



Official Notice

Meeting of Regional Council

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

Wednesday, September 25, 2019

9:30 AM

1. Roll Call

2. Declarations of Interest

3. Announcements

4. Presentations

- 4.1 Dr. R.J. Kyle, Commissioner & Medical Officer of Health re: Presentation of “Friends of Health” Awards
- 4.2 Steve Kemp, Manager of Traffic Engineering and Operations, re: Automated Enforcement – Red Light Cameras and Automated Speed Enforcement (2019-W-65 and 2019-W-66)

5. Adoption of Minutes

- 5.1 Regional Council meeting – [June 26, 2019](#) Pages 6 - 60
- 5.2 Closed Regional Council meeting – June 26, 2019 Under Separate Cover
- 5.3 Committee of the Whole meeting – [September 11, 2019](#) Pages 61 - 67

6. Communications

- CC 33 Memorandum dated June 30, 2019 from [Guy Giorno, Integrity Commissioner](#), re: Special Report: Follow-up on Committee of the Whole Presentation Page 68
- CC 34 Correspondence dated August 21, 2019 from the [Ministry of Transportation](#), re: Proposed improvements at the Highway 401/Harmony Road/Bloor Street interchange Page 68

- CC 35 Correspondence dated August 30, 2019 from [John Henry, Regional Chair and CEO and Adrian Foster, Mayor of the Municipality of Clarington](#), re: Request to Enact a Minister's Zoning Order to permit the development of a long-term care home project in the Municipality of Clarington, Regional Municipality of Durham Page 68
- CC 36 Correspondence dated September 17, 2019 from [June Gallagher, Deputy Clerk of the Municipality of Clarington](#), re: Motion to Build a New Long-term Care Facility on the Rekker Property and request to enact a Minister's Zoning Order Page 68
- CC 37 Email correspondence dated September 14, 2019 from [Linda Gasser](#), re: concerns about the Notice of Commencement – Durham York Energy Centre Throughput Increase from 140,000 to 160,000 tonnes per year Page 68
- CC 38 Memorandum dated September 25, 2019 from [John Presta, Acting Commissioner of Works](#), re: Update on the Regional Municipality of Durham's Green Bin Program Page 68
- CC 39 Memorandum dated September 25, 2019 from [John Presta, Acting Commissioner of Works](#), re: Red-Light Camera Program Implementation Site Selection Process (Report #2019-W-65) Page 69
- CC 40 Correspondence dated September 18, 2019 from [Chris Darling, Chief Administrative Officer, Central Lake Ontario Conservation Authority \(CLOCA\)](#), re: September 17, 2019 CLOCA Board Resolution Page 69

7. Delegations

- 7.1 Greg Milosh, Oshawa resident, re: planning and deliberations pertaining to the Region's 2020 Financial Budget and property taxation
- 7.2 Carion Fenn, Carion Fenn Foundation, re: Durham Mental Health Day, October 10, 2019. **Requires 2/3rds vote to be heard**
- 7.3 Dave Paterson and Scott Paterson, re: Royal Ashburn Golf Club – Development Charge Appeal [Item 11.1 – Other Business]
- 7.4 Lillian Kuehn, Ajax resident, re: Report #2019-W-54: Petition for Construction of a Watermain on Range Road, Lakeridge Road and Ontoro Boulevard, in the Town of Ajax [Item 9.4 – Committee Reports – Works Committee]

8. Notice of Motions

There are no notices of motions

9. Committee Reports

9.1	Finance and Administration Committee	Pages 96 - 98
9.2	Health and Social Services Committee	Pages 99 - 101
9.3	Planning and Economic Development Committee	Pages 102 - 104
9.4	Works Committee	Pages 105 - 111
9.5	Committee of the Whole	Page 112

10. Unfinished Business

There is no unfinished business

11. Other Business

11.1	Report #1 of the Development Charges Complaint Committee, re: The Royal Ashburn Golf Club	Page 113
11.2	Report #2019-WR-10 from the Acting Commissioner of Works re: City of Edmonton Waste Management Centre	Page 113

12. By-laws

40-2019	Being a by-law to adopt Amendment #174 to the Durham Regional Official Plan. This by-law implements the recommendations contained in Item #4 of the 7 th Report of the Planning & Economic Development Committee presented to Regional Council on September 25, 2019
41-2019	Being a by-law to adopt Amendment #175 to the Durham Regional Official Plan. This by-law implements the recommendations contained in Item #5 of the 7 th Report of the Planning & Economic Development Committee presented to Regional Council on September 25, 2019

- 42-2019 Being a by-law to limit the gross vehicle weight of any vehicle or any class thereof passing over a bridge forming part of the Regional Road system.
- This by-law implements the recommendations contained in Item #5 of the 7th Report of the Works Committee presented to Regional Council on September 25, 2019
- 43-2019 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 #6 of the 7th Report of the Works Committee presented to Regional Council on September 25, 2019
- 44-2019 Being a by-law to amend the by-law respecting the Water Supply System in the Regional Municipality of Durham and the establishment of water rates and water charges being By-Law No. 89-2003 of the Regional Municipality of Durham.
- This by-law implements the recommendations contained in Item #10 of the 4th Report of the Committee of the Whole presented to Regional Council on June 26, 2019
- 45-2019 Being a by-law to dedicate and establish certain lands as public highway to be and to form part of the public highway known as Regional Road Number 22, Bayly Street, in the Town of Ajax, in the Regional Municipality of Durham.
- This by-law implements the recommendations contained in Item #2 of the 5th Report of the Works Committee presented to Regional Council on April 19, 2006

13. Confirming By-law

- 46-2019 Being a by-law to confirm the proceedings of Regional Council at their meeting held on September 25, 2019

14. Adjournment

Notice regarding collection, use and disclosure of personal information:

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

The Regional Municipality of Durham

MINUTES

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 Marimpietri attended the meeting at 11:20 AM

Councillor Drew was absent on personal business

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 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

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

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]

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]

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]

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	\$22,007	\$17,386	\$10,124

- 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

The Regional Municipality of Durham

MINUTES

COMMITTEE OF THE WHOLE

Wednesday, September 11, 2019

A regular meeting of the Committee of the Whole was held on Wednesday, September 11, 2019 in the Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby, Ontario at 9:30 AM

Regional Chair Henry assumed the Chair.

Present: All members of Committee were present with the exception of Councillors Bath-Hadden, Nicholson, Roy and Smith

Councillor Bath-Hadden was absent on municipal business

Councillor Ryan attended the meeting at 9:40 AM

Councillor Foster left the meeting at 10:45 AM on municipal business

Staff

Present: E. Baxter-Trahair, D. Beaton, B. Bridgeman, S. Danos-Papaconstantinou, J. Demanuele, B. Holmes, J. Hunt, R. Inacio, M. Januszkiewicz, R.J. Kyle, K. McDermott, S. Penak, N. Prasad, J. Presta, N. Taylor, C. Tennisco and R. Walton

1. Declarations of Interest

There were no declarations of interest.

2. Statutory Public Meetings

There were no statutory public meetings.

3. Delegations

There were no delegations to be heard.

4. Presentations

- 4.1 Elaine Baxter-Trahair, Chief Administrative Officer; Nancy Taylor, Commissioner of Finance; and John Presta, Acting Commissioner of Works, re: Organics Management Solution – Expression of Interest Process and Next Steps including Site Identification Criteria and Anti-Lobbying Protocol (2019-COW-22) [Item 6. A)]

E. Baxter-Trahair, Chief Administrative Officer, N. Taylor, Commissioner of Finance, and J. Presta, Acting Commissioner of Works, provided a PowerPoint presentation titled “Organics Management Solution – Expression of Interest

Process and Next Steps including Site Identification Criteria and Anti-Lobbying Protocol”.

Highlights from the presentation included:

- Overview
- Expression of Interest (EOI) Background and Response
- Selected Respondent: Epcor
- Epcor
 - Regulatory Review
 - Financial Review
 - Industry Reference Checks
- Benefits of a Joint Venture with Epcor
 - Optimal Risk Allocation
 - Diversifying Finances
 - Expertise
- Next Steps – Site Identification Criteria
- Exclusionary Site Identification
 - Technical Factor
 - Social/Environmental/Cultural Factor
- Next Steps – Anti-Lobbying Protocol
- Questions

N. Taylor provided a timeline of the Expression of Interest (EOI) process. She advised that the Region of Durham released a non-binding EOI on October 23, 2018 and received nine submissions in response to the EOI on November 15, 2018. Two companies were then considered by the EOI Evaluation Team: Meridiam and Epcor. She advised that Epcor was chosen based on their sophisticated level of understanding of the long-term organics waste management solution and of the Region of Durham.

N. Taylor further advised that the exact benefits of a joint venture with Epcor would be negotiated as the next step in the process and results would be reported back to Council for ratification.

J. Presta advised that the Site Identification Criteria included: prevention, reduction, and elimination of impacts to the environment; protection and conservation of natural resources and ecologically sensitive areas; and integration of social and economic considerations. He stated that the technical factors would include site suitability and utilities and services, and the social/environmental/cultural factors would include transportation and land use compatibility.

E. Baxter-Trahair advised that P1 Consulting Inc. (independent third-party Fairness Monitor) was retained based on their relevant work experience in

sizeable public-private partnership infrastructure projects. She stated that one of their roles will be to prohibit potential respondents to the procurement process from influencing or attempting to influence members of Council, staff and/or contractors/agents engaged by the Region of Durham in the procurement process and/or negotiations with Epcor.

J. Presta responded to questions from the Committee regarding the Region's Material Recovery Facility (MRF) being an appropriate size for the mixed waste transfer, pre-sort and Anaerobic Digestion facilities; and whether Epcor had any involvement in the City of Edmonton's waste facility.

E. Baxter-Trahair responded to questions from the Committee regarding the basis for the anti-lobbying process; and the role of a Fairness Monitor in this process.

5. Correspondence

There were no communications to be considered.

6. Reports

A) Organics Management Solution – Expression of Interest Process and Next Steps Including Site Identification Criteria and Anti-Lobbying Protocol (2019-COW-22)

Report #2019-COW-22 from J. Presta, Acting Commissioner of Works; N. Taylor, Commissioner of Finance; and D. Beaton, Commissioner of Corporate Services, was received. A revised page 9 to Report #2019-COW-22 was provided as a handout.

Discussion ensued regarding whether a short list of sites had been identified for a co-location for the mixed waste transfer, pre-sort and Anaerobic Digestion facilities because of the specific criteria. J. Presta advised that real estate staff will be putting a list together and reaching out to local municipalities for input.

In response to a question, E. Baxter-Trahair clarified that it is not a sole source agreement but a joint venture/partnership with Epcor and is a step in the process, prior to the release of the Request for Pre-Qualifications and Request for Proposal on the Project.

Councillor Collier referenced the June 12, 2019 Committee of the Whole minutes and enquired on the status of the business case and GHD Risk Assessment. E. Baxter-Trahair advised that once negotiations with Epcor are finalized, the business case would be brought forward. J. Presta advised that he would provide the GHD Risk Assessment to Councillor Collier directly.

Councillor Collier further inquired about incurring costs in terms of the best, medium and worse case scenarios; and any opportunities for renewable costs,

the costs to-date, and the potential revenue stream. M. Januszkiewicz advised that staff are currently working on the recyclables data and expect to come to Council in early November with a report.

Moved by Councillor Marimpietri, Seconded by Councillor Leahy,
(64) That we recommend to Council:

- A) That Regional Municipality of Durham ("Region") staff be authorized to commence negotiations with Epcor Utilities Inc. ("Epcor") to establish a joint venture/partnership with the Region on its long-term organics waste management solution (the "Project"); and
- B) That Regional staff report back to Council on the results of the negotiations with Epcor and seek authority to ratify any agreements in principle arising from the negotiations.

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

Moved by Councillor Chapman, Seconded by Councillor Leahy,
(65) That the Committee recess for 5 minutes.

CARRIED

The Committee recessed at 10:12 AM and reconvened at 10:22 AM.

Detailed discussion ensued regarding the site identification criteria stated in Section 5.1 of Report #2019-COW-22 of the Commissioner of Works.

Moved by Councillor Joe Neal, Seconded by Councillor Foster,
(66) That the main motion (64) of Councillors Marimpietri and Leahy be amended to add the following as a new Part C):

- C) It is further recommended that the site identification criteria include the following additional consideration:

- Sharing the burden of waste processing equitably across the Region.

MOTION DEFEATED ON THE FOLLOWING
RECORDED VOTE:

Yes

Councillor Anderson
Councillor Foster
Councillor John Neal
Councillor Joe Neal

No

Councillor Ashe
Councillor Barton
Councillor Carter
Councillor Chapman
Councillor Collier
Councillor Crawford
Councillor Dies
Councillor Drew
Councillor Highet
Councillor Kerr
Councillor Leahy
Councillor Lee
Councillor Marimpietri
Councillor McLean
Councillor Mitchell
Councillor Mulcahy
Councillor Pickles
Councillor Ryan
Councillor Wotten
Councillor Yamada
Regional Chair Henry

Members Absent: Councillor Bath-Hadden
Councillor Nicholson
Councillor Roy
Councillor Smith

Declarations of Interest: None

Moved by Councillor Joe Neal, Seconded by Councillor John Neal,
(67) That the main motion (64) of Councillors Marimpietri and Leahy be amended to add the following as a new Part C):

C) It is further recommended that:

- Staff report at Council on the City of Edmonton organics facilities, and the involvement of Epcor, and the type of facility or facilities under construction, or proposed in Edmonton, and their past facility.

CARRIED ON THE FOLLOWING RECORDED
VOTE:

Yes

Councillor Anderson
Councillor Ashe
Councillor Barton
Councillor Carter
Councillor Chapman
Councillor Collier
Councillor Crawford
Councillor Highet
Councillor Kerr
Councillor John Neal
Councillor Joe Neal
Councillor Wotten
Councillor Yamada
Regional Chair Henry

No

Councillor Dies
Councillor Drew
Councillor Leahy
Councillor Lee
Councillor Marimpietri
Councillor McLean
Councillor Mitchell
Councillor Mulcahy
Councillor Pickles
Councillor Ryan

Members Absent: Councillor Bath-Hadden
Councillor Foster
Councillor Nicholson
Councillor Roy
Councillor Smith

Declarations of Interest: None

The main motion (64) of Councillors Marimpietri and Leahy was then put to a vote and CARRIED AS AMENDED.

B) Social Housing Projects in Difficulty as at July 31, 2019 (2019-COW-23)

Report #2019-COW-23 from N. Taylor, Commissioner of Finance, and D. Holmes, Acting Commissioner of Social Services, was received.

In response to a question, J. Hunt explained the reasoning for the confidential attachment to Report #2019-COW-23 being confidential. Staff advised that the next Projects in Difficulty (PID) report could be expected in approximately 6 months as the report is released twice a year.

Moved by Councillor Chapman, Seconded by Councillor Lee,
(68) That Report #2019-COW-23 of the Commissioners of Finance and Social Services, be received for information.

CARRIED

7. Confidential Matters

- A) Confidential Report of the Commissioner of Works and the Commissioner of Finance – Proposed or Pending Acquisition or Disposition of Land for Regional Corporation Purposes with Respect to the Disposition of Lands Located at 156 Church Street in Bowmanville, in the Municipality of Clarington (2019-COW-24)
-

Confidential Report #2019-COW-24 from J. Presta, Acting Commissioner of Works, and N. Taylor, Commissioner of Finance, was received.

Moved by Councillor Marimpietri, Seconded by Councillor Kerr,
(69) That we recommend to Council:

That the recommendations contained in Confidential Report #2019-COW-24 of the Commissioners of Works and Finance, be adopted.

CARRIED

8. Other Business

There was no other business to be considered.

9. Adjournment

Moved by Councillor Chapman, Seconded by Councillor John Neal,
(70) That the meeting be adjourned.

CARRIED

The meeting adjourned at 10:48 AM

Respectfully submitted,

John Henry, Regional Chair

Committee Clerk

Communications

September 25, 2019

- CC 33 Memorandum dated June 30, 2019 from Guy Giorno, Integrity Commissioner, re: Special Report: Follow-up on Committee of the Whole Presentation
(See attached correspondence on pages 70-72)

Recommendation: Receive for information
- CC 34 Correspondence dated August 21, 2019 from the Ministry of Transportation, re: Proposed improvements at the Highway 401/Harmony Road/Bloor Street interchange
(See attached correspondence on page 73)

Recommendation: Receive for information
- CC 35 Correspondence dated August 30, 2019 from John Henry, Regional Chair and CEO and Adrian Foster, Mayor of the Municipality of Clarington, re: Request to Enact a Minister's Zoning Order to permit the development of a long-term care home project in the Municipality of Clarington, Regional Municipality of Durham

Recommendation: Motion to endorse

(See attached correspondence on pages 74-76)
- CC 36 Correspondence dated September 17, 2019 from June Gallagher, Deputy Clerk of the Municipality of Clarington, re: Motion to Build a New Long-term Care Facility on the Rekker Property and request to enact a Minister's Zoning Order

Recommendation: Receive for information

(See attached correspondence on pages 77-78)
- CC 37 Email correspondence dated September 14, 2019 from Linda Gasser, re: concerns about the Notice of Commencement – Durham York Energy Centre Throughput Increase from 140,000 to 160,000 tonnes per year

Recommendation: Receive for information

(See attached correspondence on pages 79-80)
- CC 38 Memorandum dated September 25, 2019 from John Presta, Acting Commissioner of Works, re: Update on the Regional Municipality of Durham's Green Bin Program

Recommendation: Receive for information

(See attached correspondence on pages 81-88)

CC 39 Memorandum dated September 25, 2019 from John Presta, Acting Commissioner of Works, re: Red-Light Camera Program Implementation Site Selection Process (Report #2019-W-65)

Recommendation: Receive for information

(See attached correspondence on pages 89-94)

CC 40 Correspondence dated September 18, 2019 from Chris Darling, Chief Administrative Officer, Central Lake Ontario Conservation Authority (CLOCA), re: September 17, 2019 CLOCA Board Resolution requesting a meeting with the Minister of the Environment, Conservation and Parks to fully understand the funding structure and local benefit of our programs

Recommendation: Motion for direction

(See attached correspondence on page 95)

FASKEN

Fasken Martineau DuMoulin LLP
Barristers and Solicitors
Patent and Trade-mark Agents

55 Metcalfe Street, Suite 1300
Ottawa, Ontario K1P 6L5
Canada

T +1 613 236 3882
+1 877 609 5685
F +1 613 230 6423
fasken.com

MEMORANDUM

To: Durham Regional Council

From: Guy Giorno
Integrity Commissioner

Date: June 30, 2019

Re: Special Report: Follow-up on Committee of the Whole Presentation

During the question-and-answer segment of my recent presentation to Committee of the Whole, I undertook to follow up on a few of the questions that were raised. This special report addresses those issues.

1. Would every decision of a business owner who belongs to a BIA constitute a conflict of interest, given that BIAs are local boards and are now subject to the *Municipal Conflict of Interest Act*?

No.

There is a difference between the members of an improvement area and the members of the board of management of the improvement area. The former comprise all the owners and tenants of business properties in the area. The latter are the directors (both directors appointed directly by the municipality and directors selected by a vote of the membership and appointed by the municipality). It is the BIA *directors* who are subject to the *Municipal Conflict of Interest Act*.

It is true that many, or perhaps most, matters considered by a BIA board of management might affect the pecuniary interests of the BIA directors who own businesses in the area. However, not every pecuniary interest must result in a declaration and recusal under the MCIA.

If the pecuniary interest of a BIA director is one held in common with BIA members generally, then the pecuniary interest is not subject to declaration, recusal or any other requirement of sections 5, 5.1 and 5.2 of the MCIA. This is because clause 4(j) of the MICA provides an exemption where “the member [has] a pecuniary interest which is an interest in common with electors generally.” In the case of a BIA, “electors generally” means the BIA members generally.¹

¹ See *Ennismore (Township) (Re)*, [1996] O.J. No. 167. The exemption applies to “electors... of a certain class or order... It is those affected electors that are to be regarded when considering the issue of conflict of interest and not necessarily all the electors”

FASKEN

If a BIA director has a *different kind* of pecuniary interest than that of BIA members generally, then the exemption does not apply. The director would be required to declare the interest under 5, withdraw from participation, and observe the other requirements of sections 5, 5.1 and 5.2.

If the pecuniary interest of a BIA director is of *the same type as, but greater than*, the pecuniary interest of BIA members generally, then the jurisprudence does not provide certain guidance. Some of the case law suggests that a greater interest must always be declared, and some of the case law suggests that the same kind of interest, even to a greater degree, does not need to be declared. The Integrity Commissioner is available to provide written advice in response to a written request based on specific facts.

2. In the context of pecuniary interest under the *Municipal Conflict of Interest Act* is there a distinction between a decision on approval of the budget and a decision on compensation/pay of employees of a municipality? (The assumption is that the spouse, child or parent of a Council Member is an employee.)

Yes, there is a distinction if the budgetary vote will have no impact on the compensation or other pecuniary interests of employees.

In other cases, there could be a distinction between budget approval and a decision on compensation, pay or other interests of employees. It depends on the circumstances and the precise nature of the matter before Council or committee.

Take, for example, the circumstance in which compensation has already been decided in a separate process, and the vote on the overall budget will have no effect on compensation. In this instance, a pecuniary interest in the overall budget would not need to be declared. This was the circumstance in *Re DeVita and Coburn* (1977), 15 O.R. (2d) 769, where the Court held that a declaration and recusal were not required.

In the event that the general budget discussion shifts to specific issues related to employee compensation or other pecuniary interests of employees, a pecuniary interest would, at that point, need to be declared.

On the other hand, consider the circumstance where a vote on the budget will have a definite impact on employment: for example, a budgetary vote that determines whether layoffs of employees will, or will not, be required. This was the situation in *Baillargeon v. Carroll*, 2009 CanLII 4510 (ON SC), where the court held that a declaration and recusal were required.

Other circumstances are less clear. Consider a budgetary vote that will determine whether program cuts are or are not required, where it is uncertain that the program cuts would have implications for employees. The specific nature of the motion and the specific circumstances of the individual Member (as the spouse, child or parent) would determine whether a pecuniary interest needs to be declared.

FASKEN

3. Must a Council Member declare a pecuniary interest if a family member (spouse, child, parent) is a transit driver and Council is approving the budget?

It depends whether the matter before Council affects the compensation or other pecuniary interests of transit drivers. See the discussion above.

For example, if transit drivers' compensation has already been decided and general budget approval will have no effect on compensation or other pecuniary interests, then no declaration is required.

On the other hand, if the vote will have an impact on compensation (or other pecuniary interests of drivers), or if the general discussion shifts in the specific direction of compensation or other pecuniary interests, then a declaration and recusal must result.

4. Must a Member of the Transit Committee declare a pecuniary interest if a child uses a U-Pass and the Transit Committee is discussing the cost of the U-Pass?

No. The U-Pass is available to electors generally. The transit service made available to one U-Pass user is provided on terms common to all U-Pass users. The Council Member's deemed pecuniary interest in U-Pass usage does not need to be declared.

Caution

The comments in this special report are not intended as a substitute for specific advice on specific facts. Members of Council and members of local boards (including BIA boards of management) are reminded that the Integrity Commissioner is available to provide written advice in response to written requests under subsection 223.3 (1) of the *Municipal Act*.

Respectfully submitted,



Guy Giorno
Integrity Commissioner
Regional Municipality of Durham

Ministry of Transportation

Regional Director's Office
Central Region
159 Sir William Hearst Avenue
2nd Floor
Toronto ON M3M 0B7
Tel: 416 235-5400
Fax: 416 235-5266

Ministère des Transports

Bureau du directeur régional
Région du Centre
159, avenue Sir William Hearst
2^e étage
Toronto ON M3M 0B7
Tél.: 416 235-5400
Téléc. : 416 235-5266



August 21, 2019

Ramesh Jagannathan
Director of Transportation and Field Services
Durham Region
605 Rossland Road East
Whitby, ON
L1N 6A3

Dear Mr. Jagannathan:

Further to my letter of June 13, 2019 regarding the proposed improvements at the Highway 401/Harmony Road/Bloor Street interchange, I am happy to advise you that the reconstruction of the interchange has been recently added to MTO's capital program. We anticipate that construction could start as early as 2023.

MTO looks forward to working with Durham during the detail design process to capture all technical requirements as well as to discuss cost sharing opportunities for the municipal component of the work. As part of detail design consultation, MTO will be in touch with Durham Region staff.

The new interchange configuration will be based on the approved EA design which includes a direct N-W Ramp. Given that a new N-W ramp will provide improvements to the access to Highway 401 westbound from Harmony Road, it may no longer be beneficial for Durham to pursue the interim solution. MTO is available to discuss the drawbacks and benefits of this approach.

Thank you for your continued interest in our provincial highway network.

Sincerely,

A handwritten signature in black ink, appearing to read "Calvin Curtis", written over a horizontal line.

Calvin Curtis
(A) Regional Director



Sent Via Email

August 30, 2019

Hon. Steve Clark
Minister, Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, ON
M5G 2E5

Honourable Sir,

**The Regional Municipality
of Durham**

Office of the Regional Chair

605 ROSSLAND ROAD EAST
PO BOX 623
WHITBY, ON L1N 6A3
CANADA

905-668-7711
1-800-372-1102
Fax: 905-668-1567
john.henry@durham.ca

durham.ca

John Henry
Regional Chair and CEO

**Request to Enact a Minister's Zoning Order to permit the
development of a long-term care home project in the
Municipality of Clarington, Regional Municipality of Durham**

We are writing to you today to respectfully request that you use your powers under Section 47 of the Planning Act to enact a Minister's Zoning Order to enable the development of a much needed 224 bed long-term care home project in the Municipality of Clarington, Regional Municipality of Durham. We anticipate a formal resolution in support of this project will be provided by Clarington Council.

The subject site abuts the westerly limit of the Bowmanville Urban Area Boundary and is currently part of the Rekker's Garden Centre property on the north side of Regional Highway 2, (see map attached). Rekker's is prepared to generously donate the approximate 3.25 acre parcel of land to the developer (Durham Christian Homes Society Inc.), provided other provincial approvals can be obtained.

The subject lands are not in the Greenbelt. At present, they are currently occupied by greenhouses and there are no environmental features that would otherwise preclude these lands from being developed. The site can be readily serviced by municipal sanitary sewer and water services and is conveniently located in proximity to the Bowmanville Urban Area.

There is urgency to this request because the project is already behind schedule with the Ministry of Health and Long Term Care which has granted a licence. Ensuring this facility is up and running within the next three to five years has the potential to save Durham Region millions of dollars in social service costs.

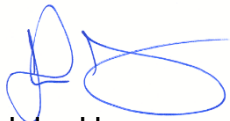
We require your immediate assistance because the subject lands are

not currently designated in the Regional and local Official Plans, or appropriately zoned, to permit the use. While we realize the proponent could apply to amend the municipal planning documents, you surely know this process could take eight months or more.


Minister Clark, we realize a Minister's Zoning Order is an extraordinary tool; however, we are asking for your favourable consideration in this case because this project represents an extraordinary opportunity for the Region of Durham and Clarington that will be lost if we are not able to get the zoning permissions confirmed within the next two or three months.

We would like to meet with you and your staff at your earliest opportunity to further discuss process and timing and would be grateful if you would contact us to arrange a suitable date and time. In the meantime, if you have any questions or require any additional information regarding this matter, please contact Elaine Baxter-Trahair, Chief Administrative Officer, Regional Municipality of Durham, Elaine.Baxter-Trahair@durham.ca. Thank you in advance for your thoughtful consideration of this request.

Yours truly,



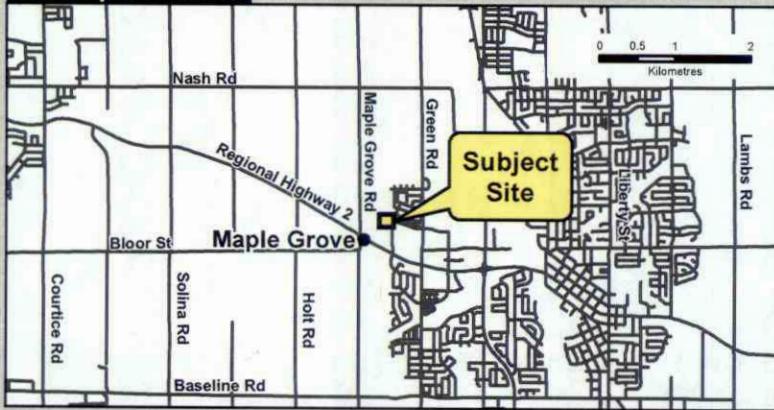
John Henry
Regional Chair and CEO



Adrian Foster, Mayor
Municipality of Clarington




cc: Hon. Christine Elliott, Minister of Health and Long-Term Care
Durham MPPs:
Mr. Lorne Coe, MPP-Whitby
Ms. Lindsay Park, MPP-Durham

Municipal Context



Proposed Long Term Care Facility Site in Clarington

Legend

-  Subject Site
-  Greenbelt Boundary
-  Urban Area Boundary



Data Sources:
 PARCEL DATA: Ownership © Teranet Inc. and its suppliers. Assessment © 2016 MPAC and its suppliers.
 ORTHOPHOTO: © 2016 First Base Solutions. All rights reserved. May not be reproduced without permission. This is not a plan of survey.

This map has been produced from a variety of sources.
 The Region of Durham does not make any representations concerning the accuracy, likely results, or reliability of the use of the materials.
 The Region hereby disclaims all representations and warranties.



If this information is required in an alternate format, please contact the Accessibility Coordinator at 905-623-3379 ext. 2131

September 17, 2019

The Honourable Steve Clark
Minister of Municipal Affairs and Housing
Via E-mail: minister.mah@ontario.ca

Re: Motion to Build a New Long-term Care Facility on the Rekker Property
File Number: PG.25.06

At a meeting held on September 16, 2019, the Council of the Municipality of Clarington approved the following Resolution #JC-114-19:

Whereas the Government of Ontario announced in October 2018 that Clarington would receive 125 net-new long-term care bed licenses to service our ageing population;

Whereas the recipient of the bed licenses, Durham Christian Homes Inc., has indicated its intention to create a new facility in Clarington, which will combine the new licenses and those from the existing Glen Hill Strathaven facility, which must cease to operate by June of 2025;

Whereas Durham Christian Homes Inc. underwent an extensive campaign to find an appropriate site in Clarington to build the new facility, culminating in an offer from Rekker's Garden Center to sever and donate a 3.25 acre parcel of their land at no cost;

Whereas land is often one of the most expensive costs in construction of a long-term care facility, this donation was a major boon for the project;

Whereas Durham Christian Homes Inc. has begun the process to move ahead with development, but been faced with planning restrictions as a long-term care facility is not currently permitted by the Region's Official Plan, or by the Municipality's Official Plan and Zoning By-law on the Rekker property;

Whereas consideration could be given to expanding the Bowmanville Urban Boundary through the Regional Municipal Comprehensive Review (MCR) as the proposed property abuts the current urban boundary;

Whereas the MCR is currently underway, but will not be completed until at least mid-2022, which would make a June 2025 completion unfeasible;

Whereas the Ministry of Health and Long-Term Care has provided clear timelines for the bed licenses to be operational, there is a serious risk that bed licenses may be lost;

Whereas water and sewer servicing can readily be extended to the site due to the close proximity to the Bowmanville Urban Boundary;

Whereas the Government of Ontario understands the dire need to build long-term care beds in order to ease pressure on hospitals so they can be ready for an ageing population with complex care needs; and

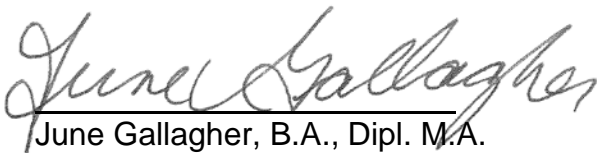
Whereas the Government of Ontario supported the Tollendale Village 2 project in Innisfil by enacting a Ministerial Zoning Order in an effort “unlock land” and provided a Ministerial Zoning Order to keep a similar project from being in limbo.

Therefore be it resolved:

That Clarington Council fully supports Durham Christian Homes Inc. in its effort to build a new long-term care facility on the Rekker property, abutting the Bowmanville Urban Boundary; and

That, based upon the increasingly tight timeline and positive social benefit of the project, the Minister of Municipal Affairs and Housing provide a Ministerial Zoning Order to enable this proposal to proceed.

Yours truly,

A handwritten signature in cursive script, reading "June Gallagher".

June Gallagher, B.A., Dipl. M.A.
Deputy Clerk

JG/lp

- c. Ruth McFarlane, Chief Executive Officer, Durham Christian Homes Society Inc.
Ralph Walton, Regional Clerk/Director of Legislative Services, Region of Durham
F. Langmaid, Interim Director of Planning Services

From: Linda Gasser
To: [Clerks](#)
Cc: [Debbie Bath-Hadden](#); [Shaun Collier](#); [Marilyn Crawford](#); [Joanne Dies](#); [Sterling Lee](#); [Ted Smith](#); [Granville Anderson](#); jneal@clarington.net; [Dan Carter](#); [Bob Chapman](#); [Rick Kerr](#); [Tito-Dante Marimietri](#); [John Neal](#); [Brian Nicholson](#); ["Dave Ryan"](#); [Kevin Ashe](#); [Bill McLean](#); [David Pickles](#); [Bobbie Drew](#); [Wilma Wotten](#); ["Dave Barton \(Mayor of Uxbridge\)"](#); ["Gord Highet"](#); [Don Mitchell](#); [Chris Leahy](#); [Rhonda Mulcahy](#); [Elizabeth Roy](#); [Steve Yamada](#); ["Adrian Foster"](#); [John Henry](#); [Orono Times](#); kgilligan@durhamregion.com; cjones@oshawaexpress.ca; [Elaine Baxter-Trahair](#); [Ralph Walton](#); [John Presta](#); [Mirka Januszkiewicz](#); [Giuseppe Anello](#); [Andrew Evans](#); ["Dittman, Seth"](#); [Susan Siopis](#)
Subject: Please include email corres. and attch. in Council Sept 25.19 agenda -concerns re Notice of Commencement statement re status of possible 250K expansion in NoC incinerator expansion to 160K
Date: September 14, 2019 11:56:40 AM
Attachments: [Sept. 4.19 Delegation PPT to Works Committee re Notice of Commencement EA Screening 160K.pdf](#)

Attn: Clerks –please include this email as correspondence and attachment with Regional Council Agenda Sept 25th.

I copy councillors because sometimes you only get extracts of correspondence and not whole thing or attachments.

September 14, 2019.

Regional Municipality of Durham

Attention: Chair Henry and Regional Councillors:

I made a delegation at Works Committee September 4th, (see attached PowerPoint) expressing my concerns about the Notice of Commencement for the incinerator throughput expansion to 160K tpy, which Notice included a paragraph (see slide 3) around the possible physical expansion to 250K tpy.

See full Notice of Commencement itself on **Slide 2** or at:

<https://www.durhamyorkwaste.ca/Assets/PublicOutreach/2019EnvironmentalAssessment/NoticeofCommencement.pdf>

At the August 21st PIC, I expressed my concern to Durham Works staff that the information contained therein around the status of council approvals for a Terms of Ref was misleading and incorrect.

I showed that staff person the extract of the June 26th Council minutes, which expressly stated that council approved that staff draft a Terms of Reference for a possible 250K expansion and that staff consult re same and report to council – **see slide 4 of my attached PowerPoint.**

Another member of the public was with me and we both heard the staff person say –without great clarity but along the lines -staff that were contemplating issuing a Notice of Commencement **for the 250K expansion**, then consult as per direction on June 26th but it was not explained how staff would report to Council –something specified in June motion. To repeat, because staff person was less than completely clear, if this is not what staff are contemplating, they should clarify providing specifics around how they intend to implement council direction of June 26th.

Then there was a statement about maybe seeking approval for a Terms of Reference only from MECP and then perhaps after securing a ToR approval staff would NOT proceed with the EA study thereafter?? The staff person also said that this approach might have been arrived at after getting some MECP guidance??

I don't know what staff have in mind but the rationale behind this appeared to be that an MECP approved ToR does not "expire". ToRs can however become stale and outdated and might need to be redone if circumstances change. Based on the limited information communicated that day, it sounds like a terrible idea.

There are a lot of questions around how this might play out and Council must ensure THEY understand what staff might be considering and may pursue and whether or not this consistent with June 26th council direction. I was at the June 26th meeting at which it took many councillors a GREAT DEAL OF TIME for council to finally be told and to finally understand how the Individual EA process evolves.

Council did NOT on June 26th authorize staff to commence an EA for the 250K expansion and only authorized staff to begin drafting the EA, consult and report to council, at which time council could adopt, amend or nix the draft ToR and not pursue the expansion to 250K.

I told that staff person I would raise these concerns. I did so at Works. **No action was taken by Works Committee.**

In addition to being what I consider to be a cynical and inappropriate interpretation of council direction, this has every appearance of being an attempt to secure approval of the Terms of Ref from MECP, at a time when the current council and current provincial government (political and other) appears to be generally receptive to incineration. It's an abuse of the process and stakeholders' efforts to engage meaningfully in processes and projects, a waste to taxpayer dollars and very bad planning.

The Region should always want to ensure that they are embarking on the most appropriate and relevant proposals/projects based on the reliable and verifiable evidence and current data and rationales. Policies of upper tier governments are in a state of flux.

It is Council's responsibility to provide oversight. Surely it should also be the CAO's responsibility to ensure that staff always implement council direction appropriately.

I ask council to DIRECT Works/Waste staff to **clearly** describe how they intend to address council's June 26th direction and how exactly the drafting of the Terms of Ref for a possible 250K expansion and related actions would evolve.

As I also requested at Works, the Notice of Commencement issued July 3rd for the 160K EA Screening should be amended to ACCURATELY reflect council direction.

I ask that I be notified of council's decision.

Thank you for your attention.

Linda Gasser
111 Ferguson St.
Whitby L1N 2X7



The Regional
Municipality
of Durham
Works Department

Interoffice Memorandum

Date: September 25, 2019

To: All Members of Regional Council

From: John Presta, P. Eng., Acting Commissioner of Works

CC: Elaine Baxter-Trahair, Chief Administrative Officer
Mirka Januszkiewicz, Director, Waste Management Services

Subject: Update on the Regional Municipality of Durham's Green Bin Program

Purpose

The purpose of this memorandum is to provide an update on the Regional Municipality of Durham's (Region) Green Bin program for the diversion of source separated organic waste.

Background

On September 4, 2019, the Region's Works Committee received a delegation which raised concerns about participation in the Region's Green Bin program, the program's initial roll-out, and the Region's policy for the provision of green bins and blue boxes. Attachment #1 is the information that was provided by the delegation.

Regional Council adopted a Long-Term Waste Management Strategy Plan (the Plan) in 1999 to guide waste management decisions for the next twenty years. A main objective of the Plan was to implement an integrated residential waste management system that included the collection and processing of food and yard waste materials.

The Region's Green Bin program started with a pilot project for the source separation and collection of food waste in Courtice from May to December 2000. Approximately 1,400 homes were provided instructions and tools to separate kitchen food waste and yard waste for curbside collection. The findings were used to develop a larger scale organics collection program.

Green Bin Program History

In 2003, the Region assumed residential waste collection operations from the Municipality of Clarington, the Township of Uxbridge, the Township of Scugog and the Township of Brock. The implementation of an integrated waste management program began in those local area municipalities that included the Green Bin program and a collection schedule that had Green Bin and garbage collected weekly and Blue Box collected every other week.

Approximately 45,000 Green Bin kits were delivered to every home in the four local area municipalities, free of charge. Kits included a Green Bin, a kitchen catcher, a starter pack of kitchen catcher liners and instructions on the use of the program.

Following the success of the initial roll-out in 2003, the Green Bin program was expanded to every household in the City of Pickering, Town of Ajax, Town of Whitby and City of Oshawa in 2006.

Approximately 135,000 Green Bins were distributed in these municipalities. A harmonized waste collection system was introduced that included weekly Green Bin and Blue Box collection while garbage collection was reduced to every other week. An extensive public education campaign accompanied this change and introduction of the Green Bin program throughout the Region.

By the end of 2006, all Durham residences had a Green Bin and were receiving curbside collection for source separated organics. The program included free replacement containers in exchange for broken or damaged containers.

By 2009 the entire Region had transitioned to weekly Green Bin and Blue Box collection and every other week garbage collection with a four bag limit. Leaf and yard waste is collected seasonally from April to December.

Current Regional Green Bin Program

The Region provides the Green Bin collection to every household in all eight local area municipalities except the Town of Whitby and City of Oshawa who collect garbage and Green Bin from their residents. The Region is also responsible for the processing of Green Bin materials from every municipality, including the City of Oshawa and the Town of Whitby.

Residents in new homes order diversion kits that are delivered to them free of charge when the Region starts waste collection services in new developments. Diversion kits include two Blue Boxes, one Green Bin, one kitchen catcher and promotional material describing how

to use the Region's programs and other diversion opportunities that are available at Regional Waste Management Facilities.

Residents can exchange broken or damaged Green Bins and Blue Boxes free of charge. Container exchanges are provided at the Region's Garrard Road facility in Whitby, the Brock Waste Management Facility and annually in each local municipality at the Region's spring compost give away events. The municipal offices at the Township of Uxbridge, the Municipality of Clarington and the City of Oshawa also offer container exchanges. The new Clarington Household Special Waste Depot will also provide container exchanges when it opens in October 2019.

In addition to free exchanges, curbside green bins, kitchen catchers and blue boxes are available for sale on a cost recovery basis at the above locations to residents that do not have damaged containers to exchange. The Township of Scugog, City of Pickering and Town of Ajax also offer container sales at local municipal offices.

The Green Bin program is promoted to residents as part of the Region's on-going education, promotion and by-law compliance programs. Media includes billboards and transit shelter ads, local radio advertising, newspaper ads, social media posts, the Region's website, and messaging on the Region's Waste Management mobile app. By-law compliance includes proactive monitoring of Green Bin participation and outreach by the Region's by-law compliance officers to residents who may not be participating in the Green Bin program. General messaging targets food waste reduction and how to best use the Green Bin program. Emphasis is also placed on residents who move into the Region from other GTA municipalities that accept plastics in their Green Bin programs. (Refer to Attachment #2).

Overall, over two thirds of residents participate in Durham's Green Bin program which diverts over 30,000 tonnes of material from disposal annually. Participation in the Green Bin program is dependent on several factors including alternative options that residents may have for managing their organics. Rural residences can manage their organics onsite and many urban residents use back yard composters. Some residents also do not generate sufficient organics to warrant setting out a Green Bin every week.

The evolution of Durham's Green Bin program includes Council's recent approval to develop an anaerobic digestion facility with pre-sorting that will process Durham's organics waste into green energy and fertilizer products including the capture of organics from the garbage stream.

Conclusion

The Region's curbside collection program for source separated organics was rolled out between 2003 and 2006. Today all residences in the Region's eight local municipalities have access to the Green Bin program. Over two thirds of residences participate in the program which diverts over 30,000 tonnes of organics from disposal annually.

The Region provides free Green Bins and Blue Boxes to new residents and provides free exchanges for damaged containers. Additional containers are available for sale on a cost recovery basis.

For additional information, contact: Craig Bartlett, Manager, Waste Operations, at 905-668-7711, extension 3561.

Sincerely,

Original signed by

John Presta, P. Eng., MPA
Acting Commissioner of Works

Attachments

- Attachment 1: Green Bin Delegation by Donna Lanigan at the September 4, 2019 Works Committee meeting
- Attachment #2: 2019 Communications Activities Summary: Green Bin Program

Come on Durham, use your green bins

OPINION Apr 11, 2019 DurhamRegion.com

The Region of Durham has done a little digging around in the garbage of late, all with the intent of completing a comprehensive study to ascertain what residents are throwing into garbage bags.

The results are in and they're not good — not good for the environment, not good for Durham Region and at some point, it won't be good for your pocketbook either.

The bad news is Durham residents are throwing out a lot of stuff that shouldn't have found its way into garbage bags. Even worse is the fact that about half of the items in garbage bags are recyclables and organics — stuff that residents know should be finding their way into either a blue bin or a green bin.

DURHAM REGION WASTE – GREEN BINS

COMPOSTING SHOULD BE A PRIORITY IN DURHAM REGION AND WE NEED SOME CHANGES

I am actively speaking about green bins in my neighborhood, there are really very few green bins being put out on garbage day. This is in the area where there are older homes. Very few would have been given the new homeowner special, dropping off blue and green bins offer.

THE LAST ROLL OUT OF GREEN BINS JULY 2006. THERE WERE 132,000 GREEN BINS DELIVERED TO HOMES ACROSS WHITBY, AJAX, OSHAWA & PARTS OF PICKERING.

THE POPULATION OF THE THREE AREA'S DELIVERED WAS 342,941 IN 2006. WHICH HOMES GOT ONE? IT WAS LIKELY ONLY THE NEW HOMES. A DVD WAS INCLUDED TO BE ANOTHER MEDIUM.

THE COST OF THE GREEN BIN ROLLOUT WAS COVERED BY THE REGION'S SOLID WASTE RESERVE FUND, WHICH IS INTENDED FOR LARGE CAPITAL PURCHASES, SUCH AS THE GREEN BINS. EACH YEAR IN THE WASTE MANAGEMENT BUDGET A CERTAIN AMOUNT IS CONTRIBUTED.

In the Facebook ads I have seen from the Durham Region mentioning green bins, they always mention the price. I feel you shouldn't be so much focused on the \$\$\$\$\$, it is costing us a lot more \$\$\$\$\$ to burn garbage then it would be if we can get COMPOSTING working successfully in our neighborhoods.

I feel myself that green bins should be free, you can't put a price tag on the importance of composting. And haven't we already paid for bins in our taxes? Do we know the percentage of residents using green bins?

I have driven around on garbage mornings and I was astonished to see 3 bins on one street. I think the newer area residents have been more informed when moving in about recycling. I don't know how the re-sales are being handled, is someone following up with them regarding green bins?

We need to contact people that have never received green bins. You could CALL RESIDENTS, PUT OUT FLYERS, put on your Facebook page, you can't just sit back and do nothing to improve the composting program in Durham. Remember not all residents have computers to be able to get information. You should work with residents, it felt so good when I started composting to feel like I was part of the solution and not part of the problem.

Please, Durham Region residents need to be more informed, and you have to make composting a priority because we are being burdened with too much garbage, and too much burning.

Canadians waste a staggering \$31 billion in food every year- nearly 50% of that waste occurs in the home. We have to reduce waste, and composting is the best way. The organics collected are composted at another facility. Finished compost is offered back to residents for their lawns and garden.

Donna Lanigan

2019 Communications Activities Summary: Green Bin Program

The following document contains the current status of marketing, communications, advertising, promotion and education activities in 2019 for the above noted program.

Traditional advertising

The Waste Management branch has focused its promotion and education on the issue of food waste reduction this year.

- A radio advertising campaign was launched on Durham Radio and the new Uxbridge station 105.5.
- There are currently billboards and transit shelter ads targeting food waste reduction.
- Global TV Durham has a series of food waste reduction advertisements airing.
- There are digital targeted-advertising online with Metroland for food waste reduction.
- Newspaper ads were placed in local Metroland and independent newspapers for the 2019 Compost Giveaway events.
- Additional in-kind newspaper ads will be going out in October that focus on food waste reduction as part of a larger food waste reduction campaign known as Buy It, Eat It.

Media materials

Five (5) Public Service Announcements (PSAs) were issued to local media and select GTA media, to promote Compost Giveaway events from our Green Bin Program. Note: Each time a PSA is issued, it is also posted to durham.ca/newsroom and the Waste section newsfeed at durham.ca/waste, as well as shared on the Region's Facebook and Twitter.

Social media

- So far, in 2019, there have been approximately 27 Facebook posts and 27 Twitter posts related to the Green Bin Program. These posts link back to durham.ca/waste for more information
- Facebook Event Pages are created for all Waste Management Compost Giveaway events, so residents can express interest in these events and receive a reminder from Facebook before the event.
- Additional social media promotion regarding food waste reduction is scheduled to launch this fall, including a food waste reduction video series as part of Buy It, Eat It campaign.

Website, blogs and apps

- A new webpage, durham.ca/BuyItEatIt, has been created that focuses on food waste reduction as part of the larger Buy It, Eat It campaign.
- Detailed Green Bin Program information can be found on durham.ca/waste
- The five PSAs mentioned above can also be found on durham.ca/newsroom.
- A searchable database to determine what goes in the green bin, blue box or garbage can be found at durham.ca/KnowBeforeYouThrow.
- The [Events Calendar on durham.ca](#) listed all Waste Management Compost Giveaway events.
- The [Durham Waste App](#) has a searchable database to determine the right bin to dispose of specific items in.

Public events

There have been eight (8) Compost Giveaway events, all of which promoted exchanges and sales of green bins:

- | | |
|-------------------------|----------------------|
| • Brock – April 27 | • Pickering – May 11 |
| • Clarington – April 27 | • Whitby – May 11 |
| • Ajax – May 4 | • Scugog – May 25 |
| • Oshawa – May 4 | • Uxbridge – May 25 |

Direct marketing

Our Waste Management Guides and [Waste Management Calendars](#) are distributed to the public and have advertisements about free bin exchanges. The guides also include details on how to get new resident kits.

The fall edition of Durham Works, our Works Department external newsletter that is delivered to households across Durham Region twice a year via Canada Post, will feature an article on food waste reduction promoting the Buy It, Eat It campaign.



The Regional
Municipality
of Durham
Works Department

Interoffice Memorandum

Date: September 25, 2019

To: All Members of Regional Council

From: John Presta, P. Eng., Acting Commissioner of Works

CC: Elaine Baxter-Trahair, Chief Administrative Officer
Ramesh Jagannathan, Director, Transportation & Field Services

Subject: Red-Light Camera Program Implementation Site Selection Process (Report #2019-W-65)

Background

Further to the presentation of Report #2019-W-65 at Works Committee on September 4, 2019, this memorandum provides a brief description of the site selection process that was used to identify the proposed 12 intersection locations for initial red-light camera (RLC) implementation. The selection process involves information from Regional staff and traffic safety experts with the project consulting team, CIMA+. The data driven analysis for the selection process incorporates field data, studies and site-specific intersection geometry.

The site selection process was guided by the following five elements:

1. Determine an appropriate number of sites for an initial deployment;
2. Analyze 5 years of angle collision data for all 623 signalized intersections in the Region (i.e. regardless of road jurisdiction) and rank them based on potential for collision reduction;
3. Conduct red light running violation studies at select locations to estimate violation rates;
4. Consider the geographic location of each proposed site, considering the desire for “Halo Effect”; and
5. Avoid intersections anticipated to be under construction during the term of the contract.

A further description of each of these five elements is provided below:

Number of Sites

Twelve locations were selected for initial RLC implementation. The number of sites was determined based on budget considerations, reasonable sample size for evaluation, remaining period of the vendor contract, and the ability of staff and contracted services to deliver the program. Subject to a successful program evaluation, additional sites could be added to the program at a later date. An initial count of twelve sites is consistent with the initial deployments of other jurisdictions that are currently involved in the program.

Potential for Collision Reduction

In close consultation with Durham Regional Police Services, Works Department staff in Traffic Operations, collected and analyzed collision data across the entire transportation system. To assess the potential for RLC's, collision data from all 623 signalized intersections was analyzed. The data was queried and filtered to identify angle collisions that took place when traffic signals were functioning. Consistent with findings in traffic safety literature, this collision type typically results in severe collisions, and occurs when one or more motorists choose to run a red signal indication. While rear-end type collisions typically result in less severe collisions, their frequency have been shown to increase after RLC's are installed; although there is evidence that suggest that this increase may only be for a short term.

As a result, studies conducted by the Federal Highway Administration (FHWA) suggest that selecting intersections with a high frequency of angle collisions and a moderate to low number of rear end collisions is preferable, especially for initial program launches. Based on this premise, specific intersections such as Taunton Road and Thickson Road were not included because of the high rear-end collision (57 per cent of the total collisions) experience.

It should be noted that although collisions at intersections ranked first as a Vision Zero emphasis area that needs to be addressed, not all intersection collisions are attributable to red light running.

Violation Studies

In addition to the collision data analysis, site selection was also guided by violation studies conducted in 2014 (last RLC review) and 2018. These studies were conducted on a single weekday over an 8-hour period. The studies showed red light running violation levels ranging from 0-9 violations. These results were used to further refine the proposed RLC location list.

Geographic Location, Halo Effect and Proximity

The end goal of a RLC program is realized when driver behaviour throughout a jurisdiction is modified. That is, if drivers believe that there is a high probability of being penalized for running a red light anywhere in Durham Region, the safety impact of a few camera sites is greatly magnified. This effect is known as the “Halo Effect.” By spreading out RLC’s geographically across the Region, it is expected to increase the likelihood of a “Halo Effect.” Some sites were also eliminated because they were in close proximity to each other.

Regional collision evidence also shows a greater benefit to locate RLC’s at intersections in the urban areas based on the attached referenced map, which shows a higher concentration of collisions in the urban centres across the Region over a five-year (2014-18) period.

Construction Impacts

In order for RLC's to operate, sensors are installed in the asphalt surface at the stop-bar. The sensors are susceptible to damage due to roadwork. The daily rate for RLC operation is payable to the vendor regardless of whether or not the camera is in operation. For this reason, it was important to avoid intersections that would be under or in the vicinity of construction during the contract period. A number of sites that would have otherwise been priority installations were removed for this reason for the initial implementation.

Summary

Together the above five elements formed the basis to develop the list of twelve recommended intersection locations for initial Red-Light Camera implementation:

1. Ritson Road at Bond Street
2. Lake Ridge Road at Goodwood Road
3. Taunton Road at Lake Ridge Road
4. Stevenson Road at King Street
5. Simcoe Street at Conlin Road
6. Simcoe Street at Rossland Road
7. Taunton Road at Altona Road
8. Liverpool Road at Bayly Street
9. Salem Road at Bayly Street
10. Thickson Road at Dundas Street
11. Highway 2 at Courtice Road
12. Taunton Road at Westney Road

A planned program evaluation and updated traffic and collision data will be used to consider the potential relocation and/or additional intersections for RLC installations.

Conclusion

The methodology for site selection used by CIMA+ for the Regional Municipality of Durham is consistent with the approach used by other jurisdictions such as: York Region, City of London, City of Kingston, and the Region of Halton. Industry practice and guidelines documented in Federal Highway Administration and other literature (e.g. Transportation Research Board) further support the basis for this methodology.

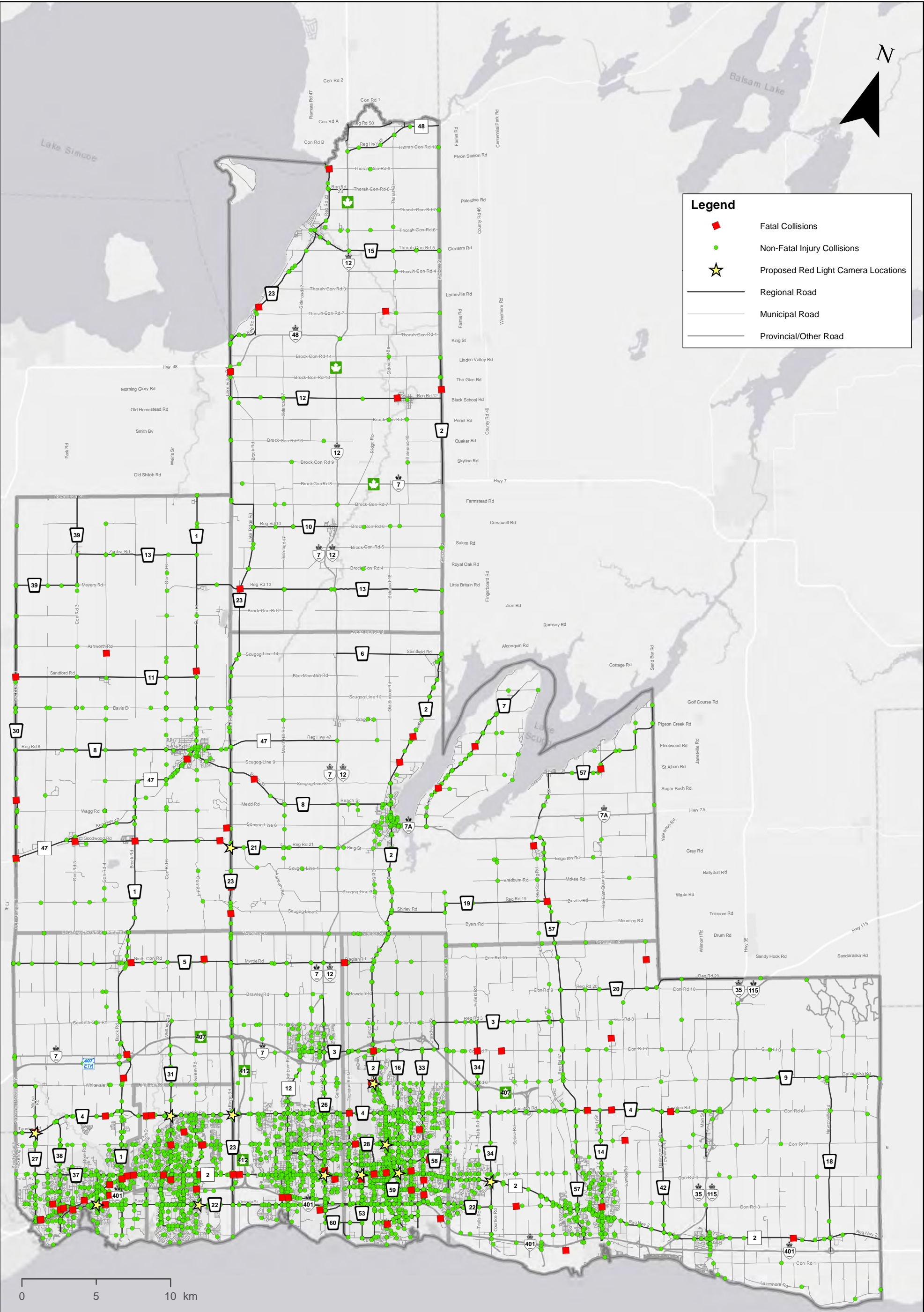
Sincerely,

Original signed by

John Presta, P. Eng., MPA
Acting Commissioner of Works

Attachment: 2014-2018 Collision Data – Regional Municipality of Durham

Collision Locations on Regional/Municipal Roads in the Region of Durham (2014 - 2018)





100 Whiting Avenue
Oshawa, ON
L1H 3T3
Tel: (905) 579-0411
Fax: (905) 579-0994

Web: www.cloca.com
Email: mail@cloca.com

Member of Conservation Ontario

September 18, 2019

Mr. Ralph Walton, Regional Clerk
The Regional Municipality of Durham
605 Rossland Road East
Whitby, ON L1N 6A3

Dear Mr. Walton:

Subject: September 17, 2019 CLOCA Board Resolution, CLOCA IMS File: ASLA3

On September 17, 2019, the Central Lake Ontario Conservation Authority Board of Directors adopted the following resolution:

Res. #87/19 Moved by B. Nicholson
Seconded by D. Mitchell

“WHEREAS the Province of Ontario intends to release regulations under the Conservation Authorities Act that will define conservation authority mandatory programs and services and further details on the process of defining non-mandatory program and services through agreement with municipal partners;

BE IT RESOLVED THAT the Central Lake Ontario Board of Directors recommends that the province engage in early pre-consultations with Central Lake Ontario Conservation, other conservation authorities and member municipalities to define the governing regulations under the Conservation Authorities Act related to core and non-core program areas;

THAT the Central Lake Ontario Conservation Board of Directors invites the Minister of the Environment, Conservation and Parks to meet with conservation authorities to fully understand the funding structure and local benefit of our programs and to help us deliver provincial priorities in a responsible and sustainable manner; and,

THAT a copy of this report and resolution be forwarded to the Honourable Doug Ford, Premier of Ontario, the Honourable Jeff Yurek, Minister of the Environment, Conservation and Parks, watershed MPPs and regional and local municipal councils.”

I would appreciate your bringing this matter to the attention of Regional Council.

Yours truly,

Chris Darling, MCIP, RPP
Chief Administrative Officer
CD/ms



Report #7 of the Finance & Administration Committee

For consideration by Regional Council

September 25, 2019

The Finance & Administration Committee recommends approval of the following:

1. Standardization to Microsoft Product Platform Suite for the period 2019-2024 (inclusive) ([2019-A-26](#))

 - A) That the Microsoft 365 platform be recognized as the standard business productivity solution for the Regional Municipality of Durham, for a 5-year term, until October 2024;
 - B) That the Regional Municipality of Durham standardize on business productivity tools, as purchased through the Microsoft Enterprise Licensing Agreement from Microsoft Canada Inc., for a 5-year term, until October 2024;
 - C) That Microsoft Unified Support Services be the standard approach for the acquisition of training, development and problem resolution for the Microsoft platform, for a 5-year term, until October 2024;
 - D) That the negotiation of all related agreements with Microsoft Canada Inc., including the Enterprise Licensing Agreement and Unified Support Services, and any changes to these agreements including the annual true-up process and subscription model changes be authorized. These are funded through operational budgets and total \$1,800,000 per year; and
 - E) That the Commissioner of Finance be authorized to sign agreements in a form satisfactory to the Director of Legal Services.

2. Municipal Lobbyist Registry and Gift Registry ([2019-A-27](#))

That Report #2019-A-27 of the Commissioner of Corporate Services be received for information.

3. Regional Headquarters Lower Level Boardroom (LL-C) Audio/Video Equipment Water Damage Repair Complete ([2019-A-29](#))

That Report #2019-A-29 of the Commissioner of Corporate Services be received for information.

4. Durham York Energy Centre – Approval of the Negotiated Resolution Between Covanta Durham York Renewable Energy Limited Partnership (“Covanta”) and the Owners for the 2017 Reconciliation (2019-A-30)

 - A) That the proposed resolution provided for in the confidential memorandum from the Director of Legal Services, Attachment #1 to Report 2019-A-30 of the Commissioner of Corporate Services, dated September 10, 2019, be approved by Regional Council;
 - B) That Regional staff be directed to execute such documents and carry out such tasks as may be required to implement the terms of the resolution; and
 - C) That should Council approval of Recommendations A) to B) of Report #2019-A-30 not be received, that staff be authorized to utilise the dispute resolution provisions of the Project Agreement, including binding Arbitration.
5. Cancellation of Uncollectible General Accounts Receivable (2019-F-30)

That one uncollectible account in the amount of \$25,852.75 be approved for write-off.
6. Joint and Several Liability Reform (2019-F-31)

 - A) That Report #2019-F-31 of the Commissioner of Finance be received and forwarded with consultation information to the Attorney General offices as the Region of Durham’s submission to the Government of Ontario’s consultation process to seek joint and several liability reform in Ontario; and
 - B) That a copy of Report #2019-F-31 be forwarded to AMO, all local Durham MPP’s and all local municipalities.
7. Request for Deferral of Development Charges for Proposed Industrial Facility in Clarington (2019-F-32)

 - A) That the request from Cannapiece Group Inc. to defer the payment of development charges on the proposed industrial facility in Clarington be approved on such terms as are set out generally in the following recommendations:
 - i) That the Region enter into an agreement with Cannapiece Group Inc. for the deferral of development charges for the proposed construction on an industrial facility at 580 Lake Road in Bowmanville at the rate in effect at time of payment;
 - ii) That the agreement would contain such terms and conditions as are necessary to reasonably assure the Region of full payment of development charges; and

- B) That the Commissioner of Finance be authorized to negotiate and execute the necessary agreements in a form approved by Corporate Services – Legal Services.
 - 8. Confidential Report of the Commissioner of Corporate Services – Litigation or Potential Litigation, including matters before administrative tribunals, affecting the Regional Corporation, with respect to an Update on Ongoing Litigation Matters Against the Region (2019-A-28)
-

That Confidential Report #2019-A-28 of the Commissioner of Corporate Services be received for information.

Respectfully submitted,

A. Foster, Chair, Finance & Administration Committee

Report #7 of the Health & Social Services Committee

For consideration by Regional Council

September 25, 2019

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

1. Region of Durham Paramedic Services (RDPS) Ambulance/AVL Vehicle Purchases and Standardization ([2019-MOH-5](#))
 - A) That the Demers Ambulances Type III Mystere MX164A ambulance with the PRAN AVL system be adopted as the standard for RDPS for a period of three (3) years effective January 1, 2020; and
 - B) That authorization be granted to award a single source agreement to Demers Ambulances for a period of three (3) years effective January 1, 2020 for the purchase of new ambulances and ongoing parts, pending the approval of the Paramedic Services Business Plans & Budgets.
2. Region of Durham Paramedic Services (RDPS) Command and Emergency Response Vehicle Standardization and Upfitting ([2019-MOH-6](#))
 - A) That the General Motors (GM) Chevrolet "Tahoe" be adopted as the standard vehicle for RDPS Command and Emergency Response Vehicles (CERVs) for a further period of three (3) years effective January 1, 2020;
 - B) That the current RDPS CERVs custom upfitting package provided by Kerr Industries Limited be adopted as the standard for RDPS for a period of three (3) years effective January 1, 2020; and
 - C) That authorization be granted to award a three (3) year extension to the existing agreement with Kerr Industries Limited for the purpose of purchasing custom upfitting packages and/or parts, as approved in the annual Paramedic Services Business Plans and Budgets.
3. Durham Nuclear Health Committee Membership ([2019-MOH-7](#))
 - A) That the following individual be appointed to the Durham Nuclear Health Committee:

Deborah Kryhul, Public Member - Clarington.
4. Provincial Funding for the Ontario Seniors Dental Care Program ([2019-MOH-8](#))
 - A) That annual and permanent unbudgeted 100 per cent Provincial funding from the Ontario Ministry of Health (MOH) in the amount of up to \$1,614,700 (pro-rated at \$1,211,025 for the period April 1, 2019 to December 31, 2019) be received as supplementary to the 2019 Health

Department Business Plans and Budgets to provide oral health services to eligible low-income seniors as part of the Ontario Seniors Dental Care Program; and

- B) That approval be granted to increase the Public Health staffing complement to be financed from the annual 100 per cent Provincial funding allocation, as follows:

Two full-time dentists (2.0 FTE)	\$314,892
Two full-time dental hygienists (2.0 FTE)	\$231,478
Three full-time dental assistants (3.0 FTE)	\$258,399
One full-time Clerk 2 (1.0 FTE)	\$78,834
One full-time Administrative Assistant 1 (1.0 FTE)	\$92,053
	\$975,656

- C) That annual increases will be funded entirely from program management costs from the additional 100 per cent Provincial funding allocation.

5. Connecting Ontario eHealth Agreement for the Region's Four Long-Term Care Homes (2019-SS-12)

That the Regional Chair and Regional Clerk be authorized to enter into the Connecting Ontario eHealth Agreement and any subsequent agreements, subject to the concurrence of the Regional Solicitor and Commissioner of Finance, unless amended by eHealth Ontario, thereby requiring review and approval by the Health and Social Services Committee and by Regional Council.

6. Unbudgeted funding from the Federal Government of Canada, Employment and Social Development Canada (ESDC) for a research and innovation project entitled "Rebuilding the village: A novel approach to inclusive early learning and child care environment" (2019-SS-13)

- A) That unbudgeted one-time federal funding in the amount of \$277,625 from Employment and Social Development Canada (ESDC) be received as supplementary to the 2019 Business Plans and Budgets to completing a research and innovation project entitled "Rebuilding the village: A novel approach to inclusive early learning and child care environment";
- B) That Federal funding in the amount of \$277,625 be expended in accordance with the funding agreement, which includes costs related to, but not limited to: staff wages, project costs, and capital assets; and

- C) That the Regional Chair and Regional Clerk be authorized to execute the required agreement related to the additional unbudgeted funding.

7. Additional Provincial Funding from the 2019 Revised Child Care Allocation, and Fee Subsidy Update (2019-SS-14)

- A) That additional unbudgeted Provincial funding for child care services from the Ministry of Education in the amount of \$2,114,812 for the Regional Municipality of Durham Children's Services Division be received as supplementary to the 2019 Business Plans and Budgets and allocated as follows:

Program	Expenditure	Amount \$
Purchased Fee Subsidy Spaces	Fee Subsidy	200,000
General Operating Program – Licensed Home Child Care	Provider Payments	141,450
Special Purpose - Projects	Provider Payments	544,931
Wage Enhancement	Provider Payments Provider Payments – Fee Stabilization (discontinued effective March 31, 2019)	1,051,157 (1,976,485)
Child Care Expansion	Provider Payments Tangible Capital Assets: • Laptops (\$48k); Tablets (\$39k); Desktops (\$3k); Monitors (\$1k); Office Furniture (\$9k).	2,053,759 100,000
Total		<u>2,114,812</u>

- B) That the Regional Chair and the Regional Clerk be authorized to execute the Amended Ontario Transfer Payment Agreement.

Respectfully submitted,

B. Chapman, Chair, Health & Social Services Committee

Report #7 of the Planning & Economic Development Committee

For consideration by Regional Council

September 25, 2019

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

1. Golden Horseshoe Food and Farming Alliance Funding Renewal Request (2019-EDT-14)

 - A) That contributions of \$30,000 to the Golden Horseshoe Food and Farming Alliance be included in the Business Plans and Budget submissions for the years 2020 to 2021, for consideration by Council through the annual Business Plans and Budgets process, and subject to approval of funding from the other six municipal partners; and
 - B) That a copy of Report #2019-EDT-14 of the Commissioner of Planning and Economic Development be circulated to the Ontario Ministry of Agriculture, Food and Rural Affairs; the Regional Municipalities of Halton, Peel, York, Niagara; Cities of Hamilton and Toronto; and the Golden Horseshoe Food and Farming Alliance.
2. Envision Durham – Engagement and Outreach – Public Opinion Survey Summary (2019-P-35)

 - A) That Report #2019-P-35 of the Commissioner of Planning and Economic Development be received for information; and
 - B) That a copy of Report #2019-P-35 be forwarded to Durham's area municipalities; conservation authorities; and the Ministry of Municipal Affairs and Housing for information.
3. Envision Durham – Environment and Greenlands System Discussion Paper (2019-P-36)

 - A) That Report #2019-P-36 of the Commissioner of Planning and Economic Development be received for information; and
 - B) That a copy of Report #2019-P-36 be forwarded to Durham's area municipalities; conservation authorities; the Ministry of Municipal Affairs and Housing; the Ministry of Natural Resources and Forestry; the Ministry of Environment, Conservation and Parks; and the Durham Environmental Advisory Committee for review and comment.

4. Application to Amend the Durham Regional Official Plan, submitted by Beverley Turf Farms Ltd., to permit the severance of a dwelling rendered surplus as a result of the consolidation of non-abutting farm parcels, in the Township of Brock, File: OPA 2019-002 ([2019-P-33](#))

 - A) That Amendment #174 to the Durham Regional Official Plan, to permit the severance of a dwelling rendered surplus as a result of the consolidation of non-abutting farm parcels, be adopted as contained in Attachment #3 to Report #2019-P-33 of the Commissioner of Planning and Economic Development; and
 - B) That “Notice of Adoption” be sent to the applicant, the applicant’s agent, the Township of Brock, the Ministry of Municipal Affairs and Housing, and all other persons or public bodies who requested notification of this decision.
5. Durham Regional Official Plan Amendment #175 to permit water and sewer service connections in certain circumstances for properties abutting municipal services outside of the Urban Area, File: OPA 2019-001 ([2019-P-34](#))

 - A) That Amendment #175 to the Durham Regional Official Plan, to permit water and sanitary sewer service connections in prescribed circumstances for properties abutting municipal services outside of the Urban Area, be adopted as contained in Attachment #1 to Report #2019-P-34 of the Commissioner of Planning and Economic Development; and
 - B) That “Notice of Adoption” be sent to the Ministry of Municipal Affairs and Housing, the area municipalities, and all other persons or public bodies who requested notification of this decision.
6. Durham Environmental Advisory Committee (DEAC) Membership Appointments ([2019-P-37](#))

 - A) That Matt Thompson be appointed as the Town of Ajax’s Area Municipal Representative to the Durham Environmental Advisory Committee;
 - B) That Brian Shipp be appointed as an “at large” member to the Durham Environmental Advisory Committee;
 - C) That the above-named citizen volunteers be advised of their appointment to the Durham Environmental Advisory Committee; and
 - D) That a copy of Report #2019-P-37 of the Commissioner of Planning and Economic Development be forwarded to the area municipalities.

7. North Durham Tourism Pilot Project Outcome and New Tourism Program Coordinator (2019-EDT-13)

- A) That a new full-time permanent Tourism Program Coordinator position be approved within the Region's Economic Development and Tourism Division, to deliver Regional tourism programming focused on the three northern Area Municipalities, and to support northern Area Municipal tourism projects; and
- B) That Report #2019-EDT-13 of the Commissioner of Planning and Economic Development be circulated to the Township of Brock, Township of Scugog, and Township of Uxbridge.

8. Employment Lands Servicing Project Status(2019-EDT-15)

- A) That the preliminary criteria as outlined in Report #2019-EDT-15 of the Commissioner of Planning and Economic Development for the prioritization of pre-servicing of Employment Lands projects be endorsed; and
- B) That a copy of Report #2019-EDT-15 be circulated to Durham Local Area Municipalities.

Respectfully submitted,

D. Ryan, Chair, Planning & Economic Development Committee

Report #7 of the Works Committee

For consideration by Regional Council

September 25, 2019

The Works Committee recommends approval of the following:

1. Announcement by the Minister of Environment, Conservation and Parks regarding the Transition of the Blue Box to Extended Producer Responsibility [\(2019-WR-9\)](#)
-

That Report #2019-WR-9 of the Commissioner of Works be received for information.

2. Lease with Durham College for Space Located at 2000 Simcoe Street North, in the City of Oshawa, for Durham Regional Police Services [\(2019-W-53\)](#)
-

That Report #2019-W-53 of the Commissioner of Works be received for information.

3. Petition for Construction of a Watermain on Range Road, Lakeridge Road and Ontoro Boulevard, in the Town of Ajax [\(2019-W-54\)](#)
-

That the construction of a watermain on Range Road, Lakeridge Road and Ontoro Boulevard, in the Town of Ajax, be considered in the 2020 Water Supply System Capital Budget.

4. Petition for Construction of a Watermain on Fielding Court, in the Town of Ajax [\(2019-W-55\)](#)
-

That the construction of a watermain on Fielding Court, in the Town of Ajax, be considered in the proposed 2020 Water Supply System Capital Budget.

5. Enactment of a By-law to Limit the Gross Vehicle Weight of Vehicles Passing over a Bridge Forming Part of the Regional Road System [\(2019-W-56\)](#)
-

- A) That Corporate Services – Legal Services be directed to enact a by-law, generally in the form included as Attachment #1 to Report #2019-W-56 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 by-law as indicated in the form included as Attachment #1 to Report #2019-W-56.

6. Traffic By-law Amendment to Permit Area Municipalities to use an Administrative Penalty System Process for By-law Infractions on Regional Roads (2019-W-58)
 - A) That the Traffic By-law #44-2006 be amended to allow local municipalities to enforce by-law infractions on Regional roads through an Administrative Penalty System process where permitted by the local municipality's Administrative Penalty System Memorandum of Understanding with the Province of Ontario and their local by-laws; and
 - B) That an amending by-law, generally in the form included as Attachment #1 to Report #2019-W-58 of the Commissioner of Works, be approved.
7. Endorsement of Mr. Rob Franklin to the Trent Conservation Coalition Source Protection Committee (2019-W-59)
 - A) That Mr. Rob Franklin be endorsed as the municipal representative on the Trent Conservation Coalition Source Protection Committee;
 - B) That this endorsement be active upon receipt of formal Council resolutions from each of the member municipalities within the Ganaraska Region Source Protection Area; and
 - C) That endorsement be forwarded to the Lower Trent Source Protection Authority as the lead Source Protection Authority for official appointment to the Source Protection Committee.
8. Standardization and Approval to Award Sole Source Supply of Uninterruptible Power Supply Equipment (2019-W-61)
 - A) That Uninterruptible Power Supply equipment for traffic signals manufactured by Alpha Technologies be adopted as the standard for the Regional Municipality of Durham;
 - B) That a sole source contract with Tacel Limited for the provision of Uninterruptible Power Supply equipment at traffic control signals be awarded, for a five-year term (January 1, 2020 to December 31, 2024) totalling \$1,625,000* at an annual cost of approximately \$325,000*, with financing provided subject to Regional Council's approval of the Works Department Business Plans and Budgets; and
 - C) That That the Commissioner of Finance be authorized to execute the necessary agreement.
(*) including all applicable taxes
9. Seaton Phase 1 Regional Infrastructure Front Ending Agreement – Amending Agreement (2019-W-62)
 - A) That the planned trunk sanitary sewer under Elsa Storry Avenue, on the south side of Highway 407, be reclassified from a Region Constructed

Project to a Landowner Constructed Project, as defined in the Seaton Phase 1 Regional Infrastructure Front Ending Agreement;

- B) That the Amending Agreement with the Seaton Landowners Group to allow this reclassification of project type, as identified in the Seaton Phase 1 Regional Infrastructure Front Ending Agreement, be approved; and
- C) That the Regional Chair and Clerk be authorized to execute any necessary documents or agreements required to facilitate the arrangement described herein.

10. Amendment and Extension of Lease for Premises with Campbell Drive Professional Building Inc. at 2 Campbell Drive, Suites 301 – 305, in the Township of Uxbridge, for the Regional Municipality of Durham Social Services Department (2019-W-63)

- A) That the amendment and extension of lease for 446.86 square metres (4,810 square feet) of office space, being part of the building located at 2 Campbell Drive, Suites 301 – 305, in the Township of Uxbridge be approved with the following terms and conditions:
 - i) The term is for a period of two years commencing November 1, 2019, ending October 31, 2021, with an option to extend for an additional three years subject to the rental rate being negotiated;
 - ii) The annual rental rate for the two-year period of the lease is \$64,935* based on a rate of \$145.31* per square metre (\$13.50* per square foot);
 - iii) The Regional Municipality of Durham is responsible for all operating costs for the building, common areas and the leased premises;
 - iv) The Regional Municipality of Durham 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 amendment and extension of the lease agreement.
(* before applicable taxes in all instances)

11. Rainbow Pedestrian Crosswalks (2019-W-64)

That installations of Rainbow Pedestrian Crosswalks not be permitted on Regional Roads.

12. Red-Light Camera Program Implementation (2019-W-65)

- A) That the Regional Municipality of Durham proceed with the implementation of twelve (12) Red-light Cameras as identified in Attachment #1 to Report #2019-W-65 of the Commissioner of Works to reduce red-light running and

improve safety, subject to confirmation from the vendor that installations are technically feasible;

- B) That the Commissioner of Works be authorized, subject to concurrence of the Commissioner of Finance and Director of Legal Services, to negotiate, enter into and execute a standing agreement with the City of Toronto for Red-Light Camera record processing including the cost sharing of expenses related to the operation of the Joint Processing Centre, at an estimated annual cost of \$72,000, with all 2019 costs to be funded from allowances within the Works Department's 2019 operating budget and 2020/2021 costs within the 2020 and 2021 Business Plans and Budgets;
- C) That the Commissioner of Works be authorized, subject to concurrence of the Commissioner of Finance and Director of Legal Services, to negotiate, enter into and execute a standing agreement with Her Majesty the Queen in Right of Ontario, as represented by the Ministry of Transportation, for the access and use of licence plate registration information, at an estimated annual cost of \$35,000, with all 2019 costs to be funded from allowances within the Works Department's 2019 operating budget and 2020/2021 costs within the 2020 and 2021 Business Plans and Budgets;
- D) That Regional Council request that the Province of Ontario permit the use of an Administrative Penalty System for offences issued by Red-Light Cameras;
- E) That the Commissioner of Finance be authorized to negotiate, enter into and execute a sole source agreement with Traffipax LLC for the supply, including installation and operation, of 12 red-light cameras, based on a Contract awarded through the City of Toronto's Request for Proposal No. 9148-15-5000 for "The Supply, Installation, Operation, and Maintenance of Red-Light Camera Systems within the City of Toronto and Other Municipalities within Ontario." in April of 2015, and as permitted under Article 13 of the Region's Purchasing By-law #68-2000, with the following provisions:
 - i) Contract period of two years and one month, commencing December 1, 2019 with an estimated total value of approximately \$1,000,000 (i.e. approximately \$500,000 per year), excluding taxes, with all 2019 costs to be funded from allowances within the Works Department's 2019 operating budget and 2020/2021 costs within the 2020 and 2021 Business Plans and Budgets; and
 - ii) Option to renew the contract for an additional five years, commencing January 1, 2022, subject to annual budget approval, for an estimated total value of approximately \$4,000,000, excluding taxes;
- F) That pre-budget approval be granted for the annual costs to administer the program, in both 2020 and 2021, in the amount of:

- i) \$800,000, in both years, for Works Department red-light camera expenses; and
 - ii) \$350,000, in both years, for Legal Provincial Offences Act red-light camera expenses;
 - G) That the Director of Legal Services be authorized to submit applications and other documents as may be required to the Province of Ontario or Ministry of Transportation for the appointment of any Regional employees as Provincial Offence Officers to implement the Region's Red-Light Camera Program;
 - H) That staff report back to the Works Committee with an update on the Red-Light Camera program, including information on red-light running violations and program expenses and revenues in fall 2020; and
 - I) That a copy of Report #2019-W-65 of the Commissioner of Works be sent to the Ministry of Transportation – Ontario, the City of Toronto and all area municipalities within the Regional Municipality of Durham.
13. Automated Speed Enforcement Program Implementation ([2019-W-66](#))
- A) That the Regional Municipality of Durham proceed with the implementation of an Automated Speed Enforcement program at the twenty-two locations identified in Attachment #1 to Report #2019-W-66 of the Commissioner of Works to reduce operating speeds and improve safety;
 - B) That the Commissioner of Works, subject to the concurrence of the Commissioner of Finance and Director of Legal Services, be authorized to negotiate, enter into and execute an agreement with the City of Toronto for Automated Speed Enforcement record processing including the cost sharing of expenses related to the operation of the Joint Processing Centre with all 2019 costs to be funded from allowances within the Works Department's 2019 operating budget and 2020 to 2024 for costs within the 2020 to 2024 Business Plans and Budgets;
 - C) That the Commissioner of Works, subject to the concurrence of the Commissioner of Finance and Director of Legal Services, be authorized to negotiate, enter into and execute an agreement with Her Majesty the Queen in Right of Ontario, as represented by the Ministry of Transportation, for the access and use of licence plate registration information with all 2019 costs to be funded from allowances within the Works Department's 2019 operating budget and 2020 to 2024 for costs within the 2020 to 2024 Business Plans and Budgets;
 - D) That Regional Council request that the Province of Ontario permit the use of an Administrative Penalty System for offences issued by Automated Speed Enforcement;

- E) That the Commissioner of Finance be authorized to negotiate, enter into and execute a sole source agreement with Redflex Traffic Systems (Canada) Limited (vendor identified through City of Toronto RFP 9148-0048) for the supply, including installation and operation of Automated Speed Enforcement equipment as permitted under Article 13 of the Region's Purchasing By-law #68-2000, as amended;
 - F) That the term of the contract with Redflex Traffic Systems (Canada) Limited be for a period of five years and one month commencing December 1, 2019 with an estimated total value of approximately \$2,000,000, excluding taxes, with all 2019 costs to be funded from allowances within the Works Department 2019 operating budget and 2020 to 2024 costs within the 2020 to 2024 Business Plans and Budgets;
 - G) That the Commissioner of Works, subject to the concurrence of the Commissioner of Finance and Director of Legal Services be authorized to exercise an option to renew the contract for an additional five years, commencing July 16, 2024, to operate the automated speed enforcement system, subject to budget approval, for an estimated total of approximately \$4,000,000, excluding taxes;
 - H) That pre-budget approval be granted for the annual costs to administer the program, in 2020 to 2024, in the amount of:
 - i) \$500,000, in all years, for Works Department automated speed enforcement expenses; and
 - ii) \$350,000, in all years, for Legal Provincial Offences Act automated speed enforcement expenses;
 - I) That staff report back to the Works Committee with an update on the Automated Speed Enforcement program, including information on speed violations and program expenses and revenues, in fall 2020; and
 - J) That a copy of Report #2019-W-66 of the Commissioner of Works be forwarded to the Ministry of Transportation – Ontario, the Ministry of the Attorney General – Ontario, all area municipalities and Durham Regional Police Services.
14. Confidential Report of the Commissioner of Works – Litigation or Potential Litigation, including matters before an Administrative Tribunal with respect to s. 30 Agreement under the Expropriations Act, R.S.O. 1990, c. E.26, for Lands Acquired to Facilitate the Reconstruction of Regional Road 1 (Brock Road), in the City of Pickering (2019-W-57)
-

That the recommendations contained in Confidential Report #2019-W-57 of the Commissioner of Works, be adopted.

15. Confidential Report of the Commissioner of Works – Proposed or Pending Acquisition or Disposition of Land for Regional Corporation Purposes with Respect to the Purchase of Lands Required for the Bus Rapid Transit Project, in the City of Pickering (2019-W-60)
-

That the recommendations contained in Confidential Report #2019-W-60 of the Commissioner of Works, be adopted.

Respectfully submitted,

D. Mitchell, Chair, Works Committee

Report #5 of the Committee of the Whole

For consideration by Regional Council

September 25, 2019

The Committee of the Whole recommends approval of the following:

1. Organics Management Solution – Expression of Interest Process and Next Steps Including Site Identification Criteria and Anti-Lobbying Protocol (2019-COW-22)
 - A) That Regional Municipality of Durham (“Region”) staff be authorized to commence negotiations with Epcor Utilities Inc. (“Epcor”) to establish a joint venture/partnership with the Region on its long-term organics waste management solution (the “Project”);
 - B) That Regional staff report back to Council on the results of the negotiations with Epcor and seek authority to ratify any agreements in principle arising from the negotiations; and
 - C) That staff report at Council on the City of Edmonton organics facilities, and the involvement of Epcor, and the type of facility or facilities under construction, or proposed in Edmonton, and their past facility.
2. Confidential Report of the Commissioner of Works and the Commissioner of Finance – Proposed or Pending Acquisition or Disposition of Land for Regional Corporation Purposes with Respect to the Disposition of Lands Located at 156 Church Street in Bowmanville, in the Municipality of Clarington (2019-COW-24)

That the recommendations contained in Confidential Report #2019-COW-24 of the Commissioners of Works and Finance, be adopted.

Respectfully submitted,

John Henry, Regional Chair and CEO

Other Business

September 25, 2019

11.1 Report #1 of the Development Charges Complaint Committee, re: The Royal Ashburn Golf Club

Recommendation to Council:

That Council confirm the development charges imposed by the Region of Durham on The Royal Ashburn Golf Club for the development of property known municipally as 995 Myrtle Road West (Regional Road No. 5), Town of Whitby.

(See attached report on pages 114-117)

11.2 City of Edmonton Waste Management Centre (2019-WR-10)

Recommendation to Council:

That Report #2019-WR-10 of the Commissioner of Works be received for information.

(See attached report on pages 118-122)

The Regional Municipality of Durham

Report #1 of the Development Charges Complaint Committee

Date of Hearing: September 13, 2019

Subject:

Development Charges Complaint (Report #2019-DC-01)

The Royal Ashburn Golf Club
995 Myrtle Road West, Town of Whitby

Development Charges Paid: \$35,302.30

Recommendation:

That Council confirm the development charges imposed by the Region of Durham on The Royal Ashburn Golf Club for the development of property known municipally as 995 Myrtle Road West (Regional Road No. 5), Town of Whitby.

Report:

The Development Charges Complaint Committee met at 9:47 AM on September 13, 2019 in Meeting Room 1-H, Regional Municipality of Durham Headquarters, 605 Rossland Road East, Whitby, Ontario. The following members of the Committee were present:

Present: Councillor Foster, Finance & Administration Committee, Chair
Councillor Chapman, Health & Social Services Committee
Councillor Mitchell, Works Committee
Councillor Ryan, Planning & Economic Development Committee
Regional Chair Henry

Staff

Present: E. Baxter-Trahair, Chief Administrative Officer
G. Asselin, Economic Analyst, Finance Department
C. Bandel, Deputy Clerk
C. Boyd, Solicitor
M. Hubble, Engineer, Development Approvals
C. Tennisco, Committee Clerk
T. Fraser, Committee Clerk

The Committee Clerk verbally certified to the Committee that the Notice of Hearing had been served pursuant to the provisions of the Development Charges Act.

Submissions by Complainant:

Dave Paterson appeared on behalf of The Royal Ashburn Golf Club with respect to the imposition of development charges on property located at 995 Myrtle Road West, in the Town of Whitby. Mr. Paterson provided a written copy of his submission; a copy of correspondence to the Town of Whitby; a memorandum dated April 10, 2010, re: Onus on Municipality to Justify Development Charges; and a copy of the Municipal Property Assessment Corporation (MPAC) Property Income and Expense Return Questionnaire. Correspondence from Mr. Paterson to the Town of Whitby was provided on the addendum to the Development Charges Complaint Committee agenda.

Mr. Paterson advised that the project was commenced by Royal Ashburn Golf Club in August 2018 when they decided to add accommodations that would be complementary to their existing business. He explained that they began working with the Town of Whitby in August 2018 and development charges were never discussed with them until June 3, 2019 when they went in for the building permit.

Mr. Paterson stated that the only precedent setting project of this kind in Durham Region is at Woodensticks Golf Course. He advised that in 2004 Woodensticks embarked on the same project and total development charges were \$19,539.88, with a Regional charge of \$7,104.00. Mr. Paterson also advised that Royal Ashburn Golf Club officially opened in 1962 and he stated that none of their previous projects have been subject to development charges. He outlined three projects that were completed in 2005, 2010 and 2012 as examples.

Mr. Paterson also stated that no additional servicing is required by the Region or municipality and he noted that the accommodations are being marketed to existing customers. He advised that the Region did not have any comments on the building applications and there were no requests from the Town of Whitby to suggest an increase in volume of traffic or guests. He added that the cabins are to compliment their existing business and provide an opportunity for overnight accommodation.

Mr. Paterson concluded by outlining how golf courses are assessed by the Municipal Property Assessment Corporation (MPAC). He explained that the more revenue they receive the more they pay in taxes each year. He stated that this is unique to golf courses and he stated his opinion that if MPAC can make an exception he feels the Region and Municipality can also make an exception.

Mr. Paterson responded to questions with respect to the total Development Charges imposed; and whether a complaint has also been filed with the Town of Whitby.

The Development Charges imposed by the Region were calculated as follows:

Regional Roads	\$33,202.80
Regional Transit	<u>2,099.50</u>
Total	<u>\$35,302.30</u>

Submissions by Regional Staff:

Cindy Boyd, Solicitor, appeared on behalf of Regional staff. Ms. Boyd advised that section 20 of the Development Charges Act gives the Committee the authority to hear complaints against the application of development charges and to consider the following three specific factors:

- a) the amount of the development charge was incorrectly determined;
- b) whether a credit is available to be used against the development charge or the amount of the credit was incorrectly determined; or
- c) there was an error in the application of the development charge by-law.

Ms. Boyd outlined the staff submissions contained in Report #2019-DC-01. She advised that the complainant is in the process of building five accessory cabins on the property with a gross floor area of 3,887.92 square feet. She explained that development charges are based on total square footage which was provided by the Town of Whitby. Ms. Boyd outlined the relevant sections of the Regional Development Charges By-law and Regional Transit Development Charges By-law.

Ms. Boyd also addressed the correspondence from Mr. Paterson to the Town of Whitby. She advised that the points raised in the letter all speak to the construction of the by-law under the Development Charges Act, 1997, and are arguments that might be raised when appealing the by-law. She stated that the time for appealing the Region's development charge by-law expired in 2018 and the by-law is now in full force and effect. Ms. Boyd also advised that the Region was obligated to consider all the points raised as part of the background study to the by-law and the Region's development charge methodology complies with the Act. She further advised that the Region's development charge by-law speaks specifically to golf courses being a commercial use and the seasonality of the use is not a consideration to the application of the by-law. She added that development charges are not dependent on the specific traffic, culverts, etc., required by a specific use and are based on how the development adds to the use of the system as a whole.

Ms. Boyd concluded by advising that should Regional Council wish to consider the seasonal nature, this is something that would have to be the subject of a new background study and an amendment to the current development charge by-law.

Ms. Boyd responded to questions with respect to how the Regional development charge by-law addresses the requirements in the Development Charges Act; the issue of seasonality; the charges that would apply if the structures were an addition to the existing building; provisions in previous Regional development charge by-laws; and the examples provided by Mr. Paterson.

Findings and Deliberations:

The Committee considered Report #2019-DC-01, correspondence and written submissions from the complainant, and the verbal submissions of the complainant and the Region of Durham. A summary of the evidence and arguments presented by the parties is included in this report.

Discussion ensued with respect to the application of Regional Transit development charges; the process for notifying individuals of Regional development charges; and whether Bill 108 changes to the Development Charges Act would apply to this project.

It was requested that Regional staff discuss with the area municipalities the possibility of providing a checklist identifying the applicable Regional development charges to applicants earlier in the process.

Moved by Councillor Ryan, Seconded by Regional Chair Henry,
That we recommend to Council:

That Council confirm the development charges imposed by the Region of Durham on The Royal Ashburn Golf Club for the development of property known municipally as 995 Myrtle Road West (Regional Road No. 5), Town of Whitby.

CARRIED LATER IN THE MEETING
(See Following Motion)

Moved by Councillor Mitchell, Seconded by Regional Chair Henry,
That we recommend to Council:

That the main motion of Councillor Ryan and Regional Chair Henry be amended by adding the words "refund the Regional Transit development charges and" after the word "Council" and by adding the words "Regional Roads" after the words "confirm the".

MOTION DEFEATED

The main motion of Councillor Ryan and Regional Chair Henry was then put to a vote and CARRIED.

The Chair advised that the Committee's recommendation will be considered by Regional Council on Wednesday, September 25, 2019.

Respectfully submitted,

A. Foster, Chair, Development
Charges Complaint Committee



The Regional Municipality of Durham Report

To: Regional Council
From: Commissioner of Works
Report: [#2019-WR-10](#)
Date: September 25, 2019

Subject:

City of Edmonton Waste Management Centre

Recommendation:

That this report be received for information.

Report:

1. Purpose

- 1.1 The purpose of this report is to provide Regional Council with information and background regarding the City of Edmonton (City) Waste Management Centre, the involvement of Epcor Utilities Inc. ("EPCOR") and the type of facilities under construction for waste management in Edmonton.

2. Background

- 2.1 At the September 11, 2019 Committee of the Whole meeting, Regional Council considered and approved Report #2019-COW-22 "Organics Management Solution – Expression of Interest Process and Next Steps Including Site Identification Criteria and Anti-Lobbying Protocol."
- 2.2 The following recommendation was added to Report 2019-COW-22:
- C) It is further recommended that:

Staff report at Council on the City of Edmonton organics facilities, and the involvement of EPCOR, and the type of facility or facilities under construction, or proposed in Edmonton, and their past facility.

3. Edmonton Waste Management Centre (EWMC)

- 3.1 The EWMC is a collection of waste processing and research facilities owned by the City of Edmonton and located on the perimeter of the closed Clover Bar Landfill. To date, EPCOR has not been involved in the construction or operations of any of these waste management facilities.
- 3.2 The City of Edmonton, over the course of many years, has grown the EWMC to house a Material Recovery Facility (MRF), Integrated Waste Processing Facility, an Aerobic Composting Facility, a Waste to Fuels facility, a research facility and an Anaerobic Digestion (AD) – (Dry) Facility. The General Supervisor, Technical Services - Waste Services, City of Edmonton provided the following information on the EWMC operations:
- a. The Integrated Waste Processing Facility is used to sort waste into three streams: organics, refuse derived fuel and landfill. This facility will be upgraded in the future to improve operations after the City of Edmonton implements a source separated organics program (Green Bin) for single family residences.
 - b. The Aerobic Composting Facility is currently being demolished due to structural issues with the building. The City of Edmonton is considering options for a future aerobic composting facility to manage digestate from the Anaerobic Digestion (Dry) and leaf and yard waste.
 - c. The Enerkem Waste to Fuels facility was constructed in partnership with Enerkem who owns and operates the facility using proprietary technology. The Waste to Fuels facility has not reached full-scale operations at this time. Refuse Derived Fuel (RDF) from the Integrated Waste Processing Facility is processed at this facility.
 - d. A high solids Anaerobic Digestion (Dry) facility was recently constructed at the EWMC and is in the commissioning phase. SUEZ will operate and maintain this facility that is owned by the City of Edmonton.
 - e. To meet organics capacity requirements going forward, the City of Edmonton is considering a low solids Anaerobic Digestion (Wet) facility to be built on the site of the demolished Aerobic Composting Facility. The Request for Proposal (RFP) for this project has not yet been released.
 - f. All residual waste from the City of Edmonton is hauled out of the municipality to a landfill for disposal. The local landfill owned by the City of Edmonton was closed several years ago.

4. EPCOR and City of Edmonton

- 4.1 As directed by Council, Regional Staff asked EPCOR to explain why they would not have been involved in providing the current composting solution in Edmonton, given their relationship to the City of Edmonton. EPCOR provided the following responses:
- a. “The City of Edmonton and EPCOR are not intertwined entities from a business operations perspective. EPCOR is a standalone business corporation that is governed by an independent Board of Directors with its own CEO and Executive Team. This structure ensures that EPCOR has its own credit ratings and does its own borrowing, investment and growth decisions with no recourse to the City of Edmonton.”
- 4.2 EPCOR also noted that the City of Edmonton procured the composting solution under a Public-Private-Partnership (P3) delivery model. At the time (late 1990s), this business did not meet EPCOR’s growth mandate and strategic fit. As such, EPCOR was not interested in participating. Further, EPCOR noted that the recent Anaerobic Digestion (Dry) project was undertaken by various supplier contracts on the City’s balance sheet and no investment or partnering opportunity was extended to proponents. EPCOR could not have participated under that arrangement as it is not a supplier of technology, nor a designer or a constructor.
- 4.3 Regional staff also asked EPCOR why they are now considering a move into the area of composting when this was not previously part of their business. EPCOR provided the following responses:
- a. “Previously, organics waste was primarily being processed through landfill disposal and later by way of composting for reuse of the product for land application of the value created from the nutrients recovered from food and other organics. The EPCOR utility business and its growth was not aligned with that business as it did not fit with the core of our business. With the introduction of Anaerobic Digestion and the production of Renewable Natural Gas (RNG) the organic waste market now aligns with EPCOR’s strategic direction and core expertise allowing it to provide value in the development of these projects.”
- 4.4 Regional Staff also asked EPCOR about any current involvement in the City of Edmonton’s proposed organics solution. EPCOR provided the following response:

- a. “Given the challenges that the demonstration AD project has faced with respect to risk transfer and performance issues, the City is now examining Alternative Service Delivery of the full-scale implementation of the project to enable proper risk transfer. It should be noted; the City is at an earlier stage in their development process and has recently concluded a market sounding which EPCOR has participated in. The City is exploring procurement options, and once council approves a process, EPCOR intends to consider participation where there is alignment with its strategic direction. As with any municipality, the City needs to follow procurement rules which EPCOR would be subject to.”

4.5 In summary EPCOR noted the following:

- a. EPCOR and the City of Edmonton are standalone entities operating independently of each other.
- b. As with any municipality, the City of Edmonton must follow procurement rules, which EPCOR is subject to.
- c. The City of Edmonton’s waste management services are independent from EPCOR, and EPCOR did not participate in the original P3 process as composting did not align with EPCOR’s strategic fit and expertise.
- d. The recent shift towards AD and RNG in the organic waste market aligns with EPCOR’s core expertise as such they are participating in the market and intend to do so if the City of Edmonton were to follow a similar path as the Region of Durham.

5. Conclusion

- 5.1 The City of Edmonton Waste Management Centre is an extensive operation with multiple facilities providing different waste processing operations under varying contractual arrangements.
- 5.2 EPCOR has not and is not currently providing any solid waste management services (construction or operations) to the City of Edmonton.
- 5.3 EPCOR will consider participating in any procurement process run by the City of Edmonton for the proposed Anaerobic Digestion (Wet) project when it arises.
- 5.4 The recent shift towards AD and RNG in the organic waste market aligns with EPCOR’s core expertise as such they are participating in the market and intend to do so if the City were to follow a similar path as the Region of Durham.

- 5.5 For additional information, contact: Gioseph Anello. Manager Technical Services and Waste Planning, at 905-668-7711, extension 3445.
- 5.6 This report has been prepared in consultation with Corporate Services – Legal Services and the Finance Department.

Respectfully submitted,

Original signed by:

Susan Siopis, P.Eng.
Commissioner of Works

Recommended for Presentation to Committee

Original signed by:

Elaine Baxter-Trahair
Chief Administrative Officer