



OFFICIAL NOTICE

Meeting of Regional Council Revised Agenda

Wednesday, December 21, 2022, 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.

Please note: This meeting will be held in a hybrid meeting format with electronic and in-person participation. It is encouraged that members of the public view the Council meeting via live streaming, instead of attending the meeting in-person. If in-person attendance is required, arrangements must be made by emailing clerks@durham.ca prior to the meeting date.

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Being a by-law to authorize the Chair and Treasurer of The Regional Municipality of Durham to borrow from time to time by way of promissory notes, such sum or sums at any one time not exceeding the total amount of \$500,000,000 to meet current expenditures including liabilities of The Regional Municipality of Durham for the year 2023.

This by-law implements the recommendations contained in Item #3 of the 7th Report of the Finance & Administration Committee presented to Regional Council on December 21, 2022

14.2 54-2022

Being a by-law to requisition, on an interim basis, from the lower-tier municipalities before the adoption of the 2023 Regional estimates, a sum equal to fifty percent of the taxes requisitioned for Regional purposes made by the Regional Council against the lower-tier municipalities for all property classes in the year 2022.

This by-law implements the recommendations contained in Item #4 of the 7th Report of the Finance & Administration Committee presented to Regional Council on December 21, 2022

14.3 55-2022

Being a by-law to approve and adopt the 2023 Business Plans and Budgets for Water purposes in the amount of \$222,658,863.

This by-law implements the recommendations contained in Item #5 of the 7th Report of the Finance & Administration Committee presented to Regional Council on December 21, 2022

14.4 56-2022

Being a by-law to approve and adopt the 2023 Business Plans and Budgets for Sanitary Sewage purposes in the amount of \$285,476,445.

This by-law implements the recommendations contained in Item #5 of the 7th Report of the Finance & Administration Committee presented to Regional Council on December 21, 2022

14.5 57-2022

Being a by-law to amend the by-law respecting the Water Supply System in the Regional Municipality of Durham and the establishment of water rates and water charges and being By-law No. 89-2003 of The Regional Municipality of Durham.

This by-law implements the recommendations contained in Item #6 of the 7th Report of the Finance & Administration Committee presented to Regional Council on December 21, 2022

14.6 58-2022

Being a by-law to amend the by-law respecting the Water Pollution

Control System and the Storm Sewer System in the Regional Municipality of Durham and the establishment of sewer surcharge rates and sewer charges and being By-law No. 90-2003 of The Regional Municipality of Durham

This by-law implements the recommendations contained in Item #6 of the 7th Report of the Finance & Administration Committee presented to Regional Council on December 21, 2022

14.7 62-2022

Being a by-law to amend By-law Number 22-2018 by which the linear limits of the several roads comprising the Regional Road system are defined.

This by-law implements the recommendations contained in Item #4 of the 9th Report of Committee of the Whole presented to Regional Council on November 8, 2017

14.8 63-2022

Being a by-law to establish a Long-Term Care Homes Committee of Management for the Regional Municipality of Durham.

This by-law implements the recommendations contained in CC #120 of the Memorandum presented to Regional Council on December 21, 2022

14.9 64-2022

Being a by-law to expropriate all estate, right, title and interest in Part of Lot 2, Concession 1, in the Geographic Township of Pickering, in the Town of Ajax, designated as Part 1 on Reference Plan 40R 31624.

This by-law implements the recommendations contained in Item #16 of the 7th Report of the Committee of the Whole presented to Regional Council on June 13, 2018.

14.10 65-2022

Being a by-law to govern the proceedings of council and its committees, the conduct of its members, and the calling of meetings.

This by-law implements the recommendations contained in Item #1 of the 7th Report of the Finance & Administration Committee presented to Regional Council on December 21, 2022.

15. Confirming By-law

15.1 66-2022

Being a by-law to confirm the proceedings of the Council of The Regional Municipality of Durham at its meeting on the 21st day of December, 2022.

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, September 28, 2022

The Council of The Regional Municipality of Durham met in the Lower Level Boardroom, 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.

Chair Henry asked members of Council to join in a moment of silence and to keep the people in Eastern Canada and the Southern United States in their thoughts as they deal with extreme weather events.

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.

Chair Henry advised that on September 24th there was a Remembering the Children Ceremony held at Durham Region Headquarters, ahead of the second National Day for Truth and Reconciliation. The Region unveiled a new crosswalk and plaque at Regional Headquarters in honour of the children taken away, the families left behind and the survivors of Canada's residential school systems. Chair Henry thanked the Mississaugas of Scugog Island First Nations community members and organizations for their guidance and advice, and John Coldwell who created the design. Chair Henry also thanked the Diversity, Equity and Inclusion Division, the Indigenous Advisory Subcommittee, the Facilities and Corporate Services – IT divisions, and municipal partners for making the crosswalk a reality.

Chair Henry acknowledged all current members of Council and thanked them for providing guidance and leadership, and helping to shape Durham Region into a welcoming, inclusive and diverse community.

Chair Henry acknowledged the following members of Council who are retiring and noted:

- Mayor Dave Ryan is the longest serving Mayor in Pickering's history, having been first elected to Pickering Council in 1994 and elected Mayor in 2003. Mayor Ryan's tenacity, willingness to advocate for the needs of the community, and love for the city, has helped to revitalize and transform Pickering into a smart, sustainable community for everyone to proudly call their home.
- Mayor Bobbie Drew was first elected to Scugog Council in 2003 and has represented the residents of Scugog on Regional Council for 12 years and has served as Scugog's Mayor for the last four years. Mayor Drew cultivated a community that is wholesome, energetic and bound for great success. Mayor Drew has aided in enhancing local businesses, supported environmental projects, served as Chair of the Police Services Board, and has helped to create a healthy community for everyone in Scugog.
- Mayor John Grant has shown commitment to the Township of Brock through leadership, teamwork, and perseverance to create change. Having been first elected to Brock Council in 1994, Mayor Grant has spent almost ten years on Regional Council, and has gained the trust and respect of residents through volunteer efforts within the community and listening closely to their needs.
- Mayor Don Mitchell's involvement in the communities of the Town of Whitby is unmatched. Mayor Mitchell has committed to building a safe town for all residents of Whitby and has been actively involved in championing community services and has been dedicated in efforts to bring climate change to the forefront. Mayor Mitchell was first elected to Whitby Council in 1991 and has served as Mayor for the last eight years and has been a member and chair of many various boards and committees, as well as participating in and coaching local sports.
- Regional Councillor Bill McLean has been a member of Pickering Council since 2000 and has represented the City of Pickering for over 18 years on Regional Council. Councillor McLean is also a long serving member of the Police Services Board. As a long-time resident of Pickering, Councillor McLean is actively involved in the community as a member of various committees and boards and has even served as a local sports coach.
- Regional Councillor Gord Highet has represented the Township of Uxbridge on Regional Council for the last four years and has supported the community tremendously. Councillor Highet has helped to revitalize and renew the downtown core of Uxbridge, creating a sustainable area. Residents of Uxbridge have put their faith and trust in Councillor Highet since 2006 and are thankful for his dedication to helping the community.

Chair Henry acknowledged Don Beaton, Commissioner of Corporate Services who is retiring and advised that with more than 31 years of service in the municipal sector—including 29 years with the Region—Don has been a mentor, a trusted advisor, and a friend.

Don has worked as a Director in the Finance Department; served as IT's Director and Chief Information Officer; and was then appointed, by council, to the role of Commissioner of Corporate Services. Don's career includes overseeing negotiations for all bargaining units; being the driving force behind the redevelopment of the Region's website; and launching a highly successful—and now award-winning—Open Data initiative. Most recently, Don was responsible for the Region's employees during a global pandemic. Chair Henry wished Don all the best in retirement.

Chair Henry suggested a brief recess in order for photographs to be taken of the retiring members.

Moved by Councillor Marimpietri, Seconded by Councillor Mitchell,
(148) That Council recess for 10 minutes.

CARRIED

Council recessed at 9:41 AM and reconvened at 9:51 AM

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* left the meeting at 2:33 PM on municipal business
Councillor Chapman*
Councillor Collier
Councillor Crawford
Councillor Dies
Councillor Drew*
Councillor Foster*
Councillor Grant*
Councillor Highet*
Councillor Kerr
Councillor Leahy
Councillor Lee left the meeting at 2:55 PM on municipal business
Councillor Marimpietri*
Councillor McLean*
Councillor Mitchell*
Councillor Mulcahy

Councillor John Neal
Councillor Joe Neal
Councillor Nicholson
Councillor Pickles
Councillor Roy
Councillor Ryan*
Councillor Smith*
Councillor Wotten
Councillor Yamada
Regional Chair Henry*

*** indicates members who participated in-person, all other members participated electronically**

All members of Council were present.

Moved by Councillor Joe Neal, Seconded by Councillor John Neal,
(149) That the rules of procedure be suspended in order to introduce consideration of the correspondence dated September 21, 2022 from the Municipality of Clarington re: Resolution passed at their Council meeting held on September 19, 2022, regarding Region of Durham's Pilot Project Using Recycled Waste Materials in a Section of Newtonville Road, for consideration under Other Business.

CARRIED ON THE FOLLOWING RECORDED
VOTE (A 2/3rds VOTE WAS ATTAINED):

Yes

Councillor Anderson
Councillor Ashe
Councillor Barton
Councillor Collier
Councillor Crawford
Councillor Dies
Councillor Drew
Councillor Foster
Councillor Grant
Councillor Highet
Councillor Kerr
Councillor Leahy
Councillor Lee
Councillor Marimpietri
Councillor Mulcahy
Councillor John Neal
Councillor Joe Neal
Councillor Nicholson
Councillor Pickles
Councillor Roy

No

Councillor Carter
Councillor Chapman
Councillor McLean
Councillor Mitchell
Councillor Ryan

Councillor Smith
Councillor Wotten
Councillor Yamada
Regional Chair Henry

Members Absent: None

Declarations of Interest: None

3. Declarations of Interest

There were no declarations of interest made.

4. Adoption of Minutes

Moved by Councillor Smith, Seconded by Councillor Highet,
(150) That the minutes of the following meetings be adopted:

- Regular Regional Council meeting held on June 29, 2022;
- Regular Committee of the Whole meeting held on September 14, 2022;
- Closed Committee of the Whole meeting held on September 14, 2022.

CARRIED

5. Presentations

5.1 Bobbie Drew, Chair, Durham Regional Police Services Board and Todd Rollauer, Chief, Durham Regional Police Services, re: Quarterly Update to Regional Council

Councillor Drew, Chair of the Durham Regional Police Services Board (DRPSB), provided introductory remarks and outlined priorities for the Board from a governance perspective including the retirement of Chief Rollauer, Chief of Police Selection Process and the next Strategic Plan. Chair Drew thanked Chief Rollauer for dedicated service and commitment to ethical behaviour.

Chief Todd Rollauer, Durham Regional Police Services (DRPS) appeared before Council to provide an operational update on the DRPS. Chief Rollauer noted that Chair Drew is retiring and thanked Chair Drew for work on the Board. A copy of the presentation was provided to members prior to the meeting. Highlights of the presentation included:

- Heroes in Life, Not Death
- Courtice Court Timeline
- Calls for Service
 - Urgent and Emergency Calls are on the rise
- Median Response Time
 - Domestic calls being dispatched as emergency calls

- Roadway Safety
- Mental Health
- 2023 Proposed Budget
- Violent Crime – Year to Date August 31st
- Homicide Victims – as of August 31st
- Shootings and Firearms Discharges
- Gun Crime

Chief Rollauer responded to questions from members of Council.

Chair Henry thanked Chief Rollauer for being committed to the Region and wished Chief Rollauer well in retirement.

6. Delegations

6.1 Robert Horgan, Durham Resident, re: Lack of Regional and Community Supports for Men being Abused and their Children and Homelessness

Robert Horgan was not in attendance at this point in the meeting. The delegation from R. Horgan was heard later in the meeting. [See Item 6.1 on pages 7 and 8]

6.2 Imtiaz Mohammed, Ajax Resident, re: Interim Suspension of Service Line Warranties of Canada Inc. Program (2022-COW-27) [Item #3 of Report #7 of the Committee of the Whole]

Imtiaz Mohammed, Ajax Resident, appeared before the Committee regarding Report #2022-COW-27: Interim Suspension of Service Line Warranties of Canada Inc. Program.

I. Mohammed expressed concerns regarding the letter that they and their neighbours received from Service Line Warranties Canada Inc. (SLWC) and the lack of communication from the Region to homeowners prior to the letter being sent out. I. Mohammed also expressed concerns that SLWC is a U.S. based company, and concerns with respect to certain wording in the SLWC's terms and conditions documents.

I. Mohammed raised several questions including the following:

- What is the cost to terminate the contract with SLWC?
- What legal registration or governing body is SLWC registered with?
- Who are the directors and majority shareholders of the company?
- Has there been any lawsuits or arbitration or legal action against the company?
- Who warranties the work done by SLWC or the local subcontractors?
- What are the benefits financially or otherwise to the Region?

I. Mohammed referenced an article by CBC dated October 4, 2019 titled, "Insurance Bureau of Canada says private company's sewer, water line warranty might not be worth it", the SLWC letter that was distributed to homeowners, the SLWC Exterior Water Service Line Terms and Conditions, the SLWC Exterior Sewer/Septic Line Terms and Conditions, and an article by The Telegraph dated May 19, 2022 titled, "Plumbing Business Founder and Wife to Land £500m fortune".

I. Mohammed concluded that the amendment to By-law #90-2003 holds homeowners responsible for repairs to the sewer line located in the new property boundary and this is a clear reduction in services. I. Mohammed added that major decisions require research and recommendations.

I. Mohammed responded to questions from members of Council.

Moved by Councillor Marimpietri, Seconded by Councillor Mitchell,
(151) That the delegation from Mike Van Horne be heard.

CARRIED ON A 2/3rds VOTE

6.3 Mike Van Horne, Service Line Warranties of Canada, re: the Service Line Warranty Program

Mike Van Horne, Service Line Warranties of Canada (SLWC), appeared before Council with respect to the Service Line Warranty Program. M. Van Horne advised that:

- SLWC partnered with the Region to provide optional water and sewer service line protection to homeowners consistent with the agreement signed in May 2022.
- They have received 856 enrollments to-date, split between water and sewer line plans, signaling homeowners see value in protecting themselves against the potentially high cost of emergency repairs
- SLWC would be pleased to continue to provide homeowners optional coverage to protect their water line or in-home plumbing systems

M. Van Horne outlined the background of SLWC and details of their program and noted that their service plans are not considered insurance in Ontario or in Manitoba, and that they are licensed in five provinces consistent with local requirements.

M. Van Horne noted that the key feature of their plan is to provide financial coverage and arrange for the quick repair of critical home infrastructure; and that they have saved Canadian homeowners over \$6 million in emergency repair bills that would have otherwise required an unplanned out of pocket expense.

M. Van Horne responded to questions from members of Council.

6.1 Robert Horgan, Durham Resident, re: Lack of Regional and Community Supports for Men being Abused and their Children and Homelessness

Robert Horgan, Durham Resident, provided a delegation with regards to the lack of regional and community supports for men being abused, their children, and homelessness.

R. Horgan advised of a previous delegation to the Region of Durham in 2016 with regards to concerns about the lack of resources for men experiencing domestic violence and support for their children. R. Horgan stated there were questions raised on the need for support as well as whether men really do get abused in relationships. R. Horgan stated that men can be in relationships and suffer abuse; that there are patterns of abuse against men that are well established in research; that abuse of disabled men is significantly higher; and that there is also elder abuse. R. Horgan stated that personal experience from 6 years ago was that there were very few resources available or accessible and that is still the case today.

R. Horgan asked Council to recognize that domestic violence happens on both sides and that there are no organizations with mandates to support children (unless they are with their mothers) or fathers.

R. Horgan stated that based on the severity of domestic violence, there needs to be a more urgent response and concluded by stating that children and their dads need to have the same access to the many resources available to women and their children.

Moved by Councillor Marimpietri, Seconded by Councillor McLean,
(152) That Council recess for one hour for lunch.

CARRIED

Council recessed at 11:41 AM and reconvened at 12:45 PM

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

Moved by Councillor Anderson, Seconded by Councillor Barton,
(153) That the order of the Agenda be altered to consider Items CC 115, CC 116 and CC 118 at this time and that they be referred to consideration of Item 3 of Report #7 of the Committee of the Whole.

CARRIED

7. Reports related to Delegations/Presentations

1. Item #3 of Report #7 of the Committee of the Whole, re: Interim Suspension of Service Line Warranties of Canada Inc. Program (2022-COW-27) (See Pages 109 and 110 of Agenda)
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[CARRIED ON A RECORDED VOTE]

- A) That to the extent possible, the recommendations approved in Report #2021-W-31 of the Commissioner of Works be **repealed**;
- B) That Regional staff are directed to continue to carry out repairs to sanitary sewer service connections on private property in accordance with By-law #90-2003;
- C) That Regional staff are directed to reimburse residential customers for repairs carried out pursuant to Council's direction in Recommendation B) of Report #2022-COW-27 with appropriate documentation with funding from user rate financing at the discretion of the Commissioner of Finance; and
- D) That a copy of Report #2022-COW-27 be forwarded to the Durham Local Area Municipalities for information.

Moved by Councillor Nicholson, Seconded by Councillor Marimpietri,
(154) That the recommendations contained in Item 3 of Report #7 of the Committee of the Whole be adopted.

CARRIED ON THE FOLLOWING
RECORDED VOTE:

Yes

Councillor Anderson
Councillor Ashe
Councillor Barton
Councillor Carter
Councillor Chapman
Councillor Collier
Councillor Crawford
Councillor Dies
Councillor Drew
Councillor Foster
Councillor Grant
Councillor Highet
Councillor Kerr
Councillor Leahy
Councillor Lee
Councillor Marimpietri

No

Councillor Mitchell
Councillor Smith

Councillor McLean
Councillor Mulcahy
Councillor John Neal
Councillor Joe Neal
Councillor Nicholson
Councillor Pickles
Councillor Roy
Councillor Ryan
Councillor Wotten
Councillor Yamada
Regional Chair Henry

Members Absent: None

Declarations of Interest: None

8. Communications

CC 108 Information Report #2022-INFO-55 from the Chief Administrative Officer, re:
Assessing the Feasibility of a Potential Future District Energy System

Moved by Councillor Chapman, Seconded by Councillor Foster,
(155) That Council Correspondence CC 108 regarding Information Report
#2022-INFO-55 from the Chief Administrative Officer, re: Assessing the
Feasibility of a Potential Future District Energy System be received for
information.

CARRIED

CC 109 Correspondence from the Municipality of Clarington, re: Resolution passed at
their Council meeting held on June 20, 2022, regarding Community Warning
Program similar to Amber Alert

Moved by Councillor Chapman, Seconded by Councillor Foster,
(156) That Council Correspondence CC 109 from the Municipality of
Clarington, re: Resolution passed at their Council meeting held on June
20, 2022, regarding Community Warning Program similar to Amber Alert
be received for information.

CARRIED

CC 110 Correspondence from the City of Oshawa, re: Resolution passed at their Council
meeting held on June 20, 2022, requesting the Provincial Government for a
Community Warning Program for Persons of Special Needs or Circumstances

Moved by Councillor Chapman, Seconded by Councillor Foster,
(157) That Council Correspondence CC 110 from the City of Oshawa, re: Resolution passed at their Council meeting held on June 20, 2022, requesting the Provincial Government for a Community Warning Program for Persons of Special Needs or Circumstances be received for information.

CARRIED

CC 111 Correspondence from the Town of Ajax, re: Resolution passed at their Council meeting held on June 20, 2022, regarding an Emergency Alert for Vulnerable Persons Who Go Missing

Moved by Councillor Chapman, Seconded by Councillor Foster,
(158) That Council Correspondence CC 111 from the Town of Ajax, re: Resolution passed at their Council meeting held on June 20, 2022, regarding an Emergency Alert for Vulnerable Persons Who Go Missing be received for information.

CARRIED

CC 112 Information Report #2022-INFO-68 from the Commissioner of Finance, re: 2021 Annual Investment Report

Moved by Councillor Chapman, Seconded by Councillor Foster,
(159) That Council Correspondence CC 112 Information Report #2022-INFO-68 from the Commissioner of Finance, re: 2021 Annual Investment Report be received for information.

CARRIED

CC 113 Correspondence from Debbie Leroux, Director of Legislative Services/Clerk, Township of Uxbridge, re: Oland Holdings (Uxbridge) Inc. Zoning By-law Amendment Application – 102 Prouse Road, Part Lots 16 & 17, Concession 1, Township of Uxbridge

Moved by Councillor Lee, Seconded by Councillor Barton,
(160) That Council Correspondence CC 113 from Debbie Leroux, Director of Legislative Services/Clerk, Township of Uxbridge, re: Oland Holdings (Uxbridge) Inc. Zoning By-law Amendment Application – 102 Prouse Road, Part Lots 16 & 17, Concession 1, Township of Uxbridge be referred to the consideration of Item #1 of the 7th Report of the Planning & Economic Development Committee.

CARRIED

CC 114 Memorandum from Alexander Harras, Regional Clerk/Director of Legislative Services, Corporate Services – Legislative Services re: requesting Regional Council to repeal By-law 49-2017

Moved by Councillor Kerr, Seconded by Councillor Anderson,
(161) That Council Correspondence CC 114 Memorandum from Alexander Harras, Regional Clerk/Director of Legislative Services, Corporate Services – Legislative re: requesting Regional Council to repeal By-law 49-2017 be referred to the consideration of By-law 46-2022.

CARRIED

CC 115 Correspondence from Marlene Boetto, Whitby resident, re: consideration of the
Water and Sewer Line repairs and charges by the Region of Durham

This matter was considered earlier in the meeting. See Motion (153) on Page 8.

CC 116 Correspondence from Don White, Whitby resident, re: SLWC Insurance Inc. and the issues related to the Water and Sewer Lines which were previously
controlled by The Region of Durham

This matter was considered earlier in the meeting. See Motion (153) on Page 8.

CC 117 Memorandum from Alexander McPherson, Solicitor, Corporate Services - Legal Services, dated September 20, 2022 re: Expropriation of Lands Required for
Regional Road 3 Rehabilitation Project

Moved by Councillor Ryan, Seconded by Councillor McLean,
(162) That the following recommendations in Council Correspondence CC 117 Memorandum from Alexander McPherson, Solicitor, Corporate Services - Legal Services, dated September 20, 2022 re: Expropriation of Lands Required for Regional Road 3 Rehabilitation Project, be adopted:

- A) That Regional Council, as approving authority under the Expropriations Act, approve the property requirements for the expropriation of the property as described in the registered reference plan as Parts 3, 5, 6 and 7 on Plan 40R-31092, deposited in the Land Registry Office on October 20, 2020.
- B) That Regional Council, as expropriating authority under the Expropriations Act, authorize all steps necessary to comply with the Expropriations Act, including, but not limited to, the preparation and registration of expropriation plans and the service of notices of expropriation, notice of election as to a date for compensation and notices of possession.

- C) That Regional Council grant authority to the Regional Chair and Clerk 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 B), including the notices of expropriation, notices of election as to a date for compensation and notices of possession, including the certificate of approval to be affixed to the expropriation plan.
- D) That the necessary expropriation by-law be presented to Regional Council for adoption.

CARRIED AS AMENDED
(See Following Motion)

Moved by Councillor Chapman, Seconded by Councillor Ryan,

- (163) That the main motion (162) of Councillors Ryan and McLean to adopt the recommendations in Council Correspondence CC 117 Memorandum from Alexander McPherson, Solicitor, Corporate Services - Legal Services, dated September 20, 2022 re: Expropriation of Lands Required for Regional Road 3 Rehabilitation Project, be amended by adding the following to the end of part A):

“for reasons being that Council agrees with the findings and decision of the hearing of necessity report”.

CARRIED

The main motion (162) of Councillors Ryan and McLean to adopt the recommendations contained in Council Correspondence CC 117 was then put to a vote and CARRIED AS AMENDED.

CC 118 Correspondence from Sally Mullen, Whitby resident re: Sewer Bylaw Amendment, SLWC, and the associated issues

This matter was considered earlier in the meeting. See Motion (153) on Page 8.

CC 119 Memorandum from John Presta, Commissioner of Works, re: Project Status Information related to the Road Reconstruction of Thornton Road North from Conlin Road to Winchester Road East (Regional Road 3) – Item #4 of Report #7 of the Works Committee (2022-W-40)

Moved by Councillor Marimpietri, Seconded by Councillor Smith,

- (164) That Council Correspondence CC 119 Memorandum from John Presta, Commissioner of Works, re: Project Status Information related to the Road Reconstruction of Thornton Road North from Conlin Road to Winchester Road East (Regional Road 3) (2022-W-40) be referred to the consideration of Item #4 of Report #7 of the Works Committee.

CARRIED

9. Committee Reports and any related Notice of Motions

9.1 Report of the Planning and Economic Development Committee

1. Application to Amend the Durham Regional Official Plan, submitted by Malone Given Parsons on behalf of Oland Holdings (Uxbridge) Inc., in association with TACC Developments to permit soil remediation and processing uses in the Township of Uxbridge, File: OPA 2022-001 (2022-P-18)
-

[CARRIED]

- A) That Amendment #189 to the Durham Regional Official Plan, to permit soil remediation and processing uses, as contained in Attachment #2 to Report #2022-P-18 of the Commissioner of Planning and Economic Development be forwarded to Regional Council for adoption upon receipt of correspondence from the Township of Uxbridge that it is in support of the proposal; and
- B) That "Notice of Adoption" be sent to the applicant, the applicant's agent, the Township of Uxbridge, the Ministry of Municipal Affairs and Housing, and all other persons or public bodies who requested notification of this decision.

Moved by Councillor Ryan, Seconded by Councillor Joe Neal,

- (165) That the recommendations contained in Item1 of Report #7 of the Planning and Economic Development Committee be adopted.

CARRIED

9.2 Report of the Works Committee

1. Sole Source of Ultraviolet Disinfection Units at the Newcastle Water Pollution Control Plant, in the Municipality of Clarington (2022-W-37)
-

[CARRIED]

- A) That staff be authorized to enter into a sole source agreement with Trojan Technologies for the provision of ultraviolet disinfection units at the Newcastle Water Pollution Control Plant for the Rerating and Upgrades Project (D1117) in the amount of \$422,000*; to be financed within the approved project from the Sanitary Sewage System Capital Budget; and
- B) That the Commissioner of Finance or designate be authorized to execute the required agreements.
(*) before applicable taxes.

2. Sole Source Approval for the Supply of Replacement Primary Treatment Scum Collectors and Equipment Required to Refurbish Existing Travelling Bridges at the Duffin Creek Water Pollution Control Plant, in the City of Pickering (2022-W-38)

[CARRIED]

- A) That staff be authorized to negotiate and award a sole source agreement with OVIVO Water Technologies at an upset limit of \$12,500,000* for the supply of replacement primary treatment scum collectors and equipment to refurbish the existing travelling bridges;
- B) That financing be provided from within the approved project budget in accordance with the approved cost sharing with the Region of York as follows:

	Cost Split (%)	Cost Allocation*
Durham Region	20	\$2,500,000
York Region	80	\$10,000,000
Total	100	\$12,500,000

- C) That the Commissioner of Finance be authorized to execute the necessary documents related to this sole source agreement.
(*) before applicable taxes

3. Sole Source Engineering Services Agreement for the Detailed Design of Bloor Street East (Regional Road 22), from East of Harmony Road South (Regional Road 33) to Grandview Street South, in the City of Oshawa (2022-W-39)

[CARRIED ON A RECORDED VOTE LATER IN THE MEETING] [SEE MOTION (167) ON PAGE 17 AND RECORDED VOTE ON PAGE 22]

- A) That staff be authorized to negotiate a sole source engineering services agreement with AECOM Canada Limited to undertake the detailed design of Bloor Street East (Regional Road 22) from east of Harmony Road South (Regional Road 33) to Grandview Street South, in the City of Oshawa, at an amount not to exceed \$1,737,140*; to be financed through the approved project budget; and
- B) That the Commissioner of Finance be authorized to execute the necessary documents related to the sole source agreement.
(*) before applicable taxes.

4. Update on Servicing Options for Property Owners on Bickle Drive and Roselawn Avenue, including the Sun Valley Heights Homebuilders Co-op, in the City of Oshawa (2022-W-40)

[CARRIED]
 - A) That Report #2022-W-40 of the Commissioner of Works be received for information; and
 - B) That a copy of Report #2022-W-40 be provided to the residents on Bickle Drive and Roselawn Avenue; Sun Valley Homebuilders Co-op; the City of Oshawa; and The Ministry of the Environment, Conservation and Parks York-Durham office.
5. Approval of Capital Works and Financing to be Incorporated into a Servicing Agreement with Universal City Developments Inc., Including Cost Sharing in Accordance with the Region Share Policy, for the Extension and Oversizing of a Sanitary Sewer and the Extension of a Watermain in the City of Pickering (2022-W-41)

[CARRIED]
 - A) That capital works and financing estimated at \$167,200 for the Region's share of the Universal City Developments Inc. sanitary sewer and watermain project in the City of Pickering with a total cost of \$657,500 be approved;
 - B) That the Regional Municipality of Durham be authorized to enter into a Servicing Agreement with a Region Share payment to Universal City Developments Inc. estimated at \$167,200 for the Region share of the oversizing of a sanitary sewer, and watermain on Celebration Drive, located north of Bayly Street (Regional Road 22) and west of Sandy Beach Road in the City of Pickering, at an estimated total project cost of \$657,500; and
 - C) That financing for the sanitary capital works, estimated at \$345,000, be provided from the following sources:

Sanitary Sewer

Developer's Share – Sanitary Sewer

Universal City Developments Inc.	<u>\$277,500</u>
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Total Developer's Sanitary Sewer Share	<u>\$277,500</u>
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Regional Costs – Sanitary Sewer

2022 Sanitary Sewerage System Capital Budget

Item 154: Allowance for Regional share for works in conjunction with residential subdivision development:

Residential Development Charges (Project ID: M2210)	\$49,815
Commercial Development Charges (Project ID: M2210)	3,105
User Rate (Project ID: M2210)	<u>14,580</u>
	<u>\$67,500</u>

Total Regional Share – Sanitary Sewer **\$67,500**

Total Sanitary Sewer **\$345,000**

Watermain:

Developer's Share – Watermain
Universal City Developments Inc. \$212,800

Total Developer's Watermain Share **\$212,800**

Regional Costs – Watermain

2022 Water Supply System Capital Budget

Item 249 Allowance for Regional share for works in conjunction with residential subdivision development:

Residential Development Charges (Project ID: M2210)	\$87,337
Commercial Development Charges (Project ID: M2210)	2,194
User Rate (Project ID: M2210)	<u>10,169</u>
	<u>\$99,700</u>

Total Regional Share – Watermain **\$99,700**

Total Watermain **\$312,500**

Total Developer's Share **\$490,300**

Total Regional Share **\$167,200**

Total Project Financing **\$657,500**

Moved by Councillor Mitchell, Seconded by Councillor Marimpietri,
(166) That the recommendations contained in Items 1, 2, 4 and 5 of Report #7
of the Works Committee be adopted.

CARRIED

Moved by Councillor Mitchell, Seconded by Councillor Marimpietri,
(167) That the recommendations contained in Item 3 of Report #7 of the Works Committee be adopted.

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

Moved by Councillor Marimpietri, Seconded by Councillor Kerr,
(168) That the meeting be closed to the public in order to receive advice that is subject to solicitor-client privilege on the initial contract related to the land acquisition for the realignment and widening of Bloor Street from east of Harmony Road to Grandview Street.

MOTION DEFERRED
(See Following Motion)

Moved by Councillor Drew, Seconded by Councillor Kerr,
(169) That consideration of Item 3 of Report #7 in a closed session be deferred until the Other Business portion of the Agenda.

CARRIED

9.3 Report of the Committee of the Whole

1. Agreement to Allow the Commencement of the Seaton Phase 2 Landowner Constructed Project Designs by the Seaton Landowners Group (2022-COW-25)

[CARRIED]

- A) That the Regional Municipality of Durham enter into an agreement with the Seaton Landowners Group to allow the detailed design of specific Landowner Constructed Projects to proceed in exchange for future Development Charge credits, with the specifics of how and when these credits will be acquired and used, to be addressed in a future Seaton Phase 2 Front-Ending Agreement;
- B) That the Regional Chair and Clerk be authorized to execute the above noted agreement, in a form satisfactory to the Regional Solicitor; and
- C) That a copy of Report #2022-COW-25 be sent to the City of Pickering.

2. Additional Allocation of Canada Community-Building Fund Program Funds to the Durham Regional Local Housing Corporation Energy Efficiency Retrofits (2022-COW-26)

[CARRIED]

- A) That \$2.4 million of the 2021 Canada Community-Building Fund financing previously allocated to the Anaerobic Digestion (AD) facility project be redirected to the Durham Regional Local Housing Corporation (DRLHC) Energy Efficiency Retrofit project at 155 King St, City of Oshawa, for total Canada Community-Building Fund financing of \$6.9 million for the project;
- B) That the Commissioner of Finance be authorized to adjust the Canada Community-Building Fund as required based on total project costs to be updated on the award of the tender and to report back on the final costs and financing for this project; and
- C) That the Commissioner of Finance be authorized to execute any required documents.

3. Interim Suspension of Service Line Warranties of Canada Inc. Program
(2022-COW-27)

[CARRIED ON A RECORDED VOTE]

This matter was considered earlier in the meeting. See Item 7.1 on Pages 8 and 9.

Moved by Councillor Chapman, Seconded by Councillor Highet,
(170) That the recommendations contained in Items 1 and 2 inclusive of
Report #7 of the Committee of the Whole be adopted.

CARRIED

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 Correspondence from the Municipality of Clarington – re: Resolution passed at their Council meeting held on September 19, 2022, regarding Region of Durham's Pilot Project Using Recycled Waste Materials in a Section of Newtonville Road
-

[MOTION DEFEATED] [SEE MOTION (173) ON PAGE 21]

Moved by Councillor Joe Neal, Seconded by Councillor Anderson,
(171) That the following recommendations contained in the correspondence from the Municipality of Clarington – re: Resolution passed at their Council meeting held on September 19, 2022, regarding Region of Durham’s Pilot Project Using Recycled Waste Materials in a Section of Newtonville Road, be endorsed:

Now therefore be it resolved that the Municipality of Clarington request that Durham Region:

Advise the Municipality of Clarington, in writing, what steps Durham has taken to investigate/verify the contents of the pictures and the information sent by the resident;

Provide a prompt, and full, accounting, in writing, to the Municipality of Clarington of the total quantity (tonnage) and materials composition by waste category as well as the sources of all waste materials used in the Pilot;

Promptly provide all documents to the Municipality of Clarington that the Region has submitted to the MECP describing the materials and quantities to be used in the Pilot project;

Provide, in writing, a description to the Municipality of Clarington of the potential adverse impacts of the use of the waste materials depicted in the pictures and what potential remedies exist to address the potential adverse impacts;

Provide all of the above information to the Municipality of Clarington at the earliest possible opportunity;

That no further work continue until a full report has been provided;

That, if materials described above are found to be part of the road, the road construction section and materials be removed immediately.

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

Moved by Councillor Joe Neal, Seconded by Councillor John Neal,
(172) That the forgoing motion (171) of Councillors Joe Neal and Anderson to endorse the recommendations from the Municipality of Clarington be amended by adding the words, “and further, that the road base be cleared”.

MOTION RULED OUT OF ORDER

Regional Chair Henry ruled the amending motion (172) of Councillors Joe Neal and John Neal out of order as it was contrary to the original motion. Councillor Joe Neal challenged the ruling of the Chair. The ruling of the Chair was UPHELD ON THE FOLLOWING RECORDED VOTE:

Yes

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

No

Councillor Anderson
Councillor Joe Neal
Councillor John Neal

Members Absent: Councillor Collier
Councillor McLean
Councillor Pickles
Councillor Yamada

Declarations of Interest: None

The main motion (171) of Councillors Joe Neal and John Neal was then put to a vote and DEFEATED ON THE FOLLOWING RECORDED VOTE:

Yes

Councillor Anderson
Councillor Foster
Councillor John Neal
Councillor Joe Neal
Councillor Nicholson
Councillor Wotten
Regional Chair Henry

No

Councillor Ashe
Councillor Barton
Councillor Chapman
Councillor Collier
Councillor Crawford
Councillor Dies
Councillor Drew
Councillor Grant
Councillor Highet
Councillor Kerr

Councillor Leahy
Councillor Lee
Councillor Mitchell
Councillor Mulcahy
Councillor Pickles
Councillor Roy
Councillor Ryan
Councillor Smith

Members Absent: Councillor Carter
Councillor Marimpietri
Councillor McLean
Councillor Yamada

Declarations of Interest: None

Moved by Councillor Joe Neal, Seconded by Councillor John Neal,
(173) That the Correspondence from the Municipality of Clarington – re:
Resolution passed at their Council meeting held on September
19, 2022, regarding Region of Durham's Pilot Project Using
Recycled Waste Materials in a Section of Newtonville Road, be
received for information.

CARRIED

Moved by Councillor Chapman, Seconded by Councillor Drew,
(174) That Council recess until 3:15 PM.

CARRIED

Council recessed at 2:55 PM and reconvened at 3:15 PM.

The Regional Clerk conducted a roll call following the recess and all
members of Council were present with the exception of Councillors
Carter, Lee and McLean.

At this point in the meeting, Council met in closed session in order to
receive advice that is subject to solicitor-client privilege on the initial
contract related to the land acquisition for the realignment and widening of
Bloor Street from east of Harmony Road to Grandview Street. [See
previous Motions (168) and (169) on Page 22]

Moved by Councillor Kerr, Seconded by Councillor Smith
(175) That the meeting be closed to the public in order to receive advice
that is subject to solicitor-client privilege on the initial contract
related to the land acquisition for the realignment and widening of
Bloor Street from east of Harmony Road to Grandview Street.

CARRIED

[Refer to the Closed Council Meeting Minutes of September 28, 2022]

Upon rising from the closed session, Regional Chair Henry advised that there were no motions made or directions given during the closed session.

3. Sole Source Engineering Services Agreement for the Detailed Design of Bloor Street East (Regional Road 22), from East of Harmony Road South (Regional Road 33) to Grandview Street South, in the City of Oshawa (2022-W-39)

[CARRIED]

- A) That staff be authorized to negotiate a sole source engineering services agreement with AECOM Canada Limited to undertake the detailed design of Bloor Street East (Regional Road 22) from east of Harmony Road South (Regional Road 33) to Grandview Street South, in the City of Oshawa, at an amount not to exceed \$1,737,140*; to be financed through the approved project budget; and
- B) That the Commissioner of Finance be authorized to execute the necessary documents related to the sole source agreement.
(*) before applicable taxes.

Moved by Councillor Nicholson, Seconded by Councillor Kerr,
(177) That Item 3 of Works Committee Report #7 be referred back to staff for the preparation of a full update report to the next Works Committee meeting.

DEFEATED ON THE FOLLOWING
RECORDED VOTE (TIE VOTE DEEMS
QUESTION DECIDED IN THE
NEGATIVE):

Yes

Councillor Anderson
Councillor Ashe
Councillor Crawford
Councillor Dies
Councillor Kerr
Councillor Leahy
Councillor Mulcahy
Councillor Nicholson
Councillor Roy
Councillor Wotten
Councillor Yamada
Regional Chair Henry

No

Councillor Barton
Councillor Chapman
Councillor Drew
Councillor Foster
Councillor Grant
Councillor Highet
Councillor Marimpietri
Councillor Mitchell
Councillor Joe Neal
Councillor Pickles
Councillor Ryan
Councillor Smith

Members Absent: Councillor Carter
Councillor Collier
Councillor Lee

Councillor McLean
Councillor John Neal

Declarations of Interest: None

The main motion (167) of Councillors Mitchell and Marimpietri to adopt the recommendations contained in Item 3 of Report #7 of the Works Committee was then put to a vote and CARRIED ON THE FOLLOWING RECORDED VOTE:

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

Members Absent: Councillor Carter
Councillor Collier
Councillor Lee
Councillor McLean
Councillor John Neal
Councillor Yamada

Declarations of Interest: None

13. **Announcements**

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

14. By-laws

46-2022 Being a by-law to Repeal By-law 49-2017

This by-law implements the recommendations contained in CC #114 of the Memorandum presented to Regional Council on September 28, 2022

47-2022 Being a by-law to adopt Amendment #189 to the Durham Regional Official Plan

This by-law implements the recommendations contained in Item #1 of the 7th Report of the Planning & Economic Development Committee presented to Regional Council on September 28, 2022

48-2022 Being a by-law to stop up, close as a public highway, subject to any easements required by any utility, that portion of Stellar Drive (Regional Road 25) located in Part of Lot 20, Concession 1, designated as Part 15, Plan 40R-20137 and Part 2, Plan 40R-25848, in the Town of Whitby (the "Lands")

This by-law implements the recommendations contained in Item #7 of the 7th Report of the Works Committee presented to Regional Council on June 3, 2009

49-2022 Being a by-law to appoint the firm of Deloitte LLP as the Municipal Auditor for the 2021 to 2022 fiscal years inclusive

This by-law implements the recommendations contained in Item #8 of the 6th Report of the Finance & Administration Committee presented to Regional Council on June 23, 2021

50-2022 Being a by-law to expropriate all estate, right, title and interest in Part of Lots 33 and 34, Concession 7, designated as Part 3 and 5, 6 subject to DN19324, and 7 on Reference Plan 40R-31092, Darlington; in the Municipality of Clarington, in the Regional Municipality of Durham

This by-law implements the recommendations contained in CC #117 of the Memorandum presented to Regional Council on September 28, 2022

51-2022 Being a by-law to amend By-law No. 90-2003

This by-law implements the recommendations contained in Item #3 of the 7th Report of the Committee of the Whole presented to Regional Council on September 28, 2022

Moved by Councillor Ashe, Seconded by Councillor Mitchell,
(178) That By-law Numbers 46-2022 to 51-2022 inclusive be passed.
CARRIED

15. Confirming By-law

52-2022 Being a by-law to confirm the proceedings of Regional Council at
their meeting held on September 28, 2022

Moved by Councillor Ashe, Seconded by Councillor Ryan,
(179) That By-law Number 52-2022 being a by-law to confirm the proceedings
of the Council of the Regional Municipality of Durham at their meeting
held on September 28, 2022 be passed.
CARRIED

16. Adjournment

Moved by Councillor Ryan, Seconded by Councillor Drew,
(180) That the meeting be adjourned.
CARRIED

The meeting adjourned at 4:09 PM

Respectfully submitted,

John Henry, Regional Chair & CEO

Alexander Harras, Regional Clerk

The Regional Municipality of Durham

MINUTES

REGIONAL COUNCIL

Wednesday, November 30, 2022

The Council of The Regional Municipality of Durham met in the Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby, Ontario at 10:00 AM

1. Call to Order

The Regional Clerk, Alexander Harras, called the meeting to order.

2. Singing of “O Canada”

The National Anthem was sung.

3. Declarations of Interest

There were no declarations of interest made.

4. Opening Remarks from Debbie Ellis, Indigenous Training Specialist, Region of Durham

Debbie Ellis provided opening remarks to members of Council.

5. Filing of Certificates

5.1 Regional Chair

The Regional Clerk confirmed that Regional Chair John Henry had been duly elected and entitled to be Regional Chair for The Regional Municipality of Durham for the four year term of office commencing November 15, 2022.

5.2 Members of Council

The Regional Clerk invited the Clerks of the eight Area Municipalities within the Region of Durham to advise of the names of their Members elected to Regional Council, and to present their Certificates of Election. The Clerks were called in the following order:

Town of Ajax	- Nicole Cooper
Township of Brock	- Fernando Lamanna
Municipality of Clarington	- June Gallagher
City of Oshawa	- Mary Medeiros
City of Pickering	- Susan Cassel
Township of Scugog	- Becky Jamieson

Township of Uxbridge
Town of Whitby

- Debbie Leroux
- Christopher Harris

6. Declarations of Office Administered by A. Harras, Regional Clerk

6.1 Regional Chair

A. Harras, Regional Clerk, administered the Declaration of Office by Regional Chair John Henry.

Elaine Baxter-Trahair, CAO, presented the Chain of Office to Regional Chair Henry.

Regional Chair Henry then assumed the Chair.

Regional Chair Henry asked the Regional Clerk to carry on with the Declarations of Office for the Members of Council.

6.2 Members of Council

The Members of Council stood and collectively read their Declarations of Office. They each then signed their Declarations.

The Declarations of Office having been taken by the Regional Chair and Members of Council, the Regional Clerk declared the Council of The Regional Municipality of Durham for the term November 15, 2022 to November 14, 2026 to be organized in accordance with the Municipal Act.

7. Inaugural Address by the Regional Chair

Regional Chair Henry gave his Inaugural address and welcomed everyone to Regional Council Chambers for the Inaugural Meeting.

Chair Henry acknowledged that The Region of Durham is situated on treaty land that is steeped in rich Indigenous history, and is the present-day home to many First Nations, Métis and Inuit people. He added that today, we acknowledge that we are gathering on the traditional territories of the Mississaugas of Scugog Island First Nation.

Chair Henry acknowledged and thanked Debbie Ellis, Indigenous Training Specialist in the Children's Services Division at the Region of Durham, CAO Elaine Baxter-Trahair, Commissioners, the Regional Clerk and staff for their help during the transition and their work arranging this ceremony today, and Glenn Healy for piping in the members.

Chair Henry acknowledged special guests including former Regional Chairs Jim Witty and Gerri Lynn O'Connor, and asked those in attendance to take a moment

to remember former Regional Chair Roger Anderson. Chair Henry also acknowledged Sameer Awan attending on behalf of Patrice Barnes, MPP.

Chair Henry introduced his special guests and congratulated all newly elected members of Regional Council.

Chair Henry highlighted the importance of serving the residents of the Region. He acknowledged accomplishments from the last year and outlined priorities for the term of Council.

8. Appointment of Members

8.1 Durham Regional Police Services Board

Moved by Councillor Ashe Seconded by Councillor Foster,
(181) That the rules of procedure be suspended in order to permit a motion to appoint Members to the Durham Regional Police Services Board at this time.

CARRIED on a 2/3rds Vote

Moved by Councillor Marimpietri, Seconded by Councillor Chapman,
(182) That the following members be appointed to the Police Services Board:

Police Services Board
Willie Woo, Clarington (Chair's Designate)
Dan Carter, Oshawa
Shaun Collier, Ajax

CARRIED

8.2 Standing Committee Chairs

Moved by Councillor Foster, Seconded by Councillor Barton,

- (183) That the rules of procedure be suspended in order to permit a motion to appoint the Standing Committee Chairs and Members to each Standing Committee at this time.

CARRIED on a 2/3rds Vote

Moved by Councillor Brenner, Seconded by Councillor Leahy,

- (184) That the following members be appointed as Standing Committee Chairs and members of Standing Committees:

Planning & Economic Development	Works	Finance & Administration	Health & Social Services
Chair Bob Chapman, Oshawa	Chair Dave Barton, Uxbridge	Chair Kevin Ashe, Pickering	Chair Elizabeth Roy, Whitby
Shaun Collier, Ajax	Linda Cook, Pickering	Bruce Garrod, Uxbridge	Granville Anderson, Clarington
Rick Kerr, Oshawa	Marilyn Crawford, Ajax	Chris Leahy, Whitby	Maurice Brenner, Pickering
John Neal, Oshawa	Tito-Dante Marimpietri, Oshawa	Sterling Lee, Ajax	Dan Carter, Oshawa
David Pickles, Pickering	Rhonda Mulcahy, Whitby	Ian McDougall, Scugog	Joanne Dies, Ajax
Maleeha Shahid, Whitby	Brian Nicholson, Oshawa	Walter Schummer, Brock	Adrian Foster, Clarington
Wilma Wotten, Scugog	Steve Yamada, Whitby	Willie Woo, Clarington	Michael Jubb, Brock

CARRIED

8.3 Members to Standing Committees

This matter was considered earlier in the meeting. [See Motion (184) on Page 4].

9. Appointment of Acting Regional Chair

9.1 Motion to appoint an Acting Regional Chair for The Regional Municipality of Durham

Moved by Councillor Ashe, Seconded by Councillor Marimpietri,

(185) 1) Pursuant to the Council Rules of Procedure, the heads of each area municipality be appointed as Acting Chair, with respect to the role of presiding at meetings, for the periods as noted:

Ajax	November 30, 2022 to February 28, 2023
Brock	March 1, 2023 to May 31, 2023
Clarington	June 1, 2023 to August 31, 2023
Oshawa	September 1, 2023 to November 30, 2023
Pickering	December 1, 2023 to February 29, 2024
Scugog	March 1, 2024 to May 31, 2024
Uxbridge	June 1, 2024 to August 31, 2024
Whitby	September 1, 2024 to November 30, 2024
Ajax	December 1, 2024 to February 28, 2025
Brock	March 1, 2025 to May 31, 2025
Clarington	June 1, 2025 to August 31, 2025
Oshawa	September 1, 2025 to November 30, 2025
Pickering	December 1, 2025 to February 28, 2026
Scugog	March 1, 2026 to May 31, 2026
Uxbridge	June 1, 2026 to August 31, 2026
Whitby	September 1, 2026 to November 14, 2026

- a) In the event the head of council of an area municipality refuses to act or the office becomes vacant during the period they are designated as Acting Chair, the head of the area municipality which follows next alphabetically shall be appointed as the Acting Chair for the balance of the designated period.
- 2) For the term of Council, the Mayor of the Town of Whitby shall be granted the authority to act as a signatory for the purpose of executing documents on behalf of the Regional Chair as being an administrative function.
- 3) For the term of Council, in the event of an emergency, if the Regional Chair is absent or unable to act, designated alternates may act in the place of the Regional Chair in order to declare an emergency, being an administrative function, or sit on the RCG in accordance with the Emergency Management Program By-law. The designated alternates are as follows:

- i. Councillor Kevin Ashe

- ii. Councillor Adrian Foster
- iii. Councillor Dave Barton

- a) In the event of an emergency the first alternate shall act in the role of the chair, if the first alternate listed is absent or unable to act, then the second alternate listed may act, if the second alternate is absent or unable to act, then the third alternate may act.

CARRIED

10. By-laws

59-2022 Being a by-law to appoint an Acting Regional Chair for The Regional Municipality of Durham

Moved by Councillor Ashe, Seconded by Councillor Marimpietri,
(186) That By-law Number 59-2022 be passed.

CARRIED

11. Confirming By-law

60-2022 Being a by-law to confirm the proceedings of Regional Council at their meeting held on November 30, 2022.

Moved by Councillor Ashe, Seconded by Councillor Cook,
(187) That By-law Number 60-2022 being a by-law to confirm the proceedings of the Council of the Regional Municipality of Durham at their meeting held on November 30, 2022 be passed.

CARRIED

12. Closing Remarks

Regional Chair Henry invited those in attendance to the Lower Level Boardroom for refreshments.

13. Adjournment

Moved by Councillor Chapman, Seconded by Councillor Wotten,
(188) That the meeting be adjourned.

CARRIED

The meeting adjourned at 10:48 AM

Respectfully submitted,

John Henry, Regional Chair & CEO

Alexander Harras, Regional Clerk

Interoffice Memorandum



Date: December 21, 2022

To: Members of Regional Council

From: Alexander Harras, Regional Clerk and Director of Legislative Services

Subject: Region of Durham Long Term Care Homes Committee of Management Appointment

The Regional Municipality of Durham

Corporate Services
Department –
Legislative Services

605 Rossland Rd. E.
Level 1
PO Box 623
Whitby, ON L1N 6A3
Canada

905-668-7711
1-800-372-1102

durham.ca

Barb Goodwin
MPA, CPA/CGA,
B.Comm, CPM,
CMMIII
Commissioner of
Corporate Services

In follow up to the correspondence sent to Regional Council members on October 28, 2022, with the respect to the mandatory screening measures for Long Term Care Homes Committee of Management appointments, we have now received criminal records checks and declarations from a number of members of Regional Council. Members are encouraged to submit their declarations and criminal records checks when available.

Accordingly, By-law #63-2022 is being presented today to formally establish a Long-Term Care Homes Committee of Management for the Regional Municipality of Durham, comprised of those members of Regional Council who have completed the required screening measures in accordance with the *Fixing Long-Term Care Act, 2021* and O. Reg. 246/22 and provided proof of such to the Regional Clerk.

Sincerely,

A handwritten signature in blue ink, appearing to read 'AH', is placed above the printed name of Alexander Harras.

Alexander Harras
Regional Clerk & Director of Legislative Services
T: 905-668-7711 ext. 2100
M: 289-927-4806
E: alexander.harras@durham.ca



Interoffice Memorandum

The Regional
Municipality of Durham
Corporate Services –
Legal Services

605 ROSSLAND RD. E.
LEVEL 1
PO BOX 623
WHITBY, ON L1N 6A3
CANADA

905-668-7711
1-800-372-1102

durham.ca

Barb Goodwin
MPA, CPA/CGA,
B.Comm, CPM, CMMIII
Commissioner of
Corporate Services

Date: December 12, 2022

To: Alexander Harras, Regional Clerk

From: Alexander McPherson, Solicitor

Re: Expropriation of lands required for the proposed Bus Rapid Transit Project along Highway 2 (Kingston Road), in the City of Pickering and the Town of Ajax

On June 13, 2018, Regional Council authorized staff to begin expropriation proceedings for lands with respect to the property requirements for the proposed Bus Rapid Transit Project (Project) along Highway 2 (Kingston Road), in the City of Pickering and the Town of Ajax from Regional Road 38 (Whites Road) to Regional Road 23 (Lake Ridge Road) (Report #2018-COW-101).

IN THE MATTER OF an application by The Regional Municipality of Durham for approval to expropriate land being

Part of Lot 2, Concession 1, in the Geographic Township of Pickering, in the Town of Ajax, designated as Part 1 on Reference Plan 40R-31624,

for the purposes of construction of Bus Rapid Transit Project along Highway 2 (Kingston Road), in the City of Pickering and the Town of Ajax, from Regional Road 38 (Whites Road) to Regional Road 23 (Lake Ridge Road), in the Regional Municipality of Durham, and all related construction activities as ancillary to the construction.

All estate, right, title and interest in the lands described as follows:

Part of Lot 2, Concession 1, in the Geographic Township of Pickering, in the Town of Ajax, designated as Part 1 on Reference Plan 40R-31624

Notices of Application for Approval to Expropriate have been served in accordance with the *Expropriations Act*. We are not aware of any persons having requested an inquiry relating to this property.

I enclose three documents:

1. Form of Resolution approving this expropriation;
2. Expropriation By-law; and
3. Certificate of Approval.

Please present these four recommendations to Regional Council for approval. If Regional Council gives approval to expropriate, please present the draft Expropriation By-law to Regional Council for approval.

- A) That Regional Council, as approving authority under the *Expropriations Act*, R.S.O. 1990, c. E.26, approve the property requirements for the expropriation of the property as described in the registered reference plan as Part 1 on Reference Plan 40R-31624, deposited in the Land Registry Office on January 17, 2022.
- B) That Regional Council, as expropriating authority under the *Expropriations Act*, authorize all steps necessary to comply with the Expropriations Act, including, but not limited to, the preparation and registration of expropriation plans and the service of notices of expropriation, notice of election as to a date for compensation and notices of possession.
- C) That Regional Council grant authority to the Regional Chair and Clerk to execute any notices and forms as may be statutorily mandated by the *Expropriations Act* to give effect to recommendation B), including the notices of expropriation, notices of election as to a date for compensation and notices of possession, including the certificate of approval to be affixed to the expropriation plan.
- D) That the necessary expropriation by-law be presented to Regional Council for adoption.

Alexander McPherson
Solicitor

RESOLUTION

RE: Expropriation of lands required for required for the proposed Bus Rapid Transit Project along Highway 2 (Kingston Road), in the City of Pickering and the Town of Ajax

All estate, right, title and interest in the lands described as follows:

Part of Lot 2, Concession 1, in the Geographic Township of Pickering, in the Town of Ajax, designated as Part 1 on Reference Plan 40R-31624,

- E) That Regional Council, as approving authority under the *Expropriations Act*, R.S.O. 1990, c. E.26, approve the property requirements for the expropriation of the property as described in the registered reference plan as Part 1 on Reference Plan 40R-31624, deposited in the Land Registry Office on January 17, 2022.
- F) That Regional Council, as expropriating authority under the *Expropriations Act*, authorize all steps necessary to comply with the Expropriations Act, including, but not limited to, the preparation and registration of expropriation plans and the service of notices of expropriation, notice of election as to a date for compensation and notices of possession.
- G) That Regional Council grant authority to the Regional Chair and Clerk to execute any notices and forms as may be statutorily mandated by the *Expropriations Act* to give effect to recommendation B), including the notices of expropriation, notices of election as to a date for compensation and notices of possession, including the certificate of approval to be affixed to the expropriation plan.
- H) That the necessary expropriation by-law be presented to Regional Council for adoption.

MOVED:

SECONDED:

As more than 30 days have passed after service and first publication of the notice of application for approval to expropriate the lands herein and since no owner or other party having interest in the lands has notified the approving authority of their desire to have a hearing, therefore, the Council of The Regional Municipality of Durham approves the proposed expropriation and grants a certificate of approval.

By-law Number 64-2022
of The Regional Municipality of Durham

Being a by-law to expropriate all estate, right, title and interest in Part of Lot 2, Concession 1, in the Geographic Township of Pickering, in the Town of Ajax, designated as Part 1 on Reference Plan 40R-31624.

Whereas the *Expropriations Act*, R.S.O. 1990, c. E.26 requires an expropriating authority to seek approval from its approving body to expropriate property.

And whereas under the *Expropriations Act*, The Regional Municipality of Durham is the expropriating authority, and the approving body is Regional Council.

And whereas the authority for such approval to expropriate is obtained by Regional Council's passing of the required by-law.

Now therefore, the Council of The Regional Municipality of Durham hereby enacts as follows:

1. That all estate, right, title and interest in the lands described as Part of Lot 2, Concession 1, in the Geographic Township of Pickering, in the Town of Ajax, designated as Part 1 on Reference Plan 40R-31624 is hereby taken and expropriated for the purposes of construction of Bus Rapid Transit Project along Highway 2 (Kingston Road), in the City of Pickering and the Town of Ajax, from Regional Road 38 (Whites Road) to Regional Road 23 (Lake Ridge Road), in the Regional Municipality of Durham, and all related construction activities as ancillary to the construction.
2. That Regional Council authorize all steps necessary to comply with the *Expropriations Act*, including, but not limited to, the preparation and registration of expropriation plans and the service of notices of expropriation, notice of election as to a date for compensation and notices of possession.
3. That Regional Council grants authority to the Regional Chair and Regional Clerk to prepare, execute and register any notices and forms as may be statutorily mandated by the *Expropriations Act*, to give effect to clause 1, including the notices of expropriation, notices of election as to a date for compensation and notices of possession, including the certificate of approval to be affixed to the expropriation plan.

This By-law Read and Passed on the 21st day of December, 2022.

J. Henry, Regional Chair and CEO

EXPROPRIATIONS ACT, R.S.O. 1990, c. E.26

CERTIFICATE OF APPROVAL

In the matter of an application by The Regional Municipality of Durham for approval to expropriate land being Part of Lot 2, Concession 1, in the Geographic Township of Pickering, in the Town of Ajax, designated as Part 1 on Reference Plan 40R-31624 for the purposes of construction of Bus Rapid Transit Project along Highway 2 (Kingston Road), in the City of Pickering and the Town of Ajax, from Regional Road 38 (Whites Road) to Regional Road 23 (Lake Ridge Road), in the Regional Municipality of Durham, and all related construction activities as ancillary to the construction:

The Council of The Regional Municipality of Durham hereby certifies that approval was given to The Regional Municipality of Durham on the 21st day of December, 2022 to expropriate all estate, right, title and interest in the following lands:

Part of Lot 2, Concession 1, in the Geographic Township of
Pickering, in the Town of Ajax, designated as Part 1 on
Reference Plan 40R-31624,

being the lands described in the application.

Dated at Whitby, this 21st day of December, 2022.

THE COUNCIL OF THE REGIONAL MUNICIPALITY OF DURHAM

Per:

Alexander Harras, Regional Clerk



Interoffice Memorandum

Date: December 19, 2022

To: Members of Regional Council

From: Brian Bridgeman, Commissioner of Planning and Economic Development

Subject: Greenbelt Removals, Report [#2022-P-31](#), Durham Region's Response to the Provincial Consultation on Proposed Amendment to the Greenbelt Plan and Ontario Regulation [567/22](#) made under the Greenbelt Act, 2005

The Regional Municipality of
Durham

Planning and Economic
Development Department

Planning Division

605 Rossland Road East
Level 4
PO Box 623
Whitby, ON L1N 6A3
Canada

905-668-7711
1-800-372-1102
Fax: 905-666-6208
Email: planning@durham.ca

durham.ca

Brian Bridgeman, MCIP, RPP
Commissioner of Planning and
Economic Development

At its meeting of December 14, 2022, Committee of the Whole passed the following resolution (Item 3 of the Committee of the Whole – Report to Council of this Council Agenda):

Durham Region's Response to the Provincial Consultation on Proposed Amendments to the Greenbelt Plan, ERO Postings #019-6216 and #-019-6238, File D12-01 (2022-COW-31):

- A. *That the letter contained in Attachment #2 to Report #2022-COW-31 of the Chief Administrative Officer be endorsed as the Region's formal comments on the proposed amendments to the Greenbelt Plan, ERO postings #019- 6216 and #019-6238;*
- B. *That a copy of Report #2022-COW-31 be sent to the Minister of Municipal Affairs and Housing, the area municipalities and the MPPs in Durham;*
- C. *Council ask that the province return environmental and Greenbelt protections to the Duffins Rouge Agriculture Preserve; and*
- D. *That Council ask that the province return environmental and Greenbelt protections to all of the areas being removed.*

On December 15, 2022, the province published Regulation 567/22 on e-Laws providing notice that a change to the Greenbelt Act, 2005 was being enacted that included the 2022 Protected Countryside Removals and the 2022 Urban River Valley Additions. A related Regulation (568/22) was also posted on the same date related to the 2022

If this information is required in an accessible format, please contact Planning Reception at 1-800-372-1102, ext. 2548.

Greenbelt Removals that are located on the Oak Ridges Moraine (not within Durham).

The effect of these Regulations removes approximately 3,000 hectares (7,400 acres) of land across the Greater Golden Horseshoe from the Greenbelt Area, while adding approximately 3,800 ha (9,400 acres) of land to the Greenbelt in the Paris Galt Moraine in Wellington County. The Regulation also includes the addition of 13 Urban River Valleys across the GGH. Expansions implemented through this Regulation in Durham include Urban River Valleys for Oshawa Creek, Harmony Creek, Bowmanville Creek, Soper Creek, and Wilmot Creek. The 2017 update to the Greenbelt Plan included Urban River Valley designations for Duffins Creek, Carruthers Creek, Lynde Creek, Oshawa Creek, Farewell Creek, and Graham Creek.

In Durham Region, approximately 1,820 hectares (4,500 acres) of land in three locations has now been removed from the Greenbelt Plan Area:

- a) In the City of Pickering – lands located south of Highway 407, west of West Duffins Creek and north of the CP Belleville rail line, and east of York-Durham Line, known as the Duffins Rouge Agricultural Preserve (1,736 ha/4,289 ac);
- b) In the Town of Ajax – lands located on the south side of Kingston Road East, north of Highway 401 and west of Lake Ridge Road, at 765 and 775 Kingston Road East (52 ha/128 ac); and
- c) In the Municipality of Clarington – lands located at the northeast corner of Nash Road and Hancock Road, west of Highway 418 (35 ha/86 ac).

Attached is a copy of the Regulation and the maps from the original consultation.

The lands that have been removed from Greenbelt protection are to be developed quickly yet, have no Regional servicing plans. Additional details regarding Minister's Zoning Orders for these areas has not yet been released by the province.

Regional staff will keep Council apprised as discussions continue with the province, landowners and impacted municipalities regarding the planning, servicing, financing and development of the Greenbelt Removal Areas.

Sincerely,

Original signed by

Brian Bridgeman, MCIP RPP
Commissioner of Planning and Economic Development

Encl.

ONTARIO REGULATION 567/22

made under the

GREENBELT ACT, 2005

Made: December 14, 2022

Filed: December 14, 2022

Published on e-Laws: December 15, 2022

Printed in The Ontario Gazette: December 31, 2022

AMENDING O. REG. 59/05

(DESIGNATION OF GREENBELT AREA)

1. (1) Paragraph 3 of subsection 1 (1) of Ontario Regulation 59/05 is revoked and the following substituted:

3. The area of land designated as Parts 1 to 36, both inclusive, on a plan entitled "Plan of the Boundary of the Protected Countryside" dated February 23, 2005 and filed on that date with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources and Forestry, the area of land designated as Parts 1 to 5, both inclusive, on a plan entitled "Plan of the Boundary of the 2017 Protected Countryside Additions" dated May 4, 2017 and filed on that date with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources and Forestry and the area of land designated as Part 1 on a plan entitled "Plan of the Boundary of the 2022 Protected Countryside Additions" dated December 12, 2022 and filed on that date with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources and Forestry, but not the area of land designated as Parts 1 to 34, both inclusive, on a plan entitled "Plan of the Boundary of the 2017 Protected Countryside Removals" dated May 4, 2017 and filed on that date with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources and Forestry and the area of land designated as Parts 1 to 20, both inclusive, on a plan entitled "Plan of the Boundary of the 2022 Protected Countryside Removals" dated December 12, 2022 and filed on that date with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources and Forestry.

(2) Subsection 1 (1) of the Regulation is amended by adding the following paragraph:

6. The area of land designated as Parts 1 to 12, both inclusive, on a plan entitled "Plan of the Boundary of the 2022 Urban River Valley Area Additions" dated December 12, 2022 and filed on that date with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources and Forestry.

(3) Paragraph 2 of subsection 1 (2) of the Regulation is amended by striking out "paragraphs 3 to 5" and substituting "paragraphs 3 to 6".

Commencement

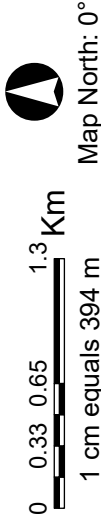
2. This Regulation comes into force on the day it is filed.

LEGEND

Ontario

- Greenbelt Area*
- Protected Countryside
- Natural Heritage System
- Towns/Villages
- Urban River Valleys
- Settlement Areas Outside the Greenbelt
- Municipal Boundary
- Road or Highway

- Proposed Modifications
- Greenbelt Redesignation
- Greenbelt Removal
- ORM Redesignation

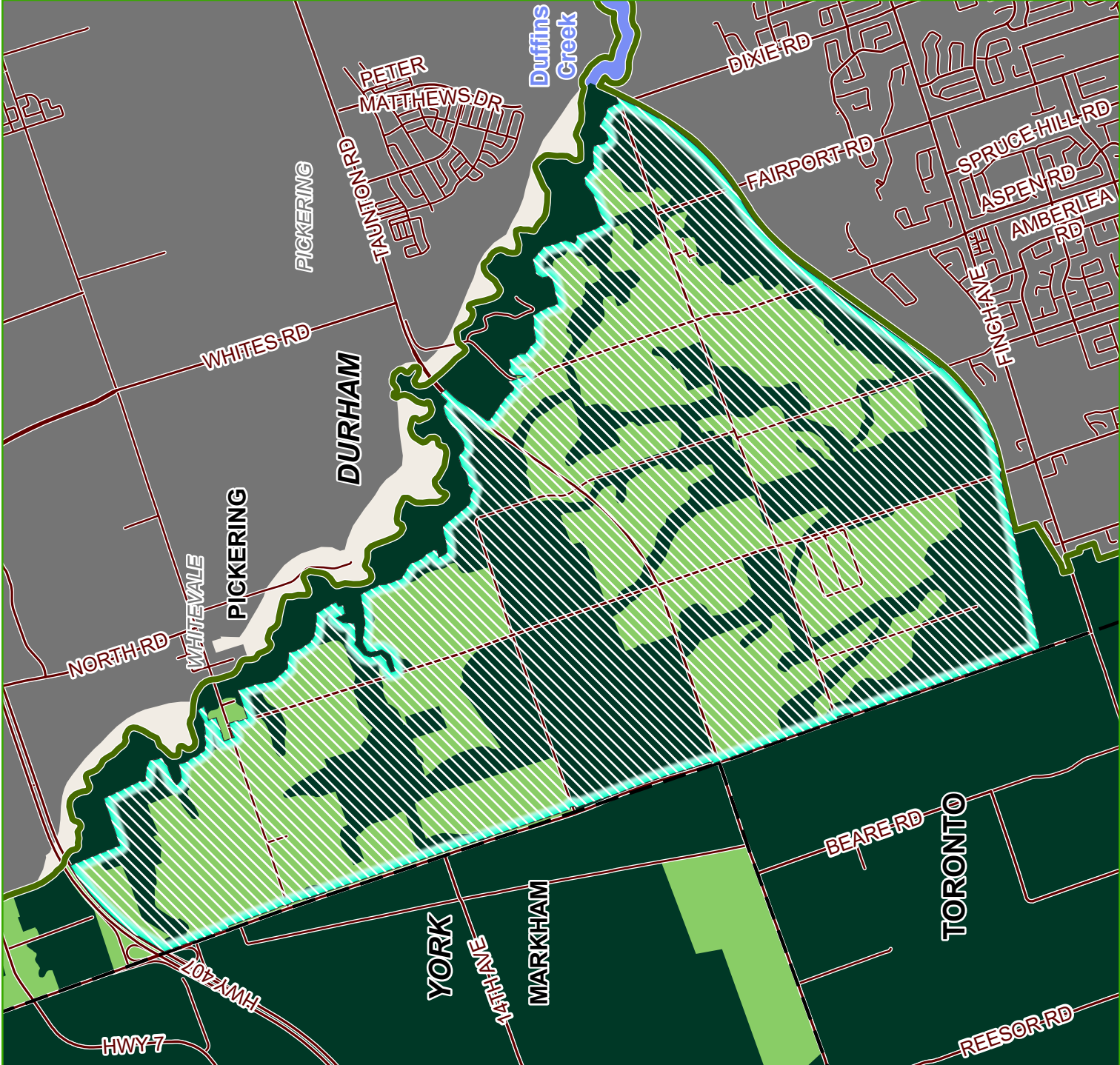


Note: While every effort has been made to accurately depict the information, this map should not be relied on as being a precise indicator of locations of features or roads. For precise boundaries and locations of Settlement Areas, including Towns/Villages and Hamlets, the appropriate municipalities should be consulted.

Produced by and using data sources from the: Ministry of Municipal Affairs and Housing; Ministry of Northern Development, Mines, Natural Resources and Forestry; Ministry of the Environment, Conservation and Parks; and, the Ministry of Agriculture, Food and Rural Affairs.

<https://www.ontario.ca/page/accessible-customer-service-policy>
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*Ontario Regulation 59/05, as amended. © 2022, King's Printer for Ontario



LEGEND



Greenbelt Area*

Protected Countryside
Natural Heritage System
Towns/Villages
Urban River Valleys

Proposed Modifications

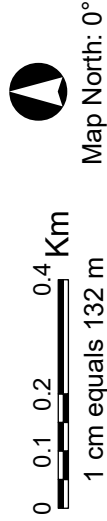
Greenbelt Redesignation
Greenbelt Removal
ORM Redesignation

Settlement Areas Outside the Greenbelt

— • Municipal Boundary

— Road or Highway

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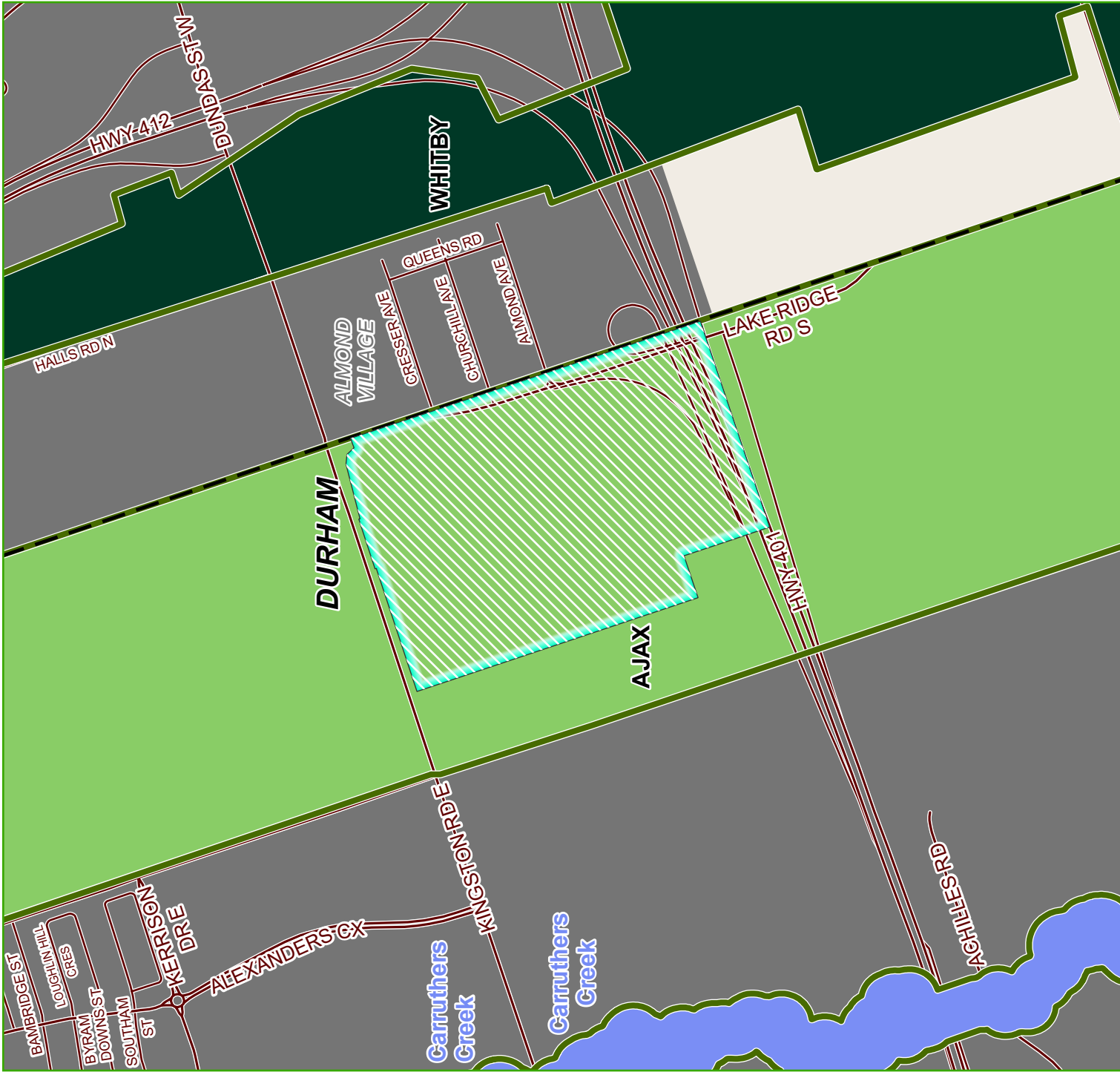


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LEGEND

Ontario

- Greenbelt Area*
- Protected Countryside
- Natural Heritage System
- Towns/Villages
- Urban River Valleys
- Settlement Areas Outside the Greenbelt
- Municipal Boundary
- Road or Highway

- Proposed Modifications
- Greenbelt Redesignation
- Greenbelt Removal
- ORM Redesignation

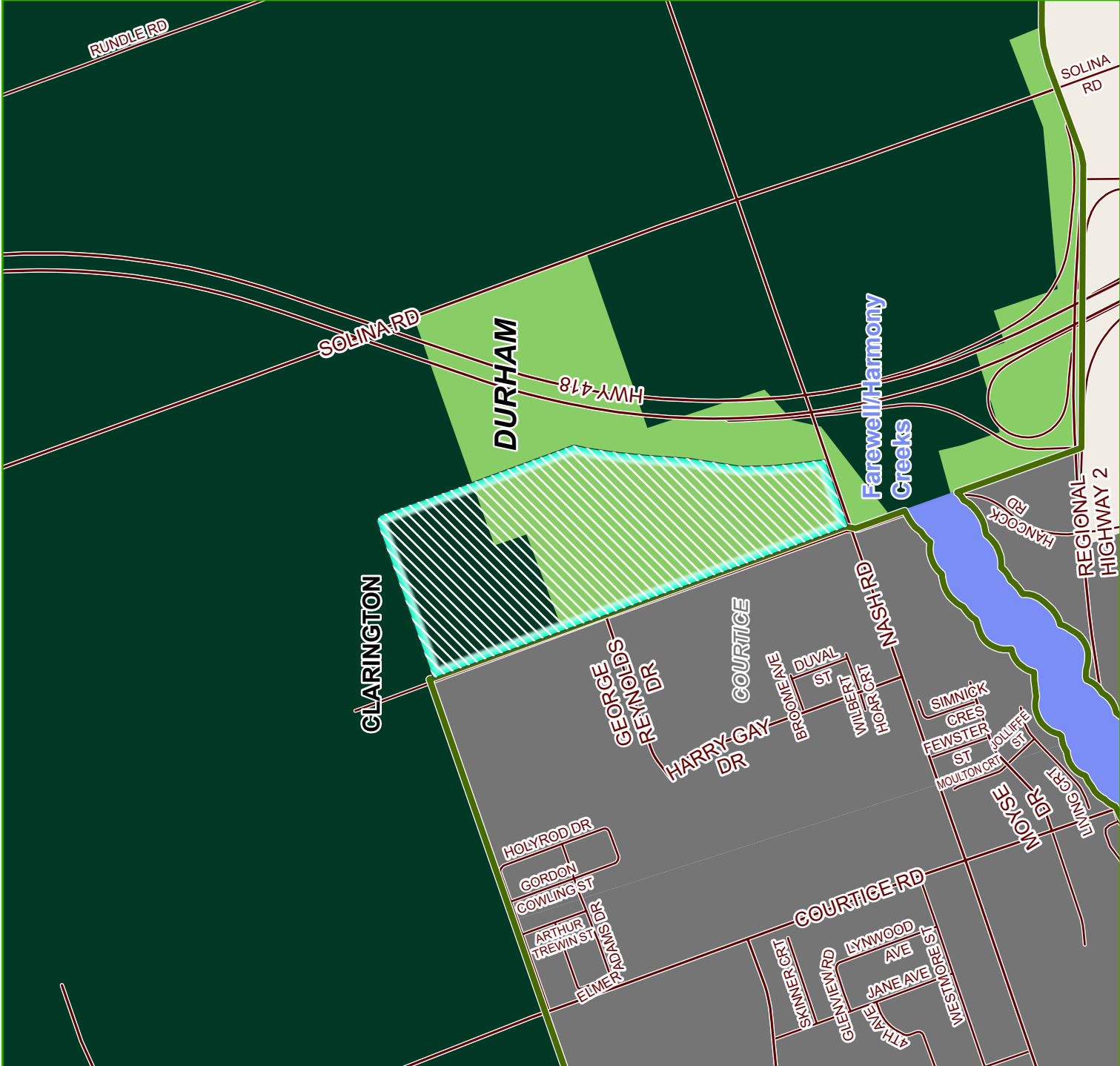


Note: While every effort has been made to accurately depict the information, this map should not be relied on as being a precise indicator of locations of features or roads. For precise boundaries and locations of Settlement Areas, including Towns/Villages and Hamlets, the appropriate municipalities should be consulted.

Produced by and using data sources from the: Ministry of Municipal Affairs and Housing; Ministry of Northern Development, Mines, Natural Resources and Forestry; Ministry of the Environment, Conservation and Parks; and, the Ministry of Agriculture, Food and Rural Affairs.

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Report #7 of the Finance & Administration Committee

For consideration by Regional Council

December 13, 2022

The Finance & Administration Committee recommends approval of the following:

1. Procedural By-law (2022-A-23)

That Procedural By-law #44-2018, as amended, be repealed, and replaced with a by-law generally in the form included as Attachment #1 to Report #2022-A-23 as amended with the following:

- Motions to reconsider are not required after 12 months.

2. Appointment of Directors to Durham OneNet Inc. (2022-A-25)

A) That the following persons be appointed to the Board of Directors as members.

i) Catherine Rosebrugh

ii) David Stevens

iii) Ingrid Robinson

iv) Francis Garwe; and

B) That the Shareholder's Direction be amended as follows:

i) S. 7.1 (k) be amended to add “. . . and set employee compensation such that total compensation is comparable to Regional staff with comparable roles and duties.”

ii) S. 7.2 (b) (ii) be amended to remove “. . . and the slate of six shall include the President of the Corporation.”; and

C) That the Regional Solicitor as Secretary for the OneNet Inc. Board is directed to carry out such tasks as may be required to implement the recommendations from Regional Council.

3. Temporary Borrowing By-law for 2023 (2022-F-20)

A) That the Regional Chair and the Treasurer be authorized in 2023 to borrow funds not to exceed \$500 million to meet current expenditures and liabilities until such time as the general tax revenues of the Region are received; and

B) That approval be granted for the requisite by-law(s).

4. 2023 Interim Regional Property Tax Levy ([2022-F-21](#))

- A) That a 2023 interim regional property tax levy be imposed on the lower-tier municipalities for all property tax classes; and
- B) That the amount due from each lower-tier municipality is estimated to be equivalent to 50% of their respective share of the regional property taxes collected in 2022;
- C) That the 2023 interim regional property tax levy be paid by the lower-tier municipalities seven days subsequent to the instalment due dates established by each lower-tier municipality for the collection of their respective interim municipal property taxes;
- D) That the Regional Clerk be requested to advise the lower-tier municipalities of the imposition of the 2023 interim regional property tax levy for all property tax classes; and;
- E) That approval be granted for the requisite by-law.

5. 2023 Business Plans and Budget and Nine-Year Capital Forecast for the Consolidated Water Supply and Sanitary Sewerage Systems ([2022-F-22](#))

- A) That the 2023 Business Plans and Budget for the Water Supply System, with a total gross expenditure of \$222.66 million (net user rate supported expenditure of \$122.82 million) and related financing as set out below, be approved:

	2022 Gross Budget (\$ 000's)	2023 Gross Budget (\$ 000's)	Variance Incr/(Decr) (\$ 000's)
<u>EXPENDITURES</u>			
Operations:			
Watermain Cleaning and Repairs	3,545	3,481	(64)
Valves and Hydrants	3,255	3,129	(126)
Water Connections	4,725	4,405	(320)
Water Meter Repair and Testing	594	590	(4)
Depot Operations	6,220	7,181	961
Water Supply Plants - Plants East	3,332	3,498	166
Water Supply Plants - Plants Central	14,601	15,492	891
Water Supply Plants - Plants North	3,011	3,316	305
Sun Valley Co-Operative Water System	30	30	-
Engineering and Staff Support	8,293	8,804	511
Facilities Management	8,184	8,535	351
Administration	342	370	28
Headquarters Shared Costs	1,153	1,203	50
Utility Finance	3,552	3,620	68
Share of Regional Corporate Costs	13,043	13,495	452
Subtotal Operations	<u>73,880</u>	<u>77,149</u>	<u>3,269</u>
Capital/Debt Charges:			
TCA Capital	6,812	23,320	16,508
Construction of Municipal Services	120,104	120,878	774
Debt Charges	1,312	1,312	-
Subtotal Capital/Debt Charges	<u>128,228</u>	<u>145,510</u>	<u>17,282</u>
TOTAL EXPENDITURES	<u>202,108</u>	<u>222,659</u>	<u>20,551</u>
<u>FINANCING</u>			
Contributions from Reserve Funds:			
Residential Development Charges - Growth Related Capital	63,793	68,205	4,412
Commercial Development Charges - Growth Related Capital	2,420	2,462	42
Industrial Development Charges - Growth Related Capital	1,607	-	(1,607)
Industrial Development Charges - Debt Charges	415	415	-
Institutional Development Charges - Debt Charges	22	22	-
Water Rate Stabilization Reserve Fund	5,882	3,644	(2,238)
Asset Management Reserve Fund	5,623	5,763	140
Servicing of Employment Lands	683	-	(683)
Equipment Replacement Reserve	63	40	(23)
Fees and Service Charges	3,240	3,521	281
Financing From Others:			
Federal Grant	67	-	(67)
Debtenture Proceeds:			
Depot Rationalization - Ajax Depot Expansion	-	1,667	1,667
Depot Rationalization - New Oshawa/Whitby Depot	-	12,667	12,667
Depot Rationalization - New Sunderland Depot	-	1,333	1,333
Financing From Non-User Revenue Sources	<u>83,815</u>	<u>99,739</u>	<u>15,924</u>
User Revenues Financing (includes \$102 in 2023 frontage charges)	<u>118,293</u>	<u>122,920</u>	<u>4,627</u>
TOTAL FINANCING	<u>202,108</u>	<u>222,659</u>	<u>20,551</u>

- B) That the Nine-Year Capital Forecast for 2024 to 2032 inclusive, in the amount of \$1.77 billion, including project debenture financing of \$441.98 million, as detailed in the Water Supply System Capital Budget, be received for information;
- C) That the 2023 Business Plans and Budgets for the Sanitary Sewerage System with a total gross expenditure of \$285.48 million (net user rate supported expenditure of \$123.44 million) and related financing as set out below, be approved:

	2022 Gross Budget (\$ 000's)	2023 Gross Budget (\$ 000's)	Variance Incr/(Decr) (\$ 000's)
<u>EXPENDITURES</u>			
Operations:			
Cleaning, Repairs and Maintenance Holes	2,188	2,208	20
Sewer Connections	3,567	3,388	(179)
Depot Operations	3,492	3,612	120
WPCPs and Pumping Stations	25,240	26,393	1,153
Duffin Creek WPCP	38,399	46,580	8,181
Regional Environmental Laboratory	3,213	3,053	(160)
Engineering and Staff Support	8,076	8,439	363
Facilities Management	9,516	10,243	727
Administration	345	373	28
Headquarters Shared Costs	1,153	1,203	50
Utility Finance	3,552	3,620	68
Share of Regional Corporate Costs	16,436	16,767	331
Subtotal Operations	115,177	125,879	10,702
Capital/Debt Charges:			
Duffin Creek WPCP - TCA Capital	3,044	2,007	(1,037)
Regional Environmental Lab - TCA Capital	1,057	703	(354)
TCA Capital	4,804	18,484	13,680
Construction of Municipal Services	138,660	126,309	(12,351)
Debt Charges	13,028	12,094	(934)
Subtotal Capital/Debt Charges	160,593	159,597	(996)
TOTAL EXPENDITURES	275,770	285,476	9,706
<u>FINANCING</u>			
Contributions from Reserve Funds:			
Residential Development Charges - Growth Related Capital	25,703	36,203	10,500
Residential Development Charges - Debt Charges	7,836	7,758	(78)
Commercial Development Charges - Growth Related Capital	2,341	2,609	268
Commercial Development Charges - Debt Charges	820	815	(5)
Industrial Development Charges - Growth Related Capital	192	1,874	1,682
Industrial Development Charges - Debt Charges	532	509	(23)
Institutional Development Charges - Debt Charges	8	7	(1)
Sanitary Sewer Rate Stabilization Reserve Fund	9,826	442	(9,384)
Asset Management Reserve Fund	9,275	11,107	1,832
Servicing of Employment Lands	509	-	(509)
Equipment Replacement Reserve	44	40	(4)
Regional Environmental Lab Equipment Replacement Reserve	750	475	(275)
Fees and Service Charges	7,044	7,639	595
Financing From Others:			
Federal Grant	27	-	(27)
Region of York - TCA	2,505	1,692	(813)
Region of York - Construction of Municipal Services	60,883	38,999	(21,884)
Region of York - Operating	29,488	35,821	6,333
Region of York - Environmental Lab Operations	456	349	(107)
Debenture Proceeds:			
Depot Rationalization - Ajax Depot Expansion	-	1,667	1,667
Depot Rationalization - New Oshawa/Whitby Depot	-	12,667	12,667
Depot Rationalization - New Sunderland Depot	-	1,333	1,333
Financing From Non-User Revenue Sources	158,239	162,006	(11,900)
User Revenues Financing (includes \$27 in 2023 frontage charges)	117,531	123,470	5,939
TOTAL FINANCING	275,770	285,476	9,706

- D) That the Nine-Year Capital Forecast for 2024 to 2032 inclusive, in the amount of \$2.26 billion, including project debenture financing of \$460.72 million, as detailed in the Sanitary Sewerage System Capital Budget, be received for information;
- E) That capital project approval be granted for expenditures and financing for the 2023 capital projects detailed in the 2023 Capital Project Appendices within the 2023 Consolidated Water Supply and Sanitary Sewerage Systems Business Plans and Budget, where contract awards are compliant with the Region's Budget Management Policy; and
- F) That the necessary By-laws with respect to the 2023 Business Plans and Budget for the Consolidated Water Supply and Sanitary Sewerage Systems be presented to Regional Council.

6. Recommended 2023 Water and Sanitary Sewer User Rates (2022-F-23)

- A) That the 2023 Regional Water and Sanitary Sewer User Rates increase by 4.3 per cent for an average residential customer effective January 1, 2023, with the Regional water rates increasing by 3.6 per cent and the Regional sanitary sewer rates increasing by 5.0 per cent from the 2022 user rate levels as set out in Attachment #1 and Attachment #2 of this report respectively;
- B) That the 2023 Raw Water rates for the Whitby raw water customer be increased by 3.6 per cent as set out in Attachment #1 of this report, effective January 1, 2023;
- C) That the 2023 water charges for the Sun Valley Heights Homeowners Co-operative Water System be as set out in Attachment #3 of this report, effective January 1, 2023;
- D) That the 2023 Regional Water and Sanitary Sewer Systems Miscellaneous Fees and Charges be as set out in Attachment #4 of this report, effective January 1, 2023;
- E) That the 2023 fee schedule for laboratory services at the Regional Environmental Laboratory located at the Duffin Creek Water Pollution Control Plant be as set out in Attachment #5 of this report, effective January 1, 2023; and
- F) That the Regional Solicitor be instructed to prepare the necessary by-laws to implement the foregoing recommendations.

Respectfully submitted,

K. Ashe, Chair, Finance & Administration Committee

Report #8 of the Planning & Economic Development Committee

For consideration by Regional Council

December 21, 2022

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

1. Ready Set Future: Five Year Economic Development and Tourism Strategy and Action Plan ([2022-EDT-15](#))

- A) That the new Economic Development and Tourism Strategy and Action Plan, '2023-2027 Ready Set Future: A PLACE Blueprint for Durham', be endorsed;
- B) That a copy of "Ready Set Future" be sent to Durham's Area Municipalities, all members of the Steering Committee, all members of the Durham Economic Development Partnership, Durham's post-secondary institutions, Durham Chambers of Commerce and the Boards of Trade, Mississaugas of Scugog Island First Nation, Durham Workforce Authority, Business Advisory Centre Durham, Spark Centre, 1855 Accelerator, OPEN.Innovate, and Central Counties Tourism; and
- C) That Durham Region Council extend its thanks to the many contributors and collaborators throughout the Region and the members of the Steering Committee for their time, dedication, and support to this important project.

2. Parkwood Co-branding Collaboration

Whereas the Durham Region Economic Development and Tourism Division Film Office (Film Durham) supports and promotes Durham as a world-class location for film, television and digital media production (the Film Industry), supporting job creation and economic activity in the Industry; and

Whereas the Film Industry in Durham Region is growing at a faster rate than the overall Ontario growth rate, growing 220% between 2012 and 2019, and saw \$63 million in total film production in 2019; and

Whereas the Film Industry in Durham Region has strong and continuing growth potential as demonstrated by recent investments such as the William F White 90-acre backlot in the City of Pickering; and

Whereas the Film Industry workforce in Durham Region has been gaining momentum through workforce development activities such as Film Durham career fairs, and programming at Durham College and Ontario Tech University; and

Whereas the growing interest in the Film Industry in Durham Region is supported by the Durham Region International Film Festival (DRIFF), which also hosted a film maker incubator in 2022; and

Whereas Parkwood National Historic Site (Parkwood) is one of the top ten filming locations in Canada; and

Whereas Parkwood relies on filming production as a necessary means for financial sustainability and preservation; and

Whereas there is an opportunity for Film Durham to capitalize on Parkwood's top-ten status by working with them to promote economic opportunities for Durham Region's Film Industry more broadly; and

Whereas this collaboration can promote to the national and international Film Industry that Durham Region and their talented workforce is ready and open for business, and that Durham is home to many exceptional and world-class filming locations;

Now therefore be it resolved that the Commissioner of Planning and Economic Development be directed to enter into discussions, notwithstanding Durham Region's grant policy/bylaws, with Parkwood to establish a co-branding arrangement for the purpose of promoting Durham's Film Industry, whereby the Region's Film Durham brand and logo would be placed alongside the Parkwood name and brand in all public-facing media, in consideration of an annual contribution by the Region of \$25,000, subject to Regional Council approval annually of the business plan and budget; and

That staff discuss this co-branding collaboration to create brand visibility for Film Durham, and to increase economic opportunities for both Parkwood and the Film Industry of Durham Region as a whole; and

That the Commissioner of Finance identify a source of funds for this annual contribution; and

That the Commissioner of Planning and Economic Development be authorized to execute such a discussion, with terms satisfactory to the Regional Solicitor; and

That Economic Development and Tourism staff report back to Council with the outcomes of this discussion.

Respectfully submitted,

B. Chapman, Chair, Planning & Economic Development Committee

Report #8 of the Works Committee

For consideration by Regional Council

December 21, 2022

The Works Committee recommends approval of the following:

1. Correspondence received from the Town of Whitby, dated October 3, 2022, re: Highway 412 – Installation of Ramps and Signalization Lights

That the following resolution passed by the Town of Whitby regarding Highway 412 – Installation of Ramps and Signalization Lights be endorsed:

Whereas the traffic has increased in volume on Highway 412 since the tolls were lifted earlier this year;

Whereas residents report that the intersections of the on and off ramps at both Highway 7 and Highway 2 are difficult to navigate safely;

Whereas there is substantial growth around the Rossland Road area of Highway 412; and

Whereas the east-west roads within our municipality are increasingly congested with all the new growth, and the usage of Highway 412 is anticipated to increase substantially;

Now therefore be it resolved:

1. That the Council of the Town of Whitby requests that the Province of Ontario install entrance and exit ramps at Rossland Road on Highway 412, as well as provide for signalization lights at the intersections of the on and off ramps to provincial highways 2 and 7; and
 2. That this request of Council be copied to the MTO, AMO, Region of Durham and all Durham MPPs and MPs.
2. Resolution regarding the Need for an Administrative Penalties Regulation under the Resource Recovery and Circular Economy Act (RRCEA)

Whereas Municipal governments support the Province's implementation of outcomes-based policies to move responsibility for end-of-life management of designated products and packaging to producers who are the most able to affect system change;

And whereas these policies can improve environmental outcomes, provide new jobs and grow Ontario's economy;

And whereas outcomes-based policies require clear consequences for non-compliance that can be administered in an effective and efficient manner;

And whereas Administrative penalties are a cost-effective tool for the regulator to hold polluters accountable, so there is less burden on the courts and taxpayers;

And whereas the Resource Productivity and Recovery Authority does not have Administrative Penalties which is impacting the ability of the regulator to ensure compliance with the regulations under the Resource Recovery and Circular Economy Act, 2016;

And whereas data provided by Resource Productivity and Recovery Authority shows there is a currently a backlog of over 2,000 cases of potential non-compliance and almost 200 known instances of non-compliance;

And whereas the Resource Productivity and Recovery Authority has found battery producers non-compliant for collection accessibility and processing;

And whereas the largest waste diversion program, the Blue Box, sees the first communities transition in a few months, ensuring the Regulator has appropriate enforcement tools to ensure servicing and outcomes are met is critical for a smooth transition for Ontarians;

Now therefore it be resolved that the Regional Municipality of Durham calls on the Provincial government to promptly pass an Administrative Penalties regulation under the Resource Recovery and Circular Economy Act, 2016;

And that a copy of this resolution be sent to:

- Hon David Piccini, Minister of the Environment, Conservation and Parks and AMO
- Durham MPP's
- Association of Municipalities of Ontario (AMO)
- All Durham Local Municipalities
- The Ontario Waste Management Association

3. Resolution regarding the Expansion of a Slow Down Move Over Requirement to All Roadside Workers

Whereas the Province's Highway Traffic Act currently provides protection to select designated roadside workers (police, paramedics, and tow truck drivers), which requires motorists to slow down and move over when vehicles are stopped alongside the road;

Whereas many roadside workers (e.g., waste and recycling collectors, maintenance workers) are not currently afforded the same protection but work under the same conditions;

And whereas British Columbia passed a Slow Down Move Over law to make it safer for all roadside workers including maintenance workers, utility workers, police, fire, ambulance, tow trucks, Commercial Vehicle Safety Enforcement personnel, land surveyors, animal control workers, garbage collectors and other roadside workers;

And whereas the BC Slow Down Move Over law simplifies the messaging to all residents by requiring motorists to adhere to the requirements for all vehicles stopped alongside the road that have flashing red, blue or yellow lights;

And whereas 30 US states have established 'Slow Down Move Over' laws providing protections for waste collection workers;

And whereas multiple Associations such as the Ontario Waste Management Association, the Ontario Road Builders' Association and the Ontario Good Roads Association have advocated for amendments to Ontario's Highway Traffic Act to include all roadside workers;

Now therefore it be resolved that the Region of Durham calls on the Provincial government to promptly amend the Highway Traffic, like the Government of British Columbia already has, to provide the same protections to all roadside workers including waste collection workers;

And that a copy of this resolution be sent to:

- Hon Doug Ford, Premier of Ontario
- Hon Caroline Mulroney - Minister of Transportation - Ontario Ministry of Transportation
- Durham MPP's
- Association of Municipalities of Ontario (AMO)
- All Durham Local Municipalities
- The Ontario Waste Management Association

Respectfully submitted,

D. Barton, Chair, Works Committee

Report #8 of the Committee of the Whole

For consideration by Regional Council

December 21, 2022

The Committee of the Whole recommends approval of the following:

1. Evolution of the Durham Region Roundtable on Climate Change (DRRCC) and Durham Environmental Advisory Committee (DEAC) ([2022-COW-28](#))
 - A) That Regional Council endorse the concept of transitioning the DRRCC from its current role as an advisory committee to Regional Council to a future role beginning in Q1 2023 as an independent multi-stakeholder entity based within Ontario Tech University, as described within Report #2022-COW-28 of the Chief Administrative Officer;
 - B) That staff be directed to execute a collaboration agreement with Ontario Tech University (included as Attachment #1 to Report #2022-COW-28) governing the mandate, deliverables and resourcing of the independent entity as well as roles and responsibilities of participating organizations;
 - C) That the DRRCC be dissolved as an advisory committee to Regional Council effective upon approval of the recommendations in Report #2022-COW-28;
 - D) That the DRRCC's current role as an advisory committee to Regional Council on climate change matters be subsumed within a revised name and mandate of the Durham Environmental Advisory Committee (DEAC), as reflected in the revised committee Terms of Reference included as attachment #2 to Report #2022-COW-28, and that the revised Durham Environmental and Climate Advisory Committee (DECAC) Terms of Reference be approved; and
 - E) That all applications received for the DRRCC and DEAC as part of the current recruitment process for the next term of Council (2023-2026) be considered for appointments to the Durham Environmental and Climate Advisory Committee (DECAC).
2. Update on the Approval of the Lakeshore East GO Extension to Bowmanville ([2022-COW-30](#))

That Report #2022-COW-30 of the Commissioner of Planning and Economic Development be received for information.

3. Durham Region's Response to the Provincial Consultation on Proposed Amendments to the Greenbelt Plan, ERO Postings #019-6216 and #-019-6238, File D12-01 ([2022-COW-31](#))

 - A) That the letter contained in Attachment #2 to Report #2022-COW-31 of the Chief Administrative Officer be endorsed as the Region's formal comments on the proposed amendments to the Greenbelt Plan, ERO postings #019-6216 and #019-6238;
 - B) That a copy of Report #2022-COW-31 be sent to the Minister of Municipal Affairs and Housing, the area municipalities and the MPPs in Durham;
 - C) **Council ask that the province return environmental and Greenbelt protections to the Duffins Rouge Agriculture Preserve; and**
 - D) **That Council ask that the province return environmental and Greenbelt protections to all of the areas being removed.**
4. Time-Limited Construction Funding Subsidy Supplement – Update on the Proposed Long-Term Care Home in the City of Pickering ([2022-COW-32](#))

 - A) That a Statement of Readiness to proceed with construction under the Long-Term Care Home Capital Development Funding Policy, 2022 be executed for additional capital funding from the Ministry of Long-Term Care to build an expedited 200-bed long-term care home in Seaton, City of Pickering;
 - B) That the updated overall capital cost estimate for the new long-term care home in North Pickering of \$126,025,000 be approved, with a financing plan to be provided as part of the 2023 Business Plans and Budget;
 - C) That the budget of \$9,900,000 be approved for the retention of architectural design and contract administration services, with financing to be provided at the discretion of the Commissioner of Finance; and
 - D) That the Commissioner of Finance and Chief Administrative Officer be authorized to execute any contracts and waive any Regional policy requirements to facilitate an expedited construction approach, with actions summarised at significant milestones to Council.
5. Implications of Bill 23 on the Region of Durham ([2022-COW-33](#))

 - A) That Council endorse staff-level feedback and recommendations on Bill 23 as provided in Report #2022-INFO-93 of the Chief Administrative Officer;
 - B) That the Province of Ontario be requested to pass further legislation to revise Bill 23, the More Homes Built Faster Act, 2022 in light of the unintended property tax implications that it will impose on existing and

future property taxpayers, and due to the community planning impacts that will affect our communities;

- C) That the Province of Ontario be requested to engage with all affected municipalities through meaningful dialogue in the spirit of collaboration, to achieve our shared goal of achieving significant increases in housing supply while directly investing in measures to improve housing affordability; and
 - D) That staff be directed to work with local area municipalities on a communications and public education campaign that details the impacts of Bill 23 on residents in the Region of Durham, with information regarding all property tax increases stemming from Bill 23 being included in the upcoming 2023 and future Regional property tax bills.
6. Confidential Report of the Commissioners of Social Services, Planning and Economic Development and Finance – Closed Matter with respect to information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency or any of them, regarding an Employment Services Transformation Service System Manager Update (2022-COW-29)
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That the recommendations contained in Confidential Report #2022-COW-29 of the Commissioners of Social Services, Planning and Economic Development, and Finance be adopted.

Respectfully submitted,

J. Henry, Regional Chair and CEO

12.1 Regional Council Member Appointments to Agencies, Boards and Committees

Recommendations to Council:

- A) That the appointment of Regional Council members and individuals to the following agencies, boards and committees, be approved and confirmed:

	Committees	Appointment Details
a)	911 Management Board Finance & Administration Committee Finance Department Staff Member	One member of the Finance & Administration Committee and one Finance Department Staff Member, as recommended by the CAO. _____ M. Simpson
b)	Accessibility Advisory Committee Finance & Administration Committee	One member of the Finance & Administration Committee. _____
c)	Business Advisory Centre Durham Planning & Economic Development Committee	One member of the Planning & Economic Development Committee. _____
d)	Canadian National Exhibition Association Planning & Economic Development Committee	One member of the Planning & Economic Development Committee, appointed for a one year term. _____
e)	Development Charges Complaint Committee Regional Chair Finance & Administration Committee Health & Social Services Committee Planning & Economic Development Committee Works Committee	The Regional Chair and Chairs of the Standing Committees. Regional Chair Henry Councillor Ashe Councillor Roy Councillor Chapman Councillor Barton

	Committees	Appointment Details
f)	Durham Active Transportation Committee Planning & Economic Development Committee Planning & Economic Development Committee Alternate	One member of the Planning & Economic Development Committee and one member of the Planning & Economic Development Committee as an alternate. _____ _____
g)	Durham Advisory Committee on Homelessness Health & Social Services Committee	One member of the Health & Social Services Committee. _____
h)	Durham Agricultural Advisory Committee Planning & Economic Development Committee Planning & Economic Development Committee Alternate	One member of the Planning & Economic Development Committee and one member of Planning & Economic Development Committee as an alternate. _____ _____
i)	Durham Environment and Climate Advisory Committee Planning & Economic Development Committee Planning & Economic Development Committee Alternate	One member of the Planning & Economic Development Committee and one member of the Planning & Economic Development Committee as an alternate. _____ _____
j)	Durham Local Immigration Partnership Council Health & Social Services Committee Director of Diversity, Equity and Inclusion	The Chair of the Health & Social Services Committee and the Director of Diversity, Equity and Inclusion. Councillor Roy A. Hector-Alexander

	Committees	Appointment Details
k)	Durham Region Anti-Racism Taskforce Regional Council Regional Council Alternate Chief Administrative Officer Chief Administrative Officer Alternate	One member of Regional Council, one member of Regional Council as an alternate, and the Chief Administrative Officer of the Region and an alternate. _____ _____ E. Baxter-Trahair B. Goodwin
l)	Durham Region Child and Youth Advocate Health & Social Services Committee	One member of the Health and Social Services Committee. _____
m)	Durham Region Community Safety and Well-Being Plan Steering Committee Regional Council Regional Council Alternate	One member of Regional Council and one member of Regional Council as an alternate. _____ _____
n)	Durham Regional Local Housing Corporation Regional Chair Health & Social Services Committee (3) Finance & Administration Committee (1) Planning & Economic Development Committee (1) Regional Council (1)	Seven members, the Regional Chair, three members from the Health & Social Services Committee, one member from the Finance & Administration Committee, one member from the Planning & Economic Development Committee, and one member from Regional Council. Regional Chair Henry _____ _____ _____ _____ _____ _____

	Committees	Appointment Details
o)	Durham Region Non-Profit Housing Corporation Regional Chair Chair of Finance & Administration Committee Chair of Health & Social Services Committee Health & Social Services Committee (1) Regional Council (1)	Five members, the Regional Chair, the Chairs of the Finance and Administration and Health and Social Services Committees, one member of the Health & Social Services Committee, and one member of Regional Council. Regional Chair Henry Councillor Ashe Councillor Roy _____ _____
p)	Durham Vision Zero Task Force Works Committee	One member of the Works Committee _____ _____
q)	Ganaraska Region Conservation Authority Municipality of Clarington (2)	Two members from the Municipality of Clarington, appointed for the term of Council. Nominations come from the local area municipality and Regional Council appoints. Councillor Woo Councillor M. Zwart (Local)
r)	Golden Horseshoe Food & Farming Alliance Planning & Economic Development Committee Planning & Economic Development Committee Alternate	One member of the Planning & Economic Development Committee and one member of the Planning & Economic Development Committee as an alternate. _____ _____

	Committees	Appointment Details
s)	Kawartha Conservation Township of Brock (1) Municipality of Clarington (1) Township of Scugog (2)	Four members, one from the Township of Brock, one from the Municipality of Clarington, and two from the Township of Scugog, appointed for the term of Council. Nominations come from the local area municipalities and Regional Council appoints. Councillor C. Pettingill (Local) Councillor L. Rang (Local) Councillor R. Rock (Local) Councillor H. Wright (Local)
t)	Lake Simcoe Region Conservation Authority Township of Brock Township of Scugog Township of Uxbridge	Three members, one from the Township of Brock, one from the Township of Scugog, and one from the Township of Uxbridge, appointed for the term of Council. Nominations come from the local area municipalities and Regional Council appoints. Councillor C. Pettingill (Local) Councillor D. LeRoy (Local) Councillor Garrod
u)	Royal Agricultural Winter Fair Association Planning & Economic Development Committee	One member of the Planning & Economic Development Committee, appointed for a one year term. _____
v)	Toronto and Region Conservation Authority Town of Ajax City of Pickering Township of Uxbridge	Three members, one from the Town of Ajax, one from the City of Pickering, one from the Township of Uxbridge, appointed for the term of Council. Nominations come from the local area municipalities and Regional Council appoints. Councillor Dies Councillor Ashe Councillor Barton

12.2 Appointments to Central Lake Ontario Conservation Authority

Recommendations to Council:

- A) That the following individuals recommended by their respective municipalities be appointed to the Central Lake Ontario Conservation Authority for the term of Council:

Town of Ajax (1)	Councillor Crawford
Municipality of Clarington (3)	Councillor S. Elhajjeh (Local) Councillor C. Traill (Local) Ron Hooper (contrary to Regional policy, see note below table)
City of Oshawa (4)	Councillor Chapman Councillor Kerr Councillor Marimpietri Councillor Neal
City of Pickering (1)	Councillor Pickles
Township of Scugog (1)	Councillor McDougall
Township of Uxbridge (1)	Councillor Garrod

Note: The Region's policy on appointments to Conservation Authorities does not permit the appointment of citizen representatives. Notwithstanding the policy, the Municipality of Clarington has recommended the appointment of a citizen representative for Council's consideration.

- B) That the following Regional Councillors from the Town of Whitby be appointed to the Central Lake Ontario Conservation Authority for a rotating one year term as follows:

Term	Appointments
January 1 – December 31, 2023	Councillor Roy Councillor Leahy Councillor Yamada Councillor Mulcahy
January 1 – December 31, 2024	Councillor Roy Councillor Mulcahy Councillor Leahy Councillor Shahid
January 1 – December 31, 2025	Councillor Roy Councillor Mulcahy Councillor Shahid Councillor Yamada
January 1 – November 14, 2026	Councillor Roy Councillor Leahy Councillor Shahid Councillor Yamada



The Regional Municipality of Durham Report

To: Regional Council
From: Commissioner of Corporate Services and Regional Solicitor
Report: #2022-A-26
Date: December 21, 2022

Subject:

Proposed Settlement of Torbear Litigation

Recommendation:

It is recommended to Regional Council:

- A) That Regional Council directs that the Settlement as set out in the conditional Minutes of Settlement, attached as confidential Attachment #2 be approved, with source of funds to be at the discretion of the Commissioner of Finance.
 - B) That Regional Council authorizes and directs the Regional Solicitor to sign such documents as may be required to carry out this Council direction.
-

Report:

1. Background

- 1.1 The Region entered into a construction contract in 2012 with Torbear Contracting Inc. ("Torbear") for the \$49 million Port Darlington Water Pollution Control Plant Phase 2 Expansion (tender number D2012-002) (the Project). The Project experienced challenges and its completion was delayed by 952 calendar days.
- 1.2 Torbear commenced an action for \$19,672,267 (plus HST) against the Region on October 22, 2019, alleging outstanding contract amounts and delays in the Superior Court of Justice. The Region commenced a counterclaim for \$4,502,327 for liquidated damages for delays against Torbear and Aviva Insurance Company of Canada ("Aviva"), Torbear's construction bonding company, on November 13, 2019.
- 1.3 Before the litigation commenced, the parties had attended a mediation in October 2019 to attempt to settle the disputes. The mediation failed.

1.4 Torbear's original claim of \$19,672,267.57 broke out as follows (not including HST):

a.	Balance of contract owing:	\$ 264,434.83
b.	Statutory holdbacks:	\$ 827,229.62
c.	Outstanding change orders:	\$2,227,606.95
d.	Torbear delay claim:	\$6,706,616.85
e.	Quantech (subcontractor) delay claim:	\$4,706,422.00
f.	Malfar (subcontractor) delay claim:	\$5,000,000.00

1.5 A settlement meeting was held on December 15, 2022, at which time a settlement conditional on Council approval was reached. A copy of the Minutes of Settlement is attached as confidential Attachment #2. Settlement discussions are subject to privilege. However, in the event the Minutes of Settlement are approved by Council and the matter is fully and finally resolved, a term of the Minutes of Settlement provides that the terms of the settlement may be publicly disclosed.

2. Financial Implications

2.1 The source of funds required for the settlement will be at the discretion of the Commissioner of Finance.

3. Conclusion

3.1 Regional staff recommend settlement of this matter on the terms and conditions provided in the attached confidential conditional Minutes of Settlement.

4. Attachments

Attachment #1: Confidential - Privileged Interoffice Memorandum to Council from the Regional Solicitor, dated December 19, 2022

Attachment #2: Confidential - Minutes of Settlement and Release, dated December 15, 2022

Respectfully submitted,

Original signed by

Barb Goodwin, MPA, CPA/CGA,
B.Comm, CPM, CMMIII
Commissioner of Corporate Services

Original signed by

Jason Hunt
Director of Legal Services and Regional
Solicitor