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The Regional Municipality of Durham

MINUTES

REGIONAL COUNCIL

Wednesday, September 25, 2019

The Council of The Regional Municipality of Durham met in the Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby, Ontario at 9:31 AM

Regional Chair Henry assumed the Chair.

Prior to roll call, Regional Chair Henry read the following land acknowledgement:

We are currently located on land which has long served as a site of meeting and exchange among the Mississaugas Peoples and is the traditional and treaty territory of the Mississaugas of Scugog Island First Nation. We honour, recognize and respect this nation and Indigenous Peoples as the traditional stewards of the lands and waters on which we meet today.

Chair Henry advised that a Land Acknowledgement similar to the one just read would be read at the beginning of every Council meeting and would be forthcoming for Council approval.

1. Roll Call

All members of Council were present with the exception of Councillors Anderson, Joe Neal and Pickles

Councillor Anderson was absent with regrets

Councillor Bath-Hadden left the meeting at 12:22 PM on municipal business

Councillor Collier left the meeting at 10:40 AM to attend a funeral and returned at 12:53 PM

Councillor Maurice Brenner appeared on behalf of Councillor Pickles as the alternate for the City of Pickering

2. Declarations of Interest

Councillor Nicholson made a declaration of interest later in the meeting under the Municipal Conflict of Interest Act with respect to Item 11.1 under Other Business regarding Development Charges for the Royal Ashburn Golf Club. He indicated that his son is employed by the Golf Club's direct competitor.

3. Announcements

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

Regional Chair Henry congratulated Nancy Taylor, Commissioner of Finance, on receiving the 2019 Award of Excellence Award in Municipal Finance from the Municipal Finance Officers Association of Ontario. This award goes to an individual who has made significant contributions and demonstrated leadership in the field of municipal finance.

4. Presentations

4.1 Dr. R.J. Kyle, Commissioner & Medical Officer of Health re: Presentation of "Friends of Health" Awards

Dr. Kyle advised that Durham Region Health Department protects and promotes the health of Durham residents. He added that collaborations and partnerships are essential elements towards the success of their programs and services.

Dr. Kyle stated, that for many years, the Health Department has recognized the importance of contributions to their health protection and promotion efforts by internal and external partners whom they call "Friends of Health".

Dr. Kyle advised that their partners are nominated by managers or staff and nominations are approved by an Executive Committee. He added that this is the first year the "Friends of Health" are being publicly recognized by Regional Council, the Region's Board of Health.

External Partners

- Dr. Bryna Warshawsky, Medical Director of the Communicable Diseases, Emergency Preparedness and Response Department at Public Health Ontario (PHO). Dr. Warshawsky is one of the main physician leads for diseases of public health significance at PHO. For the last 4 years, Dr. Warshawsky was the keynote speaker at the Health Department's Annual Flu Event that is held for health care providers from hospitals, long-term care and retirement homes. At this event, she gives high level influenza updates and provides expert information on influenza. She is a highly rated speaker because her wide-ranging presentations have helped health care providers get prepared for the upcoming flu season and she makes complicated subjects easy to understand.
- Heather Hawco-Grey, Chair, Talking About Mental Illness (TAMI) Coalition. The TAMI Coalition was established in 2002 and includes many community partners. Its purpose is to provide a forum for interested Durham Region community stakeholders to coordinate and facilitate the delivery of mental health education to increase the knowledge of mental wellness and decrease the stigma associated with mental illness. Durham Region Health Department has been a partner of the TAMI coalition since 2016.

Together, the members of the TAMI coalition and the Public Health Nurses (PHNs) in the Healthy Living program raise awareness, reduce stigma and promote positive mental health in the school communities towards a comprehensive school health approach.

Internal Partners

- Darren Owen, Traffic Division Durham Region. Darren has worked with the Health Protection Division on a variety of projects. Over the past few years Darren has assisted with the development of signage for the Health Protection Division offices as well as creating signage for the safe water program and the tobacco enforcement program. Darren has been a champion for public health in that he recognizes the importance of the work being done in the Durham Region to protect public health. Darren continues to be a great partner to the Health Protection Division.
- Audrey Andrews, Manager, Strategic Partnerships and Initiatives, Social Services and Nora Landry, Policy Advisor, Strategic Partnerships, Social Services. Audrey Andrews and Nora Landry have been dedicated partners of the Social Determinants of Health (SDOH) working group, with a shared commitment to address poverty and low-income in Durham Region. They provided significant support with the development and distribution of the Health Department's Income Support Tool which supports service providers to assess clients for income related concerns and to provide appropriate supports and referrals. The partnership with Audrey and Nora has allowed the Health Department to expand the reach of their programs, services and resources.

4.2 Ramesh Jagannathan, Director, Transportation and Field Services, re: Automated Enforcement – Red Light Cameras and Automated Speed Enforcement (2019-W-65 and 2019-W-66)

R. Jagannathan, Director, Transportation and Field Services, presented a PowerPoint presentation regarding Automated Enforcement – Red Light Cameras and Automated Speed Enforcement.

Highlights from the presentation included:

- How Do Red-Light Cameras (RLC) Work?
 - First Photo
 - Second Photo
- How Do Automated Speed Enforcement (ASE) Cameras Work?
- Site Selection Process
- Red-Light Camera Site Selection Criteria
- Automated Speed Enforcement Site Selection Criteria

- Proposed Locations
 - Proposed Red-Light Camera Locations
 - Proposed ASE Locations
- Expected Benefits
- Automated Enforcement – Results (RLC and ASE)
- Why Now?
- Durham Vision Zero – Why Do We Need Automated Enforcement

R. Jagannathan explained red-light cameras (RLCs) work by taking two photographs. The first photo would show a vehicle behind the white stop bar at the start of the red light, and the second photo would show the vehicle beyond the white stop bar, after the start of the red light, therefore being in violation.

R. Jagannathan advised that Automate Speed Enforcement (ASE) work similar to red-light cameras (RLCs) by taking photos of the speeding vehicles including their license plate, and a charge is then sent to the registered owner of those vehicles.

R. Jagannathan advised that all 623 traffic signals within the Region of Durham were analyzed and ranked to determine the locations of the RLCs. He noted the ASE site selection criteria was established by legislation and only permitted in school zones and community safety zones.

R. Jagannathan advised that the reasons for moving forward with these programs now is that aggressive driving is a major concern and the public is asking for increased enforcement, resources for traditional enforcement are limited, and they work. He noted that no other safety countermeasures achieve such a level of crash reduction.

R. Jagannathan responded to questions of Regional Council.

Moved by Councillor Carter, Seconded by Councillor John Neal,
(266) That council recess for 15 minutes.

CARRIED

Council recessed at 11:01 AM and reconvened at 11:15 AM.

5. Adoption of Minutes

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

- Closed Regional Council meeting held on June 26, 2019; and
- Regular Committee of the Whole meeting held on September 11, 2019.

CARRIED

Moved by Councillor Marimpietri, Seconded by Councillor Leahy,
(268) That the minutes of the Regular Regional Council meeting held on June 26, 2019, as amended, be adopted.

CARRIED AS AMENDED

Councillor Nicholson requested that the minutes of the Regional Council meeting held on June 26, 2019 be amended to reflect that he was absent due to physical capacity limitations.

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

Moved by Councillor Lee, Seconded by Councillor Ryan,
(269) That Council Correspondence CC 33 from Guy Giorno, Integrity Commissioner, re: Follow-up on Committee of the Whole Presentation, be received for information.

CARRIED

CC 34 Correspondence dated August 21, 2019 from the Ministry of Transportation, re: Proposed Improvements at the Highway 401/Harmony Road/Bloor Street Interchange

Moved by Councillor Carter, Seconded by Councillor Crawford,
(270) That Council Correspondence CC 34 from the Ministry of Transportation, re: Proposed Improvements at the Highway 401/Harmony Road/Bloor Street Interchange, be received for information.

CARRIED

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

Moved by Councillor Foster, Seconded by Councillor Ryan,
(271) That Council Correspondence CC 35 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, be endorsed.

CARRIED

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

Moved by Councillor Foster, Seconded by Councillor Ryan,
(272) That Council Correspondence CC 36 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, be endorsed.

CARRIED

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

Moved by Councillor Carter, Seconded by Councillor Leahy,
(273) That Council Correspondence CC 37 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, be received for information.

CARRIED

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

Moved by Councillor Carter, Seconded by Councillor Leahy,
(274) That Council Correspondence CC 38 from John Presta, Acting Commissioner of Works, re: Update on the Regional Municipality of Durham's Green Bin Program, be received for information.

CARRIED

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)

Moved by Councillor Carter, Seconded by Councillor Leahy,
(275) That Council Correspondence CC 39 from John Presta, Acting Commissioner of Works, re: Red-Light Camera Program Implementation Site Selection Process, be received for information.

CARRIED

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

Moved by Councillor Chapman, Seconded by Councillor Mitchell,
(276) That Council Correspondence CC 40 from Chris Darling, Chief Administrative Officer, Central Lake Ontario Conservation Authority (CLOCA), re September 17, 2019 CLOCA Board Resolution, be received for information.

CARRIED

CC 41 Correspondence dated September 20, 2019 from Elaine Baxter-Trahair, Chief Administrative Officer re: Region of Durham's Organics Management Strategy Anti-Lobbying Policy

Moved by Councillor McLean, Seconded by Councillor Brenner, (277) That Council Correspondence CC 41 from Elaine Baxter-Trahair, Chief Administrative Officer, re Region of Durham's Organics Management Strategy Anti-Lobbying Policy, be received for information.

CARRIED

7. Delegations

7.1 Greg Milosh, Oshawa resident, re: planning and deliberations pertaining to the Region's 2020 Financial Budget and property taxation

Greg Milosh appeared before Council with respect to the planning and deliberations pertaining to the Region's 2020 Financial Budget.

G. Milosh acknowledged that there are a number of pressures on the Regional budget and stated that it may be possible to limit any tax increase.

G. Milosh presented a table of Region of Durham Tax Data from 2000 to 2018 including the General Levy Stabilization (GLS) reserve fund, total annual property taxes, and investment portfolio.

G. Milosh stated that he wanted to discuss the possibility of using funds from one of the reserves to mitigate, or entirely forego, a property tax increase.

G. Milosh asked that the following questions be answered:

1. Exactly where did all this money in your investment portfolio come from?
2. Exactly what is the investment portfolio going to be used for?
3. Why isn't the General Levy Stabilization reserve being used to minimize or entirely preclude a tax increase?

G. Milosh stated that members of Council and staff have 6 figure incomes and many of these incomes are only one of two incomes within their households. He added that Council will receive a salary increase of approximately 2% which will not only cover the property tax increase, but in some cases that increase will cover almost the entirety of the tax bill. He also noted that there are countless Durham residents who struggle to absorb any additional property tax increase and that Revenue Canada reports that 65% of all income tax returns report a gross income of less than \$45,000.

G. Milosh stated that the ability to absorb another property tax increase is problematic and difficult for many residents, and in his opinion, the Region has an opportunity and a duty to use every possible means of minimizing and stabilizing property taxes, at least in the short term, and he believes that opportunity rests within the utilization of the Region's considerable reserves.

G. Milosh asked that as the Region proceeds with budget planning, to use these reserves, especially the General Levy Stabilization reserve which exists for that very purpose.

G. Milosh responded to questions from the members of Council.

Moved by Councillor Smith, Seconded by Councillor Brenner,
(278) That the Rules of Procedure be suspended in order to permit Carion Fenn to appear as a delegation with respect to Durham Mental Health Day.
CARRIED on a 2/3rds Vote

7.2 Carion Fenn, Carion Fenn Foundation, re: Durham Mental Health Day, October 10, 2019.

Carion Fenn appeared on behalf of the Carion Fenn Foundation with respect to Durham Mental Health Day, October 10, 2019 and the Together We Are Stronger Campaign. Highlights from her presentation included:

- Details about the Carion Fenn foundation
 - Increase awareness and support for mental health
 - Foundation is a registered charity
- First proclamation in Pickering for Durham Mental Health Day
- Proclamation in Ajax
- Proclamation in Whitby
- On May 7th MPP Rod Phillips and Carion Fenn hosting a luncheon at Queen's park to provide an opportunity to speak to MPP's about what is happening in our Region with regards to mental health
- Upcoming events

Bianca Albanese, Executive Vice President, Carion Fenn Foundation, outlined various programs that the foundation is involved with including an annual health expo, youth and seniors programs, adopt a park program participant, and various other community events.

B. Albanese advised that the Foundation's vision for mental health is to raise awareness and provide information; and provide support and a platform for easy access to available tools and resources.

B. Albanese outlined what mental health is and the differences between good mental health and poor mental health. She stated that 1 in 5 people will have a mental health illness in their lifetime.

B. Albanese advised that on October 10th the Foundation will hold their third annual mental health forum which will include various speakers and exhibitors.

B. Albanese outlined ways in which the Region can help including supporting and engaging in mental health programs, providing space for mental health programs, offering funding through grants and sponsorships, enhance strategies that support programs and resources to address issues like gambling and addictions, and celebrate Durham Mental Health Day with proclamations and flag raisings.

C. Fenn responded to questions from the members of Council.

7.3 Dave Paterson and Scott Paterson, re: Royal Ashburn Golf Club – Development Charge Appeal [Item 11.1 – Other Business]

At this point in the meeting Councillor Nicholson made a declaration of interest under the Municipal Conflict of Interest Act with respect to Item 11.1 under Other Business regarding Development Charges for the Royal Ashburn Golf Club. He indicated that his son is employed by the Golf Club's direct competitor. He did not take part in the discussions or vote on the matter.

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.

D. 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 type of project and total development charges were \$19,539.88, with a Regional charge of \$7,104.00. He also noted the increase in development charges since Woodensticks constructed their cabins.

D. 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. He added that the cabins are to compliment their existing business and provide an opportunity for overnight accommodation.

D. Paterson asked that the seasonal nature of their business be considered and noted that it is not addressed in the current by-law. He added that they are constructing the cabins to complement their existing business as an opportunity to increase revenue and were not aware that the by-law was being reviewed as they are not developers.

D. Paterson stated that the Development Charges Complaint Committee was concerned about precedent setting if an exception was made for Royal Ashburn Golf Club. He advised that golf courses are assessed by the Municipal Property Assessment Corporation (MPAC), and noted that the more revenue they receive, the more they pay in taxes each year and that this is unique to golf courses

Moved by Councillor Kerr, Seconded by Councillor Foster,
(279) That D. Paterson be granted a one-time two minute extension to finish his delegation.

CARRIED

D. Paterson stated his opinion that if MPAC can make an exception he feels the Region and Municipality can also make an exception. He stated that he believes the MPAC model negates any precedent setting.

D. Paterson responded to questions from the members of Council.

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]

Lillian Kuehn, Ajax resident, appeared before Council with respect to the concerns over equitable distribution of costs for the watermain construction on Range Road and Ontoro Boulevard, in the Town of Ajax. A copy of her delegation and supporting documents was provided as a handout.

Highlights from her presentation included:

- Petition Vote Result Distribution – 44 Votes
- Fee Distribution
- Frontage Fee relative to Assessed Value
- Distribution of Cost is not equitable
- Ontario Regulation 586/06
- Alternate Scenarios – Just and Equitable Basis

L. Kuehn stated that the distribution of costs of the public portion of the watermain construction along Range Road and Ontoro Boulevard using only “frontage fees” and the way the petition votes are weighted, unfairly burden a specific group of homeowners. She noted that the frontage fees being charged ranged from \$6,000 to \$225,000 per property.

L. Kuehn stated that lots in the area can no longer be subdivided as they are in the Greenbelt and each will only get one water connection. She added that the smaller lots will benefit more and are paying less for the connections.

Moved by Councillor Carter, Seconded by Councillor Lee,
(280) That L. Kuehn be granted a one-time two minute extension to finish her delegation.

CARRIED

L. Kuehn referenced Ontario Regulation 586/06, Section 16: Reductions and increases in special charges, and Section 17: Reduction in special charges, highlighting the phrase “adjust that amount on a just and equitable basis as compared with the other specially charged lots”. She stated this was not done in this petition and the full lot frontage was used to determine the distribution of costs.

L. Kuehn suggested the following alternate scenarios for the distribution of costs of the public portion of the watermain construction:

- Equal Benefit for Equal Cost ~ \$33,000
- Distribute costs based on assessed value
- Cap Frontages > 30m at 30m - recalculate cost/m
 - Cost \$/m = \$1,284
 - Frontage Fees range - \$14,055 - \$38,554
- Cap Frontages > 30m at 30m – Municipality assumes the difference
- Municipality determines lower special charges for certain lots
- Treat the properties different based on zoning
- Modify Zoning to allow the larger lots to gain an increased benefit
- Rerouting the pipeline to avoid the no votes
- Consider other forms of cost recovery

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

8. Notice of Motions

There were no notices of motions.

Moved by Councillor Foster, Seconded by Councillor Roy,
(281) That the agenda be altered in order to consider Item 11.1 of Other Business next.

CARRIED

11. Other Business

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

[CARRIED AS AMENDED] [SEE MOTION (283) ON PAGE 12]

Moved by Councillor Foster, Seconded by Councillor Lee,
(282) That 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, be confirmed.

CARRIED AS AMENDED
(See Following Motion)

Moved by Councillor Michell, Seconded by Councillor Mulcahy,
(283) That the main motion (282) of Councillors Foster and Lee to adopt the recommendations contained in Item 11.1 of Other Business be amended by adding the following after the word “confirmed”:

“and further, that staff be requested to review the Development Charges requirements where the matter involves seasonality and where a Regional service (i.e. Transit) is not impacted by the proposed development.”

CARRIED

The main motion (282) of Councillors Foster and Lee to adopt the recommendations contained in Item 11.1 of Other Business was then put to a vote and CARRIED AS AMENDED.

9. Committee Reports

9.1 Report of the Finance and Administration Committee

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

[CARRIED]

- 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)
[CARRIED]

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)
[CARRIED]

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)
[CARRIED] [SEE MOTIONS 285 AND 286 ON PAGE 15, AND MOTION (297) ON PAGE 31]

- 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)
[CARRIED]

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)
[CARRIED]
 - 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)
[CARRIED]
 - 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)
[CARRIED]

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

Moved by Councillor Foster, Seconded by Councillor Drew,
(284) That the recommendations contained in Items 1 to 3 and 5 to 8 of the Seventh Report of the Finance and Administration Committee be adopted.
CARRIED

Moved by Councillor Foster, Seconded by Councillor Drew,
(285) That the recommendations contained in Item 4 of the Seventh Report of the Finance and Administration Committee be adopted.
CARRIED LATER IN THE MEETING
(See Following Motion)

Moved by Councillor Chapman, Seconded by Councillor John Neal,
(286) That consideration of Item 4 of the Seventh Report of the Finance and Administration Committee be deferred to after the "Other Business" section of the agenda in order to go into a closed meeting session.
CARRIED

[See page 31 of these minutes]

9.2 Report of the Health and Social Services Committee

1. Region of Durham Paramedic Services (RDPS) Ambulance/AVL Vehicle Purchases and Standardization (2019-MOH-5)
[CARRIED]
 - 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)
[CARRIED]
 - 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)
[CARRIED]

- 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)
[CARRIED]

- 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)
[CARRIED]

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)
[CARRIED]

- 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)
[CARRIED]

- 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.

Moved by Councillor Chapman, Seconded by Councillor Carter,

- (287) That the recommendations contained in Items 1 to 7, inclusive of the Seventh Report of the Health and Social Services Committee be adopted.

CARRIED

9.3 Report of the Planning and Economic Development Committee

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

[CARRIED]

- 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)
[CARRIED]
 - 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)
[CARRIED]
 - 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)
[CARRIED]
 - 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)
[CARRIED]

- 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)
[CARRIED]
- 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)
[CARRIED]
- 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)
[CARRIED]
- 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.

Moved by Councillor Ryan, Seconded by Councillor Hight,
(288) That the recommendations contained in Items 1 to 8, inclusive of the Seventh Report of the Planning and Economic Development Committee be adopted.

CARRIED

9.4 Report of the Works Committee

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

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)
[CARRIED]
 - 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)
[CARRIED]
 - 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)
[CARRIED]
 - 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)
[CARRIED]
- 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)
[CARRIED]
- 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; and
 - 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)
[CARRIED]
- 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)
[CARRIED ON A RECORDED VOTE] [SEE MOTION 290 on PAGES 28 and 29]

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

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

- 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)
[CARRIED]
- 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)
-
- [CARRIED]

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)
-

[CARRIED]

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

- Moved by Councillor Mitchell, Seconded by Councillor Barton,
(289) That the recommendations contained in Items 1 to 10 and 12 to 15 of the Seventh Report of the Works Committee be adopted.

CARRIED

- Moved by Councillor Mitchell, Seconded by Councillor Barton,
(290) That the recommendation contained in Item 11 of the Seventh Report of the Works Committee be adopted.

CARRIED ON THE FOLLOWING RECORDED
VOTE:

Yes

Councillor Ashe
Councillor Carter
Councillor Chapman
Councillor Collier
Councillor Drew
Councillor Highet
Councillor Kerr
Councillor Leahy
Councillor Lee
Councillor Marimpietri
Councillor McLean
Councillor Mitchell
Councillor Mulcahy
Councillor Roy
Councillor Ryan
Councillor Smith
Councillor Wotten
Councillor Yamada
Regional Chair Henry

No

Councillor Barton
Councillor Brenner
Councillor Crawford
Councillor Foster
Councillor John Neal
Councillor Nicholson

Members Absent: Councillor Anderson
Councillor Bath-Hadden
Councillor Dies
Councillor Joe Neal

Declarations of Interest: None

Moved by Councillor Chapman, Seconded by Councillor Leahy,
(291) That Council recess for lunch.

MOTION DEFEATED ON THE FOLLOWING
RECORDED VOTE:

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

Members Absent: Councillor Anderson
Councillor Bath-Hadden
Councillor Joe Neal

Declarations of Interest: None

9.5 Report of the Committee of the Whole

1. Organics Management Solution – Expression of Interest Process and Next Steps Including Site Identification Criteria and Anti-Lobbying Protocol
[\(2019-COW-22\)](#)

[CARRIED]

- 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)
[CARRIED]

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

Moved by Councillor Regional Chair Henry, Seconded by Councillor Crawford, (292) That the recommendations contained in Items 1 and 2 of the Fifth Report of the Committee of the Whole be adopted.

CARRIED

10. Unfinished Business

There was no unfinished business to be considered.

11. Other Business

- 11.1 Report #1 of the Development Charges Complaint Committee, re: The Royal Ashburn Golf Club
[CARRIED AS AMENDED] [SEE MOTIONS 282 AND 283 ON PAGE 12]

This item was considered earlier in the meeting. See Item 11.1 on page 12 of these minutes.

- 11.2 Report #2019-WR-10 from the Acting Commissioner of Works re: City of Edmonton Waste Management Centre
[CARRIED]

Moved by Councillor Collier, Seconded by Councillor Leahy, (293) That Report #2019-WR-10 from the Acting Commissioner of Works, re: City of Edmonton Waste Management Centre, be received for information.

CARRIED

9.1 Report of the Finance and Administration Committee

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)
[CARRIED] [SEE MOTION 297 ON PAGE 31]
- 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.

Moved by Councillor John Neal, Seconded by Councillor Leahy,
(294) That the meeting be closed to the public in order to discuss a matter that is subject to the receiving of advice that is subject to solicitor-client privilege with respect to approval of the negotiated resolution between Covanta Durham York Renewable Energy Limited Partnership (“Covanta”) and the Owners for the 2017 Reconciliation.

CARRIED

Moved by Councillor Hight, Seconded by Councillor Lee,
(295) That Council recess for ten minutes.

CARRIED

Council recessed at 1:23 PM and reconvened at 1:31 PM

(Refer to the closed Council meeting minutes of September 25, 2019.)

Regional Chair Henry advised that during the closed meeting session there was an exchange of information between Council and staff pertaining to the Confidential Attachment to Report #2019-A-30 of the Commissioner of Corporate Services. He advised that during the closed session there were no decisions, motions or recommendations made as it relates to Item 4 of the Seventh Report of the Finance and Administration Committee.

Moved by Councillor Foster, Seconded by Councillor Drew,
(297) That the recommendation contained in Item 4 of the Seventh Report of the Finance and Administration Committee be adopted.

CARRIED

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 7th 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 7th 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.

Moved by Councillor Ashe, Seconded by Councillor Lee,
(298) That By-law Numbers 40-2019 to 45-2019, inclusive be passed.

CARRIED

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.

Moved by Councillor Ashe, Seconded by Councillor Lee,
(299) That By-law Number 46-2019 being a by-law to confirm the proceedings of the Council of the Regional Municipality of Durham at their meeting held on September 25, 2019 be passed.

CARRIED

14. Adjournment

Moved by Councillor Wotten, Seconded by Councillor Dies,
(300) That the meeting be adjourned.

CARRIED

The meeting adjourned at 1:42 PM

Respectfully submitted,

John Henry, Regional Chair & CEO

Ralph Walton, Regional Clerk