



Regional Council Minutes

Wednesday, August 19, 2015

The following are the minutes of the Regular Council meeting held at 7:00 p.m. in the Regional Council Chamber, 150 Frederick Street, Kitchener, Ontario, with the following members present: Chair K. Seiling, L. Armstrong, D. Craig, S. Foxton, T. Galloway, D. Jaworsky, H. Jowett, K. Kiefer, G. Lorentz, J. Mitchell, J. Nowak, K. Redman, S. Shantz, S. Strickland, and B. Vrbanovic.

Declarations of Pecuniary Interest Under The “Municipal Conflict Of Interest Act”

K. Redman disclosed a pecuniary interest with respect to item #6 on the Community Services Committee Summary of Recommendations due to her employment with Habitat for Humanity.

S. Shantz disclosed a pecuniary interest with respect to an item on the August 11th closed session due to work her husband has done, item #6 on the Community Services Committee Summary of Recommendations due to her husband’s involvement with Menno Homes and item #3 of the Administration and Finance Committee Summary of Recommendations due to work her husband has done.

Presentations

Lieutenant Governor’s Ontario Heritage Award Life Time Achievement
- Pat Rosebrugh

Rob Horne, Commissioner of Planning, Development and Legislative Services provided background information on the recipient and the work she has done to preserve heritage culture in Waterloo Region.

Chair Seiling presented the award to P. Rosebrugh.

P. Rosebrugh thanked Council for their support and highlighted her involvement in Heritage Cambridge.

Delegations

RC-15-02, Council Vacancy

- i) [Peter Woolstencroft](#) appeared before Council in support of holding a by-election to fill the Council vacancy. He is in favour of democracy and has been involved in over forty elections and stated a by-election will strengthen democracy. He highlighted his reasons for supporting a by-election. He noted the principles of democracy and the process. A copy of his [presentation](#) is appended to the original minutes.

It was noted the Provincial government allows municipalities to appoint and it was questioned if this is undemocratic. P. Woolstencroft responded a choice is provided and democracy should be the choice.

A question was raised if, based on his comments, does the delegation believe that it is undemocratic for non-Kitchener councillors to make a decision on this appointment. P. Woolstencroft responded he is prepared to debate and argue that it is undemocratic. Representation and elections are the heart of the system and are there good reasons to have a by-election and do they surpass the reasons for an appointment.

- ii) Larry Wettlaufer appeared before Council in support of holding a by-election to fill the Council vacancy. He stated there has been much debate over how to fill the vacancy but it is about democracy. He expressed concern as he believes Council has already offered the position to Elizabeth Clarke. He stated residents are prepared to submit complaints to the Ontario Ombudsman's office. L. Wettlaufer noted in a democracy the people have the right to choose who their elected officials are and he urged residents to stand up and be heard.

Chair Seiling clarified that Ms. Clarke was not offered the position but she was asked if she would be willing to accept the position.

- iii) [James Howe](#) appeared before Council in support of holding a by-election to fill the Council vacancy. A copy of his [submission](#) is appended to the original minutes. He stated in a democracy elections are filled by voters and the decision to be made is how to fill the vacancy. The election results from last year are no longer relevant and Council needs to look forward. A by-election is the best option under the current rules and they need to value the seat on Regional Council and allow a by-election. Holding a by-election will engage the citizens of Kitchener and support democracy.

- iv) Jeffrey Beckner did not appear before Council when called.

- v) Eleanor Grant of Waterloo appeared before Council to support the appointment of Elizabeth Clarke. She noted the precedent in appointing Mike Connolly in 1993 by the City of Waterloo. She stated holding a by-election will conflict with the Federal election.
- vi) Birgit Lindberg appeared before Council and stated she believes in collaboration and stated that Elizabeth Clarke would be a wonderful addition to the Council team.

S. Strickland brought forward Item #2 from Administration and Finance Committee Summary of Recommendations.

Moved by S. Strickland

Seconded by S. Foxton

That the Summary of Recommendations of the Administration and Finance Committee dated August 11, 2015, Item 2, be adopted as follows:

2. That the Council of the Regional Municipality of Waterloo declare the Regional Councillor – Kitchener seat formerly held by Wayne Wettlaufer vacant in accordance with the “Municipal Act, 2001”;

And That the filling of the vacancy be referred to the August 19, 2015 Regional Council meeting for a decision on the options presented in Report PDL-CAS-15-06.

Carried

Report RC-15-02, Council Vacancy was brought forward for consideration.

T. Galloway stated the argument that non-Kitchener councillors should not vote is not reasonable as it is similar to a ward system. He gave his reasons for supporting the recommendation.

J. Mitchell stated she supports the recommendation and noted her own appointment to the School Board a number of years ago.

S. Strickland appreciated all of the input and feedback and stated democracy is not in jeopardy and decisions are made for the entire Region using a common sense approach.

K. Redman argued this is democracy and there have been passionate pleas on both sides of the debate. It is a collective democracy and all of the people around table have a say and this is not partisan politics. She noted there are lots of examples of by-elections and appointments and vacancies need to be considered on a case by case basis.

D. Jaworsky advised he looks for fairness in any process. In October 2014, people had an opportunity to vote for four candidates which was done in a fair, democratic process.

D. Craig appreciated the discussion and perspectives that have been given. He stated democracy is untidy and messy at times but the legislation enables Council to take this action of an appointment.

G. Lorentz stated this has been an interesting discussion and Regional Council has the latitude to make the decision. The common theme in the comments made is to use common sense.

K. Kiefer stated Regional Council needs to make an informed decision and he believes in fairness.

L. Armstrong stated councillors are elected to make decisions and this is a decision they are being asked to make and it is part of the democratic process.

B. Vrbanovic appreciated the comments and feedback that have been received and he shares in the values and principles of democracy. He has considered the pros and cons of the arguments, noting this is not a black and white issue.

H. Jowett saw this as a difficult decision and reviewed the by-laws and believes the skill set of the candidate will be complementary to this Council.

S. Shantz stated she struggled with this decision and has no problem appointing Elizabeth Clarke. She comes with very good credentials and it is Council's right to make the appointment.

Chair Seiling advised he received a telephone call from Wayne Wettlaufer's immediate family wanting Regional Council to know that they support whatever decision Regional Council makes in this matter.

D. Craig requested a recorded vote.

Moved by K. Redman

Seconded by T. Galloway

That Elizabeth Clarke be appointed as a Regional Councillor for Kitchener to fill the vacancy declared by Regional Council on August 19, 2015, effective August 24, 2015.

Carried, unanimously

Yeas: L. Armstrong, D. Craig, S. Foxton, T. Galloway, D. Jaworsky, H. Jowett, K. Kiefer, G. Lorentz, J. Mitchell, J. Nowak, K. Redman, K. Seiling, S. Shantz, S. Strickland, B. Vrbanovic

Minutes Of Previous Meetings

S. Strickland requested an amendment to the bottom of page 3 of the Administration and Finance Committee minutes dated August 11th to remove the reference to the approved motion coming forward to Council for approval. Council approval is not required for development charges hearings. S. Strickland advised that the complainant will have the option to exercise appeal rights with the Ontario Municipal Board (OMB).

S. Shantz requested an amendment to the August 11th Administration and Finance and Community Services Committee minutes under the Declaration of Pecuniary Interest to reflect the declaration was due to work her husband has done for the organizations.

Moved by S. Foxton

Seconded by L. Armstrong

That the following Minutes be approved:

- a. Closed Council – June 24, 2015
- b. Council – June 24, 2015
- c. All Council - June 25, 2015
- d. Community Services - August 11, 2015
- e. Administration & Finance – August 11, 2015
- f. Closed Committee - August 11, 2015
- g. Licensing & Hearings - August 11, 2015
- h. Planning & Works – August 11, 2015

Carried

Communications

- a) Memo: Regional Development Charge Deferrals was received for information.
- b) Submission from Gordon and Daphne Nicholls re: RC-15-02, Council Vacancy was received for information.

Moved by K. Kiefer

Seconded by K. Redman

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

Carried

Reports**Finance Reports**

T. Galloway referenced the explanation for differential in pricing on two specific tenders and requested staff to respond on the difference in bids for the HVAC Upgrades at the Pinebush, Shades Mill and Turnbull Water Treatment Plants.

- a. **COR-TRY-15-75**, T2015-193 Cambridge Landfill Gas Control Plant Upgrades, Cambridge Waste Management Facility, Cambridge, Ontario

Moved by T. Galloway

Seconded by H. Jowett

That the Regional Municipality of Waterloo accept the tender of Stone Town Construction Limited for T2015-193 Cambridge Landfill Gas Control Plant Upgrades, Cambridge Waste Management Facility, Cambridge, Ontario in the amount of \$796,628.00 plus all applicable taxes.

Carried

- b. **COR-TRY-15-76**, T2015-145 Storm System Improvements, Townline Road at Wellington County Road 32, City of Cambridge

Moved by T. Galloway

Seconded by H. Jowett

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That the Regional Municipality of Waterloo accept the tender of G. Melo Excavating Ltd. for T2015-145 Storm System Improvements, Townline Road at Wellington County Road 32, City of Cambridge in the amount of \$428,910.00 plus all applicable taxes.

And that the Regional Municipality of Waterloo approve an increase in the project cost of \$383,570.43 gross and \$0.00 net to facilitate the work undertaken on behalf of the Ministry of Transportation.

Carried

c. COR-TRY-15-77, T2015-178 2015 Intersection and Other Miscellaneous Roadway Improvements

Moved by T. Galloway

Seconded by H. Jowett

That the Regional Municipality of Waterloo accept the tender of Vista Contracting Limited for T2015-178 2015 Intersection and Other Miscellaneous Roadway Improvements in the amount of \$591,773.00 plus all applicable taxes;

And that the Regional Municipality of Waterloo approve an increase in project cost of \$305,308.75 gross and \$0.00 net to facilitate the access improvement work on Northumberland Street undertaken on behalf of 1875656 Ontario Inc.;

And that the Regional Municipality of Waterloo approve an increase in project cost of \$115,561.04 gross and \$0.00 net to facilitate the access improvement work on Dumfries Road undertaken on behalf of Jeffery Donald Sherk and Suzanne Catherine Poole;

And that the Regional Municipality of Waterloo approve an increase in project cost of \$52,746.58 gross and \$0.00 net to facilitate the access improvement work on Bleams Road undertaken on behalf of R. B. J. Schlegel Holdings Inc.;

And that the Regional Municipality of Waterloo approve an increase in project cost of \$26,474.23 gross and \$0.00 net to facilitate the multi-use trail work on Ira Needles Boulevard undertaken on behalf of the City of Kitchener.

Carried

d. COR-TRY-15-78, T2015-142 150 Main Street, Parking Area Rehabilitation

Moved by T. Galloway

Seconded by H. Jowett

That the Regional Municipality of Waterloo accept the tender of JB Construction 1949890

Management Corporation for T2015-142 - 150 Main Street, Parking Area Rehabilitation in the amount of \$1,113,228.60 plus all applicable taxes.

Carried

- e. COR-TRY-15-79**, T2015-131 HVAC Upgrades at the Pinebush, Shades Mill and Turnbull Water Treatment Plants

Moved by T. Galloway

Seconded by H. Jowett

That the Regional Municipality of Waterloo accept the tender of Dean-Lane Contractors Inc. for T2015-131 HVAC Upgrades at the Pinebush, Shades Mill and Turnbull Water Treatment Plants in the amount of \$695,000.00 plus all applicable taxes.

Carried

- f. COR-TRY-15-80**, T2015-187 Recoating of Mannheim East Standpipe, Mannheim Water Treatment Plant, Kitchener, ON

Moved by T. Galloway

Seconded by H. Jowett

That the Regional Municipality of Waterloo accept the tender of Jacques Daoust Coatings Management Inc. for T2015-187 Recoating of Mannheim East Standpipe, Mannheim Water Treatment Plant, Kitchener, ON in the amount of \$796,900.00 plus all applicable taxes.

Carried

- g. COR-TRY-15-81**, T2015-129 Construction of Tertiary Treatment and New Outfall Contract 4, Kitchener Wastewater Treatment Plant, City of Kitchener

Moved by T. Galloway

Seconded by H. Jowett

That the Regional Municipality of Waterloo accept the tender of Maple Reinders Constructors Ltd and Ball Construction (Joint Venture) for T2015-129 Construction of Tertiary Treatment and New Outfall Contract 4, Kitchener Wastewater Treatment Plant, City of Kitchener in the amount of \$25,639,962.12 plus all applicable taxes.

Carried

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h. COR-TRY-15-82, T2015-158 Galt Wastewater Treatment Plant –
Plant B Secondary Clarifier Mechanism Replacements

Moved by T. Galloway

Seconded by H. Jowett

That the Regional Municipality of Waterloo accept the tender of Bestco Construction (2005) Ltd. for T2015-158 Galt Wastewater Treatment Plant - Plant B Secondary Clarifier Mechanism Replacements, City of Cambridge, in the amount of \$2,854,983.00 plus all applicable taxes;

And that the Regional Municipality of Waterloo increase the scope of Associated Engineering's Purchase Order 171699 to include consulting engineering services for contract administration and site inspection in the amount of \$96,180.00 plus all applicable taxes for a total cost of \$191,057.20 plus all applicable taxes.

Carried

i. COR-TRY-15-83, T2015-196 Hespeler Wastewater Treatment Plant
Prefabricated Building and Electrical Duct Banks

Moved by T. Galloway

Seconded by H. Jowett

That the Regional Municipality of Waterloo accept the tender of STM Construction Limited for T2015-196 Hespeler Wastewater Treatment Plant Prefabricated Building and Electrical Duct Banks, in the City of Cambridge in the amount of \$258,900.00 plus all applicable taxes.

Carried

j. COR-TRY-15-84, T2015-122 Waterloo Regional Housing Kitchen Replacement

Moved by T. Galloway

Seconded by H. Jowett

That the Regional Municipality of Waterloo accept the tender of 633383 Ontario Inc. o/a Amato & Son for T2015-122 – Waterloo Regional Housing Kitchen Replacement in the amount of \$364,100.00 plus all applicable taxes.

Carried

k. COR-TRY-15-85, T2015-198 Generator Replacement at 250 Strasburg Rd,
Kitchener, ON

Moved by T. Galloway

Seconded by H. Jowett

That the Regional Municipality of Waterloo accept the tender of Sheridan Electric Services Ltd. for T2015-198 Generator Replacement at 250 Strasburg Rd., Kitchener, ON in the amount of \$525,836.00 plus all applicable taxes.

Carried

Committee Reports

Community Services

The Summary of Recommendations of the Community Services Committee was presented by Geoff Lorentz, Chair of the Committee.

Moved by G. Lorentz

Seconded by B. Vrbanovic

That the Summary of Recommendations of the Community Services Committee dated August 11, 2015, Items 1 to 7, be adopted as follows:

1. That the Regional Municipality of Waterloo enter into an Assignment and Assumption Agreement with the Waterloo Catholic District School Board and Muslim Association of Canada wherein the day nursery funding agreement between the Region and Waterloo Catholic District School Board for the former St. Joseph Elementary school is assigned to the Muslim Association of Canada, pursuant to report CSD-CHS-15-10, dated August 11, 2015.
2. That the Regional Municipality of Waterloo amend current service agreements with the Waterloo Region District School Board and the Waterloo Catholic District School Board to incorporate all school sites offering extended day programs effective September 1, 2015;

And That the Regional Municipality of Waterloo amend current service agreements with Conestoga College Institute of Technology and Advanced Learning, 299 Doon Valley Drive, Kitchener, ON N2G 4M4; Creative Beginnings Child Care Centre, 1140 Snyder's Rd. West, Baden, ON N3A 3L3; Jacob Hespeler Child Care Services, 640 New Hampshire Street, Waterloo, ON N2K 0A5, for the purposes of offering youth development programs as outlined in report CSD-CHS-15-09, dated August 11, 2015.

3. That the Regional Municipality of Waterloo enter into a funding contract effective September 1, 2015 with Cambridge Christian School Society, operated as
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Cambridge Christian School Preschool, located at 229 Myers Road, Cambridge, Ontario, as outlined in report CSD-CHS-15-11, dated August 11, 2015.

4. That the Regional Municipality of Waterloo approve the 2016 response time targets as outlined in Appendix 1, in accordance with Ambulance Act, O. Reg. 267/08, amending O. Reg. 257/00, under Part VII, Response Time Performance Plans, Sections 22-24, as outlined in report PHE-PSV-15-07 dated August 11, 2015.
5. That the Regional Municipality of Waterloo increase the 2015 operating budget for Public Health by \$375,000 gross and \$0 net for the Healthy Kids Community Challenge to be funded by the Ministry of Health and Long Term Care;

And That the Regional Municipality of Waterloo increase the staff complement for Public Health by 1.0 full time equivalent for the period September 1, 2015 to March 31, 2018 for the Healthy Kids Community Challenge, as outlined in report PHE-HLV-15-03 dated August 11, 2015.

6. That the Regional Municipality of Waterloo approve the following actions with regard to the Region of Waterloo's Affordable Housing Strategy and Investment in Affordable Housing (IAH) (2014 Extension) Years 2 to 4 funding allocation, as outlined in report CSD-HOU-15-15, dated August 11, 2015:

- a) Approve the Affordable Housing Strategy –Request for Proposals R2015-22: Recommended Priority Projects as detailed in Attachment 1;
- b) Authorize the Director, Housing Services, to execute and deliver all documentation required by the Province of Ontario and the Region of Waterloo for the purpose of funding the recommended Priority Project proponents as shown in Attachment 1 and to finalize the funding and conditions with the proponents; and
- c) Authorize the Commissioner, Community Services, to execute such agreements and documentation in a form satisfactory to the Regional Solicitor, as may be required to process the advance of funding to the recommended Priority Project proponents.

7. That the Regional Municipality of Waterloo take the following action regarding a proposed loan agreement for Region of Waterloo Community Housing Inc. (ROWCHI) as outlined in report CSD-HOU-15-17/COR-TRY-15-74, dated August 11, 2015:
 - a) Enter into and execute an agreement with ROWCHI, a community housing provider owned by the Region of Waterloo, for an interest free loan to assist with capital needs in an amount not to exceed \$180,000 and such

Conflict:
K. Redman
S. Shantz

other documentation as may be required to secure the loan, with the form of the loan agreement and other documentation to be satisfactory to the Region's Chief Financial Officer and the Regional Solicitor;

- b) Provide the interest-free loan through the Region's Housing Reserve Fund; and
- c) Require the loan to be secured by a mortgage registered on title for 199 Elm Ridge Drive, Kitchener with consent obtained from the mortgagee for ROWCHI Inc. for the mortgage registration in a form satisfactory to the Regional Solicitor.

Carried

Administration and Finance

The Summary of Recommendation of the Administration and Finance Committee was presented by Sean Strickland, Chair of the Committee. Item #1 was deleted as the development charges hearing does not require Regional Council approval. Item #3 was voted on separately due to pecuniary interest. Item #2 was dealt with under Delegations.

Moved by S. Strickland

Seconded by S. Foxton

That the Summary of Recommendations of the Administration and Finance Committee dated August 11, 2015, Item 3, be adopted as follows:

3. That the Regional Municipality of Waterloo approve a one-time capital grant in the amount of \$25,000 for Shalom Counselling Services Incorporated to be funded from the Capital Levy Reserve Fund, as outlined in report COR-TRY-15-73 dated August 11, 2015.

Conflict:
S. Shantz

Carried

Moved by S. Strickland

Seconded by S. Foxton

That the Summary of Recommendations of the Administration and Finance Committee dated August 11, 2015, Item 4, be adopted as follows:

4. That the Region of Waterloo take the following action with respect to Bill 73 – Smart Growth for our Communities Act, 2015:

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- a. Indicate its support for the principle that “growth should pay for growth”
- b. Endorse the proposed amendments to the Development Charges Act, 1997 that:
 - i. Add transit to the list of services that are not subject to a mandatory 10% deduction
 - ii. Allow the use of a planned level of service for prescribed services
 - iii. Allow development charge recoveries for waste diversion
- c. Urge the Province to broaden the application of development charges by amending Bill 73 in order to:
 - i. Eliminate the mandatory 10% deduction for all other services
 - ii. Delete the list of ineligible municipal services
- d. Request the Province to:
 - i. Delete Subsection 2(3) of Bill 73 that would allow the Province through regulations to mandate the use of area-specific development charges
 - ii. Add Transit to Subsection 5(5) to include public transit in the list of services for which Development Charges may be collected at the time of subdivision agreement
 - iii. Delete Subsection 5(c.2) of Bill 73 to remove the requirement to complete an Asset Management Plan in conjunction with the Development Charges Background Study
 - iv. Delete Section 8 of Bill 73, which would prevent municipalities from imposing charges on development other than the charges permitted by the Development Charges Act, and provide the Minister with broad powers of investigation into a municipality’s affairs, potentially at the municipality’s cost
 - v. Repeal Section 4 of the Development Charges Act to remove mandatory exemptions for industrial expansions
 - vi. Repeal Subsection 62(2) of the Development Charges Act to remove the requirement that new Development Charge bylaws must be enacted within 18 months of the changes coming into force
 - vii. Circulate draft regulations to the Development Charges Act to stakeholders for public consultation

- e. Request the Province commence a review of the role of the Ontario Municipal Board now in order to properly address the full range of issues faced by municipalities in responding to the requirements of a changing Provincial policy environment
- f. Request the Province to amend Bill 73 so that conformity updates to official plans approved by the Province be exempt from appeals in their entirety
- g. Forward this report to the Minister of Municipal Affairs and Housing, the Municipal Finance Officers' Association of Ontario and the Association of Municipalities of Ontario. [COR-FSD-15-14/PDL-LEG-15-49]

Carried

Planning and Works

The Summary of Recommendations of the Planning and Works Committee was presented by Tom Galloway, Chair of the Committee. With respect to Item #3, all references to the property known as 250 King Street West are removed.

Moved by T. Galloway

Seconded by K. Kiefer

That the Summary of Recommendations of the Planning and Works Committee, dated August 11, 2015, Items 1 to 15, and 3 reports from closed session, Items 16-18, be adopted as follows:

1. That the Regional Municipality of Waterloo approve the following bid options for inclusion in the bidding documents for the next Region wide curbside waste collection contract, commencing March 6th, 2017:
 - Bid Option 1: provision of curbside collection services provided under one contract for the entire Region (Tri-cities and Townships combined) by a single contractor;
- Or the combined bid options of:
- Bid Option 2a): provision of curbside collection services provided under one contract for the Tri-cities only (Cambridge, Kitchener and Waterloo) by a single contractor; and
 - Bid Option 2b): provision of curbside collection services under on contract for the Townships only (North Dumfries, Wellesley, Wilmot and Woolwich) by a single contractor.

to be determined by way of tender or RFP. [TES-WMS-15-10]

2. That Council of the Regional Municipality of Waterloo approve the expropriation of lands for the purpose of reconstruction of Sawmill Road from the Conestogo Bridge to Musselman Crescent in the Township of Woolwich, in the Region of Waterloo as detailed in report PDL-LEG-15-54 dated August 11, 2015, described as follows:

Fee Simple Partial Taking:

- 1 Part of Lots 13 and 14, North of King Street and East of Water Street, Registered Plan 601, Township of Woolwich, being Part 2 on 58R-18001; Part of PIN 22240-0207(LT) (1778 Sawmill Road, Conestogo);
- 2 Part of Lots 12 and 13, North of King Street and East of Water Street, Registered Plan 601, Township of Woolwich, being Part 1 on 58R-18001; Part of PIN 22240-0206(LT) (1786 Sawmill Road, Conestogo);
- 3 Part of Lot 6, Registered Plan 600, Township of Woolwich, being Part 3 on 58R-18199; Part of PIN 22705-0407(LT) (1959 Sawmill Road, Conestogo);
- 4 Part of Lot 4, Registered Plan 602, Township of Woolwich, being Part 2 on 58R-18199; Part of PIN 22240-0098(LT) (1966 Sawmill Road, Conestogo);
- 5 Part of Lots 7 and 8, Registered Plan 600, Township of Woolwich, being Part 5 on 58R-18199; Part of PIN 22705-0007(LT) (1015 Northfield Drive East, Conestogo);
- 6 Part of Lot 27, Registered Plan 600, Township of Woolwich, being Part 1 on 58R-18199; Part of PIN 22705-0037(LT) (1030 Northfield Drive East, Conestogo).

Permanent Easement – Utility Pole Anchor:

The right and easement, being an easement in gross, for itself, its successors and assigns and anyone authorized by it, in perpetuity to, at any time enter upon the following properties for purposes of constructing, laying down, installing, inspecting, repairing, altering, enlarging, replacing, correcting, operating, and maintaining hydro installations and infrastructure, both under ground and overhead, including cables, pipes, conduits of all kinds, all necessary poles, supporting wires and braces and other equipment and appurtenances thereto, herein referred to as the utility plant, which may be determined necessary from time to time through, over, upon, along and across the lands, and for all such purposes together with the free, unimpeded and

unobstructed access for itself, its successors and assigns, servants, agents, contractors, workmen and anyone authorized by it, and vehicles, supplies and equipment at all times and for all purposes and things necessary for or incidental to the exercise and enjoyment of the right and easement:

- 1 Part of Lot 6, Registered Plan 600, Township of Woolwich, being Part 4 on 58R-18199; Part of PIN 22705-0407(LT) (1959 Sawmill Road, Conestogo);

And that staff be instructed to register a Plan of Expropriation for the property within three months of the granting of the approval to expropriate the property, as required by the "Expropriations Act";

And that the registered owners be served with a Notice of Expropriation and a Notice of Possession for the property after the registration of the Plan of Expropriation and the Regional Solicitor is authorized to take any and all actions required to enforce such Notices including but not limited to any application pursuant to Section 40 of the "Expropriations Act";

And that all above-referenced fee simple partial takings situated adjacent to an existing Regional public highway be acquired for road widening purposes and therefore be deemed to form part of the adjacent public highway in accordance with subsection 31(6) of the Municipal Act, 2001, S. O. 2001, c.25;

And that if no agreement as to compensation is made with an owner, the statutory Offer of Compensation and payment be served upon the registered owners of the property in the amount of the market value of the interests in the land as estimated by the Region's appraiser in accordance with the Expropriations Act;

And Further That the Regional Solicitor be authorized to 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 the transaction or if determined by the Commissioner of Transportation and Environmental Services that such lands, or any part or interest thereof, are not required for the subject Project.

3. That Council of the Regional Municipality of Waterloo approve the expropriation of lands for the purpose of reconstruction of Fountain Street (Regional Road 17) from Shantz Hill Road to King Street West and King Street West (Regional Road 8) from Fountain Street to Eagle Street, in the City of Cambridge in the Region of Waterloo as detailed in Report PDL-LEG-15-55 dated August 11, 2015, described as follows:

Fee Simple Partial Taking:

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1. Part of Lot 13 and Lot 14, Municipal Compiled Plan 731, being Part 1 on Plan 58R-18361, Part of PIN 03769-0131(LT) (340 Shantz Hill Road)
2. Part of Lot 7, Municipal Compiled Plan 731, being Part 1 on Plan 58R-18360, Part of PIN 22651-1027(LT) (311 Shantz Hill Road)
3. Part of Lots 8 and 9 West Side of Fountain Street, Registered Plan 522, being Part 3 on Plan 58R-18325, Part of PIN 22651-0509(LT) (328 Fountain Street South)
4. Part of Lot 16 East of Fountain Street, Registered Plan 522, being Part 1 on Plan 58R-18359, Part of PIN 03774-0494 (LT) (329 Fountain Street South)
5. Part of Lot 15 East of Fountain Street, Registered Plan 522, being Part 4 on Plan 58R-18359, Part of PIN 03774-0492(LT) (309 Fountain Street South)
6. Part of Lots 14 and 15 East of Fountain Street, Registered Plan 522, being Part 6 on Plan 58R-18359, Part of PIN 03774-0491(LT) (299 Fountain Street South)
7. Part of Lots 7, 8, 9, 10, 11 and 12 East of Fountain Street, Registered Plan 522, being Part 1 on Plan 58R-18364, Part of PIN 03774-0489(LT) (239-255 Fountain Street South)
8. Part of Lots 1, 2, 3, 4, 5, and 6 East of Fountain Street, Registered Plan 522, Part of Lot 21, Municipal Compiled Plan 730, being Part 1 on Plan 58R-18324, Part of PIN 03774-0486(LT) (115 Fountain Street South)
9. Part of Lot 23, Municipal Compiled Plan 730, Part of Lots 25 and 26, Municipal Compiled Plan 730, being Parts 1, 2 and 5 on Plan 58R-18369, being Part of PIN 03774-1129(LT) (140 King Street West)
10. Part of Lot 14, Municipal Compiled Plan 730, being Parts 11 and 12 on Plan 58R-18369, Part of PIN 03768-0083(LT) (149 King Street West)
11. Part of Lots 10, 11, 12, and 13, Municipal Compiled Plan 730, being Parts 13, 14, and 15 on Plan 58R-18369, Part of PIN 03768-0258(LT) (157 King Street West)
12. Part of Lot 2, Municipal Compiled Plan 730, being Part 1 on Plan 58R-18329, Part of PIN 03769-0213(LT) (144 Fountain Street North)
13. Part of Lots 1 and 2, Registered Plan 87, being Part 1 on Plan 58R-18367, Part of PIN 03777-0210(LT) (361 King Street East)
14. Part of Lot 9, Registered Plan 87, being Part 3 on Plan 58R-18367, Part of PIN 03777-0103(LT) (329 King Street East)
15. Part of Lots 8 and 9, Registered Plan 87, Part of Lot 63, Municipal Compiled Plan 729, being Part 5 on Plan 58R-18367, Part of PIN 03777-0003(LT) (303 King Street East)
16. Part of Lot 6, Registered Plan 522, being Part 1 on Plan 58R-18368, Part of PIN 03776-0029(LT) (246 King Street East)

Temporary Easement:

The right and easement, being a temporary easement in gross, for the free and unobstructed, right, interest and easement terminating on the 31st day of December,

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2019, for itself, its successors and assigns, and anyone authorized by it, on over, under and through the following properties for the purposes of excavation, construction, installation, replacement, alteration, grading, and landscaping as required in connection with the reconstruction and improvements to Fountain Street (Regional Road 17) and King Street (Regional Road 8) and Shantz Hill Road, and all works ancillary thereto and for such purposes, the free, unimpeded and unobstructed access to the lands at all times by employees, agents, contractors, workers and anyone authorized by it, and vehicles, supplies and equipment at all times and for all purposes and things necessary for or incidental to the exercise and enjoyment of the right and easement.

Part of Lot 13 and Lot 14, Municipal Compiled Plan 731, being Part 2, 3, and 4 on Plan 58R-18361, Part of PIN 03769-0131(LT) (340 Shantz Hill Road)

1. Part of Lot 7, Municipal Compiled Plan 731, being Part 2 on Plan 58R-18360, Part of PIN 22651-1027(LT) (311 Shantz Hill Road)
2. Part of Lot 8, West Side of Fountain Street, Registered Plan 522, being Part 1 on Plan 58R-18325, Part of PIN 22651-0509(LT) (328 Fountain Street South)
3. Part of Lot 16 East of Fountain Street, Registered Plan 522, being Part 2 on Plan 58R-18359, Part of PIN 03774-0494 (LT) (329 Fountain Street South)
4. Part of Lot 15 East of Fountain Street, Registered Plan 522, being Part 5 on Plan 58R-18359, Part of PIN 03774-0492(LT) (309 Fountain Street South)
5. Part of Lots 14 and 15, East of Fountain Street, Registered Plan 522, being Part 7 on Plan 58R-18359, Part of PIN 03774-0491(LT) (299 Fountain Street South)
6. Part of Lots 13 and 14, East of Fountain Street, Registered Plan 522, being Part 8 on Plan 58R-18359, Part of PIN 03774-0490 (LT) (285 Fountain Street South)
7. Part of Lots 7, 8, 9, 10, 11 and 12 East of Fountain Street, Registered Plan 522, being Part 2 on Plan 58R-18364, Part of PIN 03774-0489(LT) (239-255 Fountain Street South)
8. Part of Lots 1, 2, 3, 4, 5, and 6 East of Fountain Street, Registered Plan 522, Part of Lot 21, Municipal Compiled Plan 730, being Parts 2, 4 and 5 on Plan 58R-18324, Part of PIN 03774-0486(LT) (115 Fountain Street South)
9. Part of Lots 23 and 24, Municipal Compiled Plan 730, Part of Lots 24, 25 and 26, Municipal Compiled Plan 730, being Parts 3 and 4 on Plan 58R-18369, Part of PIN 03774-1129(LT) (140 King Street West)
10. Part of Lot 14, Municipal Compiled Plan 730, being Parts 7 and 8 on Plan 58R-18369, Part of PIN 03768-0083(LT) (149 King Street West)
11. Part of Lots 10, 11, 12, and 13, Municipal Compiled Plan 730, Part of Lot 2 North of Main, Registered Plan 522, Being Parts 9 and 10 on Plan 58R-18369, Part of PIN 03768-0258(LT) (157 King Street West)

12. Part of Lot 4 East of Woolwich Street, Registered Plan 522, being Part 6 on Plan 58R-18330, Part of PIN 03768-0080(LT) (153 Fountain Street North)
13. Part of Lot 4 and 5 East of Woolwich Street, Registered Plan 522, being Part 7 on Plan 58R-18330, being Part of PIN 03768-0079(LT) (155 Fountain Street North)
14. Part of Lot 5 East of Woolwich Street, Registered Plan 522, being Part 8 on Plan 58R-18330, Part of PIN 03768-0078(LT) (163 Fountain Street North)
15. Part of Lot 6, East of Woolwich Street, Registered Plan 522, being Part 9 on Plan 58R-18330, Part of PIN 03768-0077(LT) (169 Fountain Street North)
16. Part of Lots 8 and 9, Registered Plan 87, Part of Lot 63, Municipal Compiled Plan 729, being Part 6 on Plan 58R-18367, Part of PIN 03777-0003(LT) (303 King Street East)
17. Part of Lots 5 and 6, Registered Plan 522, being Part 2 on Plan 58R-18368, Part of PIN 03776-0029(LT) (246 King Street East)
18. Part of Lot A, Registered Plan 91, being Part 1 on Plan 58R-18366, Part of PIN 03776-0049(LT) (310-328 King Street East)

Permanent Easement:

The right and easement, being an easement in gross, for itself, its successors and assigns and anyone authorized by it, in perpetuity to, at any time enter upon the following properties for purposes of constructing, installing, inspecting, repairing, altering, enlarging, correcting, operating, maintaining, replacing, and reconstructing the adjacent highway, above ground and underground municipal services including without limitation paving, curbs and gutters, retaining wall structures, sidewalks, multi-use trails, boulevard landscaping, street lighting, traffic signals, sanitary sewers, storm sewers, water mains, culverts, catch basins, drains, drainage works, together with all pipes, wires, conduits, poles, markers and other works and appurtenances thereto, which may be determined necessary from time to time through, under, over, upon, along and across the lands, and for all such purposes together with the free, unimpeded and unobstructed access for itself, its successors and assigns, servants, agents, contractors, workers and anyone authorized by it, and vehicles, supplies and equipment at all times and for all purposes and things necessary for or incidental to the exercise and enjoyment of the right and easement.

1. Part of Lots 8 and 9, Registered Plan 522, being Part 2 on Plan 58R-18325, Part of PIN 22651-0509(LT) (328 Fountain Street South)
2. Part of Lots 1 and 2 East of Fountain Street, Registered Plan 522, Part of Lot 21, Municipal Compiled Plan 730, being Part 3 on Plan 58R-18324, Part of PIN 03774-0486(LT) (115 Fountain Street South)
3. Part of Lots 25 and 26, Municipal Compiled Plan 730, being Part 6 on Plan 58R-18369, Part of PIN 03774-1129(LT) (140 King Street West)

4. Part of Lot 2, Registered Plan 87, being Part 2 on Plan 58R-18367, Part of PIN 03777-0210(LT) (361 King Street East)
5. Part of Lot 9, Registered Plan 87, being Part 4 on Plan 58R-18367, Part of PIN 03777-0103(LT) (329 King Street East)

And That staff be instructed to register a Plan of Expropriation for the property within three months of the granting of the approval to expropriate the property, as required by the “Expropriations Act”;

And That the registered owners be served with a Notice of Expropriation and a Notice of Possession for the property after the registration of the Plan of Expropriation and the Regional Solicitor is authorized to take any and all actions required to enforce such Notices including but not limited to any application pursuant to Section 40 of the “Expropriations Act”;

And that all above-referenced fee simple partial takings situated adjacent to an existing Regional public highway be acquired for road widening purposes and therefore be deemed to form part of the adjacent public highway in accordance with subsection 31(6) of the Municipal Act, 2001, S. O. 2001, c.25;

And That if no agreement as to compensation is made with an owner, the statutory Offer of Compensation and payment be served upon the registered owners of the property in the amount of the market value of the interests in the land as estimated by the Region’s appraiser in accordance with the Expropriations Act;

And Further That the Regional Solicitor be authorized to 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 the transaction or if determined by the Commissioner of Transportation and Environmental Services that such lands, or any part or interest thereof, are not required for the subject Project.

4. 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 Ira Needles Blvd at Erb Street West, City of Waterloo, in the Region of Waterloo as detailed in report PDL-LEG-15-59 dated August 11, 2015:
 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 improvements to Ira Needles Blvd and described as follows:

Fee Simple Partial Taking:

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- a) Part of Lot 41, German Company Tract, being Parts 2, 3 and 4 on 58R-18609 (650 Erb Street West, Waterloo);

Hydro Easement:

The right and easement, being an easement in gross, for itself, its successors and assigns and anyone authorized by it, in perpetuity to, at any time enter upon the following properties for purposes of constructing, laying down, installing, inspecting, repairing, altering, enlarging, replacing, correcting, operating, and maintaining hydro installations and infrastructure, both under ground and overhead, including cables, pipes, conduits of all kinds, all necessary poles, supporting wires and braces and other equipment and appurtenances thereto, herein referred to as the utility plant, which may be determined necessary from time to time through, over, upon, along and across the lands, and for all such purposes together with the free, unimpeded and unobstructed access for itself, its successors and assigns, servants, agents, contractors, workmen and anyone authorized by it, and vehicles, supplies and equipment at all times and for all purposes and things necessary for or incidental to the exercise and enjoyment of the right and easement:

- a) Part Block 91, Plan 1708 being Part 1 on 58R-18611(636 Erb Street West, Waterloo);
 - b) Part of Lot 41, German Company Tract being Part 1 on 58R-18612 (651 Erb Street West, Waterloo);
 - c) Part of Lot 41, German Company Tract being Parts 1, 5 and 6 on 58R-18609 (650 Erb Street West, Waterloo);
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 or if determined by the Commissioner of Transportation and Environmental Services that such lands, or any part or interest thereof, are not required for the subject project; and
 6. Do all things necessary and proper to be done, and report thereon to Regional Council in due course.

5. That the Regional Municipality of Waterloo enter into an Agreement for Professional Consulting Services with GHD Limited, to provide engineering services during the preliminary and detailed design and services during construction for the Waterloo Landfill South Boundary Well Pumphouse and Stormwater Management Pond 3 Modifications, City of Kitchener, at an upset fee limit of \$323,242.58 plus applicable taxes. [TES-DCS-15-21]
6. That Regional Municipality of Waterloo enter into a Consulting Services Agreement with BluMetric Environmental Inc. of Kitchener, Ontario, to provide consulting services for undertaking the G5 Salt Assessment, Pinebush Well Field, in the City of Cambridge, at an upset limit of \$342,336.00 plus applicable taxes. [TES-WAS-15-24]
7. That the Region of Waterloo accept PDL-CPL-15-38, Monthly Report of Development Activity for June 2015, dated August 11, 2015.
8. That the Regional Municipality of Waterloo enter into an Agreement for Professional Consulting Services with GM BluePlan Engineering Limited, to provide engineering services for detailed design and services during construction for the Ayr Sewage Pumping Station and Forcemain in Ayr, at an upset fee limit of \$613,768 plus applicable taxes. [TES-DCS-15-18]
9. That the Regional Municipality of Waterloo enter into a Consultant Services Agreement with Stantec Consulting Ltd. to provide consulting engineering services for a Class Environmental Assessment, detailed design, contract administration and construction inspection for improvements to Weber Street from Albert Street to Northfield Drive in the City of Waterloo at an upset fee of \$527,527.00 plus applicable taxes for the Class Environmental Assessment and detailed design phases, with contract administration and construction inspection services to be paid on a time basis in an estimated amount of \$315,000.00 as described in Report TES-DCS-15-19 dated August 11, 2015.
10. That the Regional Municipality of Waterloo approve the implementation of a roundabout on Ira Needles Boulevard at Thorndale Drive, in the City of Waterloo, all as presented in Report TES-DCS-15-20 and subject to Regional Council approval of funding as part of the 2016 Transportation Capital Program budget process and subject to lands for the roundabout being dedicated by developers once the Consent Application for the lands is approved by the City of Waterloo and Thorndale Drive Extension is designated a municipal road.
11. That the Regional Municipality of Waterloo approve the acquisition and installation of software upgrades, enhancements and new modules from INIT Innovations in Transportation, Inc. to support the integration of Grand River Transit's computer-aided dispatch and the automatic vehicle location (CAD/AVL) system with the Electronic Fare Management System (EFMS) at a cost of up to \$206,885.75 plus all applicable taxes. [TES-TRS-15-14]
12. That the Regional Municipality of Waterloo amend the Traffic and Parking

By-law 06-072, as amended, to:

- a) Remove from Schedule 18, posted 70 km/h on Gerber Road (Regional Road 12) between Nafziger Road (Regional Road 5) and 400 metres east of Nafziger Road;
 - b) Remove from Schedule 18, posted 80 km/h on Gerber Road (Regional Road 12) between 400 metres east of Nafziger Road and Moser-Young Road (Regional Road 14);
 - c) Add to Schedule 18, posted 60 km/h on Gerber Road between Nafziger Road and 100 metres east of Greenwood Hill Road;
 - d) Add to Schedule 18, posted 80 km/h on Gerber Road between 100 metres east of Greenwood Hill Road and Moser-Young Road; in the Township of Wellesley, as outlined in Report TES-TRP-15-18, dated August 11, 2015.
13. That the Regional Municipality of Waterloo accept the proposal of Bartels Environmental Services Inc. for Aerobic Biosolids Management Contract for a five (5) year term at unit rates of \$4.10 /m³, \$6.98 /m³ and \$26.30 /m³ (excluding all applicable taxes) for biosolids haulage, biosolids land application or disposal and septage lagoon clean out respectively, all as detailed in Report TES-WAS-15-23 dated August 11, 2015.
14. That the Regional Municipality of Waterloo endorse the findings and recommendations of the report entitled "Implementing the Growth Plan: Seeking Provincial and Municipal Alignment to Support a Prosperous Ontario", as it pertains to the Region of Waterloo, and as described in Report No. PDL-15-05/TES-15-02/COR-15-01, dated August 11, 2015;
- And that this report be forwarded to the Ontario Growth Secretariat as further endorsement of the above-noted report.
15. That Regional Council authorize staff to schedule a public meeting in 2015 under the Planning Act to obtain input from the community on a proposed amendment to the Regional Official Plan that would propose to update Regional transportation policies, as outlined in Report No. PDL-CPL-15-41, dated August 11, 2015.
16. That the Commissioner of Planning, Development and Legislative Services of the Regional Municipality of Waterloo be authorized to enter into Addendum No. 3 with the Corporation of the Township of Woolwich regarding the amendment of the Airport Site Plan Agreement to facilitate construction of a new Air Traffic Control Tower, and any further amendments and addenda to the Site Plan Agreement that may be required to facilitate the development of lands at the

Region of Waterloo International Airport, with the form and content of such agreement(s) to be to the satisfaction of the Regional Solicitor.

17. That the Regional Municipality of Waterloo approve, enter into an Agreement for, and execute all documentation related to the sale of the property known municipally as 156 Benton Street and described as Part Lot 6, Plan 397, being Part 5, Reference Plan 58R-16135, City of Kitchener, Regional Municipality of Waterloo, PIN 22499-0563 (LT) from The Regional Municipality of Waterloo to Ronald Firmi Brohman for the sum of \$290,000, subject to documentation satisfactory to the Regional Solicitor;

And that the net proceeds from the disposition of the subject property be transferred to the Capital Levy Reserve Fund.

18. That The Regional Municipality of Waterloo approve the settlement with 1295355 Ontario Inc., for the amount of \$10,845.60 in compensation, interest at the rate of 6% per annum on the sum of \$8,591.25, being additional market value as part of the compensation, and reasonable costs, all pursuant to the Expropriations Act, in relation to the partial expropriation of 84 Victoria Street North, Kitchener.

Carried

Memo: Curbside Collection Bid Option Report (TES-WMS-15-10) Follow-up

Received for information.

Regional Chair

RC-15-02, Council Vacancy

This item was dealt with under Delegations.

Regional Clerk

PDL-CAS-15-07, 2016 Schedule of Council/Committee Meetings

Chair Seiling noted the additional Budget and special Council meetings on Wednesday, January 13, 2016 for final Budget approval.

Moved by G. Lorentz

Seconded by H. Jowett

That the Regional Municipality of Waterloo adopt the 2016 Council and Committee Meeting Schedule attached to Report PDL-CAS-15-07 dated August 19, 2015.

Carried

Other Matters Under Committee Of The Whole

PDL-LEG-15-62, 2480 Homer Watson Boulevard, Kitchener Road Dedication

Moved by T. Galloway

Seconded by H. Jowett

That the Regional Municipality of Waterloo pass a by-law to add to the Regional Road System to form part of Regional Road 28 (Homer Watson Boulevard) the lands described as:

Part Biehn's Unnumbered Tract, Twp of Waterloo closed by 430758, as in 430768 East of Part 5, 58R-4554, City of Kitchener (all of PIN 03771-0039 (LT)).

And that the Regional Solicitor be directed to register notice of such by-law on title to the lands that are subject of the by-law.

Carried

Motion For Committee Of The Whole To Rise And Council Resume

Moved by D. Jaworsky

Seconded by K. Kiefer

That Committee of the Whole rise and Council resume.

Carried

Motion To Adopt Proceedings Of Committee Of The Whole

Moved by K. Redman

Seconded by S. Shantz

That Council adopt the proceeding of the Committee of the Whole.

Carried

Other Business

S. Strickland requested an item from the information package regarding a resolution from Haldimand County on vacancy rebates be referred to staff for a report.

G. Lorentz raised the issue of federal election signs being located in boulevards and blocking driveway egress. He inquired if a review of the sign by-law should be completed.

Enactment of By-Laws – (First, Second & Third Readings)

Moved by K. Kiefer

Seconded by L. Armstrong

- i) That a By-law to Amend By-law 15-019, a by-law to Establish Fees and Charges for the Regional Municipality of Waterloo (Library and Airport), be read a first, second and third time, finally passed and numbered 15-041 signed by the Regional Chair and Regional Clerk and sealed with the Regional Seal.
- ii) That a By-law to Amend By-law 06-072, as Amended, Being the Region's Traffic and Parking By-law (Rates of Speed – Nafziger Road, Wellesley Township) be read a first, second and third time, finally passed and numbered 15-042 signed by the Regional Chair and Regional Clerk and sealed with the Regional Seal.
- iii) That a By-law to Amend By-Law Number 15-036, a By-Law to Close Part of King Street North (Regional Road 15), City of Waterloo dated June 24, 2015, be read a first, second and third time, finally passed and numbered 15-043 signed by the Regional Chair and Regional Clerk and sealed with the Regional Seal.
- iv) That a By-law to Expropriate Lands For the Reconstruction of Sawmill Road from the Conestogo Bridge to Musselman Crescent in the Township of Woolwich, in the Region of Waterloo be read a first, second and third time, finally passed and numbered 15-044 signed by the Regional Chair and Regional Clerk and sealed with the Regional Seal.
- v) That a By-law to Expropriate Lands For The Reconstruction of Fountain Street (Regional Road 17) from Shantz Hill Road to King Street West and King Street West (Regional Road 8) from Fountain Street to Eagle Street, in the City of Cambridge be read a first, second and third time, finally passed and numbered 15-045 signed by the Regional Chair and Regional Clerk and sealed with the Regional Seal.
- vi) That a By-law to dedicate certain lands as part of the highway known as Homer Watson Boulevard (Regional Road No. 28) in the City of Kitchener, Regional Municipality of Waterloo be read a first, second and third time, finally passed and numbered 15-046 signed by the Regional Chair and Regional Clerk and sealed with the Regional Seal.

- vii) That a By-law to Confirm the Actions of Council – August 19, 2015 be read a first, second and third time, finally passed and numbered 15-047 signed by the Regional Chair and Regional Clerk and sealed with the Regional Seal.

Carried

Adjourn

Moved by S. Foxton

Seconded by K. Kiefer

That the meeting adjourn at 8:22 p.m.

Carried

Regional Chair, K. Seiling

Regional Clerk, K. Fletcher

Chair and Members of Regional Council

Today I was asked why I am opposed to Elizabeth Clarke.

I am not.

In fact, family have reminded me that I recommended her.

You need to consider three things - democracy, numbers, and the meaning of elections.

↑ Democracy

I appear before you as a political scientist. For over ~~50~~⁴³ years I have been ~~thinking~~, teaching, and writing about democracy. I have been involved in over 40 elections. I know well the electoral process.

I want to strengthen our democracy. You do so by holding a by-election.

Only compelling reasons should lead you to support appointment.

But there are none.

In a separate document I have commented on the Chair's Report to Council. I argued that the document makes dubious and contradictory arguments; misrepresents the nature of the ballot last fall; and presents at best a tenuous interpretation of an election.

Despite references to democracy it does not address the fundamental role of elections in our democratic society.

DEMOCRACY

In the 800th anniversary of Magna Carta we understand that the original fight between the King and the Lords over money has evolved.

Our inheritance is representative democracy. This means that citizens chose those who will tax and spend.

Councillors must know that behind their decisions is the fact that citizens elected them.

And citizens must know that those making decisions do so because they were elected and not appointed.

This relationship is fundamental to our democracy. The principle should not be avoided for convenience or administrative practicality.

The Charter of Rights and Freedoms establishes the democratic right of citizens to vote in federal and provincial elections.

The Supreme Court of Canada has found “rights” in the Charter on the grounds that the reasoning in the Charter allows for extension to new matters. Its mandate is to judge what is a free and democratic society.

A Charter challenge on the grounds that the right to vote in a democratic society is fundamental is very possible.

I doubt very much the Court would say the denial of the vote “can be demonstrably justified in a free and democratic society.”

NUMBERS

There has been much talk about numbers: the number of months since last year's election, the cost of a by-election, the number of votes received by various candidates.

Here are some numbers that I believe are pertinent.

Between now and the next election regional council will approve three budgets with a total expenditure close to 5 billion dollars.

The Region's taxpayers will pay 1.5 billion dollars.

People argue that a by-election is expensive.

Estimated costs for a by-election work out to 0.02 percent of the Region's three-year tax levy.

Given these numbers, it's a bit rich for the "too expensive" people to claim that the election of a representative of the people is costly.

It is ironic that the argument in favour of appointment talks about how recent the last election was and does not talk about how far off the next election is. The date of the next election is far more important than the date of the last election.

The Chair's document refers to democratic principles.

Which principle justifies the following?

Appointment means that 11 non-Kitchener residents decide who represents 225,000 Kitchener citizens on regional council.

ELECTIONS

The staff report differentiates between federal and provincial elections, on the one hand, and municipal elections on the other. There are obvious differences. But all three have one thing in common – their purpose is to choose some people over others.

Bluntly, there are winners and losers.

Competitive elections are the heartbeat of our democracy.

There is no meaning in the understanding of competitive elections for “near winners.”

To argue that a particular candidate should be appointed because he or she is a close runner-up is to assume that appointment is either a consolation prize or satisfactory substitute for another election.

The Chair’s report fundamentally misrepresents the character of the ballot.

It is said that it was a ranked ballot, one of preferences.

This line of thinking leads some to say that the runner up was close to being elected, by a few hundred votes – and that voters found her creditable, worthy of support – and now worthy of appointment.

NO!

No.

Voters were simply asked to vote for up to four candidates. The only ranking was the order of the candidates. Some won – the others lost.

Perhaps you think that you know the meaning of last fall's election?

An election creates uncertainty.

That certainly applies to the interpretation of results.

Studying elections for over 50 years leads me to one conclusion: be very careful in interpreting results.

Many scenarios are possible.

Here's one.

Last fall there were seven candidates for the four Kitchener seats.

Voters supportive of the region's general direction had many options.

However, those hostile to the region ***MIGHT*** reject the well-known in favour of the challengers in the hope that things would change.

They had few options and voted as they did.

What did the voters mean?

I do not know. And neither do you.

You should not appoint on the basis of a highly dubious interpretation of the results.

Only the voters know.

They should be asked.

My point is that arguments for appointment are at best highly debatable – 50% of this and 50% of that. Some arguments turn out really to be arguments for holding an election.

There are many compelling reasons to hold a by-election and no compelling reasons for appointment.

In my classes, I have to confront the cynics. They say that politicians are self-serving and have no ideals; they just pay lip-service to ideas but do what they want.

You know the cynics are wrong.

I tell them that I would take a bullet for democracy.

You are undoubtedly democrats.

I ask that you to be true to your ideals.

James Havel submission
Regional Council - August
19, 2015

I love Canada--a strong, free and democratic nation.

In a democracy, elected positions are filled by voters. Not by elected politicians except in rare circumstances.

Despite the motion before you, your decision is not about whether Elizabeth Clarke should be on Regional Council. **Your decision is how to fill a vacancy representing the citizens of Kitchener.** So before considering the motion to appoint, have a vote on whether to hold a byelection.

For the record, I voted for Elizabeth Clarke because I think she has what it takes to be a strong Councillor. But should she be appointed? No. She should be elected just as all of you were elected.

Coming close in the last election is not good enough unless perhaps you would make the same decision no matter who that candidate might be or think. There is no consolation prize for being a runner up. There's no implicit promise of getting a seat should one become available.

Besides, **that vote was a snap shot in time and is no longer relevant.** We have no idea what the results might look like if Wayne Wettlaufer had not run or who would have been elected. We don't even know if there may have been other candidates step forward if a prominent former MPP was not a candidate.

Rather than looking back at the last election, let's look forwards. There's about 3 1/2 years until the next election. That's far too long for an appointed councillor. Major decisions are being made on critical issues like how to replace our landfill and where to locate a biosolids facility. Not to mention that every year the Region

spends more than \$1.5 billion dollars. Kitchener citizens have a right to have a say in who makes those decisions.

More than 17,000 voters had a say in electing Wettlaufer. **An appointment denies them a voice in choosing his replacement.**

We do NOT have a preferential ballot that ranks candidates. If we did, we could redistribute the Wettlaufer votes and see who places fourth. Next time we should embrace a transferable ballot to better address this situation.

A byelection is the best option under the current rules. While there are many reasons to appoint, the principle of democracy trumps all of them even taken together.

Still let's take a quick look at how some of those reasons fall short:

- Too expensive. Yes. **There's a price to be paid for democracy.** It's a price worth paying to ensure all Councillors have an elected mandate when making decisions critical to our future and spending \$5 billion over 3 years. One vote at Council could have major repercussions.
- **Campaign costs and the federal election are not relevant** to decisions on the fate of local democracy.
- Many municipalities make appointments. Multiple wrongs allowed by a dated law do not make it ok. **Let's look to Mississauga and Oakville that have already held municipal byelections in 2015 as our model.**

- **An appointment is democratic.** Yes, you were elected and have the right to appoint but it's not likely you would agree it's democratic if city councils voted on who should represent them at the Regional table.

And finally, a low voter turnout is not worth the time and expense.

The report suggests that a 16% turnout is too low. That's 23,600 people. If we had a 21% turnout like Mississauga and Oakville that means 31,000 people.

I'd rather have 23 - 31 thousand citizens of Kitchener vote to fill a vacant Council seat than for a small handful of politicians.

We talk about how important it is to engage people in their communities. We talk about how important it is to vote and the need to increase turnout. We talk about how people don't understand the role and responsibilities of Regional Government.

So when an opportunity presents itself to engage people in Regional Government, **how can we then justify telling tens of thousands of citizens they have no voice in who represents them?**

If you don't value a seat on Regional Council enough to hold a byelection with more than 3 years left in a 4year term, why should Waterloo Region's citizens value the position enough to vote in 2018?

Let's engage the citizens of Kitchener in a discussion about the issues facing Regional Government and hold a byelection.

All politics may be local but democracy is at its finest at the local government level. **I urge you to stand up and support democracy.**