

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

**CL 21-2019
Thursday, November 21, 2019
Council Chamber
Niagara Region Headquarters, Campbell West
1815 Sir Isaac Brock Way, Thorold, ON**

Council: Bradley (Regional Chair), Butters, Bylsma, Chiocchio, Darte, Disero, Easton, Edgar, Fertich, Foster, Gale, Gibson, Greenwood, Heit, Insinna, Ip, Jordan, Junkin, Rigby, Sendzik, Steele, Ugulini, Whalen, Witteveen

Absent/Regrets: Bellows, Champion, Diodati, Huson, Nicholson, Redekop, Villella, Zalepa

Staff: D. Barnhart, Executive Officer to the Regional Chair, H. Chamberlain, Director, Financial Management & Planning/Deputy Treasurer, D. Gibbs, Director, Legal & Court Services, T. Harrison, Commissioner/Treasurer, Corporate Services, A.-M. Norio, Regional Clerk, H. Talbot, Financial & Special Projects Consultant, R. Tripp, Commissioner, Public Works/Acting Chief Administrative Officer

Others Present: P. DeMelo, Kagan Shastri LLP, External Legal Counsel

1. CALL TO ORDER

Regional Chair Bradley called the meeting to order at 3:04 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 Greenwood
Seconded by Councillor Edgar

That Council Agenda CL 21-2019, **BE ADOPTED.**

Carried

3. **DISCLOSURES OF PECUNIARY INTEREST**

There were no disclosures of pecuniary interest.

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

4.1 **CAO 16-2019**

Canada Summer Games Capital Budget Initiation

Moved by Councillor Darte

Seconded by Councillor Rigby

That Report CAO 16-2019, dated November 21, 2019, respecting Canada Summer Games Capital Budget Initiation, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That financing in the amount of \$20,036,786 gross and \$6,350,000 net **BE INITIATED** from the capital budget for Canada Summer Games (20000751) and that the project **BE FUNDED** as follows:

Debt	\$6,350,000
Federal Gas Tax	\$13,686,786

2. That the Chair and Regional Clerk **BE AUTHORIZED** to execute the Definitive Agreements for Canada Summer Games Sport and Ability Centre described herein between the Niagara Region and variously The City of St. Catharines, The City of Thorold, Brock University, 2021 Canada Games Host Society Inc., Her Majesty the Queen in Right of the Province of Ontario, and Her Majesty the Queen in Right of Canada; provided the financial terms and conditions of these agreements do not exceed funds approved by Council and all terms and conditions are satisfactory to the CAO and Director of Legal and Court Services;
3. That Regional Council **APPROVE** that Niagara Region be a joint owner (25%) in the Canada Games Park with an annual financial contribution to the facility's capital reserve equal to 25% of 1.5% of the cost of construction, beginning in 2022, subject to equal contributions from The City of St. Catharines, The City of Thorold, and Brock University;
4. That the Region's share of external Legal Counsel and Project Management fees in partnership with The City of St. Catharines, The City of Thorold, Brock University, 2021 Canada Games Host Society Inc. **BE APPROVED** to be accommodated within base budget;

5. That staff **BE DIRECTED** to report back to Regional Council for approval prior to advancing any additional funds beyond approval in Recommendation 1; and
6. That the necessary by-laws **BE PREPARED** and **PRESENTED** to Council for consideration.

Recorded Vote:

Yes (23): Butters, Bylsma, Chiocchio, Dart, Disero, Easton, Edgar, Fertich, Foster, Gale, Gibson, Greenwood, Heit, Insinna, Ip, Jordan, Junkin, Rigby, Sendzik, Steele, Ugulini, Whalen, Witteveen.

No (0).

Carried

5. CLOSED SESSION

Moved by Councillor Insinna
Seconded by Councillor Butters

That this Council **DO NOW MOVE** into Closed Session for the purposes of receiving information of a confidential nature 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* - Application for Judicial Review - Niagara Home Builders' Association.

Carried

Council resolved into closed session at 3:32 p.m.

6. REPORT FROM CLOSED SESSION

Council reconvened in open session at 4:33 p.m. with the following individuals in attendance:

Council: Bradley (Regional Chair), Butters, Bylsma, Chiocchio, Darte, Disero, Easton, Edgar, Fertich, Foster, Gale, Gibson, Greenwood, Heit, Insinna, Ip, Jordan, Junkin, Rigby, Sendzik, Steele, Ugulini, Villella, Whalen, Witteveen

Absent/Regrets: Bellows, Champion, Diodati, Huson, Nicholson, Redekop, Zalepa

Staff: D. Barnhart, Executive Officer to the Regional Chair, H. Chamberlain, Director, Financial Management & Planning/Deputy Treasurer, D. Gibbs, Director, Legal & Court Services, T. Harrison, Commissioner/Treasurer, Corporate Services, R. Mostacci, Commissioner, Planning and Development Services, A.-M. Norio, Regional Clerk, R. Tripp, Commissioner, Public Works/Acting Chief Administrative Officer

Others Present: P. DeMelo, Kagan Shastri LLP, External Legal Counsel

6.1 Confidential CL-C 76-2019

Application for Judicial Review

Moved by Councillor Greenwood

Seconded by Councillor Steele

That Confidential Memorandum CL-C 76-2019, being a memorandum from D. Gibbs, Director, Legal and Court Services, dated November 21, 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 – Application for Judicial Review – Niagara Home Builders' Association, **BE RECEIVED**; and

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

Carried

7. **BY-LAWS**

7.1 **Bill 2019-86**

Moved by Councillor Ugulini
Seconded by Councillor Whalen

That Bill 2019-86 being a by-law to adopt, ratify and confirm the actions of Regional Council at its special meeting held on November 21, 2019, **BE NOW READ** and **DO PASS**.

Carried

8. **ADJOURNMENT**

There being no further business, the meeting adjourned at 4:35 p.m.

Jim Bradley
Regional Chair

Ann-Marie Norio
Regional Clerk