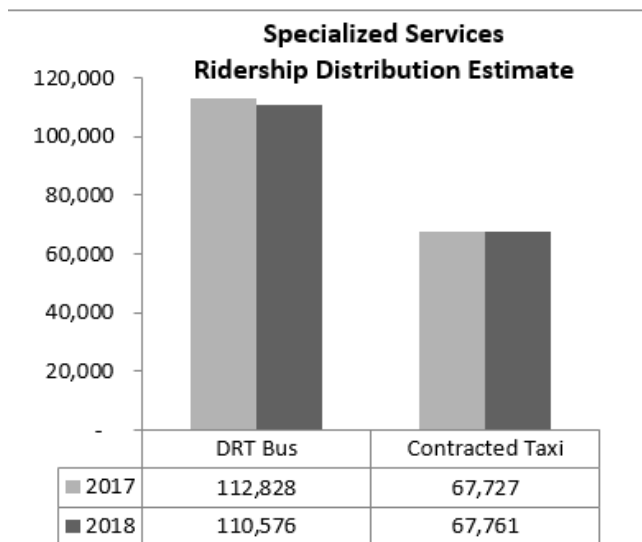


#### 4. Ridership on Specialized Services

Ridership on specialized services represents less than two per cent of DRT ridership but these services are critical for eligible customers. Year-end ridership on DRT specialized services for 2018 is projected to be 178,000 rides, approximately 2,200 or 1.2 per cent less than 2017 and 4,700 or 2.6 per cent less than budgeted. Trip demand continues to soften year over year, largely attributable to expansion of integrated accessible services with conventional transit.



DRT manages to accommodate 99 per cent of requests made by eligible customers for travel on specialized services. As at October 2018, DRT Specialized Services accommodated 62 per cent of trip requests on its own vehicles while 38 per cent of the trip requests were accommodated through contracted taxi arrangements.



## 5. Conclusion

In the context of ridership growth observed to October 2018, DRT is forecasting ridership of 10.7 million passengers for 2019, a 0.35 per cent increase over 2018 projected ridership. The anticipated increase reflects ridership gains from 2018 service improvements and takes into account three additional full-service calendar weekdays in 2019.

## Route Performance

Durham Region Transit (DRT) continuously monitors the performance of all its routes. The purpose is to identify opportunities to improve efficiency and potentially re-allocate resources from under-performing routes to busier routes to help meet capacity requirements and to address growth in the Region.

The service standard currently used to evaluate route performance is the number of boardings per hour (bph). Boardings capture all occurrences of a passenger stepping on a DRT bus, including transfers.

The Regional Council-approved minimum boardings per hour by route type are summarized as follows:

**Table 1:** Boardings per Hour Service Standard per Route Type

| Type of Route | Below Standard | Meets Standard | Exceeds Standard |
|---------------|----------------|----------------|------------------|
| Community     | 4              | 4 to 10        | 10               |
| Frequent      | Note 1         | Note 1         | Note 1           |
| Local         | 7              | 7 to 28        | 28               |

**Notes:**<sup>1</sup> Performance standard does not apply to Frequent routes since service is required to maintain base coverage

Details on the performance of each route are identified in the table below.

| Route                             | Time                 | Service Change in 2018 | Total Boardings Jan – Oct 2018 | Revenue Service Hours Jan – Oct 2018 | Boardings Per Hour | Performance Standard |
|-----------------------------------|----------------------|------------------------|--------------------------------|--------------------------------------|--------------------|----------------------|
| <b>Frequent</b>                   |                      |                        |                                |                                      |                    |                      |
| 401 - Simcoe                      | All                  | Yes                    | 1,409,431                      | 29,076                               | 48.5               | N/A                  |
| PULSE 900 Highway 2               | All                  | No                     | 2,480,414                      | 58,469                               | 42.4               | N/A                  |
| 915 – Taunton                     | All                  | Yes                    | 1,029,065                      | 26,779                               | 38.4               | N/A                  |
| 120 - Whites                      | All                  | Yes                    | 152,202                        | 6,262                                | 24.3               | N/A                  |
| 302 - Baldwin - Brock             | All                  | Yes                    | 319,882                        | 13,635                               | 23.5               | N/A                  |
| 916 - Rossland                    | All                  | Yes                    | 552,290                        | 24,711                               | 22.3               | N/A                  |
| 224 - Harwood South - Salem South | All                  | Yes                    | 255,328                        | 11,597                               | 22.0               | N/A                  |
| <b>Local</b>                      |                      |                        |                                |                                      |                    |                      |
| 910 - Campus Connect              | All                  | No                     | 533,770                        | 14,115                               | 37.8               | Exceeds              |
| 216 - Harwood North               | All                  | No                     | 285,691                        | 7,747                                | 36.9               | Exceeds              |
| 402 - King                        | All                  | No                     | 277,162                        | 7,675                                | 36.1               | Exceeds              |
| 407 - Ritson Colonel Sam          | All                  | Yes                    | 386,424                        | 12,527                               | 30.8               | Exceeds              |
| 403 - Park                        | All                  | Yes                    | 277,322                        | 8,995                                | 30.8               | Exceeds              |
| 410 - Olive Harmony               | All                  | Yes                    | 260,200                        | 9,718                                | 26.8               | Meets                |
| 405 - Wilson                      | All                  | Yes                    | 344,813                        | 13,283                               | 26.0               | Meets                |
| 215 - Salem North                 | Weekday              | No                     | 29,296                         | 1,174                                | 25.0               | Meets                |
| 223 - Bayly                       | All                  | Yes                    | 283,798                        | 12,668                               | 22.4               | Meets                |
| 305 - Thickson                    | All                  | Yes                    | 152,073                        | 6,854                                | 22.2               | Meets                |
| 101 - Bay Ridges                  | All                  | No                     | 61,874                         | 2,815                                | 22.0               | Meets                |
| 112 - Brock                       | All                  | No                     | 184,583                        | 8,519                                | 21.7               | Meets                |
| 417 - Conlin                      | All                  | Yes                    | 97,120                         | 4,809                                | 20.2               | Meets                |
| 219 - Ravenscroft                 | All                  | No                     | 146,382                        | 7,360                                | 19.9               | Meets                |
| 411 - South Courtice              | All                  | Yes                    | 196,649                        | 10,101                               | 19.5               | Meets                |
| 409 - Garrard - Stevenson         | All                  | Yes                    | 56,902                         | 2,982                                | 19.1               | Meets                |
| 412 - Adelaide                    | All                  | No                     | 172,928                        | 9,761                                | 17.7               | Meets                |
| 218 - Pickering Beach             | Weekday              | No                     | 14,637                         | 841                                  | 17.4               | Meets                |
| 502 - North Bowmanville           | All                  | No                     | 44,178                         | 2,577                                | 17.1               | Meets                |
| 232 - Church                      | All                  | No                     | 80,714                         | 4,744                                | 17.0               | Meets                |
| 420 - Britannia West              | Weekday              | Yes                    | 15,918                         | 957                                  | 16.6               | Meets                |
| 225 - Audley North                | All                  | No                     | 169,505                        | 10,469                               | 16.2               | Meets                |
| 408 - Garrard                     | Weekday and Saturday | No                     | 36,851                         | 2,322                                | 15.9               | Meets                |
| 301 - West Lynde                  | All                  | Yes                    | 88,639                         | 5,594                                | 15.8               | Meets                |
| 303 - Garden                      | All                  | Yes                    | 83,216                         | 5,266                                | 15.8               | Meets                |
| 308 - Whitby Shores               | All                  | No                     | 70,591                         | 4,570                                | 15.4               | Meets                |
| 103 - Glenanna                    | All                  | No                     | 73,768                         | 5,031                                | 14.7               | Meets                |
| 110 - Finch West                  | All                  | Yes                    | 131,658                        | 9,723                                | 13.5               | Meets                |
| 312 - Central Whitby              | All                  | No                     | 74,633                         | 5,615                                | 13.3               | Meets                |
| 304 - Anderson                    | All                  | No                     | 91,239                         | 6,909                                | 13.2               | Meets                |
| 226 - Westney South               | All                  | No                     | 62,153                         | 4,817                                | 12.9               | Meets                |
| 107 - Rosebank                    | Weekday              | No                     | 16,680                         | 1,290                                | 12.9               | Meets                |
| 111 - East Pickering              | All                  | No                     | 91,758                         | 7,764                                | 11.8               | Meets                |
| 310 - Winchester                  | All                  | Yes                    | 24,644                         | 2,135                                | 11.5               | Meets                |
| 217 - Monarch                     | All                  | Yes                    | 62,786                         | 5,601                                | 11.2               | Meets                |
| 922 - Bloor-Townline              | Weekday              | No                     | 70,496                         | 6,283                                | 11.2               | Meets                |
| 501 - South Bowmanville           | All                  | No                     | 33,372                         | 3,498                                | 9.5                | Meets                |
| 950 - Reach - Simcoe North        | Weekday and Saturday | No                     | 54,824                         | 7,006                                | 7.8                | Meets                |
| 406 – Wentworth                   | All                  | No                     | 3,659                          | 501                                  | 7.3                | Meets                |
| 603 - Pickering - Uxbridge        | Weekday              | No                     | 4,145                          | 1,214                                | 3.4                | Below                |
| 960 - Newmarket - Uxbridge        | Weekday              | No                     | 2,291                          | 1,083                                | 2.1                | Below                |
| 601 - Brock – Uxbridge            | Weekday              | No                     | 3,223                          | 1,902                                | 1.7                | Below                |
| <b>Community</b>                  |                      |                        |                                |                                      |                    |                      |
| 291 - Ajax Community Route        | All                  | No                     | 43,479                         | 3,077                                | 14.1               | Meets                |
| 292 - Ajax Community Route        | Weekday and Saturday | No                     | 27,182                         | 2,087                                | 13.0               | Meets                |
| 193 - Pickering Community Route   | Weekday and Saturday | No                     | 15,187                         | 1,497                                | 10.1               | Meets                |

| Route                            | Time                 | Service Change in 2018 | Total Boardings Jan – Oct 2018 | Revenue Service Hours Jan – Oct 2018 | Boardings Per Hour | Performance Standard |
|----------------------------------|----------------------|------------------------|--------------------------------|--------------------------------------|--------------------|----------------------|
| 414 - Oshawa Community Route     | Weekday and Saturday | Yes                    | 6,224                          | 739                                  | 8.4                | Meets                |
| 506 - Clarington Community Route | Weekday              | Yes                    | 3,143                          | 742                                  | 4.2                | Meets                |
| On Demand                        |                      |                        |                                |                                      |                    |                      |
| 654 Cannington – Lindsay         | Fridays Only         | No                     | 78                             | N/A                                  | N/A                | N/A                  |
| 653 – Beaverton – Orillia        | Thursdays Only       | No                     | 52                             | N/A                                  | N/A                | N/A                  |
| 651 – Uxbridge                   | Weekday              | No                     | 36                             | N/A                                  | N/A                | N/A                  |
| 652 – Scugog                     | Weekday              | No                     | 10                             | N/A                                  | N/A                | N/A                  |

DRT's 2018 route performance review has identified only three conventional routes subject to service standards, which do not currently meet the general performance standard for minimum boardings per hour

**Table 3: Under-performing Routes and Recommended Actions for Approval**

| Route                      | Minimum Boarding Per Hour Standard | 2018 Boardings per Hour | Recommended 2018 Action  |
|----------------------------|------------------------------------|-------------------------|--|
| <b>Local</b>               |                                    |                         |  |
| 601 – Brock – Uxbridge     | 7                                  | 1.7                     | This route provides essential base level of transit service in Brock/Uxbridge. In 2019, schedule adjustments will be made to replace low ridership trips with OnDemand service. Continue service and monitor performance.                                    |
| 603 - Pickering – Uxbridge | 7                                  | 3.4                     | This route provides essential base level of transit service in Uxbridge and Pickering. In 2019, schedule adjustments will be made to increase the attractiveness of the service for a greater number of customers. Continue service and monitor performance. |
| 960 – Newmarket-Uxbridge   | 7                                  | 2.1                     | This route provides a basic link between Uxbridge and Newmarket. Continue service and monitor performance.   |

### **601 – Brock-Uxbridge**

Route 601 has an average of 1.7 boardings per hour, below the minimum standard of seven boardings per hour for local routes. The route currently operates limited weekday service to provide essential base transit service for passengers in the townships of Brock and Uxbridge. Three weekday round trips operate on this route, providing limited opportunities for travel. DRT will look at replacing low ridership trips with OnDemand service.

### **603 – Pickering-Uxbridge**

Route 603 has an average of 3.4 boardings per hour, below the minimum standard of seven boardings per hour for local routes. The route currently operates limited weekday service via Brock Road from downtown Uxbridge, through Claremont and the Highway 407 GO Park and Ride lot on Brock Road to the Pickering Parkway Terminal. Due to the operating territory, ridership requires more time to materialize

and mature. It is recommended to continue service and monitor performance. In 2019 schedule modifications are planned to improve the attractiveness of the service to increase the number of passengers.

**960 Newmarket-Uxbridge:**

Route 960 has an average of 2.1 boardings per hour, which is below the minimum standard of seven boardings per hour for local routes. Introduced in June 2016, its service coverage is predominantly in rural areas between the Town of Uxbridge and Newmarket. It is expected that ridership on the route will take greater time to grow and attain minimum standard boarding levels.



## **Specialized Services**

### **1. Background**

- 1.1 Durham Region Transit (DRT) Specialized Services provides a demand-responsive transit service that has no fixed routes or schedules. Specialized Services is a shared trip service, meaning that passengers are not generally taken directly from origin to destination. Rather, there may typically be multiple passengers onboard the same vehicle which may make multiple pick-up and drop-off stops. A reservation process serves to book and schedule passenger trips.

DRT Specialized Services is delivered using a combination of internal resources and contracted taxi services (refer to Attachment #1).

DRT Specialized Services schedule “subscription” and “casual” trips. Subscription trips are trips required by customers that are frequent and recurring according to a consistent pattern. They generally include but are not limited to participation in day programs provided by various community organizations (e.g. ARC Industries, Community Living). Subscriptions account for approximately 70 per cent of all trips, and these trips are generally assigned to DRT vehicles strategically to transport multiple passengers to the same location in a single vehicle.

Customers are required to book individual casual trips with a dispatcher or reservationist within a booking window of up to seven-days in advance of the intended day of travel. During peak periods, there is limited capacity for casual bookings because the system is at or close to capacity with subscription bookings. Casual trips are usually accommodated outside the peak periods or when capacity becomes available due to cancellation of a subscription trip.

### **1.2 Service Delivery Model**

DRT works closely with peer transit agencies in the GTHA to ensure specialized services policies and processes improve customer experience, and consistent, and comply with the *Accessibility of Ontarians with Disabilities Act* (AODA), Ontario Regulation 191/11 Integrated Accessibility Standards (IAS), and industry best practices.

DRT’s integrated service delivery has increased the available capacity of specialized services by shifting portions of trips to conventional transit services, for those customers who are able to use the conventional service for part or all of their travel.

DRT Specialized Services regularly integrate trips with DRT conventional buses, the GO Train and GO Bus, York Region conventional and specialized vehicles, and Wheel-Trans.

Passengers unable to safely and independently use public transit may require additional support or assistance, which could include a support person/ attendant. When provided, a support person/attendant generally removes barriers to public transit and, where appropriate, conventional services may become a viable option for many customers.

1.3 *Accessibility for Ontarians with Disabilities Act, 2005, Integrated Accessibility Standards, Ont Reg. 191/11*

To comply with the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA), DRT has implemented a number of measures that have improved accessibility for persons with disabilities.

The purpose of the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA) is to achieve full accessibility by 2025 for citizens with disabilities with respect to goods, services, facilities, accommodations, employment, buildings, structures and premises by developing, implementing and enforcing accessibility standards.

The Integrated Accessibility Standards (IAS) became law in June 2011. The IAS includes the Transportation Standards and applies to organizations providing various forms of transportation under provincial jurisdiction.

The long-term objective of the regulation is to make passenger transportation conveyance and services under provincial and municipal jurisdictions in Ontario fully accessible for persons with disabilities.

DRT estimates that since 2010, previously approved capital budgets have included over \$13.3 million in capital costs related to meeting IAS Transportation Standards.

Equity is key in delivering public transit services for passengers, and one person should not be advantaged over another person. Public transit services apply equally to all customers, regardless of the trip purpose, origin or destination, or type of booking (templated or casual). The IAS established standards for physical (grab bars, designated mobility aid locations, visual and auditory next stop announcements) and administrative (eligibility categories, no fare charged for a support person, hours of service, fare parity) requirements for all providers of public

transit, including Specialized Services.

DRT Specialized Services deployed PRESTO devices on DRT Specialized Services vehicles during the second quarter of 2018, allowing customers to benefit from the convenience of electronic fare payment. These devices were funded from previously approved budgets. Although previously funded, DRT will not be proceeding at this time to purchase the additional 41 devices for use by contracted taxi providers. PRESTO is updating all hardware devices to enable enhanced functionality, such as open payment, at which time new devices will be required. The previously approved funding will be reserved to purchase the new devices, when available.

#### 1.4 Scheduling Efficiencies and Enhancing the Customer Experience

Scheduling of integrated and on-demand trips is currently completed manually by a Specialized Services dispatcher. A dispatcher can spend between 10 to 40 minutes scheduling an integrated or OnDemand trip. When using the telephone to book a trip, customers usually stay on the phone with the dispatcher to ensure the details of the trip(s) are assembled and scheduled.

Through 2017, approximately 50 per cent of all new applicants qualify for integrated trips. As the number of integrated trips increases and with the implementation of OnDemand services, Specialized Services require enhancements to the scheduling system.

Previously approved funding has enabled Specialized Services to enhance the booking and scheduling system to realize efficiencies for customers and staff. By the end of 2018, the trip booking and scheduling system was upgraded to the most current software version. Once completed, an enhanced scheduling solution will follow to automate integrated and OnDemand trip bookings. These enhanced capabilities integrate the schedules of conventional and specialized services to streamline the trip planning process. The enhancements will also enable DRT to investigate mobile solutions to provide real-time service information for Specialized Services customers.

Specialized Services will also upgrade PASS WEB, the on-line trip booking system, to enable customers to automatically schedule and manage trips and to leverage the automated trip booking process. DRT installed the original version of PASS WEB in 2014. PASS WEB Responsive is the third version of the Trapeze on-line booking system that offers customers accessibility enhancements, improved

functionality and the ability to automatically schedule integrated trips.

#### 1.5 Eligibility Review Process

Further to report 2017-DRT-03, the Transit Executive Committee authorized DRT to continue to improve fairness and equity for all DRT Specialized Services customers by completing an eligibility review of all active customers registered before 2015 based on historical criteria at the time of a non-accessible conventional transit system.

The eligibility review process will begin in 2019 and will be managed by the Eligibility unit at DRT Specialized Services. The process requires temporary support from a health care professional, specifically an Occupational Therapist, to ensure the review process is consistent with the regular and on-going processing of new applications. There are approximately 2,000 customer files to be reviewed, an anticipated completion time of 18 to 24 months.

#### 1.6 Enhancing Inter-Regional Trip Scheduling

Implemented in the fall of 2018, members of the GTHA Specialized Services Working Group collaboratively implemented dedicated trip booking telephone lines that has improved employee efficiency and enhanced the customer experience by reducing the time on the telephone to book an inter-regional trip.



## The Regional Municipality of Durham Report

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To: Finance and Administration Committee  
From: Commissioner of Finance  
Report: #2019-F-9  
Date: February 12, 2019

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**Subject:**

Public Process For The Proposed Seaton Area Specific Development Charge By-law

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**Recommendations:**

That the Finance and Administration Committee recommends to Regional Council:

- A) That Statutory Public Meeting of Regional Council, as required by the Development Charges Act, 1997 (DCA, 1997) be held on April 24, 2019 in the Regional Council Chambers at the beginning of the regular Regional Council meeting to consider the proposed Area Specific Development Charge by-law and Background Study for water supply and sanitary sewerage services in the Seaton area;
- B) That the proposed Seaton Water Supply and Sanitary Sewerage Area Specific Development Charge by-law and Background Study, 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 April 9, 2019;
- 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 Meeting and the date and contact for the release of the proposed Seaton Water Supply and Sanitary Sewerage Area Specific Development Charge by-law and Background Study no later than April 3, 2019.

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**Report:**

**1. Purpose**

- 1.1 The purpose of this report is to seek authorization to proceed with the public process to renew the Seaton Water Supply and Sanitary Sewerage Area Specific Development Charge (ASDC) by-law.

- 1.2 Although the Seaton ASDC by-law does not expire until November 25, 2020, the Seaton Landowners Group has requested that the Region update the Seaton ASDC by-law to reflect updated capital cost estimates based on recent tenders and on-going construction of water supply and sanitary sewerage infrastructure in Seaton.
- 1.3 The Seaton Phase 1 Regional Infrastructure Front-ending Agreement permits the Seaton Landowners Group to request the Region to review the Seaton ASDC by-law as more accurate cost estimates become available. They can request up to two development charge reviews over a five year term. This is the Seaton Landowner's Group's first request to renew the Seaton ASDC by-law.
- 1.4 This report seeks authorization to place the notification necessary to advise all interested parties of the recommended April 24, 2019 Statutory Public Meeting of Council and the pending release of the proposed Seaton Water Supply and Sanitary Sewerage ASDC by-law and Background Study, as required by the Development Charges Act, 1997 (DCA, 1997) and associated regulations in order to have new by-law in place by July 1, 2019 and to provide an update to the earlier report (Report #2018-COW-169) which authorized staff to renew this by-law.

## 2. Timeframe for Regional Development Charge Study

- 2.1 The following schedule provides the target dates for new Seaton ASDC by-law (to be implemented on July 1, 2019).

| <b><u>TASK</u></b>  | <b><u>Date</u></b>    |
|---|-----------------------|
| Consultation with development industry and area municipalities                        | February / March 2019 |
| Public Notice   | By April 3, 2019      |
| Background Study to Councillors and Public  | April 9, 2019         |
| Public meeting of Regional Council to Review the Background Study and proposed By-law | April 24, 2019        |
| Input from public, local development industry and area municipalities                 | April – May 2019      |
| Report to Finance and Administration Committee  | June 11, 2019         |
| Report to Council to Recommend Development Charges and By-law                         | June 26, 2019         |
| Implementation of New Development Charge By-law                                       | July 1, 2019          |

### **3. Requirements of DCA, 1997 and Associated Regulations RE: Public Process**

#### **Public Meeting**

- 3.1 The DCA, 1997 and associated regulations require that Regional Council hold at least one public meeting to receive public representation on the proposed Seaton Water Supply and Sanitary Sewerage ASDC by-law and Background Study.
- 3.2 The required public meeting is recommended to be held at the beginning of the Regional Council meeting on April 24, 2019 in the Regional Council Chambers. In addition, the Finance and Administration Committee meeting scheduled for June 11, 2019 and Regional Council Meeting scheduled for June 26, 2019 will consider the final by-law and is open to the public.

#### **Notice of Public Meeting**

- 3.3 Regional Council is required to give at least 20 days notice of a public meeting. Therefore, the Regional Clerk will by April 3, 2019, advertise a notice in newspapers of sufficient general circulation in Durham Region and on the Regional web-site, the date, time, location and purpose of the Statutory Public Meeting and the date and contact for the release of the proposed Seaton ASDC by-law and Background Study.

#### **Release of Proposed ASDC By-law and Background Study**

- 3.4 Further, the DCA, 1997 and associated regulations require that the proposed by-law and background study be made available to the public at least two weeks prior to the public meeting and 60 days prior to the passing of the Development Charge By-law. Accordingly, the proposed ASDC by-law and Background Study will be available on the Regional website and at the Regional Clerk's office at no charge upon request as of April 9, 2019.

### **4. Public Input**

- 4.1 Staff have sent letters to the local development industry (representatives of the Durham Homebuilders Association and the Building Industry and Land Development Association) and the local Chambers of Commerce and Boards of Trade to offer to meet and discuss the proposed development charge by-law. Copies of the proposed by-law and background study will be forwarded to representatives of the Durham Homebuilders Association and the Building Industry and Land Development Association (BILD).
- 4.2 Staff will also offer to meet with the local municipalities and the Seaton Landowners Group to discuss the proposed Seaton ASDC by-law.

- 4.3 The statutory public meeting of Council on April 24, 2019 will permit public representations related to the proposed by-law from any person who attends the meeting, as required under the DCA, 1997 and associated regulations. The public submissions, both at the public meeting and those received in writing will be considered by staff in preparing the final Seaton ASDC by-law, which will be presented to Finance and Administration Committee on June 11, 2019 and Regional Council on June 26, 2019.

## **5. Conclusion**

- 5.1 This report seeks staff authorization to undertake the necessary tasks to initiate the public process for the proposed Seaton ASDC by-law in accordance with the provisions of the DCA, 1997 and associated regulations and provides appropriate time for public submissions.
- 5.2 This report has been reviewed by staff of the Works, Planning and Economic Development and Legal Departments who concur with the above recommendations.

Respectfully submitted,

Original Signed by Nancy Taylor

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N. Taylor, BBA, CPA, CA  
Commissioner of Finance

Recommended for Presentation to Committee

Original Signed by Elaine C. Baxter-Trahair

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Elaine C. Baxter-Trahair  
Chief Administrative Officer





## The Regional Municipality of Durham Report

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To: The Finance and Administration Committee  
From: Commissioner of Finance  
Report: [#2019-F-10](#)  
Date: February 12, 2019

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**Subject:**

Joint Bus Procurement Results

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**Recommendation:**

That the Finance and Administration Committee recommends to Regional Council:

- A) That the award of the 2018 Metrolinx-led RFP for seven-metre and eight-metre low floor para-transit buses be approved; and
  - B) That the Commissioner of Finance be authorized to execute the related agreements for purchase of seven-metre and eight-metre low floor para-transit buses, subject to approval of the capital budgets.
- 

**Report:**

**1. Purpose**

- 1.1 The purpose of this report is to advise the Finance and Administration Committee of the successful vendor selected through the latest round of the competitive Metrolinx-led Joint Transit Procurement Initiative for the supply of seven-metre and eight-metre low floor para-transit buses and seek approval to award to the successful vendor, for Durham Region Transit (DRT) vehicles for Specialized Services.

**2. Financial Implications**

- 2.1 Durham Region Transit participates in the Metrolinx-led Joint Transit Procurement Initiative along with other Ontario transit agencies, as per Council approved Report

#2013-F-58 and 2017-COW-184. DRT has been participating in the development of the successive Requests for Proposals (RFP's) and in the evaluation of proposals. Joint procurement is permitted under Section 13 of the Region's Purchasing By-law.

- 2.2 The latest RFP for seven-metre and eight-metre low floor buses was issued by Metrolinx on July 12, 2018 and closed October 2, 2018. Two proposals were received: Creative Carriage and Crestline Coach.

The proposal from Crestline Coach was deemed non-compliant and therefore did not proceed to the evaluation phase.

The proposal from Creative Carriage was deemed compliant and a technical evaluation was performed. Pricing submissions were opened on conclusion of the technical evaluation. Technical and price scoring were weighted equally.

- 2.3 Metrolinx's agreement with Creative Carriage has a one-year term beginning November 14, 2018, with the option of two one-year extensions.
- 2.4 The base price of the low floor buses is \$158,255. The base price of the previous Metrolinx-awarded agreement for Specialized Transit Buses was with Overland Custom Coach (\$111,003) for high floor buses (a different model). There are benefits to switching to low floor buses for Specialized Services such as providing non-discriminatory accessible entrance that allows customers of all mobility capabilities the freedom and ease of boarding and exiting the vehicle. Each of the participating transit agencies has the opportunity of outfitting the bus with features, options and configurations (with corresponding price adjustment) for compatibility with their respective existing fleet.
- 2.5 The financing of the bus purchases will be subject to Transit Executive Committee, Finance and Administration Committee and Council approval of the annual capital budgets.

### **3. Next Steps**

- 3.1 A similar report was presented to the Transit Executive Committee on February 6, 2019.
- 3.2 Upon execution of a Purchase Agreement with Creative Carriage, DRT will place order for buses as approved in the 2019 budget, with delivery to be based on production schedule.

Respectfully submitted,

Original Signed By

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Nancy Taylor, BBA, CPA, CA  
Commissioner of Finance

Recommended for Presentation to Committee

Original Signed By

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Elaine C. Baxter-Trahair  
Chief Administrative Officer