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The Regional Municipality of Durham

MINUTES

COMMITTEE OF THE WHOLE

Wednesday, December 15, 2021

A regular meeting of the Committee of the Whole was held on Wednesday, December 15, 2021 in the Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby, Ontario at 9:30 AM. Electronic participation was permitted for this meeting.

Regional Chair Henry assumed the Chair.

1. Roll Call

Present: Councillor Anderson
Councillor Ashe
Councillor Carter
Councillor Chapman
Councillor Collier attended the meeting at 9:57 AM
Councillor Crawford
Councillor Dies
Councillor Drew
Councillor Foster
Councillor Grant
Councillor Highet
Councillor Kerr
Councillor Leahy attended the meeting at 9:34 AM
Councillor Lee
Councillor Marimpietri
Councillor McLean
Councillor Mitchell
Councillor Mulcahy
Councillor John Neal attended the meeting at 9:52 AM
Councillor Joe Neal
Councillor Nicholson attended the meeting at 9:47 AM
Councillor Pickles
Councillor Roy
Councillor Ryan
Councillor Smith
Councillor Wotten
Councillor Yamada
Regional Chair Henry
*** all members of Council, except the Regional Chair, participated electronically**

Absent: Councillor Barton

Staff

Present: G. Anello, S. Austin, E. Baxter-Trahair, D. Beaton, B. Bridgeman, T. Cheseboro, S. Danos-Papaconstantinou, J. Demanuele, C. Drimmie, P. Frizado, S. Gill, J. Kilgour, N. Pincombe, J. Presta, S. Siopis, N. Taylor, N. Prasad, R. Razvi, C. Rochon, S. Siopis, K. Smith, C. Taylor, A. Wakeford and R. Walton

2. Declarations of Interest

Councillor Anderson made a declaration of interest under the Municipal Conflict of Interest Act with respect to Item 7. G) Report #2021-COW-38: Unbudgeted Provincial Funding from the Ministry of Long-Term Care to Develop and Maintain a Community Paramedicine Program. He indicated that his daughter is a paramedic.

3. Statutory Public Meetings

There were no statutory public meetings.

Regional Chair Henry announced the retirement of C. Drimmie, Manager of Corporate Initiatives in the Chief Administrative Officer's office. C. Drimmie was recognized and thanked for her 22 years of exceptional service with the Region.

4. Delegations

- 4.1 Chris Darling, CAO, Central Lake Ontario Conservation Authority, re: Request for Funding from Central Lake Ontario Conservation Authority for the Acquisition of Land adjacent to the Stephen's Gulch Conservation Area in the Municipality of Clarington (2021-COW-31) [Item 7.A]
-

Chris Darling, CAO, Central Lake Ontario Conservation Authority, provided a delegation with regards to Report #2021-COW-31: Request for Funding from Central Lake Ontario Conservation Authority (CLOCA) for the Acquisition of Land adjacent to the Stephen's Gulch Conservation Area in the Municipality of Clarington.

C. Darling stated that the subject acquisition is a unique and important opportunity to enhance and expand Stephen's Gulch Conservation Area by approximately 100 acres. He advised that the acquisition will permanently protect sensitive environmental features and will help ensure there is enough accessible natural areas to meet the community's growing demand while still sustaining ecological health.

C. Darling stated that conservation areas generally have two sources of funding for land acquisition, municipal levies and self generated funds. He advised that CLOCA has worked hard to secure a significant grant in the amount of \$600,000 or approximately 49% of the total acquisition cost for this property. He stated that beyond the grant money, the only remaining funding source in this case is municipal levy. As a result, the CLOCA Board of Directors have requested an exception to the Region's funding cap of 40% and are seeking an amount of approximately 51% of the total acquisition cost. He stated that the acquisition of an environmentally significant property of this size which is immediately adjacent to a conservation area that is growing in popularity combined with a significant federal grant funding is a unique opportunity.

C. Darling responded to questions of the Committee.

5. Presentations

5.1 Sandra Austin, Director, Strategic Initiatives, re: Durham Region Nuclear Sector Strategy 2022-2032 (2021-COW-37)

Sandra Austin, Director of Strategic Initiatives, and Christine Drimmie, Manager of Corporate Initiatives, provided a PowerPoint Presentation with regards to the Durham Region Nuclear Sector Strategy 2022-2032.

Highlights of the Presentation included:

- Durham Region's Nuclear Sector Strategy
- Objectives
- Purpose of the Strategy
- Developing the Strategy
- Engagement Process and Results
- Proposed Nuclear Strategy Goals
- Canada's Premier Nuclear Community
- Context for the Nuclear Strategy
- Grow Understanding
- Maximize Prosperity
- Sustain and Protect
- Develop Partnerships
- Strategy Delivery
- Conclusion and Next Steps

S. Austin stated that the purpose of the Nuclear Sector Strategy is to empower the community by building understanding of the nuclear sector; increasing capacity to respond/participate; work with partners to seize opportunities; be prepared for an evolving future; and take a community-centred leadership role. She provided an overview of the process used to develop the strategy as well as the three Phases: Awareness; Listening; and Integrating Lessons Learned.

C. Drimmie provided a detailed overview of the following four proposed goals of the strategy and the desired outcome of those goals: Grow Understanding; Maximize Prosperity; Sustain and Protect; and Develop Partnerships.

S. Austin responded to questions with regards to the overall net impact of the various activities underway throughout the Region; the importance in seeking provincial as well as federal support of economic development opportunities; and clarification of the Region's role in the Strategy.

5.2 Paul Frizado, Director, Broadband Services, and Riaz Razvi, Broadband Specialist, re: Establishing a Municipal Services Corporation to Build and Operate the Regional Broadband Network (2021-COW-32)

Paul Frizado, Director, Broadband Services, and Riaz Razvi, Broadband Specialist, provided a PowerPoint Presentation with regards to Establishing a Municipal Services Corporation to Build and Operate the Regional Broadband Network.

Highlights of the Presentation included:

- Regional Broadband Network & Municipal Services Corporation (MSC)
- Outline
- Durham Region Broadband Strategy
- Broadband & Growing Demands
- State of Broadband Across the Region
- Regional Broadband Network (RBN)
- Business Case Study for Broadband (RBN) MSC
- Region – MSC Structure & Roles
- MSC & RBN Summary

P. Frizado stated that the vision of the Durham Region Broadband Strategy is for Durham residents, businesses and institutions to have access to fast, reliable and affordable broadband services so that they may fully participate, compete and thrive in the 21st century. He advised of the following three key findings and outcomes of the Strategy: industry scan; residential survey and regional assets.

P. Frizado also provided an overview of the growth of broadband demand and the various technologies used to deliver it. He stated that to make broadband speeds possible, the basic requirement is to have a fiber backbone available in communities. He provided an overview of the state of broadband across the Region and stated that significant gaps remain in achieving the Region's Broadband Vision.

P. Frizado also stated that the recommended Regional Broadband Network (RBN) is fundamental to realizing the Region's Strategic Vision. Three key steps to achieve the goal are as follows: provide open access fibre; develop and expand; and leverage regional fibre assets. He advised that the Municipal Services Corporation (MSC) is recommended to develop, construct, and operate the RBN and provided an overview of the MSC's structure and roles.

P. Frizado responded to questions with regards to the possibility of the Region continuing to operate the RBN; the option of working with other service providers; benefits to businesses and residents; who would benefit from a potential merger or sale; and whether there are concerns with private sector service providers.

6. Correspondence

There were no items of communication to be considered.

7. Reports

- A) Request for Funding from Central Lake Ontario Conservation Authority for the Acquisition of Land adjacent to the Stephen's Gulch Conservation Area in the Municipality of Clarington (2021-COW-31)
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Report #2021-COW-31 from N. Taylor, Commissioner of Finance, and B. Bridgeman, Commissioner of Planning and Economic Development, was received.

Staff responded to questions with regards to the incorporation of the lands; whether CLOCA has the finances for the land acquisition; clarification regarding the usage of land; and whether any environmental testing will be done to ensure the property is not contaminated. N. Taylor advised that the most recent audited financial documents of CLOCA will be circulated to Committee members prior to the December 22 Council meeting.

Moved by Councillor Chapman, Seconded by Councillor Marimpietri,
(57) That we recommend to Council:

- A) That in response to the request for funding from Central Lake Ontario Conservation Authority, that funding in the amount of \$486,200, representing 40 per cent of the estimated eligible acquisition costs for approximately 41.3 hectares (102 acres) of land located adjacent to the Stephen's Gulch Conservation Area in the Municipality of Clarington, be approved and financed from the Region's Land Conservation and Protection Reserve Fund; and

- B) That the Commissioner of Finance be authorized to adjust the total payment amount of Central Lake Ontario Conservation Authority pending a review of the eligibility of final costs incurred pursuant to the Region's Land Acquisition Funding Policy.

CARRIED AS AMENDED
(See following Motion)

Moved by Councillor Chapman, Seconded by Councillor Marimpietri,

- (58) That the main motion (57) of Councillors Chapman and Marimpietri be amended by deleting Part A) in its entirety and replacing it with the following new Part A):

- A) That in response to the request for funding from Central Lake Ontario Conservation Authority, that notwithstanding the Land Acquisition Funding Policy for Conservation Authorities, the amount to be funded be increased to \$615,500 representing 50.6 per cent of the estimated eligible acquisition cost, for approximately 41.3 hectares (102 acres) of land located adjacent to the Stephen's Gulch Conservation Area in the Municipality of Clarington due to the significant size of this acquisition being in excess of 100 acres and its contiguous location to an existing CLOCA property, be approved and financed from the Region's Land Conservation and Protection Reserve Fund.

CARRIED

The main motion (57) of Councillors Chapman and Marimpietri was then put to a vote and CARRIED AS AMENDED.

Moved by Councillor Marimpietri, Seconded by Councillor Lee,

- (59) That the Agenda be altered in order to move Item 7. B) Report #2021-COW-32 to end of the meeting.

CARRIED

- B) Establishing a Municipal Services Corporation to Build and Operate the Regional Broadband Network (2021-COW-32)
-

Report #2021-COW-32 from B. Bridgeman, Commissioner of Planning and Economic Development, S. Siopis, Commissioner of Works, D. Beaton, Commissioner of Corporate Services, and N. Taylor, Commissioner of Finance, was dealt with later in the meeting (See pages 12 to 15).

- C) Approval to Award a Five-Year Sole Source Negotiated Agreement with Yardi Canada Ltd. for Upgrading Property Management Software and Data Migration to Cloud-based Storage System for Durham Regional Local Housing Corporation (DRLHC) (2021-COW-34)
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Report #2021-COW-34 from N. Taylor, Commissioner of Finance, and S. Danos-Papaconstantinou, Commissioner of Social Services, was received.

Staff responded to questions with regards to the number of users of the Yardi software.

Moved by Councillor Marimpietri, Seconded by Councillor Pickles,
(60) That we recommend to Council:

- A) That approval be granted to enter into a sole source negotiated agreement with Yardi Canada Ltd. ("Yardi") for the upgrade of, and data migration to a cloud-based property management software for the Durham Regional Local Housing Corporation (DRLHC) for a term of five years, at an estimated initial upgrade/implementation cost (excluding HST) not to exceed \$310,535 and annual license, support, and maintenance service fees of \$110,640 for a total estimated contract value of \$863,735;
- B) That financing for the initial upgrade/implementation costs and first year license, support, and maintenance service fees in the amount of \$421,175 be provided from the existing capital project budget;
- C) That the financing for the annual license, support, and maintenance service fees for years two (2) to five (5) of the contract with the total amount of \$442,560 to be provided from the annual Business Plans and Budgets of the DRLHC; and,
- D) That the Commissioner of Finance be authorized to execute the Agreements and Amendments to the Agreement.

CARRIED

- D) Durham Region Local Housing Corporation (DRLHC) Seniors Building Portfolio Energy Retrofit Funding Strategy (2021-COW-35)

Report #2021-COW-35 from E. Baxter-Trahair, Chief Administrative Officer, S. Danos-Papaconstantinou, Commissioner of Social Services, S. Siopis, Commissioner of Works, and N. Taylor, Commissioner of Finance, was received.

Moved by Councillor Chapman, Seconded by Councillor Ryan,
(61) That we recommend to Council:

- A) That, pending confirmation from Federation of Canadian Municipalities (FCM) regarding whether the Region or the Durham Region Local Housing Corporation (DRLHC) should be the eligible lead applicant for this project, the Chief Administrative Officer be authorized to submit a funding application to the Federation of Canadian Municipalities' (FCM) Green Municipal Fund (GMF) Sustainable Affordable Housing (SAH) Program for up to \$10 million in combined grant and loan financing to be used towards the implementation of deep energy retrofits on DRLHC properties at (1) 1910 Faylee Cres., Pickering; (2) 655 Harwood Ave. S, Ajax; (3) 315

Colborne St. W, Whitby; and (4) 850 Green St., Whitby under either lead applicant option;

- B) That the Chief Administrative Officer provide a letter of support on behalf of the Regional Municipality of Durham and DRLHC that confirms regional support for the FCM/GMF SAH loan and grant funding application; and
- C) That upon approval of the loan and grant funding application and confirmation of the final terms of the FCM/GMF funding, staff report back to obtain approval for the final funding strategy, loan directives, and execution of the funding agreement.

CARRIED

E) 2021 Canada Community-Building Fund Allocation (2021-COW-36)

Report #2021-COW-36 from N. Taylor, Commissioner of Finance, was received.

Moved by Councillor Marimpietri, Seconded by Councillor Smith,
(62) That we recommend to Council:

That the \$19.7 million in unanticipated one-time Canada Community-Building Fund (formerly the Federal Gas Tax Program) funding for 2021, along with \$5.8 million from the regular 2021 Canada Community-Building Fund allocation, be allocated toward the following priority projects

PROJECT	ESTIMATED COST (\$, 2021)
Anerobic Digester	10,000,000
Broadband	3,000,000
DRT Battery Electric Bus and Charging Infrastructure Demonstration Pilot	2,100,000
DRLHC Deep Energy Retrofits	6,800,000
Corporate Strategic Priorities	3,600,000
Total	25,500,000

CARRIED LATER IN THE MEETING
(See Following Motion)

Moved by Councillor Joe Neal, Seconded by Councillor Marimpietri,
(63) That the main motion (62) of Councillors Marimpietri and Smith be amended as follows:

That \$3.0 million be designated from the Corporate Strategic Priorities project to go towards creating additional childcare spaces.

DEFERRED FOR CONSIDERATION AT
REGIONAL COUNCIL ON THE FOLLOWING
RECORDED VOTE

Yes

Councillor Anderson
Councillor Grant
Councillor Leahy
Councillor Marimpietri
Councillor Mulcahy
Councillor John Neal
Councillor Joe Neal
Councillor Nicholson
Councillor Roy
Councillor Ryan
Councillor Smith
Councillor Wotten
Regional Chair Henry

No

Councillor Ashe
Councillor Carter
Councillor Chapman
Councillor Collier
Councillor Crawford
Councillor Dies
Councillor Foster
Councillor Highet
Councillor Kerr
Councillor Lee
Councillor Mitchell
Councillor Pickles

Members Absent: Councillor Barton
Councillor Drew
Councillor McLean
Councillor Yamada

Declarations of Interest: None

The main motion (62) of Councillors Marimpietri and Smith was then put to a vote and CARRIED.

F) Durham Region Nuclear Sector Strategy 2022-2032 (2021-COW-37)

Report #2021-COW-37 from E. Baxter-Trahair, Chief Administrative Officer, was received.

Staff responded to questions with regards to whether there will be duplication with other nuclear forums.

Moved by Councillor Foster, Seconded by Councillor Ryan,
(64) That we recommend to Council:

- A) That Regional Council approve Durham Region's Nuclear Sector Strategy 2022-2032, as the framework to guide and support the Region's role and effective participation in the nuclear sector;

- B) That a copy of Report #2021-COW-37 of the Chief Administrative Officer and the Durham Region Nuclear Sector Strategy 2022-2032, be sent to local area municipalities, the Mississaugas of Scugog Island First Nation, Curve Lake First Nation, Natural Resources Canada, Environment and Climate Change Canada, the Ontario Ministry of Energy, the Ontario Ministry of Economic Development, Job Creation and Trade, the Canadian Association of Nuclear Host Communities, and Ontario Power Generation (OPG); and
- C) That Regional staff notify key stakeholders in the community, the nuclear sector, local post-secondary institutions, and other organizations contacted through the engagement process once the strategy has been approved and posted at Durham.ca.

CARRIED

- G) Unbudgeted Provincial Funding from the Ministry of Long-Term Care to Develop and Maintain a Community Paramedicine Program (2021-COW-38)

Report #2021-COW-38 from R.J. Kyle, Commissioner and Medical Officer of Health, and N. Taylor, Commissioner of Finance, was received.

Moved by Councillor Chapman, Seconded by Councillor Pickles,
(65) That we recommend to Council:

- A) That the October 1, 2021 to March 31, 2022 portion of unbudgeted ongoing Provincial funding from the Ministry of Long-Term Care (MLTC) in the amount of \$1.5 million, be expended in accordance with the budget submitted to the MLTC and as outlined in Section 4.2 of Report #2021-COW-38 of the Commissioner and Medical Officer of Health and Commissioner of Finance;
- B) That approval be granted to increase the Paramedic Services staffing complement by the following eleven (11) new full-time positions effective January 1, 2022 to implement the Community Paramedicine Program and that the increase be funded entirely from the additional provincial funding as follows:
 - i) Five (5) Primary Care Paramedics at an estimated cost of \$166,300 (annualized cost of \$665,200);
 - ii) Five (5) Advanced Care Paramedics at an estimated cost of \$186,000 (annualized cost of \$744,000);
 - iii) One (1) Superintendent of Community Paramedicine at an estimated cost of \$43,000 (annualized cost of \$172,000);

- C) That approval be granted to work with the Finance Department to acquire all capital purchases such as vehicles and patient care equipment in accordance with Provincial and Municipal guidelines; and
- D) That the Commissioner of Finance/Regional Treasurer be authorized to approve any sole source purchases to expedite implementation of the program to meet MLTC guidelines and to sign any agreements under the Community Paramedicine for Long-Term Care (CPLTC) program.

CARRIED

Moved by Councillor Kerr, Seconded by Councillor McLean,
(66) That the Committee recess for 15 minutes.

CARRIED

The Committee recessed at 11:31 AM and reconvened at 11:48 AM.

The Regional Clerk conducted a roll call following the recess and all members of Committee were present with the exception of Councillors Barton and Yamada.

8. Confidential Matters

- A) Confidential Report of the Commissioners of Works and Finance – Proposed or Pending Acquisition or Disposition of Land for Regional Corporation Purposes as it relates to the Acquisition of Property in the City of Oshawa (2021-COW-33)
-

Confidential Report #2021-COW-33 from S. Siopis, Commissioner of Works, and N. Taylor, Commissioner of Finance, was received.

Moved by Councillor Chapman, Seconded by Councillor Crawford,
(67) That we recommend to Council:

That the recommendations contained in Confidential Report #2021-COW-33 of the Commissioner of Works and Commissioner of Finance be adopted.

CARRIED

7. Reports

- B) Establishing a Municipal Services Corporation to Build and Operate the Regional Broadband Network (2021-COW-32)
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Report #2021-COW-32 from B. Bridgeman, Commissioner of Planning and Economic Development, S. Siopis, Commissioner of Works, D. Beaton, Commissioner of Corporate Services, and N. Taylor, Commissioner of Finance, was received.

Moved by Councillor Ryan, Seconded by Councillor McLean,
(68) That we recommend to Council:

- A) That the Region establish a Regional Broadband Network (the “Network”) through developing, constructing, and commercially operating a fibre optic network to provide open access fibre connectivity across Durham Region to deliver Regional services and to enable economic development and innovation across the Durham Region through improved broadband connectivity;
- B) That staff be authorized to incorporate a wholly-owned Municipal Services Corporation (“MSC”, or the “Corporation”), being an Ontario Business Corporation Act (“OBCA”) corporation pursuant to Section 203 of the Municipal Act, 2001 to develop, construct, and commercially operate the Network;
- C) That the following documents, substantially in the form attached to Report #2021-COW-32 of the Commissioner of Planning and Economic Development, Commissioner of Works, Commissioner of Corporate Services, and Commissioner of Finance, be approved and adopted to incorporate and support the establishment of the MSC:
 - i) MSC Enabling By-law (Attachment #2)
 - ii) Name Consent (Attachment #3)
 - iii) MSC By-law No. 1 (Attachment #4)
 - iv) Organizational Resolutions (Attachment #5)
 - v) Consent to Act as First Director (Attachment #6)
 - vi) Authorization to file Articles of Incorporation (Attachment #7)
 - vii) Articles of Incorporation (Attachment #8)
 - viii) Municipal Capital Facilities By-law (Attachment #9)
 - ix) Municipal Capital Facilities Agreement (Attachment #10)
 - x) Asset Transfer Policy (Attachment #11)
 - xi) Shareholder’s Direction (Attachment #12)
 - xii) Shareholder Resolution for Election of Director (Attachment #13);

- D) That the Initial Business Plan for the MSC (Confidential Attachment #14 to Report #2021-COW-32, under separate cover) for the purposes outlined in the Shareholder's Direction be approved;
- E) That in order to support the establishment and operations of the new MSC, capital expenditures for the planned first-year 60km build of the Network in the estimated amount of \$5.1M and related operating expenditures in the estimated amount of \$1.1M be referred to the 2022 Business Plans and Budgets process;
- F) That Council authorize expenditures up to \$500,000 to support the early establishment and network pre-build activities of the new corporation prior to the approval of the 2022 Business Plan and Budgets process, with financing to be provided at the discretion of the Commissioner of Finance;
- G) That staff be authorized to negotiate a Municipal Access Agreement with the MSC;
- H) That staff be authorized to negotiate a Corporate Services Agreement as outlined in Section 6.3 of the Shareholder's Direction with the MSC to the satisfaction of the Regional Solicitor, the Commissioner of Finance, and the Chief Administrative Officer;
- I) That the Regional Chair and Clerk be authorized to execute any required documentation to implement the recommendations of Report #2021-COW-32; and
- J) That a copy of Report #2021-COW-32 be provided to the Area Municipalities, Innovation Science and Economic Development Canada, Ontario Ministry of Infrastructure, and Infrastructure Ontario.

CARRIED LATER IN THE MEETING
(See Following Motion)

Discussion ensued with regards to the reasons for Sections 5 through 8 of Confidential Attachment #14 to be confidential, and if questions relating to these items were permitted to be asked in open session. The Regional Solicitor advised that anything that would bear on commercial negotiations cannot be answered in open session.

Moved by Councillor McLean, Seconded by Councillor Foster,

- (69) That the meeting be closed to the public in order to consider closed matters subject to advice that is subject to solicitor-client privilege.

CARRIED

[Refer to the Closed Committee of the Whole Minutes of December 15, 2021]

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

Staff responded to questions with regards to whether there is value in going to the Federal government to ask if they require service providers and organizations to identify where dark fibre exists.

The main motion (68) of Councillors Ryan and McLean was then put to a vote and CARRIED ON THE FOLLOWING RECORDED VOTE:

Yes

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

No

Councillor Joe Neal

Members Absent: Councillor Barton
Councillor Collier
Councillor Marimpietri
Councillor McLean

Declarations of Interest: None

9. Other Business

There was no other business to be considered.

10. Adjournment

Moved by Councillor Foster, Seconded by Councillor Kerr,
(71) That the meeting be adjourned.

CARRIED

The meeting adjourned at 12:35 PM

Respectfully submitted,

John Henry, Regional Chair

Committee Clerk