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The Regional Municipality of Durham

MINUTES

REGIONAL COUNCIL

Wednesday, November 25, 2020

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. Electronic participation was offered for this meeting.

Regional Chair Henry assumed the Chair.

1. Traditional Territory Acknowledgment

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.

2. Roll Call

A roll call was taken by the Regional Clerk and the following members were present:

Councillor Anderson
Councillor Ashe
Councillor Barton
Councillor Carter
Councillor Chapman
Councillor Collier
Councillor Crawford
Councillor Dies
Councillor Drew
Councillor Foster
Councillor Highet
Councillor Kerr
Councillor Lee
Councillor Marimpietri
Councillor McLean
Councillor Mitchell
Councillor Mulcahy
Councillor John Neal
Councillor Joe Neal

Councillor Nicholson
Councillor Pickles
Councillor Roy
Councillor Ryan
Councillor Smith
Councillor Wotten
Councillor Yamada
Regional Chair Henry

*** all members of Council, except the Regional Chair, participated electronically**

Councillor Bath-Hadden was absent due to illness

Councillor Schummer appeared on behalf of Councillor Bath-Hadden as the alternate for the Township of Brock

3. Declarations of Interest

Councillor Foster made a declaration of interest under the Municipal Conflict of Interest Act with respect to CC 48: Confidential Memorandum from Jason Hunt, Director of Legal Services, dated November 13, 2020 re: Mixed Waste Transfer and Pre-Sort Anaerobic Digestion Facility, Clarington Host Community Agreement Dispute, and CC 59: Supplementary Confidential Correspondence from the Municipality of Clarington dated November 24, 2020 regarding the Mixed Waste Transfer and Pre-Sort Anaerobic Digestion Facility Host Community Agreement Dispute. He indicated that he had received advice from the Integrity Commissioner suggesting that he would be unable to separate his responsibilities as a Regional Councillor and a Municipal Councillor in the matter of receiving legal advice that is subject to solicitor-client privilege with respect to this matter.

Councillor Anderson made a declaration of interest under the Municipal Conflict of Interest Act with respect to CC 48: Confidential Memorandum from Jason Hunt, Director of Legal Services, dated November 13, 2020 re: Mixed Waste Transfer and Pre-Sort Anaerobic Digestion Facility, Clarington Host Community Agreement Dispute, and CC 59: Supplementary Confidential Correspondence from the Municipality of Clarington dated November 24, 2020 regarding the Mixed Waste Transfer and Pre-Sort Anaerobic Digestion Facility Host Community Agreement Dispute. He indicated that he had received advice from the Integrity Commissioner suggesting that he would be unable to separate his responsibilities as a Regional Councillor and a Municipal Councillor in the matter of receiving legal advice that is subject to solicitor-client privilege with respect to this matter.

Councillor Marimpietri made a declaration of interest under the Municipal Conflict of Interest Act with respect to the CC 48: Confidential Memorandum from Jason Hunt, Director of Legal Services, dated November 13, 2020 re: Mixed Waste Transfer and Pre-Sort Anaerobic Digestion Facility, Clarington Host Community Agreement Dispute and CC 59: Supplementary Confidential Correspondence from the Municipality of Clarington dated November 24, 2020 regarding the Mixed Waste Transfer and Pre-Sort Anaerobic Digestion Facility Host Community Agreement Dispute. He indicated that family members own property and reside in the area and may be affected by a private Anaerobic Digestion facility in the area.

4. Adoption of Minutes

Moved by Councillor Lee, Seconded by Councillor Marimpietri,
(337) That the minutes of the Regular Regional Council meeting held on October 28, 2020 be adopted.

CARRIED

Moved by Councillor Marimpietri, Seconded by Councillor Leahy,
(338) That the minutes of the Closed Regional Council meeting held on October 28, 2020 be adopted.

CARRIED

Moved by Councillor Pickles, Seconded by Councillor Drew,
(339) That the minutes of the Regular Committee of the Whole meeting held on November 12, 2020 be adopted.

CARRIED

5. Presentations

5.1 Marusia Laschuk, Director, Family Services and John Riches, Assistant Director and Deputy Chief, Paramedic Services re: Non-Police-Led Mental Health Mobile Crisis Response in Durham Region

Marusia Laschuk, Director, Family Services and John Riches, Assistant Director and Deputy Chief, Paramedic Services provided a PowerPoint Presentation with regards to Non-Police-Led Mental Health Mobile Crisis Response in Durham Region.

Highlights of the presentation included:

- Motion to Investigate Non-Police-Led Crisis Response Team in the Durham Region
- DRPS – Oshawa Downtown Report – June 2020
- Mental Health 911 calls in Durham Region
- DRPS Mental Health Support Unit
- Non-Police-Led Mobile Crisis Response
 - What It Is

- Non-Police-Led Mobile Crisis Response Models
 - Why It Is Important
 - Typical Features
- PAM: Non-Police-Led Crisis Response Model (Primary Response)
- PAM: Efficacy
- CAHOOTS: Non-Police-Led Crisis Response Model (Primary Response)
- CAHOOTS: Efficacy
- STAR: Non-Police-Led Crisis Response Model (Primary Response)
- CHP: Non-Police-Led Crisis Response Model (Primary Response)
- MHART: Non-Police-Led Mobile Response
- MHART: Efficacy
- Next Steps – Planning/Priorities

J. Riches and N. Laschuk responded to questions from Council.

Moved by Councillor Collier, Seconded by Councillor Chapman,
(340) That the agenda be altered in order to consider Council Correspondence Items CC 51, CC 52, CC 53, CC 54, and CC 55, and Notice of Motion Item 10.1, after Item 6.1 Delegations and with Item 7.1 Report #2020-P-26.

CARRIED

6. Delegations

- 6.1 Chris Darling, Chief Administrative Officer, Central Lake Ontario Conservation Authority re: Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures) – Changes to the Conservation Authorities Act and Planning Act (2020-P-26) [Reports related to Delegations/Presentations – Item 7.1]

Chris Darling, Chief Administrative Office, Central Lake Ontario Conservation Authority, appeared before Regional Council regarding Report #2020-P-26: Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures) – Changes to the Conservation Authorities Act and Planning Act.

C. Darling advised that Bill 229 through Schedule 6 proposes amendments to the Conservation Authorities Act, that will significantly hinder the ability of conservation authorities to protect development from natural hazards; and will create more red tape and costs for the conservation authorities, our municipal partners, while causing delays in the development process.

C. Darling highlighted the following concerns:

- The Province is proposing to allow the Minister to issue an order to take over and decide on permit applications for activities in regulated areas, similar to a Minister Zoning Order. This new proposed power to issue permits removes any transparency to the decision-making process and more importantly it removes local technically sound decision making that conservation authorities provide, putting people and property at risk to flooding and erosion
- The amendments also propose new appeal avenues for permit applications giving applicants the ability to appeal decisions to the Minister and the Local Planning Appeal Tribunal. These new appeal avenues will add complexity to the permitting process, add more red tape, result in delays in processing applications and increase conservation authority legal expenses
- Schedule 6 will remove the unproclaimed provision which would allow conservation authorities to issue stop work orders to persons carrying out activities that are contravening the Act
- The proposal to remove conservation authorities as public bodies under the Planning Act which means their ability to appeal planning decisions or be a party to a planning appeal is lost and CA's will no longer be able to participate in negotiated settlements
- Schedule 6 also includes a number of proposed clauses that allow the Minister to dictate standards and requirements for programs and services that Conservation Authorities provide on behalf of our municipal partners

C. Darling concluded that at the recent CLOCA Board of Directors meeting, they considered a staff report on Schedule 6 to Bill 229 and approved a resolution asking the Province to simply remove Schedule 6 from Bill 229.

C. Darling responded to questions from Council.

8. Communications

CC 51 Alisa Mahrova, Clerk and Manager, Policy, Toronto and Region Conservation Authority, dated November 17, 2020 re: Impact of Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020

[See Motion (340) on page 4 of these minutes]

CC 52 Correspondence from Chris Darling, Chief Administrative Officer, Central Lake Ontario Conservation Authority re: Bill 229 An Act to implement Budget Measures and to enact, amend and repeal various statutes

[See Motion (340) on page 4 of these minutes]

CC 53 Correspondence from Mike Walters, Chief Administrative Officer, Lake Simcoe Region Conservation Authority re: Provincial Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020

[See Motion (340) on page 4 of these minutes]

CC 54 Correspondence from David Crombie, Chair, Greenbelt Council re: Removal of Schedule 6 from Ontario Bill 229

[See Motion (340) on page 4 of these minutes]

CC 55 Correspondence from Linda Laliberte, Chief Administrative Officer/Secretary-Treasurer, Ganaraska Region Conservation Authority re: Provincial Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020

[See Motion (340) on page 4 of these minutes]

10. Notice of Motions

10.1 Proposed Changes to the Conservation Authorities Act (Bill 229)

Councillors Collier and Dies advised they would not be proceeding with the Notice of Motion and the motion was WITHDRAWN.

7. Reports related to Delegations/Presentations

7.1 Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures) – Changes to the Conservation Authorities Act and Planning Act (2020-P-26)
[CARRIED AS AMENDED] [SEE MOTION (342) ON PAGE 7]

Moved by Councillor Leahy, Seconded by Councillor Lee,

(341) A) That Report #2020-P-26 of the Commissioner of Planning and Economic Development be endorsed and submitted to the Minister of Environment, Conservation and Parks, and the Minister of Natural Resources and Forestry as Durham Region's response to Schedule 6 – Conservation Authorities Act, including the consequential amendment of the Planning Act, of Bill 229, Protect, Support and Recover from COVID-19 Act. Key recommendations are that the province:

- i) Reconsider the passing of Schedule 6 of Bill 229, Protect, Support and Recover from COVID 19 Act;
- ii) Work with the conservation authorities and municipalities to address their concerns related to the proposed amendments to the Conservation Authorities Act and the Planning Act, and then make a subsequent determination whether these changes need to be made;

- iii) Fund any non-mandatory programs or services that the Ministry of Natural Resources and Forestry puts forward in regulation, for the province's purposes, so that the funding commitment does not become the responsibility of the CA municipal funding partners;
 - iv) Have the CA Act specify that municipally elected officials appointed to the conservation authority Board of Directors must be representatives from the municipal corporations who are responsible for providing the funding to the conservation authority;
 - v) If Bill 229 with Schedule 6 is passed, provide a transition period until December 2022 to enable coordination of CA-municipal budget processes;
 - vi) Recognize the province's long-standing partnership with the conservation authorities and provide conservation authorities with the tools and financial resources they need to effectively implement their watershed management role; and
- B) That a copy of Report #2020-P-26 be forwarded to Durham's MPPs, Conservation Ontario, the Region's five partner conservation authorities and the area municipalities.

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

Moved by Councillor Chapman, Seconded by Councillor Mitchell,

(342) That the main motion (341) of Councillors Leahy and Lee be amended in Part A) i) to delete the words, "Reconsider the passing of" and to add the words, "be removed" to the end of the sentence, so that it now reads as follows:

- i) Schedule 6 of Bill 229, Protect, Support and Recover from COVID 19 Act, be removed;

CARRIED ON THE FOLLOWING RECORDED
VOTE:

Yes

Councillor Anderson
Councillor Barton
Councillor Chapman
Councillor Collier
Councillor Crawford
Councillor Dies
Councillor Drew
Councillor Foster
Councillor Highet
Councillor Kerr

No

Councillor Ashe
Councillor Joe Neal
Councillor Pickles
Councillor Ryan
Councillor Schummer

Councillor Leahy
Councillor Lee
Councillor Marimpietri
Councillor McLean
Councillor Mitchell
Councillor Mulcahy
Councillor John Neal
Councillor Nicholson
Councillor Roy
Councillor Smith
Councillor Wotten
Councillor Yamada
Regional Chair Henry

Members Absent: Councillor Carter

Declarations of Interest: None

The main motion (341) of Councillors Leahy and Lee was then put to a vote and
CARRIED AS AMENDED ON THE FOLLOWING RECORDED VOTE:

Yes

Councillor Anderson
Councillor Barton
Councillor Carter
Councillor Chapman
Councillor Collier
Councillor Crawford
Councillor Dies
Councillor Drew
Councillor Foster
Councillor Highet
Councillor Kerr
Councillor Leahy
Councillor Lee
Councillor Marimpietri
Councillor McLean
Councillor Mitchell
Councillor Mulcahy
Councillor John Neal
Councillor Nicholson
Councillor Roy
Councillor Smith
Councillor Wotten
Councillor Yamada
Regional Chair Henry

No

Councillor Ashe
Councillor Joe Neal
Councillor Pickles
Councillor Ryan
Councillor Schummer

Members Absent: None

Declarations of Interest: None

8. Communications

CC 48 Confidential Memorandum from Jason Hunt, Director of Legal Services, dated November 13, 2020 re: Mixed Waste Transfer and Pre-Sort Anaerobic Digestion Facility, Clarington Host Community Agreement Dispute

Moved by Councillor Drew, Seconded by Councillor Smith,

(343) That Council Correspondence CC 48 from Jason Hunt, Director of Legal Services, dated November 13, 2020 re: Mixed Waste Transfer and Pre-Sort Anaerobic Digestion Facility, Clarington Host Community Agreement Dispute be deferred until the end of the meeting.

CARRIED

CC 49 Correspondence from Kevin Ashe, Chair, Durham Regional Police Services Board, dated November 18, 2020 re: Durham Regional Police Services Action Plan for Enhancing Trust and Confidence in Policing in Durham Region

Moved by Councillor Crawford, Seconded by Councillor Kerr,

(344) That Council Correspondence CC 49 from Kevin Ashe, Chair, Durham Regional Police Services Board, dated November 18, 2020 re: Durham Regional Police Services Action Plan for Enhancing Trust and Confidence in Policing in Durham Region, be referred to the new Diversity, Equity and Inclusion Division of the Chief Administrative Office and include discussions with local diversity groups.

CARRIED

CC 50 Don Beaton, Commissioner of Corporate Services, writing to Regional Chair Henry and Members of Regional Council regarding Follow-up to Report 2020-A-22: Additional Lieu Time in Compensation of Overtime – Management/Exempt – COVID-19 Related

Moved by Councillor Chapman, Seconded by Councillor Barton,

(345) That Council Correspondence CC 50 from Don Beaton, Commissioner of Corporate Services, writing to Regional Chair Henry and Members of Regional Council regarding Follow-up to Report 2020-A-22: Additional Lieu Time in Compensation of Overtime – Management/Exempt – COVID-19 Related be referred to consideration of Report 2020-A-22.

CARRIED

- CC 51 Alisa Mahrova, Clerk and Manager, Policy, Toronto and Region Conservation Authority, dated November 17, 2020 re: Impact of Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures)

This item was considered with earlier in the meeting. See motion (340) on page 4 of these minutes.

- CC 52 Correspondence from Chris Darling, Chief Administrative Officer, Central Lake Ontario Conservation Authority re: Bill 229 An Act to implement Budget Measures and to enact, amend and repeal various statutes

This item was considered with earlier in the meeting. See motion (340) on page 4 of these minutes.

- CC 53 Correspondence from Mike Walters, Chief Administrative Officer, Lake Simcoe Region Conservation Authority re: Provincial Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures)

This item was considered with earlier in the meeting. See motion (340) on page 4 of these minutes.

- CC 54 Correspondence from David Crombie, Chair, Greenbelt Council re: Removal of Schedule 6 from Ontario Bill 229

This item was considered with earlier in the meeting. See motion (340) on page 4 of these minutes.

- CC 55 Correspondence from Linda Laliberte, Chief Administrative Officer/Secretary-Treasurer, Ganaraska Region Conservation Authority re: Provincial Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures)

This item was considered with earlier in the meeting. See motion (340) on page 4 of these minutes.

- CC 56 Correspondence from Linda Gasser, Whitby Resident re: Report #2020-A-22: Additional Lieu Time in Compensation of Overtime – Management/Exempt – COVID-19 Related

Moved by Councillor Chapman, Seconded by Councillor Drew,
(346) That Council Correspondence CC 56 from Linda Gasser, Whitby Resident re: Report #2020-A-22: Additional Lieu Time in Compensation of Overtime – Management/Exempt – COVID-19 Related, be referred to consideration of Report 2020-A-22.

CARRIED

- CC 57 Confidential Memorandum from Jason Hunt, Director of Legal Services, dated November 25, 2020 re: Beaverton Supportive Housing Project Potential Litigation

Moved by Councillor Leahy, Seconded by Councillor Crawford,
(347) That Council Correspondence CC 57 from Jason Hunt, Director of Legal Services, dated November 25, 2020 re: Beaverton Supportive Housing Project Potential Litigation be deferred until the end of the meeting.

CARRIED

- CC 58 Correspondence from Greg Milosh, Oshawa Resident re: Report #2020-A-22: Additional Lieu Time in Compensation of Overtime – Management/Exempt – COVID-19 Related

Moved by Councillor Chapman, Seconded by Councillor Mulcahy,
(348) That Council Correspondence CC 56 from Greg Milosh, Oshawa Resident re: Report #2020-A-22: Additional Lieu Time in Compensation of Overtime – Management/Exempt – COVID-19 Related, be referred to consideration of Report 2020-A-22.

CARRIED

Moved by Councillor Kerr, Seconded by Councillor Drew,
(349) That Council recess for 15 minutes.

CARRIED

Council recessed at 11:10 AM and reconvened at 11:25 AM

The Regional Clerk conducted a roll call following the recess and all members of Council were present.

- CC 59 Supplementary Confidential Correspondence from the Municipality of Clarington dated November 24, 2020 regarding the Mixed Waste Transfer and Pre-Sort Anaerobic Digestion Facility Host Community Agreement Dispute

Moved by Councillor Crawford, Seconded by Councillor Barton,
(350) That Council Correspondence CC 59 from the Municipality of Clarington dated November 24, 2020 regarding the Mixed Waste Transfer and Pre-Sort Anaerobic Digestion Facility Host Community Agreement Dispute be deferred until the end of the meeting.

CARRIED

9. Committee Reports and any related Notice of Motions

9.1 Report of the Finance and Administration Committee

1. Additional Lieu Time in Compensation of Overtime – Management/Exempt – COVID-19 Related (2020-A-22)

[CARRIED ON A RECORDED VOTE]

That approval be given to the Commissioner of Corporate Services, in consultation with the Chief Administrative Officer, to authorize an additional 70 hours of lieu time to Management Employees, up to the Director role, to compensate them for their additional documented time and efforts incurred in maintaining Regional operations during the Emergency Declaration period and the COVID-19 Response efforts to date.

2. Extension of Belden Cabling Standardization, to Meet Certifications Established for Networking and Voice Over Internet Protocol Installations [\(2020-A-23\)](#)

[CARRIED]

That the standardization of Belden for replacement, upgrade, addition, and new implementation of networking and Voice over Internet Protocol cabling for Regional facilities be extended for an additional five years, until November 30, 2025.

3. Correspondence from the Municipal Finance Officers' Association of Ontario re: One-year extension of deadlines in O. Reg. 588/17: Asset Management Planning for Municipal Infrastructure under the Infrastructure for Jobs and Prosperity Act, 2015 and Sample Resolution

[CARRIED]

Whereas the COVID-19 pandemic has had significant financial and operational impacts on Ontario municipalities;

And whereas municipalities have had to divert resources towards addressing the immediate needs of the pandemic and maintaining service delivery standards despite evolving restrictions and limited funds;

And whereas the Government of Ontario has delayed timelines with respect to several pieces of legislation;

And whereas the Government of Ontario has regulated municipal asset management through O. Reg. 588/17: Asset Management Planning for Municipal Infrastructure under the Infrastructure for Jobs and Prosperity Act, 2015;

And whereas O. Reg. 588/17 mandates that every municipality shall prepare an asset management plan in respect of its core municipal infrastructure assets by July 1, 2021, and in respect of all of its other municipal infrastructure assets by July 1, 2023;

And whereas the key components of an asset management plan as required by the regulation are:

1. Infrastructure asset inventory
2. Levels of service
3. Lifecycle management and financial strategy

And whereas there is a concern amongst Municipal Finance Officers' Association of Ontario (MFOA) members and their municipalities that current capacity challenges (redeployment of staff, and lack of available resources) will result in limitations for purposeful asset management planning;

And whereas Ontario municipalities do not anticipate the current capacity challenges to be resolved in the short-term;

Now therefore be it resolved that the Region of Durham supports MFOA's letter to the Ministry of Infrastructure requesting a one-year extension of deadlines in O. Reg. 588/17: Asset Management Planning for Municipal Infrastructure under the Infrastructure for Jobs and Prosperity Act, 2015; so that all municipalities can focus on the immediate needs of the pandemic and engage in municipal asset management planning when capacity challenges are resolved.

4. Banking Agreement, Bank Signing Authority and Electronic Banking Transactions By-law Update and Repeal of Petty Cash By-law (2020-F-21)
[CARRIED]
 - A) That the Regional Chair and Regional Clerk be authorized to sign the Royal Bank of Canada Resolution regarding Banking form;
 - B) That a replacement by-law to designate persons for the purpose of signing cheques issued by the Region of Durham and to authorize electronic banking activities, generally in the form outlined in Attachment #1 to Report #2020-F-21 of the Commissioner of Finance, be approved and By-law #57-2008 be repealed;
 - C) That By-law #18-73, as amended by By-law #108-88, being a by-law governing the petty cash and imprest funds, be repealed; and,
 - D) That the Director of Legal Services be directed to prepare the necessary by-law.

Moved by Councillor Foster, Seconded by Councillor Collier,
(351) That the recommendations contained in Items 2, 3 and 4 of the Eighth Report of the Finance and Administration Committee be adopted.

CARRIED

Moved by Councillor Foster, Seconded by Councillor Collier,
(352) That the recommendations contained in Item 1 of the Eighth Report of the
Finance and Administration Committee be adopted.

CARRIED ON THE FOLLOWING RECORDED
VOTE:

Yes

Councillor Anderson
Councillor Ashe
Councillor Barton
Councillor Carter
Councillor Chapman
Councillor Collier
Councillor Crawford
Councillor Dies
Councillor Drew
Councillor Foster
Councillor Highet
Councillor Kerr
Councillor Leahy
Councillor Lee
Councillor Marimpietri
Councillor McLean
Councillor Mitchell
Councillor Mulcahy
Councillor John Neal
Councillor Nicholson
Councillor Pickles
Councillor Roy
Councillor Ryan
Councillor Schummer
Councillor Smith
Councillor Wotten
Councillor Yamada
Regional Chair Henry

No

Councillor Joe Neal

Members Absent: None

Declarations of Interest: None

9.2 Report of the Planning and Economic Development Committee

1. Durham Environmental Advisory Committee (DEAC) Membership
Appointments [\(2020-P-23\)](#)
[CARRIED]
-

- A) That Christine Doody-Hamilton be appointed as an At-Large member to the Durham Environmental Advisory Committee and that she be so advised of her appointment; and
 - B) That a copy of Report #2020-P-23 of the Commissioner of Planning and Economic Development be forwarded to the area municipalities and the Durham Environmental Advisory Committee.
2. Envision Durham – Framework for a New Regional Official Plan (2020-P-24)
[CARRIED]
- A) That Regional Council endorse the framework for the new Regional Official Plan as outlined in Report #2020-P-24 of the Commissioner of Planning and Economic Development; and
 - B) That a copy of Report #2020-P-24 be forwarded to Durham’s area municipalities, conservation authorities, the Envision Durham Interested Parties List and the Ministry of Municipal Affairs and Housing.
3. Private Request for a Minister’s Zoning Order to Permit a Home Hardware Building Centre in the Rural Area at the Southeast Corner of Rundle Road and Regional Highway 2 in the Municipality of Clarington (2020-P-25)
[DEFERRED] [SEE MOTION (356) ON PAGE 16]
- A) That Regional Council advise the Minister of Municipal Affairs and Housing that it does not support the use of a Minister’s Zoning Order to permit the establishment of a Home Hardware Building Centre in the rural area at the southeast corner of Rundle Road and Highway 2 in the Municipality of Clarington; and
 - B) That a copy of Report #2020-P-25 of the Commissioner of Planning and Economic Development be forwarded to the Municipality of Clarington.

Moved by Councillor Ryan, Seconded by Councillor Joe Neal,
(353) That the recommendations contained Items 1 and 2 of the Seventh Report of the Planning and Economic Development Committee be adopted.

CARRIED

Moved by Councillor Ryan, Seconded by Councillor Joe Neal,
(354) That the recommendation contained in Item 3 of the Seventh Report of the Planning and Economic Development Committee be adopted.
DEFERRED LATER IN THE MEETING (See Following Motions)

Moved by Councillor Joe Neal, Seconded by Councillor Yamada,
(355) That the recommendations contained in Item 3 of the Seventh Report of
the Planning and Economic Development Committee be tabled.

MOTION DEFEATED ON THE FOLLOWING
RECORDED VOTE:

Yes

Councillor Anderson
Councillor Joe Neal
Councillor Yamada

No

Councillor Ashe
Councillor Barton
Councillor Carter
Councillor Chapman
Councillor Collier
Councillor Crawford
Councillor Dies
Councillor Drew
Councillor Foster
Councillor Highet
Councillor Kerr
Councillor Leahy
Councillor Lee
Councillor Marimpietri
Councillor McLean
Councillor Mitchell
Councillor Mulcahy
Councillor John Neal
Councillor Nicholson
Councillor Pickles
Councillor Roy
Councillor Ryan
Councillor Schummer
Councillor Smith
Councillor Wotten
Regional Chair Henry

Members Absent: None

Declarations of Interest: None

Moved by Councillor Anderson, Seconded by Councillor Collier,
(356) That the recommendations contained in Item 3 of the Seventh Report of
the Planning and Economic Development Committee be deferred to the
December 16, 2020 Regional Council meeting.

CARRIED

9.3 Report of the Works Committee

1. Amendment and Renewal of Lease for Premises with First Capital Holdings (Ontario) Corporation and 1615 Dundas St. E. Commercial Centre Inc. at 1615 Dundas Street East in the Town of Whitby for the Regional Municipality of Durham Health Department, Dental Clinic and Breast-Feeding Clinic (2020-W-49)
-

[CARRIED]

- A) That an Amendment and Renewal of Lease for 437.84 square metres (4,713 square feet) of office space for the Dental Clinic located at 1615 Dundas Street East, in the Town of Whitby be approved with the following terms and conditions:
 - i) The term is for a period of one year commencing September 1, 2020, ending August 31, 2021;
 - ii) The annual rental rate for the term of the lease is \$65,982* based on a rate of \$150.69* per square metre (\$14.00 per square foot);
- B) That an Amendment and Renewal of Lease for 128.59 square metres (1,384.2 square feet) of office space for the Breast-Feeding Clinic located at 1615 Dundas Street East, in the Town of Whitby be approved with the following terms and conditions:
 - i) The term is for a period of three years commencing September 1, 2020, ending August 31, 2023;
 - ii) The annual rental rate for the three-year term of the lease is \$17,300* based on a rate of \$134.53* per square metre (\$12.50 per square foot);
- C) That in addition to the terms noted in Recommendations A and B, the following terms apply to the lease renewals:
 - i) The Regional Municipality of Durham is responsible for all operating costs for the leased premises, including janitorial services, repairs and maintenance for the premises at approximately \$6.59* per square foot and a proportionate share of property taxes;
 - ii) The Landlord is responsible for repairs and maintenance for the structure of the building, the premises and for the parking lot; and

- D) That the Regional Chair and Clerk be authorized to execute all documents associated with the Amendment and Renewal of Lease agreement.
(*) before applicable taxes in all instances

Moved by Councillor Mitchell, Seconded by Councillor Barton,
(357) That the recommendations contained in Item 1 of the Eighth Report of the Works Committee be adopted.

CARRIED

9.4 Report of the Committee of the Whole

1. Master Housing Strategy (2020-COW-27)
[CARRIED AS AMENDED] [SEE MOTION (360) ON PAGE 22]
 - A) That the Region of Durham's Master Housing Strategy (Attachment #1 to Report #2020-COW-27) be approved;
 - B) That \$2 million from the Housing Development Charge (DC) Reserve Fund and \$1 million from the Social Housing Reserve Fund (\$3 million) total be allocated to facilitate the development of affordable housing through the issuance of a Request for Proposal (RFP) for affordable rental housing development, under terms and conditions satisfactory to the Commissioner of Finance and the Commissioner of Social Services, with recommended rental housing projects being brought forward to Regional Council for approval;
 - C) That to support the sustainability of community housing a one-time contribution of \$1 million from the surplus sharing portion of the Social Housing Reserve Fund be allocated to establish a new Community Housing Sustainability Revolving Loan Fund, under terms and conditions satisfactory to the Commissioner of Finance;
 - D) That to further support the sustainability of community housing, community housing providers be allowed to maintain 100 per cent of their calculated operating surplus effective for fiscal years starting after December 31, 2019, and housing providers be required to direct at least 50 per cent (equivalent to the Region's previous share) into their capital reserve fund, subject to the same capital spending requirements; and
 - E) That to ensure full federal/provincial funding is utilized, \$75,000 of Ontario Priorities Housing Initiative (OPHI) year 2 funding, previously allocated to Home Ownership (Report #2019-COW-13) be reallocated to Rental Development, and that this amount be added to the \$2,137,535 previously approved for the expedited supportive housing development project located in Beaverton (Report #2020-SS-9).

Revised OPHI Year 2 (2020-2021) Investment Plan

		Component	Year 2 2020 - 2021 Alloc ation (\$)	Revi sed Year 2 2020 - 2021 Alloc ation (\$)	Differ ence (\$)
(i)	COCHI Capital	Repair	287, 730	287, 730	0
		COCHI Subtotal	287, 730	287, 730	0
	OPHI Capital	Home Repair	0	0	0
	OPHI Capital	Home Ownership	100, 000	25,0 00	(75,0 00)
	OPHI Capital	Rental	2,13 7,53 5	2,21 2,53 5	75,00 0
		OPHI Subtotal	2,23 7,53 5	2,23 7,53 5	0
		Administra tion	117, 765	117, 765	0
		TOTAL	<u>2,64</u> <u>3,03</u> <u>0</u>	<u>2,64</u> <u>3,03</u> <u>0</u>	<u>0</u>

- F) That as part of the revitalization plans of the Regionally owned Durham Regional Local Housing Corporation (DRLHC) portfolio as identified in the Master Housing Strategy, a comprehensive consultation plan involving DRLHC tenants, neighbouring property owners and elected officials that includes, but is not limited to form, size and type of development, be presented to Regional Council for endorsement.

2. Community Housing Projects in Difficulty as at September 30, 2020 (2020-COW-28)
[CARRIED]

That in order to ensure the sustainability of affected Community Housing Providers, the costs for receivership for the management of projects in difficulty be funded from the Social Housing Reserve Fund and that this policy be applied on a retroactive basis.

3. Durham Broadband Stage Two Funding Application for the Provincial Improving Connectivity for Ontario (ICON) Program (2020-COW-29)
[CARRIED]

- A) That staff take the necessary steps to enter into new partnerships with additional project partner(s) for the Region's Improving Connectivity for Ontario (ICON) Stage 2 application;
- B) That Council authorize the Chief Administrative Officer to execute necessary agreements with co-applicant(s) in order to support the ICON Stage 2 application, in a form satisfactory to the Director of Legal Services; and
- C) That due to the recent information provided by the Province of Ontario regarding a change to the evaluation criteria for Stage 2 applications under the Provincial ICON program, authorization be granted to expand the scope of the current consulting contract with IBI Group (RC00002456). The expanded scope should include an analysis of last mile broadband connectivity to unserved/underserved communities within Durham Region, with additional financing not to exceed \$75,000 to be financed at the discretion of the Commissioner of Finance.

4. Environmental Registry of Ontario (ERO) #019-2579 Proposed Blue Box Regulation (2020-COW-30)
[CARRIED]

- A) That the attached comments (Attachment #2 to Report #2020-COW-30) be endorsed by Regional Council and submitted to the Ministry of Environment, Conservation and Parks as official comments on the draft Blue Box Regulation under the Resource Recovery and Circular Economy Act, 2016 to make producers responsible for municipal Blue Box programs;
- B) That staff be authorized to work with the Producer Responsibility Organization(s) when established to develop options for the future collection of Blue Box materials from the local Business Improvement Areas currently receiving municipal Blue Box collection and report back to Regional Council on the available options, if any; and

C) That staff be directed to undertake a valuation of the Regional Municipality of Durham's Material Recovery Facility, located at 4590 Garrard Road in the Town of Whitby and options for its future use, after the Regional Municipality of Durham has transitioned its Blue Box program, and report back to Regional Council.

5. Extension of Existing Agreements and required Amendments with Bell Canada for Wide Area Network and Internet Access Services (2020-COW-32)
[CARRIED]

That the existing agreement with Bell Canada for the provision of Wide Area Network and Internet Access Services be extended for an additional five years plus two optional one-year extensions at an estimated annual value of \$1,590,000, in order to allow for the Regional Network to transition to the Regional Broadband project without interruption to services currently provided.

6. Impact of the Business Education Tax (BET) Reductions on Municipalities with Payment in Lieu (PIL) Properties
[CARRIED]

Whereas the 2020 Ontario Budget was tabled in the Ontario Legislature on November 5, 2020;

Whereas the Provincial Budget proposes to lower all Business Education Tax (BET) rates to a rate of 0.88 percent for commercial and industrial properties beginning in 2021;

Whereas the Province has indicated that they will adjust payments to school boards to offset the reduction in education property taxes;

Whereas the current 2020 BET rates in Durham are 0.98 percent for commercial and 1.25 percent for industrial;

Whereas a substantial reduction will occur in the BET rates in Durham, to the benefit of all commercial and industrial property owners during these challenging economic times;

Whereas the Region of Durham, for example the Municipality of Clarington and the City of Pickering, are host to two nuclear facilities which fall under the Payment in Lieu (PIL) category of property taxation with significant assessed values in the commercial and industrial tax classes;

Whereas under the current property tax regulations, the education share of the majority of PIL properties are retained by the host local municipality;

Whereas the proposed reduction in the BET will have a significant negative financial impact to both the Municipality of Clarington and the City of Pickering, along with all Durham municipalities with PILs;

Now therefore be it resolved that the Province of Ontario be requested to review the impact of the BET reductions on municipalities with PIL properties within their boundaries and implement appropriate mitigation measures to offset the lost education taxation funds retained by municipalities such as direct funding, exclusion of PIL properties from the BET reductions or some other mechanism to keep those municipalities financially whole;

And that this resolution be forwarded to the Premier of Ontario, Durham MPP's, Minister of Finance and Minister of Municipal Affairs, Durham Region Municipalities, Association of Municipalities of Ontario, Municipal Finance Officers Association of Ontario, and Ontario Municipal Tax and Revenue Association.

Moved by Councillor Carter, Seconded by Councillor Pickles,
(358) That the recommendations contained in Items 2 to 6 inclusive of the Sixth Report of the Committee of the Whole be adopted.

CARRIED

Moved by Councillor Carter, Seconded by Councillor Pickles,
(359) That the recommendations contained in Item 1 of the Sixth Report of the Committee of the Whole be adopted.

CARRIED AS AMENDED ON A RECORDED
VOTE (See Following Motion)

Moved by Councillor Nicholson, Seconded by Councillor Chapman,
(360) That the main motion (359) of Councillors Carter and Pickles to adopt the recommendations contained in Item 1 of the Sixth Report of the Committee of the Whole be amended by adding the following as a new Part F):

F) That as part of the revitalization plans of the Regionally owned Durham Regional Local Housing Corporation (DRLHC) portfolio as identified in the Master Housing Strategy, a comprehensive consultation plan involving DRLHC tenants, neighbouring property owners and elected officials that includes, but is not limited to form, size and type of development be presented to Regional Council for endorsement.

CARRIED

The main motion (359) of Councillors Carter and Pickles was then put to a vote and CARRIED AS AMENDED ON THE FOLLOWING RECORDED VOTE:

<u>Yes</u>	<u>No</u>
Councillor Anderson	None
Councillor Ashe	
Councillor Barton	
Councillor Carter	
Councillor Chapman	
Councillor Collier	
Councillor Crawford	
Councillor Dies	
Councillor Drew	
Councillor Foster	
Councillor Highet	
Councillor Kerr	
Councillor Leahy	
Councillor Lee	
Councillor Marimpietri	
Councillor McLean	
Councillor Mitchell	
Councillor Mulcahy	
Councillor Joe Neal	
Councillor John Neal	
Councillor Nicholson	
Councillor Pickles	
Councillor Roy	
Councillor Ryan	
Councillor Schummer	
Councillor Smith	
Councillor Wotten	
Councillor Yamada	
Regional Chair Henry	

Members Absent: None

Declarations of Interest: None

10. Notice of Motions

- 10.1 Proposed Changes to the Conservation Authorities Act (Bill 229)
[MOTION WITHDRAWN EARLIER IN THE MEETING] [SEE ITEM 10.1 ON
PAGE 6 OF THESE MINUTES]

10.2 Clarification on Minister's Zoning Orders (MZO)

[REFERRED] [SEE MOTION (363) ON PAGE 24 OF THESE MINUTES]

Moved by Councillor Joe Neal, Seconded by Councillor Lee,
(361) That the Rules of Procedure be suspended in order to introduce a motion regarding Minister Zoning Orders.

CARRIED ON A 2/3rds VOTE

Moved by Councillor Joe Neal, Seconded by Councillor Lee,
(362) Whereas increasingly applicants are requesting Minister's Zoning Orders (MZO), in order to bypass the public planning process and to expedite development projects; and

Whereas there is no defined MZO process to ensure that the appropriate technical issues are fully addressed before an MZO is enacted; and

Whereas Regional Council wishes to ensure that all planning-related decisions affecting lands in the Region of Durham are sound and in the public interest;

Now Therefore Be it Resolved That:

1. Durham Region request that the Minister of Municipal Affairs and Housing define what are matters of Provincial priority for consideration of MZO's; and
2. Durham Region request the Minister of Municipal Affairs and Housing to clarify when MZOs will (and will not) be used to expedite development, and to clarify what safeguards can and will be put in place to ensure that future land use decisions made by way of an MZO represent good planning and are in the public interest.

REFERRED (See Following Motion)

Moved by Councillor Foster, Seconded by Councillor Crawford,
(363) That the main motion (362) of Councillors Joe Neal and Lee be referred back to staff for consideration, with a report to be brought back to the December 16, 2020 Regional Council meeting.

CARRIED

10.3 Motion re: Authorization to be Absent from Council

Moved by Councillor Smith, Seconded by Regional Chair Henry,
(364) That the Rules of Procedure be suspended in order to introduce a motion regarding a request for authorization to be absent from Council.

CARRIED ON A 2/3rds VOTE

Moved by Councillor Smith, Seconded by Regional Chair Henry,
(365) That whereas Section 259(1) of the Municipal Act, 2001, provides that the office of a member of council of a municipality becomes vacant if the member is absent from the meetings of council for three successive months without being authorized to do so by a resolution of council;

Now therefore be it resolved that Durham Regional Council authorizes Councillor Bath-Hadden to be so absent;

And be it further resolved that Durham Regional Council authorizes Councillor Bath-Hadden to be absent should a further resolution be required under Section 259(1) for an ongoing absence.

CARRIED

Moved by Councillor Leahy, Seconded by Councillor Pickles,
(366) That Council recess for one hour for lunch.

CARRIED

Council recessed at 12:32 PM and reconvened at 1:34 PM

The Regional Clerk conducted a roll call following the recess and all members of Council were present, with the exception of Councillors Ashe and Pickles who attended later in the meeting.

8. Communications

CC 48 Confidential Memorandum from Jason Hunt, Director of Legal Services, dated November 13, 2020 re: Mixed Waste Transfer and Pre-Sort Anaerobic Digestion Facility, Clarington Host Community Agreement Dispute

Moved by Councillor Chapman, Seconded by Councillor Barton,
(367) That Council Correspondence CC 48 from Jason Hunt, Director of Legal Services, dated November 13, 2020 re: Mixed Waste Transfer and Pre-Sort Anaerobic Digestion Facility, Clarington Host Community Agreement Dispute, be received for information.

CARRIED

CC 57 Confidential Memorandum from Jason Hunt, Director of Legal Services, dated November 25, 2020 re: Beaverton Supportive Housing Project Potential Litigation

Moved by Councillor Chapman, Seconded by Councillor Leahy,
(368) That Council Correspondence CC 57 from Jason Hunt, Director of Legal Services, dated November 25, 2020 re: Beaverton Supportive Housing Project Potential Litigation, be received for information.

CARRIED

CC 59 Supplementary Confidential Correspondence from the Municipality of Clarington dated November 24, 2020 regarding the Mixed Waste Transfer and Pre-Sort Anaerobic Digestion Facility Host Community Agreement Dispute

Moved by Councillor Chapman, Seconded by Councillor Pickles,
(369) That Council Correspondence CC 59 from the Municipality of Clarington dated November 24, 2020 regarding the Mixed Waste Transfer and Pre-Sort Anaerobic Digestion Facility Host Community Agreement Dispute, be received for information.

CARRIED

11. Unfinished Business

There was no unfinished business to be considered.

12. Other Business

12.1 Pending Provincial Decision on Upper York Sewage Solutions Environmental Assessment (2020-W-50)

[CARRIED]

Moved by Councillor Foster, Seconded by Councillor Smith,
(370) A) That Regional Council supports the preferred servicing alternative as documented in the Upper York Solutions Environmental Assessment which includes an advanced treatment system in the Lake Simcoe watershed within the Regional Municipality of York; and

B) That Regional Council provide authority for the Chief Administrative Officer, the Commissioners of Works and Finance and the Regional Solicitor to enter into discussions with the Ministry of Municipal Affairs and Housing and other ministries as required and the Region of York related to the potential provincially preferred solution involving the Duffin Creek Water Pollution Control Plant, with the purpose of these discussions to, among other things, understand the rights and responsibilities of each party under existing agreements and legislation, understand the rationale of the decision for a Lake Ontario alternative and to ensure that the interests of the Region of Durham are protected in whatever solution is selected.

CARRIED

13. Announcements

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

14. By-laws

52-2020 Being a by-law to adopt and delegate the authority for enforcement of sign by-laws enacted by area municipalities, to those area municipalities, on Regional Roads within their jurisdiction; and to repeal By-law #76-2017, as amended, being a by-law to regulate temporary signs and banners and devices on or adjacent to Regional roads.

This by-law implements the recommendations contained in Item #10.1 of the Notice of Motions presented to Regional Council on October 28, 2020

53-2020 Being a by-law to designate persons for the purpose of signing cheques issues by The Regional Municipality of Durham and to authorize persons for the conduct of day to day electronic banking transactions.

This by-law implements the recommendations contained in Item #4 of the 8th Report of the Finance & Administration Committee presented to Regional Council on November 25, 2020

Moved by Councillor Ashe, Seconded by Councillor Lee,
(371) That By-law Numbers 52-2020 and 53-2020 inclusive be passed.
CARRIED

15. Confirming By-law

54-2020 Being a by-law to confirm the proceedings of Regional Council at their meeting on November 25, 2020.

Moved by Councillor Ashe, Seconded by Councillor Lee,
(372) That By-law Number 54-2020 being a by-law to confirm the proceedings of the Council of the Regional Municipality of Durham at their meeting held on November 25, 2020 be passed.
CARRIED

16. Adjournment

Moved by Councillor Schummer, Seconded by Councillor McLean,
(373) That the meeting be adjourned.
CARRIED

The meeting adjourned at 3:35 PM

Respectfully submitted,

John Henry, Regional Chair & CEO

Ralph Walton, Regional Clerk