

**Clarington Resolution approved on January 17, 2011**

Yes – Neal, Traill, Hooper, Partner, Woo      No – Foster, Novak

**Rescinded on January 31, 2011 after receiving threatening response from Durham Region**

**Vote to rescind:**

Yes – Foster, Novak, Hooper, Partner, Woo      No – Neal, Traill

\*\*\*\*\*

“THAT Confidential Report LGL-001-11 be received;

THAT the Region of Durham be requested to amend the Host Community Agreement (the “Agreement”) to:

- a) clarify the meaning of section 5.3 with respect to how the \$9 million cash allowance for architectural treatments and upgrades will be spent;
- b) clarify the meaning of section 9.1 with respect to the amount of net serviced industrial land within the Energy Business Park to be conveyed to the Municipality; and
- c) be consistent with both the Region’s amended Environment Assessment for Durham and York Residual Waste Study and the Minister’s approval of that undertaking dated October 21, 2010 with respect to:
  - i. the maximum amount of waste that may be processed at the site;
  - ii. the type of waste that may be accepted at the site
  - iii. waste sources; and
  - iv. air emission criteria

THAT, if the Municipality and the Region have not reached an agreement in principle respecting the foregoing amendments by February 14, 2011, staff be directed to commence the mediation/arbitration process contained in the Agreement; and

THAT Staff be directed to commence an application in the Superior Court of Justice under Rule 14 of the Rules of Civil Procedure for a declaration to determine:

- a) whether Section 13.1.1 of the Agreement, under which the Municipality agreed that it shall not oppose the development or operation of the Energy From Waste facility, or any other provision of the Agreement, is void as being contrary to public policy;
- b) whether the EFW Facility is, as per Section 13.1.2 of the Agreement, a “public use” for the purposes of the Zoning by-law and in the alternative, whether amendment of the Clarington Official Plan or Zoning By-law is necessary; and
- c) whether any provision of the Agreement which is contrary to the Minister’s approval of the environmental assessment is to be severed from the Agreement, or amended to conform with the approval.”