

THE REGIONAL MUNICIPALITY OF NIAGARA

CORPORATE SERVICES COMMITTEE

REPORT 1-2008

Minutes of a meeting of the Corporate Services Committee held in Council Chambers, Regional Municipal Building, Thorold, Ontario, on Wednesday, January 9, 2008, commencing at 9:00 a.m.

ATTENDANCE

Committee: Councillors Martin, Co-Chair; Collins, Co-Chair; Augustyn; Badawey; Bentley; Burroughs; Bylsma; Casselman; D'Angela; Greenwood; Henderson; Heit; Puttick; Saracino; Zimmerman.

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: Administration: Ms. Papaiz, Coordinator, Communications; Mr. Pilon, Executive Assistant to Regional Chair.
Corporate Services: Mr. Bernard, Associate Director, Court Services; Mr. Kyne, Director, Legal Services; Mr. Lockyer, Treasurer/Director, Financial and Management Planning; Ms. Pilon, Deputy Regional Clerk; Ms. Rae, Legal Counsel.
Public Works: Mr. Inman, Associate Director, Energy Management.

Others: Councillors Baty; Forster; Marshall and Salci.

ITEMS FOR CONSIDERATION

1. Procedure to Select Committee Co-Chairs
CSD 01-2008

Pam Gilroy, Regional Clerk, called for nominations for the position of Co-Chair, (Aligned to the Corporate Services Department), of the Corporate Services Committee.

Moved by Councillor Saracino
Seconded by Councillor Augustyn

That Councillor Martin be nominated for the position of Co-Chair, (Aligned to the Corporate Services Department), of the Corporate Services Committee.

Carried.

Moved by Councillor Casselman
Seconded by Councillor Badawey

That Councillor Heit be nominated for the position of Co-Chair, (Aligned to the Corporate Services Department), of the Corporate Services Committee.

Carried.

Ms. Gilroy called a second and third time for nominations.

Moved by Councillor Saracino
Seconded by Councillor Bentley

That nominations for the position of Co-Chair, (Aligned to the Corporate Services Department), of the Corporate Services Committee, be closed.

Carried.

Upon a vote being taken, Ms. Gilroy, with the agreement of Councillor Martin declared him Co-Chair, (Aligned to the Corporate Services Department), of the Corporate Services Committee for the year 2008.

Ms. Gilroy called for nominations for the position of Co-Chair, (Aligned to the Human Resources Department), of the Corporate Services Committee.

Moved by Councillor Martin
Seconded by Councillor Augustyn

That Councillor Collins be nominated for the position of Co-Chair, (Aligned to the Human Resources Department), of the Corporate Services Committee.

Carried.

Ms. Gilroy called a second and third time for nominations.

Moved by Councillor Saracino
Seconded by Councillor Bentley

That nominations for the position of Co-Chair, (Aligned to the Human Resources Department), of Corporate Services Committee be closed.

Carried.

There being no other nominations, Ms. Gilroy, with the agreement of Councillor Collins, declared him Co-Chair, (Aligned to the Human Resources Department), of the Corporate Services Committee for the year 2008.

Councillor Martin, Co-Chair, assumed the Chair.

CORRESPONDENCE

2. Moved by Councillor Badawey
Seconded by Councillor Collins

That Communication CSC 1-2008 from Ursula Bennett, The Mississauga Muse (January 7, 2008) requesting approval to video or audio tape the presentations by AMO and LAS and the Ombudsman at the Corporate Services Committee meeting of January 9, 2008, be received and approved.

Carried.

PRESENTATIONS

3. Gareth Jones, Director, Special Ombudsman Response Team and
Head of Investigations, Ombudsman's Office
Wendy Ray, Senior Counsel and Acting Deputy Ombudsman
Section 239.2 Municipal Act "Closed Meeting Investigations"

Mr. Jones, Director, Special Ombudsman Response Team (SORT) and Head of Investigations, together with Wendy Ray, Senior Counsel and Acting Deputy Ombudsman, attended Committee to provide an overview of the role of the Ombudsman and the procedure for closed meeting complaints. He advised that as of January 1, 2008 the Municipal Act, 2001 provides that any person may request an investigation into whether a municipality or local board has complied with the open meeting requirements or the procedural bylaw relating to any meeting or part of a meeting that was closed to the public. If a municipality has not appointed an investigator, the Ombudsman of Ontario has authority to investigate complaints about closed meetings. The Ombudsman also has discretion to decline to investigate cases where it is determined the complaint is frivolous, vexatious, not made in good faith, or trivial. The Ombudsman's investigations are conducted at no cost to those who complain or to municipalities or local boards. Mr. Jones commented that the only requirement of municipal staff will be to co-operate with the investigative process by providing the information requested. The Ombudsman's process respects the values of independence, impartiality, confidentiality and a credible investigative process and has been proven effective in resolving tens of thousands of cases per year in a timely manner.

Following the presentation a question and answer period occurred. The Committee's foremost concern was clarification on what the true per diem cost would be for the Ombudsman's investigations, noting that these investigations would not be "free" to the taxpayer. The presenters advised that they would not know how the investigations would impact the Ombudsman's Office budget until later in the year and that for this year, there is no move to adjust the Ombudsman's Office Budget.

Moved by Councillor Collins
Seconded by Councillor D'Angela

That the presentation from Gareth Jones, Director, Special Ombudsman Response Team and Head of Investigations and Wendy Ray, Senior Counsel and Acting Deputy Ombudsman and Communication CSC 2-2008 regarding the new amendments to the Municipal Act concerning closed meetings, be received.

Carried.

4. Pat Vanini, Executive Director, Association of Municipalities of Ontario (AMO)
Nancy Plumridge, President, Local Authority Services (LAS)
Section 239.2 Municipal Act "Closed Meeting Investigations"
LAS Investigator Program
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Pat Vanini, Executive Director, AMO and Nancy Plumridge, President, LAS attended to provide a brief overview of the Association of Municipalities of Ontario (AMO) and the LAS Investigator Program. Ms. Plumridge provided background information on the Local Authority Services (LAS) and the services it provides that leverage economies-of-scale and co-operative procurement efforts, such as the Electricity and Natural Gas Procurement Programs and the ONE Funds Municipal Investment Program. The Investigator Program was created at the request of municipalities who wanted to employ a pool based approach to implementing the Municipal Act's closed meeting provisions. Ms. Vanini highlighted the program noting that the investigations are carried out by Amberley Gavel, an independent pool of respected individuals who are beyond reproach. The program is based on a cost recovery, not for profit design. The revenue funds credible investigations and minimal administration with full transparency to taxpayers. Some benefits to participating municipalities include:

- There will be a password protected website for participating municipalities that will provide a variety of information resources including access to all reports made to date
- LAS will provide information on the panel of Review Officers.
- LAS will also provide information and suggestions on closed meetings as part of an ongoing educational program.

Ms. Vanini provided a brief overview of the Associations of Municipalities of Ontario (AMO) which is a non-profit organization representing almost all of Ontario's 445 municipal governments. AMO believes that Ontario's municipal governments can and should be called upon to exercise their legal rights with independence and integrity.

A brief question and answer period occurred after the presentation.

Moved by Councillor Zimmerman
Seconded by Councillor Greenwood

That the presentations by Pat Vanini, Executive Director, Association of Municipalities of Ontario (AMO) and Nancy Plumridge, President, Local Authority Services (LAS) regarding Section 239.2 Municipal Act "Closed Meeting Investigations" and the LAS Investigator Program, be received.

Carried.

ITEMS FOR CONSIDERATION (continued)

5. Moved by Councillor Badawey
Seconded by Councillor Augustyn

That Report CSD 01-2008, January 9, 2008, respecting Procedure to Select the Committee Co-Chairs, be received.

Carried.

6. **2008 Interim Levy Dates and Amounts**
CSD 02-2008

Moved by Councillor Burroughs
Seconded by Councillor D'Angela

That Report CSD 02-2008, January 9, 2008, respecting 2008 Interim Levy Dates and Amounts, be received.

That the interim due dates for the Regional Levy be approved in the amounts and on the dates as shown on Schedule A attached to this report.

That the Regional Clerk ensure that the appropriate by-law is prepared for presentation to Regional Council.

That this report be circulated to the Councils of the Area Municipalities for information.

Carried.

7. Approval of Spending Limits During the Interval Prior
To the Approval of the 2008 Budget Estimates
CSD 03-2008

Moved by Councillor Augustyn
Seconded by Councillor Burroughs

That Report CSD 03-2008, January 9, 2008, respecting Approval of Spending Limits During the Interval Prior to the Approval of the 2008 Budget Estimates, be received.

That, in the absence of an adopted 2008 Current and Capital budget, the Corporate Services Committee approves the following:

- (i) Regional Departments, Boards, and Agencies be allowed to incur costs to a level of 50% of the departmental expenditure budget of the prior (2007) year.
- (ii) Capital projects as identified in the 2008 Capital budget deemed essential by a department be approved by the respective Standing Committee, Board, or Agency and Corporate Services Committee.
- (iii) That this policy be communicated to all Department directors, Boards and Agencies.

Moved by Councillor Augustyn
Seconded by Councillor Burroughs

That the recommendations within Report CSD 03-2008 be amended to include “that no additional Capital spending be permitted during this interval prior to the approval of the 2008 Budget Estimates”.

Carried.

Upon a vote being taken, the original motion, **as amended**, was carried.

8. 2008 Current Borrowing By-law
CSD 04-2006

Moved by Councillor D'Angela
Seconded by Councillor Greenwood

That Report CSD 04-2008, January 9, 2008 respecting 2008 Current Borrowing By-law, be received.

That Regional Council, pursuant to Section 407 of the Municipal Act, RSO, 2001, as amended, the Regional Chair and Treasurer be authorized to borrow to meet current expenditures for the year 2008.

Carried.

9. Switching to Market Based Time of Use Rates for Electricity
CSD 05-2008 (PWA 01-2008)

Moved by Councillor Collins
Seconded by Councillor Puttick

That Report CSD 05-2008 (PWA 01-2008), January 9, 2008, respecting Switching to Market Based Time of Use Rates for Electricity, be received.

That the Region proactively move from the Regulated Price Plan (RPP) to Market-based, time of use rates to reduce the price paid for electricity.

That the initial scope includes water, wastewater and waste management facilities, representing almost \$4.0 million in electricity consumption. The Associate Director, Energy Management will coordinate the transition process with the Local Electricity Distribution Companies and in cooperation with Public Works staff in Water, Wastewater and Waste Management.

That other sites under the Region's control may also be changed over to time of use rates where savings opportunities exist.

Carried.

(Please note that Report CSD 05-2008 (PWA 01-2008)) can be found behind the JNT RPTS Blue Book Tab)

MINUTES

10. 4-2007

Moved by Councillor Collins
Seconded by Councillor Augustyn

That 4-2007 being the minutes of the Regional Development Charges Task Force meeting of November 27, 2007, be approved.

Carried.

CORRESPONDENCE

11. Moved by Councillor Augustyn
Seconded by Councillor Puttick

That Communication CSC 50-2007 from Cheryl Miclette, Town Clerk, Town of Pelham (CSC 50-2007) regarding its Council's resolution supporting the resolution enacted by the City of Welland whereby they oppose the Niagara Regional Police Commission's Plan to shop for automobiles in the USA and that they be encouraged to purchase only domestic vehicles, be received.

Carried.

OTHER BUSINESS

12. Human Resources Closed Session Matter

Councillor Collins advised that there will be a confidential Human Resources matter that will need to be dealt with during the Closed Session meeting of Regional Council on Thursday, January 17, 2008 at 6:30 p.m. Mr. Nicol will be “walking in” a report on this matter for the meeting.

Quorum

There being a lack of ordinary quorum at the meeting, Councillor Martin, Committee Co-Chair, determined that the ordinary quorum for the meeting be reduced to five members, pursuant to Section 22.10 of the Procedural By-law 96-2007.

CLOSED SESSION

13. Moved by Councillor Collins
Seconded by Councillor Casselman

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.

14. A Matter of Labour Relations or Employee
Negotiations (Municipal Prosecutions Update)
JBM 4-2007

Moved by Councillor Puttick
Seconded by Councillor Collins

That Confidential Report JBM 4-2007, December 5, 2007, respecting A Matter of Labour Relations or Employee Negotiations (Municipal Prosecutions Update), be received and the recommendations contained therein be approved.

Carried.

15. Moved by Councillor Collins
Seconded by Councillor Greenwood

That this Committee do now rise with report.

Carried.

MINUTES (continued)

16. 4-2007

Moved by Councillor Collins
Seconded by Councillor Augustyn

That 4-2007 being the minutes of the Joint Board of Management Niagara Region Courts meeting of December 5, 2007, be approved.

Carried.

ADJOURNMENT

Committee adjourned at 11:55 a.m. to meet again on Wednesday, January 30, 2008, 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