



Official Notice

Meeting of Regional Council

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

Wednesday, March 24, 2021

9:30 AM

Please note: In an effort to help mitigate the spread of COVID-19, and to generally comply with the directions from the Government of Ontario, it is requested in the strongest terms that Members participate in the meeting electronically. Regional Headquarters is closed to the public, all members of the public may view the Committee meeting via live streaming, instead of attending the meeting in person. If you wish to register as a delegate regarding an agenda item, you may register in advance of the meeting by noon on the day prior to the meeting by emailing delegations@durham.ca and will be provided with the details to delegate electronically.

1. Traditional Territory Acknowledgement

2. Roll Call

3. Declarations of Interest

4. Adoption of Minutes

- 4.1 Regional Council meeting – February 24, 2021 Pages 4 - 38
- 4.2 Closed Regional Council meeting – February 24, 2021 Under Separate Cover
- 4.3 Committee of the Whole meeting – March 10, 2021 Pages 39 - 47

5. Presentations

- 5.1 Chief Todd Rollauer, Durham Regional Police Services, re: Quarterly Update to Regional Council
- 5.2 Ian McVey, Manager of Sustainability re: 2021 Climate Change Update and Corporate Climate Change Action Plan (2021-A-3)

6. Delegations

There are no delegations

7. Reports related to Delegations/Presentations

- 7.1 2021 Climate Change Update and Corporate Climate Change Action Plan (2021-A-3)
[Item 1 of the 3rd Report of the Finance & Administration Committee]

8. Communications

- CC 07 Correspondence from the Township of Brock re: Lake Simcoe Region Conservation Authority Appointment Page 48
- CC 08 Investigation Report from Ben Drory, ADRO Investigator, ADR Chambers Ombuds Office re: Complaint Reference Number MUN-11695-0920 Page 48
- CC 09 Correspondence from the Township of Brock re: Appointment of John Grant, Mayor, Township of Brock Page 48
- CC 10 Correspondence from Linda Gasser on behalf of Wendy Bracken, Kerry Meydam and Linda Gasser re: Staff Comments/Responses at Works Committee & Report 2021-WR-5 DYEC Operations, Long-Term Sampling System Update (for Dioxins and Furans) Page 48

9. Committee Reports and any Related Notice of Motions

- 9.1 Finance and Administration Committee Pages 75 - 77
- 9.2 Health and Social Services Committee Page 78
- 9.3 Planning and Economic Development Committee Pages 79 - 80
- 9.4 Works Committee Pages 81 - 82
- 9.5 Committee of the Whole Pages 83 - 85

10. Notice of Motions

- 10.1 Motion to Permit the Finance and Administration Committee and Committee of the Whole to Meet During the March Break Page 86

11. Unfinished Business

There is no unfinished business

12. Other Business

12.1 Litigation Update Regarding the Host Community Agreement
Dispute with the Municipality of Clarington (2021-A-6) Page 87

12.2 Appointment of Councillor John Grant to Planning & Economic
Development Committee Page 87

13. Announcements

14. By-laws

12-2021 Being a by-law to authorize the execution of an agreement with Her Majesty the Queen in right of the Province of Ontario as represented by the Minister of Transportation for the Safe Restart Agreement – Phase 2 Municipal Transit Funding.

This by-law implements the recommendations contained in Item #3 of the 7th Report of the Finance & Administration Committee presented to Regional Council on October 28, 2020

15. Confirming By-law

13-2021 Being a by-law to confirm the proceedings of Regional Council at their meeting held on March 24, 2021

16. Adjournment

Notice regarding collection, use and disclosure of personal information:

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

The Regional Municipality of Durham

MINUTES

REGIONAL COUNCIL

Wednesday, February 24, 2021

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. 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.

Regional Chair Henry, on behalf of the Region, sent condolences to the family, friends and colleagues of Lorraine Dunn who passed away on February 4, 2021 after a brief illness.

Chair Henry advised that Lorraine was the welcoming face in the Office of the Regional Chair and CAO until her retirement, last July. Her career with Durham spanned more than 25 years, with positions in Legislative Services, Social Services and the CAO's Strategic Initiatives division.

Lorraine enjoyed time spent with her children and her four grand-children and was proud of her growing photography talents with the Oshawa Camera Club.

He added that Lorraine will be truly missed, and sincere condolences go out to her family, friends and colleagues at this time.

Regional Chair Henry, on behalf of the Region, sent condolences to the family, friends and colleagues of John Aker who passed away on February 4, 2021.

Chair Henry advised that John Aker was a dedicated Regional Councillor and was dedicated to the City of Oshawa and to his family.

Councillor Carter advised that John Aker served the City of Oshawa for over 33 years and was also a member of the Ontario Municipal Board. He was a business owner, a father and a grandfather. Thoughts and prayers are with his family at this time. Councillor Carter added that as a community, Oshawa showed their

respect by lowering the flags to half-mast and holding a vehicle parade on the day of his funeral. He added gratitude for the opportunity to have worked with John.

Regional Chair Henry advised that a drive-by memorial will be held for Debbie Bath-Hadden on Saturday, March 6, 2021 at 10:30 AM to honour Debbie for all of her accomplishments and contributions to the Township of Brock and the Region of Durham.

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 Leahy
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 Schummer
Councillor Smith
Councillor Wotten
Councillor Yamada
Regional Chair Henry

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

All members of Council were present.

Councillor Schummer appeared as the alternate for the Township of Brock.

3. Declarations of Interest

Councillor Marimpietri made a declaration of interest under the Municipal Conflict of Interest Act with respect to Item #2 of the 2nd Report of the Works Committee, Report #2021-WR-3: Anaerobic Digestion and the Environmental Assessment Act. He indicated that he has family members who own property and reside within an area potentially affected by the applications.

Councillor Barton made a declaration of interest under the Municipal Conflict of Interest Act, later in the meeting, with respect to Item #2 of the 2nd Report of the Finance & Administration Committee. He indicated that he owns a multi-residential property that would be impacted by changes to the tax rates.

Elaine Baxter-Trahair announced that Allison Hector-Alexander will be the new Director of Diversity, Equity and Inclusion beginning March 15, 2021. She added that Allison is a senior director, advocate, and policy professional who has worked in anti-racism training, anti-discrimination/oppression, equity, human rights and accessibility organizations—within the not-for-profit and education sector—for more than 20 years. She added that Allison will be working across the organization and with the community, and will provide a dedicated focus to the establishment of a community-based anti-racism task force; and help to strengthen our efforts to address systemic racism and promote community development. Her insights will help ensure that Regional policies and programs are designed to address systemic racism.

4. Adoption of Minutes

Moved by Councillor Marimpietri, Seconded by Councillor Lee,
(30) That the minutes of the Regular Regional Council meeting held on
January 27, 2021 be adopted.
CARRIED

Moved by Councillor Smith, Seconded by Councillor Crawford,
(31) That the minutes of the Closed Regional Council meeting held on January
27, 2021 be adopted.
CARRIED

Moved by Councillor Collier, Seconded by Councillor Wotten,
(32) That the order of the agenda be altered to hear the delegation from K.
Thomas at this time.
CARRIED

Moved by Councillor Marimpietri, Seconded by Councillor Barton,
(33) That the delegation from K. Thomas be heard.
CARRIED on a 2/3rds Vote

6. Delegations

6.2 Keba Thomas, In Support of Anti-Racism re: Proposing a New Commissioner in Support of the Mississaugas of Scugog First Nations Community

K. Thomas appeared before Council with respect to proposing a new Commissioner in support of the Mississaugas of Scugog First Nations Community and spoke to the importance and the significance of the Traditional Territory Acknowledgement read at the beginning of the Council meeting.

K. Thomas provided background information and statistics regarding the Black Indigenous and People of Colour (BIPOC) community and visible minorities in Durham Region to support the request for the new Commissioner.

K. Thomas noted that the Region's Strategic Plan outlines a "healthy and prosperous community for all" and questioned who that intends to benefit.

K. Thomas outlined the 2016 census numbers for Durham Region including the residential growth in the Region and noted that the numbers do not include the indigenous community. She added that the census figures regarding the ethnic origin in Durham include North American Aboriginal and other North American origins and she questioned who that would represent. She stated that there should be some clarity on how the Region could better serve the indigenous community and that should be kept as a priority in the Region's policies and procedures.

Moved by Councillor Marimpietri, Seconded by Councillor Anderson,
(34) That K. Thomas be granted a one time two-minute extension to finish her delegation.

CARRIED

K. Thomas outlined the United Nations Declaration of Rights for Indigenous people and wondered how the framework fits into the Region's vision given the population demographics. She added that we are now entering into the United Nations international decade of people from African descent.

K. Thomas stated that she hopes the new Director of Diversity, Equity and Inclusion will be connected to the Mississaugas of Scugog Island First Nation and that members of Council will have access to some of the training benefits of the Mississaugas of Scugog Island First Nation.

K. Thomas proposed a Social Justice and Domestic Affairs Commission to house the Director of Diversity, Equity and Inclusion where they would have support from the Social Justice Commissioner and also Indigenous Council representatives to discuss anti-racism and discriminatory systemic barriers that may be faced across Durham Region.

5. Presentations

- 5.1 Elaine Baxter-Trahair, Chief Administrative Officer, Nancy Taylor, Commissioner of Finance, Nicole Pincombe, Director, Business Planning and Budgets, and the Heads of Departments re: The 2021 Regional Business Plans and Budgets for Property Tax Purposes, including General Purpose, Solid Waste Management and Durham Region Transit (2021-F-5) and 2021 Strategic Property Tax Study (2021-F-4)
-

Elaine Baxter-Trahair, Chief Administrative Officer, Nancy Taylor, Commissioner of Finance and Nicole Pincombe, Director, Business Planning and Budgets, along with Department Heads provided a presentation on the 2021 Regional Business Plans and Budgets for Property Tax Purposes, including General Purpose, Solid Waste Management and Durham Region Transit and 2021 Strategic Property Tax Study. Highlights of the presentation included:

- Budget Overview and Priorities
- Departmental Presentations of 2020 Accomplishments
 - Office of the CAO
 - Planning & Economic Development
 - Works Department
 - Durham Region Transit
 - Health Department
 - Social Services Department
 - Corporate Services
 - Finance Department
- Regional Property Tax Supported Budget
- 2021 Regional Property Taxes – Average Home
- 2021 Regional Property Tax Impacts
- 2021 Capital Budget and Nine-Year Forecast
- Use of Reserves and Reserve Funds
- 2021 Business Plans and Budget Pressures
- COVID-19 Pandemic Temporary Impacts
- Economic Prosperity
- Environmental Sustainability
- Social Investments
- Community Vitality
- Service Excellence
- Future Budget Pressures

Staff responded to questions from the members of Council.

6. Delegations

- 6.1 Delegation(s) further to Public Notice regarding the 2021 Regional Business Plans and Budgets
-

Regional Chair Henry advised that the public has been given Notice via media release that Regional Council today is intending to review and adopt or amend the 2021 Regional Property Tax Supported Business Plans and Budgets including related fees and charges and the 2021 Regional Property Tax Rates.

He asked whether there is any member of the public wishing to appear on the matter.

With no one wishing to speak, Council continued with the agenda.

6.2 Keba Thomas, In Support of Anti-Racism re: Proposing a New Commissioner in Support of the Mississaugas of Scugog First Nations Community

The delegation from K. Thomas was heard earlier in the meeting. [See Item 6.2 on pages 3 to 4 of these minutes.]

7. Reports related to Delegations/Presentations

There are no reports related to Delegations/Presentations.

8. Communications

CC 04 Memorandum from Susan Siopis, Commissioner of Works and John Presta, Director, Environmental Services re: Staff Comment on Draft Motion – Tertiary Treatment at Duffin Creek Water Pollution Control Plant (WPCP), in the City of Pickering

Moved by Councillor Marimpietri, Seconded by Councillor Collier,

- (35) That the Memorandum from Susan Siopis, Commissioner of Works and John Presta, Director, Environmental Services re: Staff Comment on Draft Motion – Tertiary Treatment at Duffin Creek Water Pollution Control Plant (WPCP) be referred to the consideration of Item 3 of Report #2 of the Works Committee.

CARRIED

CC 05 Correspondence from the Royal Agricultural Winter Fair Association (RAWF), re: Notice of 2021 Appointment of a Representative to the RAWF Board of Governors

Chair Henry asked if there were any nominees who wished to stand as the Region's representative on the Royal Agricultural Winter Fair Board of Governors.

Moved by Councillor Chapman, Seconded by Councillor Kerr,

- (36) That notwithstanding Council policy, Councillor Smith be nominated to The Royal Agricultural Winter Fair's Board of Governors for the 2021 year.

Moved by Councillor Drew, Seconded by Councillor Marimpietri,
(37) That nominations be closed.

CARRIED

Regional Chair Henry asked if Councillor Smith wished to stand. Councillor Smith indicated he would stand.

Councillor Smith was appointed as the Region's representative on the 2021 Royal Agricultural Winter Fair Board of Governors.

CC 06 Correspondence from Durham Regional Police Services Board, re: Protocol for the Sharing of Information between the Durham Regional Police Services Board and the Durham Regional Council

Moved by Councillor McLean, Seconded by Councillor Drew,
(38) In accordance with the request from the Durham Regional Police Services Board, through Council Correspondence CC 06, to amend the Information Sharing Protocol between the Durham Regional Police Services Board and Regional Council, the Information Sharing Protocol be opened for reconsideration.

CARRIED ON A 2/3rds VOTE

Moved by Councillor Drew, Seconded by Councillor McLean,
(39) That the Information Sharing Protocol between the Durham Regional Police Services Board and Regional Council be amended so that the Chief of Police or Deputy Chief of Police provide updates to Regional Council twice a year.

MOTION DEFEATED ON THE FOLLOWING
RECORDED VOTE:

Yes

Councillor Ashe
Councillor Carter
Councillor Chapman
Councillor Drew
Councillor Kerr
Councillor McLean
Councillor Mitchell
Councillor Pickles
Councillor Smith
Regional Chair Henry

No

Councillor Anderson
Councillor Barton
Councillor Collier
Councillor Crawford
Councillor Dies
Councillor Foster
Councillor Highet
Councillor Leahy
Councillor Lee
Councillor Marimpietri
Councillor Mulcahy
Councillor John Neal
Councillor Joe Neal
Councillor Nicholson
Councillor Roy

Councillor Ryan
Councillor Schummer
Councillor Wotten
Councillor Yamada

Members Absent: None

Declarations of Interest: None

Moved by Councillor Collier, Seconded by Councillor Kerr,
(40) That Council recess for lunch.

CARRIED

Council recessed for lunch at 12:09 PM and reconvened at 1:15 PM

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

9. Committee Reports and any related Notice of Motions

9.1 Report of the Finance and Administration Committee

1. Confidential Report of the Commissioner of Corporate Services – Labour Relations/Employee Negotiations (2021-A-2)

[CARRIED]

That the recommendations contained in Confidential Report #2021-A-2 of the Commissioner of Corporate Services be adopted.

2. 2021 Strategic Property Tax Study (2021-F-4)

[CARRIED ON A RECORDED VOTE] [SEE MOTIONS (43) AND (44) ON PAGES 17 TO 19]

- A) That for the 2021 property taxation year, the municipal property tax ratios for the following property classes for the Regional Municipality of Durham be set as follows and the requisite by-law be prepared, and approval be granted:

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

Commercial Broad Class

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

Occupied	1.4500
Vacant Land	1.4500
Excess Land	1.4500
On Farm	1.4500

Industrial Broad Class

(including Large Industrial and Residual)

Occupied	2.0235
Vacant Land	2.0235
Excess Land	2.0235
On Farm	2.0235

- B) That to achieve greater fairness and equity in the Current Value Assessment (CVA) system and property taxation policy, the Province be requested to:
- update the Provincial statutory rate applicable to nuclear generating facilities;
 - institute an annual mechanism to ensure the rate continues to be updated in the future;
 - redirect proxy property tax payments currently paid by the Region's two nuclear generating facilities to the Ontario Electricity Financial Corporation (OEFC) for the Ontario Hydro stranded debt to the host municipalities and the Region following retirement of the stranded debt; and
 - ensure the education retained rate applied to provincial and federal properties frozen at 2020 rates be verified to remain at the higher rate for all such properties.

3. The 2021 Regional Business Plans and Budgets for Property Tax Purposes, including General Purpose, Solid Waste Management and Durham Region Transit (2021-F-5)

[CARRIED ON A RECORDED VOTE] [SEE MOTIONS (45), (46), (47), (48) AND (49) ON PAGES 19 TO 24]

2021 GENERAL PURPOSE PROPERTY TAX BUSINESS PLANS AND BUDGETS

- A) That the 2021 Business Plans and Property Tax Budgets for General Purposes (excluding Durham Region Transit and Solid Waste Management) be approved, at a total net property tax requirement of \$615,753,000 as detailed within the 2021 Regional Business Plans and Budgets, including the body worn camera project through the Durham

Regional Police Service, which are highlighted in Report #2021-F-5 of the Commissioner of Finance and summarized as follows:

	2021 Tax Requirements (\$000s)
Regional Operations	
i) Departmental Operations	329,239
ii) Regional Roads Reserve – Growth	12,549
iii) Regional Roads – Rehabilitation Reserve Fund	26,050
iv) Regional Bridges – Rehabilitation Reserve Fund	5,525
Total Regional Operations	373,363
Police Services:	
v) Police Services (aligned with Regional Guideline)	221,158
vi) Additional Request – Body Worn Cameras (year 1)	2,033
Total Police Services	223,191
vii) Conservation Authorities	8,752
Special Contributions:	
viii) Land Conservation and Protection Reserve Fund	374
Durham Region Community Investment Grant:	
ix) - Trent University - Durham	474
x) - Durham College – Whitby	667
xi) - Durham Region Community Investment Grant	3,269
Total Special Contributions	4,784
SUBTOTAL	610,090
xii) Deferral for Seaton Assessment Growth	5,271
xiii) Adjustment to Assessment Base (re: Assessment under appeal)	392
TOTAL GENERAL PROPERTY TAX PURPOSES	615,753

- B) That the 2021 Capital Program for General Property Tax Purposes (excluding Solid Waste, Durham Region Transit and Conservation Authorities' requirements), as outlined in Attachment 4 to Report #2021-F-5 and as further detailed within the 2021 Regional Business Plans and Budgets, in the amount of \$286,824,000 be approved, and the 2022 to 2030 Capital Forecast in the amount of \$1,916,291,000 be received for information purposes only and subject to future approvals;
- C) That financing for the 2021 Capital Program for General Property Tax Purposes as outlined in Attachment 4 to Report #2021-F-5 in the amount of \$286,824,000 be approved;

Contributions for Regional Roads and Bridges

- D) That a 2021 contribution of \$12,549,000 to the Regional Roads Reserve – Growth be authorized to allow for financing of Road Capital Construction Projects;
- E) That a 2021 contribution of \$26,050,000 to the Regional Roads Rehabilitation Reserve Fund be authorized to assist with roads rehabilitation requirements;
- F) That a 2021 contribution of \$5,525,000 to the Regional Bridges Rehabilitation Reserve Fund be authorized to assist with bridge rehabilitation requirements;

Durham Regional Local Housing Corporation

- G) That the 2021 Budget for the Durham Regional Local Housing Corporation be approved in the amount \$13,083,000;

Conservation Authorities

- H) That funding totalling \$6,275,802 for 2021 operations be approved for the Region's five Conservation Authorities as summarized below:

Central Lake Ontario Conservation Authority	\$4,169,890
Kawartha Region Conservation Authority	661,887
Ganaraska Region Conservation Authority	517,363
Toronto and Region Conservation Authority	672,800
Lake Simcoe Region Conservation Authority	253,862

Total Conservation Authority Operations Funding \$6,275,802

- I) That funding totalling \$1,716,017 for 2021 special projects be approved for the Region's Conservation Authorities as summarized below:

Kawartha Region Conservation Authority	\$147,322
Ganaraska Region Conservation Authority	238,657
Toronto and Region Conservation Authority	850,371
Lake Simcoe Region Conservation Authority	479,667

Total Conservation Authority Special Projects Funding \$1,716,017

- J) That funding totalling \$200,000 for 2021 land management expenditures be approved for properties within Durham Region as outlined below:

Central Lake Ontario Conservation Authority	\$85,000
Kawartha Region Conservation Authority	15,000

Ganaraska Region Conservation Authority	37,000
Toronto and Region Conservation Authority	41,000
Lake Simcoe Region Conservation Authority	22,000

Total Conservation Authority Land Management Funding \$200,000

- K) That the Oak Ridges Moraine Groundwater Program (ORMGP) Initiatives be continued in 2021 at a funding level of \$175,000 for ongoing groundwater protection initiatives jointly funded with the City of Toronto, Region of York and Region of Peel;
- L) That the special funding requests as outlined below be approved subject to the accountability of project costs incurred and project completion:
 - i) Central Lake Ontario Conservation Authority for phase three of five of the Restoration Program in the amount of \$150,000;
 - ii) Central Lake Ontario Conservation Authority for Lynde Shores CA Main Entrance \$80,000;
 - iii) Central Lake Ontario Conservation Authority Purple Woods CA Improvements \$25,000;
 - iv) Central Lake Ontario Conservation Authority Main Office HVAC (Year 1 of 3) \$40,000;
 - v) Kawartha Conservation Authority for phase two of two of the Watershed Planning project in the amount of \$27,500;
 - vi) Kawartha Conservation Authority for phase two of two for Website Design and Implementation in the amount of \$7,131;
 - vii) Kawartha Conservation Authority for phase two of five for the Digitization of Corporate Records in the amount of \$5,347;
- M) That the special funding requests as outlined below be approved subject to securing the remainder of the project funding from the National Disaster Mitigation Program, project completion, and accountability of project costs incurred:
 - i) Central Lake Ontario Conservation Authority for NDMP – Lake Ontario Shoreline Damage Centres Risk Assessment in the amount of \$30,000;
 - ii) Central Lake Ontario Conservation Authority for NDMP – Flood Forecasting and Warning Improvements in the amount of \$19,750;
- N) That a contribution of \$374,000 to the Land Conservation and Protection Reserve Fund be authorized to assist in financing requests for funding received from the five Conservation Authorities to acquire environmentally sensitive lands within the Region, based on eligibility

criteria per the approved Regional Land Acquisition Reserve Fund Policy;

Special Contributions

- O) That the third of three annual funding contributions to Trent University Durham for the expansion of Trent University Durham Campus be approved, up to a maximum amount of \$474,000 for 2021 with the required financing provided from the Durham Region Community Investment Grant envelope; and further that funds be released at the discretion of the Commissioner of Finance in accordance with the executed funding agreement and the accountability of capital costs;
- P) That the second of three annual funding contributions to Durham College – Whitby Campus be approved, up to a maximum amount of \$666,667 for 2021 with the required financing provided from the Durham Region Community Investment Grant envelope; and further that funds be released at the discretion of the Commissioner of Finance in accordance with the executed funding agreement and the accountability of capital costs;
- Q) That the request for Community Investment Grant funding from Grandview Children's Centre, for up to a maximum of \$5,035,000 for the capital costs related to the construction of a new Children's Treatment Centre in Ajax be approved as the request meets the required funding criteria for healthcare institutions set out in the Region's Community Investment Grant Policy; and further that funding be drawn from the Durham Region Healthcare Institution Reserve Fund and disbursed at the discretion of the Commissioner of Finance subject to an executed funding agreement and accountability of capital costs;
- R) That the Regional Chair and Regional Clerk be authorized to execute the agreement with Grandview Children's Centre for the contribution of the new Children's Treatment Centre;
- S) That the request for Community Investment Grant funding from Lakeridge Health, for up to a maximum of \$37.5 million, for the capital costs related to the estimated \$500 million expansion of the Bowmanville Hospital be approved as the request meets the required funding criteria for healthcare institutions set out in the Region's Community Investment Grant Policy; and further that the contribution be funded from the Durham Region Healthcare Institution Reserve Fund for distribution to Lakeridge Health at the discretion of the Commissioner of Finance subject to an executed funding agreement, the establishment of milestones, and accountability of capital costs;

- T) That the Regional Chair and Regional Clerk be authorized to execute the funding agreement with Lakeridge Health for the Regional contribution to the capital costs related to the Bowmanville Hospital expansion;
- U) That Region staff develop a long-term sustainable funding strategy in support of Lakeridge Health's ten-year master plan which includes the contribution of a new Greenfield Hospital and the redevelopment of the Ajax/Pickering Hospital for Council's consideration as part of the 2022 Business Plan and Budget;
- V) That the Region of Durham continue discussions with the Township of Scugog on potential financing options for advancing the Lake Scugog Enhancement Project;

Solid Waste Management 2021 Business Plan and Budget

- W) That the 2021 Business Plan and Budget for Solid Waste Management at a net property tax requirement of \$46,429,000 be approved as detailed in the 2021 Solid Waste Management Business Plan and Budget;
- X) That the 2021 Capital Program for Solid Waste Management, as outlined in Attachment 4 to Report #2021-F-5 and as further detailed within the 2021 Regional Business Plan and Budget for Solid Waste Management, in the amount of \$673,000 be approved, and the 2021 to 2029 Capital Forecast in the amount of \$248,022,000 be received for information purposes only and subject to future approvals;
- Y) That financing for the 2021 Capital Program for Solid Waste Management as outlined in Attachment 4 to Report #2021-F-5 in the amount of \$673,000 be approved;

Durham Region Transit 2021 Business Plan and Budget

- Z) That the 2021 Business Plan and Budget for Durham Region Transit be approved at a total net property tax requirement of \$64,392,000, as detailed in the 2021 Durham Region Transit Business Plan and Budget;
- AA) That the 2021 Capital Program for Durham Region Transit, as outlined in Attachment 4 to Report #2021-F-5 and as further detailed within the 2021 Regional Business Plans and Budget, in the gross amount of \$27,186,000 be approved, and the Capital Forecast for the period 2022 to 2030, totalling \$378,048,000 be received for information purposes only and subject to future approvals;

- BB) That financing for the 2021 Capital Program for Durham Region Transit, as outlined in Attachment 4 to Report #2021-F-5, in the gross amount of \$27,186,000 be approved;

Financial Management and Accountability

- CC) That the Listing of 2021 Regional Fees and Charges, as set forth in the 2021 Regional Business Plans and Budgets be approved and made available to the public and all applicable By-laws be amended accordingly;
- DD) That regarding historical capital funding of GO Transit, that no further tax levy support be set aside, and staff continue to forward GO Transit Development Charges collected only;
- EE) That the Regional Chair be authorized to send a letter to the Minister of Municipal Affairs and Housing, the Minister of Transportation, the Minister of Finance/President of the Treasury Board, and local MPPs requesting that the province allow all previously announced funding provided under both the Municipal Stream and the Transit Stream of the Safe Restart Program be eligible to be applied to COVID-19 related fiscal impacts beyond March 31, 2021;
- FF) That the Regional CAO and the Commissioner of Finance meet with the DRPS Chief and DRPS CAO to understand the scope of services currently shared by DRPS and the Region and explore further efficiencies between the two organizations;
- GG) That based upon the 2021 Regional Business Plans and Budgets as recommended herein, the Commissioner of Finance be authorized to set 2021 Regional Property Tax Rates for General Purposes, Solid Waste Management and Durham Region Transit and approval be granted for the requisite By-laws;
- HH) That for any Regional program change or capital expenditure included within the 2021 Regional Business Plans and Budgets which is proposed to be financed in whole, or in part, from Provincial/Federal subsidies, grants or related revenues, neither staffing, capital nor other related Regional expenditures can be committed until such time as adequate written confirmation is received from the respective provincial/federal ministry to commit to the subsidy, grant or related revenues (Finance and Administration Committee and Regional Council will be advised accordingly, consistent with the Regional Budget Management Policy);
- II) That funding totalling up to \$63,480 be approved for the Pickering Auxiliary Rescue Association with the funding to be provided from

within the Finance Department's 2021 Business Plan and Budget to be administered by the Finance Department in consultation with the Durham Regional Police Service based upon services rendered;

- JJ) That funding totalling up to \$47,245 be approved for COMRA with the funding to be provided from within the Finance Department's 2021 Business Plan and Budget to be administered by the Finance Department in consultation with the Durham Regional Police Service based upon services rendered; and
- KK) That the reporting of the Impact of Excluded Expenses for tangible capital asset amortization, post-employment benefits and solid waste landfill closure/post-closure expenses be adopted, per requirements under the Ontario Regulation 284/09 of the Municipal Act, 2001 and the Public Sector Accounting Board (PSAB):

**ESTIMATED IMPACT OF EXCLUDED EXPENSES
ON ACCUMULATED SURPLUS
FOR THE 2021 BUSINESS PLANS AND BUDGETS (000'S)**

	<u>2020</u>		<u>2021</u>		
	<u>Total</u>	<u>Property Tax</u>	<u>Water</u>	<u>Sewer</u>	<u>Total</u>
	\$	\$	\$	\$	\$
<u>PSAS Additions to Budget</u>					
Tangible Capital Asset Amortization	144,484	91,775	26,171	33,740	151,686
Post-Employment Benefit Expense	13,617	13,142	391	434	13,967
Landfill Closure Costs - Increase/(Decrease) in Liability	4,701	(5,214)			(5,214)
Transfers from Reserves and Reserve Funds	127,858	93,225	5,736	10,177	109,138
Total PSAB Additions	290,660	192,928	32,298	44,351	269,577
<u>PSAS Reductions to Budget</u>					
Gross Tangible Capital Assets Acquisitions	(486,354)	(237,526)	(81,242)	(96,917)	(415,685)
Less: Tangible Capital Asset Recoveries	71,722	-	-	15,673	15,673
Net Tangible Capital Asset Acquisitions	(414,632)	(237,526)	(81,242)	(81,244)	(400,012)
Debt Principal Payments	(16,974)	(12,095)	-	(694)	(12,789)
Transfers to Reserves and Reserve Funds	(134,827)	(102,159)	(8,908)	(25,102)	(136,169)
Contributed Tangible Capital Assets	(15,333)	(869)	(7,815)	(8,297)	(16,982)
Total PSAB Reductions	(581,766)	(352,649)	(97,965)	(115,337)	(565,952)
Net Impact - (Increase) to Accumulated Surplus	(291,106)	(159,721)	(65,667)	(70,986)	(296,374)

Moved by Councillor Foster, Seconded by Councillor Collier,

- (41) That the recommendation contained in Item #1 of Report #2 of the Finance and Administration Committee be adopted.

CARRIED

Moved by Councillor Foster, Seconded by Councillor Collier,

- (42) That the recommendations contained in Item #2 of Report #2 of the Finance and Administration Committee be adopted.

CARRIED LATER IN THE MEETING

ON A RECORDED VOTE
(See Following Motions)

Moved by Councillor Nicholson, Seconded by Councillor John Neal,
(43) That the main motion (42) of Councillors Foster and Collier to adopt the recommendations contained in Item #2 of Report #2 of the Finance and Administration Committee, be amended in Part A) by changing the multi-residential rate from 1.8665 to 1.1000 to match the New Multi-Residential rate.

MOTION REFERRED TO STAFF
ON A RECORDED VOTE
(See Following Motion)

At this point in the meeting Councillor Barton made a declaration of interest under the Municipal Conflict of Interest Act as he owns a multi-residential property that would be impacted by changes to the tax rates.

Moved by Councillor Collier, Seconded by Councillor Ryan,
(44) That the foregoing amending motion (43) of Councillors Nicholson and John Neal be referred to staff for consideration during the 2022 budget process.

CARRIED ON THE FOLLOWING
RECORDED VOTE:

Yes

Councillor Anderson
Councillor Ashe
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 Nicholson
Councillor Pickles
Councillor Roy
Councillor Ryan

No

Councillor John Neal

Councillor Schummer
Councillor Smith
Councillor Wotten
Councillor Yamada
Regional Chair Henry

Members Absent: Councillor Carter

Declarations of Interest: Councillor Barton

The main motion (42) of Councillors Fosters and Collier to adopt the recommendations contained in Item #2 of Report #2 of the Finance and Administration Committee was then put to a vote and 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 Joe Neal
Councillor Nicholson
Councillor Pickles
Councillor Roy
Councillor Ryan
Councillor Schummer
Councillor Smith
Councillor Wotten
Councillor Yamada
Regional Chair Henry

No

Councillor John Neal

Members Absent: None

Declarations of Interest: None

Moved by Councillor Foster, Seconded by Councillor Collier,
(45) That the recommendations contained in Item #3 of Report #2 of the
Finance and Administration Committee be adopted.

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

Moved by Councillor Joe Neal, Seconded by Councillor Schummer,
(46) That the main motion (45) of Councillors Foster and Collier to adopt the
recommendations contained in Item #3 of Report #2 of the Finance and
Administration Committee be amended as follows:

That in order to assist small business and residential taxpayers, the tax
increase be limited to 0.5%, with:

- A) The amount for new staffing being reduced by eliminating all new
staff positions save and except for:
 - (i) positions for which pre-budget approval was given;
 - (ii) positions in public health and long-term care;
- B) The travel/conference budget being reduced by \$1,000,000; and
- C) The balance of savings be reported back to Council by the
Commissioner of Finance.

DEFEATED ON THE FOLLOWING
RECORDED VOTE:

Yes

Councillor John Neal
Councillor Joe Neal
Councillor Schummer

No

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

Members Absent: None

Declarations of Interest: None

Moved by Councillor Collier, Seconded by Councillor Lee,

- (47) That the main motion (45) of Councillors Foster and Collier to adopt the recommendations contained in Item #3 of Report #2 of the Finance & Administration Committee be amended in Part A) as follows:

Whereas Lakeridge Health has requested up to a maximum of \$37.5 million for the capital costs of the expansion of the Bowmanville Hospital; and

Whereas additional funding is required in the Community Investment Grant Fund to support this request along with Lakeridge Health's ten-year master plan;

Therefore be it resolved that Recommendation A) of Report 2021-F-5 be amended to:

- increase the total 2021 net property tax requirement of \$615,753,000 to \$615,903,000; and
- increase line xi) Durham Region Community Investment Grant from \$3,269,333 to \$3,419,333.

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

Moved by Councillor Nicholson, Seconded by Councillor John Neal,

- (48) That the foregoing amending motion (47) of Councillors Collier and Lee be amended by adding to the end: "and that the funds from these budgetary changes be taken from existing reserves as designated by the Commissioner of Finance".

MOTION DEFEATED ON THE FOLLOWING
RECORDED VOTE:

Yes

Councillor John Neal
Councillor Joe Neal
Councillor Nicholson

No

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

Members Absent: None

Declarations of Interest: None

The amending motion (47) of Councillors Collier and Lee was then put to a vote and DEFEATED ON THE FOLLOWING RECORDED VOTE:

Yes

Councillor Anderson
Councillor Collier
Councillor Foster
Councillor Lee

No

Councillor Ashe
Councillor Barton
Councillor Carter
Councillor Chapman
Councillor Crawford
Councillor Dies
Councillor Drew

Councillor Highet
Councillor Kerr
Councillor Leahy
Councillor Marimpietri
Councillor McLean
Councillor Mitchell
Councillor Mulcahy
Councillor John Neal
Councillor Joe 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

Moved by Councillor Yamada, Seconded by Councillor Leahy,

- (49) That the main motion (45) of Councillors Foster and Collier to adopt the recommendations contained in Item #3 of Report #2 of the Finance & Administration Committee be amended by reducing the tax increase for the 2021 budget to 0.5 percent using a one-time transfer from reserves as determined by the Commissioner of Finance.

MOTION DEFEATED ON THE FOLLOWING
RECORDED VOTE:

Yes

Councillor Leahy
Councillor John Neal
Councillor Nicholson
Councillor Schummer
Councillor Yamada

No

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 Joe Neal
Councillor Pickles
Councillor Roy
Councillor Ryan
Councillor Smith
Councillor Wotten
Regional Chair Henry

Members Absent: None

Declarations of Interest: None

The main motion (45) of Councillors Foster and Collier to adopt the recommendations contained in Item #3 of Report #2 of the Finance & Administration Committee was then put to a vote and 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 Nicholson
Councillor Pickles
Councillor Roy
Councillor Ryan
Councillor Schummer
Councillor Smith

No

Councillor John Neal
Councillor Joe Neal
Councillor Yamada

Councillor Wotten
Regional Chair Henry

Members Absent: None

Declarations of Interest: None

9.2 Report of the Health and Social Services Committee

1. Correspondence to Dr. Robert Kyle, Medical Officer of Health from Peggy Sattler, MPP (London West) re: Bill 239 – Stay Home If You Are Sick Act
[CARRIED]

That the correspondence to Dr. Robert Kyle from Peggy Sattler, MPP (London West) re: Bill 239 – Stay Home If You Are Sick Act, be endorsed.

2. Product and Manufacture Standardization for Durham Region Health Department's Oral Health Clinic (2021-MOH-1)
[CARRIED]

That approval be granted to standardize the dental equipment and instruments, estimated at \$251,200 for Durham Region Health Department's Oral Health Clinic in advance of the relocation and expansion of the Oral Health Clinic from 1615 Dundas St. E., Whitby to 200 John St. W., Oshawa with the standardized dental equipment and instruments to be bid competitively to select manufacturers/distributors that carry the standardized equipment and financed through capital costs approved as part of the 2021 Public Health Business Plans and Budgets.

Moved by Councillor Chapman, Seconded by Councillor Pickles,

- (50) That the recommendation contained in Item #2 of Report #1 of the Health and Social Services Committee be adopted.

CARRIED

Moved by Councillor Chapman, Seconded by Councillor Pickles,

- (51) That the recommendation contained in Item #1 of Report #1 of the Health and Social Services Committee be adopted.

CARRIED

Moved by Councillor Chapman, Seconded by Councillor Marimpietri,

- (52) That Council recess for 15 minutes.

CARRIED

Council recessed at 3:15 PM and reconvened at 3:30 PM.

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

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

1. Durham Agricultural Advisory Committee 2020 Annual Report and 2021 Workplan (2021-P-2)

[CARRIED]

- A) That Report #2021-P-2 of the Commissioner of Planning and Economic Development be received as the Durham Agricultural Advisory Committee's 2020 Annual Report;
- B) That the Durham Agricultural Advisory Committee's 2021 Workplan be approved, as outlined in Attachment 1 to Report #2021-P-2 of the Commissioner of Planning and Economic Development; and
- C) That a copy Report #2021-P-2 be forwarded to the Durham Agricultural Advisory Committee, the Durham Federation of Agriculture, the Golden Horseshoe Food and Farming Alliance, Conservation Authorities, and the Area Municipalities.

2. Durham Environmental Advisory Committee 2020 Annual Report and 2021 Workplan (2021-P-3)

[CARRIED]

- A) That Report #2021-P-3 of the Commissioner of Planning and Economic Development be received as the Durham Environmental Advisory Committee's 2020 Annual Report;
- B) That the Durham Environmental Advisory Committee's 2021 Workplan be approved, as outlined in Attachment 1 to Report #2021-P-3 of the Commissioner of Planning and Economic Development;
- C) That the changes to the Durham Environmental Advisory Committee's Terms of Reference be approved, as outlined in Attachment 2 to Report #2021-P-3 of the Commissioner of Planning and Economic Development;
- D) That the following citizen volunteers be appointed to the Durham Environmental Advisory Committee:
 - i) Derek Nguyen and Shlok Panchal as **Youth** members; and
 - ii) Jocelyn Whalen as a **Post-Secondary** member;
- E) That the above-named citizen volunteers be advised of their appointment to the Durham Environmental Advisory Committee; and

- F) That a copy of Report #2021-P-3 be forwarded to the Durham Environmental Advisory Committee, Conservation Authorities, and the Area Municipalities.
3. Durham Active Transportation Committee 2020 Annual Report and 2021 Workplan (2021-P-4)
[CARRIED]
- A) That Report #2021-P-4 of the Commissioner of Planning and Economic Development be received as the Durham Active Transportation Committee's 2020 Annual Report;
- B) That the Durham Active Transportation Committee's 2021 Workplan be approved, as outlined in Attachment 1 to Report #2021-P-4 of the Commissioner of Planning and Economic Development;
- C) That the changes to the Durham Active Transportation Committee Terms of Reference be approved, as outlined in Attachment 2 to Report #2021-P-4 of the Commissioner of Planning and Economic Development; and
- D) That a copy of Report #2021-P-4 be forwarded to the Durham Active Transportation Committee, Conservation Authorities and the Area Municipalities.

Moved by Councillor Ryan, Seconded by Councillor Joe Neal,

- (53) That the recommendations contained in Items #1 to 3 inclusive of Report #1 of the Planning and Economic Development Committee be adopted.
CARRIED

9.4 Report of the Works Committee

1. Energy from Waste-Waste Management Advisory Committee (Host Community Agreement Committee) Membership Appointments (2021-WR-2)
[CARRIED AS AMENDED] [SEE MOTION (56) ON PAGE 29]
- A) That the following five applicants selected by members of the Works Committee be appointed for membership on the Energy from Waste-Waste Management Advisory Committee for a two-year term (2021-2022):
- George Rocoski (City of Oshawa)
 - Venkata Daram (Town of Ajax)
 - William Baszyk (Township of Brock)
 - Rochelle Fleming (City of Pickering)
 - **Greg Gordon (Town of Whitby)**

- B) That a copy of Report #2021-WR-2 of the Commissioner of Works be forwarded to the Municipality of Clarington for information.

2. Anaerobic Digestion and the Environmental Assessment Act (2021-WR-3)
[CARRIED]

That the amending motion made at the December 16, 2020 Regional Council meeting, to amend Section 6.0.1 of the Environmental Assessment Act to include anaerobic digestion facilities in the list of facilities that require local municipal support not be approved.

3. Confidential Memorandum from Susan Siopis, Commissioner of Works dated February 3, 2021 re: Tertiary Treatment at Duffin Creek Water Pollution Control Plant (WPCP), in the City of Pickering
[SEE REFERRAL MOTION (58) ON PAGES 29 AND 30]

That the confidential memorandum from Susan Siopis, Commissioner of Works dated February 1, 2021 re: Tertiary Treatment at Duffin Creek Water Pollution Control Plant (WPCP), in the City of Pickering be referred to the February 24, 2021 Regional Council meeting and that staff be directed to prepare a supplementary memorandum to be brought to the February 24, 2021 Regional Council meeting so that the cost components can be separated into an open session memorandum.

4. Extension of the Standardization of Programmable Logic Controllers, Related Process Control Equipment and Control System Software and the Renewal of Agreements with GE Intelligent Platforms Canada, Gray Matter Systems Canada and Gescan and the implementation of an Agreement with Emerson Automation Solutions to Support the Supervisory Control and Data Acquisition Systems Controlling Regional Water Supply and Wastewater Facilities (2021-W-5)
[CARRIED]

- A) That the standardization of Programmable Logic Controllers, Related Process Control Equipment and Control System Software to be used in the integration and upgrade of the Supervisory Control and Data Acquisition systems controlling Regional Water Supply and Wastewater facilities be extended for five (5) years from May of 2021 to April of 2026;
- B) That sole source agreements be negotiated with GE Intelligent Platforms Canada, Emerson Automation Solutions, Gray Matter Systems Canada and Gescan for software, support, training and hardware for five (5) years from May of 2021 to April of 2026; and
- C) That the Commissioner of Finance be authorized to execute the required agreements.

5. Project Update and Sole Source of Additional Engineering Services for Upgrades at the Bowmanville WSP, in the Municipality of Clarington (2021-W-8)

[CARRIED]
 - A) That a sole source contract amendment with R.V. Anderson Associates Ltd. be authorized for costs associated with additional engineering services for the Bowmanville Water Supply Plant Upgrades project in the amount of \$892,368*, over and above the approved upset limit of \$288,598* resulting in a revised upset limit not to exceed \$1,180,966*; and
 - B) That the Commissioner of Finance be authorized to execute the amendment to the existing engineering services agreement.
(*) including disbursements and before applicable taxes.
6. The Oak Ridges Moraine Groundwater Program (ORMGP), formerly known as York-Peel- Durham-Toronto (YPDT) and Conservation Authorities Moraine Coalition (CAMC) Groundwater Management Program, Status Update and Renewal of Memorandum of Understanding (2021-W-9)

[CARRIED]
 - A) That the Regional Municipality of Durham renew the Memorandum of Understanding for the Oak Ridges Moraine Groundwater Program, as outlined in Attachment #1 of Report #2021-W-9 of the Commissioner of Works; and
 - B) That the Regional Chair and Clerk be authorized the execute the Memorandum of Understanding to further support this initiative.
7. Alignment of the Planned Connection Between the Proposed Highway 401 Crossing at Hopkins Street and Champlain Court, in the Town of Whitby (2021-W-10)

[CARRIED]
 - A) That the Regional Municipality of Durham confirms that the planned alignment for the connection between the proposed Highway 401 Crossing at Hopkins Street and Champlain Court, included in the Highway 401 Crossing at Hopkins Street Environmental Assessment dated October 2013, will be deferred at this time and property acquisition will not be advanced until an Environmental Assessment addendum is completed; and
 - B) That a copy of Report 2021-W-10 of the Commissioner of Works (exclusive of Confidential Attachment #2 to Report #2021-W-10), be forwarded to the Ministry of Transportation of Ontario, Town of Whitby

and the landowners of 1100, 1130 and 1150 Champlain Court, in the Town of Whitby, for information.

8. Confidential Report of the Commissioner of Works –Proposed or Pending Acquisition or Disposition of Land for Regional Corporation Purposes as it relates to an Update on the Proposed Manning-Adelaide Connection Project, in the Town of Whitby/City of Oshawa (2021-W-7)
[CARRIED]
-

That Confidential Report #2021-W-7 of the Commissioner of Works be received for information.

- Moved by Councillor Mitchell, Seconded by Councillor Marimpietri,
(54) That the recommendations contained in Items #2 and #4 to 8 of Report #2 of the Works Committee be adopted.
CARRIED

- Moved by Councillor Mitchell, Seconded by Councillor Marimpietri,
(55) That the recommendations contained in Item #1 of Report #2 of the Works Committee be adopted.
CARRIED AS AMENDED
(See Following Motion)

- Moved by Councillor Mitchell, Seconded by Councillor Marimpietri,
(56) That the recommendations contained in Item #1 of Report #2 of the Works Committee be amended in Part A) by deleting the name “Sarah Shields (Township of Scugog)” with the name “Greg Gordon (Town of Whitby)”.
CARRIED

The main motion (55) of Councillors Mitchell and Marimpietri to adopt the recommendations contained in Item #1 of Report #2 of the Works Committee was then put to a vote and CARRIED AS AMENDED.

- Moved by Councillor Mitchell, Seconded by Councillor Marimpietri,
(57) That the recommendations contained in Item #3 of the 2nd Report of the Works Committee be adopted.
(See Following Motion)

- Moved by Councillor Collier, Seconded by Councillor Dies,
(58) It is further recommended:

That notwithstanding the current Durham Region Council position supporting the Lake Simcoe Option, the Council of the Regional Municipality of Durham requests that, if the Lake Ontario solution is selected in lieu of the Lake Simcoe option, that the Minister of the Environment, Conservation and Parks order that all

environmental benefits and conditions proposed for the Upper York Sewage Solutions related to the Lake Simcoe option, including tertiary treatment, including consultations with First Nations, be required at the Duffin Creek Water Pollution Control Plant; and

That taxpayers and users in Durham must be protected from any financial implications of this decision.

REFERRED TO STAFF
(See Following Motion)

Moved by Councillor Ryan, Seconded by Councillor Marimpietri,
(59) That the foregoing motion (58) of Councillors Collier and Dies be referred to the next Works Committee meeting for discussion and to give direction to staff on how to investigate and move this forward.

CARRIED ON THE FOLLOWING
RECORDED VOTE:

Yes

Councillor Anderson
Councillor Ashe
Councillor Barton
Councillor Carter
Councillor Chapman
Councillor Dies
Councillor Highet
Councillor Kerr
Councillor Leahy
Councillor Marimpietri
Councillor McLean
Councillor Mitchell
Councillor Mulcahy
Councillor Pickles
Councillor Roy
Councillor Ryan
Councillor Schummer
Councillor Smith
Councillor Wotten
Councillor Yamada
Regional Chair Henry

No

Councillor Collier
Councillor Crawford
Councillor Lee
Councillor John Neal
Councillor Joe Neal
Councillor Nicholson

Members Absent: Councillor Drew
Councillor Foster

Declarations of Interest: None

10. Notice of Motions

There were no notice of motions.

11. Unfinished Business

There was no unfinished business to be considered.

12. Other Business

- 12.1 Confidential Report of the Commissioner of Finance and the Commissioner of Social Services – Closed Matter under Municipal Freedom of Information and Protection of Privacy Act with respect to the Social Services Relief Fund Phase 2 (SSRF Phase 2) and Ontario Priorities Housing Initiative Yr 2 (OPHI-Yr2) – Capital Project Recommendations (2021-COW-4)
[CARRIED]

Moved by Councillor Chapman, Seconded by Councillor Pickles,
(60) That the recommendations contained in Confidential Report #2021-COW-4 of the Commissioner of Finance and Commissioner of Social Services be adopted.

CARRIED LATER IN THE MEETING
WITH PART A) CARRIED ON A RECORDED
VOTE (A 2/3rds VOTE WAS ATTAINED)
(See Following Motions)

Moved by Councillor Schummer, Seconded by Councillor Pickles,
(61) That the meeting be closed to the public in order to consider a closed matter under the Municipal Freedom of Information and Protection of Privacy Act with respect to the Social Services Relief Fund Phase 2 (SSRF Phase 2) and Ontario Priorities Housing Initiative Yr. 2 (OPHI-Yr 2) – Capital Project Recommendations.
CARRIED

Moved by Councillor Marimpietri, Seconded by Councillor Barton,
(62) That Council recess for 5 minutes.
CARRIED

Council recessed at 4:24 PM and reconvened at 4:30 PM

The Regional Clerk conducted a roll call following the recess and all members of Council were present with the exception of Councillors Collier, Drew, Foster and Roy.

(Refer to the Closed Council Minutes of February 24, 2021)

The Regional Clerk conducted a roll call following the Closed Session and all members of Council were present with the exception of Councillors Drew, Foster and Roy.

Chair Henry advised that during the Closed Session there were no motions or directions given.

Part A) of the recommendations contained in Item 12.1 of Other Business, Confidential Report #2021-COW-4, was then put to a vote and CARRIED ON A 2/3rds VOTE 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 Highet	
Councillor Kerr	
Councillor Leahy	
Councillor Lee	
Councillor Marimpietri	
Councillor McLean	
Councillor Mitchell	
Councillor Mulcahy	
Councillor John Neal	
Councillor Joe Neal	
Councillor Nicholson	
Councillor Pickles	
Councillor Ryan	
Councillor Schummer	
Councillor Smith	
Councillor Wotten	
Councillor Yamada	
Regional Chair Henry	

Members Absent: Councillor Drew
Councillor Foster
Councillor Roy

Declarations of Interest: None

The remainder of the recommendations contained in Item 12.1 of Other Business, Confidential Report #2021-COW-4, were then put to a vote and CARRIED.

13. Announcements

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

14. By-laws

04-2021 Being a by-law to approve and adopt the 2021 Business Plans and Budgets for General Purposes including the payment of all debt of the Regional Corporation falling due excluding current and capital expenditures and debts for Water Supply and Sanitary Sewage Works, Solid Waste Management and Durham Region Transit Commission.

This by-law implements the recommendations contained in Item #3 of the 2nd Report of the Finance & Administration Committee presented to Regional Council on February 24, 2021

05-2021 Being a by-law to approve and adopt the 2021 Business Plans and Budgets for the Durham Region Transit Commission.

This by-law implements the recommendations contained in Item #3 of the 2nd Report of the Finance & Administration Committee presented to Regional Council on February 24, 2021

06-2021 Being a by-law to approve and adopt the 2021 Business Plans and Budgets for Solid Waste Management.

This by-law implements the recommendations contained in Item #3 of the 2nd Report of the Finance & Administration Committee presented to Regional Council on February 24, 2021

07-2021 Being a by-law to establish tax ratios for 2021 and to specify the percentage by which tax rates are to be reduced for prescribed property subclasses.

This by-law implements the recommendations contained in Item #2 of the 2nd Report of the Finance & Administration Committee presented to Regional Council on February 24, 2021

08-2021 Being a by-law to set and levy rates of taxation for Regional General purposes for the year 2021.

This by-law implements the recommendations contained in Item #3 of the 2nd Report of the Finance & Administration Committee presented to Regional Council on February 24, 2021

- 09-2021 Being a by-law to set and levy rates of taxation for the Durham Region Transit Commission for the year 2021.

This by-law implements the recommendations contained in Item #3 of the 2nd Report of the Finance & Administration Committee presented to Regional Council on February 24, 2021

- 10-2021 Being a by-law to set and levy rates of taxation for Regional Solid Waste Management purposes for the year 2021.

This by-law implements the recommendations contained in Item #3 of the 2nd Report of the Finance & Administration Committee presented to Regional Council on February 24, 2021

- Moved by Councillor Ashe, Seconded by Councillor Kerr,
(64) That By-law Numbers 04-2021 to 10-2021 inclusive be passed.
CARRIED

15. Confirming By-law

- 11-2021 Being a by-law to confirm the proceedings of Regional Council at their meeting held on February 24, 2021.

- Moved by Councillor Ashe, Seconded by Councillor Collier,
(65) That By-law Number 11-2021 being a by-law to confirm the proceedings of the Council of the Regional Municipality of Durham at their meeting held on February 24, 2021, be passed.
CARRIED

16. Adjournment

- Moved by Councillor Chapman, Seconded by Councillor Pickles,
(66) That the meeting be adjourned.
CARRIED

The meeting adjourned at 5:13 PM

Respectfully submitted,

John Henry, Regional Chair & CEO

Ralph Walton, Regional Clerk

The Regional Municipality of Durham

MINUTES

COMMITTEE OF THE WHOLE

Wednesday, March 10, 2021

A regular meeting of the Committee of the Whole was held on Wednesday, March 10, 2021 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. Roll Call

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 Leahy
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 Schummer
Councillor Smith
Councillor Wotten
Councillor Yamada
Regional Chair Henry

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

Staff

Present: S. Austin*, E. Baxter-Trahair, D. Beaton*, B. Bridgeman*, S. Danos-Papaconstantinou*, S. Glover, R. Inacio, R.J. Kyle*, J. Presta*, S. Siopis*, N. Taylor*, C. Tennisco, and R. Walton
*denotes staff participating electronically

2. Declarations of Interest

There were no declarations of interest.

3. Statutory Public Meetings

There were no statutory public meetings.

4. Delegations

4.1 Claire Malcolmson, Executive Director, Rescue Lake Simcoe Coalition, re: Review of the Lake Simcoe Protection Plan (2021-COW-3) [Item 7. A)]

Claire Malcolmson, Executive Director, on behalf of the Rescue Lake Simcoe Coalition (RLSC), provided a PowerPoint Presentation regarding the review on the Lake Simcoe Protection Plan. A copy of the delegates submission was provided electronically to committee members prior to the meeting.

C. Malcolmson advised that the RLSC strongly supports and appreciates the contents of Durham Region's staff report. She advised that the RLSC would appreciate it if Durham stopped advocating for the Upper York Sewage Solution (UYSS) and instead pushed the province to reveal what is known about the water quality impacts of each possible sewage outfall "solution".

C. Malcolmson advised that the RLSC encourages Durham Region to:

- Echo the Town of Georgina (York Region)'s recommendation #4: "That prior to posting any notice of changes to the *Lake Simcoe Protection Plan Act* or Plan on the Environmental Bill of Rights (EBR) that the Ministry of the Environment, Conservation, and Parks (MOECP) undertake an additional round of consultation on any such proposed changes";
- Request that any municipality or Region that does not want the Growth Plan's population allocations not be forced to plan for them; and
- As has been done in Halton region, request that the Municipal Comprehensive Review (MCR) process be delayed, in Lake Simcoe's case until the Lake Simcoe Protection Plan (LSPP) review has been completed and these significant questions addressed.

With respect to natural heritage C. Malcolmson advised that the RLSC recommends that:

- The recommendation for the alignment of natural heritage policies should be clearly in support of achieving the LSPP's natural heritage targets, and in particular, the 40% high quality natural cover target. Consider applying the "significant woodland" or "Natural core area" designation to the areas mapped by the province as "high quality natural cover";
- If not this point, Durham Region should support the achievement of 40% high quality natural cover in the Lake Simcoe watershed; and
- The shoreline regulations on Lake Simcoe must remain in place – they are stronger than the other plans' shoreline regulations.

With respect to stormwater management C. Malcolmson advised that the RLSC recommends that:

- Clarify in this section to the province that stormwater management should not become weaker than it is in the LSPP; and
- Ask the province to be clear about which policy prevails for water, wastewater and stormwater management. Make clear that there are negative consequences for Lake Simcoe should accommodating growth be priority number one.

With respect to Managing and financing phosphorus load reductions C. Malcolmson advised that the RLSC recommends that:

- Durham Region may want to add that a more substantial financial investment than we have seen in the past in non-point source agricultural and rural best management practices (BMPs) is needed; and
- Please note that the LSPP's existing financing strategy includes a reference to water quality trading, which since the time the LSPP was introduced, has been discredited as an effective way to manage phosphorus from non-point sources. We would recommend that Durham's submission acknowledge that and not inadvertently be seen to support water quality trading.

Committee members thanked C. Malcolmson for her delegation.

5. Presentations

5.1 Tim Krsul, Senior Program Advisor, Waterways Protection Office, Ministry of Environment, Conservation and Parks (MECP), re: Lake Simcoe Protection Plan 10-Year Review (2021-COW-3) [Item 7. A]

Tim Krsul, Senior Program Advisor, Waterways Protection Office, on behalf of the Ministry of Environment, Conservation and Parks (MECP), provided a PowerPoint Presentation regarding the 10-year review of the Lake Simcoe Protection Plan. A copy of the presentation was provided electronically to committee members prior to the meeting.

Highlights of the presentation included:

- Lake Simcoe Context
- Key Drivers for a Watershed Plan
- Legislation to Protect Lake Simcoe
 - *Lake Simcoe Protect Act, 2008*
- Lake Simcoe Protection Plan
- Implementing the Lake Simcoe Protection Plan
- Overview of the 10-Year Report on Lake Simcoe
- Legislated Plan Review
- Plan Review
 - Scope
 - Opportunities
 - Approach
- Municipal Responsibilities under the Plan
- Next Steps

T. Krsul responded to questions from the Committee regarding whether Conservation Authorities would regain their full powers before changes were made to the *Conservation Authorities Act*; the shared responsibility between the Ministry of Environment, Conservation and Parks (MECP) and the Conservation Authorities; any potential impact a Ministry Zoning Order (MZO) decision could have on Lake Simcoe and other lakes in the Province; how site alterations that are managed at the municipal level may impact Lake Simcoe; and ensuring that future targets are based on science and achievability.

In response to a question, T. Krsul clarified that under the Environmental Assessment (EA) for Lake Simcoe, the Upper York Sewage Plant would be a replacement for the Holland Landing Lagoon and not a new sewage plant. In response to a question from Councillor Collier regarding timelines for the completion of the Lake Simcoe EA, T. Krsul advised that he would follow-up with colleagues to get that information.

6. Correspondence

- A) Rescue Lake Simcoe Coalition, re: Correspondence dated February 9, 2021 regarding recommendations for policy improvements and better implementation of the Lake Simcoe Protection Plan in its 10-year review (2021-COW-3) [Item 7. A)]

Moved by Councillor Marimpietri, Seconded by Councillor Barton,

- (5) That the correspondence from the Rescue Lake Simcoe Coalition, dated February 9, 2021, regarding recommendations for policy improvements and better implementation of the Lake Simcoe Protection Plan in its 10-year review be referred to the consideration of Report #2021-COW-3.

CARRIED

7. Reports

- A) Regional Submission to the Ministry of the Environment, Conservation and Parks for the Lake Simcoe Protection Plan 10-Year Review

Environmental Registry of Ontario Posting #019-2833 Launching the Minister's 10-Year Review of the Lake Simcoe Protection Plan (2021-COW-3)

Report #2021-COW-3 from Brian Bridgeman, Commissioner of Planning and Economic Development and Susan S Siopis, Commissioner of Works, was received.

Detailed discussion ensued with respect to what comments should be included in the submission, and the focus by staff on the Lake Simcoe Protection Plan itself and inclusion of comments on the policy aspects of the Plan as opposed to other concerns. Staff noted that Report #2021-COW-3 highlighted some areas that could be looked at if the Province was to open the Lake Simcoe Protection Plan for amendments. Committee emphasized the importance of ensuring that there is no further loss to the natural shoreline.

Moved by Councillor Smith, Seconded by Councillor Lee,

- (6) That we recommend to Council:

- A) That Report #2021-COW-3 be endorsed and submitted to the Minister of Environment, Conservation and Parks as Durham Region's response to the Lake Simcoe Protection Plan 10-Year Review;
- B) That the province affirm, revise and update the Lake Simcoe Protection Plan as necessary to:
- i) Continue to employ an ecosystems approach and subwatershed approach to the LSPP because these principles remain important to understand cumulative impacts on the watershed while focusing specific

actions to the unique needs and priorities of different areas of the watershed;

- ii) Complete systematic tracking and progress reporting of each of the targets of the LSPP and identify whether changes have been observed on a watershed/subwatershed level;
- iii) Consider assigning timelines and performance measures to the targets in the LSPP;
- iv) Produce a supplemental report that provides an update on the implementation of the Strategic Actions of the LSPP;
- v) Update the LSPP to reflect the changing health of the watershed based on the changing context of the watershed and ongoing advances in watershed science, particularly as they relate to the impacts of climate change;
- vi) Update the stormwater management policies of the LSPP to reflect the considerable research and advancements in industry knowledge of Low Impact Development;
- vii) Update the LSPP to consider and be consistent with the 2017 updates to Greenbelt Plan and Oak Ridges Moraine Conservation Plan, the 2019 update to the Growth Plan and the South Georgian Bay Lake Simcoe Source Protection Plan;
- viii) Provide support to the Lake Simcoe Region Conservation Authority to analyze the results of the Phosphorus Offsetting Policy to determine how well the remediation actions are working and how long the offset lasts;
- ix) Consider the following specific to private sewage systems:
 - a. Oversee the implementation, monitoring and completion of all mandatory maintenance inspections;
 - b. Define program parameters, develop an inspection template and extend cost covering and supplements to municipalities to ensure each municipality is acting consistently;
 - c. Fully fund or subsidize the cost of mandatory maintenance inspections to ensure timely completion and increased public support for the program, especially among those with properties not only on Lake Simcoe, but on its tributaries;

- d. Facilitate grants, subsidies or loans for private homeowners to remediate sewage systems proactively; and
- e. Improve messaging and outreach to homeowners to increase understanding of the program;
- x) Focus the next phase of LSPP implementation on more significant sources of phosphorus such as, stormwater and agricultural/rural runoff and invasive species, and that the existing phosphorous loading caps for water pollution control plants be maintained;
- xi) Implement any new initiatives and measures in a phased approach, allowing for flexibility given the broad range of local partners and available resources;
- xii) Establish a LSPP implementation committee that would serve to increase collaboration and communication among the various stakeholders;
- xiii) Produce supplemental material to the Minister's 10-Year Report that is directed at property owners, including the development of a dedicated website to report on the health of Lake Simcoe that uses plain language and is accessible to residents;
- xiv) Develop an education and outreach campaign for individuals and businesses within the Lake Simcoe watershed to foster a broader understanding of Lake health, key areas of concern and the impacts of LSPP policies and programs;
- xv) Provide presentations to stakeholders to facilitate a more collaborative approach toward implementing the LSPP;
- xvi) Support enforcement efforts related to the activities of private residents, agriculture/businesses and recreational enthusiasts;
- xvii) Contribute financially to the development and coordination of local/Regional climate change data to ensure consistency in data, objectives and performance measures;
- xviii) Develop a comprehensive financing strategy for the next decade of implementation of the LSPP that is consistent with the principles of the existing financing strategy;
- xix) Re-institute funding for land stewardship programs and retrofits to stormwater management systems;

xx) Recognize that the current economic challenges related to COVID-19 bring some risk that future progress in achieving LSPP targets and objectives may be set back; and

- C) That a copy of Report #2021-COW-3 of the Commissioners of Planning & Economic Development and Works be forwarded to the Townships of Brock, Scugog and Uxbridge; Lake Simcoe watershed municipalities; Lake Simcoe Region Conservation Authority; Durham Environmental Advisory Committee; Durham Agricultural Advisory Committee; and Durham Region Roundtable on Climate Change.

CARRIED

B) Enterprise Maintenance Management System Project Update (2021-COW-5)

Report #2021-COW-5 from Nancy Taylor, Commissioner of Finance, Don Beaton, Commissioner of Corporate Services and Susan Siopis, Commissioner of Works, was received.

Staff responded to questions from the Committee regarding the total cost of the Enterprise Maintenance Management project; why an overall contract upset limit of \$5,785,000 is being requested; and whether there were discussions with the Region's Internal Auditor regarding the project costs.

S. Siopis advised that when the Enterprise Maintenance Management System Project was first planned in 2013 there were at least 11 stand alone systems that were being used for work orders, scheduling, etc., and spanned across many departments that did not communicate with each other.

Discussion ensued regarding the delivery enhancements that would result once the Enterprise Maintenance Management System is implemented, as well as the reduction of demands and pressures on staff, and the increase in the quality of service available to the public.

Moved by Councillor Lee, Seconded by Councillor Leahy,
(7) That we recommend to Council:

- A) That this update on the Enterprise Maintenance Management project be received;
- B) That an amendment to the contract with 6362222 CANADA INC., the system integrator for the implementation of the Enterprise Maintenance Management System, to an overall contract upset limit of \$5,785,000* be approved; and
- C) That the Commissioner of Finance be authorized to execute any amendments to the agreement in a form acceptable to the Corporate Services Department – Legal Services.

*includes all fees and are before applicable taxes
CARRIED

8. Confidential Matters

There were no confidential matters to be considered.

9. Other Business

9.1 COVID-19 Vaccine Appointment Scam

Regional Chair Henry thanked Mayor Mitchell for bringing to his attention a current scam that involves residents receiving a call to book their COVID-19 vaccine at a cost. He advised that residents are to book their vaccine online through the Region of Durham's website and that it is free to receive. He further advised that the Durham Regional Police Service (DRPS) have been notified.

10. Adjournment

Moved by Councillor Schummer, Seconded by Councillor Collier,
(8) That the meeting be adjourned.

CARRIED

The meeting adjourned at 10:56 AM

Respectfully submitted,

J. Henry, Regional Chair

Committee Clerk

Communications

March 24, 2021

- CC 07 Becky Jamieson, Municipal Clerk, Township of Brock, writing to the Regional Clerk advising that at their meeting held on February 22, 2021, Council adopted a resolution appointing Councillor Cria Pettingill as the Township of Brock's representative on the Lake Simcoe Region Conservation Authority (Our File: C12)
-

Recommendation: That Brock Councillor Cria Pettingill be appointed to the Lake Simcoe Region Conservation Authority for the Township of Brock

(See attached correspondence on page 49)

- CC 08 Ben Drory, ADRO Investigator, ADR Chambers Ombuds Office, Investigation Report – Complaint Reference Number MUN-11695-0920 dated March 4, 2021 (Our File: C24)
-

Recommendation: Receive for information

(See attached correspondence on pages 50-58)

- CC 09 Becky Jamieson, Municipal Clerk, Township of Brock, writing to the Regional Clerk advising that at their meeting held on March 15, 2021, Council adopted a resolution appointing John Grant as Mayor (Our File: C20)
-

Recommendation: Receive for information

(See attached correspondence on pages 59-61)

- CC 10 Linda Gasser on behalf of Wendy Bracken, Kerry Meydam and Linda Gasser writing to Regional Chair Henry and Members of Council, regarding Staff Comments/Responses at Works Committee & Report 2021-WR-5 DYEC Operations, Long-Term Sampling System Update (for Dioxins and Furans) (Our File: E00)
-

Recommendation: Refer to consideration of Item #2 of Report #3 of the Works Committee

(See attached correspondence on pages 62-74)



The Corporation of
The Township of Brock
1 Cameron St. E., P.O. Box 10
Cannington, ON L0E 1E0
705-432-2355

February 23, 2021

Mr. Ralph Walton, Regional Clerk/Director of Legislative Services
Region of Durham – Works Department
605 Rossland Road East
Whitby, Ontario
L1N 6A3

Dear Sir:

Re: Township of Brock
Lake Simcoe Region Conservation Authority Appointment

Council of the Township of Brock, at its meeting held on February 22, 2021, adopted a resolution appointing Councillor Cria Pettingill as the Township of Brock's representative on the Lake Simcoe Region Conservation Authority.

Should you have any questions please contact the undersigned.

Yours truly,

The Township of Brock

A handwritten signature in black ink that reads 'Becky Jamieson'.

Becky Jamieson
Municipal Clerk



ADRO INVESTIGATION REPORT

Complainant: The Complainant

Complaint Reference Number: MUN-11695-0920

Complaint Commenced: October 9, 2020

Date All Required Information Received: January 15, 2021

Report Date: March 4, 2021

Investigator: Ben Drory

Terms of Reference

This report has been prepared pursuant to the ADR Chambers Ombuds Office (ADRO) Terms of Reference, which describe the scope of ADRO's mandate, its process upon receiving Complaints, and the authority and responsibilities of an ADRO Investigator. Defined terms used below have the same meaning as in the Terms of Reference.

Complaint

The Complainant is a resident of Durham Region (the “Region”). She submitted a Complaint Submission Form to ADRO on October 1, 2020, in its entirety as follows:

The Regional Council failed to submit to tender the contract for modular housing in Beaverton and they failed to submit to tender the contract for the support building contrary to Bylaw 16. Bylaw 16 has exceptions but Council failed to turn their minds to the exceptions which are inapplicable.

The Complainant escalated the matter to ADRO in response to a September 23, 2020 letter she received from the Region’s Commissioner of Social Services, outlining the Region’s position:

This correspondence is pursuant to the complaint made to the Regional Municipality of Durham on September 11, 2020 which indicates:

The Regional Council failed to submit to tender the contract for modular housing in Beaverton and they failed to submit for tender the contract for the support building contrary to Bylaw 16.

Attached please find a report of July 9, 2020, approved by Regional Council for the Expedited Supportive Housing Development in Beaverton. Due to the urgent need for affordable and supportive housing the development must include a process that will be

expedited. This will ensure safe and supportive housing for vulnerable residents living in Durham that are currently homeless or at-risk of homelessness. The Region will approach the development of the Supportive Housing Modular Units project through a succession of steps that are aligned in the attached report. To aid in the urgency of this housing need, the Beaverton Supportive Housing Modular Units will be built on Regionally owned land that is zoned for the purposes needed.

As we continue to develop the services for both tenants and the community, we hope you can join the information session that will be held this fall. This session will include discussion on tenancy for the Beaverton Supportive Residence and how we will prioritize the unsheltered residents of the North who require the level of service that we will be providing.

...

For additional information on this Regional priority, please visit durham.ca/SupportiveHousing where we have collected questions we have received so far and posted answers.

ADRO Investigation

I conducted telephone interviews with:

- The Complainant
- For the Region: the Commissioner of Social Services, the Manager of Purchasing, and the Director of Housing

Prior to conducting the interviews, I reviewed the file information and sought further documentation from the Region. During the intake stage, the Region's Legislative Officer and Deputy Clerk advised ADRO that if the Complainant represented a vendor, she could be referred to the Vendor Complaint procedure on the Region's website and contact the Purchasing department, who could walk her through the sole source process, as that was their escalation route regarding the Region's bidding process.

I obtained a copy of the July 9, 2020 report that had been originally attached to the Commissioner of Social Services' letter to the Complainant – Report 2020-SS-9, entitled "Expedited Supportive Housing Development".¹ The body of the Report included the following:

1. Purpose

1.1 The purpose of this report is to identify the urgent need for affordable and supportive housing development and facilitate the process to expedite the development. The current COVID-19 crisis has highlighted that homelessness is not only a social issue but also a community health issue. Those who are unsheltered cannot practice public health

¹ See <https://calendar.durham.ca/meetings/Detail/2020-07-09-0930-Health-and-Social-Services-Committee-Meeting/7bfb7dc0-5553-459b-9576-abed00cca46c>, at pp. 54-64

guidelines and recommendations aimed at reducing the spread of COVID-19 or any other future pandemic.

...

2. Background

...

2.2 The Province of Ontario and the Regional Municipality of Durham (Region) have declared emergencies under the Emergency Management and Civil Protection Act as a result of the pandemic.

...

3. Supportive Housing Alignment with At Home in Durham, the Durham Housing Plan 2014-2024

3.1 In May 2014 Regional Council approved At Home in Durham, the Durham Housing Plan 2014-2014 (Report #2014-J-16).² Key findings from the Durham Housing Review and community consultation identified the need for more supportive housing options in the Region.

...

3.3. Regional Council committed to:

- a. Initiating the development of 1,000 new affordable housing units during the next five years, with development completed and ready for occupancy over the following five years; and*
- b. Ending chronic homelessness in Durham by 2024.*

...

4. Supportive Housing Implementation – Approaches by Other Municipalities

4.1 The COVID-19 crisis has highlighted the need for even more aggressive timelines to address the needs of our unsheltered population. Municipalities such as the City of Vancouver (Vancouver) and the City of Toronto (Toronto) have taken steps towards expediting the development of supportive housing with positive results through the use of modular housing construction.

4.2 Modular housing consists of prefabricated units. The units are built indoors in a factory and transported to the site where the building is assembled. This approach is

² See: https://www.durham.ca/en/doing-business/resources/Documents/HousingDevelopment/AtHomeAnnualReportSummary_accessible.pdf

considered a faster and more cost-effective option than conventional construction methods. ...

...

5. Justification for Sole Source – Modular Construction

5.1 There is a significant benefit to have an established and vetted vendor for expediting the production of the modular homes, within this project.

5.2 NRB, a Horizon North Company located in Grimsby, Ontario has been contracted by Toronto to implement its first modular housing development. Horizon North worked extensively with Vancouver on the development and implementation of their modular housing projects. ... The result will be a repeatable design permitting rapid construction of units, complete with the necessary furniture and fixtures to welcome residents.

...

5.4 The City of Toronto's decision to enter into a non-competitive procurement process for Phase 1 was based on the recommendation of an inter-divisional team of CreateTO and city staff. The recommendation was based on research and outreach to a number of modular manufacturers in the Greater Toronto Area and across Canada taking the following factors into account:

- a. There is limited competition in the market with only a handful of companies that have actually delivered residential modular housing;*
- b. Horizon North Inc./NRB has extensive experience (over 40 years) in the modular residential housing industry;*
- c. Horizon North Inc./NRB has successfully delivered hundreds of modular homes in City of Vancouver and across the province of British Columbia; and*
- d. This is the only manufacturer contacted who confirmed they can meet the urgent, emergency timelines.*

...

6. Durham Region's Approach

...

6.4 Durham Region Non-Profit Housing Corporation (DRNPHC) has developed a model microhome for viewing at their downtown Oshawa headquarters with the hope that this type of housing can be incorporated into the mix of affordable rental housing options for Durham residents. The cost for the construction of each microhome is estimated at approximately \$80,000.

...

6.7 The key to success for a rapid implementation of modular housing is the site selection. Sites that require little alteration, have services readily available, are suitably sized and located, and can be supported through expedited approval processes are critical considerations to quickly establishing these modular developments.

6.8 An outcome of the Affordable and Seniors' Housing Task Force was the identification of potential surplus land for the development of affordable housing. One of the five sites identified, located at 133 Main Street, Beaverton adjacent to the Region's Lakeview Manor long term care facility, is a good location for the development of modular supportive housing. There are benefits to providing supportive housing outside of the 401 corridor, provided an effective on-site support model is in place. ...

...

7. Financial Implications

7.1 The expedited development of supportive housing solutions will require an initial allocation from the Social Housing Reserve Fund in the amount of \$8,812,090, along with \$5,620,900 allocated from the Ontario Priorities Housing Initiative. ...

...

8. Conclusion

...

8.2 The most effective way for residents to stay at home during a health crisis is for them to have a home. Providing supportive, self contained housing units on both a temporary and longer-term basis accomplishes this objective.

8.3 Expedited modular housing construction combined with microhome housing, both fitted with wrap around supports for the residents is key to meeting the urgent needs of the unsheltered population.

...

8.6 The adoption of innovative housing solutions is consistent with the goals of At Home in Durham, the Durham Housing Plan 2014-2024 and Councils commitment to increasing the supply of affordable housing.

...

The Report's executive summary recommended the following actions:

... [T]he Health and Social Services Committee recommends to Regional Council subject to approval of the Finance and Administration Committee:

- A. That, subject to a two-thirds majority vote, Council be requested to rescind its previous decision to issue a Request for Proposal for the purpose of soliciting affordable rental housing project proposals under the Ontario Priorities Housing Initiative, as adopted by Council on June 26, 2019 in Part (F) of Report #2019-COW-13 in order for the funds to be reallocated and used directly by the Region for supportive housing development; and*
- B. That 2021 pre-budget approval be granted for the development of a modular supportive housing project of approximately 50 units and the construction of an approximate 5,000 square foot ancillary structure to provide a combination of support services and congregate living, on Regional land located at 133 Main St., Beaverton, at an estimated cost of \$13,552,990 to be funded from the reallocation of the proposed \$5,620,900 in Ontario Priorities Housing Initiative (OPHI) and \$7,932,090 from the Social Housing Reserve Fund, subject to the approval of the Ministry of Municipal Affairs and Housing (MMAH) under Years 2 and 3 of the Ontario Priorities Housing Initiative (OPHI) in the amounts of \$2,137,535 and \$3,483,365 respectively; and*
- C. That a sole source agreement with Horizon North Inc. (or its affiliate NRB) for the design, delivery and installation of approximately 50 modular affordable supportive housing rental units at 133 Main St., Beaverton be approved subject to the terms and conditions being satisfactory to the Commissioner of Finance; and*
- D. That 2021 pre-budget approval be granted for a “Microhome Pilot” project to provide temporary supportive housing on Regionally owned lands, that are available for a limited period of time at an estimated cost \$880,000 to be funded from the Social Housing Reserve Fund and the procurement process, including potentially sole sourcing to be delegated to the Commissioner of Finance and the Commissioner be authorized to award and execute any required agreements;*
- E. That staff be directed to pursue all available and eligible funding from senior levels of government related to the “Supportive Housing – Modular Homes” and “Supportive Housing – Microhomes” projects, and that the Commissioner of Finance be authorized to execute any subsequent agreements; and*
- F. That the CAO be authorized to urgently request the Ontario Government to make available operating funding to support the Region’s modular supportive housing initiative and that the Commissioner of Finance be authorized to negotiate and enter into any agreements necessary to secure such funding.*

Durham Region’s By-law Number 16-2020,³ which is the Region’s Purchasing By-law (the “By-law”), is the by-law the Complainant referred to as “By-Law 16”. It governs the Region’s

³ <https://www.durham.ca/en/resources/16-2020-Purchasing-Bylaw.pdf>

acquisition of goods, services, and works. In most cases, tenders must be called for purchases with estimated total purchase prices over \$100,000, and awarded in accordance with established procedures (s. 6). However, section 7 of the By-law allows direct negotiations and limited tendering in certain circumstances, as follows:

7. Direct negotiations and limited tendering

7.1 Direct negotiations may be conducted through the Purchasing Section for emergencies as defined in section 10.0 ...

...

7.2 Limited tendering (sole/single source purchases)

7.2.1 Unless otherwise provided in this By-law, the requisitioning department in consultation with the Purchasing Manager or designate, may enter into negotiations with one or more vendors for the supply of goods or services for procurements described in Appendix “C” (Circumstances for Sole/Single Source). This must be done following established procedures.

7.2.2 Departments must provide the Purchasing Section with valid justification for procurements described in Appendix “C”.

7.3 The business case must include all the pertinent facts that give rise to justifying the Single Source or Sole Source procurement and shall be conducted and awarded in accordance with Appendix “D”.

Appendix C to the By-law sets out an exhaustive list of circumstances where sole/single source purchases are permitted. “Extreme urgency” is one of the listed items (1.3). Appendix D to the By-Law sets out that for non-competitive (single/sole source) procurements over \$100,000, such awards must be approved by Council, and the Commissioner of Finance has the authority to execute the contract.

I spoke with the Complainant, and asked her to describe what upset her about the situation. She stated that the Region didn’t comply with their purchasing bylaw – they purchased something for over \$100,000 and didn’t go to tender, and she didn’t think any of the exceptions applied that would have allowed them to do a sole-source tender. The Complainant thought municipalities should comply with the rules they’ve established, and this matter should have been tendered out. She confirmed that she wasn’t a vendor herself; she stated that the consequence of the Region not tendering the project was that they probably spent too much taxpayer money, and she wished for them to comply with the by-law, which would mean they’d have to tender. She felt the Region didn’t seem to understand the point of her complaint (i.e., that they didn’t follow the by-law).

I spoke with the Commissioner of Social Services, the Manager of Purchasing, and the Director of Housing for the Region, and asked the group to describe the modular housing initiative. The

Commissioner of Social Services described that given statements from the World Health Organization regarding the emerging Covid-19 pandemic, and declarations of emergencies by the Province of Ontario and Durham Region in late-winter/early spring 2020, there was an urgency to address challenges faced by the unsheltered population in expedited fashion. She said modular housing was being used in other jurisdictions like Vancouver and Toronto to provide housing quickly to that vulnerable group. The Director of Housing described that the Region followed Toronto's practice of sole sourcing to speed up the process during a pandemic – Toronto's staff (CreateTO) had recommended a non-competitive procurement, which their Council adopted, based on a lack of competition in the market, and the vendor's experience and ability to meet expedited timelines. The Region followed Toronto's approach, and determined that an expedited approach would be appropriate. The Director of Housing identified that the approximately \$13.5 million cost was determined based on the City of Toronto's unit cost estimates, with some Region-specific adjustments, as Toronto was dealing with the vendor first.

With respect to the purchasing process, the Manager of Purchasing described that under s. 7.2 of the By-Law, the Commissioner of Social Services' group emphasized "extreme urgency" due to the pandemic – i.e., provision 1.3 of Appendix C. She confirmed that the Housing department didn't deem the matter an "emergency". She noted that all purchases over \$100,000 have to be approved by Council, and for a non-competitive procurement the Commissioner of Social Services was obligated to draft a report to Council with a justification based on a prescribed circumstance for single/source purchasing under Appendix C – i.e., 'extreme urgency'. The Commissioner of Finance would execute the contract following Council's approval. Following our discussion, the Region staff forwarded me minutes of the July 29, 2020 Regional Council meeting – which established that Regional Council formally considered Report 2020-SS-9, and approved a motion that would adopt all of its recommendations (as outlined in the Report's Executive Summary), by a vote of 27-1.⁴ The Manager of Purchasing identified that there was no obligation for the Region to submit the modular housing to tender because it was a non-competitive procurement.

The Manager of Purchasing added that the Region has a vendor dispute resolution procedure when someone has a complaint of this nature, which can also be used for general complaints – i.e., the procedure isn't just for vendors, and provides an option for people to contact the Purchasing department and ask questions, which they are happy to respond to whether the complainant is a vendor or not.⁵

The Commissioner of Social Services added that after the project in question was initiated, the provincial government made funding available for creating new modular construction units in an expedited manner, for which the Region was approved for \$2 million, for work to be completed by the end of 2021. She described that the Region wouldn't have been eligible for that funding if they hadn't taken the steps they did to expedite the Beaverton development. She also stated that the federal government has since announced funding for expedited modular construction, for

⁴ See minutes of July 29, 2020 Regional Council meeting, specifically pp. 32-33:
<https://calendar.durham.ca/meetings/Detail/2020-07-29-0930-Regional-Council-Meeting/0ea0c17e-ea00-49c1-98fd-ac16010023c2>

⁵ See Vendor Dispute Resolution Procedure, at section 3.1:
https://www.durham.ca/en/resources/PUR_PROC_10.01-Vendor-Dispute-Resolution-Procedure.pdf

which the Region has applied, and that application also wouldn't have been possible if the Region hadn't taken their earlier steps to expedite the Beaverton modular housing project.

ADRO Analysis

This complaint was solely about whether the Region followed its prescribed purchasing processes correctly, in sourcing the modular housing construction from a sole vendor, through a non-competitive procurement, and not issuing a request for tender. I am satisfied that the Region followed its procedures appropriately.

The Region's Health and Social Services Committee issued Report 2020-SS-9 for Regional Council's consideration, which identified in s. 1 that "[t]he purpose of this report is to identify the urgent need for affordable and supportive housing development and facilitate the process to expedite the development." The Committee recommended that 2021 pre-budget approval be granted for the development of a modular housing supportive housing project at 133 Main St., Beaverton and a "Microhome Pilot", and that a sole source agreement with Horizon North Inc. (or its affiliate NRB) be approved, subject to terms and conditions satisfactory to the Commissioner of Finance. I am satisfied that 'extreme urgency' (per Appendix C of the By-Law) was satisfactorily referenced in the Report – section 1 specifically stated the purpose of the report was to identify an urgent need – and note that the remainder of the Report also several additional arguments, including a section (s. 5) dedicated to "Justification for Sole Source – Modular Construction". Regional Council approved the Committee's recommendations by the necessary vote.

Conclusion and Recommendation

I have found that the Region properly followed its required procedures under the Purchasing By-Law; accordingly, no recommendation is made against it.

Respectfully submitted,

Ben Drory
ADRO Investigator



The Corporation of
The Township of Brock
1 Cameron St. E., P.O. Box 10
Cannington, ON L0E 1E0
705-432-2355

March 15, 2021

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

Dear Sir

Re: Appointment of John Grant, Mayor, Township of Brock

Please be advised that the Council of the Township of Brock, at their meeting held today passed a resolution to appoint John Grant as Mayor.

Mr. Grant has attended my office on this date and has taken the Declaration of Office pursuant to section 232 of the Municipal Act, S.O. 2001, as amended.

I am enclosing a certified copy of Mr. Grant's declaration of Office.

Should you have any questions in this regard please do not hesitate to contact me.

Yours truly,

The Township of Brock

A handwritten signature in black ink that reads 'Becky Jamieson'.

Becky Jamieson
Municipal Clerk
Encl.

Township of Brock Resolution

Resolution No. 1-9

Moved by Councillor Schummer

Seconded by Councillor Pettingill

That as per Section 263(1) of the Municipal Act, If a vacancy occurs in the office of a member of council, the municipality shall, subject to this section,

- (a) fill the vacancy by appointing a person who has consented to accept the office if appointed; or
- (b) require a by-election to be held to fill the vacancy in accordance with the *Municipal Elections Act, 1996*. 2001, c. 25, s. 263 (1).

That as per Section 263(2) of the Act, If the offices of a person who is a member of council of both a local municipality and its upper-tier municipality become vacant, the local municipality and not the upper-tier municipality shall fill the vacancy in accordance with subsection (1) as noted above.

NOW THEREFORE be it resolved that Council hereby appoints John Grant to the Office of the Mayor for the Township of Brock as per Section 263 (1) & (2) of the Municipal Act.

MOTION CARRIED

**DECLARATION OF OFFICE
(Section 232 of the Municipal Act, S.O. 2001)**

THE CORPORATION OF THE TOWNSHIP OF BROCK

I, John Grant, having been elected to the office of Mayor in the municipality of the Corporation of the Township of Brock

do solemnly promise and declare that:

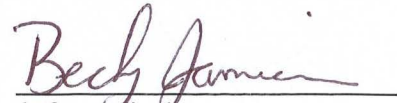
1. I will truly, faithfully and impartially exercise this office to the best of my knowledge and ability.
2. I have not received and will not receive any payment or reward, or promise thereof, for the exercise of this office in a biased, corrupt or in any other improper manner.
3. I will disclose any pecuniary interest, direct or indirect, in accordance with the Municipal Conflict of Interest Act.
4. I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second.

AND I make this solemn promise and declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.

DECLARED before me at the Township of Brock
in the Region of Durham this 15th day of March
A.D. 2021.

)
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Signature of Declarant


A Commissioner etc.

March 17, 2021.

Chair John Henry and Members of Council
Regional Municipality of Durham
605 Rossland Road East,
Whitby ON L1N 6A3

Re: Staff Comments/Responses at Works Committee & Report 2021-WR-5 DYEC Operations, Long-Term Sampling System Update (for Dioxins and Furans)

Chair Henry and Members of Council:

On March 3rd, Works Committee received Report 2021 WR 5 “for information”.

Our Requests to Council:

- 1) That Council NOT accept/support the Works Committee Recommendation to receive Report 2021-WR-5 for information.
- 2) That Council refer Report WR-5 - together with our letter - to staff, directing staff to respond in writing to the concerns raised and specifically to the request that AMESA data be provided as we have described below near the end of our letter in Bullet Points 1 – 4.

Introductory Comments.

First, please note this letter is a joint submission from Linda Gasser, Wendy Bracken and Kerry Meydam. We have been actively engaged around incinerator issues from when we first learned about Durham’s plans in spring 2006 (Linda and Kerry) and Wendy became involved in early 2007.

Rather than each of us writing to Council individually, a joint submission summarizes our shared ongoing concerns with multiple issues around AMESA data.

Over the years of our involvement, we have made multiple submissions over the course of the Environmental Assessment (EA) and Certificate of Approval (ECA) phases via delegations and formal submissions to both Durham and the Province. Since EA and ECA approvals were granted, we submitted formal comments on many aspects of incinerator operations including around monitoring plans.

With others, we hosted multiple citizen information events across Durham during periods when Durham had stopped consulting with the public during key phases of the EA.

We also organized a Council Information session at Ajax Town Hall in March 2011, primarily for the benefit of new councillors, so they could better understand what had transpired over the previous five years leading up to EA Approval.

We continue to sit on the Energy from Waste Advisory Committee since 2011. Wendy and Kerry were appointed repeatedly by Clarington Council as their members on the Energy from Waste, Waste Management Advisory Committee (EFW WMAC).

Second, we write to Durham Council, because Durham Region is the majority owner of the DYEC and as such has multiple responsibilities as a DYEC Owner.

Third, it might not be clear for the average reader or anyone searching for information pertaining to Dioxins monitoring, from the Report 2021-WR-5 title, that this report is about the **long term sampling of Dioxins and Furans**.

Fourth, our letter also addresses some staff comments to Works Committee at the March 3rd meeting.

Fifth, to understand Durham's obligations as Owner - around Long Term Sampling of Dioxins and Furans in particular, see below the complete text of ECA Condition 7(3). As concerns Report WR-5, note the obligations of "The Owner" under subsection (b).

Sixth, since Report WR-5 was received for information, it may not appear on your Council agenda.

Report at: https://icreate7.esolutionsgroup.ca/11111068_DurhamRegion/en/regional-government/resources/Documents/Council/Reports/2021-Committee-Reports/Works/2021-WR-5.pdf

March 3 Works Committee Minutes, starting Page 3:

<https://calendar.durham.ca/meetings/Detail/2021-03-03-0930-Works-Committee-Meeting/a40833af-7ab6-42e2-ab51-aced0096e1ee>

You can view the March 3 Works meeting segment with staff comments starting from the 6 minute mark of the meeting to 18:10 at:

<https://www.eventstream.ca/events/durham-region>

DYEC ECA Condition 7(3) states:

Long-Term Sampling for Dioxins and Furans

- (3) (a) The Owner shall develop, install, maintain and update as necessary a long-term sampling system, with a minimum monthly sampling frequency, to measure the concentration of Dioxins and Furans in the Undiluted Gases leaving the APC Equipment associated with each Boiler. The performance of this sampling system will be evaluated during the annual Source Testing programs in accordance with the principles outlined by 40 CFR 60, Appendix B, Specification 4.
- (b) The Owner shall evaluate the performance of the long-term sampling system in determining Dioxins and Furans emission trends and/or fluctuations as well as demonstrating the ongoing performance of the APC Equipment associated with the Boilers.

What are Dioxins and Furans?

US EPA Fact Sheet

<https://archive.epa.gov/epawaste/hazard/wastemin/web/pdf/dioxfura.pdf>

*Dioxins and furans is the abbreviated or short name for a family of **toxic substances** that all share a similar chemical structure.*

*Dioxins and furans are not made for any specific purpose; however, they are created when products like herbicides are made. They are also created in the pulp and paper industry, from a process that bleaches the wood pulp. **In addition, they can be produced when products are burned.***

***Dioxins and furans can enter your body through breathing contaminated air, drinking contaminated water or eating contaminated food.** About 90% of exposure to dioxins and furans is from eating contaminated food. Dioxins and furans can build up in the fatty tissues of animals.*

There are several sources of exposure to dioxins and furans. If you work in or near a municipal solid waste incinerator, copper smelter, cement kiln or coal fired power plant you can be exposed to dioxins and furans.** Individuals who burn their household waste or burn wood can be exposed as well. Even forest fires can contribute to the creation of small amounts of dioxins and furans. Dioxins and furans have been found in the air, soil, and food. **Dioxins and furans are mainly distributed through the air. However, only a small percentage of exposure is from air. Eating contaminated food is the primary source of exposure.

Health Effects of Dioxins and Furans

Information about the many health effects of dioxins and furans were provided on multiple occasions to Durham staff and council over the course of the EA, ECA and since, including in 2013, during monitoring programs development.

The [International Agency for Research on Cancer \(IARC\)](#) -- part of the World Health Organization -- published their research into [dioxins and furans](#) and announced on February 14, 1997, that the most potent dioxin, 2,3,7,8-TCDD, is now considered a [Group 1](#) carcinogen, meaning that it's a known human carcinogen.

A 2003 re-analysis of the cancer risk from dioxin reaffirmed that there is [no known "safe dose"](#) or "threshold" below which dioxin will not cause cancer

In addition to cancer, exposure to dioxin can also cause severe reproductive and developmental problems (at levels 100 times lower than those associated with its cancer causing effects). Dioxin is well-known for its ability to damage the immune system and interfere with hormonal systems.

Dioxin exposure has been linked to birth defects, inability to maintain pregnancy, decreased fertility, reduced sperm counts, endometriosis, diabetes, learning disabilities, immune system suppression, lung problems, skin disorders, lowered testosterone levels and much more. For a detailed list of health problems related to dioxin, read the [People's Report on Dioxin](#)

Short-term exposure of humans to high levels of dioxins may result in skin lesions, such as chloracne and patchy darkening of the skin, and altered liver function. Long-term exposure is linked to impairment of the immune system, the developing nervous system, the endocrine system and reproductive functions.

<https://www.who.int/en/news-room/fact-sheets/detail/dioxins-and-their-effects-on-human-health>

DYEC Monitoring of Dioxins and Furans (D & F)

Keep in mind that the incinerator operates 24/7/365 except when down for maintenance or other reasons.

Source (aka Stack) Testing – MECP required only ONE source test per year for compliance. In 2013 Durham residents (including us) petitioned the then Council for quarterly stack testing, which staff had promised in their business case in 2008, with Council eventually agreeing to doing one additional stack test per year -often called the

Voluntary Source Test – for a total of TWO Source tests per year. In 2008 business case, staff had promised quarterly stack testing.

Durham staff have reported to council that since Fall 2016, after the previous two dioxins exceedances, that stack test results have been well below the emissions limit. Durham's consultant at the time, John Chandler, wrote the following on page 4 of his **memo to Mr. Anello dated Nov.22-December 1, 2016:**
"Preliminary Results of Fall Regulatory Tests"

*The author has reviewed the preliminary results of the test series. The numbers are well below the required levels of the Approval. It is my opinion there should be no attempt to interpret the data either as it relates to between tests on either unit, or between the units. **It needs to be stated that Environment Canada have stated that the level of quantification, 32 pg TEQ/Rm₃ represents the lowest level that can reasonably be reported with conventional sampling and analytical methods. Moreover, the ASME ReMAP study has suggested that there is considerable statistical variation in sample results at this level.***
I await the AMESA data."

Ambient Air Monitoring Sampling for D & F occurs every 24 days (15 times per year)– sample duration 1440 minutes. There are two Ambient Air monitoring stations.

Soil Monitoring -now only every three years

Long-Term Sampling -AMESA system- continuous sampling over 28 day periods in both boilers. This monitoring is for information, NOT required for compliance.

Dioxins and Furans are NOT monitored via Continuous Emissions Monitoring Systems (CEMS)

DYEC Monitoring Results Reporting

Source (Stack) Test Monitoring: submitted to Durham Region Works Dept. and Covanta. The most recent report posted (hard to find) is from June 15-18, 2020 test, the related Ortech Report dated August 18, 2020 at:
https://www.durhamyorkwaste.ca/en/environmental-monitoring/resources/Documents/AirEmissions/2020/20201013_2020_Spring_Voluntary_Source_Test_RPT.pdf

Ambient Air Monitoring – according to the Cover Page of 2020 Q 4 Ambient Air Report dated February 9, 2021, this is submitted to Regional Clerk or designate at Durham, with copies going to 3 Works/Waste Dept. staff listed.

https://www.durhamyorkwaste.ca/en/environmental-monitoring/resources/Documents/AmbientAir/Ambient%20Air%202020/20210222_RPT_2020_Q4_AA_ACC.pdf

Soil Monitoring – according to cover page of 2020 report submitted to Durham Region lists one Waste staff member, see at:
https://www.durhamyorkwaste.ca/en/environmental-monitoring/resources/Documents/Soil/2020/20201026_ENC_DYEC_2020_Soils_Testing_Report_MECF_ACC.pdf

AMESA Long Term Sampling Results: ZERO data from monthly (28-day) sampling periods posted since AMESA installation in Fall 2015.

A single AMESA number for each boiler (no calculations/underlying data provided) taken over period concurrent with Source Testing campaign has been referenced in past Annual Reports, most recent for 2019 found on page 27 at:
https://www.durhamyorkwaste.ca/en/operations-documents/resources/Documents/2019_DYEC_Facility_Operations_Annual_Report.pdf

ALL monitoring reports, EXCEPT for AMESA sampling data which staff claim goes to Covanta and, which Durham staff have claimed they don't review, ARE provided to Durham Region.

ALL monitoring results from all surveillance systems, must be reviewed and reported in order for Durham to have a picture of DYEC emissions.

Background: DYEC & Dioxins and Furans & AMESA LTSS

During the Environmental Assessment, the public requested, and the Ministry of the Environment ultimately required, installation of a Long Term Sampling System (LTSS) for Dioxins and Furans (D & F). This would ensure there would be monitoring over periods beyond the few hours' duration of semi-annual Source Tests. AMESA was in use by multiple incinerators in Europe since 2000. This was NOT new technology.

Sept-October 2015: "Acceptance Testing "Source Test – failed for D & F, both boilers.
November 2015: Durham hired an external consultant John Chandler to review AMESA sampling – note this AFTER the Acceptance Testing Stack test exceedances. (Chandler memo June 9.16 Attch. 2 to Report 2016.WR 8)

December 2015 and January 2016: Prior to "accepting" Covanta's Acceptance Testing results, the majority of Durham Councillors voted to close TWO council meetings in December 2015 and January 2016. After amending the Project Agreement,

and this notwithstanding the Fall 2015 D & F exceedances, Durham Council voted to “accept” and moved Covanta to commercial operations at the end of January 2016.

May 2016: staff reported there had been a massive D & F exceedance in Boiler 1. Again, the public requested the AMESA results for the sampling periods since AMESA had been installed. These were not provided by Durham.

What is important for Durham councillors to know is that council and the public were told on multiple occasions that if there were operational issues at the incinerator, that these would be picked up by operators. They weren't in May 2016. Council and the public were also told that if something went wrong at the incinerator, MoE would shut it down. After the May 2016 exceedance, MoE did not request Covanta to shut down – they asked them to develop an Abatement Plan. Covanta did not shut down voluntarily.

That massive exceedance went undetected until the source test – none of the continuous monitors indicated any problems. It is unclear how many hours, days, weeks or months went by with the facility emitting in exceedance.

Days later, Boiler 1 was shut down for several months at the request of the Owners, while Durham's consultants and Covanta investigated. There was no “smoking gun”. HDR's findings were summarized in Report September 30th 2016 INFO-25 – Abatement Plan Update.

September 2016: after the findings of Closed Meetings Investigator Amberley Gavel, who in his report had determined that portions of those two closed meetings could and should have been held in open session, were made public, Council directed staff to release all documents that were not deemed to be “privileged” and therefore confidential.

May 2018 – Ambient Air exceedance for D & F

May 2019: Wendy Bracken filed two Freedom of Information requests with Durham, both requesting a variety of documents around AMESA, *including “lab analysis showing the sampling results, from the AMESA cartridge samples collected in both boilers, for all sampling periods from start up to April 30, 2019”*.

Some requested documents were released later in 2019. Some of these have raised more questions about Durham's “management” of AMESA sampling. However, NONE of the monthly sampling data or related analyses have been released to date.

There was a stunning revelation at the September 24, 2019 EFW WMAC meeting, when Durham staff responded to Wendy Bracken's questions at that meeting about AMESA.

December 4, 2019 – in her delegation to Works Committee, Ms. Bracken reported that: ***“At the September 24, 2019 EFW-WMAC meeting Mr. Anello advised that the AMESA monthly cartridge lab results go to Covanta and Durham does not review them as the results are “meaningless”.***

October 23, 2019: at the PIC meeting for the Incinerator throughput expansion to 160,000 tonnes per year (tpy), all three of us were present. Through conversations the three of us had with York, Durham and Covanta staff, we learned that York staff HAD audited AMESA data and Durham staff claimed to have reviewed none, until your Mr. Anello added that he did in fact look at some data around Durham’s Ambient Air Exceedance for D & F. Note - This latter D & F Ambient Air exceedance was not mentioned by Ms. Siopis at the meeting March 3rd – she only recalled AA exceedances for particulate.

If it were true that Durham staff did NOT review the AMESA data, who employed or retained by the majority DYEC Owner i.e. Durham region, did, so that Durham as the owners would be meeting ECA Condition 7(3)b specifically?

There were a series of letters from Durham Legal staff from December 2019 through 2020, to the Information and Privacy Commissioner adjudicator over the course of Wendy Bracken’s appeal of Durham’s denial of some requested documents, including AMESA sampling related data.

Council should review Durham’s submissions to the IPC.

Clarington Council in particular should be concerned as they are the host community and directly impacted by incinerator operations, as would Oshawa residents.

As you read what follows, please keep in mind ECA Conditions 7 (3) as described above, and the OWNERS (Durham and York Regions) obligations.

While AMESA results are not required for COMPLIANCE purposes, they are required to monitor Covanta’s operations AND to meet the OWNERS’ obligations in 7(3)b.

Your former Works Commissioner explained on June 15, 2016 in Report WR-8, after the big May 2016 exceedance:

“The objective for the installation and testing of the AMESA system is to generate additional Dioxins and Furans data to monitor the performance of the plan and its APC system. In addition, the Owners expect that after further investigation the AMESA system will be used to monitor Dioxins and Furans between the scheduled stack tests. This will provide for an additional mechanism to better protect the public”.

Council is Ultimately Responsible

COUNCIL is ultimately responsible for ensuring that ALL monitoring results are reviewed by staff AND reported to both council and the public AND posted on the DYEC website accessible to all, promptly.

Staff and Covanta had almost four years from ECA approval in June 2011 through to start up in 2015 to figure out AMESA. They've had over five years operational experience since AMESA was finally installed in the fall of 2015.

Chair Henry and Councillors –who of you thinks it's a good thing that Durham taxpayers have paid for AMESA equipment, five years' worth of sampling, lab analyses, consultants' reports, flying in manufacturers staff to help troubleshoot, numerous meetings between staff, Covanta, consultants, MoE – yet have NOT been provided with the sampling results for the sampling periods since 2015?

York staff audited some AMESA data and they are a minority owner, whose community is not directly impacted by DYEC emissions.

Can Council think of a single valid reason WHY Durham staff should not review AMESA data, data that was collected for specific purposes as required in ECA Condition 7(3) and for purposes as described by your previous Works Commissioner.

Why has Durham allowed Covanta to control sampling data that monitors their operations?

How much money has been spent to date on AMESA related activities, that Durham staff stated they don't even review?

Not only does Council have an obligation to know about and understand the monitoring results, you should also be aware whether or not your staff carry out their duties in a way that meets Owners' obligations in the ECA.

Council has a duty of oversight, especially relevant here with a private, for profit company operating a facility emitting highly toxic pollutants. Dioxins and furans emission problems have been a major issue for incinerator companies.

When you look at some of the AMESA Work Plans released through the information request, Covanta appears to be running the show as pertains to AMESA data. Though Durham taxpayers are paying the freight, Durham has allowed the fox to be in charge of the hen house.

As some of you know, Covanta has experienced multiple "issues" at their incinerators. Who is monitoring Covanta to ensure that any changes they "recommend" and that may be adopted, would be appropriate and in the public interest?

Recall that Council approved submitting an application for a throughput increase at the incinerator to 160,000 tonnes per year (tpy) and has authorized staff to develop a Terms of Reference for the physical expansion of your incinerator to 250,000 tpy. Council must address the AMESA sampling issues now.

At Works March 3rd a councillor asked whether AMESA was widely used. Staff indicated that there were some in Europe, a few in each country – perhaps leaving the impression with some that it's not widely used.

Durham's consultant at the time wrote a memo to Mr. Anello dated November 22, 2016, "Observations on Sampling", writing on page 3:

*..... noted that there are 60 installations in Belgium with no legal requirement from the EU. In 2006 in Italy the local authorities started to require the units and there are 80 in operation. **As of 2010** France started to require the units and there are 250 installations in that country. There are 60 installations in other European countries, 30 in Asia and 5 in Canada.*

Durham residents knew and know that long term sampling of D & F was widely used, and continues to be, especially in Europe.

Works Commissioner Siopis described the WR -5 report as "a good news story".

This staff report would no doubt be seen as VERY good news by Covanta, the incinerator operator, whose operations AMESA is intended to monitor, and who would be aware that Durham staff claim they are not reviewing it, and would know that the public would in fact be provided with only select data that is under Covanta's control at the present time, according to your staff.

This report is terrible news for Durham taxpayers and residents as well as for the incinerator host community. Durham has multiple obligations to Clarington through the Host Community Agreement.

Durham can't monitor trends over periods (as per condition 7(3)b) and/or take any action that might be warranted, including alerting Council to issues, if not undertaking their own review of the sampling data.

Your monitoring will never be the "best of the best", as a Works Committee member asked staff, if your staff are not reviewing all of it and not making the results and underlying data available to the Owners and general public.

From Works March 3 minutes: *"In response to a question from the Committee with regards to whether the Municipality of Clarington will be made aware of Report #2021-*

WR-5 of the Commissioner of Works, staff advised that they would summarize the information and forward it to them directly”.

Works Commissioner Siopis responded when Councillor John Neal asked if this information would be communicated to Clarington, that staff had not intended to specifically communicate this information to the incinerator Host Community! She indicated a summary could be provided.

This summary to be provided to Clarington must also be provided to ALL Durham councillors and accessible to the public, whether via information report or memo, so that there is an accessible record of this staff “overview”.

Council seems to have accepted that staff provide you with less information than in the past, about increasingly complex and expensive projects, projects which in the case of the incinerator, directly impacts public health and the natural environment. There are financial impacts to be concerned about as well - Durham reported the highest disposal costs of all municipalities reporting to MBN Canada for 2019.

From Report WR 5 Section 3.2 e) and f)

*e. All AMESA records required by ECA conditions 14(3) through 14(8) will be held at the Facility and will be available for MECP inspection. **Monthly data shall be summarized and presented in the annual ECA report.***

*f. AMESA results for the previous year will be reported as part of the Annual Report as required by ECA Condition 15, commencing with data collected during the 2020 calendar year. **AMESA trends of validated data will be presented as a 12-month rolling average** together with analysis to demonstrate the ongoing performance of the APC Equipment. A summary of non-routine maintenance completed on the AMESA system will be presented as part of the Annual Report.*

Those Annual Reports include little information other than what was explicitly required by MECP.

ONE year's worth of select data, massaged into meaninglessness, when NO monthly sampling data has been reported over the last five years, is completely unacceptable.

It was Covanta who suggested providing the “rolling averages”.

See Extract from November 4, 2018 Work Plan:

“ The improvement of data quality to date and the variability of monthly data suggests that a longer reporting period may be appropriate to review AMESA monthly data moving forward. As a result,

Covanta proposes that a 12 month rolling average begin to be utilized to evaluate the trend of dioxin emissions. “

AMESA data requested

Below find a description of the data that should be made available to Council and the public, posted to DYEC website, going back to when sampling started in 2015 to the present:

1. Data for individual months/collections should be detailed in Annual Report – a rolling average is inappropriate here and virtually useless. Councillors should be asking themselves – why would you accept a rolling average reported once a year, for data that you need monthly (28 days)?
2. The AMESA cartridge data should be posted online and include: the mass of dioxins/furans collected in each monthly sample and their toxic equivalencies, the volume sampled, give the concentration calculated as well as the dates and duration of each sample.
3. The underlying raw data and analysis should be posted online as well as the validated data set. Lab reports must be provided to the public for transparency and accountability. Other publicly funded monitoring reports attach the underlying data and lab analysis – this should not be any different. If any data was invalidated there should be rationale provided for its deletion and that rationale should be publicly available and part of the reporting as it is for other publicly funded monitoring.
4. We request that Council direct staff to review the monthly data as it comes in with copies of all AMESA data going to both Durham and Covanta. Durham should be conducting an objective and a separate review from Covanta. Durham staff should not depend on Covanta to update them, as may currently be the case.

The practices documented and described by staff indicate an inappropriate amount of responsibility and control has been given to the private sector operator, Covanta.

Once-a-year reporting out of a single statistic (“12-month rolling average”) of “validated” AMESA data proposed in the Report would render the information near meaningless for the public, Host Community and Council as it would not be apparent if certain months were worse, or indicated problems, and defeats the stated purpose of informing monthly trends.

Without providing the monthly data it impossible to be aware and react to monthly trends in a timely manner. A primary objective of the AMESA is to provide some information on dioxin and furan emissions over the six months between stack tests.

Furthermore, Report #2021-WR-5 FAILS to align with the two strategic goals the same report alleges to adhere to in Section 4.1 a. and b.

If your staff don't look at the data and don't report out the meaningful **monthly data**, you are not aligning with those strategic goals **of protecting the environment (Goal 1.3)** and of **"continuous quality improvement and communicating results" (Goal 5.3)**, but instead are **taking actions contrary to those goals**.

The data requests described above are reasonable, effective and within your authority. **They increase transparency and accountability and provide necessary safeguards.**

Closing Comments

Our concerns relating to AMESA sampling data not being provided, and not being reviewed by Durham staff, were brought forward by Wendy Bracken on December 18th, 2019 to Regional Council, as well as to Works Committee on December 4th, 2019.

Our Requests to Council:

that Council NOT accept/support the Works Committee Recommendation to receive Report 2021-WR-5 for information.

that Council refer Report WR-5 - together with our letter to Council - to staff, directing staff to respond in writing to the concerns raised and specifically to the request that AMESA data be provided as we have described above in Bullet Points 1 – 4.

Thank you for your attention.

Linda Gasser, Whitby,
Email: gasserlinda@gmail.com

Submitted also on behalf of Wendy Bracken, Newcastle, A
Email: wendy-ron@sympatico.ca

Kerry Meydam, Courtice
Email: ksam2@rogers.com

Cc: Clarington Council

Report #3 of the Finance & Administration Committee

For consideration by Regional Council

March 24, 2021

The Finance & Administration Committee recommends approval of the following:

1. 2021 Climate Change Update and Corporate Climate Change Action Plan (2021-A-3)
 - A) That Regional Council approve new short, medium, and long-term targets to reduce corporate greenhouse gas (GHG) emissions, namely:
 - 20 per cent GHG emissions reduction by 2025, below 2019 levels,
 - 40 per cent GHG emissions reduction by 2030, below 2019 levels,
 - 100 per cent GHG emissions reduction by 2045, below 2019 levels;
 - B) That Regional Council approve the Durham Region Corporate Climate Action Plan which identifies how climate change considerations will be embedded across all elements of Regional business, included as Attachment #1 to Report #2021-A-3, and as outlined in Report #2021-A-3;
 - C) That Regional Council endorse 2025, 2030 and 2050 community GHG emissions targets, as outlined in Report #2021-A-3, as follows:
 - 10 per cent GHG emissions reduction by 2025, below 2019 levels,
 - 30 per cent GHG emissions reduction by 2030, below 2019 levels,
 - 100 per cent GHG emissions reduction by 2050, below 2019 levels; and
 - D) That a copy of Report #2021-A-3 and the Durham Region Corporate Climate Action Plan be sent to local area municipalities, the Ministry of Environment, Conservation and Parks, the Ministry of Energy Northern Development and Mines, Infrastructure Canada, Environment and Climate Change Canada, the Federation of Canadian Municipalities, and the Association of Municipalities of Ontario (AMO).
2. The Regional Municipality of Durham's Accessibility Advisory Committee's 2020 Annual Report and 2021 Workplan (2021-A-4)
 - A) That Report #2021-A-4 of the Chief Administrative Officer be received for information as The Regional Municipality of Durham's Accessibility Advisory Committee's 2020 Annual Report; and

- B) That the Regional Municipality of Durham’s Accessibility Advisory Committee’s 2021 Workplan be approved.
3. Appointment of the Regional Fire Coordinator and Deputy Fire Coordinator (2021-A-5)

- A) That Clarington Fire Chief Gord Weir be re-appointed Regional Fire Coordinator, effective February 1, 2021;
- B) That Pickering Deputy Fire Chief Stephen Boyd be appointed Deputy Regional Fire Coordinator, effective February 1, 2021;
- C) That honoraria for these positions be provided as per the annual Regional budget; and
- D) That Corporate Services – Legal Services be requested to prepare the appropriate by-law to replace By-law 26-2009 to permit the option to appoint a Deputy Fire Chief as the Regional Fire Coordinator or Deputy Regional Fire Coordinator.
4. The Remuneration and Expenses in 2020 of Members of Regional Council and Regional Council Appointees to Local Boards, as Required by Section 284(1) of the Municipal Act, 2001, S.O. 2001, c. 25 (2021-F-6)

- That Report #2021-F-6 of the Commissioner of Finance be received for information.
5. Unflood Ontario: Call to Action Resolution
- That the Region of Durham join the Unflood Ontario Network and commit to the following:
- Having the Region of Durham listed in the Unflood Ontario “About Us” section under the following wording: “Our Network: The following groups and individuals are working together to “unflood” Ontario by educating and engaging the public about the impact of floods and the multiple benefits of Natural Infrastructure”;
 - Using the Region's communications channels to promote and share, where feasible, Unflood Ontario communications content (eg. the videos, reports, social media messaging, etc.) starting on April 19th (the launch date); and
 - Exploring with Unflood Ontario any collaboration opportunities to promote Natural Infrastructure;

Acknowledging Unflood Ontario will:

- Provide the Region with a communications schedule and timely access to content to ensure the Region has sufficient time to plan and distribute Unflood Ontario content in a way that best assists the Region;
- Work with the Region to meet any communications special needs and/or opportunities; and
- Help the Region further its goals related to flood reduction and Natural Infrastructure.

Respectfully submitted,

A. Foster, Chair, Finance & Administration Committee

Report #2 of the Health & Social Services Committee

For consideration by Regional Council

March 24, 2021

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

1. End of Mortgage Service Manager Task Force Recommendations (2021-SS-3)
 - A) That Regional Council endorse the End of Mortgage Service Manager Task Force position paper, Municipal Recommendations to Continue Investing in Local Housing and Homelessness System and its recommendations and priorities; and
 - B) That a copy of Report #2021-SS-3 of the Commissioner of Social Services be forwarded to the Minister of Municipal Affairs and Housing and local Members of Provincial Parliament (MPPs).

Respectfully submitted,

B. Chapman, Chair, Health & Social Services Committee

Report #2 of the Planning & Economic Development Committee

For consideration by Regional Council

March 24, 2021

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

1. CP Railway Traffic Information and Data (2021-P-6)

That Regional Council endorse the following draft resolution contained in Attachment #1 to Report #2021-P-6 of the Commissioner of Planning and Economic Development requesting that CP Rail reconsider its decision to stop providing railway traffic information and data to the public:

Whereas sound is considered by the Environmental Protection Act to be a contaminant which causes negative effects on human health;

Whereas the Provincial Policy Statement (PPS) states that planning for land uses in the vicinity of rail facilities should be undertaken in a manner that ensures that rail facilities and sensitive land uses are appropriately designed, buffered and/or separated from each other;

Whereas the PPS also directs municipalities to avoid land use patterns and development which may cause environmental or public health and safety concerns;

Whereas, Environmental Noise Assessment Studies, prepared in accordance with Ministry of Environment, Conservation and Parks guidelines require accurate and up-to-date data to accurately assess the impacts of railway noise on new development and identify appropriate mitigation measures;

Now therefore, be it resolved that the Region of Durham is requesting that CP Rail reconsider its decision to cease providing railway traffic information to the noise consultants; and

That a copy of this motion be forwarded to CP Rail; the area municipalities; the Minister of Transport; Durham MPs and MPPs; the Association of Municipalities Ontario (AMO); and the Federation of Canadian Municipalities (FCM).

2. Committee Appointments

A) That Councillor Highet be appointed to the Durham Agricultural Advisory Committee;

B) That Councillor Highet be appointed to the Golden Horseshoe Food and Farming Alliance;

- C) That Councillor Joe Neal be appointed as an alternate to the Durham Agricultural Advisory Committee;
- D) That Councillor Yamada be appointed as an alternate to the Golden Horseshoe Food and Farming Alliance; and
- E) That Councillor Lee be appointed to the Durham Regional Local Housing Corporation.

Respectfully submitted,

D. Ryan, Chair, Planning & Economic Development Committee

Report #3 of the Works Committee

For consideration by Regional Council

March 24, 2021

The Works Committee recommends approval of the following:

1. Municipality of Clarington Resolution #GG-029-21 Regarding Energy from Waste-Waste Management Advisory Committee (EFW-WMAC) Terms of Reference (2021-WR-4)

 - A) That the motion (#GG-029-21) from the Municipality of Clarington to amend the Terms of Reference for the Energy from Waste-Waste Management Advisory Committee such that the Committee's recommendations go to Regional Council instead of the Regional Municipality of Durham's Works Committee not be approved; and
 - B) That the Municipality of Clarington be notified of Regional Council's decision.
2. Durham York Energy Centre Operations – Long-Term Sampling System Update (2021-WR-5)

That Report #2021-WR-5 of the Commissioner of Works be received for information.
3. Correspondence from the Town of Ajax dated February 24, 2021, re: Gas-Fired Electricity

 - A) That the correspondence from the Town of Ajax dated February 24, 2021, re: Gas-Fired Electricity be received for information;

And further that:

 - B) That the concerns of the Town of Ajax regarding the projected increase in greenhouse gas emissions be endorsed; and that the Province be requested to review all options to avoid any increase in greenhouse gas emissions.
4. The Regional Municipality of Durham's Drinking Water Systems 2020 Summary Report (2021-W-11)

 - A) That the 2020 Summary Report for the Regional Municipality of Durham Drinking Water Systems be received for information;
 - B) That receipt of Report #2021-W-11 of the Commissioner of Works be confirmed by resolution of Regional Council; and

- C) That a copy of this resolution be forwarded to the Ontario Ministry of the Environment, Conservation and Parks' York-Durham District Office to indicate the conditions of Schedule 22 of Ontario Regulation 170/03 have been fulfilled.
 - 5. Confidential Report of the Commissioner of Works – Litigation or Potential Litigation, including matters before Administrative Tribunals, affecting the Regional Corporation, with respect to a s. 24 Settlement Agreement under the Expropriations Act, R.S.O. 1990, c. E.26, for Lands Acquired to Facilitate the Reconstruction of Regional Road 2 (Kingston Road), in the City of Pickering (2021-W-12)
-

That the recommendations contained in Confidential Report #2021-W-12 of the Commissioner of Works be adopted.

- 6. Memorandum from Ralph Walton, Regional Clerk/Director of Legislative Services dated February 25, 2021, re: Resolution adopted by Regional Council at its meeting held on February 24, 2021
-

- A) That the memorandum from Ralph Walton, Regional Clerk/Director of Legislative Services dated February 25, 2021, re: Resolution adopted by Regional Council at its meeting held on February 24, 2021 be received for information;

And further that:

- B) That notwithstanding the current Durham Region Council position supporting the Lake Simcoe option, the Council of the Regional Municipality of Durham requests that if the Province orders the Lake Ontario solution in lieu of the Lake Simcoe option, then the Minister of the Environment Conservation and Parks (MECP) Order that ALL environmental benefits and conditions proposed for the UYSS related to the Lake Simcoe option, including best management practices and science for the Great Lakes and consultations with First Nations, be required at the Duffin Water Pollution Control Plant (DWPCP) and that the Province lead the research and study to advance best practices related to nutrient management for the Great Lakes; and

That taxpayers and users in Durham must be protected from any financial implications of this decision including the costs of the accelerated expansion of the Duffin Creek WPCP due to the addition of this unplanned capacity requirement.

Respectfully submitted,

D. Mitchell, Chair, Works Committee

Report #2 of the Committee of the Whole

For consideration by Regional Council

March 24, 2021

The Committee of the Whole recommends approval of the following:

1. Regional Submission to the Ministry of the Environment, Conservation and Parks for the Lake Simcoe Protection Plan 10-Year Review

Environmental Registry of Ontario Posting #019-2833 Launching the Minister's 10-Year Review of the Lake Simcoe Protection Plan (2021-COW-3)

- A) That Report #2021-COW-3 be endorsed and submitted to the Minister of Environment, Conservation and Parks as Durham Region's response to the Lake Simcoe Protection Plan 10-Year Review;
- B) That the province affirm, revise and update the Lake Simcoe Protection Plan as necessary to:
 - i) Continue to employ an ecosystems approach and subwatershed approach to the LSPP because these principles remain important to understand cumulative impacts on the watershed while focusing specific actions to the unique needs and priorities of different areas of the watershed;
 - ii) Complete systematic tracking and progress reporting of each of the targets of the LSPP and identify whether changes have been observed on a watershed/subwatershed level;
 - iii) Consider assigning timelines and performance measures to the targets in the LSPP;
 - iv) Produce a supplemental report that provides an update on the implementation of the Strategic Actions of the LSPP;
 - v) Update the LSPP to reflect the changing health of the watershed based on the changing context of the watershed and ongoing advances in watershed science, particularly as they relate to the impacts of climate change;
 - vi) Update the stormwater management policies of the LSPP to reflect the considerable research and advancements in industry knowledge of Low Impact Development;
 - vii) Update the LSPP to consider and be consistent with the 2017 updates to Greenbelt Plan and Oak Ridges Moraine Conservation Plan, the

2019 update to the Growth Plan and the South Georgian Bay Lake
Simcoe Source Protection Plan;

- viii) Provide support to the Lake Simcoe Region Conservation Authority to analyze the results of the Phosphorus Offsetting Policy to determine how well the remediation actions are working and how long the offset lasts;
- ix) Consider the following specific to private sewage systems:
 - a. Oversee the implementation, monitoring and completion of all mandatory maintenance inspections;
 - b. Define program parameters, develop an inspection template and extend cost covering and supplements to municipalities to ensure each municipality is acting consistently;
 - c. Fully fund or subsidize the cost of mandatory maintenance inspections to ensure timely completion and increased public support for the program, especially among those with properties not only on Lake Simcoe, but on its tributaries;
 - d. Facilitate grants, subsidies or loans for private homeowners to remediate sewage systems proactively; and
 - e. Improve messaging and outreach to homeowners to increase understanding of the program;
- x) Focus the next phase of LSPP implementation on more significant sources of phosphorus such as, stormwater and agricultural/rural runoff and invasive species, and that the existing phosphorous loading caps for water pollution control plants be maintained;
- xi) Implement any new initiatives and measures in a phased approach, allowing for flexibility given the broad range of local partners and available resources;
- xii) Establish a LSPP implementation committee that would serve to increase collaboration and communication among the various stakeholders;
- xiii) Produce supplemental material to the Minister's 10-Year Report that is directed at property owners, including the development of a dedicated website to report on the health of Lake Simcoe that uses plain language and is accessible to residents;
- xiv) Develop an education and outreach campaign for individuals and businesses within the Lake Simcoe watershed to foster a broader

understanding of Lake health, key areas of concern and the impacts of LSPP policies and programs;

- xv) Provide presentations to stakeholders to facilitate a more collaborative approach toward implementing the LSPP;
 - xvi) Support enforcement efforts related to the activities of private residents, agriculture/businesses and recreational enthusiasts;
 - xvii) Contribute financially to the development and coordination of local/Regional climate change data to ensure consistency in data, objectives and performance measures;
 - xviii) Develop a comprehensive financing strategy for the next decade of implementation of the LSPP that is consistent with the principles of the existing financing strategy;
 - xix) Re-institute funding for land stewardship programs and retrofits to stormwater management systems;
 - xx) Recognize that the current economic challenges related to COVID-19 bring some risk that future progress in achieving LSPP targets and objectives may be set back; and
- C) That a copy of Report #2021-COW-3 of the Commissioners of Planning & Economic Development and Works be forwarded to the Townships of Brock, Scugog and Uxbridge; Lake Simcoe watershed municipalities; Lake Simcoe Region Conservation Authority; Durham Environmental Advisory Committee; Durham Agricultural Advisory Committee; and Durham Region Roundtable on Climate Change.

2. Enterprise Maintenance Management System Project Update (2021-COW-5)

- A) That this update on the Enterprise Maintenance Management project be received;
- B) That an amendment to the contract with 6362222 CANADA INC., the system integrator for the implementation of the Enterprise Maintenance Management System, to an overall contract upset limit of \$5,785,000* be approved; and
- C) That the Commissioner of Finance be authorized to execute any amendments to the agreement in a form acceptable to the Corporate Services Department – Legal Services.
*includes all fees and are before applicable taxes

Respectfully submitted,

J. Henry, Regional Chair and CEO

Notice of Motions

March 24, 2021

10.1 Motion to Permit the Finance and Administration Committee and Committee of the Whole to Meet During the March Break

Regional Chair Henry and Councillor Foster gave Notice that the following motion will be presented at the March 24, 2021 meeting, or subsequent meeting of Regional Council:

Subject to a 2/3rds majority vote, that due to circumstances arising from the COVID-19 pandemic and the rescheduling by the Province of March Break to the week of April 12, 2021, the rules of procedure be suspended in order to permit the Finance and Administration Committee and Committee of the Whole to meet during the week of April 12, 2021.

Other Business

March 24, 2021

12.1 Litigation Update Regarding the Host Community Agreement Dispute with the Municipality of Clarington (2021-A-6)

Recommendations to Council:

- A) That this report be received for information; and
- B) That external legal counsel be retained as set out in the attached Confidential Memorandum (Attachment #1 to Report #2021-A-6 of the Commissioner of Corporate Services) to provide litigation advice and counsel in respect of the Host Community Agreement Dispute with the Municipality of Clarington.

(See attached Report #2021-A-6 on pages 88-89)

(Confidential Attachment #1 Provided Under Separate Cover)

12.2 Appointment of Councillor John Grant to Planning & Economic Development Committee

Recommendation to Council:

That Councillor John Grant be appointed as a member of the Planning & Economic Development Committee.



The Regional Municipality of Durham Report

To: Regional Council
From: Commissioner of Corporate Services
Report: #2021-A-6
Date: March 24, 2021

Subject:

Litigation update regarding the Host Community Agreement Dispute with the Municipality of Clarington

Recommendation:

It is recommended to Council:

- A) That this report be received for information; and
 - B) That external legal counsel be retained as set out in the confidential memorandum attached to this report to provide litigation advice and counsel in respect of the Host Community Agreement Dispute with the Municipality of Clarington.
-

Report:

1. Purpose

- 1.1 The purpose of this report is to provide an update to Regional Council in respect of the ongoing dispute commenced by the Municipality of Clarington in reliance on the Host Community Agreement dated February 18, 2010 (HCA) and to recommend the retention of external counsel to represent the Region in this dispute.

2. Background

- 2.1 The Municipality of Clarington has triggered the dispute resolution provisions of the HCA. Because this matter is being litigated and subject to solicitor/client privilege, further details are provided in the attached confidential memorandum from the Regional Solicitor.

3. Previous Reports and Decisions

- 3.1 The last update on this matter to Regional Council was by way of confidential memorandum of the Regional Solicitor dated November 13, 2020. The attached confidential memorandum provides an update to that last report.

4. Relationship to Strategic Plan

- 4.1 This report aligns with/addresses the following strategic goals and priorities in the Durham Region Strategic Plan:
- a. To provide exceptional value to Durham taxpayers through responsive, effective and fiscally sustainable service delivery.

5. Conclusion

- 5.1 For the reasons set out in the attached confidential memorandum, it is necessary now for the Region to retain external counsel to represent the Region's interest in this dispute.

6. Attachments

Attachment #1: Confidential Memorandum of the Regional Solicitor dated March 24, 2021

Prepared by: Arend Wakeford, Senior Solicitor, at 905-721-4210.

Respectfully submitted,

Original signed by

Don Beaton, BCom, M.P.A.
Commissioner of Corporate Services

Recommended for Presentation to Committee

Original signed by

Elaine C. Baxter-Trahair
Chief Administrative Officer