

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

**CL 18-2019
Thursday, October 17, 2019
Council Chamber
Niagara Region Headquarters, Campbell West
1815 Sir Isaac Brock Way, Thorold, ON**

Council: Bradley (Regional Chair), Butters, Bylsma, Campion, Chiocchio, Darte, Diodati, Disero, Easton, Fertich, Foster, Gale, Gibson, Greenwood, Heit, Huson, Insinna, Ip, Junkin, Nicholson, Redekop, Rigby, Sendzik, Steele, Ugulini, Villella, Whalen, Witteveen, Zalepa

Absent/Regrets: Bellows, Edgar, Jordan

Staff: H. Chamberlain, Director, Financial Management & Planning/Deputy Treasurer, D. Gibbs, Director, Legal & Court Services, C. Habermehl, Director, Waste Management Services, T. Harrison, Commissioner/Treasurer, Corporate Services, Dr. M. Hirji, Acting Medical Officer of Health, A. Jugley, Commissioner, Community Services, V. Kuhns, Acting Director, Economic Development, B. Menage, Director, Procurement & Strategic Acquisitions, R. Mostacci, Commissioner, Planning & Development Services, A.-M. Norio, Regional Clerk, S. Tait, Acting Manager, Collection and Diversion, R. Tripp, Commissioner, Public Works/Acting Chief Administrative Officer

1. CALL TO ORDER

Regional Chair Bradley called the meeting to order at 6:48 p.m.

2. LAND ACKNOWLEDGMENT STATEMENT

Councillor Huson read out the Land Acknowledgment Statement.

3. MOMENT OF REFLECTION

Councillor Campion read the moment of reflection.

5. **ADOPTION OF AGENDA**

5.1 **Addition of Items**

Councillor Ip indicated that she wished to put forward a motion to permit Sabrina Hill to appear before Council as a delegate respecting the motion regarding Proposed Provincial Cuts to Legal Aid Ontario Budget (Agenda Item 14.1).

The Regional Chair informed Council that the motion would require an affirmative vote of two-thirds of the members present to pass since the requirements of Section 13 of the Procedural By-law were not met.

Moved by Councillor Ip
Seconded by Councillor Huson

That, in accordance with subsection 2.4 of Niagara Region's Procedural By-law, the rules of procedure, specifically Section 13 of the Procedural By-law, **BE SUSPENDED** to permit Sabrina Hill to appear before Council as a delegate respecting the motion regarding Proposed Provincial Cuts to Legal Aid Ontario Budget (Agenda Item 14.1).

Two-thirds majority having been achieved, the Regional Chair declared the vote,

Carried

5.2 **Changes in Order of Items**

Moved by Councillor Ip
Seconded by Councillor Champion

That the order of the agenda **BE AMENDED** to permit Sabrina Hill to be the first delegation and to move consideration of the motion respecting Proposed Provincial Cuts to Legal Aid Ontario Budget (Agenda Item 14.1) to immediately following the Delegations section (Agenda Item 9).

Carried

Moved by Councillor Steele
Seconded by Councillor Gibson

That Council Agenda CL 18-2019, **BE ADOPTED**, as amended.

Carried

6. DISCLOSURES OF PECUNIARY INTEREST

Councillor Campion declared an indirect pecuniary interest with respect to Confidential Memorandum CL-C 68-2019 (Agenda Item 17.3.1) A Matter respecting Litigation and A Matter of Advice that is Subject to Solicitor-Client Privilege under s.239(2) of the *Municipal Act, 2001*, as the report references the City of Welland and Niagara Region regarding the Development Charge By-law and he had previously declared a conflict on this matter.

Councillor Villella declared an indirect pecuniary interest with respect to Confidential Memorandum CL-C 68-2019 (Agenda Item 17.3.1) A Matter respecting Litigation and A Matter of Advice that is Subject to Solicitor-Client Privilege under s.239(2) of the *Municipal Act, 2001*, as the report references the City of Welland and Niagara Region regarding the Development Charge By-law and she had previously declared a conflict on this matter.

Councillor Chiochio declared an indirect pecuniary interest with respect to Confidential Memorandum CL-C 68-2019 (Agenda Item 17.3.1) A Matter respecting Litigation and A Matter of Advice that is Subject to Solicitor-Client Privilege under s.239(2) of the *Municipal Act, 2001*, as the report references the City of Welland and Niagara Region regarding the Development Charge By-law and he had previously declared a conflict on this matter.

7. PRESENTATIONS

There were no presentations.

8. CHAIR'S REPORTS, ANNOUNCEMENTS, REMARKS

The Regional Chair made various announcements related to activities and events he attended throughout the Region.

9. DELEGATIONS

9.1 Proposed Provincial Cuts to Legal Aid Ontario Budget (Agenda Item 14.1)

9.1.2 Sabrina Hill, Resident, City of St. Catharines

Sabrina Hill, Resident, City of St. Catharines, appeared before Council on behalf of the Vittoria Foundation, to speak in favour of the motion respecting Proposed Provincial Cuts to Legal Aid Ontario Budget.

9.1.1 Aidan Johnson, Niagara Community Legal Clinic

Aidan Johnson, Niagara Community Legal Clinic, appeared before Council to speak in favour of the motion respecting Proposed Provincial Cuts to Legal Aid Ontario Budget and provided Council with information on the work of the Niagara Community Legal Clinic.

14. MOTIONS

14.1 Proposed Provincial Cuts to Legal Aid Ontario Budget

Moved by Councillor Ip
Seconded by Councillor Redekop

WHEREAS the Niagara Community Legal Clinic is a not-for-profit agency providing access to justice and vital service to low-income Niagara citizens in civil law matters, including landlord-tenant disputes, Ontario Disability Support Payment (ODSP) appeals, pension appeals, workplace injury/WSIB compensation, consumer law protection, refugee assistance, migrant worker support, human rights law, power of attorney matters, and wills and estates for low-income seniors;

WHEREAS the Niagara Community Legal Clinic is funded by Legal Aid Ontario, an arm's-length agency of the Ministry of the Attorney General for Ontario, which (in addition to funding the province's legal clinics) provides much-needed support to low-income people in matters of family law, refugee law, and criminal law;

WHEREAS the two historic Niagara legal clinics – Justice Niagara, founded in 1978, and Niagara North Community Legal Assistance, founded in 1982 – merged on January 1, 2019, to form the Niagara Community Legal Clinic;

WHEREAS Legal Aid funding saves money in the overall justice system budget, in light of the evidence that the cases of self-represented parties (i.e., parties without Legal Aid support) consume significantly greater amounts of expensive court time and/or tribunal time; and

WHEREAS the Province cut approximately \$70 million from the Legal Aid Ontario budget in 2019, with approximately \$14.5 million of that being cut from the legal clinic system, and has indicated an intention to cut an additional \$17.3 million from the LAO budget in 2020:

NOW THEREFORE BE IT RESOLVED:

1. That Regional Chair Jim Bradley **BE DIRECTED** to send a letter to Ontario Attorney General Doug Downey, on behalf of Regional Council, reading as follows:

“The Region of Niagara is grateful for the work of the Niagara Community Legal Clinic, whose professionals provide meaningful access to justice for low-income people in Niagara. In light of the deep challenges Niagara faces in terms of poverty and lack of sufficient affordable housing, the services that the Niagara Community Legal Clinic provides are truly vital to our community.

It has come to our attention that the Province has proposed additional cuts to the budget of Legal Aid Ontario (LAO), the Niagara clinic’s funder, to be implemented in 2020. Because our Council deeply values the work of our Niagara Community Legal Clinic, and the supports that LAO provides to citizens facing challenges in family law, criminal law, and refugee law, we request that you not implement any additional cuts to the LAO budget. We also ask that you re-invest in the Legal Aid and clinic systems, so as to address the many barriers to access to justice that our citizens face.

Thank you for your consideration.”

2. That this motion and the Chair’s letter **BE CIRCULATED** to municipalities throughout Ontario and the Association of Municipalities of Ontario.

Carried

10. ADOPTION OF MINUTES

10.1 Council Minutes CL 16-2019

Thursday, September 19, 2019

Moved by Councillor Fertich

Seconded by Councillor Gibson

That Minutes CL 16-2019 being the Open Session minutes of the Regional Council meeting held on Thursday, September 19, 2019, **BE ADOPTED**.

Carried

11. CORRESPONDENCE

11.1 Receive and/or Refer

There were no correspondence items to receive and/or refer.

11.2 For Consideration

11.2.1 CL-C 70-2019

Standing Committee Appointment

Moved by Councillor Huson

Seconded by Councillor Ip

That Correspondence Item CL-C 66-2019, being a memorandum from A.-M. Norio, Regional Clerk, dated October 17, 2019, respecting Standing Committee Appointment, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That Councillor Fertich **BE APPOINTED** to the Planning and Economic Development Committee, effective immediately.

Carried

11.2.2 CL-C 67-2019

Advice to Council regarding Joint and Several Liability Reform

Moved by Councillor Foster

Seconded by Councillor Bylsma

That Correspondence Item CL-C 67-2019, being a memorandum from D. Pasto, Risk Management Program Manager, dated October 17, 2019, respecting Advice to Council regarding Joint and Several Liability Reform, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That The Regional Municipality of Niagara hereby **ENDORSES** the submission of the Association of Municipalities Ontario to the Attorney General of Ontario entitled "Towards a Reasonable Balance: Addressing growing municipal liability and insurance costs" dated October 1, 2019; and
2. That staff **BE DIRECTED** to forward the approved resolution to the Ministry of the Attorney General prior to November 1, 2019.

Carried

12. COMMITTEE REPORTS - OPEN SESSION

12.1 Committee of the Whole

Minutes COTW 8-2019, Thursday, October 3, 2019

Moved by Councillor Gibson

Seconded by Councillor Fertich

That Report COTW 8-2019 being the Open Session minutes of the Committee of the Whole meeting held on Thursday, October 3, 2019, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

12.2 Public Works Committee

Minutes PWC 10-2019, Tuesday, October 8, 2019

Moved by Councillor Rigby

Seconded by Councillor Steele

That Report PWC 10-2019 being the Open and Closed Session minutes of the Public Works Committee meeting held on Tuesday, October 8, 2019, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

12.3 Public Health and Social Services Committee

Minutes PHSSC 10-2019, Tuesday, October 8, 2019

Moved by Councillor Chiocchio

Seconded by Councillor Greenwood

That Report PHSSC 10-2019 being the Open Session minutes of the Public Health & Social Services Committee meeting held on Tuesday, October 8, 2019, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

12.4 Corporate Services Committee

Minutes CSC 10-2019, Wednesday, October 9, 2019

Moved by Councillor Foster
Seconded by Councillor Fertich

That Report CSC 10-2019 being the Open and Closed Session minutes of the Corporate Services Committee meeting held on Wednesday, October 9, 2019, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

12.5 Planning and Economic Development Committee

Minutes PEDC 10-2019, Wednesday, October 9, 2019

Moved by Councillor Huson
Seconded by Councillor Ip

That Report PEDC 10-2019 being the Open Session minutes of the Planning & Economic Development Committee meeting held on Wednesday, October 9, 2019, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

12.6 Budget Review Committee of the Whole

Minutes BRCOTW 7-2019, Thursday, October 10, 2019

Moved by Councillor Zalepa
Seconded by Councillor Foster

That Report BRCOTW 7-2019 being the Open Session minutes of the Budget Review Committee of the Whole meeting held on Thursday, October 10, 2019, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

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

There were no Chief Administrative Officer's reports.

15. **NOTICES OF MOTION**

There were no notices of motion.

16. OTHER BUSINESS

16.1 Flu Vaccine

Dr. Hirji, Acting Medical Officer of Health, reminded Council of the importance of receiving the flu vaccine and noted that every year in Ontario there are half a million people who get influenza, and close to 1400 people who die from that infection. This is a tragedy since vaccination could prevent many of these deaths. He encouraged Councillors to receive their flu vaccine to help our residents stay healthy, and protect their families, friends, and loved ones from preventable illness.

17. CLOSED SESSION

Council did not resolve into closed session.

18. REPORT FROM CLOSED SESSION

18.1 Confidential CL-C 68-2019

A Matter Respecting Litigation and A Matter of Advice that is Subject to Solicitor – Client Privilege under s. 239(2) of the Municipal Act, 2001 – Application for Judicial Review – Niagara Home Builders' Association

Moved by Councillor Steele
Seconded by Councillor Butters

That Confidential Memorandum CL-C 68-2019, being a memorandum from D. Gibbs, Director, Legal and Court Services, dated October 17, 2019, respecting A Matter Respecting Litigation and A Matter of Advice that is Subject to Solicitor – Client Privilege under s. 239(2) of the Municipal Act, 2001 – Application for Judicial Review – Niagara Home Builders' Association, **BE RECEIVED** for information.

Carried

19. BY-LAWS

Moved by Councillor Witteveen
Seconded by Councillor Greenwood

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

Bill 2019-76 - 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 and The Corporation of the Town of Lincoln through the issue of debentures by The Regional Municipality of Niagara (the "upper-tier municipality"); and to authorize the entering into of rate offer letter agreements pursuant to which the upper-tier municipality will issue debentures on behalf of each such lower-tier municipality to OILC.

Bill 2019-77 - A by-law to provide for the adoption of amendment 13 to the Official Plan for the Niagara planning area to update the transportation policies and mapping.

Bill 2019-78 - 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 2019-79 - A by-law to define budget planning requirements for The Regional Municipality of Niagara.

Bill 2019 -80 - A by-law to adopt, ratify and confirm the actions of Regional Council at its meeting held on October 17, 2019.

Carried

20. ADJOURNMENT

There being no further business, the meeting adjourned at 8:08 p.m.

Jim Bradley
Regional Chair

Ann-Marie Norio
Regional Clerk