

REGIONAL MUNICIPALITY OF NIAGARA

CL 1-2008

COUNCIL AGENDA

Thursday, January 17, 2008  
6:30 p.m.  
2201 St. David's Road  
Thorold, Ontario

1. Call to Order
2. Closed Session

Closed Session Reports as contained  
In Standing Committee Reports  
For Council Agenda CL 1-2008

A Matter of Labour Relations:  
Benefit Plans Market Review and Rate Renewals  
*(Report will be distributed at Council)*

3. Invocation 7:00 p.m.
4. Singing of 'O Canada'
5. Adoption of Agenda
  - 5.1 Addition of Items
  - 5.2 Changes in Order of Items
  - 5.3 Conflicts of Interest
6. Presentations

**2007 NIAGARA REGIONAL CHAIRMAN'S CHARITY GOLF TOURNAMENT  
CHEQUE PRESENTATIONS**

**FEDERATION OF CANADIAN MUNICIPALITIES – UPDATE**  
*Councillor David Alexander, Welland*

7. Chair's Reports, Announcements, Remarks

8. Adoption of Minutes
  - Committee of the Whole 11-2007  
Thursday, December 20, 2007
  - Council Report CL 17-2007  
Thursday, December 20, 2007
9. Correspondence, Petitions (CA 3-2008)
  - a) Receive and/or Refer to Staff
  - b) For Consideration
10. Resolutions from Other Municipalities
11. Delegations (related to Committee Reports)
12. Agencies, Boards and Commissions
13. Committee Reports (CA 5-2008)
14. Chief Administrative Officer's Report
15. Motions (CA 6-2008)
16. Notices of Motion
17. Other Business
18. By-laws (CA 8-2008)
19. Confirming By-law – Bill 2
20. Adjournment

Pam Gilroy  
Regional Clerk

9. Correspondence

a) Receive and/or Refer to Staff

C6989 A letter from Jack Lightstone, President and Vice-Chancellor (December 10, 2007) to Peter Partington, Regional Chair updating Regional Council on the establishment by Brock of the Niagara Health-Scient and Bio-Science Research Centre (NHBRC).

Recommended Action:

-- Receive.

C6990 Card of thanks from Anita Zdrojewski, an employee of the Community Services Department, for the kind donation to the Alzheimer Society of Niagara in memory of her father Howard Lane.

Recommended Action:

-- Receive.

C6991 A letter from David Forsyth (December 12, 2007) to Regional Council recognizing and thanking the Town of Grimsby community, the Niagara Region and the Hamilton organizations for their prompt response and care during his Cardiac Arrest.

Recommended Action:

-- Receive.

C6992 A letter from Minister George Smitherman, Ministry of Health and Long-Term Care (December 14, 2007) to Regional Chair Partington respecting Niagara Region's share of the recently announced 2008 planned grant funding for providing land ambulance services.

Recommended Action:

-- Receive.

C6993 A letter from Minister Dwight Duncan, Ministry of Finance and Minister Jim Watson, Ministry of Municipal Affairs and Housing (December 21, 2007) to Regional Chair Partington respecting the Ontario Municipal Partnership Fund (OMPF) allocations for 2008.

Recommended Action:

-- Receive and refer to the Departmental Budget Coordinators.

C6994 An e-mail from Greg Levine (January 11, 2008) respecting  
Niagara Region's Closed Meeting Investigator.

Recommended Action:

-- Receive.

13. Committee Reports

**PLANNING AND PUBLIC WORKS COMMITTEE**

Report PPW 1-2008, Wednesday, January 9, 2008

**CORPORATE SERVICES COMMITTEE**

Report CSC 1-2008, Wednesday, January 9, 2008

15. Motions

**Councillor Marshall gave notice at the Council meeting on December 20, 2007 that he would bring forward the following motion for consideration of Council at its meeting of January 17, 2008:**

**Recommence the Fluoridation of the Water Supply in the City of Welland**

WHEREAS the Township of Pelham enacted By-law Number 1351, being a By-law wherein the Township of Pelham entered into a contract with the Board of Water Commissioners of the Corporation of the City of Welland to receive water through the water distribution system of the City of Welland on August 4, 1951, and the City of Welland enacted By-law Number 2134, being a By-law to Authorize the Execution of an Agreement Between the Board of Water Commissioners of the City of Welland, the Township of Pelham and the City of Welland for Supplying Water to the Residents of Said Township on October 2, 1951; and

WHEREAS subsequent to the affirmative result of the referendum held by the City of Welland on December 1, 1962 to the question: "Are you in favour of the Fluoridation of the Public Water Supply, of this Municipality?", the City of Welland passed By-law 3159, being a By-law to Establish a Fluoridation System in Connection with the Water Works System in the City of Welland; and

WHEREAS the Province of Ontario passed the Regional Municipality of Niagara Act (Bill 174) in 1969 thereby amalgamating the counties of Lincoln and Welland and creating the Regional Municipality of Niagara effective January 1, 1970; and

WHEREAS by By-law 69-9 dated December 19, 1969, Niagara Region met its obligation under section 37(1) of *The Regional Municipality of Niagara Act*, which obliged it to, before December 31, 1969, pass by-laws effective January 1, 1970 "assuming as part of the Regional Waterworks System all works for the production, treatment and storage of water operated by or on behalf of each municipality . . . and all rights and obligations of an area municipality . . . in relation to such works . . ."; and

WHEREAS effective January 1, 1970, Niagara Region assumed the responsibility for the continuation of the existing water service in Welland, which included the fluoridation of the water in the City of Welland and maintained fluoridation of the water system in Welland until 1999; and

WHEREAS due to operational, financial and workplace safety issues, the Public Works Department ceased fluoridation of the water system in Welland in 1999; and

WHEREAS on receiving Report PWA 88-2007 dated May 16, 2007, respecting an Update on the Status of Fluoridation in Niagara Region's Water System which recommended that a Regional By-law be passed to formally discontinue fluoridation in those parts of Niagara Region's water distribution system where fluoridation had previously been provided, Regional Council directed staff to hold public meetings with local municipal councils to review issues relevant to the delivery of fluoridated water and report to Regional Council; and

WHEREAS it is submitted that the Niagara Region had no authority to discontinue the fluoridation of the water supply in the City of Welland;

THEREFORE BE IT RESOLVED:

That Regional Council direct staff to recommence the fluoridation of the water supply in the City of Welland consistent with Niagara Region's obligations under *The Regional Municipality of Niagara Act* and Niagara Region By-law 69-9.

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**Councillor Greenwood gave notice at the Council meeting on December 20, 2007 that she would bring forward the following motion for consideration of Council at its meeting of January 17, 2008:**

**Appointment of Municipal Investigator**

WHEREAS Regional Council has approved the reconsideration of the matter approved at the November 21, 2007 Corporate Services Committee meeting, and ratified by Council on November 29, 2007 respecting the Appointment of Local Authority Services Limited (LAS) as an Investigator in accordance with section 239.2 of the Municipal Act effective January 1, 2008 at the December 20, 2007 Regional Council meeting; and

WHEREAS members of Regional Council received presentations from representatives of Local Authority Services Limited (LAS) and the Provincial Ombudsman's office at the Corporate Services Committee meeting on January 9, 2008.

THEREFORE BE IT RESOLVED:

That Regional Council renounce their previous decision to appoint Local Authority Services Limited (LAS) as Investigator in accordance with section 239.2 of the Municipal Act effective January 1, 2008; and make no decision as to an Investigator, thereby knowingly appointing the Provincial Ombudsman as Investigator by default.

18. By-Laws

Bill 1

A By-Law to Authorize a 2008 Interim Levy for the Regional Municipality of Niagara