



The Regional Municipality of Durham

Works Committee Agenda

Wednesday, January 10, 2024, 9:30 a.m.

Regional Council Chambers

Regional Headquarters Building

605 Rossland Road East, Whitby

If this information is required in an accessible format, please contact 1-800-372-1102 ext. 2097.

Note: This meeting will be held in a hybrid meeting format with electronic and in-person participation. Committee meetings may be [viewed via live streaming](#).

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9. Advisory Committee Resolutions

There are no advisory committee resolutions to be considered

10. Confidential Matters

There are no confidential matters to be considered

11. Other Business

12. Date of Next Meeting

Wednesday, February 7, 2024 at 9:30 AM

13. Adjournment

Notice regarding collection, use and disclosure of personal information:

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The Regional Municipality of Durham

MINUTES

WORKS COMMITTEE

Wednesday, December 6, 2023

A regular meeting of the Works Committee was held on Wednesday, December 6, 2023 in Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby, Ontario at 9:30 AM. Electronic participation was offered for this meeting.

1. Roll Call

Present: Councillor Barton, Chair
Councillor Marimpietri, Vice-Chair attended the meeting at 9:35 AM
Councillor Cook*
Councillor Crawford
Councillor Mulcahy
Councillor Nicholson
Councillor Yamada* attended the meeting at 9:33 AM
Regional Chair Henry
***denotes Councillors participating electronically**

Absent: None

Also

Present: Councillor Carter* left the meeting at 11:00 AM
Councillor Dies* left the meeting at 11:35 AM
Councillor Foster* left the meeting at 11:00 AM
Councillor Neal*
Councillor Pickles* left the meeting at 11:00 AM
Councillor Wotten*
***all visiting Councillors participated electronically**

Staff

Present: N. Andres, Manager of Development & Class EAs
E. Baxter-Trahair, Chief Administrative Officer
S. Ciani, Committee Clerk, Corporate Services – Legislative Services
C. Dunkley, Director of Corporate Infrastructure and Strategic Business Services, Works Department
K. Dykman, Supervisor of Waste Services
A. Evans, Director of Waste Management Services
C. Goodchild*, Manager of Policy Planning & Special Studies
B. Holmes*, General Manager of Transit
M. Hubble, Director of Environmental Services
J. Hunt, Regional Solicitor/Director of Legal Services, Corporate Services – Legal Services

R. Inacio, Systems Support Specialist, Corporate Services – IT
R. Jagannathan, Acting Commissioner of Works
N. Pincombe, Director of Business Planning & Budgeting
A. Porteous, Supervisor of Waste Services
K. Smith, Committee Clerk, Corporate Services – Legislative Services
N. Taylor, Commissioner of Finance
P. Veiga, Manager, Waste Management Operations
D. Waechter*, Acting Director of Transportation and Field Services
N. Williams, Project Manager, Waste Management
*** denotes staff participating electronically**

2. Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

3. Adoption of Minutes

Moved by Councillor Mulcahy, Seconded by Councillor Nicholson,
(96) That the minutes of the regular Works Committee meeting held on
Wednesday, November 8, 2023, be adopted.

CARRIED

4. Statutory Public Meetings

There were no statutory public meetings.

5. Presentations

5.1 Mike Hubble, Director of Environmental Services, re: Works Department – 2024 Water Supply and Sanitary Sewerage Systems Business Plans and Budget (2023-W-50) [Item 8.2 A)]

M. Hubble, Director of Environmental Services, provided a PowerPoint presentation regarding the Works Department – 2024 Water Supply and Sanitary Sewerage Systems Business Plans and Budget.

Highlights from the presentation included:

- Agenda
- Background on User Rates
 - User Rates
 - Water Trends
 - Fixed Costs
 - Cost Breakdown
 - Regulatory Requirements
 - Summary
 - Water Prices in Canada

- Regional Infrastructure Assets
 - Water Supply System
 - Sanitary Sewerage System
- 2023 Accomplishments
- 2023 Water Supply and Sanitary Sewerage
- 2024 User Rate Calculation
- 2024 Business Plans and Budget
- Proposed 2024 Works Water Supply Expenditures and Financing
- Proposed 2024 Works Sanitary Sewerage Expenditures and Financing
- Ten-Year Capital Plan (Works Water and Sewer)
- Proposed Financing 10-Year Capital Plan (Works Water and Sewer)
- 2024 Water Supply and Sanitary Sewerage Capital Program
- 2024 Major Projects – Sanitary Sewerage
- 2024 Major Projects – Sanitary Sewerage and Water Supply
- 2024 Major Projects – Water Supply
- 2024 Business Plans and Budget
 - Risks and Uncertainties
 - Operating Pressures
 - Project Lifecycle
 - Environmental Assessment
- Construction Cost Overruns – Explained
 - Scope Creep
 - Legislative and Procedural Changes
 - Susceptibility to Market Trends and the Environment
- Beyond the 2024 Business Plans and Budget
 - Forecasted Pressures and Looking Forward

Moved by Councillor Nicholson, Seconded by Councillor Marimpietri,
(97) That the agenda be altered to consider Item 8.2 A) Works Department –
2024 Water Supply and Sanitary Sewerage Systems Business Plans and
Budget (2023-W-50), after questions to the presentation.

CARRIED

Staff responded to questions from the Committee regarding pressures incurred by way of legislative changes from the Provincial and Federal levels of government and the impact those changes have on the priority of capital works projects; clarification on when developers state there is capacity for a 60-storey tower building is that just with respect to capacity at the water treatment plant; how capacity is allocated after the signing of a subdivision agreement; what the Province of Ontario meant by the statement “making the lower tier municipalities whole”; the impact that Bill 23 and Bill 134 have had on the financial sustainability of Regional and lower tier municipalities; what would happen if the current Water Supply and Sanitary Sewerage Systems Business Plans were delayed another 5 years; whether the water bills can reflect the costs associated to Bill 23 and Bill 134 and if it can be reflected on the Regional webpage and water bill inserts;

whether all operational facilities have been converted from analog to digital; whether phased-in projects increase costs, especially if they get delayed; whether a Council term-based water and sewer budget has been considered; the use of reserve funds to decrease the water and sewer rates and how much would be needed to decrease the user rate; whether there is a way to delineate growth based on infill and growth based on expansion; and if there are infill developments that wouldn't add costs to ensure that growth pays for growth.

In response to a question from Councillor Crawford with respect to whether the Region is writing letters to the Federal government requesting additional funding, E. Baxter-Trahair advised that letters are being written, and that she will provide Councillor Crawford with a briefing note for the Big City Mayors meeting that she will be attending on behalf of Mayor Collier.

In response to a question from Regional Chair Henry regarding what would happen if the capacity that has already been allocated for the Seaton Development came back to the Region because the construction is years away from being completed, J. Hunt advised that he would look into that and respond back to Regional Chair Henry directly.

In response to a question from Councillor Nicholson regarding whether the Region can enter into servicing agreements with a developer, E. Baxter-Trahair advised that staff can look into that and provide a response on the legalities of that, including what is and is not permitted under the Municipal Act and other legislation, for the Regional Council meeting on December 20, 2023.

Moved by Regional Chair Henry, Seconded by Councillor Mulcahy,
(98) That the remainder of questions to Item 5.1 Presentation by Mike Hubble, Director of Environmental Services, re: Works Department – 2024 Water Supply and Sanitary Sewerage Systems Business Plans and Budget (2023-W-50) and Item 8.2 A) Works Department – 2024 Water Supply and Sanitary Sewerage Systems Business Plans and Budget (2023-W-50), be tabled until after Item 6.1: Delegation by Greg Gordon, Chair, Energy from Waste – Waste Management Advisory Committee (EFW-WMAC), and Phil Haylock, Vice-Chair, EFW-WMAC, re: 2023 EFW-WMAC Annual Report is heard, and that the agenda be altered to hear the delegation next.

CARRIED

Moved by Regional Chair Henry, Seconded by Councillor Mulcahy,
(99) That the Committee recess for 5 minutes.

CARRIED

The Committee recessed at 11:35 AM and reconvened at 11:44 AM.

The Clerk conducted a roll call following the recess and all members of Committee were present with the exception of Councillor Cook.

6. Delegations

6.1 Greg Gordon, Chair, Energy from Waste – Waste Management Advisory Committee (EFW-WMAC), and Phil Haylock, Vice-Chair, EFW-WMAC, re: 2023 EFW-WMAC Annual Report

Greg Gordon, Chair, Energy from Waste – Waste Management Advisory Committee (EFW-WMAC), and Phil Haylock, Vice-Chair, EFW-WMAC appeared before the Committee with respect to the 2023 EFW-WMAC Annual Report.

G. Gordon advised that there are nine members on the EFW-WMAC Committee. He outlined topics that had been considered by the Committee at their meetings that included:

- January 11, 2023
 - Annual Report Presentation to Durham Region’s Works Committee by the EFW-WMAC Chair and Vice-Chair
- January 23, 2023
 - Annual Report Presentation to the Municipality of Clarington’s Council by the EFW-WMAC Chair and Vice-Chair
- March 28, 2023 – Scheduled Meeting Q1
 - Election of the Chair and Vice-Chair
 - Waste Management Services Programs and Initiatives Presentation
 - EFW-WMAC 2023-2024 Workplan Discussion
 - Ministry of the Environment, Conservation and Parks (MECP) Technical Memorandum
- June 27, 2023 – Scheduled Meeting Q2
 - EFW-WMAC Work Plan (2023-2024)
 - Biocover Pilot System
 - Community and Outreach Activities Update
 - Durham Region’s Organics Management Project Update
 - Extended Producer Responsibility Update
 - Material Recovery Facility (MRF) Update
 - Durham York Energy Centre (DYEC) Update
- September 8, 2023 – Scheduled Meeting Q3
 - Quorum was not achieved
- November 28, 2023 – Scheduled Meeting Q4
 - Outreach to Durham Schools
 - Green Bin Program Expansion

G. Gordon and P. Haylock responded to questions from the Committee.

Moved by Councillor Marimpietri, Seconded by Councillor Nicholson, (100) That the remainder of questions to Item 5.1 Presentation by Mike Hubble, Director of Environmental Services, re: Works Department – 2024 Water Supply and Sanitary Sewerage Systems Business Plans and Budget

(2023-W-50) and Item 8.2 A) Works Department – 2024 Water Supply and Sanitary Sewerage Systems Business Plans and Budget (2023-W-50) be lifted from the table.

CARRIED

5. Presentations

5.1 Mike Hubble, Director of Environmental Services, re: Works Department – 2024 Water Supply and Sanitary Sewerage Systems Business Plans and Budget (2023-W-50) [Item 8.2 A)]

Staff responded to further questions from the Committee regarding how the Region will increase the staffing complement and the specialized training required for those roles; how the Region will prepare for the expected population growth and how the capital projects being proposed in Report #2023-W-50 of the Acting Commissioner of Works are a necessity in order to be ready for that growth; whether engineering certifications are required of consultants retained for projects; whether the Region or the lower tier municipalities would be made whole under the current legislation; and what is within the purview of the Works and Finance & Administration Committees with respect to recommending and approving the user rates and budget details.

8. Works

8.2 Reports

A) Works Department – 2024 Water Supply and Sanitary Sewerage Systems Business Plans and Budget (2023-W-50)

Report #2023-W-50 from R. Jagannathan, Acting Commissioner of Works, was received.

Detailed discussion ensued regarding the implications of Bill 23, Bill 134 and related legislation and the importance of the Finance & Administration Committee considering Bill 23 strategies when reviewing the proposed budget; the importance of identifying what the Region's pressures are, the cause of those pressures, and what it would cost to alleviate them; the advancement of capital projects; and the impact the deferral of those capital projects would have on the user rate.

Further discussion ensued regarding the importance of the capital works programs being proposed but the heavy cost burden it puts on the residents of Durham Region and whether staff can look into how the capital projects can be funded long-term through discussions with the local Ministers of Provincial Parliament (MPP).

Moved by Councillor Marimpietri, Seconded by Councillor Mulcahy,
(101) That we recommend to the Finance and Administration Committee for subsequent recommendation to Regional Council:

That the Works Department's portion of the 2024 Water Supply System and Sanitary Sewerage System Business Plans and Budget be approved.

REFERRED TO A SPECIAL WORKS
COMMITTEE MEETING LATER IN THE
MEETING ON A RECORDED VOTE
(See Following Motions)

Moved by Councillor Nicholson, Seconded by Councillor Mulcahy,
(102) That the Committee recess for 5 minutes.

CARRIED

The Committee recessed at 12:39 PM and reconvened at 12:50 PM.

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

Moved by Councillor Nicholson, Seconded by Councillor Marimpietri,
(103) That a joint meeting of the Works Committee and the Finance & Administration Committee be called in order to consider Report #2023-W-50: Works Department – 2024 Water Supply and Sanitary Sewerage Systems Business Plans and Budget.

MOTION RULED OUT OF ORDER

Moved by Councillor Nicholson, Seconded by Councillor Marimpietri,
(104) That a special meeting of the Works Committee be called prior to the Finance & Administration Committee meeting; and, that Report #2023-W-50: Works Department – 2024 Water Supply and Sanitary Sewerage Systems Business Plans and Budget be referred to the special Works Committee meeting.

CARRIED ON THE FOLLOWING
RECORDED VOTE:

Yes

Councillor Cook
Councillor Crawford
Councillor Marimpietri
Councillor Mulcahy
Councillor Nicholson
Councillor Yamada

No

Regional Chair Henry
Councillor Barton, Chair

Members Absent: None

Declarations of Interest: None

This item will be considered at a Special Works Committee meeting on December 11, 2023 and subsequently by the Finance & Administration Committee at their meeting to be held on December 12, 2023.

6. Delegations

- 6.1 Greg Gordon, Chair, Energy from Waste – Waste Management Advisory Committee (EFW-WMAC), and Phil Haylock, Vice-Chair, EFW-WMAC, re: 2023 EFW-WMAC Annual Report
-

This item was considered earlier in the meeting. See page 5 of these minutes.

7. Waste

- 7.1 Correspondence

There were no communication items considered.

- 7.2 Reports

- A) Pilot Curbside Giveaway Event Summary and Recommendation (2023-WR-8)
-

Report #2023-WR-8 from R. Jagannathan, Acting Commissioner of Works, was received.

Moved by Councillor Nicholson, Seconded by Councillor Marimpietri, (105) That we recommend to Council:

- A) That the Regional Municipality of Durham implements a Curbside Giveaway Event twice per year in the Spring and Fall; and
- B) That Regional staff work with the City of Oshawa and the Town of Whitby to include them in these events if approved by their respective Councils.

CARRIED

- B) Organics Management Plan – Multi-Residential Enhanced Green Bin Program (2023-WR-9)
-

Report #2023-WR-9 from R. Jagannathan, Acting Commissioner of Works, was received.

Moved by Councillor Nicholson, Seconded by Councillor Marimpietri, (106) That we recommend to Council:

- A) That staff be authorized to implement a Multi-Residential Green Bin Collection Program for multi-residential buildings already receiving Regional waste collection services;
- B) That the Commissioner of Works be authorized to enter into a Shared Services Agreement with the Town of Whitby and the City of Oshawa outlining the framework under which the Regional Municipality of Durham may operate a region-wide Multi-Residential Green Bin Collection Program, including within the Town of Whitby and the City of Oshawa, subject to the satisfaction of the Commissioner of Finance and the Regional Solicitor;
- C) That the Commissioner of Works be authorized to amend By-Law #46-2011, a By-Law to Regulate the Provision of Waste Management Services Under the Jurisdiction of the Regional Municipality of Durham to reflect the necessary program changes;
- D) That the estimated annual gross program cost of \$1.9 million (\$0.95 million in 2025), with costs of approximately 50.6 per cent and 16.0 per cent based on the number of units, be recovered from the City of Oshawa and the Town of Whitby respectively;
- E) That the net cost to the Region be included in the 2025 and future Waste Management Business Plans and Budgets; and
- F) That a copy of Report #2023-WR-9 of the Acting Commissioner of Works be distributed to the local area municipalities and the Ontario Ministry of the Environment, Conservation and Parks York-Durham District Office for information.

CARRIED

8. Works

8.1 Correspondence

There were no communication items considered.

8.2 Reports

A) Works Department – 2024 Water Supply and Sanitary Sewerage Systems Business Plans and Budget (2023-W-50)

This item was considered earlier in the meeting. See pages 6 to 8 of these minutes.

B) Expropriation of Lands Required for the Wentworth Street (Regional Road 60) Reconstruction Project from Cedar Street to Farewell Street (Regional Road 56) in the City of Oshawa (2023-W-51)

Report #2023-W-51 from R. Jagannathan, Acting Commissioner of Works, was received.

Moved by Councillor Nicholson, Seconded by Councillor Marimpietri, (107) That we recommend to Council:

- A) That authority be granted to Regional Municipality of Durham staff to initiate expropriation proceedings where necessary with respect to the property requirements related to the Wentworth Street (Regional Road 60) Reconstruction Project between Cedar Street and Farewell Street (Regional Road 56) in the City of Oshawa, as generally depicted in Attachments #1 to #4 (Maps 1 to 4) of Report #2023-W-51 of the Acting Commissioner of Works and as such other property requirements as may be determined and identified by Regional staff for the Wentworth Street (Regional Road 60) Reconstruction Project;
- B) That authority be granted to the Regional Clerk and Regional Chair to execute any notices and forms as may be statutorily mandated by the Expropriations Act, R.S.O. 1990, c. E.26 to give effect to Recommendation C) in Report #2023-W-51, including the Notices of Application of Approval to Expropriate;
- C) That authority be granted to Regional staff to serve and publish Notices of Application for Approval to Expropriate the property requirements as described in Recommendation A) of Report #2023-W-51 and to forward to the Ontario Land Tribunal any requests for hearing received to attend the hearings to present the Region's position, and to present the Ontario Land Tribunal's recommendations to Regional Council for consideration; and
- D) That all agreements successfully negotiated and reports required for amicable property acquisitions and all agreements and reports required for settlements pursuant to the Expropriations Act, R.S.O. 1990, c. E. 26 related to the Wentworth Street (Regional Road 60) Reconstruction Project approved in accordance with the Delegation of Authority By-law 04-2023 or by Regional Council, be deemed confidential for any reporting requirements to Regional Council pursuant to section 239 (2)(c) of the Municipal Act, 2001, S.O. 2001, c. 25, as it relates to a proposed or pending acquisition or disposition of land for Regional corporate purposes, and only be released publicly by the Commissioner of Works once all claims for compensation have been resolved on a full and final basis.

CARRIED AS AMENDED
(See Following Motion)

Moved by Councillor Nicholson, Seconded by Councillor Marimpietri,
(108) That the main motion (107) of Councillors Nicholson and Marimpietri be amended to add the following as a new Part E):

“E) That staff work to advance the design, property acquisition, and utility relocations associated with the Wentworth Street and Nelson Street intersection reconstruction and signalization with the goal of completing the intersection works in the first phase of the Wentworth Street reconstruction project (i.e., as part of the road segment between Nelson Street and Farewell Street).”

CARRIED

The main motion (107) of Councillors Nicholson and Marimpietri was then put to a vote and CARRIED AS AMENDED.

9. **Advisory Committee Resolutions**

There were no advisory committee resolutions to be considered.

10. **Confidential Matters**

There were no confidential matters to be considered.

11. **Other Business**

11.1 The Feasibility of a Traffic Control Signal Installation at the Intersection of Winchester Road East and St. Thomas Street in the Town of Whitby

Moved by Councillor Mulcahy, Seconded Councillor Marimpietri,
(109) That the rules of procedure be suspended in order to introduce a motion with respect to the feasibility of a traffic control signal installation at the intersection of Winchester Road East and St. Thomas Street in the Town of Whitby.

CARRIED on a 2/3RDS VOTE

Moved by Councillor Mulcahy, Seconded Councillor Marimpietri,
(110) That we recommend to Council:

That staff examine the feasibility of a traffic control signal installation at the intersection of Winchester Road East and St. Thomas Street in the Town of Whitby, in consultation with Town of Whitby staff, as part of the Region’s planned Winchester Road East reconstruction project.

CARRIED

12. Date of Next Meeting

The next regularly scheduled Works Committee meeting will be held on Wednesday, January 10, 2024 at 9:30 AM in Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby.

13. Adjournment

Moved by Councillor Mulcahy, Seconded by Councillor Crawford, (111) That the meeting be adjourned.

CARRIED

The meeting adjourned at 1:42 PM

Respectfully submitted,

D. Barton, Chair

S. Ciani, Committee Clerk

If this information is required in an accessible format, please contact 1-800-372-1102 ext. 2097.

The Regional Municipality of Durham

MINUTES

SPECIAL WORKS COMMITTEE

Monday, December 11, 2023

A special meeting of the Works Committee was held on Monday, December 11, 2023 in Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby, Ontario at 2:30 PM. Electronic participation was offered for this meeting.

1. Roll Call

Present: Councillor Barton, Chair
Councillor Marimpietri, Vice-Chair
Councillor Cook*
Councillor Mulcahy
Councillor Nicholson
Councillor Yamada*
Regional Chair Henry
***denotes Councillors participating electronically**

Absent: Councillor Crawford was absent on municipal business

Also

Present: Councillor Ashe*
Councillor Carter*
Councillor Kerr*
Councillor McDougall
Councillor Pickles*
Councillor Woo*
Councillor Wotten*
***denotes visiting Councillors participating electronically**

Staff

Present: E. Baxter-Trahair, Chief Administrative Officer
S. Ciani, Committee Clerk, Corporate Services – Legislative Services
C. Dunkley, Director of Corporate Infrastructure and Strategic Business Services, Works Department
A. Evans, Director of Waste Management Services
B. Holmes, General Manager of Transit
M. Hubble, Director of Environmental Services
J. Hunt, Regional Solicitor/Director of Legal Services, Corporate Services – Legal Services
R. Inacio, Systems Support Specialist, Corporate Services – IT
R. Jagannathan, Acting Commissioner of Works
N. Pincombe, Director of Business Planning & Budgeting

N. Taylor, Commissioner of Finance
V. Walker, Committee Clerk, Corporate Services – Legislative Services
* **denotes staff participating electronically**

2. Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

3. Works

3.1 Reports

A) Works Department – 2024 Water Supply and Sanitary Sewerage Systems Business Plans and Budget (2023-W-50)

This item was referred from the December 6, 2023 Works Committee meeting.

Report #2023-W-50 from R. Jagannathan, Acting Commissioner of Works, was received.

Discussion ensued regarding the capital budget process and the annual water and sewer user rate portion of the capital budget. N. Taylor, Commissioner of Finance, clarified that on the capital budget side, staff prepare a current year capital budget and 9-year forecast and that staff do not assume water and sewer user rate funding of capital will be received each year. She advised that when staff look at the capital budget and forecast and the required amount of water and sewer user rate support for the current year, it could be incrementally higher than the previous year or incrementally lower than the previous year, the current year water and sewer user rate funded portion of the capital budget would only reflect the amount needed for the current year capital program and not the future or historical years requirement.

Moved by Councillor Marimpietri, Seconded by Regional Chair Henry, (112) That we recommend to the Finance and Administration Committee for subsequent recommendation to Regional Council:

That the Works Department's portion of the 2024 Water Supply System and Sanitary Sewerage System Business Plans and Budget be approved.

CARRIED AS AMENDED LATER IN THE MEETING

(See Following Motions)

In response to a question from the Committee regarding the past practice of holding joint committee meetings, A. Harras, Regional Clerk, advised that Regional Council moved to a Committee of a Whole (COW) structure in 2016 and in 2018 Regional Council decided to move back to a standing committee structure but replaced joint committee meetings with a Committee of the Whole meeting.

Detailed discussion ensued regarding the possibility of reviewing and subsequently revising the annual budget process so that the business plans and budgets would be presented to COW instead of a standing committee. E. Baxter-Trahair advised that the budget process is reviewed each year and that staff will again look at ways to make improvements to the process.

Moved by Councillor Nicholson, Seconded by Councillor Marimpietri,
(113) That the main motion (112) of Councillor Marimpietri and Regional Chair Henry be amended to add the following as a new Part B):

“B) That the Durham Region Rules of Procedure be amended to allow for the calling of Joint Standing Committees to be called at the discretion of and with the consent of the Chairs of the respective standing committees.”

REFERRED BACK TO STAFF

(See Following Motion)

Moved by Councillor Nicholson, Seconded by Councillor Marimpietri,
(114) That the amending motion (113) of Councillors Nicholson and Marimpietri be referred back to staff in order for staff to review the annual budget process including the possibility of presenting the business plan and budgets at a Committee of the Whole meeting instead of a standing committee.

CARRIED

Moved by Councillor Nicholson, Seconded by Councillor Marimpietri,
(115) That the main motion (112) of Councillor Marimpietri and Regional Chair Henry be amended to add the following as a new Part B):

“B) That moving forward that the Water and Sewer budgets be brought before a Joint meeting of the Works and Finance and Administration Standing Committees and be presented for consideration and potential approval by no later than October 30th of the previous calendar year.”

REFERRED BACK TO STAFF

(See Following Motion)

Moved by Councillor Nicholson, Seconded by Councillor Marimpietri,
(116) That the amending motion (115) of Councillors Nicholson and Marimpietri be referred back to staff for staff to review the possibility of presenting the business plan and budgets at a Committee of the Whole meeting.

CARRIED

Detailed discussion ensued with respect to finding alternatives for funding capital works portions of the water and sewer budgets and what options are available to alleviate the burden of increasing user rates on Durham Region residents.

Moved by Councillor Nicholson, Seconded by Councillor Marimpietri,
(117) That the main motion (112) of Councillor Marimpietri and Regional Chair Henry be amended to add the following as a new Part B):

“B) That staff be directed to investigate the method of funding for capital works portions of the Water and Sewer budgets including but not limited to, the increase use of front-end loading agreements with third parties. The investigation to give priority to a new funding policy that requires those who benefit from growth resulting from additional capacity expanded service capabilities, and expansion of serviced areas to fund the capital works that secure their benefits.”

CARRIED

Detailed discussion ensued regarding how it can be clearly reflected on the residents' water and sewer bill what costs are being driven by the Province of Ontario to meet their housing growth targets and other provincial initiatives. N. Taylor advised that changes to the actual bill could not be done in the short term, but communication materials and inserts could be prepared and distributed now, and a header could be created and added to the webpage when residents log on electronically to view their water bills. Discussion also ensued regarding the need to consult with the Association of Municipalities of Ontario (AMO) and the Federation of Canadian Municipalities (FCM).

Moved by Councillor Nicholson, Seconded by Councillor Marimpietri,
(118) That the main motion (112) of Councillor Marimpietri and Regional Chair Henry, as amended, be further amended to add the following as a new Part C):

“C) That both the electronic and paper water and sewer bills reflect in their billed amounts the amounts charged for projects mandated by the Province to meet their housing growth targets and other provincial initiatives. The billing amounts to reflect information similar to that list below. In addition, the explanatory notes and descriptions on Regional webpages be amended to reflect and explain the new outline.”

REFERRED BACK TO STAFF
(See Following Motion)

Moved by Regional Chair Henry, Seconded by Councillor Marimpietri,
(119) That the amending motion (118) of Councillors Nicholson and Marimpietri be referred back to staff to look at options on how to reflect the costs that have been downloaded to the Region from the Provincial and Federal governments on resident's water and sewer bills.

CARRIED

Detailed discussion ensued regarding the user rate increase being too high and the need to withdraw whatever possible from the reserve funds to make the user

rate more palatable for Durham Region residents; and what the consequences of withdrawing too much from the reserve funds would be for the Region.

Further discussion ensued regarding how the Region could continue to deliver its services with a reduced user rate, but without impacting or compromising the future needs of the Region.

Moved by Councillor Nicholson, Seconded by Councillor Marimpietri,
(120) That the main motion (112) of Councillor Marimpietri and Regional Chair Henry, as amended, be further amended to add the following as a new Part C):

“C) That additional monies from the Water and Sewer Reserves be added to the Water and Sewer budgets submissions to reduce the 2024 User Rate impact to between 4-5%.”

CARRIED ON THE FOLLOWING
RECORDED VOTE:

Yes

No

Councillor Cook
Regional Chair Henry
Councillor Marimpietri
Councillor Mulcahy
Councillor Nicholson
Councillor Yamada

Councillor Barton, Chair

Members Absent: Councillor Crawford

Declarations of Interest: None

The main motion (112) of Councillor Marimpietri and Regional Chair Henry was then put to a vote and CARRIED UNANIMOUSLY, AS AMENDED, ON THE FOLLOWING RECORDED VOTE:

Yes

No

Councillor Cook
Regional Chair Henry
Councillor Marimpietri
Councillor Mulcahy
Councillor Nicholson
Councillor Yamada
Councillor Barton, Chair

None

Members Absent: Councillor Crawford

Declarations of Interest: None

This item will be considered by the Finance & Administration Committee at their meeting to be held on December 12, 2023.

4. Adjournment

Moved by Councillor Marimpietri, Seconded by Councillor Nicholson,
(121) That the meeting be adjourned.

CARRIED

The meeting adjourned at 3:46 PM

Respectfully submitted,

D. Barton, Chair

S. Ciani, Committee Clerk

If this information is required in an accessible format, please contact 1-800-372-1102 ext. 3540.



The Regional Municipality of Durham Report

To: Works Committee
From: Acting Commissioner of Works
Report: #2024-W-1
Date: January 10, 2024

Subject:

Appointment of Additional Risk Management Official as required by the *Clean Water Act, 2006*.

Recommendation:

That the Works Committee recommends to Regional Council:

- A) That Regional Council appoint Shelly Cuddy as Risk Management Official under the *Clean Water Act, 2006, Part IV, Sec. 47(6)*;
- B) That the Regional Clerk issue a certificate of appointment bearing the clerk's signature to the Risk Management Official as appointed by Regional Council;
- C) That the necessary by-laws be amended to effect the appointment;
- D) That the Regional Clerk circulate this report to Source Protection Authorities with a request to obtain Section 88 Powers of Entry for Regional staff for the purposes of inspection as defined in the *Clean Water Act, 2006*; and
- E) That the Regional Clerk circulate this report to the Clerks of local municipalities and Chairs of the South Georgian Bay Lake Simcoe, Trent Conservation Coalition and Credit Valley Toronto and Region Central Lake Ontario Source Protection Committees.

Report:**1. Purpose**

- 1.1 This report requests that Regional Council update the appointment of the Risk Management Official to allow specific Regional staff to undertake monitoring and enforcement responsibilities delegated by the Province to The Regional Municipality of Durham (Region) as a provider of safe drinking water under the Clean Water Act, 2006.

2. Background

- 2.1 Durham is divided into three Source Protection Regions: the Credit Valley, Toronto and Region, Central Lake Ontario Source Protection Region (CTC), the South Georgian Bay Lake Simcoe Source Protection Region (SGBLS) and the Trent Conservation Coalition Source Protection Region (TCC).
- 2.2 The following persons were previously appointed by Regional Council as per By-law 46-2020: Tavis Nimmo, Risk Management Official, Colin Hall, Carly Graham, Ashley Brettell and Maureen Bianchet as Risk Management Inspectors. These staff are recommended to remain appointed to these positions.
- 2.3 The Clean Water Act, 2006, Part IV c. 22, s. 47 (6) requires municipalities to appoint Risk Management Officials and Risk Management Inspectors under the following subsection:
- 1) “The council of a municipality that is responsible for the enforcement of this Part shall appoint a risk management official and such risk management inspectors as are necessary for that purpose.”
- 2.4 Ontario Regulation 287/07 Section 54 requires that a Risk Management Official and Risk Management Inspectors have the following qualifications:
- 1) For the purposes of section 53 of the Act, a risk management official or risk management inspector has the prescribed qualifications if he or she has, in the preceding five years, successfully completed a course that meets the following criteria:

The course includes:

- i. a description of the rules governing the preparation of assessment reports, source protection plans, risk management plans and risk assessments,
- ii. a description of Part IV of the Act,
- iii. an overview of procedures before the Environmental Review Tribunal, and
- iv. a description of the prescribed instruments to which subsection 39 (7) of the Act applies and the way in which they regulate activities that could be identified in a source protection plan as significant drinking water threats.

- 2) In the opinion of the Director, the course provides adequate training for a person appointed as a risk management official or risk management inspector under the Act. O. Reg. 246/10, s. 12.”

2.5 The Risk Management Official has the responsibilities set out under the Act, which include:

- 1) Negotiating/establishing interim risk management plans and risk management plans;
- 2) Evaluating risk assessments;
- 3) Issuing orders that specify actions to comply;
- 4) Issuing notices of failure to comply, including fines similar to Provincial offences;
- 5) Attending Environmental Review Tribunal hearings;
- 6) Annual reporting to Source Protection Committees;
- 7) Issuing notice for complete applications for Building Code and Planning Act permits and approvals; and
- 8) Working with neighbouring municipalities on cross-boundary threats.

2.6 The Risk Management Inspectors will have the responsibilities set out under the Act which include:

- 1) Conducting inspections to ensure compliance with Risk Management Plans;
- 2) Using powers of entry on properties where drinking water health hazard is suspected;
- 3) Issuing orders that specify actions to comply;

- 4) Attending Environmental Review Tribunal hearings; and
 - 5) Attending inspections with neighbouring municipalities on cross-boundary threats.
- 2.7 The staff identified in the recommendations to serve as the risk management official are currently members of the Works Department - Environmental Services Division. These staff members have taken the Ministry of the Environment, Conservation and Parks courses required under the *Clean Water Act, 2006*, and have the relevant professional expertise to carry out the risk management function.
- 3. Conclusion**
- 3.1 Risk management approaches specified in Part IV of the Clean Water Act, 2006 are one of the tools used in the implementation of Source Protection Plans. The appointment of the Risk Management Official and the Risk Management Inspectors by Regional Council is required to implement the Source Protection Plan and remain in compliance with the Clean Water Act 2006.
- 3.2 For additional information, contact: Tavis Nimmo, Manager of Technical Support (Quality) at 905-668-7711, extension 3737.

Respectfully submitted,

Original signed by:

Ramesh Jagannathan, M.B.A, M.Eng., P.Eng., PTOE
Acting Commissioner of Works

Recommended for Presentation to Committee

Original signed by:

Elaine C. Baxter-Trahair
Chief Administrative Officer

If this information is required in an accessible format, please contact 1-800-372-1102 ext. 3540.



The Regional Municipality of Durham

Report

To: Works Committee
From: Acting Commissioner of Works
Report: #2024-W-2
Date: January 10, 2024

Subject:

Sole Source Purchase of System Integrator Services from Talan (formerly Createch) for the upgrade of IBM's (the vendor) Enterprise Maintenance Management System (Maximo) to IBM's (Maximo Application Suite (MAS) Platform)

Recommendation:

That the Works Committee recommends to Regional Council:

- A) That staff be authorized to negotiate and award a sole source contract to Talan (formerly Createch) for the provision of System Integrator Services for the upgrade of the existing IBM's Enterprise Asset Management Software (Maximo) to be compatible with the Software provider's (IBM) most recent platform, Maximo Application Suite (MAS), for a total project estimated amount of \$751,250* to be funded within the approved project budget; and
 - B) That the Commissioner of Finance be authorized to execute the necessary documents for the negotiated agreement.
-

Report:

1. Purpose

- 1.1 The purpose of this report is to obtain Regional Council authorization to negotiate and award a sole source contract to Talan (formerly Createch) to provide System Integrator Services for the upgrade of IBM Maximo to IBM Maximo Application Suite (MAS).
- 1.2 Dollar amounts followed by an asterisk (*) are before applicable taxes.

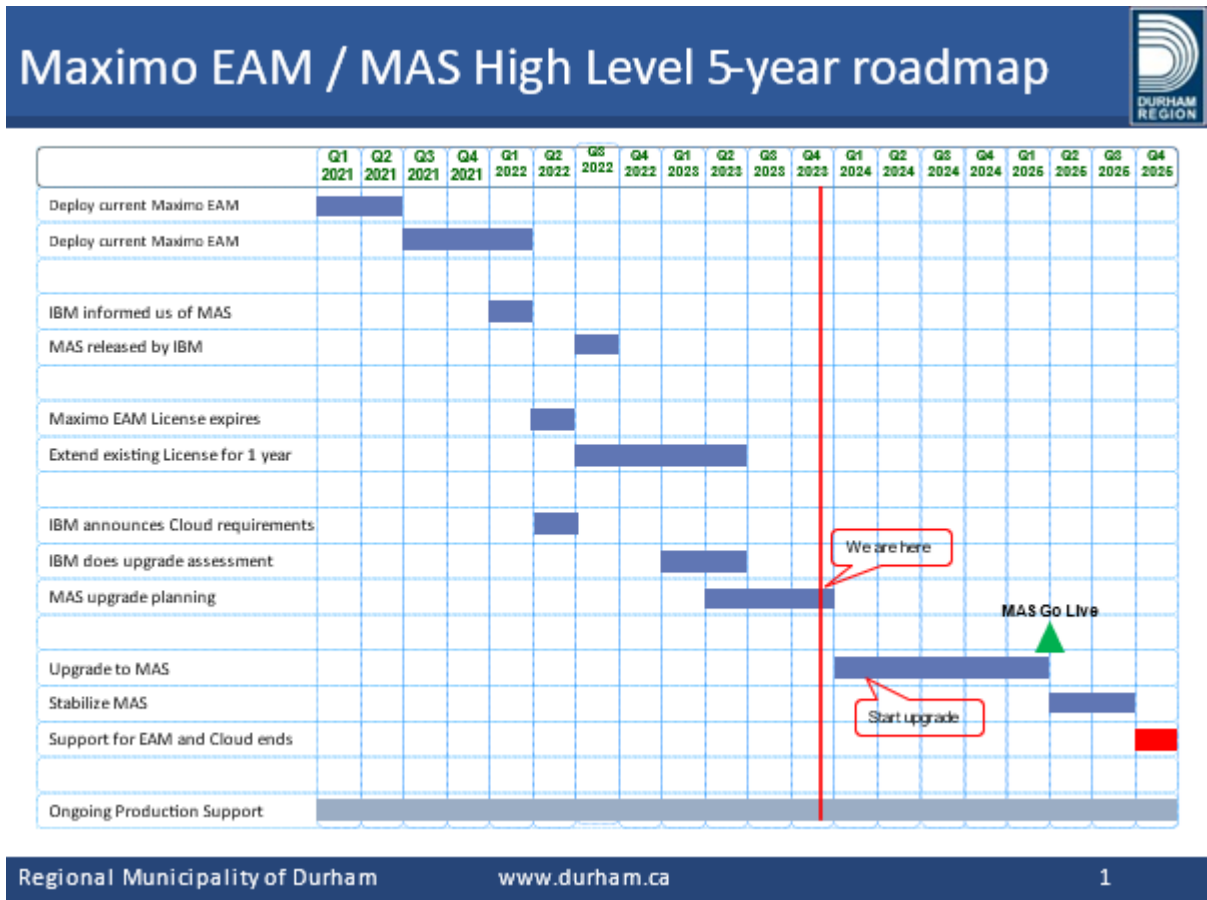
2. Background

- 2.1 Before the implementation of IBM Maximo software, the Regional Municipality of Durham (Region) leveraged a series of disconnected applications and business processes to manage maintenance and work order activities. These applications were outdated and unsupported and lacked the integration capability to share information across the organization. As a result, effective data analysis for strategic business decisions about operations was gathered from several systems/sources, which was extremely cumbersome and time-consuming.
- 2.2 Recognizing the need to standardize business processes and effectively track data, the Region embarked on a project to implement an enterprise-wide maintenance management system in 2016, resulting in the selection of IBM solution Maximo Enterprise Management System and Talan (formerly Createch) as system implementor in 2017, through a competitive procurement process.
- 2.3 Talan developed the system interfaces and algorithms that support multiple project customizations to support the business units' unique needs. During the implementation, Talan also configured the "Anywhere" application as the mobile solution for Maximo.
- 2.4 Since the implementation of the EMMS (Maximo), Maximo has enabled the Region to achieve the following goals:
 - a. Streamline and standardize processes and systems across the organization, eliminate paperwork and manual processes and shorten work cycles.
 - b. Support the planning and execution of preventative maintenance activities to support a safe working environment and reliable equipment.
 - c. Provide the tools and technology to Regional staff to improve processes and efficiencies and enhance customer service.
 - d. Enhanced interface for data reporting.
 - e. Enable offsite real-time data access and collection capabilities for workers in the field, including using mobile devices to track and record work orders and the ability of staff to share information and real-time data regarding maintenance issues.
 - f. Ensure compliance with regulations and standards, such as Commercial vehicle operator requirements, and support for warranties and insurance claims.

- g. Full integration of Region-wide solutions with the Financial Information system (PeopleSoft system), ESRI Geographical Information System (GIS), Ontario One Call Locates, Fuel Systems and other applications.
- h. Provide better visibility and improved analytics by capturing higher-quality real-time data.
- i. Manage and maintain service levels for external services such as Locates and Water Billing.

2.5 The Region's Enterprise Maintenance Management System (Maximo) was developed using IBM's Maximo software hosted in the Cloud, in an agreement with IBM Canada Ltd. Under this agreement, IBM provides all infrastructure maintenance and application support to ensure the Maximo system is readily available to the Region's approximately eight hundred (800) users.

2.6 Upon completion of the full implementation of Enterprise Maintenance Management system (Maximo) and learning of IBM's plan for software replacement and Cloud hosting changes, the Region developed a five-year roadmap as a guide to complete the upgrade to the new software, MAS. The chart below outlines the key events, activities, and timing within the five-year roadmap.



- 2.7 The current Enterprise Maintenance Management system (EMMS) was implemented in three releases: November 2021, March 2022, and June 2022. Over the subsequent six to nine months, the Maximo support team, including the System Integrator, focused on fixing minor glitches and stabilizing the system. Another key focus area was working with the business units on solution introduction and improving the adoption of the new system via additional on-demand training and hands-on support.
- 2.8 In quarter 1 of 2022, IBM advised the Region that it would be replacing the current EMMS with a more technologically advanced solution, MAS. IBM also advised that as of October 1, 2025, they will discontinue support for:
- a. the Maximo EMMS software; and
 - b. cloud Hosting of the Maximo EMMS software.
- 2.9 IBM released the MAS software to the marketplace in quarter 3 of 2022.
- 2.10 The initial license agreements for the EMMS and Cloud hosting were due for renewal at the end of quarter 2, 2022. IBM informed the Region that the licenses and Cloud hosting renewal would be based on the MAS software. At the time of the announcement, detailed information on the MAS software and potential regional implications needed to be clarified. The Maximo Management team did not believe it was prudent to enter into a five-year software and Cloud agreement without clearly understanding the impact on the Region. As such, the Region worked with IBM to secure a one-year extension of the existing agreement, ending in quarter 2, 2023.
- 2.11 At the conclusion of the one-year extension ending June 30, 2023, the new software and Cloud hosting agreement based on MAS was executed for the period July 1, 2023, to June 30, 2028.
- 2.12 To understand the implications of the MAS upgrade, the Region engaged IBM Expert Lab Services in quarter 1 of 2023 to conduct an upgrade assessment of the Region's Maximo EMMS. This exercise aimed to uncover the upgrade details and the necessary remedial work required and to determine an estimate of the cost to execute the upgrade to MAS. From this exercise, the Region has determined the timeline for implementation to be 12 months.
- 2.13 The new technology associated with the upgrade will be leveraged by the Region to support the businesses in a more efficient manner.

2.14 The current mobility system is not the optimal solution for the businesses' functionality. The technology of the new MAS mobile system is a significant improvement over the current system and will enable the Region to deliver improved Mobility functions and increase user adaptation.

3. Justification for Sole Source

3.1 September 2025 is the deadline for the Region to complete the upgrade per the agreement with IBM. To manage any real and perceived risks of failing to meet this deadline, the Region has determined that the MAS upgrade must be completed by March 31, 2025. This will allow six months to mitigate implementation risks and stabilize the MAS solution after implementation. Critical milestones:

- a. November 2023 – February 2024 – Upgrade planning and approvals
- b. March 2024 – February 2025 – MAS upgrade implementation
- c. March 2025 – September 2025 – Risk mitigation and system stabilization

3.2 The Region does not have internal resources with the knowledge and skills to perform the upgrade and must, therefore, seek the services of a qualified Systems Integrator. Considering the critical timelines noted above, the Region is pursuing sole sourcing of a qualified System Integrator, Talan, to perform the upgrade services.

3.3 Failure to sole-source a qualified System Integrator to complete the upgrade will not align with these critical dates. The consequences of missing the September 2025 deadline stipulated by IBM are as follows:

- a. The Region's Maximo EMMS system will function without support from the vendor, IBM. If there are issues with any aspects of the software, IBM will not investigate and resolve these issues. This is a considerable risk because a software failure could result in a dysfunctional system, which will render the system incapable of meeting the current business needs.
- b. As of October 1, 2025, IBM will terminate hosting the Region's Maximo EMMS in their Cloud. The Region expects IBM to provide advance notice of the discontinuation of cloud hosting if the Region does not meet the October 1, 2025, deadline for the MAS upgrade.
- c. The Region must decide on how to move forward with supporting the Maximo EMMS while work is done to complete the upgrade to MAS. The two (2) primary options are to host the system on the Region's premises or seek another Cloud provider that is amenable to hosting Maximo

EMMS. An options analysis would have to be undertaken to determine the best course of action.

- 3.4 In late 2017, Talan was awarded the contract as the System Integrator to implement the Maximo EMMS solution to support the Region's EMMS program. The EMMS solution implementation was completed in 3 releases: November 2021, March 2022, and June 2022. Since the completion of the project, Talan has been providing production system support. During the support period, Regional staff continues to acquire valuable software knowledge and skills from Talan staff through formal knowledge transfer sessions and hands-on guidance.
- 3.5 Talan, the system integrator of the original system implementer, has detailed and intimate knowledge of the system's customizations, complexities, interdependencies, and nuances embedded in the Maximo solution. This invaluable knowledge will be leveraged to resolve upgrade issues efficiently, allowing the project to meet its objectives and milestones. Technical areas that have been identified as significant risks to the project are:
- **Integration** - Multiple complex interfaces are part of the overall Maximo solution. Key interfaces are the back-office financial system , Ontario One Call Locates, Water Billing , all Region's fuel systems and Durham Transit. It is imperative that upgrading the current system ensures these interfaces continue to provide the same level of reliability as they do now. Talan's deep knowledge and experience in the integration details reassure the Region that they are the right resources to upgrade this critical aspect of the solution.
 - **Mobility** - The MAS Mobile system is an entirely different and technically enhanced software compared to its predecessor. Upgrading this system does not follow the standard upgrade path and is a re-implementation of the functions in the existing system. Being the resources that developed the original customizations, Talan's experience and knowledge will mitigate any technical risks encountered.
- 3.6 Talan has committed to deploying the same resources that implemented the initial project to execute the MAS upgrade. This commitment provides resource continuity and solution familiarity, resulting in delivery efficiencies.
- 3.7 Over the last six years, Talan has established strong working relationships with the Region's Maximo delivery team and key business leads. This proved to be beneficial to the initial implementation of Maximo, especially during the pandemic. This strong working relationship will be leveraged for the MAS upgrade project.

- 3.8 Having worked continuously with the Region's teams for the last six years since the procurement of the solution, Talan understands the Region's policies and procedures governing the implementation of projects of this nature, including knowledge of the Region's infrastructure, governance principles and project gating and acceptance guidelines. This knowledge is invaluable at the project's onset as it contributes to efficient project delivery.

4. Talan (Formerly Createch)

- 4.1 Talan has established itself as a preferred partner with IBM and has achieved the status of IBM GOLD Partner and Maximo Certified Support Partner (IBM's Primary Support Provider program). The Region can leverage Talan's proven partnership with IBM during the MAS upgrade project to:
- a. Support resolution of any unexpected software issues.
 - b. Engage the IBM Cloud team to commit and deliver upgrade infrastructural tasks according to the project plan.
- 4.2 Talan's in-depth system knowledge, strong relationship with the Region's team and IBM's partnership makes them the preferred System Integrator for this project.

5. Financial Implications

- 5.1 Section 7.2 of the Region's Purchasing By-Law permits the acquisition of goods and services through sole source negotiations under specific circumstances, including where a change of service provider is not recommended due to compatibility/continuity concerns and cost impacts.
- 5.2 Financing for the purchase of the System Integrator Services will be provided from within the approved EMMS MAS upgrade project.

6. Relationship to Strategic Plan

- 6.1 This report aligns with the following strategic goals and priorities in the Durham Region Strategic plan:
- a. Service Excellence Goal 5.1: Optimize resources and partnerships to deliver exceptional quality services and value.
 - b. Service Excellence Goal 5.4: Drive organizational success through innovation, a skilled workforce and modernized services.

7. Conclusion

- 7.1 It is recommended that staff be authorized to negotiate and award a sole source agreement with Talan for the provision of System Integrator Services for the Maximo Application Suite upgrade at an estimated cost of \$751,250* to be financed from the approved project.
- 7.2 This report has been reviewed by the Finance Department, and the Commissioner of Finance concurs with the financial recommendations.
- 7.3 For additional information, contact: Christine Dunkley, Director, Corporate Infrastructure and Strategic Business Services, at 905-668-7711 extension 3475.

Respectfully submitted,

Original signed by:

Ramesh Jagannathan, MBA, M.Eng., P.Eng., PTOE
Acting Commissioner of Works

Recommended for Presentation to Committee

Original signed by:

Elaine C. Baxter-Trahair
Chief Administrative Officer