

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

**CL 21-2018
Friday, December 28, 2018
Council Chamber
Niagara Region Headquarters, Campbell West
1815 Sir Isaac Brock Way, Thorold, ON**

Council: Bellows, Butters, Bradley, Bylsma, Chiocchio, Darte, Disero, Easton, Kelly Edgar, Fertich, Foster, Gale, Gibson, Greenwood, Heit, Huson, Ip, Jordan, Junkin, Insinna, Nicholson, Redekop, Rigby, Sendzik, Steele, Ugulini, Villella, Whalen, Witteveen, Zalepa

Absent/Regrets: Campion, Diodati

Staff: D. Gibbs, Director, Legal & Court Services, T. Harrison, Commissioner/Treasurer, Enterprise Resource Management Services, F. Meffe, Acting Director, Human Resources, A.-M. Norio, Regional Clerk, R. Tripp, Acting Chief Administrative Officer

Others Present: External Legal Counsel: C. Chan, and S. Persaud, Boghosian + Allen LLP, K. Dearden, and P. Patterson, Borden, Ladner, Gervais LLP, and D. Jeffries, Rae Christen Jeffries LLP

1. CALL TO ORDER

Regional Chair Bradley called the meeting to order at 2:03 p.m.

2. ADOPTION OF AGENDA

2.1 Changes in Order of Items

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

Moved by Councillor Butters

Seconded by Councillor Foster

That the Council Agenda CL 21-2018, **BE ADOPTED.**

Carried

3. DISCLOSURES OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

4. **CORRESPONDENCE**

4.1 **Receive for Information**

4.1.1 CL-C 80-2018

A Better Niagara Court Application re NPCA Board

Moved by Councillor Easton
Seconded by Councillor Heit

That Correspondence Item CL-C 80-2018, being a memorandum from M. Cruickshank, dated December 28, 2018, respecting A Better Niagara Court Application re NPCA Board, **BE RECEIVED** for information.

Carried

5. **MOTION FOR CLOSED SESSION**

Moved by Councillor Disero
Seconded by Councillor Edgar

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

Confidential Verbal Update Regarding A Matter of Advice that is Subject to Solicitor-Client Privilege - Legal Advice Respecting Appointment Process to NPCA Board and Litigation;

Confidential Verbal Update Regarding A Matter of Advice that is Subject to Solicitor-Client Privilege - Legal Advice Respecting Employment Matters - Chief Administrative Officer; and

Confidential Verbal Update Regarding A Matter of Advice that is Subject to Solicitor-Client Privilege - Legal Advice Respecting Employment Matters - Organizational Update.

Carried

6. **CLOSED SESSION**

Council resolved into closed session at 2:11 p.m.

7. REPORT FROM CLOSED SESSION

Council reconvened in open session at 3:21 p.m. with the following individuals in attendance:

Council: Bellows, Butters, Bradley, Bylsma, Chiocchio, Dart, Disero, Easton, Kelly Edgar, Fertich, Foster, Gale, Gibson, Greenwood, Heit, Huson, Ip, Jordan, Junkin, Insinna, Nicholson, Redekop, Rigby, Sendzik, Steele, Ugolini, Villella, Whalen, Witteveen, Zalepa

Absent/Regrets: Campion, Diodati

Staff: D. Gibbs, Director, Legal & Court Services, T. Harrison, Commissioner/Treasurer, Enterprise Resource Management Services, F. Meffe, Acting Director, Human Resources, A.-M. Norio, Regional Clerk, R. Tripp, Acting Chief Administrative Officer

Others Present: External Legal Counsel: C. Chan, and S. Persaud, Boghosian + Allen LLP, K. Dearden, and P. Patterson, Borden, Ladner, Gervais LLP, and D. Jeffries, Rae Christen Jeffries LLP

7.1 Confidential Verbal Update Regarding A Matter of Advice that is Subject to Solicitor-Client Privilege - Legal Advice Respecting Appointment Process to NPCA Board and Litigation

Moved by Councillor Huson
Seconded by Councillor Rigby

That the Confidential Verbal Update Regarding A Matter of Advice that is Subject to Solicitor-Client Privilege - Legal Advice Respecting Appointment Process to NPCA Board and Litigation respecting the Court Application commenced by A Better Niagara, **BE RECEIVED** and the following recommendations **BE APPROVED**;

1. That the Region of Niagara **CONFIRMS SUPPORT** for the relief in the Application commenced by A Better Niagara;

2. That the Niagara Peninsula Conservation Authority representatives appointed by the Region of Niagara **CALL** a special meeting on January 7, 2019 for purposes of:

Electing a Chair and Vice Chair;

Reviewing current status and requesting updates from NPCA staff regarding operations, including HR organizational changes and other ongoing matters; and

Receiving advice from NPCA's legal counsel regarding HR matters;

3. That staff **BE DIRECTED** to seek the cooperation of Hamilton, Haldimand and Niagara Peninsula Conservation Authority Staff regarding the special meeting;

4. That staff **BE DIRECTED** provide administrative and operational support for the special meeting if required;

5. That Legal counsel **BE DIRECTED** to seek direction from the Court on January 2nd regarding the procedural aspects of the special meeting; status of financial and legal assets and liabilities of NPCA and status of current CAO; and

6. That staff **PROCEED** as directed in closed session.

Carried

As Council had not considered the additional closed session matters; therefore, it was:

Moved by Councillor Bellows

Seconded by Councillor Darte

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

Confidential Verbal Update Regarding A Matter of Advice that is Subject to Solicitor-Client Privilege - Legal Advice Respecting Employment Matters - Chief Administrative Officer; and

Confidential Verbal Update Regarding A Matter of Advice that is Subject to Solicitor-Client Privilege - Legal Advice Respecting Employment Matters - Organizational Update.

Carried

Council resolved back into closed session at 3:24 p.m.

Council reconvened in open session at 6:47 p.m. with the following individuals in attendance:

Council: Bellows, Butters, Bradley , Bylsma, Chiocchio, Darte, Disero, Easton, Kelly Edgar, Fertich, Foster, Gale, Gibson, Greenwood, Heit, Huson, Ip, Jordan, Junkin, Insinna, Nicholson, Redekop, Rigby, Sendzik, Steele, Ugulini, Villella, Whalen, Witteveen, Zalepa

Absent/Regrets: Campion, Diodati

Staff: F. Meffe, Acting Director, Human Resources, A.-M. Norio, Regional Clerk, R. Tripp, Acting Chief Administrative Officer

Others Present: External Legal Counsel: K. Dearden, and P. Patterson, Borden, Ladner, Gervais LLP, and D. Jeffries, Rae Christen Jeffries LLP

7.2 Confidential Verbal Update Regarding A Matter of Advice that is Subject to Solicitor-Client Privilege - Legal Advice Respecting Employment Matters - Chief Administrative Officer

Moved by Councillor Fertich
Seconded by Councillor Jordan

That the Confidential Verbal Update Regarding A Matter of Advice that is Subject to Solicitor-Client Privilege - Legal Advice Respecting Employment Matters - Chief Administrative Officer, **BE RECEIVED**;

1. That Regional Council **DO NOT** ratify the employment renewal letter for Carmen D'Angelo dated October 10, 2017 and the same is declared void; and
2. That staff **PROCEED** as directed in closed session.

Carried

7.3 Confidential Verbal Update Regarding A Matter of Advice that is Subject to Solicitor-Client Privilege - Legal Advice Respecting Employment Matters - Organizational Update

Moved by Councillor Huson
Seconded by Councillor Easton

That the Confidential Verbal Update Regarding A Matter of Advice that is Subject to Solicitor-Client Privilege - Legal Advice Respecting Employment Matters - Organizational Update, **BE RECEIVED** for information.

Carried

8. **BY-LAWS**

8.1 Bill 2018-95

Moved by Councillor Insinna
Seconded by Councillor Gale

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

Bill 2018-95

A by-law to adopt, ratify and confirm the actions of Regional Council at its special meeting held on December 28, 2018.

Carried

9. **ADJOURNMENT**

There being no further business, the meeting adjourned at 6:49 p.m.

Jim Bradley
Regional Chair

Ann-Marie Norio
Regional Clerk