

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

**CL 22-2020
Thursday, November 19, 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, Darté, Diodati, Disero, Easton, Edgar, Fertich, Gale, Gibson, Greenwood, Heit, Huson, Ip, Jordan, Junkin, Nicholson, Redekop, Rigby, Sendzik, Steele, Ugulini, Villella, Whalen, Witteveen, Zalepa

Absent/Regrets: Bellows, Insinna

Staff Present in the Council Chamber: D. Gibbs, Director, Legal & Court Services, T. Harrison, Commissioner/Treasurer, Corporate Services, M. Lewis, Technology Support Analyst, F. Meffe, Director, Human Resources, A.-M. Norio, Regional Clerk, R. Tripp, Acting Chief Administrative Officer, B. Zvaniga, Interim Commissioner, Public Works

Staff Present via Video Conference: H. Chamberlain, Director, Financial Management & Planning/Deputy Treasurer, D. Giles, Acting Commissioner, Planning & Development Services, C. Habermehl, Director, Waste Management Services, Dr. M. M. Hirji, Acting Medical Officer of Health, B. Menage, Director, Procurement & Strategic Acquisitions, M. Robinson, Director, GO Implementation Project, J. Shickluna, Manager, Housing Programs, Niagara Regional Housing, K. Smith, Chief/Director, Emergency Medical Services, M. Trennum, Deputy Regional Clerk

1. CALL TO ORDER

Regional Chair Bradley called the meeting to order at 6:33 p.m.

2. ADOPTION OF AGENDA

2.1 Addition of Items

There were no items added to the agenda.

2.2 Changes in Order of Items

There were no changes in the order of items on the agenda.

Moved by Councillor Ugolini
Seconded by Councillor Fertich

That Council Agenda CL 22-2020, **BE ADOPTED.**

Carried

3. **DISCLOSURES OF PECUNIARY INTEREST**

Ron Tripp, Acting Chief Administrative Officer, advised Council that he would be excusing himself from the discussion on Report CHR 6-2020 (Agenda Item 8.2.2), respecting Options for Consideration Regarding the Selection of the Chief Administrative Officer.

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 COVID-19 Response and Business Continuity in Public Health & Emergency Services (November 2020) (Report CAO 21-2020 (Agenda Item 10.1))

6.1.1 Bruno Carusetta, Resident, City of Welland

This delegation was heard at the Special Regional Council meeting held on November 18, 2020.

7. **ADOPTION OF MINUTES**

7.1 Council Minutes CL 19-2020

Thursday, October 22, 2020 (Special Meeting)

Moved by Councillor Gibson
Seconded by Councillor Whalen

That Minutes CL 19-2020 being the Open and Closed Session minutes of the Special Regional Council meeting held on Thursday, October 22, 2020, **BE ADOPTED.**

Carried

7.2 Council Minutes CL 20-2020

Thursday, October 22, 2020 (Regular Meeting)

Moved by Councillor Witteveen
Seconded by Councillor Steele

That Minutes CL 20-2020 being the Open Session minutes of the Regular Regional Council meeting held on Thursday, October 22, 2020, **BE ADOPTED.**

Carried

8. **CORRESPONDENCE**

8.1 Receive and/or Refer

Moved by Councillor Heit
Seconded by Councillor Disero

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

CL-C 103-2020 respecting Niagara Region Integrity Commissioner Annual Report August 17, 2019 - August 16, 2020, **BE RECEIVED**;

CL-C 104-2020 respecting Report on Code of Conduct Complaint - IC-223-0720 - Councillor Sandra Easton, **BE RECEIVED**;

CL-C 105-2020 respecting Council resolution regarding Double Direct Councillors, **BE RECEIVED**;

CL-C 106-2020 respecting Tender Process - Liquid Biosolids and Residuals Management Program, **BE RECEIVED.**

Correspondence Item CL-C 106-2020 (Agenda Item 8.1.4) was considered separately as follows:

That Correspondence Item CL-C 106-2020, being a letter from B. Matson, City Clerk, City of Niagara Falls, dated October 30, 2020, respecting Tender Process - Liquid Biosolids and Residuals Management Program, **BE RECEIVED** for information.

Recorded Vote:

Yes (21): Butters, Bylsma, Campion, Chiocchio, Disero, Easton, Edgar, Foster, Gibson, Greenwood, Heit, Huson, Ip, Jordan, Redekop, Rigby, Sendzik, Steele, Ugulini, Witteveen, Zalepa.

No (8): Darte, Diodati, Fertich, Gale, Junkin, Nicholson, Villella, Whalen.

Carried

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

Carried

8. CORRESPONDENCE

8.2 For Consideration

8.2.1 CSD 72-2020

COVID-19 Cash Flow Update Report - November

Moved by Councillor Ugulini
Seconded by Councillor Rigby

That Report CSD 72-2020, dated November 19, 2020, respecting COVID-19 Cash Flow Update Report – November, **BE RECEIVED** for information.

Carried

8.2 For Consideration

8.2.2 CHR 6-2020

Options for Consideration Regarding the Selection of the Chief Administrative Officer

Moved by Councillor Witteveen
Seconded by Councillor Huson

That Report CHR 6-2020, dated November 19, 2020, respecting Options for Consideration Regarding the Selection of the Chief Administrative Officer, **BE RECEIVED**.

Moved by Councillor Zalepa
Seconded by Councillor Whalen

That the motion **BE AMENDED** to include the following:

That staff BE DIRECTED to provide a report to initiate the Chief Administrative Officer Recruitment Committee at the Regional Council meeting being held on December 17, 2020.

Carried

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

That Report CHR 6-2020, dated November 19, 2020, respecting Options for Consideration Regarding the Selection of the Chief Administrative Officer, **BE RECEIVED**; and

That staff **BE DIRECTED** to provide a report to initiate the Chief Administrative Officer Recruitment Committee at the Regional Council meeting being held on December 17, 2020.

Carried

8.2.3 CL-C 107-2020

Recommendation for Consideration from the T. Roy Adams Humanitarian Award Committee meeting held November 16, 2020

Moved by Councillor Campion
Seconded by Councillor Steele

That Correspondence Item CL-C 107-2020, being a memorandum from A.-M. Norio, Regional Clerk, dated November 19, 2020, respecting Recommendation for Consideration from the T. Roy Adams Humanitarian Award Committee meeting held November 16, 2020, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That the recommendation contained in Confidential Appendix 1 to Correspondence Item CL-C 107-2020 to confirm the 2020 recipient of the T. Roy Adams Humanitarian of Year Award, **BE APPROVED**.

Carried

9. **COMMITTEE REPORTS - OPEN SESSION**

9.1 Corporate Services Committee

Minutes CSC 10-2020, Monday, November 9, 2020

Moved by Councillor Foster
Seconded by Councillor Whalen

That Report CSC 10-2020 being the Open Session minutes of the Corporate Services Committee meeting held on Monday, November 9, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

9.1 Corporate Services Committee

9.1.1 Minute Item 5.2 respecting Niagara Regional Hospital Funding Policy

The motion contained in Minute Item 5.2 was considered separately as follows:

That Report CSD 73-2020, dated November 9, 2020, respecting Niagara Regional Hospital Funding Policy, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That staff **BE DIRECTED** to develop a formal policy based on the hybrid option in Boulevard Strategy Group's "The Niagara Regional Hospital Funding Report".

Moved by Councillor Easton

Seconded by Councillor Diodati

That the motion **BE AMENDED** to include the following clause:

2. That the formal policy on the hybrid option **BE FORWARDED** and **INCLUDED** for discussion in the 2021 budget as specified in the request for the West Lincoln Memorial Hospital rebuild with the Region share of 18%.

Recorded Vote:

Yes (21): Bylsma, Campion, Chiocchio, Diodati, Disero, Easton, Edgar, Fertich, Foster, Gale, Gibson, Greenwood, Huson, Jordan, Junkin, Nicholson, Redekop, Sendzik, Ugulini, Villella, Witteveen.

No (8): Butters, Darte, Heit, Ip, Rigby, Steele, Whalen, Zalepa.

Carried

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

That Report CSD 73-2020, dated November 9, 2020, respecting Niagara Regional Hospital Funding Policy, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That staff **BE DIRECTED** to develop a formal policy based on the hybrid option in Boulevard Strategy Group's "The Niagara Regional Hospital Funding Report"; and

2. That the formal policy on the hybrid option **BE FORWARDED** and **INCLUDED** for discussion in the 2021 budget as specified in the request for the West Lincoln Memorial Hospital rebuild with the Region share of 18%.

Recorded Vote:

Yes (27): Butters, Bylsma, Campion, Chiocchio, Darte, Diodati, Disero, Easton, Edgar, Fertich, Foster, Gale, Gibson, Greenwood, Huson, Ip, Jordan, Junkin, Nicholson, Redekop, Rigby, Sendzik, Steele, Ugulini, Villella, Whalen, Witteveen.

No (2): Heit, Zalepa.

Carried

9.1.2 Balance of the recommendations from Corporate Services Committee

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

Carried

9.2 Planning and Economic Development Committee

Minutes PEDC 9-2020, Monday, November 9, 2020

Moved by Councillor Huson
Seconded by Councillor Darte

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

Carried

9.3 Public Works Committee

Minutes PWC 10-2020, Tuesday, November 10, 2020

Moved by Councillor Rigby
Seconded by Councillor Edgar

That Report PWC10-2020 being the Open Session minutes of the Public Works Committee meeting held on Tuesday, November 10, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

9.3.1 Minute Item 5.3 respecting Recommendations for Consideration from the Linking Niagara Transit Committee Meeting held on October 21, 2020

The motion contained in Minute Item 5.3 was considered separately as follows:

That Correspondence Item PWC-C 44-2020, being a memorandum from A.-M. Norio, Regional Clerk, dated November 10, 2020, respecting Recommendations for Consideration from the Linking Niagara Transit Committee meeting held October 21, 2020, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Report LNTC-C 4-2020 **BE FORWARDED** to the Clerks of Niagara's twelve (12) local area municipalities and that they **BE REQUESTED** to have the Council's of the twelve (12) local area municipalities consider the resolution outlined in Appendix 1 to Report LNTC-C 4-2020, advising the Regional Clerk of any municipal feedback, no later than February 28, 2021; and
2. That Council **DIRECT** staff to undertake an assessment of the proposed resolution outlined in Appendix 1 to Report LNTC-C 4-2020 and **REPORT BACK** to the Public Works Committee, no later than February 28, 2021, evaluating the expected impacts to Niagara Region Transit, Niagara Specialized Transit, Niagara Region Transit OnDemand, and the Regional tax levy from the proposed resolution.

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

Carried

9.3.2 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

9.4 Public Health and Social Services Committee

Minutes PHSSC 10-2020, Tuesday, November 10, 2020

Moved by Councillor Chiocchio
Seconded by Councillor Greenwood

That Report PHSSC 10-2020 being the Open Session minutes of the Public Health & Social Services Committee meeting held on Tuesday, November 10, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

10. CHIEF ADMINISTRATIVE OFFICER'S REPORT(S)

10.1 CAO 21-2020

COVID-19 Response and Business Continuity in Public Health & Emergency Services (November 2020)

This item was considered at the Special Regional Council meeting held on November 18, 2020.

10.2 CAO 22-2020

Liquid Biosolids and Residuals Program Management

Moved by Councillor Heit
Seconded by Councillor Rigby

That Memorandum CAO 22-2020, dated November 19, 2020, respecting Liquid Biosolids and Residuals Program Management, **BE RECEIVED** for information.

Recorded Vote:

Yes (21): Butters, Bylsma, Campion, Chiocchio, Disero, Easton, Edgar, Foster, Gibson, Greenwood, Heit, Huson, Ip, Jordan, Redekop, Rigby, Sendzik, Steele, Ugulini, Witteveen, Zalepa.

No (8): Darte, Diodati, Fertich, Gale, Junkin, Nicholson, Villella, Whalen.

Carried

11. **MOTIONS**

11.1 Miller's Creek Marina/Resort Development

Moved by Councillor Redekop
Seconded by Councillor Gale

Whereas the Niagara Parks Commission ("NPC") has considered options for the operation or closing of its marina on the Niagara River in Fort Erie, near Miller's Creek;

Whereas in 2005, the NPC agreed to work with the Town of Fort Erie to permit the Fort Erie Economic Development & Tourism Corporation ("EDTC") to undertake a Request for Proposals process for the expansion and enhancement of the marina and potential development of the lands between the Niagara Parkway and Cairns Crescent ("the adjacent lands");

Whereas as a result of the cooperative efforts of the NPC, Town of Fort Erie and the EDTC, submissions were received for expansion and enhancement of the marina and the development of a resort on the adjacent lands;

Whereas since 2012, the NPC has embarked on a number of processes with a view to proceed with a marina/resort development at the Miller's Creek Marina, including consultations with the Town of Fort Erie and Niagara Region;

Whereas the NPC's most recent initiative resulted at the end of August 2017 in no proponent submitting a response to the NPC's Request for Proposals for development at the marina;

Whereas the NPC continues to be committed to marina enhancements and development on the adjacent lands;

Whereas the Council of the Region of Niagara understands that there remains developer interest in proceeding to develop the marina and adjacent lands at Miller's Creek Marina.

NOW THEREFORE BE IT RESOLVED:

1. That the Council of the Region of Niagara **REITERATES** its continuing support for the expansion and enhancement of the marina and a resort development on the adjacent lands at the Niagara Park Commission's Miller's Creek Marina;

2. That Council **URGES** the Niagara Parks Commission to continue its discussions with the Province of Ontario regarding the transfer of a portion of the adjacent lands to facilitate redevelopment of the marina and development of a resort;
3. That Council **REQUESTS** the Niagara Parks Commission to review the realignment of the Niagara Parkway to allow for the marina and resort development;
4. That Council **REQUESTS** that the Niagara Parks Commission work with the Town of Fort Erie and the Region of Niagara in the preparation and circulation of a public Request or Call for Proposals (RFP) that maintains the integrity of the mandate of the Niagara Parks Commission;
5. That a copy of this resolution **BE FORWARDED** to the Chair of the Niagara Parks Commission for action;
6. That a copy of this resolution **BE FORWARDED** to the Premier of the Province of Ontario, the Minister of Tourism, Culture and Sport, the Minister of Infrastructure, the Chair of the Region of Niagara, local area MPPs, and the Honourable Tony Baldinelli, MP; and
7. That a copy of this resolution **BE CIRCULATED** to the Councils of the local municipalities in Niagara for their support.

Carried

11.2 Liquid Biosolids Procurement Process

Moved by Councillor Gale
Seconded by Councillor Darté

Whereas the bio-solids program, a multi-million-dollar, multi-year-service contract was subject to the Region's Procurement By-law;

Whereas the procurement was abruptly cancelled;

Whereas in January 2020, staff recommended a non-competitive, sole source contract regarding the bio-solids program, be awarded to Thomas Nutrients;

Whereas Council received a delegation from Terrapure Environmental in January 2020, that alleged the staff procurement process related to the bio-solids program was "faulty and unfair", that the report contained inaccurate information, and that Council was being "misled" by staff;

Whereas on April 6, 2020 the Acting CAO and 4 Councillors, under the Council initiated Whistleblower Policy, actually received two whistleblower complaints in regards to issues within the Water and Wastewater division, which included the bio-solids program;

Whereas the Whistleblower Policy complaint requires that complaints be investigated expeditiously, and the current investigation has been delayed;

Whereas, due to the investigation delays, Council was made aware of the delay on July 30, 2020, and were assured by staff that the investigation would be initiated;

Whereas the whistleblower complaint investigation was further delayed, as senior management initially hired a labour law firm, and then terminated the firm, and hired an another investigative firm;

Whereas Council unanimously rejected the recommended sole source contract to Thomas Nutrients, and directed staff to conduct a competitive process for the multi-year, multi-dollar bio-solids program;

Whereas, even though the whistleblower complaint investigation was not complete, staff proceeded to recommend the awarding the bio-solids program to Thomas Nutrients;

Whereas the award to Thomas Nutrients, via a competitive process, was approximately \$2 million (over 5 years) less than the initial recommended sole source contract back in January;

Whereas the staff report that recommended the contract be awarded to Thomas Nutrients, did not contain the results (points and costs of each applicant) of the competitive process;

Whereas the Procurement By-law permits the results of the procurement process to be made public, that applications become property of the corporation, and applicants agree to have the results published;

Whereas, a local media report disclosed that the second place bidder was approximately \$900,000 per year lower in costs than the Thomas Nutrients bid, representing approximately \$4.5 million (over 5 years) of the contract;

Whereas the global pandemic has placed a financial strain on municipalities and families across Niagara, and every taxed dollar spent by Niagara should be reviewed;

Whereas Council received public advice from staff that the bio-solids contract should be awarded to the incumbent vendor or face the possibility of lawsuits;

Whereas the procurement process included a Fairness Commissioner, however the Fairness Commissioner was not involved in the scoring evaluation completed by staff;

Whereas a local media report has revealed that one of the unsuccessful applicants has challenged the procurement process, and the corporation may have to defend this challenge at additional costs;

NOW THEREFORE BE IT RESOLVED:

1. That staff **BE DIRECTED** to:

- a. Provide an interim report of the current status and preliminary results of the whistleblower complaint investigation, and that a representative from the initial law firm, and a representative from the current investigation firm, attend the Council meeting to answer any Council questions;
- b. Provide a public report to Council listing the procurement results (actual scores and prices), from the bio-solids procurement process, and a confidential appendix with the actual scoring sheets completed by staff; and
- c. Retain an external legal firm to provide Council advice on the legal aspects of the current contract and the current challenge of one of the vendors;

2. That this direction to staff **BE COMPLETED** by the next Council meeting.

Moved by Councillor Rigby
Seconded by Councillor Huson

That the motion **BE DEFERRED** until the completion of the whistleblower investigation.

Recorded Vote:

Yes (10): Bylsma, Disero, Foster, Gale, Heit, Huson, Redekop, Rigby, Villella, Whalen.

No (18): Butters, Campion, Chioocchio, Darte, Diodati, Easton, Edgar, Fertich, Gibson, Greenwood, Ip, Jordan, Junkin, Nicholson, Steele, Ugulini, Witteveen, Zalepa.

Defeated

The following friendly **amendment** was accepted by the Regional Chair, and the mover and seconder of the motion to remove clause 1(c):

~~c. Retain an external legal firm to provide Council advice on the legal aspects of the current contract and the current challenge of one of the vendors;~~

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

Whereas the bio-solids program, a multi-million-dollar, multi-year-service contract was subject to the Region's Procurement By-law;

Whereas the procurement was abruptly cancelled;

Whereas in January 2020, staff recommended a non-competitive, sole source contract regarding the bio-solids program, be awarded to Thomas Nutrients;

Whereas Council received a delegation from Terrapure Environmental in January 2020, that alleged the staff procurement process related to the bio-solids program was "faulty and unfair", that the report contained inaccurate information, and that Council was being "misled" by staff;

Whereas on April 6, 2020 the Acting CAO and 4 Councillors, under the Council initiated Whistleblower Policy, actually received two whistleblower complaints in regards to issues within the Water and Wastewater division, which included the bio-solids program;

Whereas the Whistleblower Policy complaint requires that complaints be investigated expeditiously, and the current investigation has been delayed;

Whereas, due to the investigation delays, Council was made aware of the delay on July 30, 2020, and were assured by staff that the investigation would be initiated;

Whereas the whistleblower complaint investigation was further delayed, as senior management initially hired a labour law firm, and then terminated the firm, and hired an another investigative firm;

Whereas Council unanimously rejected the recommended sole source contract to Thomas Nutrients, and directed staff to conduct a competitive process for the multi-year, multi-dollar bio-solids program;

Whereas, even though the whistleblower complaint investigation was not complete, staff proceeded to recommend the awarding the bio-solids program to Thomas Nutrients;

Whereas the award to Thomas Nutrients, via a competitive process, was approximately \$2 million (over 5 years) less than the initial recommended sole source contract back in January;

Whereas the staff report that recommended the contract be awarded to Thomas Nutrients, did not contain the results (points and costs of each applicant) of the competitive process;

Whereas the Procurement By-law permits the results of the procurement process to be made public, that applications become property of the corporation, and applicants agree to have the results published;

Whereas, a local media report disclosed that the second place bidder was approximately \$900,000 per year lower in costs than the Thomas Nutrients bid, representing approximately \$4.5 million (over 5 years) of the contract;

Whereas the global pandemic has placed a financial strain on municipalities and families across Niagara, and every taxed dollar spent by Niagara should be reviewed;

Whereas Council received public advice from staff that the bio-solids contract should be awarded to the incumbent vendor or face the possibility of lawsuits;

Whereas the procurement process included a Fairness Commissioner, however the Fairness Commissioner was not involved in the scoring evaluation completed by staff;

Whereas a local media report has revealed that one of the unsuccessful applicants has challenged the procurement process, and the corporation may have to defend this challenge at additional costs;

NOW THEREFORE BE IT RESOLVED:

1. That staff **BE DIRECTED** to:

- a. Provide an interim report of the current status and preliminary results of the whistleblower complaint investigation, and that a representative from the initial law firm, and a representative from the current investigation firm, attend the Council meeting to answer any Council questions;
- b. Provide a public report to Council listing the procurement results (actual scores and prices), from the bio-solids procurement process, and a confidential appendix with the actual scoring sheets completed by staff; and

2. That this direction to staff **BE COMPLETED** by the next Council meeting.

Recorded Vote:

Yes (9): Campion, Chiocchio, Darte, Diodati, Fertich, Gale, Nicholson, Villella, Whalen.

No (18): Butters, Bylsma, Disero, Easton, Edgar, Foster, Gibson, Greenwood, Heit, Huson, Ip, Jordan, Redekop, Rigby, Steele, Ugulini, Witteveen, Zalepa.

Defeated

12. NOTICES OF MOTION

12.1 COVID 19 Act – Schedule 6 - Conservation Authorities Act

Moved by Councillor Steele

Seconded by Councillor Bylsma

That the notice requirements under Section 18.1 of the Procedural By-law **BE WAIVED** to permit the consideration of a motion from Councillor Foster with respect to *COVID-19 Act - Schedule 6 - Conservation Authorities Act*.

Two-thirds majority having been achieved, the Regional Chair declared the motion,

Carried

Moved by Councillor Foster

Seconded by Councillor Huson

WHEREAS Bill 229, Protect, Support and Recover from COVID 19 Act - Schedule 6 – Conservation Authorities Act introduces changes and new sections that could significantly impact conservation authorities' mandate of watershed-based natural resource management; alter good governance standards recommend by Ontario's Auditor General; and, in the case of the Region of Niagara, weaken Niagara Peninsula Conservation Authority's (NPCA) ability to serve its municipal partners and communities in the protection from natural hazards and conserving natural resources through its planning, permitting and enforcement activities;

WHEREAS the proposed amendments have the potential to add significant delays in the planning and permitting process, add costs for all parties involved, and ultimately have the potential for significant impacts on the Province's ability to provide flooding and natural hazards management contrary to the Special Advisor's Report on Flooding and Ontario's Flooding Strategy;

WHEREAS the NPCA has already made significant investments to establish a very high standard of governance, transparency, accountability and progressive enforcement based on the Ontario Auditor General's recommendations and streamlining our permitting and land use planning reviews through Conservation Ontario's Client Service and Streamlining Initiative;

WHEREAS the NPCA and other Conservation Authorities take pride in being a science-based community-focused delivery partner to the Province and municipalities for over seven decades in supporting sustainable growth and green economy for the future of Ontario's taxpayers;

WHEREAS the NPCA passed at its Full Authority Board of November 19 2020 the motion FA-63-20 outlining the NPCA concerns.

NOW THEREFORE BE IT RESOLVED:

1. That the Region of Niagara **SUPPORT** the motion from the NPCA Board of Directors and the request to the Government of Ontario to remove the proposed Schedule 6 from Bill 229 and continue to work with conservation authorities on regulations proposed under previous Bill 108 to achieve desired improvements in the planning process; and
2. That the Regional Chair **BE DIRECTED** to send a letter to the Premier, Minister of Environment, Conservation and Parks, the Minister of Natural Resources and Forestry, the Minister of Municipal Affairs and Housing, the Minister of Finance, the Auditor General; partner municipalities, and Conservation Ontario voicing the Region of Niagara's position.

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

2. That the Regional Chair **BE DIRECTED** to send a letter to the Premier, Minister of Environment, Conservation and Parks, the Minister of Natural Resources and Forestry, the Minister of Municipal Affairs and Housing, the Minister of Finance, the Auditor General; partner municipalities, and Conservation Ontario **and the local area Members of Provincial Parliament** voicing the Region of Niagara's position.

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

2. That the Regional Chair **BE DIRECTED** to send a letter to the Premier, Minister of Environment, Conservation and Parks, the Minister of Natural Resources and Forestry, the Minister of Municipal Affairs and Housing, the Minister of Finance, the Auditor General; partner municipalities, and Conservation Ontario and the local area Members of Provincial Parliament **and the Association of Municipalities of Ontario** voicing the Region of Niagara's position.

The Regional Chair called the vote on the motion, as amended, and declared it,

Carried

12.2 Lobbyist Registry

Councillor Ip advised that she would be bringing forward a motion to the next Council meeting respecting the creation of a lobbyist registry.

12.3 Service Delivery Review

Councillor Zalepa advised that he would be bringing forward a motion to the next Council meeting respecting service delivery review opportunities.

13. OTHER BUSINESS

13.1 Double Duty Councillors

Moved by Councillor Diodati
Seconded by Councillor Disero

That staff **BE DIRECTED** to provide a report respecting Double Duty Councillors as outlined in Correspondence Item CL-C 105-2020 received from the City of Niagara Falls.

Recorded Vote:

Yes (17): Butters, Bylsma, Campion, Chiocchio, Darte, Diodati, Disero, Easton, Fertich, Gale, Gibson, Jordan, Junkin, Nicholson, Rigby, Steele, Zalepa.

No (10): Edgar, Foster, Greenwood, Heit, Huson, Ip, Redekop, Villella, Whalen, Witteveen.

Carried

Councillor Information Request(s):

Provide Information respecting any public consultation completed by the City of Niagara Falls regarding double duty councillors. Councillor Huson.

14. CLOSED SESSION

Council did not resolve into closed session.

15. BUSINESS ARISING FROM CLOSED SESSION

Council did not resolve into closed session.

16. BY-LAWS

Moved by Councillor Edgar
Seconded by Councillor Fertich

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

Bill 2020-82

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 works(s) of The Regional Municipality of Niagara to authorize the entering into of a rate offer letter agreement pursuant to which the municipality will issue debentures to OILC.

Bill 2020-83

A by-law to appoint by-law enforcement officers for the purposes of enforcing the Outdoor Second-Hand Smoking and Vaping By-law.

Bill 2020-84

A by-law to amend By-law No. 2019-79 being a by-law to define budget planning requirements for the Regional Municipality of Niagara.

Bill 2020-85

A by-law to adopt, ratify and confirm the actions of Regional Council at its meeting held on November 19, 2020.

Carried

17. ADJOURNMENT

There being no further business, the meeting adjourned at 10:22 p.m.

Jim Bradley
Regional Chair

Matthew Trennum
Deputy Regional Clerk

Ann-Marie Norio
Regional Clerk