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**Subject:** Second Progress Report respecting Implementation of Recommendations from the Ontario Ombudsman Report “Press Pause”

**Report to:** Regional Council

**Report date:** Thursday, July 18, 2019

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## **Recommendations**

1. That Report CLK 11-2019 **BE RECEIVED** and **CIRCULATED** to the Ontario Ombudsman.

## **Key Facts**

- The purpose of this report is to provide an additional update respecting the implementation of the recommendations from the Ontario Ombudsman as requested by the Ontario Ombudsman.
- Recommendation 14 of the Ombudsman Report “Press Pause” was for Niagara Region to report publicly, and to the Ombudsman Office in six months’ time on its progress in implementing the report recommendations, and at six-month intervals until the Ombudsman is satisfied that adequate steps have been taken to address them.
- At its meeting held on January 17, 2019, Regional Council received Report CLK 01-2019 which was the first update report on this matter. The Ombudsman was provided with a copy and requested a further update be provided in six months.

## **Financial Considerations**

There are no financial considerations associated with this report.

## **Analysis**

At its meeting held on January 17, 2019, Council received Report CLK 01-2019 which provided an update on the actions undertaken to date with respect to the Ontario Ombudsman Report “Press Pause”. The Ombudsman requested that a further update be provided in six months. Many of the recommendations within the report relate to items that could be included in Niagara Region’s Procedural By-law.

The Procedural By-law Review Committee has met twice to date since the new members have been appointed. The following recommendations are to be further considered by the Committee as part of the drafting of a new Procedural By-law. The next meeting of the Procedural By-law Review Committee is scheduled for July 30,

2019 at which time these items noted below will be brought forward for consideration and direction regarding next steps.

3. The Regional Municipality of Niagara should clarify its intent with respect to the authority of staff to seize personal property in its procedure by-law and policies, with reference to the rights protected by the *Canadian Charter of Rights and Freedoms*.

**Action Taken:**

On March 22, 2018, Regional Council approved By-law 2018-31, a by-law that amended Niagara Region Procedural By-law 120-2010, as amended, to include provisions respecting personal recording devices being found during a closed session meeting.

Council further approved policy C-RC-007 Management of Personal Items, Equipment and Disruptive Behaviour Prior to a Closed Session of Committee or Council was approved by Council on July 5, 2018.

This matter can be further reviewed by the Procedural By-law Review Committee to consider further refinements that may be required.

4. The Regional Municipality of Niagara should ensure that any by-law or policy that references “improper conduct” include a definition of that term, including reference to specific categories or examples.

**Action Taken:**

Policy C-RC-007 does reference “disruptive behaviour” and “improper conduct” and the Procedural By-law (section 9.5) references expulsion for “improper conduct” and policy C-A-025 Managing Public Spaces in a Safe and Welcoming Environment. This policy will be referred to the Procedural By-law Review Committee for further examination.

5. The Regional Municipality of Niagara should amend its procedural by-law and relevant policies to state that expulsion from a meeting should not take place unless the Chair is satisfied that evidence exists to support expulsion.

**Action Taken:**

Currently the Procedural By-law does not contain any provisions related to this; however, staff will include this recommendation for consideration by the Procedural By-law Review Committee.

6. The Regional Municipality of Niagara should amend its procedural by-law to specify that, where the Chair exercises his authority under the *Municipal Act, 2001*, to expel an individual from a meeting, the reasons for the expulsion must be recorded in the meeting minutes.

**Action Taken:**

Currently the Procedural By-law does not contain any provisions related to this; however, staff will include this recommendation for consideration by the Procedural By-law Review Committee.

9. The Regional Municipality of Niagara should amend its procedural by-law to clarify council's authority to exercise discretion to hold a closed session outside of a set agenda order.

**Action Taken:**

The Procedural By-law (section 9.13) provides as follows:

*After the Council agenda has been adopted by resolution, a motion to move into closed session is only in order if the motion relates to an item already on the approved agenda and a closed session is permitted in accordance with the provisions of this by-law.*

This; however, can be further reviewed by the Procedural By-law Review Committee to see if further clarification to other related provisions of the by-law would be beneficial.

The remaining three items are in the process of being reviewed by the Security Taskforce. The Taskforce is actively taking steps to review and develop policies to address these recommendations.

7. The Regional Municipality of Niagara should set out in writing its expectations and processes regarding the exercise of its authority under the *Trespass to Property Act*, either as a standalone policy or part of a broader policy respecting unreasonable or improper conduct.

**Action Taken:**

It had been previously noted that this item is being considered by the Security Taskforce. The Taskforce has had initial discussions to ensure any policy is suitable given the number of facilities and range of services provided. A preliminary draft has been prepared that requires further review.

12. The Regional Municipality of Niagara should develop a procedure respecting the public access to municipal property during meetings, including after-hours meetings, and provide for records to be kept of when the doors to regional headquarters are locked and unlocked.

**Action Taken:**

An interim Standard Operating Procedure has been implemented related to public access to municipal property during Council meetings. The Security Taskforce will further refine the policy and develop procedures to address access to municipal property during meetings generally.

13. The Regional Municipality of Niagara should train its staff on the procedures for locking doors and ensuring public access during meetings.

**Action Taken:**

Training has taken place for applicable Facilities staff related to their responsibilities under the procedure noted above.

**Alternatives Reviewed**

No alternatives were reviewed.

**Relationship to Council Strategic Priorities**

This report was provided at the request of the Office of the Ontario Ombudsman.

**Other Pertinent Reports**

CAO 5-2018	Corporate Policy Framework – Improving the Business of Council
CAO 13-2018	Update on CAO 05-2018 – Improving the Business of Council
CAO 13-2018	REVISED - Update on CAO 05-2018 – Improving the Business of Council
CLK 01-2018	Recommendations from the Ontario Ombudsman Report

GM 20-2018	Update on the Implementation of Recommendations from the Ombudsman Report "Press Pause" respecting the Regional Council meeting held on December 7, 2017
CLK 01-2019	Progress Report respecting Implementation of Recommendations from the Ontario Ombudsman Report "Press Pause"

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**Prepared and Recommended by:**

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**Submitted by:**

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**Appendices**

None.