

Some information that can be released publicly

Friday, April 16, 2010
Brian Nicholson

On December 18th, City staff submitted the following recommendations to City Council to govern the negotiations with the FEDS,

3. R. Duignan, City Manager submitting Confidential Report CM-09-65 concerning Oshawa Harbour negotiations

Recommendation (AMENDED – See Page 1)

1. That the Federal Government be advised that the City of Oshawa generally accepts the final business terms as set out in Attachment 7 to Report CM-09-65 dated December 15, 2009 *subject to the staff comments expressed in the attachment.*

2. That staff be directed to liaise with the Federal Government to integrate these business terms into appropriate legal documents for presentation to Council as early as possible in 2010.

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Moved by Councillor Marimpietri, seconded by Councillor Pidwerbecki, (719) "That Council adopt the recommendation contained in Confidential Report CM 09-65 concerning Oshawa Harbour negotiations." CARRIED AS AMENDED BY THE FOLLOWING MOTION

After much debate Councillor Cullen and I were successful in getting Council to support our motion to amend the motion as follows

Moved by Councillor Nicholson, seconded by Councillor Cullen, (720) "That the recommendation contained in Confidential Report CM 09-65 be amended to read as follows:

'1. That the representatives of the Federal Government be advised that the City of Oshawa generally agrees to the direction of the proposed final business terms as set out in Attachment No. 7 to Report CM 09-65 dated December 15, 2009 *subject to the staff comments expressed in the attachment and the meeting of City Council on December 18, 2009; and,*

2. That staff be directed to liaise with the Federal Government to further advance and integrate the proposed business terms and any further adjustments into appropriate legal documents for presentation to Council as early as possible in 2010.'." CARRIED

The vote on Confidential Report CM 09-65 concerning Oshawa Harbour negotiations
CARRIED AS AMENDED ON THE FOLLOWING VOTE

AFFIRMATIVE – Councillors Cullen, Henry, Kolodzie, Lutczyk, Marimpietri, Neal Nicholson, Pidwerbecki and Mayor Gray

NEGATIVE – None

Absent – Councillor Parkes and Sholdra

As you can see from the changes we made, the staff recommendation for a done deal and report back was changed to a support for the general direction subject to more negotiation and including all the comments made by Council at the meeting. You will note that Council comments at the meeting were NOT included in the staff recommended motion.

It is clear from this that COUNCIL expected more negotiation and further input. It should not surprise anyone that members of Council would be upset when this direction was not followed and that even the federal negotiator is of the opinion that the staff position carried without amendment.

To quote the FEDS, from their own letter sent Tuesday...

"What I understand from the resolution resulting from the December 18, 2009 Council meeting is that the City generally agreed to the proposed final business terms and that what remained was to integrate the proposed business terms into appropriate legal documents."

Now why would a federal negotiator have that opinion when the Council clearly indicated that it was not willing to just accept the proposed final business terms and wanted more negotiation? Was Council's adopted position never communicated to him or is he just ignoring it?

A strange turn of events indeed!