

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

**CL 21-2018  
Friday, December 28, 2018  
Council Chamber  
Niagara Region Headquarters, Campbell West  
1815 Sir Isaac Brock Way, Thorold, ON**

Council: Bellows, Butters, Bradley, Bylsma, Chiocchio, Darte, Disero, Easton, Kelly Edgar, Fertich, Foster, Gale, Gibson, Greenwood, Heit, Huson, Ip, Jordan, Junkin, Insinna, Nicholson, Redekop, Rigby, Sendzik, Steele, Ugulini, Villella, Whalen, Witteveen, Zalepa

Absent/Regrets: Campion, Diodati

Staff: D. Gibbs, Director, Legal & Court Services, T. Harrison, Commissioner/Treasurer, Enterprise Resource Management Services, F. Meffe, Acting Director, Human Resources, A.-M. Norio, Regional Clerk, R. Tripp, Acting Chief Administrative Officer

Others Present: External Legal Counsel: C. Chan, and S. Persaud, Boghosian + Allen LLP, K. Dearden, and P. Patterson, Borden, Ladner, Gervais LLP, and D. Jeffries, Rae Christen Jeffries LLP

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**1. CALL TO ORDER**

Regional Chair Bradley called the meeting to order at 2:03 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 Butters

Seconded by Councillor Foster

That the Council Agenda CL 21-2018, **BE ADOPTED.**

**Carried**

**3. DISCLOSURES OF PECUNIARY INTEREST**

There were no disclosures of pecuniary interest.

4. **CORRESPONDENCE**

4.1 **Receive for Information**

4.1.1 CL-C 80-2018

A Better Niagara Court Application re NPCA Board

Moved by Councillor Easton  
Seconded by Councillor Heit

That Correspondence Item CL-C 80-2018, being a memorandum from M. Cruickshank, dated December 28, 2018, respecting A Better Niagara Court Application re NPCA Board, **BE RECEIVED** for information.

**Carried**

5. **MOTION FOR CLOSED SESSION**

Moved by Councillor Disero  
Seconded by Councillor Edgar

That Council **DO NOW MOVE** into closed session for the purposes of receiving information of a confidential nature respecting:

Confidential Verbal Update Regarding A Matter of Advice that is Subject to Solicitor-Client Privilege - Legal Advice Respecting Appointment Process to NPCA Board and Litigation;

Confidential Verbal Update Regarding A Matter of Advice that is Subject to Solicitor-Client Privilege - Legal Advice Respecting Employment Matters - Chief Administrative Officer; and

Confidential Verbal Update Regarding A Matter of Advice that is Subject to Solicitor-Client Privilege - Legal Advice Respecting Employment Matters - Organizational Update.

**Carried**

6. **CLOSED SESSION**

Council resolved into closed session at 2:11 p.m.

## 7. **REPORT FROM CLOSED SESSION**

Council reconvened in open session at 3:21 p.m. with the following individuals in attendance:

- Council: Bellows, Butters, Bradley, Bylsma, Chiocchio, Darté, Disero, Easton, Kelly Edgar, Fertich, Foster, Gale, Gibson, Greenwood, Heit, Huson, Ip, Jordan, Junkin, Insinna, Nicholson, Redekop, Rigby, Sendzik, Steele, Ugulini, Villella, Whalen, Witteveen, Zalepa
- Absent/Regrets: Campion, Diodati
- Staff: D. Gibbs, Director, Legal & Court Services, T. Harrison, Commissioner/Treasurer, Enterprise Resource Management Services, F. Meffe, Acting Director, Human Resources, A.-M. Norio, Regional Clerk, R. Tripp, Acting Chief Administrative Officer
- Others Present: External Legal Counsel: C. Chan, and S. Persaud, Boghosian + Allen LLP, K. Dearden, and P. Patterson, Borden, Ladner, Gervais LLP, and D. Jeffries, Rae Christen Jeffries LLP

### 7.1 **Confidential Verbal Update Regarding A Matter of Advice that is Subject to Solicitor-Client Privilege - Legal Advice Respecting Appointment Process to NPCA Board and Litigation**

Moved by Councillor Huson  
Seconded by Councillor Rigby

That the Confidential Verbal Update Regarding A Matter of Advice that is Subject to Solicitor-Client Privilege - Legal Advice Respecting Appointment Process to NPCA Board and Litigation respecting the Court Application commenced by A Better Niagara, **BE RECEIVED** and the following recommendations **BE APPROVED**;

1. That the Region of Niagara **CONFIRMS SUPPORT** for the relief in the Application commenced by A Better Niagara;

2. That the Niagara Peninsula Conservation Authority representatives appointed by the Region of Niagara **CALL** a special meeting on January 7, 2019 for purposes of:

Electing a Chair and Vice Chair;

Reviewing current status and requesting updates from NPCA staff regarding operations, including HR organizational changes and other ongoing matters; and

Receiving advice from NPCA's legal counsel regarding HR matters;

3. That staff **BE DIRECTED** to seek the cooperation of Hamilton, Haldimand and Niagara Peninsula Conservation Authority Staff regarding the special meeting;

4. That staff **BE DIRECTED** provide administrative and operational support for the special meeting if required;

5. That Legal counsel **BE DIRECTED** to seek direction from the Court on January 2nd regarding the procedural aspects of the special meeting; status of financial and legal assets and liabilities of NPCA and status of current CAO; and

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

**Carried**

As Council had not considered the additional closed session matters; therefore, it was:

Moved by Councillor Bellows

Seconded by Councillor Dart

That Council **DO NOW MOVE** into closed session for the purposes of receiving information of a confidential nature respecting:

Confidential Verbal Update Regarding A Matter of Advice that is Subject to Solicitor-Client Privilege - Legal Advice Respecting Employment Matters - Chief Administrative Officer; and

Confidential Verbal Update Regarding A Matter of Advice that is Subject to Solicitor-Client Privilege - Legal Advice Respecting Employment Matters - Organizational Update.

**Carried**

Council resolved back into closed session at 3:24 p.m.

Council reconvened in open session at 6:47 p.m. with the following individuals in attendance:

Council: Bellows, Butters, Bradley , Bylsma, Chiocchio, Darte, Disero, Easton, Kelly Edgar, Fertich, Foster, Gale, Gibson, Greenwood, Heit, Huson, Ip, Jordan, Junkin, Insinna, Nicholson, Redekop, Rigby, Sendzik, Steele, Ugulini, Villella, Whalen, Witteveen, Zalepa

Absent/Regrets: Campion, Diodati

Staff: F. Meffe, Acting Director, Human Resources, A.-M. Norio, Regional Clerk, R. Tripp, Acting Chief Administrative Officer

Others Present: External Legal Counsel: K. Dearden, and P. Patterson, Borden, Ladner, Gervais LLP, and D. Jeffries, Rae Christen Jeffries LLP

7.2 Confidential Verbal Update Regarding A Matter of Advice that is Subject to Solicitor-Client Privilege - Legal Advice Respecting Employment Matters - Chief Administrative Officer

Moved by Councillor Fertich  
Seconded by Councillor Jordan

That the Confidential Verbal Update Regarding A Matter of Advice that is Subject to Solicitor-Client Privilege - Legal Advice Respecting Employment Matters - Chief Administrative Officer, **BE RECEIVED**;

1. That Regional Council **DO NOT** ratify the employment renewal letter for Carmen D'Angelo dated October 10, 2017 and the same is declared void; and

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

**Carried**

7.3 Confidential Verbal Update Regarding A Matter of Advice that is Subject to Solicitor-Client Privilege - Legal Advice Respecting Employment Matters - Organizational Update

Moved by Councillor Huson  
Seconded by Councillor Easton

That the Confidential Verbal Update Regarding A Matter of Advice that is Subject to Solicitor-Client Privilege - Legal Advice Respecting Employment Matters - Organizational Update, **BE RECEIVED** for information.

**Carried**

8. **BY-LAWS**

8.1 Bill 2018-95

Moved by Councillor Insinna  
Seconded by Councillor Gale

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

Bill 2018-95

A by-law to adopt, ratify and confirm the actions of Regional Council at its special meeting held on December 28, 2018.

**Carried**

9. **ADJOURNMENT**

There being no further business, the meeting adjourned at 6:49 p.m.

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Jim Bradley  
Regional Chair

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Ann-Marie Norio  
Regional Clerk