



SPECIAL OTTAWA CITY COUNCIL

Monday, 9 March 2020

1:30 pm

Andrew Haydon Hall, 110 Laurier Avenue W.

MINUTES 29

Note: Please note that the Minutes are to be considered DRAFT until confirmed by Council.

The Council of the City of Ottawa met at Andrew S. Haydon Hall, 110 Laurier Avenue West, Ottawa, on Monday, 9 March 2020 beginning at 1:30 pm.

The Mayor, Jim Watson, presided and led Council in a moment of reflection.

ROLL CALL

All Members were present at the meeting, except Councillor D. Deans (See Motion No. 20/1 of September 25, 2019), Councillor R. Chiarelli, and Councillor S. Moffatt.

DECLARATIONS OF INTEREST INCLUDING THOSE ORIGINALLY ARISING FROM PRIOR MEETINGS

No declarations of interest were filed.

REGRETS

Councillors D. Deans advised she would be absent from the Special City Council meeting of 9 March 2020 (See Motion No. 20/1 of September 25, 2019).

MOTION TO RESOLVE *IN CAMERA*

MOTION NO 29/1

Moved by Councillor L. Dudas
Seconded by Councillor M. Luloff

That, in accordance with Procedure By-Law 2019-8, City Council resolve In Camera pursuant to Subsections 13(1)(f), the receiving of advice that is subject to solicitor-client privilege, including communications necessary for the purpose of considering the O-Train Confederation Line LRT Stage 1 - Update on Legal Issues and Options - *In Camera* - Reporting out Date: Not to be reported out.

CARRIED

REPORTS

IN CAMERA ITEMS*

1.	O-TRAIN CONFEDERATION LINE LRT STAGE 1 – UPDATE ON LEGAL ISSUES AND OPTIONS – IN CAMERA – REPORTING OUT DATE: NOT TO BE REPORTED OUT
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This item was dealt with *In Camera* pursuant to Procedure By-law (By-law No. 2019-8), Subsection 13(1)(f), the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

As the content of the *In Camera* update regarding the O-Train Confederation Line LRT Stage 1 contains information pertaining to the legal aspects of the subject matter, the material falls within the exception contemplated by Subsection 13(1)(f) of City Council's Procedure By-Law. As such, this matter will not be reported out.

The subject matter of this item was the receipt and consideration of an update on the legal issues and options with respect to the O-Train Confederation Line LRT Stage 1. Upon resuming in open session, Mayor Watson stated that no

votes were taken other than procedural motions and/or directions to staff and the following motion was then presented:

MOTION NO 29/2

Moved by Mayor J. Watson

Seconded by Councillor A. Hubley

WHEREAS Rideau Transit Group (“RTG”) is a general partnership formed by ACS RTG Partner Inc, SNC RTG Partner Inc, and Ellis Don RTG Partner Inc. responsible for designing, building, financing, and maintaining of the City of Ottawa’s Confederation Line; and

WHEREAS the City of Ottawa’s Project Agreement with the Rideau Transit Group (RTG) requires it to deliver a safe and reliable light rail transit system that supports a high ridership level of 10,000 people per hour per direction; and

WHEREAS there have been significant issues with vehicle availability, station availability, and multiple failures across the system from the start of the service; and

WHEREAS, although RTG, at the City’s direction, has taken a number of steps to try to stabilize the service, the efforts to date have not resulted in success – meaning achieving a reliable system with reliable service -- and failure points remain at unacceptable levels; and

WHEREAS, in order to ensure that the residents of Ottawa receive the light rail transit service that they need, that they have contracted for and that RTG has contractually committed to provide; and

WHEREAS, having been briefed by external legal counsel on a privileged and confidential basis, Members of Council in attendance believe that it is in the City of Ottawa’s best interest to issue a formal Notice of Default to RTG under the Project Agreement, and asking RTG to provide a remedial plan and schedule for remediation of its defaults and rectification to the City by March 31, 2020;

THEREFORE BE IT RESOLVED that City Council direct the Director, Rail Construction Program, to issue a Notice of Default to Rideau Transit Group in accordance with the Project Agreement, and to ask Rideau Transit Group to provide to the Director, Rail Construction Program, a remedial plan and

schedule for remediation of its defaults and rectification by March 31, 2020, and delegate the authority to the City Manager to take any other actions required under the Project Agreement to give effect to Council's decision, and report back to City Council on the results of these actions at its meeting of April 8, 2020.

CARRIED on a division of 19 YEAS and 0 NAYS, as follows:

YEAS (19): Councillors M. Luloff, L. Dudas, C. McKenney, S. Menard, C.A. Meehan, R. King, K. Egli, J. Leiper, G. Gower, M. Fleury, G. Darouze, T. Tierney, T. Kavanagh, E. El-Chantiry, A. Hubley, J. Harder, J. Sudds, J. Cloutier and Mayor J. Watson

NAYS (0):

CONFIRMATION BY-LAW

MOTION NO 29/3

Moved by Councillor M. Luloff
Seconded by Councillor E. El-Chantiry

That the following by-law be read and passed:

To confirm the proceedings of the Council meeting of March 9, 2020

CARRIED

ADJOURNMENT

Council adjourned the meeting at 4:59 pm.

CITY CLERK

MAYOR