



## Committee of the Whole Revised Agenda

Monday, April 15, 2024, 7:00 p.m.

Council Chambers

Whitby Town Hall

This meeting will be available for viewing through the Town's **live stream feed** while the meeting is in progress. Please visit [whitby.ca/CouncilCalendar](https://whitby.ca/CouncilCalendar) for more information about the live stream and archived videos.

This meeting will be held in a hybrid in-person and virtual format. In accordance with Section 7 of Procedure By-law # 7462-18, Members of Council may choose to attend in-person or participate virtually.

Should you wish to provide comments regarding a matter being considered below, please submit written correspondence and/or a Delegation Request Form.

- **To submit written correspondence**, please email your correspondence to the Office of the Town Clerk at [clerk@whitby.ca](mailto:clerk@whitby.ca) by noon on the day of the meeting. Correspondence must include your full name, address, and the item on the agenda that your correspondence is related to.
- **To speak during the Committee meeting either in-person or virtually**, please submit a Delegation Request Form online to the Office of the Town Clerk by 10 a.m. on the day of the meeting. Should you be unable to access a computer, please call 905.430.4315 to speak with a Staff Member in the Office of the Town Clerk.

A Revised Agenda may be published on a later date. Late items added or a change to an item will appear with an asterisk beside them.

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1. **Call To Order: The Mayor**
  2. **Call of the Roll: The Clerk**
  3. **Declarations of Conflict of Interest**
  4. **Consent Agenda**
  5. **Planning and Development**
    - 5.1 Presentations
    - 5.2 Delegations

- \*5.2.1 Wenda Abel, Resident (In-Person Attendance)  
Re: PDE 02-24, Planning and Development (Engineering Services)  
Department Report  
Port Whitby Traffic Consideration

**Refer to Item 5.4.1, PDE 02-24**

5.3 Correspondence

5.4 Staff Reports

- 5.4.1 PDE 02-24, Planning and Development (Engineering Services) Department Report  
Re: Port Whitby Traffic Consideration

Recommendation:

1. That Report PDE 02-24 be received for information;
2. That Council provide direction to staff regarding potential Port Whitby traffic calming elements identified in Report PDE 02-24; and,
3. That Item P&D-0017 be removed from the New and Unfinished Business list.

5.5 New and Unfinished Business - Planning and Development

**6. General Government**

6.1 Presentations

- 6.1.1 Janice Atwood and Jeff Abrams, Co-Principals, Principles Integrity (Virtual Attendance)  
Re: Correspondence # 2024-235 from Janice Atwood and Jeff Abrams, Co-Principals, Principles Integrity regarding the Integrity Commissioners Annual Report - Town of Whitby

**Refer to Item 6.3.1, Correspondence # 2024-235 from Janice Atwood and Jeff Abrams, Co-Principals, Principles Integrity regarding the Integrity Commissioners Annual Report - Town of Whitby**

- 6.1.2 Peter Veiga, Manager, Waste Management Operations, Regional Municipality of Durham (Virtual Attendance)  
Re: CMS 06-24, Community Services Department Report  
Blue Box Transition to Full Extended Producer Responsibility – July 1, 2024

**Refer to Item 6.4.1, CMS 06-24**

6.2 Delegations

6.3 Correspondence

- 6.3.1 Correspondence # 2024-235 from Janice Atwood and Jeff Abrams, Co-Principals, Principles Integrity regarding the Integrity Commissioners Annual Report - Town of Whitby

Recommendation:

That Correspondence # 2024-235 from Janice Atwood and Jeff Abrams, Co-Principals, Principles Integrity regarding the Integrity Commissioners Annual Report - Town of Whitby be received for information.

6.4 Staff Reports

- 6.4.1 CMS 06-24, Community Services Department Report  
Re: Blue Box Transition to Full Extended Producer Responsibility – July 1, 2024

Recommendation:

1. That Report CMS 06-24 be received for information;
2. That staff be directed to continue the collection of batteries through a pilot program utilizing the Town of Whitby's curbside waste and organics collection program; and,
3. That the Commissioner, Community Services and the Commissioner, Financial Services/Treasurer be authorized to execute an Agreement for promotional and education services with Circular Materials Ontario, in a form as approved by the Commissioner of Legal Services/Town Solicitor, or their designate.

- 6.4.2 CAO 07-24, Office of the Chief Administrative Officer Report  
Re: 9-1-1 Telephone System Agreement with Durham Region

Recommendation:

1. That Report CAO 07-24 be received;
2. That the Mayor and Clerk be authorized to sign the 9-1-1 Joint Powers Agreement; and,
3. That the Region of Durham be so advised.

6.5 New and Unfinished Business - General Government

7. Adjournment

# Town of Whitby

## Staff Report

[whitby.ca/CouncilCalendar](http://whitby.ca/CouncilCalendar)



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### Report Title: Report PDE 02-24 Port Whitby Traffic Consideration

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**Report to:** Committee of the Whole

**Date of meeting:** April 15, 2024

**Report Number:** PDE 02-24

**Department(s) Responsible:**

Planning and Development Department  
(Engineering Services)

**Submitted by:**

Roger Saunders, Commissioner,  
Planning and Development

**Acknowledged by M. Gaskell,  
Chief Administrative Officer**

**For additional information, contact:**

Peter Angelo, Director, Engineering  
Services, x4918

Tara Painchaud, Sr. Manager,  
Transportation Services, x4937

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### 1. Recommendation:

1. That Report PDE 02-24 be received for information.
2. That Council provide direction to staff regarding potential Port Whitby traffic calming elements identified in Report PDE 02-24.
3. That Item P&D-0017 be removed from the New and Unfinished Business list.

### 2. Highlights:

- Engineering Services staff met with two Port Whitby residents to discuss their concerns, as well as potential traffic calming and/or traffic control modifications to the Port Whitby area that might address their concerns.
- Potential modifications to traffic control and prospective traffic calming elements, including preliminary costs estimates, are provided in Table 1.
- Depending on Council direction, amendments to Traffic By-law 1862-85 may need to be brought forward for Council approval, as well as budget considerations.

### 3. Background:

Port Whitby area is the area generally bounded by Highway 401 to the north, Gordon Street/Jim Flaherty Street to the west, Harbour Street to the east and Lake Ontario to the south. The Port Whitby Secondary Plan is considered in Section 11 and Schedule F of the [Town's Official Plan](#).

The Port Whitby area includes a Major Transit Station Area and is one of several Intensification Areas located within the Town of Whitby where increased residential densities infilling and/or intensification is anticipated to create a compact neighbourhood. The population of Port Whitby/Whitby GO Station Area is expected to increase by an additional 10,500 people and 3,290 more jobs by 2031.

A petition requesting traffic enforcement and traffic control measures to address speeding, aggressive driving, and excessive noise from modified mufflers and motorcycles was received in February 2023. Excluding signatures from the same household, but including signatures from outside the Port Whitby area, 176 households signed the petition.

### 4. Discussion:

There are numerous traffic calming elements available to slow down vehicles, including speed humps, raised intersections or crosswalks, chicanes, etc. Given the various options, the Town is developing a Traffic Calming Policy that will guide traffic calming within the Town. The policy will include a process for prioritizing streets as well as identifying the traffic calming elements to be consistently applied within the Town. Until the policy is developed and implemented, Ward Councillors identify the streets that will receive traffic calming and Fire Services is consulted for feedback and agreement. At the time of writing Report PDE 02-24, the 2024 traffic calming program had not been finalized.

Potential traffic calming elements discussed with the Port Whitby residents are provided in Table 1. Refer to Attachment No. 1 for approximate geographic location. The cost to implement the traffic calming elements are preliminary estimates and may be refined.

**Table 1 Traffic Calming or Traffic Control Elements**

Element(s) for Consideration	Location(s)	Details
<b>Pedestrian Crossover (PXO)</b>	Mid-block crossing at Watson Street and the Waterfront Trail/Victoria Fields	Upgrading the existing uncontrolled pedestrian crossing to a Level 2, Type C PXO was planned for 2024. A Level 2, Type C PXO includes flashing beacons. The 2023 locations were previously committed through staff reports or development applications and cost sharing.

Element(s) for Consideration	Location(s)	Details
		<p>Nonetheless, the PXO at Watson Street has been added to the 2023 contract (delayed to 2024 construction due to the labour disruption) through discussions with the successful contractor/ change order and will be prioritized over other 2023 locations.</p> <p>Cost: \$30,000 to \$55,000</p>
<b>Speed Humps</b>	<p>Charles Street between Watson Street and Front Street</p> <p>Watson Street between Brock Street and Harbour Street</p>	<p>Traffic calming is planned for 10 streets annually. The current process is through discussions with the Ward Councillor and Fire Services.</p> <p>Following the completion of the Traffic Calming Policy, streets are expected to be prioritized based on identified criteria.</p> <p>Cost: \$25,000 - \$40,000</p>
<b>Radar Speed Feedback Signage</b>	<p>Charles Street between Watson Street and Front Street</p> <p>Watson Street between Brock Street and Harbour Street</p>	<p>Installation of permanent radar speed feedback signage. This could be a layered traffic calming approach, to be installed with speed humps, or could be installed independent of speed humps.</p> <p>Cost per unit: \$3,500 capital cost, \$500 annual operating cost</p>
<b>On-Road Planters</b>	Charles Street between Watson Street and Front Street	<p>On-road planters to narrow the road width and provide separation between the multi-use path users and vehicles. The planters would be seasonal. Maintenance has not been planned and may need to be a contracted service.</p> <p>Cost: \$35,000 capital cost, \$10,000 operating cost</p>
<b>Community Safety Zone</b>	Watson Street between Charles	Community Safety Zones within the Town are installed adjacent to district

Element(s) for Consideration	Location(s)	Details
	Street and Dufferin Street	<p>parcs/schools and allow Durham Regional Police Services to double fines.</p> <p>Through PDE 13-23, Council approved the Community Safety Zone adjacent to Victoria Fields. Residents have requested the extension of the Community Safety Zone to the east (from Charles Street to Dufferin Street).</p> <p>Cost: \$2,000</p>
<b>Signalization</b>	Brock Street and Watson Street	<p>The intersection is under the jurisdiction of the Region of Durham and currently under All-Way Stop control.</p> <p>Region staff have confirmed that the existing volume of vehicles, pedestrians and the historical rate of preventable collisions is below the minimum Warrant threshold to justify installing traffic control signals. The intersection has been added to their spring 2024 count program to confirm the warrant.</p> <p>If signalization is not warranted, the Town would be responsible for 50% of the construction costs and 100% of the operating costs. With area development future costs may be shared with others.</p> <p>Installation of a signal is not possible in 2024 and would require discussions with Regional staff.</p> <p>Cost: \$250,000 capital cost, \$8,000 annual operating costs</p>
<b>Crosswalk Pavement Markings</b>	At Stop control locations	<p>The addition of crosswalk pavement markings at stop signs to delineate pedestrian crossings.</p> <p>Cost: \$7,500</p>

Element(s) for Consideration	Location(s)	Details
<b>Construction Traffic Rerouting</b>	From Brock Street South to Water Street and South Blair Street	<p>There is currently positive truck route signage on Victoria Street (installed in 2023) and South Blair Street (installed in 2019). With on-going construction at several properties on Water Street, the request from residents is to have heavy vehicles use Water Street and South Blair Street.</p> <p>The rerouting of truck traffic could be implemented through communication with the developers/property owners and additional positive guidance truck signage.</p> <p>Cost: \$2,000</p>
<b>Wayfinding Signage</b>	Victoria Street	<p>Wayfinding signage on Victoria Street can be installed to direct waterfront visitors via Brock Street. With the completion of the <a href="#">Town's Accessible Signage and Wayfinding Study</a> signage could be designed and installed.</p> <p>Cost: \$20,000 - \$40,000</p>
<b>Area Specific Speed Limit (40 km/h)</b>	South of Victoria Street, east of Victoria Fields, West of Harbour Street	<p>The Traffic Calming Policy will consider traffic calming elements including neighbourhood specific speed limits (40 km/h). Port Whitby was identified as a pilot area.</p> <p>Installation of signage at entry points into the community and supplementary signage throughout Port Whitby would advise drivers of the speed limit.</p> <p>Cost: \$5,000 - \$10,000</p>
<b>Enforcement</b>	Port Whitby	<p>Request By-law Services and Durham Regional Police Service to enforce parking and Highway Traffic Act infractions, respectively. This would include enforcement of parking restrictions, posted</p>



Element(s) for Consideration	Location(s)	Details
		speed limit, compliance with stop control and heavy vehicle restrictions. Cost: N/A
<b>School Crossing Guard(s)</b>	Brock Street and Watson Street	School crossing guards are Town of Whitby employees that assist walking elementary school students to/from school. As of December 2023, there were 854 bus stops for elementary school students. Providing a school crossing guard for bused students is not feasible. Buses are equipped with flashing lights and stop sign to alert drivers to not pass the school bus. Cost: \$20,000 annually for Crossing Guard

## 5. Financial Considerations:

One-time capital costs of potential traffic calming and traffic control measures for the Port Whitby area totals \$380,000 to \$445,000 with annual operating costs of \$38,500/year (as outlined in Table 1, above).

The signalization at Brock Street and Watson Street (\$250,000) and Wayfinding Signage (\$20,000 to \$40,000) initiatives outlined in Table 1, above, do not fit within any of the Town of Whitby's existing/approved capital projects and would be recommended to be considered in the 2025 capital budget should Council wish to proceed with these two projects. Further, signalization projects are handled by the Region of Durham so timing of installation of signals are dependent upon the Region's program and consideration. Excluding Signalization and Wayfinding, the projects in Table 1 total \$110,000 to \$155,000 of one-time/capital costs and \$30,500 of on-going operating costs.

The Town's 2024 approved capital projects related to Town-wide traffic calming and traffic control totals \$1,011,525 as outlined in Table 2, below:

**Table 2 Capital Budget**

Project Number	Project Name	Approved Budget
<b>35226411</b>	Pedestrian Crossovers	\$386,525
<b>40236066</b>	Traffic Calming Initiatives	\$450,000

<b>Project Number</b>	<b>Project Name</b>	<b>Approved Budget</b>
<b>40236068</b>	Misc Signage & Pavement Markings	\$175,000
<b>Total</b>		\$1,011,525

Should Council direct staff to move forward with the traffic calming elements included in Table 1 (excluding signalization and wayfinding):

- the annual operating costs of \$30,500 would be added as a pressure to the 2025 operating budget;
- one-time costs for implementation of traffic calming/control measures in the Port Whitby area would be committed against the \$1,011,525 of the 2024 capital budget; and
- Following this commitment, there would be \$856,525 to \$901,525 (= \$1,011,525 - \$155,000; and = \$1,011,525 - \$110,000, respective) remaining in the 2024 capital projects for traffic calming and traffic control measures for the rest of the Town.

## **6. Communication and Public Engagement:**

There is no statutory requirement for consultation or public engagement. Residents that Engineering Services staff met with have been advised of Report PDE 02-24.

## **7. Input from Departments/Sources:**

The traffic calming elements identified in Table 1 have been developed in collaboration with local residents. Community Services staff and Financial Services staff have provided input into Report PDE 02-24.

## **8. Strategic Priorities:**

Report PDE 02-24 supports Pillar 1 and Pillar 4 priorities of the Community Strategic Plan. Specifically, the Pillar 1 area of focus is to support road safety through the implementation of traffic calming. Pillar 4 is premised on the best use of technology, transparent and open decision-making, meaningful engagement, and a commitment to continuous improvement. In addition, sustainable transportation such as supporting walkability is a key sustainability principle.

## **9. Attachments:**

Attachment 1 – Potential Traffic Calming or Traffic Control Elements Location



## Port Whitby Traffic Calming Consideration

### Legend:

- |                                 |                                       |
|---------------------------------|---------------------------------------|
| 1. Pedestrian Crossover (PXO)   | 5. Signalization                      |
| 2. Speed Humps                  | 6. Crosswalk Pavement Markings        |
| 3. Radar Speed Feedback Signage | 7. Construction Traffic Rerouting     |
| 4. Community Safety Zone        | 8. Wayfinding Signage                 |
|                                 | 9. Area Specific Speed Limit (40km/h) |



PDE-02-24

**New and Unfinished Business - Planning and Development**

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
P&D-0004	Automated Speed Cameras on Town Roads	That staff report to Council on the feasibility and cost of adopting an Automated Speed Enforcement program on Town Roads in School Safety Zones and Community Safety Zones.	29 Nov 2021	06 Mar 2023	02 Dec 2024	ASE will be considered through the Traffic Calming Policy. Details from the Region of Durham and area municipalities to support future consideration and help identify cost to implement.
P&D-0005	Planning and Development (Engineering Services) Department Report, PDE 02-22 Re: Boulevard Permit Parking Program	That Report PDE 02-22 be referred to Staff to review concerns raised by the Committee.	28 Feb 2022	13 Mar 2023	02 Dec 2024	Boulevard parking will be reviewed and considered as part of the residential parking permit program.
P&D-0007	Thistledown Crescent Emergency Access Review	That Staff be directed to report on the following issues: c. Following the opening of Thistledown Crescent to Taunton Road, the implementation of a monitoring program with 24/7 traffic counter device to obtain traffic data on speed, volumes, and other metrics and report back to Council within one year of the road opening regarding the traffic impacts of the development and whether any additional traffic calming measures are required.	07 Mar 2022	TBD		The road has not been constructed. Monitoring, through Radar Message Boards, and observations will occur following the opening of the roadway. Timing is currently unknown. Date to report back will continue to be delayed until construction/opening is known.

**New and Unfinished Business - Planning and Development**

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
P&D-0012	PDP 66-22, Planning and Development (Planning Services) Department, Financial Services Department, and Legal and Enforcement Services Department Joint Report Re: Ontario Bill 109, More Homes for Everyone Act, 2022	3. That staff report back to Council following completion of the Development Application Approval Process and Fee Review study regarding any further proposed process and fee changes required to adequately address the impacts of Bill 109.	12 Dec 2022	04 Dec 2023	10 Jun 2024	Report back following completion of DAAP in 2023.
P&D-0017	Port Whitby Pedestrian Crossovers	That Staff Report back on the need and feasibility of adding appropriate cross walks to Port Whitby in area identified during the December 11, 2023 Committee of the Whole meeting.	18 Dec 2023	26 Feb 2024	15 Apr 2024	
P&D-0018	Three Way Stop at White Ash Drive and Palmerston Avenue	That Staff be directed to include consideration of a three way stop at White Ash Drive and Palmerston Avenue as part of a report on new stop controls by Q2 2024.	18 Mar 2024	10 Jun 2024		

February 1, 2024

Integrity Commissioner's Annual Report  
Town of Whitby

Principles *Integrity* is pleased to submit this annual report, covering the period from November 2022 and January 31, 2024.

The purpose of an Integrity Commissioner's annual report is to provide the public with the opportunity to understand the ethical well-being of the Town's elected and appointed officials through the lens of our activities.

About Us:

Principles *Integrity* is a partnership focused on accountability and governance matters for municipalities. Principles *Integrity* currently serves as Integrity Commissioner (and as Lobbyist Registrar/Closed Meeting Investigator/Municipal Ombudsman for some clients) in approximately 60+ Ontario municipalities and other public bodies.

The Role of Integrity Commissioner, Generally:

An Integrity Commissioner's statutory role is to carry out, in an independent manner, the following functions:

- Advice on ethical policy development
- Education on matters relating to ethical behaviour
- Providing on request, advice and opinions to Council, members of Council and members of Local Boards
- Providing a mechanism to receive inquiries (often referred to as 'complaints') which allege a breach of ethical responsibilities
- Resolving complaints informally, where appropriate, and
- Investigating, reporting and making recommendations to Council on those complaints that cannot be resolved informally, while being guided by Council's codes, policies and protocols.

This might contrast with the popular yet incorrect view that the role of the Integrity Commissioner is primarily to hold elected officials to account; to investigate alleged transgressions and to recommend 'punishment'. The better view is that Integrity Commissioners serve as an independent resource, coach, and guide, focused on enhancing the municipality's ethical culture.

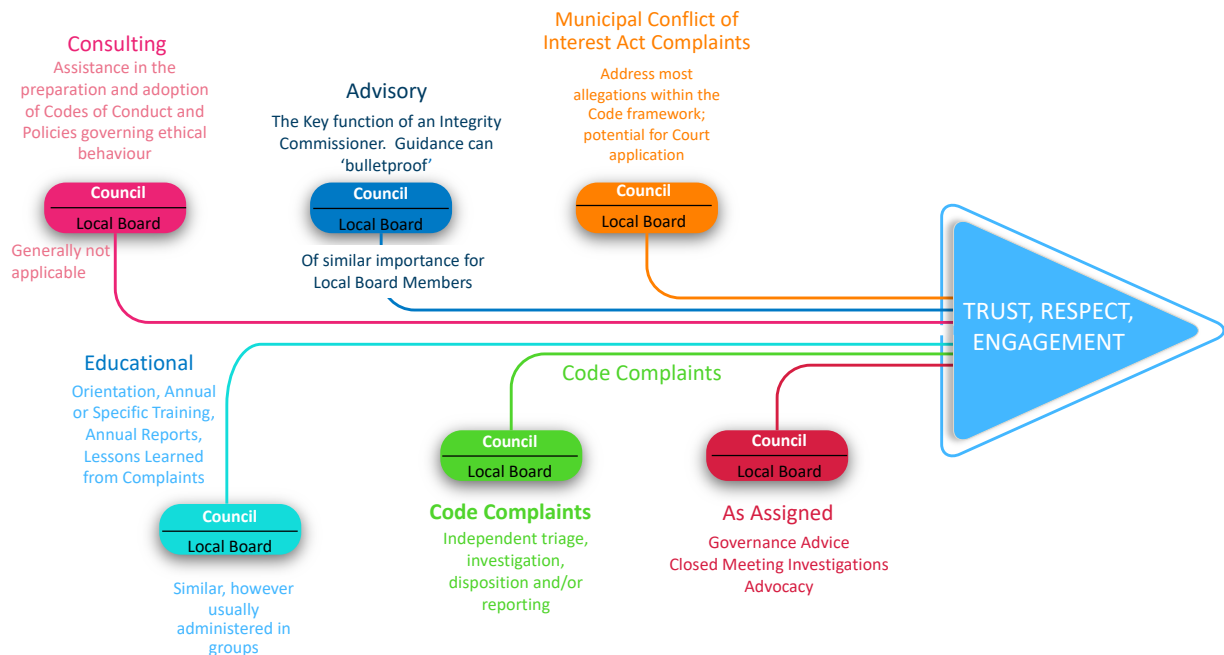
The operating philosophy of Principles *Integrity* recites this perspective. We believe there is one overarching objective for a municipality in appointing an Integrity Commissioner, and that is to raise the public's perception that its elected and appointed officials conduct themselves with integrity:

## Principles *Integrity*

*The perception that a community's elected representatives are operating with integrity is the glue which sustains local democracy. We live in a time when citizens are skeptical of their elected representatives at all levels. The overarching objective in appointing an Integrity Commissioner is to ensure the existence of robust and effective policies, procedures, and mechanisms that enhance the citizen's perception that their Council (and local boards) meet established ethical standards and where they do not, there exists a review mechanism that serves the public interest.*

The practical effect of achieving this objective is an increase in trust, respect and engagement in local and regional affairs.

In carrying out our broad functions, the role falls into two principal areas. 'Municipal Act' functions, focused on codes of conduct and other policies relating to ethical behaviour, and 'MCIA' or *Municipal Conflict of Interest Act* functions. From an activity perspective, an Integrity Commissioner's role can be depicted this way:



The emphasis of Principles *Integrity* is to help municipalities enhance their ethical foundations and reputations through the drafting of effective codes of conduct and other policies governing ethical behaviour, to provide meaningful education related to such policies, and to provide pragmatic binding advice to Members seeking clarification on ethical issues. As noted in the graphic, we believe that the support we give to Members of Council increases the public's perception of them, which in turn leads to greater trust, respect and engagement.

Because the development of policy and the provision of education and advice is not in every case a full solution, the broad role of the Integrity Commissioner includes the function of

seeking and facilitating resolutions when allegations of ethical transgressions are made, and, where it is appropriate and in the public interest to do so, conducting and reporting on formal investigations. This in our view is best seen as a residual and not primary role.

### Confidentiality:

Much of the work of an Integrity Commissioner is done under a cloak of confidentiality. While in most cases secrecy is required by statute, the promise of confidentiality also encourages full disclosure by the people who engage with us. We maintain the discretion to release confidential information when it is necessary to do so for the purposes of a public report, but those disclosures would be limited and rare.

### Town of Whitby Activity:

During the period covered by this report, we have been engaged in a moderate level of activity as Integrity Commissioner for the Whitby which subdivides roughly into three categories:

#### 1. Policy Development and Education

During the period covered by this report, we provided education and training on the Code of Conduct to Council as part of its post-election orientation on November 24, 2022. On January 22, 2024 we attended Council to provide training regarding ethical behaviour.

#### 2. Advice

The advice function of the Integrity Commissioner is available to all Members of Council and where applicable their staff and Members of local boards on matters relating to the code of conduct, the *Municipal Conflict of Interest Act* and any other matter touching upon the ethical conduct of Members. Advice provided by the Integrity Commissioner is confidential and independent, and where all the relevant facts are disclosed, is binding upon the Integrity Commissioner.

Our advice is typically provided in a short Advice Memorandum which confirms all relevant facts and provides with clarity our analysis and a recommended course of action.

During the period covered by this report, we responded to 8 such requests for advice.

#### 3. Complaint Investigation and Resolution

Our approach to reviewing complaints starts with a determination as to whether an inquiry to us is within our jurisdiction, is beyond a trifling matter, is not either frivolous or vexatious, and importantly, whether in its totality it is in the public interest to pursue. We always look to the possibility of informal resolution in favour of formal investigation and reporting. Once a formal investigation is commenced, the opportunity to seek informal resolution is not abandoned.

Where we are able to resolve a matter without concluding a formal investigation, our practice is to provide a written explanation in the form of a Disposition Letter to the complainant to close the matter. Often the respondent Member is involved in preliminary



fact-finding and will also be provided with a summary of the disposition.

Where formal investigations commence, they are conducted under the tenets of procedural fairness and Members are confidentially provided with the name of the Complainant when that information is necessary to enable them to respond to the allegations raised.

During the period covered by this report, 21 complaints have been received, many of them apparently coordinated, all of which were concluded by disposition letter.

### Ethical Themes Around the Province:

With due regard to our obligation to maintain confidentiality, this annual report enables us to identify learning opportunities from advice requests and investigations conducted in a variety of municipalities.

#### Disclosure of confidential information from closed meeting sessions

There have been some examples where elected or appointed officials fail to recognize the serious implications of disclosing confidential information, particularly information learned of through attendance in closed session.

A Member's obligation to maintain confidentiality is clear. They may not unilaterally decide to share confidential information, even if they believe the information should be publicly disclosed. This extends to releasing information even to their own legal counsel to obtain a 'second opinion'.

We treat this breach of ethical responsibility as breach of a cardinal rule, and if an allegation in this regard is proved to be true, it tends to attract a recommended sanction at the upper end of the prescribed range. Left unchecked, confidentiality a breach undermines not only Council's interests on the matter subject to the breach, but destroys the trust required of elected officials, and the staff that support them, to ensure that all relevant, and sensitive, information required to support the deliberation on a matter is freely supplied.

#### Non-disparagement

One area of prominence continues to be the failure of some Members of Council to adhere to rules against disparagement. Members of Council are entitled, and indeed expected to disagree on all manner of issues. However, one of the cornerstones to democracy must be the recognition that different opinions and perspectives are to be respected, and disagreement should not devolve into disrespect, disparagement and name-calling.

Disrespectful interactions and/treatment of others can fall along a continuum which may manifest as occasional incivility and micro-aggressions, but when unchecked can culminate in bullying and harassment. Members of Council should be mindful to treat each other, staff and the public with appropriate respect and professionalism at all times.

Some Members of Council hold a view was that they are entitled to their freely express

their opinion, even if that includes disparagement of others, and so long as they share it via personal email, and not on the municipal server, they are not constrained by any rules around decorum. This is incorrect. Members are bound by the Code provisions of respectful and non-disparaging communication, whether sharing views on their own email, social media, or elsewhere.

Participation in social media discussions lends its own opportunity for attracting Code of Conduct complaints alleging disparagement. Members should be mindful that comments can be used or amplified in ways that bring municipal integrity into disrepute. It is important that Members be careful, accurate, and non-disparaging even as they attempt to offer what they see as a fair critique of municipal policy and actions. Municipal policy is advanced through the deliberations of Council and so wherever possible the focus should be on facilitating a discussion ‘in the Chamber’, and not in internet channels, so the general public, staff, and Council colleagues, can participate in the mechanisms through which a variety of important interests can be balanced and distilled into Council decisions made through democratic process.

Regardless of the medium, regardless of the intended audience, and regardless of motive, we have observed several instances where Members of Council in municipalities around the province have been found to have breached ethical standards by saying or recording things they have come to regret. Recognizing and avoiding conflicts of interest

Recognizing and appropriately avoiding conflicts of interest when they arise is the topic of most advice requests we receive. As confirmed by the Collingwood Judicial Inquiry (November 2020) there can be a complex array of circumstances that can give rise to conflicts of interest, including those that though not covered by the *Municipal Conflict of Interest Act*, are nevertheless covered by the common law

In any event, obtaining clear and reliable advice from the Integrity Commissioner can help avoid costly and time-consuming investigations if there is any uncertainty about the application of the Rule.

### Staying in your lane

One area of concern that continues to arise relates to members of Council overstepping their role, attempting to ‘take the reins’ to fix a constituent’s problem, or directing staff how to do their job. Members of Council serve an important role in putting constituents in touch with appropriate staff, and leading them to established processes, but it is important to strike the correct balance between guiding constituents and becoming their advocate.

It continues to be the case that elected officials attempt to inject themselves in quasi-judicial matters such as by-law enforcement, or with respect to insurance claims. While it is important for Council to retain an oversight role, and have the ability to monitor how its by-laws and programs affect the community, file-level interference by individual elected officials must be avoided.

In municipalities subject to ‘stronger mayor powers<sup>1</sup>’ the question arises as to whether a mayor with those powers can give direction to staff beyond the specific circumstances mentioned in the Act (essentially to carry out ‘Mayoral Decisions’ authorized by the Act, or to direct that staff conduct research and provide advice).

For non-‘stronger mayors’ and for stronger mayors exceeding their jurisdiction, inappropriate interference arises because of a misinterpretation of the *Municipal Act* provision which identifies the role of the Head of Council as ‘Chief Executive Officer’. This provision has led to confusion and, occasionally, overreach by Heads of Council in erroneously perceiving a role leading the municipality’s administration. Elected officials – even Heads of Council – have no role in the day-to-day administration of municipal government unless specifically authorized by statute.

Failing to recognize this, stepping outside of their proper role as elected officials to ‘take the reins’ of administration, undermines staff and can be perceived as interfering with management. This overstepping of the proper role by Members, even Mayors, must be recognized as inappropriate under the Code of Conduct and the Council-Staff Relations Policy, both mandated under the *Municipal Act*.

As always, obtaining clear and reliable advice can help avoid a costly and time-consuming investigation.

### Conclusion:

We look forward to continuing to work with Members of Council to ensure a strong ethical framework. We embrace the opportunity to elevate Members’ familiarity with their obligations under the Code and to respond to emerging issues. As always, we welcome Members’ questions and look forward to continuing to serve as your Integrity Commissioner.

It has been a privilege to assist you in your work by providing advice about the Code of Conduct and in resolving complaints. We recognize that public service is not easy and the ethical issues that arise can be challenging. The public rightly demands the highest standard from those who serve them, and we congratulate Council for its aspirational objective to strive to meet that standard.

Finally, we wish to thank the Clerk and the Chief Administrative Officer for their professionalism and assistance where required. Although an Integrity Commissioner is not part of the administrative hierarchy, the work of our office depends on the facilitation of access to information and policy in order to carry out the mandate. This was done willingly and efficiently by the staff of the municipality.

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<sup>1</sup> The recent amendments to the *Municipal Act* which provide designated mayors to make unilateral decisions with respect to municipal organization and prescribed provincial interests is neither indicative of non-designated mayors being ‘weak’, nor representative of the extensive powers American ‘strong mayors’ have, particularly in light of the role partisan politics plays in electing administrators there.

# Town of Whitby

## Staff Report

[whitby.ca/CouncilCalendar](http://whitby.ca/CouncilCalendar)



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### Report Title: Blue Box Transition to Full Extended Producer Responsibility – July 1, 2024

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**Report to:** Committee of the Whole

**Date of meeting:** April 15, 2024

**Report Number:** CMS 06-24

**Department(s) Responsible:**

Community Services Department

**Submitted by:**

John Romano, Commissioner,  
Community Services,

<b>Acknowledged by M. Gaskell, Chief Administrative Officer</b>
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**For additional information, contact:**

Paul Thistle, Director, Operational  
Services 905.430.4333

Lisamaria Akesson, Manager, Waste  
Services 905.444.3093

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#### 1. Recommendation:

1. That Report CMS 06-24 be received for information;
2. That staff be directed to continue the collection of batteries through a pilot program utilizing the Town of Whitby's curbside waste and organics collection program; and,
3. That the Commissioner, Community Services and the Commissioner, Financial Services/Treasurer be authorized to execute an Agreement for promotional and education services with Circular Materials Ontario, in a form as approved by the Commissioner of Legal Services/Town Solicitor, or their designate.

#### 2. Highlights:

- Under the Extended Producer Responsibility framework, Circular Materials Ontario has been identified as the Producer Responsibility Organization responsible for the Blue Box collection program in Ontario.

- Blue Box collection programs in the Town of Whitby and all other local area municipalities within Durham Region will transition from the Region to Circular Materials Ontario effective July 1, 2024.
- In advance of July 1, 2024, staff will update all communications, Waste Buddy App. etc. as needed to reflect these changes to facilitate a seamless transition.
- The Town has been negotiating an agreement with Circular Materials Ontario to receive revenue for promotional and educational material related to the Blue Box collection program.
- Producers will not be able to make any program changes until January 1, 2026. After this date, changes to the frequency of collection, types of materials accepted, etc. may be made.
- Effective January 1, 2026, businesses located in Business Improvement Areas will no longer be eligible for curbside blue box collection through the Extended Producer Responsibility framework.
- Town staff have entered into a tentative agreement with the Region of Durham to collect batteries as part of the curbside waste and organics program as the Region will no longer have contractors available to facilitate this collection.

### 3. Background:

The Province of Ontario passed the *Waste-Free Ontario Act (WFOA)* in 2016, which includes *The Resource Recovery and Circular Economy Act (RRCEA)* and *Waste Diversion Transition Act (WDTA)*.

The RRCEA and its associated regulations focus on strengthening Extended Producer Responsibility for various waste diversion programs. RRCEA regulations have been established for designated wastes such as used tires, batteries, electronics, and household hazardous or special waste (HSP). This ensures that producers are responsible for recovering and managing their products at the end of their useful life.

In November 2020, Staff provided comments to the Ministry of the Environment, Conservation and Parks regarding the (then) proposed Blue Box Regulations. These comments were highlighted for Council through Report **PW 29-20** which asked the Province for clarity on:

- Recycling collection for eligible and non-eligible sources
- Service level standards post-2026
- Management of Blue Box complaints
- Enforcement responsibilities

In 2022, the Province and Resource Productivity and Recovery Authority named **Circular Materials Ontario (CMO)** as the Producer Responsible Organization (PRO) for the Blue Box program. CMO has officially assumed responsibility for operating the Blue Box program across Ontario on behalf of all producers of recycled materials. Ontario municipalities and First Nation communities began transitioning their Blue Box programs to the new Extended Producer Responsibility framework in July 2023.

The Region of Durham has “opted out” of the collection program, and as a result CMO will be taking on all responsibilities for the collection of Blue Box recyclables.

For the Town of Whitby and other municipalities within Durham Region, the Blue Box transition will take effect **July 1, 2024**. After this date, the Region of Durham will no longer be responsible for the Blue Box collection and recycling program in our community.

#### **4. Discussion:**

##### **Preparing for the July 1, 2024 Blue Box Collection and Recycling Transition**

Up until July of this year, the Region of Durham has managed/will manage all elements of the Blue Box program, including communications, public education, collections, processing, and marketing of materials.

While the Town has not been directly involved with managing this program, the Town has an interest in ensuring that all diversion programs are successful within our community. Blue Box materials that are not captured properly in the recycling stream ultimately become the Town's responsibility to manage as residual garbage. This is counterproductive to the Town's waste diversion goals and increases operating costs.

To help ensure a successful transition, the Town will be supporting communication needs in advance of the July 1 transition date. A Town website audit will be completed this spring to update any contact information for all Blue Box related inquiries. Operations Clerks will be provided with an FAQ page to help re-direct residents to proper channels for missed collections or replacement bins.

Staff will also work closely with the Region of Durham to ensure that both organizations are providing consistent information to residents, ensuring that residents are able to resolve their Blue Box service inquiries with the correct organization.

##### **The Agreement with Circular Materials**

Staff have engaged with and are continuing to negotiate an agreement with CMO. The agreement is to secure funds of up to \$3,000 in 2024 and up to \$10,000 in 2025 for promotional and educational materials regarding the new Blue Box program. These materials are planned to include information regarding collection schedules, contact information, etc. on the Town's Waste Buddy App. The initial term of the agreement is for 2024-2025, however CMO and the Town may mutually agree to extend the agreement for three (3) periods of one (1) year each.

##### **Post Transition:**

**Eligible and Ineligible Sources** – From July 1, 2024, to December 31, 2025, CMO is required to maintain all aspects of the existing Blue Box program so that there is a seamless transition to the new Extended Producer Responsibility framework. As of January 1, 2026, Producers will be able to make changes to the Blue Box program such as implementing a standardized list of accepted items that is consistent in every community in Ontario or make changes to the frequency of collection.

Also, beginning in 2026, certain eligible residences or facilities that are currently not serviced by the Region's Blue Box program will be able to request Blue Box service free of charge from CMO. These new eligible sources include schools, municipal parks, not-

for-profit long-term care, and all multi-residential developments not already serviced by the Region.

Conversely, some facilities will become ineligible for blue box collection beginning in 2026. The new facilities which are ineligible for CMO blue box collection include businesses located in Business Improvement Areas (BIA) and other small businesses currently receiving municipal recycling services. These locations will continue to receive Blue Box recycling collection services from CMO only during the transition period. The Region is currently exploring options for how to support these ineligible sources after January 1, 2026. Staff are awaiting further information from the Region on this topic.

**Impacts to Curbside Battery Program** – Up until July 1, 2024, the Region will continue to utilize its contractors for the collection of batteries through the curbside blue box collection program. Batteries are collected by the Region twice annually, once in the spring and fall. After the transition date, the Region will not have any collection contractors in Whitby or Oshawa but will continue its battery recycling program. Town staff are proposing to continue the collection of batteries on behalf of the Region through a pilot program utilizing the existing curbside waste and organics collection program.

Town staff have been in discussions with the Region and are looking to collect batteries in the fall of this year and again in the spring of 2025. Any incurred costs are expected to be negligible as the collection of batteries will occur on-route with existing staff and equipment. As a part of the pilot program, all costs and/or operational impacts will be tracked to help determine the feasibility of this service level increase for the long term.

A communications strategy will be developed to ensure that residents are informed of the appropriate battery set-out procedure in advance of the Fall battery collection week.

**Bringing on New Developments and Diversion Kits** – Currently, the Town has a process for reviewing and approving site plans for waste collection services.

Presently, the Town works closely with the Region to coordinate service delivery to new developments, which includes delivery of diversion kits (blue boxes, green bin, and kitchen catchers). After July 1, 2024, the Region will no longer have the ability to use its curbside Blue Box collection contractor to deliver diversion kits to Whitby or Oshawa. The Region has indicated that after July 1, 2024, they will continue to deliver the green bin and kitchen catcher portion of the diversion kits through a separate contractor. After July 1, 2024, CMO be responsible for providing blue boxes to new residences and facilities eligible for blue box collection.

**Changes to Waste Collection By-law** – Staff are working with Legal Services to review what changes are needed to update the Town's [Waste Collection By-Law #7812-21](#) to ensure language is consistent with the new Extended Producer Responsibility framework. Staff will bring forward a report to Council later this year to update the By-law accordingly.

## 5. Financial Considerations:

Subject to Council approval of this report, Town staff will finalize an agreement with CMO, where the Town will assist in the transition of the Blue Box program from the

Region of Durham to CMO. The assistance will be in the form of promotional and educational materials of the new Blue Box program, (including collection schedules, contact information, on the Town's Waste Buddy App), where the Town is expected to receive \$13,000 over two years (i.e., \$3,000 in 2024 and \$10,000 in 2025). Additional revenue beyond 2025, if any, will be dependent upon whether CMO and the Town mutually agree to exercise up-to three (3) renewal terms of one (1)-year, each.

Following finalization of the agreement, to the satisfaction of the Commissioner of Community Services and Commissioner of Legal and Enforcement Services/Town Solicitor, it is recommended that the Mayor and Clerk be authorized to execute.

While the blue box program is currently a service that the Region of Durham provides, the transition to a full extended producer responsibility (i.e., collection by CMO) later this year may have a net on-going financial impact for the Town related to the following:

- Incremental costs of the Town taking over the battery collection program from the Region within the Town. The Operations Division reports that incremental costs are not anticipated to be significant at this time; and,
- Starting in 2026: Potentially incremental Town costs should the Town decide to continue to provide blue box collection services for businesses within the BIA and other small businesses currently receiving municipal blue box collection services from the Region. As noted above, the Region is currently exploring options.

The on-going financial impacts of this transition will be included in future budget discussions.

## **6. Communication and Public Engagement:**

CMO will be ultimately responsible for informing residents about the transitioned Blue Box program beginning July 1, 2024. With that said, in the interest of maintaining good customer service and strong waste diversion in our community, staff are already preparing a communications plan so that we are prepared for any incoming Blue Box calls/inquiries during this time.

## **7. Input from Departments/Sources:**

Waste Services Staff have been working closely with Legal Services, Communications and Creative Services, as well as with the Region of Durham's Waste Management Department.

## **8. Strategic Priorities:**

This Report supports the Town's Community Strategic Plan, meeting multiple objectives under:



Pillar 2: Whitby's Natural & Built Environment, Objective 2.1: Demonstrate environmental leadership in sustainability and addressing climate change - through supporting Blue Box and battery collection in our community, we are supporting waste diversion thus reducing impacts to our natural environment.

Pillar 4: Whitby's Government, Accountable & Responsive,

- Objective 4.1: Address Community needs through collaboration and strategic partnerships, Action 4.1.2: Strengthen existing and build new relationships – building a new relationship with CMO and partnering with the Region to ensure continuity of blue box service.
- Objective 4.3: Deliver exceptional customer service and community engagement, Action 4.3.1 & 4.3.2 Continually improve the customer experience through the use of technology / Identify, establish, and report on service levels of interest to the community- continually improving the customer experience by ensuring that program changes are communicated effectively through various means to the residents of Whitby, as well as maintaining services (battery collection) that residents currently benefit from.
- Objective 4.4: Ensure fiscal accountability and responsibly plan for growth, Action 4.4.1: Deliver services that respond to community needs while balancing the impact to taxpayers – supporting the transition of waste collection to CMO moves the cost of blue box collection away from the Town's residents, while maintaining the blue box collection service overall.

## **9. Attachments:**

N/A

# Town of Whitby Staff Report

[whitby.ca/CouncilCalendar](http://whitby.ca/CouncilCalendar)



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## Report Title: 9-1-1 Telephone System Agreement with Region of Durham

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**Report to:** Committee of the Whole

**Date of meeting:** April 15, 2024

**Report Number:** CAO 07-24

**Department(s) Responsible:**

Office of the Chief Administrative Officer

**Submitted by:**

Matthew Gaskell, Chief Administrative Officer

**Acknowledged by M. Gaskell,  
Chief Administrative Officer**

**For additional information, contact:**

Matthew Gaskell, CAO

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### 1. Recommendation:

1. That Report CAO 07-24 be received;
2. That the Mayor and Clerk be authorized to sign the 9-1-1 Joint Powers Agreement; and,
3. That the Region of Durham be so advised.

### 2. Highlights:

- The Town of Whitby has been a signatory to the 9-1-1 Joint Powers Agreement for the 9-1-1 Emergency Telephone Reporting System since its inception. Periodically changes are recommended and area municipalities are required to approve, by Council resolution, any amendments to the agreement and corresponding policy and procedure manual.
- Correspondence from Durham Region Chief Administrative Officer, Elaine Baxter-Trahair, has been received, requesting approval by Council resolution of a new 9-1-1 System Agreement. (Attachment 1).

**3. Background:**

In the Region of Durham there is a central communication system providing an emergency reporting service known as the 9-1-1 Emergency Telephone Reporting System. As part of this system, area municipalities are required to approve by Council resolution any amendments to the agreement and corresponding policy and procedure manual.

**4. Discussion:**

Approval of the development of a new 9-1-1 System Agreement was considered by the Region of Durham Finance and Administration Committee on May 10, 2022 and subsequently adopted by Regional Council.

As part of the new 9-1-1 System Agreement, there is incorporated expectations for performance and delivery of services, addresses financial matters and shifts operational responsibilities to the service provider (DRPS). Finally, the new 9-1-1 System Agreement sets out to the budget process and financial approvals for the 9-1-1 System to define roles and responsibilities.

**5. Financial Considerations:**

N/A

**6. Communication and Public Engagement:**

N/A

**7. Input from Departments/Sources:**

N/A

**8. Strategic Priorities:**

The signing of this agreement supports the strategic goal to provide for a safe and healthy and inclusive community as identified in the [Community Strategic Plan](#).

**9. Attachments:**

Attachment 1 – Regional Municipality of Durham 9-1-1 System Agreement, 2024

## REGIONAL MUNICIPALITY OF DURHAM 9-1-1 SYSTEM AGREEMENT

This Agreement is made as of the \_\_\_\_ of \_\_\_\_\_, 2024 ("Effective Date").

### BETWEEN:

THE REGIONAL MUNICIPALITY OF DURHAM  
(**"Durham Region"**)

- and -

DURHAM REGIONAL POLICE SERVICES BOARD  
(**"DRPS Board"** or **"DRPS"**)

- and -

THE CORPORATION OF THE TOWN OF AJAX,  
THE CORPORATION OF THE MUNICIPALITY OF CLARINGTON,  
THE CORPORATION OF THE CITY OF OSHAWA,  
THE CORPORATION OF THE CITY OF PICKERING,  
THE CORPORATION OF THE TOWN OF WHITBY,  
THE CORPORATION OF THE TOWNSHIP OF BROCK,  
THE CORPORATION OF THE TOWNSHIP OF SCUGOG,  
THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE  
(Collectively **"Area Municipalities"** and individually **"Area Municipality"**)

### WHEREAS:

- A. Municipalities may establish, maintain and operate a centralized communication system for emergency response purposes pursuant to the Municipal Act, 2001, S.O. 2001, c. 25;
- B. Durham Region is responsible for providing ambulance services and establishing a police services board for the provision of policing within the municipal limits of Durham Region;
- C. The Area Municipalities are responsible for fire services within each of their respective municipalities within Durham Region;
- D. Durham Region has approved the creation and implementation of a central communication system providing an emergency reporting service for police, fire and ambulance services known as the 9-1-1 EMERGENCY TELEPHONE REPORTING SYSTEM ("9-1-1 System") for the persons within its municipal limits;

- E. The creation and implementation of the 9-1-1 System does not oblige Durham Region and the Area Municipalities to provide 9-1-1 System service to persons not residing within the municipal limits of Durham Region but who may nevertheless have access to the 9-1-1 System; and,
- F. The Parties have participated in the development of operating procedures, technical requirements, financial obligations and management structure of the 9-1-1 System.

**NOW THEREFORE** in consideration of the mutual promises contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

**1.0 PROVISION OF 9-1-1 SYSTEM**

- 1.1 Durham Region agrees to maintain a 9-1-1 Primary Public Safety Answering Point (the "PPSAP") for the police, ambulance and fire services ("User Agencies") operated by the Parties within Durham Region for the purposes of providing a 9-1-1 System.
- 1.2 The PPSAP shall be located in the Communications Centre of the DRPS, subject to the terms and conditions of this Agreement and the terms of a separate service agreement between Durham Region and the DRPS Board respecting funding considerations of the PPSAP.
- 1.3 Durham Regional Council may alter the manner in which the 9-1-1 System service is delivered or terminate the delivery of the service at its sole discretion.
- 1.4 The Parties agree that a board as depicted in Appendix "A" to this Agreement shall be established for the purposes of administering the operation and delivery of the 9-1-1 System service (the "9-1-1 Board").
- 1.5 The service delivery provisions and related funding responsibilities and obligations for the administration, operation and delivery of the 9-1-1 System shall be set out in a separate service agreement between Durham Region and the DRPS Board.
- 1.6 The capital assets, software licenses, logos, and literature relating to the 9-1-1 System shall remain the property or under the responsibility of Durham Region.
- 1.7 Each User Agency operating a Secondary Public Safety Answering Point (SPSAP) for the 9-1-1 System agrees to participate in the operation and implementation of the 9-1-1 System and to promptly handle calls received on the 9-1-1 System and relayed to it.

- 1.8 Each User Agency agrees to submit an annual report to the 9-1-1 Board by March 1st of each calendar year that attests to their compliance with the 9-1-1 System Policy Manual approved by the 9-1-1 Board and summarizes the public complaints received by the User Agency relating to the 9-1-1 System and feedback of the User Agency and/or public on the operations of the 9-1-1 System and the PPSAP for the previous calendar year.
- 1.9 Each User Agency agrees to be accountable for their own privacy responsibilities related to their SPSAP, including but not limited to: incident and breach management response policies and procedures, risk and privacy impact assessments and mitigations, audits, software safeguards and security configurations.
- 1.10 In the event a User Agency becomes aware of a threat to the security of the PPSAP or personal or confidential information associated therein, a User Agency will immediately notify the Durham Regional Police Service ("DRPS") and Durham Region.

## **2.0 DESCRIPTION OF THE 9-1-1 PPSAP FUNCTION**

- 2.1 The 9-1-1 System Policy Manual provides specifics of all policies which will govern the operations of the PPSAP.
- 2.2 The basic function of the PPSAP shall be the initial screening of the 9-1-1 calls from the public and the immediate transfer of those calls to the appropriate User Agency or User Agencies. "Immediate Transfer" means that the 9-1-1 caller would be put in communication with the appropriate User Agency as soon as is reasonably practicable. In the case of those calls requesting police service, the 9-1-1 Call Taker will continue with the call and obtain all information as required by DRPS. In the case of fire services, the call will be directed to the Oshawa Fire SPSAP to be transferred to the Brock, Clarington, Oshawa, Scugog and Uxbridge fire services or the Ajax Fire SPSAP for the Pickering and Ajax fire services. In the case of ambulance, the call will be directed to the Oshawa Ambulance Communication Centre SPSAP operated by the Ministry of Health for Durham Region.
- 2.3 The Parties agree that the performance expectation for the PPSAP shall be the National Emergency Number Association (NENA) Call Answering Standard/Model Recommendation NENA-STA-0.20.1-2020, as amended from time to time.
- 2.4 All User Agencies shall have access at no cost to review digital audio recordings and time records of the PPSAP pertaining to any 9-1-1 situation that involves the User Agency. The Parties hereby specifically consent, each with the other, to the

release of such information for the purposes of this Agreement and such consent shall operate as a specific consent to disclosure in accordance with any legislation governing the access to and release of such information. Any further dissemination of such information shall be in accordance with any requirements of the law and subject to the specific agency policy.

- 2.5 The PPSAP function is subject to alteration as required by the 9-1-1 Board and approved by Durham Regional Council or its designate.

### **3.0 9-1-1 BOARD**

- 3.1 The 9-1-1 Board shall be responsible to ensure that the DRPS Board, through the DRPS, carries out its responsibilities for the normal day-to-day operation of the 9-1-1 System and PPSAP together with development and training of 9-1-1 System personnel. The 9-1-1 Board shall submit a written annual report and an annual operating budget and forecast to Durham Regional Council and such other reports as are requested of it from time to time by Durham Regional Council.
- 3.2 The 9-1-1 Board shall approve the 9-1-1 System Policy Manual, which shall contain the full particulars of the performance expectations, together with all operational and administration considerations for the 9-1-1 System. The 9-1-1 Board shall review the 9-1-1 System Policy Manual on an annual basis and may amend the manual as needed.
- 3.3 Administrative liaison between the 9-1-1 Board and the governing authority of any particular User Agency shall be the responsibility of the Board member representing the User Agency group of which that particular User Agency is a member.
- 3.4 The 9-1-1 Board shall meet every three months, at a minimum.

### **4.0 THE PPSAP MANAGER**

- 4.1 The DRPS Inspector of the DRPS Communications/9-1-1 Unit shall be designated as the PPSAP Manager and shall be responsible to the 9-1-1 Board for the functioning of the PPSAP. The DRPS Inspector shall ensure that the PPSAP operates in accordance with the 9-1-1 System Policy Manual approved by the 9-1-1 Board.
- 4.2 The DRPS Inspector may delegate such operational responsibilities and duties relating to the PPSAP to managers or supervisors within the DRPS Communications/9-1-1 Unit as the DRPS Inspector deems appropriate with the exception of financial approval authorities as defined in the separate service

agreement between Durham Region and the DRPS Board. These duties are in addition to the Inspector's DRPS role as defined by the DRPS Chief of Police.

- 4.3 The DRPS Inspector shall report to and be responsible to the 9-1-1 Board and shall be present or shall appoint a delegate to be present at all 9-1-1 Board meetings to respond to questions or inquiries.
- 4.4 The DRPS Inspector shall be responsible for the efficient operation of the PPSAP and the rapid and accurate discharge of the duties of the PPSAP. The DRPS Inspector's duties include:
  - a) through the DRPS Technical Manager, provide reports to 9-1-1 Board on compliance on call taking standards;
  - b) through the DRPS Technical Manager, provide reports on complaints from the public and recommendations to remedy any issues;
  - c) provide recommendations in response to complaints by User Agencies when brought to the 9-1-1 Board;
  - d) liaise with Communications Training Coordinator for Call Takers, their selection, and training;
  - e) through the DRPS Technical Manager, meet with User Agencies as needed to share technical information on changes to the 9-1-1 network;
  - f) provide recommendations for change to the PPSAP to the 9-1-1 Board;
  - g) provide recommendations for changes to the 9-1-1 System Policy Manual to the 9-1-1 Board; and,
  - h) such other duties as are assigned by the 9-1-1 Board, in consultation with the DRPS Chief of Police.

## **5.0 TERM**

- 5.1 This Agreement will commence as of the Effective Date and will renew annually on the anniversary of the Effective Date unless this Agreement is terminated in accordance with the provisions of this Agreement.
- 5.2 Any amendment to this Agreement must be in writing and signed by all Parties, unless otherwise stated in this Agreement.
- 5.3 Durham Region or the DRPS Board may terminate this Agreement with 24 months' written notice to all other Parties.



- 5.4 An Area Municipality may terminate its participation with 12 months' written notice to the Parties. The decisions of an Area Municipality to terminate its participation in this Agreement shall not affect the application of the Agreement with respect to the remaining Parties.

## **6.0 DISPUTE RESOLUTION**

- 6.1 Administration or operational disputes between any or all of the Parties hereto concerning the 9-1-1 System or the PPSAP (excluding any such dispute arising from a claim by any person who is not a Party hereto against Durham Region or any User Agency or Agencies) shall be finally decided by the Durham Regional Council or its delegate.

## **7.0 INDEMNIFICATION**

- 7.1 The DRPS Board shall defend, indemnify and save harmless Durham Region, the Area Municipalities, the User Agencies and their respective past, current and future elected or appointed officials, officers, employees and agents from and against all claims of any nature, actions, causes of action, losses, expenses, fines, costs, interest or damages of every nature and kind whatsoever, arising out of or allegedly attributable to the negligent acts, errors, omissions, misfeasance, nonfeasance, fraud or wilful misconduct of the DRPS Board, its directors, officers, employees, agents, contractors and subcontractors, or any of them, in connection with or in any way related to the delivery or performance of this Agreement. This indemnity shall survive the termination or expiration of this Agreement.

## **8.0 GENERAL**

- 8.1 The recitals and paragraph headings form part of this Agreement.
- 8.2 Appendices "A" and "B" form part of this Agreement.
- 8.3 The 9-1-1 System Policy Manual is determinative, and for the purposes of this Agreement, of such matters as are contained therein but which are not otherwise addressed in the body of this Agreement.
- 8.4 This Agreement may be executed in any number of counterparts with the same effect as if all Parties had signed the same document. All counterparts shall be construed together and shall constitute one and the same Agreement. With the exception of Appendix "B" which can change without total execution of this document.

**IN WITNESS WHEREOF**, the Parties hereto have executed this Agreement under the hands of their authorized signing officers as of the Effective Date:

Date:

**THE REGIONAL MUNICIPALITY OF  
DURHAM**

Name:

Title:

I have the authority to bind the  
Corporation

Date:

**DURHAM REGIONAL POLICE SERVICES  
BOARD**

Name:

Title:

I have the authority to bind the  
Corporation

Date:

**THE CORPORATION OF THE TOWN OF  
AJAX**

Name:

Title:

I have the authority to bind the  
Corporation

Date:

**THE CORPORATION OF THE MUNICIPALITY  
OF CLARINGTON**

Name:

Title:

I have the authority to bind the  
Corporation

Date:

**THE CORPORATION OF THE CITY OF  
OSHAWA**

Name:

Title:

I have the authority to bind the  
Corporation

Date:

**THE CORPORATION OF THE CITY OF  
PICKERING**

Name:

Title:

I have the authority to bind the  
Corporation

Date:

**THE CORPORATION OF THE TOWN OF  
WHITBY**

Name:

Title:

I have the authority to bind the  
Corporation

Date:

**THE CORPORATION OF THE TOWNSHIP OF  
SCUGOG**

Name:

Title:

I have the authority to bind the  
Corporation

Date:

**THE CORPORATION OF THE TOWNSHIP OF  
UXBRIDGE**

Name:

Title:

I have the authority to bind the  
Corporation

Date:

**THE CORPORATION OF THE TOWNSHIP OF  
BROCK**

Name:

Title:

I have the authority to bind the  
Corporation

## **APPENDIX 'A'**

Administration of the Durham Regional 9-1-1 Telephone System is the responsibility of a Seven (7) Member Board.

Board Members are appointed as follows:

### **REPRESENTATIVE**

### **APPOINTED BY**

Regional Council (elected official)

Durham Regional Council

Police (Inspector,  
Communications / 9-1-1 Unit)

Police Chief, DRPS

Police (Technical Manager,  
Communications 9-1-1 Unit)

Police Chief, DRPS

Fire Agency (appointee)

Fire Chief's Committee

Ambulance Communications Centre  
(Province)

Ministry of Health

Paramedic Services

Commissioner & Medical Officer of Health,  
Region of Durham

Regional Council  
(Finance Department staff member)

Regional Council, Region of Durham

The Chairperson will be a representative of either the Police or Fire Agencies, on a rotating annual basis.

The list of current 9-1-1 Board Members is identified in Appendix "B".

## **APPENDIX 'B'**

**Councilor Garrod**  
**Regional Council representative**  
(as appointed by Council)

416-788-5388  
[bgarrod@uxbridge.ca](mailto:bgarrod@uxbridge.ca)

**Gord O'Bienes**  
(Inspector, DRPS)

905-579-1520 Ext 6420  
[683@drps.ca](mailto:683@drps.ca)

**Jerrett Wichman**  
(Technical Manager, DRPS)

905-579-1520 ext 3327  
[jwichman@drps.ca](mailto:jwichman@drps.ca)

**Mark Berney**  
(Chief, Scugog Fire Department)

905-985-7346  
[mberney@scugog.ca](mailto:mberney@scugog.ca)

**Wayne Spindler**  
(Manager, Oshawa CACC)

905-430-0205  
[wayne.spindler@ontario.ca](mailto:wayne.spindler@ontario.ca)

**Troy Cheseboro**  
(Chief, Region of Durham Paramedic Services)

905-665-6313 Ext 2250  
905-444-2042 FAX  
[troy.cheseboro@durham.ca](mailto:troy.cheseboro@durham.ca)

**Mary Simpson**  
(Director of Risk Management, Economic Studies and Procurement, Finance Department, Region of Durham)

905-668-7711, Ext. 2301  
[mary.simpson@durham.ca](mailto:mary.simpson@durham.ca)

**New and Unfinished Business - General Government**

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
GG-0001	Fishing in Town Parks	That Staff report back on legal fishing in Town parks, including Port Whitby, after consultation with the fishing community has occurred.	07 May 2018	11 Feb 2019	28 Oct 2024	
GG-0002	Community and Marketing Services Department Report, CMS 35-18 Re: Cullen Central Park Master Plan	2. That Council direct staff to commence the development of the Cullen Central Park Master Plan with the final Master Plan to be brought forward for Council approval in Q4 2019; and, 5. That Staff identify options to recognize former mayor Marcel Brunelle in Cullen Park.	25 Jun 2018	18 Nov 2019	17 Feb 2025	In the Whitby Sports Complex Construction Tender Results & Project Budget Approval - Parks projects (originally planned for 2024 in the 10-year forecast) will be impacted by this, includes the Cullen Central Park Redevelopment Phase 2. This project will be budgeted in 2025.
GG-0004	Correspondence # 2020-77 from Karey Anne Large, Executive Director, Downtown Whitby Business Improvement Area, dated January 2, 2020 regarding the Downtown Whitby Business Improvement Area's Annual Report, the 2020 Proposed Budget, and Disbursement Schedule.	That the Commissioner of Corporate Services/Treasurer be directed to report back on the development of a policy to deal with grant and in-kind requests, including predetermined criteria and scoring, in order to ensure grants are based on needs and targeted outcomes.	09 Mar 2020	21 Sep 2020	28 Oct 2024	

## New and Unfinished Business - General Government

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
GG-0005	Public Works (Operations) Department Report, PW 17-21 Re: Vimy Memorial Park	3. That staff report back to Council on the progress of the park agreement along with refined budget implications prior to assumption.	21 Jun 2021	13 Jun 2022	15 Apr 2024	Planning & Development & Community Services Staff prepared a joint memo that went on the Aug 11 CII to update Council on the status of the Park. A report will come forward once all issues have been resolved and the park is moving forward.
GG-0006	Financial Services Department Report, FS 37-21 Re: Town-Owned Land Strategy	That the properties at Part of Lot 25, 26, Conc. 4, Portion of PIN 26569 0285 (LT), Broadleaf and McKinney, as shown on Attachment #15 and Part Lot 25, Con. 2, now 40R-1655, Part 6, PIN 26532 0244 (LT), known municipally as 500 Garden Street, as shown on Attachment #3 be referred to staff to investigate zoning opportunities that would maximize the land value.	27 Sep 2021	05 Jun 2023	15 Apr 2024	
GG-0007	Community Services Department Report, CMS 19-21 Re: Unnamed West Whitby Park – Park Name Survey Results	3. That staff be directed to review the Municipal Property and Facility Naming Policy (MS 250) and report back with any recommended revisions to update the policy.	29 Nov 2021	16 Jan 2023	16 Sep 2024	



**New and Unfinished Business - General Government**

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
GG-0019	Refrigerated Outdoor Ice Rinks or Skating Trails	That following the tender results for the Whitby Sports Complex and as part of the development of the Parks and Recreation Master Plan, that Staff be directed to report on opportunities to install refrigerated outdoor ice rinks or skating trails in the Town	20 Mar 2023	25 Mar 2024	02 Dec 2024	Following the recommendations of the Parks and Recreation Master Plan.
GG-0021	Protecting Whitby's Urban Forest Canopy	That staff report back on the opportunity to protect trees of significance on private lands in order to preserve Whitby's urban forest canopy.	20 Mar 2023	04 Dec 2023	02 Dec 2024	This recommendation is to create a plan that will help guide a Tree Protection By-law
GG-0022	Gateway Maintenance Program	That Staff be directed to report to Council on the implementation of a gateway maintenance program, including additional resources required, to address the repair and rehabilitation of deteriorating gateway signage in subdivisions throughout the Town of Whitby.	24 Apr 2023	20 Nov 2023	15 Apr 2024	
GG-0023	CMS 06-23, Community Services Department Report Re: Bill 23 Parkland Dedication Framework	4. That staff be directed to report to Council with options for the acquisition of land to support the development of sports fields as identified by the 2015 Sports Facility Strategy and updated by the 2023 Parks and Recreation Master Plan; and, 5. That Staff be directed to report to Council in September 2023 on the status of the parks master plan agreement.	19 Jun 2023	25 Sep 2023	02 Dec 2024	Memo re: the parks master plan agreement forthcoming.

## New and Unfinished Business - General Government

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
GG-0024	LS 07-23, Legal and Enforcement Services Department Report Re: Proposed Amendments to the Town of Whitby Towing By-law # 6887-14	2. That Council direct staff to review current municipal regulations regarding the licensing and governing of tow truck drivers and tow truck businesses, activities, and undertakings in the Town of Whitby.	19 Jun 2023	13 May 2024		
GG-0025	Council Education and Training Program	That consideration of the Council Education and Training Program be referred to Staff to prepare a Report to Council about the program in November	02 Oct 2023	15 Jan 2024		
GG-0026-0	CMS 09-23, Community Services Department Report Re: James Rowe House - Food and Beverage RFP	2. That staff enter negotiations with the respondents to the RFP and report back to Council with the results of those negotiations for approval by Council..	27 Nov 2023	03 Jun 2024		Expression of Interest (EOI) to be issued in April 2024 which will guide the RFP process.
GG-0026	Installing lighting at Town parks within a 1-kilometre radius of 1635 Dundas Street	That Staff be directed to report to Council on the cost and timelines to install lighting at Town parks within a 1-kilometre radius of 1635 Dundas Street East.	18 Dec 2024	25 Nov 2024		
GG-0027	Replacing Town Park playground surfaces within a 1- kilometre radius of 1635 Dundas Street East	That Staff be directed to report to Council on the cost and timelines to replace Town park playground surfaces with alternative surfaces within 1-Kilometre radius of 1635 Dundas Street East.	18 Dec 2023	25 Nov 2024		
GG-0028	Enacting an Encampment bylaw	That Staff be directed to report to Council on the merits and feasibility of enacting an encampment by-law in the Town.	18 Dec 2023	15 Apr 2024		
GG-0029	Prohibiting loitering, obstruction, panhandling, and resting/sleeping outdoors	That Staff be directed to report to Council on the merits and feasibility of enacting a by-law to prohibit loitering, obstruction, panhandling, and resting/sleeping outdoors in the Town.	18 Dec 2023	15 Apr 2024		

**New and Unfinished Business - General Government**

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
GG-0030	Corr # 2023-587 from E. Underwood, Chief Executive Officer, Habitat for Humanity GTA, regarding Expression of Interest in Acquiring Surplus Sites at Dunlop Street East and Hickory Street for Affordable Housing Development	2. That Staff be directed to report to Council regarding the Expression of Interest received from Habitat for Humanity Greater Toronto Area for the proposed Affordable Housing Development at Dunlop Street East and Hickory Street; and, 3. That the Report back include an appraised value for the donated land.	18 Dec 2023	04 Mar 2024	10 Jun 2024	
GG-0031	Requiring the Region of Durham to consult with the Town of Whitby prior to proposed expropriation requests or orders	That Staff report to Council through a memorandum on the Council Information Index on the legal feasibility of requiring Durham Region to consult with Town of Whitby Planning & Development Staff, CAO, and Council prior to a proposal of expropriation requests on private lands, or orders (for any buildings or lands) not being used for the purpose of providing utilities, (especially if the building is 70,000+ square feet). Which the purpose is to include a request for mandatory consultation with the Town and the Region.	18 Dec 2023	TBD		

**New and Unfinished Business - General Government**

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
GG-0032	Memorandum from H. Ellis, Council and Committee Coordinator, dated October 13, 2023 regarding the Joint Accessibility Advisory and Whitby Diversity and Inclusion Advisory Committee request to participate in the Leading Equitable and Accessible	That the memorandum from H. Ellis, Council and Committee Coordinator, dated October 13, 2023 regarding the Joint Accessibility Advisory and Whitby Diversity and Inclusion Advisory Committee request to participate in the Leading Equitable and Accessible Delivery Program be referred to Staff to report back on the opportunity to participate in this program given corporate resource constraints and commitments.	29 Jan 2024	13 May 2024		
GG-0033	Comprehensive Review of the Procedure By-law	1. That the Clerk be directed to undertake a comprehensive review of the Procedure By-law and report to Council prior to summer recess 2024 with recommended amendments based on an environmental scan of comparator municipalities and consultation with Members of Council.	18 Mar 2024	10 Jun 2024		
GG-0034	LS 13-23, Legal and Enforcement Services Department Report Re: Business Licensing By-law Exception Request - 417 Byron Street North	4. That Council direct staff to review the lodging house provisions within the Business Licensing by-law and report back on the merits of amending the By-law to ensure consistency with other applicable provincial legislation; and, 5. That Council direct staff to review the merits of adding provisions/schedules to the Business Licensing By-law to regulate Rooming Houses in the Town of Whitby.	18 Mar 2024	31 Mar 2025		