

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

**CL 7-2020
Thursday, May 21, 2020
Council Chamber / Teleconference
Niagara Region Headquarters, Campbell West
1815 Sir Isaac Brock Way, Thorold, ON**

Council Members Present in the Council Chamber:	Bradley (Regional Chair)
Council Members Present via Teleconference:	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, Ugolini, Villella, Whalen, Witteveen, Zalepa
Absent/Regrets:	Bellows
Staff Present in the Council Chamber:	M. Lewis, Technology Support Analyst, A.-M. Norio, Regional Clerk, R. Tripp, Acting Chief Administrative Officer
Staff Present via Teleconference:	D. Barnhart, Executive Officer to the Regional Chair, H. Chamberlain, Director, Financial Management & Planning/Deputy Treasurer, D. Gibbs, Director, Legal & Court Services, C. Habermebl, Director, Waste Management Services, T. Harrison, Commissioner/Treasurer, Corporate Services, Dr. M. M. Hirji, Acting Medical Officer of Health, A. Jugley, Commissioner, Community Services, F. Meffe, Director, Human Resources, D. Miron, Manager, Health, Safety and Wellness, R. Mostacci, Commissioner, Planning & Development Services, K. Smith, Chief/Director, Emergency Medical Services, M. Trennum, Deputy Regional Clerk, J. Tonellato, Director, Water and Wastewater Services, D. Woiceshyn, Chief Executive Officer, Niagara Regional Housing, B. Zvaniga, Interim Commissioner, Public Works

1. CALL TO ORDER

Regional Chair Bradley called the meeting to order at 6:34 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 Villella
Seconded by Councillor Huson

That Council Agenda CL 7-2020, **BE ADOPTED.**

Carried

3. DISCLOSURES OF PECUNIARY INTEREST

Councillor Huson declared an indirect pecuniary interest with respect to the portion of the Corporate Services Committee minutes CSC 4-2020 (Agenda Item 9.3) concerning Correspondence Item CSC-C 7-2020 (Minute Item 6) respecting COVID-19 Response and Business Continuity in Corporate Services as the item references a partnership with Brock University for housing essential service workers and she has an employment relationship with Brock University.

Councillor Campion declared an indirect pecuniary interest with respect to the portion of the Corporate Services Committee minutes CSC 4-2020 (Agenda Item 9.3) concerning Confidential Report CSD 25-2020 (Minute Item 9.1) 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* - Update regarding Application for Judicial Review - Niagara Home Builders' Association as the City of Welland is named in the court documents and he is the Mayor of the City of Welland.

Councillor Chiocchio declared an indirect pecuniary interest with respect to Correspondence Item CL-C 22-2020 (Agenda Item 8.2.2) respecting Canada/US Border Crossings - Essential Traffic Only - COVID-19 as it deals with the Canada/US Border and he is an employee of the Niagara Falls Bridge Commission.

Councillor Gale declared an indirect pecuniary interest with respect to the portion of the Corporate Services Committee minutes CSC 4-2020 (Agenda Item 9.3) concerning Report CSD 26-2020 (Minute Item 5.2) respecting Long-Term Care (LTC) Redevelopment Procurement Process as his daughter-in-law is employed in a long-term care home.

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**

There were no delegations.

7. **ADOPTION OF MINUTES**

7.1 **Council Minutes CL 6-2020**

Thursday, April 23, 2020

Moved by Councillor Butters

Seconded by Councillor Nicholson

That Minutes CL 6-2020 being the Open Session minutes of the Regional Council meeting held on Thursday, April 23, 2020, **BE ADOPTED.**

Carried

8. **CORRESPONDENCE**

8.1 **Receive and/or Refer**

Moved by Councillor Rigby

Seconded by Councillor Diodati

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

CL-C 20-2020 respecting Response to Further Questions regarding Universal Testing Proposal, **BE RECEIVED**;

CL-C 21-2020 respecting Business Continuity Planning and Staff Redeployment Update, **BE RECEIVED**;

CL-C 22-2020 respecting Collection, Use, and Disclosure of Personal Health Information related to COVID-19, **BE RECEIVED**; and

CL-C 23-2020 respecting Award of Tender – New Affordable Housing Project – 6388 Hawkins Street and 7180 Heximer Avenue, City of Niagara Falls, **BE RECEIVED.**

Carried

8. **CORRESPONDENCE**

8.2 **For Consideration**

8.2.1 CL-C 18-2020

Association of Municipalities of Ontario (AMO) Board of Directors
Endorsement

Moved by Councillor Darte
Seconded by Councillor Sendzik

That Correspondence Item CL-C 18-2020, being a memorandum from A.-M. Norio, Regional Clerk, dated May 21, 2020, respecting Association of Municipalities of Ontario (AMO) Board of Directors Endorsement, **BE RECEIVED** and the following recommendation **BE APPROVED:**

That Regional Council **ENDORSE** Councillor Robert Foster as a candidate for the Association of Municipalities of Ontario Board of Directors.

Carried

8.2 **For Consideration**

8.2.2 CL-C 19-2020

Canada/US Border Crossings - Essential Traffic Only - COVID-19

Moved by Councillor Redekop
Seconded by Councillor Greenwood

That Item CL-C 19-2020, being correspondence from the Town of Fort Erie and the City of Port Colborne respecting support for resolutions respecting Canada/US Border Crossing - Essential Traffic Only - COVID-19, **BE RECEIVED**; and

That the Regional Chair **BE DIRECTED** to send a letter to the Federal government endorsing the motions respecting Canada/US Border Crossing - Essential Traffic Only - COVID-19.

Carried

8.2.3 CSD 34-2020

2020 COVID-19 Cash Flow Update Report - May

Moved by Councillor Whalen
Seconded by Councillor Fertich

That Report CSD 34-2020, dated May 21, 2020, respecting 2020 COVID-19 Cash Flow Update Report – May, **BE RECEIVED** for information.

Carried

8.2.4 CSD 35-2020

COVID-19 Financial Impacts Update

Moved by Councillor Zalepa
Seconded by Councillor Insinna

That Report CSD 35-2020, dated May 21, 2020, respecting COVID-19 Financial Impacts Update, **BE RECEIVED** for information.

Carried

8.2.5 CL-C 24-2020

Appointment of Budget Review Committee of the Whole Chair and Vice Chair for 2021 and 2022 Budget Years

Moved by Councillor Steele
Seconded by Councillor Edgar

That Correspondence Item CL-C 24-2020, being a memorandum from A-M. Norio, Regional Clerk, dated May 21, 2020, respecting Appointment of Budget Review Committee of the Whole Chair and Vice Chair for 2021 and 2022 Budget Years, **BE RECEIVED**; and

That the process for selecting a Chair and Vice Chair of the Budget Review Committee of the Whole for the 2021 and 2022 Budget Years **BE CONDUCTED** at this time.

Carried

Moved by Councillor Disero
Seconded by Councillor Foster

That Councillor Zalepa and Councillor Whalen **REMAIN** in their positions as Chair and Vice Chair of the Budget Review Committee of the Whole for the 2021 and 2022 budget years.

Carried

9. COMMITTEE REPORTS - OPEN SESSION

9.1 Public Works Committee

Minutes PWC 4-2020, Tuesday, May 12, 2020

Moved by Councillor Rigby
Seconded by Councillor Edgar

That Report PWC 4-2020 being the Open Session minutes of the Public Works Committee meeting held on Tuesday, May 12, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

9.2 Public Health and Social Services Committee

Minutes PHSSC 4-2020, Tuesday, May 12, 2020

Moved by Councillor Chiocchio
Seconded by Councillor Witteveen

That Report PHSSC 4-2020 being the Open Session minutes of the Public Health & Social Services Committee meeting held on Tuesday, May 12, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

9.2.1 Minute Item 3.1 respecting The Need for COVID-19 Testing in Niagara

The motion contained in Minute Item 3.1 was considered separately as follows:

Whereas the COVID-19 virus is a serious virus that has been responsible for over 50 deaths to date in the Niagara Region;

Whereas the economy of Niagara Region has been severely impacted by the mandatory and necessary closures;

Whereas a number of local businesses and organizations in Niagara have approached the Niagara Region to offer products or services to help combat the effects of COVID-19;

Whereas medical experts have advised that recovery will depend in part on widespread testing and contact tracing;

Whereas Niagara Region recognizes and congratulates the Province on its success in expanding testing capacity such that there is now excess capacity in the system;

Whereas the testing of COVID-19 is completed through a provincially run network of accredited and licensed laboratories;

NOW THEREFORE BE IT RESOLVED:

1. That the Regional Municipality of Niagara **SUPPORT** all local initiatives including exploring of a publicly run, licensed lab in Niagara, that are intended to fight against COVID-19, including expanded laboratory testing, construction of personal protective equipment (PPE) and producing hand hygiene products;
2. That the Regional Municipality of Niagara **REQUEST** the Province of Ontario take all necessary steps to continue to ensure adequate testing capacity be provided for Niagara's residents in the interest of expediting the public health and economic recovery of the Region; and
3. That the Regional Clerk **BE DIRECTED** to send a letter to the Minister of Health to indicate the Region's request for continued adequate testing in the provincial laboratory network.

Moved by Councillor Whalen
Seconded by Councillor Gale

That clause 1 of the motion **BE AMENDED** as follows:

1. That the Regional Municipality of Niagara **SUPPORT** all **legitimate** local initiatives including exploring of a publicly run, licensed lab in Niagara, that are intended to fight against COVID-19, including expanded laboratory testing, construction of personal protective equipment (PPE) and producing hand hygiene products.

Defeated

The Regional Chair called the vote on the motion.

Clause 1 was considered separately.

Recorded Vote:

Yes (20): Butters, Bylsma, Chiocchio, Diodati, Disero, Foster, Gale, Greenwood, Huson, Insinna, Jordan, Junkin, Nicholson, Sendzik, Steele, Ugolini, Villella, Whalen, Witteveen, Zalepa.

No (8): Campion, Easton, Edgar, Fertich, Heit, Ip, Redekop, Rigby.

Carried

The Regional Chair called the vote on the balance of the recommendations.

Recorded Vote:

Yes (29): Butters, Bylsma, Campion, Chiocchio, Darte, Diodati, Disero, Easton, Edgar, Fertich, Foster, Gale, Greenwood, Heit, Huson, Insinna, Ip, Jordan, Junkin, Nicholson, Redekop, Rigby, Sendzik, Steele, Ugulini, Villella, Whalen, Witteveen, Zalepa.

No (0).

Carried

9.2.2 Balance of the recommendations from Public Health and Social Services Committee

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

Carried

9.3 Corporate Services Committee

Minutes CSC 4-2020, Wednesday, May 13, 2020

Moved by Councillor Foster
Seconded by Councillor Bylsma

That Report CSC 4-2020 being the Open Session minutes of the Corporate Services Committee meeting held on Wednesday, May 13, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

9.4 Planning and Economic Development Committee

Minutes PEDC 4-2020, Wednesday, May 13, 2020

Moved by Councillor Huson
Seconded by Councillor Ugulini

That Report PEDC 4-2020 being the Open Session minutes of the Planning & Economic Development Committee meeting held on Wednesday, May 13, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

Councillor Information Request(s):

Provide information respecting the recruitment of the permanent Director of Economic Development position given the importance of the position in the economic recovery plan for the Niagara. Councillor Huson.

10. CHIEF ADMINISTRATIVE OFFICER'S REPORT(S)

There were no Chief Administrative Officer Reports.

11. MOTIONS

11.1 Reconsideration of 2020 Water and Wastewater Budget

Moved by Councillor Campion
Seconded by Councillor Chiocchio

That, in accordance with subsection 2.4 of Niagara Region's Procedural By-law, the rules of procedure, specifically subsection 19.16 "Motion to Reconsider" of the Procedural By-law, **BE SUSPENDED** to permit Council to reconsider the 2020 Water and Wastewater Budget at this meeting.

Recorded Vote:

Yes: (14) Butters, Campion, Chiocchio, Darte, Diodati, Disero, Huson, Redekop, Rigby, Sendzik, Steele, Ugulini, Villella, Whalen.

No: (16) Bylsma, Easton, Edgar, Fertich, Foster, Gale, Gibson, Greenwood, Heit, Insinna, Ip, Jordan, Junkin, Nicholson, Witteveen, Zalepa.

Defeated

12. NOTICES OF MOTION

There were no notices of motion.

13. OTHER BUSINESS

13.1 Subcommittee & Advisory Committee Meetings

Councillor Huson requested information respecting when the subcommittee and advisory committees would resume meeting. Ann-Marie Norio, Regional Clerk, advised that allowing the subcommittee and advisory committees to meet using electronic participation would require a Procedural By-law amendment. She stated staff would provide a report back to the Corporate Services Committee at its meeting being held June 17, 2020.

14. CLOSED SESSION

Moved by Councillor Gale
Seconded by Councillor Darté

That 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 Advise that is Subject to Solicitor-Client Privilege Under s. 239(2) of the *Municipal Act, 2001* – Update regarding Application for Judicial Review – Niagara Home Builders' Association.

Carried

Council resolved into closed session at 8:49 p.m.

15. BUSINESS ARISING FROM CLOSED SESSION

Council reconvened in open session at 9:05 p.m. with the following individuals in attendance:

Council Members Present in the Council Chamber: Bradley (Regional Chair)

Council Members Present via Teleconference: Butters, Bylsma, Chiocchio, Darté, Diodati, Disero, Easton, Edgar, Fertich, Foster, Gale, Gibson, Greenwood, Heit, Huson, Insinna, Ip, Jordan, Junkin, Nicholson, Redekop, Rigby, Sendzik, Steele, Ugulini, Villella, Whalen, Witteveen, Zalepa

Absent/Regrets: Bellows, Campion

Staff Present in the Council Chamber: M. Lewis, Technology Support Analyst, M. Lewis, Technology Support Analyst, A.-M. Norio, Regional Clerk, R. Tripp, Acting Chief Administrative Officer

Staff Present via Teleconference: D. Gibbs, Director, Legal & Court Services, T. Harrison, Commissioner/Treasurer, Corporate Services, F. Meffe, Director, Human Resources, R. Mostacci, Commissioner, Planning & Development Services, M. Trennum, Deputy Regional Clerk, B. Zvaniga, Interim Commissioner, Public Works

15.1 Confidential HR 4-2020

A Matter of Labour Relations: CUPE 1263 Interest Arbitration Award

Moved by Councillor Steele

Seconded by Councillor Whalen

That Report HR 4-2020, dated April 23, 2020, respecting A Matter of Labour Relations – CUPE 1263 Interest Arbitration Award **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. The Regional Chair and the Regional Clerk **BE DIRECTED** to execute the collective agreement on behalf of the Regional Municipality of Niagara as per the binding March 23, 2020 Interest Arbitration Award of Arbitration Board Chair Kevin M. Burkett for the 2 year period of January 1, 2019 to December 31, 2020 for CUPE and its Local 1263.

Carried

16. BY-LAWS

Moved by Councillor Gibson

Seconded by Councillor Greenwood

That Bill 2020-25, being a by-law to adopt, ratify and confirm the actions of Regional Council at its meeting held on May 21, 2020, **BE NOW READ** and **DO PASS**:

Carried

17. ADJOURNMENT

There being no further business, the meeting adjourned at 9:11 p.m.

Jim Bradley
Regional Chair

Matthew Trennum
Deputy Regional Clerk

Ann-Marie Norio
Regional Clerk