

THE REGIONAL MUNICIPALITY OF NIAGARA

CORPORATE SERVICES COMMITTEE

REPORT 13-2007

Minutes of a meeting of the Corporate Services Committee held in Committee Room 4, Regional Municipal Building, Thorold, Ontario, on Wednesday, September 19, 2007, commencing at 9:00 a.m.

ATTENDANCE

Committee: Councillors Martin, Co-Chair; Collins, Co-Chair; Partington, Regional Chair; Augustyn; Bentley; Burroughs; Casselman; D'Angela; Heit; Saracino.

Staff: Mr. Trojan, Chief Administrative Officer; Mr. Bergsma, Commissioner, Corporate Services; Mr. Nicol, Commissioner, Human Resources; Ms. Gilroy, Regional Clerk; Ms. Reilly, Legislative Assistant.

Staff

Part-Time: Corporate Services: Mr. Bendell, Financial Analyst; Mr. Kyne, Director, Legal Services; Mr. Macklem, Acting Manager, Property Management; Ms. Pilon, Regional Deputy Clerk; Ms. Rae, Legal Counsel; Mr. Roach, Manager, P.W. Financial Services.

Others: Ms. Heidebrecht, Director, Children's Services; Mr. Weaver, Manager, Special Initiatives.

Others: Councillor Henderson.

ITEMS FOR CONSIDERATION

275. New Appointment to Corporate Services Committee
Councillor Martin, Committee Co-chair, advised that Councillor Henderson has requested to serve on the Corporate Services Committee.

Moved by Councillor Burroughs
Seconded by Councillor Saracino

That Regional Council appoint Councillor Barbara Henderson to serve on the Corporate Services Committee.

Carried.

276. Transfer of Funds – Contract RN 05-12
Central Pumping Station & Combined Sewer Overflow
High Rate Treatment Facility
In the City of Niagara Falls
Project ZSW9305/SW0230

CSD 146-2007 (PWA 148-2007)

Moved by Councillor Collins
Seconded by Councillor Burroughs

That Report CSD 146-2007 (PWA 148-2007), September 19, 2007, respecting the Transfer of Funds - Contract RN 05-12, Central Pumping Station & Combined Sewer Overflow, High Rate Treatment Facility in the City of Niagara Falls, Project ZSW9305/SW0230, be received;

That payment in the amount of \$2,261,000 be approved to V. Gibbons Contracting Ltd. for construction services and that payment in the amount of \$489,000 be approved to Associated Engineering for engineering services for the Central Pumping Station and Combined Sewer Overflow High Rate Treatment Facility, Contract RN 05-12, in the City of Niagara Falls;

That the project's costs be charged to Project ZSW9305/SW0230 Central Pumping Station & Combined Sewer Overflow High Rate Treatment Facility;

That previously approved Wastewater Reserve Fund financing in the amount of \$300,000 be transferred from Project ZSW0202/SW0202 Wastewater Facilities Condition Assessment to Project ZSW9305/SW0230 Central Pumping Station and Combined Sewer Overflow High Rate Treatment Facility;

That previously approved Wastewater Reserve Fund financing in the amount of \$1,000,000 be transferred from Project ZSW0112/SW0112 SCADA Updates to Project ZSW9305/SW0230 Central Pumping Station and Combined Sewer Overflow High Rate Treatment Facility;

That previously approved Wastewater Reserve Fund financing in the amount of \$350,000 be transferred from Project ZSW0304/SW0304 Wastewater Facilities Security Improvements to Project ZSW9305/SW0230 Central Pumping Station and Combined Sewer Overflow High Rate Treatment Facility; and

That the gross budget be increased by \$1,100,000 to reflect the additional cost sharing contribution from the City of Niagara Falls.

Carried.

(Refer to staff direction.)

(Please note that Report CSD 146-2007 (PWA 148-2007) can be found behind the JNT RPTS Blue Book Tab)

277. Contract RN 07-21 (2007-T-121)
Main Street Bridge (Structure No. 027220)
- Improvements, Over the Old Welland Canal
In the City of Welland
CSD 147-2007 (PWA 150-2007)

Moved by Councillor Saracino
Seconded by Councillor Bentley

That Report CSD 147-2007 (PWA 150-2007) respecting Contract RN 07-21 (2007-T-121) Main Street Bridge (Structure No. 027220) - Improvements, Over the Old Welland Canal in the City of Welland, be received.

That Contract RN 07-21 (2007-T-121), Main Street Bridge (Structure No. 027220) – Improvements, Over the Old Welland Canal, in the City of Welland, be awarded to the low tenderer, Holloway Philp Construction Ltd., at the bid price of \$630,470.00;

That a contingency allowance in the amount of \$100,000.00 be provided for this contract;

That the Engineering Agreement with the consulting firm of Urban & Environmental Management Inc., be extended to include the review of shop drawings and occasional site visits as required, with the fees being calculated on a time plus disbursements basis;

That the Regional Clerk be directed to ensure that the necessary by-laws, including the by-law authorizing the Regional Chair and Regional Clerk to execute the contract on behalf of the Regional Municipality of Niagara, are presented to Regional Council on September 27, 2007;

That Long Term financing (1-10 years) in the amount of \$150,000.00 be transferred from ZRC0701/RC0701 Roads Rehabilitation Program to Capital Works Project ZRC0219/RC0750 Main Street Bridge (Structure No. 027220) – Improvements, Over the Old Welland Canal;

That all project costs be charged against Capital works Project ZRC0219/RC0750.

Carried.

(Please note that Report CSD 147-2007 (PWA 150-2007) can be found behind the JNT RPTS Blue Book Tab)

ITEMS FOR DEBATE

278. Amendments to Procedural By-law No. 120-2005 – Updated
CSD 142-2007 (Revised)

Moved by Councillor Bentley
Seconded by Councillor Burroughs

That Report CSD 142-2007, August 28 & 29, 2007, respecting Amendments to Procedural By-law No. 120-2005 – Updated, be received.

That the Procedural By-law No. 120-2005 be repealed and replaced with the by-law attached as Appendix 1 and more particularly described in this report; and

That Policy C2.C01 respecting Confirming By-laws be repealed.

Moved by Councillor Collins
Seconded by Councillor Saracino

That the matter of “recorded votes in Closed Session” be lifted and dealt with separately by this Committee at this time.

Carried.

Recorded Votes in Closed Session

Moved by Councillor Collins
Seconded by Councillor Badawey

That there be no recorded votes in Closed Session.

A discussion ensued on a number of concerns related to the matter of carrying out recorded votes in Closed Session and the above motion requesting that the procedural by-law be amended to read “no recorded votes in Closed Session”.

Following a lengthy discussion, Committee requested further information from legal staff on the following:

- 1) Clarify whether it is legal to amend the procedural by-law to include the provision “no recorded votes in Closed Session”.
- 2) Clarify how the following from the Municipal Act Section 239, 6 (b) “the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board” is to be used under the Procedural By-law.
- 3) Clarify what Councillors are permitted to say publicly following a Closed Session meeting.

Moved by Councillor Casselman
Seconded by Councillor D'Angela

That Report CSD 142-2007, August 28 & 29, 2007, respecting Amendments to Procedural By-law No. 120-2005 – Updated, and the memorandum from Mary Rae, Legal Counsel (September 12, 2007) respecting Amendments to Procedural by-law be received and referred to Regional Council on September 27, 2007 for consideration pending further information from legal counsel as requested by Committee.

Carried.

ITEMS FOR INFORMATION

279. 2006 Municipal Performance
Measurement Program (MPMP) Report
CAO 9-2007

Moved by Councillor Burroughs
Seconded by Councillor D'Angela

That Report CAO 9-2007, September 19, 2007, respecting 2006 Municipal Performance Measurement Program (MPMP) Report, be received.

That this report be posted on the Regional Municipality of Niagara Internet site (www.regional.niagara.on.ca) to comply with the requirement of the Municipal Performance Measurement Program regarding the publication of Niagara Region's 2006 performance measurement information.

Carried.

(Mr. Weaver, Manager, Special Initiatives, will amend Report CAO 9-2007 to reflect suggestions made by Committee.)

280. Summary Report on Facility Lease Payments
CSD 145-2007

Moved by Councillor Saracino
Seconded by Councillor Bentley

That Report CSD 145-2007, September 19, 2007, respecting Summary Report on Facility Lease Payments, be received for information.

Carried.

(Refer to staff directions.)

OTHER BUSINESS

281. Corporate Services Committee Meeting Date
Councillor Collins inquired as to whether the Committee would like to change the date of its next meeting due to the Provincial election. Committee agreed to hold its meeting on October 10th as scheduled.
282. Shared Services Agreement
– Niagara Economic Development Corporation (NEDCO)
Mr. Bergsma, Commissioner, Corporate Services, advised that the NEDCO Board approved a Shared Services Agreement with the Region for the provision of Financial Management Services.
283. Changes in NPCA and Regional Planning Responsibilities
Councillor Burroughs commented that due to the recent changes in the roles and responsibilities of the NPCA, the Authority has had to hire additional staff and asked whether the Region has reduced its Planning staff. Staff was asked to look into this matter.

CLOSED SESSION

284. Moved by Councillor Bylsma
Seconded by Councillor Burroughs

That this Committee do now meet in Closed Session for purposes of receiving information of a confidential nature relating to personnel, property and legal matters.

Carried.

Conflict of Interest

Councillor Heit declared an indirect pecuniary interest with respect to Confidential Report CSD 143-2007/PWA 145-2007, A Proposed Acquisition of Land by the Municipality, Reconstruction of Regional Road No. 20, City of Thorold, as his employer is a business associate of the company named in the report and he therefore vacated the Committee Room and took no part in the discussion of, or voting on, this matter.

285. A Proposed Acquisition of Land by the Municipality
Reconstruction of Regional Road No. 20
City of Thorold
CSD 143-2007 (PWA 145-2007) Confidential

Moved by Councillor Casselman
Seconded by Councillor D'Angela

That Confidential Report CSD 143-2007 (PWA 145-2007), September 19, 2007, respecting A Proposed Acquisition of Land by the Municipality, Reconstruction of Regional Road No. 20, City of Thorold, be received and the recommendations contained therein be approved.

Carried.

(There being a lack of ordinary quorum at this point of the meeting, Councillor Martin, Committee Co-Chair, determined that the ordinary quorum for the meeting be reduced to six members, pursuant to Part 11, Section 11.7 of the Procedural By-law 7174-93.)

286. A Matter of Labour Relations – Children’s Services
Full-Time Equivalent Staff Changes
HR 29-2007 (COM 46-2007) Confidential

Moved by Councillor Martin
Seconded by Councillor Heit

That Confidential Report HR 29-2007, September 19, 2007 (COM 46-2007, September 18, 2007), respecting A Matter of Labour Relations – Children’s Services Full-time Equivalent Staff Changes, be received and the recommendations contained therein be approved; and

That the Corporate Services Committee be apprised of any reductions in provincial funding which impact this report.

Carried.

287. Memorandum from Michael Kyne
Re: Confidential Information
Confidential

Moved by Councillor Collins
Seconded by Councillor Saracino

That the confidential memorandum from Michael Kyne, Director, Legal Services, regarding confidential Information, be received.

Carried.

288. Moved by Councillor Heit
Seconded by Councillor Bylsma

That this Committee do now rise with report.

Carried.

STAFF DIRECTION

That staff be directed to:

- (i) Place the matter of “transfer of funds” on the next Audit Committee meeting for discussion. (Minute 276)
- (ii) Provide a breakdown of costs on the buildings previously leased by the Niagara Region for the departments that moved into Campbell East in order to assess cost efficiencies – Refer to a report in late 2003 or early 2004. (Minute 280)
- (iii) Provide a Chart detailing the square footage costs for the buildings currently leased by the Niagara Region. (Minute 280)

ADJOURNMENT

Committee adjourned at 11:55 a.m. to meet again on Wednesday, October 10, 2007, at 9:00 a.m. in Committee Room 4, Regional Headquarters.

Doug Martin
Co-Chair

Gail Reilly
Legislative Assistant

Michael Collins
Co-Chair

Pam Gilroy
Regional Clerk