



The Corporation of the Town of Tecumseh

Corporate Services & Clerk

To: Mayor and Members of Council

From: Laura Moy, Director Corporate Services & Clerk

Date to Council: April 9, 2019

Report Number: CS-2019-09

Subject: Fluoridation of Water

Recommendations

It is recommended:

That Report CS-2019-09 regarding the Fluoridation of Water, **be received**;

And that By-law No. 2019-xx authorizing fluoridation of drinking water, in accordance with the Fluoridation Act, R.S.O. 1990 c.F.22, **be considered**.

Background

Report CS-2019-02 regarding fluoridation of water supply was presented to Council at their Regular Meeting held on February 12, 2019. At the meeting Council passed Resolution No. RCM-24/19 directing a further report be provided after receiving:

- legal advice on the interpretation and application of the *Fluoridation Act*,
- the history of fluoridation of drinking water in the Town of Tecumseh, and
- the City of Windsor's position on next steps in the process.

Comments

This report is being provided in accordance with the February 12, 2019, direction by Council.

Legal Advice

A closed meeting of Council has been scheduled for Tuesday, April 9, 2019, at 5:00 pm as permitted under Section 239 (2)(f) of the Municipal Act, 2001, which permits a meeting, or part of a meeting, to convene in closed session when the subject matter to be considered is subject to solicitor-client privilege, including communications necessary for that purpose.

The Town's Solicitor will be in attendance at the meeting to present his opinion and advice on the interpretation and application of the Fluoridation Act, R.S.O. 1990 c.F.22.

History of Fluoridation of Water

The Town of Tecumseh (Tecumseh), the Windsor Utilities Commission (WUC) and the City of Windsor (City) entered into a Water Servicing Agreement on November 10, 2004, and a subsequent Amending Agreement on January 16, 2006 (hereafter collectively referred to as "Agreement"). The Agreement provides Tecumseh with a secure source of drinking water for a period of fifty (50) years.

Prior to WUC's supply of water to all of Tecumseh under the Agreement, Tecumseh's water distribution network historically consisted of two distinct service areas:

- i. the North Tecumseh Service Area (north of Highway 401) which includes the urban settlement areas of Tecumseh, St Clair Beach and Tecumseh Hamlet which was serviced by a Windsor-Tecumseh Joint Waterworks Board; and
- ii. the South Tecumseh Service area (south of Highway 401) which includes urban settlement areas of the Oldcastle Hamlet and the Maidstone Hamlet which were serviced by WUC.

In the North Service Area, a review of historical records suggests that fluoridation was introduced in 1969 (third reading of Tecumseh By-law 942) regarding the joint system for Windsor and Tecumseh. It would appear that fluoridation was eventually removed at some point prior to December 17, 1998, as there is record of a by-law then being enacted by the Town of Tecumseh to again establish, maintain and operate a fluoridation system.

On or about December 7, 2001, the fluoridation equipment was placed off-line for regulatory reasons. Council resolved in May of 2003, following a March 30, 2003, Report from the Town's Director of Water and an April 8, 2003, Public Meeting, not to refer the question of discontinuing fluoridation to the electorate and to proceed with necessary upgrades to the fluoridation equipment. In 2004, the Town entered into the Agreement with WUC for its water supply, rather than proceed with upgrades to its own system.

The South Service Area, as noted above, has been supplied by WUC/Windsor for a number of years pre-dating the Agreement with WUC. It is understood that on or about October 16, 1961,

Windsor passed a by-law to require the establishment of a fluoridation system in connection with the WUC system.

Fluoridation was last dealt with in 2012/2013 where, following the decision of Windsor City Council on January 28, 2013, and adoption of City By-law 20-2013, WUC made application to the Ministry of the Environment (MOE) to amend its licence to remove fluoride from the WUC water supply. WUC was made aware that Tecumseh had passed a resolution on February 29, 2012, to support the cessation of fluoridation and cited same in a report to Windsor City Council. However, neither the Town of Tecumseh, nor the Town of LaSalle, nor the Town of Lakeshore's by-law approving this action was sought by WUC in advance of WUC proceeding in 2013 with its application to the MOE.

City of Windsor

The City Council at its March 25, 2019, meeting passed By-law 35-2019, repealing By-law 20-2013 and "requiring fluoridation of the water supply for The Corporation of the City of Windsor, pursuant to the Fluoridation Act."

Discussion

The Province of Ontario has left the determination of whether to add fluoride to the water supply to each individual municipality, pursuant to the Fluoridation Act.

In December 2018, City Council directed the introduction of fluoride (Decision Number: CR676/2018). As a result, the application of the Fluoridation Act was activated.

WUC operates a joint waterworks system for the City and the Towns of Tecumseh and LaSalle.

In accordance with the provisions of the Fluoridation Act regarding the introduction of fluoride to the water supply, the majority of the participating municipalities in a joint waterworks must pass a by-law requiring same.

The City of Windsor passed By-law 35-2019.

In the Report to City Council from its Administration (Council Report C47/2019) it is noted that "While Windsor cannot force LaSalle and Tecumseh to address the issue of fluoride, the by-law will be provided to them by the Clerk upon its passing."

Formal communication from the City Clerk's office has not yet been received as the writing of this report. However, in accordance with the direction of Tecumseh Council, this report and attached draft By-law are being provided.

In order for WUC to proceed with the addition of fluoride, it must receive an authorizing by-law from at least two of the municipalities for which it provides a waterworks system – the City, Tecumseh and LaSalle.

The Town of LaSalle does not currently have the matter scheduled to go before its Council, pending a formal request from the City of Windsor.

Consultations

Financial Services
Public Works & Environmental Services
Legal Counsel

Financial Implications

The costs and rates of water supplied by WUC are captured within the provisions of the Water Servicing Agreement between the Town and WUC. These provisions are currently being clarified through Mediation/Arbitration.

Link to Strategic Priorities

Applicable	2017-18 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input checked="" type="checkbox"/>	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.
<input type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable

Website Social Media News Release Local Newspaper

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Laura Moy, Dipl. M.M., CMMIII HR Professional
Director Corporate Services & Clerk

Reviewed by:

Phil Bartnik, P.Eng.
Director Public Works & Environmental Services

Reviewed by:

Luc Gagnon, CPA, CA, BMath
Director Fire Services & Fire Chief, C.E.M.C.

Recommended by:

Tony Haddad, MSA, CMO, CPFA
Chief Administrative Officer

Attachment Number	Attachment Name
1	Draft By-law to authorize fluoridation