



Official Notice

Meeting of Regional Council

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

Wednesday, April 24, 2019

9:30 AM

1. Roll Call

2. Declarations of Interest

3. Announcements

4. Presentations

- 4.1 Mr. Vincent Patterson, General Manager, Durham Region Transit, presentation of Drivers for the 2018 Safe Driver Awards
- 4.2 Mr. Steven Kemp, Manager of Traffic Operations, re: Durham Vision Zero – A Strategic Road Safety Action Plan (SRSAP) for the Regional Municipality of Durham (2019-W-27) [Item 4 of Report #4 of the Works Committee]

5. Adoption of Minutes

- 5.1 Special Regional Council meeting – [March 21, 2019](#) Pages 4 - 9
- 5.2 Regional Council meeting – [March 27, 2019](#) Pages 10 - 54
- 5.3 Closed Regional Council meeting – March 27, 2019 Under Separate Cover

6. Communications

- CC 15 [Confidential Memorandum from Jason Hunt, Director of Legal Services, providing advice that is subject to solicitor-client privilege re: New View Holdings](#) Page 55
- CC 16 [Dave Douglas, Environmental Consultant, VisionQuest Environmental Strategies Corp., writing to Works Committee](#)

Members on behalf of Clorox (GLAD) Canada Ltd., thanking them for the opportunity to present at the April 3, 2019 meeting on a "See Through" Blue Bags Pilot

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CC 17 Integrity Commissioner Report dated March 26, 2019 from Guy Giorno re: Durham Code of Conduct Report 2018-01

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CC 18 Integrity Commissioner Supplementary Report dated April 17, 2019 from Guy Giorno re: Durham Code of Conduct Report 2018-01

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7. Delegations

7.1 Public meeting pursuant to Section 12 of the Development Charges Act, 2017, to present the proposed Area Specific Development Charge by-law and the related underlying background study and to obtain public input on the proposed by-law and study regarding the water supply and sanitary sewerage services in the Seaton area

7.2 A.J. Kehoe, Durham Region resident, requesting all meetings of the Durham Nuclear Health Committee be held at Region of Durham Headquarters

8. Notice of Motions

8.1 Reconsideration of recommendations contained in Report #2019-COW-178: 2019 Water and Sanitary Sewer User Rates

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9. Committee Reports

9.1 Finance and Administration Committee

Pages 67 - 71

9.2 Health and Social Services Committee

Pages 72 - 73

9.3 Planning and Economic Development Committee

Pages 74 - 75

9.4 Works Committee

Pages 76 - 77

10. Unfinished Business

10.1 2019 Solid Waste Management Servicing and Financing Study – Referral of Part C) of Report #2019-COW-3 2019 Solid Waste Management Servicing and Financing Study – Referral of Part C) of Report #2019-COW-3

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11. Other Business

- 11.1 Public Meeting Regarding Proposed Seaton Water Supply and Sanitary Sewer Area Specific Development Charges By-law and Background Study ([2019-F-18](#))

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12. By-laws

- 27-2019 Being a by-law to amend By-law 36-2015 to provide for the establishment and adoption of an Emergency Management Program for the Regional Municipality of Durham.
- This by-law implements the recommendations contained in Item #3 of the 4th Report of the Finance and Administration Committee presented to Regional Council on April 24, 2019
- 28-2019 Being a by-law to regulate smoking and vaping in public places and in the workplace.
- This by-law implements the recommendations contained in Item #2 of the 4th Report of the Health & Social Services Committee presented to Regional Council on April 24, 2019

13. Confirming By-law

- 29-2019 Being a by-law to confirm the proceedings of Regional Council at their meeting held on April 24, 2019

14. Adjournment

Notice regarding collection, use and disclosure of personal information:

Written information (either paper or electronic) that you send to Durham Regional Council or Committees, including home address, phone numbers and email addresses, will become part of the public record. This also includes oral submissions at meetings. If you have any questions about the collection of information, please contact the Regional Clerk/Director of Legislative Services.

The Regional Municipality of Durham

MINUTES

SPECIAL REGIONAL COUNCIL

Thursday, March 21, 2019

The Council of The Regional Municipality of Durham met at the Oshawa Golf and Curling Club, Centennial Room A, 160 Alexandra Street, Oshawa at 9:08 AM

Regional Chair Henry assumed the Chair.

1. Roll Call

Morning Session 9:08 AM to 12:05 PM

All members of Council were present with the exception of Councillors Bath-Hadden, Collier, Crawford, Dies, Drew, Lee, Mitchell, John Neal, Nicholson, Pickles, Roy and Ryan

Councillor Brenner attended on behalf of Councillor McLean as the alternate for the City of Pickering

Councillor Carter left the meeting at 11:41 AM on municipal business
Councillor Chapman left the meeting at 11:41 AM on municipal business
Councillor Collier attended the meeting at 11:00 AM and left the meeting at 12:05 PM on municipal business
Councillor Crawford attended the meeting at 10:22 AM
Councillor Dies attended the meeting at 10:22 AM
Councillor Lee attended the meeting at 10:22 AM
Councillor Mitchell attended the meeting at 9:44 AM
Councillor Joe Neal left the meeting at 10:36 AM and returned at 1:06 PM
Councillor Pickles attended the meeting at 10:22 AM
Councillor Ryan attended the meeting at 11:00 AM

Afternoon Session 1:06 PM to 3:40 PM

All members of Council were present with the exception of Councillors Bath-Hadden, Carter, Chapman, Collier, Drew, Kerr, John Neal, Nicholson, and Roy

Councillor Carter attended the meeting at 1:30 PM
Councillor Chapman attended the meeting at 1:30 PM
Councillor Kerr attended the meeting at 1:40 PM

Councillor Brenner attended on behalf of Councillor McLean as the alternate for the City of Pickering

2. Declarations of Interest

There were no declarations of interest.

3. Session Structure, Purpose and Key Objectives

Regional Chair Henry provided opening remarks and a brief overview of the strategic planning process. He explained that today's meeting is the first step in the process and members of Council will identify what is important to them. He advised that Karen Wianecki will be facilitating today's strategic plan discussion with Council.

4. Discussion of Council Priorities

4.1 Facilitated dialogue led by Karen Wianecki on existing and emerging trends, pressures and strategic opportunities as a foundation to start planning

K. Wianecki provided an overview of the agenda for the meeting. She outlined the meeting purpose and objectives and explained the key outcomes for the day. She facilitated dialogue on existing and emerging trends, pressures and strategic opportunities as a foundation to start strategic planning.

4.2 Defining an initial list of priorities for the term of Council

K. Wianecki provided a PowerPoint presentation entitled, "Spotlight on Durham's Future - Environmental Scan". Highlights of the presentation included:

- Environmental Scanning – Process Evolution
- Important Initial Points of Note
- Environmental Scanning – Techniques
- The Value of Environmental Scanning
- How is Our World Changing – What Decisions Can We Make Today to Influence Tomorrow?
- Evolution Across the Regional Landscape
- Leading Trends & Drivers of Change
- A Complex Landscape
- STEEP (PESTLE) – socio-cultural; technological; economic; environmental; political
- Demographic Change
 - Why are Demographics so Critical?
 - 7.7 Billion People Call Earth Home
 - The Global Demographic Picture
 - Ontario's Demographic Outlook
 - Regional Population Projection & Trends
- The Region of Durham Demographic Picture
 - What does Durham's demographic look like?

- Are we well prepared for what is coming?
- Estimated Growth – Durham Region
- Growth Plan (2017) Projected Regional Population & Jobs
- Socio-Cultural Trends & Drivers and What it Means for Durham Region
- The Global Economy
 - Economics – Nationally & Regionally
 - The Top 10 Fastest Growing Industries in Canada
- Ontario's Economy
- The Regional Economy
- Technological Trends
- Technological Innovations
- Move from 'Green' to 'Smart'
- Environmental Trends
- Key Planning & Environmental Issues
- Demand for Science, Knowledge & Information
- Environmental Changes – Some Observations
- The Politics of Public Service
- The Bottom Line...
- How Will You Exploit Change? What Decisions will you Make Today That will Shape Durham's Future?

K. Wiancki provided a second PowerPoint presentation entitled, "Region of Durham Strategic Planning Session". Highlights of the presentation included:

- Meeting Purpose & Objectives
- Agenda
- Our Approach & Process
- Key Outcomes for Today
- Getting The Big Picture (The Macro Environment) Environmental Scan
- Trends & Their Implications

Moved by Councillor Brenner, Seconded by Councillor Leahy,
(96) That Council recess for 25 minutes.

CARRIED

Council recessed at 10:37 AM and reconvened at 11:01 AM.

E. Baxter-Trahair, CAO, provided Department Head Insights regarding the Key Trends & Their Potential Impact on Durham Region. She identified the following trends:

- Slowing Global Economy & Rise of Populism
- Province to promote smaller government
- New Governance – A New Regional Team
- Changing Demographics

- Technological Innovation

E. Baxter-Trahair also provided a breakdown of Strengths, Challenges and Opportunities from the Department Heads.

Councillors were asked to identify what they see as the key Regional priorities and strategies for the current term of Council based on the departmental briefings heard earlier today and their own insights. Discussion ensued with regards to items that need to be focused on together as well as items that should no longer be a priority. The following comments were provided:

- Need for serviced lands
- Branding and marketing in Durham Region is very important
- Access is critical
- Explore a shared services model and inter-relationships with area municipalities
- Embrace technology (Smart Cities Initiative)
- Technology – quick and convenient access to community services (do more on-line)
- Recognize community concerns
- Transit system - increase in service levels and ridership
- Discussions around waste facilities
- New development and renewed development in downtown areas of municipalities
- Age-friendly initiatives
- Greater focus on agriculture
- Keeping greenspaces green
- Affordability
- Job creation
- Connectivity for rural and remote areas, as well as urban areas
- Maximum use of industrial lands in Oshawa
- See, think and act differently with respect to housing
- Service lands to add to economic growth
- Economic diversification
- Look for synergies, connections and build on current resources
- Systematic thinking – set identifiable targets that are pragmatic, practical, realistic and achievable

Moved by Councillor Marimpietri, Seconded by Councillor Leahy,
(97) That Council recess for lunch for 1 hour.

CARRIED

Council recessed at 12:06 PM and reconvened at 1:06 PM.

4.3 Small Working Group Sessions

K. Wianecki requested that members of Council break into pre-determined groups to discuss the following topics:

Table 1: Current Structure, Focus & Format of the existing Strategic Plan

Table 2: Vision, Mission, Values, Context, Roles & Responsibilities

Table 3: Goal Areas and Goal Statements

Table 4: Strategies and Corporate Structure

Committee members were requested to provide feedback on key questions put forward by the table facilitators.

Moved by Councillor Chapman, Seconded by Councillor Lee,
(98) That the Council recess for 15 minutes.

CARRIED

Council recessed at 2:45 PM and reconvened at 3:01 PM.

5. **Recap, Wrap-up and Next Steps**

K. Wianecki asked the assigned facilitator from each group to present the key priorities from their group, including near term goals for this Council as well as future goals.

E. Baxter-Trahair, CAO, provided an overview of the Department Head Insights on the Vision, Mission, Values, Context, Goals and Strategies.

K. Wianecki provided a recap of the following key points gathered from the roundtable discussions:

- Build the whole pie not single slices
- Build on and capitalize on assets and attributes
- Anticipate what is coming and build resilience
- Ensure customer service
- Efficient, effective and offer value or service
- Think differently
- Capitalize on increasing culturalism
- Mixed use developments
- Build on quality of life (smart cities, affordable housing, access to service lands)
- Economic development and improved access to red tape reduction
- Commit to monitor progress and report on results
- Build relationships
- Be decisive and bold

- Celebrate successes and wins
- User friendly document
- Make strategies more pragmatic
- Stand united

Moved by Councillor Marimpietri, Seconded by Councillor Ryan,
(99) That the information received at the Special Council meeting held on March 21, 2019 be forwarded to the Strategic Plan Steering Committee for information.

CARRIED

6. Confirming By-law

14-2019 Being a by-law to confirm the proceedings of Regional Council at their meeting held on March 21, 2019.

Moved by Councillor Ashe, Seconded by Councillor Lee,
(100) That By-law Number 14-2019 being a by-law to confirm the proceedings of the Special Council of the Regional Municipality of Durham at their meeting held on March 21, 2019 be passed.

CARRIED

7. Adjournment

Moved by Councillor Dies, Seconded by Councillor Barton,
(101) That the meeting be adjourned.

CARRIED

The meeting adjourned at 3:40 PM

Respectfully submitted,

John Henry, Regional Chair & CEO

Ralph Walton, Regional Clerk

The Regional Municipality of Durham

MINUTES

REGIONAL COUNCIL

Wednesday, March 27, 2019

The Council of The Regional Municipality of Durham met in the Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby, Ontario at 9:30 AM

Regional Chair Henry assumed the Chair.

1. Roll Call

Morning Session 9:30 AM to 1:09 PM

All members of Council were present with the exception of Councillors Bath-Hadden, McLean, Roy, Ryan

Councillor Maurice Brenner attended on behalf of Councillor Ryan as the alternate for the City of Pickering

Councillor Bath-Hadden attended the meeting at 10:42 AM

Councillor McLean attended the meeting at 9:37 AM

Afternoon Session 2:00 PM to 4:58 PM

All members of Council were present with the exception of Councillors Bath-Hadden, Kerr, Roy, Ryan

Councillor Maurice Brenner attended on behalf of Councillor Ryan as the alternate for the City of Pickering

Councillor Bath-Hadden attended the meeting at 2:40 PM

Councillor Collier left at 4:32 PM on municipal business

Councillor Kerr attended the meeting at 2:05 PM and left the meeting at 4:45 PM

2. Declarations of Interest

Councillor Drew made a declaration of interest under the Municipal Conflict of Interest Act with respect to Item 6, Report #2019-F-11: The 2019 Regional Business Plans and Budgets for Property Tax Purposes, including General Purpose, Solid Waste Management and Durham Region Transit Part A) i), as it pertains to Regional Operations. She indicated that her son is an employee of the Works Department.

Councillor Collier made a declaration of interest under the Municipal Conflict of Interest Act with respect to Item 6, Report #2019-F-11: The 2019 Regional Business Plans and Budgets for Property Tax Purposes, including General Purpose, Solid Waste Management and Durham Region Transit Part AA), as it relates to the U-Pass. He indicated that he has a family member who attends UOIT and utilizes the U-Pass.

3. Announcements

Various announcements were made relating to activities and events within the Region and area municipalities.

4. Presentations

- 4.1 Mr. Robert Howard, Chief Possibility Officer & Vice President, External Relations, United Way Durham Region provided a video presentation with regards to the importance of the United Way Durham and their support to the community. He advised that the Region of Durham has been a leader in the community in helping spread the “Give Where You Live” message. Mr. Howard presented the Award of Distinction to the Regional Chair, Chief Administrative Officer, Barb Goodwin, Director, Administration, Durham Region Health Department and all of the Region’s United Way Ambassadors in honour of their support.

Mr. Howard responded to questions of Regional Council.

- 4.2 Elaine Baxter-Trahair, Chief Administrative Officer, Nancy Taylor, Commissioner of Finance, and Nicole Pincombe, Director, Business Planning, Budgets and Risk Management provided a detailed PowerPoint presentation on the 2019 Regional Business Plans and Budgets for Property Tax Purposes, including General Purpose, Solid Waste Management and Durham Region Transit (Report #2019-F-11) and 2019 Strategic Property Tax Study (Report #2019-F-13)

Highlights from their presentation included:

- Overview
 - 2019 Corporate Priorities
 - Guideline and Budget Priorities
 - Public Engagement
- Financial Overview
 - Business Planning Process
 - Property Tax Considerations
 - 2019 Proposed Gross Budget
 - Regional Assets
 - 2019 Major Capital Budget and Forecast
- Budget Overview
 - Departmental Budget Overview
- Summary
 - Future Budget Pressures
 - Risks and Uncertainties
 - 2019 Regional Property Tax Impacts
 - Conclusions

E. Baxter-Trahair noted that the average Regional property tax increase is 1.89% for an average residential tax increase of \$51. She added that the Regional residential property tax impact varies by municipality.

E. Baxter-Trahair, N. Taylor and N. Pincombe responded to questions of Regional Council.

Moved by Councillor Foster, Seconded by Councillor Collier,
(102) That Council recess for 15 minutes.

CARRIED

Council recessed at 11:08 AM and reconvened at 11:23 AM.

5. Adoption of Minutes

Moved by Councillor Marimpietri, Seconded by Councillor Pickles,
(103) That the minutes of the following meetings be adopted:

- Regular Regional Council meeting held on February 27, 2019;
- Special Regional Council meeting held on March 1, 2019;
- Special Committee of the Whole meeting held on March 1, 2019.

CARRIED

6. Communications

- CC 13 Letter dated March 4, 2019 from Jamie McGarvey, AMO President, advising that Regional Chair Henry has been selected for the short list of candidates to fill a vacancy on the AMO Board of Directors within the Region and Single Tier Caucus, and requesting a Council resolution supporting Chair Henry in this role.

Moved by Councillor Ashe, Seconded by Councillor Anderson,
(104) That the Association of Municipalities of Ontario (AMO) be advised that the Region of Durham supports Regional Chair Henry being selected for the short list of candidates to fill the vacancy on the AMO Board of Directors within the Region and Single Tier Caucus.

CARRIED

- CC 14 Linda Gasser, Whitby Resident, writing to Regional Councillors requesting to expand on a delegation given at the March 6, 2019 Works Committee meeting regarding Report #2019-W-25: 2019 Works Department Business Plans and Budgets. The following topics are included: the mixed waste presort pilot study – pages 5 and 37 of the Solid Waste Business Plans and Budgets booklet; the additional (also called voluntary) incinerator stack test (page 34); environmental assessment costs for incinerator expansions (page 66); and DYEC legal costs (page 8). She also provided an Interoffice Memorandum from C. R. Curtis, Commissioner of Works, dated November 20, 2009 re: Durham/York Residual Waste Study.

Moved by Councillor Foster, Seconded by Councillor Wotten,
(105) That Council Correspondence CC 14 be referred to consideration of
Report #2019-WR-5, Item 11.1 of Other Business.
CARRIED

7. Delegations

Public Meeting

7.1 Notice of Intention to Pass a By-law to Adopt the 2019 Regional Business Plans and Budgets

Regional Chair Henry stated that the public has been given notice via media release that Regional Council today is intending to review and adopt or amend and adopt the 2019 Regional Business Plans and Budgets, including related fees and charges and the related 2019 Regional Property Tax Rates.

He asked if there were any members of the public present at the meeting wishing to speak on this matter. He asked a second and third time. Being none, he continued on with the Council agenda.

7.2 Alex Williamson, President, Pine Grove Cemetery Board re: Report #2019-W-24: Cemetery Connections to the Regional Water Supply System

Mr. Alex Williamson, President, Pine Grove Cemetery Board appeared before Regional Council to request that the water levy that will be imposed on the Cemetery if water is brought to their lot line be waived. He added that the current formula for calculating the levy is \$200/metre of frontage on Barber Street. The Cemetery has almost 90 metres of frontage on the street. He further added that using the formula, the water levy is in the order of \$27,000. He advised that a further levy of \$5,000 will be imposed when the Region brings the water line across the street to the lot line and the reason for appealing this levy is as follows: almost 80 metres of their frontage is composed of graves that have been there for nearly 100 years.

Mr. Williamson stated that there is no possibility of using this land for any other purpose. He added that the remaining 10 metres is the south access to the cemetery from Barber Street. He requested that if Council finds it impossible to waive the levy completely, that consideration be given to assess the levy on their roadway opening of 10 metres. He requested that it would equate to a single residential lot and would attract a levy of approximately \$2,000.

Mr. Williamson responded to questions of Regional Council.

7.3 Ms. Wendy Bracken provided a PowerPoint presentation regarding her concerns over the recommendations contained in Report #2019-COW-3: 2019 Solid Waste Management Servicing and Financing Study

Ms. Bracken stated her concerns regarding upsizing the incinerator to be able to process 250,000 tonnes per year and the problems associated with recommendation B and C of Report #2019-COW-3. She also stated that the public, advisory committees, the host community, and municipalities were by-passed during the decision-making process.

Ms. Bracken expressed further concerns regarding inadequate stack and ambient air monitoring; the numerous dioxin/furan exceedances at the DYEC; and unresolved problems with the long-term sampling system (AMESA).

Moved by Councillor Joe Neal, Seconded by Councillor John Neal,
(106) That Ms. Bracken be granted a one-time two minute extension in order to finish her delegation.

CARRIED

Ms. Bracken stated that to plan to more than double the size of the incinerator with the knowledge that exceedances will occur and that the air shed is already overburdened for Durham residents, is irresponsible. She expressed concern regarding what does not go into the air goes into the ash, which is disposed of in a landfill.

Ms. Bracken responded to questions of the Committee.

7.4 Ms. Wendy Bracken provided a PowerPoint presentation before Regional Council regarding Report #2019-WR-5: Results of the 2018 Residential Garbage Composition Study Undertaken by Canada Fibers Limited

Ms. Bracken stated that she expected Report #2019-WR-5 to have lab reports, data collection, and pictures attached to it. She added there needs to be a clear estimate of capacity that could be created by a mixed waste pre-sort and AD to inform long-term waste management and incinerator decisions. She further added that staff need additional details on mixed waste pre-sorting.

Ms. Bracken also expressed concerns that more information is needed on how much of the organics would get lost in the processing at a mixed waste pre-sort facility. She added that inexpensive, low-tech green initiatives are needed that create green jobs, engage and educate the public. She added that more enforcement officers are needed as well as a clear garbage bag policy.

Moved by Councillor Chapman, Seconded by Councillor Smith,
(107) That Council recess for lunch until 2 PM.

CARRIED

Council recessed at 1:09 PM and reconvened at 2:00 PM.

8. Notice of Motions

**8.1 Regional Government Review
[DEFEATED ON A RECORDED VOTE]**

Moved by Councillor Joe Neal, Seconded by Councillor John Neal,
(108) Whereas the Province has appointed two special advisors to make recommendations to the Minister of Municipal Affairs and Housing on improving regional governance and service delivery;

Whereas the consultation process includes interviews by the advisory body with upper and lower tier heads of council;

Whereas the heads of council ought to consult with their respective councils such that they are reflecting the will of council that they represent, and such that the review is open and transparent in accordance with the requirements of the *Municipal Act*;

Now Therefore be it resolved that:

The head of Durham Region Council and the CAO report to Council at its next Council meeting in writing the position put forth to the advisory body; and

Prior to further meetings with the advisory body, the head of Durham Region Council submit any proposed recommendations to the advisory body for approval by Council.

MOTION DEFEATED
ON THE FOLLOWING RECORDED VOTE:

Yes

Councillor Anderson
Councillor Dies
Councillor Kerr
Councillor Lee
Councillor Marimpietri
Councillor Mulcahy
Councillor John Neal
Councillor Joe Neal
Councillor Yamada

No

Councillor Ashe
Councillor Barton
Councillor Brenner
Councillor Carter
Councillor Chapman
Councillor Collier
Councillor Crawford
Councillor Drew
Councillor Foster
Councillor Highet
Councillor Leahy
Councillor McLean
Councillor Mitchell
Councillor Nicholson
Councillor Pickles
Councillor Smith

Councillor Wotten
Regional Chair Henry

Members Absent: Councillor Bath-Hadden
Councillor Roy

Declarations of Interest: None

8.2 Motion Requesting Leave to Council to Re-introduce a Motion to Reconsider the
Minimum Volume Charge per Month for the Bulk Water Filling Stations
[CARRIED]

Moved by Councillor Wotten Seconded by Councillor Drew,

(109) A) In accordance with Section 19.16 of the Rules of Procedure By-law,
that leave be granted by Council to re-introduce a motion to reconsider
the minimum volume charge per month for the Bulk Water Filling
Stations. [Part D) of the recommendations contained in Report #2018-
COW-178: 2019 Water and Sanitary Sewer User Rates, particularly as
it relates to Schedule 4 – Recommended 2019 Miscellaneous Charges,
Item Number 36) Water from Water Supply Plants, Water Pollution
Control Plants, Works Depots & Bulk Filling Stations, Minimum Volume
Charge \$/per month]; and

B) That subject to Part A) being passed on a majority vote, the motion
to reconsider be included on the agenda for the April 24, 2019
Regional Council meeting.

CARRIED ON THE FOLLOWING
RECORDED VOTE:

Yes

Councillor Anderson
Councillor Ashe
Councillor Barton
Councillor Brenner
Councillor Carter
Councillor Chapman
Councillor Collier
Councillor Crawford
Councillor Dies
Councillor Drew
Councillor Foster
Councillor Highet
Councillor Kerr
Councillor Leahy
Councillor Lee
Councillor Marimpietri

No

Councillor John Neal
Councillor Joe Neal

Councillor McLean
Councillor Mitchell
Councillor Mulcahy
Councillor Nicholson
Councillor Pickles
Councillor Smith
Councillor Wotten
Councillor Yamada
Regional Chair Henry

Members Absent: Councillor Bath-Hadden
Councillor Roy

Declarations of Interest: None

9. Committee Reports

9.1 Report of the Finance and Administration Committee

1. Web streaming Adhoc/Non-Standing Committee meetings that are held in the Lower Level Boardroom at Regional Headquarters (2019-A-10)
[CARRIED]

That Report #2019-A-10 of the Commissioner of Corporate Services be received for information.
2. The Regional Municipality of Durham's Accessibility Advisory Committee's 2018 Annual Report and 2019 Workplan (2019-A-12)
[CARRIED]
 - A) That Report #2019-A-12 of the Chief Administrative Officer be received for information as The Regional Municipality of Durham's Accessibility Advisory Committee's 2018 Annual Report; and
 - B) That the Regional Municipality of Durham's Accessibility Advisory Committee's 2019 Workplan be approved.
3. Code of Conduct By-law Amendment - Definition of Confidential Information (2019-A-13)
[CARRIED] [See Motions 111 and 112 on page 22]
 - A) That Part D) (5) of Section 3 of the Code of Conduct By-law with respect to the definition for 'Confidential Information' be enacted; and

- B) That staff be authorized to prepare a by-law to amend By-law #09-2019 to enact this provision.

4. The Remuneration and Expenses in 2018 of Members of Regional Council and Regional Council Appointees to Local Boards, as Required by Section 284(1) of the Municipal Act, 2011, S.O. 2001, c. 25 (2019-F-12)
[CARRIED] [See Motion 113 on page 23]

That Report #2019-F-12 of the Commissioner of Finance be received for information.

5. 2019 Strategic Property Tax Study (2019-F-13)
[CARRIED]

- A) That for the 2019 property taxation year, the municipal property tax ratios for the following property classes for the Regional Municipality of Durham be set as follows:

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

Commercial Broad Class

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

Occupied	1.4500
Vacant Land	1.3050
Excess Land	1.3050

Industrial Broad Class

(including Residual and Large Industrial)

Occupied	2.1040
Vacant Land	1.8585
Excess Land	1.8585

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

6. **The 2019 Regional Business Plans and Budgets** for Property Tax Purposes, including General Purpose, Solid Waste Management and Durham Region Transit (2019-F-11)
[CARRIED AS AMENDED ON A RECORDED VOTE]
[See Motions 114 to 124 on pages 23 to 30]

2019 General Purpose Property Tax Business Plans and Budgets

- A) That the 2019 Business Plans and Property Tax Budgets for General Purposes (excluding Durham Region Transit and Solid Waste Management) be approved, at a total net property tax requirement of \$562,451,000 as detailed within the 2019 Regional Business Plans and Budgets, which are highlighted in Report #2019-F-11 and summarized as follows:

	2019 Tax Require ments (\$000s)
i) Regional Operations	
Departmental Operations	243,309
Regional Roads Reserve – Growth	12,549
Regional Roads – Rehabilitation Reserve Fund	26,050
Regional Bridges – Rehabilitation Reserve Fund	5,525
Total Regional Operations	287,433
ii) Police Service	206,613
iii) Provincial Download Services	51,732
iv) Conservation Authorities	8,202
v) Special Contributions	
Land Conservation and Protection Reserve Fund	565
Special Contribution - Hospitals/Post-Secondary Institutions	4,110
- Durham College	300
Total Special Contributions	4,975
SUBTOTAL	558,955
Deferral for Seaton Assessment Growth	2,039
Adjustment to Assessment Base (re: Assessment under appeal)	1,457
TOTAL GENERAL PROPERTY TAX PURPOSES	562,451

- B) That the 2019 Net Major Tangible Capital Asset Program for General Property Tax Purposes (excluding Solid Waste, Durham Region Transit and Conservation Authorities' requirements) in the amount of \$101,106,000 be approved, and the 2020 to 2028 Capital Forecast in the amount of \$800,975,000 as detailed in the following table be received for information purposes only and subject to future approvals:

GENERAL PURPOSES							
TANGIBLE CAPITAL ASSET REQUIREMENTS (\$000's)							
	Recommended	Forecast					Total 2020- 2028
		2020	2021	2022	2023	2024- 2028	
Police Service	2019						
Operations Training Centre - Phase 2	-	-	-	-	-	25,000	25,000
Facility Repairs & Renovations	515	1,000	1,000	1,000	1,000	5,000	9,000
Clarington Police Complex Phase 2 - Regional Support Centre and Centre for Investigative Excellence	-	55,000	-	-	-	-	55,000
Durham North West Seaton	-	-	-	2,500	27,500	-	30,000
North Division Expansion	-	-	-	-	400	3,000	3,400
Central East Division	-	-	-	-	400	50,000	50,400
Police Service sub-total	515	56,000	1,000	3,500	29,300	83,000	172,800
Paramedic Service							
Ambulance Stations - Seaton	3,500	-	-	-	-	-	-
- Clarington	-	3,800	-	-	-	-	3,800
- Uxbridge	-	-	-	-	-	5,700	5,700
Ambulances & Equipment - Growth Related	458	521	292	-	292	1,064	2,169
Ambulances & Equipment - Replacement	1,678	2,395	2,767	2,052	4,607	15,993	27,814
Paramedic Service sub-total	5,636	6,716	3,059	2,052	4,899	22,757	39,483
Health & Social Services							
New Ontario Works Delivery Location	-	-	-	20,000	-	-	20,000
Sunderland Relocation and Expansion - Child Care	-	1,250	-	-	-	-	1,250
Seaton Facility	-	8,300	-	-	-	-	8,300
Health and Social Services sub-total	-	9,550	-	20,000	-	-	29,550
Headquarters - Space Optimization	450	5,950	4,000	4,000	3,500	-	17,450
Works Operations							
Regional Roads Program	94,505	114,095	129,538	127,194	135,631	695,218	1,201,676
Works Operations sub-total	94,505	114,095	129,538	127,194	135,631	695,218	1,201,676
TOTAL TCA REQUIREMENTS	101,106	192,311	137,597	156,746	173,330	800,975	1,460,959

- C) That financing for the 2019 Major Tangible Capital Asset Program for General Property Tax Purposes in the net amount of \$101,106,000 be approved as follows:

GENERAL PURPOSES
2019 CAPITAL FINANCING (\$000's)

	<u>Headquarters -</u>				
	<u>Police</u>	<u>Paramedic</u>	<u>Space Optimization</u>	<u>Roads</u>	<u>Total</u>
Property Taxes	515	2,987	237	6,200	9,939
Development Charges	-	2,649		35,080	37,729
Rehabilitation / Special Road Reserve Funds	-	-	-	44,175	44,175
Federal Gas Tax	-	-	-	7,500	7,500
Other ⁽¹⁾⁽²⁾	-	-	213	1,550	1,763
Total Financing	515	5,636	450	94,505	101,106

Notes:

1. Contribution from Reserves for Headquarters Space Optimization
2. Contribution from Simcoe County for Roads

Contributions for Regional Roads and Bridges

- D) That a 2019 contribution of \$12,549,000 to the Regional Roads Reserve – Growth be authorized to allow for financing of Road Capital Construction Projects;
- E) That a 2019 contribution of \$26,050,000 to the Regional Roads Rehabilitation Reserve Fund be authorized to assist with roads rehabilitation requirements;
- F) That a 2019 contribution of \$5,525,000 to the Regional Bridges Rehabilitation Reserve Fund be authorized to assist with bridge rehabilitation requirements;

Durham Regional Local Housing Corporation

- G) That the 2019 Budget for the Durham Regional Local Housing Corporation be approved in the amount \$6,879,000;

Conservation Authorities

- H) That funding totalling \$5,958,777 for 2019 operations be approved for the Region's five Conservation Authorities as summarized below:

Central Lake Ontario Conservation Authority	\$3,968,962
Kawartha Region Conservation Authority	622,011
Ganaraska Region Conservation Authority	469,271
Toronto and Region Conservation Authority	642,350
<u>Lake Simcoe Region Conservation Authority</u>	<u>256,183</u>

Total Conservation Authority Special Projects \$5,958,777

- I) That funding totalling \$1,673,807 for 2019 special projects be approved for the Region's Conservation Authorities as summarized below:

Kawartha Region Conservation Authority	\$143,000
Ganaraska Region Conservation Authority	231,655
Toronto and Region Conservation Authority	824,671
<u>Lake Simcoe Region Conservation Authority</u>	<u>474,481</u>

Total Conservation Authority Special Projects \$1,673,807

- J) That funding totalling \$200,000 for 2019 land management expenditures be approved for properties within Durham Region as outlined below:

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

Total Conservation Authority Special Projects \$200,000

- K) That the York/Peel/Durham/Toronto/Groundwater Management Initiatives be continued in 2019 at a funding level of \$175,000 for ongoing groundwater protection initiatives jointly funded with the City of Toronto, Region of York and Region of Peel;

- L) That the special funding requests as outlined below be approved subject to the accountability of project costs incurred and project completion with funding to be provided from the Land Conservation and Protection Reserve Fund:

- i) Central Lake Ontario Conservation Authority for phase two of two of the Update to the CLOCA Watershed Plans in the amount of \$100,000;
- ii) Kawartha Conservation Authority for phase one of two of the Watershed Planning project in the amount of \$40,000;
- iii) Kawartha Conservation Authority for phase one of two for Website Design and Implementation in the amount of \$8,706;

- iv) Kawartha Conservation Authority for phase one of five for the Digitization of Corporate Records in the amount of \$10,124;
 - v) Ganaraska Region Conservation Authority for the Enterprise Data Management Platform project in the amount of \$35,376;
- M) That the special funding requests as outlined below be approved subject to securing the remainder of the project funding from the National Disaster Mitigation Program, project completion, and accountability of project costs incurred, with funding to be provided from the Land Conservation and Protection Reserve Fund:
 - i) Central Lake Ontario Conservation Authority for the Flood Forecasting Stream Gauge Improvements/Upgrades in the amount of \$38,275;
 - ii) Toronto and Region Conservation Authority for the Pickering and Ajax Dyke Remediation Environmental Assessment in the amount of \$250,000;
 - iii) Toronto and Region Conservation Authority for the Duffins Creek Floodplain Mapping Update in the amount of \$110,000;
 - iv) Toronto and Region Conservation Authority for the Petticoat Creek Hydrology Update in the amount of \$40,000;
- N) That the special funding request from Central Lake Ontario Conservation Authority in the amount of \$25,000 for the Corbett Creek Floodplain Mapping and Drainage Study be approved with funding to be provided from the Land Conservation and Protection Reserve Fund subject to:
 - i) Central Lake Ontario Conservation Authority securing the remainder of the project funding from the Town of Whitby and the National Disaster Mitigation Program;
 - ii) project completion; and;
 - iii) accountability of project costs incurred;
- O) That a contribution of \$564,794 to the Land Conservation and Protection Reserve Fund be authorized to assist in financing requests for funding received from the five Conservation Authorities to acquire environmentally sensitive lands within the Region, based on eligibility criteria per the approved Regional Land Acquisition Reserve Fund Policy;

Special Contributions

- P) That the request for one-time funding from the Spark Centre for up to a maximum of \$325,000 for the Pilot Launch phase of the Innovation Station Project be approved, with the required financing from the Special Contribution for Hospitals/Post-Secondary Education Institutions; and further that funds be released to Spark Centre at the discretion of the Commissioner of Finance subject to the due diligence and review of the Spark's Centre proposal, an executed funding agreement and a final accountability statement;
- Q) That the request for funding from Trent University Durham for up to a maximum of \$1.42 million over three years (\$474,000 per year) for expansion of Trent University Durham Campus be approved, with the required financing provided annually from the Special Contribution for Hospitals/Post-Secondary Education Institutions; and further that funds be released at the discretion of the Commissioner of Finance subject to the due diligence and review of Trent University Durham's proposal, an executed funding agreement and the accountability of final capital costs reported upon project completion;

Solid Waste Management 2019 Business Plan and Budget

- R) That the 2019 Business Plan and Budget for Solid Waste Management at a net property tax requirement of \$48,477,000 be approved as detailed in the 2019 Solid Waste Management Business Plan and Budget;
- S) That the 2019 Major Tangible Capital Assets Program for Solid Waste Management be approved in the gross amount of \$1,803,000, and the Capital Forecast for the period 2020 to 2028 in the amount of \$207,197,000 as detailed below be received for information purposes only and subject to additional future approvals:

SOLID WASTE MANAGEMENT							
TANGIBLE CAPITAL ASSET REQUIREMENTS (\$000's)							
	Recommended	Forecast					Total
	2019	2020	2021	2022	2023	2024-2028	2020-2028
Landfill Remediation / Reclamation	253	2,901	1,690	420	1,160	4,350	10,521
Long Term Organics Management Plan	-	165,300	-	-	-	-	165,300
Durham / York Energy Centre	60	10,100	900	-	-	-	11,000
Upgrades of Equipment at Material Recovery Facility (MRF)	1,130	290	260	520	-	-	1,070
New Clarington MHSW	160	-	-	-	-	-	-
Modifications and/or New Waste Management Facilities (WMFs)	-	2,600	3,153	-	500	4,253	10,506
Seaton Waste Management Facility - Pickering	-	-	8,500	-	-	-	8,500
Long Term Waste Management Master Plan	200	-	300	-	-	-	300
TOTAL TCA REQUIREMENTS	1,803	181,191	14,803	940	1,660	8,603	207,197

- T) That financing for the 2019 Solid Waste Management Major Asset Program in the amount of \$1,803,000 be approved from property taxes;

Durham Region Transit 2019 Business Plan and Budget

- U) That the 2019 Business Plan and Budget for Durham Region Transit be approved at a total net property tax requirement of \$58,150,000, as detailed in the 2019 Durham Region Transit Business Plan and budget;
- V) That the 2019 Major Tangible Capital Assets Program for Durham Region Transit be approved in the gross amount of \$5,659,000 and the Capital Forecast for the period 2020 to 2028, totalling \$335,698,000 as summarized below be received for information purposes only and subject to future approvals:

DURHAM REGION TRANIST
TANGIBLE CAPITAL ASSET REQUIREMENTS (\$000's)

	Recommended		Forecast											
	#	2019	#	2020	#	2021	#	2022	#	2023	#	2024-2028	#	2020-2028
Growth Related Vehicles	7	2,750	25	13,535	17	9,615	13	7,285	21	12,005	75	42,465	151	84,905
Growth Vehicle Outfitting	39	784	90	1,553	66	1,133	50	852	82	1,413	290	4,962	578	9,913
Replacement Vehicles	4	560	34	17,350	21	11,175	20	9,495	22	10,655	111	54,500	208	103,175
Replacement Vehicle Outfitting		229		704		209		170		196		1,032	-	2,312
Facilities														
Indoor Bus Facility	-			50,500		-		-		-		37,300		87,800
Seaton	-			-		-		-		25,000		-		25,000
Raleigh	-			-		1,030		-		-		-		1,030
Other		203		650		12		-		-		25		687
sub-total - facilities		203		51,150		1,042		-		25,000		37,325		114,517
System Improvements		1,133		7,268		2,069		1,649		1,649		8,243		20,876
TOTAL TCA REQUIREMENTS	50	5,659	149	91,560	104	25,243	83	19,451	125	50,918	476	148,527	937	335,698

- W) That financing for the 2019 Major Capital Asset Program for Durham Region Transit in the gross amount of \$5,659,000 be approved as follows:

SOURCE OF FINANCING	2019 \$ (000's)
Property Taxes	1,184
Ontario Gas Tax Revenue	2,071
Development Charges	2,404
Total Financing	5,659

- X) That a capital provision of up to \$5,621,000 for bus purchases be approved subject to the completion of a business case regarding the timing on transition to articulated style buses and approval of the CAO with financing to be determined by the Commissioner of Finance;
- Y) That DRT's transit service level be approved at up to 529,911 revenue hours of service (a 0.6 per cent increase from 526,627 hours in 2018), including annualization of the 2018 service enhancements and based on service enhancements and efficiencies to be implemented in 2019;

- Z) That effective May 1, 2019, the following transit fare increases be implemented, estimated to generate approximately \$128,000 in new fare revenue in 2019 based on DRT's 2019 ridership forecast of 10.7 million riders:
 - i) The Adult single-ride PRESTO and Ticket fares increase by \$0.05 from \$3.15 to \$3.20; and
 - ii) The Youth single-ride PRESTO and Ticket fares increase by \$0.05 from \$2.80 to \$2.85;
- AA) That the Treasurer and General Manager of Durham Region Transit be authorized to execute a one-year extension to the existing U-Pass agreement with Durham College, University of Ontario Institute of Technology and Trent University (Durham Campus), including an increase in the fee per eligible student from \$135.00 per semester to \$139.00 per semester for the period of September 1, 2019 to August 31, 2020;

Financial Management and Accountability

- BB) That the Listing of 2019 Regional Fees and Charges, as set forth in the 2019 Regional Business Plans and Budgets be approved and made available to the public and all applicable By-laws be amended accordingly;
- CC) That a By-law, generally in the form included as Attachment #4 to Report #2019-F-11, that amends Regional By-law 18-98 (as amended by By-laws 14-2007 and 01-2016), which establishes a tariff of fees on applications for and issuance of permits under the *Building Code Act*, 1992, effective April 1, 2019 be approved;
- DD) That a By-law, generally in the form included as Attachment #5 to Report #2019-F-11, that amends Regional By-law 19-98 (as amended by By-laws 31-98, 15-2007 and 02-2016), which establishes a tariff of fees and charges for certain services provided by the Health Department, under the *Planning Act*, effective April 1, 2019 be approved;
- EE) That based upon the 2019 Regional Business Plans and Budgets as recommended herein, the Commissioner of Finance be authorized to set 2019 Regional Property Tax Rates for General Purposes, Solid Waste Management and Durham Region Transit and approval be granted for the requisite By-laws;

- FF) That capital project approval be granted for expenditures and financing per the 2019 Capital Project Detail pages within the 2019 Regional Business Plans and Budgets where contract awards are consistent with the Regional Budget Management Policy;
- GG) That for any Regional program change or capital expenditure included within the 2019 Regional Business Plans and Budgets which is proposed to be financed in whole, or in part, from Provincial/Federal subsidies or related revenues, neither staffing, capital nor other related Regional expenditures can be committed until such time as adequate written confirmation is received from the respective provincial/federal ministry to commit to the subsidy or related revenues (Finance and Administration Committee and Regional Council will be advised accordingly, consistent with the Regional Budget Management Policy);
- HH) That all business case applications for subsidy or other related funding from senior levels of government or external organizations with respect to Region-operated programs be coordinated with the Region's Finance Department to ensure corporate financial accountability and requirements in expenditure management and financial reporting are met;
- II) That interim financing of \$14.6 million be approved pending receipt of the Federal Gas Tax revenue in 2019 and 2020 to fulfil the financing obligations for the Durham York Energy Centre;
- JJ) That any cash flow shortfall in Homes for the Aged Development Charges, which are to be used to finance the debt servicing costs for the Hillsdale Terraces debenture, be interim financed from tax levy; and further that any interim financing be repaid with interest to the General Levy Stabilization Reserve Fund as Development Charge receipts permit;
- KK) That funding totalling \$99,795 be approved within the 2019 Risk Management program of the Finance Department's 2019 Business Plan and Budget for COMRA (up to \$47,245) and the Pickering Auxiliary Rescue Association (up to \$52,550) to be administered by the Finance Department in consultation with the Durham Regional Police Service based upon services rendered;

- LL) That the reporting of the Impact of Excluded Expenses for tangible capital asset amortization, post-employment benefits and solid waste landfill closure/post-closure expenses be adopted, per requirements under the Ontario Regulation 284/09 of the *Municipal Act, 2001* and the Public Sector Accounting Board (PSAB):

**ESTIMATED IMPACT OF EXCLUDED EXPENSES
ON ACCUMULATED SURPLUS
FOR THE 2019 BUSINESS PLANS AND BUDGETS (000'S)**

	<u>2018</u> <u>Restated</u>		<u>2019</u>		
	<u>Total</u>	<u>Property</u>	<u>Water</u>	<u>Sewer</u>	<u>Total</u>
		<u>Tax</u>			
	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
<u>PSAS Additions to Budget</u>					
Tangible Capital Asset Amortization	139,000	88,467	23,400	30,519	142,386
Post-Employment Benefit Expense	9,051	10,102	545	627	11,274
Landfill Closure Costs - Decrease in Liability	(1)	(612)	-	-	(612)
Transfers from Reserves and Reserve Funds	66,518	57,399	6,985	8,369	72,753
Proceeds of Debt issued for Regional Purposes	19,386	-	-	-	-
Total PSAS Additions	<u>233,954</u>	<u>155,356</u>	<u>30,930</u>	<u>39,515</u>	<u>225,801</u>
<u>PSAS Reductions to Budget</u>					
Gross Tangible Capital Assets Acquisitions	(318,588)	(139,229)	(114,138)	(111,352)	(364,719)
Less: Tangible Capital Asset Recoveries	14,515	-	325	24,646	24,971
Net Tangible Capital Asset Acquisitions	(304,073)	(139,229)	(113,813)	(86,706)	(339,748)
Debt Principal Payments	(21,260)	(16,346)	-	(5,730)	(22,076)
Transfers to Reserves and Reserve Funds	(96,763)	(85,882)	(6,692)	(10,678)	(103,252)
Contributed Tangible Capital Assets	(17,896)	(3,432)	(6,628)	(6,209)	(16,269)
Total PSAS Reductions	<u>(439,992)</u>	<u>(244,889)</u>	<u>(127,133)</u>	<u>(109,323)</u>	<u>(481,345)</u>
Net Impact - (Increase) to Accumulated Surplus	<u>(206,038)</u>	<u>(89,533)</u>	<u>(96,203)</u>	<u>(69,808)</u>	<u>(255,544)</u>

- MM) That the one-time budget request from Central Lake Ontario Conservation Authority (CLOCA) for Ontoro Blvd/Range Road be funded from reserves;
- NN) That the Region fund \$150,000 per year for 5 years in accordance with the budget request from CLOCA for an environmental restoration project, to be funded from the Land Conservation and Protection Reserve Fund; and

- OO) That effective May 1, 2019, a pilot program commence where children 12 years and under shall ride free of charge on Durham Region Transit when accompanied by a fare paying customer; and that Durham Region Transit staff report back on the impacts of this pilot at the September 2019 Transit Executive Committee meeting;**
- PP) That the 2019 Business Plan and Budget for Solid Waste Management be amended by adding \$200,000 for the second stack test to be undertaken in 2019 at the Durham York Energy Centre as directed by Regional Council on January 30, 2019; and further that this test be financed from a contribution from the Waste Management Reserve Fund in the amount of \$200,000;**
- QQ) That the Regional Chair and Clerk be authorized to execute any provincial and/or federal funding agreements to secure senior government investment subject to the concurrence of the Commissioner of Finance and Legal Services; and further, that Regional Staff report on any unbudgeted funding in accordance with Section 15.2 of the Region of Durham's Budget Management Policy; and**
- RR) That Regional Council supports the inclusion of a one-time top up of \$200,000 for the Toronto Region Conservation Authority, Land Management – EAB Treatment, and these monies to be funded from the Land Conservation and Protection Reserve Fund.**

7. Confidential Report of the Commissioner of Corporate Services – Labour Relations/Employee Negotiations with respect to the Canadian Union of Public Employees 1764-04 (CUPE 1764-04) (2019-A-9)
[CARRIED]

That the recommendations contained in Confidential Report #2019-A-9 of the Commissioner of Corporate Services be adopted.

8. Confidential Report of the Commissioner of Corporate Services – Labour Relations/Employee Negotiations with respect to the Replacement of Sick Leave Accrual and Gratuity Program for Regional Management/Exempt Staff (2019-A-11)
[CARRIED]

[See Motions 125 and 126 on page 30 and Motions 137 to 139 on page 42]

That By-law 72-75, as subsequently amended by 36-79 and 26-97 be repealed.

Moved by Councillor Foster, Seconded by Councillor Collier,
(110) That the recommendations contained in Items 1, 2, 5 and 7 of the Third Report of the Finance and Administration Committee be adopted.

CARRIED

Moved by Councillor Foster, Seconded by Councillor Collier,
(111) That the recommendations contained in Item 3 of the Third Report of the Finance and Administration Committee be adopted.

CARRIED LATER IN THE MEETING

(See Following Motions)

Moved by Councillor Joe Neal, Seconded by Councillor John Neal,
(112) That the foregoing motion (111) of Councillor Foster and Collier to adopt the recommendations contained in Item 3 of the Third Report of the Finance and Administration Committee be amended by striking the words "lawfully determined by the Council to be confidential, or" from Section D (5) of the Code of Conduct.

MOTION DEFEATED

ON THE FOLLOWING RECORDED VOTE:

Yes

Councillor Anderson
Councillor Brenner
Councillor Crawford
Councillor Kerr
Councillor Lee
Councillor Marimpietri
Councillor Mitchell
Councillor Mulcahy
Councillor John Neal
Councillor Joe Neal
Councillor Nicholson

No

Councillor Ashe
Councillor Barton
Councillor Bath-Hadden
Councillor Carter
Councillor Chapman
Councillor Collier
Councillor Dies
Councillor Drew
Councillor Foster
Councillor Highet
Councillor Leahy
Councillor McLean
Councillor Pickles
Councillor Smith
Councillor Wotten
Councillor Yamada
Regional Chair Henry

Members Absent: Councillor Roy

Declarations of Interest: None

The main motion (111) of Councillors Foster and Collier to adopt the recommendations contained in Item 3 of the Third Report of the Finance and Administration was then put to a vote and CARRIED.

Moved by Councillor Foster, Seconded by Councillor Collier,
(113) That the recommendations contained in Item 4 of the Third Report of the Finance and Administration Committee be adopted.

CARRIED

Moved by Councillor Foster, Seconded by Councillor Collier,
(114) That the recommendations contained in Item 6 of the Third Report of the Finance and Administration Committee be adopted.

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

Moved by Councillor Joe Neal, Seconded by Councillor Mitchell,
(115) That the foregoing motion (114) of Councillors Foster and Collier to adopt the recommendations contained in Item 6 of the Third Report of the Finance and Administration Committee be amended by adding the following as a new Part PP):

PP) That the 2019 Business Plan and Budget for Solid Waste Management be amended by adding \$200,000 for a second stack test to be undertaken in 2019 at the Durham York Energy Centre as directed by Regional Council on January 30, 2019; and further that this test be financed from a contribution from the Waste Management Reserve Fund in the amount of \$200,000.

CARRIED AS AMENDED
(See Following Motion)

Moved by Councillor Joe Neal, Seconded by Councillor Mitchell,
(116) That the foregoing amending motion (115) of Councillors Joe Neal and Mitchell be amended by deleting the word 'a' in the first instance and replacing it with the word 'the'.

CARRIED

The amending motion (115) of Councillors Joe Neal and Mitchell was then put to a vote and CARRIED AS AMENDED.

Moved by Councillor Collier, Seconded by Councillor Barton,
(117) That the foregoing motion (114) of Councillors Foster and Collier to adopt the recommendations contained in Item 6 of the Third Report of the Finance and Administration Committee be amended in Part OO) as follows:

- by adding the words, "a pilot program commence where" after the words, "May 1, 2019";
- by adding the words, "over the age of 13" after the words "by a fare paying customer"; and

- by deleting the words, “change prior to the 2020 budget.” and replacing them with the words, “pilot at the September 2019 Transit Executive Committee meeting.”

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

Moved by Councillor Brenner, Seconded by Councillor Pickles,
(118) That the foregoing amending motion (117) of Councillors Collier and Barton be amended by deleting the words, “over the age of 13”.

CARRIED LATER IN THE MEETING
(See Following Motion)

Moved by Councillor Bath-Hadden, Seconded by Councillor McLean,
(119) That the question be now put.

CARRIED ON A 2/3rds VOTE

The foregoing amending motion (118) of Councillors Brenner and Pickles to amend the motion of Councillors Collier and Barton was then put to a vote and CARRIED.

The foregoing amending motion (117) of Councillors Collier and Barton was then put to a vote and CARRIED AS AMENDED ON THE FOLLOWING RECORDED VOTE:

Yes

Councillor Anderson
Councillor Barton
Councillor Bath-Hadden
Councillor Collier
Councillor Crawford
Councillor Dies
Councillor Drew
Councillor Foster
Councillor Highet
Councillor Kerr
Councillor Leahy
Councillor Lee
Councillor Marimpietri
Councillor McLean
Councillor John Neal
Councillor Joe Neal
Councillor Pickles
Councillor Smith
Councillor Wotten
Councillor Yamada
Regional Chair Henry

No

Councillor Ashe
Councillor Brenner
Councillor Carter
Councillor Chapman
Councillor Mitchell
Councillor Mulcahy
Councillor Nicholson

Members Absent: Councillor Roy

Declarations of Interest: None

Moved by Councillor Mitchell, Seconded by Councillor Mulcahy,
(120) That the foregoing motion (114) of Councillors Foster and Collier to adopt the recommendations contained in Item 6 of the Third Report of the Finance and Administration Committee be amended by adding the following as a new Part QQ):

QQ) That the Regional Chair and Clerk be authorized to execute any provincial and/or federal funding agreements to secure senior government investment subject to the concurrence of the Commissioner of Finance and Legal Services; and further, that Regional Staff report on any unbudgeted funding in accordance with Section 15.2 of the Region of Durham's Budget Management Policy.

CARRIED

Moved by Councillor Ashe, Seconded by Councillor Dies,
(121) That the foregoing motion (114) of Councillors Foster and Collier to adopt the recommendations contained in Item 6 of the Third Report of the Finance and Administration Committee be amended by adding the following as a new Part RR):

RR) That Regional Council supports the inclusion of a one-time top up of \$200,000 for the Toronto Region Conservation Authority, Land Management – EAB Treatment, and these monies to be funded from the Land Conservation and Protection Reserve Fund.

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

Moved by Councillor Smith, Seconded by Councillor McLean,
(122) That the foregoing amending motion (121) of Councillors Ashe and Dies be further amended by adding the word "each" after the amount "\$200,000"; and by adding the words, "Central Lake Ontario Conservation Authority, Kawartha, Ganaraska Region and Lake Simcoe Region Conservation Authorities" after the words, "Toronto Region Conservation Authority".

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

Moved by Councillor Nicholson, Seconded by Councillor Brenner,
(123) That the foregoing amending motion (122) of Councillors Smith and McLean be referred back to staff to review with the Conservation Authorities the Emerald Ash Borer treatment issues and report back to Council when staff have finished their consultation with the Conservation Authorities.

MOTION DEFEATED
ON THE FOLLOWING RECORDED VOTE:

<u>Yes</u>	<u>No</u>
Councillor Brenner	Councillor Anderson
Councillor Chapman	Councillor Ashe
Councillor Kerr	Councillor Barton
Councillor Leahy	Councillor Bath-Hadden
Councillor Mitchell	Councillor Carter
Councillor Mulcahy	Councillor Collier
Councillor Nicholson	Councillor Crawford
Councillor Smith	Councillor Dies
Councillor Wotten	Councillor Drew
	Councillor Foster
	Councillor Highet
	Councillor Lee
	Councillor Marimpietri
	Councillor McLean
	Councillor John Neal
	Councillor Joe Neal
	Councillor Pickles
	Councillor Yamada
	Regional Chair Henry

Members Absent: Councillor Roy

Declarations of Interest: None

The foregoing amending motion (122) of Councillors Smith and McLean to amend the amending motion of Councillors Ashe and Dies was then put to a vote and DEFEATED ON THE FOLLOWING RECORDED VOTE:

<u>Yes</u>	<u>No</u>
Councillor Mitchell	Councillor Anderson
Councillor Smith	Councillor Ashe
	Councillor Barton
	Councillor Bath-Hadden
	Councillor Brenner
	Councillor Carter
	Councillor Chapman

Councillor Collier
Councillor Crawford
Councillor Dies
Councillor Drew
Councillor Foster
Councillor Highet
Councillor Kerr
Councillor Leahy
Councillor Lee
Councillor Marimpietri
Councillor McLean
Councillor Mulcahy
Councillor John Neal
Councillor Joe Neal
Councillor Nicholson
Councillor Pickles
Councillor Wotten
Councillor Yamada
Regional Chair Henry

Members Absent: Councillor Roy

Declarations of Interest: None

The foregoing amending motion (121) of Councillors Ashe and Dies was then put to a vote and CARRIED ON THE FOLLOWING RECORDED VOTE:

Yes

Councillor Anderson
Councillor Ashe
Councillor Barton
Councillor Collier
Councillor Crawford
Councillor Dies
Councillor Drew
Councillor Foster
Councillor Highet
Councillor Leahy
Councillor Lee
Councillor Mulcahy
Councillor Nicholson
Councillor Pickles
Councillor Yamada
Regional Chair Henry

No

Councillor Bath-Hadden
Councillor Brenner
Councillor Carter
Councillor Chapman
Councillor Kerr
Councillor Marimpietri
Councillor McLean
Councillor Mitchell
Councillor John Neal
Councillor Joe Neal
Councillor Smith
Councillor Wotten

Members Absent: Councillor Roy

Declarations of Interest: None

Moved by Councillor Lee, Seconded by Councillor Barton,
(124) That the main motion (114) of Councillors Foster and Collier to adopt the recommendations contained in Item 6 of the Third Report of the Finance & Administration Committee be divided in order to allow voting on Part A) i) Regional Operations as it pertains to the Works Department Salaries, and Part AA) as it pertains to the U-Pass separately, from the remainder.
CARRIED

Part A) i) was then put to a vote and CARRIED ON THE FOLLOWING RECORDED VOTE (Councillor Drew declared a conflict of interest on this item earlier in the meeting and did not vote on this item):

Yes

Councillor Anderson
Councillor Ashe
Councillor Barton
Councillor Bath-Hadden
Councillor Brenner
Councillor Carter
Councillor Chapman
Councillor Collier
Councillor Crawford
Councillor Dies
Councillor Foster
Councillor Highet
Councillor Kerr
Councillor Lee
Councillor Marimpietri
Councillor McLean
Councillor Mitchell
Councillor Mulcahy
Councillor Nicholson
Councillor Pickles
Councillor Smith
Councillor Wotten
Councillor Yamada
Regional Chair Henry

No

Councillor John Neal
Councillor Joe Neal

Members Absent: Councillor Leahy
Councillor Roy

Declarations of Interest: Councillor Drew

Part AA) was then put to a vote and CARRIED ON THE FOLLOWING RECORDED VOTE (Councillor Collier declared a conflict of interest on this item earlier in the meeting and did not vote on this item):

Yes

Councillor Anderson
Councillor Ashe
Councillor Barton
Councillor Bath-Hadden
Councillor Brenner
Councillor Carter
Councillor Chapman
Councillor Crawford
Councillor Dies
Councillor Drew
Councillor Foster
Councillor Highet
Councillor Kerr
Councillor Lee
Councillor Marimpietri
Councillor McLean
Councillor Mitchell
Councillor Mulcahy
Councillor Joe Neal
Councillor Pickles
Councillor Smith
Councillor Wotten
Councillor Yamada
Regional Chair Henry

No

Councillor John Neal

Members Absent: Councillor Leahy
Councillor Roy

Declarations of Interest: Councillor Collier
Councillor Nicholson

The main motion (114) of Councillors Foster and Collier to adopt the recommendations contained in Item 6 of the Third Report of the Finance & Administration Committee was then put to a vote and CARRIED AS AMENDED ON THE FOLLOWING RECORDED VOTE:

Yes

Councillor Anderson
Councillor Ashe
Councillor Barton
Councillor Bath-Hadden

No

Councillor John Neal
Councillor Joe Neal

Councillor Brenner
Councillor Carter
Councillor Chapman
Councillor Collier
Councillor Crawford
Councillor Dies
Councillor Drew
Councillor Foster
Councillor Highet
Councillor Kerr
Councillor Lee
Councillor Marimpietri
Councillor McLean
Councillor Mitchell
Councillor Mulcahy
Councillor Nicholson
Councillor Pickles
Councillor Smith
Councillor Wotten
Councillor Yamada
Regional Chair Henry

Members Absent: Councillor Leahy
Councillor Roy

Declarations of Interest: None

Moved by Councillor Foster, Seconded by Councillor Collier,
(125) That the recommendations contained in Item 8 of the Third Report of the
Finance and Administration Committee be adopted.

DEFERRED

(See Following Motion)

Moved by Councillor Joe Neal, Seconded by Councillor John Neal,
(126) That the agenda be altered in order to move consideration of Item 8 of the
Finance and Administration Committee to after Item 11.1 of Other
Business.

CARRIED ON A 2/3rds Vote

Moved by Councillor Chapman, Seconded by Councillor Collier,
(127) That Council recess for 10 minutes.

CARRIED

Council recessed from 4:10 PM to 4:20 PM.

9.2 **Report of the Health and Social Services Committee**

1. 2019 Health Department Business Plans and Budgets (2019-MOH-1)
[CARRIED]

- A) That the 2019 Business Plans and Budgets for Public Health and Paramedic Services divisions of the Health Department be approved;
- B) That a by-law, generally in the form included as Appendix 1 to Report #2019-MOH-1, that amends Regional By-law 18-98 (as amended by By-laws 14-2007 and 01-2016), which establishes a tariff of fees on applications for and issuance of permits under the *Building Code Act, 1992*, effective April 1, 2019 be approved; and
- C) That a by-law, generally in the form included as Appendix 2 to Report #2019-MOH-1, that amends Regional By-law 19-98 (as amended by By-laws 31-98, 15-2007 and 02-2016), which establishes a tariff of fees and charges for certain services provided by the Health Department, under the *Planning Act*, effective April 1, 2019 be approved.

2. Supply and Service of Food Rethermalization Equipment for the Region of Durham's four (4) Long-Term Care Homes (2019-SS-2)
[CARRIED]

- A) That a sole source contract with Burlodge Canada be negotiated at a total estimated cost not to exceed \$386,000 for a (5) five year period for the supply of the Multigenic brand food rethermalization equipment and the ongoing preventative maintenance and repair services of existing and new Multigenic brand food rethermalization equipment at a cost not to exceed \$120,000 in total for a period of five (5) years at the Region of Durham's four (4) Long-Term Care Homes subject to financing being approved in the Long Term Care Homes annual Business Plans and Budgets; and
- B) That the Commissioner of Finance be authorized to execute the contract.

3. 2019 Social Services Department Business Plans and Budgets (2019-SS-3)
[CARRIED]

That the 2019 Business Plans and Budgets of the Social Services Department be approved.

4. Dissolution of Agreement with the Canadian Mental Health Association (CMHA) and Execution of a New Agreement with Boys and Girls Club of Durham for Youth Trustee Services (2019-SS-4)
[CARRIED]

That the Regional Chair and Regional Clerk be authorized to execute an agreement with the Boys and Girls Club of Durham for youth trustee services in 2019 for a period of five years.

Moved by Councillor Chapman, Seconded by Councillor Collier,
(128) That the recommendations contained in Items 1 to 4 inclusive of the Third Report of the Health and Social Services Committee be adopted.
CARRIED

9.3 **Report of the Planning and Economic Development Committee**

1. Durham Active Transportation Committee (DATC) Membership Appointments (2019-P-8)
[CARRIED]
 - A) That the following area municipal citizen volunteers be appointed to the Durham Active Transportation Committee (DATC): Keith Haines (Ajax), Jean Martin (Brock), Constance Gray (Clarington), James Bate (Oshawa), Aisha Heywood (Pickering), Marc Gibbons (Scugog) and Phil Smith (Uxbridge);
 - B) That the above-named citizen volunteers be advised of their appointment to the DATC; and
 - C) That a copy of Report #2019-P-8 of the Commissioner of Planning and Economic Development be forwarded to the area municipalities.
2. Process to initiate a Regional Official Plan Amendment to consider requests for service connections for properties adjacent to municipal services outside of the Urban Area (2019-P-9)
[CARRIED]
 - A) That the Planning and Economic Development Department be authorized to initiate the process to amend the Durham Regional Official Plan to enable the consideration of requests for service connections for properties abutting existing municipal services outside the Urban Area; and

- B) That a copy of Report #2019-P-9 of the Commissioner of Planning and Economic Development be forwarded to the area municipalities and the Ministry of Municipal Affairs and Housing for their information.

3. Durham Agricultural Advisory Committee (DAAC) Membership Appointments (2019-P-10)

[CARRIED]

- A) That the following citizen volunteers be appointed as Area Municipal representatives to the Durham Agricultural Advisory Committee: Buck Winter (Ajax); Tom Watpool (Brock); Tom Barrie (Clarington); Paul MacArthur (Oshawa); Gord Taylor (Pickering); Bryan Smith (Uxbridge); and Hubert Schillings (Whitby);
- B) That the following citizen volunteers be appointed as At-Large farmer members to the Durham Agricultural Advisory Committee: Keith Kennedy; Frazer Puterbough; and Neil Guthrie;
- C) That the following citizen volunteers be appointed as At-Large non-farmer members to the Durham Agricultural Advisory Committee: Brad Howsam; David Risebrough; and Gerri Lynn O'Connor;
- D) That the following citizen volunteer be appointed as the Durham Region Federation of Agriculture representative to the Durham Agricultural Advisory Committee: Zac Cohoon;
- E) That the above-named citizen volunteers be advised of their appointment to the Durham Agricultural Advisory Committee; and
- F) That a copy of Report #2019-P-10 of the Commissioner of Planning and Economic Development be forwarded to the area municipalities and the Durham Region Federation of Agriculture.

4. Durham Environmental Advisory Committee (DEAC) Membership Appointments (2019-P-11)

[CARRIED]

- A) That the following citizen volunteers be appointed as Area Municipal Representatives to the Durham Environmental Advisory Committee: Kim Sellers (Ajax); Richard Dickinson (Brock); Jay Cuthbertson (Clarington); Gwen Layton (Oshawa); Dr. Ozair Chaudhry (Pickering); Bruce Foxton (Uxbridge); and Susan Clearwater (Whitby);

- B) That the following returning citizen volunteers be appointed as At-Large members to the Durham Environmental Advisory Committee: Matt Thompson, Dimitri Stathopolous, and Kimberly Murray;
 - C) That the following citizen volunteer be appointed as the Post-Secondary member to the Durham Environmental Advisory Committee: Connor Duffy;
 - D) That the following citizen volunteer be appointed as the Youth member to the Durham Environmental Advisory Committee: Dhruv Upadhyay;
 - E) That the above-named citizen volunteers be advised of their appointment to the Durham Environmental Advisory Committee; and
 - F) That a copy of Report #2019-P-11 of the Commissioner of Planning and Economic Development be forwarded to the area municipalities.
5. Envision Durham – Agriculture and Rural System Discussion Paper (2019-P-12)
[CARRIED]
- That a copy of Report #2019-P-12 of the Commissioner of Planning and Economic Development and Attachment 1, the Agriculture and Rural System Discussion Paper, be forwarded to Durham's area municipalities; conservation authorities; the Ministry of Municipal Affairs and Housing; the Ministry of Food, Agriculture and Rural Affairs; the Ministry of Natural Resources and Forestry; and the Durham Agricultural Advisory Committee for review and comment.
6. Proposed Amalgamation of the Oshawa and Hamilton Port Authorities (2019-EDT-5)
[CARRIED]
- A) That Report #2019-EDT-5 of the Commissioner of Planning and Economic Development be endorsed and submitted to Transport Canada as Durham Region's preliminary comments on the proposed amalgamation of the Oshawa and Hamilton Port Authorities, including the following key comments and recommendations:

- i) The timeline of 30 days to provide comment is insufficient and should be extended by 90 days to adequately and meaningfully consult with the business communities, municipal governments, and indigenous communities that may be affected;
 - ii) The proposed name of “Oshawa-Hamilton Port Authority” is most preferable;
 - iii) The City of Oshawa, and the Region of Durham each be granted the authority to appoint one member to the Board of Directors of the amalgamated port authority;
 - iv) That the amalgamated Port Authority engage in early consultation with the City of Oshawa and Region of Durham prior to any proposed changes to land use at the Port of Oshawa, to ensure any development is appropriate and compatible with surrounding land uses;
 - v) That the Durham Regional Chair respectfully requests a meeting with the Minister of Transport to discuss the Region’s objectives and concerns; and
 - vi) That as part of any amalgamation, that a recreational boating facility be re-established in the Oshawa basin;
 - B) That the Regional Chair be authorized to provide further comments on the proposed amalgamation to Transport Canada, if necessary, as additional information becomes available and meetings take place; and
 - C) That a copy of Report #2019-EDT-5 be forwarded to the City of Oshawa and Durham Region’s area municipalities, the Oshawa Port Authority, the Greater Oshawa Chamber of Commerce, the City of Hamilton, the Hamilton Port Authority, all Durham MPs and MPPs.
7. Durham Agricultural Advisory Committee (DAAC) Membership Appointment and Durham Environmental Advisory Committee (DEAC) Membership Appointments (2019-P-14)
[CARRIED]
- A) That the following citizen volunteer be appointed as the Township of Scugog’s Area Municipal representative to the Durham Agricultural Advisory Committee: Kevin Kemp;

- B) That the following citizen volunteer be appointed as the Township of Scugog's Area Municipal representative to the Durham Environmental Advisory Committee: Geoffrey Carpentier;
- C) That the following citizen s be appointed as At-Large members to the Durham Environmental Advisory Committee: Keiko Lui and Dennis Sallans;
- D) That the above-named citizen volunteers be advised of their appointment to the respective Advisory Committees; and
- E) That a copy of Report #2019-P-14 of the Commissioner of Planning and Economic Development be forwarded to the area municipalities.

Moved by Councillor Joe Neal, Seconded by Councillor Yamada,

- (129) That the recommendations contained in Items 1 to 7 inclusive of the Third Report of the Planning and Economic Development Committee be adopted.

CARRIED

9.4 Report of the Works Committee

1. Extension of Lease for Premises with 2381502 Ontario Inc., Operating as Midtown Centre at 200 John Street in the City of Oshawa for the Regional Municipality of Durham Social Services Department (2019-W-14)
[CARRIED]

- A) That an Extension of Lease for 1,863.2 square metres (20,055 square feet) of office space, being part of the building located at 200 John Street, in the City of Oshawa, be approved on the following terms and conditions:
 - i) The term of the lease extension to be for a period of five years commencing May 1, 2019, ending April 30, 2024;
 - ii) The annual rental rate for the five-year period of the lease to be \$280,770* based on a rate of \$150.69* per square metre (\$14.00* per square foot);
 - iii) The Regional Municipality of Durham continues to be responsible for all operating costs for the leased space; and
- B) That the Regional Chair and Clerk be authorized to execute all documents associated with the extension of the lease agreement.
(*) before applicable taxes

2. Regional Road 3 and Regional Road 57 Traffic Signal, Columbus Road and Grandview Street All-way Stop Control, and Lake Ridge Road Between Dundas Street and Highway 401 Street Lighting Construction Agreement with the Ontario Ministry of Transportation (2019-W-15)
[CARRIED]
 - A) That the Regional Road 3 and Regional Road 57 Traffic Signal, Columbus Road and Grandview Street All-way Stop Control, and Lake Ridge Road Between Dundas Street and Highway 401 Street Lighting Construction Agreement with the Ontario Ministry of Transportation be approved; and
 - B) That the Regional Chair and Regional Clerk be authorized to execute the Regional Road 3 and Regional Road 57 Traffic Signal, Columbus Road and Grandview Street All-way Stop Control, and Lake Ridge Road Between Dundas Street and Highway 401 Street Lighting Construction Agreement with the Ontario Ministry of Transportation in the form provided in Attachment #1 to Report #2019-W-15 of the Commissioner of Works.
3. Winchester Road and Thornton Road Traffic Signal Construction Agreement with the Ontario Ministry of Transportation (2019-W-16)
[CARRIED]
 - A) That the Winchester Road and Thornton Road Traffic Signal Construction Agreement with the Ontario Ministry of Transportation be approved; and
 - B) That the Regional Chair and Regional Clerk be authorized to execute the Winchester Road and Thornton Road Traffic Signal Construction Agreement with the Ontario Ministry of Transportation in the form provided in Attachment #1 to Report #2019-W-16 of the Commissioner of Works.
4. The Regional Municipality of Durham's Drinking Water Systems Annual 2018 Summary Report (2019-W-17)
[CARRIED]
 - A) That the 2018 Summary Report for the Regional Municipality of Durham Drinking Water Systems be received for information;
 - B) That receipt of this report be confirmed by resolution of Regional Council; and

- C) That a copy of this resolution be forwarded to the Ontario Ministry of the Environment, Conservation and Parks' York-Durham District Office to indicate the conditions of Schedule 22 of Ontario Regulation 170/03 have been fulfilled.
5. Termination of Industrial Raw Water Agreement with Coveris Americas (Formerly Liqui-Box Canada Inc.), in the Town of Whitby (2019-W-18)
[CARRIED]
- A) That the Industrial Raw Water Agreement with Coveris Americas (formerly Liqui-Box Canada Inc.) be terminated; and
 - B) That the Regional Chair and Clerk be authorized to execute the necessary amendment.
6. Service Level Agreement to Operate and Maintain Traffic Control Signals Located at Highway 407 and Highway 412 Interchanges between the Regional Municipality of Durham and OM&R 407 East Development Group General Partnership (2019-W-19)
[CARRIED]
- A) That a Service Level Agreement to facilitate Traffic Control Signal Maintenance and Operations with OM&R 407 East Development Group General Partnership to permit the Regional Municipality of Durham to undertake operation and maintenance functions of the existing traffic control signals at various interchange locations along Highway 407 and along Highway 412 in the Regional Municipality of Durham on a cost recovery basis be approved; and
 - B) That the Regional Chair and Clerk be authorized to execute the Service Level Agreement.
7. Extension of Lease with the Township of Brock for the Sunderland Patrol Yard Building Located at S1015 Regional Road 10, in the Township of Brock (2019-W-20)
[CARRIED]
- A) That the Regional Municipality of Durham enter into a Lease Extension Agreement with the Corporation of the Township of Brock, for the Township of Brock owned patrol yard building located at S1015 Regional Road 10, on the following terms and conditions:
 - i) The term of the lease extension to be for a period of five years commencing January 14, 2019 and ending on January 13, 2024, with either party having the right to terminate the lease upon three months prior written notice;

- ii) The annual rental rate currently be \$3,856.23* for the first year with the rent adjusted in the subsequent four years in accordance with the annual Ontario Consumer Price Index based on the 12-month period ending July 31 of the preceding year. All other terms and conditions as set out in the Original Lease remain the same;
 - B) That the Regional Municipality of Durham is responsible for all minor repairs to the building together with maintenance of all walkways and driveways with the Township of Brock responsible for all major repairs and capital replacements; and
 - C) That the Regional Chair and Clerk be authorized to execute all documents associated with the Extension of the Lease agreement.
(*) before applicable taxes
8. Approval to Award a Sole Source Agreement for the Replacement of the Zebra Mussel Control Systems located at the Oshawa Water Supply Plant, in the City of Oshawa (2019-W-21)
[CARRIED]
- A) That a sole source agreement be executed with Dundee Marine for the replacement of the zebra mussel control systems at the Oshawa Water Supply Plant, in the City of Oshawa at an upset limit not to exceed \$600,000*, with financing provided from the approved project budget \$600,000*; and
 - B) That the Commissioner of Finance be authorized to execute the necessary documents related to this sole source agreement.
(*) before applicable taxes
9. Approval to Award a Sole Source Agreement to Continue the Provision of Bioxide and Associated Chemical Dosing System to Reduce Odour and Corrosion in the Trunk Sanitary Sewer located in Lord Elgin Park, in the Town of Ajax (2019-W-22)
[CARRIED]
- A) That a sole source agreement to continue the provision of Bioxide and the associated chemical dosing system be executed with Evoqua Water Technologies effective April 1, 2019 for a term not to exceed one year to reduce odour and corrosion in the trunk sanitary sewer located in Lord Elgin Park, in the Town of Ajax at an upset limit of \$300,000* with financing provided from the approved 2019 Sanitary Sewerage Operating Budget; and

- B) That the Commissioner of Finance be authorized to execute the necessary documents related to this sole source agreement.
(*) before applicable taxes

10. Amendments to Regional Roads By-law #22-2018 (2019-W-23)
[CARRIED]

That a By-law to amend By-law #22-2018, the Regional Roads By-law, generally in the form included as Attachment #1 to Report #2019-W-23 of the Commissioner of Works, be approved.

11. Cemetery Connections to the Regional Water Supply System (2019-W-24)
[REFERRED BACK TO STAFF]

- A) That in conformance with the Region's Water Supply System By-Law Number 89-2003 (as amended), the Pine Grove Cemetery be required to pay frontage charges, be responsible for the cost of connecting to the Region's Water Supply System and all works on private property; and
- B) That a copy of Report #2019-W-24 of the Commissioner of Works be provided to Mr. Alex Williamson, President, Pine Grove Cemetery Board.

Moved by Councillor Mitchell, Seconded by Councillor Marimpietri,
(130) That the recommendations contained in Items 1 to 7 and 10 of the Third Report of the Works Committee be adopted.
CARRIED

Moved by Councillor Mitchell, Seconded by Councillor Marimpietri,
(131) That the recommendations contained in Item 8 of the Third Report of the Works Committee be adopted.
CARRIED

Moved by Councillor Mitchell, Seconded by Councillor Marimpietri,
(132) That the recommendations contained in Item 9 of the Third Report of the Works Committee be adopted.
CARRIED

Moved by Councillor Mitchell, Seconded by Councillor Marimpietri,
(133) That the recommendations contained in Item 11 of the Third Report of the Works Committee be adopted.
REFERRED BACK TO STAFF
(See Following Motion)

Moved by Councillor Drew, Seconded by Councillor Wotten,
(134) That Item 11 of the Third Report of the Works Committee be referred back to staff for a report to consider the provisions of water frontage charges for cemeteries.

CARRIED

10. Unfinished Business

10.1 2019 Solid Waste Management Servicing and Financing Study – Referral of Part C) of Report #2019-COW-3 2019 Solid Waste Management Servicing and Financing Study – Referral of Part C) of Report #2019-COW-3

[REFERRED TO JUNE 26, 2019 COUNCIL MEETING]

At the January 16, 2019 Committee of the Whole meeting, the following referral motion was carried for consideration at the Regional Council meeting:

Moved by Councillor Collier, Seconded by Councillor Joe Neal,
(13) That consideration of Part C) of the recommendations contained in Report #2019-COW-3 be deferred until staff report back on the results of the multi-thousand tonne pre-sort testing to confirm the tonnage drivers for the pre-sort anaerobic digester (AD) as an alternative to expanding the Durham York Energy Centre (DYEC); and that it be a project by Durham Region alone.

For reference, below is Recommendation C):

Staff be authorized to commence the Environmental Assessment (EA) for the DYEC expansion to process 250,000 tonnes per year, including retaining consulting assistance at a cost not to exceed \$60,000, subject to the finalization of the 2019 Solid Waste Management Business Plans and Budgets.

Moved by Councillor Collier, Seconded by Councillor Nicholson,
(135) That Item 10.1 of Unfinished Business be referred to the June 26, 2019 Council meeting, with direction that Legal staff report back to Committee in May.

CARRIED

11. Other Business

11.1 Results of the 2018 Residential Garbage Composition Study Undertaken by Canada Fibers Limited (2019-WR-5)

[CARRIED]

That this study, summarizing the result of the 2018 Residential Garbage Composition Study completed with Canada Fibers Limited, be received for information.

Moved by Councillor McLean, Seconded by Councillor Lee,
(136) That the recommendations contained in Item 11.1 of Other Business be adopted.

CARRIED

9.4 **Report of the Finance and Administration Committee**

8. Confidential Report of the Commissioner of Corporate Services – Labour Relations/Employee Negotiations with respect to the Replacement of Sick Leave Accrual and Gratuity Program for Regional Management/Exempt Staff (2019-A-11)
[CARRIED]

That By-law 72-75, as subsequently amended by 36-79 and 26-97 be repealed.

Moved by Councillor Joe Neal, Seconded by Councillor John Neal,
(137) That the meeting be closed to the public in order to discuss a matter that is subject to Labour Relations/Employee Negotiations with respect to the Replacement of Sick Leave Accrual and Gratuity Program for Regional Management/Exempt Staff.

CARRIED

(Refer to the closed Council meeting minutes of March 27, 2019.)

Moved by Councillor Marimpietri, Seconded by Councillor Leahy,
(138) That Council rise from the closed meeting and report.

CARRIED

Regional Chair Henry advised that during the closed meeting session there was an exchange of information between Council and staff pertaining to employee negotiations and solicitor client privilege as it relates to Item 8 of the Third Report of the Finance and Administration Committee.

Moved by Councillor Lee, Seconded by Councillor Ashe,
(139) That the recommendation contained in Item 8 of the Third Report of the Finance and Administration Committee be adopted.

CARRIED

12. By-laws

- 15-2019 Being a by-law to amend By-law #09-2019 being a by-law to adopt a Code of Conduct for Members of Council and its local boards.
- This by-law implements the recommendations contained in Item #3 of the 3rd Report of the Finance and Administration Committee presented to Regional Council on March 27, 2019
- 16-2019 Being a by-law to amend By-law 18-98 as amended, to prescribe a tariff of fees on applications for and issuance of permits under the Building Code Act.
- This by-law implements the recommendations contained in Item #1 of the 3rd Report of the Health & Social Services Committee presented to Regional Council on March 27, 2019
- 17-2019 Being a by-law to amend By-law 19-98 as amended, to impose fees for services provided by the Health Department of The Regional Municipality of Durham.
- This by-law implements the recommendations contained in Item #1 of the 3rd Report of the Health & Social Services Committee presented to Regional Council on March 27, 2019
- 18-2019 Being a by-law to amend By-law 22-2018, the Regional Roads By-law.
- This by-law implements the recommendations contained in Item #10 of the 3rd Report of the Works Committee presented to Regional Council on March 27, 2019
- 19-2019 Being a by-law to approve and adopt the 2019 Business Plans and Budgets for General Purposes including the payment of all debt of the Regional Corporation falling due excluding current and capital expenditures and debts for Water Supply and Sanitary Sewage Works, Solid Waste Management and Durham Region Transit Commission.
- This by-law implements the recommendations contained in Item #6 of the 3rd Report of the Finance and Administration Committee presented to Regional Council on March 27, 2019

- 20-2019 Being a by-law to approve and adopt the 2019 Business Plans and Budgets for the Durham Region Transit Commission.
- This by-law implements the recommendations contained in Item #6 of the 3rd Report of the Finance and Administration Committee presented to Regional Council on March 27, 2019
- 21-2019 Being a by-law to approve and adopt the 2019 Business Plans and Budgets for Solid Waste Management.
- This by-law implements the recommendations contained in Item #6 of the 3rd Report of the Finance and Administration Committee presented to Regional Council on March 27, 2019
- 22-2019 Being a by-law to establish tax ratios for 2019 and to specify the percentage by which tax rates are to be reduced for prescribed property subclasses.
- This by-law implements the recommendations contained in Item #5 of the 3rd Report of the Finance and Administration Committee presented to Regional Council on March 27, 2019
- 23-2019 Being a by-law to set and levy rates of taxation for Regional General purposes for the year 2019.
- This by-law implements the recommendations contained in Item #6 of the 3rd Report of the Finance and Administration Committee presented to Regional Council on March 27, 2019
- 24-2019 Being a by-law to set and levy rates of taxation for Durham Region Transit Commission for the year 2019.
- This by-law implements the recommendations contained in Item #6 of the 3rd Report of the Finance and Administration Committee presented to Regional Council on March 27, 2019
- 25-2019 Being a by-law to set and levy rates of taxation for Regional Solid Waste Management purposes for the year 2019.
- This by-law implements the recommendations contained in Item #6 of the 3rd Report of the Finance and Administration Committee presented to Regional Council on March 27, 2019.

Moved by Councillor Ashe, Seconded by Councillor Anderson,
(140) That By-law Numbers 15-2019 to 25-2019 inclusive be passed.

CARRIED

13. Confirming By-law

26-2019 Being a by-law to confirm the proceedings of Regional Council at their meeting held on March 27, 2019.

Moved by Councillor Ashe, Seconded by Councillor Anderson,
(141) That By-law Number 26-2019 being a by-law to confirm the proceedings of the Council of the Regional Municipality of Durham at their meeting held on March 27, 2018 be passed.

CARRIED

14. Adjournment

Moved by Councillor Leahy, Seconded by Councillor Lee,
(142) That the meeting be adjourned.

CARRIED

The meeting adjourned at 4:58 PM

Respectfully submitted,

John Henry, Regional Chair & CEO

Ralph Walton, Regional Clerk

Communications

April 24, 2019

- CC 15 Confidential Memorandum from Jason Hunt, Director of Legal Services, providing advice that is subject to solicitor-client privilege re: New View Holdings

Under Separate Cover

Recommendation: Refer to the consideration of Items 1 and 2 of Report #4 of the Works Committee

- CC 16 Dave Douglas, Environmental Consultant, VisionQuest Environmental Strategies Corp., writing to Works Committee Members thanking them for the opportunity to present at the April 3, 2019 meeting. They acknowledge that the Committee does not wish to proceed with the implementation of the GLAD “See Through” Blue Bags pilot project at this time, but remain committed should the Region decide to reconsider their offer at a future date. Their industry partner (EFS-Plastics) also remains interested in providing the Region of Durham with a viable downstream market for the GLAD “See Through” Blue Bags collected under such a pilot and reintegrated into new products.

Recommendation: Refer to the consideration of Item 3 of Report #4 of the Works Committee

- CC 17 Integrity Commissioner Report dated March 26, 2019 from Guy Giorno re: [Durham Code of Conduct Report 2018-01](#)

(See attached correspondence on pages 56 - 62)

Recommendation: Receive for information

- CC 18 Integrity Commissioner Supplementary Report dated April 17, 2019 from Guy Giorno re: [Durham Code of Conduct Report 2018-01](#)

(See attached correspondence on pages 63 - 65)

Recommendation: Receive for information

Durham Region Integrity Commissioner File 2018-01

REPORT ON COMPLAINT

The Complaint

The Complainant alleges that Regional Councillor Bill McLean (the Respondent) breached section 7.2 of the Council Code of Conduct.

Summary

The Complainant is a decorated former police sergeant (Durham Regional Police) who suffers from post-traumatic stress disorder (PTSD) that is treated with cannabis. He complains that the Respondent made a joke about the Complainant's medical cannabis use.

The Respondent acknowledges making the joke. He immediately apologized for it. The apology was insufficient, however, to resolve this complaint. Attempts to reach a settlement were unsuccessful. The Complainant is an advocate for First Responder PTSD who hopes to see the Code of Conduct process continue to a final, public report in order to draw attention to this important social issue.

In all of the circumstances, I have concluded that the appropriate response is to present this report to Regional Council without making a finding of contravention.

Background

The Complainant served with the Durham Regional Police Service for 31 years, retiring as a patrol sergeant. During a distinguished policing career, which began at age 18, he was decorated and promoted several times.

The Complainant suffers PTSD and has been the subject of a medically supervised treatment program involving cannabis. He has become a public advocate for First Responder PTSD sufferers and for the medical use of cannabis.

The Complainant presented background material on his situation and on First Responder PTSD. To accurately represent his perspective, I am quoting from some of the material he provided:

For me, ensuring cannabis is treated as a safe (when used as directed) non-toxic and affordable medicine for first responders and their health care benefits providers and a gateway to better health, is something I pledge to demonstrate during every intelligent interaction. My health was absolutely headed for disaster; for me to say I am on public speaking tours to share the complete healing capabilities for so many, is my new calling.

My profession insisted that I serve justice. I only ask now that after more than three decades of sacrifice, that same justice not allow me to sit alone in front of the very organization I grew up with, expected to remain silent.

First responders sell their souls to the profession to one degree or another; my function is to ensure a means to obtain a full refund is both available and recommended. It absolutely saved my life; it is saving others too, I assure you, I represent several in my organization who have chosen to remain anonymous, and I absolutely respect that right. I speak for them all regardless, including those we have lost in the line of duty. This is my way of not forgetting them, to assure them I am working very hard to prevent their situation from repeat, which we are seeing in epidemic proportions

As part of his work to increase public awareness and to educate, the Complainant attends police services board meetings. In his words:

I do however have to insist on making appearances at Police Services Board meetings, the same Board that is fully aware of my situation, to ensure that all stakeholders in the equation are fully educated and informed as to my success.

The Respondent was Vice Chair of the Police Services Board. On October 16, the Complainant attended a Board meeting. He met the Respondent.

After the encounter with the Complainant, the Respondent remarked, to another Board member:

I didn't know whether to say "hello" or "hi(gh)."

The Complainant overheard the comment. He recognized that this was a joke, but felt that it stigmatized those using cannabis as medical treatment for First Responder PTSD. He said to the Respondent and the other, "There's stigma."

That same day, the Complainant told the Board's Executive Director what happened, and the Executive Director told the Board Chair, who then instructed the Executive Director to inform the Respondent. The Respondent composed a written apology which was sent to the Complainant the next day, October 17:

Thank you [Executive Director], looking back I can see how this comment was insensitive and was not meant to diminish or insult anyone who is using medical marijuana for any reason. I am a strong supporter of assisting and helping those with PTS.

My apologies to the Sgt for my insensitive remark and I know that those suffering from PTS need all the support we can give them.

Once again if the Sgt would like me to call him or meet him for a more formal apology I am available.

The Complainant subsequently filed this Code of Conduct complaint.

Process

In operating under the Code, I follow a process that ensures fairness to both the individual bringing a complaint (Complainant) and the Council Member responding to the complaint (Respondent). The fair and balanced process I normally use is consistent with the requirements of the Code. The process includes the following elements:

- The Respondent receives notice of the complaint and is given an opportunity to respond.
- The Respondent is made aware of the Complainant's name. I do, however, redact personal information such as phone numbers and email addresses.
- The Complainant receives the Respondent's response and is given an opportunity to reply.
- After the reply stage, I often accept supplementary communications and submissions from the parties, but only on the condition that parties generally get to see each other's communications with me. I do this in the interest of transparency and fairness.

On October 24, the Complainant informed me that he had initiated a request for an integrity commissioner investigation.

I waited for the actual complaint. When it did not arrive, I emailed the Complainant, November 7, to inquire about the status.

On November 9, the Complainant completed the Complaint Form/Affidavit required by the Complaint Procedure. The Complaint Form/Affidavit was not, however, sent to me at that time.

I received the complaint form, December 19. December 19 is therefore deemed to be the official complaint date.

Owing to the holiday, I did not notify the Respondent until January 3.

The Respondent provided a preliminary response, January 4, with additional material to follow. I received the additional material January 14.

I interviewed both the Complainant and the Respondent.

The Complainant sent me additional material.

The Complainant has also copied me on correspondence related to other matters such as pension and WSIB, but because these fall outside an integrity commissioner's jurisdiction I received them for information only.

The proceedings of the October 16 Police Services Board meeting were reviewed.

Section 5.1 of the Complaint Procedure expressly provides that, “efforts may be made to achieve an informal resolution. The formal Complaint will be held in abeyance during such time.”

I paused the proceeding to give the parties an opportunity to explore the prospect of a resolution. A resolution was not possible.

Positions of the Parties

Complainant's Position

He appreciates the need for moments of levity, but the Complainant feels the comment was inappropriate and made at the expense of his presence at the Board meeting.

He notes that he is completing the second year of his PTSD treatment and is working to defeat both the stigma of the disease (First Responder PTSD) and the “insidious stigma” surrounding an effective medicine (medical cannabis) which saved his life.

The Complainant says that while the comment may seem innocent on the surface, it is not, as evidenced by the “outright mockery” that has greeted his requests for help from public officials.

He says the comment is unprofessional and, though it may not seem injurious, toxic. He felt that the comment caused “a re-injury at the hands of the Board I trusted [with] my care and recovery.”

In the Complainant's own words:

Today's headlines describe all too well the virtual epidemic which is first responder PTSD. This incident is representative of the very ignorance feeding the stigma which threatens a truly effective treatment.

My efforts here are also for those in my care as a peer supporter on this very subject, those first responders we have lost to suicide, my family, and those who work every day to guard the well-being of our first responders.

Respondent's Position

The Respondent is himself a decorated, former police officer, having served 31 years with the Toronto Police Service and received more than 57 letters of praise, commendation and recognition from supervisors and citizens.

The Respondent admits making an uncalled-for remark. He points out that he immediately apologized for the statement.

He also notes that he immediately offered to speak with the Complainant to give his personal apology as well as a public one at a police services board meeting.

The Respondent states that he has been a very active outspoken champion for PTSD both within the police service and with the regional EMS and fire services.

While he is no longer a member of the police board the Respondent says he is still a strong supporter for those with PTSD. He realizes that the comment was in poor taste and insensitive but says it certainly was not meant to belittle the Complainant or his cause.

Analysis and Findings

Section 7.2 of the Code of Conduct reads as follows:

Every member shall:

- A) not use indecent, abusive or insulting words or expressions toward any other member, any member of staff or any member of the public; and
- B) not 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.

Subsection B) covers discrimination on the basis of a prohibited ground under the *Human Rights Code*. I agree that First Responder PTSD is a disability and that discrimination on the basis of PTSD would contravene subsection B). According to human rights jurisprudence, however, a single comment (especially one made in passing and in jest, or one followed by an immediate apology) does not constitute discrimination, except in limited circumstances that I find do not arise here.¹

That leaves subsection A), which prohibits indecent, abusive or insulting words or expressions. I am not sure that my analysis of subsection A) is necessary. The Respondent has already said that the comment was insensitive, uncalled for and in poor taste. The Respondent quickly apologized. I do not feel that it is necessary for me to characterize the comment when the Respondent has already done so.

The Complainant acknowledges the apology. The Complainant acknowledges the Respondent's position that the comment should not have been made. The Complainant wants the complaint to proceed to its conclusion because he is an advocate for those afflicted with First Responder PTSD and he feels a public report will increase awareness of the disease and the role of medical cannabis as a cure.

It has taken me a while to arrive at a conclusion. On the one hand, the purpose of the complaint process is to deal with alleged contraventions of the Code of Conduct, not to be used as a vehicle to highlight public policy issues, no matter how important. On the other hand, it cannot be said that the concern was frivolous, since the Respondent himself has acknowledged that the comment was uncalled for, and has apologized.

¹ *Seguin v Labourers International Union of North America, Local 527*, 2012 HRT0 1103 (CanLII), at para. 28; *Way v. Coalition Against Psychiatric Assault*, 2011 HRT0 1234 (CanLII), at para. 39; *Conway v. St. Joseph's Healthcare Hamilton*, 2015 HRT0 1232 (CanLII), at paras. 17-18.

On the one hand, since the Respondent has already apologized, it is hard to see what further remedy would be appropriate. On the other hand, unless the complaint is frivolous, vexatious or made in bad faith (which I do not find) or the complaint is abandoned (which did not occur) then the Complainant has a right to pursue the matter to conclusion.

In the circumstances, I believe the best approach is to report to Regional Council, setting out the relevant circumstances. I make no finding of contravention, as this would serve no purpose. However, the content of the report speaks for itself and is a now a matter of public record.

Scope of My Jurisdiction

As I explained to the parties, I am only able to consider the Code of Conduct complaint. I have no jurisdiction over other issues, such as pension, WSIB, *Police Services Act*, costs of medical care, and relations between the Complainant and the Durham Regional Police Services Board. This report does not address any of those topics.

Conclusion

I make no finding of contravention as it would serve no purpose. The content of this public report speaks for itself.

Content

Subsection 223.6(2) of the *Municipal Act* states that I may disclose in this report such matters as in my opinion are necessary for the purposes of the report. All the content of this report is, in my opinion, necessary.

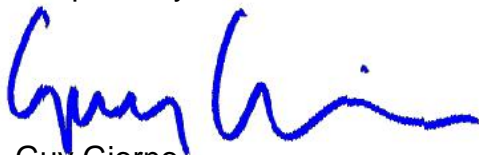
Cost of this Investigation

The total cost to the Region of the investigation and report, not including HST:

Hours: 7.4 @ \$239/hour

Total: \$1768.60

Respectfully submitted,



Guy Giorno
Integrity Commissioner
Regional Municipality of Durham

March 26, 2019

APPENDIX: RELEVANT PROVISION OF CODE OF CONDUCT

7.2 Every member shall:

- A) not use indecent, abusive or insulting words or expressions toward any other member, any member of staff or any member of the public; and
- B) not 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.

Durham Region Integrity Commissioner File 2018-01

SUPPLEMENTARY REPORT ON COMPLAINT

Purpose

This is a continuation of my March 26 report. It provides Regional Council with additional information on the Complaint, the complaint process, and my determination in this case.

Summary

The Complaint relates to a single sentence of nine words. The Council Member who spoke those words apologized. The only issue before me – the only issue over which I have jurisdiction – is whether the Code of Conduct was contravened.

I must conduct an independent, objective and fair process *to address the issue before me*. I did so.

The Complainant and the Respondent agreed that the nine words were spoken. There was no dispute that the words were spoken. I did not, therefore, interview additional witnesses in order to confirm a fact that was not in dispute.

Process Followed

In addition to the Complaint and affidavit, the Complainant sent me other material.

He also copied me on correspondence related to other matters such as pension and WSIB, but because these fall outside an Integrity Commissioner's jurisdiction I received them for information only.

I was also directed to the video record of the October 16 Police Services Board meeting.

I reviewed all the material sent by the Complainant. I considered all his submissions.

Much of this material had nothing to do with the Code of Conduct complaint.

Material that was relevant to the Code of Conduct issue, I took into consideration. Other material, I received for information only.

I interviewed the Complainant for 21 minutes on January 31. As I have noted, there is no dispute that the words were spoken. The only issue is whether the nine-word sentence contravened the Code of Conduct.

My 21-minute telephone interview of the Complainant was more than sufficient to hear all the Complainant had to say that was relevant to this one issue.

The Complainant sent me many submissions. Whether or not they were relevant, I reviewed all the submissions from the Complainant.

One communication from the Complainant requested that I answer 25 separate questions. I did not reply to it. I did not respond because that is not how the Code of Conduct process under Part V.1 of the *Municipal Act* works.

As Integrity Commissioner, I investigate a complaint, gather evidence, hear from the parties, and report to Council. An Integrity Commissioner must hear and be fair to each party, but an Integrity Commissioner is answerable to Council, not to a party. An Integrity Commissioner is not in a position to respond to lengthy interrogatories from a party. A party cannot decide to substitute his own process for the *Municipal Act*/Code of Conduct procedure.

Some of the 25 questions the Complainant wanted me to answer were:

- Whether he has the right to address the Police Services Board.
- Whether he has the right to a statement from each Police Services Board member present at the October 16 meeting.
- Whether he has the right to allege discrimination in future litigation.
- Whether he can sue the Police Services Board.
- Whether he can sue the Respondent.
- Whether he has a right to the Integrity Commissioner's notes.
- Whether he has the right to a mutually agreed upon arbitrator (as I understand, this would be to arbitrate the Code of Conduct issue).

The remaining 18 requests were in the same vein.

Most of the requests were unrelated to the Code of Conduct. They involved matters outside my jurisdiction as Integrity Commissioner.

The requests that did mention the Integrity Commissioner process (such as the request for my notes, and for a mutually agreed arbitrator), I declined to answer. It is not my practice to enter into debate with a party about what the investigative process should or should not be. Moreover, I determined that these tangents were unconnected to the sole issue of whether the Respondent's words were contrary to the Code of Conduct.

Other Council Member

The Complaint only alleged that Regional Councillor Bill McLean had contravened the Code of Conduct. Nobody else was alleged to have contravened the Code.

The Complaint identified another Regional Council Member (Bobbie Drew) as a witness but did not make an allegation against her. I did not investigate Regional Councillor Drew (now Mayor Drew) because there was no complaint against her. I did not interview her as a witness because there was no dispute about the nine words that she heard.

Conducting a fair process does not require that I spend the Region's money to investigate facts that nobody disputes. The Complainant and the Respondent agreed that the words were spoken, and the Respondent apologized. I correctly proceeded on that basis.

Conclusion

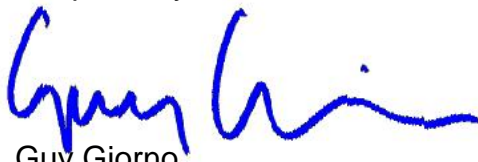
The parties agreed that nine words were spoken. The Respondent apologized for those words.

There was only one issue under the Code of Conduct. The process to consider that issue was fair, objective, independent and thorough.

Content

Subsection 223.6(2) of the *Municipal Act* states that I may disclose in this report (which continues the March 26 report) such matters as in my opinion are necessary for the purposes of the report. All the content of this report is, in my opinion, necessary.

Respectfully submitted,



Guy Giorno
Integrity Commissioner
Regional Municipality of Durham

April 17, 2019

Notice of Motions

April 24, 2019

8.1 Reconsideration of recommendations contained in Report 2019-COW-178: 2019 Water and Sanitary Sewer User Rates

Councillors Wotten and Drew gave Notice that the following motion will be presented at the April 24, 2019 meeting, or subsequent meeting of Regional Council:

A) That Part D) of the recommendations contained in Report #2019-COW-178: 2019 Water and Sanitary Sewer User Rates, particularly as it relates to Schedule 4 – Recommended 2019 Miscellaneous Charges, Item Number 36) Water from Water Supply Plants, Water Pollution Control Plants, Works Depots & Bulk Filling Stations, Minimum Volume Charge \$/per month, be reconsidered on a two-thirds vote;

B) That subject to Part A) being passed on a two-thirds vote:

That whereas the new minimum monthly volume charge per month has increased from \$52.10 to \$150.00, which reflects an approximately 188% increase from 2018;

Be it resolved that the minimum monthly volume charge for end users be phased in on an adjusted annual total volume limit to reduce impacts on services contractors.

Report #4 of the Finance & Administration Committee

For consideration by Regional Council

April 24, 2019

The Finance & Administration Committee recommends approval of the following:

1. Durham Region Roundtable on Climate Change (DRRCC) 2018 Annual Report and 2019 Workplan (2019-A-14)

That report #2019-A-14 of the Director of Corporate Policy and Strategic Initiatives, the Durham Region Roundtable on Climate Change (DRRCC) annual report and workplan, be received and approved.

2. Recommendation to Postpone “Come into Force” date of the Construction Act (2019-A-15)

A) That the Regional Chair, in consultation with Corporate Services – Legal Services Division, be authorized to write to the Attorney General and request that:

- i. the implementation of the prompt payment scheme and the implementation of a mandatory adjudication system in the Construction Act, R.S.O 1990 c. C.30 originally scheduled to come into force on October 1, 2019 be delayed until one year following the establishment of the Authorized Naming Authority; and
- ii. the Province undertake to provide Municipalities with training and/or guidance on the implementation of prompt payment and adjudication for the protection and preservation of present and future public projects; and

B) That the Regional Clerk be directed to send a copy of Report #2019-A-15 of the Commissioner of Corporate Services, any related resolution of Regional Council and the Regional Chair’s letter referenced above, to all area municipalities for them to endorse and/or prepare their own letters to the Attorney General in respect of delaying the implementation of the prompt payment and mandatory adjudication system.

3. Proposed Amendment to By-law 36-2015 – Emergency Management Program (2019-A-16)

That the amending by-law, generally in the form included as Attachment #1 to Report #2019-A-16 of the Director of Emergency management, be approved.

4. Response to Finance & Administration Motion of February 12, 2019 Regarding Corporate Pregnancy Leave Policy ([2019-A-17](#))

That the recommendations contained within the confidential attachment to Report #2019-A-17 of the Commissioner of Corporate Services with respect to Labour Negotiations, be endorsed.

5. Approval in Principle of the Durham Community Energy Plan (DCEP) ([2019-A-18](#))

- A) That Report #2019-A-18 of the Director of Corporate Policy and Strategic Initiatives be endorsed to approve in principle the DCEP and that it be referred to local municipal councils and local energy utilities for their review and approval in principle;
- B) That staff be directed to incorporate the relevant elements of the DCEP related to land-use planning into the new Regional Official Plan through Envision Durham – Municipal Comprehensive Review process; and
- C) That staff be authorized to further develop the details of the six programs recommended in the DCEP and bring them forward for individual approval to proceed with implementation.

6. Appointment of Citizen Members to the Durham Region Roundtable on Climate Change (DRRCC) ([2019-A-19](#))

- A) That the following citizen members be appointed to the Durham Region Roundtable on Climate Change (DRRCC):
 - Bradley Cochrane – Director of Energy Management, York University
 - Gord MacPherson – Associate Director, Toronto Region Conservation Authority
 - John Koke – Vice President, Land Development, Dorsay Development Company
 - June Davies – Citizen Member
 - Kat Senyk – Project Manager, WSP; and
- B) That the successful nominees be advised of their appointment to the DRRCC for the 2019 – 2022 term of Council.

7. Write-off of Arrears of Former Tenants of the Durham Regional Local Housing Corporation for the Year Ended December 31, 2018 ([2019-F-15](#))

That arrears totally \$10,134.80 of one former tenant of the Durham Regional Local Housing Corporation be written-off.

8. Durham Region Water Financial Plan #003-301A (2019-F-16)

- A) That in accordance with Provincial Regulation 453/07, the Water Financial Plan (Provincial #003-301A) as provided in Appendix #1 to Report #2019-F-16 of the Commissioner of Finance, which has been prepared in the Public Sector Accounting Standards format employing tangible capital asset methodology, be approved;
- B) That a copy of the Water Financial Plan and Council Resolution approving the plan be submitted to the Ministry of Municipal Affairs and Housing as prescribed by Ontario Regulation 453/07 under the Safe Drinking Water Act, 2002 which requires owners of municipal drinking water systems to submit a Water Financial Plan to the Province in order to obtain or maintain a Municipal Drinking Water Licence; and
- C) That notification be placed in newspapers and on the Region's website to advise the public of the availability of Durham's Water Financial Plan, as prescribed by Ontario Regulation 453/07.

9. Request for Regional Financial Assistance under the Regional Revitalization Program for the Development of Lands known as 215-234 Perry Street, 205 John Street East and the two (2) vacant lots to the south in the Town of Whitby (2019-F-17)

- A) That the application submitted by the Town of Whitby, on behalf of City Homes, under the Regional Revitalization Program (RRP), requesting Regional financial assistance for the development of lands known as 215-234 Perry Street, 205 John Street East and the two (2) vacant lots to the south in the Town of Whitby, be approved, subject to the following conditions:
 - i) The Region to provide \$300,000 for the development, with funding provided from the Regional Revitalization Reserve Fund and transferred to the Town of Whitby for distribution to City Homes, in accordance with the timing and flow of funds under the RRP:

Full building permit issued to City Homes	50%
Framing inspection (or equivalent structural completion), passed by the area municipal building inspection authority	40%
Occupancy permit received from the area municipal building authority or passed preoccupancy inspection of those municipalities which do not issue an occupancy permit;	10%
 - ii) City Homes must pay all applicable Regional Development Charges due at building permit issuance;

- iii) City Homes enter into a servicing agreement with the Region to construct new water and sewer connections and abandon old connections at an estimated cost of \$42,200;
 - iv) All costs associated with works for the development of the lands will be borne by the developer, City Homes, in keeping with Regional policies;
 - v) Satisfying any performance criteria outlined in agreements between the Town of Whitby and City Homes in regard to incentives (financial or other) provided under the Downtown Whitby Community Improvement Plan and application Town By-laws;
 - vi) The Town of Whitby enter into an agreement with City Homes, establishing a commitment by the developer to operate the proposed project as a purpose-built rental apartment building for a minimum of ten (10) years from time of occupancy permit. If, at a future date, an application for the conversion of existing residential rental units to condominium tenure is considered, conditions under ROP Policy 4.3.4 apply;
 - vii) The Town of Whitby enter into an agreement with the Region that outlines the terms and conditions for Regional financial assistance to ensure accountability for Regional funding; and,
 - viii) The Town of Whitby agrees to annual post-project reviews and audits for five years after substantial occupancy of the development of lands, in conjunction with the Region, to provide accountability and ensure effective utilization of Regional resources; and,
- B) That as per the RRP, the increased property tax revenue generated from the increased current value assessment of the development project in the Town of Whitby be used to replenish the Regional Revitalization Reserve Fund for approximately five years after substantial occupancy.
10. Resolution regarding Frequency of Durham Region Roundtable on Climate Change (DRRCC) Meetings
-
- A) That Section 13.1 “Meeting Schedule” of the Durham Region Roundtable on Climate Change (DRRCC) Committee’s Terms of Reference be reconsidered; and
- B) That subject to Part A) being passed on a two-thirds vote, that the DRRCC Committee meeting schedule be revised to a monthly meeting schedule, and that the DRRCC Terms of Reference be amended to reflect the change.

Respectfully submitted,

A. Foster, Chair, Finance & Administration Committee

Report #4 of the Health & Social Services Committee

For consideration by Regional Council

April 24, 2019

The Health & Social Services Committee recommends approval of the following:

1. Correspondence from the Association of Local Public Health Agencies (alPHA) regarding the 2019 alPHA Fitness Challenge for Board of Health Members

That the correspondence from the Association of Local Public Health Agencies regarding the 2019 alPHA Fitness Challenge for Board of Health Members be considered.

2. New Regional Smoke-Free By-Law ([2019-MOH-2](#))
 - A) That Regional Council approve and pass the attached new Regional Smoke-Free By-Law in the form appended to Report #2019-MOH-2 of the Commissioner & Medical Officer of Health regulating smoking and vaping in public places and the workplace;
 - B) That a copy of the approved Regional Smoke-Free By-law be forwarded to lower-tier municipalities requesting their consent to the passing of the by-law and that notice of such consent be forwarded to the Regional Clerk;
 - C) That notice of receipt of a triple majority (passing of the by-law by Regional Council and receipt of notice of consent from at least 50% of the lower-tier municipalities representing at least 50% of the electors) and final passing of the by-law be provided to Regional Council by the Commissioner & Medical Officer of Health through an Information Report to Health and Social Services Committee and Council; and
 - D) That with the passing of the Regional Smoke-Free By-Law, upon receipt of the triple majority, By-Law 66-2002, a by-law to Regulate Smoking in Public Places and the Workplace, as amended in 2004 and 2007, is hereby revoked.
3. Mandatory On-site Sewage System Maintenance Inspection Program – Lake Simcoe Protection Act, 2008 – Phase II ([2019-MOH-3](#))

That the Regional Chair and Clerk be authorized to execute any legal agreements and any and all amendments thereto between the Region and the area municipalities with respect to the Mandatory On-site Sewage System Maintenance Inspection Program provided that such agreements are substantially in the same form as per the draft agreement attached to Report #2019-MOH-3 of the Commissioner & Medical Officer of Health.

Respectfully submitted,

B. Chapman, Chair, Health & Social Services Committee

Report #4 of the Planning & Economic Development Committee

For consideration by Regional Council

April 24, 2019

The Planning & Economic Development Committee recommends approval of the following:

1. Approval to award NRFP-1066-2017 for the supply, integration, delivery, implementation, training and ongoing support of a Land Development Tracking Software System ([2019-P-16](#))

 - A) That Phase 1 of NRFP-1066-2017 for the supply, integration, delivery, implementation and training of a Land Development Tracking Software System be awarded to Computronix Canada Ltd., at an upset limit of \$1,730,000 to be financed from within the approved project budget;
 - B) That Phase 2 of NRFP-1066-2017 for the supply, integration, delivery, implementation and training of a Land Development Tracking Software System be awarded to Computronix Canada Ltd., at an upset limit of \$300,000 upon 2020 budget approval;
 - C) That the ongoing annual maintenance and support fees, at an estimated cost of \$68,000 per year (\$272,000 for the five-year contract), be funded from the annual Planning Business Plan and Budget; and
 - D) That the Commissioner of Finance be authorized to award the contract and execute any necessary agreements.
2. Recommendation for Award of RFP 1087-2018 – Growth Management Study ([2019-P-19](#))

 - A) That in response to the Request for Proposals RFP-1087-2018 (the "RFP"), the firm of Urban Strategies Inc. be retained to provide consulting and related services for the Envision Durham Growth Management Study required for the Region's Municipal Comprehensive Review;
 - B) That financing for external consulting services in the estimated amount of up to \$835,800 be provided as follows:

i.	Development Charge Studies Reserve Fund	\$180,000
ii.	Property taxes (Non-Departmental), prior year funding	\$400,000
iii.	Property taxes (Non-Departmental), 2019 budget	<u>\$255,800</u>
	TOTAL	<u>\$835,800</u>

C) That the Commissioner of Finance be authorized to execute the Consulting Services Agreement and any amendments required to complete the work.

3. Summary of Commissioner's Delegated Planning Approval Authority, and Summary of Planning Activity in the Fourth Quarter of 2018 (2019-P-20)

That Report #2019-P-20 of the Commissioner of Planning and Economic Development be received for information.

Respectfully submitted,

D. Ryan, Chair, Planning & Economic Development Committee

Report #4 of the Works Committee

For consideration by Regional Council

April 24, 2019

The Works Committee recommends approval of the following:

1. Motion Re: Delegation Request from D. O'Connell, Project Manager, Independent Project Managers, re: an affordable housing project being constructed at 1505 Bowmanville Avenue, in the Municipality of Clarington

That the Region accept the Developer's offer to pay the Region \$225,000 (less design costs) and that the Region performs the temporary road work, as requested by D. O'Connell as part of a delegation provided to the Works Committee on April 3, 2019.
2. Potential Relief Mechanisms to Promote the Development of Affordable Housing
That staff be directed to review current policies and research additional potential relief mechanisms to promote the development of affordable rental housing in Durham Region including defining the criteria for projects to be eligible for the potential relief mechanisms, and report back to Regional Council with the results of that review and any recommended policy amendments or additions required to implement those mechanisms.
3. EBR 013-4689 Reducing Litter and Waste in our Communities: Discussion Paper (2019-WR-6)
 - A) That the attached responses to the discussion paper questions (Attachment #1 to Report #2019-WR-6 of the Commissioner of Works) be submitted to the Ministry of the Environment, Conservation and Parks as the Regional Municipality of Durham's comments on the Reducing Litter and Waste in Our Communities: Discussion Paper; and
 - B) That a copy of Report #2019-WR-6 of the Commissioner of Works be forwarded to the Clerks of the Local Area Municipalities.
4. Durham Vision Zero – A Strategic Road Safety Action Plan for the Regional Municipality of Durham (2019-W-27)
 - A) That Regional Council endorse a Vision Zero approach to Road Safety for the Regional Municipality of Durham;
 - B) That Regional Council endorse the recommended Strategic Road Safety Action Plan goal of a minimum 10 percent reduction in severe (i.e. fatal and injury) collisions within the next five years (2019-2023);

- C) That Regional Council forward a copy of this report to the Local Area Municipalities, including a report substantially in the form of Attachment 1 to Report #2019-W-27 of the Commissioner of Works, in the spirit of mobilizing a concerted effort towards Vision Zero;
 - D) That Regional Council direct staff to move forward with the next steps required to implement the Strategic Road Safety Action Plan; and
 - E) That the Vision Zero Task Force also include a Works Committee representative, a cyclist representative, and a citizen/senior representative.
5. Correspondence dated March 11, 2019 from the Town of Ajax, re: Resolution passed by Ajax Council at its meeting held on February 25, 2019 regarding Westney Road/Millington Crescent Signalization
-
- That a light be designed in 2019 and constructed in 2020 at the Millington Crescent and Westney Road intersection to be funded by the Town of Ajax, without a traffic study being required.
6. Servicing Agreements with Bond & Mary Development Inc. and Bond & Mary Development Phase II Inc. for Temporary Sanitary Sewer Connections, in the City of Oshawa ([2019-W-26](#))
-
- A) That the Regional Municipality of Durham be authorized to enter into Servicing Agreements with Bond & Mary Development Inc. and Bond & Mary Development Phase II Inc. for temporary sanitary sewer connections, in the City of Oshawa to the satisfaction of the Director of Legal Services; and
 - B) That the Regional Chair and Clerk be authorized to execute any necessary documents or agreements.

Respectfully submitted,

D. Mitchell, Chair, Works Committee

Unfinished Business

April 24, 2019

- 10.1 2019 Solid Waste Management Servicing and Financing Study – Referral of Part C) of Report #2019-COW-3 2019 Solid Waste Management Servicing and Financing Study – Referral of Part C) of Report #[2019-COW-3](#)
[REFERRED TO JUNE 26, 2019 COUNCIL MEETING]
-

At the January 16, 2019 Committee of the Whole meeting, the following referral motion was carried for consideration at the Regional Council meeting:

Moved by Councillor Collier, Seconded by Councillor Joe Neal,

- (13) That consideration of Part C) of the recommendations contained in Report #2019-COW-3 be deferred until staff report back on the results of the multi-thousand tonne pre-sort testing to confirm the tonnage drivers for the pre-sort anaerobic digester (AD) as an alternative to expanding the Durham York Energy Centre (DYEC); and that it be a project by Durham Region alone.

For reference, below is Recommendation C):

Staff be authorized to commence the Environmental Assessment (EA) for the DYEC expansion to process 250,000 tonnes per year, including retaining consulting assistance at a cost not to exceed \$60,000, subject to the finalization of the 2019 Solid Waste Management Business Plans and Budgets.

Moved by Councillor Collier, Seconded by Councillor Nicholson,

- (135) That Item 10.1 of Unfinished Business be referred to the June 26, 2019 Council meeting, with direction that Legal staff report back to Committee in May.

CARRIED

Other Business

April 24, 2019

11.1 Public Meeting Regarding Proposed Seaton Water Supply and Sanitary Sewer Area Specific Development Charges By-law and Background Study ([2019-F-18](#))

Recommendations to Council:

- A) That Report #2019-F-18 of the Commissioner of Finance be received for information; and
- B) That all submissions received by Regional Council and the written submissions received by the Regional Clerk by 5:00 p.m. on May 21, 2019, including those opinions expressed verbally at the April 24, 2019 public meeting, be received and referred to Regional staff for consideration in the preparation of the final development charge recommendations and by-law scheduled to be presented to Regional Council for approval on June 26, 2019.

(See attached Report #[2019-F-18](#) on pages 80 - 88)



The Regional Municipality of Durham Report

To: Regional Council
From: Commissioner of Finance
Report: [#2019-F-18](#)
Date: April 24, 2019

Subject:

Public Meeting Regarding Proposed Seaton Water Supply and Sanitary Sewer Area Specific Development Charges By-law and Background Study

Recommendations:

- A) Report #2019-F-18 be received for information; and
 - B) All submissions received by Regional Council and the written submissions received by the Regional Clerk by 5:00 p.m. on May 21, 2019, including those opinions expressed verbally at the April 24, 2019 public meeting, be received and referred to Regional staff for consideration in the preparation of the final development charge recommendations and by-law scheduled to be presented to Regional Council for approval on June 26, 2019.
-

Report:

1. Purpose

- 1.1 The purpose of this report is to provide information regarding the public meeting of Council to be held in the Regional Council Chambers on April 24, 2019 with regard to the proposed Seaton Water Supply and Sanitary Sewer Area Specific Development Charges (ASDC) By-law. The Seaton Landowners Group has requested that the Region update the Seaton ASDC By-law to reflect updated cost estimates. Regional Council is scheduled to make final decisions on the proposed by-law at the June 26, 2019 regular Regional Council meeting, subsequent to prior public input. The Development Charges Act, 1997 (DCA) permits public representations relating to the proposed by-law to be made to Council by any person who attends the April 24, 2019 public meeting.
- 1.2 The notice of the public meeting has been advertised in the Toronto Star on March 23 and 25 (Attachment #1) and three times in the local Metroland newspapers throughout the Region from March 21 to April 4, 2019. In addition, the notice has

been posted on the Regional website. The proposed by-law and background study were available to the public at no cost since April 9, 2019 from the Regional Clerk and were also posted on the Regional website. The public notice, public release of the proposed by-law and background study and the public meeting were authorized by Regional Council on February 27, 2019 (Report #2019-F-9).

- 1.3 The purpose of the April 24, 2019 public meeting of Council is to fulfill the statutory requirement to solicit input from the public and stakeholders and to provide the necessary background information on the proposed new development charge by-law. The final by-law is scheduled for discussion in accordance with the Council approved timetable, which permits the public and stakeholders to provide input up to 5:00 p.m. on May 21, 2019. Thus, any decision by Regional Council regarding the proposed by-law will be made during the June 26, 2019 Regional Council meeting (following Finance and Administration Committee on June 11, 2019) to ensure implementation of the new by-law on July 1, 2019.

2. Background

- 2.1 Region-wide Development Charge By-law No. 28-2018 (passed in June 2018) imposes development charges for water supply and sanitary sewerage services, except for the lands located within the Seaton Community. The rationale for excluding Seaton infrastructure from the Region-wide Development Charge calculation for water supply and sanitary sewerage services is that a front-ending agreement was executed to advance the water supply and sanitary sewerage infrastructure required to accommodate the development of Seaton. Area specific development charges in Seaton for water supply and sanitary sewerage services facilitates the provision of development charge credits.
- 2.2 An area specific development charge by-law was approved by Regional Council in April 2013 for the imposition of water supply and sanitary sewerage area specific development charges against all lands within the Seaton service area in the City of Pickering (By-law No. 19-2013). The by-law became effective November 26, 2015 which is the date the Seaton Phase 1 Regional Infrastructure Front-ending Agreement (RFEA) between the Region of Durham and the Seaton Landowners Group became effective.
- 2.3 The existing Seaton ASDC By-law does not expire until November 25, 2020, however 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. The Seaton Landowners Group 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.
- 2.4 The Seaton water supply and sanitary sewerage area specific development charges will collect the funds necessary to construct watermains, sanitary sewers, pumping stations, reservoirs, plant capacity and any other water supply and sanitary

sewerage capital infrastructure necessary to develop the Seaton community to full build out of the Central Pickering Development Plan (CPDP). To ensure timely recovery, those capital costs are intended to be recovered over the anticipated development to 2031.

- 2.5 On the residential lands, a per unit charge for water supply and sanitary sewerage services applies, based on three dwelling unit types (i.e. singles and semi-detached units, medium density multiples and one category for apartments).
- 2.6 Two different non-residential development charges apply to the Seaton lands as follows:
 - A) The prestige employment lands along Highways 407 and 7 are subject to a land-based area specific development charge (i.e. a per hectare development charge). It is a uniform per hectare charge that applies to all forms of non-residential development on these lands; and
 - B) A separate non-residential development charge applies within the mixed use area (i.e. non-residential development on lands outside of the prestige employment lands). The non-residential development charge within the mixed-use area is imposed on a floor-area basis (per square foot charge), comprised of an institutional and non-institutional development charge.
- 2.7 There are three separate components of capital works within the residential and non-residential development charges. These components are:
 - A) Landowner constructed and financed works;
 - B) Region constructed / landowner financed works; and
 - C) Regional attributions (mainly prior infrastructure costs and future plant expansions required for subsequent development phases that have been excluded from the Region-wide development charge by-law).

3. Highlights of the Proposed Seaton ASDC By-law

- 3.1 The renewal of the Seaton ASDC By-law reflects higher infrastructure costs being experienced as construction proceeds compared to the early design estimates used in 2013. An interdisciplinary team of staff from Finance, Works, Planning and Economic Development and Legal has collaborated to prepare the Background Study.
- 3.2 Based on the updated development forecasts, capital cost estimates and cashflow projections, the following table identifies the calculated area specific development charges for water supply and sanitary sewerage services applicable to the residential and non-residential uses within Seaton.

Table 1
Proposed Seaton Water Supply and Sanitary Sewer ASDCs

	Residential (per SDE)	Non-Residential Lands		Prestige Employment Lands I/C/I (per hectare)
		Mixed Use Area Non-Institutional (per sq ft)	Institutional (per sq ft)	
Water Supply				
Region Constructed - Landowner Funded Works	\$ 5,752	\$ 0.57	\$ 0.20	27,474
Regional Attributions	4,064	1.26	0.44	60,559
Landowner Constructed and Funded Works	2,424	0.25	0.09	11,986
Total - Water Supply	12,240	2.08	0.73	100,019
Sanitary Sewerage				
Region Constructed - Landowner Funded Works	1,863	0.55	0.19	26,489
Regional Attributions	2,751	1.84	0.63	87,796
Landowner Constructed and Funded Works	5,008	1.46	0.51	70,791
Total - Sanitary Sewerage	9,622	3.85	1.33	185,076
Total - Water Supply and Sanitary Sewerage				
Region Constructed - Landowner Funded Works	7,615	1.12	0.39	53,963
Regional Attributions	6,815	3.10	1.07	148,355
Landowner Constructed and Funded Works	7,432	1.71	0.60	82,777
Total - Water & Sewer	\$ 21,862	\$ 5.93	\$ 2.06	\$ 285,095

- 3.3 The total residential water supply and sanitary sewer charge is proposed to increase from the current rate of \$17,181 per single detached equivalent unit (SDE) to \$21,862 on July 1, 2019, as shown in Table 2. The most significant increase is for sanitary sewerage services, mainly due to the increased project expenses associated with higher tunneling costs.

Table 2
Comparison of Current and proposed Seaton Residential ASDCs (per SDE)

	Current Rates (By-law No. 19-2013)	Proposed Rates	Change
Water Supply			
Region Constructed - Landowner Funded Works	\$ 4,264	\$ 5,752	\$ 1,488
Regional Attributions	3,700	4,064	364
Landowner Constructed and Funded Works	2,840	2,424	(416)
Total - Water Supply	10,804	12,240	1,436
Sanitary Sewerage			
Region Constructed - Landowner Funded Works	1,440	1,863	423
Regional Attributions	2,276	2,751	475
Landowner Constructed and Funded Works	2,661	5,008	2,347
Total - Sanitary Sewerage	6,377	9,622	3,245
Total - Water Supply and Sanitary Sewerage			
Region Constructed - Landowner Funded Works	5,704	7,615	1,911
Regional Attributions	5,976	6,815	839
Landowner Constructed and Funded Works	5,501	7,432	1,931
Total - Water & Sewer	\$ 17,181	\$ 21,862	\$ 4,681

- 3.4 Table 3 identifies the updated calculated area specific development charges for water supply and sanitary sewerage services applicable to the non-residential lands within Seaton. Similar to the residential charges, the increases are mainly for sanitary sewer services due to the increase in tunneling costs.

Table 3
Comparison of Current and Proposed Non-residential DCs
(per sq ft and per hectare)

	Current Rates (By-law No. 19-2013)	Proposed Rates	Change
Non-Institutional (per sq ft)			
Water Supply	\$ 1.91	\$ 2.08	\$ 0.17
Sanitary Sewerage	2.96	3.85	0.89
Total	4.87	5.93	1.06
Institutional (per sq ft)			
Water Supply	0.65	0.73	0.08
Sanitary Sewerage	1.03	1.33	0.30
Total	1.68	2.06	0.38
Prestige Employment Lands (per hectare)			
Water Supply	92,762	100,019	7,257
Sanitary Sewerage	144,779	185,076	40,297
Total	\$ 237,541	\$285,095	\$ 47,554

4. Proposed Changes to the Seaton ASDC By-law

- 4.1 In order to minimize the amount of user rate funding required to finance development charge shortfalls, the proposed Seaton ASDC By-law continues to include the following policies:
- A) Minimal discretionary exemptions;
 - B) No provision for redevelopment credits; and
 - C) The per hectare charge on the prestige employment lands will eliminate the exemption provided for the expansion of an industrial building.
- 4.2 Several changes to the Seaton ASDC By-law are proposed, in order to align with Regional Development Charge By-law No. 28-2018. These include:
- A) Broadening the exemption for secondary residential units to include additional units that are built separate from the primary residence, but on the same site;
 - B) Broadening the eligibility for the industrial expansion to include building expansions not attached to the existing building (this would only apply outside the prestige employment lands);
 - C) New definition of housing services and deferral of DC payment for social and government assisted affordable housing projects for up to 18 months after

- building permit issuance;
- D) "Hospice" is now defined and the definition of institutional use is modified to capture Hospice within the institutional development charge category;
- E) "Air supported structure" and "building or structure" has been defined and the definition of "gross floor area" has been modified to capture air supported structures as a use that would be required to pay development charges at the applicable rate; and
- F) The definition of apartment is proposed to be expanded to include single storey dwelling units within or above a garage or commercial use, in order to address the affordability of infill apartment developments that would otherwise be charged the medium density multiple rate.

5. Staff Consultation to Date

- 5.1 Staff have sent letters to the local development industry (representatives of the Durham Homebuilders Association and the Building Industry and Land Development Association), the local Chambers of Commerce and Boards of Trade, and the local area municipalities with an offer to meet and discuss the proposed development charge by-law.
- 5.2 Staff have sent letters to the Trustee representing the Seaton Landowners Group, advising of the timetable and opportunities to provide comment as part of the public process. Staff has also met numerous times with the consultants representing the Seaton Landowners Group in preparation of the Background Study.

6. Next Steps

- 6.1 The DCA 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 Sewer ASDC by-law and Background Study.
- 6.2 The Public meeting will be held on April 24, 2019 during the regular meeting of Regional Council to provide the public an opportunity to comment on the proposed Regional Development Charge by-law.
- 6.3 Any verbal or written input offered by the public during the public meeting on April 24, 2019 will be considered. The DCA permits public representations relating to the proposed by-laws from any person who attends the April 24, 2019 meeting.
- 6.4 The public notice, which advised of the public meetings of Regional Council to be held on April 24, 2019, have also advised that written submissions by the public received by the Regional Clerk by 5 p.m. on May 21, 2019, will be considered in preparing the final recommendations and by-law.
- 6.5 On June 26, 2019, Regional Council will consider the following:
 - A) the approval of the capital forecasts contained in the Regional Development Charge Background Study as required by the DCA;

- B) the approval of the Development Charge Background Study as constituting Council's Development Charge Background Study for the purposes of section 10 of the DCA; and,
 - C) the approval of the final recommendations and Regional Development Charge By-law.
- 6.6 If the proposed by-law is changed following the April 24, 2019 public meeting, Regional Council must also formally consider whether a second public meeting is required. Council's decision in this regard should be reflected in an appropriately worded resolution. Further, Council's decision will be final and not subject to review by a court or the Local Planning Appeal Tribunal (LPAT).
- 6.7 The recommendations presented by staff to the Finance and Administration Committee (on June 11, 2019) and Regional Council on June 26, 2019 will have given due consideration to the public input received.

7. Conclusion

- 7.1 In accordance with the public consultation process previously approved by Regional Council, it is recommended that this report be received for information with final recommendations regarding the proposed by-law to be presented to the Finance and Administration Committee on June 11, 2019 and to Regional Council on June 26, 2019.
- 7.2 Further, it is recommended that all submissions received by Regional Council and the written submissions received by the Regional Clerk by 5 p.m. on May 21, 2019, including those opinions expressed verbally or in writing at the April 24, 2019 public meeting, be received and referred to Regional staff for consideration in the preparation of the final development charge recommendations and by-law.
- 7.3 The Planning and Economic Development, Works and Corporate Services - Legal departments have worked on the Seaton Area Specific Development Charge Background Study and reviewed this report.

8. Attachment

Attachment #1: Seaton Area Specific Development Charge By-law Public Notice

Respectfully submitted,

Original Signed by M.E. Simpson

Nancy Taylor, BBA, CPA, CA
Commissioner of Finance

Recommended for Presentation to Committee

Original Signed by D. Beaton

Elaine C. Baxter-Trahair
Chief Administrative Officer

Attachment #1
Seaton Area Specific Development Charge By-law Public Notice



REGIONAL MUNICIPALITY OF DURHAM
NOTICE OF PUBLIC MEETING
REGARDING AREA SPECIFIC DEVELOPMENT CHARGES
FOR THE WATER SUPPLY AND SANITARY SEWERAGE
SERVICES IN THE SEATON COMMUNITY
OF THE CITY OF PICKERING

On April 24, 2019 the Council of the Region of Durham will hold a public meeting, pursuant to Section 12 of the Development Charges Act, 1997. This public meeting will be held to present the proposed Area Specific Development Charges By-law and the related underlying background study and to obtain public input on that proposed by-law and study regarding water supply and sanitary sewerage services in the Seaton Community of the City of Pickering.

All interested parties are invited to attend the Public Meeting of Council and any person who attends the meeting may make representations relating to the proposed by-law. The meeting is to be held:

Wednesday, April 24, 2019
9:30 a.m.

The Regional Municipality of Durham Headquarters
Council Chambers
605 Rossland Road East
Whitby, Ontario

In order that sufficient information is made available to the public, copies of the proposed by-law and the background study will be available as of April 9, 2019 in the office of the Regional Clerk / Director of Legislative Services at 605 Rossland Road East, Level 1, P.O. Box 623, Whitby, ON, L1N 6A3, 905-668-4113 (ext 2054). The information will also be posted on the Regional website at durham.ca on April 9, 2019.

Interested persons may express their comments at the Public Meeting and/or in writing addressed to the Regional Clerk / Director of Legislative Services at the above address, or via email to clerks@durham.ca, no later than 5:00 p.m. on May 21, 2019. All submissions received in writing and those opinions expressed at the Public Meeting will be considered prior to Council's decision, which is anticipated during the regular Regional Council meeting of June 26, 2019.

Further information may be obtained by contacting Mary Simpson, Director of Financial Planning and Purchasing, Regional Finance Department at 905-668-4113 (ext. 2301).

Ralph Walton
Regional Clerk / Director of Legislative Services