



The Regional Municipality of Durham

Finance and Administration Committee Revised Agenda

Tuesday, June 11, 2024, 9:30 a.m.

Regional Council Chambers

Regional Headquarters Building

605 Rossland Road East, Whitby

If this information is required in an accessible format, please contact 1-800-372-1102 ext. 2054.

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

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*5.1 Kris Hornburg, Deputy General Manager, Durham Region Transit, Pri Uthayakumar, Program Manager Sustainability and Strategic Initiatives, Durham Region Transit and Nicole Pincombe, Director, Business Planning & Budgets re: E-Mission Zero – Approval to Execute an Agreement with PowerON Energy Solutions LP for Durham Region Transit’s Electrification Infrastructure (2024-F-14) [Item #8.2 c)]	21
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8. Finance

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8.2 Reports

a.	Report #2024-F-12 Tile Drainage Loans on behalf of the Township of Uxbridge for Margaret and Walker Kydd (14130 Uxbridge Brock Townline, Concession 8 Lot 30, Sunderland, ON) and (14130 Uxbridge Brock Townline, Concession 8 Lots 31-33 Sunderland, ON)	141
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c.	Report #2024-F-14 E-Mission Zero – Approval to Execute an Agreement with PowerON Energy Solutions LP for Durham Region Transit's Electrification Infrastructure	154
*d.	Report #2024-F-16 Recommended Amendment to Regional Development Charges By-law #42-2023 to Remove Phase-in Rates Effective July 1, 2024	168

9. Advisory Committee Resolutions

There are no advisory committee resolutions to be considered

10. Confidential Matters

10.1 Reports

a.	Report #2024-F-15 Confidential Report of the Commissioner of Finance regarding a Proposed or Pending Acquisition or Disposition of Land with respect to Property in the Town of Whitby for Durham Regional Police Service Purposes Under Separate Cover
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11. Other Business

12. Date of Next Meeting

Tuesday, September 10, 2024 at 9:30 AM

13. 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

FINANCE & ADMINISTRATION COMMITTEE

Tuesday, May 14, 2024

A regular meeting of the Finance & Administration Committee was held on Tuesday, May 14, 2024 in the Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby, Ontario at 9:30 AM. Electronic participation was offered for this meeting.

1. Roll Call

Present: Councillor Ashe, Chair
Councillor Leahy, Vice-Chair
Councillor Garrod
Councillor Lee*
Councillor McDougall
Councillor Woo*
Regional Chair Henry
***denotes Councillors participating electronically**

Also
Present: Councillor Neal
Councillor Pickles*

Absent: Councillor Schummer was absent on municipal business

Staff
Present: G. Asselin, Economic Analyst – Financial Planning
B. Bridgeman, Commissioner of Planning & Economic Development
C. Chu, Chief Information Officer, Corporate Services - IT
C. Dunkley, Director, Corporate Infrastructure and Strategic Business Services, Works Department
L. Fleury, Deputy Clerk, Corporate Services – Legislative Services
A. Harras, Regional Clerk/Director of Legislative Services*
A. Hector-Alexander, Director, Diversity, Equity, and Inclusion
W. Holmes, General Manager, DRT
J. Hunt, Regional Solicitor/Director of Legal Services, CAO's Office – Legal attended the meeting at 9:46 AM
R. Inacio, Systems Support Specialist, Corporate Services – IT
R. Jagannathan, Commissioner of Works
N. Pincombe, Director, Business Planning & Budgets
J. Sarwar, Acting Commissioner of Corporate Services
M. Simpson, Director, Risk Management, Economic Studies and Procurement

K. Smith, Committee Clerk, Corporate Services – Legislative Services
N. Taylor, Commissioner of Finance
A. Wakeford, Senior Solicitor, CAOs Office – Legal, left the meeting at
9:46 AM
V. Walker, Committee Clerk, Corporate Services – Legislative Services
* **denotes staff participating electronically**

2. Declarations of Pecuniary Interest

There were no declarations of pecuniary interest made.

Chair Ashe advised that the Region has won the 2024 International Association of Business Communicators (IABC) Ovation Award for the 2023 Budget Communications Strategy and Campaign. Chair Ashe added that the award recognizes significant efforts to modernize and embed public engagement within our annual business planning and budget process. Chair Ashe congratulated staff on the award and thanked the Committee for their continued support in budget engagement efforts.

3. Adoption of Minutes

Moved by Councillor Leahy, Seconded by Councillor Garrod,
(28) That the minutes of the regular Finance & Administration Committee meeting held on Tuesday, April 9, 2024, be adopted.
CARRIED

4. Statutory Public Meetings

There were no statutory public meetings.

5. Presentations

There were no presentations.

6. Delegations

There were no delegations.

7. Administration

7.1 Correspondence

There were no communications to consider.

7.2 Reports

A) Upgrades of Existing Bell Internet and Wide Area Network Speed and Internet Edge Firewalls (2024-A-8)

Report #2024-A-8 from B. Goodwin, Commissioner of Corporate Services, was received.

Staff responded to questions with respect to the reasons for the unbudgeted costs.

Comments were made with respect to this being an investment, as it allows the Region to attract employees from further distances and provide more training for staff.

Moved by Regional Chair Henry, Seconded by Councillor McDougall,
(29) That we recommend to Council:

- A) That staff be authorized to negotiate and execute an amendment to the existing agreement with Bell Canada for the upgrade of the Region's Internet and wide area network services at Regional Headquarters from 1 gigabit per second (Gbps) to 10 Gbps, including the distributed denial of service protection, at an estimated one-time capital cost of \$42,000 and estimated annual operating costs of \$459,000, to accommodate the increasing Internet usage from various digital initiatives and demand for high-quality content (audio, 4K video, collaboration, etc.);
- B) That the 2024 unbudgeted costs for the upgrade of the Region's Internet and wide area network services at Regional Headquarters estimated at \$501,000 (including \$459,000 in annual operating costs) be approved with funding to be provided at the discretion of the Commissioner of Finance, with future annual costs to be included in the Region's annual Business Plans and Budgets; and
- C) That the 2024 unbudgeted costs for the replacement of the two Internet Edge Cisco firewalls estimated at \$404,000 (including \$148,000 in annual operating costs) be approved with funding to be provided at the discretion of the Commissioner of Finance, with future annual costs to be included in the Region's annual Business Plans and Budgets.

CARRIED

8. Finance

8.1 Correspondence

- A) Correspondence from The Township of Brudenell, Lyndoch and Raglan, re: Resolution passed at their Council meeting held on May 1, 2024, in support of the resolution by the Town of Bracebridge regarding the request to the Province of Ontario for New Provincial-Municipal Fiscal Framework

Councillor Neal advised that he requested that this item be pulled from the Council Information Package and presented to the Committee in the hopes

that the Committee would endorse the resolution from the Town of Bracebridge.

N. Taylor advised that the Region previously endorsed the same recommendation and is working hard to advocate for provincial funding, and that the Association of Municipalities of Ontario (AMO) is also active in this endeavour.

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

That the resolution from the Town of Bracebridge regarding the Province of Ontario committing to undertaking with the Association of Municipalities of Ontario a comprehensive social and economic prosperity review to promote the stability and sustainability of municipal finances across Ontario, be endorsed.

CARRIED

8.2 Reports

A) Final Recommendations Regarding Seaton Water Supply and Sanitary Sewerage Area Specific Development Charges (2024-F-9)

Report #2024-F-9 from N. Taylor, Commissioner of Finance, was received.

Staff responded to questions with respect to whether the phased-in Development Charge (DC) provisions are being removed in anticipation of Bill 185 being enacted; whether Bill 185 will also impact the phase-in provisions in other Regional DC By-laws; if this will assist with the Region's budget shortfall due to a lack of DC revenue; if Bill 185 is not enacted, will the phase-in of DCs remain; if Bill 185 is not passed by July 1st can any of the Seaton water and sewer costs be recovered; and, why a 2nd public meeting is not required prior to the passage of the Seaton Area Specific DC By-law. It was noted that the Definitions section of the proposed By-law should reference the King rather than the Queen.

Moved by Councillor Leahy, Seconded by Councillor Garrod,
(31) That we recommend to Council:

- A) That pursuant to Section 10(1) of the Development Charges Act, 1997, the Seaton Water Supply and Sanitary Sewerage Area Specific Development Charges Background Study dated March 12, 2024 be adopted, including the forecasts of anticipated development, the underlying capital forecasts, the development charges calculations and policies contained in the Background Study, and further, that the approval of the capital forecasts in the Background Study indicate Regional Council's intention to ensure that such an increase in need for services will be met as required under

paragraph 3 of Section 5(1) of the Development Charges Act, 1997 and Section 3 of Ontario Regulation 82/98;

- B) That the Seaton Residential and Non-residential Development Charges for Water Supply and Sanitary Sewerage be imposed, effective July 1, 2024, as set out in one of the following two sets of schedules depending on the timing of the Royal Assent for Bill 185 (Cutting Red Tape to Build More Homes Act, 2024):
 - i. If Bill 185 (Cutting Red Tape to Build More Homes Act, 2024) does not receive Royal Assent prior to June 30th 2024:

Table 1
Region of Durham
Recommended Seaton Residential Development Charges
\$ Per Dwelling Unit

Service Category	Phase In	Single Detached & Semi-Detached	Medium Density Multiples	Apartments
Sanitary Sewerage		\$	\$	\$
(i) Seaton Landowners Constructed Works	80%	6,165	4,870	2,836
(ii) Regional Constructed Works	80%	1,832	1,447	842
(iii) Regional Attribution	80%	2,120	1,675	975
Subtotal – Sanitary Sewerage		10,117	7,992	4,653
Water Supply				
(i) Seaton Landowners Constructed Works	80%	2,129	1,682	979
(ii) Regional Constructed Works	80%	5,529	4,368	2,543
(iii) Regional Attribution	80%	4,302	3,398	1,978
Subtotal – Water Supply		11,960	9,448	5,500
Total Development Charges (July 1, 2024 to June 30, 2025)	80%	<u>\$22,077</u>	<u>\$17,440</u>	<u>\$10,153</u>
July 1, 2025 to June 30, 2026 (85%)	85%	23,456	18,532	10,788
July 1, 2026 to June 30, 2027 (90%)	90%	24,835	19,621	11,425
July 1, 2027 to June 30, 2028 (95%)	95%	26,216	20,712	12,058

Table 2

**Region of Durham
Recommended Seaton Institutional Development Charges
\$ Per Square Foot Of Gross Floor Area**

Service Category	Phase In	\$
Sanitary Sewerage		
(i) Seaton Landowners Constructed Works	80%	0.68
(ii) Regional Constructed Works	80%	0.22
(iii) Regional Attribution	80%	0.58
Subtotal – Sanitary Sewerage		1.48
Water Supply		
(i) Seaton Landowners Constructed Works	80%	0.09
(ii) Regional Constructed Works	80%	0.22
(iii) Regional Attribution	80%	0.54
Subtotal – Water Supply		0.85
Total Development Charges (July 1, 2024 to June 30, 2025)	<u>80%</u>	<u>\$2.33</u>
July 1, 2025 to June 30, 2026	<u>85%</u>	2.47
July 1, 2026 to June 30, 2027	<u>90%</u>	2.62
July 1, 2027 to June 30, 2028	<u>95%</u>	2.77

Table 3

Region of Durham Recommended Seaton Non-Institutional Development Charges \$ Per Square Foot Of Gross Floor Area		
Service Category	Phase In	\$
Sanitary Sewerage		
(i) Seaton Landowners Constructed Works	80%	2.05
(ii) Regional Constructed Works	80%	0.66
(iii) Regional Attribution	80%	1.76
Subtotal – Sanitary Sewerage		4.47
Water Supply		
(i) Seaton Landowners Constructed Works	80%	0.26
(ii) Regional Constructed Works	80%	0.64
(iii) Regional Attribution	80%	1.64
Subtotal – Water Supply		2.54
Total Development Charges (July 1, 2024 to June 30, 2025)	<u>80%</u>	<u>\$7.01</u>
July 1, 2025 to June 30, 2026 (85%)	<u>85%</u>	7.45
July 1, 2026 to June 30, 2027 (90%)	90%	7.89
July 1, 2027 to June 30, 2028 (95%)	95%	8.32

Table 4

Region of Durham Recommended Seaton Prestige Employment Land Area Development Charges \$ Per Net Hectare		
Service Category	Phase In	\$
Sanitary Sewerage		
(i) Seaton Landowners Constructed Works	80%	107,931
(ii) Regional Constructed Works	80%	34,155
(iii) Regional Attribution	80%	89,211
Subtotal – Sanitary Sewerage		231,297
Water Supply		
(i) Seaton Landowners Constructed Works	80%	13,229
(ii) Regional Constructed Works	80%	32,766
(iii) Regional Attribution	80%	86,657
Subtotal – Water Supply		132,652
Total Development Charges		<u>\$363,949</u>
July 1, 2025 to June 30, 2026	(85%)	386,696
July 1, 2026 to June 30, 2027	(90%)	409,443
July 1, 2027 to June 30, 2028	(95%)	432,188

- ii. If Bill 185 (Cutting Red Tape to Build More Homes Act, 2024) receives Royal Assent prior to June 30th, 2024 and eliminates the phase in of development charge rates:

Table 5
Region of Durham
Recommended Seaton Residential Development Charges
\$ Per Dwelling Unit

Service Category	Single Detached & Semi-Detached	Medium Density Multiples	Apartments
Sanitary Sewerage	\$	\$	\$
(i) Seaton Landowners Constructed Works	7,706	6,088	3,545
(ii) Regional Constructed Works	2,290	1,809	1,053
(iii) Regional Attribution	2,650	2,094	1,219
Subtotal – Sanitary Sewerage	12,646	9,991	5,817
Water Supply			
(i) Seaton Landowners Constructed Works	2,661	2,102	1,224
(ii) Regional Constructed Works	6,911	5,460	3,179
(iii) Regional Attribution	5,377	4,248	2,473
Subtotal – Water Supply	14,949	11,810	6,876
Total Development Charges	<u>27,595</u>	<u>21,801</u>	<u>12,693</u>

Table 6
Region of Durham
Recommended Seaton Institutional Development Charges
\$ Per Square Foot Of Gross Floor Area

Service Category	\$
Sanitary Sewerage	
(i) Seaton Landowners Constructed Works	0.85
(ii) Regional Constructed Works	0.27
(iii) Regional Attribution	0.73
Subtotal – Sanitary Sewerage	1.85
Water Supply	
(i) Seaton Landowners Constructed Works	0.11
(ii) Regional Constructed Works	0.27
(iii) Regional Attribution	0.68
Subtotal – Water Supply	1.06
Total Development Charges	<u>2.91</u>

Table 7

Region of Durham Recommended Seaton Non-Institutional Development Charges \$ Per Square Foot Of Gross Floor Area	
Service Category	\$
Sanitary Sewerage	
(i) Seaton Landowners Constructed Works	2.56
(ii) Regional Constructed Works	0.82
(iii) Regional Attribution	2.20
Subtotal – Sanitary Sewerage	5.58
Water Supply	
(i) Seaton Landowners Constructed Works	0.33
(ii) Regional Constructed Works	0.80
(iii) Regional Attribution	2.05
Subtotal – Water Supply	3.18
Total Development Charges	<u>8.76</u>

Table 8

Region of Durham Recommended Seaton Prestige Employment Land Area Development Charges \$ Per Net Hectare	
Service Category	\$
Sanitary Sewerage	
(i) Seaton Landowners Constructed Works	134,914
(ii) Regional Constructed Works	42,694
(iii) Regional Attribution	111,514
Subtotal – Sanitary Sewerage	289,122
Water Supply	
(i) Seaton Landowners Constructed Works	16,536
(ii) Regional Constructed Works	40,957
(iii) Regional Attribution	108,321
Subtotal – Water Supply	165,814
Total Development Charges	<u>454,936</u>

- C) That the Development Charge policies for the Seaton Water Supply and Sanitary Sewerage Area Specific Development Charges as contained in the proposed By-law as Appendix #3 to Report #2024-F-9 of the Commissioner of Finance, including those related to collection policy and indexing be approved;
- D) That the Seaton Well Interference Policy as provided in Appendix #1 to Report #2024-F-9 be adopted as of July 1, 2024;

- E) That any complete submission for the preparation of a subdivision agreement received by the Development Approvals Division of the Regional Works Department on or by June 30, 2024 be given the option of being processed under the policies and rates of the current Seaton Area Specific Development Charges By-Law #19-2019 or the proposed replacement by-law, where a complete submission requires all of the following to have been submitted to the Development Approvals Division in a form satisfactory to the Region:
- Ministry of the Environment, Conservation and Parks approval is received;
 - Detailed cost estimate received;
 - Three (3) copies of the proposed Final Plan (M-Plan) received;
 - Regional Planning approval of the Final Plan received;
 - Three (3) copies of all proposed Reference Plans (R-Plans) received;
 - Three (3) copies of approved General Plan of Services received (signed by the Local Municipality and the Region); and
 - Regional Subdivision Agreement Information Checklist;
- F) Subdivision agreements which have been processed according to By-Law #19-2019 must be executed within three months following the termination of By-Law #19-2019, otherwise they shall be deemed cancelled and will be replaced with a subdivision agreement processed according to the replacement by-law, where execution requires all of the following to have been submitted to the Regional Legal Services in a form satisfactory to the Region:
- Signed Subdivision Agreement received, including all schedules;
 - Payments of fees identified in the agreement received;
 - Securities identified in the agreement received;
 - Prepayment of Development Charges for Sanitary Sewerage, Water Supply and Regional Roads received; and
 - Insurance Certificate received;
- G) That the existing complaint procedure as provided in Regional By-law #52-2014 continue for the purpose of conducting hearings, regarding complaints made under Section 20 of the Development Charges Act, 1997;
- H) That Section 12(3) of the Development Charges Act, 1997 requires Regional Council to determine whether a further public meeting is necessary when changes are made to a proposed development charges by-law following a public meeting, and whereas changes were made to the Seaton proposed development charge by-law following the public meeting on March 27, 2024, it is recommended that Regional Council

resolve that a further public meeting is not necessary and therefore Council indicate that a second public meeting is not required prior to the passage of the recommended Seaton Area Specific Development Charge By-law;

- I) That the Regional Solicitor be instructed to finalize the proposed Seaton Area Specific Development Charge By-law for presentation to Regional Council for passage and be authorized to modify the by-law if minor changes are required to accommodate the implications of Bill 185;
- J) That the Regional Solicitor be instructed to revise future development agreements and any by-law(s) relating thereto to reflect any changes required to implement the foregoing recommendations and that such revised by-law(s) be presented to Council for passage;
- K) That the Regional Clerk be instructed to follow the notification provisions pursuant to the Development Charges Act, 1997; and
- L) That the Treasurer be instructed to prepare the requisite development charge pamphlet pursuant to the Development Charges Act, 1997 and related materials.

CARRIED

B) Recommended Amendments to Regional Development Charges By-law #42-2023 to Remove Phase-in Rates (2024-F-10)

Report #2024-F-10 from N. Taylor, Commissioner of Finance, was received.

Staff responded to questions with respect to how much additional funding the Region may receive with the elimination of the Development Charge phase-in.

Moved by Councillor Leahy, Seconded by Councillor McDougall,
(32) That we recommend to Council:

- A) That the Regional Development Charges (DC) By-law #42-2023 be amended to remove the phase-in provisions as set out in the amending by-law (as contained in Attachment #1 to Report #2024-F-10 of the Commissioner of Finance) and the Regional Transit DCs under By-law #39-2022 return to the full rates both at a future date as set out in Part B);
- B) That the Commissioner of Finance and the Regional Solicitor be instructed to prepare the requisite amendment to the DC By-law for presentation to Regional Council for passage upon Schedule 6 of Bill 185, Cutting Red Tape to Build More Homes Act, 2024 coming into force to give effect to Part A), with the full rates coming into effect five business days after Council approves the amending By-law;

- C) That the Regional Solicitor be instructed to revise future development agreements and any by-law(s) relating thereto to reflect any changes required to implement the foregoing recommendations and that any such revised by-law(s) be presented to Council for passage;
- D) That any complete submission for the preparation of a subdivision agreement received by the Development Approvals Division of the Regional Works Department on or prior to the effective date of Schedule 6 of Bill 185 be given the option of being processed under the policies and rates of the current Development Charges By-Law #42-2023 (i.e. without the changes recommended in the amending by-law) or the proposed replacement by-law, where a complete submission requires all of the following to have been submitted to the Development Approvals Division in a form satisfactory to the Region:
- Ministry of the Environment, Conservation and Parks approval is received;
 - Detailed cost estimate received;
 - Three (3) copies of the proposed Final Plan (M-Plan) received;
 - Regional Planning approval of the Final Plan received;
 - Three (3) copies of all proposed Reference Plans (R-Plans) received;
 - Three (3) copies of approved General Plan of Services received (signed by the Local Municipality and the Region); and
 - Regional Subdivision Agreement Information Checklist;
- E) Subdivision agreements which have been processed according to By-Law #42-2023 (i.e. without the changes recommended in the amending by-law) must be executed within three months following the date when the Region re-instates the full rates, otherwise they shall be deemed cancelled and will be replaced with a subdivision agreement processed according to the replacement by-law, where execution requires all of the following to have been submitted to the Regional Legal Services in a form satisfactory to the Region:
- signed Subdivision Agreement received, including all schedules;
 - payments of fees identified in the agreement received;
 - securities identified in the agreement received;
 - prepayment of Development Charges for Sanitary Sewerage, Water Supply and Regional Roads received; and
 - Insurance Certificate received;
- F) That the Regional Treasurer be instructed to prepare the requisite DC pamphlet pursuant to the Development Charges Act, 1997 (DCA) and related materials;
- G) That the Regional Clerk be instructed to follow the notification provisions pursuant to the DCA, should it be required; and

- H) That a copy of Report #2024-F-10 of the Commissioner of Finance be forwarded to the area municipalities.

CARRIED

9. Advisory Committee Resolutions

There were no advisory committee resolutions to be considered.

10. Confidential Matters

10.1 Reports

- A) Confidential Report of the Commissioner of Finance – Regarding a Proposed or Pending Acquisition of Land with respect to Additional Debenture Financing to Support Land Acquisition for the New Oshawa/Whitby Depot Project (2024-F-11)
-

Confidential Report #2024-F-11 from N. Taylor, Commissioner of Finance, was received.

Moved by Councillor Leahy, Seconded by Councillor McDougall,
(33) That we recommend to Council:

That the recommendations contained in Confidential Report #2024-F-11 of the Commissioner of Finance be adopted.

CARRIED

11. Other Business

11.1 Impacts of Bill 23

Regional Chair Henry questioned whether the Province recognizes the financial challenges faced by the Region because of Bill 23 and whether there will be any cost recovery from the Province as a result.

N. Taylor confirmed that Finance staff conducted extensive re-modelling exercises for each scenario related to Bill 23 and advocated to the Province regarding the negative impacts to the Region as a result. N. Taylor stated that they do not believe there will be an opportunity to recoup costs and there have been no formal announcements made in this regard by the Province.

N. Taylor advised that the Region currently has a number of ongoing advocacy files with the Province on various issues including funding for housing and homelessness, and will want to ensure that whatever messaging is sent to the Province regarding Bill 23 does not negatively impact the other advocacy work.

Moved by Councillor McDougall, Seconded by Councillor Leahy,
(34) That we recommend to Council:

That the Regional Chair be authorized, on behalf of Regional Council, to write a letter to the Province with respect to reimbursement (being made whole) as a result of the loss of Development Charge revenue the Region experienced due to the phase-in of Development Charges resulting from Bill 23.

CARRIED

11.2 Regional Headquarters Modernization

Councillor Leahy requested information regarding the Regional Headquarters modernization project including: the original budget, what has been spent to-date, what is projected to be spent, and how many people are working in the building. Councillor Leahy questioned who is using the swing space at Consumers Drive and how much was spent on that location.

Councillor Leahy further questioned whether updating the Headquarters building is the best use of resources and if the renovations should be paused.

N. Taylor stated that the Headquarters building has had higher occupancy since April 1st due to the Hybrid Teleworking Policy which suggests that staff work a minimum of two days a week in the office; and includes regular mandatory in-person team meetings and full department meetings.

Chair Ashe requested that information on the costs and usage for Regional Headquarters be compiled and provided to the Committee.

12. **Date of Next Meeting**

The next regularly scheduled Finance & Administration Committee meeting will be held on Tuesday, June 11, 2024 at 9:30 AM in Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby.

13. **Adjournment**

Moved by Councillor McDougall, Seconded by Councillor Leahy,
(35) That the meeting be adjourned.

CARRIED

The meeting adjourned at 10:09 AM

Respectfully submitted,

K. Ashe, Chair

L. Fleury, Deputy Clerk



Agreement with PowerON for Durham Region Transit's Electrification Infrastructure

**Finance and Administration Committee
June 11, 2024**



Agenda

1. Overview & Background
2. Why PowerON?
3. Framework Agreement Structure
5. Cost Overview
6. Benefits & Opportunities
7. Value Comparison (PowerON vs. DBOM)



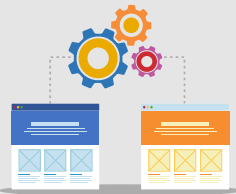
Overview & Background

- ▶ October 4, 2024 (2023-DRT-23) TEC approved, in principle, a partnership framework and authorized negotiations of a Principal Agreement with PowerON
- ▶ Negotiations have been supported by Transit, Legal, Works and Finance staff
- ▶ Long-term integrated program-based solution that is flexible and responsive to the evolving electrification and technology requirements
- ▶ Principal Agreement has been negotiated with PowerON for turnkey electrification infrastructure services
 - ▶ EPC (Engineering, Procurement and Construction)
 - ▶ O&M (Management, Operations and Maintenance)
 - ▶ Program Management (Asset Management, Integration and Optimization)

Why PowerON?

Electrification is New and Complex

The delivery of integrated electrical charging infrastructure is not something the Region has experience in, particularly with respect to the size and scope of a transit fleet and surrounding infrastructure



Flexible and Robust Contracting Approach

The contract structure provides a phased approach, that benefits from a competitive Vendor of Record (VOR), economies of scale and open book accounting, which reduces risk to the Region and ensures current needs and considers future growth



Consistent with External Funding

There are provisions in the negotiated contract that ensure the Region would not lose funding opportunities from senior level government, and in fact where opportunities are merit-based, this structure may improve application chances

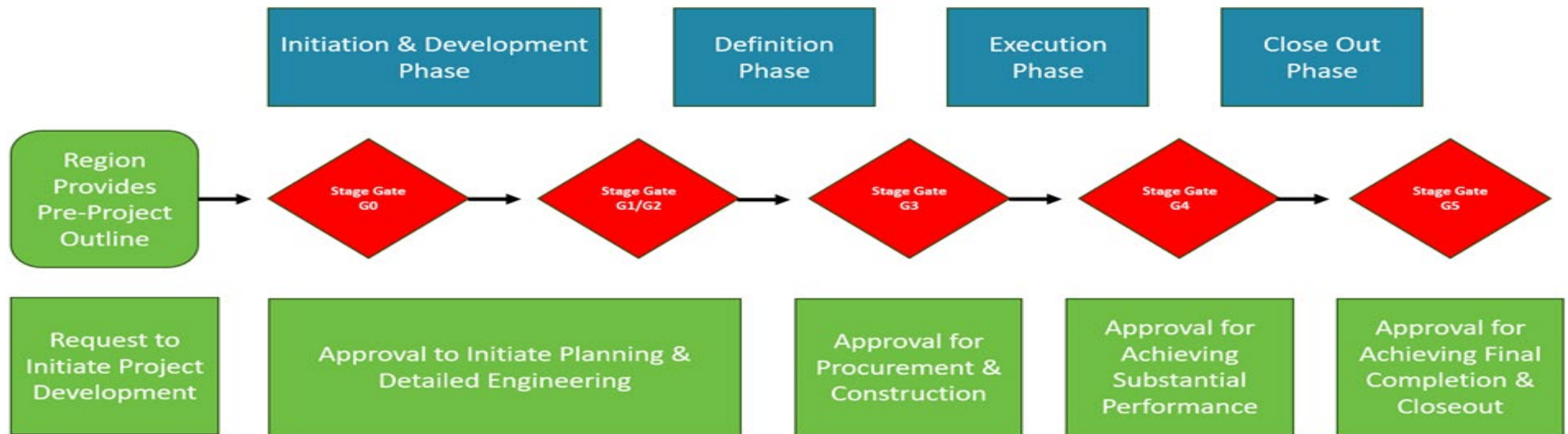


Turnkey Approach

The proposed contract includes capital delivery, O&M, and integration services, along with the potential, at the Region's sole discretion, additional services to reduce energy costs and monetize carbon reductions



Framework Agreement Structure



- ▶ Departmental collaboration
- ▶ Reduced risk of change orders
- ▶ Fixed pricing (including capital, operations and maintenance and asset management at Stage Gate 3)



Cost Overview

EPC Services

- Capital Costs
- PowerON Labour Costs – billed at cost (including overhead); capped at percentage of capital costs
- Construction Management Fee – predetermined percentage of capital costs

O&M Services

- Preventative Maintenance Costs – billed at cost (including overhead)
- Corrective Maintenance Costs - billed at cost (including overhead)
- Operations and Maintenance Fee – predetermined percentage of annual preventative and corrective maintenance costs for electrification infrastructure

Incentive Fee

- If capital project is delivered under approved budget, including contingency, cost savings are shared with PowerON, subject to certain limitations

Program Management Services

- Fee for asset management, program integration and optimization services for electrification infrastructure
- Fee is a predetermined percentage on the Net Asset Value (depreciated annually) for each infrastructure project implemented under the agreement
- Fees are paid annually for the useful life of each asset

Benefits & Opportunities

Costs



- Access to the PowerON VOR, which are expected to significantly reduce capital costs through bulk purchasing, risk identification
- The fee structures for PowerON are predefined
- Transparent and open-book accounting on all service-related work

Risk Transfer & Reduction



- Cost controls such as fixed price capital delivery and performance guarantees
- Access to specialized services and knowledge on electrification infrastructure delivery and operations

Schedule Compression



- Through the VOR existing competitive procurements can be “piggy-backed,” and/or re-issued more quickly
- There is more flexibility in project delivery, specifically the opportunity to order long-lead equipment at earlier construction phases

Framework Approach



- Ensures electrification of the DRT fleet is a Program and not individual projects through integration of fleet and facility construction and operations
- Better understanding and costing of how under-building to current needs only may result in significant cost increases later on
- A flexible approach that can pivot with the changing dynamics of the electrification industry

Knowledge Sharing & Capacity Building



- Opportunity to learn from experts in the field of electrification and from a community of practice with other Transit Agencies (TTC, Oakville Transit, Regina Transit and Barrie Transit) already having contracts with PowerON

Value Comparison (PowerON vs. DBOM)

Cost Element	PowerON	DBOM	Notes	
EPC	\$13,600,000	\$14,175,000	\$13.6 million was chosen as the value of the capital works - Phased procurement and flexible capital deployment mitigates change order risk	- Lump sum based on 5-year outlook (set at the outset), includes the same PowerON fees + 15% premium - The 15% premium includes unrealized cost savings (10%), and change order risk (5%) - This excludes the labour cost pass-through
Consultants/Staff (EPC)	\$340,000	\$1,417,500	Assumed 2.5% for administration	Assumed 10% of EPC cost to prepare procurement documents, technical feedback, and overall management
O&M (15 years)	\$5,256,000	\$6,307,200	\$5.256 million was chosen as the value of the O&M costs	Assumed 20% premium to account for pricing risk based on initial contract specifications and terms
Program Management	\$1,574,925	N/A	This fee represents the asset management work for life-cycle optimization, overall integration and planning and knowledge transfer. This fee is based on the terms negotiated in the Principal Agreement	
Consultants/Staff (Program Management)	N/A	\$1,419,120	Assumes 1.5% * 15 years, to try to ensure the same life-cycle optimization, integration and planning and knowledge transfer. This is an estimate only	
TOTAL	\$20,770,925	\$23,318,820		



Questions?



Thank you

Kris Hornburg, Deputy General Manager Business Services

Pri Uthayakumar, Program Manager Sustainability and Strategic Initiatives

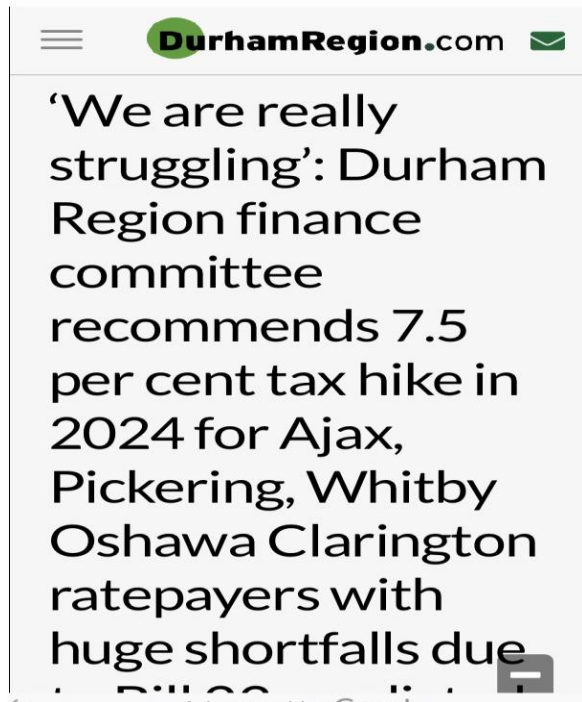
Nicole Pincombe, Director Business Planning and Budgets

Unsustainable Spending & Property Taxes

Presentation to Durham Region
Finance & Administration Committee

June 11, 2024

Presented by Mr. Glass



'Taxing people 'til they bleed': Durham Region, Oshawa, Whitby, Pickering, Ajax, Clarington governments say 'enough is enough' to province, feds as local taxpayers bear burden of downloading

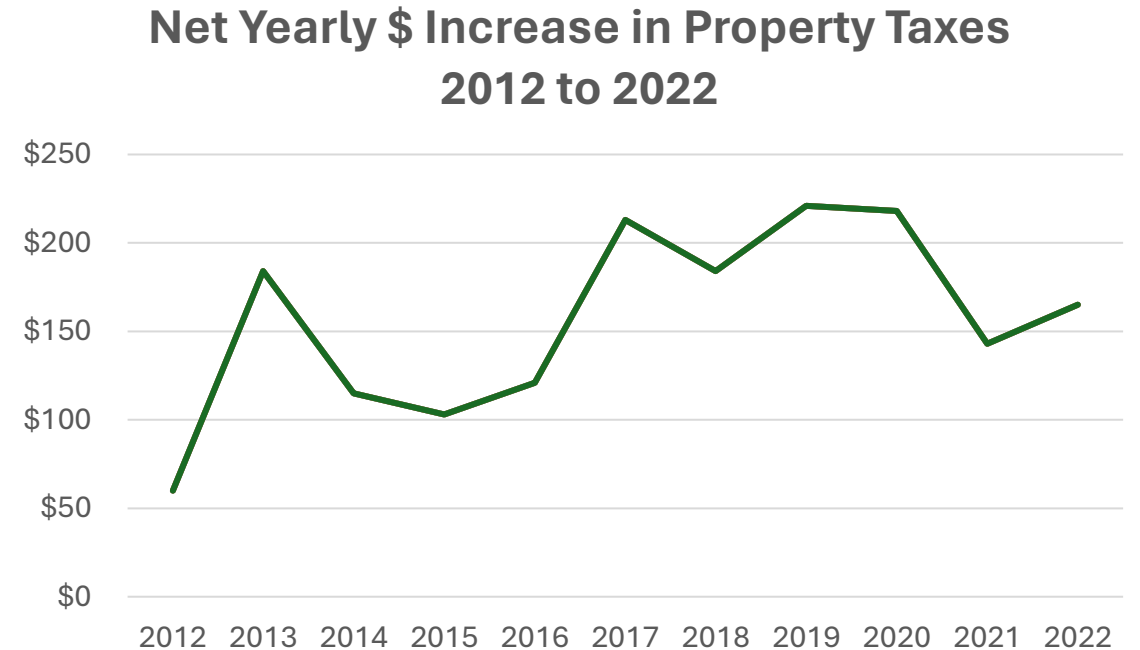
'Double-digit increases in years to come' just part of local need to fund growth

I am not here today to fight against you,

**I am here to appeal to you to fight for
Durham residents.**

My Property Taxes for 11 Years (2012 to 2022)

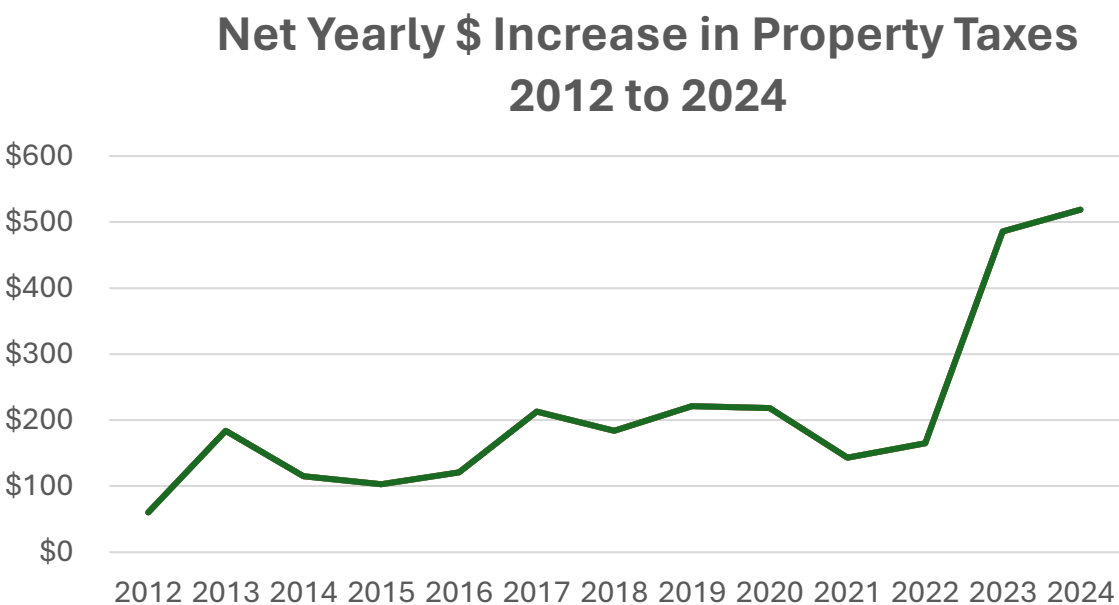
Year	Net \$ Increase	% Increase
2012	\$60	1.07%
2013	\$184	3.25%
2014	\$115	1.97%
2015	\$103	1.73%
2016	\$121	1.99%
2017	\$213	3.44%
2018	\$184	2.87%
2019	\$221	3.35%
2020	\$218	3.20%
2021	\$143	2.04%
2022	\$165	2.30%
Avg (12 to 22)	\$157	2.47%



- For 11 years, my annual property tax increased at a **manageable 2.5% per year.**

My Property Taxes Last 2 Years (2023 & 2024)

Year	Net \$ Increase	% Increase
2023	\$486	6.63%
2024	\$519	6.64%
Avg (23 – 24)	\$503	6.64%
Avg (12 – 22)	\$157	2.47%
Difference	\$346	220.3%



- In 2023 & 2024, my property taxes vs the previous 11 years **increased by over 220%**.
- This is **not sustainable**. The compounding dollar value of higher rates like this hurts Durham families.
- Cap our total property taxes to no more than 3%.

Compounding With A 3% Average (to 2051)

Year	Open Total	Rate	New Yearly Tax	Total Tax Paid
2025	\$8,300	3.00%	\$249	\$8,549
2030	\$9,622	3.00%	\$289	\$9,911
2035	\$11,155	3.00%	\$335	\$11,489
2040	\$12,931	3.00%	\$388	\$13,319
2045	\$14,991	3.00%	\$450	\$15,440
2050	\$17,378	3.00%	\$521	\$17,900
2051	\$17,900	3.00%	\$537	\$18,437
26 Year Total				\$348,027

- Property taxes like this will grow to a whopping \$18,437 by 2051.
- Which means, paying out \$348,037 in total property taxes over the next 26 years. (is this value for money?)

Do you think it is fair to tax like this, let alone more? (Like the 6.6% the last 2 years)

What Unprecedented Population Growth?

Year	Durham Population Past 30 Years	Year	Durham Population Next 30 Years
1991	409,000	2021	724,000
2021	724,000	2051	1,299,000
30 Year Chg.	315,000 or 77%	30 Year Chg.	575,000 or 79%

- Population has grown at an identical rate. (77% previous vs 79% projected)
- But you are justifying the rapidly growing tax rates because of the demands to fund unprecedented population growth.
- The data clearly shows that this is not true! Return to a total 3% tax

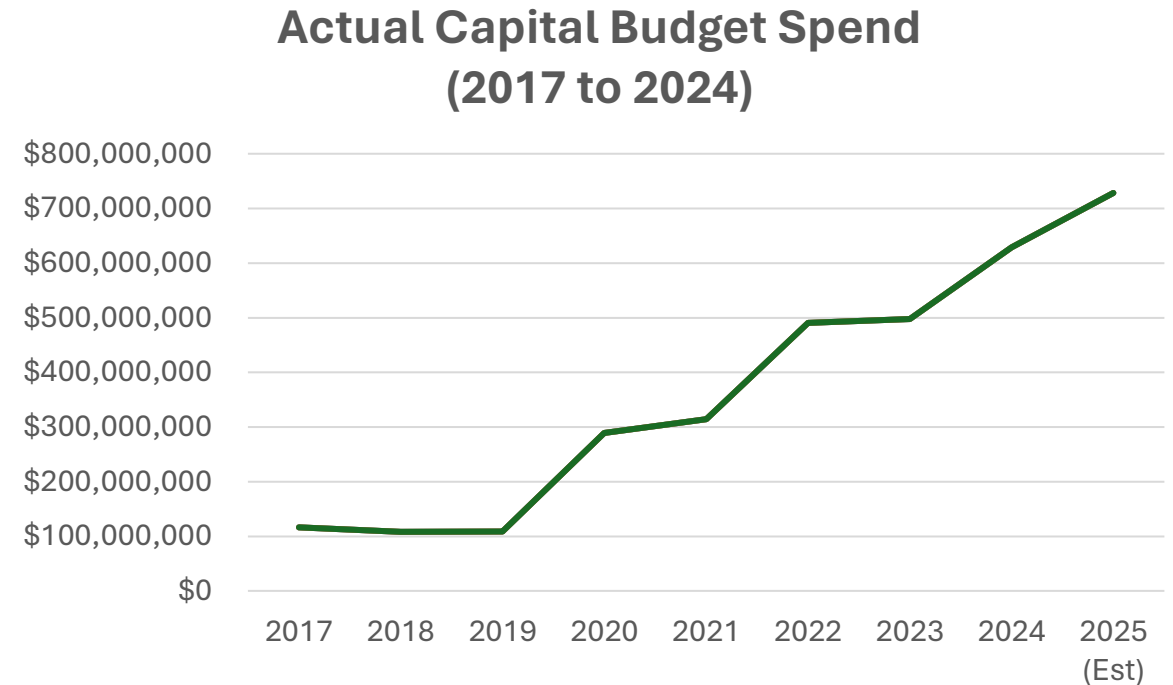
It's Spending that is out of control

not population growth

With my limited time, here is an example

Actual Capital Budget Spend (2017 to 2024)

Year	Capital Budget Spend
2017	\$116,400,000
2018	\$108,500,000
2019	\$108,600,000
2020	\$289,400,000
2021	\$314,610,000
2022	\$490,984,000
2023	\$497,773,000
2024	\$629,004,000
2025 Estimate	\$728,530,000



- Between 2017 and 2021, the average spending was \$187 million a year.
- Between 2022 and 2024 the average skyrocketed to \$539 million a year or a 188% increase.
- And your forecasted amount of \$728 million dollars for 2025 is significantly more than the 4- year combined spending from 2017 to 2020 of \$623 million. There is no excuse to justify this.

Rapidly growing spending like this is what is driving significantly higher property taxes!

Growth of the Capital Budget vs Population

Year	Durham Population	Capital Budget	Cost Per Resident
2017	650,000	\$116,400,000	\$179.08
2024	770,000 (est)	\$629,004,000	\$816.89
% Chg.	18.5%	440.4%	356.2%

This is not sustainable. **Cap our total property taxes to 3% in 2025 and beyond**

Brutal Capital Budget Forecasting (examples)

Your track record doesn't instill any confidence when you are asking so much of residents.

- In 2023, you forecasted spending of \$460 million in 2025. But one year later you revised your forecast for 2025 to \$729 million, an increase of 58% in one year.
- In 2022, you forecasted spending for 2024 of \$454 million. But 2 years later in 2024 the actual budget this year increased by 39% to \$629 million.

Poor forecasting like this (more examples in the appendix) always have negative consequence on finances, especially when spending is out of control.

If variables (inflation, lost revenue) emerge, then push spending down by eliminating things. You cannot just keep adding new items without removing others. We cannot continue like this.

What You Must Do!

1. Limit total Property Tax increases on residents to 3% on average annually over your 4-year elected term. For example:
(Yr 1 – 2.75%, Yr 2 – 3.15%, Yr 3 – 3.25%, Yr 4 – 2.85% = 4yr Avg of 3%)
2. Limit spending on all expenditures to meet this 3% mark
3. Focus exclusively on Regional and Municipal priorities.
4. If the private sector, Provincial &/or Federal Government's demands more than our 3% capacity, tell them we are not prepared to fund it.

Existing Durham Residents cannot fund this continued level of spending.

Tough choices and accountable leadership will need to be shown, because the current pace is unsustainable to Durham residents

Global NEWS



CANADA

Ontario town will return federal housing money after vote against density

By **Uday Rana** • Global News

Posted May 30, 2024 1:42 pm EST

2 min read

I Close With 3 Questions

1. Regional Chair Henry, knowing all that you do about the 2051 plan, what will my 2025 property tax be and what will it average out to through 2051?
2. Pickering Mayor Ashe, given the financial burden being passed along to residents the past 2 years, will you commit to no longer use Strong Mayors Powers going forward? If not, why? If so, will you ask your fellow Mayors in Durham Region to do the same?
3. I would like the opportunity to speak to Durham Regional Council?

Thank You

Appendix - Accountability

- I value your work and the sacrifices you make to serve.
- But nowhere on your Durham website does it state that you are accountable to Durham residents. Here is all it says now.

“Durham Region values accountability and we strive to provide transparent government”

- This isn't enough given the times and the fiscal direction you are taking us on. I strongly suggest you change this (and then model it accordingly) to the following.

Every Durham Region employee/elected official is accountable to our residents. We achieve this by always working in an ethical and fiscally responsible manner so that we always put the interests of Durham residents first and foremost.

Appendix - Background

- Resident of Ajax and taxpayer for almost 30 years
- Active in my community (coach, organize events, attend council and budget meetings, etc)

I am speaking out like this because I am deeply concerned by the unsustainable path you are leading us down

Property Taxes Could Have Been Worse Than 6.64%

- Durham Region actually increased taxes 7.65% in 2024
- Ajax also increased taxes by 7.59%
- But because the Province of Ontario didn't add an increase to Education (wonder why?), this reduced total taxes to 6.64%.
- This won't happen very often going forward. Cap total % increase to 3%

Durham Region			
Budget Impact on Residential Property Tax Bill			
Allocation	% Increase	Weighting	Tax Rate Impact
Durham Region	7.65%	54.50%	4.17%
Town of Ajax	7.59%	32.50%	2.47%
Province - Education	0%	13%	0.00%
Total Blended Tax Rate		100%	6.64%

Appendix - Is This Our Future As Durham Residents?

Year	Open Total	Rate	New Yearly Tax	Total Tax Paid
2025	\$8,300	6.60%	\$548	\$8,848
2030	\$11,425	5.50%	\$628	\$12,054
2035	\$14,932	5.00%	\$747	\$15,679
2040	\$19,058	4.50%	\$858	\$19,915
2045	\$23,749	4.00%	\$950	\$24,699
2050	\$28,895	3.50%	\$1,011	\$29,906
2051	\$29,906	3.50%	\$1,047	\$30,953
26 Year Declining Rate Total				\$507,976
26 Year 3% Total				\$348,027
Difference				\$159,949

- Given your back to back 6.6% tax hikes and your increased capital budget spend in the years ahead, is this what Durham residents can expect in terms of property tax rate hikes over the next 26 years?
 - Should I prepare to spend over \$500,000 in property taxes the next 26 years?**

Appendix - More Poor Capital Budget Forecasting examples like those on slide 9

- In 2021 you forecasted spending of \$372 million in 2024, the actual budget is \$629 million (69% more)
- Also in 2021, you forecasted spending of \$284 million in 2022, the actual spend was \$491 million (73% more)
- In 2020 you forecasted spending of \$228 million in 2021, the actual was \$315 million (38% more)

When you consistently spend more than you forecast, it is a clear and present danger to Durham residents



The Regional Municipality of Durham Report

To: Finance and Administration Committee
From: Chief Administrative Officer
Report: 2024-A-9
Date: June 11, 2024

Subject:

Community Safety and Well-Being (CSWB) Plan Update

Recommendation:

That this report be received for information.

Report:

1. Purpose

- 1.1 This report provides an update on Community Safety and Well-Being activities being undertaken to address the priority risk factors of criminal involvement and victimization; social isolation; and monitoring, evaluation and learning.

2. Background

- 2.1 The Regional Municipality of Durham Community Safety and Well-Being (CSWB) Plan was adopted by Durham Regional Council on November 24, 2021, in accordance with legislative amendments to Ontario's Police Services Act. The goal of the CSWB Plan is to ensure residents of Durham Region feel safe and have a sense of belonging, and their needs for education, health care, food, housing, income, as well as social and cultural expression are met. The CSWB Plan establishes a collaborative framework for integrated service delivery, working with community partners to encourage an upstream approach in addressing the priority risk factors to community safety and well-being in Durham Region.
- 2.2 For more information and to view the Plan, visit the [CSWB Information Hub](#).

3. Preventing and Responding to Criminal Involvement and Victimization

- 3.1 Leveraging the support of Public Safety Canada's Building Safer Communities Fund (BSCF) initiative, and under the leadership of the DEI Division's Community Safety

and Well-Being team, the Region is implementing a comprehensive, coordinated approach to addressing community violence, particularly gun and gang activity. Since the last report to Council, the following activities have been undertaken:

- a. Establishment of a CSWB Fund to mobilize, enable and empower community partners to develop, implement and evaluate projects/programs that focus on the reduction and prevention of community violence, particularly youth gun and gang violence.

The Building Safer Communities Grant Program of the CSWB Fund has been launched. There are four funding streams in this program: 1) Stream One – Program Funding, supports programming and direct service provision which addresses the needs of children and youth experiencing one or more risk factors for involvement in serious violence and crime; 2) Stream Two – Capacity-Strengthening; supports one-time training and capacity-strengthening activities to enhance staff, organizational, and/or sector capacity to meet the needs of the listed priority populations; 3) Stream Three – Advocacy and Public Awareness supports one-time advocacy, public awareness, and knowledge mobilization activities; and 4) Stream Four Community Micro-Grants, supports small not-for-profits, and community groups (including small and emerging groups) to lead projects in their communities.

Calls for applications for Stream One closed on May 7. A total of 18 applications were received. Award notifications will be made in June 2024.

Applications for Stream Two and Stream Three may still be submitted, and are being reviewed on a rolling basis. Program guidelines and the application form are available at Durham.ca/CSWB-Fund.

Through Stream Four, a total of ten resident-led projects were implemented between November 30, 2023 and February 29, 2024. Projects focused on the provision of low-barrier sporting opportunities, peer support/mentorship, vocational training, arts, drama and story-telling and fostering intergenerational connections between youth, seniors and older adults.

In total 268 individuals participated in programs delivered through these projects. Of these, 18 were adult caregivers, the remainder were children and youth. In addition to those 268 individuals who directly benefited from these programs, 70 Durham Region residents were involved in the delivery of these program. The majority (but not all) of these residents were adults, and served as project leads, guest speakers, program mentors, artists, and volunteers.

The sustainability of program results has been supported through the development of project management and grant acquisitions skills amongst project leaders, which they are currently using to access more funding and continue their work; and imparting positive life skills to participating children and youth through the direct interventions delivered through the program.

- b. Establishment of a Youth Action Group (YAG) which enhances the skills and leadership experience of identified Durham Region youth, such that they are empowered to participate fully in decision-making and community governance, provide strategic advice to the Region's CSWB Secretariat as the Community Violence Prevention Strategy and associated projects are carried out, and implement a youth-led community project. The inaugural meeting of the YAG was held in February 2024. This group consists of 17 youth between the ages of 14 and 18. The YAG serves as a venue through which youth participate in the development and implementation of the Region's Community Violence Prevention Strategy. It also has the purpose of strengthening young people's capacity for civic engagement, and leadership, through dedicated mentorship, training, and support. During this reporting period, the YAG recruitment plan was complete, and 18 hours of YAG meetings have taken place, including a focused discussion of priority risk and protective factors for youth criminalization and victimisation.
- c. Establishment of a Community Healing Protocol. Trauma is a root cause of community violence, particularly youth gang involvement. Restorative, culturally-affirming, community-led practices play a crucial role in disrupting cycles of interpersonal violence and other forms of trauma; and in restoring balance and wellness within communities following an incidence of violence or trauma. A Community Healing Protocol is therefore in development, which will:
- Document lessons learned and best and promising practices from other jurisdictions within the GTHA, Canada, and internationally, with respect to community-led healing response
 - Document and reflect the insights, needs, experiences and expertise of local community members (youth, families, service providers etc.) with respect to community-led healing response
 - Identify a 'watchlist' of priority geographic locations for activation of community healing interventions, and community leaders and ambassadors within these areas
 - Document a response protocol and suggested activities into a public-facing community healing toolkit/manual
- d. Addressing the Intimate Partner Violence Epidemic

A motion was approved by Regional Council on April 26, 2023 to implement Recommendation 1 and Recommendation 10 of the Renfrew County Inquest Recommendations.

Following the Council-approved motion, the CSWB Secretariat and Durham Region's Violence Prevention Coordination Council (VPCC) have been

developing a joint action plan and implementation schedule outlining the Regional response to the intimate partner violence epidemic.

Recommended priority outcomes and actions within the action plan include the following:

1. Increase the scale of IPV and GBV awareness and prevention initiatives

1.1 Plan and implement a wide variety of broad public education and awareness campaigns/initiatives to grow understanding of IPV and GBV in the community, using a coordinated approach.

1.2 Provide information and training to front-line workers (e.g., caseworkers, public health nurses, paramedics, etc.) who are likely to first notice and respond to the warning signs of IPV and GBV, to help stop violence before it occurs and connect survivors to the supports they need.

1.3 Strengthen partnerships with the education sector to increase prevention programming in schools and post-secondary academic institutions, which addresses and disrupts harmful attitudes and behaviours that normalize violence, and helps children, youth and young adults learn about IPV and GBV and how to foster healthy relationships.

1.4 Engage men and boys in GBV awareness and allyship strategies to help end violence in the future.

1.5 Share information and resources about IPV and GBV (e.g., makeitourbusiness.ca) with the business sector (e.g., local BIAs, Chambers of Commerce, etc.) to help employers and other workplace stakeholders to meet their obligations under the Ontario Occupational Health and Safety Act.

1.6 Continue to educate members of Regional Council about IPV and GBV through delegations and presentations.

2. Increase outreach and engagement with target populations who are disproportionately impacted by IPV and GBV

2.1 Support targeted outreach and engagement with diverse and vulnerable populations (e.g., South Asian, Indigenous peoples, 2SLGBTQI+, newcomers/immigrants/refugees, women with disabilities, senior women etc.) in partnership with Indigenous peoples, community organizations and leaders, to increase awareness of the warning signs of IPV and GBV and services/supports available.

3. Improve sustainable funding for preventing and responding to IPV and GBV

3.1 Develop and implement an advocacy strategy directed toward all levels of government to influence policy and funding decisions regarding sustainable funding for preventing and responding to IPV and GBV in Durham Region.

3.2 Seek out and leverage alternative sources of funding (e.g., grant opportunities, academic institutions to conduct research, etc.) for the delivery of prevention and response programming and services.

4. Improve the provision of safe and affordable housing for victims/survivors of IPV and GBV to address barriers for leaving abuse

4.1 Develop and implement an advocacy strategy directed toward all levels of government to influence policy and funding decisions, including improved provision of safe and affordable housing options for those leaving abusive situations.

5. Improve data collection and monitoring of IPV and GBV prevalence and trends

5.1 Work collectively to enhance data collection, monitoring, and analysis to better understand IPV and GBV impacts community wide.

- e. The CSWB Secretariat and VPCC will continue this joint work and will share further updates in a future report.

4. Social Isolation

- 4.1 The CSWB Secretariat partnered with Durham Regional Transit and the Ontario Ministry for Seniors and Accessibility to deliver an integrated project aimed at reduced social isolation amongst older adults. The CSWB Secretariat implemented the *Making Connection, Building Community* project, which raised awareness of essential safety and well-being programs and services for older adults through the development and delivery of Durham Region's [Guide to Community Resources for Seniors and Older Adults](#).
- 4.2 The Guide features services and programs from 109 non-profit organizations that are organized into ten categories -- Food and Clothing, Health, Mental Health, Housing, Income, Legal, Safety, Settlement, Social and Recreation, and Transportation.
- 4.3 Printed copies of the Guide were made available at approximately 130 locations across Durham Region including public libraries, recreation/community facilities, health centers/clinics, seniors' residences, and community partners. An estimated 3,400 individuals have had the opportunity to engage with this information and

increase their awareness of culturally-responsive programs and services for older adults through this approach.

- 4.4 In addition, approximately 1,170 Ontario Works clients between 55-65 years of age received a mail-out of the Guide.
- 4.5 DRT developed and delivered "Get Moving with On Demand workshops" in rural and remote communities, with a specific focus on equipping and supporting older adults with tools to use the Region's On Demand Transit Service to connect with community resources and other transit connection hubs.
- 4.6 Approximately 700 older adults received information from the Get Moving with On Demand workshops through participation in one of the 17 in-person workshops delivered across Durham Region, with a focus on rural and remote areas of Brock, Uxbridge and Scugog. The workshop sessions provided participants with information on how to use the On Demand app to book trips outside of regular hours and scheduled routes and how to connect and transfer to other transit services.

5. Monitoring, Evaluation, and Learning

- 5.1 In consultation with Regional staff and community partners, the [CSWB Data Dashboard](#) has been re-released with new data visualization features and additional progress indicators for each priority risk factor. A total of 22 indicators are displayed on the Dashboard.
 - a. An external organization has been retained to collate and produce reports analyzing the most recent data available for all priority risk factors; and finalize the outcome and indicator identification process.
 - b. A robust theory of change will be developed, which displays a problem statement; logically connected immediate, intermediate outcomes; barriers to change; drivers of change; and program strategies. The outputs of this work will then be validated with Durham Region community members, and community-serving organizations, to support its ultimate finalization, and use in CSWB plan implementation.

6. Relationship to Strategic Plan

- 6.1 The Community Safety and Well-Being Plan is aligned with the following objectives found in the Region of Durham 2020 -2024 Strategic Plan:
 - a. Under Goal 2: Community Vitality Objective: To foster an exceptional quality of life with services that contribute to strong neighbourhoods, vibrant and diverse communities, and influence our safety and well-being:
 - 2.1 Revitalize existing neighbourhoods and build complete communities that are walkable, well-connected, and have a mix of attainable housing;

- 2.2 Enhance community safety and well-being;
 - 2.3 Influence the social determinants of health to improve outcomes for vulnerable populations;
 - 2.4 Support a high quality of life for all through human services delivery;
 - 2.5 Build a healthy, inclusive, age-friendly community where everyone feels a sense of belonging;
- b. Under Goal 3: Economic Prosperity Objective: To build a strong and resilient economy that maximizes opportunities for business and employment growth, innovation, and partnership:
- 3.1 Position Durham Region as the location of choice for business

7. Conclusion

- 7.1 Preventing and Responding to Criminal Involvement and Victimization requires a robust, sustainable, community-led response. Durham Region's community violence prevention programming will strengthen the capacity of community-serving organizations of all sizes, while empowering residents, and centring the experiences of those with lived experience.
- 7.2 Improving awareness of safety and well-being programs and services is essential for reducing social isolation amongst older adults. Durham Region's [Guide to Community Resources for Seniors and Older Adults](#) bridges an important gap in awareness, and will therefore improve access to programs and supports.
- 7.3 Improved data visual tools, such as the new [CSWB Data Dashboard](#) and a theory of change will enable community partners, including residents, community-serving organizations, and institutions, to plan coordinated responses and monitor change at a population level.

Respectfully submitted,

Original Signed By

Elaine C. Baxter-Trahair
Chief Administrative Officer



The Regional Municipality of Durham Report

To: Finance and Administration Committee
From: Commissioner of Corporate Services and Commissioner of Finance
Report: #2024-A-10
Date: June 11, 2024

Subject:

Business Plans and Budget Process and Procedural By-law Updates

Recommendation:

That the Finance and Administration Committee recommends to Regional Council:

- A) That Procedural By-law #64-2022 be repealed and replaced with an updated Procedural By-law generally in the format included as Attachment #1;
 - B) That the amendments to the Transit By-law #27-2021 reflecting the budget deliberation process outlined in Sections 2.1 through 2.9 of this report be presented to Regional Council for approval;
 - C) That the 2022 to 2026 Regional Council and Committee Meeting Schedule be amended to include Special Committee of the Whole meetings for budget deliberations as outlined in Appendix E to the Procedural By-law; and
 - D) That the Regional Clerk, in consultation with the Regional Solicitor, be granted the authority to amend any other By-law or Policy of the Region that may speak to the Budget Deliberation Process to give effect to these recommendations.
-

Report:

1. Purpose

- 1.1 The purpose of this report is to recommend the adoption of an updated Procedural By-law for Regional Council and its Committees. The broad goals of this updated Procedural By-law are to:
 - a. Establish a new process and schedule for the deliberation of annual business plans and budget and companion documents.
 - b. Update the Standing Committee Selection Process.

- c. Clarify the roles of each Standing Committee and the Committee of the Whole (COW) through Terms of Reference.
- d. Move the consideration of Notices of Motion (Member's Motions) to Committee of the Whole Agendas, rather than Council meeting agendas; and
- e. Continue to improve readability of meeting procedures, reduce ambiguity, and eliminate rules that cause unnecessary confusion.

2. Proposed Changes to the Procedural By-law

Budget Deliberations:

- 2.1 At the December 11, 2023 Special Works Committee meeting, the following motion was referred back to staff to review and to consider the possibility of presenting the business plan and budgets at a Committee of the Whole meeting:
 - a. "That moving forward that the Water and Sewer budgets be brought before a Joint meeting of the Works and Finance and Administration Standing Committees and be presented for consideration and potential approval by no later than October 30th of the previous calendar year."
- 2.2 Representatives from Corporate Services - Legislative Services and the Finance Department have researched budget deliberation methods in other regions and considered various options that will work within the Region's current committee structure, as well as options outside of the current structure. In evaluating different budget deliberation methods and timing staff considered the following key objectives:
 - a. An efficient, streamlined process for staff and Committee/Council.
 - b. A process which supports informed and optimal decision making by Committee/Council.
 - c. Public transparency in Committee/Council review.
 - d. Alignment of water supply, sanitary sewerage and property tax business plans and budgets to ensure alignment of budgets for programs areas that are funded from both water and sewer user rates and property taxes.
 - e. Optimize timing for implementation of workplans; and
 - f. Minimize need for pre-budget approvals and allow for earlier tendering of capital works to enhance competition.

- 2.3 Based on this review and in discussion with Finance staff, it is being proposed that deliberations on future annual business plans and budgets and companion reports occur at Special COW meetings, beginning with the 2025 budget. This would be a departure from the current practice in which each Standing Committee and Transit Executive Committee (TEC) considers the relevant portion of the budget and then sends their recommendations to the Finance & Administration Committee for consideration and approval, prior to Regional Council's consideration and final approval. It is believed that considering budget at COW would provide a more streamlined approach and give all members of Council the opportunity to participate in all budget deliberations, with dedicated full day meetings specifically assigned for budget considerations. Additional meetings would be scheduled as required. Under this proposed process, the annual business plans and budgets for Durham Regional Police Service, the 9-1-1 Emergency Service System, Durham OneNet Inc. and Durham Regional Local Housing Corporation would still be considered by their respective Boards before being referred to the COW.
- 2.4 Further, it is proposed that the budget timetable will be advanced in the calendar year, working towards the goal of approving the final Property Tax Supported Business Plans and Budget and Water Supply & Sanitary Sewerage Business Plans and Budget by December of the preceding calendar year.
- 2.5 For the 2025 budget year, the following budget timetable is proposed:

Milestone:	Date:
Budget Guideline approved	September 2024: Special COW Meeting
Water Supply & Sanitary Sewerage Business Plans and Budget approved	December 2024: 1-2 days Special COW Meeting
Water Supply and Sanitary Sewer User Rates approved	
Property Tax Supported Business Plans & Budget approved	
Annual Property Tax Study approved	

- 2.6 For the 2026 budget year, and all future years when there is not a municipal election in the immediately preceding year, the regular budget timetable is proposed to be as follows:

Milestone:	Date:
Budget Guideline approved	June: Special COW Meeting
Water Supply & Sanitary Sewerage Business Plans and Budget approved	December: 1-2 days Special COW Meeting
Water Supply and Sanitary Sewer User Rates approved	
Property Tax Supported Business Plans & Budget approved	
Annual Property Tax Study approved	

- 2.7 For the budget year immediately following an election year, the budget timelines are proposed to be modified to account for the start of a new term of Regional Council. This timetable would apply during the 2026 calendar year in preparation for the 2027 budget, and all future budgets that immediately follow a municipal election:

Milestone:	Date:
Municipal Elections	No regular Committee or Council meetings held in September, October, or November. Inaugural Council meeting in late November/early December.
Budget Guideline approved	December: Special COW Meeting
Water Supply and Sanitary Sewerage Business Plans and Budget approved	
Water Supply and Sanitary Sewer User Rates approved	
Property Tax Supported Business Plans & Budget approved	February: 1-2 days Special COW Meeting
Annual Property Tax Study approved	

- 2.8 The attached Appendix E outlines the budget process timelines and would form an Appendix to the Procedural By-law if approved.
- 2.9 The proposed changes would mean that in 2024, Special COW meeting days will be scheduled on either September 11th or 12th to consider and recommend adoption of the Budget Guideline, and December 12th and 13th to consider and recommend adoption of the 2025 Water Supply and Sanitary Sewerage Business Plans and Budget, the 2025 Property Tax Supported Business Plans & Budget, the 2025 Water Supply and Sanitary Sewer User Rates and the 2025 Annual Property Tax Study. If both days are not required, the second date would be cancelled.

Standing Committee Selection Process:

- 2.10 Currently, newly elected members of Regional Council are surveyed to determine their Standing Committee preferences at the start of each new term of Council. The results of the surveys are included in the Agenda for the Inaugural meeting of the new Council.
- 2.11 Appendix C of the current Procedural By-law provides instructions for the appointment of Standing Committee Chairs and Members at the Inaugural meeting of Council. The process entails nominating and voting for Chairs for each Standing Committee, and then nominating and voting on members, in groups of two, for each Standing Committee. For the past two inaugural Council meetings (2018 and 2022) a motion has been presented at the meeting, which waived the selection process and recommended the Chairs and Members for each of the Standing Committees. The motions have, for the most part, followed the member's Committee preferences from the survey results.
- 2.12 It is being proposed that moving forward, staff prepare a draft recommendation for Committee Chairs and members, in consultation with the Regional Chair's Office, based on the results from the survey, to be included in the Agenda for the Inaugural meeting. This would allow members time prior to the meeting to contemplate the recommendations and formulate any amendments. This would also allow staff to better prepare for the Inaugural meeting day in terms of determining timing for the day's events and completing preparatory work. The current process would still be included in the By-law as an alternate appointment option.

Committee Terms of Reference:

- 2.13 There are currently no written rules with respect to what matters are presented to each Standing Committee or the Committee of the Whole, and what the roles of staff and members are pertaining to the Committees. The current practices are a matter of convention and, while consistently applied, are not formalized.
- 2.14 The lack of documentation makes it difficult for members of the public to determine where they should present their concerns and occasionally creates ambiguity when determining which body should be considering a Commissioner's Report on a specific subject matter.

- 2.15 A Terms of Reference Document has been prepared which clearly outlines the subject matters to be considered by each Committee and the roles of the members and various support staff. The proposed Terms of Reference would be included as Appendix F to the Procedural By-law.

Notices of Motion:

- 2.16 It is proposed that Notices of Motion be considered at COW meetings (instead of Council meetings) as “Member’s Motions”. A Member’s Motions approved at COW would be included on the COW Report to Council for Council’s consideration and adoption. This proposed change has several benefits:
- a. Ensures new business consistently flows from the Committee level to Council.
 - b. Directs delegations on a Member’s Motion to COW where they are more appropriately heard, consistent with practices across other Committees.
 - c. Creates more time between when a Member’s Motion is considered and when it is finally adopted by Council, providing more opportunity for deliberation and consultation with staff.
- 2.17 If there are no other items to be considered at a COW meeting resulting in its cancellation, then any Member’s Motions scheduled for that COW meeting would be added to the next Regional Council meeting agenda under ‘Departmental Reports and Other Resolutions’, so that a COW meeting is not convened solely to consider a Member’s Motion. In the event that a Member’s Motion is time sensitive, it may still be introduced at a meeting of Regional Council by suspension of the rules. The deadline for submission of a Member’s Motion would remain the same, being noon of the Wednesday prior to the COW meeting at which the motion will be considered.

Additional Revisions Being Proposed:

- 2.18 A number of minor administrative revisions are also proposed, the intent being to remove further under-utilized rules and simplify existing language.
- a. Definitions
 - Added a definition for “Administrative Motions” and updated the definitions for Substantive and Subsidiary Motions accordingly. An Administrative Motion is one that is necessary to advance the meeting, but does not bring new business forward, examples include a motion to adopt the minutes of a previous meeting or to recess.
 - b. Presentations
 - Updated the wording to add clarity on what a Presentation entails and who may present.

c. Delegations

- Simplified wording in various sections.
- Under the current rules, delegations consisting of more than five persons shall be entitled to two speakers, with each limited to speak no more than five minutes. This rule is proposed to be removed as it is not commonly used; delegates rarely if ever register as one delegation representing five or more speakers.
- Consolidated the list of delegation types that are not permitted (see sections 10.7 (h)).
- Removed the rule with respect to not delegating on a matter within 12 months of a decision of Council without a motion to reconsider first being adopted. This rule no longer applies because delegations are now directed to the appropriate Committee of Council, where a motion to reconsider a decision of Council would not be in order. Further, section 10.7 (i) already limits delegates to appear on a matter once every six months (unless it is on the agenda for a meeting), which effectively controls for delegations related to matters already decided by Committee or Council.
- Changed the time that delegation material is requested to be submitted to noon the day prior to the meeting, rather than 4 pm, to allow more time to prepare and circulate the material to members.
- Clarified rules for extending the time of delegates (see new section 15.20 noted under Motion Types).

d. Communications

- Added reference to the Council Information Package (CIP).

e. Council Information Package

- Added limitations (new section 11.3) regarding correspondence to mirror the language in the limitations for Delegations.

f. Rules of Discussion (Previously Rules of Debate)

- Revised the title and language in this section to refer to discussion rather than debate on a motion. This is consistent with current practice and clarifies that this section applies to all deliberations during a meeting, not just pertaining to a motion.
- Added wording with respect to responses to member's questions not impacting the member's time to speak while recognized by the Chair.
- Removed rule regarding members being allowed to ask a question before speaking to a matter. This rule is not necessary as a Member may always ask a question to the Chair or another member during their remarks.

g. Conduct at Meetings

- Added wording with respect to the dress code for Council and Committee meetings consisting of formal business attire for Council meetings and business casual attire at Committee meetings, to align with the employee Dress Code Policy (see new section 13.2 and new section under 17.6).

h. Presentation of Motion

- Updated wording to state that motions are presented by the mover (not the Chair).

i. Motion to Extend the Time for Delegation (new Section 15.20)

- Added 'Motion to Extend the Time for Delegation' as a motion type.

j. Committee Procedures

- Clarified the wording regarding the number of times a member may speak for simplicity (no change to current practice).
- Added wording with respect to wearing business casual attire during Committee meetings (See 17.6 (a) iii).

k. Appendices

- Added reference to two new appendices: Budget Meeting Timetable and Standing Committee Terms of Reference.

3. Previous Reports and Decisions

3.1 Report [#2022-A-23](#) Procedural By-law.

4. Relationship to Strategic Plan

4.1 This report aligns with/addresses the following strategic goals and priorities in the Durham Region Strategic Plan:

- a. Goal 5: Service Excellence. Objective: To provide exceptional value to Durham taxpayers through responsive, effective and fiscally sustainable service delivery.
- 5.3 Demonstrate commitment to continuous quality improvement and communicating results
 - 5.4 Drive organizational success through innovation, a skilled workforce, and modernized services

5. Conclusion

- 5.1 Effective meeting procedures are an integral component of local democracy; as such, the Clerk's Office has committed to monitoring meeting processes and noting further opportunities for improvement within the Procedural By-law.
- 5.2 This report and proposed By-law have been developed in conjunction with the Corporate Services – Legislative Services Division and the Finance Department and reviewed by Legal Services.
- 5.3 For additional information, contact: Alexander Harras, Regional Clerk and Director of Legislative Services, at 905-668-7711, extension 2100.

6. Attachments

Attachment #1: Proposed Procedural By-law

Prepared by: Leigh Fleury, Deputy Clerk, at 905-668-4113, extension 2020.

Respectfully submitted,

Original signed by

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

Original signed by

Nancy Taylor, BBA, CPA, CA
Commissioner of Finance

Recommended for Presentation to Committee

Original signed by

Elaine C. Baxter-Trahair
Chief Administrative Officer

By-law Number 2024-***
of The Regional Municipality of Durham

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

Whereas Section 238 (2) of the Municipal Act, 2001 as amended requires Council to pass a procedure by-law governing the calling, place and proceedings of meetings.

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

That “Schedule A” to this By-law be approved as the rules and procedures governing the proceedings of Council, Committee of the Whole, Standing Committees and Advisory Committees.

The short title of this By-Law is the “Procedural By-law”, “Procedure By-law” or the “Rules of Procedure”.

That this By-law shall be administered by the Clerk.

That By-law 65-2022 be repealed.

This By-law Read and Passed on the 26th day of June, 2024.

J. Henry, Regional Chair and CEO

A. Harras, Regional Clerk

Schedule A – Rules of Procedure

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1. **Definitions**

In these procedures:

- (a) "Act" means the Municipal Act, S.O. 2001, c. 25, as amended;
- (b) "Acting Chair" means the Member appointed to act from time to time in the place and stead of the Chair under Section 242 of the Act;
- (c) "Administrative Motion" means any motion that is necessary to advance a meeting but does not bring a matter of business before Council;
- (d) "Alternate Council Member" means a Lower-Tier Council Member who has been appointed by the lower-tier council to act as a substitute member on Regional Council when another member of that lower-tier Council is unable to attend a Regional Council meeting;
- (e) "Chair" means the person presiding at a meeting;
- (f) "Clerk" means the Clerk of the Regional Corporation;
- (g) "Closed Meeting" means a meeting, or part of a meeting, which is closed to the public as permitted by the Act, also referred to as an "in-camera meeting";
- (h) "Committee" means any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also Members of Regional Council, including a Standing or Special Committee of Council;
- (i) "Committee Chair" means the Chair of a Standing or Special Committee of Council;
- (j) "Committee of the Whole" means all the Members of the Council present sitting in Committee of the Whole;
- (k) "Committee Report" means a report from Committee of the Whole or a Special or Standing Committee of Council outlining the recommendations approved by the Committee and being forwarded to Council for its consideration;
- (l) "Committee Vice-Chair" means the Vice-Chair of a Standing or Special Committee of Council;
- (m) "Council" means the Council of the Regional Corporation;
- (n) "Departmental Report" means a report from staff of the Regional Corporation submitted to Members of Council and included on an agenda

for a Council or Committee meeting or included in the Council Information Package;

- (o) "Majority Vote" means an affirmative vote of more than one half of the Members present and voting;
- (p) "Meeting" means any regular, special or other meeting of Council, or of a local board or a committee of either of them, where a quorum of members is present and where members discuss or otherwise deal with matters in a way that materially advances the business or decision making of the relevant body;
- (q) "Member" means a Member of the Council, or an alternate appointed under Sections 267 or 268 of the Act while in attendance at the meeting;
- (r) "Members" mean the Members of the Council, including any alternates appointed under Sections 267 or 268 of the Act while in attendance at the meeting;
- (s) "Motion" means a proposal moved by a Member and seconded by another Member, for the consideration of Council or a Committee;
- (t) "Point of Order" means a question raised by a Member drawing attention to the proper application of these procedures;
- (u) "Point of Privilege" means a concern raised regarding the health, safety, rights, and/or integrity of a Member, the Council, a Committee or anyone present at a meeting;
- (v) "Privileged Motion" means any motion which may interrupt the proceedings of a meeting;
- (w) "Recorded Vote" means the making of a record of the name and the vote of each Member who votes on a motion;
- (x) "Regional Chair" means the Head of Council;
- (y) "Regional Corporation" means The Regional Municipality of Durham;
- (z) "Resolution" means a motion that has been adopted by Council;
- (aa) "Rules of Procedure" means the rules set forth in this document;
- (bb) "Subsidiary Motion" means any motion that assists in disposing of a Substantive or Administrative Motion;
- (cc) "Substantive Motion" means any motion that brings business before Council or Committee;

- (dd) "To Defer" means to postpone all discussion or action on a matter until a future date or time, which is established as part of the motion;
- (ee) "To Refer" means to direct a matter under discussion to Council, a Standing Committee, staff, or another Committee for further consideration or review;
- (ff) "To Table" means to postpone a matter without setting a future date or time for consideration and for which consideration may be resumed at any time by a motion to lift from the table;
- (gg) "Two-Thirds Majority Vote" means an affirmative vote of at least two-thirds of the Members present and voting;
- (hh) "Website" means the official internet website of the Regional Corporation.

2. Application & Suspension of Rules

- 2.1 These Rules of Procedure shall be observed in all proceedings at meetings of Council and, where applicable, in Standing Committee or Committee of the Whole meetings.
- 2.2 The Rules of Procedure may be suspended by a Two-Thirds Majority Vote, with the exception of sections 7.10, 7.11, 8 and 9, and any rule which is required to be followed by law.
- 2.3 In any case for which provision is not made in these procedures, the procedure to be followed shall be determined by the Chair, subject to an appeal to Council on a point of order.

3. General Principles

- 3.1 The following general principles shall be observed by all members participating in a meeting, and may be used by a meeting Chair for guidance in determining the appropriate course of action for any matter not addressed in these procedures:
 - (a) The majority of Members have the right to decide;
 - (b) All Members have the right to be heard;
 - (c) All Members have the right to information to help make decisions;
 - (d) All Members have a right to an efficient meeting;
 - (e) All Members have the right to be treated with respect and courtesy; and
 - (f) All Members have equal rights, privileges, and obligations.
- 3.2 Council is the deliberative body from which all decisions and authority

originate. Council may consider any matter without it being first addressed by a Committee, and may withdraw a matter from a Committee at any time for consideration by Council.

4. Powers & Duties of the Regional Chair

4.1 Legislative Duties

- (a) The Regional Chair shall carry out the responsibilities set forth in sections 225 “Role of head of council”, and 226.1 “Head of council as chief executive officer”, in the Act.
- (b) The Regional Chair shall authenticate by their signature all duly adopted by-laws of the Regional Corporation.

4.2 Participation at Meetings

- (a) The Regional Chair shall serve as the Chair of all meetings of Council and Committee of the Whole.
- (b) The Regional Chair shall, by virtue of their office, be a member of all Committees with the same rights and privileges as all other members, including the right to vote and participate in debate, but shall not be eligible to be the Chair or Vice-Chair of a Standing Committee.

4.3 Regional Spokesperson

- (a) The Regional Chair shall act as a spokesperson for the Region and co- ordinate the presentation of the Region's position to the public and to other external public bodies, agencies and organizations.
- (b) The Regional Chair shall represent and support the Council, declaring Council's will and implicitly obeying its decision in all things, and perform other duties when directed to do so by a resolution of Council.

5. Powers & Duties of the Acting Chair

5.1 Appointment

- (a) The Council shall appoint, in alphabetical order of the area municipalities on a rotating basis, the head of each area municipality for a term of three months, to act in the place and stead of the Regional Chair when they are absent, refuses to act

or the office is vacant, as it pertains to the role of presiding at meetings.

5.2 Presiding in Absence of Regional Chair

- (a) While presiding over a meeting of Council, the Acting Chair or Member appointed to preside over a meeting has and may exercise all the rights, powers and authority of the Regional Chair under these procedures.
- (b) The Regional Chair may state relevant facts and the Chair's position or advise on any matter before Council without vacating the chair, but the Acting Chair shall assume the chair when the Regional Chair is temporarily absent from the meeting, is taking part in debate on a motion or is presenting a motion.

5.3 No Alternates as Acting Chair

- (a) At no time shall an Alternate Council Member be permitted to serve as the Acting Chair. If an Alternate Council Member is substituting for the Councillor who is the Acting Chair for that specified period, then the procedures outlined in section 10.2(c) shall be followed.

6. Powers & Duties of the Clerk

6.1 General Duties

- (a) The Clerk shall carry out the responsibilities set forth in section 228 (1) of the Act. The Clerk shall be responsible for the management and coordination of Council, Committee of the Whole, Standing Committees, and special Committee meeting agendas and related resolutions, by-laws, correspondence and records, and allow for public access to the same in accordance with the Act, the Municipal Freedom of Information and Protection of Privacy Act R.S.O. 1990 c. M. 56, and other pertinent legislation.

6.2 Agendas

- (a) For each meeting of Council, Committee of the Whole, Standing Committees, and any special Committees established by Council as required, the Clerk or their designate shall prepare an agenda with a list of the items set out in the order of business for that meeting.

6.3 Minutes

- (a) The Clerk or their designate shall attend all Meetings of Council, Committee of the Whole, Standing Committees, and special Committees as required to take minutes and keep a record of all proceedings, and such minutes shall include at minimum and as applicable:
 - i. the place, date, and time of the meeting;
 - ii. the names of the presiding officer or officers and the record of the attendance of the Members, including the nature of any absences if the Clerk or their designate is advised in advance of the meeting or within 24 hours of the termination of the meeting;
 - iii. the names of senior Regional staff in attendance;
 - iv. the reading, if requested by a majority of Members present and voting;
 - v. any corrections, if necessary;
 - vi. the adoption of the minutes of the previous meeting;
 - vii. any declarations of pecuniary interest; and
 - viii. all other proceedings at the meeting, without note or comment.

6.4 Committee Reports

- (a) The Clerk shall ensure that Standing Committee Reports are put forward such that the recommendations of each Standing Committee may be considered by Council.

6.5 Procedural Advice

- (a) The Clerk or their designate shall provide advice on matters of procedure during a meeting when requested by any Member, including the Chair of a meeting.
- (b) The Clerk or their designate shall assist the Chair of a meeting with proper dispensation of all matters at the meeting.

6.6 Corrections & Administration

- (a) The Clerk shall be authorized to make minor corrections to a by-law that are immaterial in nature and which do not alter the intent of the by-law.
- (b) The Clerk, in consultation with the Regional Solicitor, shall be authorized to repeal by-laws that have exhausted their authority or are otherwise of no further force or effect, and shall do so by by-law.

7. Meetings

7.1 Place of Regular Meetings

- (a) All regular meetings of Council, Committee of the Whole, and Standing Committees shall be held at the Regional Headquarters building, 605 Rossland Road East, Whitby, in the Council Chambers or another meeting room as deemed appropriate by the Clerk.

7.2 Schedule of Regular Meetings

- (a) Regular meetings of Council, Committee of the Whole and Standing Committees shall be held at the hour of 9:30 AM on the day provided in the monthly meeting schedule approved by Council, unless otherwise decided by resolution of Council.
- (b) Where a regular meeting of Council, Committee of the Whole or a Standing Committee is scheduled on the same day as a public or civic holiday, the meeting shall be at the same hour on the next following day that is not a public or civic holiday, unless otherwise provided by resolution.
- (c) No regular meetings of Council, Committee of the Whole or Standing Committees shall be scheduled in the months of July and August, or during any Spring break scheduled for the public elementary and secondary schools in Durham Region.
- (d) No regular meetings of Council, Committee of the Whole or Standing Committees shall be scheduled in the months of September, October, or November of the year of a regular municipal election.

7.3 Public Notice of Regular Meetings

- (a) Pursuant to Section 238 of the Municipal Act, public notice for regularly scheduled Council, Committee of the Whole, and Standing Committee meetings shall be deemed to be given by making the agenda available in the office of the Clerk and by posting on the Region's Website by the Friday preceding the regularly scheduled meeting.
- (b) Notice which is substantively given but is irregular or not otherwise in strict compliance with these procedures shall not invalidate the holding of a meeting or any of the proceedings at a meeting.

7.4 Special Meetings

- (a) A special meeting of Council, Committee of the Whole or a Standing Committee may be called at any time by:
 - 1. The Regional Chair for Council or Committee of the Whole upon written direction to the Clerk stating the date, time, and purpose of the special meeting; or
 - 2. The Committee Chair upon written direction to the Clerk stating the date, time, and purpose of the special meeting, provided, however, that the Committee shall not meet while Council or Committee of the Whole is meeting; or
 - 3. The Clerk upon written request by the majority of the Members of Council or the Committee, for the purpose and at the time mentioned in the request.
- (b) The Clerk shall give all Members written notice of a special meeting at least twenty-four hours before the time appointed for such meeting, and such notice shall be delivered by electronic mail and indicate the nature of the business to be considered at the special meeting and the date, time and location of the meeting. Notice may also be provided by other means deemed appropriate by the Clerk.
- (c) When preparing an agenda for a special meeting, the Clerk may include or exclude any headings in the Order of Business as appropriate for the special meeting.
- (d) No business other than that indicated in the written notice shall be considered at the special meeting except with the unanimous consent of all Members present and voting at such meeting.

7.5 Emergency Meetings of Council

- (a) An emergency meeting of Council may be held, without written notice, to deal with an emergency or extraordinary situation, including issues that may urgently affect the health or safety of residents.
- (b) In the case of an emergency, Council may hold meetings at any convenient location within or outside the municipality, as determined by the Clerk in consultation with the Regional Chair and Chief Administrative Officer.
- (c) The Clerk or their designate shall notify all Members and the public of the emergency meeting and publish an agenda as soon as possible in the most expedient manner available.

- (d) No business other than the business dealing directly with the emergency shall be transacted at the meeting.
- (e) The Chair, in consultation with the Regional Clerk, may exclude members of the public from attending the meeting depending on the nature of the emergency.
- (f) Where circumstances allow, meetings during an emergency will be livestreamed.

7.6 Schedule of Budget Meetings

- (a) Meetings of the Committee of the Whole regarding the budget guideline, Property Tax Supported Business Plans & Budget, Water Supply & Sanitary Sewerage Business Plans & Budget, Property Tax Strategy and Water Supply and Sanitary Sewer User Rates shall be scheduled generally in accordance with the timetable included as Appendix “E” allowing flexibility where required.

7.7 Change of Date, Time or Location of Meetings

- (a) Where the Chair of a meeting considers it necessary to change the date, time, or location of a scheduled meeting, the Chair shall direct the Clerk to ascertain the views of the Members via electronic mail concerning the proposed change.
- (b) Where the Clerk ascertains that a majority of the Members have no objection to the proposed change, the Clerk shall notify the Chair in writing and give written notice of the change to all Members at least twenty-four hours before any newly selected time for such meeting.
- (c) Notice of any new date, time, or location of a meeting shall be given by electronic mail and may also be provided by other means deemed appropriate by the Clerk.

7.8 Cancellation of Meetings

- (a) A regular, special or emergency meeting of Council, Committee of the Whole, a Standing Committee or special Committee may be cancelled in any of the following circumstances:
 - i. If the Clerk determines in advance that quorum will not be achieved;
 - ii. If the meeting is cancelled by Council resolution, or Committee resolution in the case of a Standing Committee;

- iii. If the meeting is not required as determined by the Clerk due to a lack of forecasted agenda items; or
 - iv. In the event of exceptional circumstances including inclement weather, at the discretion of the Regional Chair in consultation with the Clerk.
- (b) The Clerk shall give notice of the cancellation of a meeting to all Members of Council as soon as possible before the time appointed for the meeting, and such notice shall be by electronic mail. Notice may also be provided by other means deemed appropriate by the Clerk in case of an emergency.

7.9 **Addendum**

- (a) The Clerk may amend the agenda for a scheduled Council, Committee of the Whole or Standing Committee meeting by way of an addendum.
- (b) The addendum shall only include additional items related to matters already on the agenda, or new items that in the opinion of the Clerk, in consultation with the Chief Administrative Officer, are time sensitive in nature.
- (c) The addendum shall be published no later than 4:00 p.m. on the day preceding the meeting, unless the day preceding the meeting is a Saturday, Sunday or statutory holiday in which case the addendum shall be published no later than 9:00 a.m. on the day of the meeting.
- (d) Notice shall be deemed to have been given for all matters added to an agenda via an addendum.

7.10 **Duties of Meeting Chair**

- (a) It shall be the duty of the Chair of a meeting to:
 - i. open the meeting by calling the Members to order;
 - ii. receive and submit all motions presented for consideration;
 - iii. put to vote all duly moved and seconded motions, and to announce the result;
 - iv. decline to put to vote any motions which infringe upon the Rules of Procedure or which are beyond the jurisdiction of Council;
 - v. restrain the Members when engaged in debate, within the Rules of Procedure;
 - vi. enforce on all occasions the observance of order and decorum by the Members and any other persons present at the meeting;

- vii. call by name any Member persisting in breach of the Rules of Procedure and to order the Member to vacate the meeting if necessary;
- viii. authenticate by their signature all resolutions and minutes of the meeting over which they preside;
- ix. decide on any points of order or privilege as necessary;
- x. if the Chair considers it necessary because of grave disorder, to adjourn a meeting without a matter being put to vote, or recess a meeting for a time specified by the Chair; and
- xi. to ensure that no person except a Member, officer or employee of the Regional Corporation is permitted to enter upon the floor of the Chamber during a meeting without permission of the Chair or the Members.

7.11 Electronic Participation

- (a) Electronic participation is permitted for a member of Council, of a local board or of a committee of either of them in accordance with Section 238 (3.1) of the Act. This includes but is not limited to Advisory Committees, Standing Committees, Committee of the Whole, Regional Council and local board meetings.
- (b) Members participating electronically shall count towards determining whether a quorum of members is present and may participate in Closed Meetings.
- (c) Electronic participation is permitted for all Staff, including the Clerk and their designates.
- (d) Delegates may participate electronically on request if the Clerk is of the opinion that the delegation can be facilitated electronically. All regular rules for delegations shall apply to delegates participating electronically.
- (e) The Clerk, in consultation with the Regional Chair, shall establish practices and procedures for electronic participation.

7.12 Recording, Broadcasting and Livestreaming

- (a) Meetings may be audio or video recorded, broadcast and/or livestreamed publicly by the Region, except for Closed Meetings.
- (b) Meeting attendees may record all or portions of open meetings, provided that doing so is not disruptive to the meeting or other attendees.

8. Closed Meetings

- 8.1 A meeting or part of a meeting may be closed to the public if the subject matter being considered is a matter permitted to be considered in a Closed Meeting in accordance with Section 239(2) of the Act, or for the education or training Members and no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council.
- 8.2 A meeting or part of a meeting shall be closed to the public if the subject matter being considered is a request under the Municipal Freedom of Information and Protection of Privacy Act, or an on-going investigation respecting the municipality, a local board, or a municipally-controlled corporation by the Ombudsman appointed under the Ombudsman Act, an Ombudsman referred to in subsection 223.13(1) of the Municipal Act, or the investigator referred to in subsection 239.2(1).
- 8.3 Before holding a meeting or part of a meeting that is to be closed to the public, a motion to proceed into a Closed Meeting shall be adopted stating the fact of the holding of the Closed Meeting and the provision of the Act which authorizes the meeting to be closed to the public.
- 8.4 A meeting shall not be closed to the public during the taking of a vote, except where a Closed Meeting is permitted under these procedures and the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Regional Corporation or persons retained by or under a contract with the Regional Corporation.
- 8.5 At the conclusion of a closed meeting, a motion to rise from the closed meeting and proceed into an open meeting shall be adopted.
- 8.6 The verbal communications of Members which are made during closed meetings shall be confidential, and the disclosure, recording or transcribing of such communications is prohibited. Any person found by the Chair of a meeting to be in contravention of this section shall be reprimanded and ordered to vacate the meeting, but if a Member apologizes to the Members present, disengages the transcribing device and erases the recording or transcription, they may, by vote of the Members present, be permitted to retake their seat.
- 8.7 Should a report be issued by a Closed Meeting Investigator which finds that a meeting or part of a meeting that was the subject of an investigation by that person appears to have been closed to the public contrary to section 239 of the Act or to these procedures, Council shall pass a resolution advising how it intends to address the report.

9. Quorum

9.1 Quorum Requirements

- (a) Fifteen Members of the Council representing at least four area municipalities are necessary to form a quorum for a meeting of Council.
- (b) Fifteen Members are necessary to form a quorum for Committee of the Whole.
- (c) Four Members are necessary to form a quorum for Standing Committees, and the Regional Chair may be included to form a quorum.

9.2 Absence of Quorum

- (a) If a quorum is not present within thirty minutes after the time appointed for a meeting, the Clerk or their designate shall record the names of the Members present and the meeting shall stand adjourned until the date of the next regular meeting or other meeting called in accordance with the provisions of these procedures.

9.3 Lost Quorum

- (a) If quorum is lost during the course of a meeting, the Chair may recess the meeting to determine if a quorum can be found. If a quorum is not found, the meeting shall stand adjourned and any unfinished business will be taken up at the next regular meeting or other meeting called in accordance with the provisions of these procedures.

10. Council Proceedings

10.1 Order of Business

- (a) The order of business for regular meetings of Council shall be as follows:
 - 1. Call to Order & Traditional Territory Acknowledgement
 - 2. Roll Call
 - 3. Declarations of Pecuniary Interest
 - 4. Adoption of Minutes
 - 5. Presentations
 - 6. Delegations
 - 7. Communications

8. Reports Related to Delegations/Presentations
9. Committee Reports
 - Finance and Administration
 - Health and Social Services
 - Planning and Economic Development
 - Works
 - Committee of the Whole
10. Departmental Reports & Other Resolutions
11. Notice of Motions
12. Unfinished Business
13. Announcements
14. By-laws
15. Confirming By-law
16. Adjournment

- (b) All business shall be taken up in the order in which it appears on an agenda unless otherwise decided by Council.

10.2 **Call to Order & Traditional Territory Acknowledgment**

- (a) As soon after the scheduled start time for the meeting has passed, the Regional Chair shall call the Members to order.
- (b) If the Regional Chair does not attend a meeting of Council within fifteen minutes after the time appointed, the Acting Chair shall call the Members to order and shall preside until the arrival of the Regional Chair.
- (c) If neither the Regional Chair or the Acting Chair are present at the meeting within fifteen minutes after the time appointed, the Clerk shall call the meeting to order and the Members present shall appoint a Member who shall preside until the arrival of the Regional Chair or Acting Chair.

10.3 After calling the meeting to order, the Traditional Territory Acknowledgment shall be read by the Chair at the start of every Council meeting.

10.4 **Roll Call**

- (a) The Clerk or their designate shall conduct a roll call of all members to confirm that a quorum of members is present before proceeding with the meeting.
- (b) After returning from a recess, the Clerk or their designate shall conduct a further roll call prior to resuming the meeting to confirm that a quorum of members is present.

10.5 Declarations of Pecuniary Interest

- (a) Where a Member has a pecuniary interest as defined in the Municipal Conflict of Interest Act, the Member shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof and shall not take part in the discussion of or vote on any motion in respect of the matter and shall not attempt in any way whether before, during or after the meeting to influence the voting on any such matter.
- (b) Where the meeting is not open to the public, in addition to declaring the conflict, the member shall leave the meeting or the part of the meeting during which the matter is under consideration except if the matter under consideration is whether to suspend the remuneration paid to a member under section 223.4 (5) or (6) of the Municipal Act, the member may take part in the discussion of the matter, including making submissions to Council and may attempt to influence the voting on any motion in respect of the matter, however, the member is not permitted to move, second, or vote on any motion in respect of the matter.
- (c) Where a member is absent from a meeting which includes a matter on which they have a pecuniary interest, the Member shall disclose the interest at the next meeting attended by the Member.
- (d) The Clerk shall record any declarations of interest made by a Member in the meeting minutes, noting the matter and the general nature of the declaration.
- (e) Any verbal declarations made under section 10.4 shall also be submitted in writing to the Clerk using the prescribed form and shall be made available in the office of the Clerk and through an online registry.

10.6 Adoption of Minutes

- (a) Minutes of the last regular meeting of Council and of all special, closed or Committee of the Whole meetings held more than three business days prior to the agenda distribution are included in the next regularly scheduled Council agenda to be considered for adoption.
- (b) Minutes of previous meetings may be adopted without having been read at the meeting at which their adoption is considered.

10.7 Presentations

- (a) Presentations may be permitted at the request of the Regional

Chair, Council, Standing Committees, or Regional staff. Other than presentations related to a report on the agenda, presentations shall be limited to 10 minutes in length.

- (b) Presenters shall be limited to Regional staff, outside agencies, organizations, or consultants retained by the Region, or external guests invited by the Region.
- (c) Presentations shall be limited to:
 - i. Programs, policies and practices of the Region;
 - ii. Matters already on the agenda; and
 - iii. Awards or recognitions.
- (d) Presentation requests shall be submitted to the Clerk not later than Wednesday noon the week prior to the meeting.

10.8 Delegations

- (a) Requests to delegate shall be submitted in writing in a form or manner deemed acceptable by the Clerk.
- (b) Delegations shall be directed to the appropriate Committee of Council.
- (c) Delegations shall not appear at a Committee of the Whole meeting unless the matter is already included on the agenda.
- (d) Delegations shall only be permitted at a Council meeting for matters that are not first considered by a Committee of Council.
- (e) Requests to delegate on a matter that is not already on an agenda shall be submitted no later than Wednesday noon of the week prior to the meeting and shall be directed to the appropriate Committee of Council. Requests received after this deadline shall be placed on the agenda of the next regular meeting of the appropriate Committee of Council.
- (f) Requests to delegate on a matter that is on a published agenda shall be submitted no later than noon the day preceding the meeting and added to the agenda via addendum.
- (g) Written requests to delegate shall not be required for statutory public meetings required under any Act or any other legislation as required, but delegates are still encouraged to submit a written request in advance of the meeting.

- (h) Delegations related to the following subjects shall not be permitted:
 - i. labour relations matters;
 - ii. ongoing legal proceedings;
 - iii. insurance claims;
 - iv. solicitation of business;
 - v. council training and education sessions; and
 - vi. Regional administrative processes, including but not limited to contract awards and billing discrepancies/issues.
- (i) Delegations may only appear once on a matter within six (6) months, unless the matter is included on the agenda for a meeting.
- (j) Delegates shall speak for no more than five (5) minutes. The time for a delegation may be extended by a 2/3rds vote in accordance with section 15.20.
- (k) Delegates shall be requested to submit a written copy of their comments and any supporting presentation materials by 12:00 PM of the day before the meeting, in order to circulate the material to Members prior to the meeting and for the purposes of public record.
- (l) Questions to delegates shall be for seeking clarification or additional information, not to expand the scope of the delegate's remarks or for adding the Member's own statement or position through the delegation. Questions such as "are you aware" and "did you know" shall be out of order, subject to the discretion of the Chair.

10.9 **Communications**

- (a) Communications intended to be presented to Council shall:
 - i. include the author's full name (first and last) and municipal address;
 - ii. be legibly written or printed;
 - iii. not contain any improper matter or language; and
 - iv. be filed with the Clerk.
- (b) Where an item of correspondence is received and the subject matter pertains to an item on an agenda for a Council or Committee meeting, the correspondence shall be added to the agenda via addendum for the applicable meeting if received by the Clerk by noon the day preceding the meeting.

- (c) Communications from a lower-tier municipality within the Regional Municipality of Durham requesting or requiring action by Council shall be included on the next agenda of the appropriate Committee of Council as determined by the Clerk.
- (d) Communications which in the opinion of the Clerk require action by Council shall be included on a Council or Committee agenda under Communications and shall include a recommendation for disposal.
- (e) Items of Correspondence not pertaining to a subject matter or item on a Council or Committee meeting agenda may be included in the Council Information Package in accordance with section 11.
- (f) Where the Clerk receives multiple copies of correspondence containing the same or similar information (such as a form letter or petitions), the Clerk may include one copy of the correspondence in the agenda and provide a summary of the remainder received.
- (g) The Clerk may summarize any communications to be included on a Council or Committee agenda, and any Member of Council or the public shall be granted access to the originally submitted communication upon request.

10.10 Reports Related to Presentations/Delegations

- (a) If a delegation or presentation is received at a meeting in relation to an item on a Committee Report to Council, that item shall be separated from the Committee Report and brought forward in the order of business to this section on the agenda.

10.11 Committee Reports

- (a) Committee Reports shall be presented to Council and shall contain all recommendations from the relevant Standing Committee for Council's consideration.
- (b) The relevant Committee Chair shall present the report from their Committee. In the absence of the Committee Chair, the Vice-Chair shall present the report.
- (c) Council may make any decision with respect to any or all items included on a Committee Report.
- (d) Following disposition of each Committee Report, Members of Council shall be permitted to question the Committee Chair on matters not otherwise included in the minutes of the Committee meeting or the Report of such Committee, subject to the following

limitations:

- i. Questions to the Committee Chair shall be submitted in writing to the Clerk prior to the beginning of the meeting. Subsequent questions at a meeting arising from discussion of submitted questions shall be in order.
- ii. Requests for substantive gathering of information or the preparation of reports from staff shall require the approval of a majority of the Members present at a meeting and such requests shall identify the appropriate Department and the objective(s) of the report.

10.12 Departmental Reports & Other Resolutions

- (a) Departmental reports shall be presented to the Committee of Council responsible for the matter, unless there is a legislated requirement or a resolution of Council directing the matter to come directly to Council.
- (b) Departmental reports of an urgent nature which have not been considered by a Committee of Council shall be listed under this section of the agenda for Council's consideration, at the discretion of the Clerk in consultation with the Regional Chair and Chief Administrative Officer.
- (c) A Department Head may request that the Clerk include an information report on the appropriate Committee agenda for discussion.
- (d) The Clerk may include additional resolutions and recommendations from other sources that report through Regional Council as necessary.

10.13 Unfinished Business

- (a) Tabled matters shall be noted, including the date of their first appearance on the agenda, and shall be repeated on each subsequent agenda until dealt with or removed from the agenda by majority vote of Council.

10.14 Announcements

- (a) Announcements by Members shall be limited to two minutes each and shall not be recorded in the minutes.

10.15 By-Laws

- (a) No by-law shall be presented to Council unless the subject matter thereof has been considered and approved by Council or a Committee to which Council has delegated authority, except:
 - 1. A by-law to confirm the proceedings of Council;
 - 2. Tile Drainage By-laws prepared under the Tile Drainage Act;
 - 3. A by-law arising as the result of an order or decision of any judicial or quasi-judicial body;
 - 4. A by-law to appoint acting/chief building officials and sewage system inspectors; or
 - 5. A by-law to dedicate any lands acquired by the Regional Municipality of Durham for road widening purposes, to form part of the Regional Road system.
- (b) Every by-law which has been passed by the Council or under an authority delegated by Council shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by the Regional Chair and the Clerk and shall be deposited by the Clerk in their office for safekeeping.

11. Council Information Package

11.1 Publication Schedule

- (a) The Clerk shall prepare a Council Information Package listing all items received by the Clerk for information of Council, which shall be delivered electronically to all Members every Friday and posted on the Region's Website.

11.2 Contents

- (a) The Council Information Package shall include:
 - i. Departmental Reports for information, including early release reports;
 - ii. Items of Correspondence not pertaining to a subject matter or item on a Council or Committee meeting agenda;
 - iii. Items of Correspondence and Memoranda prepared by regional staff that are addressed to all Members;
 - iv. Minutes of Advisory Committees; and
 - v. Any other items of correspondence deemed appropriate by the Clerk.

11.3 Limitations

- (a) Correspondence related to labour relations, ongoing legal

proceedings, insurance claims, solicitation of business, or scheduled council training and education sessions shall not be included on the Council Information Package.

- (b) Where the Clerk receives multiple copies of correspondence containing the same or similar information (such as a form letter or petitions), the Clerk may include one copy of the correspondence and provide a summary of the remainder received.
- (c) The Clerk may summarize any communications and any Member of Council or the public shall be granted access to the originally submitted communication upon request.

11.4 Items pulled to Standing Committee or Council

- (a) A Member of Council may request in writing to the Clerk that any item from the Council Information Package be included on the next agenda of the appropriate Committee of Council as determined by the Clerk in consultation with the Member of Council. The item will be included on the agenda of the next regularly scheduled meeting of the appropriate Committee of Council if submitted to the Clerk not later than noon the day prior to the meeting.
- (b) Where there are no further Committee meetings prior to a scheduled break in regular meetings, items from the Council Information Package pulled by Members may be included on the next agenda of Council prior to the scheduled break.

12. Rules of Discussion

- 12.1 No Member shall be deemed to have precedence or seniority over any other Member.
- 12.2 Before speaking to a matter or motion, a Member shall address the Chair and speak through the Chair.
- 12.3 When two or more Members wish to speak, the Chair shall recognize the Member who, in the opinion of the Chair, first signified their intention to speak.
- 12.4 When a Member is speaking, no other Member shall interrupt that Member except to raise a point of order or point of privilege.
- 12.5 A Member may require a motion under discussion to be read at

any time during the debate but not so as to interrupt a Member who is speaking.

- 12.6 No Member shall speak more than once to the same matter, but a reply may be made by a Member who has been asked a question.
- 12.7 No Member shall speak to the same matter for longer than five minutes. Responses to questions posed by a Member shall not deduct from the time allotted to each Member to speak.
- 12.8 Discussion with respect to a matter that is outside the jurisdiction of Council shall be out of order.

13. Conduct at Meetings

- 13.1 No Member of Council, Staff, or member of the public shall:
 - (a) speak disrespectfully of the Reigning Sovereign, of any member of the Royal Family, of the Governor-General of Canada, of the Lieutenant- Governor of any Province, of any Member of Senate or of any elected assembly;
 - (b) use offensive words or unparliamentary language in or against the Council or against any Member, or any officer or employee of the Regional Corporation;
 - (c) speak in a manner that is discriminatory in nature based on an individual's race, ancestry, place of origin, ethnic origin, citizenship, creed, gender, sexual orientation, age, colour, marital status, family status, or disability.
 - (d) speak on any subject other than the subject in debate;
 - (e) disobey the Rules of Procedure or a decision of the Chair or of the Council on questions of order or procedure or upon the interpretation of the Rules of Procedure; and in case a Member persists in any such disobedience after having been called to order by the Chair, the Chair shall forthwith order them to vacate the meeting, but if the Member apologizes they may, by vote of the Council, be permitted to rejoin the meeting;
- 13.2 Members are expected to dress in formal business attire during Council meetings, whether participating in-person or virtually. Formal business attire consists of professional clothing that is more formal than business casual attire (e.g. suit pants/skirt/jacket, collared shirts or blouses, tie, dress with a blazer, dress shoes)

- 13.3 No person except a Member, officer or employee of the Regional Corporation shall be permitted to enter upon the floor of the Chamber during the sitting of the Council without permission of the Chair or the Council.
- 13.4 Food and drink shall be permitted in a meeting, provided that the consumption of any food or drink is not disruptive to the proceedings.

14. Points of Order and Privilege

14.1 Point of Order

- (a) Where a Member has a question with respect to the proper application of these procedures in a meeting, they may without notice rise with the consent of the Chair for the purpose of raising a point of order, and the following procedure shall be followed:
- i. The point of order shall be considered and decided by the Chair immediately.
 - ii. After the Chair has decided the point of order, any Member may appeal to the Council from the Chair's decision. If no Member appeals, the decision of the Chair is final.
 - iii. If a Member appeals to Council on a point of order, Council shall hear the reason for the appeal from the appellant and the reason for the decision from the Chair, and shall decide the matter without debate.
 - iv. The decision of Council on a point of order is final.

14.2 Point of Privilege

- (a) Where a Member considers that the health, safety, rights and/or the integrity of a member, anyone present at the meeting, or the Committee or Council as a whole has been impugned, they may without notice rise with the consent of the Chair for the purpose of raising a point of privilege, and the following procedure shall be followed:
- i. The point of privilege shall be considered and decided by the Chair immediately.
 - ii. The decision of the Chair on a point of privilege is final.

15. Motions

15.1 Motions in Writing

- (a) Except as otherwise provided in these procedures, a motion shall

be in writing and must indicate the names of the mover and seconder.

15.2 Notice of Motion

- (a) Where a Member wishes to introduce a motion that requires notice, such notice shall be given in writing by the mover and seconder, either:
 - 1. at a meeting of Council, but shall not be debated until the next regular meeting of Committee of the Whole; or
 - 2. provided to the Clerk not later than Wednesday noon the week prior to the Committee of the Whole meeting at which the motion is to be introduced.
- (b) Where notice of motion has been given by a Member, the motion shall be included in the agenda for the next regular meeting of Committee of the Whole as a Members Motion, and for one additional meeting if not proceeded with at the first meeting, and if not proceeded with by the second meeting it shall be dropped from subsequent agendas unless Council decides otherwise.
- (c) When a Notice of Motion has been submitted and there are no other Agenda items for the Committee of the Whole meeting, the Motion may be added to the next regular Council meeting Agenda under Departmental Reports and Other Resolutions.
- (d) Where a motion that requires notice is recommended to Council through a Departmental Report, a Committee Report, or otherwise printed in the agenda for a meeting, notice shall be deemed to have been given.

15.3 Seconding

- (a) A motion shall be formally seconded before the presiding officer calls a vote on the motion or before a motion is recorded in the minutes.

15.4 Presentation of Motion

- (a) When a motion is presented to Council in writing, it shall be read, or, if it is a motion which may be presented orally, it shall be stated by the member moving the motion before debate.

15.5 Motions Beyond Jurisdiction of Council

- (a) A motion in respect of a matter which is beyond the jurisdiction of

Council shall not be in order.

15.6 Withdrawal of Motion

- (a) After a motion is read or stated by the member it shall be deemed to be in possession of Council but may be withdrawn at any time by the mover or seconder before the motion is put to a vote. If a mover or seconder wishes to withdraw the motion, the Chair shall ask if another Member wishes to move or second the motion before it is considered withdrawn.

15.7 Disposition of Motions

- (a) A Substantive Motion properly before Council must receive disposition before any other Substantive Motion can be introduced.
- (b) Any number of matters may be introduced together in one Substantive Motion, but Council shall at the request of a Member pull a matter to deal with it separately with any matter included within the Substantive Motion.

15.8 Motion to Receive for Information

- (a) A motion to receive a matter for information:
 - i. may be moved or seconded by any Member;
 - ii. shall not require notice to be introduced;
 - iii. may be submitted orally;
 - iv. may be debated;
 - v. may be amended;
 - vi. may include additional instructions, and such instructions shall be submitted in writing;
 - vii. shall not be considered a Substantive Motion unless the motion contains additional instructions;
 - viii. shall require a Majority Vote to be adopted;
 - ix. if adopted, shall require that debate on the matter cease and the meeting proceed to the next item of business.
- (b) Where Council or a Committee has adopted a resolution to receive a matter for information, further motions pertaining to that matter may be introduced at a later time without requiring a motion to reconsider, unless the resolution to receive for information contained additional instructions.

15.9 Motion to Amend

- (a) A motion to amend another motion at a meeting:

- i. may be moved or seconded by any Member;
- ii. shall not require notice to be introduced;
- iii. shall be submitted in writing;
- iv. shall not be contrary to the purpose of the motion it seeks to amend, and shall be germane to that motion;
- v. may be debated;
- vi. may only be considered one at a time;
- vii. may itself be amended, however only one amendment to an amendment may be considered at a time;
- viii. shall require a Majority Vote to be adopted; and
- ix. if resolved in the affirmative, shall require that consideration of the motion continue as amended.

15.10 **Motion to Call the Vote**

(a) A motion that a vote on the matter be now taken:

- i. may be moved or seconded by any Member who has not already spoken on the matter;
- ii. shall not require notice to be introduced;
- iii. may be submitted orally;
- iv. shall not be debated;
- v. shall not be amended;
- vi. shall not include additional instructions;
- vii. may be proposed with respect to any motion currently under consideration by Council;
- viii. may be made only by a Member who is recognized by the Chair and is on the Chair's list of Members wishing to speak to the motion;
- ix. shall require a Two-Thirds Majority Vote to be adopted; and
- x. if adopted, shall require that the motion be put to a vote immediately without further debate.

15.11 **Motion to Refer**

(a) A motion to Refer a matter:

- i. may be moved or seconded by any Member;
- ii. shall not require notice to be introduced;
- iii. may be submitted orally;
- iv. may be debated;
- v. may be amended;
- vi. may include additional instructions, and such instructions shall be submitted in writing;
- vii. shall require a Majority Vote to be adopted; and
- viii. if resolved in the affirmative, shall require that

consideration of the motion immediately cease and the meeting proceed to the next item of business.

15.12 Motion to Defer

(a) A motion to Defer a matter:

- i. may be moved or seconded by any Member;
- ii. shall not require notice to be introduced;
- iii. may be submitted orally;
- iv. may be debated;
- v. may be amended;
- vi. shall include the time and place to which the matter is proposed to be deferred;
- vii. shall not include additional instructions;
- viii. shall require a Majority Vote to be adopted; and
- ix. if resolved in the affirmative, shall require that consideration of the motion immediately cease and the meeting proceed to the next item of business, and the matter shall be added to the agenda of the future meeting to which it was deferred.

15.13 Motion to Table

(a) A motion to Table a matter:

- i. may be moved or seconded by any Member;
- ii. shall not require notice to be introduced;
- iii. may be submitted orally;
- iv. shall not be debated;
- v. shall not be amended;
- vi. shall not include additional instructions;
- vii. shall require a Majority Vote to be adopted; and
- viii. if adopted, shall require that consideration of the motion immediately cease and the meeting proceed to the next item of business, and the matter shall be added to the Unfinished Business section of future agendas until lifted from the table.

15.14 Motion to Divide

(a) A motion to divide a motion:

- i. may be moved or seconded by any Member;
- ii. shall not require notice to be introduced;
- iii. may be submitted orally;
- iv. shall not be debated;
- v. shall not be amended;

- vi. shall not include additional instructions;
- vii. may propose that one or more clauses in a motion be voted upon separately;
- viii. shall require a Majority Vote to be adopted; and
- ix. if adopted, shall allow for debate and voting on each clause of the motion to proceed as specified in the dividing motion, and will be voted upon in an order to be determined by the Chair.

15.15 **Motion to Reconsider**

- (a) A motion to reconsider a previous resolution:
 - i. may be moved or seconded by any Member;
 - ii. shall require notice to be given in accordance with section 15.2(a);
 - iii. shall be submitted in writing;
 - iv. may be debated;
 - v. may be amended;
 - vi. shall not include additional instructions;
 - vii. shall only be made with respect to reconsidering a Substantive Motion;
 - viii. may seek to reconsider all or only a portion of a Substantive Motion;
 - ix. shall only be considered by Council or the Committee that originally adopted the resolution to be reconsidered;
 - x. shall require a Two-Thirds Majority Vote to be adopted if the resolution to be reconsidered was adopted within the last twelve months;
 - xi. shall not be required to reconsider a resolution that was adopted more than twelve months prior; and
 - xii. if decided in the affirmative, shall require that reconsideration of the matter become the next item of business.
- (b) No discussion of the Substantive Motion shall be allowed unless and until the motion to reconsider is adopted.
- (c) If a Substantive Motion is reconsidered, all previous decisions of Council with respect to the Substantive Motion shall remain in force unless Council decides otherwise.

15.16 **Motion to Re-Introduce a Defeated Motion**

- (a) A motion to re-introduce a previously defeated motion:
 - i. may be moved or seconded by any Member;
 - ii. shall require notice to be given in accordance with section

- 15.2(a);
- iii. shall be submitted in writing;
- iv. may be debated;
- v. shall not be amended;
- vi. shall not include additional instructions;
- vii. shall only be considered by Council or the Committee that originally defeated the motion;
- viii. shall require a Majority Vote to be adopted if the motion to be re- introduced was defeated within the current term of Council;
- ix. shall not be required to re-introduce a motion that was defeated during a previous term of Council; and
- x. if decided in the affirmative, requires that consideration of the re- introduced motion shall become the next item of business.

15.17 **Motion to Rescind**

- (a) A motion to rescind a previous resolution of Council:
 - i. may be moved or seconded by any Member;
 - ii. shall require notice to be given in accordance with section 15.2(a);
 - iii. shall be submitted in writing;
 - iv. may be debated;
 - v. may be amended;
 - vi. shall not include additional instructions;
 - vii. may seek to rescind all or only a portion of a Substantive Motion;
 - viii. shall only be considered by Council or the Committee that originally adopted the resolution;
 - ix. shall require a Two-Thirds Majority Vote to be adopted if the resolution to be rescinded was adopted within the current term of Council;
 - x. shall require a Majority Vote to be adopted if the resolution to be rescinded was adopted during a previous term of Council; and
 - xi. if decided in the affirmative, requires that the rescinded resolution previously adopted by Council is immediately of no further force or effect.

15.18 **Motion to Change the Order of Business**

- (a) A motion to change the order of business on an agenda:
 - i. may be moved or seconded by any Member;
 - ii. shall not require notice to be introduced;

- iii. may be introduced orally;
- iv. shall not be debated;
- v. may be amended, and such amendments shall not be debated;
- vi. shall not include additional instructions;
- vii. shall require a Majority Vote to be adopted; and
- viii. if adopted, shall require that the Chair of the meeting address matters on the agenda in accordance with the amended order of business.

15.19 **Motion to Suspend the Rules of Procedure**

(a) A motion to suspend the rules of procedure:

- i. may be moved or seconded by any Member;
- ii. shall not require notice to be introduced;
- iii. may be introduced orally;
- iv. shall not be debated;
- v. shall not be amended;
- vi. shall not include additional instructions;
- vii. shall require a Two-Thirds Majority Vote to be adopted; and
- viii. if adopted, shall require the Chair of the meeting to observe and enforce the rules of procedure as altered by the resolution.

15.20 **Motion to Extend the Time for a Delegation**

(a) A motion to extend the time allowed for a delegation:

- i. may be moved or seconded by any Member;
- ii. shall not require notice to be introduced;
- iii. may be introduced orally;
- iv. shall not be debated;
- v. shall not be amended;
- vi. shall specify the length of the time extension;
- vii. shall require a Two-Thirds Majority Vote to be adopted;
- viii. If adopted, shall require the Chair of the meeting to permit the delegation to continue for the specified length of extended time.

15.21 **Motion to Recess**

(a) A motion to recess a meeting:

- i. may be moved or seconded by any Member;
- ii. shall not require notice to be introduced;
- iii. may be introduced orally;

- iv. shall not be debated;
- v. may be amended, and such amendments shall not be debated;
- vi. shall specify the amount of time the meeting shall stand recessed;
- vii. shall not include additional instructions;
- viii. shall require a Majority Vote to be adopted; and
- ix. if resolved in the affirmative, requires that the Chair declare a recess and state the time that the meeting is scheduled to resume.

15.22 **Motion to Adjourn**

- (a) A motion to adjourn a meeting:
 - i. may be moved or seconded by any Member;
 - ii. shall not require notice to be introduced;
 - iii. may be introduced orally;
 - iv. shall not be debated;
 - v. shall not be amended;
 - vi. shall not include additional instructions;
 - vii. shall be in order except:
 - (a) when a Member is speaking or during the taking of a vote;
 - (b) immediately following the affirmative resolution of a motion that a vote on the matter be now taken; and
 - (c) when a Member has already indicated to the Chair that they wish to speak on the matter.
 - viii. shall require a Majority Vote to be adopted;
 - ix. if resolved in the negative, shall not be made again until Council has conducted further proceedings; and
 - x. if resolved in the affirmative, shall require that the meeting be adjourned immediately.

16. **Voting**

16.1 **Majority Rules**

- (a) Except as otherwise provided in these procedures, the concurring votes of a majority of Members present and voting are necessary to carry any motion or other measure.

16.2 **Members Present Shall Vote**

- (a) When a motion is put to a vote, every Member present at a meeting, including the Chair, shall vote thereon unless prohibited

by statute or by these procedures.

- (b) If a Member that is present does not vote when a motion is put, they shall be deemed to have voted in the negative, except where the Member is prohibited from voting.

16.3 Procedures During Voting

- (a) When the Chair calls for a vote on a motion, each Member who is attending the meeting in-person shall occupy their seat and shall remain there, and no Member shall speak or make any other noise or disturbance until the result of the vote has been declared by the Chair.
- (b) After the Chair calls a vote on a motion, no Member shall speak to the motion nor shall any other motion be made until after the vote is taken and the result has been declared.

16.4 Members Considered Absent

- (a) A Member attending the meeting in-person who is not in their seat when the Chair calls the vote on a motion is considered absent and is not entitled to vote on that motion.

16.5 Tied Vote

- (a) Where a vote is taken and a tie results, the motion shall be deemed to have been decided in the negative.

16.6 Unrecorded Vote

- (a) The manner of determining the outcome of an unrecorded vote shall be at the discretion of the Chair of the meeting.

16.7 Recorded Vote

- (a) When a recorded vote is requested by a Member or is otherwise required, the Clerk shall record the name and vote of every Member on the motion.
- (b) A recorded vote shall be in order at all meetings and may be requested before or immediately after the taking of the vote. If a Member disagrees with the announcement of the Chair on an unrecorded vote that a motion is carried or defeated, they may immediately object to the Chair's declaration and require that a recorded vote be taken on the motion.
- (c) Members shall use electronic voting equipment for the purpose of

recording their vote if available.

- (d) The result of the recorded vote shall be displayed once voting has closed and then declared by the Chair.
- (e) Should Council or Committee meet in a location where there is no electronic voting system or should the electronic voting system be inoperable:
 - i. The order in which Members vote on recorded votes shall be in alphabetical order of the Members present and voting (with necessary modifications made for alternate members), commencing and continuing through the alphabet with the Member who made the request and then back to the beginning of the alphabet, if necessary, until all Members have voted, save and except the Chair who shall vote last;
 - ii. If a request is made by the Chair for a recorded vote, the order in which Members vote shall be in alphabetical order of the Members present and voting, save and except for the Chair who shall vote first.

17. Standing Committees

17.1 Composition

- (a) There shall be four Standing Committees of Council:
 - i. The Finance and Administration Committee;
 - ii. The Health and Social Services Committee;
 - iii. The Planning and Economic Development Committee; and
 - iv. The Works Committee.
- (b) Each of the Standing Committees shall be composed of seven Members, not including the Regional Chair.
- (c) Council may at any time appoint a special Committee to enquire into and report on any matter.
- (d) All members may meet as a Committee of the Whole and when so doing shall follow the Terms of Reference in Appendix F and the Committee procedures defined herein.

17.2 Mandate & Authority

- (a) Matters of business shall be first addressed at the appropriate

Standing Committee in accordance with their Terms of Reference included as Appendix “F”, before any recommendations from the Standing Committee pertaining to the matter are considered by Council.

- (b) Standing Committees may refer, defer, table, or receive a matter for information without recommendation to Council, including referring a delegation to Council. Notwithstanding this provision, Standing Committees may also recommend that Council refer, defer, table, or receive a matter for information.
- (c) Where any statute confers a right to be heard by Council before the passing of a by-law, or where Council by statute is required to hold a public meeting before the passing of a by-law, such a meeting or hearing may be held at the Committee having jurisdiction over the subject matter of the by-law.

17.3 Presiding Officers

- (a) The Regional Chair shall preside over Committee of the Whole meetings or may appoint the head of a local area municipality to preside as Chair. If the Regional Chair has not appointed a Chair, and is absent, then the Acting Chair shall preside over a meeting of Committee of the Whole. In the absence of both the Regional Chair and Acting Chair, another Member of the Committee shall be appointed by a Majority Vote to preside over the meeting.
- (b) For Standing Committees, the Committee Chair shall preside at the meeting of a Committee. In the absence of the Committee Chair, the Committee Vice-Chair shall preside at the meeting. In the absence of both the Committee Chair and Vice-Chair, another Member of the Committee shall be appointed by a Majority Vote to preside over the meeting.
- (c) Standing Committee Chairs shall have the same rights and privileges as all other Committee Members, including the right to vote and participate in debate.

17.4 Order of Business in Committee of the Whole

- (a) The order of business for regular meetings of Committee of the Whole shall be as follows, subject to such changes as may be appropriate in the circumstances:
 - 1. Call to Order
 - 2. Roll Call
 - 3. Declarations of Pecuniary Interest
 - 4. Statutory Public Meetings

5. Presentations
6. Delegations
7. Correspondence
8. Reports
9. Members Motions
10. Confidential Matters
11. Adjournment

17.5 Order of Business in Standing Committees

- (a) The order of business for regular meetings of Standing Committees shall be as follows, subject to such changes as may be appropriate in the circumstances:

1. Call to Order
2. Roll Call
3. Declarations of Pecuniary Interest
4. Adoption of Minutes
5. Statutory Public Meetings
6. Presentations
7. Delegations
8. Applicable Section – Correspondence
9. Applicable Section – Reports
10. Repeat 8 and 9 as required
11. Advisory Committee Resolutions
12. Confidential Matters
13. Other Business
14. Adjournment

17.6 Committee Procedures

- (a) The rules contained within these procedures shall be observed in Committee of the Whole and Standing Committees, except as follows:
- i. Members may speak again to a matter after all other Members who wish to speak have spoken.
 - ii. Meetings of Committees shall be open to all Members of Council who may, with the permission of the Committee Chair, take part in discussion or debate after Members of the Committee have had the first opportunity to speak. Visiting Members shall not move, second, or vote on motions at the Committee meeting.
 - iii. Members may dress in business casual attire during Committee meetings, whether participating in-person or

virtually. Business casual attire consists of clothing that is less formal than formal business dress (e.g. dress shirts without a jacket or tie, polo shirt versus business shirt, or skirt with a dress shirt). Jeans are acceptable as business casual attire, provided they are presentable and do not contain holes or tears.

18. Advisory Committees

- 18.1 The rules governing the procedures and conduct of Members in Standing Committees as specified in section 17.6(a) shall be observed in Advisory Committee meetings with necessary modifications, except as otherwise provided in the Advisory Committee's Terms of Reference.
- 18.2 Advisory Committees shall not receive presentations, hear delegations, or consider any matter when a quorum is not present.
- 18.3 The Clerk may cancel a meeting of an Advisory Committee in consultation with the Staff Liaison to the Committee, in accordance with section 7.8.

19. Appendices

- 19.1 The following appendices shall form part of these procedures:
 - (a) Appendix A: "Closed Meeting Protocol";
 - (b) Appendix B: "Electronic Meeting Procedures";
 - (c) Appendix C: "Inaugural Meeting Procedures";
 - (d) Appendix D: "Procedure for Alternate Council Members";
 - (e) Appendix E: "Budget Meeting Timetable"; and
 - (f) Appendix F: "Standing Committee Terms of Reference"
- 19.2 The Chair and Clerk are authorized to make minor administrative amendments and corrections to the appendices at any time.

Closed Meeting Protocol

1. Objective

To provide information regarding the statutory requirements and Regional procedures with respect to Council and Committee meetings that are closed to the public.

2. Definitions

Closed Meeting – means a meeting, or part of a meeting, which is closed to the public as permitted by the Municipal Act, also referred to as an "in-camera meeting".

3. Should the Meeting be Closed

In the interests of accountability and transparency, and when possible, Regional Council endeavours to conduct its decision making in public. Staff are requested to consider the following questions when determining whether a matter should be considered in a Closed Meeting:

Question 1: Does the matter meet the criteria in the Municipal Act (Section 10 of the Procedural By-law) for the meeting to be closed?

Question 2: If so, just because the meeting can be closed, does that mean it should be closed?

The determination regarding whether a matter should be dealt with in a Closed Meeting is the responsibility of the relevant Department Head in consultation with the Regional Clerk and the Director of Legal Services.

It is important to remember that non-confidential matters should not be discussed during a Closed Meeting. The Committee should rise from the Closed Meeting and discuss any non-confidential matters publicly in open session.

4. Municipal Act Rules for Closed Meetings

Discretionary Exceptions (the meeting may be closed to consider these matters):

Topic / Municipal Act Exception	Discussion Can Include
Security of Property of the Regional Corporation	• Regional property • Regional facilities • Regional assets
Personal Matters About Identifiable Individuals	• Municipal employees • Members on boards and committees
A Proposed or Pending Acquisition or Disposition of Land	• Purchases • Sales • Leases • Expropriations

Topic / Municipal Act Exception	Discussion Can Include
Labour Relations or Employee Negotiations	• Union or Employee Negotiations
Litigation or Potential Litigation, including matters before Administrative Tribunals	• Current or Pending Litigation • Matters before the Ontario Municipal Board
Advice that is Subject to Solicitor-Client Privilege	• Legal Opinions or Advice • Status Reports/Briefings
Matters under Other Legislation	• Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) • Emergency Management and Civil Protection Act
Information explicitly supplied in confidence to the Region by Canada, a province or territory or a Crown agency of any of them.	• Information supplied in confidence by the Government of Canada, a province or territory, or a Crown agency.
A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the Region which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization.	• Information which could prejudice a competitive position. • Information which could interfere with contractual or other negotiations of an individual, group or organization.
A trade secret or scientific, technical, commercial or financial information that belongs to the Region and has monetary value or potential monetary value.	• Information that has monetary value or potential monetary value.
A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on	• Legal Opinions or Advice • Status Reports/Briefings

Topic / Municipal Act Exception	Discussion Can Include
by or on behalf of the Region.	
Education or Training	• Council Orientation

Mandatory Exceptions (the meeting must be closed to consider these matters):

Topic / Municipal Act Exception	Discussion Can Include
Request under the Municipal Freedom of Information and Protection of Privacy Act	• FOI Requests
An Ongoing Investigation respecting the Region by an Ombudsman	• Ongoing Investigation by Ombudsman appointed under the Ombudsman Act or Ombudsman appointed by the Region

5. Statutory Requirements for Closed Meetings

Pursuant to Sections 238 and 239 of the Municipal Act:

- Public notice of a Closed Meeting must be given.
- Before holding a meeting or part of a meeting that is to be closed to the public, Council must state by resolution, the fact of the holding of the Closed Meeting and the general nature of the matter to be considered at the Closed Meeting.
- All resolutions, decisions and other proceedings at Closed Meetings are to be recorded without note or comment.
- Closed Meeting proceedings shall be recorded by the Regional Clerk and/or his or her designate.
- Any person may request an investigation of whether the Region has complied with Section 239 of the Municipal Act or the Procedural By-law in respect of a meeting or part of a meeting that was closed to the public.

6. Access Requests for Closed Meeting Reports and Materials

Reports and materials prepared for consideration at Closed Meetings are records that may be subject to Freedom of Information (FOI) access requests under the Municipal Freedom of Information and Protection of Privacy Act. While it would be desirable to protect the confidentiality of records that are considered at Closed Meetings, in the event of an appeal, the Region could be ordered to release such records.

7. Closed Meeting Reports and Recommendations

Reports

Whenever possible, written Closed Meeting reports are preferred over verbal reports as written reports provide for a more detailed account of the confidential record. Written reports also ensure that Council/Committee is prepared for any decisions they may need to consider in relation to a Closed Meeting discussion. It is also important to ensure that information that can be made available to the public is disclosed appropriately. Aside from a singular report appearing on a Closed Meeting agenda, consideration shall also be given to the following:

Option A: A report to appear on the Open Meeting agenda which provides as much general context in relation to the Closed Meeting matter as possible without disclosing confidential details and a confidential attachment to provide the accompanying confidential details; or

Option B: A companion report to appear on the Open Meeting agenda which provides for as much general context in relation to the Closed Meeting matter as possible without disclosing confidential details; or

Option C: A recommendation for Council/Committee to direct staff to prepare a related information report to be included as part of a subsequent Open Meeting agenda.

Report Titles

The following standard format is to be used for Closed Meeting report titles and included on Open Meeting agendas for notice purposes:

Confidential Report of the <Department Head> – <reference to Topic/Municipal Act Exception> with respect to <reference to subject matter, property location>

The Regional Clerk's office may be consulted when developing report titles.

Recommendations

Under the Municipal Act, Council or Committee in a Closed Meeting is permitted to vote on procedural motions or to direct or instruct Regional officers, agents or employees. Some actions which conform to this requirement are inherently confidential and should not be considered publicly. Other actions, however, can and should be voted on in an Open Meeting. The following are best practices with respect to the consideration of an Open Meeting motion related to a matter discussed by Council or Committee in a Closed Meeting:

Option A: If it is recommended that a report be received for information, this recommendation must be introduced in the Open Meeting. In this case, the following procedural motion should be used to rise from the Closed Meeting:

That Council/Committee rise from the closed meeting and report.

Once Council/Committee has risen from the Closed Meeting, the recommendation to receive the report for information may be introduced, using the following motion:

That Confidential Report <report #> be received for information.

Option B: If the report includes recommendations for approval by Council/Committee, the recommendations must be introduced in the Open Meeting. In this case, the following procedural motion should be used to rise from the Closed Meeting:

That Council/Committee rise from the closed meeting and report.

Once Council/Committee has risen from the Closed Meeting, the recommendations may be introduced by Council/Committee, using the following motion:

That the recommendations contained in Confidential Report <report #> be adopted.

In order to ensure that there is appropriate context for the introduction of the motion, the Chair shall consider presenting appropriate background information prior to Council's consideration of the motion.

Option C: If it is recommended that direction be given to staff to report back at a subsequent meeting, this direction can appear as part of a recommendation within the staff report and be passed in a Closed Meeting:

That staff be directed to report back at a subsequent meeting of Council/Committee in relation to <subject matter>.

If determined to be appropriate, greater detail can also be provided as part of the direction to staff. The following is an example to illustrate:

That staff be directed to prepare a report for the January 1, 2019 Council/Committee meeting in relation to the approach contemplated in Option Two of Report #2015-X-1 regarding <subject matter>.

Option D: If it is recommended that information which was previously confidential be released publicly at a subsequent time, this direction can appear as part of a recommendation within the staff report; or may be part of a motion for direction to staff. The recommendation may be passed in the Open Meeting or the Closed Meeting. If the recommendation is being passed in the Open Meeting, the following procedural motion should be used to rise from the Closed Meeting:

That Council/Committee rise from the closed meeting and report.

Once Council/Committee has risen from the Closed Meeting, the recommendations may be introduced by Council/Committee, using the following motion:

That the recommendations contained in Confidential Report <report #> be adopted; and

That staff be directed to report back at a subsequent meeting of Council/Committee in order to publicly release information in relation to <subject matter>.

In order to ensure that there is appropriate context for the introduction of the motion, the Chair shall consider presenting appropriate background information prior to Council's consideration of the motion.

8. Closed Meeting Minutes

Minutes of a Closed Meeting will be recorded in accordance with the Municipal Act and Section 10.8 of the Procedural By-law. All resolutions, decisions and other proceedings at Closed Meetings are to be recorded without note or comment. Closed Meeting proceedings shall be recorded by the Regional Clerk and/or his or her designate.

Unless otherwise directed by Council/Committee, distribution of Closed Meeting Minutes will be limited to Members of Council, the Chief Administrative Officer, Department Heads, the Regional Clerk and/or his or her designate, and other Regional Staff as deemed necessary, at the discretion of Council, the Regional Chair or relevant committee.

9. Public Disclosure

Disclosing Closed Meeting Information

Members of Council and Regional Staff shall not disclose or release information considered in a Closed Meeting. This is a standard practice established to protect the interests of both Council and the Region. However, if Council deems it desirable and appropriate to release the final recommendations, the following clause may be included as part of the motion to adopt the recommendations in the confidential report, to authorize staff to release/publish the recommendations adopted by Council:

- b) That staff be directed to release the recommendations adopted by Council as it pertains to Confidential Report <report #>;

Disclosing Closed Meeting Agenda Items

Although information contained in Closed Meeting reports shall not be disclosed, the Municipal Act requires that public notice of meetings be provided in a Procedural By-law. The Region's Procedural By-law requires that there be public notice of meetings and that the agenda, including a list of items to be considered at each meeting, be posted on the website and made available prior to the meeting.

In order to be accountable and transparent, and to inform individuals of the matters to be dealt with in closed session, Council and its committees shall open all meetings in open session and pass a motion to move into closed session. Once matters in the Closed Meeting have been dealt with, Council/Committee shall reconvene in open session to disclose, in a general manner, how the agenda items were dealt with in the Closed Meeting. A sample Chair's script is attached as Appendix A to the Closed Meeting Protocol.

10. Addition of a Closed Meeting Item Not on the Agenda

In the event an item not appearing on an agenda must be considered at a meeting due to exceptional circumstances involving urgent or time sensitive issues, prior to the next regularly scheduled meeting or in advance of the time required to convene a special meeting, the item may be added to the agenda by way of an addendum pursuant to Section 8.7 of the Procedural By-law.

In order for a 'time sensitive' matter to be added to an addendum, as soon as practical the relevant Department Head shall advise the Regional Clerk of the matter and provide an explanation as to its urgency.

In the event an item not appearing on an agenda or addendum must be added to the agenda, the Chief Administrative Officer and/or relevant Department Head shall advise Council/Committee and provide an explanation as to its urgency. Pursuant to Section 19.4 of the Procedural By-law, the item can be introduced by dispensing with notice on a two-thirds majority vote of the members present and voting.

11. Attendance at a Closed Meeting

Unless otherwise directed by Council/Committee, attendance at Closed Meetings is limited to the Chief Administrative Officer, Department Heads, the Regional Clerk and/or his or her designate, and other Regional Staff as deemed necessary, at the discretion of the relevant Department Heads.

Regional Staff are to remain outside the Closed Meeting room until called to speak to their specific matter. Regional Staff should vacate the meeting once their matter has been dealt with by Council/Committee.

12. Closed Meeting Prelude

In order to remind the Members of Council/Committee of their obligations in closed session, the Chair shall read a script at the beginning of the closed session detailing the Closed Meeting rules of the Region of Durham (Appendix B to the Closed Meeting Protocol).

Appendix "A"**Sample Script when rising from the Closed Meeting**

Council/Committee met in Closed Session to consider matters it is permitted to do so under the Municipal Act, and as listed on today's Council/Committee agenda. The following items were considered during the Closed Session:

List of Items Considered in Closed Session

In the continuing interest of transparency and open government, I am reporting in public session any outcomes from today's closed session meeting.

As a result of our closed session today, I wish to report the following:

Examples:

Minutes from Previous Closed Session – A question of Item <x> was considered by Council/Committee from these minutes

LPAT Appeal Update – Council received information regarding LPAT Litigation related to <ROPA amendment number or file number>

Labour Relations/Employee Negotiations – Direction was given to staff respecting negotiations with Local XXXX.

Litigation Matter – Direction was given to staff with respect to litigation related to <subject matter>

Solicitor-Client Privilege – Council/Committee received legal advice related to <subject matter>

Appendix "B"**Sample Script at the Beginning of a Closed Meeting**

Please be advised that Council/Committee will now meet in Closed Session in accordance with subsection 239(2) of the Municipal Act to consider:

- (a) the security of property of the Regional Corporation
- (b) personal matters about an identifiable individual
- (c) a proposed or pending acquisition or disposition of land
- (d) labour relations or employee negotiations
- (e) litigation or potential litigation
- (f) advice that is subject to solicitor-client privilege
- (g) a matter in respect of which Council may hold a closed meeting under another Act
- (h) information explicitly supplied in confidence to the Regional Corporation by Canada, a province or territory or a Crown agency of any of them
- (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the Regional Corporation, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization
- (j) a trade secret or scientific, technical, commercial or financial information that belongs to the Regional Corporation and has monetary value or potential monetary value
- (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the Regional Corporation

I will be verbally reporting out in a general sense on all items considered in the closed session once we rise from the closed session and move back to open session.

Note: Only reference the section of the Municipal Act that pertains to the matters to be considered in Closed Session. Any other matters not mentioned in the motion to move into closed session cannot be discussed.

MFIPPA Requests or Ombudsman Investigation

Please be advised that Council/Committee will now meet in Closed Session in accordance with subsection 239(3) of the Municipal Act to consider:

- (a) a request under the Municipal Freedom of Information and Protection of Privacy Act
- (b) an ongoing investigation respecting the municipality by the Ombudsman

I will be verbally reporting out in a general sense on all items considered in the closed session once we rise from the closed session and move back to open session.

Note: Only reference the section of the Municipal Act that pertains to the matters to be considered in Closed Session. Any other matters not mentioned in the motion to move into closed session cannot be discussed.

Educational or Training Sessions

Please be advised that Council/Committee will now meet in Closed Session in accordance with subsection 239(3.1) of the Municipal Act for the purpose of <subject>.

Examples: Council Orientation; Professional Development

I will be verbally reporting out in a general sense on all items considered in the closed session once we rise from the closed session and move back to open session.



Title: Electronic Participation	
Policy#: CS-ELE-1	
Approved by: Regional Council	Page#: 1 (of 4)
Issued: April 27, 2022	Revised: August 18, 2023
Responsibility: Regional Clerk and Regional Chair	Section: Corporate Services

1. Policy

- 1.01 In accordance with the Procedural By-law, the Regional Clerk, in consultation with the Regional Chair, shall establish practices and procedures for electronic participation at meetings.

2. Purpose

- 2.01 To outline the rules, policies and procedures with respect to participating electronically in meetings of Council, Standing Committees, Committee of the Whole, Advisory Committees and local boards when electronic participation is available.
- 2.02 To ensure that as many aspects as possible for electronic participation mirror those for in-person participation, including the observation of the rules of procedure and participation.
- 2.03 To ensure the transparency of Council and Committee deliberations during meetings in which participants may be attending electronically.

3. Definitions

- 3.01 "Council Chambers" means the Council Chambers meeting room located at the Regional Municipality of Durham headquarters building.
- 3.02 "Device" means the technology used to access the electronic meeting platform, including but not limited to mobile devices such as smart phones and tablets, or desktop computers.
- 3.03 "Electronic Meeting Platform" means an application or digital platform used to allow participants to attend a meeting via the internet, including but not limited to Webex, Zoom, Microsoft Teams and EasyConf Connect.
- 3.04 "Electronic Participation" means attending a meeting through an electronic meeting platform.
- 3.05 "Hybrid Meeting" means a meeting at which participants may be attending both in-person or via an electronic meeting platform.
- 3.06 "In-person" means attending a meeting by being physically present in the designated meeting room.
- 3.07 "Participant" means a member of the Council, Committee or local board, or a member of the public, or staff who is attending the meeting either electronically or in-person.

- 3.08 “Region” means the Regional Municipality of Durham.
- 3.09 “Streaming” means broadcasting the meeting in real-time via the Region’s website.

4. Background & Preamble

- 4.01 Bill 197 received Royal Assent on July 21, 2020 to amend the Municipal Act, 2001 to allow for members of Council who are participating electronically to count towards determining quorum and to participate in closed meetings at all times. The Procedural By-law was updated on July 29, 2020 to reflect these new provisions.
- 4.02 The Region of Durham Council Chambers supports Hybrid Meetings. Members participating in-person use cameras and microphones in the Chambers to be seen and heard by others participating in-person and electronically. Members participating electronically use their personal device to connect to the meeting and use the microphone and camera on their device to be seen and heard by Members in the Chambers and connected electronically. The meeting experience should be comparable for those participating in-person and electronically.
- 4.03 This document is intended to provide clarity on electronic meeting procedures only and is a companion document to the Procedural By-law. Should there be a discrepancy between this document and the Procedural By-law, the Procedural By-law shall take precedence.
- 4.04 These procedures may be amended from time to time by the Regional Clerk, in consultation with the Regional Chair, and will be made available on the Regional website and/or included as an appendix to the Procedural By-law.

5. Procedures

Rules

- 5.01 General reminders for electronic participation rules may be verbally outlined by the Clerk or their designate at the beginning of every meeting as required.

Attendance

- 5.02 The Clerk or their designate shall make note of which members are participating in-person and which members participating electronically during a Hybrid Meeting.

Requests to Speak & Communication

- 5.03 Members participating in-person shall indicate a request to speak by pressing the microphone button located at their seat in the Council Chambers.
- 5.04 Members participating electronically shall indicate a request to speak by pressing the Request to Speak button on the user interface of the Electronic Meeting Platform.
- 5.05 Members participating electronically may indicate a Point of Order or Point of Privilege by pressing the Raise Hand button on the user interface of the Electronic Meeting Platform.
- 5.06 The Chair or Clerk of the meeting shall have control over the speakers list and will activate speakers’ microphones.

- 5.07 The “chat” feature of the Electronic Meeting Platform shall not be used and is not monitored by the Chair or the Clerk. Members with urgent communications to the Chair or Clerk are advised to e-mail clerks@durham.ca, which is actively monitored during meetings.

Public Delegations/Presentations

- 5.08 Public delegates and presenters are permitted to participate electronically.
- 5.09 Regional AV employees may operate any electronic presentation material to assist delegates and presenters.

Closed Sessions

- 5.10 Should a meeting go into closed session, members participating electronically who have made a declaration of interest on the matter to be discussed shall disconnect from the meeting and may join again once the closed session has concluded.
- 5.11 Members participating electronically in a closed session shall ensure the confidentiality of the meeting by taking necessary precautions, including for example:
- Participating from a private location with no other individuals in the room; and
 - Wearing a headset during the closed session.

Use of Video

- 5.12 Members participating electronically in the meeting shall turn their cameras on during meetings so that they are visible to the Chair and all other meeting participants.
- 5.13 Members participating electronically may “blur” their background to ensure their privacy, if such features are available in the Electronic Meeting Platform.

Motions

- 5.14 Members are encouraged to submit any motions they wish to make in advance of the meeting via email to clerks@durham.ca, noting the mover and seconder.
- 5.15 Motions may be circulated during the meeting and may be displayed to all participants as necessary.

Voting

- 5.16 Members participating electronically are expected to vote if they are signed-in to the meeting. If a Member needs to leave the meeting for any reason, they are to sign out of the Electronic Meeting Platform and may re-join at a later time. The onus is on the Member to adhere to the Procedural By-law, Municipal Act, and Code of Conduct and vote if they are present at the meeting and not otherwise disqualified from voting.
- 5.17 When a recorded vote is called, Members are to indicate how they wish to vote using the Electronic Meeting Platform.
- 5.18 Members participating electronically who do not vote will be marked as “Absent” if it is not possible to determine whether the member is present and not voting. If it can be ascertained with certainty that the member is present and they did not vote, they will be counted as a “No” vote in accordance with the *Municipal Act*.

Service Disruptions

- 5.19 If the livestream or Electronic Meeting Platform encounters a service disruption during a Hybrid Meeting, then the meeting will recess until service is restored. If service is unable to be restored within thirty (30) minutes, the Chair may adjourn the meeting to a later date/time.
- 5.19 Multiple livestreams may be operated for redundancy purposes. Failure of one livestream shall not require a recess or adjournment if another livestream remains active.
- 5.20 Members experiencing connectivity issues during a meeting are encouraged to contact clerks@durham.ca for technical support. However, active Hybrid Meetings will not be delayed or recessed for individual members experiencing technical issues during a meeting which are unrelated to a service disruption affecting all participants.

Declared Emergencies

- 5.21 These procedures may be varied as necessary during a declared emergency.
- 5.22 If a declared emergency precludes Council, staff, or members of the public from participating in-person, those individuals may be required to participate electronically.

6. References

- 6.01 Region of Durham Procedural By-law
- 6.02 *Municipal Act, 2001*

7. Inquiries

- 7.01 For additional information regarding this policy please contact Council Services at clerks@durham.ca.

Appendix C:

Procedures for the Inaugural Meeting of Council

1. Proceedings

- 1.1 The first meeting of Council after a regular election shall be held after the councils of the area municipalities have held their first meetings, but in any event not later than thirty-one (31) days following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by By-law of the Regional Council.
- 1.2 The order of proceedings at the first meeting of Council after a regular election shall be as follows:
 - (a) the filing of certificates in accordance with Section 232 of the Act:
 - (i) Regional Chair
 - (ii) Members of Council;
 - (b) declarations of office in accordance with the provisions of Section 232 of the Act:
 - (i) Regional Chair
 - (ii) Members of Council;
 - (c) inaugural address by the Regional Chair;
 - (d) appointment of Members to the Police Services Board;
 - (e) appointment of Standing Committee Chairs;
 - (f) appointment of Members to Standing Committees;
 - (g) passage of a confirming by-law.

2. Appointment of Committees – Primary Option:

- 2.1 The appointment of the Committee Chairs, Members of the Standing Committees, and Members to the Regional Municipality of Durham Police Services Board will be conducted by resolution of Council.
- 2.2 A survey will be distributed to incoming Regional Council Members and again prior to December of the second year of the term, requesting their preferences for appointments. Based on the results of the survey and consultation with the Regional Chair's Office, a recommended appointment resolution will be prepared by staff in the Clerk's Office and included on the agenda for the Inaugural meeting and for the December meeting of the second year of the four year term of Council.
- 2.3 Prior to adoption, members may propose amendments to the appointment resolution by majority vote of Council.
- 2.4 If members are not able to appoint members to all committee vacancies by way of a resolution, then Council will continue with the Secondary Option process as outlined in the following section.

3. Appointment of Committees – Secondary Option:

- 3.1 The appointment of the Committee Chairs, Members of the Standing Committees and Members to the Regional Municipality of Durham Police Services Board shall be in the following order:
 - (a) One Member to the Regional Municipality of Durham Police Services Board to be the Head of Council or designate;
 - (b) A second and third Member to the Regional Municipality of Durham Police Services Board;
 - (c) A Committee Chair for each Standing Committee;
 - (d) Two Members to each Standing Committee;
 - (e) Two further Members to each Standing Committee;
 - (f) Two further Members to each Standing Committee.
- 3.2 The order in which Committee Chairs and Members are to be appointed to Standing Committees shall be decided by lot, drawn by the Clerk.
- 3.3 The appointments shall be conducted at the first meeting of Regional Council after a regular election, and shall be conducted in the following manner, with modifications as necessary:
 - (a) The Chair as Presiding Officer shall call for nominations;
 - (b) Each nomination shall be regularly moved and seconded;

- (c) When there are no further nominations, the Chair shall call for a motion declaring nominations closed;
- (d) After nominations have been closed, the Chair shall ask each nominee if they wish to stand for election. If a nominee declines to stand, their name shall be withdrawn from the list of nominees;
- (e) If only one nominee stands for appointment, they shall be declared appointed;
- (f) When more than one nominee stands for appointment, a vote shall be taken;
- (g) To be appointed a nominee shall obtain a vote of the majority of the Members present and voting;
- (h) The vote shall be by roll-call of all Members present and voting, the order of which will be decided by lot, drawn by the Clerk;
- (i) The Clerk shall appoint, as required, members of their staff to act as scrutineers for the appointment;
- (j) If there are only two nominees who elect to stand:
 - (i) The nominee who receives the majority required to be appointed, shall be declared appointed; or
 - (ii) If there is an equality of votes, after three successive rounds of voting with the same results, a deadlock shall be declared and the Clerk shall conduct a draw by lot of the nominees, with the name of the nominee who is drawn being declared appointed.
- (k) If there are more than two nominees who elect to stand:
 - (i) The nominee who receives the majority required to be appointed, shall be declared appointed;
 - (ii) If no nominee receives the majority required to be appointed, the name of the nominee receiving the least number of votes shall be dropped and Council shall proceed with the next vote;
 - (iii) If two or more nominees are tied with the least number of votes, the Clerk shall conduct a draw by lot of the tied nominees until there is one name not drawn and the nominee who is not drawn, shall be dropped and Council shall proceed with the next vote;
 - (iv) Voting shall continue until either a nominee receives the majority required to be appointed or it becomes apparent by reason of an equality of votes or any other reason that no nominee can be appointed. After three successive rounds of

voting with the same results, a deadlock shall be declared and the Clerk shall conduct a draw by lot of the nominees, with the name of the nominee who is drawn being declared appointed.

- 3.4 The Members of each Standing Committee shall appoint a Committee Vice-Chair at their first meeting of Committee after a regular election.
- 3.5 Each Member of Council shall serve on one of the Standing Committees.
- 3.6 Members appointed to the Regional Municipality of Durham Police Services Board shall also be a Member of a Standing Committee.
- 3.7 No Member except the Regional Chair shall serve on more than one Standing Committee.
- 3.8 The term of the Members to Standing Committees shall be for a two year term with appointments to be made at the first meeting of Council after a regular election and in December of the second year of the four year term of Council.
- 3.9 The term of the Members to the Regional Municipality of Durham Police Services Board shall be for the term of the Council.



CORPORATE SERVICES – LEGISLATIVE SERVICES POLICIES AND PROCEDURES MANUAL

Section B - Corporate Services - Legislative Services General Procedures	Date Originated: January 1, 2018 Revision Date:
Authority/Reference: Council/Regional Clerk	
Subject: Temporary Replacement - Alternate Members of Regional Council	

1.0 Purpose:

- 1.1 To outline the policies and procedures with respect to Alternate Members of Regional Council, if appointed by the lower-tier municipalities.

2.0 Definitions:

- 2.1 “Regional Council Member” means a member duly elected to a lower-tier council and to Regional council in The Regional Municipality of Durham.
- 2.2 “Lower-Tier Council Member” means a member duly elected to the council of a lower-tier municipality within The Regional Municipality of Durham.
- 2.3 “Alternate Council Member” means a Lower-Tier Council Member who has been appointed by the lower-tier council to act as a substitute member on Regional council when another member of that lower-tier Council is unable to attend a Regional council meeting.

3.0 Background:

- 3.1 The Municipal Act Subsection 268 (1) allows that the council of a local municipality may appoint one of its Lower-Tier Council Members as an Alternate Council Member, to act in place of a person who is a member of the councils of the local municipality and its upper-tier municipality, when the person is unable to attend a meeting of the upper-tier council for any reason. This subsection does not authorize the appointment of more than one Alternate Council Member during the term of council, or the appointment by the local municipality of an alternate head of council of the upper-tier municipality.

4.0 Policy:

- 4.1 Each of the eight local area municipalities of Ajax, Brock, Clarington, Oshawa, Pickering, Scugog, Uxbridge, and Whitby, may choose to appoint one (1) of their



CORPORATE SERVICES – LEGISLATIVE SERVICES POLICIES AND PROCEDURES MANUAL

local councillors to act as an Alternate Council Member should one of their regional councillors be unable to attend a Regional Council meeting. Alternate Council Member attendance is limited to Regional Council meetings only.

- 4.2 In accordance with the Act, only one Alternate Council Member is to be appointed by each area municipality. The Alternate Council Member would be appointed for the entire term of Council. Should the seat of the Alternate Council Member become vacant, then the municipality may appoint another member to act as the Alternate Council Member to Regional Council. The area municipal Clerk will notify the Regional Clerk if an Alternate Council Member has been appointed and provide the Regional Clerk with a copy of the Alternate Council Member's oath of office.
- 4.3 Alternate Council Members may only substitute when a Regional Council Member from their area municipality is unable to attend a meeting, substitutions for part of a meeting will not be permitted.
- 4.4 If more than one member is absent from a lower-tier municipality, the alternate may only substitute for one of the absent members from their municipality.
- 4.5 This policy applies to short-term substitutions only such as when a member must be absent for a Council meeting for any reason (planned or unforeseen). Section 267 of the Act may also apply and is a provision the area municipality may consider for longer-term absences.

5.0 Procedure re Notification:

- 5.1 When a Regional Council Member knows that they will not be able to attend a Regional Council meeting and that their municipality's Alternate Council Member will be attending in their place, they should attempt to notify the Regional Clerk, in writing, as soon as possible prior to the meeting. Written notification may be sent to clerks@durham.ca. The Clerk of the area municipality may also send notification on behalf of the Regional Council Member subject to their municipality's procedures, if any.
- 5.2 The Region is not responsible for notifying Alternate Council Members that they are expected to be in attendance. Regional Council Members should refer to their area municipality's procedures, if any, in this regard.
- 5.3 It is understood that unforeseen circumstances may arise when a Regional Council Member is unable to send notification prior to the meeting that an Alternate Council Member will be attending in their place. When notification has not been received by the Regional Clerk prior to the meeting, an Alternate



CORPORATE SERVICES – LEGISLATIVE SERVICES POLICIES AND PROCEDURES MANUAL

Council Member may advise the Clerk, or the Clerk's representative, at the meeting that they are acting as a substitute for a Regional Council Member.

6.0 Powers/Duties of the Alternate Council Member:

- 6.1 While in attendance at a Regional Council meeting, the Alternate Council Member will have all of the same powers and duties as a Regional Council Member e.g. may move motions and vote. The Alternate Council Member must adhere to all applicable policies and procedures that apply to Regional Council Members while in attendance at a meeting e.g. the Region's Procedural By-law and Council Code of Conduct.
- 6.2 The Alternate Council Member will only have the same powers and duties of a Regional Council Member during the meeting they are attending. Prior to, or after the meeting, the Alternate Council Member cannot submit agenda items such as notices of motion, or pull items from the Region's Council Information Package for inclusion on an upcoming Agenda.

7.0 Administrative Matters:

- 7.1 The Regional Clerk's office will maintain a record of the names of the Alternate Council Members appointed by each lower-tier municipality, as provided by the lower-tier municipal clerk.
- 7.2 The minutes of Regional Council meetings will reflect when a Regional Council Member is absent and that a named Alternate Council Member attended in their place.
- 7.3 Alternate Council Members may access the Region's Council agenda package via the web at www.durham.ca or may request a paper copy from the Clerk. Confidential agenda material will only be provided to the Alternate Council Member upon the Regional Clerk being advised that the alternate member will be attending the meeting, or upon attendance at the meeting if notice is not provided.
- 7.4 The Region will make every attempt to prepare for the attendance of an Alternate Council Member provided that sufficient notice is given. Preparation may include updating the name plates in Council Chambers; provision of a paper copy of the Agenda, including any confidential material to be discussed at the meeting in advance of the meeting; and a mileage expense form.



CORPORATE SERVICES – LEGISLATIVE SERVICES POLICIES AND PROCEDURES MANUAL

- 7.5 Alternate Council Members will receive mileage compensation at the approved corporate rate from the Region for attendance at a meeting. As attendance as an Alternate Council Member is seen as fulfilling part of the duties as a Lower-Tier Council Member, no further compensation from the Region will be provided.
- 7.6 Once appointed, Alternate Council Members will receive a copy of the Region's Procedural By-law and may also request a brief orientation session from the Clerk.
- 8.0 Discrepancies:**
- 8.1 If a discrepancy should arise where a Regional Council Member and an Alternate Council Member are both in attendance at the start of a meeting, the Regional Council Member shall assume their role at the meeting. Regardless of whether the Alternate Council Member is under the belief that they are attending on the Regional Council Member's behalf, they will not be permitted to act in the capacity as Alternate Council Member when the Regional Council Member is in attendance, but may attend the meeting as a public spectator only.
- 8.2 Once the determination has been made that an Alternate Council Member is attending on a Regional Council Member's behalf, the Alternate Council Member shall remain on behalf of the Regional Council Member for the duration of the meeting, regardless of whether the Regional Council Member shows up. The Alternate Council Member will be noted as the member in attendance for the entire meeting and the Regional Council Member may attend the meeting as a public spectator only.
- 9.0 Legal Expense Indemnification**
- 9.1 An Alternate Council Member member will only be considered a Regional Council Member during attendance at a Regional Council meeting. At all other times they will be considered as a private citizen for the purposes of the Region's Legal Expense Indemnification Policy. The Alternate Council Member would not be entitled to Legal Expense Indemnification from the Region for any statutory prosecution or disciplinary proceeding brought against them, unless such action is the result of an incident that occurred during the Alternate Council Member acting in good faith, in the course of their duties, at a Regional Council meeting, if during such time they were acting as an Alternate Council Member member of Regional Council.

Appendix E

Budget Process for the 2025 Budget:

Milestone:	Date:
Budget Guideline approved	September 2024 - Special COW Meeting
Water Supply & Sanitary Sewerage Business Plans and Budget approved	December 2024 – 1 – 2 days Special COW Meeting
Water Supply and Sanitary Sewer User Rates approved	
Property Tax Supported Business Plans & Budget approved	
Annual Property Tax Study approved	

Budget Process for Non-Election Years*:

*this process would start in 2025 for the 2026 Budget & continue thereafter in each non-election year

Milestone:	Date:
Budget Guideline approved	June – Special COW Meeting
Water Supply & Sanitary Sewerage Business Plans and Budget approved	December – 1 – 2 days Special COW Meeting
Water Supply and Sanitary Sewer User Rates approved	
Property Tax Supported Business Plans & Budget approved	
Annual Property Tax Study approved	

Budget Process for Budget Year Immediately Following the Election Year*:

*this process would start in 2026 for the 2027 Budget

Milestone:	Date:
Municipal Elections	No regular Committee or Council meetings held in September, October, or November. Inaugural Council meeting in late November/early December.
Budget Guideline approved Water Supply and Sanitary Sewerage Business Plans and Budget approved Water Supply and Sanitary Sewer User Rates approved	December of election year – Special COW Meeting
Property Tax Supported Business Plans & Budget approved Annual Property Tax Study approved	February – 1 – 2 days Special COW Meeting



Regional Municipality of Durham

Standing Committee Terms of Reference

June 2024

Purpose

Standing Committees of Council assist with the decision-making process. These Committees work on behalf of Council to provide advice and make recommendations. They are an excellent and important setting for policy debate and public input on issues within Council's area of responsibility. To capture the efficiency afforded by working in smaller groups, Council does not repeat the detailed discussion and analysis conducted by the Committee during regular Council sessions.

This governance structure was chosen by Council because it serves to include members of the public in the decision-making process, and it encourages a smaller group of Council representatives to have a deeper level understanding of the discussions that result in the final recommendation to Council.

It is implicit to this model of governance that Council Members appointed to Committees will be diligent in fulfilling their roles.

Members of Council who do not sit on a Standing Committee still have an opportunity, should they wish to do so, to participate in a meeting of a Standing Committee in various ways including making verbal comments on any matter before the Committee and by pulling items from the Council Information Package to include on a Committee agenda for a Committee's consideration.

All Committee work will be carried out in accordance with the Region of Durham's Procedural By-law, the Municipal Act, and other governing legislation and policies.

Council's Code of Conduct governs the conduct of Council Members when participating at Committees. This provides assurance that the highest ethical standards and professionalism are followed while ensuring that the best interests of the community are met.

Mandate

The Committee's mandate defines its core areas of management and responsibility as defined within this Terms of Reference. Standing Committees are established by the Region's Procedural By-law.

Council has established four Standing Committees and a Committee of the Whole, which is comprised of all Members of Council.

The scope of responsibilities for each Standing Committee and the Committee of the Whole is found in the following schedules:

- Schedule 1 – Finance & Administration Committee
- Schedule 2 – Health & Social Services Committee
- Schedule 3 – Planning & Economic Development Committee
- Schedule 4 – Works Committee; and
- Schedule 5 – Committee of the Whole

Responsibilities

Regional Staff may be called upon to conduct research, communications, or any other Committee identified requirements.

The Regional Clerk's Office shall provide administrative support for all Committees identified in these Terms of Reference.

Committee Members responsibilities include:

- a) Preparation:
 - Read all the agenda material and seek clarification from staff on any matters prior to the meetings to make the most effective use of the Committee's time;
 - Have a broad awareness of the interrelationship between the Region's strategic initiatives and its operations; and
 - Understand the difference between the role of the Committee and the role of staff.
- b) During Committee Meetings:
 - Attend and participate fully in the Committee's work;
 - Debate the issues in an open, honest and informed manner to assist the decision-making process;
 - Actively contribute to the development of Committee recommendations and directions;
 - Represent and advocate on behalf of constituents, keeping in mind the entire Region when considering and addressing issues;
 - Respect the role of Committee Chair;
 - Respect the role of staff; and
 - Have a willingness to respectfully challenge staff when necessary.

Responsibilities of the Chief Administrative Officer (CAO) include:

- a) Preparation:
 - Review and approve staff reports for presentation to Committees;

- Answer questions posed by Council members prior to Committee meetings; and
 - Liaise with the Regional Clerk, Department Heads, and the Committee Chair regarding Committee business prior to meetings as necessary.
- b) During Committee Meetings:
- Attend and speak at all Standing Committee meetings on an as needed basis.

Responsibilities of Department Heads include:

- a) Preparation:
- Work collaboratively with the Regional Clerk on developing the agenda;
 - Ensure the timely submission of all agenda related materials to the Regional Clerks' office by the prescribed submission deadlines;
 - Approve staff reports in a timely manner, for presentation to Committee;
 - Answer questions posed by Council members prior to Committee meetings; and
 - Attend a briefing meeting with the Committee Chair and the Regional Clerk or their designate to review the final agenda and answer any questions prior to the meeting.
- b) During Committee Meetings:
- Attend open and closed session Committee meetings;
 - Engage in discussion with Committee Members and respond to questions posed;
 - Assist Committee Members with decision-making at the direction of the meeting Chair;
 - Offer their professional opinion to Committee members in advance of and during meetings;
 - Review written input from the public and consider verbal content from public delegations; and
 - Ensure any correction of fact is provided to the Committee.
- c) After Committee Meetings:
- Follow up on all matters related to the discussion and decisions of the Standing Committee and on all time specific requests for additional information required by Council prior to final deliberations on the recommendations of the Committee by Regional Council;
 - Ensure recommendations and decisions of the Standing Committee are acceptable to bring to Council and do not contravene Regional policies, procedures or By-laws and that the CAO and relevant staff are apprised

Responsibilities of the Regional Clerk and the Clerk assigned to the Committee include:

- a) Preparation:
 - Manage the Committee agenda and process for Committees and ensure that meetings are held in accordance with Council-approved protocol and applicable legislation;
 - In conjunction with the Department Heads, plan and prepare committee agendas; and
 - Supervise staff in the preparation and distribution of agendas and associated materials.
- b) During Committee Meetings:
 - Attend or designate staff to attend all meetings of the Standing Committees;
 - Provide advice on legislative protocol and meeting procedures as requested by the Chair; and
 - Supervise the preparation and issuance of Committee meeting documentation, including notices, resolutions, recorded votes, and minutes.
- c) After Committee Meetings:
 - Supervise the preparation of Committee recommendation reports and related documentation for presentation to Regional Council for approval; and
 - Provide strategic advice to the CAO, Department Heads, Councillors and the Regional Chair with respect to the discussions and deliberations of Committees and their potential impacts at meetings of Regional Council.

Responsibilities of Delegates include:

- a) Preparation:
 - Register as a delegation to speak to the Committee following the processes and rules outlined in the Procedural By-law.
 - Access Committee agendas and minutes from the Region's website.
- b) During Committee Meetings:
 - Attend Committee meetings either virtually or in-person;
 - Adhere to procedural rules for delegates, paying special attention to the time allotted for the delegations; and
 - Respect the role of the Committee Chair and maintain decorum in the meeting.

Schedule 1 – Finance & Administration Committee

1. Mandate

- a) The Finance & Administration Committee receives reports regarding the Corporate Services Department, Finance Department, and matters within the purview of the Office of the CAO.
- b) This Committee's goal is to oversee the promotion and maintenance of financial strength, stability and accountability, and general administrative matters of the Region.
- c) The following general matters shall be directed to the Finance & Administration Standing Committee for consideration and report to Council:
 - Appointments to or resignations from applicable Advisory Committees;
 - Corporate Communications;
 - Council support services;
 - Service Durham and 311;
 - Human Resources;
 - Information Technology;
 - Intergovernmental matters;
 - Diversity, Equity and Inclusion;
 - Legal Services;
 - Legislative Services;
 - Municipal Elections;
 - Purchasing and tendering services; and
 - Financial management.
- d) The Committee may consider other matters referred to it by Regional Council.

2. Advisory Committees

- e) Advisory Committees that report to the Finance & Administration Committee include:
 - Accessibility Advisory Committee (AAC);
 - Durham Region Anti-Racism Taskforce (DRART);
 - 9-1-1 Management Board; and
 - Debenture Committee.

Schedule 2 – Health & Social Services Committee

1. Mandate

- a) The Health & Social Services Committee receives reports regarding the Health Department and the Social Services Department.
- b) This Committee's goal is to oversee the delivery of public health programs and services, and other professional and high-quality services for the Region's residents.
- c) The following general matters shall be directed to the Health & Social Services Committee for consideration and report to Council:
 - Appointments to or resignations from applicable Advisory Committees;
 - Health protection including through inspection and enforcement of various Acts and Regulations;
 - Oral health;
 - Paramedic Services;
 - Population Health including infectious disease prevention and control and immunization;
 - Children's Services;
 - Family Services;
 - Housing Services;
 - Income, Employment and Homelessness Support; and
 - Long-Term Care and Services for Seniors.
- d) The Committee may consider other matters referred to it by Regional Council.

2. Advisory Committees

- f) Advisory Committees that report to the Health & Social Services Committee include:
 - Durham Advisory Committee on Homelessness (DACH); and
 - Durham Nuclear Health Committee (DNHC).

Schedule 3 – Planning & Economic Development Committee

1. Mandate

- a) The Planning & Economic Development Committee receives reports regarding the Planning & Economic Development Department.
- b) This Committee's goal is to oversee the management of growth and development in Durham Region, including the Region's economic development.
- c) The following general matters shall be directed to the Planning & Economic Development Committee for consideration and report to Council:
 - Appointments to or resignations from applicable Advisory Committees;
 - The Regional Official Plan;
 - Strategic Long-Range Planning Initiatives;
 - Development planning approvals;
 - Transportation policy;
 - Projects under the Region's Transportation Master Plan;
 - Marketing and Tourism;
 - Attracting new investment; and
 - Agricultural and rural programming.
- d) The Committee may consider other matters referred to it by Regional Council.

2. Advisory Committees

- a) Advisory Committees that report to the Planning & Economic Development Committee include:
 - Durham Agricultural Advisory Committee (DAAC);
 - Durham Active Transportation Committee (DATC); and
 - Durham Environment and Climate Advisory Committee (DECAC).

Schedule 4 – Works Committee

1. Mandate

- a) The Works Committee receives reports regarding the Works Department.
- b) This Committee's goal is to oversee the provision of services for residents and businesses in Durham Region including with respect to drinking water distribution and treatment, sewage collection and treatment, maintenance of Regional roads, and waste management.
- c) The following general matters shall be directed to the Works Committee for consideration and report to Council:
 - Appointments to or resignations from applicable Advisory Committees;
 - Water and Sewer Infrastructure;
 - Water supply plants and water pollution control plants;
 - Construction projects;
 - Waste management;
 - Transportation and Field Services;
 - Depot operations;
 - Real estate; and
 - Regional Facilities.
- d) The Committee may consider other matters referred to it by Regional Council.

2. Advisory Committees

- a) Advisory Committees that report to the Works Committee include:
 - Energy from Waste-Waste Management Advisory Committee (EFW-WMAC)

Schedule 5 – Committee of the Whole

1. Mandate

- a) The Committee of the Whole receives reports that fall within the purview of more than one Regional Department.
- b) This Committee's goal is to ensure financial sustainability, accountability and transparency, and the provision of education for Members of Regional Council.
- c) The following general matters shall be directed to the Committee of the Whole for consideration and report to Council:
 - Budget guideline;
 - Water Supply & Sanitary Sewerage Business Plans & Budget;
 - Water Supply and Sanitary Sewer User Rates;
 - Property Tax Supported Business Plans & Budget;
 - Annual Property Tax Study;
 - Matters that, in the opinion of the CAO, require consideration by all Members of Council; and
 - Education and training for all members of Council.
- d) The Committee of the Whole may consider other matters referred to it by Regional Council.



The Regional Municipality of Durham Report

To: Finance and Administration Committee
From: Commissioner of Corporate Services
Report: #2024-A-11
Date: June 11, 2024

Subject:

Extension of Managed Services and Maintenance Contracts for Voice Equipment

Recommendation:

That the Finance and Administration Committee recommends to Regional Council:

- A) That the Managed Services and Maintenance Contracts with Telus Communications Company (Telus) be extended for 24 months, commencing August 2024 to August 2026 at a total estimated cost of \$1,400,000 to ensure consistent support during the evaluation of the Region's current and future telecommunications infrastructure; and
 - B) That the Commissioner of Finance be authorized to execute the necessary contracts and any ancillary documents.
-

Report:

1. Purpose

- 1.1 The purpose of this report is to recommend an extension to the existing Managed Services and Maintenance Contracts with Telus for an additional 24 months.

2. Background

- 2.1 The Region currently has installed a Voice over Internet Protocol (VoIP) telephone system that is connected across 35 Regional VoIP sites. These sites include Regional Headquarters, all Long Term Care sites, Social Services offices, Works and Transit Depots, the Traffic control centre, Health Clinics, Water Supply and Water Pollution Control Plants, and Paramedic Headquarters. Regional Council has approved the standardization of the VoIP telephone systems on Cisco equipment and software. Telus currently provides maintenance on all the voice equipment at these sites and provides Managed Services for the VoIP software, servers, and telephone sets. Managed Services includes an on-site technician, software upgrades, moves, additions and changes, 24-hour monitoring and escalating help desk support on voice services. Telus Managed Services also provides the professional services to configure, program, install, train, and maintain the systems being added. This approach has ensured the systems are configured and programmed consistently to facilitate reliable communication between the systems.
- 2.2 Telus has been responsive to the Region's requirements and historically has demonstrated their ability to resolve issues, expand VoIP systems into new locations, and upgrade the software on the VoIP systems as part of the current Managed Services agreement.
- 2.3 The Corporate Services – Information Technology (CS-IT) division is currently evaluating the future telecommunications roadmap for the Region of Durham. With the hybrid work model and the increased level of communication and collaboration platforms being used, such as Microsoft Teams, modern workforces are relying less on traditional telephone systems for voice communications. CS-IT is currently undergoing an evaluation of the Region's voice environment to determine the best communications solution for its current and future needs. A 24-month extension to the Telus Contracts will allow for continued uninterrupted support of the existing VoIP environment while CS-IT evaluates communications technologies and prepares a recommendation for a long-term solution for voice technology.

3. Previous Reports and Decisions

- 3.1 In 2014, Council approved report [#2014-F-29](#), allowing the Region to negotiate and enter into a one-year extension on its existing managed services and maintenance contract with Telus. This extension allowed the Region time to develop a Request for Proposal (RFP-137-2016) for long-term maintenance and managed services of the Cisco VoIP equipment while ensuring uninterrupted support of the Cisco VoIP environment.
- 3.2 In 2016, Council approved report [#2016-F-42](#), to award the Maintenance and Managed Services for the Region of Durham's Cisco VoIP Telephone Systems to Telus. This contract was awarded as a result of RFP-137-2016 allowing the Region to enter into an agreement with Telus for 5 years, plus two optional years.

4. Financial Implications

- 4.1 The unit cost pricing on the contract extension will not change from the existing agreement.
- 4.2 The financing of the maintenance and managed services at an annual cost of approximately \$684,000 will be funded from the approved annual operating budgets of various departments.

5. Relationship to Strategic Plan

- 5.1 This report aligns with/addresses the following strategic goals and priorities in the Durham Region Strategic Plan:
 - a. Goal 5: Service Excellence. Objective: To provide exceptional value to Durham taxpayers through responsive, effective and fiscally sustainable service delivery.
 - 5.1 Optimize resources and partnerships to deliver exceptional quality services and value
 - 5.3 Demonstrate commitment to continuous quality improvement and communicating results
 - 5.4 Drive organizational success through innovation, a skilled workforce, and modernized services

6. Conclusion

- 6.1 An extension of the existing Telus service Contracts for maintenance on data and voice equipment and Managed Services on VoIP systems for a 24-month period will ensure ongoing support and maintenance of the Region's VoIP telephony infrastructure. Should Corporate Services – Information Technology determine that maintaining the existing VoIP environment is the best telephony solution, a Request for Proposal will be issued for a new Managed Services and Maintenance Contract on the Regionally owned and standardized Cisco hardware and software.

Respectfully submitted,

Original signed by

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

Recommended for Presentation to Committee

Original signed by

Elaine C. Baxter-Trahair
Chief Administrative Officer



The Regional Municipality of Durham Report

To: Finance & Administration Committee
From: Commissioner of Finance
Report: #2024-F-12
Date: June 11, 2024

Subject:

Tile Drainage Loans on behalf of the Township of Uxbridge for Margaret and Walker Kydd (14130 Uxbridge Brock Townline, Concession 8 Lot 30, Sunderland, ON) and (14130 Uxbridge Brock Townline, Concession 8 Lots 31-33 Sunderland, ON)

Recommendation:

That the Finance & Administration Committee recommends to Regional Council that:

- A) Funds in the amount of \$17,900 be advanced to the Township of Uxbridge with respect to a loan application pursuant to the *Tile Drainage Act*, R.S.O., 1990, c. T. 8 (the "Act") for Margaret and Walker Kydd (14130 Uxbridge Brock Townline, Concession 8 Lot 30) in the Sunderland area of the Township of Uxbridge);
 - B) Funds in the amount of \$8,300 be advanced to the Township of Uxbridge with respect to a loan application pursuant to the *Tile Drainage Act*, R.S.O., 1990, c. T. 8 (the "Act") for Margaret and Walker Kydd (14130 Uxbridge Brock Townline, Concession 8 Lots 31-33) in the Sunderland area of the Township of Uxbridge); and
 - C) The requisite by-laws be approved by Regional Council.
-

Report:

1. Purpose

- 1.1 The purpose of this report is to advise the Finance and Administration Committee of the Township of Uxbridge's application, on behalf of the property owners Margaret and Walker Kydd, under the Act for loans for the purpose of constructing sub-surface drainage works on their properties, and further to seek authorization for the requisite by-laws.

2. Background

Under this provincial program, landowners are eligible for a loan for up to 75% of the total cost of the tile drainage work up to a maximum of \$50,000 in any fiscal year. The 2024 Tile Loan Program has set the fixed interest rate of 6% for the 10-year term of a loan.

- 2.1 The Township of Uxbridge is required to: (i) review the loan application(s); (ii) confirm with the Province that sufficient provincial funding is available for the loan(s); (iii) obtain the Township of Uxbridge's Council approval for the loan(s) and the allocation of funds; and (iv) pass a Rating By-law.

3. Analysis

- 3.1 The Regional Treasurer received the Township of Uxbridge's submission on behalf of Margaret and Walker Kydd for tile drainage loans ("Tile Loans") in the amounts of \$17,900 and \$8,300 for the installation of a tile drainage system on the landowner's properties located on 14130 Uxbridge Brock Townline, Concession 8 Lot 30 and 14130 Uxbridge Brock Townline, Concession 8 Lots 31-33, respectively, in the Sunderland area of the Township of Uxbridge. Jul 1, 2024 is the agreed date of issue of the Region's tile drainage debenture for the Tile Loan.

- 3.2 The Township of Uxbridge, in accordance with the Act has provided the following required documents to the Region:

- A) copy of Margaret and Walker Kydd's application for Tile Loans in the amounts of \$17,900 and \$8,300;
- B) certified copy of the February 26, 2024 Council meeting minutes from the Township of Uxbridge approving the Tile Loans;
- C) certified copy of Township of Uxbridge's rating by-law, Number 2024-031, being a by-law to impose annual drainage rates upon land in respect of which money will be borrowed under the Act;
- D) inspection and completion certificates of the work completed; and
- E) drainage maps

- 3.3 The Region is now required to approve a borrowing by-law to authorize the issuance of the tile drainage debenture, a by-law to raise money to aid in the construction of drainage works and a by-law to impose annual drainage rates upon the land in the Township of Uxbridge in respect of which the money will be borrowed to collect the annual instalments of principal and interest required for the repayment for the Tile Loan.

4. Financial Implication

- 4.1 There are no financial implications for the Region. The Region is the facilitator acting as the administrator between the Province, the Township of Uxbridge and the landowner(s).

- 4.2 The Region obtains the Tile Loan funds from the Province through the Ministry of Agriculture, Food and Rural Affairs and provides such funds to the Township of Uxbridge to provide to the landowner(s).
- 4.3 In accordance with the Act, the Region imposes annual levies upon the Township of Uxbridge for the annual instalments of principal and interest required for the repayment of the Tile Loans to the Province.

5. Conclusion

- 5.1 Council of the Township of Uxbridge has approved Margaret and Walker Kydd's applications for Tile Loans in the amounts of \$8,300 and \$17,900, under the Act and submitted the required documents to the Region.
- 5.2 In accordance with the Act, Regional Council approval of a borrowing by-law to authorize the issuance of the tile drainage debenture, a by-law to raise money to aid in the construction of drainage works as well as a by-law to impose annual levies upon the Township of Uxbridge to collect the annual instalments of principal and interest for the repayment of the Tile Loans is required.
- 5.3 Regional Council has provided the Debenture Committee with the authority to enact by-laws for debentures and financial agreements including agreements for temporary borrowing, promissory notes, bankers' acceptances, bank loan agreements, for long-term borrowing, debentures, and to execute all documents necessary to give effect to the foregoing.

Respectfully submitted,

Original Signed By

Nancy Taylor, BBA, CPA, CA
Commissioner of Finance

Recommended for Presentation to Committee

Original Signed By

Elaine C. Baxter-Trahair
Chief Administrative Officer



The Regional Municipality of Durham Report

To: Finance and Administration Committee
From: Commissioner of Finance
Report: #2024-F-13
Date: June 11, 2024

Subject:

Hannover Messe 2025 – Financial Commitment

Recommendation:

That the Finance and Administration Committee recommends to Regional Council:

- A) That a sole source award be approved in advance of the exhibition for a leading/preferred Europe-based booth vendor offering design and construction services as recommended by the trade fair with experience and expertise in delivering booths for the Hannover Messe trade fair and at the discretion of the Commissioner of Planning and Economic Development; and
 - B) That subject to the approval by the Planning and Economic Development Committee to participate in the Trade Fair, one-time funding of up to \$590,000 be provided from any available savings in the 2024 Planning and Economic Development Business Plans and Budget, with the balance from the Economic Development Reserve Fund.
-

1. Purpose

- 1.1 The purpose of this report is to seek approval for the necessary one-time funds for the Region's Economic Development and Tourism Division (Invest Durham), in collaboration with the Durham Economic Development Partnership (DEDP) and regional innovation community partners, to exhibit at the Hannover Messe 2025 trade fair. Hannover Messe 2025 will take place from March 31 to April 4, 2025, in Hannover, Germany.

2. Background

- 2.1 Invest Durham is responsible for:

- a. Generating and sourcing leads for potential new investment into Durham Region, including investment attraction missions, in-market lead generation

- services, and hosting investor tours and delegations;
 - b. Responding to investment inquiries and delivering specialized services and advice to prospective investors;
 - c. Promoting the Region for new investment, including among key international business audiences; and
 - d. Cultivating relationships with community partners, post-secondary institutions, and senior government agencies, to promote investment attraction to Durham.
- 2.2 Hannover Messe is the world's leading annual trade fair for industrial technology. It welcomes exhibiting companies from all sectors related to advanced manufacturing, including mechanical and electrical engineering, research & development, digital industries, automotive, the energy sector, automation technologies, machinery, aviation & transport, and more.
- 2.3 Approximately 4,000 businesses and organization exhibit at the show annually with a booth. There are 1,870 speakers, and 130,000 attendees. It is so large that it takes places in multiple exhibition halls, and the City of Hannover's overnight accommodations are at full capacity.
- 2.4 At Hannover Messe, there is a large concentration of decision-makers from businesses from all over the world, with a large percentage of these being based in Europe. Over 70 per cent of professional visitors to the trade fair that are surveyed after visiting state that their attendance benefitted their professional activity significantly or very significantly, in comparison to a visit to other industrial trade fairs. For a third of those attendees surveyed, it is the only trade show they visit each year.
- 2.5 Each year, one country is selected to be the primary sponsor country for the trade fair. The partner country has a large pavilion area for themselves, and there is a spotlight throughout the fair in materials and hall decoration for this partner country. In 2025, Canada will be the partner country.
- 2.6 As partner country for 2025, Canada aims to strengthen its European relationships and forge partnerships between Canadian businesses and global companies focused on digital technologies, industrial transformation, clean technologies and resilient supply chains.
- 2.7 Over the course of the next year, Canada will work to build a strong and diverse participation at Hannover Messe 2025 by Canadian companies. Earlier this year at Hannover Messe 2024, more than 70 Canadian companies across key industrial sectors, such as automation, robotics, digital technologies, hydrogen and fuel cells, and e-mobility, attended. Next year, Canada intends to build on this success by

showcasing more than 200 Canadian companies. Representatives of companies participating will have the opportunity to meet face to face with international investors and potential customers from Germany, Europe and beyond, creating opportunities, opening markets and creating jobs.

- 2.8 Invest Durham has historically only traveled outside the Province to attend these types of events for the purpose of meeting directly with companies that have expressed an interest in learning more about expansion into Canada. Invest Durham has only exhibited with booth space internationally in very limited capacities, and in all instances in partnership with others such as the Province or Ontario Tech University.
- 2.9 In 2022 and 2023, Invest Durham partnered with the DEDP, post-secondary institutions and innovation community partners to exhibit with a large physical booth space at the Collision Conference in downtown Toronto.
- 2.10 Investment Attraction organizations primarily undertake promotional activities that achieve one or both of two objectives: lead generation, and awareness generation. Lead generation is when an activity is designed to identify individual businesses, and ideally contacts within these businesses, that are interested in pursuing an expansion project. Awareness generation activities are designed to create an awareness of that region's value proposition for investment among a certain key audience, so that when businesses pursue an expansion they are aware of the region and the benefits of locating there.
- 2.11 Exhibiting with a large booth at an industry trade fair, when coupled with dedicated lead generation activity in advance, can effectively achieve both objectives.

3. Previous Reports and Decisions

- 3.1 [#2022-EDT-15](#) Ready Set Future: Five Year Economic Development and Tourism Strategy and Action Plan
- 3.2 [#2024-EDT-7](#) Investment Attraction Metrics – Annual Activity Report 2023
- 3.3 [#2023-EDT-11](#) Durham at the Collision Conference: Investment Attraction and Brand Awareness
- 3.4 [#2023-INFO-54](#) Durham Economic Development Partnership (DEDP) Action Plan and Facilitated Session

4. Discussion

Prior Experience

- 4.1 Invest Durham has prior experience exhibiting with a large booth presence at the Collision Conference, and also has prior experience attending the Hannover Messe industrial technology trade fair in prior years for the purpose of meeting with companies interested in expansion.
- 4.2 Exhibition at the Collision Conference presented an opportunity for Regional economic development staff to connect with the Canadian and global tech industry and ecosystem. Invest Durham led the project, and contributing partners included Durham College, Ontario Tech University, Trent University Durham GTA, 1855 Accelerator, Spark Centre, the Automotive Parts Manufacturers Association (APMA) – Project Arrow, Ontario Power Generation (OPG) and the Durham Economic Development Partnership (DEDP) consisting of the Cities of Pickering and Oshawa, the Towns of Whitby and Ajax, the Municipality of Clarington, and the Townships of Brock, Scugog and Uxbridge (represented by Invest Durham).
- 4.3 At the Collision Conference, Invest Durham generated 906 new contacts, and added 546 new subscribers to the Invest Durham e-news. The associated marketing campaign achieved 312,000 paid and organic digital impressions, with 4755 deeper engagements such as landing page, blog post, news release, and announcement views on Invest Durham pages; and News release placements in Canadian Manufacturing, CleanTech Canada, Yahoo Finance, and Canadian Business Journal. Investment Attraction results included 2 Familiarization tours, many advanced leads, a roundtable event with a Federal Minister, new partnership opportunities for post-secondary, and advanced relationships with senior government agencies.
- 4.4 Invest Durham staff attended Hannover Messe in 2023, 2022, and 2018, to meet with prospective investors. Staff met with 77 companies during one-on-one meetings over the course of these three missions. Many of these deals remain open and staff are actively working to advance them toward the site selection phase.

Alignment with Ready Set Future – Durham Region’s 5-Year Economic Development and Tourism Strategy, and the 2023-2026 DEDP Action Plan

- 4.5 Participation at Hannover Messe 2025 advances Goal 3.3 of Ready Set Future – to build Durham’s reputation for innovation to solve global challenges, as well as Goal 3.4 – to attract domestic and international inward investment into Durham’s priority sectors.

- 4.6 Specifically, Hannover Messe 2025 will be a flagship event for Invest Durham to showcase the Region's investment-readiness and value proposition for investment. It will be coupled with a promotional campaign to build the region's reputation for innovating to solve global challenges (Action 3.3.4). The opportunity presented by Canada acting as the 'Partner Country' is that many staff from senior investment attraction agencies will be participating, presenting an unparalleled opportunity to develop and grow partnerships with these senior agencies including Invest Ontario, Invest in Canada, the Federal Ministry of Innovation, Science, and Economic Development (ISED), the Canadian Foreign Trade Commissioner Service (FTCS), and the Ontario Ministry of Economic Development, Job Creation and Trade (MEDJCT) (Action 3.3.4).
- 4.7 The Hannover Messe 2025 industrial trade fair is the largest of its kind, and is expected to draw massive business audiences that align with the Region's target audience for investment attraction. Attendance will be strong in Durham's priority clusters of Future Energy, Next Generation Mobility, and Applied Digital Technology. Innovative technologies, automation and digital transformation, electrification, and sustainability technologies will feature prominently.
- 4.8 Additionally, collaboration by the DEDP to exhibit at this trade fair aligns with the 2023-2026 DEDP Action Plan. Priority #4 of this Action Plan is 'Marketing and Investment Promotion', which includes the following planned actions:
- a. Collaborate to showcase Durham at flagship events such as Collision Conference, Realtor & Developer Events, major clean energy conferences, etc.
 - b. Collaborate to develop and deliver creative promotional campaigns showcasing Durham's value proposition and innovation community.
 - c. Campaigns to showcase Durham's strength in key priority clusters (Clean Energy; Next-Gen Mobility; Agri-Food; Applied Digital Tech; Arts, Culture and Creative).

Preliminary Plans for Invest Durham's Participation

- 4.9 Plans are preliminary and still being developed. The Federal Government, through ISED, is leading Federal plans to exhibit at the trade fair. The federally-funded Canada Global Innovation Cluster for Advanced Manufacturing (NGEN) is leading efforts to organize a target of 200 Canadian businesses to exhibit with booths within the Canadian pavilion at the trade fair. The Province of Ontario also plans to exhibit, and other Canadian municipalities will also likely be in attendance and may have booth space.

- 4.10 Invest Durham plans to secure space for a very large booth. The booth will be designed to showcase Durham's key strengths in Future Energy, Next Generation Mobility, and/or Applied Digital Technology. It will also be designed to showcase the key value proposition messages for international investment attraction.
- 4.11 Since it will be impractical to conduct a formal Request for Proposal process in a foreign country, and there are typically preferred vendors for booth design and construction that are affiliated with these types of major trade shows, staff are seeking approval to negotiate directly with a preferred provider through a sole source procurement for exhibition booth design and construction services from a Europe-based booth designer with experience and expertise in delivering booths for the Hannover Messe trade fair.
- 4.12 It is planned that participants will be limited to staff from Invest Durham, staff from the Economic Development teams of the area municipalities (through the DEDP), and efforts will be undertaken shortly to recruit staff from other Regional partners such as the post-secondary institutions, innovation community members, and potentially the business community. The preliminary budget assumes participation by 30 attendees.
- 4.13 A lead generation service provider will be engaged in advance of the trade fair, to identify businesses that are planning to attend the conference and who may be suitable targets for investment attraction. This service provider will pre-qualify their interest in expansion, and schedule meetings for staff with individual prospective investors throughout the duration of the trade fair.
- 4.14 Staff will coordinate closely with ISED, NGEN, and MEDJCT to ensure that Regional efforts are coordinated with, align with, and support the broader Canadian efforts and objectives at the trade fair. In that respect, staff will support efforts by NGEN to recruit Durham companies to exhibit and showcase at the trade fair. NGEN is offering \$10,000 reimbursement grants to participating businesses to cover their costs of joining and exhibiting.

Preliminary Budget

- 4.15 The preliminary budget for Durham's attendance is as follows.

Item	Budget
Floor Space Rental Fee	\$100,000 - \$150,000
Conference Hall Logistics / Material Handling	\$15,000
Booth Design & Construction	\$100,000
Lead Generation Services	\$75,000
Materials Development & Production	\$25,000
Marketing Campaign	\$100,000
Travel, Accommodation, Meals, Other (12 Regional attendees)	\$60,000
Marquee Booth Attraction/Feature (including shipping)	\$50,000
Contingency	\$75,000
Revenue from partners	(\$60,000)
Total	\$590,000

**Note: Travel and accommodation costs of participating partner attendees will be the responsibility of that partner.*

Objectives and Metrics

4.16 The primary objectives for Durham Region are lead generation for the purpose of investment attraction, and brand awareness generation for the purpose of investment attraction.

4.17 The secondary objectives for the Region are supporting the Canadian efforts to recruit local companies to participate (in promotion of global expansion and international trade), as well as forming and strengthening relationships with senior government investment attraction agencies.

4.18 Target outcomes from Durham's participation at Hannover Messe 2025 are:

Target Outcome	Metric
Number of new connections with individuals	500
Number of qualified new Leads for prospective investment in Durham Region	50
Number of resulting requests by prospective investors for site selection support within 3 months	5
Number of relationships advanced with staff from senior investment attraction agencies in Ontario and Canada	20
Percentage of Durham and partner participants surveyed that felt the booth was very effective or effective at	90% or higher

Target Outcome	Metric
representing Durham Region as a whole	
Percentage of Durham and partner participants surveyed that felt exhibiting at Hannover Messe 2025 was very valuable or valuable to their organization's goals	80% or higher
Number of domestic or international Federal or Provincial/State Ministers that visit the booth to learn about Durham Region	5
Paid and organic digital impressions for the dedicated promotional campaign	350,000
Deeper engagements (click-throughs) to website content	4,000
Mentions in major media	5

4.19 The success of the primary objective of generating brand awareness among the international industrial technology business community is difficult to measure. A large and attractive booth, polished key messages, and exhibiting alongside Provincial and Federal partners, will all position Durham well to build awareness among this audience. While not all trade fair attendees will visit the Invest Durham booth, the total audience size of 130,000 attendees and 4,000 exhibitors offers one of the best opportunities for brand awareness generation, with this concentrated and relevant business audience.

4.20 Additional legacy outcomes of participation will include strengthening the Region's connection and collaboration across Durham's innovation community; higher understanding across Durham partners of Durham's shared value proposition for investment; improved brand recognition and awareness for Invest Durham and Durham Region with the European industrial technology business community.

5. Financial Implications

5.1 In order to participate in Hannover Messe 2025, it is recommended that one-time funding of up to \$590,000 be provided from any available savings in the 2024 Planning and Economic Development Business Plans and Budget, with the balance from the Economic Development Reserve Fund. Expenses will be incurred throughout 2024 and 2025.

5.2 It is also recommended that a sole source award be approved in advance of the exhibition for a leading/preferred Europe-based booth vendor offering design and construction services as recommended by the trade fair with experience and expertise in delivering booths for the Hannover Messe trade fair and at the discretion of the Commissioner of Planning. Section 7.2 of the Region's Purchasing

By-law 16-2020 permits the acquisition of goods and services through sole source negotiations under specific circumstances outlined in Appendix “C” of the By-law. Section 1.1 of Appendix “C” permits negotiations where goods and services can be supplied only by a particular supplier and no reasonable alternative or substitute goods or services exist due to an absence of competition for technical reasons.

6. Relationship to Strategic Plan

6.1 This report aligns with/addresses the following strategic goals and priorities in the Durham Region Strategic Plan:

- a. Goal 3 – Economic Prosperity. Priority 3.1 – Position Durham Region as the location of choice for business;
- b. Goal 3 – Economic Prosperity, Priority 3.2 Leverage Durham’s prime geography, social infrastructure and strong partnerships to foster economic growth;
- c. Goal 3 – Economic Prosperity, Priority 3.4 – Capitalize on Durham’s strengths in key economic sectors to attract high-quality jobs.

7. Conclusion

7.1 Canada is the primary sponsor and ‘Partner County’ for the Hannover Messe 2025 industrial technology trade fair, at which approximately 4,000 business exhibitors and 130,000 attendees will offer a strong opportunity for Durham Region to undertake successful investment attraction activities.

7.2 It is recommended that \$590,000 in one-time funding be allocated for Invest Durham, along with its Area Municipal partners through the DEDP, post-secondary institutions, and innovation community partners, to exhibit at the trade fair with a booth. Participation will also include lead generation services for business meetings, and an international marketing campaign to generate awareness of Durham’s value proposition for new investment.

7.3 In collaboration with partners, Durham expects outcomes to include growing the awareness of Durham among key international audiences in the clean energy, next-generation mobility, and applied digital technology sectors, and identifying exciting and innovating business investment projects that will create economic prosperity and high value jobs in the future for Durham residents.

7.4 This report has been reviewed by the Planning and Economic Development Department and the Commissioner of Planning and Economic Development concurs with these recommendations.

Respectfully submitted,

Original Signed By

Nancy Taylor
Commissioner of Finance

Recommended for Presentation to Committee

Original Signed By

Elaine C. Baxter-Trahair
Chief Administrative Officer



The Regional Municipality of Durham Report

To: Finance and Administration Committee
From: Commissioner of Finance and General Manager, Durham Region Transit
Report: #2024-F-14
Date: June 11, 2024

Subject:

E-Mission Zero – Approval to Execute an Agreement with PowerON Energy Solutions LP for Durham Region Transit’s Electrification Infrastructure

Recommendations:

That the Finance and Administration Committee recommends to Regional Council:

- A) That the negotiated Principal Agreement with PowerON Energy Solutions LP (“PowerON”), a subsidiary of Ontario Power Generation Inc., for engineering, procurement and construction of electrification infrastructure (the “EPC Work”), associated operating and maintenance services (the “O&M” Work); and the services related to the ongoing management of the electrification program and assets (the “Program Management Work”), aligned with the attached confidential Term Sheet, to support the Durham Region Transit Fleet Electrification Plan, be approved. The framework of the Agreement includes the following:
- i. A Principal Agreement that defines the relationship between the parties, electrification program requirements, fee structure, financial management, terms and conditions; and
 - ii. Supplementary Project Forms, initiated on an as-needed basis for approved electrification capital projects with prior approved financing, which, when completed, detail the scope of work, workplan, and cost for EPC Work, O&M Work and Program Management Work to be provided under the Principal Agreement;
- B) That the Commissioner of Finance be authorized to execute the Principal Agreement for the provision of EPC Work, O&M Work and Program Management Work with PowerON and any ancillary documents, subject to the following requirements:
- i. That the initial term be for five years, with the option to renew for an additional three, five-year terms, (for a total period of up to 20 years), subject to compliance with terms under the Principal Agreement and future funding approvals;

- ii. That the Principal Agreement aligns with the confidential Term Sheet (Attachment #1) and the partnership framework outlined in Recommendation A; and
 - iii. Terms being satisfactory to the General Manager of Transit and the Regional Solicitor; and
- C) That the Commissioner of Finance, in consultation with the General Manager of Transit, be authorized to execute any supplementary Project Forms to the Principal Agreement, as completed, subject to:
- i. Prior Council approval of the capital project and associated financing; and
 - ii. Scope of work falling entirely within Schedule A of the Term Sheet for the initial five-year term of the Principal Agreement.
-

Report:**1. Purpose**

- 1.1 This report seeks approval to execute the Principal Agreement with PowerON based on satisfactory outcomes from negotiations and alignment with all previous conditions. This report outlines the general principles to deliver and manage the electrification infrastructure and related services required to support Durham Region Transit's Fleet Electrification Plan and seeks approval to execute supplementary Projects Forms to the Principal Agreement consistent with the terms outlined in the report.

2. Background

- 2.1 In August 2021, the Region launched the E-Mission Durham program, which is focused on creating a cleaner, low-carbon future by supporting and empowering Durham residents in making the transition to lower and zero emission vehicles.
- 2.2 Supporting the E-Mission Durham program, Durham Region Transit developed the E-Mission Zero strategy which includes a suite of emission-reducing initiatives intended to deliver a more sustainable network of vehicles, infrastructure and facilities over the next 25 years.
- 2.3 In June 2022, Council endorsed Durham Region Transit's E-Mission Zero – Fleet Electrification Plan to transition the Transit fleet vehicles to zero emission technologies by 2037, with the procurement of electric buses starting in 2024, and referred the Plan to Durham Region Transit's long-term servicing and financing strategy.

- 2.4 The Fleet Electrification Plan committed to assessing options on the procurement approach for infrastructure upgrades and energy services by considering the best value in total cost of ownership and operational efficiencies. Staff recommended that Durham Region Transit focus on operating buses and investigate options to deliver and manage infrastructure upgrades, and operations and maintenance of charging infrastructure.
- 2.5 On March 1, 2023, Council approved the Transit Service and Financing Strategy (2023 – 2032), which identified projected investment requirements for the Electrification Plan within the broader context of Transit's comprehensive capital and operating pressures over the next ten years.
- 2.6 In March 2023, Durham Region executed a credit agreement with the Canada Infrastructure Bank (CIB) for up to \$62 million in low interest debt financing for the purchase of 98 electric buses.
- 2.7 In April 2023, staff submitted an application to Infrastructure Canada, under the Zero Emissions Transit Fund (ZETF), seeking federal funding to support the Fleet Electrification Plan. To date, the Region has not received a decision on its funding application. Eligible expenses for approved ZETF projects or initiatives must be incurred and submitted by March 2026.
- 2.8 On October 4, 2023, the Transit Executive Committee approved in principle a partnership framework with PowerON and authorized the negotiation of the Principal Agreement ([Report #2023-DRT-23](#)). Through the Report, staff committed to returning to Finance and Administration Committee for approval to execute the Principal Agreement, subject to conditions. This report describes the intent of the original conditions and how they have been achieved.
- 2.9 [Report #2023-DRT-23](#) included a confidential Term Sheet which described the fundamental principles and parameters to guide the negotiations and establish the commercial terms for the Principal Agreement.

3. Previous Reports and Decisions

- 3.1 In November 2019, Regional Council approved a pilot program for the purchase of up to eight electric buses and associated charging infrastructure at a total cost of \$10.1 million to be financed from a one-time incremental Canada Community-Building Fund allocation (previously known as Federal Gas Tax fund ([Report #2019-COW-31](#))).
- 3.2 In September 2021, the Transit Executive Committee received a report titled E-Mission Zero – Towards Zero Emission Public Transit in Durham Region ([Report #2021-DRT-21](#)), which provided an overview of Durham Region Transit's commitment to transition to zero GHG emissions by advancing a coordinated suite of initiatives supporting the assessment and deployment of technologies to reduce GHG emissions from public transit in Durham.

- 3.3 In November 2021, Council approved the proposed strategy to implement Durham Region Transit's Electric Bus Charging Infrastructure Demonstration Pilot ([Report #2021-DRT-28](#) and [Report #2021-F-30](#)), including approval of an additional \$2.0 million from one-time Canada Community-Building funds to increase the total approved financing to \$2.9 million for the supply of electric bus charging equipment from Oshawa Power and Utilities Corporation (OPUC) and \$0.1 million one-time Canada Community-Building funds to finance the design and construction of facility upgrades to be performed by eCamion which are necessary to implement integrated charging and energy storage equipment.
- 3.4 In February 2022, Regional Council received the 2021 Annual Corporate Climate Change Action Plan Update ([Report #2022-COW-3](#)), which included an update on Durham Region Transit's 2020 GHG inventory and the short-term reduction forecast.
- 3.5 On June 29, 2022, Regional Council endorsed the E-Mission Zero – Durham Region Transit Fleet Electrification Plan ([Report #2022-DRT-10](#) and [Report #2022-F-16](#)) and referred the plan to Durham Region Transit's long-term servicing and financing strategy to be presented in advance of the 2023 Business Plans and Budget.
- 3.6 On March 1, 2023 Regional Council approved the Transit Service and Financing Strategy (2023 – 2032) ([Report #2023-F-5](#)), which identified projected investment requirements for the Electrification Plan within the broader context of Transit's comprehensive capital and operating pressures over the next ten years.

4. Fleet Electrification – Program Status

- 4.1 Durham Region Transit's first six electric buses are expected to be delivered in June 2024. As part of the first six bus program, Durham Region Transit established an agreement with Oshawa PUC Energy Services (OPUCES) for the design and installation of charging infrastructure, with a subsequent operations and maintenance agreement to be executed shortly. The project is expected to be completed in June to coincide with bus deliveries.
- 4.2 To support the scale-up to electrification of the transit fleet, there are further infrastructure upgrades, Durham Region Transit depot retrofits, and installation of charging equipment and energy systems (the "electrification Infrastructure") required at the existing Durham Region Transit depots, and potentially beyond.
- 4.3 The traditional project delivery model (design-bid-build) poses significant challenges for transit fleet electrification, including the unique complexities and long-term nature of the projects, limited timeframes associated with senior government funding programs, and the ability to align bus purchases and deliveries with fully constructed and commissioned electrical infrastructure.
- 4.4 In consideration of these complexities, Durham Region Transit evaluated a variety of options to deliver electrification infrastructure and maximize the benefits of transitioning to a zero GHG emission fleet (Figure 1).

Figure 1: Advantages and Disadvantages of Models to Deliver Fleet Electrification Infrastructure

	Design-Bid-Build ¹	Design-Build ²	Design-Build-Operate-Maintain ³	Energy-as-a-Service ⁴	DRT-PowerON: Framework for Agreement ⁵
Schedule	-	+	+	+	+
Early Cost Certainty	-	+	+	+	+
Price (Capital Costs)	+	+	O	O	O
Opportunity to Optimize Life Cycle Costs	-	-	+	+	+
Owner Control	+	-	-	-	+
Owner Risks	-	+	+	+	+
Overall Flexibility	-	+	O	-	+

Advantages (+), Disadvantages (-), No Significant Difference (O)

¹ Multiple entities responsible for project delivery, managed under separate contracts by owner. One for the architect/engineer and one for the builder. O&M is handled separately.

² A single entity responsible for both the design and construction of the project. O&M is handled separately.

³ A Single entity is responsible for the entire project lifecycle, including design, construction, operation, and maintenance.

⁴ An energy service provider develops, finances, installs, and operates the energy infrastructure on behalf of the owner. The owner pays for the energy consumed or the services provided, rather than investing Capital upfront in infrastructure development.

⁵ Similar to the design-build-operate-maintain model, however, the framework for the agreement model allows for delivery and O&M with multi-phase, multi-year projects, providing the owner with additional control and flexibility in a collaborative environment.

- 4.5 Based on the advantages and disadvantages of each model to best support the business needs of the Region and operational requirements of Durham Region Transit, the Framework for Agreement model provides significant benefits to the Region compared to traditional delivery models for capital projects.

5. Electrification Infrastructure Delivery – Principal Agreement

- 5.1 Durham Region Transit received an unsolicited proposal for turnkey electrification infrastructure services from PowerON, a wholly-owned subsidiary of Ontario Power Generation (OPG). The PowerON proposal included partnerships with Oshawa PUC Energy Services Inc. (OPUCES) and Elexicon Group (Elexicon) – local energy services companies which are wholly-owned subsidiaries of OPUC and Elexicon Corporation, respectively, to deliver operations and maintenance services for the Durham Region Transit fleet electrification program.
- 5.2 Under the proposal, the parties would enter into a Principal Agreement, with negotiated key principles to deliver the services, providing Durham Region Transit with a structured and strategic approach to delivering the electrification program in multiple phases, over a long-term horizon, that is aligned with the transit bus procurement schedule and other business needs.
- The Principal Agreement defines the services, roles, responsibilities, fee structure and other commercial terms that allow the parties to work together efficiently over the long-term duration of fleet electrification.
 - As project work is requested by Durham Region Transit, a subsequent work agreement (Project Form), supplementary to the Principal Agreement, will be developed to define the scope of work, deliverables, and total cost for work. The Principal Agreement regulates the work agreements, eliminating the need to negotiate additional contracts. In addition, as a control mechanism, the project budget and associated financing approvals must be in place prior to the execution of the Project Form, and the project must fall within the exclusivity clause of the Principal Agreement.
- 5.3 This partnership framework with PowerON is innovative in its approach while ensuring that the procurement process is competitive and achieves value for money. Similar partnerships have been implemented by the Toronto Transit Commission, Oakville Transit and OC Transpo/City of Ottawa with varying degrees of scope.
- PowerON has established and operates the only active Vendor of Record (VOR) program for transit electrification equipment and services in Canada. The VOR was established through an open Request for Proposal (RFP) process and uses pre-qualified vendors for each major service typically required for transit electrification projects, providing favourable terms on schedule reliability, supplier liability, warranty, and volume price discounts.

- PowerON complies with the Ontario Broader Public Sector Procurement Directive (BPS Directive), ensuring the VOR program utilizes an open, transparent and fair procurement process, and that the Region meets its municipal purchasing obligations. Further, this procurement program transfers execution and operational risk to PowerON.
- Under the proposed agreement, up to eighty per cent of the capital payments to PowerON flow directly to suppliers, using competitively procured equipment and services through the VOR framework or in alignment with the BPS Directive. This does not include the program management and operations and maintenance works specified in the Principal Agreement and supplementary Project Forms.
- The Principal Agreement is structured to comply with open procurement rules commonly associated with senior government funding programs and provides the Region with the flexibility to ensure infrastructure delivery complies with the requirements of the relevant government funding program (as highlighted under Recommendation A).

5.4 This model is aligned with the collaborative spirit of the partnership framework, offering the Region benefits with respect to transparency on actual costs for the equipment and services and pre-determined PowerON fees, as discussed in detail in the Financial Implications section and Confidential Attachments of this report.

- A cost-plus pricing model will be used to deliver the EPC Work and O&M Works, with open-book accounting, flow-through of costs on competitively procured equipment and services, and pre-determined PowerON fees applied to these costs and contingencies (where applicable).
- Once EPC Work is completed, Program Management fees will be charged by PowerON annually for the useful life of all infrastructure implemented under the agreement for program management services.
- Should PowerON deliver a capital project under the approved budget, including contingencies, cost savings are to be shared with PowerON, subject to certain limitations.

5.5 This arrangement is of a sole source nature because PowerON is uniquely positioned to provide efficient transit fleet electrification services while ensuring the Region complies with public procurement requirements through PowerON's VOR. The Region of Durham's Purchasing By-law #16-2020, Section 7.2 Limited tendering (sole/single source purchases) permits the acquisition of goods and services through limited tendering under specific circumstances outlined in Appendix "C" of the By-law. Section 1.1 of Appendix "C" permits sole source purchases where the goods or services can be supplied only by a particular supplier and no reasonable alternative exists.

5.6 There are inherent risks to pursuing a traditional model versus the proposed PowerON Framework for Agreement model. These risks include the following:

- Durham Region Transit would retain delivery and performance risks, integration risks, and risks related to the operations and maintenance of the equipment. In addition, there is currently a lack of internal expertise related to zero emissions electrification infrastructure of this size and magnitude. Engaging PowerON as a partner will ensure that Durham Region Transit and the Region are well positioned to move this innovative program forward.
- Durham Region Transit would assume significant risks related to the timing of implementing the equipment and infrastructure, which is critical to meeting the deadlines required by the Zero Emission Transit Fund (ZETF) program and the approved CIB financing program.
- Durham Region Transit estimates that a traditional model may delay implementation by 12-18 months, which could impact grant funding if program timelines are not achieved.
- The traditional project delivery model favours short-term requirements and does not provide as much flexibility in contract management to respond to the long-term considerations of the Transit fleet electrification program, including evolving solutions, effective integration and asset management requirements. There are also limited opportunities to optimize life cycle costs under the traditional project delivery model.

Scope of Services

5.7 PowerON will act as a prime consultant for Durham Region Transit, assuming responsibility and partial contractual risk for the delivery and management of the electrification infrastructure to support Durham Region Transit's electrification plan. Responsibilities include, but are not limited to the following:

- Design, procurement and construction management of the electrification infrastructure as per Durham Region Transit's requirements.
- Program planning and asset management services to strategically manage a series of individual projects as part of the overall electrification program, including reporting and analysis to ensure optimal asset performance and fiscal responsibility.
- Operations and maintenance of the electrification infrastructure, including monitoring, managing performance and using commercially reasonable efforts to ensure the equipment operates in accordance with minimum operating requirements as set out in the Principal Agreement.

5.8 The electrification infrastructure and related services will be designed and constructed at Durham Region Transit's bus depots and future remote charging locations, which may be required. The scope of services is grouped into the following three categories to best align with the needs of the parties:

- Electrification Infrastructure which includes equipment and materials that are directly required to charge and manage Durham Region Transit's electric fleet. Electrification infrastructure would be subject to an exclusivity period with PowerON for the lesser of 5 years following the effective date of the Principal Agreement or the termination of the Principal Agreement.
- Infrastructure that is related to, but not directly required for charging of Durham Region Transit's electric fleet is not subject to the exclusivity period in the Principal Agreement. This work would be evaluated to determine whether it would benefit the Region to assign it to PowerON. Further Council approvals will be necessary to award such projects to PowerON. An example project would be the rebuilding of the Oshawa East Storage Depot following the August 2023 fire. The facility will be a purpose-built facility for an electric fleet.
- The Region and Durham Region Transit will also have the option, at its sole discretion, to utilize PowerON for optional services such as Global Adjustment (GA) Services⁶, Clean Fuel Regulation Credit Services⁷ and IESO Services⁸, the terms of which will be evaluated by the Region, and if beneficial, separate Project Forms for optional services will be negotiated under the Principal Agreement.

5.9 PowerON has executed a teaming agreement with EnerFORGE and Elexicon Group to deliver some of the services within the territories of OPUC and Elexicon Energy respectively, to the extent that each party is willing and able to do so. The scope of this work includes:

- Project management of any required electrical system utility upgrades or connections at project sites;
- Maintenance of all electrification infrastructure installed through the Program; and
- The right to participate in any co-investment or financing opportunities that may arise through the Program.

Benefits

5.10 This collaboration brings the expertise of entities in energy infrastructure development and public ownership into the Region. By leveraging these advantages, this framework agreement provides efficient and sustainable infrastructure delivery.

⁶ Management of the electrification infrastructure to reduce Durham Region Transit's electricity cost (mitigate peak demand charges and Global Adjustment (GA) costs).

⁷ Clean Fuel Regulation credit reporting, aggregation, and sales.

⁸ Leveraging energy assets to generate market revenues for Demand Response, Operating Reserve, Capacity, and other ancillary services and any successor programs; and sale of electricity, if applicable, from electrification infrastructure to the IESO market.

- 5.11 Engaging a single agent responsible for design, procurement, construction management, delivery, and O&M services ensures streamlined delivery, communication, effective resource management, and efficient project execution.
- 5.12 By including O&M services within the model, PowerON can ensure continuity through design and construction for long-term maintenance considerations of the infrastructure.
- 5.13 Through the program management services, PowerON can optimize life-cycle costs by monitoring and adapting assets over time. Identifying operational efficiencies provides the opportunity to extend asset lifespan, improve performance and minimize long-term costs.
- 5.14 The VOR program offers economic benefits such as cost savings through bulk purchasing, streamlined procurement and an expedited project schedule that aligns with implementation timelines of funding and financing programs.
- 5.15 The model allows the Region to access specialized resources to manage the program in a collaborative manner, with control in the early project phases, maximizing flexibility, transferring risk, and optimizing for cost and schedule. Durham Region Transit staff will benefit from working with skilled resources including building internal capacity and specialized knowledge in zero emissions electrification infrastructure.
- 5.16 As the energy services companies are owned by public agencies (or by entities which are municipally owned), the partnership ensures a strong sense of accountability to the Region and its residents. The partners have a vested interest in delivering successful projects and maximizing public value.

6. Financial Implications

Principal Agreement Fees

- 6.1 Confidential Attachment #2 and #3 provides additional details on the application of the PowerON fee structure for a sample project.
- 6.2 A cost-plus pricing model will be used to deliver the EPC Work and O&M Work under the Principal Agreement with PowerON.
- For EPC Work, PowerON will charge the Region a Construction Management Fee that is calculated at a pre-determined percentage of capital cost of the project.
 - For O&M Work, PowerON will charge the Region an Operations and Maintenance Fee that is calculated at a pre-determined percentage of the annual preventative and corrective maintenance costs for the electrification infrastructure.

- 6.3 Once EPC Work is completed, PowerON will charge an annual Program Management Fee. This fee will be proportional to the capital cost of each piece of infrastructure implemented under the agreement and the Region will be obligated to pay this fee annually for the useful life of each asset.
- 6.4 In addition, to the above fees, PowerON will charge the Region for expenses they incur including labour, third-party costs and associated overhead for EPC Work (Project Management Costs). These costs are to be reimbursed at cost and associated overhead. The Project Management Costs are capped as defined on the term sheet.
- 6.5 Under the Principal Agreement, should PowerON deliver a capital project under the approved budget, including contingency, cost savings are to be shared with PowerON, subject to certain limitations. The term sheet provides additional information on PowerON's obligations should they deliver a capital project over the approved budget, including contingency. Under the Principal Agreement, project contingencies are capped as outlined on the term sheet.
- 6.6 The total contract value cannot be estimated at this time due to uncertainty in the scale, scope and timing of project costs that fall within the exclusivity clause of the Principal Agreement. Durham Region Transit's 2024 capital budget and nine-year forecast includes \$105 million in capital projects associated with electrical vehicle charging infrastructure. This work is contingent on senior government funding.
- 6.7 Furthermore, the Durham Region Transit ten-year capital plan also includes \$102 million in facility projects that include electrification infrastructure that would fall outside the exclusivity clause of the Principal Agreement but could be assigned to PowerON if beneficial to the Region. Further Council approvals will be necessary to award such projects to PowerON.
- 6.8 Without senior government funding agreements in place, such as the ZETF, it is difficult to assess whether the totality of all the PowerON fees will be considered eligible expenses under any approved grant funding program. Any ineligible expenses would need to be funded by the Region. However, this risk can be mitigated by using the existing provisions of the Principal Agreement which enable the Region to utilize traditional procurement methods to maximize funding.
- 6.9 Updated operating and capital costs associated with electrical vehicle charging infrastructure may increase pressures on Durham Region Transit's operating and capital budgets beyond the Transit Service and Financing Strategy (2023 – 2032). As such, further phasing and deferral of various transit initiatives could be implied, given the financial constraints of the strategy.

Senior Government Funding

- 6.10 In Report [#2023-DRT-23](#), staff brought forward a recommendation (recommendation C) to seek approval of the Principal Agreement subject to Infrastructure Canada's approval of the partnership framework with PowerON and the approval of the Region's application for funding under the ZETF program.
- 6.11 In response to this recommendation, Regional staff have advised Infrastructure Canada of the proposed partnership framework with PowerON. Infrastructure Canada acknowledged receipt of the information but did not provide comments or questions.
- 6.12 In addition, Region staff have sought confirmation from Infrastructure Canada that the capital expenses associated with future Project Forms under the Principal Agreement with PowerON will be eligible for grant funding under the ZETF program requirements as long as the Project Forms are executed following ZETF funding approval.
- 6.13 In the absence of confirmation from Infrastructure Canada, staff have taken the following actions to mitigate the risk of executing the Principal Agreement with PowerON in advance of receiving confirmation of federal funding and associated agreements:
- Included contract language in the Principal Agreement that all terms related to exclusivity will not apply should the Region, at its reasonable discretion, determine that the approach does not meet the requirements of a funding program that Durham Region Transit wishes to utilize.
 - Consulted with other transit agencies that have received ZETF funding approval and have a similar agreement with PowerON to confirm eligibility of funding for capital expenses associated with Project Forms.
- 6.14 With current federal financing opportunities only available until 2026, the proposed Principal Agreement with PowerON positions the Region to maximize funding opportunities within the constrained timeframe, reducing the expected cost pressures for the Region.
- 6.15 Staff will continue to explore additional financing and senior government funding opportunities to reduce cost pressures and further support this program.

7. Operational Considerations

- 7.1 Software and control systems will play a critical role in the management and operations of the electrification infrastructure, enabling bus and equipment to be integrated into the existing system for maximum operational efficiencies.

- 7.2 Staff will continue to work closely with Facilities Management staff as key stakeholders during the implementation of this program. The electrification infrastructure upgrades and operations and maintenance will require detailed planning and phasing of work, since Durham Region Transit depots are active operational sites.
- 7.3 Through this collaborative approach, Regional staff have the opportunity to learn and receive training and support in a reduced-risk environment, to safely expand responsibilities as appropriate.

8. Relationship to Strategic Plan

- 8.1 This report aligns with/addresses the following strategic goals and priorities in the Durham Region Strategic Plan:
- Goal 1.1: Environmental Sustainability – Accelerate the adoption of green technologies and clean energy solutions through strategic partnerships and investment.
 - Goal 1.4: Environmental Sustainability – Demonstrate leadership in sustainability and addressing climate change.
 - Goal 3.4: Economic Prosperity – Capitalize on Durham's strengths in key economic sectors to attract high-quality jobs.

9. Next Steps

- 9.1 Upon approval of the recommendations contained in this report, staff will:
- Execute the Principal Agreement with PowerON, with commercial terms aligned with the fundamental principles of the Term Sheet and to the satisfaction of the General Manager of Transit, the Commissioner of Finance and the Regional Solicitor.
 - Draft the required Project Forms and proceed with work required for projects with approved capital budgets and associated financing.
 - Subject to approval from Infrastructure Canada through ZETF, initiate procurement of electric buses as approved through Durham Region Transit's annual Business Plans and Budget process.
 - Engage Corporate Communications to develop further engagement opportunities (internal and external) to promote eMission Zero – Fleet Electrification.
- 9.2 Legal Services and the Works Department have been consulted throughout the process and support the report's recommendations.

10. Conclusion

- 10.1 Approval of the recommendations enables Durham Region Transit to take the next steps towards electrification of the transit fleet.

10.2 Through the collaborative approach with PowerON, the Region can achieve an integrated, efficient, and sustainable infrastructure to support the fleet electrification program as new technologies quickly evolve over the next 20 years.

11. Confidential Attachments

11.1 Confidential Attachment #1 – Term Sheet **Under Separate Cover**

11.2 Confidential Attachment #2 – Summary of PowerON Fee Structure for Sample Project **Under Separate Cover**

11.3 Confidential Attachment #3 – Details of PowerON Fee Structure for Sample Project **Under Separate Cover**

Respectfully submitted,

Original Signed By

Bill Holmes
General Manager, Durham Region
Transit

Original Signed By

Nancy Taylor, BBA, CPA, CA
Commissioner of Finance

Recommended for Presentation to Committee

Original Signed By

Elaine C. Baxter-Trahair
Chief Administrative Officer



The Regional Municipality of Durham Report

To: Finance and Administration Committee
From: Commissioner of Finance
Report: #2024-F-16
Date: June 11, 2024

Subject:

Recommended Amendment to Regional Development Charges By-law #42-2023 to Remove Phase-in Rates Effective July 1, 2024

Recommendation:

That the Finance and Administration Committee recommends to Regional Council:

- A) That subject to a 2/3rds majority vote, the recommendations contained in Report #2024-F-10 of the Commissioner of Finance, as approved by Regional Council on May 29, 2024, be reconsidered and amended to read as follows:
- i. That the phase-in provisions of the Regional Development Charges (DC) By-law #42-2023 as set out in the amending by-law (Attachment #1) and the Regional Transit DCs under By-law #39-2022, be effective as of July 1, 2024;
 - ii. That the Regional Solicitor be instructed to prepare the requisite amendment to the DC By-law for presentation to Regional Council for passage;
 - iii. That the Regional Solicitor be instructed to revise future development agreements and any by-law(s) relating thereto to reflect any changes required to implement the foregoing recommendations and that any such revised by-law(s) be presented to Council for passage;
 - iv. That any complete submission for the preparation of a subdivision agreement received by the Development Approvals Division of the Regional Works Department on or prior to July 1, 2024 be given the option of being processed under the policies and rates of the current DC By-Law #42-2023 (i.e. without the changes recommended in the amending by-law) or the proposed amended DC By-law, where a complete submission requires all of the following to have been submitted to the Development Approvals Division in a form satisfactory to the Region.

- Ministry of the Environment, Conservation and Parks approval is received;
 - Detailed cost estimate received;
 - Three (3) copies of the proposed Final Plan (M-Plan) received;
 - Regional Planning approval of the Final Plan received;
 - Three (3) copies of all proposed Reference Plans (R-Plans) received;
 - Three (3) copies of approved General Plan of Services received (signed by the Local Municipality and the Region); and
 - Regional Subdivision Agreement Information Checklist.
- v. Subdivision agreements which have been processed according to By-Law #42-2023 (i.e. without the changes recommended in the amending by-law) must be executed within three months of July 1st, 2024 (September 30th, 2024), otherwise they shall be deemed cancelled and will be replaced with a subdivision agreement processed according to the amended DC By-law, where execution requires all of the following to have been submitted to the Regional Legal Services in a form satisfactory to the Region:
- signed Subdivision Agreement received, including all schedules;
 - payments of fees identified in the agreement received;
 - securities identified in the agreement received;
 - prepayment of DCs for Sanitary Sewerage, Water Supply and Regional Roads received; and
 - Insurance Certificate received.
- vi. That the Regional Treasurer be instructed to prepare the requisite DC pamphlet pursuant to the Development Charges Act, 1997 (DCA) and related materials;
- vii. That the Regional Clerk be instructed to follow the notification provisions pursuant to subsection 19(1.4) of the DCA; and
- viii. That a copy of this report be forwarded to the area municipalities.

Report:

1. Purpose

- 1.1 The purpose of this report is to provide updated recommended timing for the recent Council approved amendments to remove the development charge phase in provisions from the Regional Development Charges (DC) By-law #42-2023, as a result of Bill 185, Cutting Red Tape to Build More Homes Act, 2024 receiving Royal Assent on June 6, 2024. The report also recommends the removal of the phase-in of the Regional Transit DC (which does not require an amendment) also take effect July 1, 2024.

2. Background

- 2.1 On May 29, 2024, Regional Council Approved Report 2024-F-10, which recommended the Regional DC By-law #42-2023 be amended to remove the phase-in provisions established in Bill 23, More Homes Built Faster Act, 2022 (see attachment #2).
- 2.2 Bill 185 received Royal Assent on June 6th, 2024, with no significant changes to the proposed DC related amendments. Council may now proceed to use the unique shortened by-law amendment process to remove the phase in of DC rates.

3. Previous Reports and Decisions

- 3.1 On May 29, 2024, Regional Council approved the recommendations in Report 2024-F-10 which directed that the full DC rates would come into effect five business days after Council approved the amending By-law.
- 3.2 On May 17th, 2024, Regional Council received Report #2024-INFO-36, providing the pending indexing increase for the Regional DCs which will become effective on July 1, 2024.
- 3.3 Regional Council passed the current Regional DC by-law (#42-2023) on June 14, 2023, through Report #2023-F-13.
- 3.4 Regional Council passed the current Regional Transit DC By-law (#39-2022) on June 29, 2022, through Report #2022-F-15.
- 3.5 A summary of Bill 23 was provided in Report #2022-INFO-93 in November 2022.

4. Further Public Consultation and Direction to Regional Staff

- 4.1 Regional staff had previously sent correspondence to Building Industry and Land Development Association, Durham Region Homebuilders Association, and the local chambers of Commerce and Boards of Trade regarding Report #2024-F-10 and the recommendation to impose the full Regional DC rates five business days after Regional Council passed the amending by-law. Regional staff have also advised them of the recommended modified implementation date of July 1, 2024, which will coincide with the annual indexing.
- 4.2 The previous direction from Regional Council to the Regional Solicitor, Regional Clerk and Regional Treasurer to complete the various administrative tasks along with the transitional policies needed to implement the recommended Regional DC By-law is being recommended to be modified only to reflect the new recommended July 1, 2024 implementation date.

5. Relationship to Strategic Plan

- 5.1 This report aligns with/addresses the following strategic goals and priorities in the Durham Region Strategic Plan:
- a. Ensuring the Region's DC By-law is in conformity with the DCA, supporting Goal 5 (Service Excellence).

6. Conclusion

- 6.1 It is recommended that By-law #42-2023 be amended (Amending by-law provided in Attachment #1) to remove the phase in provisions effective July 1st, 2024. Further, it is recommended that the removal of the phase-in of the Regional Transit DC (which does not require an amendment) also take effect July 1, 2024.
- 6.2 Regional staff will be recommending further adjustments to the Regional DCs to re-instate the cost of studies in the fall of 2024, once the necessary analysis is completed.
- 6.3 This report has been prepared with the assistance of staff from the Planning & Economic Development Department, Works Department, and the Office of the Chief Administrative Officer – Legal and Legislative Services, who concur with the recommendations.

7. Attachments

Attachment #1: By-law to Amend By-law #42-2023

Attachment #2: Report #2024-F-10

Respectfully submitted,

Original Signed By

N. Taylor, BBA, CPA, CA
Commissioner of Finance

Recommended for Presentation to Committee

Original Signed By

Elaine C. Baxter-Trahair
Chief Administrative Officer

Attachment #1

Recommended Amending By-law to By-law #42-2023

**By-law Number XX-2024
of The Regional Municipality of Durham**

Being a by-law to amend by-law number 42-2023.

Whereas section 19 of the Development Charges Act, 1997, S.O. 1997, c.27 (the “Act”) provides for amendments to development charge by-laws;

And Whereas the Council of The Regional Municipality of Durham requires certain amendments to By-law 42-2023;

And Whereas in accordance with the Act, Bill 185 eliminates the need for a development charge background study as well as the need for a public meeting to make an amendment to By-law 42-2023, and is therefore not provided in the amendment of this By-law;

And Whereas a public notice will be made available to inform the public that Council will address this on June 26th, 2024;

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

1. **The heading before section 3.18 of By-law 42-2023 (“Mandatory Phase In Reductions in First Four Years”) be removed.**
2. **Section 3.18 of By-law 42-2023 is deleted.**
3. **Section 3.19 of By-law 42-2023 is renumbered section 3.18.**
4. **Section 3.20 of By-law 42-2023 is renumbered section 3.19.**
5. **Section 3.21 of By-law 42-2023 is renumbered section 3.20.**
6. **Section 3.22 of By-law 42-2023 is renumbered section 3.21.**
7. **Section 3.23 of By-law 42-2023 is renumbered section 3.22.**
8. **Section 3.24 of By-law 42-2023 is renumbered section 3.23.**

9. Schedule B to By-law 42-2023 is replaced with the following schedule:

Service Category	Detached & Semi-Detached \$	Medium Density Multiples \$	Two Bedroom Apartment & Larger \$	One Bedroom Apartment & Smaller \$
Region-Wide Charges				
Regional Roads	26,998	21,501	15,718	9,654
Regional Police	977	778	569	349
Long-Term Care	548	436	319	196
Paramedic Services	441	351	257	158
Waste Diversion	94	75	55	34
Subtotal	29,058	23,141	16,918	10,391
Regional Water Supply & Sanitary Sewer Charges				
Water Supply	26,117	20,800	15,206	9,340
Sanitary Sewerage	23,858	19,000	13,890	8,531
Subtotal	49,975	39,800	29,096	17,871
Total of All Charges	79,033	62,941	46,014	28,262

NOTE: The development charges described above shall be adjusted annually on July 1 pursuant to Section 3.16 of this By-law.

10. **Schedule C to By-law 42-2023 is replaced with the following schedule:**

Service Category	Commercial Development Charges
Water Supply	7.51
Sanitary Sewerage	12.06
Regional Roads	21.91
Total of All Charges	41.48

NOTE: The development charges described above shall be adjusted annually on July 1 pursuant to Section 3.16 of this By-law.

11. **Schedule D to By-law 42-2023 is replaced with the following schedule:**

Service Category	Institutional Development Charges
Water Supply	2.03
Sanitary Sewerage	2.92
Regional Roads	16.61
Total of All Charges	21.56

NOTE: The development charges described above shall be adjusted annually on July 1 pursuant to Section 3.16 of this By-law.

- 12. Schedule E to By-law 42-2023 is replaced with the following schedule:**

SERVICE CATEGORY	INDUSTRIAL DEVELOPMENT CHARGES
Water Supply	4.86
Sanitary Sewerage	7.06
Regional Roads	7.59
Total of All Charges	19.51

NOTE: The development charges described above shall be adjusted annually on July 1 pursuant to Section 3.16 of this By-law.

- 13. This by-law will come into force and effect July 1, 2024.**

This By-law Read and Passed on the xx day of XX, 2024.

J. Henry, Regional Chair and CEO

A. Harras, Regional Clerk

Attachment #2
Report to Amend By-law #42-2023

If this information is required in an accessible format, please contact 1-800-372-1102 ext. 2303



The Regional Municipality of Durham Report

To: Finance and Administration Committee
From: Commissioner of Finance
Report: #2024-F-10
Date: May 14, 2024

Subject:

Recommended Amendments to Regional Development Charges By-law #42-2023 to Remove Phase-in Rates

Recommendation:

That the Finance and Administration Committee recommends to Regional Council:

- A) That the Regional Development Charges (DC) By-law #42-2023 be amended to remove the phase-in provisions as set out in the amending by-law (Attachment #1) and the Regional Transit DCs under By-law #39-2022 return to the full rates both at a future date as set out in recommendation B;
- B) That the Commissioner of Finance and the Regional Solicitor be instructed to prepare the requisite amendment to the DC By-law for presentation to Regional Council for passage upon Schedule 6 of Bill 185, Cutting Red Tape to Build More Homes Act, 2024 coming into force to give effect to Recommendation A, with the full rates coming into effect five business days after Council approves the amending By-law;
- C) That the Regional Solicitor be instructed to revise future development agreements and any by-law(s) relating thereto to reflect any changes required to implement the foregoing recommendations and that any such revised by-law(s) be presented to Council for passage;
- D) That any complete submission for the preparation of a subdivision agreement received by the Development Approvals Division of the Regional Works Department on or prior to the effective date of Schedule 6 of Bill 185 be given the option of being processed under the policies and rates of the current Development Charges By-Law #42-2023 (i.e. without the changes recommended in the amending by-law) or the proposed replacement by-law, where a complete submission requires all of the following to have been submitted to the Development Approvals Division in a form satisfactory to the Region.

- Ministry of the Environment, Conservation and Parks approval is received;
 - Detailed cost estimate received;
 - Three (3) copies of the proposed Final Plan (M-Plan) received;
 - Regional Planning approval of the Final Plan received;
 - Three (3) copies of all proposed Reference Plans (R-Plans) received;
 - Three (3) copies of approved General Plan of Services received (signed by the Local Municipality and the Region); and
 - Regional Subdivision Agreement Information Checklist;
- E) Subdivision agreements which have been processed according to By-Law #42-2023 (i.e. without the changes recommended in the amending by-law) must be executed within three months following the date when the Region re-instates the full rates, otherwise they shall be deemed cancelled and will be replaced with a subdivision agreement processed according to the replacement by-law, where execution requires all of the following to have been submitted to the Regional Legal Services in a form satisfactory to the Region:
- signed Subdivision Agreement received, including all schedules;
 - payments of fees identified in the agreement received;
 - securities identified in the agreement received;
 - prepayment of Development Charges for Sanitary Sewerage, Water Supply and Regional Roads received; and
 - Insurance Certificate received;
- F) That the Regional Treasurer be instructed to prepare the requisite DC pamphlet pursuant to the Development Charges Act, 1997 (DCA) and related materials;
- G) That the Regional Clerk be instructed to follow the notification provisions pursuant to the DCA, should it be required; and
- H) That a copy of this report be forwarded to the area municipalities.

Report:

1. Purpose

- 1.1 The purpose of this report is to provide recommendations regarding proposed amendments to remove the development charge phase in provisions from the Regional Development Charges (DC) By-law #42-2023 as well as information regarding the removal of the phase-in of the Regional Transit DC as anticipated to be permitted under Schedule 6 of Bill 185, Cutting Red Tape to Build More Homes Act, 2024.

2. Background

- 2.1 In November 2022, the Province of Ontario passed the More Homes Built Faster Act, 2022 (Bill 23). The Bill introduced sweeping impacts to development charges (DCs), Regional planning activities, and other items relevant to both Regional and local municipalities in Durham Region. The changes with notable impacts to development charges included:
- a. For all by-laws passed after January 1, 2022, the development charges had to be phased in annually over the first five years the by-law is in force, as follows.
 - Year 1 – 80% of the maximum charge;
 - Year 2 – 85% of the maximum charge;
 - Year 3 – 90% of the maximum charge;
 - Year 4 – 95% of the maximum charge;
 - Year 5 – 100% of the maximum charge;
 - b. A revised definition for capital costs was introduced, which removed studies as an eligible cost for development charges. This included Master Plan Studies and DC Background Studies.
- 2.2 The phase in provisions from Bill 23 impacted two Regional DC By-laws; Regional Transit DC By-law #39-2022 and Regional DC By-law #42-2023 (which includes water, sewer, roads, waste diversion, police, paramedic and long-term care services). Bill 23 did not impact GO Transit DC By-law #86-2001 or the Seaton area-specific DC By-law #38-2019 as these by-laws were passed prior to January 1, 2022.
- 2.3 On June 14, 2023, Regional Council approved Regional DC By-law #42-2023 which became effective on July 1, 2023, and applies to both residential and non-residential development. As per Bill 23, the Regional DC By-law included a five-year phase in of new DC rates. The five-year phase in of new rates set the July 1, 2023, rates at 80% of the full rate from the 2023 background study, increasing by 5% each year on July 1, until the full (100%) value of the proposed rates are reached, which would have been on July 1, 2027.
- a. At the time, staff estimated that the impact of Bill 23 would reduce Regional DC payments by about \$913 million by 2033. This meant there would have been less DC funding available for major capital projects and funding would have been required from property taxes and water and sewer user rates.
- 2.4 Regional Transit DC By-law #39-2022 was approved in June 2022 and implemented on July 1, 2022. Since it was approved prior to Bill 23, this by-law did not include the phase-in provisions, however the Region was required to apply the phased-in rates as of November 28, 2022, when Bill 23 came into effect.

- 2.5 On December 13, 2023, the Province indicated that it will be consulting with municipalities to review certain aspects of Bill 23 in 2024. The potential changes under consideration would reduce the financial impacts of Bill 23 if implemented.
- 2.6 On April 10, 2024, Bill 185, Cutting Red Tape to Build More Homes Act, 2024 was proposed. Schedule 6 of Bill 185 includes several changes to the Development Charge Act, 1997, most notably the elimination of the mandatory five-year phase in of new development charge rates set out in Bill 23. Other notable changes to the Development Charge Act, 1997 include a revised definition of capital costs, which reinstates studies as an eligible capital cost (which were removed from eligibility in the More Homes Built Faster Act, 2022), as well.
- a. Upon Schedule 6 of Bill 185 coming into force (assuming it is passed as currently drafted), the immediate implications for development charges include:
- the mandatory 5-year phase in of new development charges is no longer required and the Region can impose the full DC rates; and
 - capital costs for studies will become an eligible capital cost in the DC rate calculations. This would include the costs of Master Plan Studies and DC Background Studies.
- b. Bill 185 permits a unique six-month window for municipalities to undertake any minor amendments to the DC By-laws (that cannot be appealed to the Ontario Lands Tribunal) impacted by Bill 185 in a streamlined approach, eliminating the requirements for the statutory public process (i.e., no requirement for a public meeting or the completion of a background study).

3. Previous Reports and Decisions

- 3.1 Regional Council passed the current Regional DC by-law (#42-2023) on June 14, 2023, through Report #2023-F-13.
- 3.2 Regional Council passed the current Regional Transit DC By-law (#39-2022) on June 29, 2022, through Report #2022-F-15.
- 3.3 A summary of Bill 23 was provided in Report #2022-INFO-93 in November 2022.

4. Highlights of Final Recommendations

Transit DC By-law #39-2022

- 4.1 Based on Bill 185 as currently drafted, no amendments are required to Transit DC By-law #39-2022 as the phase-in provisions were not expressly included in the by-law and the cost of studies were included in the by-law. Staff propose to return to the full Regional Transit DCs on the effective date of the recommended amendment to remove the phase-in from the Regional DC By-law in order to align the timing of implementation of full DC rates for all Regional services.

Regional DC By-law #42-2023

- 4.2 At this time, staff are recommending Regional DC By-law #42-2023 be amended (Attachment #1) under the streamlined approach noted in section 2.6 to remove the mandatory phase in of new DC rates which were introduced in Bill 23 and are proposed to be rolled back in Bill 185. There are no proposed changes to the Regional DC capital program, rates, or development forecast. The amending by-law is written to take effect 5 business days following Regional Council passage of the amending By-law.
- 4.3 Regional staff will report back to Regional Council with recommendations to re-introduce the cost of studies into DC By-law #42-2023 within the six-month window for the streamlined DC by-law amendment process set out in Bill 185. Staff will undertake the necessary background work to determine the cost of the studies for which their eligibility for inclusion in DCs has been renewed and consult with the building industry over the summer of 2024.
- 4.4 Upon Schedule 6 of Bill 185 coming into force and Regional Council passage of the attached by-law, the Regional DC rates would increase to their full value 5 business days after Regional Council passage. The following tables provide the current DC rates and the full DC rates:

Table 1
Comparison of Regional Residential DC Rates

RESIDENTIAL DEVELOPMENT CHARGES BY SERVICE CATEGORY PER SDE		
SERVICE CATEGORY	Current Phased in Rates \$	When Bill 185 is in effect \$
<u>Services Subject to the Amending By-law</u>		
Regional Roads	21,598	26,998
Regional Police Services	782	977
Long Term Care	438	548
Paramedic Services	353	441
Waste Diversion	75	94
Water Supply	20,894	26,117
Sanitary Sewerage	19,086	23,858
Subtotal	63,226	79,033
<u>Services Not Requiring an Amending By-law</u>		
GO Transit	838	838
Regional Transit	2,085	2,453
Subtotal	2,923	3,291
Total (All Services)	\$ 66,149	\$ 82,324

1. Rates will be updated on July 1, 2024, for indexing purposes.

Table 2
Comparison of Regional Non-Residential Commercial DC Rates ^{1,2}

COMMERCIAL DEVELOPMENT CHARGES Per Square Foot of Gross Floor Area			
SERVICE CATEGORY	Current Phase in Rate	When Bill 185 is in effect	Change
Regional Roads	17.53	21.91	4.38
Water Supply	6.01	7.51	1.50
Sanitary Sewerage	9.65	12.06	2.41
Regional Transit	0.95	1.11	0.16
Total (All Services)	\$ 34.14	\$ 42.59	\$ 8.45

1. Rates will be updated on July 1, 2024, for indexing purposes.

2. Regional Transit is not in scope of this amendment, but is shown to give a wholesome picture of Region DC's

Table 3
Comparison of Regional Non-Residential Institutional DC Rates ^{1,2}

INSTITUTIONAL DEVELOPMENT CHARGES Per Square Foot of Gross Floor Area			
SERVICE CATEGORY	Current Phase in Rate	When Bill 185 is in effect	Change
Regional Roads	13.29	16.61	3.32
Water Supply	1.62	2.03	0.41
Sanitary Sewerage	2.34	2.92	0.58
Regional Transit	0.95	1.11	0.16
Total (All Services)	\$ 18.20	\$ 22.67	\$ 4.47

1. Rates will be updated on July 1, 2024, for indexing purposes.

2. Regional Transit is not in scope of this amendment, but is shown to give a wholesome picture of Region DC's

Table 4
Comparison of Regional Non-Residential Industrial DC Rates ^{1, 2}

INDUSTRIAL DEVELOPMENT CHARGES Per Square Foot of Gross Floor Area			
SERVICE CATEGORY	Current Phase in Rate	When Bill 185 is in effect	Change
Regional Roads	6.07	7.59	1.52
Water Supply	3.89	4.86	0.97
Sanitary Sewerage	5.65	7.06	1.41
Regional Transit	0.95	1.11	0.16
Total (All Services)	\$ 16.56	\$ 20.62	\$ 4.06

1. Rates will be updated on July 1, 2024, for indexing purposes.

2. Regional Transit is not in scope of this amendment, but is shown to give a wholesome picture of Region DC's

5. Public Input

- 5.1 Bill 185 permits a six-month window for municipalities to undertake minor amendments to the DC By-laws impacted by Bill 185 in a streamlined approach, eliminating the requirements for the statutory public process (i.e., no requirement for a public meeting or the completion of a DC Background Study). However, staff have advised Building Industry and Land Development Association, Durham Region Homebuilders Association, and the local chambers of Commerce and Boards of Trade of this report and the recommendation to impose the full Regional DC rates upon Schedule 6 of Bill 185 coming into force and 5 days after subsequent Regional Council passage of the recommended amendment. Regional staff have also offered to meet and discuss (Attachment #3 provides a copy of the letter which was emailed to BILD).

6. Direction to Regional Staff

- 6.1 Direction from Regional Council is required for the Regional Solicitor, Regional Clerk and Regional Treasurer to complete the various administrative tasks needed to implement the recommended Regional DC By-law. These tasks include the production and distribution of a DC pamphlet, as well as the necessary public notification provisions of the passing of the by-law. Regional staff will ensure that the Regional website is updated with an alert advising of the amendment and the new rates.

7. Relationship to Strategic Plan

- 7.1 This report aligns with/addresses the following strategic goals and priorities in the Durham Region Strategic Plan:
- a. Ensuring the Region's DC By-law is in conformity with the DCA, supporting Goal 5 (Service Excellence).

8. Transition Policies

- 8.1 The following provides a list of transition policies to be utilized for the implementation of the Region DC By-law (same transitional policies utilized for prior development charge studies):
- a. Any complete submission of a subdivision agreement received prior to the date Bill 185 is in effect will be provided the option of being processed under the current Region Development Charge By-law #42-2023 (i.e. the current by-law without any amendment) or the by-law as amended. This will provide developers the option to pay the current development charge rates (i.e. the phased-in rates). The subdivision agreement must be executed within three months following the date when the Region re-instates the full rates; and
 - b. Any complete building permit application received prior to the full rates being implemented by the Region (i.e. 5 business days after passage of the amending By-law by Regional Council) will be processed at the current rates (prior to the elimination of the phase in), assuming the building permit is issued within two months of the Regional effective date (written correspondence to the Area Treasurers is provided advising them of this transition process for building permit applications).

9. Conclusion

- 9.1 It is recommended that By-law #42-2023 be amended (Amending by-law provided in Attachment #1) as to form to remove the phase in provisions, to take effect 5 days following passage of the amending By-law by Regional Council and the phase in provisions are eliminated as currently drafted. Further, it is recommended that the removal of the phase-in of the Regional Transit DC (which does not require an amendment) take effect at the same time the full DC rates under by-law #42-2023 are in effect (i.e. 5 days following passage of the amending By-law by Regional Council). Staff will present the amending by-law to
- 9.2 Council once Bill 185 comes into force for passage by Council. Regional staff will be recommending further adjustments to the Regional DCs to re-instate the cost of studies in the fall of 2024, once the necessary analysis is completed.
- 9.3 This report has been prepared with the assistance of staff from the Planning & Economic Development Department, Works Department, and the Office of the Chief Administrative Officer - Legal, who concur with the recommendations.

10. Attachments

Attachment #1: Recommended Amending By-law to By-law #42-2023

Attachment #2: By-law #42-2023

Attachment #3: Letter to Land Development Industry

Respectfully submitted,

Original Signed By

N. Taylor, BBA, CPA, CA
Commissioner of Finance

Recommended for Presentation to Committee

Original Signed By

Elaine C. Baxter-Trahair
Chief Administrative Officer

Attachment #1

Recommended Amending By-law to By-law #42-2023

By-law Number XX-2024
of The Regional Municipality of Durham

Being a by-law to amend by-law number 42-2023.

Whereas section 19 of the Development Charges Act, 1997, S.O. 1997, c.27 (the “Act”) provides for amendments to development charge by-laws;

And Whereas the Council of The Regional Municipality of Durham requires certain amendments to By-law 42-2023;

And Whereas in accordance with the Act, Bill 185 eliminates the need for a development charge background study as well as the need for a public meeting to make an amendment to By-law 42-2023, and is therefore not provided in the amendment of this By-law;

And Whereas a public notice will be made available to inform the public that Council will address this on May 29th, 2024;

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

1. **The heading before section 3.18 of By-law 42-2023 (“Mandatory Phase In Reductions in First Four Years”) be removed.**
2. **Section 3.18 of By-law 42-2023 is deleted.**
3. **Section 3.19 of By-law 42-2023 is renumbered section 3.18.**
4. **Section 3.20 of By-law 42-2023 is renumbered section 3.19.**
5. **Section 3.21 of By-law 42-2023 is renumbered section 3.20.**
6. **Section 3.22 of By-law 42-2023 is renumbered section 3.21.**
7. **Section 3.23 of By-law 42-2023 is renumbered section 3.22.**
8. **Section 3.24 of By-law 42-2023 is renumbered section 3.23.**

9. Schedule B to By-law 42-2023 is replaced with the following schedule:

Service Category	Detached & Semi-Detached \$	Medium Density Multiples \$	Two Bedroom Apartment & Larger \$	One Bedroom Apartment & Smaller \$
Regional Roads	26,998	21,501	15,718	9,654
Regional Police	977	778	569	349
Long-Term Care	548	436	319	196
Paramedic Services	441	351	257	158
Waste Diversion	94	75	55	34
Subtotal	29,058	23,141	16,918	10,391
Water Supply	26,117	20,800	15,206	9,340
Sanitary Sewerage	23,858	19,000	13,890	8,531
Subtotal	49,975	39,800	29,096	17,871
Total of All Charges	79,033	62,941	46,014	28,262

NOTE: The development charges described above shall be adjusted annually on July 1 pursuant to Section 3.16 of this By-law.

10. **Schedule C to By-law 42-2023 is replaced with the following schedule:**

Service Category	Commercial Development Charges
Water Supply	7.51
Sanitary Sewerage	12.06
Regional Roads	21.91
Total of All Charges	41.48

NOTE: The development charges described above shall be adjusted annually on July 1 pursuant to Section 3.16 of this By-law.

11. **Schedule D to By-law 42-2023 is replaced with the following schedule:**

Service Category	Institutional Development Charges
Water Supply	2.03
Sanitary Sewerage	2.92
Regional Roads	16.61
Total of All Charges	21.56

NOTE: The development charges described above shall be adjusted annually on July 1 pursuant to Section 3.16 of this By-law.

12. **Schedule E to By-law 42-2023 is replaced with the following schedule:**

SERVICE CATEGORY	INDUSTRIAL DEVELOPMENT CHARGES
Water Supply	4.86
Sanitary Sewerage	7.06
Regional Roads	7.59
Total of All Charges	19.51

NOTE: The development charges described above shall be adjusted annually on July 1 pursuant to Section 3.16 of this By-law.

13. **This by-law will come into force and effect 5 business days after Regional Council passage.**

This By-law Read and Passed on the xx day of XX, 2024.

J. Henry, Regional Chair and CEO

A. Harras, Regional Clerk

Attachment #2
Regional Development Charge By-law #42-2023

By-law Number 42-2023
of The Regional Municipality of Durham

Being a by-law regarding the imposition of development charges.

WHEREAS section 2(1) of the *Development Charges Act, 1997*, provides that council of a municipality may by by-law, impose development charges against land to pay for increased capital costs required because of increased needs for services arising from development of the area to which the by-law applies if the development requires one or more of the approvals identified in section 2(2) of the *Development Charges Act, 1997*;

AND WHEREAS a development charge background study, dated March 28, 2023, has been prepared in support of the imposition of development charges;

AND WHEREAS the Council of the Regional Municipality of Durham has given notice and will hold a public meeting on April 12, 2023, in accordance with section 12(1) of the *Development Charges Act, 1997*;

AND WHEREAS the Council of the Regional Municipality of Durham has permitted any person who attended the public meeting to make representations in respect of the proposed development charges;

AND WHEREAS Council considered all of the submissions made in respect of the background study and the proposed development charges;

AND WHEREAS at the Council meeting on June 14, 2023, Council approved the Study and adopted the recommendations in Report #2023-F-13;

NOW THEREFORE, the Council of The Regional Municipality of Durham hereby enacts as follows:

1. Interpretation

Definitions

- 1.1 In this By-law,
- (a) “Act” means the *Development Charges Act, 1997*, or a successor statute;
 - (b) “agricultural use” means lands, buildings or structures, excluding any portion thereof used as a dwelling unit or for a commercial use, used or designed or intended for use for the purpose of a *bona fide* farming operation including, but not limited to, animal husbandry, dairying, livestock, fallow, field crops, removal of sod, forestry, fruit farming, greenhouses, horticulture, market gardening, pasturage, poultry keeping, and equestrian facilities;
 - (c) “air-supported structure” means a structure consisting of a pliable membrane that achieves and maintains its shape and is supported by internal air pressure;
 - (d) “apartment building” means a residential building, or the residential portion of a mixed-use building, consisting of more than 3 dwelling units, which dwelling units have a common entrance to grade but does not include a triplex, semi-detached duplex, semi-detached triplex, or townhouse. Despite the foregoing, an “apartment building” includes stacked townhouses;

- (e) “apartment” means a dwelling unit in an apartment building or a single storey dwelling unit located within or above a residential garage or a commercial use;
- (f) “area municipality” means a lower-tier municipality that forms part of the Region;
- (g) “bedroom” means a habitable room, of at least seven square meters (7 m²) where a built-in closet is not provided, or at least six square meters (6 m²) where a built-in closet is provided, including a den, study, loft, or other similar area, but does not include a living room, a dining room, a bathroom or a kitchen;
- (h) “building or structure” means a permanent enclosed structure and includes an air-supported structure;
- (i) “commercial accessory building or structure” means a building or structure that complies with all of the following criteria:
 - (i) is not essential to,
 - (ii) is naturally and normally incidental to or subordinate in purpose to,
 - (iii) is exclusively devoted to,
 - (iv) is detached from, and
 - (v) is situated on the same property as,

a principal commercial use. Commercial accessory buildings or structures shall include, but not limited to, the separate storage of refuse or the storage of mechanical equipment related to the operation or maintenance of the principal use, building, structure or site. Commercial accessory buildings or structures shall not include any building or structure, whether in whole or in part, falling within the definition of “commercial use” in this by-law;

- (j) “commercial use” means land, buildings or structures used, designed or intended for use for either or both of office and retail uses as defined in this by-law;
- (k) “Council” means the Council of the Regional Municipality of Durham;
- (l) “detached dwelling” and “detached” means a residential building on one parcel of land comprising at least 1 dwelling unit and not more than 3 dwelling units on that parcel of land, where no portion of the building is attached to any building on another parcel of land;
- (m) “development” includes redevelopment;
- (n) “development charges” means charges imposed pursuant to this By-law in accordance with the Act, except in sections 3.2 to 3.11 where “development charges” means charges with respect to water supply services, sanitary sewer services and regional road services;
- (o) “duplex” means a building comprising, by horizontal division, two dwelling units on one parcel of land;
- (p) “dwelling unit” means a room or suite of rooms used, or designed or intended for use by one person or persons living together, in which culinary and sanitary facilities are provided for the exclusive use of such person or persons;
- (q) “existing industrial building” means a building used for or in connection with,
 - (i) manufacturing, producing, processing, storing or distributing something,

- (ii) research or development in connection with manufacturing, producing or processing something,
- (iii) retail sales by a manufacturer, producer or processor of something they manufactured, produced or processed, if the retail sales are at the site where the manufacturing, production or processing takes place,
- (iv) office or administrative purposes, if they are,
 - 1. carried out with respect to manufacturing, producing, processing, storage or distributing of something, and
 - 2. in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution;
- (r) “farm building” means a building or structure used, in connection with a bona fide agricultural use and includes barns, silos, and similar structures, and includes a dwelling located on the same lot as the agricultural use or on a lot directly abutting the agricultural use, which is used exclusively for the housing of temporary or seasonal persons employed exclusively for the farming of that agricultural use, but otherwise excludes a building or structure used, or designed or intended for use for residential or commercial uses;
- (s) “gross floor area” means (except for the purposes of sections 2.24 to 2.26), in the case of a non-residential building or structure or the non-residential portion of a mixed-use building or structure, the aggregate of the areas of each floor, whether above or below grade, measured between the exterior faces of the exterior walls of the building or structure or pliable membrane in the case of an air supported structure, or from the centre line of a common wall separating a non-residential and a residential use, and, for the purposes of this definition, the non-residential portion of a mixed-use building is deemed to include one-half of any area common to the residential and non-residential portions of such mixed-use building or structure;
- (t) “hospice” means a building or structure used to provide not for profit palliative care to the terminally ill;
- (u) “industrial use” means lands, buildings or structures used or designed or intended for use for manufacturing, producing, processing, fabricating or assembly of raw goods, research or development in connection therewith, and includes office uses, warehousing or bulk storage of goods and the sale of commodities to the general public where such uses are accessory to an industrial use, but does not include the sale of commodities to the general public through a warehouse club or similar use;
- (v) “institutional use” means lands, buildings or structures used or designed or intended for use by a non-profit organized body, society or religious group for promoting a public and non-profit purpose, and would include a hospice and office uses where such uses are accessory to an institutional use;
- (w) “institutional development” for the purposes of section 3.13 means development of a building or structure intended for use,
 - (i) as a long-term care home within the meaning of subsection 2 (1) of the Long-Term Care Homes Act, 2007;
 - (ii) as a retirement home within the meaning of subsection 2 (1) of the Retirement Homes Act, 2010;
 - (iii) by any of the following post-secondary institutions for the objects of the institution:

1. a university in Ontario that receives direct, regular and ongoing operating funding from the Government of Ontario,
 2. a college or university federated or affiliated with a university described in subclause (i), or
 3. an Indigenous Institute prescribed for the purposes of section 6 of the Indigenous Institutes Act, 2017;
- (iv) as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
- (v) as a hospice to provide end of life care.
- (x) “local board” means a local board as defined in the Municipal Affairs Act, other than a board defined in subsection 1(1) of the Education Act;
- (y) “medium density multiples” includes plexes, townhouses and all other residential uses that are not included in the definition of “apartment building”, “apartment”, “mobile homes”, “retirement residence units”, “detached”, “detached dwelling” or “semi-detached dwelling”;
- (z) “mixed-use” means land, buildings or structures used, or designed or intended for use, for a combination of at least two of commercial, industrial, institutional or residential uses;
- (aa) “mobile home” means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent or temporary residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed;
- (bb) non-profit housing development, means development of a building or structure intended for use as residential premises and developed by,
- (i) a corporation to which the Not-for-Profit Corporations Act, 2010 applies, that is in good standing under that Act and whose primary object is to provide housing;
 - (ii) a corporation without share capital to which the Canada Not-for-profit Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing; or
 - (iii) a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act.
- (cc) “non-residential use” means lands, buildings or structures or portions thereof used, or designed or intended for use for other than residential use, and includes commercial, industrial and institutional uses;
- (dd) “office use” means lands, buildings or structures used or designed or intended for use for the practice of a profession, the carrying on of a business or occupation and, for greater certainty, but without in any way limiting the generality of the foregoing, shall include but not be limited to the office of a physician, lawyer, dentist, architect, engineer, accountant, real estate or insurance agency, insurance company, veterinarian, surveyor, appraiser, financial institution, consumer loan company, employment agency, advertising agency, consulting firm, business service, investment company, security broker, mortgage company, medical clinic, builder, land developer;
- (ee) “place of worship” means a building or structure or part thereof that is used primarily for worship and is exempt from taxation as a place of worship under the Assessment Act;

- (ff) “plex” means a duplex, a semi-detached duplex, a triplex or a semi-detached triplex;
- (gg) “Region” means the Regional Municipality of Durham;
- (hh) “region-wide charges” means the development charges imposed in regard to the region-wide services;
- (ii) “region-wide services” means services in regard to regional roads, regional police, paramedic services, long term care, and waste diversion;
- (jj) “rental housing”, means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises.
- (kk) “residential use” means lands, buildings or structures used, or designed or intended for use as a home or residence of one or more individuals, and shall include any building or structure containing dwelling units, and include but not limited to, a detached dwelling, a semi-detached dwelling, a townhouse, a plex, a stacked townhouse, an apartment, an apartment building, a mobile home, a retirement residence and a residential dwelling unit accessory to a non-residential use;
- (ll) “retail use” means lands, buildings or structures used or designed or intended for use for the sale or rental or offer for sale or rental of goods or services for consumption or use and, for greater certainty, but without in any way limiting the generality of the foregoing, shall include, but not be limited to, food stores, pharmacies, clothing stores, furniture stores, department stores, sporting goods stores, appliance stores, garden centres, automotive dealers, automotive repair shops, gasoline service stations, government owned retail facilities, private daycare, private schools, private lodging, private recreational facilities, sports clubs, golf courses, skiing facilities, race tracks, gambling operations, medical clinics, funeral homes, motels, hotels, rooming houses, restaurants, theatres, facilities for motion picture, audio and video production and distribution, sound recording services, self-storage facilities and secure document storage;
- (mm) “retirement residence” means a residential building or the residential portion of a mixed-use building which provides accommodation for persons of retirement age, where common facilities for the preparation and consumption of food are provided for the residents of the building, and where each unit or living accommodation has separate sanitary facilities, less than full culinary facilities and a separate entrance from a common hall;
- (nn) “retirement residence unit” means a unit within a retirement residence;
- (oo) “rooming house” means a detached building or structure which comprises rooms that are rented for lodging and where the rooms do not have both culinary and sanitary facilities for the exclusive use of individual occupants;
- (pp) “Seaton Community” means the lands shown on Schedule “F”, which may generally be described as being bounded: to the south by the Canadian Pacific Railway right-of-way; to the west by West Duffins Creek; to the north by Provincial Highway No. 7; and to the east by Sideline 16 and the boundary between the City of Pickering and the Town of Ajax, and excludes the lands comprising the Hamlet communities of Whitevale, Green River and Brougham;
- (qq) “semi-detached building” means a building on two parcels of land, divided vertically (above or below ground) along the common lot line of the two parcels and comprising at least 1 dwelling unit and not more than 3 dwelling units on each parcel;

- (rr) “semi-detached dwelling” means the portion of a semi-detached building on one parcel of land comprising at least 1 dwelling unit and not more than 3 dwelling units;
- (ss) “semi-detached triplex” means one of a pair of triplexes divided vertically one from the other by a party wall;
- (tt) “serviced” means the particular service is connected to or available to be connected to the lands, buildings or structures, or, as a result of the development, will be connected to or will be available to be connected to the lands, buildings or structures, or the lands to be developed are in an area designated for the particular service in the Region’s Official Plan;
- (uu) “services” means the services designated in section 2.10 of this by-law;
- (vv) “stacked townhouse” means a building, other than a plex, a detached dwelling or townhouse, containing at least 3 dwelling units; each dwelling unit separated from the other vertically and/or horizontally and each dwelling unit having a separate entrance to grade;
- (ww) “townhouse building” means a residential building, on at least 3 parcels of land divided vertically (above or below ground) along the common lot line between each of the parcels and comprising at least 1 dwelling unit and not more than 3 dwelling units on each parcel;
- (xx) “townhouse dwelling” means the portion of a townhouse building on one parcel of land comprising at least 1 dwelling unit and not more than 3 dwelling units;
- (yy) “triplex” means a building comprising 3 dwelling units.

1.2 In this by-law where reference is made to a statute or a section of a statute such reference is deemed to be a reference to any successor statute or section.

2. Application of By-Law — Rules

Circumstances Where Development Charges are Payable

- 2.1 Development charges shall be payable in the amounts set out in sections 2.11, 2.17 to 2.22 of this by-law where:
- (a) the lands are located in the area described in subsection 2.2 of this by-law; and
 - (b) the development of the lands requires any of the approvals set out in section 2.5.

Area to Which By-law Applies

- 2.2 Subject to subsections 2.3 and 2.4, this by-law applies to all lands in the Region.
- 2.3 This by-law shall not apply to lands that are owned by and used for the purposes of:
- (a) the Region or a local board thereof;
 - (b) a board as defined in subsection 1(1) of the Education Act; and
 - (c) an area municipality or a local board thereof in the Region.
- 2.4 Development charges imposed under this by-law in regard to water supply and sanitary sewerage services do not apply to the development of lands located within the Seaton Community. For greater certainty, the balance of the development charges imposed under this by-law apply to the development of lands located within the Seaton Community.

Approvals for Development

- 2.5 Development charges shall be imposed upon all lands, buildings or structures that are developed for residential or non-residential uses if the development requires,
- (a) the passing of a zoning by-law or of an amendment thereto under section 34 of the Planning Act;
 - (b) the approval of a minor variance under section 45 of the Planning Act;
 - (c) a conveyance of land to which a by-law passed under subsection 50(7) of the Planning Act applies;
 - (d) the approval of a plan of subdivision under section 51 of the Planning Act;
 - (e) a consent under section 53 of the Planning Act;
 - (f) the approval of a description under section 9 of the Condominium Act, 1998; or
 - (g) the issuing of a permit under the Building Code Act, 1992 in relation to a building or structure.

Designation of Services

- 2.6 It is hereby declared by Council that all development of land within the area to which this By-law applies will increase the need for services.
- 2.7 The development charges under this By-law applicable to a development shall apply without regard to the services required or used by a particular development.
- 2.8 No more than one development charge for each service designated in section 2.10 shall be imposed on land to which this by-law applies even though two or more of the actions described in section 2.5 are required before the land can be developed.
- 2.9 Notwithstanding subsection 2.8, if two or more of the actions described in section 2.5 occur at different times, additional development charges shall be imposed if the subsequent action has the effect of increasing the need for services.
- 2.10 The categories of services for which development charges are imposed under this by-law are as follows:
- (a) water supply;
 - (b) sanitary sewerage;
 - (c) regional roads;
 - (d) long term care;
 - (e) regional police;
 - (f) paramedic services; and
 - (g) waste diversion;

The components of the services designated in subsection 2.10 are described on Schedule “A”.

Amount of Charge

Residential

2.11 The development charges described in Schedule “B” to this by-law shall be imposed upon residential uses of lands, buildings or structures, including a dwelling unit accessory to a non-residential use and, in the case of a mixed use building or structure, upon the residential uses in the mixed use building or structure, according to the type of residential unit. The development charges payable shall comprise the following:

- (a) Region-wide Charges
 - (i) a development charge with respect to each of the region-wide services according to the type of residential use;
- (b) Regional Water Supply and Sanitary Sewer Charges
 - (i) where the lands, buildings or structures are serviced by regional water supply services, the development charge with respect to water supply services according to the type of residential use;
 - (ii) where the lands, buildings or structures are serviced by regional sanitary sewer services, the development charge with respect to sanitary sewer services according to the type of residential use.

Exemptions

2.12 Development charges shall not be imposed in respect to:

- (a) the issuance of a building permit not resulting in the creation of an additional dwelling unit;
- (b) the enlargement of an existing dwelling unit;
- (c) the creation of additional dwelling units in accordance with the following table:

Description of Class of Existing Residential Buildings	Maximum Number of Additional Dwelling Units	Restrictions
2.12 (c)(i) Existing detached, semi-detached or townhouse dwellings, which contain a single dwelling unit, and where there are no other dwelling units in other buildings or structures on the parcel of land	Two	No exemption applies for the creation of a dwelling unit or units which would result in more than a total of three dwelling units on a parcel of land
2.12 (c)(ii) Existing detached, semi-detached or townhouse dwellings, each of which contains a single dwelling unit and where there is no more than one dwelling unit in other buildings or structures on the parcel of land	One	No exemption applies for the creation of a dwelling unit or units which would result in more than a total of three dwelling units on a parcel of land
2.12 (c)(iii) Existing detached, semi-detached or townhouse dwellings, each of which contains no more than 2 dwelling	One	This exemption applies only for the creation of a dwelling unit in an ancillary building or structure and no exemption applies for the creation of a dwelling unit or units which would result in more than a

units and where there are no other dwelling units in other buildings or structures on the parcel of land		total of three dwelling units on a parcel of land
2.12 (c)(iv) Existing rental residential buildings, each of which contains four or more dwelling units.	Greater of one and 1% of the existing units in the building	No exemption applies where it would result in a total number of dwelling units where units created under the exemption in this By-law would exceed the greater of one unit or 1% of the units existing in the building prior to the first exemption for an additional dwelling unit.
2.12 (c)(v) An existing residential building not in another class of residential building described in this table.	One	No exemption applies where a dwelling unit has already been created with an exemption this By-law.

(d) the creation of additional dwelling units in accordance with the following table:

Description of Class of Proposed New Residential Buildings & Number of Units Proposed	Restrictions
2.12 (d)(i) the second or third dwelling units in a proposed detached, semi-detached or townhouse dwelling where there are no other dwelling units, existing or proposed, in other buildings or structures on the parcel of land	No exemption applies for the creation of first dwelling unit or where a dwelling unit or units which would result in more than a total of three dwelling units on a parcel of land
2.12 (d)(iii) one dwelling unit in a proposed new residential building that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or townhouse dwelling which would not contain more than a two dwelling units.	No exemption applies for the creation of a dwelling unit which would result in more than a total of three dwelling units on a parcel of land.

- (e) non-profit housing development; and
- (f) residential units that are affordable housing units required to be included in a development or redevelopment (“inclusionary zoning units”) pursuant to a by-law passed under section 34 of the Planning Act to give effect to the policies described in subsection 16 (4) of that Act;

Mobile Home

- 2.13 The development charges imposed upon a mobile home under section 2.11 shall be payable at the rate applicable to an apartment of two bedrooms or larger.
- 2.14 The development charges paid in regard to a mobile home shall be refunded in full to the then current owner thereof, upon request, if the mobile home is removed within ten years of the issuance of the building permit relating thereto.
- 2.15 The onus is on the applicant to produce evidence to the satisfaction of the Region, acting reasonably, which establishes that the applicant is entitled to the refund claimed under this section.

Retirement Residence Unit

2.16 The development charges imposed on a retirement residence unit under section 2.11 shall be payable at the rate applicable to an apartment of one bedroom and smaller.

Non-Residential

Commercial

- 2.17 The development charges described in Schedule “C” to this by-law shall be imposed upon commercial uses of lands, buildings or structures, and, in the case of a mixed use building or structure, upon the commercial uses in the mixed use building or structure. The development charges payable shall comprise the following:
- (a) Regional Road Charges
 - (i) a development charge with respect to regional road services according to the gross floor area of the commercial use;
 - (b) Regional Water Supply and Sanitary Sewer Charges
 - (i) where the lands, buildings or structures are serviced by regional water supply services, the development charge with respect to water supply services according to the gross floor area of the commercial use;
 - (ii) where the lands, buildings or structures are serviced by regional sanitary sewer services, the development charge with respect to sanitary sewer services according to the gross floor area of the commercial use.
- 2.18 Subject to subsections 2.19 and 2.20 of this by-law, the development charges imposed on commercial accessory buildings or structures shall be payable at the rate applicable to industrial development under Schedule “E”.
- 2.19 The application of development charges at the industrial rate in regard to commercial accessory buildings or structures shall be limited to an aggregate of 7,000 square feet of gross floor area of all such buildings or structures on the same site.
- 2.20 Development charges at the rate applicable to commercial development under Schedule “C” shall be imposed upon the gross floor area of commercial accessory buildings or structures in excess of 7,000 square feet on the same site.

Institutional

- 2.21 The development charges described in Schedule “D” to this by-law shall be imposed upon institutional uses of lands, buildings or structures, and, in the case of a mixed use building or structure, upon the institutional uses in the mixed use building or structure. The development charges payable shall comprise the following:
- (a) Regional Road Charges
 - (i) a development charge with respect to regional road services according to the gross floor area of the institutional use;
 - (b) Regional Water Supply and Sanitary Sewer Charges
 - (i) where the lands, buildings or structures are serviced by regional water supply services, the development charge with respect to water supply services according to the gross floor area of the institutional use;

- (ii) where the lands, buildings or structures are serviced by regional sanitary sewer services, the development charge with respect to sanitary sewer services according to the gross floor area of the institutional use.

Industrial

2.22 The development charges described in Schedule “E” to this by-law shall be imposed upon industrial uses of lands, buildings or structures, and, in the case of a mixed use building or structure, upon the industrial uses in the mixed use building or structure. The development charges payable shall comprise the following:

- (a) Regional Road Charges
 - (i) a development charge with respect to regional road services according to the gross floor area of the industrial use;
- (b) Regional Water Supply and Sanitary Sewer Charges
 - (i) where the lands, buildings or structures are serviced by regional water supply services, the development charge with respect to water supply services according to the gross floor area of the industrial use;
 - (ii) where the lands, buildings or structures are serviced by regional sanitary sewer services, the development charge with respect to sanitary sewer services according to the gross floor area of the industrial use.

Exemptions

2.23 Notwithstanding the provisions of this by-law, development charges shall not be imposed in regard to:

- (a) agricultural uses and farm buildings;
- (b) places of worship;
- (c) public hospitals receiving aid under the Public Hospitals Act, R.S.O. 1990, c. P.40, excluding such buildings or structures or parts thereof used, designed or intended for use primarily for or in connection with a commercial purpose;
- (d) any part of a building or structure used for the parking of motor vehicles, excluding parking spaces for display of motor vehicles for sale or lease or parking spaces associated with the servicing of motor vehicles;
- (e) free standing roof-like structures and canopies that do not have exterior walls; and
- (f) land vested in or leased to a university that receives regular and ongoing operating funds from the government for the purposes of post-secondary education, but only if the lands are occupied and used by the university.

Exemption for Enlargement of Existing Industrial Building

2.24 Despite any other provisions of this by-law, if a development includes the enlargement of the gross floor area of an existing industrial building, the amount of the development charge that is payable in respect of the enlargement shall be calculated as follows:

- (a) if the gross floor area is enlarged by fifty percent or less, the amount of the development charge in respect of the enlargement is zero;

- (b) if the gross floor area is enlarged by more than fifty percent the amount of the development charge in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:
 - (i) determine the amount by which the enlargement exceeds fifty percent of the gross floor area before the enlargement; and
 - (ii) divide the amount determined under paragraph (i) by the amount of the enlargement.

2.25 For the purposes of subsection 2.24 the following provisions apply:

- (a) the gross floor area of an existing industrial building shall be calculated as it existed as of July 1, 2023;
- (b) subject to (c) below, the enlargement need not be an attached addition or expansion of an existing industrial building, but rather may be a new standalone structure, provided it is located on the same parcel of land as the existing industrial building;
- (c) in the event that the enlargement is in the form of a standalone building or structure located on the same parcel of land as per (b) above, prior to the issuance of a building permit for the standalone building or structure, the owner shall be required to enter into an agreement with the Region under section 27 of the Act respecting the timing and calculation of payment of development charges, notice of which the owner shall register on the title to the lands at its sole cost and expense with the intention that the provisions shall bind and run with title to the lands. Such agreement will require that in the event that the lands upon which any standalone building or structure is located are the subject of an application for consent under section 53 of the Planning Act; or for which a by-law is passed under subsection 50(7) of the Planning Act, within 10 years of building permit issuance for such standalone building or structure, that the development charges that would have otherwise been payable for such standalone building or structure, shall become due and payable.

2.26 In subsections 2.24 and 2.25 “gross floor area” means the total floor area, measured between the outside of exterior walls or between the outside of exterior walls and the centre line of party walls dividing the building from another building, of all floors above the average level of finished ground adjoining the building at its exterior walls.

Reduction of Development Charges For Redevelopment

2.27 Despite any other provision of this by-law, where, as a result of the redevelopment of land, a building or structure existing on the land within five years prior to the date of payment of development charges in regard to such redevelopment was, or is to be demolished, in whole or in part, or converted from one principal use to another, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:

- (a) in the case of a residential building or structure, the amount of the reduction in the applicable development charges will equal the applicable development charges under section 2.11 of this by-law that would have been chargeable on the type of dwelling units demolished or to be demolished or converted to another use; and
- (b) in the case of a non-residential building or structure, the amount of the reduction in the applicable development charges will equal the applicable development charges under sections 2.17 to 2.22 of this by-law that would have been chargeable on the gross floor area of the non-residential building or structure that was demolished or to be demolished or converted to another use;

- (c) in the case of a non-residential building or structure that would have been exempt from the payment of development charges under the current Regional Development Charge By-law, the amount of the reduction in the applicable development charge will equal the applicable development charge under section 2.21 of this by-law that, had the building or structure not been exempt, could have been chargeable on the gross floor area of the non-residential building or structure that was demolished or to be demolished or converted to another use; and
- (d) in the case of a mixed-use building or structure, the amount of the reduction in the applicable development charges will equal the applicable development charges under sections 2.11, 2.17 to 2.22 of this by-law that would have been chargeable either upon the type of dwelling units or the gross floor area of non-residential use in the mixed-use building or structure that is being demolished or to be demolished or converted to another use;

provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment.

- 2.28 The five year period referred to in subsection 2.27 of this by-law shall be calculated from the date of the issuance of the first demolition permit.
- 2.29 The onus is on the applicant to produce evidence to the satisfaction of the Region, acting reasonably, which establishes that the applicant is entitled to the reduction in the payment of development charges claimed under this section.

Reduction for Rental Housing Development

- 2.30 The development charges set out on Schedule B shall be:
 - (a) In rental housing development, for dwelling units with 3 or more bedrooms: 75% of the Total of All Charges shown on Schedule B;
 - (b) In rental housing development, for dwelling units with 2 bedrooms: 80% of the Total of All Charges shown on Schedule B; and
 - (c) In rental housing development, for all other dwelling units: 85% of the Total of All Charges shown on Schedule B;
 - (d) The amounts in subsections (a) to (c) are in addition to any applicable mandatory phase-in reductions pursuant to section 3.18 of this by-law.

3. Administration

Timing of Payment of Development Charges

- 3.1 Development charges, determined in accordance with section 3.14 and adjusted in accordance with section 3.16 of this by-law, are payable in full on the date on which a building permit is issued with respect to each dwelling unit, building or structure.
- 3.2 Notwithstanding section 3.1, development charges, determined in accordance with sections 3.14 and adjusted in accordance with section 3.16 of this by-law, with respect to water supply services, sanitary sewer services and regional road services shall be payable, with respect to an approval of a residential plan of subdivision under section 51 of the Planning Act, immediately upon the owner entering into the subdivision agreement with the Region, on the basis of the proposed number and type of dwelling units in the plan of subdivision.
- 3.3 Notwithstanding section 3.2, development charges applicable to a high density or condominium block in a residential plan of subdivision are payable in accordance with section 3.1.

- 3.4 Notwithstanding subsection 3.2, where an owner elects to enter into an agreement with the Region pursuant to section 27 of the Act, development charges with respect to water supply services, sanitary sewer services and regional road services may be payable as follows:
- (a) upon the execution of the subdivision agreement, 50% of the development charges otherwise payable under subsection 3.2, adjusted in accordance with section 3.16 to the date of payment; and
 - (b) on the first anniversary date of the execution of the subdivision agreement, 50% of the development charges otherwise payable under subsection 3.2, adjusted in accordance with section 3.16 to the date of payment;

provided, however, in regard to any lot on the plan of subdivision, any balance of the development charges owing during the one year period following execution of the subdivision agreement shall become payable, after adjustment in accordance with section 3.16 to the date of payment, on the date a building permit is issued in regard to such lot.

- 3.5 The balance of the development charges outstanding at any time that are payable in accordance with subsection 3.4 shall be secured by a letter of credit, in a form acceptable to the Region, in an amount which is equal to 55% of the development charges as determined under section 2.11. The payment of the outstanding balance under subsection 3.4 may be made by way of a draw by the Region on the letter of credit.
- 3.6 Notwithstanding subsection 3.1 and subsection 3.4, Council, from time to time, and at any time, may enter into agreements in accordance with section 27 of the Act which provide for all or any part of a development charge to be paid before or after it would otherwise be payable.
- 3.7 If, at the time of issuance of a building permit or permits in regard to a lot on a plan of subdivision for which payments have been made pursuant to subsection 3.2 or 3.4, the type of dwelling unit for which building permits are being issued is different than that used for the calculation and payment under subsection 3.2 or 3.4, and there has been no change in the zoning affecting such lot, and the development charges for the type of dwelling unit for which building permits are being issued were greater at the time that payments were made pursuant to subsection 3.2 or 3.4 than for the type of dwelling unit used to calculate the payment under subsection 3.2 or 3.4, an additional payment to the Region is required, which payment, in regard to such different unit types, shall be the difference between the development charges in respect to the type of dwelling unit for which building permits are being issued, calculated as at the date of issuance of the building permit or permits, and the development charges previously collected in regard thereto, adjusted in accordance with section 3.16 of this by-law to the date of issuance of the building permit or permits.
- 3.8 If, at the time of issuance of a building permit or permits in regard to a lot on a plan of subdivision for which payments have been made pursuant to subsection 3.2 or 3.4, the total number of dwelling units of a particular type for which building permits have been or are being issued is greater, on a cumulative basis, than that used for the calculation and payment under subsection 3.2 or 3.4, and there has been no change in the zoning affecting such lot, an additional payment to the Region is required, which payment shall be calculated on the basis of the number of additional dwelling units at the rate prevailing as at the date of issuance of the building permit or permits for such dwelling units.
- 3.9 If, at the time of issuance of a building permit or permits in regard to a lot on a plan of subdivision for which payments have been made pursuant to subsection 3.2 or 3.4, the type of dwelling unit for which building permits are being issued is different than that used for the calculation and payment under subsection 3.2 or 3.4, and there has been no change in the zoning affecting such lot, and the development charges for the type of dwelling unit for which building permits are

being issued were less at the time that payments were made pursuant to subsection 3.2 or 3.4 than for the type of dwelling unit used to calculate the payment under subsection 3.2 or 3.4, a refund in regard to such different unit types shall be paid by the Region, which refund shall be the difference between the development charges previously collected, adjusted in accordance with section 3.16 of this by-law to the date of issuance of the building permit or permits, and the development charges in respect to the type of dwelling unit for which building permits are being issued, calculated as at the date of issuance of the building permit or permits.

- 3.10 If, at the time of issuance of a building permit or permits in regard to a lot on a plan of subdivision for which payments have been made pursuant to subsection 3.2 or 3.4, the total number of dwelling units of a particular type for which building permits have been or are being issued is less, on a cumulative basis, than that used for the calculation and payment under subsection 3.2 or 3.4, and there has been no change in the zoning affecting such lot, a refund shall be paid by the Region, which refund shall be calculated on the basis of the number of fewer dwelling units at the rate prevailing as at the date of issuance of the building permit or permits.
- 3.11 Notwithstanding subsections 3.9 and 3.10, a refund shall not exceed the amount of the development charges paid under subsections 3.2 to 3.6.

Payment by Services

- 3.12 Notwithstanding the payments required under subsection 3.1 to 3.6, the Region may, by agreement pursuant to section 38 of the Act, permit an owner to provide services in lieu of the payment of all or any portion of a development charge. The Region shall give the owner who performed the work a credit towards the development charge in accordance with the agreement subject to the requirements of the Act.
- 3.13 Notwithstanding subsection 3.1 to 3.6, where development charges become payable after January 1, 2020 for development of rental housing that is not non-profit housing development and institutional development, development charges shall be paid in equal annual instalments, with interest where applicable pursuant to the Region of Durham Development Charge Interest Rate Policy as amended from time to time, beginning on the earlier of the date of issuance of a permit under the Building Code Act, 1992 authorizing occupation of the building and the date the building is first occupied, and continuing on the following five anniversaries of that date.

Determining Amount Payable

- 3.14 The development charges payable will be the development charge shown in the applicable Schedules to this by-law to be payable, with indexing under section 3.16, and where applicable, with interest under section 3.17, as follows:
- (a) for those developments to which section 3.13 applies,
 - (i) for applications filed after December 31, 2019, the day an application for an approval of development in a site plan control area under subsection 41 (4) of the Planning Act was made, provided the first building permit is issued within two years of the date that application was approved;
 - (ii) if clause (i) does not apply, for applications filed after December 31, 2019, the day an application for an amendment to a by-law passed under section 34 of the Planning Act was made, provided the first building permit is issued within two years of the date that amendment comes into force and effect; or
 - (iii) if neither clause (i) nor clause (ii) applies, the day the development charge would be payable in accordance with 3.1 to 3.6 of this by-law; and

- (b) for those developments to which section 3.13 does not apply,
 - (i) for applications filed after December 31, 2019, the day an application for an approval of development in a site plan control area under subsection 41 (4) of the Planning Act was made, provided the date the development charge is payable is within two years of the date that application was approved;
 - (ii) if clause (i) does not apply, for applications filed after December 31, 2019, the day an application for an amendment to a by-law passed under section 34 of the Planning Act was made, provided the date the development charge is payable is within two years of the date that amendment is brought into force and effect; or
 - (iii) if neither clause (i) nor clause (ii) applies, the day the development charge would be payable in accordance with sections 3.1 to 3.6 of this by-law.

Front-Ending Agreements

- 3.15 Council, from time to time, and at any time, may enter into front-ending agreements in accordance with the Act.

Indexing

- 3.16 Development charges imposed pursuant to this by-law shall be adjusted annually, without amendment to this by-law, as of the 1st day of July, 2024, and on each successive July 1st date in accordance with the Statistics Canada Quarterly, Construction Price Statistics, catalogue number 62-207, for the most recently available annual period ending March 31.

Interest

- 3.17 Development charges payable per this by-law shall bear interest in accordance with the Region of Durham Development Charge Interest Rate Policy, as amended from time to time.

Mandatory Phase-In Reduction in First Four Years

- 3.18 Despite the above, the Total of All Charges on Schedules B to E of this by-law shall be reduced for the first four years this by-law is in force in accordance with the applicable mandatory phase-in amounts shown under the Total of All Charges Row on each Schedule, with the annual time period to start on the day this by-law comes into force and increase to the next annual amount on the respective anniversary of the day this by-law comes into force.
- 3.19 The following schedules to this by-law form an integral part thereof:
 - (a) Schedule “A” - Components of Services Designated in section 2.10
 - (b) Schedule “B” - Residential Development Charges
 - (c) Schedule “C” - Commercial Development Charges
 - (d) Schedule “D” - Institutional Development Charges
 - (e) Schedule “E” - Industrial Development Charges
 - (f) Schedule “F” - Map of Seaton Community

Date By-law in Force

- 3.20 This by-law shall come into force on July 1, 2023.

Repeal

3.21 By-law No.28-2018 is hereby repealed effective on the date this by-law comes into force.

Registration

3.22 A certified copy of this by-law may be registered on title to any land to which this by-law applies.

Severability

3.23 In the event any provision, or part thereof, of this by-law is found by a court of competent jurisdiction to be ultra vires, such provision, or part thereof, shall be deemed to be severed, and the remaining portion of such provision and all other provisions of this by-law shall remain in full force and effect.

Short Title

3.24 This By-law may be cited as the Regional Municipality of Durham Development Charges By-law, 2023.

This By-law Read and Passed on the 14th day of June, 2023.

J. Henry, Regional Chair and CEO

A. Harras, Regional Clerk

Schedule “A”

Designated Regional Services and
Service Components Thereunder

Category of Regional Services	Service Components
1. Regional Road	- Regional Road Construction/Improvements/Urbanization - Improvements to Highway Interchanges/Grade Separations - Intersection and Corridor Improvements - Traffic Signals and Systems - Property Acquisition - Maintenance Facilities - Capital Equipment - Landscaping - Environmental Assessment
2. Regional Police	- Costs to Acquire Land or an Interest in Land, Including a Leasehold Interest - Costs to Improve Land - Costs to Acquire, Lease, Construct or Improve Buildings and Structures - Costs to Acquire, Lease, Construct or Improve Facilities - Vehicles and Capital Equipment
3. Long Term Care	- Costs to Improve Land - Costs to Acquire, Lease, Construct or Improve Buildings and Structures - Costs to Acquire, Lease, Construct or Improve Facilities
4. Water Supply	- Pumping Stations - Reservoirs - Feeder mains - Water Supply Plants and Municipal Wells - Property Acquisition - Capital Equipment - Environmental Assessment - Water Use Efficiency Strategy - Well Interference
5. Sanitary Sewerage	- Sewage Pumping Stations and Force mains - Trunk Sanitary Sewers - Water Pollution Control Plants - Sludge Storage and Disposal Facilities - Property Acquisition - Capital Equipment - Environmental Assessment - Water Use Efficiency
6. Paramedic Services	- Costs to Acquire Land or an Interest in Land, Including a Leasehold Interest - Costs to Improve Land - Costs to Acquire, Lease, Construct or Improve Buildings and Structures - Costs to Acquire, Lease, Construct or Improve Facilities - Vehicles and Capital Equipment
7. Waste Diversion	- Costs for Construction of new Buildings or Units - Capital Equipment

Schedule “B”

Residential Development Charges per Dwelling Unit
\$ per Dwelling Type

Service Category	Detached & Semi-Detached \$	Medium Density Multiples \$	Two Bedroom Apartment & Larger \$	One Bedroom Apartment & Smaller \$
Region-Wide Charges				
Regional Roads	26,998	21,501	15,718	9,654
Regional Police	977	778	569	349
Long-Term Care	548	436	319	196
Paramedic Services	441	351	257	158
Waste Diversion	94	75	55	34
Subtotal	29,058	23,141	16,918	10,391
Regional Water Supply & Sanitary Sewer Charges				
Water Supply	26,117	20,800	15,206	9,340
Sanitary Sewerage	23,858	19,000	13,890	8,531
Subtotal	49,975	39,800	29,096	17,871
Total of All Charges (July 1, 2027 onward – see Section 3.18)	79,033	62,941	46,014	28,262
With Phase-Ins (see Section 3.18)				
July 1, 2023 to June 30, 2024 (80%)	63,226	50,353	36,811	22,610
July 1, 2024 to June 30, 2025 (85%)	67,178	53,500	39,112	24,023
July 1, 2025 to June 30, 2026 (90%)	71,130	56,647	41,413	25,436
July 1, 2026 to June 30, 2027 (95%)	75,081	59,793	43,713	26,849

NOTE: The development charges described above shall be adjusted annually on July 1 pursuant to Section 3.16 of this By-law.

Schedule “C”

Commercial Development Charges
\$ per Square Foot of Gross Floor Area

Service Category	Commercial Development Charges
Water Supply	7.51
Sanitary Sewerage	12.06
Regional Roads	21.91
Total of All Charges (July 1, 2027 onward – see Section 3.18)	41.48
With Phase-Ins (see Section 3.18)	
July 1, 2023 to June 30, 2024 (80%)	33.19
July 1, 2024 to June 30, 2025 (85%)	35.26
July 1, 2025 to June 30, 2026 (90%)	37.33
July 1, 2026 to June 30, 2027 (95%)	39.41

NOTE: The development charges described above shall be adjusted annually on July 1 pursuant to Section 3.16 of this By-law.

Schedule “D”

Institutional Development Charges
\$ per Square Foot of Gross Floor Area

Service Category	Institutional Development Charges
Water Supply	2.03
Sanitary Sewerage	2.92
Regional Roads	16.61
Total of All Charges (July 1, 2027 onward – see Section 3.18)	21.56
With Phase-Ins (see Section 3.18)	
July 1, 2023 to June 30, 2024 (80%)	17.25
July 1, 2024 to June 30, 2025 (85%)	18.33
July 1, 2025 to June 30, 2026 (90%)	19.40
July 1, 2026 to June 30, 2027 (95%)	20.48

NOTE: The development charges described above shall be adjusted annually on July 1 pursuant to Section 3.16 of this By-law.

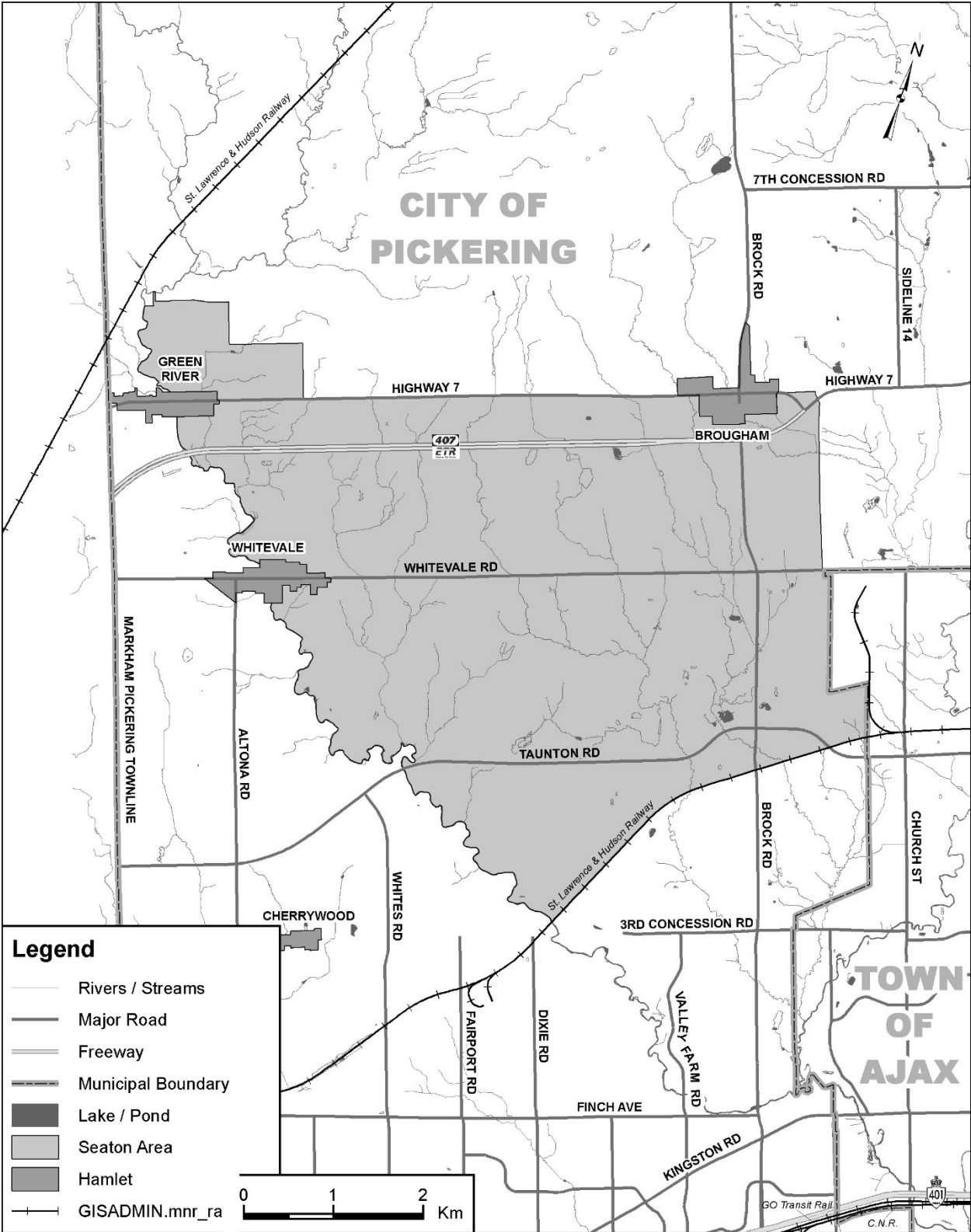
Schedule “E”

Industrial Development Charges
\$ per Square Foot of Gross Floor Area

SERVICE CATEGORY	INDUSTRIAL DEVELOPMENT CHARGES
Water Supply	4.86
Sanitary Sewerage	7.06
Regional Roads	7.59
Total of All Charges (July 1, 2027 onward – see Section 3.18)	19.51
With Phase-Ins (see Section 3.18)	
July 1, 2023 to June 30, 2024 (80%)	15.61
July 1, 2024 to June 30, 2025 (85%)	16.58
July 1, 2025 to June 30, 2026 (90%)	17.56
July 1, 2026 to June 30, 2027 (95%)	18.53

NOTE: The development charges described above shall be adjusted annually on July 1 pursuant to Section 3.16 of this By-law.

Schedule “F”
Seaton Community



Attachment #3

Letter to Building Industry and Land Development Association (BILD)



May 3, 2024

Building Industry and Land Development Association (BILD)
2005 Sheppard Ave. E.
Suite 102
Toronto, Ontario M2J 5B4
Attention: Paula J. Tenuta, SVP, Policy & Advocacy

**The Regional
Municipality
of Durham**

Finance Department

605 ROSSLAND ROAD EAST
PO BOX 623
WHITBY, ON L1N 6A3
CANADA

905-668-7711
1-800-372-1102
Fax: 905-666-6256

durham.ca

N. Taylor, BBA, CPA, CA
Commissioner of Finance

Durham Region Home Builders Association (DRHBA)
1-1255 Terwilligar Ave.
Oshawa, Ontario L1J 7A4
Attention: Stacey Hawkins

Dear Paula and Stacey:

RE: Amendment to the Regional Development Charges By-law #42-2023

As you may know, the Province released *Bill 185, Cutting Red Tape to Build More Homes Act, 2024*, on April 10, 2024 which if passed as drafted, will make changes to the *Development Charges Act, 1997* as follows:

1. Repeal the mandatory five-year phase-in of DC rates;
2. Reinstate studies as an eligible capital cost;
3. Streamlined process for extending DC By-laws; and
4. Reduced time limit on the DC freeze (from 2 years to 18 months).

To implement these changes, Bill 185 permits a unique six-month window for municipalities to undertake any minor amendments to the DC By-laws impacted by Bill 185 in a streamlined approach, eliminating the requirements for the statutory public process (i.e., no requirement for a public meeting or the completion of a background study and the amending by-law cannot be appealed to the Ontario Land Tribunal).

To prepare for these upcoming changes, staff will present a report to the Finance and Administration Committee on May 14, 2024. The report will outline recommended amendments to remove the phase-in schedules in the Regional Residential and Non-Residential Development Charges (DC) By-law #42-2023 in order to implement the full calculated rates, which will then be reviewed by Regional Council on May 29, 2024. However, the amending By-law will be presented to Regional Council for passage once Bill 185 is in effect. The full

calculated rates will come into effect five business days after Council approves the amending By-law.

Since a public meeting is not required for minor amendments under the streamlined process, delegations can only be made at the Finance and Administration Committee meeting on May 14, 2024. If you wish to make a delegation before the Finance and Administration Committee, please submit your request in writing to delegations@durham.ca by noon on Monday, May 13, 2024. Members of the public who register in advance of the meeting will be provided with the details to delegate electronically. Please note that this meeting will be held in a hybrid meeting format with electronic and in-person participation. Members of the public can also view the meeting via live streaming at www.durham.video as an alternative to attending the meeting in person.

To submit written correspondence to the Finance and Administration Committee, contact Legislative Services by email at clerks@durham.ca, or mail your comments to the Regional Clerk, Regional Municipality of Durham, 605 Rossland Road East, Whitby, ON L1N 6A3 by noon on Monday, May 13, 2024. Any late correspondence received before noon on Tuesday, May 28th, 2024 will be included in the Regional Council meeting agenda on Wednesday, May 29th, 2024.

We would be pleased to meet with you prior to and after the release of the report to discuss any concerns or questions you may have. In addition, we wanted to advise that Regional staff will be considering the addition of studies as an eligible DC cost with a potential by-law amendment in the fall of 2024. Once we have preliminary impact analysis, we will schedule a meeting to discuss.

Please contact me at 905-668-4113 ext 2301 or mary.simpson@durham.ca to let me know if you or a representative from your organization would like to meet regarding the amending by-law to be considered by the Finance and Administration Committee on May 14, 2024.

Yours truly,



Mary E. Simpson
Director of Risk Management, Economic Studies and Procurement

cc: N. Taylor, Commissioner of Finance
A. Harras, Regional Clerk / Director of Legislative Services
R. Jagannathan, Commissioner of Works
B. Bridgeman, Commissioner of Planning and Economic Development
J. Hunt, Regional Solicitor
R. Woon, Solicitor
C. Goodchild, Director of Planning
M. Hubble, Director of Environmental Services
S. Gill, Director of Economic Development
P. Gillespie, Manager, Development Approvals
C. Pattee, Development Approvals
C. Hoy, Economist
M. Campo, Economist
G. Asselin, Economist