

**THE REGIONAL MUNICIPALITY OF NIAGARA
PROCEEDINGS OF SPECIAL COUNCIL
MINUTES**

CL 11-2022

Thursday, May 26, 2022

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)

Council Members Present via Video Conference: Britton, Bylsma, Campion, Chiocchio, Diodati, Disero, Easton, Edgar, Fertich, Foster, Greenwood, Heit, Insinna, Ip, Junkin, Nicholson, Rigby, Sendzik, Siscoe, Ugulini, Villella, Whalen, Witteveen

Absent/Regrets: Butters, Gale, Gibson, Huson, Jordan, Redekop, Steele, Zalepa

Staff Present in the Council Chamber: H. Chamberlain, Director, Financial Management & Planning/Deputy Treasurer, E. Fabiani, Technology Support Analyst, S. Fraser, Transportation Lead, GO Implementation Office, D. Gibbs, Director, Legal & Court Services, T. Harrison, Commissioner/Treasurer, Corporate Services, F. Meffe, Director, Human Resources, A.-M. Norio, Regional Clerk, M. Robinson, Director, GO Implementation Project, H. Talbot, Financial & Special Projects Consultant, R. Tripp, Chief Administrative Officer, B. Zvaniga, Interim Commissioner, Public Works

Staff Present via Video Conference: D. Barnhart, Chief of Staff, Governance, S. Hendrie, Chief Information Officer, L. Tracey, Project Coordinator, GO Implementation Office

Others Present: M.E. Bench, Dentons LLP, External Legal Counsel, E. Gillespie, Operations Working Group Lead (via Video Conference), R. Groves, Dentons LLP, External Legal Counsel, J. Hagar, Human Resources Consultant, Transit, O. Poloni, KPMG, LLP (via Video Conference)

1. CALL TO ORDER

Regional Chair Bradley called the meeting to order at 6:31 p.m.

2. ADOPTION OF AGENDA

2.1 Changes in Order of Items

Moved by Councillor Edgar
Seconded by Councillor Nicholson

That the order of the agenda **BE AMENDED** to move Closed Session (Agenda Item 5) to be dealt with before Reports for Consideration (Agenda Item 4).

Carried

Moved by Councillor Whalen
Seconded by Councillor Insinna

That Council Agenda CL 11-2022, **BE ADOPTED** as amended.

Carried

3. DISCLOSURES OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest

5. CLOSED SESSION

Moved by Councillor Rigby
Seconded by Councillor Foster

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

A Matter of Legal Advice Subject to Solicitor-Client Privilege and A Matter of Personal Information about Identifiable Individuals pursuant to Section 239 (2) (b) and (f) of the Municipal Act: Moving Transit Forward – Municipal Transfer Agreement Considerations.

Carried

Council resolved into closed session at 6:35 p.m.

6. BUSINESS ARISING FROM CLOSED SESSION

Council reconvened in open session at 8:42 p.m. with the following individuals in attendance:

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

Council Members Present via Video Conference: Britton, Bylsma, Campion, Chiocchio, Diodati, Disero, Easton, Edgar, Fertich, Foster, Greenwood, Heit, Insinna, Ip, Junkin, Nicholson, Rigby, Sendzik, Siscoe, Ugulini, Villella, Whalen, Witteveen

Absent/Regrets: Butters, Gale, Gibson, Huson, Jordan, Redekop, Steele, Zalepa

Staff Present in the Council Chamber: H. Chamberlain, Director, Financial Management & Planning/Deputy Treasurer, E. Fabiani, Technology Support Analyst, S. Fraser, Transportation Lead, GO Implementation Office, D. Gibbs, Director, Legal & Court Services, T. Harrison, Commissioner/Treasurer, Corporate Services, F. Meffe, Director, Human Resources, A.-M. Norio, Regional Clerk, M. Robinson, Director, GO Implementation Project, H. Talbot, Financial & Special Projects Consultant, R. Tripp, Chief Administrative Officer, B. Zvaniga, Interim Commissioner, Public Works

Staff Present via Video Conference: D. Barnhart, Chief of Staff, Governance, S. Hendrie, Chief Information Officer, L. Tracey, Project Coordinator, GO Implementation Office

Others Present: M.E. Bench, Dentons LLP, External Legal Counsel, E. Gillespie, Operations Working Group Lead (via Video Conference), R. Groves, Dentons LLP, External Legal Counsel, J. Hagar, Human Resources Consultant, Transit, O. Poloni, KPMG, LLP (via Video Conference)

6.1 Confidential CAO 5-2022

A Matter of Legal Advice Subject to Solicitor-Client Privilege and A Matter of Personal Information about Identifiable Individuals pursuant to Section 239 (2) (b) and (f) of the Municipal Act: Moving Transit Forward – Municipal Transfer Agreement Considerations

Moved by Councillor Fertich
Seconded by Councillor Whalen

That Confidential Report CAO 5-2022, dated May 26, 2022, respecting A Matter of Legal Advice Subject to Solicitor-Client Privilege and A Matter of Personal Information about Identifiable Individuals pursuant to Section 239 (2) (b) and (f) of the Municipal Act: Moving Transit Forward – Municipal Transfer Agreement Considerations, **BE RECEIVED**; and

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

Carried

4. **REPORTS FOR CONSIDERATION**

4.1 CSD 19-2022

Moving Transit Forward: Establishing the Niagara Transit Commission as a municipal service board and Update regarding the transfer of municipal transit assets to the Commission

Moved by Councillor Nicholson
Seconded by Councillor Greenwood

That Report CSD 19-2022, dated May 26, 2022, respecting Moving Transit Forward: Establishing the Niagara Transit Commission as a municipal service board and Update regarding the transfer of municipal transit assets to the Commission, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Regional Council **APPROVES** the passage of a by-law to establish the Niagara Transit Commission (“NTC”) as a municipal service board of the Region, pursuant to section 196 of the *Municipal Act, 2001*, in accordance with the draft by-law attached as **Appendix “1”** to this report; including the provision of corporate and administrative services by staff to the NTC as set out in Schedule “B” of the draft by-law on a cost recovery basis; and the application of Regional policies and procedures to the NTC as set out in Schedule “A” to the draft by-law with such necessary amendments as may be required to give effect to this resolution;

2. That the Chief Administrative Officer (CAO) **BE AUTHORIZED** to negotiate and execute an appropriate service level agreement with the NTC for corporate and administrative support services provided to the NTC by Regional Staff on a cost recovery basis in a form satisfactory to the Director of Legal and Court Services;
3. That Regional Council **APPOINT** the members of the NTC Board as set out in **Appendix “2”** for a term from May 26, 2022, until their term on municipal or regional council ends or until January 31, 2023 whichever is earlier;
4. That Regional Council **APPROVES** the application of its Code of Conduct, as may be amended from time to time, to the members of the NTC Board with such necessary amendments as may be required to give effect to this resolution;
5. That Regional Council **APPOINTS** the Commissioner of Corporate Services/ Treasurer as an interim signing officer for NTC with delegated authority to execute such documents on behalf of NTC as may be required, in order to advance transitional activities required to implement regional transit consolidation until such time as NTC appoints its own signing officers;
6. That Staff **BE DIRECTED** to report back to Regional Council at its meeting of July 21, 2022 regarding the completion of the Municipal Transfer Agreements.

Moved by Councillor Siscoe

Seconded by Councillor Diodati

That the language in the draft by-law respecting the provision of support services by the Region to the Niagara Transit Commission (NTC) **BE AMENDED** to reflect that support *may* be provided to the NTC by the Region instead of *shall* be provided.

Carried

Moved by Councillor Campion
Seconded by Councillor Villella

That clause 2 **BE AMENDED** as follows:

2. That the Chief Administrative Officer (CAO) **BE AUTHORIZED** to negotiate ~~and execute~~ an appropriate service level agreement with the NTC for corporate and administrative support services provided to the NTC by Regional Staff on a cost recovery basis in a form satisfactory to the Director of Legal and Court Services **and report back to Corporate Services Committee for approval.**

Defeated

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

That Report CSD 19-2022, dated May 26, 2022, respecting Moving Transit Forward: Establishing the Niagara Transit Commission as a municipal service board and Update regarding the transfer of municipal transit assets to the Commission, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Regional Council **APPROVES** the passage of a by-law to establish the Niagara Transit Commission ("NTC") as a municipal service board of the Region, pursuant to section 196 of the *Municipal Act, 2001*, in accordance with the draft by-law attached as **Appendix "1"** to this report; including the provision of corporate and administrative services by staff to the NTC as set out in Schedule "B" as amended of the draft by-law on a cost recovery basis; and the application of Regional policies and procedures to the NTC as set out in Schedule "A" to the draft by-law with such necessary amendments as may be required to give effect to this resolution;
2. That the Chief Administrative Officer (CAO) **BE AUTHORIZED** to negotiate and execute an appropriate service level agreement with the NTC for corporate and administrative support services provided to the NTC by Regional Staff on a cost recovery basis in a form satisfactory to the Director of Legal and Court Services;
3. That Regional Council **APPOINT** the members of the NTC Board as set out in **Appendix "2"** for a term from May 26, 2022, until their term on municipal or regional council ends or until January 31, 2023 whichever is earlier;

4. That Regional Council **APPROVES** the application of its Code of Conduct, as may be amended from time to time, to the members of the NTC Board with such necessary amendments as may be required to give effect to this resolution;

5. That Regional Council **APPOINTS** the Commissioner of Corporate Services/ Treasurer as an interim signing officer for NTC with delegated authority to execute such documents on behalf of NTC as may be required, in order to advance transitional activities required to implement regional transit consolidation until such time as NTC appoints its own signing officers;

6. That Staff **BE DIRECTED** to report back to Regional Council at its meeting of July 21, 2022 regarding the completion of the Municipal Transfer Agreements.

Clause 2 was voted on separately as follows:

2. That the Chief Administrative Officer (CAO) **BE AUTHORIZED** to negotiate and execute an appropriate service level agreement with the NTC for corporate and administrative support services provided to the NTC by Regional Staff on a cost recovery basis in a form satisfactory to the Director of Legal and Court Services.

Carried

Clause 6 was voted on separately as follows:

6. That Staff **BE DIRECTED** to report back to Regional Council at its meeting of July 21, 2022 regarding the completion of the Municipal Transfer Agreements.

Carried

The Regional Chair called the vote on the balance of the motion and declared it,

Carried

7. **BY-LAWS**

Moved by Councillor Ugulini
Seconded by Councillor Heit

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

Bill 2022-38

A by-law to establish the Niagara Transit Commission as a Municipal Service Board.

Bill 2022-39

A by-law to adopt, ratify and confirm the actions of Regional Council at its special meeting held on May 26, 2022.

Carried

8. **ADJOURNMENT**

There being no further business, the meeting adjourned at 9:15 p.m.

Jim Bradley
Regional Chair

Ann-Marie Norio
Regional Clerk