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CONSULTANT SELECTION FOR TWO 2-WAY REVENUE WATER METER CHAMBERS ON LESLIE STREET AND HARRY WALKER PARKWAY TOWNS OF EAST GWILLIMBURY AND NEWMARKET - PROJECT 72490

(Regional Council at its meeting on October 18, 2012 deferred this Clause to the December 13, 2012 Council meeting.)

The Environmental Services Committee recommends the referral of consideration of the recommendations contained in the following report dated August 27, 2012, from the Commissioner of Environmental Services, to Council on October 18, 2012, pending further discussions with Cole Engineering Group Ltd.

1. RECOMMENDATIONS

It is recommended that:

1. Cole Engineering Group Ltd. be engaged to undertake detailed design, contract administration and site inspection for construction of two 2-way revenue water meter chambers on Leslie Street and Harry Walker Parkway, as outlined in this report, at a fee of \$279,000 excluding taxes.
2. The approved 2012 spending authority for project 72490 be set at \$330,000 excluding taxes.
3. The Commissioner of Environmental Services be authorized to adjust the contract administration and site inspection fees using the competitive unit price of \$3,534 per week, excluding taxes, up to the capital spending authority.

2. PURPOSE

This report seeks Council authorization to retain engineering services related to detailed design, contract administration and site inspection for construction of two 2-way revenue water meter chambers on Leslie Street and Harry Walker Parkway in the Towns of East Gwillimbury and Newmarket. A location plan is appended to this report (*see Attachment 1*).

The Region's Purchasing Bylaw requires Council authorization to award Request for Proposals (RFP) when the recommended proponent does not have the lowest cost. In this case, the recommended proponent did not submit the lowest cost.

3. BACKGROUND

Towns of East Gwillimbury and Newmarket execute a water servicing agreement in 2001

Presently, the Town of East Gwillimbury relies partially on the Newmarket municipal water system to provide Regional water supply to service their existing industrial/commercial developments south of Green Lane between Highway 404 and Leslie Street.

This water servicing arrangement is governed by an agreement between the Town of East Gwillimbury and the Town of Newmarket, which is entitled the *NewGwill and Queensville/Caratuck Agreement (2001)*. It should be noted that this agreement also includes sanitary servicing and stipulates maximum allowable water usage and sewage flow rates.

Project need approved by Council on May 24, 2007

While the water servicing agreement provides a cost-effective way to provide water servicing to this area, East Gwillimbury has requested that, in the long term, water should be purchased directly from the Region.

Accordingly, at its meeting of May 24, 2007, Council adopted Clause 5 of Report No. 5 of the Transportation and Works Committee (*see Attachment 2*), which included the following recommendation:

“Regional Staff continue to plan and design the permanent servicing infrastructure for East Gwillimbury including the consideration of water meter chambers and that up to five water meter chambers be included in the proposed 2007 Development Charge By-law Update.”

The water meter chambers, which are the subject of this report, are two of the five chambers approved by this Council resolution.

The chambers will be constructed on existing watermains on Leslie Street and Harry Walker Parkway. Each will be located as close as possible to the municipal boundary between East Gwillimbury and Newmarket. Their approximate locations are shown on the attached Location Plan (*see Attachment 1*).

Recommendation to award this consultant assignment based on a Request for Proposal process completed in 2009

The recommendation to award this assignment is based on a Request for Proposal process completed in February 2009, as detailed below. Subsequent to evaluation of the submitted proposals, the award of the project was placed on hold pending a resolution between the Towns of East Gwillimbury and Newmarket regarding the *NewGwill and Queensville/Caratuck Agreement (2001)*. Agreement issues between the two Towns have now been resolved and will form the basis of the co-management agreement for portions of the local municipal water distribution system; therefore this project is moving forward on the basis of the originally submitted proposals. Confirmation that the successful proponent will adhere to their submitted prices has been secured verbally and will be achieved through execution of the engineering agreement.

4. ANALYSIS AND OPTIONS

Three engineering consulting firms responded to Request for Proposal P-09-11

In accordance with the Region's Purchasing Bylaw, a Request for Proposal P-09-11 for detailed design, contract administration and site inspection for two 2-way revenue water meter chambers on Leslie Street and Harry Walker Parkway was advertised in the *Daily Commercial News* and on the *Electronic Tendering Network*. The following three firms submitted a proposal in response to Request for Proposal P-09-11:

- AECOM
- The Municipal Infrastructure Group
- Cole Engineering Group Ltd.

Request for Proposal P-09-11 detailed the scope of work required, which included the following services:

- Project planning and control
- Detailed design
- Procurement of approvals
- Tender and award
- Construction contract administration including site inspection
- Quality assurance and quality control

Proposals evaluated using the two-envelope system

Proposals were evaluated using the two-envelope system with technical and financial information kept in two separate envelopes. The overall proposal score was evaluated

based on a weighting of 80 points for the technical proposal and 20 points for the financial proposal. Technical proposals were evaluated prior to any knowledge of financial information.

The Region's proposal evaluation team reviewed the three technical/management proposals based on the following criteria as listed in Request for Proposal P-09-11:

- Corporate experience
- Project manager and key staff experience
- Technical support staff experience
- Staff training
- Sub-consultants' experience
- Project implementation

Technical components of the proposal must achieve a minimum technical score of 60 per cent (48 points out of the potential 80 points) to have the financial portion of the proposal considered. If a proponent does not achieve this minimum technical score, their financial proposal is returned unopened. Technical and financial results are summarized in Table 1.

Table 1
Consultant Proposal Evaluation Summary

Consulting Engineering Firm	Technical Score (out of 80)	Total Fee (\$) (excluding taxes)	Financial Score (out of 20)	Total Score (out of 100)	Cost Per Technical Point (\$)
Cole Engineering Group Ltd.	56.6	\$279,000	19.2	75.8	\$4,929.33
The Municipal Infrastructure Group	59.6	\$349,828	15.3	74.9	\$5,869.60
AECOM	49.9	\$267,700	20	69.9	N/A

Evaluation of proposals revealed Cole Engineering Group Ltd. achieving the highest total score and the lowest cost per technical point

The firm with the highest total score is Cole Engineering Group Ltd. Given that the total score achieved by The Municipal Infrastructure Group is within five points of the highest total score, a "dollar cost methodology" calculation was completed, as required by the Purchasing Bylaw. Results of this calculation, as shown in Table 1, determined that the proposal submitted by Cole Engineering Group Ltd. represents the best overall value to the Region.

Link to Key Council-approved Plans

Construction of two new meter chambers is critical to support the Council resolution of May 2007 which authorized installation of five water meter chambers such that the Town of East Gwillimbury will receive water directly from the Regional system.

Implementation of this project will result in a cost-effective way to provide water servicing to the Town of East Gwillimbury as water will be purchased directly from the Region. This project aligns with the Region's 2011 to 2015 Strategic Planning objective of continuing to deliver and sustain critical infrastructure.

5. FINANCIAL IMPLICATIONS

The fee for the proposed work is \$279,000 excluding taxes. The approved 2012 10 Year Capital Plan outlines a sufficient total budget for this project of \$3,421,000, however, given that the project was placed on indefinite hold, insufficient spending authority was identified in 2012. Accordingly, this report seeks approval to set the 2012 spending authority for this project to \$330,000 excluding taxes to cover the cost for detailed design, contract administration and site inspection, staff time and a reasonable allowance for contingencies. This amount will be debt financed and repaid from Development Charges and will not impact the estimated total project cost identified in the approved 2012 Capital Budget.

Fees for the proposed work include contract administration and site inspection for an estimated duration of 130 working days (26 weeks). Based on the competitive prices within the financial proposal submitted by Cole Engineering Group Ltd., this equates to a cost of \$3,534 for each week of construction. This value will be used to calculate either the increase or decrease in the fee, as the case may be, to account for the actual duration of construction.

Should the actual duration of construction go beyond the time specified in the tender documents, it is recommended that the Commissioner of Environmental Services be authorized to adjust the fee accordingly by the amount of \$3,534 per week, excluding taxes, up to the capital spending authority.

6. LOCAL MUNICIPAL IMPACT

Once construction of these meter chambers is complete, water servicing in this area of the Region will be accurately metered at the East Gwillimbury/Newmarket boundary and thereby allow for direct billing by the Region to both municipalities. The existing water servicing agreement between the Town of East Gwillimbury and the Town of Newmarket will be reviewed for this modified arrangement.

As noted in this report, the water servicing agreement between the Towns of East Gwillimbury and Newmarket also includes sanitary servicing. Regional sanitary servicing for this area is included in the Upper York Sewage Solutions project, which is expected to be commissioned by 2018. Accordingly, Regional staff will confirm the status of the agreement with East Gwillimbury and Newmarket prior to tendering this project for construction.

While the construction of these water meter chambers will allow for direct billing of water by the Region to both East Gwillimbury and Newmarket, the condition will continue to exist whereby one local municipality receives water directly from an adjacent local municipality. In a two-tier water service jurisdiction such as ours, this condition inherently creates specific operational challenges in maintaining adequate water quality within the overall water system. As this condition also exists in the area of Green Lane and Yonge Street, the Region is developing tri-party water service and co-management agreements with the Towns of East Gwillimbury and Newmarket to deal with these ongoing operational issues. Once this consultant assignment is awarded, detailed design of the meter chambers will proceed; however, tendering the construction contract will not proceed until these agreements are executed.

Should this project not proceed to construction in the timelines currently planned, the Request for Proposal for this consultant assignment allows for the cancellation of the construction contract administration component without penalty to the Region.

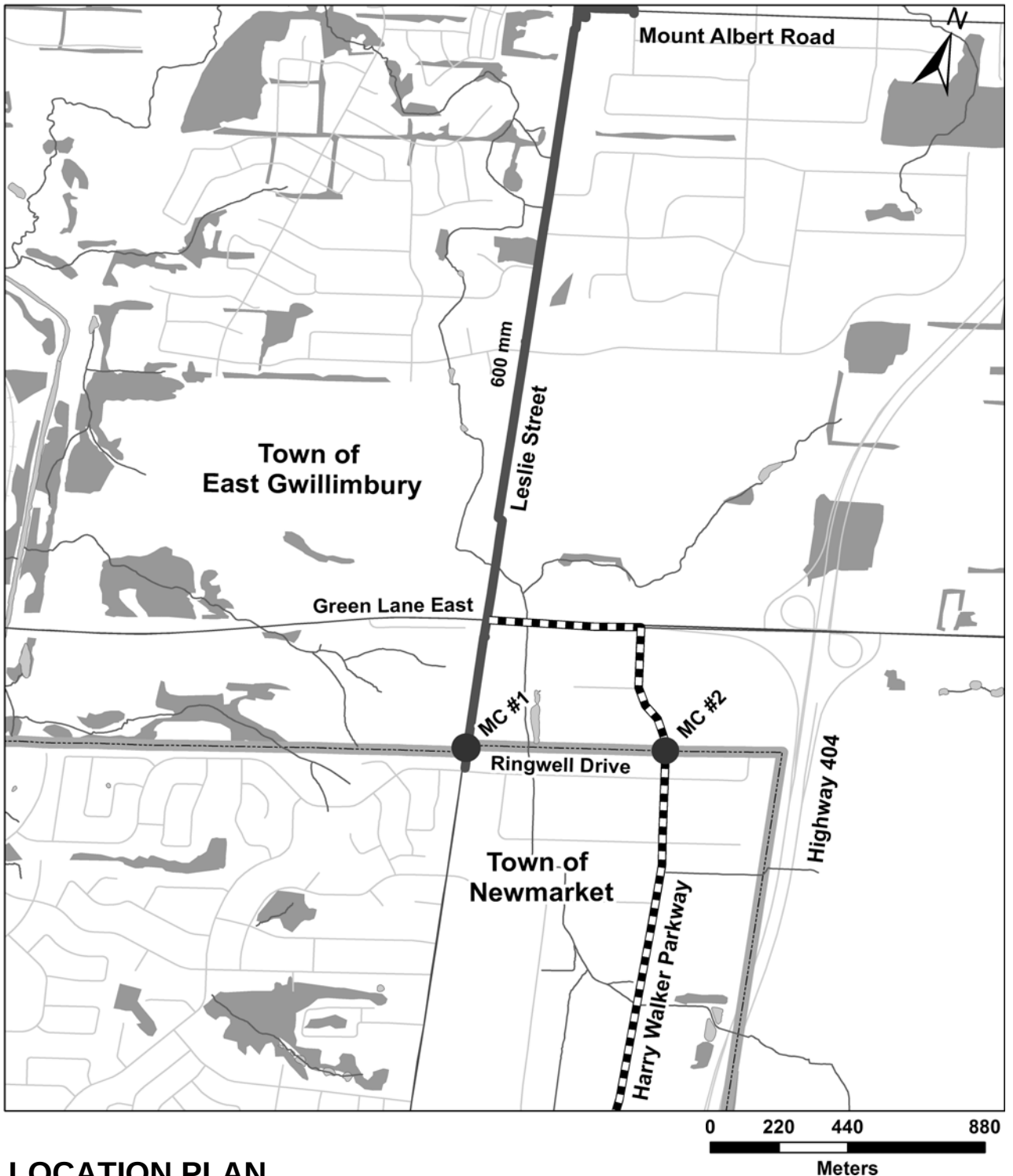
7. CONCLUSION

Three proposals from engineering consultants were received and evaluated for this project in accordance with the Region's Purchasing Bylaw. It is recommended that Cole Engineering Group Ltd. be engaged to undertake the detailed design, contract administration and site inspection services for two 2-way revenue water meter chambers on Leslie Street and Harry Walker Parkway at a cost of \$279,000 excluding taxes.

For more information on this report, please contact Daniel Kostopoulos, Director, Capital Planning and Delivery, Environmental Services at extension 5070.

The Senior Management Group has reviewed this report.

(The two attachments referred to in this Clause are attached to this report.)



LOCATION PLAN

Consultant Selection for Two 2-Way
Revenue Water Meter Chambers on
Leslie Street and Harry Walker Parkway
Towns of East Gwillimbury and Newmarket
Project 72490

- Proposed Water Meter Chamber
- Existing Regional Watermain
- - - Existing Municipal Watermain
- - - Municipal Boundary

Clause No. 5 in Report No. 5 of the Transportation and Works Committee was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting on May 24, 2007.

5

REGIONAL WATER METER CHAMBERS TOWNS OF NEWMARKET AND EAST GWILLIMBURY

(At its meeting of April 19, 2007, Regional Council referred this report, being Clause 5 of Transportation and Works Report No. 4, and a communication from the Town Clerk of the Town of Newmarket, dated April 17, 2007, to the May 2, 2007 Transportation and Works Committee meeting for consideration.)

The Transportation and Works Committee recommends the following:

- 1. The communication from Anita Moore, Town Clerk, Town of Newmarket, dated April 17, 2007, forwarding a resolution regarding 'Regional Water Meter Chambers', be received; and**
- 2. The recommendations contained in the following report, March 29, 2007, from the Commissioner of Transportation and Works and the Commissioner of Finance, be replaced with the following recommendations:**
 - 1. Regional Council, at the request by the Town of East Gwillimbury, consent to the existing interim water servicing agreements as follows:**
 - a) Fetlar Theatre and Commercial Complex Agreement,**
 - b) Trinity Commercial Complex Agreement**
 - c) NewGwill and Queensville/Caratuk Agreement;**
 - 2. Regional Council consent to additional interim water servicing agreements for proposed extensions to service lands within East Gwillimbury subject to the Towns of Newmarket and East Gwillimbury Councils, agreeing to the terms of the additional interim water servicing agreements;**
 - 3. That in the event any inter-municipal servicing agreements include provision for design and installation of works to a regional standard, and subject to agreement with the local municipality, such works shall remain within the jurisdiction of the local municipality until such time as the Region has constructed and installed the permanent servicing works that require the inclusion of these local works;**
 - 4. Regional staff continue to plan and design the permanent servicing infrastructure for East Gwillimbury including the consideration of water meter chambers and that up to five water meter chambers be included in the proposed 2007 Development Charge Bylaw Update;**

5. That the Report of the Commissioner of Transportation and Works and Commissioner of Finance entitled “Regional Water Meter Chambers – Towns of Newmarket and East Gwillimbury” be received.

1. RECOMMENDATIONS

It is recommended that:

1. The water meter chambers set out in this report be included in the proposed 2007 Development Charge Bylaw Update.
2. Regional Council consent to the interim water servicing agreements as set out in this report between the Town of Newmarket and Town of East Gwillimbury, subject to the Town of Newmarket and East Gwillimbury Councils agreeing to the terms of the additional interim water servicing agreements, including proposed extensions to service the Harvest Hills subdivision and a commercial site on Green Lane in the Town of East Gwillimbury.
3. The Regional Clerk forward this report to the Clerks of the municipalities of Newmarket and East Gwillimbury.

2. PURPOSE

The purpose of this report is to recommend the inclusion of five proposed water meter chambers located at the Newmarket and East Gwillimbury boundary in the proposed 2007 Development Charge Bylaw Update, and to recommend that Council consent to interim water servicing agreements between the Town of Newmarket and Town of East Gwillimbury.

3. BACKGROUND

Presently, the Town of East Gwillimbury relies on the Newmarket municipal water system to distribute Regional water supply to service lands in the Yonge Street and Green Lane area, as well as the existing industrial developments at Harry Walker Parkway at Green Lane and Leslie Street (*See Attachment 1*).

There are three existing water servicing agreements between the Town of East Gwillimbury and the Town of Newmarket.

The existing Trinity commercial complex at the southwest corner and the Fetlar Theatre site at the southeast corner of Yonge Street and Green Lane are serviced by the Newmarket water system through the following agreements:

- Fetlar Theatre and Commercial Complex Agreement (2000).
- Trinity Commercial Complex Agreement (2002).

The existing industrial subdivisions, namely NewGwill and Queensville/Caratuck, at Harry Walker Parkway are serviced by the Newmarket water system through the following agreement:

- NewGwill and Queensville/Caratuck Agreement (2001).

New development in the southwest quadrant of the Yonge Street and Green Lane area, being the Harvest Hills residential subdivision, will also have to rely on interim servicing from the Newmarket water service as the Town of East Gwillimbury wishes to proceed immediately. Newmarket has agreed to the extension of its water service to East Gwillimbury and a new agreement is currently being reviewed to extend water service to the Harvest Hills subdivision. East Gwillimbury is seeking a further water service extension agreement from the Town of Newmarket to service an approved commercial development in the northeast quadrant of the Yonge Street and Green Lane area.

While these agreements provide a cost effective way to service East Gwillimbury in the interim, East Gwillimbury has expressed that, in the longer term, servicing of East Gwillimbury should be made directly from regional supply. Town and Regional staff met and discussed the issues and are in concurrence that future servicing of East Gwillimbury will be provided by a direct connection to the Region's water supply system and that a common strategy be developed to phase out the reliance on servicing from the Newmarket water system. Regional infrastructure is being constructed on Bathurst Street to reinforce supply to the area.

The Provincial Growth Plan "Places to Grow" identifies an area within the Town of East Gwillimbury including the communities of Sharon, Queensville and Holland Landing as a growth area with forecasts expected to exceed the current planned population (*see Attachment 2*). In 2006, the Town of East Gwillimbury completed the Employment Lands Economic Review Study which helped to ensure that there are adequate employment lands to support the Town's future growth, and has now taken the next step to carry out a Town-wide Official Plan Review to bring its official plan into conformity with the Provincial Growth Plan. In conjunction with the official plan review, Town has also commenced a water and sanitary sewer master plan study. Regional staff is now working closely with Town staff to coordinate their master plan study with the Region's Water and Wastewater Master Plan Update. This coordination effort will ensure that a common long term servicing strategy be developed to address the inter-municipal servicing issues and to allow East Gwillimbury to become directly serviced by the Region over time.

In the meantime, it is agreed between the Town of East Gwillimbury and Regional staff that a logical first step towards providing direct service to East Gwillimbury is to have a system in place that could meter East Gwillimbury consumption. Newmarket has expressed a need to achieve a Regional water servicing plan that will confirm final meter locations for a system that provides independent water servicing to East Gwillimbury. Since the meters will be necessary for any interim Newmarket/East Gwillimbury agreements, to avoid duplication of cost, there is value to ensuring the meters conform with Regional requirements and are capable of assumption by the Region. The earliest opportunity for the Region to assume the meters will be when the costs of the meters have been included in the approved 2007 Regional Development Charges By-Law. To

this end, five proposed water meters at the Newmarket and East Gwillimbury boundary have been tentatively identified as follows (also see *Attachment 1*):

- Town of Newmarket watermain extension on Woodspring Avenue.
- Town of Newmarket watermain extensions on Yonge Street (2 meters).
- Region's watermain on Leslie Street.
- Town of East Gwillimbury watermain on Harry Walker Parkway.

Regional staff are working closely with both Towns to pursue efficiencies in determining the phasing of infrastructure, including the location of the meters near the municipal boundary.

It is expected that subject to finalizing the permanent Regional water servicing plan for East Gwillimbury, these meter chambers will become part of the Region's long term water servicing system and be used to meter the East Gwillimbury's consumption.

4. ANALYSIS AND OPTIONS

In September 2006, Regional Council adopted a policy on the "Regional Jurisdiction – Water Infrastructure" in which water infrastructure for metering municipal flow is considered to be an asset under Regional jurisdiction.

The above water meter chambers are an integral part of the Region's long term water supply system required to meter the Town's flow. In accordance with the Regional jurisdiction policy, it is recommended that since these water meters will be Regionally owned, they be included in the 2007 Development Charge Bylaw Update.

While the timing of installing the above water meter chambers depends on the upcoming infrastructure phasing plans recommended in the Water and Wastewater Master Plan Update, opportunities may arise where the work can be easily constructed by developers at the same time they are installing related works in the vicinity. In this case, a development charge credit agreement would have to be prepared, with the principles of agreement approved by Council. Since the work will be assumed by the Region, the water meter chambers have to be constructed to Regional standard, and this requirement should form part of the principles of agreement.

Section 89 of the *Municipal Act, 2001* stipulates that a lower-tier municipality shall not purchase water from another municipality without consent from the upper-tier municipality. The three existing agreements between the Town of Newmarket and Town of East Gwillimbury have served both municipalities well. Prior to the extension of Regional supply mains to East Gwillimbury, the interim servicing agreements are an efficient way of providing water service to East Gwillimbury. It is therefore recommended that Council consent to the existing agreements. In addition, it is also recommended that the proposed extension of Newmarket water system to service the Harvest Hills subdivision and commercial development at Green Lane and Yonge Street be permitted and Council give consent to the related servicing agreement(s).

5. FINANCIAL IMPLICATIONS

The cost of the water meter chamber works is estimated to be approximately \$500,000. This cost will be included in the current Development Charge By-law update. The timing for the installation of the proposed chambers will be determined by the Water and Wastewater Master Plan Update along with other infrastructure needed to service the expected growth in East Gwillimbury. Where water meter chambers are to be constructed by developers, staff will report to and obtain approval from Council the principles of the development charge credit agreement.

6. LOCAL MUNICIPAL IMPACT

East Gwillimbury has expressed that, in the longer term, servicing of East Gwillimbury should be made directly from Regional supply. The inclusion of the water meter chambers in the Development Charge By-law is a constructive step in moving towards direct water service to East Gwillimbury.

Newmarket has requested that it be consulted as part of the finalization of the long term permanent servicing plan for East Gwillimbury to ensure that any decommissioning of the extended services does not adversely impact the Newmarket system such that it continues to function as intended to meet Newmarket's own needs.

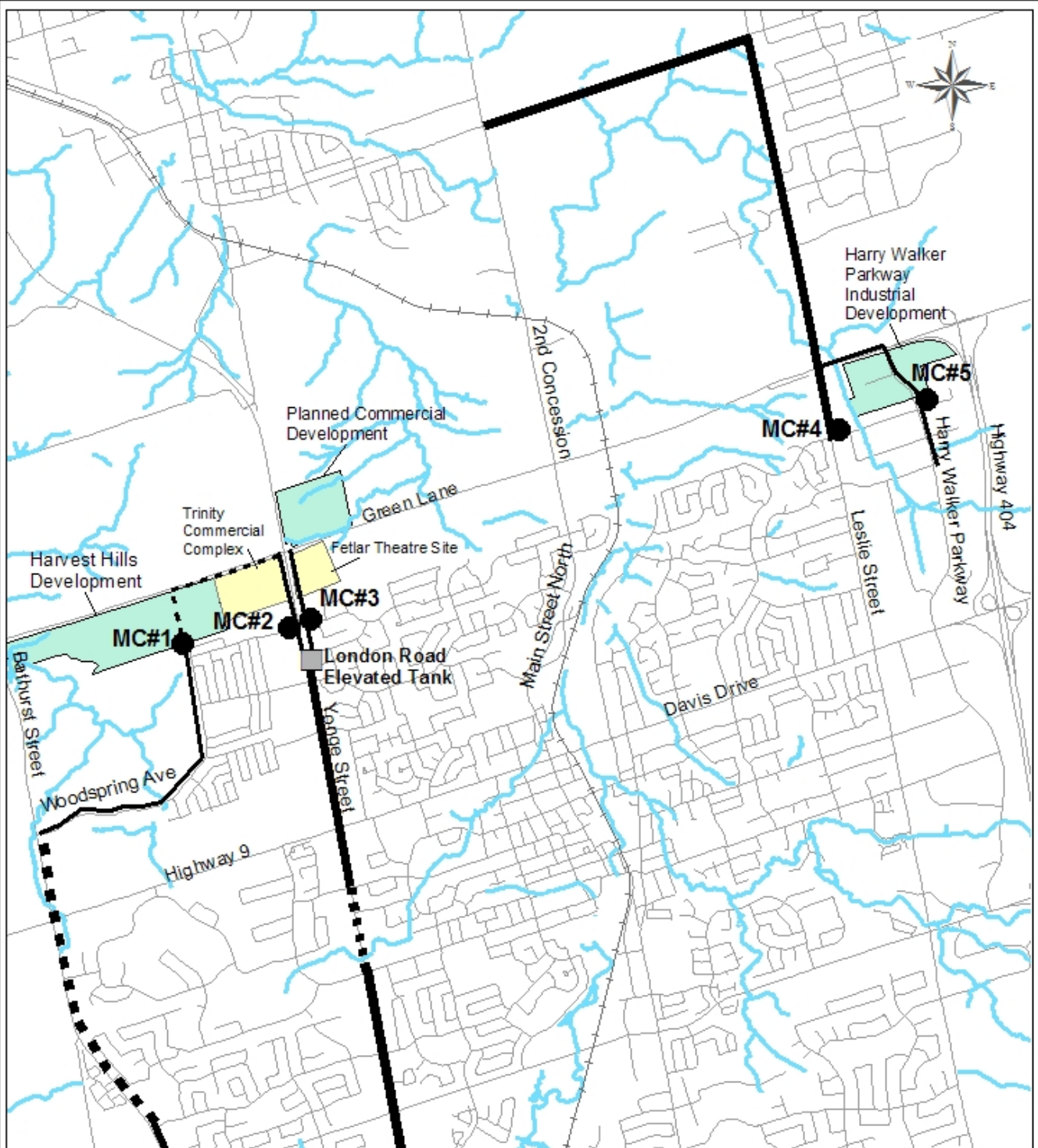
7. CONCLUSION

Regional staff has recommended the inclusion of five water meters in the 2007 Development Charge By-law update. This will permit the Region to meter the flow to East Gwillimbury in the future and provide better service to the municipality.

For more information on this report contact Tracey McLean, extension 5095, Acting Manager Technical Support Group of the Water and Wastewater Branch in the Transportation and Works Department.

The Senior Management Group has reviewed this report.

(The attachments referred to in this clause are attached to this report.)

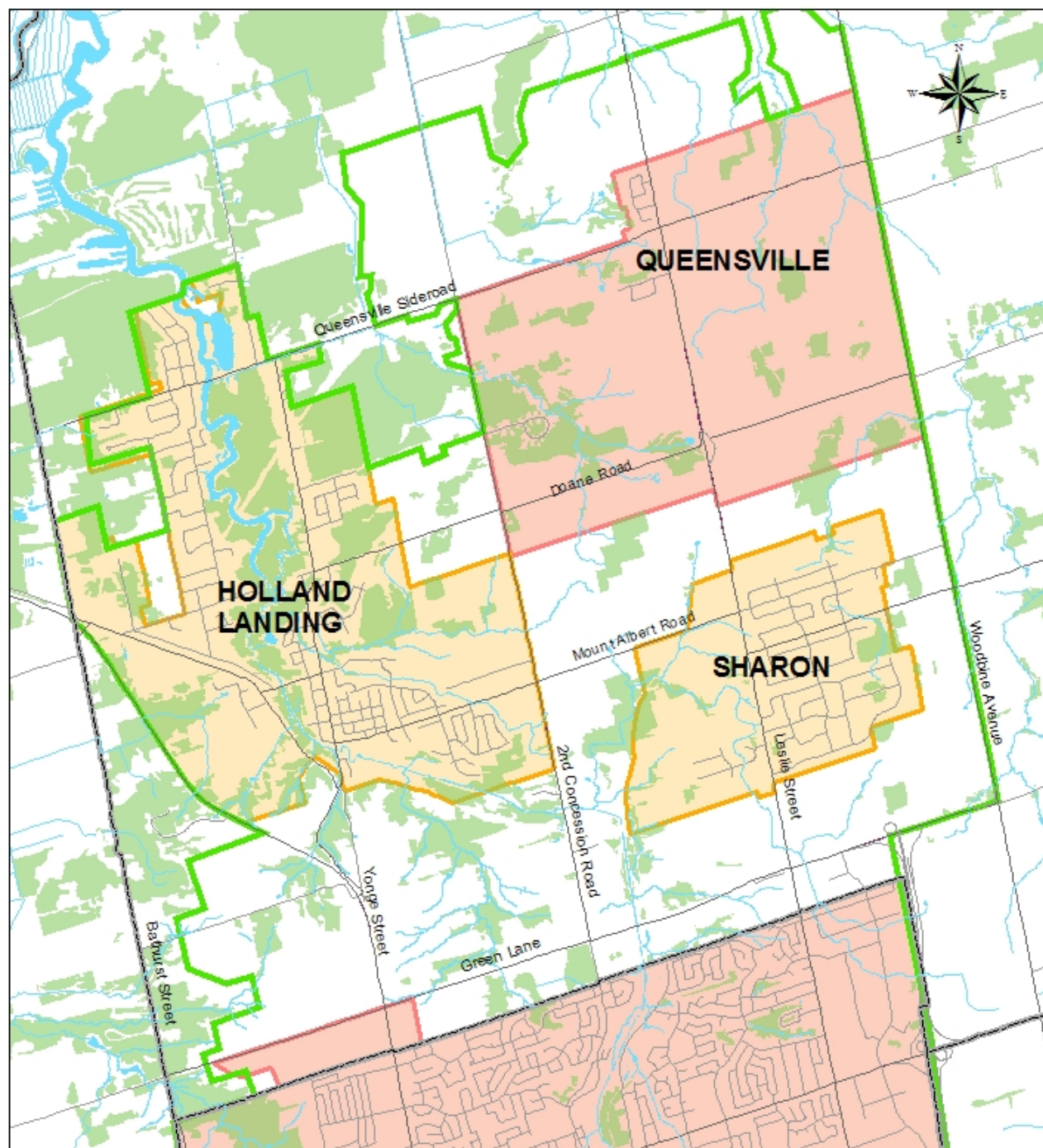


LOCATION PLAN

East Gwillimbury Water
Meter Chambers



- Existing York Region Watermain
- Proposed York Region Watermain
- York Region Facility
- Existing Town Watermain
- Proposed Town Watermain
- Proposed Meter Chamber



LOCATION PLAN

Holland Landing/Sharon/Queensville Plan



- Towns and Villages
- Urban Area
- Forested Area
- Greenbelt Boundary
- Municipal Boundary
- Road
- Waterbody



TOWN OF NEWMARKET

Anita Moore
Town Clerk
905-953-5300, ext. 2202
amoore@newmarket.ca

April 17, 2007

VIA FACSIMILE 905-895-3031

Mr. Denis Kelly
Clerk
The Regional Municipality of York
17250 Yonge Street
Newmarket, ON L3Y 4V9

Dear Mr. Kelly:

**RE: Resolution R4-2007
Regional Water Meter Chambers**

I am writing to advise that Council at the regular meeting held on Monday, April 16, 2007 considered and adopted the above referenced resolution.

I enclose a copy for your action as necessary.

Yours sincerely,

Anita Moore
Town Clerk

AM:lm

Enclosure (1)

Newmarket's vision: A community well beyond the ordinary

395 Mulock Drive, P.O. Box 328, STN MAIN NEWMARKET, ON L3Y 4X7
Direct Dial: 905-953-5300 General Information: 905-895-5193 Fax: 905-953-5100

VISIT OUR WEBSITE AT: www.newmarket.ca



April 16, 2007

Moved by: Councillor Blight

Seconded by: Councillor Woodhouse

RESOLUTION R4 -2007

WHEREAS the Council of the Region of York will be considering three recommendations from the Transportation and Works Committee contained in a report titled "Regional Water Meter Chambers – Towns of Newmarket and East Gwillimbury" (the "Report");

AND WHEREAS the Town of Newmarket has already entered into 3 interim water servicing agreements with the Town of East Gwillimbury as identified in the Report that have permitted the development of commercial and industrial developments on the south side of Green Lane and immediately abutting the Town of Newmarket that do not rely on the provision of any regional infrastructure;

AND WHEREAS the Town of Newmarket has no objection to the granting of Regional consent to the existing agreements;

AND WHEREAS the Town of Newmarket supports the servicing of development in East Gwillimbury from Regional Services;

AND WHEREAS the need for and location of such infrastructure cannot be conclusively determined until the design process for the regional works has been undertaken;

AND WHEREAS the Town of Newmarket does not agree that regional infrastructure in the form of water meter chambers and valves should be installed on it's local watermains solely for the purpose of serving another municipality and in any event should not be installed unless and until they form part of the region's servicing infrastructure;

AND WHEREAS it is not necessary that regional infrastructure in the form of water meter chambers and valves be in place in order for interim servicing arrangements to be made as evidenced by the three existing agreements;

AND WHEREAS the Town of Newmarket supports the use of Development Charge by-laws to recover the cost of infrastructure related to growth based on an identified need supported by the necessary background studies;

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Resolution R4-2007
Page 2

THEREFORE BE IT RESOLVED by the Municipal Council of the Corporation of the Town of Newmarket:

1. **THAT the Council of the Region of York be advised that:**
 - a) **Newmarket has no objection to the Region of York granting consent to the interim water servicing agreements for the Fetlar Theatre and Commercial Complex Agreement, the Trinity Commercial Complex Agreement and the NewGwill and Queensville/Caratuck Agreement;**
 - b) **Newmarket would not object to the Region of York granting consent to any further Interim water servicing agreement provided both the Town of Newmarket and the Town of East Gwillimbury have agreed to the terms and conditions of any such agreement;**
 - c) **Newmarket will not support the installation of regional infrastructure in the form of water meter chambers and valves on Newmarket watermains on an interim basis;**
 - d) **Newmarket will not agree to an agreement with East Gwillimbury that includes such regional infrastructure works since such works are not required to facilitate a co-operative inter-municipal service agreement.**
 - e) **Newmarket agrees that the permanent servicing of development in East Gwillimbury be provided directly from the Region of York;**
 - f) **That any needed regional water meter chambers and valves be determined at the time of design of the regional water works required to support East Gwillimbury and be installed with construction of the regional system.**
2. **AND THAT the Clerk provide a copy of this resolution to the Chair of the Region of York, all members of Regional Council, the Clerk of the Region of York, the Clerk and Chief Administrative Officer of the Town of East Gwillimbury as soon as possible in order to ensure that this resolution is available to Members of Regional Council prior to its meeting on Thursday, April 19, 2007.**

Tony Van Bynen, Mayor