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The Regional Municipality of Durham

MINUTES

REGIONAL COUNCIL

Wednesday, April 24, 2024

The Council of The Regional Municipality of Durham met in the Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby, Ontario at 9:30 AM. Electronic participation was offered for this meeting.

Regional Chair Henry assumed the Chair.

1. Traditional Territory Acknowledgment

Regional Chair Henry read the following land acknowledgement:

The Region of Durham exists on lands that the Michi Saagiig Anishinaabeg inhabited for thousands of years prior to European colonization. These lands are the traditional and treaty territories of the Nations covered under the Williams Treaties, including the Mississaugas of Scugog Island First Nation, Alderville First Nation, Hiawatha First Nation, Curve Lake First Nation, and the Chippewa Nations of Georgina Island, Beausoleil and Rama.

We honour, recognize, and respect Indigenous Peoples as rights holders and stewards of the lands and waters on which we have the privilege to live. In our efforts towards reconciliation, we continue to build and strengthen relationships with First Nations, as well as the large Métis communities and growing Inuit communities here in Durham. We commit to learning from Indigenous values and knowledge, building opportunities for collaboration, and recognizing that we are all connected.

Chair Henry advised that as part of the Ontario Good Roads Association Conference, two meetings were held with Chair Henry, The Honourable Prabmeet Sarkaria, Minister of Transportation, Ramesh Jagannathan, Commissioner of Works, and Alison Burgess, Director of Communications and Engagement.

The first meeting with the Minister was on the topic of the status of rapid transit projects in Durham Region including the GO Lakeshore East Extension and the request from Durham Regional Council to remove tolls on the provincially-owned portion of the 407.

The second meeting was a joint meeting with Mayor Schummer, Councillor Jubb, and members of Brock Council to request that the Ministry fund the cost of a temporary and a permanent replacement for the Beaver Ridge bridge in Beaverton. MPP Scott joined the Minister for this meeting.

Chair Henry advised that they were both positive meetings and the Minister was responsive to the Region's requests and agreed to take back the concerns and opportunities that the Region raised and consider them further.

Chair Henry further advised that as part of the conference, the Region and the Region's contractor, Soncin Construction, were presented the Municipal Concrete Award for the Cochrane Street Bridge replacement project that was completed last year in Whitby. The award is given out for conformance to specifications based on testing, aesthetics, workmanship, innovation, and other considerations such as effective traffic management and public engagement. Chair Henry congratulated the Works team on this award.

Chair Henry congratulated the Sunderland Ringette Association under 14 A team in Brock Township on winning Gold at this year's Ringette Ontario Provincial "A" Championships that took place in Kitchener on March 14th to 17th. The team competed and won against 22 other teams from across Ontario and secured the top prize.

Chair Henry added that Sunderland Ringette has been a key member of the Brock community, providing ringette programming to North Durham communities since 1982 and is 100% volunteer run.

2. Roll Call

Councillor Anderson
Councillor Ashe
Councillor Barton
Councillor Brenner
Councillor Carter
Councillor Chapman
Councillor Collier*
Councillor Crawford
Councillor Dies
Councillor Foster
Councillor Garrod
Councillor Jubb*
Councillor Kerr
Councillor Leahy*
Councillor Lee
Councillor Mulcahy
Councillor Nicholson*
Councillor Pickles
Councillor Roy*
Councillor Schummer*
Councillor Shahid
Councillor Woo

Councillor Wotten
Councillor Yamada*
Regional Chair Henry

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

All members of Council were in attendance with the exception of Councillors Cook, Marimpietri, McDougall and Neal.

Councillor Cook was absent, with regrets, on business travel.

Councillors Marimpietri and McDougall were absent on municipal business.

Councillor Jubb left the meeting at 11:00 AM on municipal business.

3. Declarations of Pecuniary Interest

Councillor Ashe made a declaration of interest, later in the meeting, under the Municipal Conflict of Interest Act with respect to Item 9.1 Report #2024-A-6: Confidential Report of the Commissioner of Corporate Services – Labour Relations/Employee Negotiations with respect to CUPE, Local 1785. He indicated that his son works for the Works Department.

4. Adoption of Minutes

Moved by Councillor Garrod, Seconded by Councillor Wotten,
(63) That the minutes of the following meetings be adopted:

- Regular Regional Council meeting held on March 27, 2024;
- Regular Committee of the Whole meeting held on April 10, 2024.

CARRIED

Moved by Councillor Anderson, Seconded by Councillor Pickles,
(64) That the order of the agenda be altered to consider Delegation Items 6.1, 6.2 and 6.5 prior to Presentation Item 5.1.

CARRIED

6. Delegations

6.1 Wendy Bracken, Clarington resident (In Person Attendance), re: 2024 Annual Climate Change Progress Report (2024-COW-12)

Wendy Bracken, Clarington resident, appeared with respect to the 2024 Annual Climate Change Progress Report. Highlights of the delegation included:

- If you're serious about addressing climate change, move away from incineration

- Biogenic emissions are released from burning biomass
- Non-Biogenic emissions are released from burning the fossil fuel-based fraction
- Greenhouse gas emissions (GHG) from the Durham York Energy Center (DYEC) have increased
- GHG Emissions in Report #2024-COW-12 differ from the Durham Environmental Screening Report from December 2021
- 2024-COW-12 doesn't report DYEC biogenic GHG emissions to Council and residents
- The practice of not counting biogenic emissions has been debunked by numerous studies
- Incineration has higher GHG emissions than coal-fired plants
- Request that Council act to get a full DYEC GHG accounting and reporting. Stop spending tax dollars on incineration that hurts our climate, our environment and our health
- Should not consider burning biomass as being carbon neutral
- Waste to energy is responsible for more emissions than all other forms of waste management
- Send the report back for accurate emissions numbers
- Time to phase out incineration
- Incinerators are being closed globally

6.2 Linda Gasser, Whitby resident (In Person Attendance), re: 2024 Annual Climate Change Progress Report (2024-COW-12)

Linda Gasser, Whitby resident, appeared with respect to the 2024 Annual Climate Change Progress Report. Highlights of the delegation included:

- DYEC's impact on Durham's Corporate GHG emissions should have the same details reported annually as shown in Figure 2 from Report #2021-A-3
- Why does Report 2024-COW-12 chart depict DYEC's non-biogenic GHGs as relatively constant when the National Pollution Release Inventory (NPRI) shows increasing non-biogenic reported emissions through to 2021
- Ask why GHG's are increasing with relatively stable waste tonnage
- DYEC's total GHG emissions should be reported to Regional Council, as they are to the Ontario government
- Need traceable accounting of all GHG data reported
- Investing in Transit should be a Council priority to reduce GHGs, and address affordability/accessibility crises and improve air quality
- Successive Councils have not taken consistent and meaningful actions to reduce Durham's GHGs

6.5 Lisa-Marie Wilson, Women of Ontario Say No (Virtual Attendance), re: Legislation to Stop Harassment and Abuse by Local Leaders

Lisa-Marie Wilson, Women of Ontario Say No, participating virtually, appeared with regards to legislation to stop harassment and abuse by local leaders. Highlights of the delegation included:

- The lack of tools in the Municipal Act for holding councillors accountable for workplace harassment
- Asking the government to introduce legislation in-line with the call from the Association of Municipalities of Ontario (AMO) on March 27, 2023, before the summer break 2024
- The AMO recommendations:
 - Update Codes of Conduct to account for workplace safety and harassment;
 - Create a flexible administrative penalty regime, adapted to the local financial circumstances of the municipality;
 - Increase Integrity Commissioner (IC) training to enhance consistency of investigations and recommendations across the province;
 - Allow municipalities to apply to a member of the judiciary to remove a sitting member if recommended through an IC report; and
 - Prohibit a member so removed from sitting for election in the term of removal and the subsequent term of office
- The Women of Ontario Say No are calling on municipalities to support government allocation of resources to prioritize this before summer recess

L-M. Wilson stated that this is a non-partisan advocacy effort and added that in workplaces in Ontario, employees are held accountable through violence in the workplace and harassment policies, while elected representatives can perpetrate harassment and retain their positions.

L-M. Wilson responded to questions from members of Council.

5. Presentations

5.1 Ian McVey, Manager, Sustainability re: December 2023 Ontario Energy Board (OEB) Enbridge Gas Inc. decision and Proposed Amendments to the Ontario Energy Board Act (2024-A-7) [Item #8.1]

Ian McVey, Manager, Sustainability provided a presentation regarding the December 2023 Ontario Energy Board (OEB) Enbridge Gas Inc. decision and Proposed Amendments to the Ontario Energy Board Act. Highlights of the presentation included:

- Natural gas use in buildings is a major source of climate warming pollution in Durham Region
- Energy Transition is underway – driven by climate policy at all levels of government
- The future of natural gas in Ontario?
- Enbridge rate re-basing application
- OEB decision summary
- But what about RNG or hydrogen?
- Staff analysis of OEB's Enbridge decision

6. Delegations

6.1 Wendy Bracken, Clarington resident re: 2024 Annual Climate Change Progress Report (2024-COW-12)

Wendy Bracken, Clarington resident, appeared earlier in the meeting with respect to the 2024 Annual Climate Change Progress Report. See Item 6.1 on Pages 3 and 4.

6.2 Linda Gasser, Whitby resident re: 2024 Annual Climate Change Progress Report (2024-COW-12)

Linda Gasser, Whitby resident, appeared earlier in the meeting with respect to the 2024 Annual Climate Change Progress Report. See Item 6.2 on Page 4.

6.3 Keith Brooks, Programs Director, Environmental Defense (Virtual Attendance), re: December 2023 Ontario Energy Board (OEB) Enbridge Gas Inc. decision and proposed amendments to the Ontario Energy Board Act (2024-A-7) [Item #8.1]

Keith Brooks, Programs Director, Environmental Defense, participating virtually, appeared with respect to the December 2023 Ontario Energy Board (OEB) Enbridge Gas Inc. decision and proposed amendments to the Ontario Energy Board Act (2024-A-7). Highlights of the delegation included:

- OEB decision was a good decision and should stand
- Encourage Council to pass a motion in support of the OEB
- Bill 165 is troubling and undermines decision making power of an independent regulator. Will lead to increased costs for existing gas users, increase home costs and increase GHG emissions in Ontario
- Subsidy would increase Enbridge's profits. Getting rid of subsidy would not pass higher costs to home buyers
- OEB decision is important as the province is trying to build many new homes, if they were all connected with gas, it would result in increased GHG emissions
- The OEB Decision does not stop use of gas – just changes incentives for new homes

- Join other municipalities passing motions in support of the OEB
- Energy transition is happening, and new technology is available. Heat pumps are superior technology and are less costly to operate

6.4 Devanshi Kukadia, Communications Manager, Clean Air Partnership re: December 2023 Ontario Energy Board (OEB) Enbridge Gas Inc. decision and proposed amendments to the Ontario Energy Board Act (2024-A-7) [Item #8.1]

Devanshi Kukadia was unable to appear.

6.5 Lisa-Marie Wilson re: Women of Ontario Say No

Lisa-Marie Wilson appeared earlier in the meeting with respect to legislation to stop harassment and abuse by local leaders. See Item 6.5 on Page 5.

6.6 Christine Drimmie, Whitby resident, (In-Person Attendance) re: December 2023 Ontario Energy Board (OEB) Enbridge Gas Inc. decision and proposed amendments to the Ontario Energy Board Act (2024-A-7) [Item #8.1]

Christine Drimmie, Whitby resident, appeared with respect to the December 2023 Ontario Energy Board (OEB) Enbridge Gas Inc. decision and proposed amendments to the Ontario Energy Board Act (2024-A-7). Highlights of the delegation included:

- Many households are making efforts to reduce fossil fuel consumption
- Appreciate Durham's commitment to climate change by declaring a climate emergency
- Thank staff for the Report, which is a concise, digestible summary of a long process
- The OEB is a provincial regulatory body whose principal goal is protection
- The environmental cost and benefits were not discussed but, are recognized
- It is not rational to have an over-built under-utilized gas system in the face of an energy transition
- The OEB is proposing that growth pays for growth
- With Bill 185 the government is undermining expert panels
- The province claims that Bill 185 is about affordability but for whom?
- Full electric households would enjoy long term, lower energy costs
- Urge Council to support the OEB decision for sound economic and environmental reasons
- Can streamline servicing requirements in new areas
- Prevent higher costs for existing gas users
- Have better, cheaper electrical options
- Supporting the OEB decision will help the Region reach climate goals

- 6.7 Alyssa Scanga, Youth Organizer, Climate Justice Durham (Virtual Attendance) re: December 2023 Ontario Energy Board (OEB) Enbridge Gas Inc. decision and proposed amendments to the Ontario Energy Board Act (2024-A-7) [Item #8.1]

Alyssa Scanga, Youth Organizer, Climate Justice Durham, participating virtually, appeared with respect to December 2023 Ontario Energy Board (OEB) Enbridge Gas Inc. decision and proposed amendments to the Ontario Energy Board Act (2024-A-7). Highlights of the delegation included:

- Ask Council to support the OEB decision
- Made after more than a year of extensive public hearing process
- Gas connections are not consistent with climate plans and create stranded assets
- There is a net zero energy transition happening in Canada
- Enbridge is the only one who wins with this scenario
- The impacts of the climate crisis and housing affordability are already happening in our community
- There is an issue of inter-generational justice – leaving behind stranded assets and high energy costs

7. **Communications**

- CC 10 Correspondence from Alexander Harras, Director of Legislative Services and Regional Clerk re: Joint Nomination of a Candidate to the CTC Source Protection Committee

Moved by Councillor Lee, Seconded by Councillor Pickles,
(65) That Tavis Nimmo, Manager of Water Resource Monitoring & Protection, be nominated to the CTC Source Protection Committee.

CARRIED

- CC 11 Memorandum dated April 24, 2024 from Nancy Taylor, Commissioner of Finance re: Administrative Updates to Regional Surety Bond Acceptance Policy

Moved by Councillor Brenner, Seconded by Councillor Foster,
(66) A) That Council adopt the proposed policy revisions to the Surety Bond Acceptance Policy as outlined in the Memorandum to Council dated April 24, 2024 from the Commissioner of Finance and Treasurer; and
B) That Council delegate authority to the Commissioner of Finance and Treasurer to make further updates to the Surety Bond Acceptance Policy as required.

CARRIED

8. Reports related to Delegations/Presentations

1. December 2023 Ontario Energy Board (OEB) Enbridge Gas Inc. decision and Proposed Amendments to the Ontario Energy Board Act (2024-A-7)
[CARRIED]

Moved by Councillor Foster, Seconded by Councillor Woo,
(67) That staff be directed to participate in any generic Ontario Energy Board (OEB) hearings related to the energy transition pending the adoption of the proposed legislative amendments.

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

Moved by Councillor Barton, Seconded by Councillor Ashe,
(68) That the main motion (67) of Councillors Foster and Woo be amended so that Report #2024-A-7 is Received for Information.

MOTION DEFEATED
ON THE FOLLOWING RECORDED VOTE:

Yes

Councillor Ashe
Councillor Barton
Councillor Collier
Councillor Garrod
Councillor Jubb
Councillor Roy
Councillor Shahid
Councillor Yamada

No

Councillor Anderson
Councillor Brenner
Councillor Crawford
Councillor Dies
Councillor Foster
Councillor Kerr
Councillor Leahy
Councillor Lee
Councillor Mulcahy
Councillor Nicholson
Councillor Pickles
Councillor Schummer
Councillor Woo
Councillor Wotten
Regional Chair Henry

Members Absent: Councillor Carter
Councillor Chapman
Councillor Cook
Councillor Marimpietri
Councillor McDougall
Councillor Neal

Declarations of Interest: None

The main motion (67) of Councillors Foster and Woo was then put to a vote and CARRIED ON THE FOLLOWING RECORDED VOTE:

Yes

Councillor Anderson
Councillor Crawford
Councillor Dies
Councillor Foster
Councillor Kerr
Councillor Leahy
Councillor Lee
Councillor Mulcahy
Councillor Pickles
Councillor Roy
Councillor Schummer
Councillor Shahid
Councillor Woo
Councillor Wotten
Regional Chair Henry

No

Councillor Ashe
Councillor Barton
Councillor Brenner
Councillor Carter
Councillor Chapman
Councillor Collier
Councillor Garrod
Councillor Jubb
Councillor Nicholson

Members Absent: Councillor Cook
Councillor Marimpietri
Councillor McDougall
Councillor Neal
Councillor Yamada

Declarations of Interest: None

Moved by Councillor Lee, Seconded by Councillor Carter,
(69) That Council recess for 15 minutes.

CARRIED

Council recessed at 10:56 AM and reconvened at 11:15 AM.

A roll call was conducted following the recess and all members of Council were present with the exception of Councillors Cook, Jubb, Marimpietri, McDougall and Neal.

At this point in the meeting, Councillor Ashe made a declaration of interest under the Municipal Conflict of Interest Act with respect to Item 9.1 Report #2024-A-6: Confidential Report of the Commissioner of Corporate Services – Labour Relations/Employee Negotiations with respect to CUPE, Local 1785. He indicated that his son works for the Works Department.

9. Committee Reports and any related Notice of Motions

9.1 Report of the Finance and Administration Committee

1. Prudent Investor: Adoption with ONE Joint Investment Board & Investment Policy Update (2024-F-6)
[CARRIED]
 - A) That the proposed Investment Policy Statement, attached to the Prudent Investor Enabling By-law, be approved;
 - B) That the Commissioner of Finance/Treasurer be authorized to execute the ONE Joint Investment Board Agreement, attached to Prudent Investor Enabling By-law, subject to the final form and content being to the satisfaction of the Commissioner of Finance/Treasurer and the Regional Solicitor;
 - C) That the draft Investment Plan (“IP”) attached to Report #2024-F-6 of the Commissioner of Finance be received for information; and
 - D) That the Prudent Investor Enabling By-law be enacted to authorize investing under the Prudent Investor standard as required by Ontario Regulation 438/97 and authorize execution of the ONE Joint Investment Board Agreement delegating control and management of the Region’s money not required immediately to the ONE Joint Investment Board.
2. The Regional Municipality of Durham 2023 Accessibility (2024-A-4)
[CARRIED]

That the Regional Municipality of Durham 2023 Accessibility Report as contained in Attachment #1 to Report #2024-A-4 of the Chief Administrative Officer be received for information.
3. Redacting Public Records Policy (2024-A-5)
[CARRIED]

That the Redacting Online Public Records Policy generally in the form included as Attachment #1 to Report #2024-A-5 of the Commissioner of Corporate Services, be approved.
4. Region of Durham Water Financial Plan #003-301A (2024-F-7)
[CARRIED]

- A) That in accordance with Provincial Regulation 453/07, the Water Financial Plan (Provincial #003-301A) as provided in Appendix #1 of Report #2024-F-7 of the Commissioner of Finance, which has been prepared in the Public Sector Accounting Standards format employing tangible capital asset methodology, be approved;
 - B) That a copy of the Water Financial Plan and Council Resolution approving the plan be submitted to the Ministry of Municipal Affairs and Housing as prescribed by Ontario Regulation 453/07 under the Safe Drinking Water Act, 2002 which requires owners of municipal drinking water systems to submit a Water Financial Plan to the Province in order to obtain or maintain a Municipal Drinking Water Licence; and
 - C) That notification be placed on the Region's website and on the Public Notification section of the Metroland website to advise the public of the availability of Durham's Water Financial Plan, as prescribed by Ontario Regulation 453/07.
5. Sole Source Approval of Standing Agreements for the Purchase of Proprietary Durham Region Transit Bus Parts, Farebox and Associated Parts, and Extended System Warranty and Support for the GFI Fare Collection System (2024-F-8)
[CARRIED]
- A) That a three-year extension from July 1, 2024 to June 30, 2027 to the existing standing agreement with New Flyer Industries and Prevost (Nova Bus) to continue the sole source purchases of proprietary bus parts at an estimated annual cost of \$700,000 for New Flyer Industries, and \$300,000 for Prevost, to be funded from the annual Durham Region Transit Business Plans and Budget be approved;
 - B) That a three-year extension from July 1, 2024 to June 30, 2027 to the existing standing agreement with Garival to continue to sole source the purchase, repairs, required proprietary parts and equipment for fareboxes at an estimated annual cost of \$75,000, to be funded from the annual Durham Region Transit Business Plans and Budget be approved;
 - C) That a three-year extension from July 1, 2024 to June 30, 2027 to the existing standing agreement with Garival Inc. to continue to sole source for system warranty and support for the GFI system at an estimated annual cost of \$50,700, to be funded from the annual Durham Region Transit Business Plans and Budget be approved; and
 - D) That the Commissioner of Finance be authorized to execute the necessary agreements.

6. Confidential Report of the Commissioner of Corporate Services – Labour Relations/Employee Negotiations with respect to CUPE, Local 1785
(2024-A-6)
-

[CARRIED ON A RECORDED VOTE]

That the recommendations contained in Confidential Report #2024-A-6 of the Commissioner of Corporate Services be adopted.

Moved by Councillor Leahy, Seconded by Councillor Garrod,

- (70) That the recommendations contained in Items 1 to 5 inclusive of Report #3 of the Finance and Administration Committee be adopted.

CARRIED

Moved by Councillor Leahy, Seconded by Councillor Garrod,

- (71) That the recommendation contained in Item 6 of Report #3 of the Finance and Administration Committee be adopted.

CARRIED ON THE FOLLOWING RECORDED
VOTE:

Yes

No

Councillor Anderson

None

Councillor Barton

Councillor Brenner

Councillor Carter

Councillor Chapman

Councillor Collier

Councillor Crawford

Councillor Dies

Councillor Foster

Councillor Garrod

Councillor Kerr

Councillor Leahy

Councillor Lee

Councillor Mulcahy

Councillor Nicholson

Councillor Pickles

Councillor Roy

Councillor Schummer

Councillor Shahid

Councillor Woo

Councillor Wotten

Councillor Yamada

Regional Chair Henry

Members Absent: Councillor Cook
Councillor Jubb

Councillor Marimpietri
Councillor McDougall
Councillor Neal

Declarations of Interest: Councillor Ashe

9.2 **Report of the Health and Social Services Committee**

1. Region of Durham Community Security and Clean-up Policy (2024-SS-3)
[CARRIED ON A RECORDED VOTE]

- A) That Regional Council endorse the Community Security and Clean-up Policy (Attachment #1 to Report #2024-SS-3 of the Commissioner of Social Services); and
- B) That in those limited areas where there is demonstrated need for additional services and supports for vulnerable populations, staff be instructed to meet with local officials to discuss area-specific requirements, should the need arise, and to report to Council on the outcomes of such discussions.

Moved by Councillor Roy, Seconded by Councillor Dies,
(72) That the recommendations contained in Item 1 of Report #3 of the Health and Social Services Committee be adopted.

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

Moved by Councillor Yamada, Seconded by Councillor Nicholson,
(73) That the main motion (72) of Councillors Roy and Dies be amended by adding the following as a new Part C):

- C) That 100% of the costs be borne by the Region of Durham with a cap of up to \$400,000.

MOTION DEFEATED ON THE FOLLOWING
RECORDED VOTE:

Yes

Councillor Anderson
Councillor Collier
Councillor Leahy
Councillor Mulcahy
Councillor Shahid
Councillor Yamada

No

Councillor Ashe
Councillor Barton
Councillor Brenner
Councillor Carter
Councillor Chapman
Councillor Crawford
Councillor Dies
Councillor Foster
Councillor Garrod

Councillor Kerr
Councillor Lee
Councillor Nicholson
Councillor Pickles
Councillor Roy
Councillor Schummer
Councillor Woo
Councillor Wotten
Regional Chair Henry

Members Absent: Councillor Cook
Councillor Jubb
Councillor Marimpietri
Councillor McDougall
Councillor Neal

Declarations of Interest: None

The main motion (72) of Councillors Roy and Dies was then put to a vote and
CARRIED ON THE FOLLOWING RECORDED VOTE:

Yes
Councillor Anderson
Councillor Ashe
Councillor Barton
Councillor Brenner
Councillor Carter
Councillor Chapman
Councillor Collier
Councillor Crawford
Councillor Dies
Councillor Foster
Councillor Garrod
Councillor Kerr
Councillor Leahy
Councillor Lee
Councillor Mulcahy
Councillor Pickles
Councillor Roy
Councillor Shahid
Councillor Woo
Councillor Wotten
Regional Chair Henry

No
Councillor Nicholson
Councillor Schummer
Councillor Yamada

Members Absent: Councillor Cook
Councillor Jubb

Councillor Marimpietri
Councillor McDougall
Councillor Neal

Declarations of Interest: None

9.3 Report of the Planning and Economic Development Committee

1. Application to Amend the Durham Official Plan, submitted by Clark Consulting Services, on behalf of Thornlea Holsteins Ltd., to permit the severance of a farm dwelling rendered surplus as a result of the consolidation of non-abutting farm properties, in the Municipality of Clarington, File: OPA 2023-002 (Regional Official Plan Amendment #198 (2024-P-8))
-

[CARRIED]

- A) That Amendment #198 to the Durham Regional Official Plan, to permit the severance of a dwelling rendered surplus as a result of the consolidation of nonabutting farm parcels, be adopted as contained in Attachment #3 to Report #2024-P-8 of the Commissioner of Planning and Economic Development;
- B) That “Notice of Adoption” be sent to the applicant, the applicant’s agent, the Municipality of Clarington, the Ministry of Municipal Affairs and Housing and all other person or public bodies who requested notification of this decision; and
- C) That the Minister of Municipal Affairs and Housing be requested to modify the Council adopted Durham Regional Official Plan as shown on Attachment 4 to Report #2024-P-8 so that the approvals granted by Regional Council through Amendment #198 are carried forward and properly reflected in the Region’s new Official Plan which is currently pending approval by the Minister.

2. Re-Nomination to the Board of Directors of the Greater Toronto Airports Authority (2024-P-9)
-

[CARRIED]

- A) That Mr. Johan van ‘t Hof be re-nominated to the Greater Toronto Airports Authority (GTAA) Board of Directors as Durham Region’s municipal representative for a term ending on October 17, 2026; and and
- B) That a copy of Report #2024-P-9 of the Commissioner of Planning and Economic Development be forwarded to the GTAA.

3. Durham Active Transportation Committee Resolution regarding June Bike Month
[CARRIED]

Whereas June is Bike Month;

And whereas Durham Regional Planning Staff have organized numerous bike friendly activities annually for over a decade to educate residents about cycling safety, promote the benefits of cycling, and encourage residents to bike more by participating in Bike Month throughout the month of June; and

And whereas the Durham Active Transportation Committee fully supports the Region's planned Bike Month activities.

Now therefore be it resolved that the Durham Active Transportation Committee request Regional Council's support of the planned Regional Bike Month activities and proclaim the month of June as Bike Month in the Region of Durham.

4. Durham Agricultural Advisory Committee Resolution regarding Stormwater Management Fees
[CARRIED]

Whereas Stormwater Management fees are intended for urban infrastructure needs and flood prevention, the Durham Agricultural Advisory Committee (DAAC) believes that bona fide farmers on agricultural properties should be exempt from paying Stormwater Management fees in the Region of Durham; and, that this resolution be circulated to Durham's area municipalities for their information.

Moved by Councillor Chapman, Seconded by Councillor Pickles,
(74) That the recommendations contained in Items 1 to 4 inclusive of Report #4 of the Planning and Economic Development Committee be adopted.

CARRIED

9.4 **Report of the Works Committee**

1. Sole Source of Promotion and Education Services to be Provided by The Regional Municipality of Durham for Circular Materials Ontario for the Blue Box Program under Extended Producer Responsibility (2024-WR-3)
[CARRIED]

A) That staff be authorized to negotiate a sole source agreement with Circular Materials Ontario, for the Regional Municipality of Durham to provide promotion and education services for the Blue Box program for an initial term of eighteen months, from July 1, 2024, to December 31, 2025, with the option to extend the agreement for three additional one-

year periods, for an estimated revenue of \$159,000 for the initial contract term and \$480,000 over the full term; and

- B) That the Commissioner of Finance be authorized to execute the necessary documents for the negotiated agreement.

2. Proposed Automated Cart-Based Garbage Collection Pilot Project (2024-WR-4)

[CARRIED]

- A) That Regional Council direct staff to implement a one-year pilot project to assess the impacts of an automated cart-based residential garbage collection pilot project;
- B) That staff be authorized to procure the necessary carts that are compatible with the automated collection vehicle to be used in the proposed pilot project from Miller Waste at a cost not to exceed \$49,500;
- C) That the estimated cost of \$50,000 for this pilot project be financed from within the 2024 Waste Management Business Plans and Budget; and
- D) That staff be required to report back to Regional Council on the results and recommended next steps for the project.

3. Declaration of Lands as Surplus and Approval to Transfer the Surplus Lands to the Hamilton-Oshawa Port Authority's wholly owned subsidiary Great Lakes Port Management Inc. (2024-W-9)

[CARRIED]

- A) That Part of Lot 5, Broken Front Concession, in the Geographic Township of East Whitby, now in the City of Oshawa, in the Regional Municipality of Durham, identified as part of the PIN 16378-0001 (LT) and described further as Part 1 on Reference Plan 40R-32006 (the Lands) be declared as surplus to Regional Municipality of Durham requirements;
- B) That sections 3 and 4 (1) of Regional By-law #52-95 be waived to facilitate the land transfer from the Regional Municipality of Durham to Great Lakes Port Management Inc.;
- C) That Regional staff be authorized to transfer the Lands to Great Lakes Port Management Inc., a wholly owned subsidiary of the Hamilton Oshawa Port Authority (HOPA), for a compensation amount of \$433,000;

- D) That the transfer authorized by Recommendation C) in Report #2024-W-9 of the Acting Commissioner of Works be subject to the following being registered on title to the Lands:
 - i. Easements for the landowner, McAsphalt Industries Limited, of the adjacent properties at 1221 Farewell Street and 1241 Farewell Street for access to the Lands; and
 - ii. Easements for municipal services and existing utilities/services provided by Bell Canada, Enbridge Gas, Oshawa Power and Utilities Commission, and the Regional Municipality of Durham for access, maintenance, and repairs;
 - E) That authority be granted to the Commissioner of Works to execute all documents associated with this land transfer;
 - F) That the Regional Road By-law #22-2018 be amended to remove the Lands from the by-law, and that Regional staff prepare the required amending bylaw and present it to Regional Council for passage to give effect thereto;
 - G) That Regional Council pass a stop-up and close by-law with the consent of HOPA being obtained pursuant to Section 34(2) (b) of the Municipal Act, 2001, to permit the transfer of the Lands per the requirements under the Municipal Act. The draft bylaw is attached as Attachment #3 to Report #2024-W-9; and
 - H) That a copy of Report #2024-W-9 be provided to the City of Oshawa and Hamilton Oshawa Port Authority for information.
4. Tender Award and Additional Financing for Regional Municipality of Durham Contract #D2023-24 for the Stage 3 Liquids and Miscellaneous Remedial Works at the Duffin Creek Water Pollution Control Plant in the City of Pickering (2024-W-11)
[CARRIED]
- A) That the lowest compliant bid of Kenaidan Contracting Ltd., in the amount of \$45,388,258*, be awarded for Regional Municipality of Durham Contract #D2023-24 for the Stage 3 Liquids and Miscellaneous Remedial Works at the Duffin Creek Water Pollution Control Plant in the City of Pickering, for a total project cost of \$68,557,350;
 - B) That the previously approved project budget of \$55,000,000 for Regional Municipality of Durham Contract #D2023-24 be increased by \$13,557,350 to a revised total project budget of \$68,557,350;

- C) That the additional financing of \$2,711,470, representing Durham Region's 20 per cent share, be provided from the following sources:

Previously Approved Financing

Sanitary Sewer Capital Budget - Duffin Creek Water Pollution Control Plant

(Project ID: Y2001):

User Rate	\$11,000,000
York Region Financing	30,800,000
York Capital Asset Share	<u>\$13,200,000</u>
Total Approved Financing	\$55,000,000

Additional Financing

2024 Sanitary Sewerage Budget
 Item No.24, Sanitary Sewerage Works to Rectify Identified System Deficiencies (Project ID: M2499)

User Rate	\$425,623
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2024 Sanitary Sewerage Budget

Item #35 Replacement of sanitary sewer on Mary Street from Rossland Rd to Robert Street., Oshawa (Project ID: O2202)

User Rate	\$321,400
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Item #46 Replacement of sanitary sewer on Roselawn Avenue and Bickle Drive, Oshawa (Project ID: O2305)

User Rate	\$1,700,000
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Corbett Creek Water Pollution Control Plant Emergency Digester (Project ID: D1932)

User Rate	264,447
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Durham Region Additional Financing	\$2,711,470
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York Region Additional Financing	<u>\$10,845,880</u>
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Total Additional Financing \$13,557,350

Total Revised Project Financing \$68,557,350

- D) That a copy of Report #2024-W-11 of the Acting Commissioner of Works be provided to York Region.
(*) before applicable taxes
5. Sole Source Procurement of Equipment, Maintenance Service and Parts for Equipment Installed at Various Water and Wastewater Facilities throughout the Regional Municipality of Durham (2024-W-12)
[CARRIED]
- A) That staff be authorized to negotiate and award sole source agreements in 2024 for the unanticipated or end of life replacement of existing equipment installed at various Water and Wastewater Facilities throughout the Regional Municipality of Durham, but not for new construction or new installations, where using a different manufacturer would require significant structural, electrical, mechanical, communication, instrumentation and other modifications;
- B) That financing for the sole source agreements be provided from the approved annual Water Supply Operating Budget;
- C) That staff be authorized to negotiate and award sole source agreements for maintenance service and parts supply for the existing equipment installed as components of various water facilities throughout the Regional Municipality of Durham, with terms not to exceed five years;
- D) That financing for the sole source maintenance service and/or parts supply agreements be provided from the approved annual Water Supply Operating Budget at an estimated annual cost of \$2,550,000;
- E) That the negotiated sole source agreements be awarded as follows:

Authorized Supplier	Manufacturer	Estimated Annual Costs (excluding HST)
Syntec	Fontaine; Tideflex; Netzsch; Trueline; Val-Matic; Red Valve; Singer	\$250,000
Westburne	Allen Bradley	\$100,000
Benshaw	Benshaw	\$100,000
Cutler-Hammer / Eaton	Cutler-Hammer / Eaton	\$250,000
SCG Process	ProMinent; De Nora	\$125,000
Bisan	Watson-Marlow	\$100,000
Vissers Sales	Pulsafeeder	\$100,000
Evoqua	Wallace & Tiernan	\$250,000
SPD Sales	MSA	\$100,000
Lakeside Process Controls	Emerson; Fisher Control; Rosemount	\$100,000
Endress+Hauser	Endress+Hauser	\$100,000
ACG-Envirocan	KROHNE	\$100,000
Franklin Empire	Siemens	\$100,000
Rotork	Rotork	\$150,000
Troy-Ontor	AUMA	\$150,000
H2Flow	Trojan Technologies	\$275,000
Hach Canada Sales and Service	Hach Canada Sales and Service	\$100,000
Flowpoint Systems	Flowpoint	\$100,000
-	TOTAL	\$2,550,000*

F) That the Commissioner of Finance be authorized to execute the necessary maintenance service and parts supply agreements.

6. Additional Financing for the Award of Request for Proposal #1088-2023 for Engineering Services for Ajax Zone 1 Water Storage Facility, Harwood Avenue Water Pumping Station - modifications to maximize water supply availability from Whitby-Oshawa-Courtice System and the potential for additional onsite storage for the pumping station to manage transient pressures in the Town of Ajax (2024-W-13)
[CARRIED]

That financing for Engineering Services for the Ajax Zone 1 Water Storage Facility, Harwood Avenue Water Pumping Station modification project, in the Town of Ajax be provided from the approved project budget and the reallocation of funds as follows:

Previously Approved Funding Zone 1 Water Storage Facility
(Project ID: D1911)

Residential Development Charges	\$1,812,000
Commercial Development Charges	\$52,400
Industrial Development Charges	\$45,600
User Revenue	\$90,000
Total Approved Financing	\$2,000,000

Reallocation of funding from the following source:

Zone 3 feedermain on Garrard Rd. from north of the Mid-Block Arterial to Winchester Rd., Whitby (Region's Share) (Project ID: D2409)

Residential Development Charges	\$2,870,600
Commercial Development Charges	\$89,900
Industrial Development Charges	\$117,800
User Revenue	<u>\$21,700</u>

Total Additional Financing \$3,100,000

Total Revised Project Financing \$5,100,000

Moved by Councillor Barton, Seconded by Councillor Mulcahy,
(75) That the recommendations contained in Items 1 to 6 inclusive of Report #4 of the Works Committee be adopted.

CARRIED

9.5 Report of the Committee of the Whole

1. 2024 Annual Climate Change Progress Report (2024-COW-12)
[CARRIED]

- A) That Regional Council receive this 2024 Climate Change Progress Report for information; and
 - B) That a copy of Report #2024-COW-12 of the Chief Administrative Officer be sent to all Durham MPs and MPPs, local area municipalities, Conservation Authorities, and local energy utilities, for their information and consideration.
2. Sole Source Procurement for the Economic Study to undertake the analysis necessary to prepare the Region of Durham for the future prescribed Bill 131 Background Study (2024-COW-13)
[CARRIED]
- A) That a sole source contract for the preparation of an Economic Study to explore using the new Station Contribution Charge through the GO Transit Station Funding Act, 2023, to deliver four new GO stations along the Lakeshore East GO Extension to Bowmanville, which will build on the work completed for the Region's Station Implementation Strategy by N. Barry Lyon Consultants (NBLC), be awarded to a consultant team led by NBLC and including Watson & Associates Economists Limited, with an upset limit of \$285,000, to be financed through the approved 2024 Transit Oriented Development Division budget or at the discretion of the Commissioner of Finance; and
 - B) That the Commissioner of Finance be authorized to execute the necessary documents related to the contract.
3. The Region of Durham's response to the Ontario Regulatory Registry posting related to the "Proposal to create regulation to support implementation of the GO Transit Station Funding Act, 2023" (2024-COW-14)
[CARRIED]
- A) That the letter from Regional staff to the Ministry of Infrastructure as contained in Attachment 2 of Report #2024-COW-14 of the Commissioners of Finance and Planning and Economic Development, be endorsed as the Region of Durham's response to Ontario's Regulatory Registry post regarding the proposal to create regulation to support the implementation of the GO Transit Station Funding Act, 2023; and
 - B) That a copy of Report #2024-COW-14 and Council resolution be sent to all area municipalities within the Region of Durham.
4. Recommendations for Eligible Projects Under the At Home Incentive Program for Affordable Housing (2024-COW-15)
[CARRIED]

- A) That Otter Creek Co-operative Homes Inc. located at 835 McQuay Boulevard in the Town of Whitby be supported through a re-allocation of the 2023 At Home Incentive Program funding in the amount of \$2,500,000 (or \$138,889 per affordable rental unit) to support the construction of 18 deeply affordable housing units which have been approved for funding under federal and provincial affordable housing programs and require additional funds from the Region due to construction cost escalation (Attachment #1 to Report #2024-COW-15);
- B) That the existing Municipal Housing Contribution Agreement with Otter Creek Co-operative Homes Inc. be amended to reflect the Municipal Capital Housing Facilities Bylaw requirements, and additional funding, and that the funding be advanced based on the following key construction milestones:
 - i) 50 per cent at the signing of the revised Municipal Housing Contribution Agreement and registration of security;
 - ii) 40 per cent at confirmation of fully enclosed building; and
 - iii) 10 per cent at confirmation of occupancy;
- C) That following affordable rental housing projects and allocations be approved under the At Home Incentive Program (AHIP):
 - i) Ledim Developments located at 310 Kingston Road East in the Town of Ajax in the amount of \$5,000,000 (or \$64,103 per affordable rental unit) to support the development and construction of 78 units of affordable rental housing in the Town of Ajax (Attachment #2 to Report #2024-COW-15) from the 2023 AHIP funds;
 - ii) Kindred Works located at 15-23 Main Street in the Township of Uxbridge in the amount of \$2,750,000 (or \$110,000 per affordable rental unit) to support the development and construction of 25 units of affordable rental housing (Attachment #3 to Report #2024-COW-15) from the 2024 AHIP funds;
- D) That financing for the projects listed in Recommendation C) be provided from the At Home Incentive Program Reserve Fund (AHIPRF) and advanced based on the following key construction milestones:
 - i) 50 per cent at the signing of the Municipal Capital Housing Facilities and Contribution Agreement and registration of security;
 - ii) 40 per cent at confirmation of fully enclosed building; and

- iii) 10 per cent at confirmation of occupancy;
 - E) That the Region enter into a Municipal Capital Housing Facilities and Contribution Agreement with each of the recommended parties, at the appropriate time, to:
 - i) maintain affordable rents for the specified affordability period;
 - ii) continue to use the eligibility requirements for tenants;
 - iii) to enable the use of capital grants for eligible purpose-built affordable rental housing projects; and
 - iv) provide accountability and reporting requirements; and
 - F) That the Regional Solicitor be directed to prepare the necessary by-laws and any amendments required to the AHIP Reserve Fund By-law.
5. Request for Funding from Kawartha Conservation Authority for the Acquisition of Land in the Township of Scugog (PT LT 19 Con 14, Reach; parts 2, 3, and 5, Plan 40R32476) (2024-COW-16)
[CARRIED]
- A) That in response to the request for funding from Kawartha Conservation Authority, that funding in the amount of \$3,971, representing 40 per cent of the estimated eligible acquisition costs for approximately 4.92 hectares (12.16 acres) of land located in the Township of Scugog (PT LT 19 Con 14, Reach; parts 2, 3 and 5, Plan 40R32476), be approved and financed from the Region's Land Conservation and Protection Reserve; and
 - B) That the Commissioner of Finance be authorized to adjust the total payment amount to Kawartha Conservation Authority pending a review of the eligibility of final costs incurred pursuant to the Region's Land Acquisition Funding Policy.

Moved by Councillor Shahid, Seconded by Councillor Garrod,
(76) That the recommendations contained in Items 2 to 5 inclusive of Report #3 of the Committee of the Whole be adopted.
CARRIED

Moved by Councillor Shahid, Seconded by Councillor Garrod,
(77) That the recommendations contained in Item 1 of Report #3 of the Committee of the Whole be adopted.
CARRIED

10. Departmental Reports & Other Resolutions

10.1 Call for Nominations to the Federation of Canadian Municipalities (FCM) 2024 Board of Directors
[CARRIED]

Moved by Councillor Roy, Seconded by Councillor Crawford,
(78) Whereas the Federation of Canadian Municipalities (FCM) represents the interests of member municipalities on policy and program matters that fall within federal jurisdiction;

Whereas FCM's Board of Directors is comprised of elected municipal officials from all regions and sizes of communities to form a broad base of support and provide FCM with the united voice required to carry the municipal message to the federal government; and

Whereas FCM's Annual General Meeting (AGM) will be held in conjunction with the Annual Conference and Trade Show, June 6 to 9, 2024, followed by the election of FCM's Board of Directors;

Be it Resolved that Council of The Regional Municipality of Durham endorse Maleeha Shahid to stand for election on FCM's Board of Directors for the period starting in June 2024 and ending June 2025; and

Be it Further Resolved that Council assumes all costs associated with Maleeha Shahid attending FCM's Board of Directors meetings.

CARRIED

10.2 Confidential Report of the Commissioners of Works and Finance, and General Manager of Transit – Proposed or Pending Acquisition or Disposition of Land for Regional Corporation Purposes as it relates to the Future Windfields Farm Transit Terminal (2024-COW-17)
[CARRIED]

Moved by Councillor Anderson, Seconded by Councillor Foster,
(79) That the recommendations contained in Confidential Report #2024-COW-17 from the Commissioners of Works and Finance, and General Manager of Transit be approved.

CARRIED

10.3 Notice Regarding Appointment of Representative to the Canadian National Exhibition Association (CNEA) Membership – 2024/2025 Term
[CARRIED]

Moved by Councillor Chapman, Seconded by Councillor Roy,
(80) That Councillor Shahid be nominated to the Canadian National Exhibition
Association (CNEA) Membership for the 2024/2025 Term.

CARRIED

11. Notice of Motions

There were no notice of motions.

12. Unfinished Business

There was no unfinished business to be considered.

13. Announcements

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

14. By-laws

2024-018 Being a by-law to adopt Amendment #198 to the Durham Regional
Official Plan.

This by-law implements the recommendations contained in Item #1
of the 4th Report of the Planning & Economic Development
Committee presented to Regional Council on April 24, 2024.

2024-019 Being a by-law to amend By-law Number 22-2018 by which the
linear limits of the several roads comprising the Regional Road
system are defined.

This by-law implements the recommendations contained in Item #3
of the 4th Report of the Works Committee presented to Regional
Council on April 24, 2024.

2024-020 Being a by-law to stop up and close as a public highway and to
convey, that portion of Farewell Street (Regional Road 56) legally
described as Part of Lot 5, Broken Front Concession, in the
Geographic Township of East Whitby, now in the City of Oshawa, in
the Regional Municipality of Durham, identified as part of PIN 16378-
0001 (LT) and described further as Part 1 on Reference Plan 40R-
32006 (the Lands).

This by-law implements the recommendations contained in Item #3
of the 4th Report of the Works Committee presented to Regional
Council on April 24, 2024.

- 2024-021 Being a by-law to authorize The Regional Municipality of Durham to invest its money and investments that it does not require immediately in the Prudent Investment Program of ONE Joint Investment Board (“ONE JIB”) pursuant to section 418.1 of the Municipal Act, 2001, to approve various documents, the entering into of specific agreements and the delegation of certain powers and duties.

This by-law implements the recommendations contained in Item #1 of the 3rd Report of the Finance & Administration Committee presented to Regional Council on April 24, 2024.

- 2024-022 Being a by-law to establish a Reserve Fund to be known as the At Home Incentive Program Reserve Fund to assist in the provision of funding for affordable rental housing.

This by-law implements the recommendations contained in Item #1 of the 3rd Report of the Committee of the Whole presented to Regional Council on March 23, 2022.

- 2024-023 Being a by-law to establish a Reserve Fund to be known as the Growth Related Sanitary Sewer Infrastructure Reserve Fund to assist in the provision of Regional sanitary sewer infrastructure.

This by-law implements the recommendations contained in Item #5 of the 9th Report of the Finance & Administration Committee presented to Regional Council on December 20, 2023.

- 2024-024 Being a by-law to establish a Reserve Fund to be known as the Growth Related Water Infrastructure Reserve Fund to assist in the provision of Regional water supply infrastructure.

This by-law implements the recommendations contained in Item #5 of the 9th Report of the Finance & Administration Committee presented to Regional Council on December 20, 2023.

- 2024-025 Being a by-law to establish a Reserve Fund to be known as the Growth Related General Infrastructure (Property Tax) Reserve Fund to assist in the provision of Regional General Infrastructure.

This by-law implements the recommendations contained in Item #5 of the 2nd Report of the Finance & Administration Committee presented to Regional Council on March 27, 2024.

Moved by Councillor Ashe, Seconded by Councillor Barton,
(81) That By-law Numbers 2024-018 to 2024-025 inclusive be passed.

CARRIED

15. Confirming By-law

2024-026 Being a by-law to confirm the proceedings of the Council of The Regional Municipality of Durham at its meeting on the 24th day of April, 2024.

Moved by Councillor Ashe, Seconded by Councillor Barton,
(82) That By-law Number 2024-026 being a by-law to confirm the proceedings of the Council of the Regional Municipality of Durham at their meeting held on April 24, 2024 be passed.

CARRIED

16. Adjournment

Moved by Councillor Wotten, Seconded by Councillor Mulcahy,
(83) That the meeting be adjourned.

CARRIED

The meeting adjourned at 12:24 PM

Respectfully submitted,

John Henry, Regional Chair & CEO

Alexander Harras, Regional Clerk