

**THE REGIONAL MUNICIPALITY OF NIAGARA
CORPORATE SERVICES COMMITTEE
OPEN SESSION**

**CSC 5-2021
Wednesday, May 12, 2021
Council Chamber / Video Conference
Niagara Region Headquarters
1815 Sir Isaac Brock Way, Thorold, ON**

Committee Members Present in the Council Chamber: Foster (Committee Chair)

Committee Members Present via Video Conference: Bradley (Regional Chair), Butters, Campion, Diodati, Easton, Edgar, Fertich, Gale, Heit, Ip, Redekop, Rigby, Whalen (Committee Vice-Chair)

Staff Present in the Council Chamber: M. Elia, Technology Support Analyst, H. Chamberlain, Director, Financial Management & Planning/Deputy Treasurer, N. Early, Director, Corporate Strategy and Innovation, T. Harrison, Commissioner/Treasurer, Corporate Services, A.-M. Norio, Regional Clerk, R. Tripp, Acting Chief Administrative Officer

Staff Present via Video Conference: D. Barnhart, Executive Officer to the Regional Chair, Dr. M.M. Hirji, Acting Medical Officer of Health/Commissioner, Public Health & Emergency Services, K. Lotimer, Legislative Coordinator, S. McElhone, Director, Organizational & Foundational Standards, F. Meffe, Director, Human Resources, B. Menage, Director, Procurement & Strategic Acquisitions, C. Ogunniyi, Diversity, Equity and Inclusion Program Manager, D. Rurak, Director, Asset Management, D. Vanecko, Director, Clinical Services, B. Wilson, Legal Counsel, N. Wolfe, Director, Construction, Energy & Facilities, S. Wood, Legal Counsel, B. Zvaniga, Interim Commissioner, Public Works

1. CALL TO ORDER

Committee Chair Foster called the meeting to order at 9:30 a.m.

2. DISCLOSURES OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

3. **PUBLIC PARTICIPATION MEETING PURSUANT TO THE *RETAIL BUSINESS HOLIDAYS ACT***

Application for Tourism Exemption under the *Retail Business Holidays Act* - Lowe's Store, 7959 McLeod Road in the City of Niagara Falls

At 9:31 a.m., Committee Chair Foster called the public participation meeting pursuant to the *Retail Business Holidays Act* to order.

The Committee Chair advised that the purpose of the meeting was to receive comments and answer questions from the public regarding the application for tourism exemption under the *Retail Business Holidays Act* from Lowe's store - 7959 McLeod Road in the City of Niagara Falls.

The Committee Chair stated that, in accordance with regional policy, public notice of the meeting was advertised on the Region's website on April 9, 2021, in accordance with notice provisions (at least 10 days prior to this meeting - Corporate Policy - Public Notice - C-RC-005). Additionally, public notice was advertised in the Niagara Falls Review on April 10, 2021.

3.1 **Registered Speakers**

The Committee Chair advised that there were no registered speakers for today's meeting and that members of the public could submit written comments after the public meeting by sending them to the Regional Clerk.

3.2 **Report for Consideration**

3.2.1 CLK 5-2021

Application for Tourism Exemption for Holiday Openings under the *Retail Business Holidays Act* - Lowe's Store - McLeod Road, City of Niagara Falls

Moved by Councillor Gale
Seconded by Councillor Whalen

That Report CLK 5-2021, dated May 12, 2021, respecting Application for Tourism Exemption for Holiday Openings under the *Retail Business Holidays Act* – Lowe's Store – 7959 McLeod Road, City of Niagara Falls, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the application from Lowe's store, requesting a tourism exemption under the *Retail Business Holidays Act*, to permit the store located at 7959 McLeod Road, in the City of Niagara Falls, to open on all statutory holidays, with the exception of Christmas Day, from 7:00 a.m. to 9:00 p.m., **BE APPROVED**; and

2. That the necessary by-law **BE PREPARED** and **PRESENTED** to Regional Council for consideration.

Carried

3.3 Adjournment of the Public Participation Meeting under the Retail Business Holidays Act

The Committee Chair declared the public participation meeting pursuant to the *Retail Business Holidays Act* adjourned at 9:39 a.m.

4. **PRESENTATIONS**

There were no presentations.

5. **DELEGATIONS**

There were no delegations.

6. **ITEMS FOR CONSIDERATION**

6.1 CSD 27-2021

Niagara Regional Police Services (NRPS) 1 District – Amending Agreement with Merit Contractors Niagara Ltd.

Moved by Councillor Fertich

Seconded by Councillor Ip

That Report CSD 27-2021, dated May 12, 2021, respecting Niagara Regional Police Services (NRPS) 1 District – Amending Agreement with Merit Contractors Niagara Ltd., , **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the CCDC-2 Stipulated Price Contract of \$17,111,289 (including 13% HST) awarded to Merit Contractors Niagara Ltd. (“Merit”) **BE INCREASED** by \$53,221 (including 13% HST) for a total revised Contract of \$17,164,510 (including 13% HST) for the construction of the NRPS 1 District Facility in St. Catharines;
2. That the Gross Budget for Niagara Regional Police Service (NRPS) 1 District Facility in St. Catharines **BE INCREASED** by \$47,927 and that the increase **BE FUNDED** from the Capital Variance – Levy Project; and
3. That the Regional Chair and the Regional Clerk **BE AUTHORIZED** to execute an amendment to the CCDC-2 Stipulated Price Contract between Niagara Region and Merit as proposed in Recommendation 1 above.

Carried

6.2 CLK 6-2021

Community Member Appointments to the Diversity, Equity, and Inclusion Advisory Committee

Moved by Councillor Diodati

Seconded by Councillor Fertich

That Report CLK 6-2021, dated May 12, 2021, respecting Community Member Appointments to the Diversity, Equity, and Inclusion Advisory Committee, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That the recommended community member appointments for the Diversity, Equity, and Inclusion Advisory Committee, contained in Confidential Appendix 1 to Report CLK 6-2021, **BE APPROVED**.

Carried

6.3 CSC-C 17-2021

Referred Motion - Municipal Act Revisions for Code of Conduct Violations

Moved by Councillor Butters

Seconded by Councillor Redekop

WHEREAS the City of Ottawa Integrity Commissioner found that a Member of Ottawa City Council engaged in “incomprehensible incidents of harassment” involving job candidates and staff;

WHEREAS the Municipal Act, 2001 does not provide a mechanism to have a Councillor vacated from their seat despite any acts of serious misconduct;

WHEREAS the City of Ottawa has sent correspondence to the Minister of Municipal Affairs and Housing requesting revisions to the Municipal Act, 2001, to address such acts of serious misconduct;

WHEREAS the Women’s Advisory Committee is supportive of requesting revisions to the Municipal Act, 2001 to address these matters;

WHEREAS the Province of Ontario has opened a formal consultation process to invite members of public and municipalities to provide comments on ways to strength codes of conduct; and

WHEREAS the Association of Municipalities of Ontario (AMO) has released a position statement regarding this consultation.

NOW THEREFORE BE IT RESOLVED:

1. That the Regional Chair **BE DIRECTED** to send a letter to the Minister of Municipal Affairs and Housing requesting revisions be made to the Municipal Act, 2001, that would provide for the vacating of the seat of a member of council who has been found on clear and convincing evidence to have committed serious misconduct;
2. That Regional Council **ENDORSE** AMO's position in regards to this matter; and
3. That the Regional Chair **BE DIRECTED** to actively participate, on behalf of Regional Council, in the ongoing provincial consultation on this matter.

The following friendly **amendment** was accepted by the Committee Chair and the mover and seconder of the motion as follows:

4. That the letter from the Regional Chair BE CIRCULATED to the local area MPPs.

The Committee Chair called the vote on the motion, as amended, as follows:

That Correspondence Item CSC-C 17-2021, being a memorandum from A-M Norio, Regional Clerk, dated May 12, 2021, respecting Referred Motion - Municipal Act Revisions for Code of Conduct Violations, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the Regional Chair **BE DIRECTED** to send a letter to the Minister of Municipal Affairs and Housing requesting revisions be made to the Municipal Act, 2001, that would provide for the vacating of the seat of a member of council who has been found on clear and convincing evidence to have committed serious misconduct;
2. That Regional Council **ENDORSE** AMO's position in regards to this matter;
3. That the Regional Chair **BE DIRECTED** to actively participate, on behalf of Regional Council, in the ongoing provincial consultation on this matter; and
4. That the letter from the Regional Chair **BE CIRCULATED** to the local area MPPs.

Carried

6.4 CAO 7-2021
Communications Overview

Natalie Early, Director, Corporate Strategy and Innovation, provided information respecting Communications Overview. Topics of the presentation included:

- Core communications functions in municipal government
- Current state of core communications functions
- Operating needs and obligations
 - Public Health
 - Other operating departments
- Proposed Guiding Principles
- Potential Options
- Conditions for Success

Moved by Councillor Edgar
Seconded by Councillor Campion

That Report CAO 7-2021, dated May 12, 2021, respecting Communications Overview, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the report from the Boulevard Strategy Group entitled “Communications Overview” attached as Appendix 1 to Report CAO 7-2021 **BE RECEIVED**;
2. That the principles articulated in Section 5.0 of Appendix 1 to Report CAO 7-2021 **BE ADOPTED** as a frame for considering options to reorganize the communication work of the Region;
3. That further analysis of the potential options proposed in Section 6.0 of Appendix 1 to Report CAO 7-2021 **BE UNDERTAKEN** in the context of the development of a communication masterplan for the Region and against the principles articulated in Section 5.0 of Appendix 1 to Report CAO 7-2021;
4. That staff **BE DIRECTED** to report back to Council before the end of the year on the status of the development of the communication masterplan and on the analysis of potential options for consolidation of the communications functions of the Region;
5. That Council **APPROVE** the retention of consulting services to assist with the development of the communications masterplan and organizational options for communication functions within the Region with funding to be found within the current budget of the Office of the Chief Administrative Officer; and

6. That staff **BE DIRECTED** to continue to find opportunities in all communication portfolios to engage in new partnerships, improve communication strategic alignment as an enterprise, improve processes, procedures and services, and that progress be reported on as part of the report back noted in recommendation 4 above.

Carried

7. CONSENT ITEMS FOR INFORMATION

Report CLK 4-2021 was dealt with separately as follows:

7.2 CLK 4-2021

Mandatory Lobbyist Registry

Moved by Councillor Ip

Seconded by Councillor Rigby

That Report CLK 4-2021, dated May 12, 2021, respecting Mandatory Lobbyist Registry **BE RECEIVED** for information.

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

That Report CLK 4-2021, dated May 12, 2021, respecting Mandatory Lobbyist Registry **BE RECEIVED**; and

That staff BE DIRECTED to provide a report on the costs of the establishment of a mandatory Lobbyist Registry with enforcement, including staffing, technology requirements, processes, necessary by-law and Code of Conduct changes, and options for a Lobbyist Registrar and that considerations for the establishment of a Lobbyist Registry form part of the budget proposals for 2022.

The Committee Chair called the vote on the motion, as amended, and declared it,

Recorded Vote:

Yes (14): Bradley, Butters, Campion, Diodati, Easton, Edgar, Fertich, Foster, Gale, Heit, Ip, Redekop, Rigby, Whalen.

No (0).

Carried

7. CONSENT ITEMS FOR INFORMATION

Moved by Councillor Gale
Seconded by Councillor Redekop

That the following items **BE RECEIVED** for information:

CSC-C 15-2021
COVID-19 Response and Business Continuity in Corporate Services

CSC-C 16-2021
Regional Municipality of Niagara Police Services Board Response to Councillor
Information Request Respecting Report CSD 17-2021 - 2020 Year-End Results
and Transfer Report

Carried

8. OTHER BUSINESS

8.1 Former Niagara Regional Police (NRP) 1 District Property

Moved by Councillor Rigby
Seconded by Councillor Heit

That staff **BE DIRECTED** to provide a verbal update at the Corporate
Services Committee meeting being held on June 16, 2021, respecting the
former NRP 1 District Office site located at 68 Church Street.

Carried

9. CLOSED SESSION

Committee did not resolve into closed session.

10. BUSINESS ARISING FROM CLOSED SESSION ITEMS

10.1 Confidential Report CSD 28-2021

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 - Carillion Canada Inc. v. RMON re NRPS Headquarters and 2 District

Moved by Councillor Whalen

Seconded by Councillor Edgar

That Confidential Report CSD 28-2021, dated May 12, 2021, 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 - Carillion Canada Inc. v. RMON re NRPS Headquarters and 2 District, **BE RECEIVED** and the recommendations contained therein, **BE APPROVED**.

Carried

10.2 Confidential Report CSD 29-2021

A Matter of Advice that is Subject to Solicitor Client Privilege and Respecting Litigation under s. 239 (2) of the Municipal Act, 2001 - Summary of Civil Lawsuits Commenced Against The Regional Municipality of Niagara (Niagara Region), Niagara Regional Police Service (NRPS) and Niagara Regional Housing (NRH)

Moved by Councillor Gale

Seconded by Councillor Ip

That Confidential Report CSD 29-2021, dated May 12, 2021, respecting A Matter of Advice that is Subject to Solicitor Client Privilege and Respecting Litigation under s. 239 (2) of the Municipal Act, 2001 - Summary of Civil Lawsuits Commenced Against The Regional Municipality of Niagara (Niagara Region), Niagara Regional Police Service (NRPS) and Niagara Regional Housing (NRH), **BE RECEIVED** and the recommendations contained therein, **BE APPROVED**.

Carried

10.3 Confidential Appendix to Report CLK 6-2021

A Matter Respecting Personal Matters About Identifiable Individuals under s. 239 (2) of the Municipal Act, 2001 - Recommended Citizen Appointments to the Diversity, Equity, and Inclusion Committee

This item was dealt with under Minute Item 6.2.

11. NEXT MEETING

The next meeting will be held on Wednesday, June 16, 2021 at 9:30 a.m.

12. ADJOURNMENT

There being no further business, the meeting adjourned at 10:51 a.m.

Councillor Foster
Committee Chair

Kelly Lotimer
Legislative Coordinator

Ann-Marie Norio
Regional Clerk