

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

CL 1-2020

Thursday, January 23, 2020

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, Insinna, Ip, Junkin, Nicholson, Redekop, Rigby, Steele, Ugulini, Whalen, Zalepa

Absent/Regrets: Bellows, Campion, Diodati, Greenwood, Heit, Huson, Jordan, Sendzik, Villella, Witteveen

Staff: D. Barnhart, Executive Officer to the Regional Chair, D. Gibbs, Director, Legal & Court Services, T. Harrison, Commissioner/Treasurer, Corporate Services, F. Meffe, Director, Human Resources, R. Mostacci, Commissioner, Planning & Development Services, A.-M. Norio, Regional Clerk, R. Tripp, Commissioner, Public Works/Acting Chief Administrative Officer

Others Present: R. Weir, Borden Ladner Gervais LLP, D. Jeffries, and D. Search, Rae Christen Jeffries LLP, External Legal Counsel

1. CALL TO ORDER

Regional Chair Bradley called the meeting to order at 4:04 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 Easton

Seconded by Councillor Rigby

That Council Agenda CL 1-2020, **BE ADOPTED.**

Carried

Ron Tripp, Acting Chief Administrative Officer, advised Council that despite having read and signed Agenda Items 6.1 and 6.2, he would be excusing himself from the discussion on those items as they pertain to the recruitment of a permanent Chief Administrative Officer and he has not yet determined if he will compete for the position.

3. DISCLOSURES OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

4. CLOSED SESSION

Moved by Councillor Easton
Seconded by Councillor Rigby

That this Council **DO NOW MOVE** into Closed Session for the purposes of receiving information of a confidential nature respecting:

Confidential Verbal Update - A Matter of Advice that is Subject to Solicitor-Client Privilege & A Matter of Litigation or Potential Litigation under s. 239(2) of the Municipal Act, 2001 - Legal Advice respecting litigation concerning Former Senior Administration Officials Employment Contracts

A Matter Respecting Litigation or Potential Litigation and A Matter of Advice that is Subject to Solicitor-Client Privilege under s. 239(2) of the Municipal Act, 2001 – Burgoyne Bridge Litigation Update

A Matter of Litigation or Potential Litigation under s. 239(2) of the Municipal Act, 2001 - Litigation concerning Former Senior Administration Officials Employment Contracts - Councillor Information Request – December 5, 2019

Carried

Council resolved into closed session at 4:06 p.m.

5. BUSINESS ARISING FROM CLOSED SESSION

Council reconvened in open session at 5:18 p.m. with the following individuals in attendance:

Council:	Bradley (Regional Chair), Butters, Bylsma, Chiocchio, Dart, Disero, Easton, Edgar, Fertich, Foster, Gale, Gibson, Insinna, Ip, Junkin, Nicholson, Redekop, Rigby, Steele, Ugolini, Whalen, Zalepa
Absent/Regrets:	Bellows, Campion, Diodati, Greenwood, Heit, Huson, Jordan, Sendzik, Villella, Witteveen
Staff:	D. Barnhart, Executive Officer to the Regional Chair, D. Gibbs, Director, Legal & Court Services, T. Harrison, Commissioner/Treasurer, Corporate Services, F. Meffe, Director, Human Resources, A.-M. Norio, Regional Clerk, R. Tripp, Commissioner, Public Works/Acting Chief Administrative Officer
Others Present:	R. Weir, Borden Ladner Gervais LLP, D. Jeffries, and D. Search, Rae Christen Jeffries LLP, External Legal Counsel

5.1 Confidential Verbal Update

Legal Advice respecting litigation concerning Former Senior Administration Officials Employment Contracts

Moved by Councillor Insinna
Seconded by Councillor Rigby

That the Confidential Verbal Update respecting A Matter of Advice that is Subject to Solicitor-Client Privilege & A Matter of Litigation or Potential Litigation under s. 239(2) of the Municipal Act, 2001 - Legal Advice respecting litigation concerning Former Senior Administration Officials Employment Contracts, **BE RECEIVED**; and

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

Carried

5.2 Confidential Presentation - Burgoyne Bridge Litigation

Burgoyne Bridge Litigation

Moved by Councillor Nicholson

Seconded by Councillor Gibson

That the Confidential Presentation respecting A Matter of Advice that is Subject to Solicitor Client Privilege and A Matter of Litigation or Potential Litigation – Burgoyne Bridge Update, **BE RECEIVED**; and

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

Carried

5.3 Confidential Memorandum CL-C 2-2020

Councillor Information Request – December 5, 2019

Moved by Councillor Ip

Seconded by Councillor Chiocchio

That Confidential Memorandum CL-C 2-2020, being a memorandum from F. Meffe, Director, Human Resources, dated January 23, 2020, respecting A Matter of Litigation or Potential Litigation under s. 239(2) of the Municipal Act, 2001 - Litigation concerning Former Senior Administration Officials Employment Contracts - Councillor Information Request – December 5, 2019, **BE RECEIVED** for information.

Carried

6. **ITEMS FOR CONSIDERATION**

At this point in the meeting, the Acting Chief Administrative Officer left the Council Chamber.

6.1 HR 1-2020

Chief Administrative Officer (CAO) Recruitment, Selection, Offer of Employment and Performance Management Policy and Procedures

Moved by Councillor Rigby
Seconded by Councillor Diodati

That Report HR 1-2020, dated January 23, 2020, respecting Chief Administrative Officer (CAO) Recruitment, Selection, Offer of Employment and Performance Management Policy and Procedures, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the Chief Administrative Officer Recruitment, Selection, Offer of Employment and Performance Management Policy, attached to Report HR 01-2020 as Appendix 1, **BE APPROVED**;
2. That the corresponding Procedure Chief Administrative Officer Recruitment, Selection, and Offer of Employment, attached to Report HR 01-2020 as Appendix 2, **BE APPROVED**;
3. That the Chief Administrative Performance Management Procedure, attached to Report HR 01-2020 as Appendix 3, **BE APPROVED**.

Moved by Councillor Chiocchio
Seconded by Councillor Redekop

That Report HR 01-2020 respecting Chief Administrative Officer (CAO) Recruitment, Selection, Offer of Employment and Performance Management Policy and Procedures, **BE REFERRED** to the Corporate Services Committee meeting being held on February 12, 2020 to allow staff to amend the policy with the suggested changes.

Carried

Councillor Information Request(s):

Council requested staff consider the inclusion of the following items in the CAO Recruitment, Selection, and Offer of Employment Policy and Procedures:

- have membership on the Recruitment Committee open to all members of Council, not just the Standing Committee Chairs
- provide regular, detailed updates to Council concerning the recruitment and selection process
- require the External Search Firm to provide detailed updates to Council on the recruitment process and short-listed candidates

- consider bringing two (2) or three (3) of the final candidates forward to Council for consideration
- include provisions regarding mandatory attendance at the meetings of the Recruitment Committee

6.2 CLK 1-2020

Chief Administrative Officer Roles and Responsibilities Draft By-law

Moved by Councillor Foster

Seconded by Councillor Nicholson

That Report CLK 1-2020, dated January 23, 2020, respecting Chief Administrative Officer Roles and Responsibilities Draft By-law **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the draft by-law respecting the Chief Administrative Officer Roles and Responsibilities attached as Appendix 1 to Report CLK 1-2020, **BE APPROVED**;
2. That the final by-law **BE PREPARED** and **PRESENTED** to Council for consideration.

Carried

7. BY-LAWS

7.1 Bill 2020-01

Moved by Councillor Insinna

Seconded by Councillor Butters

That Bill 2020-01 being a by-law to adopt, ratify and confirm the actions of Regional Council at its special meeting held on January 23, 2020, **BE NOW READ** and **DO PASS**.

Carried

8. ADJOURNMENT

There being no further business, the meeting adjourned at 6:00 p.m.

Jim Bradley
Regional Chair

Ann-Marie Norio
Regional Clerk