THE REGIONAL MUNICIPALITY OF NIAGARA
PROCEEDINGS OF SPECIAL COUNCIL
OPEN SESSION

CL 10-2019
Thursday, May 16, 2019
Council Chamber
Niagara Region Headquarters, Campbell West
1815 Sir Isaac Brock Way, Thorold, ON

Council:	Bradley (Regional Chair), Bellows, Butters, Bylsma, 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
Absent/Regrets:	Zalepa
Staff:	I. Banach, Manager, Long Range Planning, H. Chamberlain, Director, Financial Management & Planning/Deputy Treasurer, R. Fleming, Senior Tax and Revenue Analyst, D. Gibbs, Director, Legal & Court Services, D. Giles, Director, Community & Long Range Planning, T. Harrison, Commissioner/Treasurer, Enterprise Resource Management Services, F. Meffe, Acting Director, Human Resources, R. Mostacci, Commissioner, Planning & Development Services, A.-M. Norio, Regional Clerk, R. Tripp, Acting Chief Administrative Officer
Others Present:	P. DeMelo, External Legal Counsel

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1. CALL TO ORDER

Regional Chair Bradley called the meeting to order at 4:37 p.m.

2. ADOPTION OF AGENDA

Moved by Councillor Steele
Seconded by Councillor Bellows

That the order of the agenda **BE AMENDED** to consider the closed session items in the following order:

- Agenda Item 5.1 Development Charges By-law
- Agenda Item 5.4 respecting Niagara Peninsula Conservation Authority Levy

- Agenda Item 5.2 respecting Niagara Peninsula Conservation Authority Board
- Agenda Item 5.3 respecting Former Senior Administration Officials Employment Contracts.

Carried

Moved by Councillor Ip
Seconded by Councillor Ugulini

That the Council Agenda CL 10-2019, **BE ADOPTED,** as amended.

Carried

3. DISCLOSURES OF PECUNIARY INTEREST

Councillor Chiocchio declared an indirect pecuniary interest with respect to Confidential Report CSD 36-2019 (Agenda Item 5.1) A Matter respecting Litigation under s. 239(2) of the *Municipal Act, 2001*: Confidential Update on Litigation regarding Development Charges By-law as it deals with the City of Welland.

Councillor Villella declared an indirect pecuniary interest with respect to Confidential Report CSD 36-2019 (Agenda Item 5.1) A Matter respecting Litigation under s. 239(2) of the *Municipal Act, 2001*: Confidential Update on Litigation regarding Development Charges By-law as it deals with the City of Welland.

Councillor Campion declared an indirect pecuniary interest with respect to Confidential Report CSD 36-2019 (Agenda Item 5.1) A Matter respecting Litigation under s. 239(2) of the *Municipal Act, 2001*: Confidential Update on Litigation regarding Development Charges By-law as it deals with the City of Welland.

4. MOTION FOR CLOSED SESSION

Moved by Councillor Foster
Seconded by Councillor Gibson

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

A Matter Respecting Litigation under s. 239 (2) of the Municipal Act, 2001: Confidential Update on Litigation regarding Development Charges By-law;

A Confidential Verbal Update and Legal Advice that is Subject to Solicitor-Client Privilege regarding A Matter of Litigation or Potential Litigation, under s.239(2) of the Municipal Act, 2001: Update pertaining to the decision of the Divisional Court dated April 30, 2019 regarding the City of Hamilton's application for judicial review of the December 21, 2017, decision of the Mining and Lands Commissioner regarding NPCA levy;

A Matter Respecting Litigation and A Matter of Advice that is Subject to Solicitor-Client privilege under s. 239(2) of the Municipal Act, 2001 – A Better Niagara Court Application regarding NPCA Board; and

A Confidential Verbal Update Regarding A Matter of Litigation or Potential Litigation under s. 239 (2) of the Municipal Act, 2001 - Update pertaining to litigation concerning Former Senior Administration Officials Employment Contracts.

Carried

Council resolved into closed session at 4:41 p.m.

6. REPORT FROM CLOSED SESSION

Council reconvened in open session at 6:16 p.m. with the following individuals in attendance:

Council:	Bradley (Regional Chair), Bellows, Butters, Bylsma, 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
Absent/Regrets:	Zalepa
Staff:	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

6.1 Confidential CSD 36-2019

A Matter Respecting Litigation under s. 239(2) of the Municipal Act, 2001: Confidential Update on Litigation regarding Development Charges By-law

Moved by Councillor Rigby
Seconded by Councillor Gale

That Confidential Report CSD 36-2019, dated May 16, 2019, respecting A Matter Respecting Litigation under s. 239 (2) of the Municipal Act, 2001: Confidential Update on Litigation regarding Development Charges By-law, **BE RECEIVED** for information.

Carried

6.2 Confidential Verbal Update

A Confidential Verbal Update and Legal Advice that is Subject to Solicitor-Client Privilege regarding A Matter of Litigation or Potential Litigation, under s.239(2) of the Municipal Act, 2001: Update pertaining to the decision of the Divisional Court dated April 30, 2019 regarding the City of Hamilton's application for judicial review of the December 21, 2017, decision of the Mining and Lands Commissioner regarding NPCA levy

Moved by Councillor Huson
Seconded by Councillor Butters

1. That the Confidential Verbal Update and Legal Advice that is Subject to Solicitor-Client Privilege regarding A Matter of Litigation or Potential Litigation, under s.239(2) of the Municipal Act, 2001: Update pertaining to the decision of the Divisional Court dated April 30, 2019 regarding the City of Hamilton's application for judicial review of the December 21, 2017, decision of the Mining and Lands Commissioner regarding NPCA levy, **BE RECEIVED**; and

2. That external legal counsel **BE AUTHORIZED** to proceed as directed in closed session.

Carried

6.4 Confidential Verbal Update

A Confidential Verbal Update Regarding A Matter of Litigation or Potential Litigation under s. 239(2) of the Municipal Act, 2001 - Update pertaining to litigation concerning Former Senior Administration Officials Employment Contracts

Moved by Councillor Huson
Seconded by Councillor Insinna

That the Confidential Verbal Update Regarding A Matter of Litigation or Potential Litigation under s. 239 (2) of the Municipal Act, 2001 - Update pertaining to litigation concerning Former Senior Administration Officials Employment Contracts, **BE RECEIVED** for information.

Carried

6.3 Confidential Memorandum CL-C 40-2019

A Matter Respecting Litigation and A Matter of Advice that is Subject to Solicitor-Client privilege under s. 239(2) of the Municipal Act, 2001 – A Better Niagara Court Application regarding NPCA Board

Moved by Councillor Bylsma
Seconded by Councillor Foster

1. That Confidential Memorandum CL-C 40-2019, dated May 16, 2019, respecting A Matter Respecting Litigation and A Matter of Advice that is subject to Solicitor-Client Privilege under s. 239(2) of the Municipal Act, 2001 – A Better Niagara Court Application regarding NPCA Board, **BE RECEIVED**; and

2. That the Regional Chair and Acting Chief Administrative Officer **BE DIRECTED** to begin discussions and negotiations with Hamilton and Haldimand regarding the composition of the NPCA Board.

Clause 1 was considered separately as follows:

1. That Confidential Memorandum CL-C 40-2019, dated May 16, 2019, respecting A Matter Respecting Litigation and A Matter of Advice that is subject to Solicitor-Client Privilege under s. 239(2) of the Municipal Act, 2001 – A Better Niagara Court Application regarding NPCA Board, **BE RECEIVED.**

Carried

Clause 2 was considered separately as follows:

2. That the Regional Chair and Acting Chief Administrative Officer **BE DIRECTED** to begin discussions and negotiations with Hamilton and Haldimand regarding the composition of the NPCA Board.

Carried

7. BY-LAWS

7.1 Bill 2019-46

Moved by Councillor Fertich
Seconded by Councillor Gibson

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

Bill 2019-46 A by-law to adopt, ratify and confirm the actions of Regional Council at its special meeting held on May 16, 2019.

Carried

8. ADJOURNMENT

There being no further business, the meeting adjourned at 6:22 p.m.

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Jim Bradley
Regional Chair

Ann-Marie Norio
Regional Clerk