THE REGIONAL MUNICIPALITY OF NIAGARA
PROCEEDINGS OF COUNCIL
OPEN SESSION

CL 17-2020
Thursday, September 17, 2020
Council Chamber / Video Conference
Niagara Region Headquarters, Campbell West
1815 Sir Isaac Brock Way, Thorold, ON

Council Members Present in the Council Chamber:	Bradley (Regional Chair), Foster
Council Members Present via Video Conference:	Butters, Bylsma, Campion, Chiocchio, Darte, Diodati, Disero, Easton, Edgar, Fertich, Gale, Gibson, Greenwood, Heit, Huson, Insinna, Ip, Jordan, Junkin, Nicholson, Redekop, Rigby, Sendzik, Ugulini, Villella, Whalen, Witteveen, Zalepa
Absent/Regrets:	Bellows, Steele
Staff Present in the Council Chamber	D. Gibbs, Director, Legal & Court Services, M. Lewis, Client and Support Advisor, A.-M. Norio, Regional Clerk, R. Tripp, Acting Chief Administrative Officer
Staff Present via Video Conference:	D. Barnhart, Executive Officer to the Regional Chair, H. Chamberlain, Director, Financial Management & Planning/Deputy Treasurer, Dr. A. Feller, Associate Medical Officer of Health, C. Habermebl, Director, Waste Management Services, T. Harrison, Commissioner/Treasurer, Corporate Services, Dr. M. M. Hirji, Acting Medical Officer of Health, D. Johnson, Associate Director, Water and Wastewater Operations Management & Laboratory Services , A. Jugley, Commissioner, Community Services, F. Meffe, Director, Human Resources, B. Menage, Director, Procurement & Strategic Acquisitions, R. Mostacci, Commissioner, Planning & Development Services, J. Tonellato, Director, Water and Wastewater, M. Trennum, Deputy Regional Clerk, D. Woiceshyn, Chief Executive Officer, Niagara Regional Housing, B. Zvaniga, Interim Commissioner, Public Works

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1. CALL TO ORDER

Regional Chair Bradley called the meeting to order at 6:31 p.m.

2. ADOPTION OF AGENDA

2.1 Addition of Items

Moved by Councillor Darte
Seconded by Councillor Villella

That Steffanie Hancharyk, Cheryl Rowe and Shaun Somers **BE PERMITTED** to appear before Council as individual delegates respecting Report CAO 19-2020 - Update on Niagara Region's Face Covering By-law.

Carried

2.2 Changes in Order of Items

There were no changes in the order of the Agenda.

Moved by Councillor Huson
Seconded by Councillor Chiocchio

That Council Agenda CL 17-2020, **BE ADOPTED**, as amended.

Carried

3. DISCLOSURES OF PECUNIARY INTEREST

Councillor Edgar declared an direct pecuniary interest with respect to the portion of the Public Health and Social Services Committee minutes PHSSC 8-2020 (Agenda Item 9.3) concerning Report COM 16-2020 (Minute Item 5.1) respecting Approval of the 2019 Community Services Program Audits, as the report includes the audit of the Children's Services division programs, and his wife is the Director of Children's Services.

4. PRESENTATIONS

There were no presentations.

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 Decriminalization of Personal Possession of Illicit Drugs (Agenda Item 11.1)

6.1.1 Glen Walker, Executive Director, Positive Living Niagara

Glen Walker, Executive Director, Positive Living Niagara, appeared before Council in support of the motion and to provide information respecting the issue of decriminalization of personal possession of illicit drugs.

6.1.2 Sandi Tantardini, Resident, City of St. Catharines

Sandi Tantardini, Resident, City of St. Catharines, appeared before Council in support of the motion and to provide information respecting addiction and its stigmatization in society and the public health issues associated with illicit drug use.

6.2 Update on Niagara Region's Face Covering By-law (Report CAO 19-2020 (Agenda Item 10.1)

6.2.1 Danielle Romanuk, Resident, City of St. Catharines

Danielle Romanuk, resident, City of St. Catharines, spoke in opposition to the extension of Niagara Region's Face Covering By-law.

6.2.2 Angie Domenegato, Resident, City of Niagara Falls

Angie Domenegato, resident, City of Niagara Falls, spoke in opposition to the extension of Niagara Region's Face Covering By-law.

6.2.3 Cullen McDonald, Resident, Town of Lincoln

Cullen McDonald, resident, Town of Lincoln, spoke in opposition to the extension of Niagara Region's Face Covering By-law.

6.2.4 Beata O'Connell, Resident, Town of Fort Erie

Angela Braun, resident, City of Thorold, appeared on behalf of Beata O'Connell and spoke in opposition to the extension of Niagara Region's Face Covering By-law.

6.2.5 Steffanie Hancharyk, Resident, City of St. Catharines

Steffanie Hancharyk, resident, City of St. Catharines, spoke in opposition to the extension of Niagara Region's Face Covering By-law.

Cheryl Rowe (Agenda Item 6.2.6) had not joined the meeting; therefore, Council heard the delegation from Shaun Somers at this time.

6.2.7 Shaun Somers, Resident, City of Port Colborne

Shaun Somers, resident, City of Port Colborne, spoke in opposition to the extension of Niagara Region's Face Covering By-law.

6.2.6 Cheryl Rowe, Resident, City of Welland

Cheryl Rowe, resident, City of Welland, spoke in opposition to the extension of Niagara Region's Face Covering By-law.

7. ADOPTION OF MINUTES

Moved by Councillor Witteveen
Seconded by Councillor Fertich

That Minutes CL 14-2020 being the Open Session minutes of the Special Regional Council meeting held on Thursday, August 13, 2020, and Minutes CL 15-2020 being the Open Session minutes of the Regular Regional Council meeting held on Thursday, August 13, 2020, **BE ADOPTED**.

Carried

8. CORRESPONDENCE

8.1 Receive and/or Refer

Moved by Councillor Sendzik
Seconded by Councillor Insinna

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

CL-C 93-2020, respecting Mandatory Face Covering By-law, **BE RECEIVED**;

CL-C 94-2020, respecting Submissions regarding Face Covering By-law, **BE RECEIVED**;

CL-C 95-2020, respecting Mandatory Face Covering By-law, **BE RECEIVED**;

CL-C 98-2020, respecting Mandatory Face Covering By-law, **BE RECEIVED**; and

CL-C 99-2020, respecting Ramar Designation, **BE RECEIVED**.

Carried

8.2 For Consideration

8.2.1 CSD 57-2020

COVID-19 Cash Flow Update Report - September

Moved by Councillor Huson
Seconded by Councillor Foster

That Report CSD 57-2020, dated September 17, 2020, respecting COVID-19 Cash Flow Update Report – September, **BE RECEIVED** for information.

Carried

9. COMMITTEE REPORTS - OPEN SESSION

9.1 Committee of the Whole

Minutes COTW 2-2020, Thursday, August 20, 2020

Moved by Councillor Fertich
Seconded by Councillor Chiocchio

That Report COTW 2-2020 being the Open and Closed Session minutes of the Committee of the Whole meeting held on Thursday, August 20, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

9.2 Public Works Committee

Minutes PWC 8-2020, Tuesday, September 8, 2020

Moved by Councillor Rigby
Seconded by Councillor Edgar

That Report PWC 8-2020 being the Open and Closed Session minutes of the Public Works Committee meeting held on Tuesday, September 8, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

9.2.1 Minute Item 5.4 respecting Approval of Various Single Source Public Works New Purchase Orders and Purchase Order Change Request

The motion contained in Minute Item 5.4 was considered separately as follows:

That Report PW 42-2020, dated September 9, 2020, respecting Approval of Various Single Source Public Works New Purchase Orders and Purchase Order Change Request, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That the Purchase Order (PO) Change Requests identified in Appendix 1 of Report PW 42-2020, **BE APPROVED**; and
2. That the Public Works Committee **EXPRESS** its concern respecting the review of single source procurements over $5,000.

Moved by Councillor Fertich
Seconded by Councillor Bylsma

That, in accordance with subsection 2.4 of Niagara Region's Procedural By-law, the rules of procedure, specifically clause (a) of subsection 19.16 "Motion to Reconsider" of the Procedural By-law, **BE SUSPENDED** to waive the notice requirements for a motion to reconsider to be introduced in order to permit Council to reconsider the closed session motion passed at the Special Regional Council meeting held on July 30, 2020 respecting all single source procurement over $5000 in Public Works initiated in 2020.

Two-thirds majority having been achieved, the Chair declared the vote,

Carried

Moved by Councillor Fertich
Seconded by Councillor Bylsma

That the freeze of all single source procurement over $5000 in Public Works initiated in 2020, and the requirement for any single source procurement deemed essential to receive pre-approval from the Public Works Committee, **BE RECONSIDERED** at this time.

Two-thirds majority having been achieved, the Chair declared the vote,

Carried

Moved by Councillor Fertich
Seconded by Councillor Witteveen

That staff **BE DIRECTED**, in the interim, to freeze all single source procurements over $100,000 in Public Works initiated in 2020 and if any single source procurement is deemed essential there must be pre-approval first received by the Public Works Committee.

Carried

The Regional Chair called the vote on the motion contained in Minute Item 5.4 as follows:

That Report PW 42-2020, dated September 9, 2020, respecting Approval of Various Single Source Public Works New Purchase Orders and Purchase Order Change Request, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That the Purchase Order (PO) Change Requests identified in Appendix 1 of Report PW 42-2020, **BE APPROVED**; and

2. That the Public Works Committee **EXPRESS** its concern respecting the review of single source procurements over $5,000.

Carried

9.2.2 Balance of the recommendations from Public Works Committee

The Regional Chair called the vote on the balance of the recommendations from the Public Works Committee and declared it,

Carried

9.3 Public Health and Social Services Committee

Minutes PHSSC 8-2020, Tuesday, September 8, 2020

Moved by Councillor Chiocchio
Seconded by Councillor Nicholson

That Report PHSSC 8-2020 being the Open Session minutes of the Public Health & Social Services Committee meeting held on Tuesday, September 8, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

9.4 Corporate Services Committee

Minutes CSC 8-2020, Wednesday, September 9, 2020

Moved by Councillor Foster
Seconded by Councillor Whalen

That Report CSC 8-2020 being the Open Session minutes of the Corporate Services Committee meeting held on Wednesday, September 9, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

9.5 Planning and Economic Development Committee

Minutes PEDC 7-2020, Wednesday, September 9, 2020

Moved by Councillor Darte
Seconded by Councillor Huson

That Report PEDC 7-2020 being the Open Session minutes of the Planning & Economic Development Committee meeting held on Wednesday, September 9, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

9.5.1 Minute Item 4.1 respecting Securing a Ramsar Designation for the Niagara River - Canadian Portion (PDS-C 11-2020 - Agenda Item 6.4)

The motion contained in Minute Item 4.1 was considered separately as follows:

WHEREAS, the Ramsar Convention is a voluntary global treaty, signed in Ramsar, Iran in 1971, that promotes the conservation and wise use of water-based ecosystems, including lakes and rivers;

WHEREAS, a nomination for the Niagara River to become a Wetland of International Importance (Ramsar Site) and the first transboundary Ramsar Site in the America's is being sought by U.S. and Canadian partners in order to recognize the importance of the Niagara River's contribution to the global natural environment;

WHEREAS, a binational steering committee was formed to pursue the nomination, including oversight of the development of nomination documents, engagement plans, and other procedural requirements, as outlined in the Ramsar policy documents for each respective country;

WHEREAS, the designation will not impose any additional regulations on property owners along the Niagara River Corridor; and

WHEREAS, the designation will open up greater opportunities for expanding tourism programming, promote increased public awareness of the River's importance to global biodiversity through research and development, and allow the Niagara River region to further foster cooperation and partnership between the United States and Canada to ensure conservation both within and around the Niagara River Corridor.

NOW THEREFORE BE IT RESOLVED:

That the Regional Municipality of Niagara **ENDORSE** the nomination of the Niagara River as a Wetland of International Importance (Ramsar Site).

Moved by Councillor Zalepa
Seconded by Councillor Disero

That the endorsement of the Ramsar designation **BE REFERRED** to staff to engage outside legal counsel to research the implications of a Ramsar designation on the Niagara River in so much as such a designation could affect the agricultural properties throughout the Region; and

That the research **INCLUDE** but not be limited to assessment of potential sites, their limitations and how any such designation would work with other provincial and federal agencies and policy documents and provides the Ramsar status of other agencies and organizations and municipalities in the Region of Niagara.

Recorded Vote:

Yes (22): Bylsma, Campion, Chiocchio, Darte, Diodati, Disero, Easton, Fertich, Foster, Gale, Gibson, Greenwood, Ip, Jordan, Junkin, Nicholson, Sendzik, Ugulini, Villella, Whalen, Witteveen, Zalepa.

No (7): Butters, Edgar, Heit, Huson, Insinna, Redekop, Rigby.

Carried

9.5.2 Balance of the recommendations from Planning and Economic Development Committee

The Regional Chair called the vote on the balance of the recommendations from the Planning and Economic Development Committee, and declared it,

Carried

10. CHIEF ADMINISTRATIVE OFFICER'S REPORT(S)

10.1 CAO 19-2020

Update on Niagara Region's Face Covering By-law

Moved by Councillor Darte
Seconded by Councillor Diodati

That CAO 19-2020, being a memorandum from R. Tripp, Acting Chief Administrative Officer, dated September 17, 2020, **BE RECEIVED**; and

That Regional Council **APPROVE** By-law 2020-64 being a by-law to amend By-law 2020-46 being a by-law to require mandatory face coverings in enclosed public places during the COVID-19 pandemic for purposes of extending the term of the by-law to April 1, 2021.

Moved by Councillor Gale
Seconded by Councillor Insinna

That the Regional Council **EXTEND** this meeting's curfew to 11:00 p.m.

Carried

Moved by Councillor Ip
Seconded by Councillor Zalepa

That the question **BE CALLED.**

Carried

The Regional Chair called the vote on the motion as follows:

That CAO 19-2020, being a memorandum from R. Tripp, Acting Chief Administrative Officer, dated September 17, 2020, **BE RECEIVED**; and

That Regional Council **APPROVE** By-law 2020-64 being a by-law to amend By-law 2020-46 being a by-law to require mandatory face coverings in enclosed public places during the COVID-19 pandemic for purposes of extending the term of the by-law to April 1, 2021.

Recorded Vote:

Yes (24): Butters, Campion, Chiocchio, Darte, Diodati, Disero, Easton, Edgar, Fertich, Foster, Gale, Greenwood, Heit, Huson, Insinna, Ip, Jordan Junkin, Nicholson, Redekop, Sendzik, Ugulini, Whalen, Zalepa.

No (5): Bylsma, Gibson, Rigby, Villella, Witteveen.

Carried

Moved by Councillor Easton
Seconded by Councillor Butters

That the rules of procedure **BE SUSPENDED** to permit Council to extend this meeting's curfew until business is completed.

Two-thirds majority having been achieved, the Chair declared the vote,

Carried

11. MOTIONS

11.1 Decriminalization of Personal Possession of Illicit Drugs

Moved by Councillor Ip
Seconded by Councillor Chiocchio

WHEREAS governments around the world are considering different approaches to drugs, including the decriminalization of drug use and possession and legal regulation;

WHEREAS a growing number of health officials and boards of health throughout Ontario, Canada, and around the world are calling for changes to our approach to drugs, especially in the midst of the opioid crisis and COVID-19 pandemic, in which the contaminated, unregulated supply of illegal drugs is the main contributor to the crisis;

WHEREAS, in July 2020, the Canadian Association of Chiefs of Police released a report recognizing substance use disorder as a public health issue and agree that evidence, supported by numerous Canadian health leaders, suggests that decriminalization for simple possession is an effective way to reduce the public health and public safety harms associated with substance use;

WHEREAS the Canadian Association of Chiefs of Police endorse alternatives to criminal sanctions for simple possession of illicit drugs, and agree that increased community capacity and resources are necessary to support the availability and integration of health, social programs, and enforcement required for effective diversion;

WHEREAS the Canadian Association of Chiefs of Police agree that police services remain committed to combatting organized crime and disrupting the supply of harmful substances coming into our communities by targeting drug trafficking and illegal production and importation, and further agree that diversion provides new opportunities to make positive impacts in communities. These impacts may include reducing recidivism, reducing ancillary crimes and improving health and safety outcomes for individuals who use drugs;

WHEREAS laws that criminalize people simply for using and possessing drugs have resulted in serious health and social harms, including forcing people into unsafe spaces and high-risk behaviours leading to HIV and HCV infection, resulting in criminal records that make it difficult to obtain employment and housing, and reinforcing negative stereotypes and judgements about people who use drugs;

WHEREAS some groups are more impacted by our drug laws than others, including people who are homeless and/or living in poverty, people with mental health and substance use issues, people from racialized groups, Indigenous people, women, and youth;

WHEREAS a public health approach to drugs would be based on principles and strategies that have been shown to support healthy individuals, families, and communities;

WHEREAS countries that have decriminalized personal drug use and possession and invested in public health interventions have seen results, including decreases in HIV and overdose, decreases in costs to the criminal justice system, and improved police/community relationships;

WHEREAS the evidence on the health and social harms of our current criminalization approach to illegal drugs as well as that of alternative approaches such as decriminalization and legal regulation strongly support the need to shift to a public health approach to drugs in Canada;

NOW THEREFORE BE IT RESOLVED:

1. That the federal government **BE URGED** to decriminalize the possession of all drugs for personal use, and scale up prevention, harm reduction, and treatment services;

2. That the federal government **CONVENE** a task force, comprised of people who use drugs, family members, and policy, research and program experts in the areas of public health, human rights, substance use, mental health, and criminal justice, to explore options for the legal regulation of all drugs in Canada, based on a public health approach; and

3. That this motion **BE CIRCULATED** to Minister of Health Patty Hajdu, Minister of Justice and Attorney General of Canada David Lametti, the Canadian Association of Chiefs of Police, Deputy Premier and Minister of Health Christine Elliott, Attorney General Doug Downey, Niagara's Members of Parliament (MPs) and Members of Provincial Parliament (MPPs), Niagara's 12 local area municipalities, Niagara Regional Police Service, the Association of Municipalities of Ontario, and the Association of Local Public Health Agencies.

Moved by Councillor Foster
Seconded by Councillor Insinna

That the motion respecting Decriminalization of Personal Possession of Illicit Drugs, **BE REFERRED** to the Public Health and Social Services Committee meeting being held on Tuesday, October 14, 2020.

Carried

12. NOTICES OF MOTION

There were no notices of motion.

13. OTHER BUSINESS

There were no items of other business.

14. CLOSED SESSION

Council did not resolve into closed session.

15. BUSINESS ARISING FROM CLOSED SESSION

15.1 Confidential CL-C 85-2020

A Matter respecting Personal Matters about an Identifiable Individual under s. 239(2) of the Municipal Act, 2001 - Extension of Appointment of Interim Commissioner of Public Works

Moved by Councillor Zalepa
Seconded by Councillor Witteveen

That an extension of the current employment contract for Bruce Zvaniga, Interim Commissioner, Public Works, **BE APPROVED** for a period of up to 12 months.

Carried

16. BY-LAWS

Moved by Councillor Diodati
Seconded by Councillor Disero

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

Bill 2020-58
A by-law to authorize the borrowing upon debentures in the principle amount of $3,450,000.00 for a capital work of The Corporation of the Town of Pelham.

Bill 2020-59
A by-law to accept, assume and dedicate Part of Lots 946-952 CP Plan 2, in the City of St. Catharines as part of Regional Road No. 42 (Ontario Street).

Bill 2020-60
A by-law to accept, assume and dedicate Part of Lot 10, Concession 1, in the Township of West Lincoln as part of Regional Road No. 63 (Canborough Road).

Bill 2020-61
A by-law to accept, assume and dedicate Part of Township Lot 148, in the City of Niagara Falls as part of Regional Road No. 98 (Montrose Road).

Bill 2020-62
A by-law to amend By-law 2017-56, being a By-law to Regulate the Use of the Waste Management System for The Regional Municipality of Niagara.

Bill 2020-63
A by-law to accept, assume and dedicate part of Livingston Avenue, Plan 441, in the Town Of Grimsby as part of Regional Road No. 512 (Livingston Avenue).

Bill 2020-64
A by-law to amend By-law 2020-46 being a by-law to require mandatory face coverings in enclosed public places during the COVID-19 pandemic.

Bill 2020-65
A by-law to approve the submission of an application to Ontario Infrastructure and Lands Corporation (“OILC”) for the long-term financing of certain capital work(s) of The Corporation of the Town of Lincoln (the “lower-tier municipality”) through the issue of debentures by The Regional Municipality of Niagara (the “upper tier municipality”); and to authorize the entering into of a rate offer letter agreement pursuant to which the upper-tier municipality will issue debentures on behalf of the lower-tier municipality to OILC.

Bill 2020-66
A by-law to approve the submission of an application to Ontario Infrastructure and Lands Corporation ("OILC") for the long-term financing of certain capital work(s) of The Corporation of the Town of Niagara-on-the-Lake (the "lower-tier municipality") through the issue of debentures by The Regional Municipality of Niagara (the "upper tier municipality"); and to authorize the entering into of a rate offer letter agreement pursuant to which the upper-tier municipality will issue debentures on behalf of the lower-tier municipality to OILC.

Bill 2020-67
A by-law to approve the submission of an application to Ontario Infrastructure and Lands Corporation ("OILC") for the long-term financing of certain capital work(s) of The Corporation of the City of Niagara Falls (the "lower-tier municipality") through the issue of debentures by The Regional Municipality of Niagara (the "upper tier municipality"); and to authorize the entering into of a rate offer letter agreement pursuant to which the upper-tier municipality will issue debentures on behalf of the lower-tier municipality to OILC.

Bill 2020-68
A by-law to adopt, ratify and confirm the actions of Regional Council at its meeting held on September 17, 2020.

There being no objection, Bill 2020-64 (Agenda Item 16.7) was considered separately as follows:

That Bill 2020-64, being a by-law amend By-law 2020-46 being a by-law to require mandatory face coverings in enclosed public places during the COVID-19 pandemic, **BE NOW READ** and **DO PASS**.

Carried

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

Carried

17. ADJOURNMENT

There being no further business, the meeting adjourned at 11:24 p.m.

Jim Bradley
Regional Chair

Matthew Trennum
Deputy Regional Clerk

Ann-Marie Norio
Regional Clerk