COUNCIL

OF

THE REGIONAL MUNICIPALITY OF YORK

June 25, 2009

Regional Council met at 9:36 a.m. in the Council Chambers, York Region Administrative Centre, 17250 Yonge Street, Newmarket, with Regional Chair Fisch presiding.

The following were present at this Meeting:

Mayor:	Barrow, Black, Emmerson, Grossi, Morris, Scarpitti, Van Bynen and Young
Regional Councillor:	Ferri, Frustaglio, Heath, Hogg, Jones, Landon, Rosati, Spatafora, Taylor and Wheeler
Staff:	Davidson, Hulton, Kurji, Llewellyn-Thomas, Macgregor, Mahoney, Russell, Simmons and Tuckey

TRIBUTES

91 Regional Councillor Tony Wong

Regional Chair Fisch announced with sadness the recent passing of Regional Councillor Tony Wong.

Mr. Wong served on the Region's Police Services Board between 1995 and 1997. He was first elected to Regional Council in 1997 and again in 2000. In 2003 he was elected as an MPP for the riding of Markham before being re-elected to Regional Council in 2006. He served on many Regional Committees including the Community Services and Housing Committee, the Health and Emergency Services Committee and as Chair of the Planning and Economic Development Committee. He also served on various Task Forces and Advisory Committees.

Regional Chair Fisch noted that Mr. Wong has left a lasting legacy in the Town of Markham, the Region and the Province. He was a committed member of the community whose contributions to his community and Regional Council over the years will be fondly remembered. Some of his most important contributions were in the areas about which he was most passionate − advocating for services for those who need them most. Regional Chair Fisch indicated that Mr. Wong was a true champion of the community who will be missed by Regional Council, the Town of Markham, the Region, all the people he helped and especially by his family. He considered Mr. Wong a true gentleman and indicated that it was a privilege to know and work with him.

Mayor Scarpitti, who worked with Mr. Wong for over 12 years, spoke of Mr. Wong as a special person who made an outstanding contribution to the community and to the Region as a whole. During these years Mayor Scarpitti had seen Mr. Wong mature as a lawyer, politician and family man. He worked hard to better the lives of others and dedicated himself to the betterment of our community through politics.

Mayor Scarpitti indicated that among Mr. Wong's many achievements was the fact that he received an amazing 23 public service appointments during his career and served as Chair and Vice-Chair of various Regional and Markham Committees and Boards and community-based organizations. Mr. Wong was a tireless advocate for understanding the diversity in our community and a devoted leader to charities that helped the needy and less fortunate. He founded the Give-A-Gift project that provided over 1,000 wrapped Christmas gifts to children in need. He was also a strong supporter of D.R.E.A.M.S. Inc. and Spirit of Life, groups dedicated to raising awareness about individuals with developmental disabilities and which help families to eliminate barriers. His wealth of experience and knowledge were a great asset to York Region and he was a valued advisor and leader on business missions and on international delegations that we hosted in our community.

Mayor Scarpitti concluded by indicating that we should all celebrate the lasting and positive impact Mr. Wong made on our community and that we will all miss his presence and influence around the Regional Council table.

It was moved by Mayor Scarpitti, seconded by Regional Councillor Heath, that Regional Council extend condolences to Mr. Wong's wife and daughter.

Carried

Regional Chair Fisch and the Members of Council, together with all those in the Council Chambers, joined in observing a moment of silence in honour of Regional Councillor Tony Wong.

92 Garfield Wright, the First Regional Chair

Regional Chair Fisch announced the recent passing of one of the original Members of Regional Council and its first Regional Chair, Garfield Wright.

Mr. Wright had a long and distinguished career in public service, serving on East Gwillimbury Council from 1958 to 1969 as Councillor, Deputy Reeve, Reeve and as the Warden of York County Council in 1968. Mr. Wright was appointed by the Lieutenant-Governor of the Province as the first Regional Chair in 1971. He served as Regional Chair from 1971 to 1978. During this time he was a member of the Police Services Board and served as an *ex officio* member on all the Regional Committees.

Regional Chair Fisch indicated that Mr. Wright will always be remembered for his calm, reason and strong leadership in the daunting task of leading the Region during its formative years. Mr. Wright helped to forge a legacy for Regional Council that lasts to this day.

Regional Chair Fisch then read out the following remarks made by Mr. Wright at the Region's first inaugural meeting in 1971. These words set the tone for what the Region had to do in its early years and for what it has continued to do over the past almost 40 years:

> "Ladies and Gentlemen, I wish tonight to pledge my service, that of the Regional Council members and Regional officers and staff to making a success of this new government. Its prime objective will be to build a better community for the people of the Region. This requires a full spirit of co-operation with our area municipalities. It demands mutual understanding of the challenges and the interests common to ourselves and our neighbours. To accomplish this, the Council must work in partnership with the Provincial government. But, in this partnership, the Region must clearly and forcefully make known its legitimate interests if it is to conscientiously uphold the expectation of its residents."

Regional Chair Fisch noted that since that day we have tried to follow in those values and thinking, have been successful in doing so and have Garfield Wright to thank for this.

Mayor Young indicated that he has known Mr. Wright since Mayor Young was a young boy. Mr. Wright was almost 90 years old but got better with age, assessing local and Regional issues with a keen perspective. He remembered Mr. Wright with fondness as a giant in the Region and the community. He was a man blessed with wisdom and forethought who didn't stop contributing or giving long after he left political life.

It was moved by Mayor Young, seconded by Mayor Emmerson, that the Region extend condolences to the family of Garfield Wright.

Carried

Regional Chair Fisch and the Members of Council, together with all those in the Council Chambers, joined in observing a moment of silence in honour of the Region's first Chair, Garfield Wright.

DISCLOSURES

93 Tender Awards Report January 1, 2009 – March 31, 2009
(Clause 7 of Finance and Administration Committee Report No. 5)

Mayor Emmerson declared a pecuniary interest in Contract No. Q-07-35 as his brother is an employee of Emmerson Construction and Haulage (2006) and did not take part in the consideration or discussion or vote on this matter.

(See Minute No. 105.)

PRESENTATION

Council then received the following presentation:

94 **Canadian Association of Municipal Administrators Environmental Award – York Region Greening Strategy**

Mr. Ron Shaw, Canadian Association of Municipal Administrators, presented Regional Council with the Canadian Association of Municipal Administrators Environmental Award for the York Region Greening Strategy.

Mr. Shaw was joined by Regional Chair Fisch, Commissioner Kathleen Llewellyn-Thomas, Commissioner Bryan Tuckey, Ian Buchanan, Manager, Natural Heritage and Forestry Services and Sandra Melcic, Regional Greening Coordinator, Transportation Services in accepting the award on behalf of the Region.

95 MINUTES

It was moved by Regional Councillor Jones, seconded by Mayor Van Bynen that Council confirm the Minutes of the Council meetings held on May 21 and May 28, 2009 in the form supplied to the Members.

Carried

COMMUNICATIONS

Council considered the following communications:

96 **United Way of York Region**

Ian Proudfoot, Chair, and Bruce Macgregor, Vice Chair, 2009 Community Campaign, United Way of York Region, June 9, 2009, regarding recognition of October 5, 2009 through October 10, 2009 as United Way Week.

It was moved by Mayor Van Bynen, seconded by Regional Councillor Landon that Council receive the communication and recognize October 5 to 10, 2009 as United Way Week.

Carried

97 **Impact of Development Charges Discounting and Development Charges Collections to Date**
(Clause 2 of Finance and Administration Committee Report No. 5)

Lloyd Russell, Commissioner of Finance, June 12, 2009, on a question regarding the presentation to Finance and Administration Committee on the Impact of Development Charge Discounting and Development Charge Collections to Date.

It was moved by Mayor Scarpitti, seconded by Regional Councillor Wheeler that Council receive the communication.

Carried

98 Expropriation of Land, Davis Drive, Viva Project 90760, Town of Newmarket − 560 Davis Drive
(Report No. 2 of the Regional Solicitor)

Beth Turner, Thomson Rogers, June 23, 2009, on behalf of Mrs. Erzesbet Illyes, regarding expropriation of 560 Davis Drive and requesting deputant status.

It was moved by Regional Councillor Frustaglio, seconded by Mayor Barrow that Council receive the communication and grant deputant status.

Carried

(See Minute Nos. 103 and 110.)

99 Development Charges – Hotel Definition
(Private Report of the Commissioner of Finance and the Regional Solicitor)

Charles Harnick, Counsel Public Affairs Inc., June 18, 2009 on behalf of Vaughan Mills Hotels Inc. and Applewood Hotel Holdings Inc., regarding development charge issues pertaining to hotels and requesting deputant status.

It was moved by Regional Councillor Spatafora, seconded by Regional Councillor Frustaglio that Council receive the communication and grant deputant status.

Carried

(See Minute Nos. 104 and 117.)

100 Expropriation of Land, Davis Drive, Viva Project 90760, Town of Newmarket
(Report No. 2 of the Regional Solicitor)

Memorandum, Joy Hulton, Regional Solicitor, June 25, 2009 regarding revised property descriptions for the expropriation of lands along Davis Drive.

It was moved by Mayor Black, seconded by Mayor Grossi that Council receive the memorandum and refer it to consideration of Report 2 of the Regional Solicitor.

Carried

(See Minute No. 105.)

101 Durham York Residual Waste Individual Environmental Assessment Completion and Submission
(Clause 1 of Solid Waste Management Committee Report No. 5)

Cheryl Bandel, Committee Clerk, Region of Durham, forwarding resolutions adopted by Durham Regional Council at its meeting held on June 24, 2009 regarding Energy from Waste.

It was moved by Regional Councillor Heath, seconded by Regional Councillor Ferri that Council receive the communication and refer it to consideration of Clause 1 of Solid Waste Management Committee Report No. 5.

Carried

(See Minute No. 105.)

102 Character Community Week

Janet Rurak, Executive Director, Character Community Foundation of York Region, June 24, 2009, requesting that the Region recognize October 25 – 31, 2009 as ‘Character Community Week’.

It was moved by Mayor Barrow, seconded by Mayor Emmerson that Council recognize October 25 to 31, 2009 as ‘Character Community Week’.

Carried

DEPUTATIONS

Council then heard the following deputations:

103 Expropriation of Land, Davis Drive, Viva Project 90760, Town of Newmarket − 560 Davis Drive
(Report No.2 of the Regional Solicitor)

Beth Turner, Thomson Rogers, on behalf of Mrs. Erzesbet Illyes, regarding expropriation of 560 Davis Drive, requesting that Council only expropriate the front portion of the property.

It was moved by Regional Councillor Jones, seconded by Regional Councillor Taylor that Council receive the deputation and refer it to consideration of Report No. 2 of the Regional Solicitor.

Carried

(See Minute Nos. 105 and 110.)

104 Development Charges – Hotel Definition
(Private Report of the Commissioner of Finance and the Regional Solicitor)

Charles Harnick, Counsel Public Affairs Inc., June 18, 2009, regarding a complaint about development charges pertaining to hotels under section 20 of the *Development Charges Act* and requesting Council change the designation of hotels as "retail" under the Development Charges By-law.

It was moved by Mayor Van Bynen, seconded by Mayor Scarpitti that Council receive the deputation and refer it to consideration of the Private Report of the Commissioner of Finance and the Regional Solicitor.

Carried

(See Minute No. 117)

105 COMMITTEE REPORTS

It was moved by Regional Councillor Heath, seconded by Regional Councillor Ferri that Council resolve itself into Committee of the Whole to consider the following reports:

Report No. 1 of the Audit Committee
Report No. 5 of the Community Services and Housing Committee
Report No. 5 of the Finance and Administration Committee
Report No. 5 of the Planning and Economic Development Committee
Report No. 7 of the Rapid Transit Public/Private Partnership Steering Committee
Report No. 4 of the Solid Waste Management Committee
Report No. 7 of the Transit Committee
Report No. 6 of the Transportation and Works Committee
Report No. 1 of the Chief Administrative Officer *(Delegation of Authority Over Summer Recess)*
Report No. 1 of the Commissioner of Community and Health Services (*Augmenting Infection Prevention and Control)*
Report No. 2 of the Commissioner of Community and Health Services *(Dedicated Off Load Nursing Project Update)*
Report No. 5 of the Solid Waste Management Committee
Report No. 1 of the Regional Solicitor *(Approval to Expropriate Land, Highway 7, VIVA Project 90773, Town of Markham and Town of Richmond Hill)*
Report No. 2 of the Regional Solicitor *(Approval to Expropriate Land, Davis Drive, VIVA Project 90760, Town of Newmarket)*
Report No. 1 of the Commissioner of Finance and the Commissioner of Transportation Services *(Woodbine Avenue By-law (Phases 2B and 3) Development Charge Credit Agreement Amended Principles)*
Report No. 7 of the Commissioner of Finance *(Infrastructure Stimulus Fund Approval/Delegated Authority for Transit Funding Agreements)*
Report No. 2 of the Regional Chair *(Changes to the Region's Standing Committee Structure and the Council and Committee Schedule)*

Carried

Regional Chair Fisch chaired the Committee of the Whole.

The Committee of the Whole rose and recommended that Council adopt the recommendations in the following reports with amendments as noted:

Report No. 1 of the Audit Committee

Report No. 5 of the Community Services and Housing Committee, with the following amendment:

Clause 4, relating to Specific Housing Mandates for Jubilee Garden Non-Profit Housing Corporation and Friuli Benevolent Corporation, was referred to the September16, 2009 meeting of the Community and Health Services Committee for further discussion.

Report No. 5 of the Finance and Administration Committee, with the following amendment:

Clause 1, relating to Update on the Memorandum of Understanding for Capital Funding of Hospitals, was amended by renaming Table 2 in the clause and adding the words "Estimated Capital Funding Costs (2009 to 2026) as Provided by the Hospitals".

Clause 7, relating to Tender Awards Report, January 1, 2009 – March 31, 2009 (See Minute No. 93 for disclosure of interest.)

Report No. 5 of the Planning and Economic Development Committee

Report No. 7 of the Rapid Transit Public/Private Partnership Steering Committee

Report No. 4 of the Solid Waste Management Committee, with the following amendment:

Clause 1, relating to the Opening of the McCleary Court Community Environmental Centre, it was noted that the opening dates referred to in the clause have been changed to July 2, 2009 for the official grand opening from 2:30 p.m. to 4:30 p.m. and the official public facility opening is now scheduled for July 4, 2009.

Report No. 7 of the Transit Committee

Report No. 6 of the Transportation and Works Committee

Report No. 1 of the Chief Administrative Officer

Report No. 1 of the Commissioner of Community and Health Services

Report No. 2 of the Commissioner of Community and Health Services

Report No. 5 of the Solid Waste Management Committee, with the following amendment:

Clause 1, relating to Durham York Residual Waste Individual Environmental Assessment (IEA) Completion and Submission, was amended to include as part of the environmental surveillance program guiding principles that in the future human bio-monitoring not be precluded as an option.

Report No. 1 of the Regional Solicitor

Report No. 2 of the Regional Solicitor

The deputation by Beth Turner, Thomson Rogers, on behalf of Mrs. Erzesbeet Illyes, regarding expropriation of 560 Davis Drive, was referred to Private Session for consideration along with the recommendations of this report as they apply to 560 Davis Drive. The recommendations in this report as they apply to all other properties, with the amended legal descriptions referred to in the memorandum from the Regional Solicitor referenced in Minute No. 100, were recommended by the Committee of the Whole for adoption.

(See Minute Nos. 103 and 110)

Report No. 1 of the Commissioner of Finance and the Commissioner of Transportation Services

Report No. 7 of the Commissioner of Finance, and

Report No. 2 of the Regional Chair.

It was moved by Regional Councillor Taylor, seconded by Mayor Young that Council adopt the recommendations of the Committee of the Whole.

Carried

106 BY-LAWS

It was moved by Mayor Barrow, seconded by Regional Councillor Frustaglio that Council introduce and approve certain Bills in the form as noted on the Revised Agenda and enact them as By-laws.

By-law No. 2009-34	To acquire certain lands for or in connection with road and intersection improvements on Highway 7, Towns of Richmond Hill and Markham.
By-law No. 2009-35	A by-law to delegate authority to the Regional Treasurer to establish “clawback” percentages for the 2009 taxation year for the commercial, industrial and multi-residential property classes.
By-law No. 2009-36	A by-law to amend By-law No. R-1415-2005-028, being a by-law to regulate the use of public transit vehicles and facilities in The Regional Municipality of York.

Carried

OTHER BUSINESS

107 GTA West Corridor Task Force

(Clause 11, Item 3 of Planning and Economic Development Committee Report No. 5)

Regional Chair Fisch indicated that in accordance with the revision to Clause 11, Item 3 of Planning and Economic Development Committee Report No. 5, he would be appointing members from the City of Vaughan to the GTA West Corridor Task Force.

108 Human Services Planning Coalition – Food Drive for the 2009 Thanksgiving Weekend

It was moved by Regional Councillor Frustaglio, seconded by Regional Councillor Hogg, that notice be waived and that Council consider the following motion with the necessary two-thirds majority vote.

Carried

It was then moved by Regional Councillor Frustaglio, seconded by Regional Councillor Hogg that Council adopt the following:

> Whereas the Human Services Planning Coalition is very concerned with the major impact the down turn in the economy has had on many families in York Region; and
>
> Whereas it is commonly known that people who use food banks spend 60% of their income on housing; and
>
> Whereas studies find that the quantity and quality of food is the first item to be reduced when facing a money shortage; and
>
> Whereas of the more than 4,000 York Region residents who use food banks monthly, more than 1,600 are children and the number of families accessing food banks has increased by 51% during this period;
>
> Therefore be it now resolved that the Regional Municipality of York through the Human Services Planning Coalition be requested to work with our local municipalities, York Regional Police, School Boards, local Fire Services, EMS and other community partners along with the local Food Banks, to initiate the largest food drive in York Region for the 2009 Thanksgiving weekend;
>
> And that the Region co-ordinate the transportation of food collected to the local Food Banks.

Carried

109 PRIVATE SESSION

It was moved by Mayor Grossi, seconded by Regional Councillor Wheeler that Council convene in Private Session for the purpose of considering the following:

1. Private Report of the Finance and Administration Committee − Retainer for External Legal Services – Solicitor-Client.

2. Private Report of the Finance and Administration Committee – Development Charge By-law Appeal – Proposed Trinity Settlement – Potential Litigation.

3. Private Memorandum, Sean Love, Senior Counsel, Environmental Law - Legal Opinion Regarding *Environmental Assessment Act* Implications - The Donald Cousens Parkway Individual Environmental Assessment and the Town of Markham's Request to Construct a Local Municipal Road in the Community of Box Grove From Highway 407 to the Ninth Line By-Pass – Solicitor-Client.

4. Private Report of the Solid Waste Management Committee – Green Lane Landfill: Disposal Agreement between the Region and the City of Toronto – Solicitor-Client.

5. Private Report of the Transportation and Works Committee – Over Expenditure for 2009 – Projects 8182 and 9861 – Weston Road, Teston Road and Highway 400 Interchange, City of Vaughan – Solicitor-Client.

6. Private Report of the Transportation and Works Committee – Update on 16th Avenue Tunnelling Issues – Potential Litigation.

7. Private Report of the Rapid Transit Public/Private Partnership Steering Committee – Cornell Terminal Land and Funding Update – Acquisition of Land.

8. Private Report of the Rapid Transit Public/Private Partnership Steering Committee – Appointment of Directors of the York Region Rapid Transit Corporation - Personal Matters About Identifiable Individuals.

9. Private Report of the Rapid Transit Public/Private Partnership Steering Committee – York Region Rapid Transit Corporation Corporate Governance Update – Solicitor-Client.

10. Private Report of the Audit Committee – Update on Outstanding Audit Recommendations – Environmental Services – Labour Relations and Security of Municipal Property.

11. Private Report of the Audit Committee – Review of Accounts Receivable Management Process – Potential Litigation.

12. Private Attachment to Audit Committee Private Report – Review of Accounts Receivable Management Process – Potential Litigation.

13. Private Memo of the Chief Administrative Officer – Award of Contract to Lovat Inc. for Procurement of Four Tunnel Boring Machines to Construct the New Southeast Collector Trunk Sewer – Security of Municipal Property.

14. Private Report of the Commissioner of Finance and the Regional Solicitor – Development Charges – Hotel Definition – Solicitor-Client.

15. Report No. 2 of the Regional Solicitor and the deputation by Beth Turner, Thomson Rogers, as they apply to the proposed expropriation of 560 Davis Drive – Land Acquisition and Solicitor-Client

Carried

Council met in Private Session at 12:47 p.m. and reconvened in Council at 2:45 p.m.

It was moved by Mayor Emmerson, seconded by Mayor Barrow that Council rise and report from Private Session.

Carried

110 Approval to Expropriate Land, Davis Drive Viva Project 90760, Town of Newmarket – 560 Davis Drive

(Report No. 2 of the Regional Solicitor and By-law No. 2009-33)

It was moved by Mayor Van Bynen, seconded by Regional Councillor Taylor that Council adopt the recommendations contained in Report No. 2 of the Regional Solicitor as they apply to 560 Davis Drive.

Carried

(See Minute Nos. 103 and 105.)

Council then considered the following Bill regarding the acquisition of lands on Davis Drive, Town of Newmarket:

It was moved by Mayor Barrow, seconded by Mayor Emmerson that Council consider and approve the following Bill in the form as noted on the Revised Agenda and enact it as By-law No. 2009-33.

By-law No. 2009-33	To acquire certain lands for or in connection with road and intersection improvements on Davis Drive, Town of Newmarket

Carried

111 Green Lane Landfill: Disposal Agreement between the Region and the City of Toronto

It was moved by Mayor Morris, seconded by Regional Councillor Wheeler that Council adopt the recommendations contained in the private report of the Solid Waste Management Committee dated June 10, 2009, as amended, as follows:

1. The Region enter into a formal agreement with the City of Toronto for disposal of residual waste at the Green Lane Landfill site on the terms set out in the private report.

2. The Regional Chair and Regional Clerk execute the agreement on behalf of the Region.

3. The Region release Green Lane Landfill Corporation from its obligations under the waste transportation and disposal agreement in exchange for payment of $1,000,000 offered by Green Lane in settlement of its outstanding obligations under the contract.

Carried

The balance of the report to remain private under the provisions of the *Municipal Act* as it is subject to Solicitor-Client Privilege.

112 Over Expenditure for 2009 – Projects 8182 and 9861 – Weston Road, Teston Road and Highway 400 Interchange, City of Vaughan

It was moved by Regional Councillor Ferri, seconded by Regional Councillor Heath that Council adopt the recommendations contained in the private report of the Transportation and Works Committee dated June 17, 2009, as amended as follows:

1. Regional Council authorize an increase of $3,000,000 to the 2009 Capital Budget for Roads for the completion of construction activities related to Project No. 9861 and 8182 - Road improvements and interchange construction on Weston Road (Y.R. 56), Teston Road (Y.R. 49) and the Highway 400.

2. Regional Council authorize the Chief Administrative Officer to settle claims related to project No. 9861 and 8182 and to report back to a future Transportation Services Committee meeting identifying any further required adjustments to the Regional Roads Capital Budget.

Carried

The balance of the report to remain private under the provisions of the *Municipal Act* as it is subject to Solicitor-Client Privilege.

113 Update on 16th Avenue Tunnelling Issues

It was moved by Mayor Young, seconded by Regional Councillor Landon that Council adopt the recommendations contained in the private report of the Transportation and Works Committee dated June 17, 2009 as follows:

1. Staff be directed to participate in mediation with the McNally/Aecon Joint Venture in relation to damages to the Region's PD-6 watermain in Markham.

2. Regional Council delegate authority to the Chief Administrative Officer to approve a resolution to the issue of cost recovery for damages to the Region's PD-6 watermain in the best interests of the Region.

Carried

The balance of the report to remain private under the provisions of the *Municipal Act* as it pertains to Potential Litigation.

114 Cornell Terminal Land and Funding Update

It was moved by Mayor Scarpitti, seconded by Regional Councillor Spatafora that Council adopt the recommendation contained in the private report of the Rapid Transit Public/Private Partnership Steering Committee dated June 18, 2009 as follows:

1. Council authorize staff to negotiate the final terms of a Memorandum of Understanding ("MOU") between the Region and Lindvest for the transfer of the Cornell terminal lands to the Region.

Carried

The balance of the report to remain private under the provisions of the *Municipal Act* as it pertains to Acquisition of Land.

115 Appointment of Directors of the York Region Rapid Transit Corporation

(Clause 1 of Rapid Transit Public/Private Partnership Steering Committee, Report No. 8)

It was moved by Mayor Barrow, seconded by Regional Councillor Hogg that Council adopt Clause 1 of Rapid Transit Public/Private Partnership Steering Committee Report No. 8, including the following recommendations:

1. The Region, through Regional Council, as the sole shareholder of York Region Rapid Transit Corporation ("YRRTC"), appoint the following persons as directors of YRRTC:

    - Regional Chair Bill Fisch
    - Mayor Frank Scarpitti

- Mayor David C. Barrow
- Mayor Linda Jackson
- Mayor Tony Van Bynen

2. The board of directors be authorized to determine the number of directors of the Corporation within the minimum and maximum number provided for in the Articles of Incorporation.

3. Current By-law No. 1 of YRRTC be repealed and a new By-law No. 1 be made which (1) creates the office of Chief Executive Officer ("CEO"), (2) deletes the office of General Manager, and (3) amends the duties and powers of the offices of Chair of the Board and President, all so as to be in conformance with the provisions of the resolutions attached as Attachment No. 1.

4. The current President of YRRTC, Bill Fisch, be appointed as the Chair of the Board and CEO of YRRTC, and that the current Vice President of YRRTC, Mary-Frances Turner, be appointed as the President of YRRTC, both effective immediately.

5. The Region enact the resolutions attached as Attachment No. 1 to this report to effect the foregoing recommendations.

6. The board of directors be authorized to make such further changes to By-law No. 1 of the Corporation as may be directed by the Region or otherwise deemed acceptable to the Chief Executive Officer or the President, and approved by counsel for the Corporation.

7. The Regional Chair be authorized to sign the resolutions on behalf of the Region, as shareholder.

Carried

116 York Region Rapid Transit Corporation Corporate Governance Update

(Clause 1 of Rapid Transit Public/Private Partnership Steering Committee Report No. 9)

It was moved by Regional Councillor Landon, seconded by Mayor Van Bynen that Council adopt Clause 1 of Rapid Transit Public/Private Partnership Steering Committee Report No. 9, including the following recommendations:

1. The Region enter into an agreement (the "Rapid Transit Agreement") with York Region Rapid Transit Corporation ("YRRTC") in accordance with the terms and provisions outlined in this report, to enable YRRTC to carry out its responsibilities in connection with the rapid transit system in an accountable and effective manner.

2. The Regional Chair and Regional Clerk be authorized to execute the Rapid Transit Agreement on behalf of the Region as well as any other documents or ancillary agreements in connection with the Rapid Transit Agreement.

3. If required by Metrolinx prior to the effective date of the Rapid Transit Agreement, YRRTC be authorized to execute a Performance Agreement with Metrolinx in accordance with the terms and provisions outlined in this report, to implement the vivaNext rapid transit system including any other documents or ancillary agreements in connection with the Performance Agreement, including a Memorandum of Understanding.

4. If Metrolinx establishes a subsidiary corporation under the recently enacted *Metrolinx Act, 2006*, for the purposes of delivering a passenger transportation system, the Region be permitted to acquire, if required, a minority shareholding interest in that corporation, on terms acceptable to the Regional Treasurer and Regional Chair, including the consideration payable for such interest.

5. The Region consent to the Regional Chair, Bill Fisch, along with two other YRRTC board members to represent the Region's and YRRTC's interests on an Advisory Committee if established by Metrolinx in connection with the rapid transit system, or, if required, on the board of the aforementioned Metrolinx subsidiary corporation, so long as they continue to be a member of the YRRTC board of directors.

6. Commencing in July, 2009 or following the effective date of the Rapid Transit Agreement, whichever is the later, the monthly reporting requirements of YRRTC to the Region via the Rapid Transit Public/Private Partnership Steering Committee meetings will no longer be required and the reporting requirements under the Rapid Transit Agreement will prevail.

7. YRRTC be directed to finalize the YRRTC 2009 corporate strategic business plan, based on the one, five, and ten year business plan framework for approval of the YRRTC Board and the Region.

8. YRRTC be authorized to amend its bylaws and/or articles, if necessary, to give effect to the foregoing.

9. Staff be authorized to negotiate the terms and provisions of an operating agreement between the Region and YRRTC respecting the roles and responsibilities of York Region Transit and YRRTC in connection with the operation of the rapid transit system and report back when they have determined the framework of this Agreement.

Carried

117 Development Charges – Hotel Definition

It was moved by Regional Councillor Landon, seconded by Mayor Van Bynen that:

1. Council dismiss the complaint by Charles Harnick, Counsel Public Affairs Inc., on behalf of Vaughan Mills Hotels Inc. and Applewood Hotel Holdings Inc., on the basis that Council considers hotels to be "retail" under the Development Charges By-law; and

2. Adopt the recommendation contained in the private report of the Commissioner of Finance and Regional Solicitor dated June 24, 2009 that Council endorse the continued designation of hotels as "retail" for purposes of collecting development charges.

Carried

The balance of the report to remain private under the provisions of the *Municipal Act* as it is subject to Solicitor-Client Privilege.

(See Minute Nos. 99 and 104.)

118 CONFIRMATORY BY-LAW

It was moved by Regional Councillor Hogg, seconded by Regional Councillor Landon that Council enact the following by-law to confirm the proceedings of this meeting of Council.

By-law No. 2009-37 To confirm the proceedings of Council at its meeting held on June 25, 2009.

Carried

The Council meeting adjourned at 2:52 p.m.

Denis Kelly
Regional Clerk

Minutes confirmed and adopted at the meeting of Regional Council held on September 24, 2009.

Bill Fisch
Regional Chair