

**COUNCIL
OF
THE REGIONAL MUNICIPALITY OF YORK**

November 19, 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: Black, Emmerson, Grossi, Scarpitti, Van Bynen and Young

Regional Councillor: Ferri, Frustaglio, Heath, Jones, Landon, Rosati, Spatafora, Taylor, Virgilio and Wheeler

Staff: Davidson, Hulton, Kurji, Llewellyn-Thomas, Macgregor, Mahoney, Russell, Simmons and Tuckey

PRESENTATION

Council received the following presentation:

161 Community Workplace Health and Safety Charter

Steven Mahoney, Chair, Workplace Safety and Insurance Board, provided Council with an overview of the Workplace Safety and Insurance Board and its commitment to promote awareness of the serious financial issues and human pain and suffering resulting from workplace injuries. Mr. Mahoney showed a video called “The Road to Zero” to highlight the Board’s activity in the area of social marketing.

Mr. Mahoney indicated the Community Workplace Health and Safety Charter is a commitment by the municipality to good health and safety practices and provided an opportunity to show employees and employers in the Region of York its continuing dedication to health and safety. Regional Chair Fisch replied that the Region takes workplace health and safety very seriously.

Regional Chair Fisch then joined Mr. Mahoney in signing the Community Workplace Health and Safety Charter.

162 MINUTES

It was moved by Mayor Grossi, seconded by Mayor Young that Council confirm the Minutes of the Council meeting held on October 22, 2009 in the form supplied to the Members.

Carried

COMMUNICATIONS

Council considered the following communications:

163 2009 York Region Thanksgiving Food Drive Campaign

Regional Councillor Joyce Frustaglio, November 19, 2009, regarding the 2009 York Region Thanksgiving Food Drive Campaign.

It was moved by Mayor Emmerson, seconded by Mayor Young that Council receive the communication.

Carried

Regional Chair Fisch thanked Regional Councillor Frustaglio for her leadership in bringing the 2009 York Region Thanksgiving Food Drive Campaign to a successful conclusion.

Regional Councillor Frustaglio expressed additional thanks to the Members of Council and staff who participated in this year's Food Drive.

164 Draft York Region Water and Wastewater Master Plan Updates and Transportation Master Plan Updates

(Clauses 2 and 3 of Planning and Economic Development Committee Report No. 8.)

Chris Somerville, Clerk, Township of King, November 4, 2009, forwarding comments on the Draft York Region Water and Wastewater Master Plan Update and Transportation Master Plan Update, which were considered and approved by the Council of the Township of King at its meeting on October 19, 2009.

It was moved by Mayor Young, seconded by Regional Councillor Taylor that Council receive the communication and refer it to consideration of Clauses 2 and 3 of Planning and Economic Development Committee Report No. 8.

Carried

165 COMMITTEE REPORTS

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

Report No. 3 of the Community and Health Services Committee

Report No. 3 of the Environmental Services Committee

Report No. 8 of the Finance and Administration Committee

Report No. 8 of the Planning and Economic Development Committee

Report No. 3 of the Spadina Subway Transit Oriented Development Advisory Task Force
Report No. 3 of the Transportation Services Committee

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. 3 of the Community and Health Services Committee

Report No. 3 of the Environmental Services Committee

Report No. 8 of the Finance and Administration Committee

Report No. 8 of the Planning and Economic Development Committee

Report No. 3 of the Spadina Subway Transit Oriented Development Advisory Task Force

Report No. 3 of the Transportation Services Committee with the following amendment:

Clause 5, regarding Consultant Selection for Engineering Services, Detailed Design of Bathurst Street, City of Vaughan and Town of Richmond Hill, was referred to private session to receive advice that is subject to solicitor-client privilege.

(See Minute Nos. 170 and 173 for recorded vote and Council decision.)

It was moved by Mayor Scarpitti, seconded by Mayor Grossi that Council adopt the recommendations of the Committee of the Whole.

Carried

166 BY-LAWS

It was moved by Mayor Van Bynen, seconded by Regional Councillor Wheeler 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. 2009-48	To acquire certain lands for or in connection with the widening and reconstruction of Bloomington Road (YR 40) Towns of Aurora and Richmond Hill.
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By-law No. 2009-49	A by-law governing the execution of documents on behalf of The Regional Municipality of York.
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By-law No. 2009-50	A By-law Respecting the Duties and Responsibilities of the Chief Administrative Officer.
By-law No. 2009-51	A by-law to amend By-Law No. 2009-23 being a by-law to designate lanes on regional roads for the exclusive use of certain classes of vehicles.
By-law No. 2009-52	To dedicate certain lands for the purposes of public highways.
By-law No. 2009-53	A by-law to govern the proceedings of Council and its Committees.
By-law No. 2009-54	A by-law to amend By-law No. A-214-96-109, as amended.
By-law No. 2009-55	A by-law to amend By-law No. S-0064-2005-009, being a by-law to regulate the discharge of sewage and land drainage in The Regional Municipality of York.

Carried

OTHER BUSINESS

It was moved by Regional Councillor Wheeler, seconded by Mayor Grossi, that Council allow the introduction of a motion relating to the David Dunlap Observatory Lands.

Carried by two-thirds majority vote

167 David Dunlap Observatory Lands

It was moved by Regional Councillor Spatafora, seconded by Mayor Scarpitti, that Council adopt the following motion subject to:

1. Changing the first recital to indicate that Council supports the Town of Richmond Hill's designation of the property as a cultural heritage property under the *Ontario Heritage Act*; and
2. Indicating that the Minister of Canadian Heritage also be requested to take measures to preserve and protect the Observatory as a national heritage site.

Whereas the Council of The Regional Municipality of York is committed to preserving the heritage attributes, associative and historical values, and contextual values of the David Dunlap Observatory lands, and as such, is designating the property as a cultural heritage property under the *Ontario Heritage Act*;

And Whereas the David Dunlap Observatory is recognized as an important heritage and cultural resource not only for York Region, but also of Provincial, National and International significance;

And Whereas the Ontario Conservation Review Board indicated in its report of May 19, 2009 that the property could also be designated as a cultural heritage property by the Province of Ontario;

Therefore be it resolved that the Council of the Region of York moves that the Premier of Ontario and the Ontario Minister of Culture consider designating the property as a cultural heritage property of Provincial significance;

And further that the Prime Minister of Canada and the Federal Minister of Environment take measures to preserve and protect the David Dunlap Observatory in recognition of its landmark status in Canada.

It was then moved by Regional Councillor Frustaglio, seconded by Regional Councillor Wheeler that Council refer the motion and proposed amendments to the December 2, 2009 meeting of the Planning and Economic Development Committee for a report.

Carried

168 Update on H1N1 Flu Response

Dr. Kurji provided an update on the status of the H1N1 flu response. The York Region clinics are now open to the general public.

169 GTA West Corridor Task Force Appointments

Regional Chair Fisch advised Council that he has appointed Mayor Jackson and Regional Councillor Frustaglio to the GTA West Corridor Task Force.

170 PRIVATE SESSION

It was moved by Regional Councillor Ferri, seconded by Regional Councillor Virgilio 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 Environmental Services Committee – Residual Waste Processing Update – Actual or Potential Litigation.

3. Private Report of the Environmental Services Committee – 2008 External Compliance Audit Program Findings Water and Wastewater Facilities – Solicitor - Client.
4. Private Report of the Regional Solicitor – YRRTC/York Region Revised Business Arrangements to Deliver H3, D1 and Y3.2 Segments of Rapid Transit System – Solicitor - Client.
5. Clause No. 5 of Transportation Services Committee Report No. 3 - Consultant Selection for Engineering Services, Detailed Design of Bathurst Street, City of Vaughan and Town of Richmond Hill (Request for Proposal P-09-73) – Solicitor - Client.

Carried

Council met in Private Session at 11:18 a.m. and reconvened in Council at 12:37 p.m.

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

Carried

171 Retainer for External Legal Services

It was moved by Regional Councillor Spatafora, seconded by Mayor Grossi that Council adopt the recommendations contained in the private report of the Finance and Administration Committee dated November 5, 2009, as amended, as follows:

1. Regional Council approve retainer agreements with the law firms of Borden Ladner Gervais LLP and Weir Foulds LLP to provide legal services on a fee for service basis for the period January 1, 2010 to December 31, 2012 on the terms and conditions set out in the private report.
2. The Regional Solicitor be authorized to execute retainer agreements and related documents with both firms.
3. The Regional Solicitor issue an RFP for legal services in 2012 that will be effective beginning January 1, 2013.

Carried

The balance of the report to remain private under the provisions of the *Municipal Act* as it pertains to Solicitor – Client privilege.

172 YRRTC/York Region Revised Business Arrangements to Deliver H3, D1 and Y3.2 Segments of Rapid Transit System

It was moved by Regional Councillor Frustaglio, seconded by Mayor Scarpitti that Council adopt the recommendations contained in the private report of the Regional Solicitor dated November 19, 2009 as follows:

1. Regional Council approve the additional conditions for the VivaNext Procurement agreement governing the H3, D1 and Y3.2 segments of the VivaNext Rapid Transit Project on the terms as set out in the private report, together with any other documents or ancillary agreements in connection with the VivaNext Procurement Agreement.
2. The Region enter into an agreement, protocol and/or ancillary documents, with Metrolinx and the York Region Rapid Transit Corporation to govern the business arrangements among the parties respecting project governance of VivaNext, in the terms set out in the private report and as previously approved by Regional Council.
3. The Regional Chair and Regional Clerk be authorized to execute the above agreements on the Region's behalf, and any ancillary documents, subject to the prior review of Legal Services.

Carried

The balance of the report to remain private under the provisions of the *Municipal Act* as it pertains to Solicitor – Client privilege.

173 Consultant Selection for Engineering Services, Detailed Design of Bathurst Street, City of Vaughan and Town of Richmond Hill

(Clause 5 of Transportation Services Committee Report No. 3)

It was moved by Mayor Emmerson, seconded by Regional Councillor Wheeler that Council adopt the recommendations contained in Clause No. 5 of Transportation Services Committee Report No. 3 regarding Consultant Section for Engineering Services, Detailed Design of Bathurst Street, City of Vaughan and Town of Richmond Hill.

A recorded vote on this motion was as follows:

For: Ferri, Frustaglio, Heath, Rosati, and Wheeler (5)

Against: Black, Emmerson, Grossi, Jones, Landon, Scarpitti, Spatafora, Taylor, Van Bynen, Virgilio, Young (11)

Lost

It was moved by Regional Councillor Wheeler, seconded by Mayor Black, that Council direct staff to re-issue the request for proposal and report back to the Transportation Services Committee.

Carried

(See Minute No. 165.)

OTHER BUSINESS

174 Retirement of Joann Simmons, Commissioner of Community and Health Services

Regional Chair Fisch announced that this would be the last Council meeting before the retirement of Joann Simmons, Commissioner of Community and Health Services.

The Regional Chair indicated that Commissioner Simmons has done incredible work for the Region and thanked her on behalf of all Members of Council, past and present, for whom she has served. He added that Ms. Simmons has been dedicated to public service for 33 years and has been with the Region since 1988. She began serving as Director of Social Services that year, was appointed Commissioner in 1999 and ultimately became the Commissioner of Community and Health Services over the combined department of more than 1,400 staff.

Regional Chair Fisch noted that Commissioner Simmons will be remembered for her work for the entire corporation. She brought incredible insight and knowledge to all areas of the Region, including those for which she was not directly responsible. She pulled together not only all of the services provided by her department but also the staff and public as well.

Regional Chair Fisch concluded by wishing Commissioner Simmons happiness and health to her and her family on behalf of Council and the citizens of York Region.

Bruce Macgregor, Chief Administrative Officer, added the appreciation and best wishes of the Senior Management Team. He complimented Commissioner Simmons for her grace under fire and indicated that members of the Senior Management Team had always learned from Commissioner Simmons, will miss her and wish her a fantastic retirement.

Ms. Simmons thanked her family, the Community and Health Services Department staff, past and present Regional Council Members and the Senior Management Team for their faith and confidence in her throughout the years.

Members of Regional Council and all of those in attendance then gave Commissioner Simmons a standing ovation in acknowledgement of her contributions to the Region.

175 CONFIRMATORY BY-LAW

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

By-law No. 2009-56	To confirm the proceedings of Council at its meeting held on November 19, 2009.
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Carried

The Council meeting adjourned at 12:58 p.m.

Denis Kelly
Regional Clerk

Minutes confirmed and adopted at the meeting of Regional Council held on December 16, 2009.

Bill Fisch
Regional Chair