

REVISED MINUTES

CORPORATE SERVICES & ECONOMIC DEVELOPMENT COMMITTEE

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

CHAMPLAIN ROOM

16 MAY 2000

3:00 P.M.

PRESENT

Vice-Chair: P. Hume

Members: D. Beamish, R. Cantin, B. Hill, G. Hunter, A. Loney, M. Meilleur,
W. Stewart, R. van den Ham

Regrets: R. Chiarelli

CONFIRMATION OF MINUTES

That the Corporate Services and Economic Development Committee confirm the Minutes of the 18 April 2000 meeting.

CARRIED

DECLARATIONS OF INTEREST

No declarations were filed.

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- Notes: 1. Underlining indicates new or amended recommendations approved by Committee.
2. Reports requiring Council consideration will be presented on 24 May 2000 in Corporate Services and Economic Development Committee Report Number 65.

ENVIRONMENT AND TRANSPORTATION

1. REHABILITATION OF FIVE LEBRETON FLATS BRIDGES
AND POOLEY'S BRIDGE - PHASE II ENGINEERING SERVICES
(CONTRACT NO. CA9536) CONTRACT EXTENSION
- Environment and Transportation Commissioner's report dated 14 Apr 00

That the Corporate Services and Economic Development Committee and Council approve the extension of Contract No. CA9536 with Stantec Consulting Ltd., Kingston, Ontario, to undertake specialist engineering services during construction operations relating to the rehabilitation of five Lebreton Flats Bridges and Pooley's Bridge, in the amount of \$80,000, bringing the total contract provision to \$227,125.

CARRIED

2. ALTA VISTA ELEVATED WATER STORAGE TANK CONTRACT AWARD***
- Environment and Transportation Commissioner's report dated 01 May 00

Councillor R. Cantin wanted more information about some of the additional costs described in the report, specifically, the requirement for future re-circulation pumps and increased piping to bring in hydro services. The Environment and Transportation Commissioner, M. Sheflin, said the new location for the tank is almost at the end of the existing water system, therefore extra measures are required to ensure the water doesn't become stagnant. He added that moving the tank was not anticipated at the start of the project and came as a result of extensive environmental assessment and public input. Councillor Cantin said the Committee should have had this information at the outset. He registered his dissent, pointing out there are always additional costs for water service projects. Commissioner Sheflin said the department's record shows that 90% of projects come in under budget, overall a positive record. Replying to a question from Councillor A. Loney, Mr. Sheflin said the storage tank's estimated life is 50 years.

Councillor G. Hunter asked whether the decision to move the tank to its present location contributed to the additional costs. Mr. Sheflin reiterated that the primary difference is the extension of the watermain, noting that the farther from the system, the more attention needs to be paid to ensure the water doesn't stagnate. He emphasized that the decision was based on the environmental assessment for all factors. Councillor Hunter said that, while he recognized Councillor Cantin's concerns, some of the extra costs are the result of decisions made by the Committee, not as a result of the Department's first recommendation. He felt that, when asked to make decisions such as these, the Committee should be warned of the potential for additional costs so it can fully weigh its decision.

Moved by R. van den Ham

That the Corporate Services and Economic Development Committee and Council:

- 1. The award of Contract No. ETL 99-3042 to Landmark Ontario Ltd., Burlington, for the construction of the proposed Zone 2C Elevated Tank, for a contract provision of \$3,845,260;**
- 2. The increase to the budget authority from \$4,200,000 to \$4,700,000 in Account No. 900145, Alta Vista Tank Rehabilitation or Replacement. Funds are available for transfer from Account No. 900142, Ottawa South Reservoir & Pumping Station.**

CARRIED

(B. Hill, R. Cantin dissented)

3. INTERSECTION SAFETY PROGRAM TO REDUCE RED LIGHT
RUNNING (RED LIGHT CAMERAS)

- Director, Mobility Services and Corporate Fleet Services,
Environment and Transportation Department report dated 13 Apr 00

Councillor R. van den Ham made reference to comments in the report about “municipalities having to be satisfied that a high percentage of the photographs produced by red light cameras will constitute adequate evidence to be used at trial”. . He asked how this would be determined. The Director, Mobility Services, Doug Brousseau, said staff will work with the judicial system in Ontario to secure evidence to satisfy their concerns and to ensure offenders are charged. Councillor van den Ham wanted to know what would constitute a high percentage of success. Mr. Brousseau replied this would need to be worked out in the next few months; staff believes a high percentage should be the goal, but would find anything over 10% acceptable. The Councillor sought assurance that the Region will not have to pay anything except \$20,000 for the proof of performance. Mr. Brousseau confirmed the Region must be satisfied that everything works correctly.

Councillor M. Meilleur asked why, given that the intersection of King Edward Avenue and Rideau Street has a very high rate of accidents, it was not chosen as a site to install a camera. Mr. Brousseau pointed out that choosing locations was difficult because there is not sufficient money to put cameras everywhere. He added that the pilot project is to prove to the Province of Ontario that the technology will work. Staff wants to ensure what is being measured is the effect of red light cameras and not that of any other change. Mr. Brousseau indicated that a proposal for safety modifications at Rideau/King Edward would shortly come before the

Transportation Committee and, if this is put in place, staff will be unable to prove it was the red light camera's impact versus the safety improvement.

Councillor Meilleur said both she and her community have difficulty accepting this explanation, in light of the fact there have been deaths at the intersection. She posited there are enough other locations that could be used to make the case to the Province for red light cameras. The Councillor asked that the Department revise its position and install a camera at the intersection after the safety modifications have been completed.

Councillor W. Stewart pointed out that the report is silent about the use of revenues. She expressed strong support for any revenues being earmarked for the Police Service, and she asked whether now was the appropriate time to state this in the report. Mr. Brousseau responded by saying it is clear this is not to be revenue generating for the police. Councillor Stewart pointed out it would make sense to use any revenues to both offset the cost of the program to the Region and put more cameras at more intersections to save lives. The Environment and Transportation Commissioner, M. Sheflin, said the experience elsewhere is that, once the cameras are installed, the revenues do not cover the cost of the program. He posited this is a good thing, because it means there will not be enough violators to actually pay the cost of the program. The first thing that will need to be done is to pay off the \$1.4 million the Region has invested in this program and then decide where extra revenues will be placed. Councillor Stewart wanted staff to confirm that funds generated will be accounted for in such a way that Council will be able to determine when there is a surplus and decide what to do with that surplus. The Acting Regional Solicitor, Eric Johnston, said it was his understanding that any revenues from this source will be treated as other Provincial Offence Act revenue and, eventually, will come to the new City.

Committee discussion then focused on technical matters, specifically whether one or two cameras would be used at intersections. Mr. Brousseau indicated that these modalities have yet to be worked out. Councillor R. Cantin suggested that the Regional Police be asked to undertake an education campaign on the use of directional arrows, alluding to the treacherous situation that exists at Rideau and King Edward Avenue in this regard. Mr. Brousseau was requested to bring this matter to the attention of the Transportation Committee for consideration. Councillor B. Hill commented that she saw nothing wrong with using some of the revenues generated by this program to lighten the load of regional taxpayers.

Moved by A. Loney

That the Corporate Services and Economic Development Committee and Council approve the following:

1. **The award of Request for Proposal (RFP) 9119-00-7004, issued by the City of Toronto on behalf of participating Ontario municipalities, to Lockheed Martin IMS Canada Inc., for the supply, installation, operation, and maintenance of Red Light Camera Systems within the Region of Ottawa-Carleton for \$784,000.**
2. **That the award of this contract be subject to the successful completion of the Proof of Performance portion as contained in RFP 9119-00-7004.**
3. **That the Region of Ottawa-Carleton enter into agreement with the City of Toronto Transportation and Works Department for the processing of Red Light Enforcement notice of violations.**
4. **That the Region of Ottawa-Carleton enter into an agreement with the Ministry of Transportation of Ontario for the implementation of the Intersection Safety Program to Reduce Red-Light Running.**

CARRIED

HEALTH

4. **PURCHASE OF SERVICE AGREEMENT BETWEEN THE HEALTH DEPARTMENT AND PLANNED PARENTHOOD OF OTTAWA-CARLETON**

- Medical of Health Officer's report dated 1 May 00

That the Corporate Services and Economic Development Committee and Council approve that the existing purchase of service agreement with Planned Parenthood of Ottawa-Carleton for \$64,000. to provide counseling, information, and referral programs to meet the Mandatory Health Programs and Services Guidelines be renewed until December 31, 2000.

CARRIED

INFORMATION TECHNOLOGY OFFICE

5. PROPERTY ADDRESS LINKAGES PROJECT
GIS CONSULTANT APPOINTMENT
- Executive Director's, Information Technology Office,
report dated 26 Apr 00

That the Corporate Services and Economic Development Committee and Council approve the appointment of QSP Geographics Inc., Downsview Ontario, to provide project management and related GIS professional services, for a total contract provision not to exceed \$75,000.

CARRIED

6. DIGITAL PROPERTY DATA AND POLARIS
GEOGRAPHIC INFORMATION SYSTEM
- Executive Director's, Information Technology Office,
report dated 26 Apr 00

That the Corporate Services and Economic Development Committee and Council approve a payment to Teranet Land Information Services, Toronto Ontario, for digital property data, in the amount of \$287,500.

CARRIED

PLANNING AND DEVELOPMENT APPROVALS

7. REGIONAL LIABILITY FOR PROPERTY DAMAGE
- Co-ordinator, Planning and Environment Committee's
report dated 29 Mar 00
- Deferred from 18 Apr 00

Councillor D. Beamish introduced the item, at the request of Councillor J. Legendre. Councillor Legendre thanked the Acting Regional Solicitor for his excellent review of the legal issues surrounding this matter. He indicated that the facts are not in dispute: the watermain did break, causing property damage, but the Region was not negligent in this regard and, as a result of amendments to the Municipal Act in 1996, bears no liability. Councillor Legendre put forward the view this is a policy issue and when things such as these occur, it is important to examine them in their full context. The Councillor felt that, as a monopoly, the Region should behave as

a model private sector monopoly would to have a satisfied client at the end of the day. He urged that the Committee consider the policy implications of this matter.

Replying to a question from Councillor Beamish, the Acting Regional Solicitor, Eric Johnston, provided additional details about the Section 331.2 of the *Municipal Act*, dealing with municipal liability. Councillor Beamish said he felt that, while the law is clear, governments still have a responsibility in certain situations. In the case of sewer or water leakage, where no one has placed himself in a situation of risk, the Region has an obligation to treat that person fairly.

Mr. Johnston provided additional information on the body of *tort law*, saying negligence and nuisance are both bases for causes of action. Traditionally, the courts have viewed nuisance as dealing with noise, odour and other issues of property owners vis-à-vis abutting property owners. In 1989, the Supreme Court of Canada, in a split decision, ruled that the law of nuisance was applicable to municipal water and sewer operations. The net result of that case was that there was no defense to these situations: all that needed to be established was that there was an escape of a substance and this was tantamount to strict or absolute liability. Mr. Johnston said the result of this decision, and a subsequent one in 1989, gave rise to numerous claims against municipalities. Collectively through the Association of Municipalities of Ontario (AMO), municipalities, the insurance industry and risk management groups lobbied the provincial government for legislated relief, and this was provided a 1996 amendment to the *Municipal Act*.

Mr. Johnston went on to state that the position of the regional corporation has been to pay claims on the basis of legal liability. There are cases where special consideration should be given and that would involve *ex gratia* payment or some other kind of equitable relief. Mr. Johnston referred to a chart prepared by the risk management group of the regional Finance Department, which monitors and tracks all claims: it shows an influx of claims during the nineties from a few thousand dollars per year to in excess of \$200,000 per year on the basis of the nuisance tort. He said that, while he understood the policy implications referenced by Councillors Legendre and Beamish, he would recommend that the corporate policy be maintained.

Councillor R. van den Ham spoke in support of the current policy. He pointed out there is no proof the Region caused the damage in this case. The Councillor said he thought the issue was really about whether the Region wants to establish a fund to address hardship cases and this is something quite different from acknowledging liability. He added it was dangerous to tamper with the policy from a corporate perspective, even though elected representatives have sympathy for constituents who are going through hard times.

Responding to a question from Councillor G. Hunter, Councillor Legendre said he was sensitive to “opening the floodgate” for claims, and he did not have specific language to recommend. He asked that staff be directed to develop a policy that recognizes, if not negligence, then some kind of moral responsibility. The Councillor added that governments are often criticized for not acting in a more businesslike manner and a good business would want to ensure good customer relations over and above strict legal liability. Councillor Hunter said it would be difficult to design a policy based on one case, but he felt certain there may be more of these kinds of problems. He suggested the Legal Department be asked to review a number of other situations brought forward by Councillors and report back to Council.

Councillor R. Cantin expressed the belief the regional corporation has acted responsibly and that regional staff has done its job to ensure there is no likelihood of pipes bursting.

Replying to a question from Councillor van den Ham, Mr. Johnston indicated that the appeal mechanism for anyone unhappy with a ruling is the Small Claims Court. The Councillor said he could support asking the Transition Board to take this under consideration for the new City, but he was not prepared to amend the regional policy. The Acting Chief Administrative Officer, J. LeBelle, informed the Committee that the Transition Board has an insurance and claims project in place and is using external consultants to design risk management and claims administration for the new City. Mr. LeBelle said there might be an opportunity for Council to request that the Board take under consideration some of the points raised by Committee members. He added that a considerable amount of research should be done and a lot of background information be gathered from both the public and private sector experience as part of that group’s research into this matter. Councillor Beamish proposed the report be received at this time, that Councillor Legendre be given time to further investigate and that he report back with specific wording for consideration by Council.

Councillor A. Loney said that great care should be taken when modifying the existing policy. Staff should be directed to look at it with a view to recommending that, if there is any doubt, advantage be given to a homeowner without subverting the policy. The Councillor felt it would be a lot easier to deal with this item if there was actual wording recommending changes, or if an amount was being recommended for award to the homeowner. He expressed the hope consideration will be given to either one of those options before the item comes before Council. Councillor Loney said he did not believe the corporation should walk away from the legislated protection that was requested by municipalities for very good reasons, nor should this protection be undermined only a short time after it has been obtained. He stressed the importance of having clear policies that staff can interpret and make decisions upon.

After further discussion, it was agreed Mr. Johnston would provide additional information on some of the issues raised by Committee members. Councillor Hunter requested that supplementary details be given on the difference between liability and “nuisance” in *tort* law.

Moved by D. Beamish

That this matter be forwarded to Council for consideration at its July 2000 meeting.

CARRIED
(P. Hume dissented)

8. **SOUTHWEST TRANSITWAY EXTENSION *****
- Planning and Development Approvals Commissioner’s report dated 18 Apr 00

That the Corporate Services and Economic Development Committee approve the acquisition of lands in fee simple containing approximately 2.681 ha from Jock River Farms Limited, required in connection with the construction of the Southwest Transitway Extension, being all of Blocks 109, 110, 126, 127, and 128 on PLAN 4M-1046, City of Nepean, for the total consideration of \$400,000.00 plus G. S. T.

CARRIED

9. **KANATA NORTH ENVIRONMENTAL STORMWATER MANAGEMENT PLAN
CONSULTANT APPOINTMENT**
- Planning and Development Approvals Commissioner’s report dated 26 Apr 00

That the Corporate Services and Economic Development Committee and Council approve the appointment of CH2M Gore & Storrie Limited to undertake the preparation of the Kanata North Environmental/Stormwater Management Plan at a cost not to exceed \$163,133 (including contingency and GST).

CARRIED

10. SALE OF LAND - 1128 ALENMEDE CRES, OTTAWA ***
- Planning and Development Approvals Commissioner's
report dated 25 Apr 00

That the Corporate Services and Economic Development Committee approve the sale of 1128 Alenmede Crescent to Richard Emery for the amount of \$106,000 pursuant to an Agreement of Purchase and Sale that has been received.

CARRIED

SOCIAL SERVICES

11. DEVELOPMENT/PRODUCTION UPDATE
RECORD SERVICES AND VERIFY PAYMENTS SYSTEM (RSVP)
- Social Services Commissioner's report dated 17 Apr 00

That the Corporate Services and Economic Development Committee and Council approve the award of:

1. **Contract 00600-91829-P03 to AJJA , Ottawa under Standing Offer No. 0920-19-C1/98-10 for the provision of professional informatic services for a total contract provision of \$265,692.00.**
2. **Contract 00600-91829-P04 to Cognicase, Ottawa under Standing Offer No 0920-19-C1/98-20 for the provision of professional informatic services for a total contract provision of \$137,855.00.**
3. **Contract 00600-91829-P05 to Anjura Ottawa under Standing Offer No 0920-19-C1/98-16 for the provision of professional informatic services for a total contract provision of \$47,234.00.**
4. **Contract 00600-91829-P06 to Aztech Cons., Ottawa for the provision of professional informatic services for a total contract provision of \$82,925.00.**
5. **Contract 00600-91829-P07 to Link Cons, Ottawa for the provision of professional informatic services for a total contract provision of \$35,824.00.**

Total amount of contracts is \$ 569,530.00.

CARRIED

ADDITIONAL ITEM

That the Corporate Services and Economic Development Committee consider the following item, pursuant to Section 75 (3) of By-law No. 112 of 1994, Council Procedure.

CARRIED

12. CANADIAN OFFICE OF HUMAN RIGHTS PROPOSAL
- A/Finance Commissioner's report dated 12 May 00

That the Corporate Services and Economic Development Committee consider, for recommendation to Council, the request from the Canadian Office of Human Rights (COHR) to provide \$23, 000 to the City of Ottawa for operating costs associated with the lease of space at 7 Bayview Road.

CARRIED

INFORMATION PREVIOUSLY DISTRIBUTED

CHIEF ADMINISTRATIVE OFFICER / ECONOMIC AFFAIRS

1. 2000 ECONOMIC DEVELOPMENT GRANTS REPORT
AND PROGRAM MODIFICATIONS
- Chair, Economic Development Grants Panel, memorandum dated 14 Apr 00

ENVIRONMENT AND TRANSPORTATION

2. 2000 WATERMAIN DISTRIBUTION REHABILITATION
PROGRAMME AND THE 2000 URBAN WATERMAIN
UPGRADES/EXTENSIONS PROGRAMME
- Director, Engineering Division, Environment and Transportation
Department, memorandum dated 07 Apr 00

REGIONAL CLERK

3. DELEGATED AUTHORITY REPORT:
JANUARY TO MARCH 2000
(As Per *Corporate Policy Manual* Sections 4.2.4. and 4.6.7.6)
- Regional Clerk's memorandum dated 11 Apr 00

4. RECORD OF TENDER OPENINGS
FOR THE MONTH OF APRIL 2000
(As Per *Corporate Policy Manual* Section 4.6.6)
- Regional Clerk's memorandum dated 05 May 00

CONFIDENTIAL AGENDA

The Committee waived the requirement to move In-Camera and considered the following items in Open Session:

ENVIRONMENT AND TRANSPORTATION / LEGAL

1. MUNICIPAL ROAD ACCESS AGREEMENTS - TELUS
- Joint Environment and Transportation and A/Regional Solicitor's report
dated 18 Apr 00

That the Corporate Services and Economic Development Committee and Council approve the Agreement between the Region and TELUS Integrated Communications, a division of TELUS Mobility Cellular Inc., on behalf of itself and all Affiliates of TELUS Mobility Cellular Inc. (TELUS) as described in this report.

CARRIED

2. MUNICIPAL ROAD ACCESS AGREEMENTS- WFI URBANLINK LTD.
- Joint Environment and Transportation and A/Regional Solicitor's report
dated 08 May 00

That the Corporate Services and Economic Development Committee and Council approve the Agreement between the Region and WFI Urbanlink Ltd. as described in this report.

CARRIED

ADJOURNMENT

The meeting adjourned at 4:30 p.m.

A/CO-ORDINATOR

CHAIR