THE REGIONAL MUNICIPALITY OF NIAGARA
PROCEEDINGS OF COUNCIL
OPEN SESSION

CL 3-2020
Thursday, February 20, 2020
Council Chamber
Niagara Region Headquarters, Campbell West
1815 Sir Isaac Brock Way, Thorold, ON

Council:	Bradley (Regional Chair), Bellows, Butters, Bylsma, Chiocchio, Darte, Easton, Edgar, Foster, Gibson, Greenwood, Heit, Huson, Insinna, Ip, Jordan, Junkin, Nicholson, Redekop, Rigby, Sendzik, Steele, Ugulini, Villella, Whalen, Witteveen, Zalepa
Absent/Regrets:	Campion, Diodati, Disero, Fertich, Gale
Staff:	D. Barnhart, Executive Officer to the Regional Chair, H. Chamberlain, Director, Financial Management & Planning/Deputy Treasurer, D. Gibbs, Director, Legal & Court Services, D. Giles, Director, Community & Long Range Planning, T. Harrison, Commissioner/Treasurer, Corporate Services, A. Jugley, Commissioner, Community Services, V. Kuhns, Acting Director, Economic Development, F. Meffe, Director, Human Resources, A.-M. Norio, Regional Clerk, K. Scholtens, Manager, Business Development Expedited Services, M. Trennum, Deputy Regional Clerk, R. Tripp, Commissioner, Public Works/Acting Chief Administrative Officer, D. Vanecko, Director, Organizational and Foundational Standards

---

1. CALL TO ORDER

Regional Chair Bradley called the meeting to order at 6:30 p.m.

2. LAND ACKNOWLEDGMENT STATEMENT

Councillor Butters read the Land Acknowledgment Statement.

3. MOMENT OF REFLECTION

Councillor Foster read the moment of reflection.

4. SINGING OF 'O CANADA'

Regional Chair Bradley asked all in attendance to stand for the singing of 'O Canada'.

5. ADOPTION OF AGENDA

Moved by Councillor Bellows
Seconded by Councillor Gibson

That Council Agenda CL 3-2020, **BE ADOPTED**.

Carried

6. DISCLOSURES OF PECUNIARY INTEREST

Councillor Edgar declared an indirect pecuniary interest with respect to the portion of the Audit Committee minutes AC 1-2020 (Agenda Item 12.1) concerning Report COM 34-2019 respecting Approval of 2018 Child Care Services Schedule of Revenues and Expenses (Minute Item 6.0) as his wife is the Director of Children's Services.

Councillor Huson declared an indirect pecuniary interest with respect to the portion of the Planning and Economic Development Committee minutes (Agenda Item 12.5) concerning Report ED 2-2020 respecting Brock University LINC (Minute Item 5.2) as she has an employment relationship with Brock University.

See Minute Item 7.1

7. PRESENTATIONS

7.1 2020 Hockey Canada Foundation Gala

Larry Landon, Executive Director, Professional Hockey Players Association, and Marcel Dionne, Co-Chair, 2020 Hockey Canada Foundation Gala, provided information respecting 2020 Hockey Canada Foundation Gala. Topics of the presentation included:

- Hockey Canada Foundation
- Gala & Golf Event Overview
- Legacy & Legacy Initiatives

Councillor Ip declared an indirect pecuniary interest with respect to the presentation concerning 2020 Hockey Canada Foundation Gala (Agenda Item 7.1) as the legacy initiatives include a project to develop a multi-use, all-season outdoor para pad for Heartland Forest and she has an employment relationship with Heartland Forest.

8. CHAIR'S REPORTS, ANNOUNCEMENTS, REMARKS

The Regional Chair made various announcements related to activities and events he attended throughout the Region.

9. DELEGATIONS

There were no delegations.

10. ADOPTION OF MINUTES

Council Minutes CL 1-2020, Thursday, January 23, 2020 (Special meeting)
Council Minutes CL 2-2020, Thursday, January 23, 2020 (Regular meeting)

Moved by Councillor Insinna
Seconded by Councillor Steele

That Minutes CL 1-2020 being the Open and Closed Session minutes of Special Regional Council and Minutes CL 2-2020 being the Open Session minutes of the Regular Regional Council meetings held on Thursday, January 23, 2020, **BE ADOPTED**.

Carried

11. CORRESPONDENCE

Ron Tripp, Acting Chief Administrative Officer, advised Council that he would be excusing himself from the discussion on Agenda Item 11.1.1, respecting Chief Administrative Officer Roles and Responsibilities By-law, and Agenda Item 11.2.1, respecting Chief Administrative Officer Recruitment, Selection and Offer of Employment Procedure so as to avoid any real or perceived conflict. He further noted he would be excusing himself from the discussion respecting Acting Chief Administrative Officer 2019 Performance Appraisal (Agenda Item 17.3.3).

11.1 Receive and/or Refer

11.1.1 CL-C 4-2020

Chief Administrative Officer Roles and Responsibilities By-law

Moved by Councillor Whalen
Seconded by Councillor Easton

That Correspondence Item CL-C 4-2020 being a memorandum from A.-M. Norio, Regional Clerk, dated February 20, 2020 respecting Chief Administrative Officer Roles and Responsibilities By-law, **BE RECEIVED** for information.

Carried

11.2 For Consideration

11.2.1 CL-C 5-2020

Report HR 01-2020 Revised - Amendments to Procedure - Chief Administrative Officer - Recruitment, Selection, and Offer of Employment

Moved by Councillor Redekop
Seconded by Councillor Heit

That Correspondence Item CL-C 5-2020, being a memorandum from F. Meffe, Director, Human Resources, and A.-M. Norio, Regional Clerk, dated February 20, 2020, respecting Report HR 01-2020 Revised - Amendments to Procedure - Chief Administrative Officer - Recruitment, Selection, and Offer of Employment, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Report HR 1-2020 REVISED, dated February 12, 2020, respecting Chief Administrative Officer (CAO) Recruitment, Selection, Offer of Employment and Performance Management Policy and Procedures, **BE RECEIVED**;

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

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

4. That the Chief Administrative Performance Management Procedure, attached to Report HR 1-2020 REVISED as Appendix 3, **BE APPROVED**.

Carried

12. COMMITTEE REPORTS - OPEN SESSION

12.1 Audit Committee

Minutes AC 1-2020, Monday, January 20, 2020

Moved by Councillor Rigby
Seconded by Councillor Whalen

That Report AC 1-2020 being the Open and Closed Session minutes of the Audit Committee meeting held on Monday, January 20, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

12.2 Public Works Committee

Minutes PWC 2-2020, Tuesday, February 11, 2020

Moved by Councillor Rigby
Seconded by Councillor Edgar

That Report PWC 2-2020 being the Open and Closed Session minutes of the Public Works Committee meeting held on Tuesday, February 11, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

12.3 Public Health and Social Services Committee

Minutes PHSSC 2-2020, Tuesday, February 11, 2020

Moved by Councillor Chiocchio
Seconded by Councillor Villella

That Report PHSSC 2-2020 being the Open Session minutes of the Public Health & Social Services Committee meeting held on Tuesday, February 11, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

12.4 Corporate Services Committee

Minutes CSC 2-2020, Wednesday, February 12, 2020

Moved by Councillor Foster
Seconded by Councillor Junkin

That Report CSC 2-2020 being the Open and Closed Session minutes of the Corporate Services Committee meeting held on Wednesday, February 12, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**, save and except Minute Item 6.1 respecting Chief Administrative Officer (CAO) Recruitment, Selection, Offer of Employment and Performance Management Policy and Procedures.

Carried

12.5 Planning and Economic Development Committee

Minutes PEDC 2-2020, Wednesday, February 12, 2020

Moved by Councillor Huson
Seconded by Councillor Ip

That Report PEDC 2-2020 being the Open Session minutes of the Planning & Economic Development Committee meeting held on Wednesday, February 12, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

13. CHIEF ADMINISTRATIVE OFFICER'S REPORT(S)

13.1 CAO 4-2020

Update on Outstanding Recommendations from the Ontario Ombudsman Report “Inside Job”

Moved by Councillor Steele
Seconded by Councillor Insinna

That Report CAO 4-2020 dated February 20, 2020, respecting Update on Outstanding Recommendations from the Ontario Ombudsman Report “Inside Job”, **BE RECEIVED** for information.

Carried

13.2 CAO 5-2020

Final Update Ontario Ombudsman Report "Press Pause"

Moved by Councillor Jordan
Seconded by Councillor Chiocchio

That Report CAO 5-2020 dated February 20, 2020, respecting Final Update Ontario Ombudsman Report “Press Pause”, **BE RECEIVED** for information.

Carried

14. MOTIONS

14.1 Direct Election of the Regional Chair

Moved by Councillor Ip
Seconded by Councillor Darte

WHEREAS the Province has completed its governance review and decided to leave governance reform in the purview of each municipality;

WHEREAS section 218.2 of the *Municipal Act, 2001*, provides a municipality the power to change the method of selecting its head of Council under section 218 of the Act for any regular election after 2018;

WHEREAS the upper tier municipalities of Durham Region, Halton Region, and Region of Waterloo directly elect their Regional Chair;

WHEREAS upper tier and single-tier municipalities in Ontario with larger populations and/or larger geographic areas than Niagara have directly elected Heads of Council;

WHEREAS Niagara is a progressive municipality with diverse interests; and

WHEREAS all of the voting citizens of Niagara deserve to have a direct say in who shall represent them as Regional Chair.

NOW THEREFORE BE IT RESOLVED:

1. That The Regional Municipality of Niagara **EXERCISE** its power and follow the necessary process under section 218 of the *Municipal Act, 2001*, to change the method of selecting the Head of Council so that beginning with the 2022 municipal election and for all future municipal elections the Regional Chair is elected by general vote by the voting citizens of all 12 local area municipalities in the Niagara region in accordance with the *Municipal Elections Act, 1996*.

Moved by Councillor Insinna
Seconded by Councillor Steele

That the motion respecting Direct Election of the Regional Chair **BE REFERRED** to the Corporate Services Committee to allow for consideration of additional governance matters.

Recorded Vote:

Yes (17): Chiocchio, Edgar, Foster, Gibson, Heit, Huson, Insinna, Jordan, Junkin, Nicholson, Redekop, Rigby, Sendzik, Steele, Ugulini, Villella, Whalen.

No (8): Butters, Bylsma, Darte, Easton, Greenwood, Ip, Witteveen, Zalepa.

Carried

14.2 Reconsideration of Minute Item 1.1 of Closed Session Minutes CL 1-2020 January 23, 2020 - Legal Advice respecting litigation concerning Former Senior Administration Officials Employment Contracts

Moved by Councillor Nicholson
Seconded by Councillor Steele

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 Minute Item 1.1 of Closed Session Minutes CL 1-2020 from January 23, 2020.

Recorded Vote:

Yes (22): Butters, Bylsma, Chiocchio, Darte, Easton, Edgar, Foster, Gibson, Heit, Huson, Insinna, Ip, Jordan, Junkin, Nicholson, Redekop, Sendzik, Steele, Ugulini, Villella, Whalen, Zalepa.

No (3): Greenwood, Rigby, Witteveen.

Having achieved a two thirds majority, the Chair declared the vote,

Carried

Moved by Councillor Nicholson
Seconded by Councillor Bylsma

That Minute Item 1.1 of Closed Session Minutes CL 1-2020 respecting Legal Advice respecting litigation concerning Former Senior Administration Officials Employment Contract, **BE RECONSIDERED** at this time.

The Regional Chair advised that in accordance with section 19.16 (f) of the Procedural By-law, the mover of a reconsideration motion may provide a brief statement outlining the reasoning for proposing the reconsideration. He further stated that as the subject of the motion related to a closed session matter, the reasons would need to be provided in closed session. Therefore it was:

Moved by Councillor Nicholson
Seconded by Councillor Huson

That Council **DO NOW MOVE** into closed session for the purposes of receiving information of a confidential nature 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 - Reconsideration of Minute Item 1.1 of Closed Session Minutes CL 1-2020 January 23, 2020.

Recorded Vote:

Yes (12): Bylsma, Easton, Greenwood, Huson, Insinna, Ip, Jordan, Junkin, Nicholson, Redekop, Rigby, Villella.

No (13): Butters, Chiocchio, Darte, Edgar, Foster, Gibson, Heit, Sendzik, Steele, Ugulini, Whalen, Witteveen, Zalepa.

Defeated

The Regional Chair called the vote on the motion as follows:

That Minute Item 1.1 of Closed Session Minutes CL 1-2020 respecting Legal Advice respecting litigation concerning Former Senior Administration Officials Employment Contract, **BE RECONSIDERED** at this time.

Recorded Vote:

Yes (1): Nicholson.

No (24): Butters, Bylsma, Chiocchio, Darte, Easton, Edgar, Foster, Gibson, Greenwood, Heit, Huson, Insinna, Ip, Jordan, Junkin, Redekop, Rigby, Sendzik, Steele, Ugulini, Villella, Whalen, Witteveen, Zalepa.

Defeated

14.3 New West Lincoln Memorial Hospital

Moved by Councillor Easton
Seconded by Councillor Jordan

WHEREAS West Lincoln Memorial Hospital (WLMH) has a critical and urgent need to rebuild its facilities in order to continue providing safe, high-quality hospital services for all residents of West Niagara;

WHEREAS Hamilton Health Sciences, the oversight system for WLMH, received approval from the Ontario government on December 19, 2019, to proceed to Stage 2 of the government's capital planning process for a new hospital in order to rebuild West Lincoln Memorial Hospital;

WHEREAS the Province of Ontario's cost share policy for hospital capital projects provides a provincial investment of 90% of the capital construction costs, conditional upon commitment from local fundraising partners to contribute both a 10% local share of financing for the capital construction cost, plus a 100% share of financing for the cost of all furniture, fixtures and equipment (FF&E) and any required parking infrastructure;

WHEREAS approval from the Ontario government to proceed with Stage 3 planning for the rebuilding of West Lincoln Memorial Hospital requires the timely submission by Hamilton Health Sciences of a financial plan in Stage 2 outlining the contributors to the local share of financing for the new hospital;

WHEREAS Hamilton Health Sciences is engaged in a dialogue with three west Niagara municipalities to determine how the local area municipalities may assist with fulfilling the needed commitment to the local share of financing, and provide a commitment by June 1, 2020, in order to satisfy the Province of Ontario's requirements to proceed with the next stage of planning for a new West Lincoln Memorial Hospital;

WHEREAS part of the required local funding could include a potential ask to Niagara Region;

WHEREAS the respective Chief Administrative Officers from Lincoln, West Lincoln and Grimsby, together with the Regional Chief Administrative Officer have had preliminary conversations on past practices of the Region in supporting hospital redevelopment projects;

WHEREAS there requires more formal conversations to take place between the local area municipalities and Regional staff to investigate potential funding options;

NOW THEREFORE BE IT RESOLVED:

That staff from Niagara Region **BE DIRECTED** to begin to formally discuss and engage in exploratory conversations with staff from all three West Niagara municipalities respecting a new West Lincoln Memorial Hospital to determine next steps and any potential options for consideration pertaining to funding opportunities from Niagara Region.

Carried

15. NOTICES OF MOTION

15.1 Climate Summit

Councillor Sendzik advised that he would be bringing forward a motion to the next Council meeting respecting Niagara Region organizing and hosting a climate summit.

16. OTHER BUSINESS

Members made various announcements related to activities and events within the Region and area municipalities.

16.1 2020 Hockey Canada Foundation Gala

Moved by Councillor Ugulini
Seconded by Councillor Nicholson

That the presentation respecting 2020 Hockey Canada Foundation Gala **BE REFERRED** to the Planning and Economic Development Committee.

Carried

17. CLOSED SESSION

Moved by Councillor Huson
Seconded by Councillor Gibson

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

A Matter respecting Personal Matters about an Identifiable Individual under s. 239(2) of the Municipal Act, 2001 - Appointment of a Temporary Commissioner of Public Works

A Matter respecting Personal Matters about an Identifiable Individual under s. 239(2) of the Municipal Act, 2001- Acting Chief Administrative Officer 2019 Performance Appraisal

Carried

Council resolved into closed session at 8:58 p.m.

18. BUSINESS ARISING FROM CLOSED SESSION

Council reconvened in open session at 10:10 p.m. with the following individuals present:

Council:	Bradley (Regional Chair), Bellows, Butters, Bylsma, Chiocchio, Darte, Easton, Edgar, Foster, Gibson, Greenwood, Heit, Huson, Insinna, Ip, Jordan, Junkin, Nicholson, Redekop, Rigby, Steele, Ugulini, Villella, Whalen, Witteveen, Zalepa
Absent/Regrets:	Campion, Diodati, Disero, Fertich, Gale, Sendzik
Staff:	D. Barnhart, Executive Officer to the Regional Chair, F. Meffe, Acting Director, Human Resources, A.-M. Norio, Regional Clerk

18.1 Confidential CL-C 6-2020

A Matter respecting Personal Matters about an Identifiable Individual under s. 239(2) of the *Municipal Act, 2001* - Appointment of a Temporary Commissioner of Public Works

Moved by Councillor Rigby
Seconded by Councillor Steele

That Bruce Zvaniga **BE APPOINTED** to the position of Commissioner of Public Works for the fixed term of February 24, 2020 to October 30, 2020.

Carried

18.2 Acting Chief Administrative Officer 2019 Performance Appraisal

A Matter respecting Personal Matters about an Identifiable Individual under s. 239(2) of the *Municipal Act, 2001* - Acting Chief Administrative Officer 2019 Performance Appraisal

Moved by Councillor Ugulini
Seconded by Councillor Whalen

That the Acting Chief Administrative Officer 2019 Performance Appraisal **BE APPROVED**.

Carried

19. BY-LAWS

Moved by Councillor Whalen
Seconded by Councillor Bylsma

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

Bill 2020-06
A by-law to accept, assume and dedicate part of lots 1852 - 1854 CP PL 2, in the City of St. Catharines as part of Regional Road No. 81 (St. Paul Street West).

Bill 2020-07
A by-law to accept, assume and dedicate part of lot 11, plan 562, in the City of St. Catharines as part of Regional Road No. 89 (Glendale Avenue).

Bill 2020-08
A by-law to permit 2664479 Ontario Limited operating as Sobeys Grocery Store at 450 Garrison Road in the Town of Fort Erie to be open on certain holidays for the maintenance or development of tourism.

Bill 2020-09
A by-law to provide for the roles and responsibilities of the Chief Administrative Officer.

Bill 2020-10
A by-law to adopt, ratify and confirm the actions of Regional Council at its meeting held on February 20, 2020.

Carried

20. ADJOURNMENT

There being no further business, the meeting adjourned at 10:13 p.m.

Jim Bradley
Regional Chair

Matthew Trennum
Deputy Regional Clerk

Ann-Marie Norio
Regional Clerk