



Eastern Ontario Wardens' Caucus

**Eastern Ontario Wardens' Caucus  
MINUTES  
Sunday, October 18, 2009  
CRST Conference  
2:00pm**

**In Attendance:**

<b>County</b>	<b>HEAD OF COUNCIL</b>	<b>CAO</b>
County of Frontenac	Janet Gutowski	Elizabeth Savill
County of Haliburton	Dave Burton	Jim Wilson
County of Hastings	Ron Emond	Jim Pine Cathy Monzon-Bradley (Support)
City of Kawartha Lakes	Ric McGee (Mayor)	Jane Reynolds
County of Lanark	Paul Dulmage	Peter Wagland
United Counties of Leeds and Grenville	Mel Campbell	Steven Silver
County of Northumberland	Linda Thompson	Bill Pyatt
County of Renfrew	Donald Rathwell	Norm Lemke
United Counties of Stormont, Dundas and Glengarry	Chris McDonell	Michael Waddell
Other guests:		EOWC Broadband Team Members: Lisa Severson, EORN Laura Bradley, Consultant Harold VanWinssen – Solicitor, Templeman Menninga Doug Reycraft, Chair Community Schools Alliance Pat Vanini – Executive Director AMO
Regrets:		
County of Peterborough County of Lennox & Addington United Counties of Prescott and Russell County of Prince Edward	Ron Gerow Gordon Schermerhorn M. Robert Kirby Mayor Leo Finnegan	Gary King Larry Keech Stéphane P. Parisien Dick Shannon

1. Call Meeting to Order/Welcome

Warden Emond welcomed everyone to the meeting and called the meeting to order. He introduced special guests; Pat Vanini Executive Director AMO, Doug Reycraft, past President of AMO and Chair of the Community Schools Alliance as well as broadband team members: Harold Van Winssen, Solicitor with Templemen Menninga, Lisa Severson, EORN Communications and Stakeholder Relations and Laura Bradley, Technical Consultant EORN.

2. Additions to the Agenda

3. Approval of Agenda – October 18, 2009

**Moved by: Warden Burton**  
**Seconded by: Mayor McGee**

**THAT the agenda for the October 18, 2009 meeting be approved. Carried**

4. Approval of Minutes

An error was noted in the minutes of September 16, 2009 as presented, item 5 ii. the motion for the Cost Sharing Formula should be amended to read:

“THAT the EOWC approves Option # 8 as the preferred costing formula to allocate the EOWCs committed cost share of the broadband project and that the separated municipalities in Eastern Ontario be asked to pay up front their fair share or the implementation of a surcharge or tariff for services that might extend into the separated cities be investigated and further that any cost recouped from the separated municipalities towards the project cost will be refunded to the County that fronted the costs for the separated municipality.”

**Moved by: Mayor McGee**  
**Seconded by: Warden Dulmage**

**THAT the minutes of the September 16, 2009 meeting be approved as amended.**

5. Chairman's Update

Chair Emond advised the group that he was extremely pleased that the RFPs for the backbone and the satellite portions of the broadband project had been issued. He also advised that 60 copies of the RFPs had been requested and at a meeting with interested Proponents over 30 people were in attendance. He recognized the tremendous amount of work that the broadband team has put towards the project and most recently in the preparation of the RFPs to be issued. He commented that he is pleased with the progress of the project thus far.

6. Community Schools Alliance

Doug Reycraft addressed the Caucus advising of the work of the Community Schools Alliance. He advised that the group was formed to address the issues and concerns around the Accommodation Review Committee process for school closings. This process was developed to determine which schools in a municipality stay open, select the schools that will be closed and decide where new schools will be located. He advised that once a decision is made regarding a school closure there is no opportunity for the community, municipality or individuals to voice concern or to be consulted about the effects the closure will have. The Community Schools Alliance is asking for support of a Smart Moratorium to provide more time for the Ministry, school boards and municipalities to work together to develop policies to address the Accommodation Review Committee process. There was discussion around the priorities of the EOWC Inc. and whether this was an issue that the group should support as school boards are regulated through the Province and not at the municipal level. It was argued that schools are becoming more than just educational centres; they are community hubs and part of the municipal infrastructure. It was felt that because the closures have such a huge affect on the constituents in a municipality, forcing some to deal with long bus rides and attending school outside of their area, support for this issue existed.

**Moved by: Warden Dulmage**  
**Seconded by: Warden Campbell**

**THAT the EOWC support the resolution for a smart moratorium on disputed school closings and that a letter of support of a Smart Moratorium on School closures be sent to the Minister of Education and that each EOWC member forward the letter of support to their local councils asking for their support as well. Carried.**

7. EOWC Inc. Financial Statement

**Moved by: Warden Burton**  
**Seconded by: Warden Thompson**

**THAT the EOWC Financial Statement for the Period January 1, 2009 – September 30, 2009 be received. Carried.**

8. OMPF/Stable Funding Guarantee – J. Pine

Jim Pine discussed the strategy considered by the CAOs to address the loss of the Stable Funding Guarantee. He advised that the CAO group had started work on a letter writing campaign to all MPPs to advise them about the effect the loss of the funding will have on many townships in Eastern Ontario and across the Province. Jim advised that before the letters were sent he consulted with Pat Vanini and Brian Rosborough at AMO regarding the proposed strategy and they suggested another approach. Pat Vanini spoke to the issue and advised that instead of a letter writing campaign it was hoped that a face to face meeting by all of the townships affected with their MPP may have a larger impact. Ms. Vanini advised that AMO has been advised that the final decision on the

Stable Funding Guarantee funding has not been made and that typically the decision on this funding is not announced until late fall. She also advised that the issue of the Stable Funding Guarantee is discussed at each MOU table meeting and that it is AMO's opinion is that the funding should become permanent. She also advised that it was felt that the per household impact by municipality would be powerful information to share with the MPPs at their individual meetings and encouraged all to share the information. Ms. Vanini also asked to be kept informed about the outcome of the individual meetings.

**Moved by: Mayor McGee**  
**Seconded by: Warden Thompson**

**THAT the issue of the loss of the Stable Funding Guarantee remain a priority for the EOWC and that each CAO immediately contact the members affected and advise them to request a meeting with their MPP to discuss the issue and share the per household affect of each township. Carried.**

9. Regional Broadband Project

i. Report from EORN Broadband team

Jim Pine provided an update on the broadband project progress to date. He advised that at a bidder's meeting for the two RFP recently issued for satellite and the fibre ring, 30+ companies attended as well as some provincial staff. He also advised that key outcomes from the bidder's meeting were:

- 1) Extension of the closing date to December 1
- 2) Request for clarification of Governance and Business Models
- 3) Request for Clarification of Lobbying restrictions

Jim Pine advised that Addendum No.1 is scheduled to be released on Monday October 19, 2009. He advised that at the special EOWC meeting scheduled on December 17th in Belleville, will be to select the preferred proponents of these two RFPs. He also advised that the RFP for the Access will be issued in approximately the 3<sup>rd</sup> quarter of 2010. He briefed the Caucus on the extensive amount of upcoming work facing the broadband team including; the final report for the Build Canada Funding submission which will be a lengthy and very detailed document, he advised that the negotiation of the Contract Agreement will take place January 8 – 22<sup>nd</sup> with the contract negotiations with preferred proponents happening concurrently. It is expected that the Contract agreement will be signed by February 12, 2010. Jim Pine advised that direction was required on the following points:

- Three EOWC appointed to sit on RFP Interview team
- Approval to hold the special meeting on December 17, 2009
- Amendment of Governing By-Law #1 regarding the member's terms of office

Jim reviewed some various resource requirements and advised that the Province had approached the Broadband team asking them to detail out the financial assistance that they required to keep the project moving forward. Immediate needs included:

- Financial assistance to develop the articles of incorporation for EORN

- Financial assistance after Articles are established to do an executive search for CEO
- Financial assistance to develop marketing materials and engage a marketing professional
- Financial assistance to hold a Digital Summit Two
- Financial assistance to engage RFP evaluators (this is estimated for 3 evaluators at 15 days consulting each)
- Financial assistance to support contract negotiations

There was discussion around the role of the broadband team and the timelines for project updates as well as the inclusion of the Caucus members in communications, in order that all are kept up to date on the work of the project team. It was argued that as a Wardens' Caucus the broadband team was chosen to work on the project and were given latitude to do so. The expectation that the broadband team will report back to the EOWC as they have been doing. It was clarified that the motion made at the September meeting was to include 3 Warden's to assist through the RFP proponent interview portion of the work. Volunteers are being requested at this meeting. It was acknowledged that if a member of the Caucus has any questions throughout the process then clarification can be made through their CAO to Jim Pine or to Jim Pine directly. Warden Gutowski and Warden Dulmage as well as Chair Emond volunteered to be part of the RFP Interviews. Jim Pine will follow up with those individuals to advise details around dates and locations for the RFP interviews.

Clarification was sought for the funding requests that are proposed to be made to the Province of Ontario.

Financial assistance to develop the articles of incorporation for EORN: Jim Pine advised that this is the legal costs to a support the work to incorporate the EORN

Financial assistance after Articles are established to do an executive search for CEO: Jim Pine advised that the Province has been pushing the group to hire someone for this position and the broadband team advised that until the funding starts to flow it is cost prohibitive. The Province asked for a cost estimate to complete a search and hire the position until next spring.

Financial assistance to develop marketing materials and engage a marketing professional: Marketing materials were clarified to mean: information about EORN versus a program like Rural Connections, also information to attract public sectors to the network ie: e-health and school boards. This is not information to market to the end users or access to end users as this work will be done by the ISP's themselves.

Financial assistance to hold a Digital Summit Two: It was agreed that a Digital Summit Two is required and the Province asked for a funding request to possibly assist with the funding of his event.

Financial assistance to engage RFP evaluators: this is estimated at 3 evaluators for 15 days of consulting each with specific telecom experience.

Financial assistance to support contract negotiations: Contract negotiations both for the Contract Agreement and negotiations with the successful proponents will

be lengthy and very involved. Funds will be requested to assist with this requirement.

EORN's primary responsibilities were reviewed. Jim Pine clarified that this will be the requirements after the network is built. The responsibilities include:

- To ensure the speed/capacity reaches the population proposed
- To ensure ongoing sustainability and affordability of the network access
- To ensure open access to the network
- Manage any contracts that come out of the RFP's
- Review the business model from time to time and recommend and amendments to the EOWC
- Recommend any governance changes, amendments or improvements to the EOWC

Jim Pine advised that the project management RFP will be issued in the new year once contract negotiations are begun with the successful proponents.

### **First Nations Consultations**

Mr. Pine updated the Caucus on the ongoing work around the Duty to Consult with First Nations advising that these are a requirement of the Federal and Provincial governments. Work has begun to contact the bands directly to inform them of the network and advise that access to the network will be available. It is anticipated that attendance at band council meetings will be required to educate the various groups on the project details. The Province will be supplying the broadband team with a comprehensive list of First Nations groups that will need to be consulted with.

Jim also asked that if Counties or individuals are receiving calls regarding the project that the calls be directed to Lisa Severson. Lisa will be compiling the information that will assist with a mapping exercise to depict coverage gaps within Eastern Ontario. This work is also a requirement of the Province.

**Moved by: Warden Gutowski**

**Seconded by: Warden Burton**

**THAT the EOWC supports the broadband team's actions to date and proceed with the next steps as outlined provided in the verbal report including the extension of the RFP closing date to December 1, 2009 and the request to the Province of Ontario for 100% funding assistance. Carried.**

### **Terms of Office**

Jim Pine reviewed an on-desk report regarding a recommended change to the EOWC Inc. members Terms of Office. Mr. Pine advised that the current governing By-Law #1 for the EOWC outlines a term of office to be until successors are elected or appointed with this period of time normally happening in December of each year. It was explained that as the EOWC Inaugural meeting does not take place until January of each year it makes sense for a term to be from one Annual meeting to the next Annual Meeting which usually take place in January of each year. This issue is

especially important this year due to the fact that there is a special meeting in December to choose the successful proponents of the two RFPs currently issued. It would be difficult to ask new Warden's to make decisions without the benefit of all the information our current members possess on the project.

**By-Law #09-08**

**Moved by: Warden Dulmage**

**Seconded by: Warden Campbell**

**To approve by-law # 09-08, to amend the members terms of office in Article 4.03 and 4.05 of By-law # 1, a by-law relating generally to the conduct of the affairs of the Corporation. A copy of which is attached to the minutes. Carried**

ii. EORN Expenses – Working Draft

The working draft provided was reviewed and approved.

iii. Separated Municipalities Cost-Sharing Approach

Jim Pine advised the Caucus on the proposed approach to the Separated Cities. He explained that the first step will be a group meeting with the CAO's of the separated cities and the EOWC CAO's to discuss the project and the value of the cities being involved. The next step will be to approach each Separated City Council to ask for their support of the project. It was agreed that the Warden and CAO of the County for each separated city will be involved with the Council meetings.

10. Regional Data Set Update – RED Application

Jim Pine advised that the application had been requested by the Director of the branch (OMAFRA) and that it had been forwarded to him for his review. Mr. Pine advised that we are waiting for his response.

11. Harmonization of the Accessibility for Ontarians with Disabilities Act Standards

Steve Silver presented a report on an approach to harmonize the implementation of the AODA standards. He explained that the four standards: Customer Service, Information and Communications, Transportation and Build & Environment are at various stages of implementation; out of public consultation and regulation preparation. He advised that in some cases they overlap with one another and could potentially contradict one another. Mr. Silver advised that he is a member of the Ministry of Community and Social Services working group which meets to review proposed standards associated with implementation. The goal of the Act is that by 2025 the province will be completely accessible. It is the opinion of this group that the standard implementation needs to be harmonized. It is felt that as all four standards being developed impact all facets of both private and public operations, it is essential to have all expectations clearly defined, understood and implemented in an effective manner. A work flow has been created that

provides the needed flexibility for organizations to assess the standard requirements, and then prioritize and implement the changes necessary to achieve compliance.

**Moved By: Warden Campbell**  
**Seconded by: Warden Rathwell**

**THAT the EOWC endorse the approach to the Harmonization of the Accessibility for Ontarians with Disabilities Act (AODA) standards as presented in the report dated September 24, 2009 and the endorsement be circulated to the Minister of Community & Social Services, Eastern Ontario MPPs and AMO. Carried**

#### 12. MP & MPP Day Planning Update – Ric McGee

Mayor McGee advised that the committee has not met since the last meeting but confirmed that the goal of the organizing committee was to try and set the date for a joint meeting with the MP's and MPP's on one of the days that the EOWC holds its Inaugural meetings in January. Mayor McGee confirmed that the dates of the Inaugural are January 14 & 15, 2009 and was advised that the meetings are taking place at the 4 Points by Sheraton Hotel in Kingston, Ontario. Mayor McGee advised that he will confirm the dates with Lou Rinaldi MPP and Rick Norlock MP and report back to the group on their availability.

#### 13. New Business

Warden Dulmage asked for clarification on a statement quoted in a letter to Chair Emond written by Eric Rothschild of RipNet where he quotes CAO Gary King as stating "that existing players would have to work the EOWC "otherwise we'll go around them." The statement was allegedly made in reference to ISPs participating in the broadband network. Warden Dulmage clarified that he was not agreement with this statement. Jim Pine advised that during meetings with RipNet the broadband team advised that it was intention of EORN to work with all ISPs who wanted to be involved with the project. Warden Dulmage requested that if the notion of "going around" was somehow conveyed he would like a letter of clarification to be written. Mr. Pine advised that he would discuss the matter with Mr. King but that he did not recollect that statement being made. Mr. Bill Pyatt added that he recollects discussions including the idea that EORN would not and cannot expropriate a system from an existing ISP and perhaps that is where the confusion has arisen.

#### 14. Correspondence

**Moved by: Mayor McGee**  
**Seconded by: Warden Dulmage**

**THAT the correspondence be received and filed. Carried.**

## 14.1 Incoming Correspondence

- 14.1.1 From RipNET Limited (September 14, 2009)  
Re: Letter of September 9, 2009 – Broadband Project
- 14.1.2 From the Honourable Jim Watson Ministry of Municipal Affairs and Housing (September 24, 2009)  
Re: Meeting at AMO
- 14.1.3 From the Honourable Donna Cansfield Ministry of Natural Resources September 24, 2009)  
Re: Algonquin Land Claim
- 14.1.4 From the City of Burlington (September 21, 2009)  
Re: Community School Alliance Resolution
- 14.1.5 From Honourable Leona Dombrowsky – prince Edward Hastings MPP (September 25, 2009)  
Re: EOWC Broadband Project Letter from Reztel
- 14.1.6 From the County of Renfrew (September 25, 2009)  
Re: OMPF-Stable funding guarantee
- 14.1.7 From The Corporation of the Township of Havelock-Belmont-Methuen (September 25, 2009)  
Re: OPP Costing
- 14.1.8 From the United Counties of Leeds and Grenville (October 13, 2009) re: Municipal Stable Funding Guarantee

## 14.2 Outgoing Correspondence

- 14.2.1 Letter from Chair Emond to Yolande Chan – Moneison Centre (September 17, 2009)  
Re: Letter of Support for CURA LOI)
- 14.2.2 Letter from Chair Emond to The Honourable John Baird (September 22, 2009)  
Re: Thank you for EORN Funding
- 14.2.3 Letter from Chair Emond to The Honourable George Smitherman (September 22, 2009)  
Re: Thank you for EORN Funding
- 14.2.4 Letter From Chair Emond to RipNET Limited (September 24, 2009)  
Re: Response letter to September 14, 2009 letter from RipNET)
- 14.2.5 Letters to Separated Municipalities of Town of Gananoque, Town of Smiths Falls, City of Peterborough, City of Quinte West, City of Belleville, City of Kingston, City of Brockville, Town of Prescott, City of Pembroke, City of Cornwall (September 29, 2009)

Re: Eastern Ontario Regional Network

15. Next Meeting

The next meeting will be held on December 17, 2009 at 10:00 am hosted by the County of Hastings. The location of the meeting will be advised.

16. Confirmatory By-Law # 09-09

**Motion**

**Moved by: Warden Dulmage  
Seconded by: Warden McDonell**

**THAT the Board of Directors of the Eastern Ontario Wardens' Caucus hereby enacts as follows:**

- 1. THAT the action of the Board of Directors at its meeting held on the 18th day of October 2009 in respect to each motion, resolution, by-law and other action passed and taken by the Board of Directors at its said meeting, except where prior approval of any other body or agency is required, is hereby adopted, ratified and confirmed.**
- 2. THAT the Chair and the proper officers of the Corporation of the Eastern Ontario Wardens' Caucus Inc. are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required, and to execute all documents as may be necessary in that behalf and the Secretary is hereby authorized and directed to affix the Corporate Seal to all such documents. Carried.**

17. Adjournment

**Moved by: Mayor McGee  
Seconded by: Warden Burton**

**That the meeting of October 18, 2009 be adjourned. Carried**