

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

CL 11-2023

Thursday, July 20, 2023

**Council Chamber - In Person and Electronic Meeting
Niagara Region Headquarters, Campbell West
1815 Sir Isaac Brock Way, Thorold, ON**

Council: Bradley (Regional Chair), Bateman (via Video Conference), Chiochio, Craitor, Davies, Easton, Foster, Gale, Ganann, Grant, Heit (via Video Conference), Huson, Insinna, Ip, Junkin, Kaiser, Redekop, Rigby, Seaborn, Secord, Siscoe, Sorrento, Ugulini, Vilella, Whalen, Witteveen

Absent/Regrets: Campion, Diodati, Jordan, Morocco, Steele, Zalepa

Staff: D. Barnhart, Chief of Staff, Governance (via Video Conference), D. Carnegie, Acting Commissioner, Public Works, C. Cousins, Director, Homelessness and Community Engagement (via Video Conference), E. Fabiani, Client & Support Advisor, R. Ferron, Chief/Director, Emergency Medical Services (via Video Conference), H. Furtado, Director, Financial Management & Planning/Deputy Treasurer, D. Gibbs, Director, Legal & Court Services, T. Harrison, Commissioner/Treasurer, Corporate Services, A. Jugley, Commissioner, Community Services, A. Kasmani, Medical Officer of Health, P. Martel, Manager, Emergency Management (via Video Conference), D. Morreale, Director, Development Approvals (via Video Conference), A.-M. Norio, Regional Clerk, C. Ogunniyi, Manager, Diversity, Equity, Inclusion and Indigenous Relations (via Video Conference), M. Robinson, Director, Strategic Transformation Office (via Video Conference), M. Sergi, Commissioner, Growth Strategy & Economic Development, M. Singzon, Manager, Waste Collection and Diversion (via Video Conference), G. Spezza, Director, Economic Development (via Video Conference), A. Stea, Director, Community & Long Range Planning (via Video Conference), J. Spratt, Legislative Coordinator, S. Tait, Manager, Policy and Planning, Waste Management Services (via Video Conference), F. Tassone, Director, Transportation Services, R. Tripp, Chief Administrative Officer

1. CALL TO ORDER

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

2. LAND ACKNOWLEDGMENT STATEMENT

Councillor Huson read the Land Acknowledgment Statement.

3. ADOPTION OF AGENDA

3.1 Addition of Items

There were no items added to the agenda.

3.2 Changes in Order of Items

There were no changes in the order of items on the agenda.

Moved by Councillor Witteveen

Seconded by Councillor Rigby

That Council Agenda CL 11-2023, **BE ADOPTED.**

Carried

4. DISCLOSURES OF PECUNIARY INTEREST

Councillor Huson declared a conflict with respect to a portion of the Planning and Economic Development Committee Closed Session Minutes PEDC 7-2023 (Agenda Item 16.1.4) concerning Ontario Land Tribunal Appeal of West Lincoln OPA 63, as she is chair of the Niagara Peninsula Conservation Foundation and one of the land owners is a Foundation donor, therefore, she did not participate in any discussion or vote on these matters.

See Minute Item 13.1.

5. PRESENTATIONS

There were no presentations.

6. CHAIR'S REPORTS, ANNOUNCEMENTS, REMARKS

The Regional Chair provided an update respecting activities within the Region.

7. DELEGATIONS

There were no delegations.

8. **ADOPTION OF MINUTES**

8.1 **Council Minutes CL 9-2023**

Thursday, June 15, 2023

Moved by Councillor Rigby
Seconded by Councillor Secord

That Minutes CL 9-2023 being the Open Session minutes of the Regional Council meeting held on Thursday, June 15, 2023, **BE ADOPTED.**

Carried

9. **CORRESPONDENCE**

Moved by Councillor Villella
Seconded by Councillor Foster

That the following items **BE DEALT WITH** as follows:

CL-C 50-2023, respecting opposition in ending the state of emergency for mental health, homelessness and addiction, **BE RECEIVED;**

CL-C 51-2023, respecting cancelling the states of emergency on mental health, homelessness and addiction, **BE RECEIVED.**

Carried

10. **ITEMS FOR CONSIDERATION**

There were no items for consideration.

11. **COMMITTEE REPORTS - OPEN SESSION**

11.1 **Procedural By-law Review Committee**

Minutes PBLRC 3-2023, Monday, June 26, 2023

Moved by Councillor Bateman
Seconded by Councillor Foster

That Minutes PBLRC 3-2023 being the Open Session minutes of the Procedural By-law Review Committee meeting held on Monday, June 26, 2023, **BE ADOPTED.**

Carried

11.2 Public Works Committee

Minutes PWC 7-2023, Tuesday, July 11, 2023

Moved by Councillor Witteveen

Seconded by Councillor Insinna

That Minutes PWC 7-2023 being the Open Session minutes of the Public Works Committee meeting held on Tuesday, July 11, 2023, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

11.3 Public Health and Social Services Committee

Minutes PHSSC 7-2023, Tuesday, July 11, 2023

Moved by Councillor Chiocchio

Seconded by Councillor Siscoe

That Minutes PHSSC 7-2023 being the Open and Closed Session minutes of the Public Health & Social Services Committee meeting held on Tuesday, July 11, 2023, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

11.3.1 Minute Item 6.1 respecting COA 9-2023, Update on the Declarations of Emergency for Homelessness, Mental Health and Opioid Addictions

The motion contained in Minute Item 6.1 was considered separately as follows:

That the states of emergency for homelessness, mental health and opioid addictions as defined under the Emergency Management and Civil Protection Act **BE TRANSITIONED** to be states of crisis.

Moved by Councillor Redekop

Seconded by Councillor Chiocchio

That the change of the states of emergency for homelessness, mental health and opioid addictions as defined under the Emergency Management and Civil Protection Act to be states of crisis **BE REFERRED** to the Public Health and Social Services Committee for staff to bring back data to Council to justify the change to crisis.

Carried

The Regional Chair called the vote on the balance of the Open and Closed Session minutes from the Public Health and Social Services Committee and declared it,

Carried

11.4 Corporate Services Committee

Minutes CSC 7-2023, Wednesday, July 12, 2023

Moved by Councillor Whalen
Seconded by Councillor Foster

That Minutes CSC 7-2023 being the Open and Closed Session minutes of the Corporate Services Committee meeting held on Wednesday, July 12, 2023, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

11.5 Planning and Economic Development Committee

Minutes PEDC 7-2023, Wednesday, July 12, 2023

Moved by Councillor Huson
Seconded by Councillor Davies

That Minutes PEDC 7-2023 being the Open Session minutes of the Planning and Economic Development Committee meeting held on Wednesday, July 12, 2023, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

Moved by Councillor Davies
Seconded by Councillor Insinna

That Minutes PEDC 7-2023 being the Closed Session minutes of the Planning and Economic Development Committee meeting held on Wednesday, July 12, 2023, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

12. CHIEF ADMINISTRATIVE OFFICER'S REPORT(S)

There were no Chief Administrative Officer Reports.

13. **MOTIONS**

13.1 **Support for Ontario's Wine Industry**

Councillor Heit declared a conflict with respect to the motion as his daughter is an employee of the Liquor Control Board of Ontario (LCBO), therefore he did not participate in any discussion or vote on the matter.

Moved by Councillor Kaiser
Seconded by Councillor Foster

WHEREAS Niagara is Ontario's largest wine growing region responsible for over 90% of Ontario's grape production and home to the only specialty crop area in the Province;

WHEREAS the Province promised that economic viability and long-term sustainability would be a key commitment to farmers when the Greenbelt legislation was passed;

WHEREAS the Ontario wine industry supports directly and indirectly over 18,000 full-time equivalent jobs in Niagara;

WHEREAS, Niagara's wine sector has been a leader in developing a world class experiential tourism destination, with 2.4 million annual visitors to the region;

WHEREAS no other wine producing countries tax domestic wines as imports;

WHEREAS British Columbia has created a retail environment where their local VQA wines thrive and flourish;

WHEREAS COVID-19 shone a light on the importance of local economies; and it is essential that we unlock the potential of Ontario's grape and wine industry to build back stronger;

WHEREAS the recently released *Uncork Ontario* report from Deloitte details the numerous ways that support for Niagara's wine industry will ensure continued economic growth in areas such as tourism, culture and entertainment, hospitality, development and constructions and manufacturing;

WHEREAS Deloitte's report found that under the proper conditions, the future economic uplift could amount in \$8 billion in Niagara's GPD in a generation;

WHEREAS the same report found that Niagara's grape and wine industry experiences a higher tax burden than comparator jurisdictions such as British Columbia, the United States, France, Spain and New Zealand;

WHEREAS Regional Council passed a similar motion in February 2021 and March 2022 and the issues still remain unresolved.

NOW THEREFORE BE IT RESOLVED:

1. That the Regional Chair **BE DIRECTED** to send correspondence to the Province of Ontario that includes the following:
 - i. An expression of thanks for their ongoing support of Niagara's wine industry and the meaningful difference it has made;
 - ii. A request to create an environment that supports Ontario's wine industry and its farmers, providing more opportunities for investment in innovation and job creation while providing consumer choice and convenience for the purchase of Ontario wines;
 - iii. A request to eliminate the 6.1% wine basic tax applied to VQA wines (100% Ontario-grown) on sales at onsite winery retail stores;
 - iv. A request to establish a permanent uncapped VQA wine support program that remedies the treatment of local wines like imports at the LCBO, through the Ontario Ministry of Agriculture, Food and Rural Affairs;
 - v. A request that the LCBO be called upon to create and environment where VQA wines flourish; and
2. That this motion **BE CIRCULATED** to Niagara local area municipalities, Local Members of Parliament, Local Members of Provincial Parliament, the Premier of Ontario, Minister of Finance, Minister of Agriculture, Food and Rural Affairs, Wine Marketing Association of Ontario, Ontario Craft Winery Association, Wine Growers of Ontario, Grape Growers of Ontario, and Ontario Wine Appellation Authority (VQA).

Carried

13.2 Support for Association of Municipalities of Ontario (AMO) Municipal Code of Conduct Recommendations

Moved by Councillor Huson
Seconded by Councillor Bateman

WHEREAS Bill 5, known as the "Stopping Harassment and Abuse by Local Leaders Act", was an important piece of legislation to strengthen accountability for council members, but failed upon second reading in the Provincial legislature in May 2023;

WHEREAS Bill 5 was endorsed by over 170 municipalities in Ontario including the Niagara Region, recognizing the importance of aligning council conduct policies with workplace violence and harassment policies;

WHEREAS a safe and respectful work environment is a basic expectation for all Ontarians;

WHEREAS serving our communities in a leadership role is a privilege and a responsibility;

WHEREAS improving local public discourse will improve public confidence in local government and increase respect for our municipal institutions and the work we do;

WHEREAS democracy suffers when the public loses confidence in their representatives and institutions; and

WHEREAS the Ministry of Municipal Affairs launched consultation on strengthening municipal codes of conduct in March of 2021 without any further update.

NOW THEREFORE BE IT RESOLVED:

1. That Regional Council **SUPPORTS** the recommendations made by AMO that:
 - a) Codes of Conduct should be updated to include workplace safety and harassment policies;
 - b) Codes of Conduct should have an escalating enforcement mechanism through administrative monetary penalties that recognize local circumstances;
 - c) Integrity Commissioners should have better, standardized training to improve consistency of decisions across the province;

- d) In the most egregious cases, such as harassment or assault, municipalities should be able to apply to a judge to remove a sitting member if recommended by an Integrity Commissioner;
 - e) A member removed under this process should be unable to sit in another election during the term of office removed and the subsequent term;
- 2. That Regional Council **URGES** the Ontario Government to table and pass legislation to make these changes as soon as possible;
 - 3. That Regional Council **REINFORCES** that the time to act is past due as articulated and expressed by AMO; and
 - 4. That this motion **BE CIRCULATED** to AMO, Local Area Municipalities, and Niagara members of provincial parliament.

Moved by Councillor Gale

Seconded by Councillor Seaborn

That Clause 1 **BE AMENDED** as follows:

- 1. That Regional Council **SUPPORTS** the recommendations made by AMO that:
 - a) ~~Codes of Conduct should be updated to include workplace safety and harassment policies;~~
 - b) Codes of Conduct should have an escalating enforcement mechanism through administrative monetary penalties that recognize local circumstances;
 - c) Integrity Commissioners should have better, standardized training to improve consistency of decisions across the province;
 - d) In the most egregious cases, such as harassment or assault, **an Integrity Commissioner** municipalities should be able to apply to a judge to remove a sitting member if recommended by an Integrity Commissioner;
 - e) ~~A member removed under this process should be unable to sit in another election during the term of office removed and the subsequent term;~~

Moved by Councillor Whalen
Seconded by Councillor Craitor

That the motion respecting Support for AMO Municipal Code of Conduct Recommendations and the proposed amendment **BE REFERRED** to the Corporate Services Committee for staff to provide information regarding the differences between AMO's language and the amendments proposed.

Carried

14. NOTICES OF MOTION

There were no notices of motion.

15. OTHER BUSINESS

Members made various announcements related to activities and events within the Region and area municipalities.

16. CLOSED SESSION

Committee did not resolve into closed session.

17. BUSINESS ARISING FROM CLOSED SESSION

17.1 Confidential CSD 34-2023

A Matter respecting Litigation or Potential Litigation, Including Matters Before Administrative Tribunals, Affecting the Municipality, under s. 239 (2)(e) of the Municipal Act, 2001 - Quarry Assessment Appeal Update

Moved by Councillor Easton
Seconded by Councillor Siscoe

That Confidential Report CSD 34-2023, dated July 12, 2023, respecting A Matter respecting Litigation or Potential Litigation, Including Matters Before Administrative Tribunals, Affecting the Municipality, under s. 239 (2)(e) of the Municipal Act, 2001 - Quarry Assessment Appeal Update, **BE RECEIVED** for information.

Carried

17.2 Confidential CSC-C 15-2023 REVISED

A Matter of a Proposed or Pending Acquisition of Land by the Municipality under s.239(2) of the Municipal Act, 2001 - Niagara Regional Housing (NRH) Acquisition of Property in the City of St. Catharines (Confidential Report NRH 3-2023)

Moved by Councillor Insinna
Seconded by Councillor Ip

That Confidential Memorandum CSC-C 15-2023 REVISED, dated July 12, 2023, respecting A Matter of a Proposed or Pending Acquisition of Land by the Municipality under s.239(2) of the Municipal Act, 2001 - Niagara Regional Housing (NRH) Acquisition of Properties in the City of St. Catharines (Confidential Reports NRH 3-2023), **BE RECEIVED** for information.

Carried

17.3 Confidential COM 29-2023

A Matter Respecting Labour Relations or Employee Negotiations under s. 239 (2)(d) of the Municipal Act, 2001 – Emergency Shelter and Bridge Housing Operations

Moved by Councillor Sorrento
Seconded by Councillor Ugolini

That Confidential Report COM 29-2023, dated July 20, 2023, regarding A Matter Respecting Labour Relations or Employee Negotiations under s. 239 (2)(d) of the Municipal Act, 2001 – Emergency Shelter and Bridge Housing Operations, **BE RECEIVED** for information.

Carried

18. **BY-LAWS**

Moved by Councillor Grant
Seconded by Councillor Craitor

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

Bill 2023-43

A by-law to authorize the submission of an application to Ontario Infrastructure and Lands Corporation (“OILC”) for financing of certain capital work(s) of The Corporation of the Town of Lincoln and to authorize long-term borrowing for such capital work(s) through the issue of debentures by The Regional Municipality of Niagara (the “Upper Tier Municipality”) to OILC.

Bill 2023-44

A by-law to approve the submission of an application to Ontario Infrastructure and Lands Corporation (“OILC”) for the long-term financing of certain capital work(s) of The Corporation of the Town of Lincoln (the “Lower-Tier Municipality”) through the issue of debentures by The Regional Municipality of Niagara (the “Upper Tier Municipality”) and to authorize the entering into of a Rate Offer Letter Agreement pursuant to which the Upper-Tier Municipality will issue debentures on behalf of the Lower-Tier Municipality to OILC.

Bill 2023-45

A by-law to approve the submission of an application to Ontario Infrastructure and Lands Corporation (“OILC”) for the long-term financing of certain capital work(s) of The Corporation of the Town Of Fort Erie (the “Lower-Tier Municipality”) through the issue of debentures by The Regional Municipality of Niagara (the “Upper Tier Municipality”) and to authorize the entering into of a Rate Offer Letter Agreement pursuant to which the Upper-Tier Municipality will issue debentures on behalf of the Lower-Tier Municipality to OILC.

Bill 2023-46

A by-law to approve the submission of an application to Ontario Infrastructure and Lands Corporation (“OILC”) for the long-term financing of certain capital work(s) of The Corporation of the Town of Niagara-on-the-Lake (the “Lower-Tier Municipality”) through the issue of debentures by The Regional Municipality of Niagara (the “Upper Tier Municipality”) and to authorize the entering into of a Rate Offer Letter Agreement pursuant to which the Upper-Tier Municipality will issue debentures on behalf of the Lower-Tier Municipality to OILC.

Bill 2023-47

A by-law to approve the submission of an application to Ontario Infrastructure and Lands Corporation (“OILC”) for the long-term financing of certain capital work(s) of The Corporation of the City of St. Catharines (the “Lower-Tier Municipality”) through the issue of debentures by The Regional Municipality of Niagara (the “Upper Tier Municipality”) and to authorize the entering into of a Rate Offer Letter Agreement pursuant to which the Upper-Tier Municipality will issue debentures on behalf of the Lower-Tier Municipality to OILC.

Bill 2023-48

A by-law to approve the submission of an application to Ontario Infrastructure and Lands Corporation (“OILC”) for the long-term financing of certain capital work(s) of The Corporation of the Township of West Lincoln (the “Lower-Tier Municipality”) through the issue of debentures by The Regional Municipality of Niagara (the “Upper Tier Municipality”) and to authorize the entering into of a Rate Offer Letter Agreement pursuant to which the Upper-Tier Municipality will issue debentures on behalf of the Lower-Tier Municipality to OILC.

Bill 2023-49

A by-law to approve the submission of an application to Ontario Infrastructure and Lands Corporation (“OILC”) for the long-term financing of certain capital work(s) of The Regional Municipality of Niagara (the “Municipality”) and to authorize the entering into of a Rate Offer Letter Agreement pursuant to which the Municipality will issue debentures to OILC.

Bill 2023-50

A by-law to add a portion of a lower tier highway to the Regional Road system in the Township of West Lincoln.

Bill 2023-51

A by-law to remove a portion of highway from the Regional Road System in the Township of West Lincoln.

Bill 2023-52

A by-law to adopt, ratify and confirm the actions of Regional Council at its meeting held July 20, 2023.

Bill 2023-54

A by-law to approve the submission of an application to Ontario Infrastructure and Lands Corporation (“OILC”) for the long-term financing of certain capital work(s) of The Corporation of the Town Of Fort Erie (the “Lower-Tier Municipality”) through the issue of debentures by The Regional Municipality of Niagara (the “Upper Tier Municipality”) and to authorize the entering into of a Rate Offer Letter Agreement pursuant to which the Upper-Tier Municipality will issue debentures on behalf of the Lower-Tier Municipality to OILC.

Carried

19. ADJOURNMENT

There being no further business, the meeting adjourned at 8:03 p.m.

Jim Bradley
Regional Chair

Jenna Spratt
Legislative Coordinator

Ann-Marie Norio
Regional Clerk