

Is Clarington Council tough enough to stand up to the Region?

If one believes that Clarington's new council was elected mainly on its anti-incineration stance, then one would expect this new council to follow through on that commitment.

The Region has been less than open and upfront with the whole incinerator project from the beginning. At one of the projects earliest public meetings, the Region's Director of Work, Cliff Curtis, told the gathering that what comes out of incinerator stacks is "mostly water vapour." And thus began the trail of misinformation.

The latest affront to what the Region calls an "open and transparent process" dealing with the incinerator project is holding the advisory committee meetings behind closed doors.

The Minister of Environment, in his approval of the incinerator environmental assessment, mandated the Region to set up a public advisory committee to ensure concerns about the design, construction and operation of the project are considered, and that mitigation measures are implemented where appropriate.

The committee, which is an advisory body, does not have decision making powers, nothing it will be discussing will be of a confidential nature, and all its meeting minutes will be available to the public. The community members were told the meetings would be held during the day, convenient for those bureaucrats who are paid to travel to and attend these meetings as part of their work day. Not so convenient for those community members who have to work for a living.

Last Monday, Clarington Council passed a motion requesting the Region of Durham hold these meetings in a forum that is open to the public and to hold them in evening hours.

Clarington councillors appear to wring their hands and shake their heads at each new affront by the Region. Last week, they also passed a motion seeking clarity from the Region on the host community agreement and a ruling from a judge on whether certain clauses in the host community agreement (HCA) - the package of incentives the Region negotiated with Clarington to host their garbage burning facility - are actually legal. The Region responded with a threatening letter telling Clarington it would be responsible for \$46-million in costs if it caused delays to the project which ultimately could derail the Region's plans to build a garbage incinerator in Courtice.

This week, Councillor Joe Neal, a practicing lawyer, proposed that Clarington seek a legal opinion from a specialist in the field of contract law, to get a second professional opinion on what Clarington's options are as to the HCA and its responsibilities to it. Council did not support Neal's motion and now the Region's threatening letter is having its intended effect. If council is serious in its opposition to the incinerator, it has to start standing up to the Region, and not bail at the first sign of trouble. Councillors will be the first to tell you they are not experts in any given field and rely on the advice of those who are.

What would have been the harm in seeking expert advice on the situation they now find themselves in? Did they expect the Region would just roll over when Clarington council started flexing its muscle? This council is different than the previous council over which, during the last half of the term, Chair Anderson was able to exert considerable control.

The public expects more than lip service from these councillors who used their anti-incinerator positions to get elected. The last bunch of councillors misjudged the public's level of aversion to the proposed incineration, yet they all knew enough not to publicize their record of pro-incinerator decisions on their election material.

Our doctors - general practitioners - know the value of specialists and use them routinely. The legal profession is no different. Seeking a second opinion from a legal specialist is a fairly simple thing to do, and would have given councillors - many of whom feel they are treading too deeply in unknown territory - some level of comfort.

If this council is going to represent its constituents, it has to stand up to the Region. There is no reason to expect the Region to cave-in, especially so late in the game.

If Clarington Council is committed to protecting the health and welfare of its citizens, it owes it to them to get as much information as possible, and if that includes a legal opinion from an expert, that is a pretty painless thing to do.

The health and welfare of Clarington residents deserves as much respect as a \$46-million threat issued by the Region.