

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

CL 22-2019

Thursday, December 5, 2019

Council Chamber

**Niagara Region Headquarters, Campbell West
1815 Sir Isaac Brock Way, Thorold, ON**

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

Absent/Regrets: Bellows, Champion, Greenwood, Insinna

Staff: D. Barnhart, Executive Officer to the Regional Chair, D. Gibbs, Director, Legal & Court Services, T. Harrison, Commissioner/Treasurer, Corporate Services, F. Meffe, Acting Director, Human Resources, A.-M. Norio, Regional Clerk, R. Tripp, Commissioner, Public Works/Acting Chief Administrative Officer

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

1. CALL TO ORDER

Regional Chair Bradley called the meeting to order at 3:34 p.m.

2. ADOPTION OF AGENDA

Moved by Councillor Steele
Seconded by Councillor Chiocchio

That Council Agenda CL 22-2019 **BE ADOPTED.**

Carried

3. DISCLOSURES OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

4. CLOSED SESSION

Moved by Councillor Foster
Seconded by Councillor Huson

That this Council **DO NOW MOVE** into Closed Session for the purposes of receiving information of a confidential nature respecting:

Confidential Verbal Update - 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 - Legal Advice respecting litigation concerning Former Senior Administration Officials Employment Contracts

Carried

Council resolved into closed session at 3:37 p.m.

5. BUSINESS ARISING FROM CLOSED SESSION

Council reconvened in open session at 5:25 p.m. with the following individuals in attendance:

- Council: Bradley (Regional Chair), Butters, Chiocchio, Darte, Diodati, Disero, Easton, Edgar, Fertich, Foster, Gale, Gibson, Heit, Huson, Ip, Jordan, Nicholson, Redekop, Rigby, Sendzik, Steele, Ugulini, Villella, Whalen, Witteveen, Zalepa
- Absent/Regrets: Bellows, Bylsma, Campion, Greenwood, Insinna, Junkin
- Staff: D. Barnhart, Executive Officer to the Regional Chair, D. Gibbs, Director, Legal & Court Services, T. Harrison, Commissioner/Treasurer, Corporate Services, F. Meffe, Acting Director, Human Resources, A.-M. Norio, Regional Clerk, R. Tripp, Commissioner, Public Works/Acting Chief Administrative Officer
- Others Present: R. Weir, Borden Ladner Gervais LLP, and D. Jeffries, Rae Christen Jeffries LLP, External Legal Counsel

5.1 Ontario Ombudsman Report "Inside Job"

Moved by Councillor Gibson
Seconded by Councillor Darté

That the Regional Municipality of Niagara **IMMEDIATELY FORWARD** the Ontario Ombudsman Report "Inside Job" to the Niagara Regional Police Service with a request that a complete and thorough investigation be conducted into the allegations contained in that report even if those investigative leads go beyond the contents of the Ombudsman's Report.

Recorded Vote:

Yes (25): Butters, Chiochio, Darté, Diodati, Disero, Easton, Edgar, Fertich, Foster, Gale, Gibson, Heit, Huson, Ip, Jordan, Nicholson, Redekop, Rigby, Sendzik, Steele, Ugulini, Villella, Whalen, Witteveen, Zalepa.

No (0).

Carried

5.2 Confidential Verbal Update

Moved by Councillor Ip
Seconded by Councillor Huson

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 - Legal Advice respecting litigation concerning Former Senior Administration Officials Employment Contracts, **BE RECEIVED**; and

That external legal counsel **BE DIRECTED** to report back to Regional Council regarding all other potential avenues of legal recourse arising from the findings contained in the Ontario Ombudsman Report "Inside Job"; and

That external legal counsel and staff **PROCEED** as directed in closed session.

Recorded Vote:

Yes (25): Butters, Chiocchio, Darte, Diodati, Disero, Easton, Edgar, Fertich, Foster, Gale, Gibson, Heit, Huson, Ip, Jordan, Nicholson, Redekop, Rigby, Sendzik, Steele, Ugulini, Villella, Whalen, Witteveen, Zalepa.

No (0).

Carried

6. CHIEF ADMINISTRATIVE OFFICER'S REPORT(S)

6.1 CAO 17-2019

Recommendations from the Ontario Ombudsman Report "Inside Job" November 2019

Moved by Councillor Ip
Seconded by Councillor Edgar

That Report CAO 17-2019, dated December 5, 2019, respecting Recommendations from the Ontario Ombudsman Report "Inside Job" November 2019, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Regional Council **CONFIRMS** their agreement with the recommendations of the Ontario Ombudsman Report "Inside Job" (dated November 2019) respecting the investigation into matters relating to the Regional Municipality of Niagara's hiring of its Chief Administrative Officer, and its administration of his contract;
2. That staff **BE DIRECTED** to prepare a policy respecting employee code of conduct or ethics that includes for the protection of confidential information, pursuant to Recommendation 1 of the Ombudsman's Report for the Corporate Services Committee meeting being held on February 12, 2020;
3. That staff **BE DIRECTED** to include clauses in all employment contracts respecting the protection of confidential information pursuant to Recommendation 2 of the Ombudsman's Report and provide an update at the Corporate Services Committee meeting being held on February 12, 2020;

4. That staff **BE DIRECTED** to ensure specific confidentiality agreements are signed at the start of a hiring process by all officials and staff with access to confidential hiring process information pursuant to Recommendation 3 of the Ombudsman's Report and provide an update at the Corporate Services Committee meeting being held on February 12, 2020;
5. That staff **BE DIRECTED** to prepare a draft Terms of Reference for a Chief Administrative Officer Recruitment Committee taking into consideration Recommendation 4 of the Ombudsman's Report for the Regional Council meeting held on January 23, 2020;
6. That staff **BE DIRECTED** to review and update the Employment and Staffing Policy (C-HR-010) to ensure it contains provisions to clarify that employees should not engage in any behaviour that provides an unfair advantage to a candidate during a hiring process including assisting candidates by providing inside information such as interview questions and suggested answers pursuant to Recommendation 6 of the Ombudsman's Report for the Corporate Services Committee meeting being held on February 12, 2020;
7. That staff **BE DIRECTED** to prepare a policy respecting the hiring process for a Chief Administrative Officer including the appropriate roles of staff and their accountability to Council or a committee of Council charged with the hiring, pursuant to Recommendation 9 of the Ombudsman's Report for the Regional Council meeting held on January 23, 2020;
8. That staff **BE DIRECTED** to prepare a by-law setting the parameters of the relationship between Council and the Chief Administrative Officer including the role of Council with respect to amending the Chief Administrative Officer's contract and salary, pursuant to Recommendation 11 of the Ombudsman's Report for the Regional Council meeting held on January 23, 2020;
9. That staff **BE DIRECTED** to prepare a policy governing the process for Chief Administrative Officer performance appraisals pursuant to Recommendation 13 of the Ombudsman's Report for the Regional Council meeting held on January 23, 2020;
10. That staff **BE DIRECTED** to report to Regional Council regarding the implementation of Recommendations 4 (as it relates to recruitment committees apart from the CAO) 5, 7, 8, 10, 12, 14 and 15 for the Regional Council meeting being held on February 20, 2020; and

11. That staff **BE DIRECTED** to report to Regional Council in six months' time on progress in implementing the recommendations of the Ontario Ombudsman Report "Inside Job" in accordance with Recommendation 16 of the Ombudsman's Report.

Moved by Councillor Fertich
Seconded by Councillor Rigby

That Councillor Heit **BE PERMITTED** to exceed the ten-minute time limit to speak.

Carried

The Regional Chair called the vote on the motion respecting Report CAO 17-2019.

Recorded Vote:

Yes (25): Butters, Chiocchio, Darte, Diodati, Disero, Easton, Edgar, Fertich, Foster, Gale, Gibson, Heit, Huson, Ip, Jordan, Nicholson, Redekop, Rigby, Sendzik, Steele, Ugulini, Villella, Whalen, Witteveen, Zalepa.

No (0).

Carried

7. **BY-LAWS**

7.1 **Bill 2019-87**

Moved by Councillor Ugulini
Seconded by Councillor Diodati

That Bill 2019-87 being a by-law to adopt, ratify and confirm the actions of Regional Council at its special meeting held on December 5, 2019, **BE NOW READ** and **DO PASS**.

Carried

8. ADJOURNMENT

There being no further business, the meeting adjourned at 5:58 p.m.

Jim Bradley
Regional Chair

Ann-Marie Norio
Regional Clerk