

The Corporation of the Town of Ajax
COUNCIL
Monday May 13, 2013 at 7:00 p.m.
Council Chambers, Town Hall
65 Harwood Avenue South



Confirmed by: *[Signature]*

AGENDA

Anything in **blue** denotes an attachment/link. By clicking the links on the agenda page, you can jump directly to that section of the agenda. To maneuver back to the agenda page use the **Ctrl + Home** keys simultaneously. **OR** use the “*Bookmark*” icon to the left of your screen to navigate from one report to the next

1. **Call To Order**
2. **Disclosure of Pecuniary Interest**
3. **Adoption of Minutes**
 - 3.1 [Regular Meeting](#) [April 22, 2013](#) 3
4. **Delegation and Presentations / Public Hearings**
 - 4.1 Presentation **Sponsor Recognition**
 - Mayor Steve Parish
 - Brian Skinner, CAO
 - 4.2 Presentation **Rotary Club Cheque Presentation**
 - Donna Bright, President of the Rotary Club Ajax
 - 4.3 Proclamation **Asian & South Asian Heritage Month – May**
 - Shashi Bhatia, Indo-Canadian Cultural Association of Durham
 - 4.4 Proclamation **Pride Week in Ajax – May 31 to June 9, 2013**
 - Mike May, Pride Durham
 - 4.5 Delegation **Ajax Bomb Girls Legacy Campaign**
 - Lori Jackson, Lead Co-Chair, Sail-a-bration, Ajax Bomb Girls Legacy Campaign
 - 4.6 Delegation **Audley Recreation Centre Grand Opening Update**
 - Robert Gruber, Manager, Community & Cultural Development
 - Stacey Toole, Festivals & Events Coordinator
 - 4.7 Delegation **Durham Regional Council:
The Need for Fair and Efficient Representation**
 - Martin de Rond, Director of Legislative & Information Services
[see Departmental Report 6.4.1]

5.	Correspondence	8
6.	Reports	
6.1	Community Affairs & Planning Committee Report	May 6, 2013 18
6.2	General Government Committee Report	May 9, 2013 circulated separately
6.3	Advisory Committee Reports	None
6.4	Departmental Reports	May 13, 2013
6.4.1	Durham Regional Council: The Need for Fair and Efficient Representation, M. de Rond, Director of Legislative & Information Services/Town Clerk.....	21
6.5	Ajax Public Library Board Report	None
7.	Regional Councillors' Reports	
7.1	Regional Councillor S. Collier	verbal
7.2	Regional Councillor C. Jordan	52
8.	Business Arising From Notice of Motion	
	None	
9.	By-Laws	
45-2013	Assumption of Subdivision – Carruthers Forest Subdivision	54
46-2013	Assumption of Subdivision – Elm Developments Subdivision	56
47-2013	Assumption of Subdivision – Nottingham Subdivision Phase 4	58
48-2013	Appointment of Law Enforcement Officers – 75, 95 and 105 Bayly St W.....	60
49-2013	Appointment of Law Enforcement Officers – Group 4 Security.....	61
50-2013	Town Initiated Zoning By-law – Institutional Uses in Employment Zones.....	63
10.	Notice of Motion	
11.	Other Business	
12.	Question Period	
13.	New Business, Notices and Announcements	
14.	Confirming By-Law	51-2013
15.	Adjournment	

**Minutes of the Meeting of the
Council of the Corporation of the Town of Ajax
Held in the Council Chambers of the Town Hall on
Monday, April 22, 2013 at 7:00 p.m.**

Present:	Mayor	- S. Parish
	Regional Councillors	- S. Collier
		- C. Jordan
	Councillors	- M. Crawford
		- R. Ashby
		- J. Dies
		- P. Brown

1. Call to Order

Mayor Parish called the meeting to order at 7:00 p.m..

2. Disclosure of Pecuniary Interest

None

3. Adoption of Minutes

Moved by: P. Brown
Seconded by: C. Jordan

That the Minutes of the regular meeting of Council held on April 8, 2013 be adopted.

CARRIED

4. Delegation and Petitions/Public Hearings

4.1 National Youth Week, May 1 – 7, 2013 / Encourage Me Ajax

Robbie Procohilo, Community Recreation Coordinator, and Ethan McKenzie-Hall, Youth Engagement Advisory Committee Member (YEAC), overviewed the purpose, goals, and activities of YEAC. Details were provided with respect to National Youth Week Activities, and the Encourage Me Ajax Event and Campaign. Mr. Mackenzie-Hall recognized the Encourage Me Ajax Ambassadors. Mayor Parish made remarks about the enormous value that Ajax's youth bring to the Town, and thanked the presenters.

5. Correspondence

Moved by: J. Dies
Seconded by: S. Collier

That the report dated April 22, 2013 containing Items of Correspondence be adopted.

CARRIED

6. Reports

6.1 Community Affairs & Planning Committee Report

None

6.2 General Government Committee Report

None

6.3 Advisory Committee Reports

Moved by: C. Jordan
Seconded by: P. Brown

That Advisory Committee minutes from January and February, 2013 as attached to the meeting agenda be received for information and that all substantive recommendations be referred to staff for review.

CARRIED

6.4 Departmental Reports

6.4.1 Contract Award - Medallion-Castlefields Neighbourhood Park Construction

Moved by: S. Collier
Seconded by: P. Brown

1. That Council award the contract for the construction of Castlefields Neighbourhood Park, to Colpac Construction Inc., in the amount of \$494,054.08 (inclusive of all taxes).
2. That Council award the contract administration services to Landscape Planning Limited, in the amount of \$25,764.00.
3. That Council award the contract for geotechnical services to Patriot Engineering, in the amount of \$21,131.00 (inclusive of all taxes).

CARRIED

6.4.2 Sale of Municipal Property to 1440655 Ontario Limited, Part of the Third Concession Road Allowance, Parts 2, 3, 4, 5, 6, 7, 8 Plan 40R-16707 & Part of Lot 13 Concession 2,

Moved by: C. Jordan
Seconded by: J. Dies

1. That a 0.309 hectare (0.764 acre) hectare portion of the Third Concession road allowance, described as Parts 2, 3, 4, 5, 6, 7, 8 Plan 40R-16707 be declared surplus with the intent that the lands be sold.
2. That the Clerk and Town Solicitor prepare the notices and other documents required to effect this transaction, including the required closing and selling of this portion of the Third Concession Road.
3. That the Mayor and Clerk be authorized to enter into an Agreement of Purchase and Sale with 1440655 Ontario Limited for the sale of the 0.309 ha portion of the Third Concession road allowance at a purchase price of \$206,800.

CARRIED

6.4.3 Supplementary Report: Site Plan Amendment Application SPA11/11 Trademark Communities (Ajax) Limited, 50 Abela Lane

Moved by: P. Brown
Seconded by: C. Jordan

That staff be authorized to approve Site Plan Amendment Application SPA11/11, submitted by Trademark Communities (Ajax) Limited to permit the development of 51 stacked dwelling units at 50 Abela Lane subject to the owner finalizing all required drawings and entering into a site plan agreement with the Town of Ajax.

CARRIED

6.4.4 Contract Award – Concrete Sidewalk and Curb Repairs

Members of Council inquired as to whether a particular fence would be repaired in conjunction with the planned sidewalk and curb repair. Staff noted that the fence would be repaired, and that work would begin within 2 weeks.

Moved by: J. Dies
Seconded by: S. Collier

1. That Council award the contract for Concrete Sidewalk and Curb Repairs to Ore Construction Ltd. in the amount of \$422,648.25 (inclusive of all taxes).
2. That additional Concrete Sidewalk and Curb Repairs be completed, as required, not to exceed the balance of the approved operating budget, be authorized based on the unit prices submitted by Ore Construction Ltd.

CARRIED

6.5 Ajax Public Library Board Report

None

7. Regional Councillors' Reports

Regional Councillor Collier summarized his report as contained in the agenda package. Regional Councillor Jordan highlighted a number of Regional matters, including the expansion of the battery recycling program.

Moved by: M. Crawford

Seconded by: P. Brown

That the Regional Councillor's Reports dated April 22, 2013 be received for information.

CARRIED

8. Business Arising from Notice of Motion

None

9. By-laws

Moved by: M. Crawford

Seconded by: P. Brown

That By-law numbers 39-2013 to 43-2013 be read a first and second time.

CARRIED

Moved by: C. Jordan

Seconded by: J. Dies

That By-law numbers 39-2013 to 43-2013 be read a third time and passed.

CARRIED

10. Notice of Motion

None

11. Other Business

None

12. Question Period

None

13. New Business - Notices & Announcements

Several members made announcements about upcoming community meetings.

14. Confirming By-Law

Moved by: P. Brown
Seconded by: S. Collier

That By-law number 44-2013 being a by-law to confirm the proceedings of the Council of the Corporation of the Town of Ajax at its regular meeting held on April 22, 2013 be read a first and second time

CARRIED

Moved by: C. Jordan
Seconded by: P. Brown

That By-law number 44-2013 be read a third time and passed.

CARRIED

15. Adjournment

Moved by: M. Crawford
Seconded by: S. Collier

That the April 22, 2013 meeting of the Council of the Town of Ajax be adjourned. (7:25 p.m.)
CARRIED

Mayor

D-Clerk

**TOWN OF AJAX
REPORT TO COUNCIL**



TO: Mayor and Members of Council
FROM: M. de Rond, Clerk
DATE: May 13, 2013
SUBJECT: Items of Correspondence

The following items of correspondence are attached for Council's information:

i)	Town of Ajax: Proclamations Issued by the Mayor's Office	9
ii)	Municipality of Clarington: Veridian Appointments.....	10
iii)	City of Brampton: Hire a Veteran Program.....	12
iv)	Ministry of Citizenship and Immigration: Ontario Medal for Good Citizenship	16
v)	Minister Responsible for Seniors: June is Seniors' Month.....	17

M. de Rond
Clerk

MdR/lb



MEMO

TO: Mayor and Members of Council
FROM: Linsey Joseph
DEPARTMENT: Legislative and Information Services - Legislative Services
SUBJECT: PROCLAMATIONS ISSUED BY THE MAYOR'S OFFICE
DATE: May 13, 2013

The following Proclamations have been issued during the month of April 2013.

Name of Person/Group(s)	Title of Proclamation	Date(s) Proclaimed
Pride Durham	* Pride Week in Ajax	May 31-June 9, 2013
John Howard Society	*The John Howard Society Day in Ajax	June 11, 2013
YMCA Toronto	National Volunteer Week	April 15-21, 2013
YEAC-Youth Engagement	International Youth Week	May 1-7, 2013
Feed the Need in Durham	Hunger Awareness Week	May 6-10, 2013
Indo-Canadian Cultural Association of Durham	Asian & South Asian Heritage Month	May 13, 2013
Debbie White	World Oceans Week	June 1-8, 2013
SBHA of Ontario	Spina Bifida and Hydrocephalus Awareness Month	June
Frank Klees, M.P.P	First Responders Day	May 1, 2013
Town of Ajax Accessibility Advisory Committee	National Access Awareness Week	May 26-June 1, 2013

Linsey Joseph
Legislative & Information Services
/CC
* flag

13 APR 18 AM 11:23

April 16, 2013

Doug Dickerson, Chair
Veridian Corporation
City of Pickering
One The Esplanade
Pickering, ON L1V 6K7

****VIA REGIONAL COURIER****

Dear Mr. Dickerson:

RE: VERIDIAN APPOINTMENTS
FILE NO.: C12.VERIDIAN

At a meeting held on April 15, 2013, the Council of the Municipality of Clarington approved the following Resolution #GPA-239-13:

WHEREAS the Municipality of Clarington is a shareholder of Veridian Corporation Inc.;

AND WHEREAS Veridian Connections Inc. is a wholly owned subsidiary of Veridian Corporation Inc.;

AND WHEREAS the Mayor of the Municipality of Clarington, one elected representative from Clarington Council, and two non-elected representatives have represented Clarington on the Boards of Veridian Corporation and Veridian Connections Inc.;

AND WHEREAS the Veridian Connections Inc. Board of Directors is appointed by the Veridian Corporation Inc. Board;

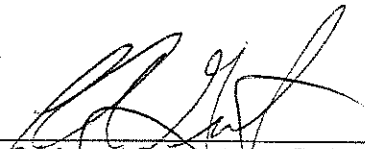
AND WHEREAS Veridian Corporation Inc. and Veridian Connections Inc. need independent directors with experience in regulatory affairs, human resources/executive compensation, legal, board governance, senior management, and electrical utility distribution;

NOW THEREFORE BE IT RESOLVED:

THAT, for any future nominations for the Municipality of Clarington to the Veridian Connections Inc. Board of Directors, one of the nominees from the Municipality of Clarington shall be a non-elected resident of Clarington, which nominee shall be voted on by the Council of the Municipality of Clarington in an open and transparent process consistent with Clarington's process for the appointment of community members to boards, and which nominee shall not be the same person who is the non-elected director for Clarington on the Veridian Corporation Inc. Board of Directors; and

THAT, for any future nominations for the council representative of the Municipality of Clarington to the Veridian Connections Inc. Board of Directors, in the event that the Mayor of the Municipality of Clarington does not sit on the Board of Directors of Veridian Connections Inc., the nominee for the Council representative position shall be the same member of the Council of the Municipality of Clarington that was appointed to the Board of Directors of Veridian Corporation Inc.

Yours truly,



C. Anne Greentree, B.A., CMO
Deputy Clerk

CAG/jeg

- c. Veridian Corporation Board Members
- Veridian Connection Board Members
- D. Shields, City Clerk, City of Pickering
- M. de Rond, Town Clerk, Town of Ajax
- J. Oram, City Clerk, City of Belleville
- M. Marano, Director of Corporate Services

April 26, 2013

Attention: **Brampton's Top 100 Employers**

Re: **Veterans Affairs Canada – Hire a Veteran Program**

Canada's Veterans are qualified, talented and hardworking men and women with transferable skills that would be an asset to any workforce. The City of Brampton recently announced it would participate in Veterans Affairs Canada (VAC) – Hire a Veteran Program. Brampton is the first Canadian municipality to participate in Hire a Veteran, an initiative which will see more jobs directed to Canadian Veterans transitioning from military careers to the civilian workforce. Each year 4,000 – 5,000 Veterans leave the military at an average release age of 37 years. Local Brampton businesses can benefit from hiring highly skilled and motivated transitioning Canadian Force members and Veterans.

The Council of the Corporation of the City of Brampton passed the following resolution at its meeting of March 27, 2013:

- C066-2013
1. That the report from Mayor S. Fennell, dated March 27, 2013, to the Council Meeting of March 27, 2013, re: **Veterans Affairs Canada – Hire a Veteran Program** be received; and,
 2. That a copy of this report and program information be sent to:
 - a) the Royal Canadian Legion Branch 15, Royal Canadian Legion Branch 609 and the Lorne Scots Regiment;
 - b) the Brampton Board of Trade;
 - c) the Top 100 Employers in the business community (incl. email account);
 - d) Sheridan College, the Brampton Civic Hospital and the Peel Regional Police Service; and,
 - e) the Region of Peel and all Ontario municipalities.

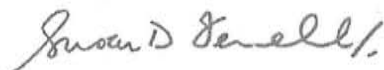
The federal program calls on public and private organizations to forward job notifications to a specific email account (jobs-emplois@vac.acc.gc.ca), maintained by Veterans Affairs Canada. These employment opportunities are then shared with:

- VAC employees who work with transitioning Canadian Forces members and Veterans;
- The Canadian Forces; and
- National contractors offering vocational related services.

Job notifications will be posted to various job profile banks that Veterans have access to and when appropriate, also shared directly with Veterans who have the required skill sets for a particular employment opportunity. As of the end of March 2013, The City of Brampton's Human Resource department began forwarding employment opportunities to the Hire a Veteran email account.

I urge all Brampton employers to support this initiative and participate in the Hire a Veteran Program.

Yours truly,



Susan Fennell
Mayor, City of Brampton

(CL – H1)

Re: **Veterans Affairs Canada – Hire a Veteran Program**

Distribution List:

- Brian Capon, President, Royal Canadian Legion Branch 15, 80 Mary Street, Brampton, ON L6W 2R3
- William Poland, President, Royal Canadian Legion Branch 609, 1133 Queen Street E., Brampton, ON L6T 4E2
- The Lorne Scots, 2 Chapel Street, Brampton, ON L6W 2H1
- Jeff Zabudsky, President and CEO, Sheridan College Institute of Technology and Advanced Learning, 7899 McLaughlin Road South, Brampton, ON L6Y 5H9
- Matthew Anderson, President and CEO, Brampton Civic Hospital, 2100 Bovaird Drive East, Brampton, ON L6R 3J7
- Jennifer Evans, Chief of Police, Peel Regional Police Service, 424 Hensall Circle, Mississauga, ON L5A 1X7
- Steve Sheils, CEO, Brampton Board of Trade
- Top 100 Brampton Employers
- Kathryn Lockyer, Regional Clerk, Regional Municipality of Peel, 10 Peel Centre Drive, Suite "A", 5th Floor, Brampton, ON L6T 4B9
- All Ontario Municipalities (via e-mail)

cc: Mayor Susan Fennell
John Corbett, Chief Administrative Officer

Encl. Copy of Mayor Susan Fennell's report to the Brampton City Council Meeting of March 27, 2013, re: **Veterans Affairs Canada – Hire a Veteran Program**

The Corporation of the City of Brampton



BRAMPTON CITY COUNCIL

DATE: March 27, 2013

Susan Fennell
Mayor

Date: March 27th, 2013

Subject: Veterans Affairs Canada – Hire a Veteran Program

OVERVIEW:

- Veterans Affairs Canada (VAC) has created a new email address service for organizations to forward employment opportunities to.
- These job notifications are then distributed to releasing Canadian Forces (CF) members and Veterans.

Recommendation:

1. That the report from Mayor Susan Fennell, dated March 27th, 2013, re: **Veterans Affairs Canada – Hire a Veteran Program**, be received.

Background:

During a recent meeting with Mississauga-Brampton South MP Eve Adams, Parliamentary Secretary to the Minister of Veterans Affairs, I was informed about a new *Hire a Veteran Program* launched by the Federal Government.

The program calls on public and private organizations to forward job notifications to a specific email account (jobs-emplois@vac.aec.gc.ca) maintained by Veterans Affairs. These employment opportunities are then shared with:

- VAC employees who work with transitioning CF members and Veterans;
- The Canadian Forces; and
- National contractors offering vocational related services.

Job notifications will be posted to various job profile banks that Veterans have access to and when appropriate, also shared directly with Veterans who have the required skill sets for a particular employment opportunity.

This program build upon the existing transition programs and services offered by VAC, including VAC's Rehabilitation Program and Career Transition Services Program which help Veterans build upon the leadership and jobs skills gained in their military career and transfer these skills to the civilian workforce.

Veterans are skilled in areas such as: planning, teamwork, communication, management, leadership and skilled trades. These and other transferable skills would be an asset to any workforce, including the City of Brampton's.

Brampton's Participation:

The Chief Administrative Officer, and Human Resource offices, have both been informed of this program. As of Monday March 25th, Brampton's Human Resource department began forwarding employment opportunities to the abovementioned email account.

If a prospective job seeker (Veteran) is interested in a position with the City of Brampton, they will apply for the posting the same way any other prospective employee would.

I believe corporations and organizations will benefit from hiring highly skilled and motivated transitioning CF members and Veterans. The Brampton Board of Trade has also been informed of the City of Brampton's participation, as have local Royal Canadian Legions and the Lorne Scots.



Susan Fennell, Mayor.

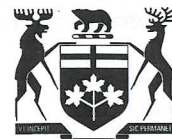
**Ministry of Citizenship
and Immigration**

Minister
6th Floor
400 University Avenue
Toronto ON M7A 2R9
Tel.: (416) 325-6200
Fax: (416) 325-6195

**Ministère des Affaires civiques
et de l'Immigration**

Ministre
6^e étage
400, avenue University
Toronto ON M7A 2R9
Tél.: (416) 325-6200
Télééc.: (416) 325-6195

RECEIVED
TOWN OF AJAX



13 MAY -6 A10:23

Ontario

April, 2013

Re : Ontario Medal For Good Citizenship

Dear Friends:

I am pleased to invite you to participate in the 2013 Ontario Medal for Good Citizenship by nominating a deserving citizen.

Established in 1973, the Ontario Medal for Good Citizenship honours Ontarians who, through exceptional, long-term efforts, have made outstanding contributions to community life.

Recipients will be presented with their medal by the Lieutenant Governor of Ontario at a special ceremony at Queen's Park in the Fall of 2013.

Nomination can be made by visiting the Ministry of Citizenship and Immigration's website at: www.ontario.ca/honoursandawards. You may submit your nomination on-line by choosing the "Nominate Online" option, or download the PDF format on the website to submit by mail. For any further information, please contact the Ontario Honours and Awards Secretariat at 416 314-7526, 1 877 832-8622 or (TTY) 416 327-2391. Nominations must be received by **July 17, 2013**.

I encourage you to take the time to nominate a deserving citizen in your community for an Ontario Medal for Good Citizenship. The men and women we honour stand as shining examples to us all.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Coteau'.

Michael Coteau
Minister

**Minister Responsible
for Seniors**

77 Wellesley Street West
12th Floor, Ferguson Block
Toronto, ON M7A 1N3
Tel: 416-314-9710
Fax 416-325-4787

**Ministre délégué aux
Affaires des personnes âgées**

77, rue Wellesley Ouest
12^e étage, bloc Ferguson
Toronto ON M7A 1N3
Tél. : 416 314-9710
Télééc. : 416 325-4787



May 2013

Dear Friends:

As you know, June is Seniors' Month and Ontario has been celebrating it for 29 years. The theme this year is **The Art of Living**. It celebrates how seniors in Ontario have created their own unique approach to living.

Older Ontarians practice The Art of Living every day. They've worked hard and continue to contribute much to the prosperity we all enjoy today. Celebrating Seniors' Month has become our collective way of giving something back to them.

June 15, is **World Elder Abuse Awareness Day** which presents a meaningful opportunity to share information and become involved. For more information about elder abuse, visit the Ontario Network for the Prevention of Elder Abuse's website at www.onpea.org.

In the past, communities have reached out to older Ontarians by organizing local information fairs, celebrating seniors' achievements, providing information, and by encouraging seniors to remain active and engaged. Seniors' Month is a good opportunity to put the spotlight on the local services and programs available in your community to assist seniors to live as independently as possible.

We will be sending you promotional materials soon. Please let us know about any events you are planning and we will post them on the Ontario Seniors' Secretariat website at www.ontarioseniors.ca/seniorsmonth.

You can contact us by email at infoseniors@ontario.ca.

Thank you for joining us as we celebrate Ontario's seniors.

Sincerely,

A handwritten signature in black ink that reads "Mario Sergio". The signature is written in a cursive, flowing style.

Mario Sergio
Minister



TOWN OF AJAX REPORT OF THE COMMUNITY AFFAIRS AND PLANNING COMMITTEE

For consideration by the Council of the Town of Ajax on May 13, 2013

The Community Affairs and Planning Committee met at 7:00 p.m. on May 6, 2013

Present: Regional Councillor S. Collier, Chair
 Regional Councillor C. Jordan
 Councillor M. Crawford
 Councillor R. Ashby
 Councillor J. Dies
 Councillor P. Brown
 Mayor Parish

1. Call to Order (7:00 p.m.)

Chair Collier called the meeting to order.

2. Disclosure of Pecuniary Interest

None

3. Adoption of Minutes

Moved by: S. Parish
Seconded by: C. Jordan

That the Minutes of the Community Affairs and Planning Committee Meeting held on April 2, 2013 be adopted.

CARRIED

4. Public Meetings

4.1 Town-initiated Zoning By-law Amendment Application Z1/12 Private Elementary and Secondary Schools & Places of Worship in the Prestige Employment Zone

Moved by: S. Parish
Seconded by: J. Dies

1. That the Town-initiated Zoning By-law Amendment Application Z1/12 regarding Private Elementary and Secondary Schools & Places of Worship in the Prestige Employment Zone, to implement the Ontario Municipal Board's Decision regarding ROPA 128 to the Durham Regional Official Plan dated January 9, 2013 (Case No: PL101409), be approved in order to:

- a) remove places of worship from the list of permitted uses in the Prestige Employment Zone, save and except for the lands known as 360 Westney Road South, 877 Westney Road South, and 438 Monarch Avenue;
 - b) add a footnote to the permission of “commercial school” in the Prestige Employment Zone to indicate that it does not include elementary or secondary schools registered with the Ministry of Education;
 - c) amend site-specific exceptions 61, 122, 136 to 140 inclusive, 152 and 156 to delete references to places of worship that include an accessory day care facility and accessory offices from which counseling and/or children/youth/adult/seniors’ programs are provided on lands in the vicinity of the Highway 401/Salem Road interchange; and
 - d) amend site-specific exception 132 to delete the reference to place of worship on lands at the southwest corner of Westney Road and Clements Road;
2. That a Zoning By-law to implement the above noted Town-initiated Zoning By-law Amendment Application Z1/12 be forwarded to a future Council meeting for review and approval; and
 3. That a Zoning By-law amendment be brought forward within two years of the passing of the proposed by-law or once building permits have been issued for the proposed places of worship on lands known as 360 Westney Road South, 877 Westney Road South, and 438 Monarch Avenue, whichever is sooner, to remove places of worship as a permitted use on the said sites.

CARRIED

4.2 **Church Street Improvements, Schedule C Class Environmental Assessment, Draft Environmental Study Report**

Moved by: C. Jordan
Seconded by: P. Brown

1. That the report entitled, “*Church Street Improvements, Schedule C Class Environmental Assessment, Draft Environmental Study Report*”, by R.V. Anderson Associates Limited, dated April 3, 2013, be received for information; and
2. That Council endorse the preferred solution and preferred design as developed by R.V. Anderson Associates Limited in the April 2013 report entitled, “*Church Street Improvements, Schedule C Class Environmental Assessment, Draft Environmental Study Report*”.

CARRIED

5. **Presentations**

None

6. Reports

None

7. Adjournment (7:55 p.m.)

Moved by: R. Ashby

Seconded by: P. Brown

That the May 6, 2013 meeting of the Community Affairs and Planning Committee be adjourned.

CARRIED

S. Collier, Chair

TOWN OF AJAX REPORT



REPORT TO: Council

SUBMITTED BY: Martin de Rond, Director
Legislative and Information Services Department

SUBJECT: **Durham Regional Council:
The Need for Fair and Efficient Representation**

WARD(S): All

DATE OF MEETING: May 13, 2013

REFERENCE: Various Reports and Presentations
GGC, 2005/10/06, 2007/05/10, 2011/05/05, Council, 2011/05/09

RECOMMENDATION:

1. That the Government of Ontario be requested to impose fair, effective and efficient representation measures on the Regional Municipality of Durham under the strictest of conditions.
2. That the Government of Ontario be requested to approve legislation that will require all municipalities in Ontario to undertake substantive representation reviews at least once in every three terms of Council (12 years) and to implement the measures necessary to maintain fair and effective representation.
3. That this report be forwarded to the Premier of Ontario, the Minister of Municipal Affairs and Housing, the leaders of the opposition parties and their municipal affairs critics, and all Durham Region MPPs.
4. That this report be forwarded to the Regional Clerk for distribution to all members of Regional Council.
5. That this report be circulated to lower-tier municipal councils in the Region of Durham with a request that its recommendations be fully endorsed.

BACKGROUND:

Democracy

"A form of government in which the supreme power is vested in the people." (Webster's).

Democracy: The Importance of Voter Equality and Representation-by-Population

"Voter equality means that every Canadian's vote should have the same value... This principle is enshrined in the Canadian Constitution and is also referred to as 'representation-by-population.' Representation-by-population stands as the most important legal principle to apply when designing electoral boundaries in Canada..... The principle ensures that all Canadians are treated as equals and taken into account by their political representatives."¹

1. Pal, M. and Molson, M., "Moving Toward Voter Equality", Mowat Centre, School of Public Policy and Governance, University of Toronto, November 2012, p 3.

Democracy: The Right to Fair Representation

“The principle of representation-by-population is widely seen as a cornerstone of most modern democracies... Citizens of democratic states tend to require compelling reasons to violate the principle.”²

Andrew Sancton, Professor of Political Science, Western University (UWO)

- Expert in the fields of Canadian local government and democratic representation.
- Three-time member of the Federal Electoral Boundaries Commission for Ontario

“One of the basic premises of representative democracy in Canada is what might liberally be termed ‘electoral equality’ - the belief that the geographic areas used to elect a representative should be reasonably balanced with one another in terms of population.”³

Robert Williams, Professor Emeritus, Political Science, University of Waterloo

- Pre-eminent consultant to Ontario municipalities on representation issues.

The Supreme Court of Canada and the Right to “Effective Representation”

The 1991 Supreme Court of Canada “*Carter Decision*” ([Reference re Prov. Electoral Boundaries \(Sask.\)](#), [1991] 2 S.C.R. 158) is the acknowledged authority on the responsibility entrusted to our elected officials to respect the democratic rights of all electors and has established an ethical base that is used to guide representation reviews at all levels of government in Canada. Although not binding on municipalities, the *Carter Decision* principles have been referenced in numerous municipal council representation studies and Ontario Municipal Board decisions.

In its decision, the Court noted that “*absolute voter parity*”, where all electoral districts would contain exactly the same number of electors, is an impossible objective. Instead, the Court maintained that electors are entitled to “*effective representation*.” This principle recognizes that variances from the normal representation-by-population (rep-by-pop) objectives are legitimate and often necessary, on the basis that “*...geography, community history, community interests and minority representation may need to be taken into account to ensure that our legislative assemblies effectively represent the diversity of our social mosaic.*” (p. 33)

Beyond these justified exceptions, however, the decision identified the “*relative parity of voting power*” as the primary condition of effective representation (p. 32) and stated that the “*dilution of one citizen’s vote as compared with another’s should not be countenanced.*” (p. 34) Also of importance to note, the Supreme Court’s decision rejected “*the specious argument that historical anomalies and abuses can be used to justify continued anomalies and abuses.*” (p. 37) In other words, unjustified representation variances must be corrected - not perpetuated.

The Commitment to Representation-by-Population in Canada and Ontario

In order to measure and balance the right to “effective representation” against the common principles of “voter equality”, “representation-by-population”, and the “relative parity of voting power”, representation reviews often apply a standard that allows the rep-by-pop of any electoral district to vary by up to 25% from an “electoral quota” - typically an average that is determined by dividing the total electors in an area by the number of members to be elected within that area. This standard is now entrenched in the Federal *Electoral Boundaries Readjustment Act (EBRA)* [S.15 (2)]. The *EBRA* also requires electoral boundaries commissions for each province following each decennial (10 year) census (S. 3) to ensure that voter parity is regularly studied and maintained.

2. *The Principle of Representation by Population in Canadian Federal Politics*, Mowat Centre for Policy Innovation, March 2010.

3. “... we think it is the last time”, Municipal World magazine, November 2012.

As required by the *EBRA*, the recent decennial Federal Electoral Boundaries Commission reports demonstrate the Federal Government's commitment to the principles of voter equality and representation-by-population, primarily through the design of reasonably balanced federal election districts in every province and territory. The Province of Ontario also acknowledges this responsibility by using, for the most part, the same federal districts in provincial elections.

The Regional Municipality of Durham's Serious Representation Issues

1. The Failure to Maintain Representation-by-Population

The Ontario *Municipal Act* (s. 218 & 219) provides local councils with the authority to "change the composition of council". There is no mandatory responsibility, however, for local councils to maintain a fair and effective system of representation. This allows representation-by-population, the "cornerstone" of our democracy, to be placed at risk when there is an absence of the political will - and sometimes sacrifice - required to maintain it.

The composition of the Council of the Regional Municipality of Durham falls far short of both the effective representation and rep-by-pop standards expected in a democracy. In the absence of any legitimate or compelling justification, Council's repeated refusal to adjust representation to reflect the strong but irregular population growth in the Region has resulted in some lower-tier municipalities gaining a substantial and entirely unjustified representation advantage.

TABLE 1 - 2013 Region of Durham Council Representation by Population

Municipality	2011 Population*	Regional Council Members	Pop-per-Member (2011)	% of Pop	% of Seats
Brock	11,341	2	5,671	1.9%	7.1%
Uxbridge	20,623	2	10,312	3.4%	7.1%
Scugog	21,569	2	10,785	3.6%	7.1%
Oshawa	149,607	8	18,701	24.6%	28.6%
Pickering	88,721	4	22,180	14.6%	14.3%
Clarington	84,548	3	28,183	13.9%	10.7%
Whitby	122,022	4	30,506	20.1%	14.3%
Ajax	109,600	3	36,533	18.0%	10.7%
Durham	608,031	28	21,715	100%	100%

*Source: Statistics Canada Census

2. A Council That is Too Large and Costs Local Taxpayers Far Too Much

In addition to restoring fair representation to all electors and taxpayers in the Region, the appropriate overall size and cost of Durham Regional Council must also be studied. This "efficiency" objective should identify a "right-sized" Council composition that is smaller and costs much less, yet still enables members to act effectively in their collective legislative role and as individuals in their constituent service role.

As Table 2 (p. 4) illustrates, the existing Region of Durham Council is unnecessarily large. The result is a basic governance cost for the 28 elected members that is nearly 2.5 times more per-capita than its most direct comparators, Peel and York Regions. Using these examples, even a comparatively modest 40,000 pop-per-member ratio in Durham Region suggests that a 15 member Council is sufficient. The viability of this much smaller Council is supported by Regional Council's apparent contentment with the pop-per-member ratio in Ajax (36,533 in 2011; and soon to be more than 40,000). Using an estimated annual cost of \$60,000 per member (base remuneration, plus approx \$10,000 for costs such as benefits, conferences, travel, etc.), such a "right-sized" Council would save Regional taxpayers approximately \$780,000 annually.

TABLE 2 - Regional Councils Comparison

	Peel	York	Durham
2011 Population (Census)	1,296,814	1,032,524	608,031
2013 Members (excluding Chair)	24	20	28
Population-per-Member	54,034	51,626	21,715
2012 Councillor Base Remuneration	\$50,400	\$50,600	\$50,200
Total Council Remuneration and Expenses, based on \$60,000 Per Member Annually	\$1.44m	\$1.2m	\$1.68m
Cost per capita	\$1.11	\$1.16	\$2.76

It is astounding to consider that York Region's population is 70% more than Durham's; yet Durham's Regional Council has 40% more members than York's. Attachment 1 (p. 16) provides the detailed compositions of the Peel, York and Durham Regional Councils and demonstrates that both the urban and rural lower-tier municipalities in Durham Region have more - and, in some cases, many more - Regional Council members per capita than is considered necessary in both Peel and York Regions.

The History of Durham Regional Council Composition Changes

Attachment 2 (p. 17) reviews the original composition of Regional Council in 1974 and the two representation adjustments made in 1986 and 1996. These adjustments demonstrated the commitment of those Councils to the principle of rep-by-pop by addressing representation imbalances that had occurred due to significant population growth in some, but not all, of the Region's lower-tier municipalities.

Nevertheless, as Attachment 2 more fully explains, the 1996 "Regional Restructuring Committee" review employed a methodology and yielded a result that was neither the most fair or effective representation solution for the Region. The Regional Clerk's April 2011 review (Attachment 4, p. 23), while promoting a more balanced distribution of representation, is weakened considerably by its failure to examine the viability and benefits of substantial reductions in the size of the Regional Council.

Despite the extraordinary growth that has occurred in the Region since 1997, there have been no further changes to Council representation. As Table A2a (p. 17) demonstrates, the size and distribution of the Region's population in 2013 bears little resemblance to its origins of 40 years ago. Further, the unnecessary costs associated with the oversized Regional Council are proof that the existing system of representation - that is based only on a distant past - must be replaced with one that instead promises all present and future electors and taxpayers with the fair, effective and efficient representation that they expect and deserve.

Regional Council's Repeated Rejections of a Representation Review, 2007 – 2012

The Council of the Regional Municipality of Durham has been aware of its significant representation imbalances for many years, but has repeatedly chosen to deny fair and effective representation for all electors and taxpayers in the Region. Attachment 3 (p. 19) to this report presents each of the detailed motions, and the associated recorded votes, considered during the past two terms of Regional Council. The following is a brief summary of this history:

May 30, 2007 - Regional Council Meeting

A detailed and well-justified Ajax Council proposal for a representation review was “received for information” only - meaning that no action was taken.

October 29, 2008 - Regional Council Meeting

A motion which described the existing and growing representation disparity across the Region and proposed, very generously, that any representation adjustments would not take effect until the 2014 elections was defeated.

December 10, 2010 - Regional Council Meeting

At the very outset of the new term of Council, Regional Chair Roger Anderson’s Inaugural Address included this statement:

“As a Council, I believe there are some vital issues that need our immediate attention... A pressing issue is to review representation on Regional Council. We have a situation that has become increasingly unbalanced as Durham has grown. By dealing with these matters early in the term, the process to implement Council’s desired changes can be completed in time for the 2014 election.”

April 27 - 29, 2011 - Regional Council Strategic Planning Session

A presentation by the Regional Clerk on “Regional Council Composition” (Attachment 4, p.23), provided elector and population data that clearly demonstrated the severity of the unfair representation. The presentation also identified adjustments that would substantially improve the representation-by-population balance on Regional Council. Despite this compelling information, Regional Council gave no indication that it was willing to initiate any measures that would address the unfair representation issue.

June 8, 2011 - Regional Council Meeting

Following up on the Regional Clerk’s April presentation, a motion that offered a very conciliatory approach to addressing the unfair representation issue, including continuation of the two member allocations allowed for each of the three Townships, was defeated by Council:

October 31, 2012 - Regional Council Meeting

Regional Council approved the recommendations in Report 2012-A-42 which authorized a submission to the Federal Electoral Boundaries Commission for the Province of Ontario that proposed a “reasonable alternative” to the federal riding boundaries being recommended across the Region. The great irony, of course, is that Regional Council was willing to invest far more time and concern in challenging the proposed federal electoral districts than it has given to the obvious and longstanding representation flaws that exist within its own Council Chambers.

December 12, 2012 - Regional Council Meeting

At the mid-point of the four year term of Council, and with no commitment to addressing the representation issue in place, yet another proposal seeking a representation review was defeated at both the Finance and Administration Committee (Nov. 13, 2012) and subsequently at Regional Council (Dec. 12, 2012). Once again, a majority of the Council decided that the matter did not even merit a formal review.

The Impact of Population Growth on Representation Since 1996**TABLE 3 - Durham Region Population Growth 1996 – 2011**

	1996	2001	2006	2011	Growth 1996 - 2011
Ajax	64,430	73,753	90,167	109,600	45,170 (70.1%)
Brock	11,705	12,110	11,979	11,341	-364 (-3.2%)
Clarington	60,615	69,834	77,820	84,548	23,933 (39.5%)
Oshawa	134,364	139,051	141,590	149,607	15,243 (11.3%)
Pickering	78,989	87,139	87,838	88,721	9,732 (12.3%)
Scugog	18,837	20,173	21,439	21,569	2,732 (14.5%)
Uxbridge	15,882	17,377	19,169	20,623	4,741 (29.9%)
Whitby	73,794	87,413	111,184	122,022	48,228 (65.4%)
Durham	458,616	506,850	561,186	608,031	149,415 (32.58%)

Source: Statistics Canada Census

Table 3 illustrates the population growth in each of Durham's lower-tier municipalities since the last Regional Council restructuring occurred in 1996. A simple review of the data reveals several interesting facts:

- 78% of the total growth in the Region during these 15 years occurred in Whitby, Ajax and Clarington alone. Oshawa and Pickering have combined for only 17%, with 5% occurring in Brock, Uxbridge and Scugog combined.
- In 2011, the combined population of Oshawa and Pickering was 238,328. They still have the same 12 members assigned in 1996. The combined population of Whitby, Ajax and Clarington in 2011 was 316,162 - nearly 80,000 residents (one-third more) than Oshawa and Pickering. Combined, they still have only 10 members.
- Whitby, Ajax and Clarington now comprise 52% of the entire Region population - but continue to have only 36% of the Council membership.
- Brock, Uxbridge and Scugog, with a combined 2011 population of 53,533, continue to enjoy the same total representation of 6 members as the combined Ajax and Clarington population of 194,148.
- Ajax has over 20,000 more residents (24% greater population) than Pickering - yet Pickering has 4 members and Ajax 3.
- Whitby's population has grown to the point where it is now 82% of Oshawa's - yet it still has only half the representation (4 members compared to 8 for Oshawa).
- Combined, Oshawa and the three Townships have one-third of the Region's population, but one-half of the votes on Regional Council. This over-representation provides a considerable and undeserved advantage in the Region's decision making.

By any measure, Regional Council's failure to adjust representation to reflect the substantial but uneven population growth since 1996 has resulted in the extraordinary dilution of the voting power for the majority of the Region's electors, residents and taxpayers that live in the high-growth and now significantly under-represented municipalities of Whitby, Clarington and Ajax.

The remainder of this report will focus on quantifying the true scale of the electoral representation imbalance on the Durham Regional Council and identifying a fair and efficient solution.

Should Representation be Based on Elector or Population Data?

Since elector data is fairly proportional to population data (typically 65% - 75% of the population in any geographic area are eligible municipal electors), the same mathematical outcome will most likely occur regardless of which measure is used.

Nevertheless, real or perceived variances that may exist in elector bases between different areas requires that a choice be made to use either elector or population data. As noted by Professor Robert Williams, the leading expert on local council representation reviews in Ontario, while legislation usually refers to electors, the emphasis on providing “effective representation” favours the use of population data. This preference recognizes that members of council serve not just electors but a much broader constituent base that includes business owners, youth, new residents, non-Canadian citizens, etc., who may not have voted in the previous election – or may not be eligible to vote at all – but many of whom are local residents and taxpayers and certainly regarded as members of the community.⁴

As a result, the analysis in the remainder of this report will use population data only.

2013 Regional Council Representation by Population

Table 4 is a modified version of Table 1 of this report (p. 3). The “relative parity of voting power” is evidenced in the “Pop-per-Member” column, with the noticeable representation distortions being further amplified in comparing the “% of Pop” and “% of Seats” columns.

TABLE 4 - 2013 Regional Council Representation by Population

	2011 Population*	Council Members	Pop-per-Member (2011)	% of Pop	% of Seats	Variance from Avg (100% = 21,715)
Brock	11,341	2	5,671	1.9%	7.1%	26.1%
Uxbridge	20,623	2	10,312	3.4%	7.1%	47.5%
Scugog	21,569	2	10,785	3.6%	7.1%	49.7%
Oshawa	149,607	8	18,701	24.6%	28.6%	86.1%
Pickering	88,721	4	22,180	14.6%	14.3%	102.1%
Clarington	84,548	3	28,183	13.9%	10.7%	129.8%
Whitby	122,022	4	30,506	20.1%	14.3%	140.5%
Ajax	109,600	3	36,533	18.0%	10.7%	168.2%
Durham	608,031	28	21,715	100%	100%	100%

*Source: Statistics Canada Census

4. Williams, Robert J. *Town of Oakville Ward Boundary Review 2011 – 2012, Interim Report*, November 2011, S. 7.a “The Overriding Principle of “Effective Representation”

Employing the Federal Government's *EBRA* maximum 25% variance rule (see p. 2) defines a range from 75% to 125% of the average population-per-member as providing "relative parity of voting power". However, if there are sufficient extraordinary or compelling reasons to justify it, variances outside this range - in particular those towards the lower end (less pop-per-member) - may be supported on the basis that they are necessary in order to provide "effective representation" to those areas. Before accepting this as a convenient justification for allowing each Township to have a second member, it is necessary to first examine the substantial representation imbalance that exists across the entire Region (from a pop-per-member of 5,671 in Brock to 36,533 in Ajax). That 52% of the entire Region population is significantly under-represented (Clarington, Whitby and Ajax are all more than 25% above the average), demands a thorough investigation that will determine the most fair solution for the entire Region.

The methodologies used in the formal 1996 review and the informal 2011 Regional Clerk's review were both weighted to maintaining enhanced representation for the 9% of the Region population residing in the three Townships. It is more responsible, however, to first balance the representation for the 91% of the Region's population that live in the five homogenous "lakeshore/urban" municipalities. This approach is made imperative by the extremely unfair representation variance that presently exists across these municipalities, identified by the arrow in Table 4 (p. 7), with the highest pop-per-member amount (36,533 in Ajax) being 95% greater than the lowest (18,701 in Oshawa). Put another way, Oshawa is being allowed to have twice as many members per population as Ajax. The real impact of this glaring injustice is gained by re-visiting the Pal and Molson excerpt on "voter equality" found at the bottom of page 1.

Voter equality and representation-by-population are the undeniable cornerstones of Canada's democracy. In contrast, however, Durham Regional Council is clearly supporting a system of representation that substantially favours Oshawa, Pickering and the three Townships at the expense of the electors and taxpayers in Ajax, Whitby and Clarington. Further, when comparing the five large, "lakeshore/urban" municipalities alone, surely there are no compelling minority, community or geographic differences that justify allowing or continuing the enhanced representation and voting power that benefits both Oshawa and Pickering at the expense of Whitby, Clarington and Ajax. Again, one must also keep in mind that this disturbing representation imbalance is aggravated by the fact that all of the Region's taxpayers are bearing the burden of a Council structure that is clearly larger and far more costly than it needs to be.

2017 Population Forecast Impacts on Representation

As noted previously, Regional Council has been aware of the unfair representation problem for many years and has repeatedly refused to address it. Justification for this inaction has included the opinion that the current representation imbalances are only temporary, as future growth will correct or at least mitigate the problem.

However, Prof. Williams again has strongly cautioned against giving future population projections much weight, if any, in representation rebalancing exercises.⁵ Important representation decisions should be based on factual and reliable census population data as population forecasts, no matter how sophisticated they may be, are essentially just rough estimates of when, where, and by how much population shifts may occur.

The belief that Regional Council's gaping representation wound will be self-healing within a known length of time simply cannot be defended. First, as Table 5 (p.9) indicates, the Region's own and more reliable near-term population forecast (to 2017) predicts that the lakeshore/urban

5. Williams, Robert J. "The Problem of Future Population Trends in Designing Ward Systems in Ontario." *The Municipal Monitor*, Association of Municipal Managers, Clerks and Treasurers of Ontario, Fall 2012, pp 17-19.

representation injustice, that has been growing steadily since the last rebalancing of Council in 1996, is expected to become even worse. Secondly, as noted above, it is very unwise and contrary to best practices to make representation decisions solely on the basis of future population forecasts, as the reliability and accuracy of the data being predicted will almost certainly diminish in proportion to the length of time being forecasted.

TABLE 5 - 1996 – 2011 “Representation Variance” and 2017 Population Forecast

	Regional Council Members	1996 Pop-per-Member	2001 Pop-per-Member	2006 Pop-per-Member	2011 Pop-per-Member	Population Forecast 2017**	Pop-per-Member (2017)
Brock	2	5,853	6,055	5,990	5,671	11,900	5,950
Uxbridge	2	7,941	6,689	9,585	10,312	21,600	10,800
Scugog	2	9,419	10,087	10,720	10,785	22,100	11,050
Oshawa	8	16,796	17,381	17,699	18,701	159,200	19,900
Pickering	4	19,747	21,785	21,960	22,180	103,400	25,850
Clarington	3	20,205	23,278	25,940	28,183	97,600	32,533
Whitby	4	18,449	21,853	27,796	30,506	136,000	34,000
Ajax	3	21,477	24,584	30,056	36,533	129,600	43,200
Durham	28	16,379	18,102	20,042	21,715	681,500	24,339

*Source: Statistics Canada Census

** Source: Region of Durham Report No. 2012-P-61

The Current State of Durham Region Council Representation

To summarize:

- Irregular population growth caused the re-balancing of Regional Council in both 1986 and 1996. These changes demonstrated the commitment of previous Councils to maintaining fair and effective representation.
- Since 1996, substantial population growth has occurred - with some municipalities again growing at much greater rates than others - resulting in a Regional Council composition that is obviously unfair and clearly in need of re-balancing. Population projections indicate that this injustice will get even worse in the coming years.
- There are no “extraordinary circumstances” that justify the substantial representation imbalances that exist across the five “lakeshore/urban” municipalities that have 91% of the Region’s population.
- Compared to Peel and York Regions, taxpayers across Durham Region are paying for a Regional Council that is too large and costs far more than is necessary.
- Regional Council’s repeated refusal to provide a system of representation that is fair, effective and efficient for all electors and taxpayers in the Region is a rejection of the principle of representation-by-population as the cornerstone of Canadian democracy.

Determining Fair and Effective Representation for All of Durham Region in 2013

As noted previously, in order to provide fair and effective representation across the entire Region, the methodologies used in the 1996 representation review and the Regional Clerk's 2011 presentation must be replaced. First and foremost, it must be acknowledged that an upper-tier Council composition review relies primarily on a mathematical exercise that will calculate the fair allocation of representation. Unlike a local representation review, where the number of wards and their boundaries may be endlessly reconfigured in the search for the "right" solution, the fixed boundaries of the lower-tier municipalities do not allow for similar creative or flexible solutions in upper-tier reviews.

Also, the presumption of enhanced representation for some municipalities must not be built into the basic formula. Instead, it is imperative that the most fair composition of council - without any consideration for enhanced representation - be calculated first, as these results may yield a solution that is both fair and acceptable to all. It is only after these results are known that the need and amount of enhanced representation for deserving lower-tier municipalities should be decided. Another approach may be a "hybrid" model, where the calculations for the municipalities with no legitimate claim to enhanced representation are done in isolation to avoid these results being affected by data from municipalities that are likely to receive enhanced representation considerations.

Finally, as the examples of Peel and York Regions easily show (Table 2 p. 4, and Attachment 1 p.16), the population-per-member ratio in Durham Region should be increased substantially - with the result being a corresponding reduction in the size and cost of the Regional Council.

To assist with the establishment of the appropriate guiding principles, it may be helpful to first examine some "fair", but likely undesirable, solutions. Tables 6a (below) and 6b (p. 11) illustrate "fair" representation solutions that would provide all five "lakeshore/urban" municipalities with the same pop-per-member representation currently enjoyed by Oshawa and Pickering, respectively. These models also retain the existing two member complements for each of the three Townships. While each of these solutions would be fair, the resulting 37 and 32 member Council scenarios would almost certainly be rejected due to their unwieldy size and the substantial costs involved with paying and supporting the additional members. Just as important, an expansion of Regional Council would likely cause significant council composition, financial and other impacts for the local municipalities that are assigned the additional members.

TABLE 6a - "Fair" Representation Based on the Current Pop-per-Member of Oshawa

	2011 Population*	# Members @ 18,701 per
Brock	11,341	0.6 = 2**
Uxbridge	20,623	1.1 = 2**
Scugog	21,569	1.2 = 2**
Clarington	84,548	4.5 = 5
Pickering	88,721	4.7 = 5
Ajax	109,600	5.9 = 6
Whitby	122,022	6.5 = 7
Oshawa	149,607	8
Durham	608,031	37

*Source: Statistics Canada Census

**Brock, Uxbridge and Scugog maintain enhanced representation of two members each

TABLE 6b - "Fair" Representation Based on the Current Pop-per-Member of Pickering

	2011 Population	# Members @ 22,180 per
Brock	11,341	0.5 = 2*
Uxbridge	20,623	0.9 = 2*
Scugog	21,569	1.0 = 2*
Clarington	84,548	3.8 = 4
Pickering	88,721	4
Ajax	109,600	4.9 = 5
Whitby	122,022	5.5 = 6
Oshawa	149,607	6.7 = 7
Durham	608,031	32

**Brock, Uxbridge and Scugog maintain enhanced representation of two members each*

Guiding Principles For a Regional Council Representation Review

Having established that Regional Council bears an ethical responsibility to provide fair and effective representation, and that the current composition of the Council is too large and costly, a credible review of Durham Regional Council representation should employ the following guiding principles (listed in order of importance):

1. All electors, residents and taxpayers in the Region must be valued equally. In particular, the rep-by-pop objectives of "voter equality" and "relative parity of voting power" are best achieved by identifying the smallest possible representation variance across the five "lakeshore/urban" municipalities that account for 91% of the Region's total population.
2. The total size of Council cannot be arbitrarily decided in advance (as was done in the 1996 restructuring). Instead, the determination of a fair, effective and efficient Council size and distribution of representation is best determined by applying a population-per-member ratio of 40,000 to the five "lakeshore/urban" municipalities. This ratio is supported by the following:
 - Through its inaction, Regional Council clearly believes that the existing pop-per-member ratio of 36,533 in Ajax is reasonable; making it logical to expect that this standard should also be suitable for the Region's other "lakeshore/urban" municipalities;
 - the pop-per-member ratio in Ajax will be more than 40,000 by the 2014 term of Council;
 - the ratio is still 20 - 25% below the pop-per-member ratios in both York and Peel Regions.
 - York Region has a simple and much more efficient representation model (p 16). On behalf of its taxpayers, Durham Regional Council should be motivated to take a similar approach.
3. Identification of any "extraordinary circumstances" or "compelling reasons" (community of interest, geography) that would legitimately justify the provision of enhanced representation to any municipality in the Region. Since there are no justifiable or compelling reasons to give enhanced representation to any of the five lakeshore/urban municipalities, this debate should focus on whether enhanced representation for the three Townships is deserved - and, if so, determine the most effective way to incorporate this into Regional Council.

Another perspective is to simply ask: "If Durham Regional Council was being created for the first time in 2013, how would representation be distributed?" Set against this standard, the current composition of council would be easily rejected on the basis that it is unfair, too large and would cost far more than is necessary.

The Fair, Effective and Efficient Representation Solution for the Region of Durham

The shaded area in Table 7 applies all of the facts, principles and logic put forward in this report to determine the most fair, effective and efficient representation solution for the entire Region of Durham in 2013.

TABLE 7 - Comparison of Existing Representation and the Fair Representation Solution

	2011 Population	Existing Rep Pop-per-Member		Members @ 40,000 Pop-per-Member	Actual Pop-per-Member
Brock	11,341	2	5,671	0.3 = 1	11,341
Uxbridge	20,623	2	10,312	0.5 = 1	20,623
Scugog	21,569	2	10,785	0.5 = 1	21,569
Clarington	84,548	3	28,183	2.1 = 2	42,274
Pickering	88,721	4	22,180	2.2 = 2	44,361
Ajax	109,600	3	36,533	2.7 = 3	36,533
Whitby	122,022	4	30,506	3.1 = 3	40,674
Oshawa	149,607	8	18,701	3.7 = 4	37,402
Durham	608,031	28	21,715	17	

Applying a population-per member ratio of 40,000 to all five of the “lakeshore/urban” municipalities - together with guaranteeing each Township at least one representative - results in a 17 member Regional Council. As depicted by the arrows in Table 7, this solution dramatically improves the pop-per-member representation variance, from 95% to 21%. Most importantly, by satisfying both the representation-by-population and the effective representation tests, this outcome gives each municipality the representation that it truly deserves.

Due to their significantly lower pop-per-member ratios, providing each Township with only one member - likely to be the Mayor – easily satisfies the fair representation standard for each. Meanwhile, the total of three members for the combined Township populations (53,533) provides them collectively with an enhanced and “effective” level of representation when compared to each of the five large municipalities.

Adding or subtracting even one member from any of the five “lakeshore/urban” municipalities will result in a pop-per-member ratio for that municipality that is outside the identified range (36,533 to 44,361) and would cause the representation variance across the five municipalities to be much greater than the 21% variance identified in the 17 member solution.

Table 8 (p.13) validates the 17 member council proposal. In comparison to the existing circumstances detailed in Table 4 (p. 7), the variance between the “% of Pop” and “% of Seats” columns for all eight municipalities is much smaller. Over-representation is limited to the three townships only and these impacts are both lessened and more evenly shared by the larger municipalities. The far right-hand column also confirms the very well balanced “relative parity of voting power” across the five “lakeshore/urban” municipalities (92.2% to 112.0%).

TABLE 8 - Validation of the 17 Member Council Fair Representation Solution

	2011 Population	Council Members	Pop-per-Member	% of Pop	% of Seats	Variance from Average Lakeshore/Urban Pop-per-Member
Brock	11,341	1	11,341	1.9%	5.9%	33.9%
Uxbridge	20,623	1	20,623	3.4%	5.9%	52.1%
Scugog	21,569	1	21,569	3.6%	5.9%	54.5%
Ajax	109,600	3	36,533	18.0%	17.6%	92.2%
Oshawa	149,607	4	37,402	24.6%	23.6%	94.4%
Whitby	122,022	3	40,674	20.1%	17.6%	100.3%
Clarington	84,548	2	42,274	13.9%	11.8%	106.7%
Pickering	88,721	2	44,361	14.6%	11.8%	112.0%
Durham	608,031	17	35,767	100%	100%	100% determined by: 554,498 ÷ 14 = 39,607

An Optimal, “Right-Sized” Regional Council

The primary outcome of a council composition review must be the achievement of a fair and effective system of representation. An equally achievable goal is finding the optimal or “right-size” for the entire Council. As Table 9 illustrates, Durham constituents should expect to be served very effectively by a 17 member council, as the increase to an average pop-per-member of 35,767 is still only two-thirds of that currently being served by both Peel and York Regional Councillors. In fact, this new ratio would close only half of the gap between the current pop-per-member in Durham (21,715) and those of Peel and York (both over 51,000).

The new average pop-per-member would also be less than the existing average in Ajax (36,533), an amount that Regional Council, through its inaction, seems to consider both fair and manageable. A substantial reduction in Durham Region’s council size is validated, again, by the York Region model which has significantly higher, yet presumably effective, population-per-member ratios. For instance, Vaughan (pop 288,000) has only 4 members of Regional Council and Newmarket (80,000) has 2 members. The Towns of Aurora (50,000) and Whitchurch-Stouffville (38,000), and the Townships of East Gwillimbury (22,000) and King (20,000), are all represented by their Mayor only.

TABLE 9 - Regional Councils Comparison - Revised

	Peel	York	Durham (Existing)	Durham (Fair)
2011 Population	1,296,814	1,032,524	608,031	608,031
2013 Members (excluding Chair)	24	20	28	17
Pop-per-Member	54,034	51,626	21,715	35,767
Total Council Expenses @ \$60,000 Per Member Annually	\$1.44m	\$1.2m	\$1.68m	\$1.02m
Cost per capita	\$1.11	\$1.16	\$2.76	\$1.68

Because the Region Refuses to Act.... The Province Must

Early in each of the last two terms, Regional Council has been informed of the severe representation imbalance and advised that, in order to take effect in the next regular election, changes to Council composition must be finalized by December 31 of the year prior to the election. Therefore, in order to be in effect for the October 2014 elections, any changes to Regional Council and/or lower-tier Councils must be completed by December 31, 2013. Approval requires satisfaction of the “triple majority” criteria in the *Municipal Act* (S. 218 & 219), meaning that a majority of Regional Council plus a majority of the lower-tier councils (5 of 8) that also represent a majority of all the electors in the Region, must support the proposed changes.

Regrettably, the time already lost from this term and Regional Council’s most recent rejection of a review in December 2012 makes the ability to determine and approve changes at both the upper-tier – and, in particular, any ensuing changes then required at the lower-tier level – virtually impossible to achieve by the end of 2013. At this point, it would take the extraordinary will of Regional Council and the flawless cooperation of all lower-tier councils and the Ontario Government to expedite a correction of the representation injustices identified in this report by the end of 2013.

Regional Council’s refusal to act has caused unfair representation to persist through the 2010 and, now likely, 2014 election cycles. Given this history, Regional Council should not be expected or trusted to correct the representation imbalance during the 2014 - 2018 term, either.

As a result, the best solution available at this time is for the Ontario Government to unilaterally impose a fair and effective composition of Durham Regional Council in time for the October 2014 elections. The Province should also amend the *Municipal Act* to require all municipalities, immediately following the 2014 elections, to undertake substantive representation reviews and implement the changes required to maintain fair and effective representation, at least once every three terms of Council (12 years). This review window should be deemed to commence on the date of the last election for which the local council composition was changed. To ensure compliance, these reviews and any composition changes should also be subject to appeal to the OMB.

FINANCIAL IMPLICATIONS:

The primary purpose of this report has been to identify the significance and scope of the representation imbalance on Durham Regional Council and to propose a logical solution that will have all electors, residents and taxpayers in the Region treated fairly and with respect.

Aside from restoring fair representation to Regional Council, the proposed 17 member solution also provides a substantial cost savings benefit to all taxpayers in the Region. The base remuneration for a member of Regional Council in 2012 (excluding the Regional Chair) was \$50,200.00. Committee chair stipends, expenses for pension, travel, conferences, etc., averaged an additional \$3,230 per member. (Source: Region Report 2013-F-16) Additional costs for insurance and health benefits, office support and supplies, technology devices, etc., as well as other intangible benefits that should result from a leaner decision-making structure, increase the cost of each member to at least \$60,000 per year. Both York and Peel Regions have similar Council remuneration structures. Therefore, reducing Durham Council from 28 to 17 members would yield a savings to Region taxpayers of at least \$660,000 annually.

Given the cost savings and representation benefits that would result from a reduction in the size of Regional Council, the modest expense required to complete a proper representation study would be a very worthwhile investment. This report provides a considerable amount of the work involved and ought to save the Region both time and costs associated with such a review.

COMMUNICATION ISSUES:

This report and Town Council's recommendations will be sent to the Premier of Ontario, the Minister of Municipal Affairs and Housing, the leaders of the Ontario PC and NDP Parties and their municipal affairs critics, and to all Durham Region MPPs, with a specific request that the Government of Ontario immediately impose strict measures on Durham Regional Council that will provide fair, effective and cost-efficient representation for the Region's electors and taxpayers. In addition, it will be recommended that the *Municipal Act* be amended to require all municipalities to study and take the necessary action to maintain fair representation at regular intervals not to exceed every three terms of council (12 years).

This report and Council's approved recommendations will be circulated to Regional Council in the continued hope that it will act to correct its flawed representation. All lower-tier Councils in the Region will receive the report with a request to endorse the Town's recommendations.

The Town's Corporate Communications office will develop and implement an integrated communications strategy to inform and engage residents and key stakeholders of this matter.

CONCLUSION:

Representation on Durham Regional Council has become severely unbalanced due to the much greater population growth that has occurred in some municipalities over the past 16 years. In particular, the 52% of the Region's population that reside in Clarington, Whitby and Ajax are significantly under-represented and have become disadvantaged in the Region's decision-making and in their access to political representation.

In addition, that York Region's population is 70% greater than Durham's, yet Durham has a Regional Council 40% larger than York's, provides a clear indication to local taxpayers that Durham's Regional Council is larger and much more costly than it needs to be.

As noted by Professor Sancton, representation-by-population is the cornerstone of our cherished Canadian democracy (p. 2). Electors and taxpayers trust their elected representatives to serve them fairly and with respect in all matters. Measuring voter equality is an important test of our elected members' commitment to providing good government. Through its stubborn refusal to maintain fair representation, Durham Regional Council has failed this test - far too many times.

This deliberate and continuing refusal to act makes it necessary for the Government of Ontario to intervene in order to ensure that fair, effective and cost-efficient representation is provided to all electors, residents and taxpayers in the Region of Durham.

- ATTACHMENT 1:** Composition of Regional Councils in the Greater Toronto Area
- ATTACHMENT 2:** "The History of Durham Regional Council Composition Changes" and "The 1996 Regional Restructuring Committee Review"
- ATTACHMENT 3:** Region of Durham Council Consideration of Representation Reviews, 2007 – 2012
- ATTACHMENT 4:** "*Regional Council Composition*"
Regional Clerk Presentation to Durham Regional Council, April 27, 2011

ATTACHMENT 1**Composition of Peel, York and Durham Regional Councils**

REGION	Population 2011 Census	Regional Council Composition	Population Per Member
PEEL	1,296,814	24 Members + the Chair	54,034
Mississauga	713,433	Mayor + 11 Regional Councillors	59,453
Brampton	523,911	Mayor + 6 Regional Councillors	74,844
Caledon	59,460	Mayor + 4 Regional Councillors	11,892
YORK	1,032,524	20 Members + the Chair	51,626
Markham	301,709	Mayor + 4 Regional Councillors	60,342
Vaughan	288,301	Mayor + 3 Regional Councillors	72,075
Richmond Hill	185,541	Mayor + 2 Regional Councillors	61,847
Newmarket	79,978	Mayor + 1 Regional Councillor	39,989
Georgina	43,517	Mayor + 1 Regional Councillor	21,759
Aurora	53,203	Mayor	53,203
Whitchurch-Stouffville	37,628	Mayor	37,628
East Gwillimbury	22,473	Mayor	22,473
King	19,899	Mayor	19,899
DURHAM	608,031	28 Members + the Chair	21,715
Oshawa	149,607	Mayor + 7 Regional Councillors	18,701
Whitby	122,022	Mayor + 3 Regional Councillors	30,506
Ajax	109,600	Mayor + 2 Regional Councillors	36,533
Pickering	88,721	Mayor + 3 Regional Councillors	22,180
Clarington	84,548	Mayor + 2 Regional Councillors	28,183
Scugog	21,569	Mayor + 1 Regional Councillor	10,785
Uxbridge	20,623	Mayor + 1 Regional Councillor	10,312
Brock	11,341	Mayor + 1 Regional Councillor	5,671

ATTACHMENT 2

The History of Durham Regional Council Composition Changes

The Regional Municipality of Durham was established in 1974 with a 30 member council, plus a Regional Chair. Representation for the five “lakeshore/urban” municipalities (Pickering, Ajax, Whitby, Oshawa and Clarington) was based on a rep-by-pop approach while the three northern townships (Scugog, Uxbridge and Brock) were provided enhanced representation of two members each. In its first 23 years (1974 – 1997), Regional Council composition was modified twice, with each change correcting representation imbalances that had occurred due to significant population growth in some - but not all - of the Region’s lower-tier municipalities:

- In 1986, effective for the 1988 elections, by adding one member to each of Ajax and Whitby resulting in a 32 member Council, plus the Chair.
- In 1996, effective for the 1997 elections, by reducing the Oshawa complement by three members and Clarington’s by one – resulting in a 28 member Council, plus the Chair.

TABLE A2a - Durham Regional Council Composition, 1974 – 2013

	1971 Population*	1974-1988 Members	1988-1997 Members	1997- Members	2011 Population*	1971 – 2011 Growth
Brock	7,601	2	2	2	11,341	3,740 (49.2%)
Uxbridge	9,507	2	2	2	20,623	11,116 (116.9%)
Scugog	9,732	2	2	2	21,569	11,837 (121.6%)
Ajax	17,344	2	3	3	109,600	92,256 (531.9%)
Whitby	25,324	3	4	4	122,022	96,698 (381.8%)
Pickering	25,730	4	4	4	88,721	62,991 (244.8%)
Clarington	27,198	4	4	3	85,548	58,350 (214.5%)
Oshawa	94,994	11	11	8	149,607	54,613 (57.5%)
Region Total	217,430	30	32	28	608,031	390,601 (179.6%)

**Source: Statistics Canada Census
Changes are highlighted*

Despite the extraordinary growth that has occurred in the Region, there have been no changes to Council representation since 1997. Further, the size and distribution of the Region’s population in 2013 bears little resemblance to its origins of 40 years ago. Accordingly, the existing system of unfair representation that is linked only to a distant past must be replaced with a Council composition that instead promises fair and effective representation to all of the Region’s electors, residents and taxpayers in both the present and the future.

The 1996 Regional Restructuring Committee Review

The most recent adjustment to the composition of Regional Council occurred in 1996, when a “Regional Restructuring Committee” was established for the specific purpose of making recommendations to reduce the size of Council by 25%, from 32 members to 24, in time for the 1997 elections. The committee was comprised of the Regional Chair and one Regional Councillor appointed by each of the eight area municipalities. A representative from the Ministry of Municipal Affairs and Housing assisted as a facilitator.

Instead of favouring the “relative parity of voting power” (rep-by-pop) as the first condition of effective representation, the Committee used a formula designed primarily to justify and protect continuation of the enhanced two member representation for the three townships, while still reducing the overall size of Council. The two key flaws were:

- i) The principle of rep-by-pop as a cornerstone of democracy was abandoned through the appointment of the eight lower-tier Mayors as equal “first members” - even though they represented communities with populations (in 1996) ranging from 12,000 to 134,000.
- ii) The Committee’s arbitrary target council size of 24 members caused the remaining 16 seats (added to the eight Mayors), to be assigned on a “rep-by-electors” basis. The formula that was used caused fractional results that, when rounded, added two members and resulted in a final recommendation for a 26 member Council. As explained more fully following Table A2b (below), this flawed approach was compounded even further by the subsequent addition of two more seats (both to Oshawa), ultimately resulting in a total Council size of 28.

In June 1996, Regional Council approved an amended version of the Regional Restructuring Committee recommendations that resulted in a final reduction of Oshawa representation from 11 members to 8 - rather than to the 6 members recommended by the Committee. Further amendments proposed at that time, to increase the Ajax and Clarington complements each by one member and to reduce the representation in all three Township municipalities to their Mayor only, were all defeated.

TABLE A2b - 1996 Regional Restructuring Committee Methodology and Results

Objective: Reduce 32 member Council by 25% (down to 24 members + Chair)
 24 members – 8 Mayors = 16 members elected from 308,130 electors
 *308,130 Electors ÷ 16 members = 19,258 electors-per-member

	Electors, 1994 (% of total)	Members per 19,258 Electors*	Committee Recommendation and % of total seats (26)	Final Council Approval and % of total seats (28)
Oshawa	94,402 (30.6%)	4.9	5 + Mayor = 23.1%	7 + Mayor = 28.6%
Pickering	49,343 (16.0%)	2.5	3 + Mayor = 15.4%	3 + Mayor = 14.3%
Whitby	47,410 (15.4%)	2.5	3 + Mayor = 15.4%	3 + Mayor = 14.3%
Ajax	40,734 (13.2%)	2.1	2 + Mayor = 11.5%	2 + Mayor = 10.7%
Clarington	40,193 (13.0%)	2.1	2 + Mayor = 11.5%	2 + Mayor = 10.7%
Scugog	14,735 (4.8%)	0.8	1 + Mayor = 7.7%	1 + Mayor = 7.1%
Uxbridge	11,608 (3.8%)	0.6	1 + Mayor = 7.7%	1 + Mayor = 7.1%
Brock	9,708 (3.2%)	0.5	1 + Mayor = 7.7%	1 + Mayor = 7.1%
Region Total	308,130 (100%)	16	18 + 8 Mayors + Chair = 27 Member Council	20 + 8 Mayors + Chair = 29 Member Council

The final outcome of this dubious methodology and political manipulation was an only slightly smaller council size of 28 members (rather than the intended 24). In addition to the questionable assignment of “Mayors-as-equals”, the electors-per-member formula was not recalculated based on the decision to add 20 members (rather than the original 16) to the eight Mayors. Had the original target been a 28 member council, instead of 24, the calculation would have been 308,130 electors ÷ 20 = 15,407 electors for each member. If each municipality’s total electors had been divided by 15,407 - and the same “rounding” approach applied - in addition to their Mayors, both Ajax and Clarington should have been assigned three members (rounded up from 2.6) while the Oshawa complement should have been six, instead of the seven that were ultimately approved. Although that result would have yielded a 29 member Council (excluding the Chair), it would nevertheless have provided a better rep-by-pop balance than the one actually approved.

ATTACHMENT 3**Region of Durham Council Consideration of Representation Reviews, 2007 - 2012**

May 30, 2007 - Regional Council considered the following Ajax Council proposal and decided to "receive for information" only - meaning that no action was taken.

"WHEREAS necessary changes to the Town of Ajax ward boundaries and possible changes to Council composition for the 2010 regular municipal elections are affected significantly by the number of Town of Ajax representatives on the Council of the Regional Municipality of Durham;

WHEREAS 2006 Statistics Canada Census population statistics for Durham Region and the Regional Municipality of Durham's own population forecasts indicate that the current composition of Region Council is not representative of the populations in the Region's lower-tier municipalities;

WHEREAS the Town of Ajax has the highest population per Region Council member in the entire Region;

BE IT RESOLVED THAT the Council of the Regional Municipality of Durham undertake immediately a review of census information and population forecasts and initiate the process required to approve changes to the composition of Region Council as outlined in the Municipal Act, 2001, as amended; and,

THAT, to allow lower-tier municipalities to complete their own reviews and approve council composition and/or boundary changes by December 31, 2009 in order that all desired changes will be in effect for the 2010 regular elections, any changes to the composition of the Council of the Regional Municipality of Durham be approved no later than December 31, 2008; and,

THAT the Region's review be guided by a committee comprised of the Region Chair and Mayors, or their designates; and,

THAT, commencing with the 2010 regular municipal elections, Option 2 in Appendix 'B' to this report be recommended as the preferred composition of the Council of the Regional Municipality of Durham; and,

THAT the Region of Durham adopt a policy requiring a review of Council representation and composition immediately following the publishing of the comprehensive national census population statistics every ten years; and,

THAT all Durham Region municipal councils be requested to endorse this resolution."

The votes of the individual members on the motion, together with their local municipality affiliation, are listed below

YES (15):

O'Connor and Grant, *Brock*
Abernethy, Novak and Trim, *Clarington*
Pidwerbecki, *Oshawa*,
Ryan, Johnson and McLean, *Pickering*
Pearce, *Scugog*
Perkins, Drumm and Emm, *Whitby*
Shepherd and Herrema, *Uxbridge*

NO (10):

Parish and Crawford, *Ajax*
Gray, Cullen, Henry, Kolodzie, Lutczyk
Neal and Nicholson, *Oshawa*
Mitchell, *Whitby*

ABSENT (3):

Jordan, *Ajax*,
Littley, *Pickering*
McMillen, *Scugog*

October 29, 2008 – This motion, which accurately described the existing and growing representation disparity across the Region, was defeated even though it proposed that the necessary representation adjustments would not take effect until the 2014 elections.

WHEREAS the original composition of Council of the Regional Municipality of Durham in 1974, the 1996 “Regional Restructuring Committee Report” - and the Regional Council and Government of Ontario approvals related thereto - established representation principles that form the basis for the fair composition of Regional Council; and,

WHEREAS the 2006 Statistics Canada Census and the population forecasts for Durham Region indicate that the current composition of Regional Council differs significantly from the populations of the Region’s lower-tier municipalities and does not maintain the representation principles established for the fair composition of Regional Council; and,

WHEREAS the Town of Ajax presently has the highest population per Regional Council member in the entire Region and by 2012 is predicted to have a population/member ratio that is nearly double the average for the Region and 25% greater than any other municipality; and,

WHEREAS, according to the Region’s population forecasts, if this matter remains unaddressed by Regional Council the electors and taxpayers of the Town of Ajax will continue to be under-represented and disadvantaged at Regional Council for the next fifteen years, or more; and,

WHEREAS the census and population forecast data indicate that other local municipalities in the Region, namely the Town of Whitby and the Municipality of Clarington, may have similar under-representation concerns;

BE IT RESOLVED THAT the Council of the Regional Municipality of Durham undertake a Regional Council composition review that will consider all suitable representation options, and that this review be initiated by the end of 2008; and,

THAT such review be completed by 2010 in order to be effective for the 2014 municipal elections.

YES (8):

Parish, Crawford and Jordan Ajax
Henry and Kolodzie, Oshawa
Johnson and Littley, Pickering
Mitchell, Whitby

ABSENT (2)

Lutczyk, Oshawa
Perkins, Oshawa

NO (18):

O’Connor and Grant, Brock
Abernethy, Novak and Trim, Clarington
Gray, Cullen, Neal, Nicholson and
Pidwerbecki, Oshawa
Ryan, and McLean, Pickering
Pearce and McMillen, Scugog
Drumm and Emm, Whitby
Shepherd and Herrema, Uxbridge

December 10, 2010 – At the very outset of the new term of Council, Regional Chair Roger Anderson’s Inaugural Address included this statement:

“As a Council, I believe there are some vital issues that need our immediate attention..... A pressing issue is to review representation on Regional Council. We have a situation that has become increasingly unbalanced as Durham has grown. By dealing with these matters early in the term, the process to implement Council’s desired changes can be completed in time for the 2014 election.”

April 27 - 29, 2011 – Regional Council Strategic Planning Session

The Regional Clerk provided a presentation on “Regional Council Composition” (*Attachment 2*), including elector and population data, that clearly demonstrated the severity of the unfair distribution of representation and identified adjustments that would improve the rep-by-pop balance on Regional Council.

Despite this compelling information, Regional Council gave no immediate indication that it was willing to initiate any measures that would address the unfair representation issue.

June 8, 2011 – Regional Council Meeting

Following up on the Regional Clerk’s April presentation, this motion offered a conciliatory approach to addressing the unfair representation issue - and was soundly defeated by Council:

WHEREAS a comprehensive review of the composition of Regional Council was last undertaken in 1996 with the establishment of a Regional Restructuring Committee;
WHEREAS the Committee consisted of the Regional Chair and one member of Regional Council appointed by each area municipality and a representative from the Ministry of Municipal Affairs and Housing;
WHEREAS the Regional Clerk’s Department presented information during the April 27-29, 2011 Special Council Meeting that demonstrated inequitable citizen representation amongst the five urban Lakeshore municipalities;
AND WHEREAS changes to the composition of Regional Council may necessitate changes to lower-tier Council composition and ward boundaries;

NOW THEREFORE BE IT RESOLVED:

1. *THAT a Council Composition Review Committee be established and comprised of the Regional Chair and the Mayor’s, or Council Designates, from each lower-tier municipality to address the issue of fair and equitable representation among the Lakeshore municipalities based on the understanding:*
 - ii) *the size of Regional Council remain at a maximum of 28 members plus the Regional Chair; and*
 - iii) *the three northern municipalities continue to be represented by two representatives each*
2. *THAT, to allow lower-tier municipalities to complete their own reviews and approve Council composition and/or boundary changes by December 31, 2013 in order that all desired changes will be in effect for the 2014 regular elections, the Committee will report its findings to the Council of the Regional Municipality of Durham no later than December 31, 2011; and*
3. *THAT the Region adopt a policy requiring a substantive review of Council representation and composition immediately following the publishing of the comprehensive national census population statistics every ten years, such next review to take place by December 31, 2021.*

YES (9):

Parish, Collier and Jordan, *Ajax*
 Foster, Novak and Woo, *Clarington*
 O’Connell and Rodrigues, *Pickering*
 Mitchell, *Whitby*

ABSENT (2):

McLean, *Pickering*
 O’Connor, *Uxbridge*

NO (17):

Clayton and Bath, *Brock*
 Henry, Aker, Chapman, Diamond, England, Marimpietri, Neal and Pidwerbecki, *Oshawa*
 Ryan, *Pickering*
 Mercier and Drew, *Scugog*
 Perkins, Drumm and Coe, *Whitby*
 Ballinger, *Uxbridge*

October 31, 2012 - Regional Council Meeting

Regional Council approved the recommendations in Report 2012-A-42 which authorized a submission to the Federal Electoral Boundaries Commission for the Province of Ontario that proposed a “reasonable” alternative to the districts being recommended across the Region. The great irony, of course, is that Regional Council invested far more the time and concern in challenging the proposed federal electoral districts than it has given to the obvious and longstanding representation flaws that exist within its own Council Chambers.

December 12, 2012 - Regional Council Meeting

As the mid-point of the term of Council approached, and with no commitment to addressing the representation issue in place, the following resolution was presented and defeated at the Finance and Administration Committee (Nov. 13, 2012) and subsequently at Regional Council (Dec. 12, 2012). Once again, a majority of the Council decided that it was not even worthy to establish a committee to study the matter.

- “a) THAT leave be granted to re-introduce the matter of establishing a committee to review the composition of Council;*
- b) THAT Council establish a committee to review the composition of Council;*
- c) THAT the Committee consist of the Regional Chair and the eight Mayors or their designates;*
- d) THAT the committee report back directly to Regional Council by April 2013; and*
- e) THAT subject to the decision by Regional Council to change the size of Council, that the Minister of Municipal Affairs and Housing be requested to enact a regulation to authorize The Regional Municipality of Durham to exercise its power under Section 218 of the Municipal Act, 2001 in order to change the composition of Regional Council.”*

YES (9):

Parish, Collier and Jordan, *Ajax*
McLean, O’Connell and Rodrigues, *Pickering*
Mitchell, *Whitby*
O’Connor, Ballinger, *Uxbridge*

ABSENT (2):

Foster, *Clarington*
Chapman, *Oshawa*

NO (17):

Clayton and Bath, *Brock*
Foster, Novak and Woo, *Clarington*
Henry, Aker, Diamond, England,
Marimpietri, Neal and Pidwerbecki, *Oshawa*
Ryan, *Pickering*
Mercier and Drew, *Scugog*
Perkins, Drumm and Coe, *Whitby*

ATTACHMENT 4

“Regional Council Composition”

Regional Clerk Presentation, Special Meeting of Durham Regional Council, April 27 - 29, 2011.

REGIONAL COUNCIL COMPOSITION

Special Council Meeting
April 27-29, 2011



COUNCIL STRUCTURE - HISTORY

The Region was established in 1974 with a 30 member Council, plus a Regional Chairman.

The composition of Council has changed twice, from 30 members plus the Regional Chair in 1974, to 32 members plus the Regional Chair in 1989*, to 28 members plus the Regional Chair in 1998**.

*In 1986, in response to Bill 22, the Regional Municipalities Amendment Act, Regional Council passed a resolution requesting the Minister to provide for the Towns of Ajax and Whitby to each have one additional representative on Regional Council effective December 1, 1988.

**In 1996, a Regional Restructuring Committee was established and on June 19, 1996 Regional Council approved the recommendations of the Committee, as amended, to provide for a Council of 28 members plus the Regional Chair. This was subsequently approved by the Ontario Legislature through an amendment to Bill 86, the Better Local Government Act, 1996.

COUNCIL STRUCTURE

	1974 to 1988	1989 to 1997	1998 to Present
AJAX	2 Members	3 Members	3 Members
BROCK	2 Members	2 Members	2 Members
CLARINGTON	4 Members	4 Members	3 Members
OSHAWA	11 Members	11 Members	8 Members
PICKERING	4 Members	4 Members	4 Members
SCUGOG	2 Members	2 Members	2 Members
UXBRIDGE	2 Members	2 Members	2 Members
WHITBY	3 Members	4 Members	4 Members
TOTAL	30 Members	32 Members	28 Members

REGIONAL RESTRUCTURING COMMITTEE

The Regional Restructuring Committee was established in 1996 as a result of the resolution passed by Council on September 22, 1995 to establish a special committee to investigate reducing Councillor representation for the November 1997 Election.

The Committee consisted of the Regional Chair and one member of Regional Council appointed by each area municipality. The Committee also included a representative from the Ministry of Municipal Affairs and Housing, who acted as facilitator.

The Final Report of the Regional Restructuring Committee recommended a Council composition of 26 members, plus the Regional Chair.

The Committee recommended that the Mayors of each area municipality be members of Regional Council and that the Mayors be factored out of any equation used to determine the overall size and distribution of Regional Council.

4

REGIONAL RESTRUCTURING COMMITTEE

In determining the size and distribution of Regional Council, the Committee developed a formula using the number of electors in Durham Region in 1994 and a 25% reduction in the current size of Council. At that time the recommended composition was one Regional Councillor for every 19,258 electors.

On June 19, 1996, Council approved the recommendations of the Regional Restructuring Committee, as amended, to provide for a Council composition of 28 members, plus the Regional Chair. The Restructuring Committee's recommended composition was amended by providing two additional members to the City of Oshawa.

At the Council meeting, amendments were also proposed to add one additional member to both the Town of Ajax and Municipality of Clarington, and to provide for only one member from the combined municipalities of the Townships of Brock, Scugog and Uxbridge. These amendments were all defeated.

5

REPRESENTATION BY ELECTORS

The Regional Restructuring Committee Formula was based on representation by number of electors. This is a method by which seats are allocated in such a way as to vary with the number of electors and whereas the higher the number of electors in a municipality, the more seats allocated to that municipality.

For example, utilizing a formula of the Mayor plus one Councillor for every 24,000 of eligible electors in the 2010 municipal elections, the composition of Regional Council would decrease to 27 members, plus the Regional Chair.

The following chart outlines the distribution of members by area municipality based on this formula, with the assumption that each area municipality will be entitled to one Regional Councillor in addition to the Mayor.

6

REPRESENTATION BY ELECTORS

	2010 Electors	24,000 Electors per Councillor	Representation	Change
AJAX	69,624	2.9	3 + Mayor	+ 1
BROCK	10,525	0.4	1 + Mayor	-
CLARINGTON	58,628	2.4	2 + Mayor	-
OSHAWA	110,947	4.6	5 + Mayor	- 2
PICKERING	65,273	2.7	3 + Mayor	-
SCUGOG	18,433	0.8	1 + Mayor	-
UXBRIDGE	16,203	0.7	1 + Mayor	-
WHITBY	82,623	3.4	3 + Mayor	-
DURHAM	432,256	18.0	19 + 8 Mayors	- 1

Total – 27 Members of Council

Assumptions:

1. Mayor of each Area Municipality is a member of Regional Council
2. Each Area Municipality will have a minimum of 1 Regional Councillor in addition to the Mayor

7

REPRESENTATION BY POPULATION

Since 2001, the issue of Council composition and future representation has been brought forward several times. At these times, the approach of representation by population has been discussed.

Representation by population is a method by which seats are allocated in such a way as to vary with population. The higher the population of a municipality, the larger the number of seats allocated to that municipality.

The following chart outlines the distribution of our current 28 members by area municipality based on a formula of the Mayor plus one Councillor for every 35,000 population, with the assumption that each area municipality will be entitled to one Regional Councillor in addition to the Mayor.

8

REPRESENTATION BY POPULATION

	2010 Population	35,000 Population per Councillor	Representation	Change
AJAX	110,455	3.2	3 + Mayor	+ 1
BROCK	12,610	0.4	1 + Mayor	-
CLARINGTON	86,495	2.5	3 + Mayor	+1
OSHAWA	152,495	4.4	4 + Mayor	-3
PICKERING	90,765	2.6	3 + Mayor	-
SCUGOG	22,700	0.6	1 + Mayor	-
UXBRIDGE	21,405	0.6	1 + Mayor	-
WHITBY	124,495	3.6	4 + Mayor	+1
DURHAM	621,420	17.8	20 + 8 Mayors	-

Total – 28 Members of Council

Assumptions:

1. Mayor of each Area Municipality is a member of Regional Council
2. Each Area Municipality will have a minimum of 1 Regional Councillor in addition to the Mayor

9

POPULATION – HISTORICAL GROWTH

	1991	1996	2001	2006	2010	% Change
AJAX	60,250	67,960	78,085	97,830	110,455	83.3
BROCK	11,500	12,160	12,590	12,420	12,610	9.7
CLARINGTON	52,605	63,310	73,285	81,750	86,495	64.4
OSHAWA	134,130	138,990	144,710	148,590	152,495	13.7
PICKERING	72,460	82,440	90,725	91,510	90,765	25.3
SCUGOG	18,535	19,485	21,195	22,595	22,700	22.5
UXBRIDGE	14,805	16,600	18,140	20,275	21,405	44.6
WHITBY	65,740	76,685	93,860	117,635	124,495	89.4
DURHAM	430,025	477,630	532,585	592,605	621,420	44.5

Population estimates as provided by the Regional Planning Department to the end of December.

10

OTHER REGIONAL MUNICIPALITIES

	Population	Size of Council	Council Representation
Halton	492,100	20 members, plus Regional Chair	Regional Chair Mayor + 6 members - Burlington (7) Mayor + 6 members - Oakville (7) Mayor + 2 members - Halton Hills (3) Mayor + 2 members - Milton (3)
Peel	1,307,768	24 members, plus Regional Chair	Regional Chair Mayor + 11 members - Mississauga (12) Mayor + 6 members - Brampton (7) Mayor + 4 members - Caledon (5)

11

OTHER REGIONAL MUNICIPALITIES

	Population	Size of Council	Council Representation
York	1,061,983	20 members, plus Regional Chair	Regional Chair Mayor + 4 members - Markham (5) Mayor + 3 members - Vaughan (4) Mayor + 2 members - Richmond Hill (3) Mayor + 1 member - Georgina (2) Mayor + 1 member - Newmarket (2) Mayor from each of Aurora, East Gwillimbury, King, and Whitchurch-Stouffville (4)
Waterloo	543,700	15 members, plus Regional Chair	Regional Chair Mayor + 4 members - Kitchener (5) Mayor + 2 members - Cambridge (3) Mayor + 2 members - Waterloo (3) Mayor from each of North Dumfries, Wellesley, Wilmot, and Woolwich (4)

12

CHANGING THE COUNCIL STRUCTURE

In order to change the composition of Council, a formal process is required to be followed in accordance with the Municipal Act, 2001. Regional Council is required to adhere to the following process:

- i. Regional Council would pass a resolution requesting the Minister of Municipal Affairs and Housing to enact a regulation authorizing the Region to exercise its powers under Section 218 of the Municipal Act to change the composition of Council.
- ii. The Minister of Municipal Affairs and Housing makes a regulation authorizing the Region to exercise its powers under Section 218.
- iii. Regional Council drafts a by-law to exercise its powers to change the composition of Regional Council pursuant to the provisions of the regulation and subject to the rules set out in subsection 218 (1).

13

CHANGING THE COUNCIL STRUCTURE

- iv. The Regional Clerk gives notice of Council's intention to pass a by-law under Section 218 and hold at least one public meeting to consider the matter.
- v. The by-law must pass a "triple majority". A "triple majority" is achieved when:
 - the by-law receives the support of a majority of all votes of Regional Council;
 - a majority of the councils of all lower-tier municipalities pass resolutions consenting to the by-law; and
 - the total number of electors in the lower-tier municipalities that have passed resolutions consenting to the by-law form a majority of all the electors in the Region.

14

CHANGING THE COUNCIL STRUCTURE

- vi. The by-law would then come into force on the day the new council is organized following the first regular election after the passing of the by-law.
- vii. The first regular election after the passing of the by-law will be conducted as if the by-law was already in force.

In order to change the composition of Council for the 2014-2018 term of Council, the process stipulated in the Municipal Act would have to be completed by December 31, 2013.

15

NEXT STEPS

Prior to conducting a review of the Council composition, Council may wish to form a Special Committee comprised of the Regional Chair and one representative from each Area Municipality.

This Special Committee could function similar to the 1996 Regional Restructuring Committee and report back to Regional Council with its recommendations.

In order to establish a Special Committee, a resolution setting out the composition and the process for the selection of members would need to be passed by Council.

Regional Councillor Report

Submitted by: Colleen Jordan, Regional Councillor Wards 3 & 4

Date: May 13, 2013

Works – May 1, 2013

Duffin Creek Water Pollution Control Plant Outfall Environmental Assessment

A number of letters have been received over the last number of meetings, by the Works Committee, from Ajax residents, citing their concerns about the Duffin Creek Water Pollution Control Plant Outfall Environmental Assessment. These letters have all been referred to staff for consideration as part of the Environmental Assessment.

The Town of Ajax staff report to General Government Committee dated April 4, 2013 entitled Duffin Creek Water Pollution Control Plant Outfall Environmental Assessment – Status Update and resolution endorsed by Ajax Council on April 8, 2013 was also referred to staff for consideration as part of the Duffin Creek WPCP EA.

Joint Committee – Planning, Economic Development & Works - May 3, 2013

Proposed Hydro One Transformer Station – Clarington

A staff report provided information about the Hydro One transformer proposed on the north east quadrant of Concession Road 7 and Townline Road, which is on the southerly edge of the Oak Ridges Moraine. The subject lands are located in the Greenbelt and “Countryside area” in the Oak Ridges Moraine Conservation Plan. Hydro One projects are specifically exempt from approvals under the Planning Act, provided such projects are approved under the Environmental Assessment.

The new transformer is able to proceed under the Class EA process for minor transmission facilities as the governing Class EA document states that the nominal operating voltage level of the project should not exceed 500 kv. According to Hydro One, the new transformer in Clarington will not exceed 500kv.

Delegates to Council have expressed concerns about the impact on the environment, including potential groundwater contamination. Delegates have questioned why the Environmental Assessment is proceeding by way of a Class Environmental Assessment for “Minor” Transmission Facilities.

Numerous Part II Order requests have been made by local residents, environmental groups and local MPPs John O’Toole and Michael Harris. The deadline for submitting a Part II Order request has passed.

Regional staff have concluded that Hydro One is working to resolve all outstanding objections and development related concerns associated with the proposed facility. Regional staff recommended that the report be received for information.

The following motion was moved by Clarington Councillor Novak and endorsed by Committee. It will come forward to Regional Council on May 15th for approval.

THAT Regional Council request Hydro One and the Province of Ontario to conduct a Part II Order (bump-up) for the proposed Hydro One Transformer Station, Northeast Quadrant Concession Road 7 and Townline Road, Municipality of Clarington.

THE CORPORATION OF THE TOWN OF AJAX

BY-LAW NUMBER 45-2013

A By-law to assume the works and services on Registered Plan 40M-2046 (18T-88025).
(Carruthers Forest Subdivision)

WHEREAS under the terms of the Subdivision Agreement dated December 11th, 2000 between the Corporation of the Town of Ajax and Nugget Construction Company Limited, and upon issuance of the Town's Final Acceptance certificate, the Town shall assume the works and services referred to in the said certificate;

NOW THEREFORE the Council of the Corporation of the Town of Ajax enacts as follows:

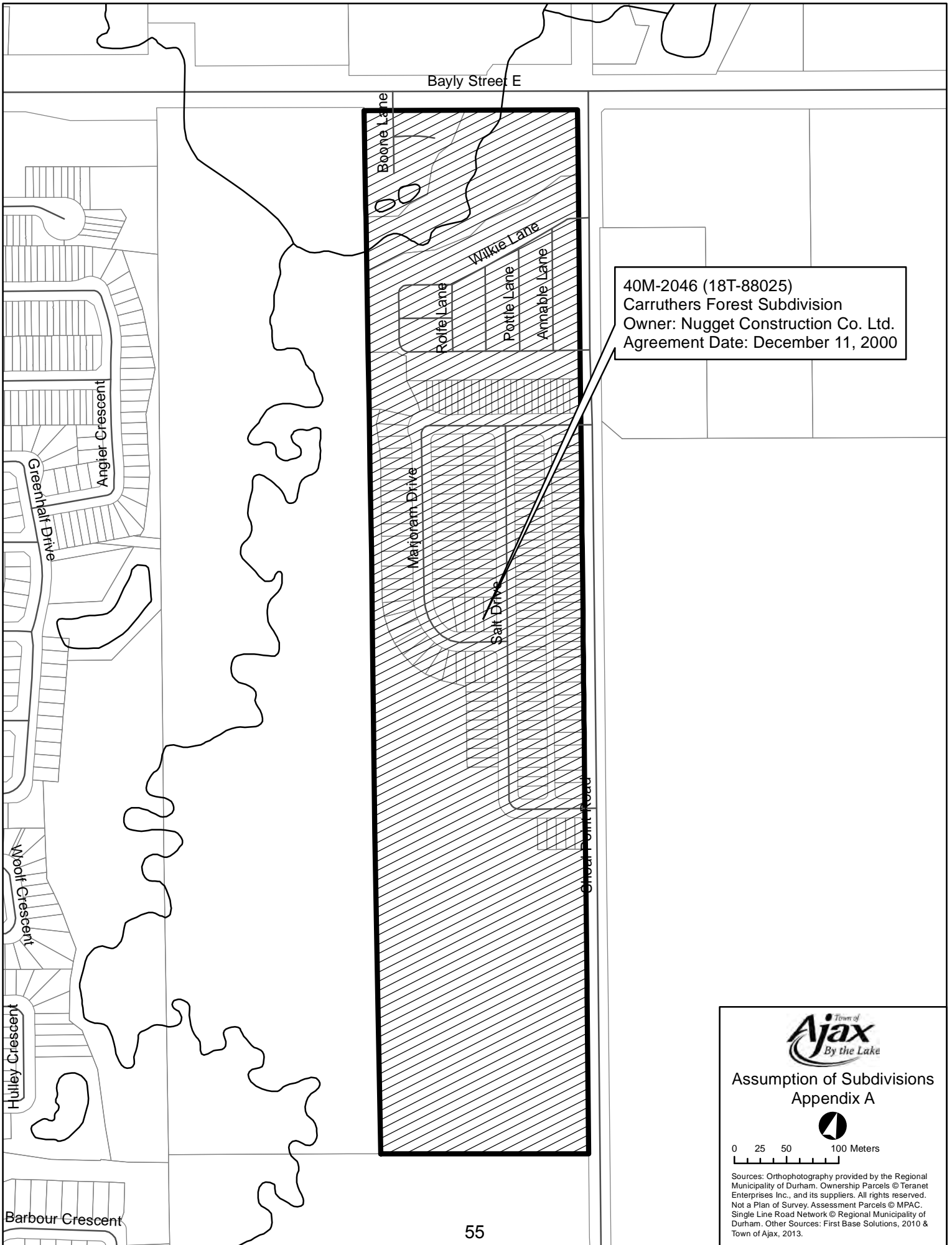
1. That the Corporation of the Town of Ajax hereby assumes the works and services in Registered Plan 40M-2046.

READ a first and second time this
Thirteenth day of May, 2013.


READ a third time and passed this
Thirteenth day of May, 2013.


Mayor


D-Clerk



40M-2046 (18T-88025)
 Carruthers Forest Subdivision
 Owner: Nugget Construction Co. Ltd.
 Agreement Date: December 11, 2000


Assumption of Subdivisions
Appendix A





Sources: Orthophotography provided by the Regional Municipality of Durham. Ownership Parcels © Teranet Enterprises Inc., and its suppliers. All rights reserved. Not a Plan of Survey. Assessment Parcels © MPAC. Single Line Road Network © Regional Municipality of Durham. Other Sources: First Base Solutions, 2010 & Town of Ajax, 2013.

THE CORPORATION OF THE TOWN OF AJAX

BY-LAW NUMBER 46-2013

A By-law to assume the works and services on Registered Plan 40M-2298 (S-A-2003-09).
(Elm Developments Subdivision)

WHEREAS under the terms of the Subdivision Agreement dated September 30th, 2005 between the Corporation of the Town of Ajax and Elm Residences Inc., and upon issuance of the Town's Final Acceptance certificate, the Town shall assume the works and services referred to in the said certificate;

NOW THEREFORE the Council of the Corporation of the Town of Ajax enacts as follows:

1. That the Corporation of the Town of Ajax hereby assumes the works and services in Registered Plan 40M-2298.

READ a first and second time this
Thirteenth day of May, 2013.



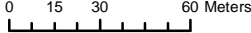
READ a third time and passed this
Thirteenth day of May, 2013.

Mayor

D-Clerk



40M-2298 (S-A-2003-09)
 Elm Developments Subdivision
 Owner: Elm Residences Inc.
 Agreement Date: September 30, 2005


Assumption of Subdivisions
Appendix B


Sources: Orthophotography provided by the Regional Municipality of Durham. Ownership Parcels © Teranet Enterprises Inc., and its suppliers. All rights reserved. Not a Plan of Survey, Assessment Parcels © MPAC. Single Line Road Network © Regional Municipality of Durham. Other Sources: First Base Solutions, 2010 & Town of Ajax, 2013.

THE CORPORATION OF THE TOWN OF AJAX

BY-LAW NUMBER 47-2013

A By-law to assume the works and services on Registered Plan 40R-21732 Parts 1, 2 and 4
(18T-94018).
(Nottingham Subdivision Phase 4 SWM Pond)

WHEREAS under the terms of the Subdivision Agreement dated December 23rd, 2002 between the Corporation of the Town of Ajax and Runnymede Westney Limited, and upon issuance of the Town's Final Acceptance certificate, the Town shall assume the works and services referred to in the said certificate;

NOW THEREFORE the Council of the Corporation of the Town of Ajax enacts as follows:

1. That the Corporation of the Town of Ajax hereby assumes the works and services in Registered Plan 40R-21732 Parts 1, 2 and 4.

READ a first and second time this
Thirteenth day of May, 2013.

READ a third time and passed this
Thirteenth day of May, 2013.

Mayor

D-Clerk



40R-21732 (18T-94018)
 Nottingham Phase 4 SWM Pond
 Owner: Runnymede Westney Ltd.
 Agreement Date: December 23, 2002



Assumption of Storm Water Management Pond Appendix A



Sources: Orthophotography provided by the Regional Municipality of Durham. Ownership Parcels © Teranet Enterprises Inc., and its suppliers. All rights reserved. Not a Plan of Survey. Assessment Parcels © MPAC. Single Line Road Network © Regional Municipality of Durham. Other Sources: First Base Solutions, 2010 & Town of Ajax, 2013.

THE CORPORATION OF THE TOWN OF AJAX

BY-LAW NUMBER 48-2013

Being a By-Law to appoint By-law Enforcement Officers for certain purposes
(Parking Regulations – 75, 95 and 105 Bayly Street West [The Baywood Center])

WHEREAS pursuant to the provisions of section 15 of the Police Services Act, R.S.O. 1990, chapter P.15, as amended, a municipal Council may appoint persons to enforce the By-laws of the municipality who shall be Peace Officers for the purpose of enforcing the municipal By-laws;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF AJAX ENACTS AS FOLLOWS;

1. The following persons are hereby appointed as Municipal Law Enforcement Officers in and for the Town of Ajax and are hereby authorized to enter at all reasonable times upon the lands known as 75, 95 and 105 Bayly Street West [The Baywood Center], in the Town of Ajax, in the Regional Municipality of Durham, in order to ascertain whether the provisions of the current Town of Ajax Traffic By-law, as amended, are obeyed and to enforce or carry into effect the said By-law;

Bill Wowk
Louise Pappin
Clint Pappin
Joe Jacques
Derick Verge

2. The authority granted in Section 1 hereto is specifically limited to that set out in Section 1, and shall not be deemed, at any time, to exceed the authority set out in Section 1.
3. These appointments shall expire upon those persons set out in Section 1 ceasing to be an employee of Property Services of Durham, or upon Property Services of Durham ceasing to be an authorized agent of 75, 95 and 105 Bayly Street West [The Baywood Center].
4. By-law Number 11-2013 is hereby repealed.

READ a first and second time this
Thirteenth day of May, 2013.

READ a third time and passed this
Thirteenth day of May, 2013.

Mayor

D-Clerk

THE CORPORATION OF THE TOWN OF AJAX

BY-LAW NUMBER 49-2013

Being a By-Law to appoint By-law Enforcement Officers for certain purposes
(Parking Regulations for G4S Secure Solutions (Canada Ltd.))

WHEREAS pursuant to the provisions of section 15 of the Police Services Act, R.S.O. 1990, chapter P.15, as amended, a municipal Council may appoint persons to enforce the By-laws of the municipality who shall be Peace Officers for the purpose of enforcing the municipal By-laws;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF AJAX ENACTS AS FOLLOWS;

1. The persons listed in Schedule "A" to this By-law are hereby appointed as Municipal Law Enforcement Officers in and for the Town of Ajax and are hereby authorized to enter at all reasonable times upon the lands known as D.C.C. #37, D.C.C. #38, D.C.C. #39 (Raven Lane, Willows Lane, Macey Court), O.C.C. #3 (Deacon Court and Newing Court), D.C.C. #120 (189, 191, 193 and 195 Lake Driveway West), D.C.C. #26 (Jacques Lane, Tompkins Lane and Deeprose Lane), D.C.C. #141 (Murphy Lane), D.C.C. #144 (MacIntyre Lane), O.C.C. #4 (Patience Lane, Harridine Lane and Groves Lane), The Breakers Condominium Project (25, 45, 70 Cumberland Lane), D.C.C. #137 (Arnold Estate Lane), D.C.C.#172 (Torr Lane, Trott Lane, Twilley Lane), D.C.C. #175 (McGonigal Lane and 35-45 Pennefather Lane), D.C.C. #33 (66 Falby Court), D.C.C. #82 (109 Old Kingston Road) and D.C.C. #102 (2 Westney Road North) in the Town of Ajax, in the Regional Municipality of Durham, in order to ascertain whether the provisions of the current Town of Ajax Traffic By-law, as amended, are obeyed and to enforce or carry into effect the said By-law.
2. These appointments shall expire upon those persons set out in Section 1 ceasing to be an employee of G4S Secure Solutions (Canada Ltd.) or upon G4S Secure Solutions (Canada Ltd.) ceasing to be an authorized agent of D.C.C. #37, D.C.C. #38, D.C.C. #39 (Raven Lane, Willows Lane, Macey Court), O.C.C. #3 (Deacon Court and Newing Court), D.C.C. #120 (189, 191, 193 and 195 Lake Driveway West), D.C.C. #26 (Jacques Lane, Tompkins Lane and Deeprose Lane), D.C.C. #141 (Murphy Lane), D.C.C. #144 (MacIntyre Lane), O.C.C. #4 (Patience Lane, Harridine Lane and Groves Lane), The Breakers Condominium Project (25, 45, 70 Cumberland Lane), D.C.C. #137 (Arnold Estate Lane), D.C.C. #172 (Torr Lane, Trott Lane, Twilley Lane), D.C.C. #175 (McGonigal Lane and 35-45 Pennefather Lane), D.C.C. #33 (66 Falby Court), D.C.C. #82 (109 Old Kingston Road) and D.C.C. #102 (2 Westney Road North), Ajax, Ontario.
3. The authority granted in Section 1 hereto is specifically limited to that set out in Section 1, and shall not be deemed, at any time, to exceed the authority set out in Section 1.
4. By-law Number 6-2013 is hereby repealed.

READ a first and second time this
Thirteenth day of May, 2013.

READ a third time and passed this
Thirteenth day of May, 2013.

Mayor

D-Clerk

SCHEDULE "A" OF BY-LAW NUMBER 49-2013

The following persons are hereby appointed as Municipal Law Enforcement Officers for the Town of Ajax, in accordance with Section 1.

Keith Pearson

Rajumar Thirunathan

Anthony Carter

Denise Franklin

Bernard Rooney

Kris Evans

William Tilley

Daniel Shutka

Larry Cassel

Franklin Barrett

Christopher Thorne

Brett Chaput

Robert Noble

Justin Sadiwnyk

Thomas Bell

Daniel Colpitts

Barrie Seary

Olajide Taiwo

Richard Morrison

Travis Slobodian

Mark Allen

CORPORATION OF THE TOWN OF AJAX

BY-LAW NUMBER 50-2013

Being a By-law passed pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990, c.P.13, as amended, to amend Zoning By-law No. 95-2003, as amended, of the Corporation of the Town of Ajax

WHEREAS authority is granted under Section 34 of the Planning Act, R.S.O. 1990, c.P.13, for Council to pass this By-Law;

AND WHEREAS a Public Open House was held on December 8, 2011 for the purpose of presenting a Background Report and Draft Zoning By-law Amendment for public consultation.

AND WHEREAS a Statutory Public Meeting was held in accordance with Section 34 of the Planning Act, R.S.O. 1990, c.P.13, as amended, on June 4, 2012 for the purposes of presenting a proposed Zoning By-Law Amendment.

AND WHEREAS the Ontario Municipal Board in its decision dated January 9, 2013 regarding Regional Official Plan Amendment 128 to the Durham Regional Official Plan, among other matters, to prohibit elementary and secondary schools and places of worship from locating within designated Employment Areas;

AND WHEREAS a Public Meeting was held in accordance with Section 34 of the Planning Act, R.S.O. 1990, c.P.13, as amended, on May 6, 2013 for the purposes of presenting this proposed Zoning By-law Amendment;

AND WHEREAS the matters hereinafter set forth in this By-law are in conformity with the Official Plan of the Regional Municipality of Durham and the Town of Ajax;

NOW THEREFORE the Council of the Corporation of the Town of Ajax ENACTS as follows:

1. THAT By-law Number 95-2003, as amended, is hereby further amended by adding “(5)” after “Place of Worship” in Section 6.4.1 ‘Employment Zones – Permitted Uses’ to indicate that there is a footnote associated with the permission for a Place of Worship and remove the dot in the PE – Prestige Employment column
2. THAT By-law Number 95-2003, as amended, is hereby further amended by adding the following footnote at the end of Section 6.4.1 ‘Employment Zones – Permitted Uses’

“(5) A place of worship shall continue to be permitted on lands known as 360 Westney Road South, 877 Westney Road South, and 438 Monarch Avenue.”
3. THAT By-law Number 95-2003, as amended, is hereby further amended by adding “(5)” after “Commercial School” in Section 6.4.1 ‘Employment Zones – Permitted Uses’ to indicate that there is a footnote associated with the permission for a Commercial School
4. THAT By-law Number 95-2003, as amended, is hereby further amended by adding the following footnote at the end of Section 6.4.1 ‘Employment Zones – Permitted Uses’

“(6) A Commercial School shall mean a *premises* as a school conducted for gain, including a studio of a dancing teacher or a music teacher, an art school, a golf school or business school and any other similar specialized school, but shall exclude any elementary or secondary *school* registered with the Ministry of Education.”
5. THAT Exception 61, under Section 7.1.1, ‘List of Exceptions’, of By-law No 95-2003, as amended, is hereby further amended by deleting the second paragraph under Section iv) ‘Prohibited *Uses*’, shown in strikethrough for ease of reference:

~~“A *Place of Worship* that does not have an accessory day care facility and accessory offices from which counseling and/or children/youth/adult/senior’s programs are provided.”~~

6. THAT Exception 122, under Section 7.1.1, 'List of Exceptions', of By-law No 95-2003, as amended, is hereby further amended by deleting the second paragraph under Section iv) 'Prohibited Uses', shown in strikethrough for ease of reference:

~~"A Place of Worship that does not have an accessory day care facility and accessory offices from which counseling and/or children/youth/adult/seniors' programs are provided."~~

7. THAT Exception 132, under Section 7.1.1, 'List of Exceptions', of By-law No 95-2003, as amended, is hereby further amended by deleting the phrase "Place of Worship" from the second paragraph under Section iii) 'Permitted Uses, shown in strikethrough for ease of reference':

~~Accessory Retail Sales Outlet, Commercial School, Light Manufacturing, Offices, Place of Worship, Personal Service Shop, and Warehouse/distribution centre~~

8. THAT Exception 136, under Section 7.1.1, 'List of Exceptions', of By-law No 95-2003, as amended, is hereby further amended by deleting the second paragraph under Section iv) 'Prohibited Uses', shown in strikethrough for ease of reference:

~~"A Place of Worship that does not have an accessory day care facility and accessory offices from which counseling and/or children/youth/adult/seniors' programs are provided;"~~

9. THAT Exception 137, under Section 7.1.1, 'List of Exceptions', of By-law No 95-2003, as amended, is hereby further amended by deleting the second paragraph under Section iv) 'Prohibited Uses', shown in strikethrough for ease of reference:

~~"A Place of Worship that does not have an accessory day care facility and accessory offices from which counseling and/or children/youth/adult/seniors' programs are provided;"~~

10. THAT Exception 138, under Section 7.1.1, 'List of Exceptions', of By-law No 95-2003, as amended, is hereby further amended by deleting the second paragraph under Section iv) 'Prohibited Uses', shown in strikethrough for ease of reference:

~~"A Place of Worship that does not have an accessory day care facility and accessory offices from which counseling and/or children/youth/adult/seniors' programs are provided."~~

11. THAT Exception 139, under Section 7.1.1, 'List of Exceptions', of By-law No 95-2003, as amended, is hereby further amended by deleting the second paragraph under Section iv) 'Prohibited Uses', shown in strikethrough for ease of reference:

~~"A Place of Worship that does not have an accessory day care facility and accessory offices from which counseling and/or children/youth/adult/seniors' programs are provided;"~~

12. THAT Exception 140, under Section 7.1.1, 'List of Exceptions', of By-law No 95-2003, as amended, is hereby further amended by deleting the second paragraph under Section iv) 'Prohibited Uses', shown in strikethrough for ease of reference:

~~"A Place of Worship that does not have an accessory day care facility and accessory offices from which counseling and/or children/youth/adult/seniors' programs are provided;"~~

13. THAT Exception 152, under Section 7.1.1, 'List of Exceptions', of By-law No 95-2003, as amended, is hereby further amended by deleting the second paragraph under Section iv) 'Prohibited Uses', shown in strikethrough for ease of reference:

~~"A Place of Worship that does not have an accessory day care facility and accessory offices from which counseling and/or children/youth/adult/seniors' programs are provided;"~~

14. THAT Exception 156, under Section 7.1.1, 'List of Exceptions', of By-law No 95-2003, as amended, is hereby further amended by deleting the second paragraph under Section iii) 'Prohibited Uses'.

~~“A Place of Worship that does not have an accessory day care facility and accessory offices from which counseling and/or children/youth/adult/seniors’ programs are provided;”~~

15. THAT By-law Number 95-2003, as amended, is hereby further amended only to the extent necessary to give effect to the provisions of this By-law

READ a first and second time this
Thirteenth day of May, 2013.

READ a third time and passed this
Thirteenth day of May, 2013.

Mayor

D-Clerk

EXPLANATORY NOTE TO BY-LAW 50-2013

The purpose of this Zoning By-law Amendment is to implement the OMB's decision regarding Regional Official Plan Amendment 128 to the Durham Regional Official Plan to, among other matters, prohibit certain sensitive land uses within employment areas. As such, the amendment:

- a) removes 'Place of Worship' and several site-specific exceptions that permit places of worship with accessory day care facilities and offices as permitted uses on lands zoned Prestige Employment, save and except for the lands known as 360 Westney Road South, 877 Westney Road South, and 438 Monarch Avenue; and
- b) adds a footnote to the permission of a 'Commercial School' in the Prestige Employment Zone to clarify that educational facilities required to register with the Ministry of Education (i.e.; public and private elementary and secondary schools) are not permitted on lands zoned Prestige Employment.



TOWN OF AJAX REPORT OF THE GENERAL GOVERNMENT COMMITTEE

For consideration by the Council of the Town of Ajax on May 13, 2013

The General Government Committee met at 2:00 p.m. on May 9, 2013

Present: Councillor M. Crawford, Chair
Regional Councillor S. Collier
Regional Councillor C. Jordan
Councillor R. Ashby
Councillor J. Dies
Councillor P. Brown
Mayor Parish

1. Call to Order (2:00 p.m.)

Chair Crawford called the meeting to order.

Moved by: S. Collier

That the Committee approve the addition of a confidential item (Legal Matter - Interest Award), to be discussed In-camera pursuant to Section 239 (2)(d) and (e) of the Municipal Act, a matter pertaining to labour relations or employee negotiations, and pertaining to litigation or potential litigation.

CARRIED

2. Disclosure of Pecuniary Interest

Councillor Dies declared a conflict of interest with respect to Item 4.8 on the agenda (Contract Award - Boulevard Grounds Maintenance), as her father is a client of the company being awarded the contract, and her neighbor/friend is employed by the company. Councillor Dies refrained from voting or participating in discussion on this item.

The General Government Committee recommends as follows:

3. Adoption of In-Camera Minutes

Moved by: S. Collier

That the Minutes of the In-Camera meeting of the General Government Committee held on April 4, 2013 be adopted.

CARRIED

4. Consent Agenda

Members separated items 4.4, 4.5, and 4.8 for discussion.

4.1 2013 BIA Levy - Downtown BIA

Moved by: S. Parish

That the 2013 budget of \$28,000.00 for the Downtown BIA be approved and that the amount of \$17,684.00 be raised by taxation from its members.

CARRIED

4.2 2013 BIA Levy – Pickering Village BIA

Moved by: S. Parish

1. That the 2013 budget of \$50,000.00 for the Pickering Village BIA be approved, and that the amount of \$47,108.00 be raised by taxation from its members.
2. That the Pickering Village BIA's \$18,750.00 contribution towards street furniture and related amenities on Old Kingston Rd. be allocated to the Capital Projects Reserve.

CARRIED

4.3 Contract Award – Material Testing, Geotechnical and Environmental Investigation Services

Moved by: S. Parish

1. That Council award the contract for Materials Testing, Geotechnical and Environmental Investigation Services, to Nasiruddin Engineering Limited in the estimated amount of \$127,640.28 (inclusive of all taxes), for a period of one year.
2. That Council authorize staff to renew the contract for Materials Testing, Geotechnical and Environmental Investigation Services to Nasiruddin Engineering Limited, for an additional two, one year periods, pending an analysis and satisfactory performance review at the anniversary date of the contract, in the estimated amount of \$255,280.56 (inclusive of all taxes).

CARRIED

4.4 Contract Award – Top Asphalt Ravenscroft Road and Kerrison Drive

Moved by: S. Parish

That Council award the contract for the placement of top asphalt on Ravenscroft Road (between Rossland Road to Williamson Drive) and Kerrison Drive (between Salem Road to Harwood Avenue) to CoCo Paving Inc., in the amount of \$379,368.41 (inclusive of all taxes).

CARRIED

4.5 Status Update – Environmental Assessment Carruthers Creek Flood Management and Analysis

Moved by: C. Jordan

That Council authorize staff to proceed with the filing of the Environmental Assessment for Carruthers Creek Flood Management and Analysis with the Ministry of Environment.

CARRIED

4.6 Assumption of Subdivision – Carruthers Forest Subdivision and Elm Subdivision

Moved by: S. Parish

(1) That the works and services within the following Plans of Subdivision be assumed by the Town:

a) (18T-88025) – Carruthers Forest Subdivision

Owner: Nugget Construction Co. Ltd.

Agreement Date: December 11, 2000

Registered Plan: 40M-2046

Refer to Appendix “A”

b) (S-A-2003-09) – Elm Developments Subdivision

Owner: Elm Residences Inc.

Agreement Date: September 30, 2005

Registered Plan: 40M-2298

Refer to Appendix “B”

(2) That the corresponding Assumption By-laws be prepared for an upcoming Council meeting.

CARRIED

4.7 Assumption of Subdivision – Nottingham Subdivision Phase 4

Moved by: S. Parish

(1) That the works and services for the Stormwater Management Pond within the following Plan of Subdivision be assumed by the Town:

a) (18T-94018) – Nottingham Subdivision Phase 4

Owner: Runnymede Westney Ltd.

Agreement Date: December 23, 2002

Registered Plan: 40R-21732 Parts 1, 2 and 4

Refer to Appendix “A”

(2) That the corresponding Assumption By-law be prepared for an upcoming Council meeting.

CARRIED

4.8 Contract Award - Boulevard Grounds Maintenance

Councillor Dies refrained from discussion and voting on this item, as per her declared conflict of interest.

Moved by: S. Parish

1. That Council award the contract for Boulevard Grounds Maintenance, to Pristine Property Maintenance in the estimated amount of \$97,993.60 (inclusive of all taxes), for a period of 1 year.
2. That staff be authorized to renew the contract for an additional two (2) one year periods, pending an analysis and satisfactory performance review at the anniversary date of the contract, in the estimated amount of \$210,931.22 (inclusive of all taxes).

CARRIED

5. Presentations / Discussion

5.1 Highway 2 Transit Priority Measures Class EA and Design Update on Class EA and Planned 2013 Construction in the Town of Ajax

Brian Ruck, P. Eng. C.V.S. Certified Value Specialist, Associate Vice-President, Transportation East District, Canada Central Region Manager, Value Engineering, delivered a presentation on Highway 2 Transit Priority Measures. James Garland, Project Manager, Rapid Transit Office, Region of Durham Works Department, responded to questions from the Committee.

5.2 Appeal of Revocation of a Taxicab Driver's Licence, M. S. Bakshi – Appellant

Moved by: S. Parish

That the appeal by M. S. Bakshi of the Town's decision to revoke the appellant's Taxicab Driver's Licence issued in February 2013 be denied, without prejudice, and that Mr. Bakshi may re-apply for a licence upon significant change to his driver's abstract, or the overturning of the two convictions currently under appeal.

CARRIED

5.3 Revised General Levy Forecast Process

Moved by: C. Jordan

That the report on the Revised General Levy Forecast Process be received for information.

CARRIED

5.4 Financial Sustainability Draft Plan Recommendations

Moved by: S. Parish

1. That the report titled, Financial Sustainability Plan – Draft Recommendations, be received for information.
2. That Council endorse the draft recommendations for the development of the Financial Sustainability Plan.
3. That the Financial Sustainability Plan and related policies be presented to General Government Committee for approval at the meeting of June 20, 2013.

Amendment

The clause 2 of the recommendation be substituted with the following:

“That Council endorse the draft recommendations for the development of the Financial Sustainability Plan, subject to the following change:

That the Public Art Reserve be discontinued, and folded into the Strategic Initiatives reserve as the fifth component of that reserve.”

CARRIED

Motion as Amended

Moved by: S. Parish

1. That the report titled, Financial Sustainability Plan – Draft Recommendations, be received for information.
2. **That Council endorse the draft recommendations for the development of the Financial Sustainability Plan, subject to the following change:**

That the Public Art Reserve be discontinued, and folded into the Strategic Initiatives Reserve as the fifth component of that reserve.
3. That the Financial Sustainability Plan and related policies be presented to General Government Committee for approval at the meeting of June 20, 2013.

CARRIED

6. Department Updates

Gary Muller, Manager of Planning, noted some significant building permit applications and issuances.

Chair Crawford called a 5 minute recess for the Committee, prior to the in-camera session.

In-Camera (4:55)

7. Authority to Hold a Closed Meeting and Related In-Camera Session

- *A matter pertaining to labour relations or employee negotiations [Sec. 239 (2)(d), Municipal Act, 2001, as amended]*
- *A matter pertaining to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board [Sec. 239 (2)(e), Municipal Act, 2001, as amended]*

7.1 Confidential Legal Matter – Interest Award

Open Meeting

Ratify Actions Taken In-Camera

Moved by: P. Brown

That all actions approved in the In-Camera Session be ratified

CARRIED

8. Adjournment (5:40 p.m.)

Moved by: J. Dies

That the May 9, 2013 meeting of the General Government Committee be adjourned.

CARRIED

M. Crawford, Chair