

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

**CL 7-2021**

**Thursday, April 22, 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, Campion, Chiocchio, Darte, Diodati, Disero, Easton, Edgar, Fertich, Gale, Gibson, Greenwood, Heit, Huson, Insinna, Ip, Jordan, Junkin, Nicholson, Redekop, Rigby, Sendzik, Steele, Ugulini, Villella, Whalen, Witteveen, Zalepa

Absent/Regrets: Bellows

Staff Present in the Council Chamber: D. Barnhart, Executive Officer to the Regional Chair, D. Gibbs, Director, Legal & Court Services, T. Harrison, Commissioner/Treasurer, Corporate Services, M. Lewis, Client & Support Advisor, A.-M. Norio, Regional Clerk, R. Tripp, Acting Chief Administrative Officer

Staff Present via Video Conference: H. Chamberlain, Director, Financial Management & Planning/Deputy Treasurer, R. Fleming, Senior Tax & Revenue Analyst, D. Giles, Acting Commissioner, Planning & Development Services, A. Jugley, Commissioner, Community Services, M. Murphy, Associate Director, Budget Planning & Strategy, G. Spezza, Director, Economic Development, B. Zvaniga, Interim Commissioner, Public Works

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**1. CALL TO ORDER**

Regional Chair Bradley called the meeting to order at 4:04 p.m.

**2. ADOPTION OF AGENDA**

Moved by Councillor Whalen  
Seconded by Councillor Fertich

That Council Agenda CL 7-2021, **BE ADOPTED.**

**Carried**

3. **DISCLOSURES OF PECUNIARY INTEREST**

There were no disclosures of pecuniary interest.

4. **PUBLIC MEETING TO HEAR A COMPLAINT UNDER SECTION 20 OF THE DEVELOPMENT CHARGES ACT, 1997**

4.1 **Development Charge Complaint - 260/270 Hunter Road, Grimsby**

The Regional Chair stated that the statutory public meeting was being held pursuant to section 20 of the *Development Charges Act, 1997*, as amended, to discuss a development charges complaint for the property located at 260/270 Hunter Road in the Town of Grimsby.

4.1.1 Opening Comments - Hearing Procedure

Donna Gibbs, Director, Legal & Court Service, provided information respecting the process and proceeding for the Development Charges hearing.

4.1.2 Speakers to the Matter

4.1.2.1 Riccardo Persi, LiUNA, and Matt Johnston, Principal, Urban Solutions

Riccardo Persi, LiUNA, and Matt Johnston, Principal, Urban Solutions, appeared before Council with respect to a development charges complaint submitted respecting the development at 260/270 Hunter Road in the Town of Grimsby. Mr. Johnston advised that the complaint had been submitted on the basis that a portion of the development charges had been incorrectly determined as institutional when much of the industrial use will be retained.

4.1.3 Item for Consideration

4.1.3.1 CSD 26-2021

Regional Development Charges Complaint

Moved by Councillor Foster

Seconded by Councillor Redekop

That Report CSD 26-2021, dated April 22, 2021, respecting Regional Development Charges Complaint, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That the complaint filed with respect to the Regional Development Charges payable pursuant to Section 20 of the Development Charges Act, 1997, for the property located at 260/270 Hunter Road, Grimsby, **BE DISMISSED** by Regional Council.

Recorded Vote:

Yes (22): Butters, Campion, Chiocchio, Diodati, Disero, Easton, Edgar, Foster, Gibson, Greenwood, Heit, Insinna, Ip, Nicholson, Redekop, Rigby, Sendzik, Steele, Ugolini, Whalen, Witteveen, Zalepa.

No (7): Bylsma, Darte, Fertich, Gale, Jordan, Junkin, Villella.

Abstain (1): Huson.

**Carried**

#### 4.2 Adjournment of the Public Hearing

The public hearing adjourned at 5:30 p.m.

### 5. **CORRESPONDENCE**

#### 5.1 For Information

##### 5.1.1 CL-C 28-2021

Responsibilities of the Board of Health

Moved by Councillor Zalepa  
Seconded by Councillor Heit

That Correspondence Item CL-C 28-2021, being a memorandum from D. Gibbs, Director, Legal & Court Services and A.-M. Norio, Regional Clerk, dated April 22, 2021, respecting Responsibilities of the Board of Health, **BE RECEIVED** for information.

**Carried**

5.2 For Consideration

5.2.1 CHR 2-2021

Options for Consideration in regards to CL-C 28-2021

Moved by Councillor Darte

Seconded by Councillor Butters

That Regional Council **DIRECT** the Regional Chair to submit a code of conduct complaint to the Integrity Commissioner to investigate whether the participation of a Councillor (namely Councillor Bylsma) in the public protest that took place in St. Catharines on April 10, 2021, during the provincial stay at home order was in contravention of the Region's Code of Conduct; and provide a report to Council with his findings and recommendations.

Recorded Vote:

Yes (29): Butters, Campion, Chiocchio, Darte, Diodati, Disero, Easton, Edgar, Fertich, Foster, Gale, Gibson, Greenwood, Heit, Huson, Insinna, Ip, Jordan, Junkin, Nicholson, Redekop, Rigby, Sendzik, Steele, Ugulini, Villella, Whalen, Witteveen, Zalepa.

No (1): Bylsma.

**Carried**

Moved by Councillor Foster

Seconded by Councillor Campion

That Regional Council **ENDORSE** the issuance of the formal public statement below which reaffirms Council's commitment to the code of conduct, the need to follow and respect all federal, provincial and municipal statutes and recognition of the role and influence that municipal leaders have in the community:

As required by the Municipal Act, 2001, Niagara Regional Council has a formal code of conduct that each member committed to following when being sworn into office. The code spells out what is considered acceptable conduct and the expectation is that every member will follow it closely. We believe that the standards outlined in our code serve to enhance the public's confidence in the Region, as well as ensure members conduct themselves with integrity.

As Regional Councillors, we are required to accurately communicate the decisions of council, even if we may disagree with the outcome. All members are expected to be mindful of the importance of their duties, and the influence they have in the community. Those who hold elected office are seen as leaders within their municipalities and should conduct themselves in a way that maintains and promotes the public's trust.

We take breaches of the code seriously. Councillors are entitled to due process under the Municipal Act and we rely on the services of an Integrity Commissioner to provide us with advice before taking any actions. When a Councillor is found to have contravened our code of conduct by the Integrity Commissioner, it reflects poorly on that individual member, on Regional Council and ultimately on our entire community.

In our role as Niagara's Board of Health, we are committed to supporting all Public Health directives and fostering an environment where the public can have confidence in Ontario's health system. We are responsible for upholding all relevant provincial legislation, as well as ensuring the community's health needs are being met.

Finally, all members of council, without exception, are expected to follow all federal, provincial and municipal statutes at all times. Members are expected to educate themselves on all relevant policies and legislation, and conduct themselves in a way that does not contravene the law.

Recorded Vote:

Yes (29): Butters, Campion, Chiocchio, Dart, Diodati, Disero, Easton, Edgar, Fertich, Foster, Gale, Gibson, Greenwood, Heit, Huson, Insinna, Ip, Jordan, Junkin, Nicholson, Redekop, Rigby, Sendzik, Steele, Ugolini, Villella, Whalen, Witteveen, Zalepa.

No (1): Bylsma.

**Carried**

Moved by Councillor Butters  
Seconded by Councillor Huson

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.

Moved by Councillor Rigby  
Seconded by Councillor Redekop

That the motion respecting Code of Conduct revisions **BE REFERRED** to the Corporate Services Committee meeting being held on May 12, 2021.

**Carried**

Moved by Councillor Ugulini  
Seconded by Councillor Ip

That Memorandum CHR 2-2021, being a memorandum from Regional Chair Bradley, dated April 22, 2021, respecting Options for Consideration in regards to CL-C 28-2021, **BE RECEIVED** for information.

**Carried**

6. **BY-LAWS**

6.1 **Bill 2021-22**

Moved by Councillor Insinna  
Seconded by Councillor Steele

That Bill 2021-22 being a by-law to adopt, ratify and confirm the actions of Regional Council at its special meeting held on April 22, 2021, **BE NOW READ** and **DO PASS**.

**Carried**

7. **ADJOURNMENT**

There being no further business, the meeting adjourned at 6:03 p.m.

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Jim Bradley  
Regional Chair

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Ann-Marie Norio  
Regional Clerk