

2. Motion – City Manager Delegated Authority on Amendments to the Stage 1 Light Rail Transit Project Agreement

Motion – Pouvoir délégué à la directrice municipale concernant les modifications à l'Accord de l'Étape 1 du projet sur le transport en commun par train léger sur rail

COMMITTEE RECOMMENDATION

BE IT RESOLVED that Council direct the Interim City Manager to bring forward to Council a report on the Delegated Authority which has been delegated to the Interim City Manager with respect to the Stage 1 and Stage 2 Project Agreements that would permit Council to receive a briefing on the current use and application of delegation of authority on Stage 1 and Stage 2 of the LRT; and

BE IT FURTHER RESOLVED that the LRT Subcommittee receive regular updates on the use of the Delegated Authority from the Interim City Manager with respect to Stage 1 and Stage 2 LRT Project Agreement amendments and direct the Interim City Manager to bring forward to Council for approval any material amendments related to the Stage 1 and Stage 2 LRT Project Agreements.

RECOMMANDATION DU COMITÉ

IL EST RÉSOLU QUE le Conseil demande à la directrice municipale par intérim de présenter un rapport sur ses pouvoirs délégués pour les accords relatifs aux Étapes 1 et 2 afin qu'il sache comment ces pouvoirs sont utilisés et appliqués; et

IL EST EN OUTRE RÉSOLU QUE le Sous-comité du train léger reçoive régulièrement de la directrice municipale par intérim de l'information sur l'utilisation de ces pouvoirs en lien avec la modification des accords relatifs aux Étapes 1 et 2 du projet de train léger et demande à la directrice de présenter au Conseil, pour approbation, toute modification importante desdits accords.

Documentation/Documentation

1. Extract of Draft Minutes, Light Rail Sub-Committee meeting of February 16, 2023

Extrait de l'ébauche du procès-verbal du Sous-comité du train léger de la réunion du 16 février 2023

2. Council Members' Motion submitted to Light Rail Sub-Committee meeting of February 16, 2023 (ACS2023-OCC-CCS-0022)

Motion d'un membre du Conseil soumise au Sous-comité du train léger à la réunion du 16 février 2023 (ACS2023-OCC-CCS-0022)

EXTRACT OF DRAFT MINUTES 1
LIGHT RAIL SUB-COMMITTEE
16 FEBRUARY 2023

EXTRAIT DE L'ÉBAUCHE DU
PROCÈS-VERBAL 1
SOUS-COMITÉ DU TRAIN LÉGER
LE 16 FÉVRIER 2023

Motion – City Manager Delegated Authority on Amendments to the Stage 1 Light Rail Transit Project Agreement

File No. ACS2023-OCC-CCS-0022 – City-wide

Motion No. 2022 - 04/22, moved by Councillor S. Menard and seconded by Councillor R. Brockington, at the City Council meeting of December 14, 2022, and referred to Light Rail Sub-Committee.

The replacement motion below (Motion No. LRSC 2023-01-01) was moved by Vice-Chair Curry on behalf of Councillor Menard. Councillor Menard spoke to the motion and answered questions from Committee.

John Redins spoke before the Committee and provided comments on the motion.

The following staff also answered questions from Committee:

- Transportation Services Department: Renée Amilcar, General Manager, Transit Services Department, Michael Morgan, Director, Rail Construction Program
- Office of the City Clerk: M. Rick O'Connor, City Clerk

Following discussions, the replacement motion (Motion No. LRSC 2023-01-01) was severed. The Committee voted upon each proposition separately as follows.

Motion

That Light Rail Sub-Committee recommend that Council:

1. **Revoke the Delegated Authority to the Interim City Manager with respect to Stage 1 LRT Project Agreement amendments and direct the Interim City Manager to bring forward to Council for approval any required amendments related to the Stage 1 LRT Project Agreement; and**
2. **Direct the Interim City Manager to bring forward to Council a revised proposal for Delegated Authority with respect to the Project Agreement that would permit Council to retain substantive decision-making while ensuring minor or technical matters could continue to be managed by the subject matter expert staff.**

Motion No. LRSC 2023-01-01

Moved by C. Curry

WHEREAS on December 19, 2012, Council approved the report entitled, “Design, Build, Finance and Maintenance of Ottawa’s Light Rail Transit (OLRT) Project”; and

WHEREAS Council delegated to the City Manager the authority to negotiate, approve, execute, deliver, amend and extend the Project Agreement and associated ancillary agreements for the OLRT Project, subject to the terms and conditions described in that report; and

WHEREAS on March 9, 2022, Council approved Motion 29/2 directing staff to issue a Notice of Default to Rideau Transit Group (RTG) in accordance with the Project Agreement and ask for a remedial plan and schedule for remediation of its defaults, and delegated the authority to the City Manager to take any other actions required under the Project Agreement to give effect to Council’s decision; and

WHEREAS on October 13, 2021, Council directed staff to deliver a Notice of Dispute under the Project Agreement with respect to RTG Defaults, have the Defaults confirmed through the contractual dispute resolution process in the Agreement including, as necessary, asking the Court to confirm the validity of the RTG defaults and report back to Council on the outcomes of these actions; and

WHEREAS the 2022-2026 Council has now been provided with an in camera update on the various legal disputes arising from the Stage 1 LRT Project Agreement; and

WHEREAS the Ottawa LRT Commission Public Inquiry recently released its final report and included information that the City lessened the project agreement requirements for accepting the system at Revenue Service Availability, changed the project agreement requirement for total number of trains on the line to open the system and that The Commission found that memorandum from the city manager sought to deliberately “disseminate misinformation and hide critical facts from Council” so that Councillors could not properly exercise their oversight function; and

WHEREAS the Delegation of Powers Policy provides that all delegation of powers and duties may be changed by Council at any time;

THEREFORE BE IT RESOLVED that the Light Rail Sub-Committee recommend Council direct the Interim City Manager to bring forward to Council a report on

the Delegated Authority which has been delegated to the Interim City Manager with respect to the Stage 1 and Stage 2 Project Agreements that would permit Council to receive a briefing on the current use and application of delegation of authority on Stage 1 and Stage 2 of the LRT;

Carried

BE IT FURTHER RESOLVED that the LRT Subcommittee receive regular updates on the use of the Delegated Authority from the Interim City Manager with respect to Stage 1 and Stage 2 LRT Project Agreement amendments and direct the Interim City Manager to bring forward to Council for approval any material amendments related to the Stage 1 and Stage 2 LRT Project Agreements;

For (4): S. Desroches, T. Tierney, J. Leiper, and T. Kavanagh

Against (2): C. Curry, and G. Gower

Carried (4 to 2)

BE IT FURTHER RESOLVED that Council revoke the Delegated Authority to the Interim City Manager with respect to any amendments to Schedule 14, which includes Trial Running criteria, of the respective Stage 2 Project Agreements; and

For (2): J. Leiper, and T. Kavanagh

Against (4): S. Desroches, C. Curry, T. Tierney, and G. Gower

Lost (2 to 4)

BE IT FURTHER RESOLVED that the Interim City Manager be directed to bring forward to Council a revised proposal for Delegated Authority with respect to the Stage 1 and Stage 2 Project Agreements that would permit Council to retain oversight over material amendments to the Project Agreements while ensuring technical and day-to day operational matters continue to be managed by the subject matter expert City staff.

Withdrawn