

**THE REGIONAL MUNICIPALITY OF NIAGARA
PROCEEDINGS OF COUNCIL
OPEN SESSION**

**CL 9-2020
Thursday, June 25, 2020
Council Chamber/Teleconference
Niagara Region Headquarters, Campbell West
1815 Sir Isaac Brock Way, Thorold, ON**

Council Members Present in the Council Chamber: Bradley (Regional Chair)

Council Members Present via Teleconference: Bellows, Butters, Campion, Chiocchio, Darte, Diodati, Disero, Easton, Edgar, Fertich, Foster, Gale, Gibson, Greenwood, Heit, Huson, Insinna, Ip, Jordan, Junkin, Nicholson, Redekop, Rigby, Sendzik, Steele, Ugulini, Villella, Whalen, Witteveen, Zalepa

Absent/Regrets: Bylsma

Staff Present in the Council Chamber: M. Elia, Technology Support Analyst, M. Lewis, Technology Support Analyst, A.-M. Norio, Regional Clerk, R. Tripp, Acting Chief Administrative Officer

Staff Present via Teleconference: D. Barnhart, Executive Officer to the Regional Chair, D. Gibbs, Director, Legal & Court Services, C. Habermebl, Director, Waste Management Services, T. Harrison, Commissioner/Treasurer, Corporate Services, Dr. M. M. Hirji, Acting Medical Officer of Health, A. Jugley, Commissioner, Community Services, F. Meffe, Director, Human Resources, D. Morreale, Director, Development Approvals, R. Mostacci, Commissioner, Planning & Development Services, M. Robinson, Director, GO Implementation Project, M. Trennum, Deputy Regional Clerk, D. Woiceshyn, Chief Executive Officer, Niagara Regional Housing, B. Zvaniga, Interim Commissioner, Public Works

1. CALL TO ORDER

Regional Chair Bradley called the meeting to order at 6:38 p.m.

2. **ADOPTION OF AGENDA**

2.1 **Addition of Items**

Moved by Councillor Witteveen
Seconded by Councillor Villella

That Reverend Sandi Mansfield, Khajida Hammuda and Daelle Shannon
BE PERMITTED to appear before Council as individual delegates
respecting the motion regarding Declaration of Public Health Issues.

Carried

2.2 **Changes in Order of Items**

Moved by Councillor Ip
Seconded by Councillor Easton

That the order of the agenda **BE AMENDED** to move the consideration of
the motion respecting the Declaration of Public Health Issues (Agenda
Item 11.1) to immediately following the delegations on this matter (Agenda
Item 6).

Carried

Moved by Councillor Whalen
Seconded by Councillor Butters

That Council Agenda CL 9-2020, **BE ADOPTED**, as amended.

Carried

3. **DISCLOSURES OF PECUNIARY INTEREST**

Councillor Darté declared a direct pecuniary interest with respect to the
presentation (Agenda Item 4.1) respecting Pandemic Impact on Local
Government Finances and Taxation as he was one of the signatories on the
submission from the Concerned Group of Niagara Business Owners.

Councillor Huson declared a indirect pecuniary interest with respect to Council
Minutes CL 8-2020 (Agenda Item 7.2) respecting the Special Council meeting
held on June 4, 2020 as the motions that deal with Report CAO 11-2020 (Minute
Item 7.1) and Confidential Report CSD 42-2020 (Minute Item 5.2) which
reference Brock University as she has an employment relationship with Brock
University.

4. PRESENTATIONS

4.1 Pandemic Impact on Local Government Finances and Taxation

Spenser Fox, President, E.S. Fox Limited, appeared before Council on behalf of Concerned Group of Niagara Business Owners and spoke in favour of a decrease in taxes to support the private sector in Niagara, and to request meetings with the Region to advise on the economic recovery of Niagara.

Moved by Councillor Foster
Seconded by Councillor Edgar

That the presentation submission respecting Pandemic Impact on Local Government Finances and Taxation **BE REFERRED** to the Budget Review Committee of the Whole for consideration.

Carried

5. CHAIR'S REPORTS, ANNOUNCEMENTS, REMARKS

The Regional Chair provided an update respecting activities within the Region and the efforts of Niagara Region with respect to the COVID-19 pandemic.

6. DELEGATIONS

6.1 Motion respecting Declaration of Public Health Issues (Agenda Item 14.1)

6.1.1 Rebecca Dyck, Rebecca Dyck Consulting

Rebecca Dyck, Rebecca Dyck Consulting, provided information respecting the health issues associated with racism, transphobia and homophobia and spoke in favour of the motion.

6.1.2 Magdolene Dykstra, Resident, City of St. Catharines

Magdolene Dykstra, resident, City of St. Catharines, provided information respecting the impact of discrimination on student and youth populations and spoke in favour of the motion.

6.1.3 Jennifer Dockstader, Executive Director, Fort Erie Native Friendship Centre

Jennifer Dockstader, Executive Director, Fort Erie Native Friendship Centre, appeared before Council in support of the motion and shared personal experiences of racism in Niagara, and examples described to the Friendship Centre.

6.1.4 Robin McBurney and Angela Menotti, Residents, City of Niagara Falls

Robin McBurney and Angela Menotti, residents, City of Niagara Falls, appeared before Council in support of the motion and shared personal experiences of discrimination and its affect on youth in the education system in Niagara.

6.1.5 Shaniqua Goodridge, Resident, City of Niagara Falls

This delegation request was withdrawn.

6.1.6 Reverend Sandi Mansfield, Resident, City of Niagara Falls

Reverend Sandi Mansfield, resident, City of Niagara Falls, appeared before Council in support of the motion and provided examples of shared experiences of racism in the medical system and within the religious communities of Niagara.

6.1.7 Khadija Hammuda, Resident, City of St. Catharines

Khadija Hammuda, resident, City of St. Catharines, spoke in favour of the motion and shared personal experiences with racism in Niagara.

6.1.8 Daele Shannon, Resident, City of Niagara Falls

Daele Shannon, resident, City of Niagara Falls, appeared in support of the motion and shared personal experiences with transphobia in the education system in Niagara.

11. **MOTIONS**

11.1 Declaration of Public Health Issues

Moved by Councillor Ip

Seconded by Councillor Sendzik

WHEREAS racism, homophobia, transphobia, discrimination, and stigma are associated with poorer physical, mental, and emotional health and greater mortality, making racism an important public health issue; and

WHEREAS Public Health has a role in promoting the health of the entire population by working with others to ensure fair opportunities for health and well-being; and

WHEREAS Niagara Region and its Board of Health is guided by Objective 2 in Niagara Region's Strategic Plan to foster a high quality of life through safe, healthy, and inclusive neighbourhoods and delivery of quality, affordable, and accessible human services; and

WHEREAS members of the Black, Indigenous, 2SLGBTQQIA, and many other communities experience physical, social, mental, and emotional harms due to racism, homophobia, transphobia, and other discrimination and stigma present across sectors, including health, education, employment, housing, child care and child welfare, policing and law enforcement, and the criminal justice system; and

WHEREAS the Region of Niagara has become a member of the Coalition of Inclusive Municipalities and committed to appropriately resourcing the work of the Coalition;

NOW THEREFORE BE IT RESOLVED:

1. That Regional Council **ACKNOWLEDGE** that racism, homophobia, transphobia, and all forms of discrimination or oppression are public health issues;
2. That Niagara Region **COMMIT** to using an equity, diversity, and inclusion lens in all future decision-making; and
3. That Niagara Region **RECONFIRM** its efforts through the Coalition of Inclusive Municipalities to promote social inclusion, human rights, and diversity, as well as eradicating all forms of racism and discrimination that continue to persist in Niagara.

The following friendly **amendment** was accepted by the Regional Chair, and the mover and seconder of the motion:

4. That this motion BE CIRCULATED to the local area municipalities.

The following friendly **amendment** was accepted by the Regional Chair, and the mover and seconder of the motion:

1. That Regional Council **ACKNOWLEDGE** that racism, homophobia, transphobia, and all forms of discrimination or oppression are public health issues;
2. That Niagara Region **COMMIT** to using an equity, diversity, and inclusion lens in all future decision-making;
3. ***That Niagara Region COMMIT to considering social determinants of health, including income, education, employment, early childhood development, food insecurity, housing, social exclusion and social safety network, health services, aboriginal status, gender, race, and disability, in all future program and budget decisions including revising the Region Budget By-Law Principles to include healthy communities;***
4. That Niagara Region **RECONFIRM** its efforts through the Coalition of Inclusive Municipalities to promote social inclusion, human rights, and diversity, as well as eradicating all forms of racism and discrimination that continue to persist in Niagara.
5. That this motion **BE CIRCULATED** to the local area municipalities.

The Regional Chair called the vote on the motion, as amended.

Recorded Voted:

Yes (29): Bellows, Butters, Chiocchio, Darte, Diodati, Disero, Easton, Edgar, Fertich, Foster, Gale, Gibson, Greenwood, Heit, Huson, Insinna, Ip, Jordan, Junkin, Nicholson, Redekop, Rigby, Sendzik, Steele, Ugulini, Villella, Whalen, Witteveen, Zalepa.

No (0).

Carried

7. ADOPTION OF MINUTES

Moved by Councillor Steele
Seconded by Councillor Huson

That Minutes CL 7-2020 being the Open and Closed Session minutes of the Regular Regional Council meeting held on Thursday, May 21, 2020, and Minutes CL 8-2020 being the Open and Closed Session minutes of the Special Regional Council meeting held on Thursday, June 4, 2020 **BE ADOPTED**.

Carried

8. CORRESPONDENCE

8.1 Receive and/or Refer

Moved by Councillor Jordan
Seconded by Councillor Witteveen

That the following items **BE DEALT WITH** as follows:

CL-C 34-2020 respecting Notice of Procedural By-law Amendment – Amendment to Allow Electronic Participation for Sub-Committees and Advisory Committees, **BE RECEIVED**;

CL-C 35-2020 respecting Amendment to the Flag Raising and Niagara Sign Lighting Policy, **BE RECEIVED**;

CL-C 36-3030 respecting diversity and inclusiveness, **BE RECEIVED**.

Moved by Councillor Heit
Seconded by Councillor Edgar

That Correspondence Item CL-C 36-3030 respecting A letter from A Better Niagara, dated June 18, 2020, respecting diversity and inclusiveness, **BE DEFERRED** to the Regional Council meeting being held on July 23, 2020 for consideration.

Carried

The Regional Chair called the vote on the balance of the motion and declared it,

Carried

Councillor Information Request(s):

Provide information respecting electronic meeting participation and request input on the matter from the members of the Accessibility Advisory Committee. Councillor Huson

8.2 For Consideration

8.2.1 CSD 43-2020

Intra-municipal Transit Fees

Moved by Councillor Sendzik

Seconded by Councillor Greenwood

That Report CSD 43-2020, dated June 25, 2020, respecting Intra-Municipal Transit Fees, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the Intra-municipal transit fees in CSD 43-2020 **BE APPROVED**; and
2. That the necessary by-law **BE PRESENTED** to Council for consideration.

Carried

8.2.2 CSD 39-2020

2020 COVID-19 Cash Flow Update Report - June

Moved by Councillor Whalen

Seconded by Councillor Gibson

That Report CSD 39-2020, dated June 25, 2020, respecting 2020 COVID-19 Cash Flow Update Report – June, **BE RECEIVED** for information.

Carried

8.2.3 CSD 40-2020

COVID-19 Financial Impacts Update

Moved by Councillor Fertich

Seconded by Councillor Insinna

That Report CSD 40-2020, dated June 25, 2020, respecting COVID-19 Financial Impacts Update, **BE RECEIVED** for information.

Carried

Councillor Information Request(s):

Provide information respecting how pandemic pay is being distributed across the divisions of the corporation. Councillor Zalepa.

8.2.4 CHR 3-2020

Association of Municipalities of Ontario 2020 Annual Conference

Moved by Councillor Foster

Seconded by Councillor Chiocchio

That Report CHR 3-2020, dated June 25, 2020, respecting Association of Municipalities of Ontario 2020 Annual Conference, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the advocacy issues identified in CHR 3-2020 titled Association of Municipalities of Ontario (AMO) 2020 Annual Conference **BE ENDORSED** as delegation requests at the 2020 AMO Conference; and
2. That staff **BE DIRECTED** to request meetings with cabinet ministers, parliamentary assistants, senior ministry staff, and party leaders to discuss regional advocacy issues during the AMO Conference.

Carried

9. COMMITTEE REPORTS - OPEN SESSION

9.1 Public Works Committee

Minutes PWC 5-2020, Tuesday, June 16, 2020

Moved by Councillor Rigby
Seconded by Councillor Edgar

That Report PWC 5-2020 being the Open Session minutes of the Public Works Committee meeting held on Tuesday, June 16, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED** save and except Minute Items 5.1 and 9.1.

Carried

Minutes Items 5.1 and 9.1 were considered after Closed Session (Minute Item 15.)

9.2 Public Health and Social Services Committee

Minutes PHSSC 5-2020, Tuesday, June 16, 2020

Moved by Councillor Greenwood
Seconded by Councillor Nicholson

That Report PHSSC 5-2020 being the Open Session minutes of the Public Health & Social Services Committee meeting held on Tuesday, June 16, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

9.3 Corporate Services Committee

Minutes CSC 5-2020, Wednesday, June 17, 2020

Moved by Councillor Foster
Seconded by Councillor Gibson

That Report CSC 5-2020 being the Open Session minutes of the Corporate Services Committee meeting held on Wednesday, June 17, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

9.4 Planning and Economic Development Committee

Minutes PEDC5-2020, Wednesday, June 17, 2020

Moved by Councillor Huson
Seconded by Councillor Witteveen

That Report PEDC 5-2020 being the Open and Closed Session minutes of the Planning & Economic Development Committee meeting held on Wednesday, June 17, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

10. **CHIEF ADMINISTRATIVE OFFICER'S REPORT(S)**

10.1 CAO 13-2020

Update on Recommendations from Ontario Ombudsman Report "Inside Job"

Moved by Councillor Steele
Seconded by Councillor Jordan

That Report CAO 13-2020, dated June 25, 2020, respecting Update on Recommendations from Ontario Ombudsman Report "Inside Job", **BE RECEIVED** and **CIRCULATED** to the Ontario Ombudsman for information.

Carried

10.2 CAO 14-2020

A Unified Message for All-of-Niagara Vigilance Against COVID-19

Moved by Councillor Greenwood
Seconded by Councillor Ugolini

That Report CAO 14-2020, dated June 25, 2020, respecting A Unified Message for All-of-Niagara Vigilance Against COVID-19, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Regional Council, as the Board of Health, **THANKS** the people of Niagara for their sacrifice and diligence in practicing personal conduct that has "flattened the curve" of COVID-19 and enabled Niagara to move into Stage 2 of the province's "A Framework for Reopening Our Province";

2. That Regional Council, as the Board of Health, **RESOLVES** that as restrictions on the economy and social interaction are lifted in Niagara, it is more important than ever that everyone practices behaviours that limit the spread of infection, namely:
 - a. Keeping a physical distancing of 2 metres from others
 - b. Washing or sanitizing hands frequently
 - c. Wearing a face covering where it is not possible to maintain a 2 metre distance
 - d. Being attentive to one's health, and isolating oneself while seeking testing if one develops any symptoms of infection, however mild;
3. That Regional Council, as the Board of Health, **REQUESTS** all leaders and influencers in Niagara to speak in a unified voice about the importance of practicing the above behaviours;
4. That Regional Council, as the Board of Health, **ENCOURAGES** all residents and visitors to Niagara to practice the above behaviours; and
5. That Regional Council, as the Board of Health, **ENCOURAGES** all businesses and services in Niagara to implement all reasonable measures that enable their clients, employees, and visitors to practice the above behaviours.

Carried

12. NOTICES OF MOTION

12.1 Niagara Regional Police Services

Councillor Sendzik advised that he would be bringing forward a motion to the next Council meeting respecting systemic racism the Niagara Regional Police Services.

Moved by Councillor Sendzik
Seconded by Councillor Darte

That a special Regional Council meeting **BE CALLED** for the consideration of the motion respecting Niagara Regional Police Services.

Carried

Councillor Information Request(s):

Invite the Chief of the Niagara Regional Police Service to the special Regional Council meeting. Councillor Sendzik.

13. OTHER BUSINESS

There were no items of other business.

14. CLOSED SESSION

Moved by Councillor Huson
Seconded by Councillor Insinna

That Council **DO NOW MOVE** into closed session for the purposes of receiving information of a confidential nature respecting:

A Matter of Commercial Information, which if disclosed could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization, under s. 239(2) of the Municipal Act, 2001 - Procurement Process for Material Recycling Facility (MRF) Opportunity Review – Phase 4 (Minute Item 1.1 Closed Session Minutes PWC 5-2020).

Carried

Council Resolved into closed session at 9:34 p.m.

15. BUSINESS ARISING FROM CLOSED SESSION

Council reconvened in open session at 10:36 p.m. with the following individuals in attendance:

Council Members Present in the Council Chamber: Bradley (Regional Chair)

Council Members Present via Teleconference: Bellows, Butters, Chiocchio, Dart, Diodati, Disero, Easton, Edgar, Foster, Gale, Gibson, Greenwood, Heit, Huson, Insinna, Jordan, Junkin, Nicholson, Rigby, Sendzik, Steele, Villella, Whalen, Witteveen, Zalepa

Absent/Regrets: Bylsma, Campion, Fertich, Ip, Redekop, Ugolini

Staff Present in the Council Chamber: M. Elia, Technology Support Analyst, M. Lewis, Technology Support Analyst, A.-M. Norio, Regional Clerk, R. Tripp, Acting Chief Administrative Officer

Staff Present via Teleconference: D. Barnhart, Executive Officer to the Regional Chair, D. Gibbs, Director, Legal & Court Services, C. Habermebl, Director, Waste Management Services, T. Harrison, Commissioner/Treasurer, Corporate Services, M. Trennum, Deputy Regional Clerk, B. Zvaniga, Interim Commissioner, Public Works

During closed session, Council passed a motion to extend the meeting's curfew to 11:00 p.m.

15.1 Minute Item 9.1 of the Public Works Committee Minutes (Agenda Item 9.1) respecting Procurement Process for Material Recycling Facility (MRF) Opportunity Review – Phase 4 (Confidential Report PW 17-2020)

The recommendation contained in Minute Item 9.1 of the Public Works Committee (Agenda Item 9.1) respecting Procurement Process for Material Recycling Facility (MRF) Opportunity Review – Phase 4 was considered separately as follows:

That Confidential Report PW 17-2020, dated June 16, 2020, respecting A Matter of Commercial Information, which if disclosed could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization, under s. 239(2) of the Municipal Act, 2001 - Procurement Process for Material Recycling Facility (MRF) Opportunity Review – Phase 4, **BE RECEIVED** and the recommendation contained therein **BE APPROVED**.

Recorded Vote:

Yes (13): Darte, Disero, Easton, Edgar, Foster, Heit, Huson, Jordan, Junkin, Rigby, Steele, Witteveen, Zalepa.

No (12): Bellows, Butters, Chiocchio, Diodati, Gale, Gibson, Greenwood, Insinna, Nicholson, Sendzik, Villella, Whalen.

Carried

15.2 Minute Item 5.1 of the Public Works Committee Minutes (Agenda Item 9.1) respecting Blue Box Program Transition to Full Producer Responsibility

The recommendation contained in Minute Item 5.1 of the Public Works Committee Minutes (Agenda Item 9.1) respecting Blue Box Program Transition to Full Producer Responsibility (Report PW 23-2020) was considered separately as follows:

Moved by Councillor Heit
Seconded by Councillor Whalen

That Report PW 23-2020, dated June 16, 2020, respecting Blue Box Program Transition to Full Producer Responsibility, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the Regional Clerk **BE AUTHORIZED** to respond to the Association of Municipalities of Ontario's request that municipal governments pass a resolution to provide a preferred date to transition the residential Blue Box program to full producer responsibility, if provided the opportunity to self-determine (between January 1, 2023 and December 31, 2025), with the following:
 - a. Niagara Region's preferred date to transition the residential Blue Box program to full producer responsibility is as early as possible in the transition period, which is on January 1, 2023, subject to cost benefit analysis when the Blue Box regulation is finalized;

- b. Niagara Region expresses interest in providing curbside and depot Blue Box collection and haulage services on behalf of producers, subject to mutually agreeable commercial terms, including service duration, beginning on January 1, 2023;
 - c. Niagara Region anticipates completion of the Material Recovery Facility (MRF) Phase 4 Opportunity Review in late 2020, which will inform how or if the MRF asset will be potentially divested and Niagara Region's potential role in processing services; and
2. That the draft resolution as outlined in Appendix 1 to Report PW 23-2020 **BE APPROVED** and sent to Association of the Municipalities of Ontario and the Ministry of the Environment, Conservation and Parks.

Carried

15.3 Public Works Committee Closed Session Minutes

Closed Session Minutes PWC 5-2020, Tuesday, June 16, 2020

Moved by Councillor Rigby
Seconded by Councillor Steele

That Report PWC 5-2020 being the Closed Session minutes of the Public Works Committee meeting held on Tuesday, June 16, 2020, **BE APPROVED**.

Carried

16. **BY-LAWS**

Moved by Councillor Diodati
Seconded by Councillor Easton

That the following Bills **BE NOW READ** and **DO PASS**:

Bill 2020-27

A by-law to accept, assume and dedicate part of Lot 13, plan M94, in the Township of West Lincoln as part of Regional Road No. 14 (Station Street).

Bill 2020-28

A by-law to accept, assume and dedicate part of Lot 25 adjoining Cross Concession, Town of Fort Erie as part of Regional Road No. 25 (Netherby Road).

Bill 2020-29

A by-law to accept, assume and dedicate part of Lot 29 and Core Concession 7, City of Welland as part of Regional Road No. 33 (Humberstone Road).

Bill 2020-30

A by-law to accept, assume and dedicate part of Lot 1, Range 4, Plan 284 in the City of Niagara Falls as part of Regional Road No. 43 (Bridge Street).

Bill 2020-31

A by-law to accept, assume and dedicate part of Lot 18-19, CY plan 29, in the City of St. Catharines as part of Regional Road No. 48 (Niagara Street).

Bill 2020-32

A by-law to accept, assume and dedicate part of Block L, Plan M12, in the City of Thorold as part of Regional Road No. 71 (St. David's Road).

Bill 2020-33

A by-law to accept, assume and dedicate Blocks 125 and 126, Plan 30M451, in the Town of Lincoln as part of Regional Road No. 18 (Mountain Street).

Bill 2020-34

A by-law to amend By-law No. 2019-100, being a by-law to establish fees and charges for the services and activities provided by the Regional Municipality of Niagara and for the use of its property and to repeal By-law 2019-28.

Bill 2020-35

A by-law to authorize the submission of an application to Ontario Infrastructure and Lands Corporation ("OILC") for financing certain capital work(s) of The Corporation of the City of Port Colborne; and to authorize long-term borrowing for such capital work(s) through the issue of debentures by The Regional Municipality of Niagara (the "upper tier municipality") to OILC.

Bill 2020-36

A by-law to adopt, ratify and confirm the actions of Regional Council at it's meeting held on June 25, 2020.

Carried

17. ADJOURNMENT

There being no further business, the meeting adjourned at 10:44 p.m.

Jim Bradley
Regional Chair

Matthew Trennum
Deputy Regional Clerk

Ann-Marie Norio
Regional Clerk