

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

CL 3-2021

Thursday, February 25, 2021

Council Chamber/Video Conference

**Niagara Region Headquarters, Campbell West
1815 Sir Isaac Brock Way, Thorold, ON**

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

Council Members Present via Video Conference: Butters, Bylsma, Chiocchio, Dart, Diodati, Disero, Easton, Edgar, Fertich, Gale, Gibson, Greenwood, Heit, Huson, Insinna, Ip, Jordan, Junkin, Redekop, Rigby, Sendzik, Steele, Ugolini, Whalen, Zalepa

Absent/Regrets: Bellows, Campion, Nicholson, Villella, Witteveen

Staff Present in the Council Chamber: D. Barnhart, Executive Officer to the Regional Chair, R. Donnelly, Client & Support Advisor, D. Gibbs, Director, Legal & Court Services, T. Harrison, Commissioner/Treasurer, Corporate Services, F. Meffe, Director, Human Resources, B. Menage, Director, Procurement & Strategic Acquisitions, A.-M. Norio, Regional Clerk, R. Tripp, Acting Chief Administrative Officer, B. Zvaniga, Interim Commissioner, Public Works

Others Present via Video Conference: Kroll Consulting Canada Co. Representatives: P. McFarlane, Managing Partner, C. Lee, Associate Managing Partner, C. Strachan, Senior Manager

CIMA+ Representatives: T. Briggs, Partner/Senior Director, Wastewater/Infrastructure, and B. Young, Project Manager, Infrastructure

1. CALL TO ORDER

Regional Chair Bradley called the meeting to order at 2:33 p.m.

2. **ADOPTION OF AGENDA**

Moved by Councillor Rigby
Seconded by Councillor Edgar

That Council Agenda CL 3-2021, **BE ADOPTED**.

Carried

3. **DISCLOSURES OF PECUNIARY INTEREST**

There were no disclosures of pecuniary interest.

4. **CLOSED SESSION**

Councillor Gale rose on a point of order advising that a deviation of the rules of procedure had taken place, specifically section 9.21 which states "that all deliberations while in a Closed Session shall remain confidential unless otherwise agreed upon by a majority vote of Council" as confidential information respecting the Special Council meeting held on January 28, 2021, had been released publicly based on media reports. Councillor Gale requested the Regional Chair rule on his point of order that there was a breach of confidentiality, that the Chair issue a written statement denouncing the breaches and refer the matter to the Region's Integrity Commissioner.

Following discussion, Councillor Gale's point of order was instead addressed as a motion.

Moved by Councillor Bylsma
Seconded by Councillor Darte

That the Regional Chair **ISSUE** a written statement identifying that the news story was misleading and **REFER** the leak of confidential information to the Integrity Commissioner.

The following friendly **amendment** was accepted by the Regional Chair, and the mover and seconder of the motion so the motion reads as follows:

That the Regional Chair REQUEST the leak of confidential information regarding Whistleblower Report #1 be investigated by the Integrity Commissioner and the scope include:

- 1. did a breach occur?;***
- 2. if so, by whom?; and***
- 3. if it was a member of Council, what is the appropriate remedy?***

Moved by Councillor Disero
Seconded by Councillor Zalepa

That the motion respecting the Integrity Commissioner investigation **BE DEFERRED** until the Integrity Commissioner attends a future Regional Council meeting to discuss this matter.

Recorded Vote:

Yes (21): Butters, Bylsma, Chiocchio, Diodati, Disero, Easton, Edgar, Foster, Gibson, Greenwood, Heit, Huson, Insinna, Jordan, Junkin, Redekop, Sendzik, Steele, Ugulini, Whalen, Zalepa.

No (5): Darté, Fertich, Gale, Ip, Rigby.

Carried

Moved by Councillor Insinna
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 concerning Personal Matters about identifiable individuals under s. 239(2) of the Municipal Act, 2001 – Investigation of Whistleblowers' Complaints relating to the Water and Wastewater Division; and

A Matter concerning Personal Matters about identifiable individuals under s. 239(2) of the Municipal Act, 2001 – Investigation of Alleged Workplace Harassment.

Carried

Council resolved into closed session at 3:17 p.m.

5. BUSINESS ARISING FROM CLOSED SESSION

Council reconvened in open session at 5:01 p.m. with the following individuals in attendance:

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

Council Members Present via Video Conference: Butters, Bylsma, Campion, Chiocchio, Darte, Diodati, Disero, Easton, Edgar, Fertich, Gale, Gibson, Greenwood, Heit, Huson, Insinna, Ip, Jordan, Junkin, Nicholson, Redekop, Rigby, Sendzik, Steele, Ugulini, Whalen, Zalepa

Absent/Regrets: Bellows, Villella, Witteveen

Staff Present in the Council Chamber: D. Barnhart, Executive Officer to the Regional Chair, R. Donnelly, Client & Support Advisor, D. Gibbs, Director, Legal & Court Services, T. Harrison, Commissioner/Treasurer, Corporate Services, F. Meffe, Director, Human Resources, B. Menage, Director, Procurement & Strategic Acquisitions, A.-M. Norio, Regional Clerk, R. Tripp, Acting Chief Administrative Officer, B. Zvaniga, Interim Commissioner, Public Works

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CIMA+ Representatives: T. Briggs, Partner/Senior Director, Wastewater/Infrastructure, and B. Young, Project Manager, Infrastructure

5.1 Confidential CL-C 9-2021 and Confidential CL-C 10-2021

Moved by Councillor Ugulini
Seconded by Councillor Huson

That Confidential CL-C 9-2021, being a memorandum from R. Tripp, Acting Chief Administrative Officer, dated February 25, 2021, respecting A Matter concerning Personal Matters about identifiable individuals under s. 239(2) of the Municipal Act, 2001 – Investigation of Whistleblowers' Complaints relating to the Water and Wastewater Division, **BE RECEIVED;**

That Confidential CL-C 10-2021, being a memorandum from R. Tripp, Acting Chief Administrative Officer, dated February 25, 2021, respecting A Matter concerning Personal Matters about identifiable individuals under s. 239(2) of the Municipal Act, 2001 – Investigation of Alleged Workplace Harassment, **BE RECEIVED**; and

That Regional Council **RELEASE** the following statement:

Council is satisfied that Kroll has completed an objective and thorough investigation into the Whistleblower complaints; and received good cooperation from all parties involved.

The investigation disclosed no evidence of wrongdoing or improper conduct on the part of Regional employees or suppliers. However, Kroll did identify evidence corroborating certain elements of the Whistleblower complaints relating to lapses in process, which in some instances were already known to the Region, and corrective action has been taken/is underway.

Kroll and CIMA+ have made some constructive recommendations for operational improvements that the Region has committed to consider and implement where possible.

Council appreciates the good faith on the part of the whistleblowers in bringing forward their concerns and their patience during the fulsome investigation process.

Council wishes to thank Kroll, CIMA+ and all parties involved for their diligence in bringing this matter to a positive conclusion.

Recorded Vote:

Yes (25): Butters, Campion, Chiocchio, Darte, Diodati, Disero, Easton, Edgar, Fertich, Foster, Gale, Gibson, Greenwood, Heit, Huson, Insinna, Ip, Jordan, Junkin, Rigby, Sendzik, Steele, Ugulini, Whalen, Zalepa.

No (0).

Carried

Moved by Councillor Sendzik
Seconded by Councillor Rigby

That staff **BE DIRECTED** to refine the Whistleblower Policy and establish clearly defined procedures for consideration by the Corporate Services Committee.

Carried

6. **BY-LAWS**

6.1 **Bill 2021-11**

Moved by Councillor Whalen
Seconded by Councillor Bylsma

That Bill 2021-11 being a by-law to adopt, ratify and confirm the actions of Regional Council at its special meeting held on February 25, 2021, **BE NOW READ** and **DO PASS**.

Carried

7. **ADJOURNMENT**

There being no further business, the meeting adjourned at 5:10 p.m.

Jim Bradley
Regional Chair

Ann-Marie Norio
Regional Clerk