

**COUNCIL
OF
THE REGIONAL MUNICIPALITY OF YORK**

March 31, 2005

Regional Council met at 9:35 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: Bell, Black, Cousens, Di Biase, Jones, Sherban, Taylor and Young

Regional Councillor: Barrow, Ferri, Frustaglio, Heath, Hogg, Jackson, Jones, O'Donnell, Scarpitti, Van Bynen, and Wheeler

Staff: Cartwright, Davidson, Garrett, Hulton, Jaczek, Schipper, Simmons, Tuckey

32 MINUTES

It was moved by Regional Councillor Ferri, seconded by Mayor Young, that the Minutes of the Council meeting held on the 17th of February, 2005, be confirmed in the form supplied to the Members, subject to amending the wording of Regional Councillor Heath's motion regarding GTA Pooling in Minute No. 16 (page 9) to read "but payment be capped at a 3.0% increase from 2004 to reflect the projected increase in the City of Toronto's *residential property tax rate*".

Carried

COMMUNICATIONS

Council proceeded to consider the following communications:

33 Police Services Board External Fees By-law

Connie Phillipson, Executive Director, Regional Municipality of York Police Services Board, February 24, 2005, regarding the Amended External Fees By-law.

It was moved by Regional Councillor Barrow, seconded by Regional Councillor Frustaglio, that the communication be received and referred to consideration of the Motion listed on the Agenda to approve the Police Services Board's By-law.

Carried

(See Minute No. 43.)

34 Vaughan Health-Care Facility

Michael DeAngelis, City Manager, City of Vaughan, March 4, 2005, regarding the Vaughan Health-Care Facility Planning and Implementation Study, and requesting that Mr. Neil Stuart of IBM Business Consulting Services be permitted to make a deputation.

It was moved by Mayor Di Biase, seconded by Regional Councillor Frustaglio, that the communication be received and deputation status be granted.

Carried

J. D. Leach, City Clerk, City of Vaughan, March 4, 2005, forwarding a resolution adopted by the Council of the City of Vaughan at its meeting held on February 28, 2005, regarding the Vaughan Health-Care Facility Planning and Implementation Study — Recommendations of the Vaughan Health-Care Facility Study Task Force.

It was moved by Mayor Di Biase, seconded by Regional Councillor Ferri, that the communication be received and referred to Council's consideration of this matter.

Carried

(See Minute No. 39.)

35 Community Services and Housing Committee

Mayor Robert Grossi, Town of Georgina, March 17, 2005, forwarding his resignation from the Community Services and Housing Committee.

It was moved by Mayor Taylor, seconded by Regional Councillor Ferri, that the communication be received and deferred to the April 21, 2005 Regional Council meeting.

Carried

36 National Volunteer Week

Andrea Bourrie, Project Manager, 211 Community Information & Volunteer Centre, February 25, 2005, regarding recognition of April 17 to April 23, 2005 as National Volunteer Week.

It was moved by Mayor Jones, seconded by Regional Councillor Van Bynen, that the communication be received and the week of April 17 to April 23, 2005 be recognized as National Volunteer Week in York Region.

Carried

37 Courts Services

(Clause 11 of Finance and Administration Committee Report No. 3)

Tony Thompson, Senior Manager, Enforcement Services Department, City of Vaughan, March 30, 2005, regarding the proposed additional staff complement for York Region Courts and requesting deputant status.

It was moved by Mayor Di Biase, seconded by Mayor Bell that the communication be received and deputation status be granted.

Carried

38 Sheila Birrell, Town Clerk, Town of Markham, March 30, 2005, forwarding a resolution adopted by the Council of the Town of Markham, at its meeting on March 29, 2005, regarding Court Administration – Update.

It was moved by Mayor Di Biase, seconded by Mayor Bell that the communication be received and referred to discussion of Clause 11 of Finance and Administration Committee Report No. 3.

Carried

(See Minute No. 41.)

DEPUTATIONS

Council heard the following depositions:

39 Vaughan Health-Care Facility

Mr. Neil Stuart, IBM Business Consulting Services, regarding the proposed Vaughan Health-Care Facility.

It was moved by Regional Councillor Frustaglio, seconded by Mayor Di Biase that the deputation by Mr. Neil Stuart, IBM Business Consulting Services be received.

Carried

It was further moved by Regional Councillor Frustaglio, seconded by Mayor Di Biase, that:

WHEREAS the Vaughan Health-Care Facility Study Task Force, composed of the members of Vaughan Council and citizen representatives was created to oversee the preparation of a study to demonstrate the level of need for a health-care facility in the City of Vaughan;

AND WHEREAS the Task Force has completed the study entitled the “Vaughan Health-Care Facility Planning and Implementation Study”;

AND WHEREAS such study strongly demonstrates the need for a health-care facility in the City of Vaughan on the basis of population growth and on gaps in available services that are both local and regional in nature;

AND WHEREAS York Region plays an important role in the delivery of health-care and social services to the residents of York Region and will be one of the major stakeholders in the development of the proposed facility;

AND WHEREAS the Council of the Corporation of the City of Vaughan, by resolution dated February 28, 2005, has requested support in principle from the Region of York for Vaughan's approval of the "Vaughan Health-Care Facility Planning and Implementation Study" prior to its submission to the Ministry of Health and Long-Term Care.

BE IT RESOLVED THAT:

1. The Region of York supports in principle the actions contained in the resolution of Vaughan Council, dated February 28, 2005, whereby Vaughan Council:
 - a) approved the "Vaughan Health-Care Facility Planning and Implementation Study" and;
 - b) directed that the study be submitted to the Ministry of Health and Long-Term Care as the basis for Vaughan's request to the Ministry for its support and authorization to proceed with the planning and development processes for a health-care facility in the City of Vaughan, on the basis of the recommendations of the study.
2. The Minister of Health and Long-Term Care be advised that the Region of York is committed to working in partnership with all the stakeholders throughout the planning and development processes for the proposed facility; and
3. This resolution be forwarded to the Minister of Health and Long-Term Care and the Members of the Provincial Legislature representing the Region of York.

The motion carried unanimously on the following recorded vote:

FOR: Barrow, Bell, Black, Cousens, Di Biase, Ferri, Frustaglio, Heath, Hogg, Jackson, J. Jones, T. Jones, O'Donnell, Scarpitti, Sherban, Taylor, Van Bynen, Wheeler, Young (19)

AGAINST: Nil

40 Courts Services

(Clause 11 of Finance and Administration Committee Report No. 3)

Tony Thompson, Senior Manager, Enforcement Services Department, City of Vaughan

It was moved by Mayor Cousens, seconded by Regional Councillor Scarpitti, that the deputation be received and referred to consideration of Clause 11 of Finance and Administration Committee Report No. 3.

Carried

(See Minute No 41.)

41 REPORTS

Mayor Taylor presented the following reports for the consideration of Council:

Report No. 1 of the Audit Committee
Report No. 2 of the Community Services and Housing Committee
Report No. 3 of the Finance and Administration Committee
Report No. 3 of the Planning and Economic Development Committee
Report No. 3 of the Transit Committee
Report No. 3 of the Transportation and Works Committee
Report No. 2 of the e-Government Sub-Committee
Report No. 1 of the Commissioner of Finance
Report No. 3 of the Rapid Transit Public/Private Steering Committee
Report No. 1 of the Regional Solicitor and the Commissioner of Transportation and Works

It was moved by Mayor Taylor, seconded by Regional Councillor Barrow, that the reports be received and that Council resolve itself into Committee of the Whole to consider them.

Carried

Regional Chair Fisch chaired the Committee of the Whole.

The Committee of the Whole rose after making the following recommendations:

Report No. 1 of the Audit Committee be adopted, without amendment;
Report No. 2 of the Community Services and Housing Committee be adopted, without amendment;
Report No. 3 of the Finance and Administration Committee be adopted, with the following amendment:

Clause 11, Courts Services

The recommendations in the report from the Commissioner of Corporate Services, February 28, 2005, as amended by the Committee, be further amended so that they read as follows:

- 1. Approval be given for the immediate recruitment of six temporary staff and the Commissioner of Corporate Services report back to the Committee in June, 2005 on the case load, revenues, and potential need for further staff to be hired on a phased-in basis;*
- 2. A review of the Court Services Program be undertaken by an independent third party in consultation with the Ministry of the Attorney-General, cost-shared 50:50 between the*

Region and the area municipalities at the estimated Regional cost of \$62,500, and the review be subject to a tender or RFP process;

3. *Staff report further to Regional Council pending the outcome of the independent third party review and that report to include a recommended new Inter-Municipal Agreement that would remove the tax burden of the Court Services Program from the tax levy of the Region and the area municipalities;*
4. *A Steering Committee — which includes the York Region Chief Administrative Officer and any of the area municipality Chief Administrative Officers who choose to participate, be formed to oversee the review;*
5. *The Regional Clerk forward a copy of this report to the area municipalities for information.*

Report No. 3 of the Planning and Economic Development Committee be adopted, without amendment;

Report No. 3 of the Transit Committee be adopted, without amendment;

Report No. 3 of the Transportation and Works Committee be adopted, without amendment;

Report No. 2 of the e-Government Sub-Committee be adopted, without amendment;

Report No. 1 of the Commissioner of Finance be adopted, without amendment;

Report No. 3 of the Rapid Transit Public/Private Steering Committee be adopted, without amendment; and

Report No. 1 of the Regional Solicitor and the Commissioner of Transportation and Works be adopted, without amendment.

It was moved by Regional Councillor Scarpitti, seconded by Regional Councillor Barrow, that Council adopt the recommendations of the Committee of the Whole.

Carried

42 BY-LAWS

It was moved by Regional Councillor O'Donnell, seconded by Regional Councillor Van Bynen, that certain Bills be introduced and approved in the form as noted on the Revised Agenda, and enacted as By-laws.

By-law No. R-1410-2005-016	To acquire certain lands for or in connection with the widening and reconstructing of Teston Road (YR 49) in the City of Vaughan
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By-law No. R-1411-2005-017	To acquire certain lands for or in connection with assuming, remediating and operating the Ansnorveldt Water Supply in the Township of King
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By-law No. RD-0518-2005-018	To dedicate certain lands for the purposes of public highways
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By-law No. AG-0034-2005-019 A by-law to authorize the execution of the GTA Fare System Procurement Governance Agreement

Carried

MOTION

43 Police Services Board External Fees By-law

It was moved by Regional Councillor Barrow, seconded by Regional Councillor Wheeler, that:

WHEREAS pursuant to section 391(1) of the *Municipal Act, 2001*, a Police Services Board may pass by-laws to impose fees and charges for services and activities provided by it;

AND WHEREAS on February 23, 2005, The Regional Municipality of York Police Services Board passed By-law No. 03-05 to impose fees and charges for services and activities provided by the York Regional Police;

AND WHEREAS section 397(1) of the Act provides that the by-law shall not come into force until Regional Council passes a resolution approving the by-law;

THEREFORE BE IT RESOLVED THAT:

The Council of The Regional Municipality of York hereby approves By-law No. 03-05 of The Regional Municipality of York Police Services Board, being a by-law to impose fees and charges for services and activities provided by the York Regional Police.

Carried

OTHER BUSINESS

44 Markham Source Separated Organics Phase II (Green Bin) Launch

Regional Councillor Heath informed Council that the Town of Markham is working towards launching its Source Separated Organics Phase II (Green Bin) program this year, and advised that the matter, including the contribution of approximately \$78,000.00 from the Town of Markham to facilitate the launching process and offset Regional costs will be before the Solid Waste Committee on April 13, 2005.

45 Character Community

Mayor Cousens circulated Newsletter Number 13 of the Character Community, indicated that the second annual “Building Communities of Character Conference” is being held on April 14 and 15, 2005, and encouraged Members of Council and other interested people to attend.

46 Courts Services

Mayor Di Biase requested that the Agenda for the April 7, 2005 meeting of the Finance and Administration Committee include a discussion on Courts Services administration.

47 Yard Clipping Collection Bag

Regional Chair Fisch announced that sample yard clipping collection bags had been placed on Council Members’ desks, and indicated that an information campaign regarding the Region’s new yard clipping collection program would commence within three weeks, with approximately 300,000 homes receiving the information package.

48 PRIVATE SESSION

It was moved by Regional Councillor Frustaglio, seconded by Mayor Young, that Council convene in Private Session for the purpose of considering certain legal and labour relations matters.

Carried

Council met in Private Session at 12:45 p.m. and reconvened in Council at 1:22 P.M.

It was moved by Regional Councillor Jackson, seconded by Regional Councillor Heath, that Council rise and report from Private Session.

Carried.

49 Viva Rapid Transit Phase One Operations and Maintenance Services Contract

It was moved by Regional Councillor Jackson, seconded by Regional Councillor Heath, that Council adopt the recommendations contained in the confidential joint report of the York Region Rapid Transit Corporation and the Commissioner of Transportation and Works dated March 23, 2005, including the following recommendations :

1. The Viva Phase One Operations and Maintenance Services contract be awarded to Connex Canada (“Connex”) for a five year period at a price of \$112,496,870, inclusive of GST, as outlined in greater detail in the following Schedule A:

Schedule A

Based on the agreed to scope of work and presently anticipated required Revenue Service Hours over the term, and subject to the terms of the Contract, the total costs of the Contract will be \$112,496,870 inclusive of GST.

1. Start up costs are \$1,511,234.
 2. Capital, equipment and facilities leasing costs for up to five years are anticipated to be as follows:
 - Year 1 - \$1,014,225
 - Year 2 - \$ 775,479
 - Year 3 - \$ 787,347
 - Year 4 - \$ 799,875
 - Year 5 - \$ 813,067

\$4,189,993
TOTAL
 3. Annual Revenue Service Hours costs are anticipated to be as follows; based on estimated annual revenue service hours as set out below:
 - Year 1 - \$16,018,170 (206,800 Revenue Service Hours)
 - Year 2 - \$ 19,226,616 (240,000 Revenue Service Hours)
 - Year 3 - \$ 21,183,175 (264,000 Revenue Service Hours)
 - Year 4 - \$ 24,122,722 (290,000 Revenue Service Hours)
 - Year 5 - \$ 26,244,960 (320,000 Revenue Service Hours)

\$106,795,643
TOTAL
- \$112,496,870 GRAND TOTAL OF 1, 2 and 3 above**

There is a schedule of revenue service hourly rates in the contract that will be applied for the purpose of payment for each year of operation based on the actual number of annual revenue service hours. These hourly rates are broken down into hourly rates based on utilizing the GO Contract.

Costs are subject to change based on changes in scope, which would require a written change order to be signed by the Region, or by a written amendment to the contract to take into account extraordinary changes in the service. Such amendments would be brought back to Regional Council for approval. Projected revenue service hours and scheduling will be determined by Regional Council on an annual basis based on the normal planning and budgetary procedures. The contract includes fuel cost escalation and de-escalation price adjustments. A GST rebate of 7% on eligible items will be refunded to the Region.

2. The Regional Chair and Clerk be authorized to execute a Notice to Proceed agreement with Connex to commence start-up activities on or before April 4, 2005 at a cost not to exceed \$171,000 subject to any additional cost of work within the agreed to contract pricing outlined in Schedule A for any extensions agreed to by the Region if necessary in such final form and content as Legal Services finalize and recommend.
3. The Regional Chair and Clerk be authorized to execute the Viva Phase One Operations and Maintenance Services contract with Connex in accordance with recommendation number one in such final form and content as staff and Legal Services finalize and recommend.

4. The Regional Chair and Clerk be authorized to execute lease agreements or enter into alternative arrangements with Connex, for the Regional facilities associated with Viva operations in such final form and content as Legal Services finalize and recommend.
5. The planning and design work and the acquisition of the property at 2875 14th Avenue be discontinued.

Carried

The balance of the report remains confidential in accordance with the provisions of the *Municipal Act* in that it contains confidential labour relations information and information which is subject to solicitor-client privilege.

50 CONFIRMATORY BY-LAW

It was moved by Regional Councilor Jackson, seconded by Regional Councillor Heath, that the following by-law be enacted to confirm the proceedings of this meeting of Council.

By-law No. M-0716-2005-020

To confirm the proceedings of Council at its meeting held on March 31, 2005.

Carried

The Council meeting adjourned at 1:23 p.m.

Regional Clerk

Minutes confirmed and adopted at the meeting of Regional Council held on the 21st of April, 2005.

Regional Chair