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The Regional Municipality of Durham

MINUTES

REGIONAL COUNCIL

Wednesday, June 26, 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 12:55 PM

All members of Council were present with the exception of Councillors Bath-Hadden, Drew, Marimpietri, Nicholson and Roy

Councillor Bath-Hadden attended the meeting at 10:26 AM

Councillor Drew was absent on personal business

Councillor Marimpietri attended the meeting at 11:20 AM

Councillor Nicholson was absent due to physical capacity limitations

Councillor Roy was absent on personal business

Afternoon Session 1:47 PM to 3:50 PM

All members of Council were present with the exception of Councillors Bath-Hadden, Collier, Drew, Nicholson and Roy

Councillor Bath-Hadden attended the meeting at 1:52 PM and left the meeting at 3:30 PM on municipal business

Councillor Carter left the meeting at 2:52 PM

Councillor Collier attended the meeting at 1:57 PM

Councillor Drew was absent on personal business

Councillor Foster left the meeting at 3:11 PM

Councillor Leahy left the meeting at 2:34 PM

Councillor Nicholson was absent due to physical capacity limitations

Councillor Roy was absent on personal business

Councillor Yamada left the meeting at 2:51 PM

2. Declarations of Interest

There were no declarations of interest.

3. Announcements

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

Dr. Robert Kyle, Commissioner and Medical Officer of Health, was congratulated on receiving the Association of Local Public Health Agencies (aLPHa) Distinguished Service Award. Dr. Kyle is a strong leader and advocate for public health both here in Durham Region and in Ontario. The Distinguished Service Award is given to recipients who have demonstrated exceptional qualities of leadership, achieved tangible results through long service or distinctive acts, and shown exemplary devotion to public health at local and provincial levels.

Dr. Hugh Drouin, Commissioner of Social Services, was congratulated on his upcoming retirement after serving the Region of Durham as the Commissioner of Social Services for the last 16 years. He was recognized by Council for his hard work and dedication to the Region during his time as Commissioner of Social Services.

Ms. Carol Hancock, Executive Assistant to the Regional Chair, was also congratulated on her upcoming retirement. She was recognized by Council for her years of service and dedication to the Region.

4. Presentations

4.1 Karly Church, Human Trafficking Crisis Intervention Counsellor, Durham Region Victim Services, and Carly Kalish, Executive Director, Durham Region Victim Services regarding Human Trafficking

Karly Church, Human Trafficking Crisis Intervention Counsellor, Durham Region Victim Services, and Carly Kalish, Executive Director, Durham Region Victim Services, appeared before Council with respect to Human Trafficking.

K. Church outlined the role of Victim Services including providing support to victims, attending crime scenes, helping with loved ones, and helping victims to rebuild their lives. She noted that DRPS always has access to Victim Services.

K. Church told her story about how as a young girl, from an average family, she was eventually forced into the sex trade.

K. Church stated that she would not have left the situation if it were not for the detective who found her and the Victim Services officer who provided her with unconditional non-judgemental support, helped her to find housing and a job. She noted that you cannot ask someone to leave that type of life behind without providing them with full supports. She advised that she was provided with wrap-around services to make sure that all her needs were met.

Carly Kalish thanked Council for the funding that the Region has allocated towards human trafficking and provided statistics about human trafficking in Canada.

K. Church and C. Kalish responded to questions of Regional Council.

5. Adoption of Minutes

Moved by Councillor McLean, Seconded by Councillor Leahy,
(221) That the minutes of the Regional Council meeting held on May 29, 2019 be adopted.

CARRIED

Moved by Councillor McLean, Seconded by Councillor Leahy,
(222) That the minutes of the Regular Committee of the Whole meeting, held on June 12, 2019, as amended, be adopted.

CARRIED AS AMENDED

Councillor Joe Neal requested that the wording be changed on Page 61, of the June 12, 2019 Committee of the Whole minutes under Item 8.1, to reflect that he used the word “returned” rather than the word “recycled”, and to change the word “Convenient” to “Convenience”.

6. Communications

CC 24 Mary Medeiros, Interim City Clerk of the City of Oshawa, re: New Regional Smoke-Free By-law

Moved by Councillor Ashe, Seconded by Councillor Lee,
(223) That Council Correspondence CC 24 from Mary Medeiros, Interim City Clerk, City of Oshawa re: New Regional Smoke Free By-law, be received for information.

CARRIED

CC 25 Susan Cassel, City Clerk of the City of Pickering, re: New Regional Smoke-Free By-law

Moved by Councillor Chapman, Seconded by Councillor Anderson,
(224) That Council Correspondence CC 25 from Susan Cassel, City Clerk, City of Pickering re: New Regional Smoke Free By-law, be received for information.

CARRIED

CC 26 Debbie Leroux, Clerk of the Township of Uxbridge, re: New Regional Smoke-Free By-law

Moved by Councillor Chapman, Seconded by Councillor Anderson,
(225) That Council Correspondence CC 26 from Debbie Leroux, Town Clerk, Township of Uxbridge re: New Regional Smoke Free By-law, be received for information.

CARRIED

CC 27 Governor Andrew M. Cuomo issued a letter to the International Joint Commission demanding immediate action in response to Lake Ontario flooding

Moved by Councillor Crawford, Seconded by Councillor Chapman,
(226) That Council Correspondence CC 27 from Governor Andrew M. Cuomo re: immediate action in response to Lake Ontario flooding, be referred to consideration of Item 1 of Report #6 of the Works Committee.

CARRIED

CC 28 Memorandum dated June 26, 2019 from John Presta, Acting Commissioner of Works re: 2019 Solid Waste Management Servicing and Financing Study: Recommendation C)

Moved by Councillor Collier, Seconded by Councillor Joe Neal,
(227) That Council Correspondence CC 28 from John Presta, Acting Commissioner of Works, be referred to consideration of Item 10.1 of Unfinished Business.

CARRIED

6. Additional Communications

CC 29 Memorandum dated June 21, 2019 from Elaine Baxter-Trahair, Chief Administrative Officer, Nancy Taylor, Commissioner of Finance, John Presta, Acting Commissioner of Works, and Jason Hunt, Director of Legal Services, regarding GHD/E&Y Risk Assessment and Recommended Service Delivery Approach

Moved by Councillor Chapman, Seconded by Councillor Leahy,
(228) That Council Correspondence CC 29 from Elaine Baxter-Trahair, CAO, Nancy Taylor, Commissioner of Finance, John Presta, Acting Commissioner of Works and Jason Hunt, Director of Legal Services re: GHD/E&Y Risk Assessment and Recommended Service Delivery Approach, be referred to consideration of Item 6 of Report #4 of the Committee of the Whole.

CARRIED

- CC 30 Memorandum dated June 21, 2019 from John Presta, Acting Commissioner of Works re: City of Edmonton and Halifax Regional Municipality Waste Management System Highlights and Mixed Waste/Pre-Sort Processing Facilities in Europe and North America
-

Moved by Councillor Chapman, Seconded by Councillor Leahy,
(229) That Council Correspondence CC 30 from John Presta, Acting Commissioner of Works re: City of Edmonton and Halifax Regional Municipality Waste Management System Highlights and Mixed Waste/Pre-Sort Processing Facilities in Europe and North America, be referred to consideration of Item 6 of Report #4 of the Committee of the Whole.

CARRIED

- CC 31 Municipality of Clarington – re: Resolution passed at the Council meeting held on May 21, 2019, regarding Provincial Flood Task Force
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Moved by Councillor Chapman, Seconded by Councillor Anderson,
(230) That Council Correspondence CC 31 from June Gallagher, Deputy Clerk, Municipality of Clarington, re: Provincial Flood Task Force, be referred to consideration of Item 1 of Report #6 of the Works Committee.

CARRIED

- CC 32 Kevin Narraway, Deputy Clerk of the Town of Whitby, writing to the Regional Clerk advising that Council of the Town of Whitby, at their meeting held on June 24, 2019, adopted a resolution consenting to an endorsing in its entirety the New Regional Smoke-Free By-law
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Moved by Councillor Ryan, Seconded by Councillor Crawford,
(231) That Council Correspondence CC 32 from Kevin Narraway, Deputy City Clerk, Town of Whitby re: New Regional Smoke Free By-law, be received for information.

CARRIED

7. Delegations

Moved by Councillor Anderson, Seconded by Councillor Dies,
(232) That the agenda be altered in order to hear the delegation from Wendy Bracken regarding the Memorandum from John Presta, Acting Commissioner of Works, 2019 Solid Waste Management Servicing and Financing Study after her delegation regarding the Referral of Part C) of Report #2019-COW-3 2019 Solid Waste Management Servicing and Financing Study.

CARRIED

7.1 Wendy Bracken re: Deferral of Recommendation C) of Report #2019-COW-3
[Notice of Motion – Item 8.2]

Wendy Bracken appeared before Council with respect to the deferral of Recommendation C) of Report #2019-COW-3.

W. Bracken stated that there was a resolution passed by the Energy from Waste – Waste Management Advisory Committee (EFW-WMAC) to defer recommendation C) of Report #2019-COW-3 until after there has been public consultation on the Long-Term Waste Management Strategy for 2021-2040; the EFW-WMAC has had a presentation on Report #2019-COW-3; and until a report on how the Organics Management project will impact the incinerator is considered.

W. Bracken reminded Council that the EFW-WMAC was established to satisfy the obligations of the Host Community Agreement and to act as a forum for, and to assess, monitor, review, and advise the Region on the effectiveness of the environmental surveillance program, independent environmental testing, the quality of public reporting of environmental surveillance data, the environmental performance of the facility, and other related strategic waste diversion and management issues.

W. Bracken added that the purpose of the EFW-WMAC is to facilitate input from the community and the distribution of relevant information in regards to the construction, operation and monitoring of the EFW facility. She added that the expansion of the facility is relevant information. She also noted that the mandate of the Committee is to act in an advisory role to the Works Committee.

W. Bracken stated that to enable the EFW-WMAC to fulfill its advisory role, the Committee and public must be provided with relevant information and apprised of major waste management/incinerator developments in a timely manner and with time to consider in advance of limiting decisions. She stated that the agenda for the April 23, 2019 EFW-WMAC meeting included a presentation regarding the Regional Waste Management Program which included Report 2019-COW-3, but it was not discussed. She added that most members are not aware that expansion of the DYEC is being considered.

W. Bracken asked Council to support the motion from the EFW-WMAC Committee; honour the Region's commitments in Report #2009-COW-01; fulfill the legal obligations of the Host Community Agreement; and support the motion under Item 8.2 on the Council Agenda.

7.2 Wendy Bracken re: 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
[Unfinished Business – Item 10.1]

Wendy Bracken appeared before Council with respect to the referral of recommendation C) of Report #2019-COW-3: Solid Waste Management Servicing and Financing Study.

W. Bracken stated that, regarding incineration, it is imperative that Council does its independent research, considers all facts and consults with the public and stakeholders. She also stated that Council's decision must consider that incineration has unique risks and that the proposed expansion will add emissions to an air shed that is already burdened with respiratory irritants.

W. Bracken stated that Council has a responsibility to protect Durham residents. She added that the Ministry of Environment, Conservation and Parks (MECP) has no standards for key pollutants with known serious health effects, and that the monitoring of pollutants of the greatest concern are tested very infrequently. She also stated there have been major dioxin and furan exceedances, yet operational parameters on Continuous Emissions Monitors (CEMs) showed no indication there was a problem.

W. Bracken advised that she provided Council with links to information on the health impacts of incineration. She outlined the environmental risks including high greenhouse gas emissions and that most dioxins and furans created in the incinerator go to landfill through the ash.

Moved by Councillor Joe Neal, Seconded by Councillor Anderson,
(233) That Wendy Bracken be granted a one-time 2-minute extension in order to finish her delegation.

CARRIED

W. Bracken read an excerpt from a report on Dioxin Fallout in the Great Lakes and outlined health risks associated with dioxin exposure.

W. Bracken stated that during the three years that the incinerator has been in operation, there has been a long list of serious problems and unresolved issues. She added that commencing an Environmental Assessment (EA) is a major decision and that once it has been started it is very hard to stop. She asked that Council defer the decision to commence the EA.

W. Bracken responded to questions from the members of Council.

- 7.6 Wendy Bracken re: Memorandum from John Presta, Acting Commissioner of Works, regarding 2019 Solid Waste Management Servicing and Financing Study: Recommendation C) [Communications Item CC 28]
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Wendy Bracken appeared before Council with respect to the Memorandum from John Presta, Acting Commissioner of Works, regarding the 2019 Solid Waste Management Servicing and Financing Study Recommendation C) to commence the Environmental Assessment (EA) for the Durham York Energy Centre (DYEC) expansion.

W. Bracken advised that she is concerned with the type of public consultation that is being proposed. She suggested that the consultation on the amendment to accept 160,000 tonnes/year at the DYEC, the Terms of Reference for the expansion of the facility to 250,000 tonnes per year, and the Long-Term Waste Management Strategy, should each be discussed at separate public information sessions rather than all three topics at once. She stated that the format for the public consultation with story boards, where residents need to approach consultants to ask questions does not work well for many residents and can be intimidating. She suggested an information session with a question and answer period.

W. Bracken stated she takes issue with the characterization in the Memorandum of what the Ministry of Environment, Conservation and Parks (MECP) advised regarding coupling the increase in the processing limit at the DYEC to 160,000 tonnes per year, with the expansion of the DYEC to process 250,000 tonnes per year. She stated that her understanding was that the MECP would also like the Region to also provide an idea of what will happen with the Long-Term Waste Management Strategy.

W. Bracken also expressed concerns that Durham Region would only be looking at expanding the incinerator and not be looking at alternatives to incineration. She added that it would take huge public effort to convince the MECP to move to a non-focused EA and that a scoped EA to increase the capacity at the incinerator is a disservice to the public.

W. Bracken responded to questions from the members of Council.

Moved by Councillor Lee, Seconded by Councillor Foster,
(234) That Council recess for 15 minutes.

CARRIED

Council recessed at 11:05 AM and reconvened at 11:20 AM.

- 7.3 Linda Gasser re: Report #2019-COW-12: Update on Green Bin Organics Processing Negotiations with Miller Waste Systems and Authority to Sole Source the Yard Waste Processing Contract Extension to Miller Waste Systems
[Committee of the Whole Report – Item 9.5]
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Linda Gasser appeared before Council with respect to Report #2019-COW-12: Update on Green Bin Organics Processing Negotiations with Miller Waste Systems and Authority to Sole Source the Yard Waste Processing Contract Extension to Miller Waste Systems.

L. Gasser questioned why in Report #2015-WR-6 a two-year extension was proposed rather than a contract for at least five years with options to extend to secure stability and avoid a potential “crisis”.

L. Gasser asked that the Region consider extending the contract with Miller Waste, especially for source separated organics. She stated that Council is ultimately responsible for ensuring long term planning and stable and affordable service delivery. She suggested the development of a standing committee devoted strictly to materials (waste) management and added that Council needs to develop expertise around complex issues and projects.

7.4 Linda Gasser re: Report # 2019-COW-17: Organics Management Next Steps and Updated Preliminary Business Case [Committee of the Whole Report – Item 9.5]

Linda Gasser appeared before Council with respect to Report #2019-COW-17: Organics Management Next Steps and Updated Preliminary Business Case.

L. Gasser stated that Council should make informed decisions and defer a decision on organics management until at least September 2019. She suggested that the Region extend the source separated organics contract with Miller Waste for as long as possible; review the Deloitte peer review of the preliminary business case; understand how mixed waste pre-sort and anaerobic digestion could affect the Region’s organics and other waste programs; no decision on mixed waste pre-sort and anaerobic digestion, or the expansion of the incinerator, should be taken until the report on the impacts of the DYEC capacity is provided; allow the Long-Term Waste Management Review and consultation to start to help inform Council’s deliberations; and ensure consultation takes place with the residents. She also stated that Council should revisit the approvals to-date and review the business case and Deloitte peer review.

L. Gasser stated that staff said the expansion of the incinerator could be delayed if the Region moves forward with mixed waste pre-sort and anaerobic digestion and that data has been promised on this. She further stated that it has been indicated that the incinerator needs to expand due to forecasted increased garbage tonnages, however in a previous report, tonnages were revised downwards. She asked that this be explained.

Moved by Councillor Carter, Seconded by Councillor John Neal,
(235) That Linda Gasser be granted a one-time two minute extension in order to finish her delegation.

CARRIED

L. Gasser advised that in the June 21, 2019 staff memo with respect to GHD/E&Y Risk Assessment and Recommended Service Delivery Approach it was noted that in 2017 the consultant team recommended consideration for a design, build, finance, operate and maintain (DBFOM) approach and that Council subsequently directed that consideration be given to either DBOM or a private sector service contract. She questioned whether Council ever considered the 2017 recommendations regarding service delivery as part of the preliminary business case package, which included that the DBOM and DBFOM options not be excluded from further analysis and investigation. She asked for an explanation as to why the 2017 service delivery recommendation was not carried forward and questioned what the Deloitte peer review said about service delivery options. She stated that Council remains unclear on what mixed waste pre-sort and anaerobic digestion might realistically deliver as part of the overall organics strategy.

L. Gasser questioned when the peer review of the preliminary business case to be conducted by Deloitte would be provided to Council and the public.

L. Gasser quoted from the Food and Organic Waste Policy Statement with respect to municipalities maintaining or expanding curbside collection of source separated food and organic waste to ensure residents have access to collection services. She also referenced multi-unit residential buildings providing collection of food and organic waste to their residents. She added that risks remain around mixed waste pre-sorting and advised that the Region of Peel is proceeding with anaerobic digestion but have put their mixed waste pre-sorting on hold until they have more certainty. She stated that Durham should find out why and consider the same.

L. Gasser responded to questions from the members of Council.

7.5 Linda Gasser re: 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 [Unfinished Business – Item 10.1]

Linda Gasser appeared before Council with respect to the referral of Recommendation C) of Report #2019-COW-3 Solid Waste Management Servicing and Financing Study.

L. Gasser stated that there has been no cost estimate or supporting rationale given to-date for the expansion of the Durham York Energy Centre (DYEC) to 250,000 tonnes per-year. She added that an Environmental Assessment (EA) should not be undertaken until it is determined if the expansion is needed, or if the problem could be addressed differently. She further added that in 2018-COW-146 it was noted that the preparation of application for an EA amendment should commence subject to a business case being prepared, which she stated has not been provided to Council. She added that waste project costs are not affordable and will negatively impact the quality of life for Durham residents.

L. Gasser stated that she believes it is imperative to get confirmation in writing regarding the Ministry of Environment, Conservation and Parks (MECPs) expectations around concurrent planning for two EAs and what the requirements would be. She asked whether the MECP has the authority to require Durham and York to accelerate incinerator expansion plans to 250,000 tonnes. She added that the Terms of Reference and EA don't expire but may need to be updated if too much time passes with is an expensive risk. She suggested that MECP's desire for longer term planning might be achieved through the Long-Term Waste Management Plan Review and Development.

L. Gasser questioned whether it is Durham or York Region who needs the capacity expansion to 250,000 tonnes per year and suggested that if the expansion is primarily driven by York, then Durham needs their rationale, supporting data, share of costs and capacity information.

Moved by Councillor Anderson, Seconded by Councillor John Neal,
(236) That Linda Gasser be granted a one-time two minute extension in order to finish her delegation.

CARRIED

L. Gasser asked that the public consultation for the amendment to 160,000 tonnes/year, the Terms of Reference for the 250,000 tonnes per year EA and the Long-Term Waste Management Strategy, each be discussed at a separate information session rather than all three at once. She stated that each of the three initiatives is complex with different processes and timelines. She added that the Long-Term Waste Management Strategy is a Durham managed project and that consultation should be Region-wide in all local municipalities.

L. Gasser responded to questions from the members of Council.

- 7.6 Wendy Bracken re: Memorandum from John Presta, Acting Commissioner of Works, regarding 2019 Solid Waste Management Servicing and Financing Study: Recommendation C) [Communications Item CC 28]
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Wendy Bracken's delegation was heard earlier in the meeting [See Item 7.6 on pages 7 to 8].

Moved by Councillor Collier, Seconded by Councillor Lee,
(237) That the Rules of Procedure be suspended in order to permit Ms. Lisa MacNeil to appear as a delegation with respect to RFP 181-2019.

CARRIED on a 2/3rds Vote

- 7.7 Lisa MacNeil re: Report #2019-SS-5: Award of Proposal RFP 181-2019 for the provision of a Primary and Secondary Food and Disposables Distributor for the Region of Durham's four (4) Long-Term Care Homes [Health & Social Services Report – Item 2]
-

Lisa MacNeil, President and Scott Bakewell, Healthcare Manager Ontario, Gordon Food Service, appeared with respect to RFP-181-2019 for the provision of a Primary and Secondary Food and Disposables Distributor for the Region's four Long-Term Care Homes.

L. MacNeil stated that Gordon Food Service (GFS) has been the primary distributor for the Region's LTC homes for the past ten years. She also stated that the Region is a member of a Group Purchasing Organization (GPO) called Health Pro which restricts providers from offering rebates or incentives and restricts markups.

L. MacNeil advised that GFS was not the successful bidder of the RFP. She stated that she believes their markups and software are equal to Sysco's, who was the successful bidder and questioned what was considered when awarding the RFP.

L. MacNeil stated that GFS has a long history with Durham Region including assisting residents during the Fairview Lodge fire; building a new distribution centre in Ajax; and contributing \$6 million in development charges to the Region. She also stated that GFS is a community driven company which supports many initiatives in the communities they are located in. She further stated that GFS is involved in technology and innovation.

L. MacNeil questioned whether the value-adds provided by GFS were considered when evaluating and awarding the RFP.

Moved by Councillor Collier, Seconded by Councillor Yamada,
(238) That Lisa MacNeil be granted a one-time two minute extension in order to finish her delegation.

CARRIED

L. MacNeil stated they are seeking clarity on what the final recommendation was based on, and if the decision was not a financial one, why GFS was not awarded the RFP.

Lisa MacNeil and Scott Bakewell responded to questions from the members of Council.

8. Notice of Motions

8.1 Motion to Reconsider Regional Smoking By-law #28-2019 passed on April 24, 2019

[WITHDRAWN]

Moved by Councillor Leahy, Seconded by Councillor Yamada,
(239) That the following Notice of Motion be withdrawn:

- A) That Section 2.2 only of By-law #28-2019 to regulate smoking and vaping in public places and in the workplace, passed on April 24, 2019, be reconsidered;
- B) That subject to Part A) being passed on a two-thirds vote:

Whereas Durham Council deems it appropriate to provide the area municipalities with the autonomy to add designated smoking/vaping areas to municipal property and where such areas shall be kept outside 9m of any entrance, exit or air intake of any municipal building;

And Whereas the legislative requirement of a two thirds majority applies to the amending by-law;

Now therefore be it resolved that By-law #28-2019 be amended in Section 2.2 to read as follows:

2.2 There shall be no smoking or vaping on any portion of the property or grounds of a municipal building, except in a designated smoking/vaping area at least 9m from any entrance, exit or air intake. The inclusion of any designated smoking/vaping area shall be at the individual municipality's sole and absolute discretion.

- C) That the entirety of the by-law with the amendment be re-sent to all municipalities by the Regional Clerk for consideration and for passing of a resolution consenting to By-law #28-2019 with the amendment in one package.

MOTION WITHDRAWN

8.2 Deferral of Recommendation C) of Report #2019-COW-3
[DEFEATED]

Moved by Councillor Joe Neal, Seconded by Councillor John Neal,
(240) That we recommend to Council:

Be it resolved that the following recommendation from the EFW-WMAC be adopted by Regional Council:

That the following decision of Recommendation C) of Report #2019-COW-3:

That staff be authorized to commence the Environmental Assessment (EA) for the Durham York Energy Centre (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;

Be deferred until after: (i) there has been public consultation on the long-term waste management strategy; (ii) the EFW-WMAC has had a presentation on the Solid Waste Management Servicing and Financing Study; and (iii) a report is presented to the Works Committee and Regional Council regarding the impacts of the DYEC that is referenced on Page 5 of Report #2019-COW-8: Organics Management Update and Next Steps.

MOTION DEFEATED ON THE FOLLOWING
RECORDED VOTE:

Yes

Councillor Anderson
Councillor John Neal
Councillor Joe Neal

No

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

Members Absent: Councillor Drew
Councillor Nicholson
Councillor Roy

Declarations of Interest: None

Moved by Councillor Mitchell, Seconded by Councillor Collier,
(241) That the agenda be altered in order to consider Item 10.1 of Unfinished Business next.

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
[CARRIED AS AMENDED] [See Motion (242) on pages 15 to 16]

- C) That 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 Mitchell, Seconded by Councillor McLean,
(242) That recommendation C) of Report #2019-COW-3, as contained in Item 10.1 of Unfinished Business, be adopted.

CARRIED AS AMENDED
LATER IN THE MEETING
(See Following Motions)

Moved by Councillor Mitchell, seconded by Councillor McLean,
(243) That the main motion (242) of Councillors Mitchell and McLean to adopt recommendation C), as contained in Item 10.1 of Unfinished Business, be amended as follows:

- by deleting the words, “subject to the finalization of the 2019 Solid Waste Management Business Plans and Budgets”; and
- by adding the following two clauses to the end:

That staff ensure public consultation is carried out for the Terms of Reference, including all Durham lower-tier municipalities and the EFW-WMAC, and that a report be presented to Regional Council; and

That staff obtain Regional Council approval to proceed with any additional study or activity related to the next steps for the DYEC expansion to 250,000 tonnes per year.

CARRIED

Moved by Councillor Joe Neal, Seconded by Councillor John Neal,
(244) That the main motion (242) of Councillors Mitchell and McLean to adopt recommendation C), as contained in Item 10.1 of Unfinished Business, be amended by adding the words, “drafting the Terms of Reference for” after the words, “staff be authorized to commence”.

CARRIED ON THE FOLLOWING
RECORDED VOTE:

Yes

Councillor Anderson
Councillor Collier
Councillor Crawford
Councillor Dies
Councillor Foster
Councillor Highet
Councillor Kerr
Councillor Leahy
Councillor Mitchell
Councillor Mulcahy
Councillor John Neal
Councillor Joe Neal
Councillor Smith
Councillor Wotten
Councillor Yamada
Regional Chair Henry

No

Councillor Ashe
Councillor Barton
Councillor Bath-Hadden
Councillor Carter
Councillor Chapman
Councillor Lee
Councillor Marimpietri
Councillor McLean
Councillor Pickles
Councillor Ryan

Members Absent: Councillor Drew
Councillor Nicholson
Councillor Roy

Declarations of Interest: None

The main motion (242) of Councillors Mitchell and McLean to adopt recommendation C), as contained in Item 10.1 of Unfinished Business, was then put to a vote and CARRIED AS AMENDED.

Recommendation C) of Report #2019-COW-3 now reads as follows:

- C) That staff be authorized to commence drafting the Terms of Reference for 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;

That staff ensure public consultation is carried out for the Terms of Reference, including all Durham lower-tier municipalities and the EFW-WMAC, and that a report be presented to Regional Council; and

That staff obtain Regional Council approval to proceed with any additional study or activity related to the next steps for the DYEC expansion to 250,000 tonnes per year.

Moved by Councillor Chapman, Seconded by Councillor Collier,
(245) That Council recess for lunch.

CARRIED

Council recessed at 12:55 PM and reconvened at 1:47 PM

9. Committee Reports

Moved by Councillor Chapman, Seconded by Councillor Marimpietri, (246) That the recommendations contained in Report #6 of the Finance & Administration Committee, Health & Social Services Committee, Planning & Economic Development Committee, and the Works Committee; and the recommendations contained in Report #4 of the Committee of the Whole be adopted, save and except Item 4 of the Finance & Administration Committee; Items 2, 3, 5 and 6 of the Health & Social Services Committee; Item 6 of the Planning & Economic Development Committee; Item 1 of the Works Committee; and Item 6 of the Committee of the Whole.

CARRIED

9.1 Report of the Finance and Administration Committee

1. Appointment of New Members to the Durham Accessibility Advisory Committee (AAC) ([2019-A-23](#))

[CARRIED]

- A) That the following people be appointed to the Durham Accessibility Advisory Committee (AAC):
 - Ms. Rosanne Purnwasie – Community member;
 - Ms. Lori Schisler – Agency member; and
- B) That the successful nominees be advised of their appointment to the AAC for the remainder of the 2019 – 2022 term of Council.

2. Proposed Agricultural Sector Climate Adaptation Strategy, “Growing Resilience: Durham Region Agricultural Sector Climate Adaptation Strategy” ([2019-A-24](#))

[CARRIED]

- A) That “Growing Resilience: Durham Region Agricultural Sector Climate Adaptation Strategy” dated April 2019 (Attachment #1 to Report #2019-A-24 of the Director of Corporate Policy & Strategic Initiatives) be approved in principle;
- B) That the Durham Region Agricultural Sector Climate Adaptation Strategy be referred to local municipal councils for their review and approval in principle;

- C) That Regional Staff be directed to incorporate the relevant elements of the Durham Region Agricultural Sector Climate Adaptation Strategy into ongoing Regional initiatives (including the DCCAP, Durham Community Energy Plan, Regional Agricultural Strategy, Regional Broadband Strategy, Smart Cities initiatives, Source Protection, Official Plan etc.), as appropriate;
 - D) That Regional Staff be authorized to further develop the objectives in the Durham Region Agricultural Sector Climate Adaptation Strategy and bring them forward to Council for individual approval to proceed with implementation; and
 - E) That a copy of Report #2019-A-24 and the attached Durham Region Agricultural Sector Climate Adaptation Strategy be shared electronically with stakeholders that participated over the course of the project.
3. 2019/2020 Annual Risk Management and Insurance Report (2019-F-21)
[CARRIED]
- A) That the Commissioner of Finance be authorized to enter into a contract of insurance with the Frank Cowan Company for insurance coverages related to the Durham Region Transit for the period July 1, 2019 to June 30, 2020 at an estimated cost of \$1,531,039 plus applicable taxes;
 - B) That the Commissioner of Finance be authorized to enter into the contract of insurance with the Frank Cowan Company for non-pooled insurance coverages specific to Durham Region for the period July 1, 2019 to June 30, 2020 at an estimated cost of \$229,063 plus applicable taxes;
 - C) That the Commissioner of Finance be authorized to retain consulting services for the continued implementation of a fulsome Enterprise Risk Management Framework at the Region of Durham at a cost not to exceed \$75,000 to be funded from the Region's Insurance Reserve Fund; and
 - D) That the fundamentals of the Region's Risk Management Program continue to be supported in principle to ensure that the Region's assets are adequately protected and to ensure the financial stability of the Region.
4. Final Recommendations Regarding Seaton Water Supply and Sanitary Sewerage Area Specific Development Charges (2019-F-23)
[CARRIED]

- A) That pursuant to Section 10(1) of the Development Charges Act, 1997, the Seaton Water Supply and Sanitary Sewerage Area Specific Development Charges Background Study dated April 9, 2019 be adopted (with the amended pages provided in Appendix #1 to Report #2019-F-23 of the Commissioner of Finance), including the forecasts of anticipated development, the underlying capital forecasts, the development charges calculations and policies contained in the Background Study, and further, that the approval of the capital forecasts in the Background Study indicate Regional Council's intention to ensure that such an increase in need for services will be met as required under paragraph 3 of Section 5(1) of the Development Charges Act, 1997 and Section 3 of Ontario Regulation 82/98;
- B) That the Seaton Residential Development Charges for Water Supply and Sanitary Sewerage as indicated in Table 1 below be imposed, effective July 1, 2019:

Table 1

Region of Durham Recommended Seaton Residential Development Charges \$ Per Dwelling Unit			
Service Category	Single Detached & Semi-Detached	Medium Density Multiples	Apartments
Sanitary Sewerage	\$	\$	\$
(i) Seaton Landowners Constructed Works	5,125	4,049	2,358
(ii) Regional Constructed Works	1,863	1,472	857
(iii) Regional Attribution	2,751	2,174	1,266
Subtotal – Sanitary Sewerage	9,739	7,695	4,481
Water Supply			
(i) Seaton Landowners Constructed Works	2,452	1,937	1,128
(ii) Regional Constructed Works	5,752	4,544	2,646
(iii) Regional Attribution	4,064	3,210	1,869
Subtotal – Water Supply	12,268	9,691	5,643
Total Development Charges	<u>\$22,007</u>	<u>\$17,386</u>	<u>\$10,124</u>

- C) That the Seaton Institutional Development Charges as indicated in Table 2 below be imposed, effective July 1, 2019:

Table 2

Region of Durham Recommended Seaton Institutional Development Charges \$ Per Square Foot Of Gross Floor Area	
Service Category	\$
Sanitary Sewerage	
(i) Seaton Landowners Constructed Works	0.52
(ii) Regional Constructed Works	0.19
(iii) Regional Attribution	0.63
Subtotal – Sanitary Sewerage	1.34
Water Supply	
(i) Seaton Landowners Constructed Works	0.09
(ii) Regional Constructed Works	0.20
(iii) Regional Attribution	0.44
Subtotal – Water Supply	0.73
Total Development Charges	<u>\$2.07</u>

- D) That the Seaton Non-Institutional Development Charges for each service as indicated in Table 3 below be imposed, effective July 1, 2019:

Table 3

Region of Durham Recommended Seaton Non-Institutional Development Charges \$ Per Square Foot Of Gross Floor Area	
Service Category	\$
Sanitary Sewerage	
(i) Seaton Landowners Constructed Works	1.49
(ii) Regional Constructed Works	0.55
(iii) Regional Attribution	1.84
Subtotal – Sanitary Sewerage	3.88
Water Supply	
(i) Seaton Landowners Constructed Works	0.25
(ii) Regional Constructed Works	0.57
(iii) Regional Attribution	1.26
Subtotal – Water Supply	2.08
Total Development Charges	<u>\$5.96</u>

- E) That the Seaton Prestige Employment Land Area Development Charges as indicated in Table 4 below be imposed, effective July 1, 2019:

Table 4

Region of Durham Recommended Seaton Prestige Employment Land Area Development Charges \$ Per Net Hectare	
Service Category	\$
Sanitary Sewerage	
(i) Seaton Landowners Constructed Works	72,380
(ii) Regional Constructed Works	26,489
(iii) Regional Attribution	87,796
Subtotal – Sanitary Sewerage	186,665
Water Supply	
(i) Seaton Landowners Constructed Works	12,114
(ii) Regional Constructed Works	27,474
(iii) Regional Attribution	60,559
Subtotal – Water Supply	100,147
Total Development Charges	<u>\$286,812</u>

- F) That the Development Charge policies for the Seaton Water Supply and Sanitary Sewerage Area Specific Development Charges as contained in the proposed By-law (Appendix #4 to Report #2019-F-23), including those related to collection policy, indexing, the broadening of exemptions for secondary units and industrial expansions be approved;
- G) That the Seaton Well Interference Policy as provided in Appendix #2 to Report #2019-F-23 be adopted effective July 1, 2019;
- H) That any complete submission for the preparation of a subdivision agreement received by the Development Approvals Division of the Regional Works Department on or by June 30, 2019 be given the option of being processed under the policies and rates of the current Seaton Area Specific Development Charges By-Law #19-2013 or the proposed replacement by-law, where a complete submission requires all of the following to have been submitted to the Development Approvals Division in a form satisfactory to the Region:
 - i) Ministry of the Environment, Conservation and Parks approval is received;
 - ii) Detailed cost estimate received;
 - iii) Three (3) copies of the proposed Final Plan (M-Plan) received;

- iv) Regional Planning approval of the Final Plan received;
- v) Three (3) copies of all proposed Reference Plans (R-Plans) received;
- vi) Three (3) copies of approved General Plan of Services received (signed by the Local Municipality and the Region); and
- vii) Regional Subdivision Agreement Information Checklist.

Subdivision agreements which have been processed according to By-Law #19-2013 must be executed within three months following the termination of By-Law #19-2013, otherwise they shall be deemed cancelled and will be replaced with a subdivision agreement processed according to the replacement by-law, where execution requires all of the following to have been submitted to the Regional Legal Department in a form satisfactory to the Region:

- i) signed Subdivision Agreement received, including all schedules;
 - ii) payments of fees identified in the agreement received;
 - iii) securities identified in the agreement received;
 - iv) prepayment of Development Charges for Sanitary Sewerage, Water Supply and Regional Roads received; and
 - v) Insurance Certificate received.
- I) That the existing complaint procedure as provided in Regional By-law #52-2014 continue for the purpose of conducting hearings, regarding complaints made under Section 20 of the Development Charges Act, 1997;
- J) That Section 12(3) of the Development Charges Act, 1997 requires Regional Council to determine whether a further public meeting is necessary when changes are made to a proposed development charges by-law following a public meeting, and whereas changes were made (see Section 2.0) to the Seaton proposed development charge by-law following the public meeting on April 24, 2019, it is recommended that Regional Council resolve that a further public meeting is not necessary and therefore Council indicate that a second public meeting is not required prior to the passage of the recommended Seaton Development Charge By-law;
- K) That the Director of Legal Services be instructed to finalize the proposed Seaton Development Charge By-law for presentation to Regional Council and passage;
- L) That the Director of Legal Services be instructed to revise future development agreements and any by-law(s) relating thereto to reflect any changes required to implement the foregoing recommendations and that such revised by-law(s) be presented to Council for passage;

- M) That the Regional Clerk be instructed to follow the notification provisions pursuant to the Development Charges Act, 1997; and
- N) That the Treasurer be instructed to prepare the requisite development charge pamphlet pursuant to the Development Charges Act, 1997 and related materials.

5. Annual Development Charges Reserve Fund Statement (2019-F-24)
[CARRIED]

That the balance of the Carruthers Creek Water Supply Area Specific Development Charge Reserve Fund (\$222,423) as shown in Schedule 6 of Report #2019-F-24 of the Commissioner of Finance be transferred to the Regional Residential Water Supply Development Charge Reserve Fund, given that:

- i. All water supply infrastructure works required to serve the Carruthers Creek Service Area have been completed and no further costs will be incurred; and
- ii. The corresponding Carruthers Creek Water Supply Area Specific Development Charge By-law (#18-2013) expired on June 30, 2019 and was not renewed as all commitments under the front-ending agreement were completed.

6. 2019 Provincially Mandated Business Protection Program (Capping Program) and 2019 Provincial Education Tax Rates (2019-F-25)
[CARRIED]

- A) That for the 2019 mandated Provincial Business Protection Program (Capping Program), the Region of Durham adopt the following municipal capping options, consistent with options selected for 2018, in an effort to expedite the achievement of full Current Value Assessment (CVA) level taxation in the non-residential property classes:
 - i) Set the minimum annual increase at 10 per cent of total CVA level property taxation for properties that are provided protection;
 - ii) Set the maximum percentage increase in property taxation due to reassessment at 10 per cent of the previous year's taxes;
 - iii) Set the "billing" increase threshold at \$500, such that any capped property components whose taxation amount under the mandated Provincial Business Protection Program is within \$500 of its CVA level taxation be required to pay its full CVA property taxation amount;

- iv) Permanently exclude any property components from the Capping Program if the property component was at CVA level taxation in 2018 or 2019 or moves from a “clawback” to a “capped” property in 2019;
 - v) Include any property components in the Capping Program if the property component moves from a “capped” to a “clawback” property in 2019;
 - vi) Exclude the 2016 reassessment related increases from the capping calculations; and
 - vii) Continue the phase-out of the Capping Program over four years (2018-2021) for the broad commercial and industrial property tax classes such that all properties within these property tax classes will achieve full CVA level taxation by 2021;
 - B) That the cost of capping reassessment property tax increases, pursuant to the 2019 mandated Provincial Business Protection Program, be financed by withholding a portion of the reassessment related decreases owing to other properties within the corresponding broad property tax class; and
 - C) That approval be granted for the requisite by-laws for the 2019 Provincial Business Protection Program.
7. Sole Source Purchase of Oracle PeopleSoft Enterprise ePerformance Software Module Including User Licenses & Support Services (2019-F-26)
[CARRIED]
- A) That a sole source purchase of user licenses and support services for the PeopleSoft Enterprise ePerformance software module be negotiated with Oracle Canada ULC (Oracle) at an upset cost not to exceed \$325,000 and annual support services costs of approximately \$40,000 beginning in year 2, to be funded from the 2019 approved project budget; and
 - B) That the Commissioner of Finance be authorized to execute the necessary user licences and support services agreements/amendments.
8. Multi-Year Governance Agreement for Joint Procurements Facilitated by Metrolinx (2019-F-27)
[CARRIED]

- A) That Durham Region Transit (DRT) participate in joint competitive Request for Proposals (RFP) for the procurement of transit related vehicles, equipment, technologies, facilities and related supplies and services in conjunction with Metrolinx and other participating transit agencies in the province for a five-year period beginning in 2019 and ending 2024, with an option to renew until 2029;
 - B) That to meet Metrolinx's requirements, the Deputy General Manager, Maintenance, or a designate, be DRT's representative in the process; and
 - C) That the Commissioner of Finance be authorized to execute the necessary agreements.
9. Radio Communications System: One Year Extension of Contract with Metrolinx ([2019-F-28](#))

[CARRIED]
- A) That negotiation of a one-year extension from January 1, 2020 to December 31, 2020 to the existing contract with Metrolinx for Durham Region Transit (DRT) to continue to use Metrolinx's radio communication systems at an estimated annual operating cost of \$310,000 to be financed from DRT's 2020 annual Business Plans and Budgets; and
 - B) That the Commissioner of Finance be authorized to execute the necessary agreements.
10. Funding for Central East Division Chiller Replacement and Initial Funding for Regional Reporting Centre Structural Improvement ([2019-F-29](#))

[CARRIED]
- That \$750,000 approved property tax supported debenture financing be reallocated from the Durham Regional Police Service Operations Training Centre capital project to the following Durham Regional Police Service capital projects:
- i) \$684,000 to the Central East Division Chiller Replacement Project; and
 - ii) \$66,000 to the Regional Reporting Centre Structural Improvement (with an estimated total cost of \$300,000).
11. Appointment to the Transit Advisory Committee (TAC)

[CARRIED]
- That Mike Roche be appointed as the Accessibility Advisory Committee representative to the Transit Advisory Committee.

The recommendations contained in Items 1 to 3, 5 to 11 of the Finance & Administration Committee were adopted through motion (246).

Moved by Councillor Chapman, Seconded by Councillor Marimpietri,
(247) That the recommendations contained in Item 4 of Report #6 of the Finance & Administration Committee be adopted.

CARRIED

9.2 Report of the Health and Social Services Committee

1. Amendment to By-Law 17-2016, the Durham Region Personal Services Setting By-Law ([2019-MOH-4](#))

[CARRIED]

- A) That the current By-Law #17-2016 be amended to reflect updated infection prevention and control best practices received by the Ontario Agency for Health Protection and Promotion (Public Health Ontario); and
- B) That Council approves and passes the amending by-law which updates the definition of "Infection Prevention and Control Best Practices for Personal Services Settings" at clause 1 and updates clause 4 to refer to current infection prevention and control best practices.

2. Award of Proposal RFP-181-2019 for the provision of a Primary and Secondary Food and Disposables Distributor for the Region of Durham's four (4) Long-Term Care Homes ([2019-SS-5](#))

[CARRIED ON A RECORDED VOTE] [See Motion (257) on pages 51 to 53]

- A) That Sysco Central Ontario, a division of SYSCO Canada Inc. be awarded as the Primary Distributor for Food and Disposables Distribution Services in the estimated amount of \$4.5 million, and Gordon Food Service Ontario Inc. (GFS) be awarded as the Secondary Distributor in the estimated annual amount of \$500,000 for the Region of Durham's four (4) Long-Term Care Homes commencing December 1, 2019 through to November 30, 2023 with an option to extend for one (1) additional three (3) year term and one (1) additional two (2) year term, all in accordance with the terms and conditions set forth in the Region's Request for Proposal #RFP-181-2019 and HealthPro Procurement Services Inc.'s Nutrition and Food and Disposables Distribution Service Contracts #DE04977 and #DE04978;
- B) That the existing agreements with GFS as the Primary Distributor and Sysco as the Secondary Distributor be extended to November 30, 2019 to allow time for Transition of the menus and ordering patterns at each of the Region's four (4) Long-Term Care Homes; and

- C) That the Commissioner of Finance be authorized to execute any necessary agreements for distribution services and software subscriptions, including any required contract extensions and ongoing software maintenance and support.
3. HealthPro Procurement Services Inc.'s Various Nutrition and Food Supplier Selections for the Region of Durham's four (4) Long-Term Care Homes [\(2019-SS-6\)](#)

[CARRIED] [See Motion (260) on page 53]
- A) That the HealthPro Procurement Services Inc. Nutrition and Food contract offered to the Region as a member of HealthPro Procurement Services Inc. for the four (4) Long-Term Care Homes nutrition and food requirements, be awarded to the various prequalified single suppliers included in Table 1 HealthPro #NFS-01-04-19 (Attachment #1 to Report #2019-SS-6) and the various prequalified multi suppliers included in Table 2 HealthPro #NFS-01-04-19 (Attachment #2 to Report #2019-SS-6), representing a total cost of approximately \$515,000 annually for a contract term of three (3) years up until March 31, 2022, with an option to extend for one (1) additional two (2) year term; and
- B) That the Commissioner of Finance be authorized to execute the HealthPro Procurement Services Inc.'s Phase 2 Multi Supplier Selection form (Attachment #3 to Report #2019-SS-6) and any required agreements and/or extensions related to the various food contracts in Table 1 and Table 2.
4. Application for New Long-Term Care Beds to the Ministry of Health and Long-Term Care [\(2019-SS-7\)](#)

[CARRIED]
- That the Regional Chair and Regional Clerk be authorized to sign the application for submission to the MOHLTC indicating the Region's endorsement of the application to build a new 200-bed Long-Term Care Home in North Pickering and its acceptance of the terms and conditions as outlined in the Long-Term Care Home Development and Redevelopment Application Declaration and Application Form.
5. Update on Provincial Program and Funding Changes Affecting the Social Services Department [\(2019-SS-8\)](#)

[CARRIED]

That the Ontario government be requested to reconsider the implementation of changes to program design, funding and cost-sharing formulas for Social Services until 2020 and to consult with the Ontario Municipal Social Services Association and its members, including the Regional Municipality of Durham, on the nature and scope of these changes.

6. Victim Services Pilot Project to address Human Trafficking in Durham (2019-SS-9)

[CARRIED ON A RECORDED VOTE] [See Motion (250) on pages 30 to 31]

- A) That the Region of Durham enter into a Memorandum of Understanding (MOU) with Victim Services of Durham Region (VSDR) for a pilot project to address and assist in the prevention of Human Trafficking in Durham;
- B) That one-time funding up to a maximum of \$200,000 be provided to VSDR for the pilot project and the agency be required to segregate the funding to ensure reporting and accountability in a manner satisfactory to the Commissioner of Finance and further that any unused funds be returned to the Region of Durham;
- C) That \$100,000 of the approved 2019 budget for the Social Investment Fund be reallocated to the VSDR pilot project, bringing the total budget for this pilot project to \$200,000; and
- D) That the Commissioners of Social Services and Finance be authorized to execute the necessary agreements.

7. Memorandums of Agreement for Lakeview Manor, Fairview Lodge, Hillsdale Terraces and Hillsdale Estates Medical Directors (2019-SS-10)
[CARRIED]

That the Regional Chair and Regional Clerk be authorized to sign the Memorandums of Agreement with each independent contractor acting as the Medical Director at each of the Region's four (4) Long-Term Care Homes for a three (3) year term commencing May 2019 with an option to extend for two (2) one-year periods, at an estimated annual cost of \$118,746 to be funded from the Annual Business Plan and Budget for the Long-Term Care Homes.

The recommendations contained in Items 1, 4 and 7 of the Health & Social Services Committee were adopted through motion (246).

Moved by Councillor Crawford, Seconded by Councillor Chapman,
(248) That the agenda be altered in order to consider Items 2 and 3 of Report #6 of the Health and Social Services Committee to after consideration of agenda Item 9.5 Committee of the Whole.

CARRIED

Moved by Councillor Chapman, Seconded by Councillor Marimpietri,
(249) That the recommendations contained in Item 5 of Report #6 of the Health and Social Services Committee be adopted.

CARRIED

Moved by Councillor Chapman, Seconded by Councillor Marimpietri,
(250) That the recommendations contained in Item 6 of Report #6 of the Health and Social Services Committee be adopted.

CARRIED UNANIMOUSLY ON THE
FOLLOWING RECORDED VOTE:

Yes

No

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

Members Absent: Councillor Drew
Councillor Nicholson
Councillor Roy

Declarations of Interest: None

9.3 Report of the Planning and Economic Development Committee

1. Durham Agricultural Advisory Committee 2018 Annual Report and 2019 Workplan ([2019-P-28](#))

[CARRIED]

- A) That Report #2019-P-28 of the Commissioner of Planning and Economic Development be received as the Durham Agricultural Advisory Committee's 2018 Annual Report;
- B) That the Durham Agricultural Advisory Committee's 2019 Workplan be approved, as outlined in Attachment #1 to Report #2019-P-28;
- C) That the Durham Agricultural Advisory Committee's Terms of Reference be approved, as outlined in Attachment #2 to Report #2019-P-28; and
- D) That a copy of Report #2019-P-28 be forwarded to the Durham Agricultural Advisory Committee, the Durham Federation of Agriculture, the Golden Horseshoe Food and Farming Alliance and the Area Municipalities.

2. Durham Environmental Advisory Committee 2018 Annual Report and 2019 Workplan ([2019-P-29](#))

[CARRIED]

- A) That Report #2019-P-29 of the Commissioner of Planning and Economic Development be received as the Durham Environmental Advisory Committee's 2018 Annual Report;
- B) That the Durham Environmental Advisory Committee's 2019 Workplan be approved, as outlined in Attachment #1 to Report #2019-P-29; and
- C) That a copy of Report #2019-P-29 be forwarded to the Durham Environmental Advisory Committee and the Area Municipalities.

3. Durham Trail Coordinating Committee 2018 Annual Report and Durham Active Transportation Committee 2019 Workplan ([2019-P-30](#))

[CARRIED]

- A) That Report #2019-P-30 of the Commissioner of Planning and Economic Development be received as the Durham Trail Coordinating Committee's 2018 Annual Report;
 - B) That the Durham Active Transportation Committee 2019 Workplan be approved, as outlined in Attachment 1 to Report #2019-P-30; and
 - C) That a copy of Report #2019-P-30 be forwarded to the Durham Active Transportation Advisory Committee, Conservation Authorities and the Area Municipalities.
4. Durham Economic Development Partnership (DEDP) Four-Year Strategic Priorities ([2019-EDT-10](#))
[CARRIED]
- That Report #2019-EDT-10 of the Commissioner of Planning and Economic Development be received for information.
5. Envision Durham – Growth Management – Urban System Discussion Paper ([2019-P-31](#))
[CARRIED]
- A) That Report #2019-P-31 of the Commissioner of Planning and Economic Development be received for information; and
 - B) That a copy of Report #2019-P-31 be forwarded to Durham's area municipalities; conservation authorities; and the Ministry of Municipal Affairs and Housing for review and comment.
6. Funding Reallocation for Support and Creation of D-Hive Innovation Network ([2019-EDT-12](#))
[CARRIED]
- A) That, to support the FedDev funding application, up to \$100,000 of the approved one-time 2019 funding for the Spark Centre for the Pilot Launch Phase of the Innovation Station Project be retained by the Region of Durham to engage the appropriate professional services to;; and
 - i) develop a detailed plan outlining the programming or support needed from a central hub through a D-Hive innovation network for the Region's existing accelerators and innovation spaces; and
 - ii) develop business cases and project execution plans for the creation of various industry-specific or stage-specific innovation spaces within the Region of Durham to support the FedDev funding application;

- B) That Council endorse and support-in-principle the Spark Centre and Idea Summit funding application to FedDev for the D-Hive Network;
and
 - C) That staff report back to the Planning and Economic Development Committee on the progress of this initiative at the appropriate time.
7. Resolution regarding Potential Excess Inventory of Trees on Conservation Authority Lands
[CARRIED]

That the Durham Environmental Advisory Committee (DEAC) requests Regional Chair Henry's support in contacting the Conservation Authorities (CA) in Durham Region regarding a potential excess inventory of trees on CA lands and the possibility of these trees being re-planted in Durham Region.

8. Resolution regarding Regional Trail Network – Endorsement of Meadoway-Durham Linkage
[CARRIED]

That the concept for a Meadoway-Durham trail network system, to promote active transportation in The Regional Municipality of Durham be endorsed, in principle.

The recommendations contained in Items 1 to 5, 7 and 8 of the Planning & Economic Development Committee were adopted through motion (246).

Moved by Councillor Chapman, Seconded by Councillor Marimpietri,
(251) That the recommendations contained in Item 6 of Report #6 of the Planning and Economic Development Committee be adopted.
CARRIED

9.4 Report of the Works Committee

1. Motion re: Lake Ontario Water Levels
[CARRIED AS AMENDED] [See Motion (253) on page 40]

Whereas Lake Ontario is a valuable regional, national and international resource;

That Global warming and climate change is a major concern, and that it be recognized by all levels of government as a contributor to flooding issues;

Whereas Federal Governments of the United States and Canada and the International Joint Commission have, in partnership with the States and Provinces, a joint interest in the management of Lake Ontario;

Whereas the management of the lake levels falls within this joint interest;

Whereas the flooding experienced by the residents and business owners of Durham Region has resulted in affecting resident's safety, has caused significant property damage and economic loss;

Whereas Municipalities within Durham Region have expended significant staffing resources and financial resources in flood mitigation and protections;

Whereas the flooding experienced by the Durham Region threatens regional and municipal infrastructure;

And whereas it is conceivable and reasonable to anticipate future flooding as was experienced in the spring of 2017 and is being experienced now in 2019;

Now therefore be it resolved that:

The Canadian Representatives of the International Joint Commission and the Federal Government immediately review and amend Plan 2014 to better protect the interests of Municipalities, Emergency Responders and Riparian's;

And be it resolved that the Provincial Government review and increase the funding provided to municipalities as the first line in flood prevention, preparation, mitigation, response and recovery commensurate to the anticipated increased flooding, erosion and damages;

And be it resolved that the Provincial and Federal Governments be requested to strike a committee to review mitigation and safety plans for the communities fronting the Great Lakes and St. Lawrence Seaway; and that Durham Region be invited to participate on the committee;

And that this resolution be circulated to Prime Minister Justin Trudeau, Premier Doug Ford, MP Chrystia Freeland (Foreign Affairs), MPP Sylvia Jones (Solicitor General), MPP Steven Clark (Municipal Affairs and Housing), Canadian Representatives of the International Joint Commission (IJC), Association of Municipalities of Ontario (AMO), Great Lakes and St. Lawrence Cities Initiative, and all Ontario municipalities;

Regional Council also endorsed the resolution adopted by the Municipality of Clarington at their Council meeting held on May 21, 2019 regarding the initiation of a Provincial Flood Task Force.

2. Sole Source Purchase for Replacement Equipment at the Regional Municipality of Durham's Material Recovery Facility ([2019-WR-7](#))
[CARRIED]

That the purchase of replacement equipment required for the Region's Material Recovery Facility be sole sourced from the original equipment provider, Machinex Recycling Services, at a total cost not to exceed \$600,000* to be funded from the approved 2019 Solid Waste Management Major Capital Budget.
(*) before applicable taxes in all instances.

3. Blue Box Litter Pilots ([2019-WR-8](#))
[CARRIED]

A) That staff report back prior to the 2020 budget process on the following:

- i) Confirmation that staff have completed whatever work is necessary to secure a patent for the Blue Box lid with our partner Emterra (as identified in Report #2019-WR-8 of the Commissioner of Works);
- ii) That staff commence work to secure a sponsor for advertising on the lid that would reduce or eliminate the costs of providing the lids to all residents and provide the results of this;
- iii) That staff investigate and report back on the possibility of amending the waste management By-law to make it mandatory for all residents to set out blue boxes at the curb with a lid to prevent litter and investigate enforcement and fines for not complying;
- iv) That, regardless of transition of the Blue Box to full Extended Producer Responsibility (EPR), all Blue boxes will still be required to have lids and enforcement will continue; and
- v) That staff provide an update on the approximate percentage of non-compliant blue box containers in the Region and an estimated cost to provide a new large blue box to every resident along with two blue box lids and any other information Council may need to make a proper decision on this important initiative.

4. Supplementary Report to Works Committee Report #2019-W-24 Cemetery Connections to the Regional Water Supply System ([2019-W-42](#))
[CARRIED]

- A) That the requirements of the Regional Municipality of Durham's Water Supply System By-Law Number 89-2003 (as amended) not be waived, resulting in frontage charges being paid prior to connecting to the Regional Municipality of Durham's Water Supply System;
 - B) That the Pine Grove Cemetery be required to pay frontage charges, be responsible for the actual cost of constructing the connection to the Region's Water Supply System and all works on private property; and
 - C) That a copy of Report #2019-W-42 of the Commissioner of Works, be provided to Mr. Alex Williamson, President, Pine Grove Cemetery Board.
5. Issuance of an Encroachment Agreement ([2019-W-43](#))
[CARRIED]
- A) That the Encroachment Agreement negotiated between the owners of the property located at the municipal address of 27 Hillcourt Avenue in the Town of Whitby and the Regional Municipality of Durham permitting the encroachment of a fence onto the Brock Street Road Allowance at that municipal address for a nominal sum be approved; and
 - B) That the Regional Chair and Clerk be authorized to execute any necessary documents or agreements.
6. Approval to Execute a Licence Agreement for a Mountain Bike Trail within the Right-Of- Way on Lake Ridge Road (Regional Road 23) in the Township of Uxbridge ([2019-W-45](#))
[CARRIED]
- A) That the Regional Municipality of Durham be authorized to enter into a License Agreement with Durham Mountain Biking Association for a mountain bike trail located within the Lake Ridge Road (Regional Road 23) road allowance, with costs and liability for trail, construction, use and maintenance to be the sole responsibility of the Durham Mountain Bike Association; and
 - B) That the Regional Chair and Clerk be authorized to execute the Licence Agreement.
7. Renewal of Lease for Premises with 2446225 Ontario Limited at 169 North Street, Unit #3 in the Township of Scugog for the Regional Municipality of Durham Social Services Department ([2019-W-46](#))
[CARRIED]

- A) That the renewal of lease for 46.45 square metres (500 square feet) of office space, being part of the building located at 169 North Street, Unit #3, in the Township of Scugog be approved with the following terms and conditions:
- i) The term is for a period of two years commencing August 1, 2019, ending July 31, 2021, with an option to extend for an additional two years subject to the rental rate being negotiated;
 - ii) The annual rental rate for the two-year period of the lease is \$15,160* based on a rate of \$326.37* per square metre (\$30.32 per square foot);
 - iii) The Landlord is responsible for all operating costs for the building, common areas and the leased premises;
 - iv) The Region is responsible for a proportionate share of any applicable property taxes; and
- B) That the Regional Chair and Clerk be authorized to execute all documents associated with the lease agreement.
(*) before applicable taxes in all instances
8. Report on Tenders and Additional Financing for The Regional Municipality of Durham Contract T-1017-2018 for the New Vehicle Wash Bay Addition at the Works Department Scugog Depot, in the Township of Scugog [\(2019-W-47\)](#)
-
- [CARRIED]
- A) That the low compliant bid of ONIT Construction Inc., in the amount of \$780,000*, be awarded for Regional Municipality of Durham Contract T-1017-2018 resulting in a total estimated project cost of \$1,064,000;
- B) That the previously approved project budget of \$882,000 be increased by \$182,000 to a revised total project budget of \$1,064,000;
- C) That the funding for the additional project commitments in the amount of \$182,000 be provided as follows:
- i) Depot Operations 2019 Operating Budget provision for Extraordinary Maintenance and Miscellaneous Savings:

Property Tax	\$60,666
Water Supply – User Revenue	\$60,667
Sanitary Sewerage – User Revenue	<u>\$60,667</u>
	\$182,000
- Total Reallocated Financing \$182,000

- D) That the Regional Chair and Clerk be authorized to execute Regional Municipality of Durham Contract T-1017-2018.
(*) before applicable taxes

9. Approval of Request for a Release of Easements (2019-W-48)
[CARRIED]

- A) That the easement in favour of the Regional Municipality of Durham on the property identified as Part of Block 416, Plan 40M-2139, in the Town of Whitby Subject to Easement in Gross over Part 1 on 40R-23738 be released from title;
- B) That the easement in favour of the Regional Municipality of Durham on the property identified as Part of Lot 209, All of Block 414, Registered Plan 40M-2139, Town of Whitby and Part of Lot 31, Concession 3, (Geographic Township of Whitby) now in the Town of Whitby be released from title;
- C) That the Legal Department be authorized to register a Release of Easement on title to the subject properties; and
- D) That the Regional Chair and Clerk be authorized to execute any documents that may be required by them associated with the release of easements legally described in Recommendations A and B.

10. Extension of Lease for Premises with Chidley Glen Developments Limited at 3000 Garden Street, Suite 200, in the Town of Whitby for the Regional Municipality of Durham Economic Development Division, Business Advisory Centre Durham (2019-W-49)
[CARRIED]

- A) That an Extension of Lease for 185.25 square metres (1,994 square feet) of office space, being part of the building located at 3000 Garden Street, Suite 200, in the Town of Whitby, be approved on the following terms and conditions:
 - i) The term of the lease extension is for a period of five years commencing September 1, 2019, and ending August 31, 2024;
 - ii) The annual rental rate for the five year period of the lease will be \$31,904* based on a rate of \$172.22* per square metre (\$16.00* 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 lease agreement.
(*) before applicable taxes in all instances.
11. Award of Request for Proposal #1105-2018 for Professional Services to Produce an Overall Masterplan and Provide Full Architectural and Engineering Services for the New Region of Durham Paramedic Services Station, in the City of Pickering ([2019-W-50](#))
[CARRIED]
- A) That Request for Proposal #1105-2018 be awarded to AECOM Canada Ltd. to provide professional services to produce an overall masterplan and provide full architectural and engineering services for the new Region of Durham Paramedic Services station, in the City of Pickering, at a total upset limit not to exceed \$661,195* to be funded from the approved project budget of \$4,500,000; and
 - B) That the Commissioner of Finance be authorized to execute the professional services agreement.
(*) includes disbursements and are before applicable taxes
12. Amendments to Regional Traffic and Parking By-Law #44-2006 ([2019-W-51](#))
[CARRIED]
- A) That Corporate Services – Legal Services be directed to prepare an amending by-law to amend By-Law #44-2006, generally in the form included as Attachment #1 to Report #2019-W-51 of the Commissioner of Works, for presentation to Regional Council for passage; and
 - B) That staff be authorized to take all steps required and necessary to give effect to the amendments contemplated to By-Law #44-2006 as indicated in the form included as Attachment #1 to Report #2019-W-51.
13. Award of Request for Proposal #1099-2018 for Commissioning Services for Phase 2 of the Clarington Police Complex, in the Municipality of Clarington ([2019-W-52](#))
[CARRIED]
- A) That Request for Proposal #1099-2018 be awarded to Jones Lang LaSalle Real Estate Services Inc. to provide commissioning services for Phase 2 of the new Clarington Police Complex, at a total upset limit not to exceed \$98,800* to be funded from the approved project budget; and

- B) That the Commissioner of Finance be authorized to execute the consulting services agreement.
(*) includes disbursements and are before applicable taxes.

14. Confidential Report of the Commissioner of Works – Proposed or Pending Acquisition or Disposition of Land for Regional Corporate Purposes as it Relates to the Purchase of Lands Required for the Bus Rapid Transit Project, in the City of Pickering (2019-W-44)
[CARRIED]

That the recommendations contained in Confidential Report #2019-W-44 of the Commissioner of Works, be adopted.

The recommendations contained in Items 2 to 14 of Report #6 of the Works Committee were adopted through motion (246).

- Moved by Councillor Chapman, Seconded by Councillor Marimpietri,
(252) That the recommendations contained in Item 1 of Report #6 of the Works Committee be adopted.

CARRIED AS AMENDED
(See Following Motion)

- Moved by Councillor Joe Neal, Seconded by Councillor Anderson,
(253) That the main motion (252) of Councillors Chapman and Marimpietri to adopt the recommendations contained in Item 1 of Report #6 of the Works Committee be amended by adding the following clause to the end:

Regional Council also endorsed the resolution adopted by the Municipality of Clarington at their Council meeting held on May 21, 2019 regarding the initiation of a Provincial Flood Task Force.

CARRIED

The main motion (252) of Councillors Chapman and Marimpietri to adopt the recommendations contained in Item 1 of Report #6 of the Works Committee was then put to a vote and CARRIED AS AMENDED.

9.5 Report of the Committee of the Whole

1. Update on Green Bin Organics Processing Negotiations with Miller Waste Systems and Authority to Sole Source the Yard Waste Processing Contract Extension to Miller Waste Systems (2019-COW-12)
[CARRIED]

- A) That the Regional Municipality of Durham enter into a four-year extension of Contract C002462 with Miller Waste Systems for Leaf and Yard Waste processing, effective July 1, 2019 to extend its term from August 23, 2020 to June 30, 2024 at a four year total cost of approximately \$5,938,077,* subject to annual CPI adjustments, to be funded from the annual Solid Waste Management Operating Budget; and
 - B) That the Commissioner of Finance be authorized to execute all documents related to the contract extensions.
2. Region of Durham's Investment Plan for the Canada-Ontario Community Housing Initiative (COCHI) and Ontario Priorities Housing Initiative (OPHI) Programs ([2019-COW-13](#))
-
- [CARRIED]
- A) That further to the correspondence from the Ministry of Municipal Affairs and Housing (MMAH) as outlined in Attachment #1 to Report #2019-COW-13 of the Commissioner of Finance and Commissioner of Social Services, the Regional Chair and Regional Clerk be authorized to execute the Ontario Transfer Payment Agreement with the MMAH in order for the Region of Durham to participate in the Canada-Ontario Community Housing Initiative (COCHI) and Ontario Priorities Housing Initiative (OPHI) Programs and secure available 100 per cent Federal and Provincial funding in the total amount of \$11,822,854 (\$5,071,593 in 2019-20 (confirmed); \$2,643,030 in 2020-21 (planned); and \$4,108,231 in 2021-22 (planned));
 - B) That the proposed Investment Plan as detailed in Attachment #2 to Report #2019-COW-13, as required by the Province, outlining the following allocations for the available Federal and Provincial funding for the Canada-Ontario Community Housing Initiative (COCHI) and Ontario Priorities Housing Initiative (OPHI) Programs over the three-year Provincial funding period be approved and forwarded to the MMAH:

**Proposed Federal and Provincial Funding Allocations for the Region of
Durham's Investment Plan**

		Component	Year 1 2019-2020 Confirmed Allocation (\$)	Year 2 2020-2021 Planning Allocation (\$)	Year 3 2021-2022 Planning Allocation (\$)	Total (\$)
(i)	COCHI Capital	Repair	525,393	287,730	441,531	1,254,654
		COCHI Subtotal	525,393	287,730	441,531	1,254,654
(ii)	OPHI Capital	Home Repair	4,318,890	0	0	4,318,890
(iii)	OPHI Capital	Home Ownership	0	100,000	0	100,000
(iv)	OPHI Capital	Rental	0	2,137,535	3,483,365	5,620,900
		OPHI Subtotal	4,318,890	2,237,535	3,483,365	10,039,790
(v)		Administration	227,310	117,765	183,335	528,410
		TOTAL	<u>5,071,593</u>	<u>2,643,030</u>	<u>4,108,231</u>	<u>11,822,854</u>

- C) That in order to address the need for urgent capital repairs and to support non-profit Community Housing, it is recommended that COCHI/OPHI Year 1 funding, as outlined in the Investment Plan, be directed to priority repairs of Community Housing projects, with the following specific actions:
- a) Upon execution of the Ontario Transfer Payment Agreement for COCHI/OPHI, regional staff be authorized to submit a Project Information Form (PIF) to MMAH for selected repair projects;

- b) Prior to the distribution of funds to housing providers, the Regional Chair and Regional Clerk be authorized to enter into a contribution agreement with each housing provider in order to access funding and establish legal obligations and reporting requirements for the project, as required under the COCHI/OPHI Program Guidelines;
 - c) To ensure all program funding is fully utilized, the Commissioner of Finance be authorized to reallocate underspent project specific funding to alternate projects that can utilize the funding within the program deadlines;
 - d) The housing providers receiving funding be required to segregate this funding to ensure reporting and accountability in a manner satisfactory to the Commissioner of Finance; and
 - e) Regional staff be authorized to obtain additional professional consulting services in an amount not to exceed \$75,000 in order to monitor capital repair projects, with financing provided from the administration allocation;
- D) That the Regional Chair and Regional Clerk be authorized to enter into an amending agreement with Habitat for Humanity Durham for the shared administration of the Home Ownership Component of the Ontario Priorities Housing Initiative (OPHI) year 2 funding allocation and with eligible purchasers for down payment assistance of up to \$25,000 per household for four units to a maximum of \$100,000, in a manner consistent with the funds made available to the previous homeowners under the Investment in Affordable Housing (IAH) and Social Infrastructure Fund (SIF) programs;
- E) That in order to address the lack of affordable rental supply in Durham, the Ontario Priorities Housing Initiative funding be made available for rental construction across the program period as below:

**OPHI Rental Housing Funding Distribution
Region of Durham**

	Year 1	Year 2	Year 3	Total
Funding Allocation	0	\$2,137,535	\$3,483,365	\$5,620,900
# of Potential Units	0	12 to 17	18 to 25	30 to 42

- F) That staff be authorized to issue a Request for Proposal (RFP), upon confirmation of funding from MMAH, for the purpose of soliciting rental housing project proposals for a total value not to exceed the annual amount available under the COCHI/OPHI Investment Plan, under the terms and conditions of the Rental Housing Component of the Ontario Priorities Housing Initiative (OPHI), with recommended rental housing projects being brought forward for Regional Council endorsement; and
- G) That given the administration involved to deliver OPHI programs, both within funding years and to ensure compliance over the program's affordability periods, it is recommended that 5% of the Region's OPHI allocation be leveraged to offset program administrative costs and that, to maintain the 2018-2019 baseline federal funding no administration costs be leveraged against the Region's COCHI allocation.

3. Proposed Housing Services Act Regulation Changes (2019-COW-14)
[CARRIED]

That Report #2019-COW-14 of the Commissioner of Finance and Commissioner of Social Services be endorsed and submitted to the Ministry of Municipal Affairs and Housing (MMAH) as the Region of Durham's response to the proposed Housing Services Act regulation changes posted to Ontario's Regulatory Registry under proposal numbers 19-MMAH003, 19-MMAH004, 19-MMAH005, including the following key comments and recommendations:

- i) MMAH consider the comments and recommendations set out in Attachment #1 of Report #2019-COW-14 of the Commissioner of Finance, and Commissioner of Social Services – Region of Durham's Detailed Response to Proposed Regulatory Changes under the Housing Services Act;
- ii) MMAH work with service managers to determine the financial impact of the proposed RGI simplification changes, including strategies for mitigation or compensation of these costs;
- iii) RGI scales for social assistance households be revised to align to maximum shelter allowances for Ontario Works and Ontario Disability Support Program (ODSP); and
- iv) Special Priority Policy (SPP) applicants be addressed outside of service manager wait lists to meet the immediate needs of this group and to allow service managers to better address the needs of chronological applicants and locally identified priorities on their wait lists.

4. Initiation of the Durham Region Community Safety and Well-Being Plan (CSWP) ([2019-COW-15](#))

[CARRIED]

- A) That Report #2019-COW-15 of the Commissioners of Social Services and Planning and Economic Development, be received for information; and
- B) That a copy of Report #2019-COW-15 be sent to the area municipalities, Durham Region Police Service, and the Durham Region Community Safety and Well-Being Plan (CSWP) Stakeholders for information.

5. The 2019 Regional Municipality of Durham Asset Management Plan ([2019-COW-16](#))

[CARRIED]

- A) That the Regional Strategic Asset Management Policy as set out in Attachment #1 to Report #2019-COW-16 of the Commissioner of Finance and Commissioner of Works, be approved and submitted to the Ontario Ministry of Infrastructure to comply with Ontario Regulation 588/17, Asset Management Planning for Municipal Infrastructure, which requires municipalities to have adopted a Strategic Asset Management Policy by July 1, 2019; and
- B) That the best business practice of allocating funds to address priority rehabilitation and replacement needs of Regional infrastructure systems identified in Report #2019-COW-16, produced through the Region's asset management planning process, continue as part of the Region of Durham's 2020 Financial Planning and Budget deliberations.

6. Organics Management Next Steps and Updated Preliminary Business Case ([2019-COW-17](#))

[CARRIED]

- A) That approval be granted for the Region to proceed with Council's preferred long-term organics' management technology solution, with the capital project to include both a mixed waste transfer and pre-sort facility and an anaerobic digestion (AD) organics management processing facility with the specific financing to be approved at time of Request for Proposal (RFP) issuance and confirmed at the time of RFP award;
- B) That wet anaerobic digestion be approved as the Region's technology for processing organic materials, to maximize diversion, including Green Bin organics and the organic fraction of mixed garbage wastes;

- C) That the Region's service delivery approach for implementing the Region's long-term organics management solution include public ownership of the transfer/pre-sort facility and AD organics management processing facility with a long-term (15-25 year) single contract to be obtained from the private sector to design, build, operate and maintain (DBOM) the facilities;
- D) That procurement follow a two-step Request for Proposal Qualifications (RFPQ) and Request for Proposal (RFP) process, in which:
 - a. The RFPQ shall include appropriate requirements for financial capacity (construction, bonding, operations) together with technical requirements, to be issued with the list of recommended prequalified companies (to participate in the subsequent RFP) to be presented to Regional Council for approval in fall 2019;
 - b. The subsequent RFP process shall be issued together with the design-build-operate-maintain contract to reduce the need for protracted negotiations prior to financial close;
- E) That Regional staff be authorized to retain GHD Limited (GHD) to act as the owner's engineer, at a cost not to exceed \$800,000 to be funded from the existing capital project funds, for the following scope of work:
 - a. Development of a detailed project implementation schedule setting out key activities and milestones for the execution of the project;
 - b. Undertake the siting evaluation and environmental compliance approvals and permitting application for transfer/mixed waste pre-sort and AD facilities within Durham Region; and
 - c. Support both the RFPQ and RFP processes, including development of technical documentation and evaluations;
- F) That the updated 2019 preliminary business case for the Region's recommended transfer/mixed waste pre-sort and AD facilities be received for information, recognizing that an update will be provided as part of the recommendation to Regional Council to proceed with RFP issuance once uncertainties around key parameters are resolved (e.g. siting and haulage implications, project implementation timing and site specifications, energy and other by-product preferences, available connections, revenues, costs and implications due to evolving regulatory requirements);

- G) That an independent third-party fairness monitor be retained at a total cost not to exceed \$100,000 to oversee subsequent procurement processes as approved by Regional Council to protect the Regional Municipality of Durham and to ensure fairness and transparency on behalf of vendors and other stakeholders, and that the selection of the fairness monitor be made at the discretion of the Chief Administrative Officer and Commissioner of Finance;
 - H) That external legal counsel be retained at a cost not to exceed \$125,000 to provide advice for the next steps of the long-term organics management solution and assist in the procurement process and contractual arrangements; and
 - I) That Regional staff report back to Regional Council on the results of the following to seek further direction:
 - a. The feasibility of a potential partnership/joint venture with the preferred proponent identified through the Expression of Interest (EOI-1152-2018 to solicit interest in a partnership to procure, finance and share the net costs arising from the development and implementation of the Region's long-term organics waste management solution project), and whether negotiations to establish this partnership/joint venture should commence;
 - b. The evaluation of siting (i.e. location) and environmental compliance approvals and permitting application requirements for the transfer/mixed waste pre-sort and AD facilities within Durham Region;
 - c. A detailed project implementation schedule, including key activities and milestones, to progress the implementation of the Region's long-term organic's management solution; and
 - d. Recommended timing and approval to initiate the RFP, based on resolution of uncertainties around key parameters (e.g. siting and haulage implications, project implementation timing and site specifications, energy and other by-product preferences, available connections, revenues, costs and implications due to evolving regulatory requirements).
7. Provincial Funding Update: Implications for the Region of Durham
[\(2019-COW-18\)](#)
[CARRIED]
-

That Report #2019-COW-18 of the Commissioner of Finance and Commissioner & Medical Officer of Health, be received for information.

8. GO East Extension Update and Transit Oriented Development Evaluation (2019-COW-19)
[CARRIED]

- A) That the update on the GO East Extension to Bowmanville provided within Report #2019-COW-19 of the Commissioner of Planning and Economic Development, and Commissioner of Finance, be received for information;
- B) That a Transit Oriented Development Evaluation exercise be undertaken as a sole source contract by N. Barry Lyon Consultants Limited, at a cost not to exceed \$150,000, to be financed at the discretion of the Commissioner of Finance and completed by December 31, 2019, in order to examine the potential impact of route alignments on private sector investment at proposed GO Station locations along the GO East Extension to Bowmanville;
- C) That the Commissioner of Finance be authorized to execute the necessary agreements;
- D) That Regional Council be apprised on the findings and recommendations that are contained in the Transit Oriented Development Evaluation upon its completion;
- E) That Metrolinx and the Province of Ontario be requested to reaffirm their commitment to the CP alignment approved in 2011 through the Oshawa to Bowmanville Rail Service Expansion and Rail Maintenance Facility Transit Project Assessment Process Environmental Assessment; and
- F) That a copy of Report #2019-COW-19 be sent to the Minister of Transportation, the President and Chief Executive Officer at Metrolinx, Durham Members of Provincial Parliament, and Durham area municipalities.

9. Endorsement of Broadband Project by FlashFibr (2019-COW-20)
[CARRIED]

That the Region of Durham endorse and provide support-in-principle for the proposed Broadband infrastructure project by FlashFibr which aligns with and advances the strategic priorities outlined in the Council-approved Regional Broadband Strategy.

10. Financing Terms for the Extension of Municipal Water Supply Services Resulting from Successful Petitions for Properties Located Within the Provincial Greenbelt (2019-COW-21)
[CARRIED]

- A) That Schedule E of By-law #89-2003 be amended to reflect the addition of the following payment terms for extension of municipal water supply services resulting from successful petitions for properties located within the Greenbelt:
 - i) The annual interest rate for the payment of frontage charges for the extension of municipal water supply services to properties in the Greenbelt be established at the prime rate of the Region's financial institution plus 1.5 per cent, with the prime rate based on the date the final letter outlining fees owing is issued; and
 - ii) The payment term for the frontage charges for the extension of services to properties in the Greenbelt be 10 years or 15 years at the option of the property owner;
- B) That Corporate Services – Legal Services be directed to prepare an amending by-law to amend By-Law #89-2003, generally in the form included as Attachment #1 to Report #2019-COW-21 of the Acting Commissioner of Works, and Commissioner of Finance, for presentation to Regional Council for passage;
- C) That staff be authorized to take all steps required and necessary to give effect to the amendments contemplated to By-Law #89-2003 as indicated in the form included as Attachment #1 to Report #2019-COW-21;
- D) That a review of payment terms related to frontage charges for the extension of water supply and sanitary sewerage services resulting from a successful petition process (within or outside of the Provincial Greenbelt) be reviewed as part of the 2020 User Rate Study; and
- E) That payments be secured against the title of the property and, the debt discharged upon transfer of ownership.

The recommendations contained in Items 1 to 5 and 7 to 10 of Report #4 of the Committee of the Whole were adopted through motion (246).

Moved by Councillor Chapman, Seconded by Councillor Marimpietri,
(254) That the recommendations contained in Item 6 of Report #4 of the Committee of the Whole be adopted.

CARRIED

9.2 Report of the Health and Social Services Committee

At this point in the meeting Council considered Items 2 and 3 of Report #6 of the Health & Social Services Committee.

2. Award of Proposal RFP-181-2019 for the provision of a Primary and Secondary Food and Disposables Distributor for the Region of Durham's four (4) Long-Term Care Homes ([2019-SS-5](#))
-

[CARRIED ON A RECORDED VOTE] [See Motion (257) on pages 51 to 53]

- A) That Sysco Central Ontario, a division of SYSCO Canada Inc. be awarded as the Primary Distributor for Food and Disposables Distribution Services in the estimated amount of \$4.5 million, and Gordon Food Service Ontario Inc. (GFS) be awarded as the Secondary Distributor in the estimated annual amount of \$500,000 for the Region of Durham's four (4) Long-Term Care Homes commencing December 1, 2019 through to November 30, 2023 with an option to extend for one (1) additional three (3) year term and one (1) additional two (2) year term, all in accordance with the terms and conditions set forth in the Region's Request for Proposal #RFP-181-2019 and HealthPro Procurement Services Inc.'s Nutrition and Food and Disposables Distribution Service Contracts #DE04977 and #DE04978;
 - B) That the existing agreements with GFS as the Primary Distributor and Sysco as the Secondary Distributor be extended to November 30, 2019 to allow time for Transition of the menus and ordering patterns at each of the Region's four (4) Long-Term Care Homes; and
 - C) That the Commissioner of Finance be authorized to execute any necessary agreements for distribution services and software subscriptions, including any required contract extensions and ongoing software maintenance and support.
3. HealthPro Procurement Services Inc.'s Various Nutrition and Food Supplier Selections for the Region of Durham's four (4) Long-Term Care Homes ([2019-SS-6](#))
-

[CARRIED]

- A) That the HealthPro Procurement Services Inc. Nutrition and Food contract offered to the Region as a member of HealthPro Procurement Services Inc. for the four (4) Long-Term Care Homes nutrition and food requirements, be awarded to the various prequalified single suppliers included in Table 1 HealthPro #NFS-01-04-19 (Attachment #1 to Report #2019-SS-6) and the various prequalified multi suppliers included in Table 2 HealthPro #NFS-01-04-19 (Attachment #2 to Report #2019-SS-6), representing a total cost of approximately \$515,000 annually for a contract term of three (3) years up until March 31, 2022, with an option to extend for one (1) additional two (2) year term; and

- B) That the Commissioner of Finance be authorized to execute the HealthPro Procurement Services Inc.'s Phase 2 Multi Supplier Selection form (Attachment #3 to Report #2019-SS-6) and any required agreements and/or extensions related to the various food contracts in Table 1 and Table 2.

Moved by Councillor Collier, Seconded by Councillor McLean,

- (255) That the meeting be closed to the public in order to receive advice that is subject to solicitor-client privilege, and to consider information that was provided to the Region which could reasonably be expected to prejudice significantly the competitive position or contractual negotiations of an organization.

CARRIED

(Refer to the closed Council meeting minutes of June 26, 2019.)

Regional Chair Henry advised that during the closed meeting session there was an exchange of information between Council and staff pertaining to Report #2019-SS-5 of the Commissioner of Social Services. He advised that during the closed session there were no directions given or motions made.

Moved by Councillor Chapman, Seconded by Councillor Marimpietri,

- (257) That the recommendations contained in Item 2 of Report #6 of the Health and Social Services Committee be adopted.

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

Moved by Councillor Collier, Seconded by Councillor Crawford,

- (258) That the main motion (257) of Councillors Chapman and Marimpietri to adopt the recommendations contained in Item 2 of Report #6 of the Health and Social Services Committee be amended in Part A) by deleting the date, "November 30, 2023" and replacing it with the date, "November 30, 2022"; and, that staff report back to Council on the new vendor's performance and, based on Council's approval, an option to extend for one additional three year term.

MOTION RULED OUT OF ORDER

Moved by Councillor Collier, Seconded by Councillor Crawford,

- (259) That the main motion (257) of Councillors Chapman and Marimpietri to adopt the recommendations contained in Item 2 of Report #6 of the Health and Social Services Committee be referred back to staff.

MOTION DEFEATED ON THE FOLLOWING
RECORDED VOTE:

Yes

Councillor Anderson
Councillor Ashe
Councillor Barton
Councillor Collier
Councillor Crawford
Councillor Lee
Councillor Marimpietri
Councillor Mulcahy
Councillor Joe Neal

No

Councillor Bath-Hadden
Councillor Chapman
Councillor Dies
Councillor Highet
Councillor Kerr
Councillor McLean
Councillor Mitchell
Councillor John Neal
Councillor Pickles
Councillor Ryan
Councillor Smith
Councillor Wotten
Regional Chair Henry

Members Absent: Councillor Carter
Councillor Drew
Councillor Foster
Councillor Leahy
Councillor Nicholson
Councillor Roy
Councillor Yamada

Declarations of Interest: None

The main motion (257) of Councillors Chapman and Marimpietri to adopt the recommendations contained in Item 2 of Report #6 of the Health & Social Services Committee was then put to a vote and CARRIED ON THE FOLLOWING RECORDED VOTE:

Yes

Councillor Ashe
Councillor Barton
Councillor Bath-Hadden
Councillor Chapman
Councillor Highet
Councillor Kerr
Councillor McLean
Councillor Mitchell
Councillor Pickles
Councillor Ryan
Councillor Smith
Councillor Wotten
Regional Chair Henry

No

Councillor Anderson
Councillor Collier
Councillor Crawford
Councillor Dies
Councillor Lee
Councillor Marimpietri
Councillor Mulcahy
Councillor John Neal
Councillor Joe Neal

Members Absent: Councillor Carter
Councillor Drew
Councillor Foster
Councillor Leahy
Councillor Nicholson
Councillor Roy
Councillor Yamada

Declarations of Interest: None

Moved by Councillor Chapman, Seconded by Councillor Marimpietri,
(260) That the recommendations contained in Item 3 of Report #6 of the Health
and Social Services Committee be adopted.

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

This item was considered earlier in the meeting. [See Item 10.1 on pages 15 to 16]

11. Other Business

11.1 2019 Durham Regional Local Housing Corporation Annual Shareholder Meeting

Moved by Councillor Chapman, Seconded by Councillor Bath-Hadden,

- (261) A) That the financial statements of the Corporation which comprise the Statement of Financial Position as at December 31, 2018, and the Statements of Operations and Accumulated Surplus, Change in Net Financial Assets and Cash Flows for the year ended December 31, 2018 and the Independent Auditor's Report thereon, all as submitted to the Shareholder by the Board of Directors, be received;
- B) The Shareholder hereby waives its right to receive general or special notice of an annual meeting of the shareholder of the Corporation;
- C) The Shareholder hereby waives its right to receive an advance copy of the Corporation's 2018 financial statements and independent auditor's report;

- D) All by-laws, resolutions, contracts, acts and proceedings of the Board of Directors of the Corporation enacted, passed, made, done or taken since the last annual meeting of shareholders of the Corporation as set forth or referred to in the minutes of the meetings and resolutions of the Board of Directors in the minute and record book of the Corporation or in the financial statements of the Corporation are hereby approved, ratified and confirmed; and
- E) The Regional Chair and Clerk be authorized to sign the shareholder's resolution evidencing the approval of the aforementioned matters.

CARRIED

11.2 Province of Ontario Audit and Accountability Fund (2019-A-25)

Moved by Councillor Joe Neal, Seconded by Councillor Ryan,

- (262) That Regional Council authorize the Chief Administrative Officer (CAO), if necessary, given the compressed timeline for the projects funded by the Province of Ontario Audit and Accountability Fund, to enter into a sole sourcing agreement with qualified third-party service providers.

CARRIED

12. By-laws

- 34-2019 Being a by-law to implement the 2019 options for the Mandated Provincial Business Protection Program ("Capping").

This by-law implements the recommendations contained in Item #6 of the 6th Report of the Finance & Administration Committee presented to Regional Council on June 26, 2019

- 35-2019 Being a by-law to establish a percentage by which tax decreases are limited for 2019 in respect of properties in any property class subject to Part IX of the *Municipal Act, 2001*.

This by-law implements the recommendations contained in Item #6 of the 6th Report of the Finance & Administration Committee presented to Regional Council on June 26, 2019

- 36-2019 Being a by-law to Amend By-law 17-2016 being a by-law to regulate compliance with infection prevention and control best practices and disclosure of health inspection information to the public regarding Personal Services Settings.

This by-law implements the recommendations contained in Item #1 of the 6th Report of the Health & Social Services Committee presented to Regional Council on June 26, 2019

- 37-2019 Being a by-law to amend By-law Number 44-2006 which regulates traffic and parking on roads under the jurisdiction of the Regional Municipality of Durham.

This by-law implements the recommendations contained in Item #12 of the 6th Report of the Works Committee presented to Regional Council on June 26, 2019

- 38-2019 Being a by-law to establish Area-Specific Development Charges for the Seaton Community – Water Supply and Sanitary Sewerage Services.

This by-law implements the recommendations contained in Item #4 of the 6th Report of the Finance & Administration Committee presented to Regional Council on June 26, 2019

Moved by Councillor Ashe, Seconded by Councillor Anderson,
(263) That By-law Numbers 34-2019 to 38-2019 inclusive be passed.

CARRIED

13. Confirming By-law

- 39-2019 Being a by-law to confirm the proceedings of Regional Council at their meeting held on June 26, 2019.

Moved by Councillor Ashe, Seconded by Councillor Anderson,
(264) That By-law Number 39-2019 being a by-law to confirm the proceedings of the Council of the Regional Municipality of Durham at their meeting held on June 26, 2019 be passed.

CARRIED

14. Adjournment

Moved by Councillor Ashe, Seconded by Councillor Barton,
(265) That the meeting be adjourned.

CARRIED

The meeting adjourned at 3:50 PM

Respectfully submitted,

John Henry, Regional Chair & CEO

Ralph Walton, Regional Clerk