

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

CL 9-2021

Thursday, April 29, 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), Insinna

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

Absent/Regrets: Campion, Villella

Staff Present in the Council Chamber: 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: D. Barnhart, Executive Officer to the Regional Chair, D. Gibbs, Director, Legal & Court Services, A. Jugley, Commissioner, Community Services, F. Meffe, Director, Human Resources

Others Present via Video Conference: R. Weir, Borden Ladner Gervais LLP, D. Jeffries, Rae Christen Jeffries LLP, External Legal Counsel

1. CALL TO ORDER

Regional Chair Bradley called the meeting to order at 4:01 p.m.

2. ADOPTION OF AGENDA

Moved by Councillor Whalen
Seconded by Councillor Gibson

That Council Agenda CL 9-2021, **BE ADOPTED.**

Carried

3. DISCLOSURES OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

4. CLOSED SESSION

Moved by Councillor Huson
Seconded by Councillor Fertich

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 - Update respecting litigation concerning Former Senior Administration Officials Employment Contracts.

Carried

Council resolved into closed session at 4:09 p.m.

5. BUSINESS ARISING FROM CLOSED SESSION

Council reconvened in open session at 4:50 p.m. with the following individuals in attendance:

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

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

Absent/Regrets: Campion, Villella

Staff Present in the Council Chamber: 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: D. Barnhart, Executive Officer to the Regional Chair, D. Gibbs, Director, Legal & Court Services, A. Jugley, Commissioner, Community Services, F. Meffe, Director, Human Resources

Others Present via Video Conference: J. Ford, Legacy Executive Search Partners, K. Kumar, Partner, Legacy Executive Search Partners, E. McDermott, Niagara Region Integrity Commissioner

5.1 Confidential Verbal Update

Moved by Councillor Zalepa
Seconded by Councillor Heit

That the Confidential Verbal Update 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 – Update respecting litigation concerning Former Senior Administration Officials Employment Contracts, **BE RECEIVED** for information.

Carried

6. CORRESPONDENCE

6.1 For Consideration

6.1.1 CL-C 30-2021

Deferred Motion - Integrity Commissioner Investigation of Leak of Confidential Information

Edward McDermott, Niagara Region's Integrity Commissioner, answered questions from Council respecting the deferred motion.

Moved by Councillor Steele
Seconded by Councillor Disero

That Correspondence Item CL-C 30-2021, being a memorandum from A.-M. Norio, Regional Clerk, dated April 29, 2021, respecting Deferred Motion - Integrity Commissioner Investigation of Leak of Confidential Information, **BE RECEIVED** for information.

Carried

Moved by Councillor Disero
Seconded by Councillor Bellows

1. That a Committee **BE CREATED** to review the Code of Conduct;
and
2. That a copy of the Code of Conduct and an acknowledgment to
adhere to its contents **BE PROVIDED** to Members of Council to
sign on a semi-annual basis.

The following friendly ***amendment*** was accepted by the Regional
Chair, and the mover and seconder of the motion to add the
following clause:

***That a Task Force BE ESTABLISHED to make improvements
regarding the risk of confidential information being released.***

The Regional Chair accepted the following change to the motion
from the mover and seconder so that clause 1 reads as follows:

1. That the Code of Conduct review undertaken by John Mascarin
BE PROVIDED to the Corporate Services Committee for
review.

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

1. That the Code of Conduct review undertaken by John Mascarin
BE PROVIDED to the Corporate Services Committee for review;
2. That a Task Force **BE ESTABLISHED** to make improvements
regarding the risk of confidential information being released; and
3. That a copy of the Code of Conduct and an acknowledgment to
adhere to its contents **BE PROVIDED** to Members of Council to
sign on a semi-annual basis.

Carried

Councillor Information Request(s)

Invite John Mascarin to attend the meeting at which Council will
discuss the Code of Conduct. Councillor Easton.

6.1.2 CL-C 31-2021

Chief Administrative Officer Recruitment - Core Competencies,
Position Profile and Job Advertisement

Moved by Councillor Greenwood
Seconded by Councillor Rigby

That Correspondence Item CL-C 31-2021, being a memorandum from A.-M. Norio, Regional Clerk, dated April 29, 2021, respecting Chief Administrative Officer Recruitment - Core Competencies, Position Profile and Job Advertisement, **BE RECEIVED**; and

That Regional Council **APPROVE** the Chief Administrative Officer Core Competencies (CAORC-C 10-2021 Revised), Position Profile (CAORC-C 11-2021 Revised), and Job Advertisement (CAORC-C 12-2021), for use in the Chief Administrative Officer recruitment.

Carried

7. **COMMITTEE REPORTS**

7.1 Chief Administrative Officer Recruitment Committee

Minutes CAORC 5-2021, Tuesday, April 20, 2021

Moved by Councillor Foster
Seconded by Councillor Redekop

That Minutes CAORC 5-2021, being the Open Session minutes of the Chief Administrative Officer Recruitment Committee meeting held on Tuesday, April 20, 2021, **BE ADOPTED**.

Carried

8. **CHIEF ADMINISTRATIVE OFFICER'S REPORT(S)**

8.1 CAO 2-2021

Update on the Exploration of Shared Services by the Chief Administrative Officers Working Group

Moved by Councillor Edgar
Seconded by Councillor Witteveen

That Report CAO 2-2021, dated April 29, 2021, respecting Update on the Exploration of Shared Services by the Chief Administrative Officers Working Group, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Regional Council **ENDORSE** the mandate of the Chief Administrative Officers (CAO) Working Group to explore and collaborate on service areas of mutual interest with the objective of achieving administrative and/or operational efficiencies and cost savings; and that the Local Area Municipal Councils be requested to do the same;
2. That Regional Council **APPROVE** the Regional share of funding for project management and facilitation support to the CAO Working Group to develop, document, evaluate, and prioritize shared service opportunities (this amount represents 50% of the total cost to a maximum contribution of \$50,000 per Appendix 1 of Report CAO 2-2021); and,
3. That the Acting Chief Administrative Officer **PROVIDE** a progress report to Corporate Services Committee in Q3 2021 on the development of guiding principles, a proposed governance structure, partnership protocol, and a short list of shared service opportunities recommended by the CAO Working Group for detailed business case development.

Carried

9. CLOSED SESSION

Moved by Councillor Gibson
Seconded by Councillor Easton

That 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 – Confidential Motion respecting Acting Chief Administrative Officer Compensation Review.

Carried

Council resolved into closed session at 5:49 p.m.

10. BUSINESS ARISING FROM CLOSED SESSION

Council reconvened in open session at 6:53 p.m. with the following individuals in attendance:

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

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

Absent/Regrets: Campion, Villella

Staff Present in the Council Chamber: M. Lewis, Client & Support Advisor, A.-M. Norio, Regional Clerk

Staff Present via Video Conference: D. Barnhart, Executive Officer to the Regional Chair, D. Gibbs, Director, Legal & Court Services, F. Meffe, Director, Human Resources

10.1 Confidential Motion from Councillor Huson

Moved by Councillor Rigby
Seconded by Councillor Disero

That the motion, being A Matter respecting Personal Matters about an Identifiable Individual under s. 239(2) of the Municipal Act, 2001 – Confidential Motion respecting Acting Chief Administrative Officer Compensation Review, **BE RECEIVED**; and

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

Recorded Vote:

Yes (19): Butters, Diodati, Disero, Easton, Edgar, Fertich, Foster, Greenwood, Heit, Huson, Insinna, Ip, Junkin, Nicholson, Rigby, Sendzik, Steele, Ugulini, Whalen.

No (9): Bellows, Bylsma, Chiochio, Darte, Gale, Jordan, Redekop, Witteveen, Zalepa.

Carried

11. OTHER BUSINESS

11.1 Materials Sent Anonymously

Moved by Councillor Sendzik
Seconded by Councillor Ip

That no materials sent unsolicited with non-verifiable and anonymous sources **WILL BE DISCUSSED** by Regional Council until authentication of source is established within the guidelines of the Region's Whistleblower Policy.

Carried

12. BY-LAWS

12.1 Bill 2021-29

That Bill 2021-29 being a by-law to adopt, ratify and confirm the actions of Regional Council at its special meeting held on April 29, 2021, **BE NOW READ** and **DO PASS**.

13. ADJOURNMENT

There being no further business, the meeting adjourned at 7:06 p.m.

Jim Bradley
Regional Chair

Ann-Marie Norio
Regional Clerk