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The Regional Municipality of Durham

MINUTES

WORKS COMMITTEE

Wednesday, December 6, 2023

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

1. Roll Call

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

Absent: None

Also

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

Staff

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

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

2. Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

3. Adoption of Minutes

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

CARRIED

4. Statutory Public Meetings

There were no statutory public meetings.

5. Presentations

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

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

Highlights from the presentation included:

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

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

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

CARRIED

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

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

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

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

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

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

CARRIED

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

CARRIED

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

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

6. Delegations

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

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

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

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

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

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

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

CARRIED

5. Presentations

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

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

8. Works

8.2 Reports

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

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

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

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

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

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

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

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

CARRIED

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

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

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

MOTION RULED OUT OF ORDER

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

CARRIED ON THE FOLLOWING
RECORDED VOTE:

Yes

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

No

Regional Chair Henry
Councillor Barton, Chair

Members Absent: None

Declarations of Interest: None

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

6. Delegations

- 6.1 Greg Gordon, Chair, Energy from Waste – Waste Management Advisory Committee (EFW-WMAC), and Phil Haylock, Vice-Chair, EFW-WMAC, re: 2023 EFW-WMAC Annual Report
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This item was considered earlier in the meeting. See page 5 of these minutes.

7. Waste

- 7.1 Correspondence

There were no communication items considered.

- 7.2 Reports

- A) Pilot Curbside Giveaway Event Summary and Recommendation (2023-WR-8)
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Report #2023-WR-8 from R. Jagannathan, Acting Commissioner of Works, was received.

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

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

CARRIED

- B) Organics Management Plan – Multi-Residential Enhanced Green Bin Program (2023-WR-9)
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Report #2023-WR-9 from R. Jagannathan, Acting Commissioner of Works, was received.

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

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

CARRIED

8. Works

8.1 Correspondence

There were no communication items considered.

8.2 Reports

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

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

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

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

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

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

CARRIED AS AMENDED
(See Following Motion)

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

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

CARRIED

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

9. **Advisory Committee Resolutions**

There were no advisory committee resolutions to be considered.

10. **Confidential Matters**

There were no confidential matters to be considered.

11. **Other Business**

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

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

CARRIED on a 2/3RDS VOTE

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

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

CARRIED

12. Date of Next Meeting

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

13. Adjournment

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

CARRIED

The meeting adjourned at 1:42 PM

Respectfully submitted,

D. Barton, Chair

S. Ciani, Committee Clerk