The following are the minutes of the Regular Council meeting held at 7:06 p.m. in the Regional Council Chamber, 150 Frederick Street, Kitchener, Ontario, with the following members present: Chair K. Seiling, L. Armstrong, J. Brewer, T. Cowan, D. Craig, R. Deutschmann, T. Galloway, J. Haalboom, B. Halloran, R. Kelterborn, G. Lorentz, C. Millar, J. Mitchell, S. Strickland, and C. Zehr.

Members Absent: J. Wideman

CLOSED SESSION

MOVED by J. Brewer
SECONDED by L. Armstrong

THAT a closed meeting of Council be held on Wednesday, September 18, 2013, at 6:45 p.m. in Waterloo County Room, in accordance with Section 239 of the Municipal Act, 2001, for the purposes of considering the following subject matters:

a) receiving of legal advice subject to solicitor client privilege related to legislative authority
b) labour relations regarding an identifiable individual

CARRIED

MOVED by T. Cowan
SECONDED by C. Zehr

THAT Council reconvene in Open Session.

CARRIED

MOMENT OF SILENCE

Chair Seiling opened the meeting with a reflection and moment of silence for those in need and for the tragic accident that occurred in Ottawa.

DECLARATIONS OF PECUNIARY INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT

K. Seiling declared a pecuniary interest with respect to items 1 and 10 of the Planning and Works Summary of Recommendations and D. Craig’s Notice of Motion, due to two of his adult children who own residential properties within the proposed light rail transit corridor.

R. Deutschmann declared a pecuniary interest with respect to items 1 and 10 of the Planning and Works Summary of Recommendations and D. Craig’s Notice of Motion, due to an indirect pecuniary interest since he and his spouse are shareholders of corporations that have an interest in a property at 10 Duke Street West, Kitchener.
S. Strickland advised that he will recuse himself with respect to item 2 of the Administration and Finance Recommendations, Municipalities as Non Construction Employers, due to the nature of his employment.

DELEGATIONS

a) Dan Kellar and Rachel Avery, Waterloo Region Coalition Against Line 9, appeared before Council to present a declaration issued by the Waterloo Region Coalition Against Line 9. He pointed out the declaration they would like the Region to sign highlights their concerns with Enbridge’s Pipe 9 pipeline reversal project. R. Avery emphasized the severity on the potential impacts of Enbridge’s plan on Waterloo Region. She highlighted the declaration represents 5 areas of concern. R. Avery explained the pipeline crosses over the Grand River and the Nith River and talked about the chemical passing through the pipelines and the potential of the pipeline spilling. D. Keller provided background information on the existing Treaties and Agreements within the Six Nations of the Grand River territory. A copy of the presentation is appended to the original minutes.

Council members asked the delegations for clarification on the Statement of Concern template and the mixing of chemicals in the pipe.

Council members pointed out that 80% of the Region’s water comes from groundwater and noted the importance of the Region of Waterloo commenting on this issue because of the surrounding environmental impacts.

Mike Murray, Chief Administrative Officer, noted that Rob Horne and Planning staff are looking into this to see if there are any direct Regional interests on this or if any Regional approvals are needed.

Rob Horne, Commissioner, Planning, Housing and Community Services highlighted that staff are looking into this and that water is one of the paramount issues and will report back to Committee and Council on this matter.

b) F-13-085, Grant Application to Fund Regional Development Charges - Woodland Christian High School (item 1, Administration and Finance Summary)

i. John Van Pelt, Principal, Woodland Christian High School appeared before Council noting that he is not addressing Council about funding or supporting independent school or asking for public money or for support. He asked to be treated the same as a normal secondary school. He asked that Regional Council waive Development Charges as they do for publicly funded elementary and high schools. He highlighted that other Regions have noted that there is an unfair equity and have responded to it. He stated that if a decision is based solely on precedent then the Region is basing it on a precedent that is out dated and not been challenged recently. He stated significant changes have occurred in the last 10 years since Woodland last asked the Region to address this issue. He read sub section 11 of the Education Act noting that Woodland Christian School fits into the 5 criteria listed making them a school. He asked that Council waive the development fees or defer this decision until Council has time to revisit the Development Charges by-law.

Chair K. Seiling provided the delegation with clarification on the exemption noting the Region is required to fund legislative exemptions.
J. Van Pelt responded to Council’s questions regarding timing of the project, tendering of the project, when development charges were paid, when the last time Woodland Christian School paid development charges, and if the Woodland Christian School is going to lobby the Provincial government on this issue.

ii. Derrick Grift, Head of the fundraising team, Woodland Christian High School appeared before Council. He provided a presentation highlighting: the timeline of the project, development charges, and summarized the presentation. A copy of the presentation is appended to the original minutes.

Chair K. Seiling provided clarification regarding the difference between rural and urban development charges.

iii. Heather Buisman, Meaghan Vanderstoep and Emma Roorda appeared before Council highlighting they are grade 12 students at Woodland Christian High School. They provided numerous examples of why Woodland Christian High School should be considered the same as publicly funded schools in the Waterloo Region. They pointed out the financial challenges for their parents paying public taxes, tuition and $142,000 for development charges. They asked why they are not treated like public schools when they receive the same diploma, attend the same events and serve the same public good noting they are equals trying to achieve the same goals. They asked that the Region of Waterloo review the development charges by-law.

iv. Andrew Johnson appeared before Council stating he is a tax payer who is passionate about education. He provided background information on his experience and referenced that this is a Provincial issue but that it is the Region’s responsibility to change it highlighting the expectation of local government is higher than the Provincial government since local government is closer to the issue. He noted the value high schools add to the community and added that families have already paid and the Region is asking for them to pay again.

Chair K. Seiling provided the delegation clarification with respect to the Development Charges Act and noted that exemptions are funded by a line in the property tax budget and the rate budget.

v. Barbara A. Bieman, Executive Director, Ontario Federation of Independent Schools appeared before Council noting that Woodland Christian High School is not a member of their association but pointed out she has an interest because she lives in the Region of Waterloo. She highlighted that this decision is about choice, when decisions need to be made it is about being fair and equitable. She highlighted the difficulties Independent Schools have being heard at the local and provincial levels of government because they lack the resources in people and finances. She asked that the Region speak to Provincial government on behalf of the private schools noting their needs to be fair and equitable when it comes to development charges.

The delegation responded to questions with respect to Development Charges Act and her involvement with the Provincial government with respect to this issue. She noted that she is willing to work with the Region during the review of the development charges by-law.

Chair K. Seiling highlighted the memo that was provided by staff outlining the development charges paid by other independent schools, non for not for profit organizations, universities, churches, and community cultural groups. The memo also includes a summary of where there
have been exemptions, noting that some of those exemptions have been because they are in the downtown core.

T. Galloway brought item 1 forward from the Administration and Finance Committee with respect to report F-13-085, Grant Application to Fund Regional Development Charges - Woodland Christian High School.

C. Zehr explained that there is no statutory exemption for Private schools and how development charges are paid if an exemption has been made.

In response to a Council inquiry about how other municipalities provide exemptions to independent schools, Craig Dyer, Chief Financial Officer, noted that the Development Charges Act provides flexibility for municipalities to establish development charge policies and that can include charging different rates, different geographic areas, including and excluding certain services and also to provide for exemptions. This allows municipalities to establish a non statutory exemption through the by-law. Ultimately the municipality is deciding how to fund the cost of infrastructure associated with growth either through taxes and rates or development charges.

C. Dyer provided clarification on the use of property taxes and development charges.

Some Council members expressed concerns with exemptions currently in the by-law stating independent schools should be apart of those exemptions and a deferral until the by-law is reviewed is a good compromise.

Other Council members acknowledged the delegations frustrations on this matter and noted the time to debate this matter would be during the development charges by-law review which will take place before July 31, 2014 when the by-law expires.

D. Craig brought forward a Motion to defer until the development charges by-law review is done.

T. Cowan requested a recorded vote on both motions.

MOVED by T. Galloway
SECONDED by C. Zehr

THAT the Regional Municipality of Waterloo take no action on the request of Woodland Christian High School (Cambridge District Association for Christian Education) for a grant in the amount of $142,597.43 to offset the impact of development charges, as described in Report F-13-085.

MOVED by D. Craig
SECONDED by G. Lorentz

THAT the Regional Municipality of Waterloo defer the recommendation until the Development Charges By-law is reviewed.

MOTION LOST
Yeas: J. Brewer, T. Cowan, D. Craig, J. Haalboom, G. Lorentz, C. Millar
ORIGINAL MOTION CARRIED
Nays: J. Brewer, T. Cowan, D. Craig, J. Haalboom, G. Lorentz, C. Millar

Council took a recess at 9:20 p.m.

Council reconvened at 9:25 p.m.

*R. Deutschmann left the meeting at 9:25 p.m.

Due to his pecuniary interest, K. Seiling vacated the Chair and G. Lorentz assumed the Chair.

c) Light Rail Transit (LRT) – D. Craig’s Notice of Motion

i. Henry Klingspon appeared before Council talking about other major cities he has visited and noted that he fully supports rapid bus transit not light rail or street cars. He suggested that the tax payers from the three cities should vote in a referendum on this light rail project. He explained that it is not too late to cancel LRT and provided examples of where money should be spent. He stated that the Region does not have the population or ridership for a light rail transit system.

ii. Duncan Clemens appeared before Council stating he is not in favour of D. Craig’s Notice of Motion. He pointed out the frustration from sitting on the side lines and not commenting because of the conflict of interest but noted that this is not the time to revisit LRT and that the Region needs to focus on getting the best rapid transit system. He explained that rapid transit survived the 2010 election and that the Region needs to keep moving forward with LRT to be on time and on budget.

iii. John Reick appeared before Council stating that LRT is not about moving people but pushing urban development in Kitchener and Waterloo. He talked about Buffalo, Calgary and other LRT systems. He noted that a single corridor system will not work and that LRT on city streets is not good. He pointed out that LRT is taking away 50% of asphalt from other cars, ambulance and fire trucks and will be fighting for space on the road stating LRT needs to be away from roads already in place. He indicated that people aren’t against the transit system they just want a faster, more dependable system.

iv. John Shortreed appeared before Council. He provided background information on his experience. He provided Council with a presentation. He asked that Council pass D. Craig’s motion. He provided a number of reasons to pass the motion. A copy of the presentation is appended to the original minutes.

Council asked the delegation his opinion on capacity regarding LRT compared to BRT. J. Shortreed stated he provided information to the Chair of the Committee and the CAO regarding information from the Canadian Urban Transit Association that showed the capacity of buses to be sufficient.

*R. Deutschmann entered the meeting at 9:56 p.m.

v. Mike Boos appeared before Council stating that he and his wife purchased their house because it is located near a future LRT stop. He talked about the explosion of development in the core noting that millions of dollars have been committed by
families and business depending on LRT. He suggested D. Craig’s Notice of Motion raises uncertainty and asked Council to vote against the motion.

vi. Andrew Dodds appeared before Council. He briefly talked about family purchasing a condo in uptown Waterloo because of an investment and also LRT. He stated he wants be a part of a forward moving community. He talked about all the information Regional Council has on making the decision to move forward with LRT. He noted that the decision for LRT is made in concert with countless other decisions made at the Region. He expressed concerns that the information that is being requested is to be used to cancel LRT. He urged Council not to support the motion and to stand by the decisions they have made with respect to LRT.

vii. Harald Drewitz appeared before Council speaking to Doug Craig’s Notice of Motion. He highlighted that our elected officials are entitled to information in regards to cancellation costs of the LRT. He pointed out withholding information does not show transparency and good accountability. A copy of the presentation is appended to original minutes.

viii. Tim Mollison appeared before Council representing TriTag. He stated they have supported Ion since it was first passed in 2009. He expressed concern that D. Craig’s Notice of Motion is not about receiving more information but to stop Ion being built. He talked about development happening in the Region because of Ion. He asked that we don’t distract from the rapid transit team from their very tight schedule. He noted that Ion can come in on time and on budget only if staff remains undistracted and fully dedicated to their mission.

D. Craig introduced the motion. He stated he appreciated hearing from the delegations. He noted that in his opinion there doesn’t seem to be a wide spread support for this technology in this particular system. He stated that the City of Cambridge has no confidence in this project, stating that out of 111 delegations on rapid transit only 9 delegations were from the City of Cambridge. D. Craig expressed concerns that no one can answer if and when LRT is coming to Cambridge. He talked about expert reports on LRT not matching reports presented to Regional Council. He stated that if LRT doesn’t meet expectations then it will never come to Cambridge. He stated the reason for the notice of motion is to receive information and for the public to receive the information and then Council needs to pause and reflect on ridership estimates.

Council members welcomed D. Craig to the debate.

Some Council members expressed concerns stating that the motivation is unclear as to why the information is being asked. Some Council members referenced that the information is being asked to derail the project, change technology, and distract staff and the public. It was noted that only one delegation spoke directly to the motion stating that focus is on cancelling the LRT while it is being built.

B. Halloran noted she supports the motion stating we pride ourselves on transparency and any Councillor has the right to ask for information.

Thomas Schmidt, Commissioner, Transportation and Environmental Services responded to Council questions with respect to phase 2 and funding. He noted that when the first phase of Ion is completed they will start to look at phase 2 and review the ridership, relook at the
environmental assessment that was completed and then start to schedule and plan for phase 2.

M. Murray quoted the Procedural By-law with respect to special enquiry providing clarification on staff time.

D. Craig referenced a memo Dr. Nancy Button wrote on May 12, 2011. M. Murray provided clarification on the context of that memo.

A recorded vote was requested.

MOVED by D. Craig
SECONDED by C. Millar

THAT staff report back to Regional Council by the first Council meeting in November (November 20, 2013) on the projected costs of cancelling the Light Rail Transit (LRT) project.

MOTION LOST
Yeas: D. Craig, B. Halloran, C. Millar
Excused: R. Deutschmann, K. Seiling

MINUTES OF PREVIOUS MEETINGS

MOVED by L. Armstrong
SECONDED by T. Cowan

THAT the following Minutes be approved:

a) Closed Council – August 22, 2013
b) Council – August 22, 2013
c) Community Services – September 10, 2013
d) Closed Committee - September 10, 2013
e) Administration & Finance – September 10, 2013
f) Planning & Works – September 10, 2013

CARRIED

COMUNICATIONS

a) City of Kitchener correspondence Re: Motion to Amend the Municipal Act, 2001, dated July 12, 2013

J. Mitchell introduced the motion. J. Mitchell briefly explained that this motion is not about having a one year maternity leave for female Councillors who have babies. It is about being supportive to women who have babies that may miss meetings. She highlighted the wording in the Municipal Act with respect to missing three months.

Council discussed that the three consecutive months could happen with illness as well and perhaps the wording in the Municipal Act needs to be broadened to include that.
C. Zehr noted that he is in support of this motion and noting they are not asking for prescriptive parameters but that there are no particular penalties incurred because of it.

MOVED by J. Mitchell
SECONDED by C. Millar

WHEREAS the Municipal Act, 2001 sets out the authorities and governs the actions of members of municipal councils; and,

WHEREAS the language contained in the Municipal Act, 2001 is very broad when dealing with absence and vacancies; and

WHEREAS section 259.(1) (Vacant Seat) of the Municipal Act, 2001 states: “The office of a member of a municipality becomes vacant if the member, (c) is absent from meetings of council for the successive months without being authorized to do so by a resolution of council;” and,

WHEREAS the Municipal Act, 2001 does not contain any specific language with regards to maternity or parental leave for members of council;

THEREFORE BE IT RESOLVED that the Government of Ontario be requested to add a provision to the Municipal Act, 2001 to provide a clearer understanding of the legislative parameters for members of council with respect to maternity and parental leave;

BE IT FURTHER RESOLVED that correspondence be circulated to the Premier of Ontario, the Minister of Municipal Affairs and Housing and all local Members of Provincial Parliament (MPPS), to request that a provision be added to the Municipal Act, 2001 to clarify maternity and parental leave for members of council; and

BE IT FINALLY RESOLVED that correspondence on this matter be circulated to all local area municipalities, the Association of Municipalities of Ontario (AMO) and the Federation of Canadian Municipalities (FCM) to encourage them to make similar requests to the Government of Ontario in support of clarifying the language of the Municipal Act, 2001 regarding maternity and parental leave.”

CARRIED

MOVED by G. Lorentz
SECONDED by S. Strickland

THAT Council go into Committee of the Whole to consider reports.

CARRIED

FINANCE REPORTS

a) F-13-086, T2013-021 Miscellaneous Roadway Improvements at Various Locations in Waterloo Region

Clarification was provided with respect to the change order process.

MOVED by S. Strickland
SECONDED by J. Brewer
THAT the Regional Municipality of Waterloo accept the tender of Steed and Evans Limited for Miscellaneous Roadway Improvements at Various Locations in Waterloo Region in the amount of $1,640,195.00 including all applicable taxes;

AND THAT the Regional Municipality of Waterloo approve an increase in project costs of $60,353.86 gross including all applicable taxes and $0.00 net to facilitate the work undertaken on behalf of R.B.J. Schlegel Holdings Inc.

CARRIED

b) F-13-087, T2013-139 Plow Equipment

MOVED by S. Strickland
SECONDED by J. Brewer

THAT the Regional Municipality of Waterloo accept the tender of Viking Cives Ltd. for the supply of Plow Equipment for two (2) cab and chassis units for Transportation Operations, at a total price of $282,018.62, including all applicable taxes.

CARRIED

COMMITTEE REPORTS

Community Services

The Summary of Recommendations of the Community Services Committee was presented by Sean Strickland, Chair of the Committee.

MOVED by S. Strickland
SECONDED by J. Mitchell

THAT the Summary of Recommendations of the Community Services Committee dated September 10, 2013, Items 1 to 9, and 1 report from closed session, Item 10, be adopted as follows:

1. THAT the Regional Municipality of Waterloo enter into the Amending Agreement No. 6 for the Public Health Accountability Agreement with the Province of Ontario (effective January 1, 2011 for a term of three years) as attached (Attachment 2), pursuant to Report PH-13-040;

   AND THAT the 2013 Operating Budget for Public Health be increased by 176,431 gross and $0 net Regional Levy as outlined in report PH-13-040.

2. THAT the Regional Municipality of Waterloo approve the 2013-2014 Ontario Works Service Plan;

   AND THAT the plan be forwarded to the Ministry of Community and Social Services for approval as outlined in report SS-13-028, dated September 20, 2013.

3. THAT the Regional Municipality of Waterloo request the Province to make the $42M in one-time Community Homelessness Prevention Initiative (CHPI) transition funding a
permanent allocation under CHPI as outlined in Report SS-13-030, dated September 10, 2013;

AND THAT this request be forwarded to the Ministers of Municipal Affairs and Housing and Community and Social Services;

AND FURTHER THAT this request be shared with the Ontario Municipal Social Services Association (OMSSA), the Association of Municipalities of Ontario (AMO) and local Members of Provincial Parliament (MPPs).


5. THAT the Regional Municipality of Waterloo request the Minister of Education implement the Human Development and Sexual Health component of the 2010 Ontario Grades 1-8 Health and Physical Education Curriculum;

   AND THAT the Regional Municipality of Waterloo, for information, forward a copy of Report PH-13-034, dated September 10, 2013, to the Premier of Ontario, Minister of Education, Minister of Health and Long-Term Care, local area Members of Provincial Parliament (MPP) and the Ontario Physical and Health Education Association.

6. THAT the Regional Municipality of Waterloo endorse the EMS Performance Measurement Quarterly Report framework as described in PH-13-036.

7. THAT the Regional Municipality of Waterloo receive the EMS Response Time Performance report for the first two quarters of 2013 (as outlined in PH-13-037) on compliance to the Response Time Performance Plans established by Regional Council at their meeting of September 25, 2012 in accordance with Ambulance Act, O. Reg. 267/08, amending O. Reg. 257/00, under Part VII, Response Time Performance Plans, Sections 22-24;

   AND THAT the Regional Municipality of Waterloo continue to monitor EMS Response Times against the standards established by Regional Council on September 25, 2012 and report quarterly to the Response Times Working Group;

   AND THAT the Regional Municipality of Waterloo adopt a recommendation from the Response Time Working Group that the Response Time Performance Plans for 2014 remain the same as the plan that was adopted on September 25, 2012, in order to allow for the analysis of a full year’s worth of data before consideration be given to any modifications;

   AND FURTHER THAT the Regional Municipality of Waterloo endorse that measurement of EMS compliance to Response Time Performance Plans for sudden cardiac arrest be based solely on EMS defibrillator response to such events, as an interim measure, since the Region of Waterloo EMS does not have universal access to community defibrillator response time.

8. THAT the Regional Municipality of Waterloo approve the allocation of the 100% Provincial Best Start Unconditional grant funding to support the start up costs of two new non-profit child care centres being built in 2013 as follows:
$205,500 to Bright Starts Cooperative Early Learning Centre Inc. for start up costs (including furnishing, equipment and play materials) at the new child care centre to be located at the University of Waterloo, Seagram Drive, Waterloo, and

$44,500 to the Young Women’s Christian Association of Kitchener Waterloo for start up costs (including furnishing, equipment and play materials) at the new child care centre, located at Jean Steckle Elementary School, Kitchener.

AND THAT the Regional Municipality of Waterloo approve in principle the allocation of $250,000 at the discretion of the Commissioner of Social Services as follows:

Up to $150,000 to support the development and start up costs of an Aboriginal Child and Family Resource Centre to be located in Waterloo Region; and

Allocation of the remaining balance of $100,000 to offset pressures in the fee subsidy budget on a one time basis, as outlined in report SS-13-031, dated September 10, 2013.

9. THAT Regional Council notify the Housing Services Corporation (HSC) and the Ministry of Municipal Affairs and Housing that it supports the recent changes to the HSC Insurance Program and the current Insurance Benchmarks that are part of the community housing subsidy funding model, and does not support any move toward either increasing the insurance benchmark or creating an unlimited “pass through” model to be incurred by the Region of Waterloo as the Service Manager, as described in Report No. P-13-090, dated September 10, 2013.

10. THAT the Region of Waterloo endorse the nominees for the 2013 Ontario Heritage Trust Awards, as recommended by staff.

CARRIED

Administration and Finance

The Summary of Recommendation of the Administration and Finance Committee was presented by Tom Galloway, Chair of the Committee. Item 2 was taken separately and item 1 was dealt with under delegations.

MOVED by T. Galloway
SECONDED by T. Cowan

THAT the Summary of Recommendations of the Administration and Finance Committee dated September 10, 2013, Item 3, be adopted as follows:


CARRIED

MOVED by T. Galloway
SECONDED by T. Cowan

Recused:
S. Strickland
2. THAT the Regional Municipality of Waterloo advise the Provincial government of its support for the MARCO resolution below and for Bill 73, “The Fair and Open Tendering Act”, as outlined in report CA-HR-13-008, dated September 10, 2013.

CARRIED

Planning and Works

The Summary of Recommendations of the Planning and Works Committee was presented by Geoff Lorentz, Vice Chair of the Committee. Items 1 and 10 were taken separately due to the pecuniary interests.

MOVED by G. Lorentz
SECONDED by T. Cowan

THAT the Summary of Recommendations of the Planning and Works Committee, dated September 10, 2013, Items 2 to 9, 11 to 13, and 1 report from closed session, Item 14, be adopted as follows:

2. THAT the Region Municipality of Waterloo direct staff to:

   a. Expand the investigation of biofuel opportunities in support of the Ontario Ministry of Energy report “Making Choices - Reviewing Ontario’s Long Term Energy Plan” (July 2013);

   b. Update the 2011 Biosolids Master Plan with consideration of synergies with outcomes from Region’s Waste Management Master Plan and other Regional Policies including opportunities beyond the Regional boundary;

   c. Take no further steps to pursue the P3 application for implementation of a Biosolids Heat Drying Facility including suspension of any site selection works pending the completion of the Biosolids Master Plan update as recommended in Report E-13-104 dated September 10, 2013 and approval of a preferred option for management of the biosolids by Regional Council;

   d. Inform P3 Canada and the public of the proposed update of the Biosolids Master Plan; and

   e. The Region will review processes to deal with biosolids in addition to a heat drying facility and develop a work plan, schedule and public consultation for the completion of the Biosolids Master Plan update and report back to Council in early 2014.

3. THAT Regional Council endorse the preferred Preliminary Design Alternative developed by the Ontario Ministry of Transportation for Highway 7&8 from Stratford to New Hamburg, as described in Report P-13-087, dated September 10, 2013.

4. THAT Regional Council defer consideration of the East Side Lands Master Environmental Servicing Plan pending a report from Regional staff at the December 3rd, 2013 Planning and Works meeting, updating Regional Council on progress made with the City of Cambridge and other stakeholders on implementation issues, including financial considerations, at that time. [P-13-086 memo]
5. THAT The Regional Municipality of Waterloo direct and authorize the Regional Solicitor to take the following actions with respect to the expropriation of lands for the reconstruction of Manitou Drive between Fairway Road and Bleams Road, in the City of Kitchener, in the Region of Waterloo as detailed in report CR-RS-13-075 dated September 10, 2013:

1. Complete application(s) to the Council of the Regional Municipality of Waterloo, as may be required from time to time, for approval to expropriate land, which is required for the reconstruction of Manitou Drive and described as follows:

Fee Simple Partial Taking:

- Part of Lot 9, Registered Complied Plan 1490, being Parts 1-4 on Plan 58R-17784, Part of PIN 22595-0088(LT) (35 and 45 Manitou Drive, Kitchener);
- Part of Lot 2, Registered Compiled Plan 1525, being Part 1 on Plan 58R-17788, Part of PIN 22593-0103(LT) (695 Fairway Road, Kitchener);
- Part of Lot 17, Registered Compiled Plan 1489, being Part 1 on Plan 58R-17782, Part of PIN 22617-0039(LT) (107 Manitou Drive, Kitchener);
- Part of Lot 42, Registered Compiled Plan 1525, being Parts 4, 6, and 8 on Plan 58R-17782, Part of PIN 22594-0016(LT) (110 Manitou Drive, Kitchener);
- Part of Lot 41, Registered Compiled Plan 1525, being Part 2 on Plan 58R-17783, Part of PIN 22594-0015(LT) (50 Manitou Drive, Kitchener);
- Part of Lots 39 and 40, Registered Compiled Plan 1525, being Part 6 on Plan 58R-17784, Part of PIN 22594-0014(LT) (38 Manitou Drive, Kitchener);

Grading Easement:

- Part of Lot 17, Registered Compiled Plan 1489, being Part 2 on Plan 58R-17782, Part of PIN 22617-0039(LT) (107 Manitou Drive, Kitchener);
- Part of Lot 42, Registered Compiled Plan 1525, being Parts 3, 5, and 7 on Plan 58R-17782, Part of PIN 22594-0016(LT) (110 Manitou Drive, Kitchener);
- Part of Lot 41, Registered Compiled Plan 1525, being Parts 1 and 3 on Plan 58R-17783, Part of PIN 22594-0015(LT) (50 Manitou Drive, Kitchener);
- Part of Lots 39 and 40, Registered Compiled Plan 1525, being Part 5 on Plan 58R-17784, Part of PIN 22594-0014(LT) (38 Manitou Drive, Kitchener);
- Part of Lot 12, Registered Compiled Plan 1490, being Part 2 on Plan 58R-17787, Part of PIN 22595-0047(LT) (25-27 Manitou Drive, Kitchener);
- Part of Lots 12 and 13, Registered Compiled Plan 1490, being Part 1 on Plan 58R-17787, Part of PIN 22595-0048(LT) (21 Manitou Drive, Kitchener);
- Part of Lot 17, Registered Compiled Plan 1525, being Part 2 on Plan 58R-17786, Part of PIN 22594-0006(LT) (28 Manitou Drive, Kitchener); and
- Part of Lot 34, Registered Compiled Plan 1525, being Part 4 on Plan 58R-17785, Part of PIN 22594-0013(LT) (36 Manitou Drive, Kitchener).

Hydro Easement:

- Part of Lot 11, Registered Compiled Plan 1490, being Part 1 on Plan 58R-17786, Part of PIN 22595-0046 (LT) (31-33 Manitou Drive, Kitchener).

2. Serve notices of the above application(s) required by the Expropriations Act;

3. Forward to the Chief Inquiry Officer any requests for a hearing that may be received;
4. Attend, with appropriate Regional staff, at any hearing that may be scheduled;

5. Discontinue expropriation proceedings or any part thereof, in respect of the above described lands, or any part thereof, upon the registration on title of the required documentation to complete a transaction whereby the required interests in the lands are conveyed; and

6. Do all things necessary and proper to be done, and report thereon to Regional Council in due course.

6. THAT the Regional Municipality of Waterloo authorize the Commissioner of Transportation and Environmental Services to enter into an agreement, and any subsequent renewals, with Les Investissements Nolinor Inc., carrying on business as Nolinor Aviation (“Nolinor”) and, if required, other third parties as may be contracted by Nolinor, with the form and content of such agreement to be to the satisfaction of the Regional Solicitor to enable Nolinor to carry on a specialized private air charter service from the air terminal building of the Region of Waterloo International Airport [CR-RS-13-077/E-13-106]


8. THAT the Regional Municipality of Waterloo enter into an agreement with HKSC Developments L.P. (“HKSC”), or an affiliated corporation, for the treatment of effluent created from the HKSC service center facilities on Highway 401 in the Township of Puslinch as described in Report CR-RS-13-078/E-13-107 dated September 10, 2013.


11. THAT the Regional Municipality of Waterloo appoint two (2) Regional Councillors to an Evaluation Team to review and recommend a preferred approach for the Wastewater Service delivery as described in Report E-13-102 dated September 10, 2013.

12. THAT the Regional Municipality of Waterloo receive the minutes from the annual Management Review of the Drinking Water Quality Management System as required, under Ontario Regulation 188/07. [E-13-103]

13. That the Regional Municipality of Waterloo approve the proposed revisions to the Regional Transportation Impact Study Guidelines in accordance with the Regional Implementation Guidelines policies in the Regional Official Plan and the Regional Official Policies Plan as outlined in Report P-13-088, dated September 10, 2013:

a) Require the submission of a completed Transportation Demand Management Checklist, as described in Attachment A of this report, for proposed new non-residential and mixed-use developments likely to generate 100 or more new peak direction auto trips or where there are localized safety or roadway/intersection capacity deficiencies within the Urban Growth Centres, Major Transit Station Areas and Reurbanization Corridors of Cambridge, Kitchener and Waterloo;
b) Encourage the Cities of Cambridge, Kitchener and Waterloo to use a new voluntary Parking Management Worksheet, as set out in Attachment B, to calculate potential parking reductions, as appropriate, in conjunction with the Transportation Demand Management Checklist;

c) Include new language in Section 6 (Travel Demand) of the Guidelines to reflect the new Transportation Demand Management Checklist and Parking Management Worksheet, and to explain how they are applied by the Region and Area Municipalities; and

d) Include the Transportation Demand Management Checklist and Parking Management Worksheet in ‘The Big Shift Toolbox’ for developers and others interested in Transit Oriented Development in Waterloo Region.

14. THAT the Regional Municipality of Waterloo approve, enter into an Agreement for, and execute all documentation related to, the acquisition of land described as Part Lots 230, 238 AND 240, Plan 716 as in Instrument Number 410251 and 328784, subject to 410251, PIN 03861-0119 (LT), being 370 Montrose Street South, City of Cambridge, Regional Municipality of Waterloo from Sarasvati Investments Ltd. for the sum of $140,000.00, plus associated acquisition costs, subject to documentation satisfactory to the Regional Solicitor.

CARRIED

MOVED by G. Lorentz
SECONDED by T. Cowan

1. THAT the Regional Municipality of Waterloo approve the ION logo, described as Option 2, outlined in Report E-13-100, dated September 10, 2013, as the visual identity of the Region’s rapid transit service.

Conflicts: R. Deutschmann
K. Seiling

10. THAT the Regional Municipality of Waterloo approve the recommended interchange modifications at Northfield Drive and Highway 85, as per Report E-13-110, dated September 10, 2013.

CARRIED

OTHER MATTERS UNDER COMMITTEE OF THE WHOLE

a) Memo: Ontario Works Caseload: August 2013 was received for information.

MOVED by G. Lorentz
SECONDED by T. Galloway

THAT Committee of the Whole rise and Council resume.

CARRIED

MOVED by B. Halloran
SECONDED by J. Brewer
THAT Council adopt the proceeding of the Committee of the Whole.

CARRIED

MOTIONS

Chair K. Seiling brought requested a motion to have the meeting extend past 11:00 p.m.

MOVED by R. Deutschmann
SECONDED by G. Lorentz

THAT the Regional Council meeting be extended past 11:00 p.m.

CARRIED

NOTICE OF MOTION

R. Deutschmann introduced the motion. He stated that this motion is not about getting involved and doing the work of the Police Services Board, it is about representation when there is a vacancy. He noted the motion arose from reviewing the Police Services Act and how disclosure was handled. He highlighted that it is unclear how long a vacancy can last while a matter is being investigated. He stated that if a vacancy were to occur then Regional Council should be made aware in a Public meeting and then Regional Council can then decide what action needs to be taken. He did indicate that there may be some logistical issues with respect to appointing a replacement of a member from the community appointed as the Region’s representative. He proposed an amendment to his notice of motion at the end of the second clause after temporary nature to add “in a manner Council considers appropriate in the circumstances”.

T. Galloway highlighted that he is speaking personally not as Chair of Police Services Board. He stated that he is in support of the motion and the modification made to the motion because there is a need for some sort of protocol. He stated he isn’t sure the motion goes far enough in terms of the transparency issue. He highlighted the difficulties that occurred with respect to the private issue and individuals involved have rights but Council and the community need to be made aware if a matter in this nature were to occur again. He proposed in addition to R. Duetschmann’s motion that in the future when appointing the 2 Councillors and the citizen representative that a condition to their appointments be that they waive there privacy rights. He stated that Council will need to receive legal advice regarding this matter.

Some Council members questioned waiving those privacy rights and asked staff to report back on future policy of waiving privacy rights.

R. Deutschmann requested to defer his motion until staff can respond back on or before October 30th, 2013 on a future draft policy.

MOVED by R. Deutschmann
SECONDED by T. Galloway

THAT the Regional Municipality of Waterloo defer R. Duetschmann’s Notice of Motion for staff to report back on a future draft policy on or before October 30th, 2013.

CARRIED
OTHER BUSINESS

J. Haalboom highlighted that Saturday, September 21st, 2013 is Doors Open and that there are 42 sites this year.

ENACTMENT OF BY-LAWS – (FIRST, SECOND & THIRD READINGS)

MOVED by L. Armstrong
SECONDED by C. Millar

a) THAT a By-law to Establish as a Public Highway a Temporary Detour Road during Construction of Regional Road 8 (Weber Street) be read a first, second and third time, finally passed and numbered 13-034 signed by the Regional Chair and Regional Clerk and sealed with the Regional Seal.

b) THAT a By-law to Close Part of Regional Road 8 (Weber Street) to Public Passage during Construction and Permanently Close Certain Access to Weber Street be read a first, second and third time, finally passed and numbered 13-035 signed by the Regional Chair and Regional Clerk and sealed with the Regional Seal.

c) THAT a By-law to Amend By-law No. 01-059, a By-law to Consolidate all By-laws with Respect to Roads Included in the Regional Road System, as amended (Weber Street) be read a first, second and third time, finally passed and numbered 13-036 signed by the Regional Chair and Regional Clerk and sealed with the Regional Seal.

d) THAT a By-law to Confirm the Actions of Council of September 18, 2013 be read a first, second and third time, finally passed and numbered 13-037 signed by the Regional Chair and Regional Clerk and sealed with the Regional Seal.

CARRIED

ADJOURN

MOVED by J. Brewer
SECONDED by T. Cowan

THAT the meeting adjourn at 11:15 p.m.

CARRIED

REGIONAL CHAIR,  K. Seiling

DEPUTY REGIONAL CLERK,  L. Wetzel
Written Evidence of Grand River Indigenous Solidarity,

Grand River Indigenous Solidarity (GRIS) is a collective of settlers working towards decolonization. We are based in and primarily focus our work within the Six Nations of the Grand River territory. Our organizing is guided by the Two Row Wampum and a framework of coexistence based on autonomy and non-interference. We support Indigenous self-determination, and challenge the historical and ongoing oppression/dispossession of Indigenous peoples and their lands.

We note several issues with this project proposal and members of our collective have arranged evidence regarding these issues. The failure of Enbridge (and the Federal and Provincial governments) to meaningfully and respectfully consult with the 17 Indigenous communities whose territories the pipeline crosses is paramount. The disrespect and/or non-acknowledgement of treaty responsibilities on the part of Enbridge, is compounded by Enbridge’s negligent safety record when it comes to keeping the pipelines from rupturing or leaking and the inability of the company to adequately clean up the products they are transporting after the inevitable ecosystem contamination due to pipeline system failure.

Several members of GRIS have lived on the Grand River Territory for their entire lives, while others have more recently moved here. We all, however, acknowledge our responsibility as settlers to the agreements made with the Indigenous peoples whose territory we live on. Accordingly, we hold that the decision regarding the pipeline can not in good faith be made without the full collaboration and inclusion of the Indigenous peoples whose land Line 9 crosses and whose communities and cultures will be impacted when the pipeline breaks.

The Two Row Wampum provides a clear path for Indigenous and non-Indigenous peoples to follow and the Haldimand Proclamation, along with several treaties, guarantees the Grand River Watershed for the Haundenosaunee -- unimpacted by settler activity. It is our responsibility to ensure that the Canadian government and the processes and projects it undertakes and allows, respect the historical agreements made between the colonial governments and the Indigenous nations whose land we have settled upon. Further we understand our own reliance on the lands on which we live and will act to protect this watershed from dangerous resource development projects. Members of the GRIS collective have relevant expertise through academic pursuits and life experience.

Existing Treaties and Agreements

The decisions regarding Line 9 reversal and changes to the pipeline’s contents are
being made in direct contravention to existing treaties (not all listed) with Indigenous nations and to the Canadian charter. There are also several ongoing land claims which other intervenors are focussing on.

Some quotes from Enbridge’s responses to Jesse McCormicks information requests:
- “Enbridge has not reviewed any treaties as a result of the Project”
- “The scope and location of the work associated with the Project is not anticipated to affect any aboriginal groups, nor to affect the exercising of aboriginal or treaty rights”
- “Enbridge has not been made aware of any First Nations’ land claims in relation to existing treaties and agreements that may relate to the lands in the Project area.”

3.1 Two Row agreement (1613 with the Dutch, and 1664 with the British) - A non-interference agreement based on Peace, Respect, and Friendship where settler societies and the Haudenosaunee can co-exist on the same landmass without infringing on the cultural and societal practices of each other. Requires consultation and FPIC.

3.2 Nanfan Treaty (1701) - This guarantees the ability for the Haudenosaunee to hunt on a vast swath of territory including the Grand River watershed and other areas traversed by Line 9. Requires consultation and FPIC.

3.3 Haldimand Proclamation (1784) - We also note that the Haldimand proclamation is not being honoured. Requires consultation and FPIC.

3.3.1 Haldimand Tract: Comprising six miles on each side of the Grand River from source to finish, this land was promised to the Mohawks of the Haudenosaunee Confederacy for their role as military allies to the British in the War of 1812, which cost them their traditional territory in present-day New York State. Since then, settler society has encroached onto the Haldimand Tract with deceitful promises, disrespected agreements, and broken treaties. For example, money that was put "in trust" for the Haudenosaunee after several lease agreements and land sales (including present day Waterloo region /Block 2), was pilfered to fund further colonial projects, such as the Welland Canal and McGill University. Other areas of land were simply taken without pretense or consent.

This history of theft and appropriation is well-documented, so we can learn how our cities and schools were built upon stolen land. To this day, promises made by the settler governments of Britain and Canada remain unfulfilled, violated, and/or broken. Line 9 crosses Block 1 of the Haldimand Tract.

3.4 Royal Proclamation (1763) - The Royal Proclamation is a document that set out guidelines for European settlement of Aboriginal territories in what is now North America. The Royal Proclamation explicitly states that Aboriginal title
has existed and continues to exist, and that all land would be considered Aboriginal land until ceded by treaty. The Proclamation forbade settlers from claiming land from the Aboriginal occupants, unless it has been first bought by the Crown and then sold to the settlers. The Royal Proclamation further sets out that only the Crown can buy land from First Nations.

3.5 Canadian charter (1982), - Under Section 35 the existing treaty rights of the Indigenous peoples of Canada are recognized and affirmed, effectively reaffirming the Royal Proclamation of 1763 in the process. With non-compliance of the above treaties and agreements, Enbridge corp, and the Crown are in contravention of the Charter. Requires consultation and FPIC.

Our research indicates that Enbridge and the Crown has failed to seek, nor have they shown evidence that they have gained free, prior, and informed consent for this project from the Haudenosaunee, and other Indigenous peoples impacted by this project. This conclusion is made while noting that in the least, articles:

3 - Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. Enbridge has admitted that the pipeline is incompatible with traditional Indigenous values.

5 - Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State. Free Prior and informed consent is paramount here.

11(1) - Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature. A pipeline rupture could make the possibility of some revitalization impossible.

18 - Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

19 - States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting
and implementing legislative or administrative measures that may affect them.

26 - 1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

27 - States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

28 - 1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.

2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

29 - 1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.

2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.

3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the
peoples affected by such materials, are duly implemented.

31 - 1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

32 - 1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact

39 - Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration. What benefits are afforded to the Indigenous people impacted by the pipelines?

of the UN Declaration on the Rights of Indigenous Peoples (of which Canada is a signatory). The basic principles requiring Free, Prior, and Informed Consent have not been fulfilled.

4. Consultation, not Notification

In reading the response to our questions regarding consultation (A3I6S3 - Attachment 1 to Grand River Indigenous Solidarity IR 1.b), it is quite clear that Enbridge does not differentiate between a processes of consultation (which they are required to do), and the process of notification (which is what they do). Informing an impacted party of your plans for a project and asking them if they have any concerns or questions is not consulting in good faith. Additionally, the failure of the crown in upholding the duty to consult and their other treaty and declaration/proclamation responsibilities, does not excuse Enbridge from
undertaking a proper process where free, prior, and informed consent is respected.

Additionally, the affected First Nations bands councils and traditional councils have their own processes and protocols for consultations. These processes need to be respected and adhered to by Enbridge and the Crown, not modified to fit the production schedules or election timelines of corporations and the Crown.

Finally, FPIC includes the option of saying “no” and with Enbridge indicating that Line 9 is not compatible with traditional Indigenous use, the no option must be on the table. It should also be noted that consent requires a “yes”, and thus far, we have only found statements of non-support and/or questions/concerns raised by the Haudenosaunee groups Enbridge gave notification about the project to and others who have legitimate say on the matter but were not contacted by Enbridge.

5. **Allowing diluted bitumen to flow through the reversed Line 9 poses dire ecological threats along the line, including in the Grand River Watershed.**

The pipeline poses a risk not only to the land directly adjacent to its course, but to entire watersheds and ecosystems connected to this land. A rupture in the pipeline would be devastating to everything downstream and everything and everyone that relies on the water and the land. Additionally the numerous wells located near pumping stations--where most spills occur--would be unusable in the event of a spill.

The course of Line 9 is surrounded by some of the richest farmland in the country. Recognising the risks posed by dilbit, many farmers, including the National Farmers’ Union-Ontario and the Ecological Farmers of Ontario have indicated their concern about and opposition to the project. In the event of a spill, their land and farming operations would be severely compromised for multiple years. Enbridge has not articulated a plan to compensate for the loss of local food production that would result, or to detoxify the water. In the intervening years between a spill and “clean up,” a delay evident from the process in Kalamazoo, MI, additional water and food to supplant what is lost would be required. Enbridge does not have a plan to compensate for the water that could not be locally sourced. Further, such a requirement is in itself unsustainable; being able to be sustained by the watershed where we live is paramount for going into the future with healthy, resilient communities, and using another watershed’s resources while we “clean up” ours after dilbit contamination is simply unacceptable.

6. **The transport of diluted bitumen of fracked oil, alongside the age and integrity of the pipeline, poses a serious threat of toxic spills, the impact of which would extend over generations.**

Two products Enbridge has admitted the pipeline will carry is fracked oil from the Bakken fields and tar sands dilbit from Alberta. The former source is
major point of protest in the US where the extraction is causing environmental
damage and Quebec, where decades of protest have been rekindled after a small
town was recently destroyed by a train carrying the fracked oil.
The tar sands developments are also in contravention with many of Canada’s
treaty responsibilities, and is the single largest point emitter of greenhouse gases
in Canada. The high resistance to flow exhibited by tar sands crude necessitates
the addition of many toxins for transport. This toxic slurry, being pumped at
high pressure and temperature has been found to be especially corrosive to
pipelines, especially those that were not built with such products in mind (or
existence).
Finally, this project further entrenches Ontario in the unsustainable carbon
economy which is driving hard to predict climatic changes and instability.

7. Similarities to Line 6b rupture (2010):

In July 2010, the Enbridge Line 6B, a pipeline very similar in make and
age to line 9, ruptured. Enbridge failed to act on the pipeline break for 17 hours,
in which time, 50+ km of the Kalamazoo river in Michigan was devastated by tar
sands diluted bitumen. The direction of product flow in Line 6b was recently
reversed so it could carry tar sands crude. Prior to the pipeline failure the
amount of crude flowing through the pipeline was increased as was the pressure
of flow.

The US National Transportation Safety Board (NTSB) slammed Enbridge’s safety
procedures in regards to the pipeline operation and the “clean-up” of the toxins is
an ongoing project which will cost more than 1 billion dollars. It is clear Enbridge
has no effective way to clean up diluted bitumen once it enters an environment
outside a pipeline. The health impacts on residents along the river continue to
unfold.

Importantly, “cleaning up” the dilbit by dredging the river is far from restoring
the environment. The removal of oil does not replace the plants and wildlife
impacted by its presence, and the disturbance to the river caused by the clean-up
cannot be discounted.

8. Similarities to Pegasus rupture (2013):

While not an Enbridge pipe, another prime example of the danger
associated with reversing a pipeline, increasing the pressure in the pipe,
increasing the amount of product being shipped, and pumping diluted bitumen
through the pipeline can be found in the March 2013 pipeline rupture in
Mayflower Arkansas. Here Exxon is still dealing with the disaster which has left
one neighbourhood unlivable and led to the contamination of a watershed.
“Clean-up” efforts here included complete removal of all vegetation and soil to be
dumped elsewhere, and waterways continue to show contamination. The 20 inch
“Pegasus” pipeline was newer than Line 9 and was also not built to transport
heavy tar sands crude or dilbit.
9. Enbridge Safety Record
And a quick list of notable Enbridge safety incidents:
- 800 significant spills in last 15 years.
- Enbridge has stated their slow ability to detect pinhole leaks in their pipes.
- Most pumping stations lack emergency shutoff system.
- It took Enbridge 17 hours to detect break on Line 6b.
- Even under ideal circumstances, Enbridge’s response time to a pipeline rupture is too slow to contain extensive environmental contamination.
- During the April 2013 flooding in Alberta, Line 37, a pipeline built in 2006 ruptured and contaminated a large swath of surrounding land. Enbridge blamed the heavy rains for causing the ground to shift. Unpredictable and unstable weather and climatic patterns are a result of the carbon economy that projects like the Line 9 reversal continue to expand. What happens when “too much rain” falls on grounds around Line 9?

Select References:

Canadian Charter:

Analysis Canadian Charter Section 35:
http://indigenousfoundations.arts.ubc.ca/?id=1050

UN Declaration on the Rights of Indigenous Peoples:

Two Row Wampum:
http://honorthetwoprow.org/learn-more/history/
http://www.onondagakionation.org/culture/wpm_twoprow.html

Royal Proclamation:
http://indigenousfoundations.arts.ubc.ca/home/government-policy/royal-proclamation-1763.html

Haldimand Proclamation:
http://www.sixnations.ca/LandsResources/HaldProc.htm

Environmental Defense Reports on Line 9:
http://environmentaldefence.ca/issues/tar-sands/line-9

HDI Letter of concern:
http://peopleshearing2012.wordpress.com/2012/05/13/hdi/

Mohawk Workers Letter of concern:
http://mohawkworkers.files.wordpress.com/2013/06/2013-june-18-ka-nyen-geh-ha-kah-
of-grand-river-mohawk-workers-statement.jpg

Oneida Nation letter of Concern:
http://peopleshearing2012.files.wordpress.com/2012/05/oneida-letterofcomment.pdf

Global Solutions:

Intervenor Information Requests and Responses:
https://www.neb-one.gc.ca/ll-eng/livelink.exe?
func=ll&objId=965100&objAction=browse
https://www.neb-one.gc.ca/ll-eng/livelink.exe?
func=ll&objId=964209&objAction=browse
https://www.neb-one.gc.ca/ll-eng/livelink.exe?
func=ll&objId=964899&objAction=browse

Line 6b Kalamazoo rupture:
http://www.epa.gov/enbridgespill/community.html

Pegasus Mayflower rupture:
http://www.desmogblog.com/2013/04/01/everything-you-need-know-about-exxon-pegasus-tar-sands-spill

Grand River Indigenous Solidarity Newsletters:
http://grandrivernc.ca/search/node/GRIS

Other Line 9 Media and Enbridge safety record:
http://www.enbridge.com/MediaCentre/News/Line-37.aspx
http://swampline9.tumblr.com
Relevant to the claim that "Enbridge has not been made aware of any First Nations' land claims in relation to existing treaties and agreements that may relate to the lands in the Project area."

The Aamjiwnaang band council brought Enbridge and other companies to court over the tract of land that the west end of the line 9 reversal would begin on Enbridge was called "Interprovincial Pipe Line Inc" at the time.

This is the Court of Appeal report from the case:


Select Glossary:

Sovereignty: Often defined within the confines of Western nation-states – a legal and political definition.

But Indigenous communities have different understandings based on cultural and political traditions, one based within communities themselves and their control - fundamentally Indigenous communities should be considered sovereign entities that have entered into treaty relationships on a 'nation-to-nation' basis with Canada.

Self-determination: belief that communities know what is best for them and their peoples and that control of decision-making should be in the hands of those who will feel the impact of the decisions – in this context Indigenous communities should be free of control by the Canadian state and make their own decisions/priorities without interference.

Settlers: (Lawrence and Dua, 2005, 126) need to ‘acknowledge that we all share the same land base and yet to question the differential terms on which it is occupied is to become aware of the colonial project that is taking place around us’.

Solidarity: The idea that to be in solidarity involves taking direction of sorts from the community one is in solidarity with.

learning from those you are aiming to ally with, figuring out and being attentive to their needs, stepping back and letting that community make decisions for itself, respect decision making process and the fact that you are not part of that community, but are there to assist with their priorities, requires constant an unending process of negotiation and personal critique of the effectiveness of ones actions.

FPIC: Free, Prior, and Informed Consent
Statement of Concern template

WHEREAS Enbridge Pipelines Inc. (Enbridge) is seeking approval from the National Energy Board (NEB) to transport diluted bitumen from the tar sands through the line, while reversing the flow of Line 9, to an eastward direction, between Hamilton and Montreal;

WHEREAS the NEB, as the responsible federal agency regulating pipelines, energy development and trade in Canada, issued a Hearing Order, convening a public hearing for this project;

WHEREAS neither a federal nor a provincial environmental impact assessment has been carried out on this project;

WHEREAS failure of the pipeline will lead to fossil fuel products being released into the environment, potentially contaminating the Grand River, upon which our region relies;

WHEREAS diluted bitumen has proven extremely difficult to clean up in comparison to conventional crude, as seen in the 2010 spill of Enbridge's Line 6b in Kalamazoo, MI;

WHEREAS Environment Canada reports that one drop of oil can render up to 25 litres of water unfit for drinking;

WHEREAS the condensate used to dilute bitumen vaporises when spilled into water, releasing toxins into the air that have negative health impacts, as seen in Mayflower, AR, where a pipeline burst following its reversal and retrofitting to transport bitumen.

WHEREAS Enbridge's pipelines have suffered over 800 significant spills in the past decade despite safety measures, and Line 9 has spilled at least a dozen times in its operational history;

WHEREAS Enbridge's proposal is in contravention of treaties and agreements with Indigenous nations, including the Haldimand Treaty, Fort Albany (Nanfan) Treaty, the Two Row Wampum, the United Nations Declaration on the Rights of Indigenous Peoples, and the Canadian Charter of Rights and Freedoms;

WHEREAS the Line 9 project does not bring jobs or other economic benefit to the Region;

WHEREAS Enbridge has failed to compensate affected parties, including tribal councils, for their emergency response costs incurred in response to pipeline spills;

WHEREAS the Region of Waterloo supports sustainable alternatives to tar sands projects;

THEREFORE BE IT RESOLVED
THAT Waterloo region maintains concerns regarding the safety of the line 9 pipeline reversal
THAT the Region of Waterloo calls upon the NEB to demand the enactment of a process for conducting true consultations and free, prior, and informed consent (FPIC) from Indigenous communities along the Line 9 pipeline route;

THAT the Region of Waterloo calls upon to demand a provincial environmental assessment for the Line 9 project before it can be approved.

THAT the Waterloo region oppose the flow of diluted bitumen through the Line 9 pipeline.
Declaration of Opposition to Enbridge’s Reversal of Line 9

Preamble
Line 9 is a 38-year-old pipeline that has been transporting light crude oil between Montreal, Quebec, and Sarnia, Ontario. The pipeline runs through hundreds of communities, the territories of many indigenous nations, and dozens of watersheds, including the Grand River. Enbridge Inc. has applied to reverse the flow of the pipeline and send diluted bitumen (dilbit), a form of heavy crude from the tar sands, through Line 9. This will threaten life around and downstream from the pipeline. Line 9 was not built to withstand the transport of diluted bitumen, a toxic compound that poses a particularly dire threat to communities and ecosystems. In 2010, a break in the nearly identical Enbridge pipeline in Kalamazoo, MI, caused the largest inland oil spill in American history, which the company is still struggling to clean up three years later. When Enbridge proposed essentially the same project as the Line 9 reversal in 2008, under the name Trailbreaker, it was successfully opposed based on safety concerns. Just because Enbridge is currently seeking approval for the project piece by piece—the reversal of the first half last year, and the second half plus the transport of bitumen this year—there is no reason for us to accept it now. The threats remain just as serious.

We the Undersigned Declare Our Opposition to the Reversal on These Grounds:
1) The transport of bitumen through this pipeline poses a terrible risk to the Grand River and the surrounding watershed. We all rely on the watershed to sustain life within this region, but given Enbridge’s track record of pipeline spills, leaks, and failures, Line 9 will put the shared environment and collective health of our region in jeopardy. If we let this reversal happen, we are endangering drinking water for this Region, as well as that of every community downstream on the Grand River.

2) Reversing Line 9 will provide no benefits to the Waterloo Region or local residents. It will not create jobs or provide new sources of energy for the municipality; local industry is not supported by the pipeline, and the bitumen passing through the pipeline will be shipped to markets in the United States and overseas. Yet, were a spill to occur, it would threaten the land on which our food is grown, and the rivers and aquifers from which our drinking water is drawn. This reversal poses a great risk to farms, small businesses, public institutions, rural and urban communities alike, and to our economy overall.

3) The reversal of the pipeline violates current treaties with Indigenous communities, both within the Haldimand Tract and elsewhere along the route. There has been no free, prior, and informed consent from these communities with regard to this pipeline project, which already cuts through their lands and territories. As residents on the Haldimand Tract (Six Nations’ Grand River Territory) it is crucial that we respect and act on this responsibility to consult.

4) Bitumen is more difficult and expensive to clean up than conventional crude. Recent spills like the one in Kalamazoo, MI, are evidence that Enbridge’s clean-up process and safety procedures have been woefully inadequate in dealing with the inevitable release of toxic tar sands bitumen. Given Enbridge’s track record of 800 significant pipeline spills in the past 15 years alone, we can expect spill incidents along Line 9. It is not a question of if but when this will happen here. Enbridge expects local responders to take responsibility in such emergencies. Thus, the cost of clean-up for a pipeline failure would result in increased financial burdens on local government, and would tax the capacity of our emergency responders.

5) The reversal will further entrench our region in the carbon economy, which contributes to climate change. This will lead to more frequent and devastating natural disasters. Pipeline projects like Line 9, the Keystone XL, and Northern Gateway, support the expansion of the Alberta tar sands industry. We envision a future where our lives and economies are not dependent on fossil fuels and do not contribute to the greenhouse gases and additional pollutants they produce. We recognize that supporting further extraction from the tar sands and other fossil fuel energy sources will continue to prevent the development of real sustainable alternatives.

Name:  
Signature:

Waterloo Region Against Line 9 on Facebook  @Noline9wr on Twitter  waterlooregionagainstline9@gmail.com
Waterloo Regional Council Meeting

Woodland Christian High School
Introduction

• Derrick Grift
• Capital Campaign Chair
• Past Vice Chair of Board of Directors
• Long term Christian school supporter
• Parent of 3 children, 2 graduates of Woodland, 1 current student in grade 12
Timeline

- Spring 2009-long range planning committee
- Fall 2010-feasibility study performed
- Spring 2011-pre-campaign team
- Winter 2011-Capital campaign team
- Spring 2013-approval of build
- December 2013-anticipated campaign wrap up
- Spring 2014-build complete
- Fall 2014-renovation complete
Project

• $4.8 million dollar renovation and addition
• All these funds need to be raised from parents and supporters of Woodland
• Woodland attracts families to our Region resulting in an increase in tax revenue
• Our general contractor is from the region
• The majority of the sub trades are from the region
• Many of the raw materials consumed are from the region
Development Charges

- Fees of $142,000
- These fees represent 4% of our total build
- This is a significant figure that the school has to fundraise
- These fees make it difficult to continue offering diversity of education in our community
- These fees represent a very small percentage of the total DC raised by the region
- No real direct benefit for Woodland
Summary

- Woodland is a school which provides a service that the Region of Waterloo requires
- We offer diversity in our community
- There has been substantial change in the DC since our last addition in 2002
- There is an equity issue that has been recognized and needs to be addressed sooner rather than later
Our Request

• Woodland Christian High School requests that the Regional Council waives the development fees that have been charged to us. At the very least we ask that you pass a motion to defer the development charges till the by-law is reviewed and the inequity in education has been corrected.
Thank you

Questions?
Regional Council should pass the request for information on the “committed costs” of the Streetcar Ion,

John Shortreed, Professor Emeritus (transport planning), University of Waterloo,
191 King St S., Waterloo, September 18, 2013
Three reasons for my request, (all about information rather than the viability of the Streetcar Ion)

• I was a Waterloo City councillor for 8 years and believe that a councillor, in order to do the job they are elected to perform, must be able to ask staff for easily available information – if they cannot do this they cannot do their job.

• During the last 5 years, Regional Council, in some people’s opinion, have gained a reputation for dismissing queries and comments, about Ion, with comments such as “the train has left the station”, and “if this means opening up the debate I am against it”. This is an opportunity to restore your reputation for transparency and openness.

• The information on Streetcar Ion is needed for people, including those in a position to influence the decision on the largest project in the Region’s history, to evaluate the project and to effect the decision, as in the examples of the famous Oakville gas plant and now the bio solids plant. And from a cost point of view, sooner is better than later. Let me give an example (next slide) of the existing lack of information.
Example – A month ago, I had a long talk with a senior editorial board member of the Record, about a letter I had submitted – in the conversation they asked me – “the first sentence ‘The streetcar Ion has a heroic task to lure 1 in 7 car users out of their cars’ - what is that all about?” I was surprised that they did not know that:

- The Region’s transportation plan “Moving Forward” has the intent to reduce car usage from 90% of all trips today to 75% of all trips in 20 years and at the same time increase transit usage from 5% of all trips to 15% of trips in 20 years.

- This shift from one mode to the other would cause an increase of about 18 million hours of travel time in the region per year.

- The change would be realized by reducing investments in roads over the next 20 years and diverting the money to transit, specifically the Ion streetcar and a system of cross town routes to support the Ion,

- The target transit usage on a per capita basis would be about the same as in Vancouver or Ottawa.
My conclusion

The editorial board of the Record who would be expected to fully understand the rational for the Ion did not have any idea about the basic facts involved in the Region’s plan. They are not in a position to form an opinion on the Ion achieving the targets. They could not think about the chance of failure and what the situation would be if over 20 years at least one billion was diverted from the road system and traffic did not reduce – would congestion levels be such that the Region’s growth potential would be seriously effected? The basis on which the Record has given its stamp of approval to the Ion is unknown, what is known is that they do know the basics about the future transportation objectives and means to achieve them.

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3. The information on Streetcar Ion is needed for people, including those in a position to influence the decision on the largest project in the Region’s history, to evaluate the project and to effect the decision, as in the examples of the famous Oakville gas plant and now the bio solids plant. And from a cost point of view, sooner is better than later. Let me give an example of the existing lack of information.

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A. The Region’s transportation plan “Moving Forward” has the intent to reduce car usage from 90% of all trips today to 75% of all trips in 20 years and at the same time increase transit usage from 5% of all trips to 15% of trips in 20 years.
B. This shift from one mode to the other would cause an increase of about 18 million hours of travel time in the region per year.
C. The change would be realized by reducing investments in roads over the next 20 years and diverting the money to transit, specifically the Ion streetcar and a system of cross town routes to support the Ion,
D. The target transit usage on a per capita basis would be about the same as in Vancouver or Ottawa.

The editorial board of the Record who would be expected to fully understand the rational for the Ion did not have any idea about the basic facts involved in the Region’s plan. They are not in a position to form an opinion on the Ion achieving the targets. They could not think about the chance of failure and what the situation would be if over 20 years at least one billion was diverted from the road system and traffic did not reduce – would congestion levels be such that the Region’s growth potential would be seriously effected? The basis on which the Record has given its stamp of approval to the Ion is unknown, what is known is that they do know the basics about the future transportation objectives and means to achieve them.

Questions?
Councillor/Mayor Doug Craig’s Motion

Points:

1. Partially here as a private taxpayer – partially as Chairperson of the Kitchener Tax Watch Group.

2. Straw poll (non-scientific poll) of the supporters of the above mentioned group – taxpayers therefore NOT students. Taken - August 26/13 – sent to approx. 200 supporters – 25 responses – 22 support Councillor Craig’s thrust.  88%

3. Our elected officials are entitled to receive a complete, comprehensive answer to their questions from Regional Staff, to the point when they understand the answer and are satisfied the proper research has been completed in answering their question. I make this point for the following reason – in a recent WR Record article, I read about a response given by a senior official that was totally unsatisfactory. It was in regards to cancellation costs. To some degree I understand the reply but is was not complete in that I suggest - one of you councillors should ask the following question in order to make it an official question: what is the dollar($) value of penalties if Regional Council decided to stop this project as of example:
   A. October 15, 2013
   B. December 31, 2013
   C. April 30, 2014

I suggest dollarized information of this project is not forthcoming and being held back. This is NOT transparency and good accountability! Further, if a councillor doesn’t really ask the correct question to get a proper reply, then at least ask her/him what is the information you are really looking for in order that the proper information will be given to the councillor. Councillors should not need to go back and forth with staff before they get their comprehensive answer.

Harald Drewitz
LRT PRESENTATION AT WR COUNCIL SEPTEMBER 18 2013