

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

**CL 8-2020
Thursday, June 4, 2020
Council Chamber/Teleconference
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 Teleconference: Bellows, Butters, Bylsma, Campion, Chiocchio, Darte, Diodati, Disero, Easton, Edgar, Fertich, Foster, Gale, Gibson, Greenwood, Heit, Huson, Insinna, Ip, Junkin, Nicholson, Redekop, Rigby, Sendzik, Steele, Ugulini, Villella, Whalen, Witteveen, Zalepa

Absent/Regrets: Jordan

Staff Present in the Council Chamber: M. Lewis, Technology Support Analyst, A.-M. Norio, Regional Clerk, R. Tripp, Acting Chief Administrative Officer

Staff Present via Teleconference: D. Barnhart, Executive Officer to the Regional Chair, H. Chamberlain, Director, Financial Management & Planning/Deputy Treasurer, D. Gibbs, Director, Legal & Court Services, T. Harrison, Commissioner/Treasurer, Corporate Services, Dr. M. M. Hirji, Acting Medical Officer of Health, A. Jugley, Commissioner, Community Services, V. Kuhns, Acting Director, Economic Development, F. Meffe, Director, Human Resources, R. Mostacci, Commissioner, Planning & Development Services, A.-M. Norio, Regional Clerk, A. Scott, Manager, Continuous Quality Improvement, H. Talbot, Financial and Special Projects Consultant, R. Tripp, Acting Chief Administrative Officer, B. Wilson, Legal Counsel, N. Wolfe, Director, Construction, Energy, and Facilities Management, B. Zvaniga, Interim Commissioner, Public Works

1. CALL TO ORDER

Regional Chair Bradley called the meeting to order at 4:03 p.m.

Regional Chair Bradley acknowledged the events that were transpiring in the United States respecting the death of George Floyd. The Chair offered, on behalf of Regional Council, a full and unequivocal condemnation of racism and discrimination regardless of the form it takes noting that Regional Council rejects all forms of exclusion and intolerance. Chair Bradley highlighted that Regional Council has actively pursued membership in the Coalition of Inclusive Municipalities which will assist us as we advance policies that promote social inclusion, eradicate all forms of racism and promote human rights and diversity.

Regional Chair Bradley announced that it was Seniors and Pride month in Ontario and that both the new Age-Friendly flag and the Pride flag would be flying for the month of June in the International Plaza at Regional Headquarters.

2. **ADOPTION OF AGENDA**

2.1 **Changes in Order of Items**

Moved by Councillor Redekop
Seconded by Councillor Darte

That the order of the agenda **BE AMENDED** to move the consideration of Confidential Report CSD 42-2020 respecting 2021 Canada Summer Games Agreements Update and Next Steps (Agenda Item 4.2) to immediately following Report CAO 11-2020 (Agenda Item 7.1).

Carried

Moved by Councillor Gibson
Seconded by Councillor Insinna

That Council Agenda CL 8-2020, **BE ADOPTED**, as amended.

Carried

3. **DISCLOSURES OF PECUNIARY INTEREST**

Councillor Bellows declared an indirect pecuniary interest with respect to Confidential Report CSD 42-2020 (Agenda Item 4.2) and Report CAO 11-2020 (Agenda Item 7.1) respecting the 2021 Canada Summer Games as she is the provincially appointed representative on the Canada Summer Games Board of Directors.

Councillor Huson declared an indirect pecuniary interest with respect to Confidential Report CSD 42-2020 (Agenda Item 4.2) and Report CAO 11-2020 (Agenda Item 7.1) respecting 2021 Canada Summer Games as the items reference Brock University as she has an employment relationship with Brock University.

4. CLOSED SESSION

Moved by Councillor Foster
Seconded by Councillor Whalen

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; and

A Matter of Advice that is Subject to Solicitor-Client Privilege and A Matter of Commercial Information, supplied in confidence to the municipality which if disclosed could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization, under s. 239(2) of the Municipal Act, 2001 – 2021 Canada Summer Games Agreements Update and Next Steps

Carried

Council resolved into closed session at 4:30 p.m.

5. BUSINESS ARISING FROM CLOSED SESSION

Council reconvened in open session at 5:51 p.m. with the following individuals in attendance:

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

Council Members Bellows, Butters, Bylsma, Campion, Chiocchio, Darte, Diodati,
Present via Disero, Easton, Edgar, Fertich, Foster, Gale, Gibson,
Teleconference: Greenwood, Heit, Huson, Insinna, Ip, Junkin, Nicholson,
 Redekop, Rigby, Sendzik, Steele, Ugulini, Villella, Whalen,
 Witteveen, Zalepa

Absent/Regrets: Jordan

Staff Present in the Council Chamber: M. Lewis, Technology Support Analyst, A.-M. Norio, Regional Clerk, R. Tripp, Acting Chief Administrative Officer

Staff Present via Teleconference: D. Barnhart, Executive Officer to the Regional Chair, H. Chamberlain, Director, Financial Management & Planning/Deputy Treasurer, D. Gibbs, Director, Legal & Court Services, T. Harrison, Commissioner/Treasurer, Corporate Services, Dr. M. M. Hirji, Acting Medical Officer of Health, A. Jugley, Commissioner, Community Services, V. Kuhns, Acting Director, Economic Development, F. Meffe, Director, Human Resources, R. Mostacci, Commissioner, Planning & Development Services, A.-M. Norio, Regional Clerk, A. Scott, Manager, Continuous Quality Improvement, H. Talbot, Financial and Special Projects Consultant, R. Tripp, Acting Chief Administrative Officer, B. Wilson, Legal Counsel, N. Wolfe, Director, Construction, Energy, and Facilities Management, B. Zvaniga, Interim Commissioner, Public Works

5.1 Confidential Verbal Update

Moved by Councillor Insinna
Seconded by Councillor Bylsma

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** for information.

Carried

6. **CORRESPONDENCE**

6.1 **CL-C 25-2020**

Request for Proposal for Insurance and Risk Management Services

Moved by Councillor Nicholson

Seconded by Councillor Butters

That Correspondence Item CL-C 25-2020, being a memorandum from D. Pasto, Risk Management Program Manager, dated June 4, 2020, respecting Update regarding Request for Proposal for Insurance and Risk Management Services, **BE RECEIVED** for information.

Carried

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

7.1 **CAO 11-2020**

2021 Canada Summer Games Event and Project Update

Moved by Councillor Steele

Seconded by Councillor Sendzik

That Report CAO 11-2020, dated June 4, 2020, respecting 2021 Canada Summer Games Event and Project Update, **BE RECEIVED** for information.

Carried

5. **BUSINESS ARISING FROM CLOSED SESSION**

5.2 **Confidential CSD 42-2020**

2021 Canada Summer Games Agreements Update and Next Steps

Moved by Councillor Sendzik

Seconded by Councillor Ugolini

That Confidential Report CSD 42-2020, dated June 4, 2020, respecting A Matter of Advice that is Subject to Solicitor-Client Privilege and A Matter of Commercial Information, supplied in confidence to the municipality which if disclosed could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization, under s. 239(2) of the Municipal Act, 2001 – 2021 Canada Summer Games Agreements Update and Next Steps, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That this report **BE RECEIVED** for information;
2. That Regional Council **APPROVE**, in principle, the transfer of responsibility for the construction of Canada Games Park from 2021 Canada Games Host Society Inc. to The Regional Municipality of Niagara, subject to the fulfillment of the conditions set out in Recommendation 3;
3. That the Regional Chair and Regional Clerk **BE AUTHORIZED** to execute the CGP Transition Agreements and such other ancillary agreements as may be required, including, but not limited to assignment agreements in respect of the CGP Host Agreements, so as to effect the transfer of responsibility for the construction of Canada Games Park from 2021 Canada Games Host Society Inc. to Niagara Region on terms and conditions satisfactory to the CAO and Director of Legal and Court Services, provided that in the case of the Transition Agreement with 2021 Canada Games Host Society Inc.:
 - a. the financial terms and conditions of this agreement(s), including with respect to the \$58 million in Investing in Canada Infrastructure Program ("ICIP") capital funding committed to Canada Games Park are satisfactory to the Commissioner of Corporate Services and Treasurer; and
 - b. the Transition Agreement includes terms and conditions consistent with the principles set out in the term sheet attached as APPENDIX 3; and
4. That a maximum gross capital budget adjustment in the amount of \$83,209,846 gross and \$100,000 net **BE APPROVED IN PRINCIPLE** for the Canada Games Park and that the project **BE FUNDED** from cost sharing agreements with St. Catharines (\$9,962,344), Thorold (\$5,105,501), Brock University (\$4,496,643), Canada Games Host Society Inc. (\$5,545,358), Provincial (\$29,000,000), Federal (\$29,000,000) Funding and an operating transfer to capital (\$100,000) and that staff **BE DIRECTED** to report back with the amount to be initiated once the transition has been finalized.

The following friendly **amendment** was accepted by the Regional Chair, and the mover and seconder of the motion to add a Clause 5 as follows:

5. ***That any further action BE SUBJECT to confirmation that all risks, financial and otherwise have been identified and mitigation measures where required identified for Regional Council.***

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

That Confidential Report CSD 42-2020, dated June 4, 2020, respecting A Matter of Advice that is Subject to Solicitor-Client Privilege and A Matter of Commercial Information, supplied in confidence to the municipality which if disclosed could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization, under s. 239(2) of the Municipal Act, 2001 – 2021 Canada Summer Games Agreements Update and Next Steps, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That this report **BE RECEIVED** for information;
2. That Regional Council **APPROVE**, in principle, the transfer of responsibility for the construction of Canada Games Park from 2021 Canada Games Host Society Inc. to The Regional Municipality of Niagara, subject to the fulfillment of the conditions set out in Recommendation 3;
3. That the Regional Chair and Regional Clerk **BE AUTHORIZED** to execute the CGP Transition Agreements and such other ancillary agreements as may be required, including, but not limited to assignment agreements in respect of the CGP Host Agreements, so as to effect the transfer of responsibility for the construction of Canada Games Park from 2021 Canada Games Host Society Inc. to Niagara Region on terms and conditions satisfactory to the CAO and Director of Legal and Court Services, provided that in the case of the Transition Agreement with 2021 Canada Games Host Society Inc.:
 - a. the financial terms and conditions of this agreement(s), including with respect to the \$58 million in Investing in Canada Infrastructure Program ("ICIP") capital funding committed to Canada Games Park are satisfactory to the Commissioner of Corporate Services and Treasurer; and
 - b. the Transition Agreement includes terms and conditions consistent with the principles set out in the term sheet attached as APPENDIX 3;

4. That a maximum gross capital budget adjustment in the amount of \$83,209,846 gross and \$100,000 net **BE APPROVED IN PRINCIPLE** for the Canada Games Park and that the project **BE FUNDED** from cost sharing agreements with St. Catharines (\$9,962,344), Thorold (\$5,105,501), Brock University (\$4,496,643), Canada Games Host Society Inc. (\$5,545,358), Provincial (\$29,000,000), Federal (\$29,000,000) Funding and an operating transfer to capital (\$100,000) and that staff **BE DIRECTED** to report back with the amount to be initiated once the transition has been finalized; and
5. That any further action **BE SUBJECT** to confirmation that all risks, financial and otherwise have been identified and mitigation measures where required identified for Regional Council.

Clause 1 was considered separately.

Recorded Vote:

Yes: (28) Bellows, Butters, Bylsma, Campion, Chiocchio, Darte, Disero, Easton, Edgar, Fertich, Foster, Gale, Gibson, Greenwood, Heit, Insinna, Ip, Junkin, Nicholson, Redekop, Rigby, Sendzik, Steele, Ugulini, Villella, Whalen, Witteveen, Zalepa.

No: (0).

Carried

The Regional Chair called the vote on the balance of the recommendations.

Recorded Vote:

Yes: (25) Bellows, Butters, Bylsma, Campion, Chiocchio, Darte, Disero, Easton, Edgar, Fertich, Foster, Gale, Gibson, Greenwood, Heit, Insinna, Junkin, Nicholson, Rigby, Sendzik, Steele, Ugulini, Whalen, Witteveen, Zalepa.

No: (3) Ip, Redekop, Villella.

Carried

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

7.2 **CAO 12-2020**

Update on "*Open Niagara*" - Niagara Region's Recovery Plan

Moved by Councillor Heit

Seconded by Councillor Edgar

That Memorandum CAO 12-2020, dated June 4, 2020, respecting Update on "*Open Niagara*" – Niagara Region's Recovery Plan, **BE RECEIVED** for information.

Carried

8. **BY-LAWS**

8.1 **Bill 2020-26**

Moved by Councillor Witteveen

Seconded by Councillor Diodati

That Bill 2020-26 being a by-law to adopt, ratify and confirm the actions of Regional Council at its special meeting held on June 4, 2020, **BE NOW READ** and **DO PASS**.

Carried

9. **ADJOURNMENT**

There being no further business, the meeting adjourned at 7:31 p.m.

Jim Bradley
Regional Chair

Ann-Marie Norio
Regional Clerk