



**City of Port Colborne
Regular Meeting of Council 13-20
Monday, May 25, 2020 – 6:30 p.m.
Council Chambers, 3rd Floor, 66 Charlotte Street**

Agenda

Notice: Council will meet through electronic participation in accordance with Bill 137, the Municipal Emergency Act in order to keep the health and safety of our community as a priority. If you wish to provide public comments regarding an item on the agenda please submit to deputyclerk@portcolborne.ca by noon on Monday, May 25, 2020.

Watch the Council Meeting streaming live on our [YouTube Channel](#).

1. **Call to Order:** Mayor William C. Steele
2. **Introduction of Addendum Items:**
3. **Confirmation of Agenda:**
4. **Disclosures of Interest:**
5. **Adoption of Minutes:**
 - (a) Regular meeting of Council 10-20, held on April 27, 2020.
6. **Determination of Items Requiring Separate Discussion:**
7. **Approval of Items Not Requiring Separate Discussion:**
8. **Consideration of Items Requiring Separate Discussion:**
9. **Proclamations:**
 - (a) Seniors' Month, June 1-30, 2020
10. **Minutes of Boards, Commissions & Committees:**

Nil.
11. **Consideration of By-laws:**
12. **Adjournment:**

Council Items:

Notes	Item	Description / Recommendation	Page
WCS MB EB RB GB FD AD DK HW	1.	<p><u>Fire and Emergency Services Department, Report 2020-35, Subject: Open Burning By-law</u></p> <p>That Fire and Emergency Services Department Report No. 2020-35, Open Air Burning By-law, be received for information; and</p> <p>That Council of The Corporation of the City of Port Colborne approve Option No. 2 – Continue to Enforce the Existing Open Air Burning By-law.</p>	11
WCS MB EB RB GB FD AD DK HW	2.	<p><u>Chief Administrative Officer Department, Report 2020-66, Subject: Carl Road road allowance – Proposed Sale</u></p> <p>That Chief Administrative Officer Report No. 2020-66, Carl Road road allowance – Proposed Sale, be received for information.</p>	51
WCS MB EB RB GB FD AD DK HW	3.	<p><u>Chief Administrative Officer Department, Report 2020-70, Subject: COVID-19 Update #2</u></p> <p>That Chief Administrative Officer Report No. 2020-70, COVID-19 Update #2, be received for information.</p>	53
WCS MB EB RB GB FD AD DK HW	4.	<p><u>Engineering and Operations Department, Operations Division, Report 2020-58, Subject: Drinking Water Quality Management System Part 1 Management Review Summary</u></p> <p>That Engineering and Operations Department, Operations Division Report No. 2020-58, Drinking Water Quality Management System, Part 1 Management Review Summary, be received for information.</p>	63
WCS MB EB RB GB FD AD DK HW	5.	<p><u>Engineering and Operations Department, Engineering Division, Report 2020-62, Subject: Project No.: 2015-04, City Wide Grass Mowing Contract, Extension</u></p> <p>That the current City Wide Roadside Grass Mowing Contract No. 2015-04 with The Greenfield Group be extended for another year, at a 0% increase over the 2019 unit rates;</p> <p>That staff be directed to utilize the bid items as listed within the existing Tender Document in such manner as to complete all works as may be</p>	93

			<p>required for each year, all as approved in the annual budget by Council, for each of those years;</p> <p>That a by-law, whereby the City enters into a Contract Agreement with the contractor be prepared to extend the contract as stated and the City Clerk and Mayor be authorized to execute the Contract Agreement.</p> <p>That funding for the extension of Project No. 2015-04, be financed under the following GL Account number for annual roadside grass mowing, GL#0-500-73410-3328.</p>	
WCS RB AD	MB GB DK	EB FD HW	<p>6. <u>Planning and Development Department, Report 2020-51, Subject: Community Improvement Plan Incentives – 118 West Street (SouthPort Condos Inc.)</u></p> <p>That the Tax Increment Grant application submitted by SouthPort Condos Inc. for the property at 118 West Street be approved along with a three (3) year tax freeze in accordance with the Downtown CIP and Brownfield CIP; and</p> <p>That the Mayor and City Clerk be directed to execute the Grant Agreement attached hereto as Appendix A.</p>	95
WCS RB AD	MB GB DK	EB FD HW	<p>7. <u>Planning and Development Department, Planning Division, Report 2020-59, Subject: Mineral Aggregate Operation Zone</u></p> <p>That Planning and Development Department, Planning Division, Report No. 2020-59, Subject: Mineral Aggregate Operation Zone, be received for information.</p>	115
WCS RB AD	MB GB DK	EB FD HW	<p>8. <u>Planning and Development Department, Planning Division, Report 2020-67, Subject: Recommendation Report on Removing 3620 Second Concession from the Municipal Registry of Heritage Properties</u></p> <p>That Council of the City of Port Colborne removes from the Municipal Registry of Heritage Properties the lands legally known as Humberstone Plan Concession 3 Part of Lots 9 and 10, in the City of Port Colborne, Regional Municipality of Niagara; municipally known as 3620 Second Concession.</p>	119

WCS MB EB RB GB FD AD DK HW	9.	<p>Planning and Development Department, By-law Enforcement Division, Report 2020-64, Subject: Parking and Traffic – Nickel Street</p>	125																		
		<p>That the Council of the City of Port Colborne approve the following amendment to By-law No. 89-2000, Being a By-law regulating traffic and parking on City roads;</p>																			
		<p>1. That Schedule “E” Limited Parking Restrictions, to By-law 89-2000 as amended, be amended by adding thereto the following:</p>																			
		<table border="1"> <thead> <tr> <th>Column 1</th> <th>Column 2</th> <th colspan="2">Column 3</th> <th>Column 4</th> <th>Column 5</th> </tr> <tr> <th>Highway</th> <th>Side</th> <th>From</th> <th>To</th> <th>Times/Days</th> <th>Maximum</th> </tr> </thead> <tbody> <tr> <td>Nickel Street</td> <td>North</td> <td>8m east of the east limit of Fares Street</td> <td>11m east therefrom</td> <td>7:30 a.m. to 10:00 p.m. Mon to Sun</td> <td>2 hours</td> </tr> </tbody> </table>	Column 1	Column 2	Column 3		Column 4	Column 5	Highway	Side	From	To	Times/Days	Maximum	Nickel Street	North	8m east of the east limit of Fares Street	11m east therefrom	7:30 a.m. to 10:00 p.m. Mon to Sun	2 hours	
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		<p>2. That Schedule “C” Parking Prohibitions, to By-law 89-2000 as amended, be amended by adding thereto the following:</p>																			
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WCS MB EB RB GB FD AD DK HW	10.	<p>Corporate Services Department, Finance Division, Report 2020-61, Subject: 2020 Final Tax Rates</p>	131																		
		<p>That Council approves the rates of taxation for the year 2020; and</p>																			
		<p>That the 2020 tax rate by-law be executed by the Mayor and City Clerk; and</p>																			
		<p>That the 2020 final billing for the residential, multi-residential, commercial, industrial, pipeline, farmland, managed forest and farmland awaiting development tax classes have a demand (mailing) date of June 11, 2020 with due dates of July 2 and October 1, 2020.</p>																			

Miscellaneous Correspondence					
WCS	MB	EB	11.	<p><u>ADR Chambers Integrity Commissioner Office for the City of Port Colborne Re: Complaint Reference Number IC-184-0220 (filed February 28, 2020) Ron Baarda and Councillor Ron Bodner</u></p> <p>That Integrity Commission Report IC-184-0220, be received for information.</p>	139
RB	GB	FD			
AD	DK	HW			
WCS	MB	EB	12.	<p><u>Memorandum from Karen Walsh, Executive Assistant to Director of Community & Economic Development, Re: Senior Advisory Council – Proclamation of June 2020 as Seniors’ Month</u></p> <p>That June 1 – 30, 2020 be proclaimed as “Seniors’ Month” in the City of Port Colborne in accordance with the request received from Karen Walsh, Executive Assistant, on behalf of the Senior Advisory Council.</p>	177
RB	GB	FD			
AD	DK	HW			
WCS	MB	EB	13.	<p><u>Memorandum from Nancy Giles, EA to CAO and Mayor and Staff Liaison to the Grant Policy Committee Re: Recommendations of Grant Policy Committee</u></p> <p>That the memorandum from Nancy Giles, EA to CAO and Mayor and Staff Liaison to the Grant Policy Committee Re: Recommendations of Grant Policy Committee, be received for information;</p> <p>That the following donation/sponsorship requests be approved for a total of \$12,200:</p> <p>Education Foundation of Niagara - \$1,800 Habitat for Humanity - \$3,400 Port Colborne Lions Club - \$5,000 Women’s Place of South Niagara - \$2,000</p> <p>That the following donation/sponsorship requests be approved if the program operates in 2020 for a total of \$3,800:</p> <p>YMCA of Niagara - \$2,000 Community Living Port Colborne Wainfleet - 1,800</p> <p>That the Grant Policy be amended to include:</p> <ol style="list-style-type: none"> 1. That funds be used within one year of approval. 2. That 3 estimates be provided with the application for requests for capital improvements. 	179
RB	GB	FD			
AD	DK	HW			

WCS RB AD	MB GB DK	EB FD HW	14.	<p><u>Region of Niagara Re: Report CSD 30-2020 COVID-19 Preliminary Overview of Financial Impacts</u></p> <p>That the correspondence received from the Region of Niagara Re: Report CSD 30-2020 COVID-19 Preliminary Overview of Financial Impacts, be received for information.</p>	181
WCS RB AD	MB GB DK	EB FD HW	15.	<p><u>Region of Niagara Re: Memorandum CHR 2-2020 COVID-19 Government Relations Strategy</u></p> <p>That the correspondence received from the Region of Niagara Re: Memorandum CHR 2-2020 COVID-19 Government Relations Strategy, be received for information.</p>	193
WCS RB AD	MB GB DK	EB FD HW	16.	<p><u>Region of Niagara Re: Report PDS 19-2020 2019 End of Year Growth Report</u></p> <p>That the correspondence received from the Region of Niagara Re: Report PDS 19-2020 2019 End of Year Growth Report, be received for information.</p>	215
WCS RB AD	MB GB DK	EB FD HW	17.	<p><u>Region of Niagara Re: Report PDS 13-2020 2019 Reserve Water and Wastewater Treatment Capacities</u></p> <p>That the correspondence received from the Region of Niagara Re: Report PDS 13-2020 2019 Reserve Water and Wastewater Treatment Capacities, be received for information.</p>	227
WCS RB AD	MB GB DK	EB FD HW	18.	<p><u>Region of Niagara Re: Report CSD 23-2020 2020 Property Tax Policy, Ratios and Rates</u></p> <p>That the correspondence received from the Region of Niagara Re: Report CSD 23-2020 2020 Property Tax Policy, Ratios and Rates, be received for information.</p> <p>Note: The appendices to Report CSD 23-2020 may be found at the following link: https://pub-niagararegion.escribemeetings.com/Meeting.aspx?Id=c0801ab6-e745-4046-9f42-21bd90203627&Agenda=Merged&lang=English</p>	239

WCS	MB	EB	19.	<u>Region of Niagara Re: Report 8-2020 Optional Tax on Vacant Residential Units</u>	269
RB	GB	FD			
AD	DK	HW		That the correspondence received from the Region of Niagara Re: Report 8-2020 Optional Tax on Vacant Residential Units, be received for information.	
WCS	MB	EB	20.	<u>CN Rail Re: CN Right of Way Vegetation Control</u>	281
RB	GB	FD			
AD	DK	HW		That the correspondence received from CN Rail Re: CN Right of Way Vegetation Control, be received for information.	
Outside Resolutions – Requests for Endorsement					
WCS	MB	EB	21.	<u>City of Welland Re: COVID-19 Financial Impact Report</u>	285
RB	GB	FD			
AD	DK	HW		That the resolution received from the City of Welland Re: COVID-19 Financial Impact Report, be received for information.	
WCS	MB	EB	22.	<u>City of St. Catharines Re: COVID-19 Update</u>	295
RB	GB	FD			
AD	DK	HW		That the resolution received from the City of St. Catharines Re: COVID-19 Update, be received for information.	
WCS	MB	EB	23.	<u>Town of Lincoln Re: Request for Emergency Funding for Municipalities from the Government of Canada</u>	297
RB	GB	FD			
AD	DK	HW		That the resolution received from the Town of Lincoln Re: Request for Emergency Funding for Municipalities from the Government of Canada, be received for information.	
WCS	MB	EB	24.	<u>Town of Oakville Re: Rent Relief Advocacy Letter</u>	299
RB	GB	FD			
AD	DK	HW		That the Rent Relief Advocacy Letter received from the Town of Oakville requesting changes to the Canada Emergency Commercial Rent Assistance (CERCA) program, be supported; and That the Mayor be directed to contact the Provincial and Federal Ministers of Finance to provide support for this request.	
WCS	MB	EB	25.	<u>Town of Grimsby Re: Support for Commercial Rent Assistance Program</u>	303
RB	GB	FD			
AD	DK	HW		That the resolution received from the Town of Grimsby Re: support for Commercial Rent Assistance Program, be received for information.	

WCS RB AD	MB GB DK	EB FD HW	26.	<p><u>City of Hamilton Re: Request to Regulate and Enforce Odour and Lighting Nuisances Related to the Cultivation of Cannabis Plants</u></p> <p>That the resolution received from the City of Hamilton Re: Request to Regulate and Enforce Odour and Lighting Nuisances Related to the Cultivation of Cannabis Plants, be received for information.</p>	307
WCS RB AD	MB GB DK	EB FD HW	27.	<p><u>Town of Fort Erie Re: Niagara Parks Commission Development of Miller's Creek Marina</u></p> <p>That the resolution received from the Town of Fort Erie Re: Niagara Parks Commission Development of Miller's Creek Marina, be received for information.</p>	309
WCS RB AD	MB GB DK	EB FD HW	28.	<p><u>Township of Armour Re: High Speed Internet Connectivity in Rural Ontario</u></p> <p>That the resolution received from the Township of Armour Re: High Speed Internet Connectivity in Rural Ontario, be received for information.</p>	311
Responses to City of Port Colborne Resolutions					
Nil.					

**Consideration of By-laws
(Council Agenda Item 11)**

By-law No.	Title
6781/30/20	Being a By-law to Authorize Entering Into a Contract Agreement with The Greenfield Group Re: Project No. 2015-04, City Wide Grass Mowing Contract Extension
6782/31/20	Being a By-law to Authorize Entering Into a Grant Agreement with SouthPort Condos Inc. for Community Improvement Plan Incentives
6783/32/20	Being a By-law to Amend By-law No. 89-2000, as Amended, Being a By-law Regulating Traffic and Parking on City Roads (Nickel Street)
6784/33/20	Being a By-law to Set and Levy the Rates of Taxation for City Purposes for the Year 2020
6785/34/20	Being a By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne at its Regular Meeting of May 25, 2020

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Report Number: 2020-35

Date: May 25, 2020

SUBJECT: OPEN BURNING BY-LAW

1) PURPOSE

The Fire Chief has prepared this report at the request of City Council. Council has directed that the Fire Chief provide various options that are available concerning updating the City's current By-law No. 6280/106/15 being a by-law to regulate open air burning in the City.

Council may choose one of the options that will be outlined by the Fire Chief, or choose to amend an option, or update the City's current by-law.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

On October 15, 2019, Council approved a motion to investigate options for open air burning and report back to Council with recommendations. Council members indicated they had received requests from the public to allow open fires within City limits.

The current City By-law No. 6280/106/15 prohibits open fires within City limits. The by-law requires that the Fire Chief must approve all open fires. That normally does not happen unless it is a farm or as may be directed by Council.

The Fire Department responds to burning complaints from citizens or out of control fires. Over the years, this normally amounts in the area of fifty to sixty fire calls per year.

Council has discussed the issue of open burning versus fires through a permit system on several occasions since 2015. The decision, to this point, has been to leave the current system in place.

A Committee of Council struck several years ago, met a number of times, and reviewed various alternatives available. The result was a determination not to move forward with allowing open burning within the City. The Fire Master Planning Committee also discussed this issue and made the same determination.

3) STAFF COMMENTS AND DISCUSSIONS

Open air burning has always been a point of discussion within Port Colborne and many other Municipalities. The current Fire Chief has worked within five (5) different Municipalities in his career. In all cases, there are varying points of view and one answer will not please everyone.

Port Colborne's Fire Chief has worked in municipalities that have allowed open air burning through a permit system, as well as municipalities that restrict open air burning to the requirements of the Ontario Fire Code, and municipalities that strictly enforce the requirements of a burning by-law. All of these options come with enforcement issues, as well as complaints.

Ontario Fire Code

(1) The Ontario Fire Code was updated effective January 2015. Open Air Burning Section 2.4.4.4 (1) Open Air Burning shall not take place unless:

- a) It has been approved, or
- b) The open air burning consists of a small, confined fire that is:
 - i) Used to cook food on a grill, barbecue or spit;
 - ii) Commensurate with the type and quantity of food being cooked, and;
 - iii) Supervised at all times.

(2) Sentence (1) does not apply to the use of an appliance that:

- a) Meets the requirements of Technical Standards and Safety Act, 2000;
- b) Is for outdoor use;
- c) If assembled, has been assembled in accordance with the Manufacturer's instructions, and;
- d) If installed, has been installed in accordance with the Manufacturer's instructions.

Sentence (2) above refers to propane or gas appliances only.

The Ontario Fire Code has not been changed with the exception of (2) above. That Section is new and does provide for more opportunities as long as the appliance being used meets the standards outlined.

Rationale

The City has the ability to create a by-law respecting open air burning in Port Colborne in conformance with the Ontario Fire Code. Article 2.4.4.4 allows for "approved" fires by the Chief Fire Official that can be addressed conditionally, City wide or within derived areas. The Ontario Fire Code also allows certified gaseous fuel appliances (e.g., barbecues, gas fire pits). This includes approved propane devices that burn similar to a gas fireplace but are for outdoor use.

From an environmental protection perspective, maintaining the status quo is the more ecofriendly and environmentally responsible option. A Hamilton Spectator article (attached as Appendix F) by Dr. Mitchell of Hamilton references smoke from campfires as contributing to adverse health effects among adults and children attending them. Many people have enjoyed campfires growing up, but the public should be made aware as more information becomes available regarding health effects.

Allowing recreational fires also places the onus on neighboring property owners to take action if their health and the enjoyment of their properties are being detrimentally affected by their neighbors' burning activities. It may not be obvious to those burning about sensitivities to smoke and smells created by campfires.

Staff's experience has been that residents who are negatively impacted by open air burning are reluctant to approach their neighbors or file a complaint for fear of impact to neighbor relations or repercussions. The following section is provided so that Council may consider the impacts from recreational fires if a more progressive approach is considered.

SAFETY AND HEALTH CONCERNS

Health Concerns

This report speaks to the health concerns regarding the dangers of smoke from fires. Health Canada and Environment Canada have identified many hazardous chemical substances in wood smoke and their effects on health, including, but not limited to:

- PM10 (inhalable particulate matter less than 10 microns in diameter) consists of a mixture of microscopic particles of varied size and compositions and has been declared a toxic substance under the Environmental Protection Act.
- Carbon monoxide can reduce the blood's ability to supply necessary oxygen to the body's tissues, which can cause stress to the heart. When inhaled at higher levels, carbon monoxide may cause fatigue, headaches, dizziness, nausea, confusion and disorientation.
- Oxides of Nitrogen can lower the resistance to lung infections. In particular, Nitrogen Dioxide can cause shortness of breath and irritate the airways, especially in people with lung diseases such as emphysema and asthma.
- Volatile Organic Compounds can cause respiratory irritation. Loss of coordination and illness. Some Volatile Organic Compounds emitted by wood-burning appliances, such as benzene, are known to be carcinogenic.
- Formaldehyde can cause coughing, headaches and eye irritation and act as a trigger for people with asthma.
- Polycyclic Aromatic Hydrocarbons are a group of chemicals produced from the uncontrolled burning of carbon-containing materials. Prolonged exposure to Polycyclic Aromatic Hydrocarbons is believed to pose a cancer risk.
- Dioxins and Furans are highly toxic and can pose a health risk even at low exposure levels. Exposure of these chemicals has been linked to cancer and development disorders.
- Acrolein can cause eye and respiratory tract irritation.

Additionally, the Canadian Lung Association recommends that you do not burn wood in a residential setting. Breathing in wood smoke can cause increased respiratory symptoms, increased hospital admissions, exacerbation of asthma and COPD and decrease the ability to breathe normally. If you have a lung disease, breathing in wood smoke can make the disease worse and cause a flare-up.

Safety Concerns

Over the years, the Fire Department has found itself in a position of attempting to deal with some very difficult situations. Listed below are factors that make the Department's position challenging:

- Alcohol related situations
- Neighbors feuding
- Determining who is right, who is wrong
- Keeping the complainant's name protected
- Physical confrontations
- Threats
- Objects thrown at personnel or vehicles
- False accusations of lack of fairness or abuse of authority
- Repeat offenders escalating the situation
- Verbal abuse
- Tying up apparatus needlessly
- Delayed responses to other emergencies
- Community safety
- Tying up human resources – Fire and Police
- Financial impacts
 - Fuel
 - Vehicle maintenance

4) OPTIONS AND FINANCIAL CONSIDERATIONS

a) Option No. 1 – Revoke Current Open Air Burning By-law Not Recommended

Council could revoke the current burning by-law and enforce the Ontario Fire Code. The Ontario Fire Code does not allow open burning. It does allow a small fire to cook food.

b) Option No. 2 – Continue to Enforce the Existing Open Air Burning By-law

Recommended

- Long standing
- Complaint driven
- Cost effective
- Manageable with current staff

c) **Option No. 3 – Issue Permits**

Not Recommended

- Not cost effective
- Requires strict enforcement
- Increase in hazards
- Will produce more complaints
- Increase in health risk
- Requires more staff time
- More wear on apparatus/fuel
- Increase in maintenance costs
- Will require a sight inspection
- Enforcement of fires without permits
- Reduction in the City's fire safety initiative

d) **Option No. 4 – Modify Existing By-law**

The current burning by-law could be modified, in particular, Part 2 – general provisions and in 2.1 as follows:

2.1 **Open Air Burning - Regulations** to read as follows:

No person shall conduct or permit to be conducted, an open air burn within the boundaries of the City of Port Colborne unless the Fire Chief or their designate have first granted permission.

2.2 a) **Exception – Recreational Fires**

Every person is permitted to conduct a camp fire providing it meets the following criteria:

- i) Minimum distance from buildings, property lines and combustible materials of not less than 5 m (16.4').
- ii) Not be larger than 1 m (3') in diameter and a height of .6 m (2').
- iii) Shall be contained at all times.
- iv) Shall be supervised by a person at least eighteen (18) years of age at all times.
- v) Shall be totally extinguished by 11 p.m.
- vi) Only clean seasoned wood can be burned, this excludes treated and painted wood.
- vii) Shall have means to extinguish the fire readily available.
- viii) Wind direction and intensity shall be taken into consideration.

b) Every person is permitted to conduct a campfire in a campground approved pursuant to Schedule "A" of the official plan of the City of Port Colborne.

2.3 Response to Complaints

- (a) Should the Port Colborne Fire and Emergency Services Department be dispatched to a complaint regarding public safety due to a hazard created by a cooking fire, camp fire or upon notification of a prohibited open air burning not authorized within Sections 2.1 or 2.2 a), the Fire Chief or their designate will take action to have the fire extinguished and the person who owns or occupies the land on which burning or prohibited open air burning is located shall be responsible for any and all costs incurred by the City of Port Colborne in its efforts to extinguish the fire, as provided for within the City's Fee Schedule.

The modification would allow residents to have recreational fires but require that they be tightly controlled. Should a complaint be received and upon arriving at the address it be determined that the fire meets the requirements of the amended by-law, the Fire Chief or designate would allow the fire to continue to burn.

Smoke Conditions

The underlying issue is a complaint concerning smoke affecting others' lifestyle. There is no real way to track the travel of smoke and the effect it has on others. Should Council wish to modify the existing burning by-law as proposed under option number 4 of this report, the Fire Department representative would be unable to make that determination unless it is blatantly obvious either by strong winds or products being burned.

Should neither of those conditions be obvious and the fire meets all other requirements of the proposed revised burning by-law, the Fire Department would take no further action and allow the fire to continue.

The results of this action would mean that multiple complaints could be submitted for the same property and no action would be taken providing it falls within the guideline of the revised by-law.

Financial Considerations

If Council were to choose to implement a permit system, it is difficult to determine a fee that would result in it being cost effective, for example:

Annual inspection fee	\$75.00 annually
Recreational permit fee	\$25.00
Non-recreational permit	\$25.00 per event

Fees such as these would in fact not be cost effective. The process of issuing permits would result in at least one (1) hour of staff time, as an inspection will be required. Quite simply, permit fees as shown are not cost effective.

False Complaints/Nuisance Complaints

Staff have also been asked to address complaints that turn out to be false or appear to be a nuisance involving neighbors. Unlike the By-law Enforcement Division, the Fire Department does not require a written complaint, rather telephone complaints come through the 911 system.

If the Fire Department's dispatch office located in St. Catharines receives a complaint, they dispatch the City's Fire Department. The Department responds to burning complaints as a non-emergency (no lights or sirens). Should the Duty Crew (full-time) be at another call, the Volunteers are then dispatched.

Under normal circumstances the Department does not normally require the callers information (dispatch may have it). The dispatch office will always err on the side of caution and dispatch the available apparatus.

If it was determined to be a malicious false alarm, charges could be laid. The issue is, defining calls to be malicious. How do you determine if the smoke is bothering someone? Do they, in fact, have a health condition? Does the Fire Department proceed in removing the owner's right to enjoy their property? How do we determine if the complaint is legitimate at the time of the complaint?

Additionally, the justice system requires that a case be determined "beyond a reasonable doubt". Simply put, resources would be tied up preparing court documents and appearing in cases that would be most difficult to prove.

Fire Chief's Comments

As you can see, there are a number of issues that must be taken into consideration when preparing and implementing an Open Air Burning By-law.

The following must be considered:

- Health issues
- Environmental issues
- Health and Safety of employees
- Additional cost implementing a permit system – staff, wages, office, vehicles
- Increased complaints
- Tying up apparatus needlessly
- Increase in calls for Volunteers
- Enforcement issues
- Increased liability to the Corporation if not properly enforced
- Human risk – accidental injuries
- Increased risk to Niagara Regional Police
- Should permits be issued for all fires

As Fire Chief for the City, I simply cannot recommend that we allow more fires. My job is to reduce risk within the community and our personnel, as well as protecting the City against liability. Issuing permits will in fact increase risk. I have included with this report various news articles in Appendix B through to Appendix I.

The following agencies have provided information concerning increased opportunities to have fires within our communities.

Niagara Regional Police

Against allowing more open air burning. Added risk and call volumes.

City's Insurance Company/Agent

There is an obvious danger of having an open fire whereby it could spread to the home's neighboring properties and its smoke could cause visibility and health issues for the neighborhood.

Ministry of the Environment

The Ministry relies on Section 14 of the Environmental Protection Act, along with the definition of "adverse effects". "Adverse effects" means one or more of:

- a) Impairment of the quality of the natural environment for any use,
- b) Injury or damage to property or to plant or animal life,
- c) Harm of material, discomfort to any person,
- d) An adverse effect on the health of any person,
- e) Impairment of the safety of any person,
- f) Rendering any property or plant or animal life unfit for human use,
- g) Loss of enjoyment of normal use of property, and;
- h) Interference with the normal conduct of business.

Prohibition, Discharge of Containment

14 (1) Subject to subsection (2) but despite any other provision of this Act or the Regulations; a person shall not discharge a contaminant or cause or permit the discharge of a contaminant into the natural environment. If the discharge causes or may cause an adverse effect.

City Solicitor

Provided under confidential separate cover.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Not applicable.

6) ATTACHMENTS

Appendix A – Outdoor Fire Pit and Chiminea Fireplace - Sale
Appendix B – The Case for Killing the Campfire
Appendix C – Campfire Safety
Appendix D – The Environmental Dangers of Backyard Fire Pits
Appendix E – Man Burns 70% of Body in Calgary Backyard Fire
Appendix F – Article from Hamilton Spectator – Advising of Health Effects
Appendix G – Expert Warns of Dangers Around Campfires
Appendix H – Do Campfires Pollute
Appendix I – City of Cornwall Information
Appendix J – City’s current Open Burning By-law 6280/106/15
Appendix K – Confidential Legal Advice – Provided Under Separate Cover

7) RECOMMENDATION

That Fire and Emergency Services Department Report No. 2020-35, Open Air Burning By-law, be received for information; and

That Council of the Corporation of the City of Port Colborne approve Option No. 2 – Continue to Enforce the Existing Open Air Burning By-law.

8) SIGNATURES

Prepared on February 19, 2020



Thomas B. Cartwright,
City Fire Chief

Reviewed and respectfully submitted by:



C. Scott Luey,
Chief Administrative Officer



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The Case for Killing the Campfire

Outdoor tradition or dangerous, polluting, wasteful relic of the past?

By Wes Siler

Published
Oct 19, 2016

Early on the morning of August 17, 2013, Keith Matthew Emerald found himself cold and hungry following a hunt in a remote section of the Sierra Nevada, near Yosemite National Park. So he did what countless generations of outdoorsmen before him have done—he started a campfire. Nine weeks later, the wildfire that resulted would finally be extinguished at a cost of \$127 million. Scorching a total of 400 square miles, the Rim Fire was the third-largest wildfire in California’s history (https://en.wikipedia.org/wiki/Rim_Fire).

Because a fire ban had been in place, Emerald was charged with a felony (<http://www.latimes.com/local/lanow/la-me-ln-dismiss-indictment-rim-fire-20150501-story.html>), and because state and local governments have started holding individuals financially responsible for the massive costs of fighting wildfires (<https://www.outsideonline.com/2112901/will-you-get-bill-next-big-wildfire>), he also faced a nine-figure penalty.

IndefinitelyWild

Will you be able to enjoy a fire on your next camping trip? For residents of California, Oregon, and Washington, the likely answer is already no. For much of this summer, most wilderness areas in those three states were under a total campfire ban.

Outside of the metal fire rings in organized campgrounds, you ~~could~~ not have a fire on public land. With the West Coast's drought thought to be long-lasting, next summer will see similar if not even further-reaching restrictions—especially as these states face massive shortfalls in firefighting budgets.

IndefinitelyWild is a lifestyle column telling the story of adventure travel in the outdoors, the vehicles and gear that get us there, and the people we meet along the way. Follow us on Facebook

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But the risk and cost of wildfires is only one nail in the campfire's coffin. And that means they could also be at risk in areas less prone to conflagration. Let's look at the problems campfires cause.

Pollution

SEE THE ARCHIVE →
(/CATEGORY/INDEFINITEWILDFIRE/)

Wood smoke contains fine particles of unburnt wood. That may not sound like pollution, but reduced in size to 2.5 microns or less, these microscopic particles become toxic.

(<https://fortress.wa.gov/ecy/publications/publications/01bro23.pdf>) Wood smoke also contains benzene, formaldehyde, acetaldehyde, acrolein, and polycyclic aromatic hydrocarbons (PAHs). In Washington, wood smoke creates an estimated 51 percent of the state's fine-particle pollution in winter. Most of this is due to wood-burning stoves, but outdoor fires remain a significant contributor.

These toxic residues can also end up in water sources as fire ash leaches into the ground or is swept into them by rain.

Smoke from campfires can also lead to visible haze in high-use areas like the national parks.

Health Problems

As nice as we all think wood smoke smells, inhaling all of the above isn't good for you. The list of effects wood smoke has on your health: irritated eyes, throat, sinus, and lungs; headaches; reduced lung function; lung inflammation and swelling; increased risk of respiratory disease; more severe and frequent symptoms from

existing lung diseases; increased risk of heart attack and stroke; chronic bronchitis and emphysema; cancer.

Washington estimates that fine-particle pollution, which again is 51 percent wood smoke, causes 1,100 deaths per year (<https://fortress.wa.gov/ecy/publications/publications/91br023.pdf>) in that state alone. The health problems it causes cost the state \$190 million annually.

Litter

Campfires leave behind charred wood, piles of ash, and blackened rocks. People often use them to burn trash, which may only be partially destroyed, frequently leaving behind remnants of cans, bottles, plastic, and foil. This may not sound like a huge issue, but in high-use areas, fire rings and the aforementioned detritus quickly become blights on the natural landscape and create additional work for maintenance crews.

Tree Damage

We all know we're supposed to harvest only dead, fallen wood for our campfires. But in large volumes, removing even that stuff can cause problems. Dead logs and other wood may be essential habitat for insects, birds, reptiles, and small mammals. Dead wood increases soil's water-holding ability, and removing it may lead to erosion.

And we know that wood gathering frequently goes beyond the dead and the fallen. Visit any popular campsite and you'll find trees denuded of low branches or scorched by nearby fires. In areas where plant growth is very slow—high alpine environments, deserts, arctic tundra—wood regeneration may not be able to keep up with campfire demand.

Invasive Species

Firewood that you harvest or buy can be home to invasive species (<http://insects.about.com/od/insectpests/a/bugsinfirewood.htm>) like the Asian long-horned beetle (<https://www.invasivespeciesinfo.gov/animals/asianbeetle.shtml>). Moving firewood can introduce the beetles to a new environment and threaten native trees in that area. An act as simple as throwing a few logs from your backyard into the back of your truck and driving up to the mountains for a campout can cause irreversible damage to the environment you're trying to enjoy.

Injury

There's no national tally of campfire-related injuries, but a study in Oklahoma (https://www.ok.gov/health2/documents/Campfire_Burns.pdf) found that 57 people were injured and one person was killed due to campfires in a ten-year period. And it's not just ongoing fires that can injure people: embers cause 70 percent of campfire injuries (http://www.ameriburn.org/Preven/CampfireSafety_2-27-15.pdf) after a fire is supposedly extinguished.

The Campfire's Uncertain Future

I'm an odd person to be writing this article. To me, having a fire has always been a fundamental component of enjoying a night outdoors. I've been building campfires without incident or injury since I was a Cub Scout. The legality and ethics of fire making were never something I considered at all until I moved to California five years ago.

Here, the mere mention that you enjoyed a fire on a camping trip can lead to trouble, even when one is legally permissible, ethically built, and fully extinguished. A story I wrote about a backpacking trip friends and I took on the Lost Coast in Northern California (<http://gizmodo.com/adventure-californias-lost-coast-1679173376>) a couple winters ago drew criticism from readers in part because I mentioned splitting apart dead standing wood to access its dry insides during a rainstorm. That's textbook bad-weather fire making, there was obviously no risk of

wildfires during a very rainy winter, and we caused no damage to the local ecosystem by using a small amount of dead wood, yet an online firestorm still developed.

Camping with my group of local homeless kids this summer, a little fire-making class had to be conducted with store-bought firewood (that we probably shouldn't have carried in from Los Angeles). It was of poor quality and difficult to light. But rather than just grab the combustible stuff laying all over the campsite, I had to explain to the group that gathering was prohibited in organized campgrounds. They got a poor lesson as a result of the rules.

And that got me thinking: perhaps the real lesson here is that the campfire has had its day. With massive wildfires raging all summer long and exhausting state budgets (<https://www.washingtonpost.com/news/the-fix/wp/2015/07/28/how-the-way-we-pay-for-wildfires-could-be-making-them-worse/>), and with participation in outdoor recreation booming to record numbers, maybe the the negative impacts of the campfire now outweigh tradition and comfort.

Is this attitude too risk averse or politically correct? Maybe, but our inability to enjoy campfires responsibly is inarguable—humans cause 90 percent of wildfires (<https://www.nps.gov/fire/wildland-fire/learning-center/fire-in-depth/wildfire-causes.cfm>)—and this combines with the millions of new visitors to national parks (<https://www.nps.gov/aboutus/news/release.htm?id=1775>) and other outdoor areas to create an understandable need for regulation.

My California campfire permit. I have to carry this with me on every camping trip, or I could be fined thousands of dollars or even face jail time. (Illustration: State of California)

Campfire Penalties

Ultimately, the charges against Emerald were dropped following the mysterious deaths of two key witnesses. That was a good result for him: for starting a fire in a restricted area, lying to investigators, and failing to control his fire, Emerald faced a

maximum jail sentence of 11 years and a \$500,000 fine in addition to the \$127 million firefighting bill.

That's obviously an extreme case and a huge wildfire. But don't say it couldn't happen to you. Simply leaving a fire unattended or having a fire in a restricted area in Arizona can incur fines of up to \$5,000 or six months in jail (http://azdailysun.com/news/local/fire-and-punishment-penalties-for-starting-big-wildfires-vary/article_affect06-ofe1-5b15-97cb-cab190677d10.html).

California defines some types of accidental fire-setting as arson. The penal code defines such activities (<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=pen&group=00001-01000&file=450-457.1>): "A person is guilty of unlawfully causing a fire when he recklessly sets fire to or burns or causes to be burned, any structure, forest land or property." Penalties include up to six years in prison—and you're held responsible for the costs of fighting the fire, even if those costs are in the hundreds of millions of dollars. Other states have similar laws.

Will I miss the ability to have a fire on most of the camping trips I take on the West Coast next summer? Definitely, but I'd miss the ability to visit those areas much more. Maybe even more than I'd miss \$127 million.

Lead Photo: Chris Brinlee Jr.

Campfire Safety



Sitting under the stars by a crackling fire has its appeal. It's where stories are told, sing-a-longs happen, and meals are cooked over an open flame. Campfires bring family and friends together. But campfire mishaps can cause injuries. With a few safety tips, you can prevent these accidents.

SAFETY AROUND THE FIRE

- Before setting up a campfire, be sure it is permitted. Check with your local fire department.
- If campfires are permitted, they need to be at least 25 feet away from any structure and anything that can burn.
- Clear away dry leaves and sticks, overhanging low branches and shrubs.
- Avoid burning on windy, dry days. It is easier for open burning to spread out of control when it is windy and dry.
- Watch children while the fire is burning. Never let children or pets play or stand too close to the fire.
- Attend to the campfire at all times. A campfire left alone for only a few minutes can grow into a damaging fire.
- Keep a campfire small which is easier to control.
- Never use gasoline or other flammable or combustible liquids.
- Always have a hose, bucket of water, or shovel and dirt or sand nearby to put out the fire. Make sure to put it completely out before leaving the site.
- If your clothes catch fire, stop, drop, and roll. Stop, drop to the ground and cover your face with your hands. Roll over and over or back and forth until the fire is out.
- Treat a burn right away. Cool the burn with cool water for 3 to 5 minutes. Cover with a clean, dry cloth. Get medical help if needed.



ROAST WITH CARE

If roasting marshmallows, help young children. Never shake a roasting marshmallow. It can turn into a flying, flaming ball. A heated metal skewer can cause burns.

FACT

Campfire accidents send thousands of people to emergency rooms with burn injuries every year.



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SUSTAINABILITY

The Environmental Dangers of Backyard Fire Pits

These popular landscape features may have a global impact

October 3, 2008

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Dear EarthTalk: Backyard fire pits have become the latest must-have gardening feature. How bad are they on the environment?

-- Michael O'Laughlin, Tigard, OR

With Fall setting in and the mercury starting to drop, many of us want to extend our time outdoors, and sitting around a backyard fire pit has become one of the most popular means to do so. But even though it may be fun—s'mores anyone?—it is not good for the environment, especially during times when air quality is already poor.

It's hard to assess the larger impact of backyard fire pits on local or regional air quality, but no one questions the fact that breathing in wood smoke can be irritating if not downright harmful. According to the U.S. Environmental Protection Agency (EPA), so-called fine particles (also called particulate matter) are the most dangerous components of wood smoke from a health perspective, as they "can get into your eyes and respiratory system, where they can cause health problems such as burning eyes, runny nose and illnesses such as bronchitis.

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Fine particles also aggravate chronic heart and lung diseases, and have been linked to premature deaths in those already suffering from such afflictions. As such, the EPA advises that anyone with congestive heart failure, angina, chronic obstructive pulmonary disease, emphysema or asthma should steer clear of wood smoke in general. Children's exposure to wood smoke should also be limited, as their respiratory systems are still developing and they breathe more air (and air pollution) per pound of body weight than adults.

Geography and topography play a role in how harmful wood smoke can be on a community-wide level. People living in deep, steep-walled valleys where air tends to stagnate should be careful not to light backyard fires during smog alerts or other times when air quality is already poor. Lingering smoke can be an issue even in wide-open areas, especially in winter when temperature inversions limit the flow of air.

The Washington State Department of Ecology reports that about 10 percent of the wintertime air pollution statewide can be attributed to fine particles from wood smoke coming out of wood burning stoves. While a wood stove may be a necessary evil as a source of interior heat, there is no excuse for lighting up a backyard fire pit during times when you could be creating health issues for your neighbors.

Another potential risk to using a backyard fire pit is sparking a forest fire. Some communities that are surrounded by forestland voluntarily institute seasonal burn bans so that residents don't inadvertently start a forest fire while they are out enjoying their backyard fire pits. If you live in one of these areas, you probably already know it and would be well advised to follow the rules.

If you must light that backyard fire pit, take some precautions to limit your friends' and family's exposure to wood smoke. The Maine Bureau of Air Quality recommends using only seasoned firewood and burning it in a way that promotes complete combustion—small, hot fires are better than large smoldering ones—to minimize the amount of harmful smoke. The moral of the story: If you need to burn, burn responsibly.

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CONTACTS: U.S. Environmental Protection Agency (EPA), www.epa.gov; Washington State Department of Ecology, www.ecy.wa.gov; Maine Bureau of Air Quality, www.maine.gov/dep/air/.

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Calgary Fire September 11, 2019 1:08 am

Man burns 70% of body in Calgary backyard fire incident



By Kaylen Small

Online Journalist Global News



A man suffered extensive injuries after a backyard fire incident in Calgary on Tuesday, Sept. 10, 2019.

Global News

Seventy per cent of a man's body was burned after a backyard fire incident on Tuesday, according to the Calgary Fire Department.

Police said it happened in the 4800 block of Edmonton Trail at 7:50 p.m.

The CFD and police said three people were sitting around a fire when one man poured a flammable liquid on it. Flames shot up and burned the man.

One person suffered serious, extensive injuries and was taken to hospital, according to police. The CFD said the victim was transported in critical condition.

Attachment "A" - Report Num.



Physician seeks controls on home fireplaces

Steve Arnold

Hamilton Spectator | Apr 05, 2015

Two people, some good wine, a bearskin rug and a roaring fire

A romantic dream scene for some could be a health nightmare for neighbours breathing the smoke from that fire — the kind of nightmare a local doctor says the city should legislate against.

Ted Mitchell, a general practitioner, is working with Environment Hamilton to press city council for a bylaw restricting the burning of wood inside homes.

"For one person to enjoy the ambience and warm fuzzy things of a wood fire means dozens of their neighbours have to suffer," he said. "Getting something pleasant out of that causes a lot of pollution."

Mitchell said medical studies, many coming from Asia and Africa where wood fires are often the primary source of heat and cooking, have shown smoke from a damp log passed up a dirty chimney contains the same cancer-causing agents and other bad things found in tobacco smoke.

"The pollution from these things is really quite bad," he added. "The bad effects of tobacco and wood smoke are pretty comparable, you have roughly the same chance of getting lung cancer or other infections for each."

Mitchell has two targets in his effort — those small, outdoor fire pots on backyard patios, and indoor wood stoves and fireplaces.

Under Hamilton's burning bylaw, outdoor fireplaces are already technically banned — unless they're used for cooking. He wants that loophole closed and new legislation mandating newer, more efficient stoves and fireplaces inside or the conversion of existing fireplaces to gas or electricity.

A bylaw, he said, is needed because the provincial or federal governments won't act on the issue, leaving the courts as the only solution for people who feel they're being harmed by their neighbour's constant fireplace use.

"The courts are blunt, expensive and inefficient," he said. "This is just too much of a political hot potato for the provincial or federal governments."

Similar bylaws have been enacted in "several dozen" municipalities in British Columbia and one is expected to go into force in Montreal later this year.

Mitchell and Environment Hamilton executive director Lynda Lukasik will present their case to the city's board of health later this month.

The federal health department has published information about wood smoke pollution, warning it contains particulate matter that travels deep into your lungs causing breathing and heart problems; high levels of carbon dioxide, carcinogenic volatile organic compounds and small quantities of other toxic compounds including nitrogen oxide and chlorinated dioxins that contribute to problems such as smog and acid rain.

The government website warns wood smoke can cause eye, nose and throat irritations, headaches, nausea and dizziness. It can aggravate asthma and other breathing problems.

People with heart or lung problems and children are considered especially vulnerable.

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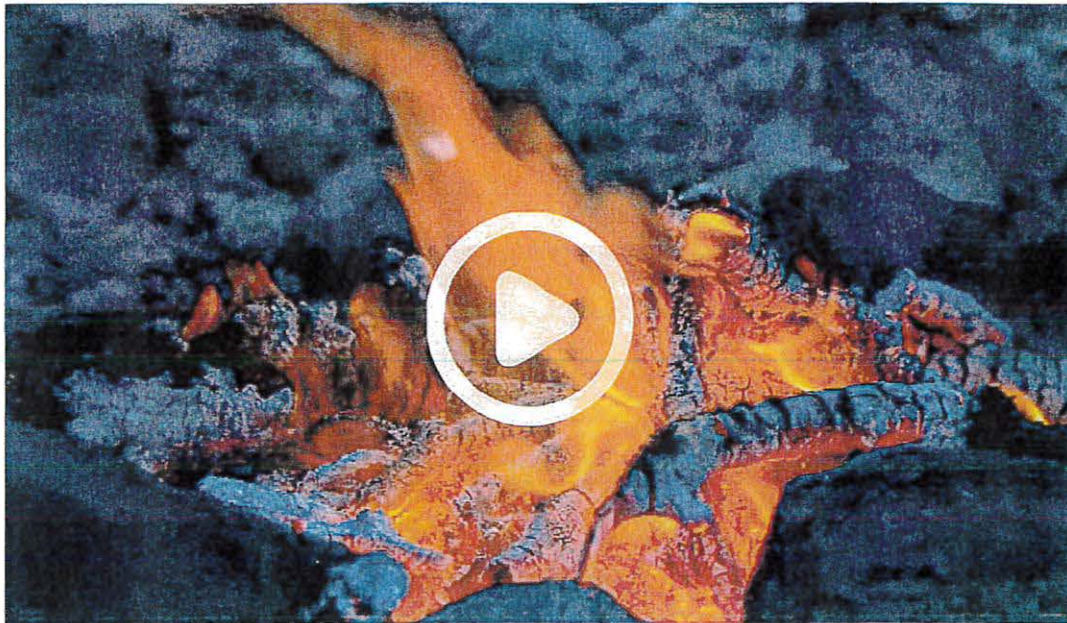
Family doctor Ted Mitchell is working with Environment Hamilton to press city council for a bylaw restricting the burning of wood inside homes.

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Expert warns of dangers around campfires

By Keira Farrimond | Posted - Jun 17th, 2016 @ 9:33pm

1



10PM: Expert warns of dangers around campfires

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News Sports Brandview TV Radio Live Obituaries Weather Classified

SALT LAKE CITY — Growing up near the mountains means plenty of Utah kids spend summer nights, sleeping in tents.

But what can make for favorite childhood memories can also be extremely dangerous, and one Utah family wants to make sure no one experiences their camping nightmare.

It started as a fun family outing for the Warners last August. They packed up and headed out to the High Uintas knowing the nights would be cold.

"We packed the warmest thing," said Hollie Warner, talking about her son Teagan's fleece pajamas, "We didn't realize how quickly fleece goes up in flames."

Teagan, then 9 years old, was standing away from the campfire when an ember landed on his pants.

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"As soon as the fire hit him, within 2 seconds, flames were up and over his head," Warner said. News Sports Brandview TV Radio Live Obituaries Weather Classified **MARKE** "We did everything. We stopped, dropped and rolled. We had people on top of him. We were throwing dirt on him."

But nothing they did put the flames out. "You're taught to 'stop, drop and roll' when a fire happens and fleece ... you can't put it out that way. It burns until it's done burning and it just melts," she said.

Warner and the others at the campsite grabbed burning pieces of clothing and pulled them off Teagan.

Once the flames were out, they had to drive an hour down the mountain to find cell service and call for help. Paramedics and firefighters met them on the road and Teagan was eventually flown to the hospital.

He suffered burns over 30 percent of his body. A cotton sweatshirt and underwear protected those areas from the flames, and Teagan's face was mostly spared from the burns.

He spent three months in the ICU burn unit where things, at times, were touch and go.

"Day three his body shut down," Warner said, "Every time they would move him, he would code, and that's when it got real."

Teagan is still healing nearly a year later, both physically and emotionally. A birthday party shortly after the accident made it clear that life would never be the same for the boy.

"I wasn't thinking about the candles that were going to be lit," said Warner, "and he panicked."

Today, Teagan is OK with birthday candles, but he still won't get close to the family's oven and gets nervous even seeing pictures of campfires.

"When he knows people are going camping, he panics," Warner said.

That's why Teagan and his mom wanted to share their experience.

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"I hope that, through our story, that people will think about when they camp, not to take the fleece," said Warner.

Unfortunately, Teagan's story isn't rare. Doctors and nurses at the University of Utah Burn Center say they see campfire injuries a lot.

"I don't think people really realize how much risk they're actually at," said Burn Center Nurse Manager Brad Wiggins. "I've seen people die from campfire injuries. Children, young children who trip over the edge of a campfire, over rocks, fall into it face first, palms down, chest down, and they burn the majority of their body, significantly to cause death."

Wiggins said the coals in a campfire burn around 1,500 degrees Fahrenheit.

"It's going to give you catastrophic ... life-threatening injury very quickly," he said.

Wiggins' advice? First, talk to children about the danger.

Second, set a perimeter around the flames. Whether you're in the mountains or in the backyard, a 3-foot "circle of safety" should surround the campfire.

"So many kids are attracted to fire, as soon as one starts they start throwing stuff in it. They're standing closer. They're engaged by the flames, and humans love that. We're attracted to fire," Wiggins said.

Third, never use accelerants.

"The flame can actually follow the stream of the fuel to the canister and explode it all over everybody standing around with a lot of force, a lot of ferocity to damage your skin and catch you on fire," he said.

Fourth, consider your clothing.

Many fabrics, especially polyester fabrics, catch fire very easily.

After the incident, the Warners removed all of the fleece clothing from their home. Teagan was recently given a specialized, custom-made set of fire-proof pajamas. That gift gave him hope of one day going camping with his family again.

MARKE
Classified

"If our family had to go through this," said Warner, "I just pray that another family doesn't."

Teagan's mom also hopes his story can provide inspiration to others who are going through hard times.

"If a 9-year-old boy can do it," she said, "then we can all get through hard things."



Keira Farrimond

1 Comments

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Science, Tech, Math › Social Sciences

Do Campfires Pollute?


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Australian Scenics / Getty Images

by Frederic Beaudry 
Updated March 16, 2019

Campfires are indeed a source of air pollution. Burning wood releases a surprisingly large number of compounds, including nitrogen oxides, carbon monoxide, particulate matters, benzene, and many other potentially toxic volatile organic compounds (VOCs). Wood fires also release large amounts of carbon dioxide, a potent greenhouse gas. For people sitting by a campfire, or even just staying at a busy campground, the air pollution may be intense enough to cause eye and respiratory inflammation and trigger asthma or emphysema attacks. The problem is serious enough that many jurisdictions (municipalities, counties, parks) restrict or even ban campfires to alleviate air pollution problems.

Not Just Smoke

There are several other environmental impacts caused by campfires:

In areas where campers build fires regularly, dead wood is often collected so heavily that local ecosystems are affected and soil erosion becomes apparent. Perfectly healthy vegetation is also cut and used as firewood, despite the fact that it burns very poorly.

Partially burnt, charred wood and blackened stones remain visible for a long time along trails, diminishing the wilderness experience sought by the next visitors coming along.

Forest fires are commonly started by out-of-control or poorly extinguished campfires.

Many try to burn trash in campfires. Not only does it cause even more air pollution, but half-burnt trash is often left behind in the fire pit.

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December 30, 2019

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Cornwall Fire Chief Pierre Voisine answers questions about the proposed changes to the open-air burn bylaw at a public information session on Tuesday October 8, 2019 in Cornwall, Ont. Alan S. Hale/Cornwall Standard-Freeholder/Postmedia Network ALAN S. HALE / ALAN S. HALE/STANDARD-FREEHOLDER

The City of Cornwall's proposed change to its open-air burn bylaw was this year's biggest story, generating protests and resulting in several meetings and consultations.

Looking back at 2019, the Standard-Freeholder has chosen this issue as being the year's No. 1 story. While respondents to a late-December poll on our website identified Eric Duncan keeping Stormont—Dundas—South Glengary firmly in Conservative hands as the No. 1 story, we disagreed.

Duncan's rise to Parliament was predicted and to some extent expected from the moment now-former MP Guy Lauzon announced he wouldn't be seeking re-election. The proposed changes to Cornwall's open-air burn bylaw though?

It was a No. 1 issue that came out of nowhere and got some in Cornwall riled up enough to sign a number of petitions, rally outside city hall and pack council chambers, then give Fire Chief Pierre Voisine an earful during two public meetings. It was a battle between those opposed, who felt their

rights to do what they see fit on their own properties was being unfairly squashed, and silent supporters who suffer from being smoked out of being able to safely enjoy their own property by inconsiderate neighbours.

The initial discussion regarding changes to the bylaw was made during the Sept. 9 council meeting. A divided council decided to push ahead with the decision.

The proposed bylaw from Cornwall Fire Chief Pierre Voisine essentially repealed the city's existing rules for issuing three-year burning permits for recreational fires. In effect, the city would no longer give out permits for wood-fuelled outdoor fires, and would allow people to use gas-powered fire pits without needing a permit.

According to data it collected, there were roughly 260 fire permits issued in Cornwall at any given time, with about 80 new permits issued every year.

These fires spawn an increasing number of complaints because of the smoke. During the six-month burning season in 2018, the fire department responded to 62 complaints about smoke. As of the end of July 2019, the department had received 51 complaints.

Some Councs, such as Justin Towndale and Eric Bergeron, opposed the change outright, whereas Coun. Maurice Dupelle voiced his concern regarding the lack of public feedback to the idea.

Others, such as Councs. Elaine MacDonald, Glen Grant, Syd Gardiner and Claude McIntosh supported the bylaw changes, explaining the nuisance, health, and environmental impacts of wood fires was more than enough reason to ban them.

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Cornwall has all-out burning ban, including fuel-based fires, through council inaction

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February 11, 2020

[Cornwall has all-out burning ban, including fuel-based fires, through council inaction](#)

cornwallnewswatch.com

CORNWALL – City council chambers were full Monday night as councillors discussed and ultimately upheld its previous move to ban open air burning in the city.

But, through a lack of action of putting a new bylaw on the books, it ultimately banned all burning in the city including propane and fuel-based appliances – an option the fire department allowed since the fall.

"Without a bylaw, we will follow the Fire Prevention and Protection Act, which prohibits open air burning in the province, including our submission which was the fuel-based appliances," Fire Chief Pierre Voisine said.

As for what the "appliance" exemption was in the proposed bylaw, it was "outdoor fire pits and gas fired bowls fuelled by ethanol, propane or natural gas."

If people break the provincial law, they could face fines up to \$10,000.

The city's half-instituted burning ban – no outdoor fires but grandfathered permit holders – was paused last fall to gather public consultation.

During Monday's meeting, fire proponents Rodney Rivette and Terry Muir called for a "respectful compromise" rather than an all-out ban because the city's own survey showed that a majority of 1,700 respondents don't want a ban. Rivette called for a law with some teeth that had stiff penalties.

They also presented a petition with 2,000 signatures, which council accepted.

Later in the evening, Coun. Todd Bennett asked for a motion to reconsider drafting another bylaw with stricter regulations, but that was shot down.

Coun. Dean Hollingsworth took aim at his colleagues, suggesting they didn't want to hear what the public had to say nor work on compromises. "Everybody said we should have public consultation because we're going to listen to what the public has to say. Curious how that's worked out isn't it? You don't have to listen to the numbers, so much for democracy. We don't care. We're doing what we want anyway."

Some councillors and the mayor bristled at the suggestion that they didn't care.

"If people want to take it upon themselves to have a bonfire, start camping!" Coun. Glen Grant retorted, suggesting the ban was driven by the protecting the health of Cornwall residents.

Council had rescinded the bylaw allowing open air burning in August, revering the law to provincial legislation. "But it allowed for fuel-based appliances without permits. But in light of the fact that council hasn't implemented that bylaw (tonight), then it's a complete prohibition."

Monday night's move was to put a new bylaw on the books that would cement the ban but it was defeated.

There are 260 people in the city that still have a valid permit. The Ontario Fire Code under the Fire Protection and Prevention Act, states there is an exception for fires that are approved by the chief fire official, in this case being the fire chief.

The discussion is not over. "We're going to discuss this at another time," Mayor Bernadette Clement said.

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THE CORPORATION OF THE CITY OF PORT COLBORNE

BY-LAW NO. 6280/106/15

BEING A BY-LAW TO REGULATE OPEN AIR BURNING
IN THE CITY OF PORT COLBORNE AND TO REPEAL
BY-LAW NO. 1455/30/84

WHEREAS Section 7.1 (1) of the *Fire Protection and Prevention Act, 1997*, as amended by Section 475 of the *Municipal Act, 2001*, provides inter alia that a council of a municipality may pass by-laws regulating fire prevention, including the prevention of the spreading of fires and the setting of open air fires, including establishing the times during when open air fires may be set;

AND WHEREAS Section 7.1 (3) of the *Fire Protection and Prevention Act, 1997*, as amended by Section 475 of the *Municipal Act, 2001*, provides a by-law under this section may deal with different areas of the municipality differently;

AND WHEREAS Section 7.1 (4) of the *Fire Protection and Prevention Act, 1997*, as amended by Section 475 of the *Municipal Act, 2001*, provides a Municipality may appoint an officer to enter upon land and into structures at any reasonable time to inspect the land and structures to determine whether by-laws enacted in accordance with this section are being complied with, and

AND WHEREAS Section 7.1 (5) of the *Fire Protection and Prevention Act, 1997*, as amended by Section 475 of the *Municipal Act, 2001*, provides the exercise of powers by an officer appointed under this section shall be carried out in accordance with Part XIV of *Municipal Act, 2001*, other than clause 431 (a) of that Act;

AND WHEREAS Section 13 (1.2) of the *Fire Protection and Prevention Act, 1997*, as amended by Section 475 of the *Municipal Act, 2001*, provides a fire fighter or such other person as may be authorized by the Fire Chief may, without a warrant enter on lands or premises on which a fire is occurring, or that are adjacent to those lands or premises, for the purposes of pulling down or removing buildings, structures or things on or attached to the lands or premises on which a fire is occurring or that are adjacent to those lands or premises if, in the opinion of the Fire Chief, it is necessary to do so to prevent the spread of fire;

AND WHEREAS Section 425 of the *Municipal Act, 2001* (the Act), provides by-laws may be passed by all municipalities for providing that any person who contravenes any by-law of the municipality passed under the Act, is guilty of an offence;

AND WHEREAS Section 427 of the *Municipal Act, 2001*, provides inter alia that where a Municipality has authority by by-law or otherwise to direct or require that a matter or thing be done, the Municipality may in the same or another by-law direct that, in default of it being done by the person directed or required to do it, such matter or thing shall be done at the persons expense and the Municipality may recover the costs of doing a thing or matter from the person directed or required to do it and the Municipality may recover the costs by action or by adding the costs to the tax roll and collecting them in the same manner as taxes;

AND WHEREAS Section 2.4.4.4 of the *Ontario Fire Code* provides as follows:

- (1) Open air burning shall not take place unless:
 - (a) it has been approved, or
 - (b) the open air burning consists of a small, confined fire that is:
 - (i) used to cook food on a grill, barbecue or spit,
 - (ii) commensurate with the type and quantity of food being cooked, and;
 - (iii) supervised at all times.

- (2) Sentence (1) does not apply to the use of an appliance that:
 - (a) meets the requirements of the *Technical Standards and Safety Act, 2000*,
 - (b) is for outdoor use,
if assembled, has been assembled in accordance with the manufacturer's instructions, and
 - (c) if installed, has been installed in accordance with the manufacturer's instructions.

AND WHEREAS Section 19 (2) of the *Fire Protection and Prevention Act, 1997*, S.O., Chapter 4, provides an inspector may, without a warrant, enter and inspect land and premises for the purposes of assessing fire safety;

AND WHEREAS it is deemed desirable to regulate open air burning in the City of Port Colborne;

AND WHEREAS By-law No. 1455/30/84. Being a By-law to Establish Policies Pertaining to Open Air Burning Within the City of Port Colborne, was enacted by the Council of The Corporation of the City of Port Colborne on the 30th day of April, 1984, to regulate open air burning in the City of Port Colborne.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF PORT COLBORNE ENACTS AS FOLLOWS:

PART 1 – DEFINITIONS AND ADMINISTRATION

1.1 Definitions

For the purpose of this By-law:

- (a) **“Appliance”** means a device which meets the requirements of the *Technical Standards and Safety Act 2000*;
 - (i) is for outdoor use;
 - (ii) if assembled, has been assembled in accordance with the manufacturer's instructions, and;
 - (iii) if installed, has been installed in accordance with the Manufacturer's instructions.

NOTE: Meaning propane or natural gas fuel.

- (b) **“Approved”** shall mean the Fire Chief or his/her designate.
- (c) **“Barbecue”** means an appliance, including a hibachi or permanent structure, designed and intended solely for the cooking of food in the open air and other similar devices designed and intended solely for the cooking of food in the open air, but does not include devices predominantly designed for personal warmth, fire burn areas or camp fires.
- (d) **“Chiminea/Fireplace”** means a free standing device, with a vertical smoke vent or chimney, with an enclosed hearth in which a fire may be set.
- (e) **“City”** shall mean The Corporation of the City of Port Colborne.
- (f) **“Cooking Fire”** shall mean a small confined fire that is:
 - (i) used to cook food on a grill, barbecue or spit;

- (ii) commensurate with the type and quantity of food being cooked;
 - (iii) minimum distance from buildings or part thereof and property lines shall be 3 m (9.8').
 - (iv) supervised at all times.
- (g) **"Fire Chief"** shall mean the Fire Chief for the City of Port Colborne or designate including members of the Port Colborne Fire and Emergency Services Department.
- (h) **"Fire and Emergency Services Department"** means the Fire and Emergency Services Department for The Corporation of the City of Port Colborne, and any member thereof.
- (i) **"Officer"** means a person commissioned or authorized to fill a public situation or to perform any public duty: appointed for the purpose of enforcing by-laws of the Municipality, and it includes any Municipal Law Enforcement Officer appointed by the City of Port Colborne, Fire Chief, Deputy Fire Chief, and any police constable who is a member of the Niagara Regional Police Service or the Ontario Provincial Police Service.
- (j) **"Open Air Burning"** means any fire, including a fire in a smouldering state, taking place outdoors including, but not limited to, fire pits, Chimineas and outdoor Fireplaces and shall include fires for personal or commercial use.

1.2 **Administration**

The Fire Chief shall administer this By-law.

1.3 **Fire Services – Exempt**

The Port Colborne Fire and Emergency Services Department shall be exempt from the provisions of this By-law with respect to Open Air Burning set for the purposes of education and training individuals.

PART 2 – GENERAL PROVISIONS

2.1 **Open Air Burning – Regulations**

Subject to Sections 2.2 and 2.3 herein, no person shall conduct or permit to be conducted, an Open Air Burning within the boundaries of the City of Port Colborne unless permission has first been granted by the Fire Chief or his/her designate.

2.2 **Exception – Recreational Fires**

Every person is permitted to conduct a camp fire in a campground approved pursuant to Schedule "A" of the Official Plan of the City of Port Colborne (as amended).

2.3 **Response to Complaints**

- (a) Should the Fire and Emergency Services Department be dispatched to a complaint regarding public safety due to a fire and smoke hazard created by a cooking fire, or upon notification of a prohibited Open Air Burning not authorized under this by-law, the Fire Chief or his/her designate will order the landowner or occupant to immediately extinguish the fire.

- (b) Should any landowner or occupant fail to extinguish the fire or a prohibited Open Air Burning when ordered to do so by the Fire Chief, the Fire Chief will take action to have the fire extinguished, and the person who owns or occupies the land on which burning or prohibited Open Air Burning is located shall be responsible for any and all costs incurred by the City of Port Colborne in its efforts to extinguish the fire, as provided for within the City's Fee Schedule.
- (c) Should the Fire and Emergency Services Department be called to the same property more than once within one (1) year and the owner/occupant is found to be burning outside of the requirements of this By-law, they will be charged, as provided for within the City's Fee Schedule.

2.4 Exception – Barbecues

Despite Section 2.1 herein the following regulations shall apply for the use of barbecues to cook food:

- (a) Every person must place the barbecue on non-flammable material and in a location other than on a balcony, porch or veranda of a building, inside any garage, tent, vehicle or structure, in or near dry vegetation that is conducive to the development or spread of fire or explosion;
- (b) Every person must supervise the barbecue at all times;
- (c) Every person must use fuel that is clean dry natural wood or a commercially produced fuel for the purpose of cooking such as charcoal or briquette, natural gas or propane.

2.5 Failure to Extinguish – Liable for Costs

Should any landowner or occupant fail to extinguish a prohibited Open Air Burning in a rural area when ordered to do so by the Fire Chief, the Fire Chief may take action to have the fire extinguished. The person who owns or occupies the land on which the Open Air Burning is located shall be responsible for any and all costs incurred by the Fire and Emergency Services Department in its efforts to extinguish the fire, as set out in the City's Fee Schedule.

PART 3 – FIRE BANS

- 3.1 Notwithstanding any provision in this or any other By-law, the Fire Chief may declare a complete ban of any burning of any kind in the City.
- 3.2 When determining whether to declare a complete ban on burning, the Fire Chief may take into consideration any or all of the following factors:
 - (a) the air quality index;
 - (b) levels of recent precipitation;
 - (c) water shortages or restrictions;
 - (d) availability of fire fighters and firefighting equipment; and
 - (e) the overall fire danger.

- 3.3 No person shall build, ignite or allow any kind of fire when a complete ban on burning has been declared by the Fire Chief and is in effect.
- 3.4 A member of the Fire and Emergency Services Department or an Officer shall direct a person to extinguish any fire when a fire ban is in place.
- 3.5 A person who fails to comply with the direction of a member of the Fire and Emergency Services Department or an Officer to extinguish a fire during a fire ban commits an offence and the member of the Fire and Emergency Services Department or the Officer, as the case may be, shall extinguish the fire.
- 3.6 The property owner or tenant shall be liable for all costs incurred by the City of Port Colborne in its efforts to extinguish the fire, as provided for within the City's Fee Schedule.

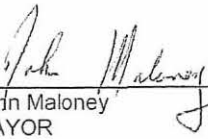
PART 4 – ADMINISTRATION, ENFORCEMENT AND RIGHT OF ACCESS

- 4.1 This By-law shall be administered and enforced by the City, the Municipal By-law Enforcement Officer, Fire Chief or any person appointed or otherwise delegated the authority of administration and enforcement.

PART 5 – REPEAL FORMER BY-LAW

- 5.1 By-law No. 1455/30/84 be and it is hereby repealed.

ENACTED AND PASSED THIS 14TH DAY OF SEPTEMBER, 2015.


John Maloney
MAYOR


Ashley Grigg
CITY CLERK



Report Number: 2020-66

Date: May 25, 2020

Subject: Carl Road road allowance – Proposed Sale

1) PURPOSE

This CAO generated report has been prepared to provide information to Council regarding the status of the request to purchase the Carl Road road allowance.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

At Council's February 24, 2020 meeting, Council was presented an offer to purchase the road allowance known as Carl Road between Second Concession and Highway #3. Staff was directed to negotiate more favourable terms and report back to Council.

3) STAFF COMMENTS AND DISCUSSIONS

In late 2019, the City was approached by Port Colborne Quarries with an unsolicited offer to sell the Carl Road road allowance to the company for their quarrying operations.

Staff entered into negotiations with the prospective purchaser and agreed to a price for the lands in question. This price is provided to Council under separate cover in Appendix A – Confidential Terms of Sale. If the sale is approved, the price will become the subject of a report in open Council to close the road and complete the sale. In addition to the sale price, the company has agreed to a condition in the agreement of purchase and sale that would prohibit the creation of an entrance on Second Concession. This condition would survive closing.

It is important to note that the land in question is not 'marketable' land and, in accordance with City policy, may be sold to the prospective purchaser – the only abutting property owner.

Staff believe this is the final position for the company and they are not willing to offer a higher purchase price.

Planning and Development Department staff will bring a report forward for Council to consider in an open session at a future Council meeting to stop up and close the road and complete the sale to the purchaser.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

Staff recommend that the proceeds of sale, net of costs, be held in a reserve for the

purpose of road construction and repair.

a) Receive for information

Staff recommend that this report be received for information. (Recommended).

b) Other Options

Council could choose not to sell the land and to maintain ownership of the road allowance. (Not recommended).

Council could also choose to continue to negotiate for more favourable terms, however staff believe that these are the most favourable terms that the company will agree to (Not recommended).

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Not Applicable.

6) ATTACHMENTS

Appendix A – Confidential Terms of Sale – Provided Under Separate Cover

7) RECOMMENDATION

That Chief Administrative Officer Report No. 2020-66, Carl Road road allowance – Proposed Sale be received for information.

8) SIGNATURES

Prepared on May 15, 2020 and respectfully submitted by:



C. Scott Luey
Chief Administrative Officer



Report Number: 2020-70

Date: May 25, 2020

Subject: COVID-19 Update #2

1) PURPOSE:

This CAO generated report is provided as a follow up to the COVID-19 pandemic update that was provided to City Council on April 27, 2020.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

The City's Emergency Operations Centre (EOC) was activated in response to the COVID-19 pandemic on March 13, 2020 by bringing together the City's Emergency Control Group (ECG). The COVID-19 pandemic continues to affect the nation and the City continues to prepare, respond, and plan recovery from the impacts to the municipality. As described in a previous staff report, the City's response is based on four principles:

- Maintaining essential City services to the community throughout the emergency;
- Continuing to ensure the safety and security of the public and City staff;
- Ensuring the organization remains financially stable throughout COVID-19; and
- Continuing to remain consistent in the City's actions with the actions of other agencies.

In order to respond appropriately to the impacts of the pandemic and adhere to these principles, the City's response has been divided into three phases:

- First phase – initial response and precautions for users and City staff
- Second phase – maintaining essential services
- Third phase – recovery and reopening

Currently, the City is in the second phase, maintaining essential services, while at the same time, staff have turned their attention to the recovery phase and the planned reopening of City facilities, programs, and services.

3) STAFF COMMENTS AND DISCUSSIONS

The City continues to maintain essential services during the COVID-19 pandemic. The precautions in place to protect the community and staff have been described in Report No. 2020-56, COVID-19 Update. These precautions remain in place and are actively being monitored, evaluated, and adjusted as needed. City management is content with the precautions in place and, based on feedback from staff and union officials, City staff are also content with the current working conditions.

With these precautions in place, City management and the ECG are actively working on developing recovery plans for the City.

Recovery

The City is planning to resume operations in a gradual and safe manner. The EOC has scheduled meetings with each individual City Director. Directors are presenting a completed template that details how each aspect of City operations will resume including precautions that will need to be put in place to ensure a safe opening. The Province has published workplace guidelines for reopening workplaces. The City is implementing plans that align with other municipalities' best practices, our own existing and new policies and procedures, as well as the Province's guidelines.

It is important to note that, as the Province continues to remove Orders governing closures, that permission to open does not necessarily mean that the City must open certain aspects of operations. Some of the facilities and programs that the City operates will require several days or, in some cases weeks to prepare to open to the public.

Level of service

During the maintenance of essential services phase and recovery phase of the City's pandemic response, a key component of City operations is reduced levels of service. In some cases service levels have been reduced in order to protect staff and the public (e.g. physical distance of workers requires a reduced level of service) and in other cases service levels have been reduced as a cost-saving measure to help address the financial impacts of the pandemic on the City (e.g. suspending the hiring of students).

Staff feel that it is important for Council and the public to be aware of these reduced service levels so that there is a general understanding of the impact on City facilities. In particular, staff would like to draw Council's attention to the attached Appendix A – a memo from the Parks Division of the Community and Economic Development Department, which outlines the department's plan for park maintenance and flower planting in the City this year. This memo indicates the level of service that can be expected this summer as the City copes with the impacts of the pandemic. While staff will maximize the use of resources to take care of City assets, the City will not have the same appearance as in normal years due to reduced work forces, expenditures and limitations in place for health and safety.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

Attached to this report as Appendix B, the COVID-19 Preliminary Financial Impacts outlines the City's initial assessment of the financial impact of the City's response to the pandemic. As Council will see, staff estimate an unfunded amount of \$540,000 that will be mitigated through Capital and Operating savings in the current year. Staff expect to undertake the 2021 budget process in the fall of 2020 with no deficit from current year operations.

a) **Do nothing.**

Not applicable.

b) **Other Options**

Not applicable.

5) **COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

Not Applicable.

6) **ATTACHMENTS**

Appendix A – Memo from the Parks Division, Subject: COVID-19 – City Parks
Maintenance, Lawn Care and Landscaping Recommended Service Level
Reductions and Staffing

Appendix B – COVID-19 Preliminary Financial Impacts

7) **RECOMMENDATION**

That Chief Administrative Officer Report No. 2020-70, COVID-19 Update #2 be received
for information.

8) **SIGNATURES**

Prepared on May 7, 2020 and respectfully
submitted by:



C. Scott Luey
Chief Administrative Officer



PORT COLBORNE

CITY OF PORT COLBORNE

Municipal Offices
66 Charlotte Street
Port Colborne, Ontario
L3K 3C8
www.portcolborne.ca

Community and Economic Development Department

TO: Scott Luey, Chief Administrative Officer

CC: Amber LaPointe, CEMC
Michelle Idzenga, Corporate Communications Officer

FROM: Mike Audit, Parks Supervisor
Nicole Halasz, Manager of Parks and Recreation
Ashley Grigg, Director of Community and Economic Development

DATE: April 26, 2020

**SUBJECT: COVID-19 - City Parks Maintenance, Lawn Care and Landscaping
Recommended Service Level Reductions and Staffing**

Preamble:

The City of Port Colborne has a wide variety of parks, sports fields and open spaces and is responsible for the operation and maintenance of these areas. To provide quality standards and priority levels to maintain turf economically, efficiently, and through environmentally sound practices in order to provide a pleasant and well kept appearance while maintaining optimum turf health.

An effective turf maintenance program will enhance the natural beauty and attractiveness of the City; increase the turf's ability to withstand pests and disease; provide safe and playable sports fields; and create optimum turf and soil health throughout City owned lands.

Staffing Implications and Related Impacts:

The Parks Division heavily relies upon on the services of seasonal employees and students. Due to the current hiring freeze, the Parks Division currently capable of completing only minimal beautification and maintenance tasks. As a result, City parks, gardens and public spaces will look different this summer, due to COVID-19. We will be able to operate with current level of staffing for grass cutting, garbage on Main Street West, downtown, and parks/trails (as outlined in the chart below), cemetery operations, trail inspections, minimal maintenance to ballfields to prevent overgrowth and general maintenance issues minor in nature. Further information regarding staffing requirements is outlined below.

Recommended Service Level Reductions:

Over the coming weeks, City of Port Colborne crews will begin outdoor maintenance of parks and sports fields. While this annual spring maintenance is important,

modifications in services are being made to protect health and well-being of the community and City staff during the COVID-19 pandemic. As well, the work being done is for the purposes of safety, security and sanitization. This maintenance is important to protect the natural spaces across Port Colborne and to ensure the security of parks and fields so they are not significantly or irreparably damaged during this time. At this time, crews are focusing on service and maintenance that will allow the City to safely re-open spaces when provincial orders are lifted. During this time, City workers will be maintaining physical distance while completing work and only one employee per maintenance vehicle. The City continues to follow all guidelines from local, provincial and federal health officials to slow the spread of COVID-19 in the community while maintaining essential services.

While residents will see work proceeding in some areas of the City, they should be reminded that playgrounds, skate park and multi-use courts, sports fields, and community gardens remain closed until further notice in an effort to help slow the spread of COVID-19. The City should continue to ask for the public's adherence to the closure of these recreation spaces.

Gardens:

The current freeze on temporary seasonal and summer student hiring inhibits the Division's ability to undertake garden plantings throughout the City this year. Periodic weeding of garden beds will continue on an as-needed basis. Spraying of noxious weeds can and will continue (as the Gardener completes this on his own), as for fertilizing and other turf related work (which should be kept up to avoid much greater expense). Therefore, under the present circumstances (i.e. hiring freeze) the City will be required to forgo garden plantings this year (other than the minimal maintenance to be undertaken by the Gardener, as outlined above).

Flower Baskets/Planters:

The City's total count for hanging baskets is approximately 200. Staff recommend the City make every effort to maintain the installation of these baskets this year (to sustain some level of City beautification). In order to maintain the installation and upkeep of these baskets, staff recommend (as outlined below) maintaining Brianna Stoop's employment with the City. If this is not feasible, the number of hanging baskets would need to be reduced. Under this circumstance, the Parks Division can reduce the number of hanging baskets from 200 to 100 (by installing baskets on every other pole – however, this is likely to illicit complaints from merchants that they don't have one in front of their business). Reducing the number of hanging baskets is, therefore, not recommended.

In addition, under this plan, the Parks Division would also plants five concrete containers in the downtown area (similar to the one in front of the Guild Hall) and pressure wash the planters before they get planted (as per a Councillor request received last year). Lock 8 Gateway Park would receive six new raised planters ("self watering") for flowers (but nothing on the viewing area). H.H. Knoll Lakeview Park would receive six new planters ("self watering") for flowers located throughout

the Park. The Promenade would receive ten new tree planters with flowers (all “self watering”) from Sugarloaf Street to Clarence Street. Seaway Park would have perennials planted in the existing bed with seven planters (with flowers) that will require manual watering. The Parks Division would also order hanging baskets for Sugarloaf Marina and the Museum. If those facilities do not reopen, those baskets could be redistributed throughout the City. Again, staff recommend proceeding with these planters in order to provide some level of beautification throughout the City (particularly since gardens cannot be planted).

Staff anticipate the above plantings will consume approximately one-quarter of the Division’s planting budget (\$4,000 to \$5,000).

Recommendation 1: Completing the above basket plan would require approval to maintain Brianna Stoop. Brianna is also recommended to be maintained because she has expressed an interest in becoming the Gardener in the future which is a position that in the past was succession planned for a minimum of two years where the assistant Gardener shadowed the Gardener to learn the skill set required.

Furthermore, Brent Day is currently the fourth employee on the grass crew and currently filling in for Kristyn Gillespie’s maternity leave and would also need to remain to maintain minimal service levels. Jim Brown most likely will be retiring in June, again reducing the compliment but maybe the hiring freeze will be lifted by then. Both Brianna and Brent are vital to our operation but the Parks Division would look for Brent to stay before Brianna for any task if the City continues to limit hiring, as he has already worked for us for a year, operates all the equipment and has worked at the VHWC as a facility operator.

Recommendation 2: that the above noted service level for flower baskets/planters be approved and communicated to Council (accompanied by public communication concerning reduced service levels and the impact on beautification efforts).

Grass Cutting:

During the pandemic, the Parks Division is planning on completing only basic grass cutting and turf maintenance tasks. The following chart outlines recommended grass cutting service level reductions in parks, sports fields, trails, etc.

Recommendation 3: Staff recommend the Parks Division be authorized to hire the temporary seasonal staff (in addition to Brittany Stoop) in order to maintain parks service levels. Alternatively, this staffing requirement could be satisfied through redeployment of non-union staff members – however, Union consent would be required.

Recommendation 4: That the service levels outlined below concerning parks grass cutting be approved and communicated to Council (accompanied by public

communication (a consolidated communication re: overall parks service levels is recommended).

Normal Service Level: Once per week for all areas.	
Note: for reduced service level areas (Category 2), growth is expected to be approximately 2 - 3" in between cuts, depending on growth conditions.	
Category 1: Highest Frequency (maintain once per week cut)	
Name/Location	Classification (Based on Amenities and/or size)
Humberstone Cenotaph Park	Neighbourhood (w/ Tot Lot)
Lock 8 Park	City (w/ Tot Lot)
Tourist Information Centre	Facility
Overholt Cemetery (3rd Concession)	Cemetery (active)
Doan Cemetery (2nd Concession)	Cemetery (inactive)
Sherk (United Brethren) Cemetery (Highway 3)	Cemetery (inactive)
Daylighting - Hwy 3 & Holloway Bay Rd.	n/a
Roselawn Centre (1st in a.m.)	Facility
Hawthorne Heights Park	Neighbourhood (w/ Tot Lot)
Windsor Terrace Cemetery (Highway 58)	Cemetery (inactive)
Trail & Promenade - Sugarloaf St. to Clarence St.	Trail
Island - Clarence St. at Canal (do with Promenade)	n/a
City Hall	Facility
King George Memorial Park	Parkette
H.H. Knoll Park - Sugarloaf St.	City (w/ Tot Lot)
Library & Library Park	Neighbourhood (w/ Tot Lot)
Sugarloaf Harbour Marina - Marina Rd.	Facility
Seaway Park	Parkette
East Village Community Park/Victoria Playground	Neighbourhood (w/ Tot Lot)
Vale Soccer Fields - 550 Elizabeth St.	Field
Vale Ball Diamond Fields - 550 Elizabeth St.	Field
Category 2: Reduced Frequency (reduce to every other week cut)	
Humberstone Shoe Park	Community (w/ Tot Lot)
Helen Kinnear Memorial Park	Parkette
Rose Shymansky Memorial Park	Community (w/ Tot Lot)
Sign - Westside Rd. & Main St.	n/a
Vimy Park / Melissa's & John Daly Playground (Do not skip during playing season)	Community (w/ Tot Lot)
West Arena Complex/ Westside / Rotary Complex	Community

Lions Field	Community
Trail - Killaly St. to Middle Bridge	Trail
Trail - Main St. to Pedestrian Bridge	City Trail
Trail - Pedestrian Bridge to Dain City Limits	Trail
Maple Park	Neighbourhood
Harry Dayboll/Oakwood Park	Parkette
Oxford Boulevard Park	Neighbourhood (w/ Tot Lot)
Reservoir Park	Neighbourhood (w/ Tot Lot)
Westdale Park	Neighbourhood (w/ Tot Lot)
Barrick Park	Neighbourhood (w/ Tot Lot)
Trail - Elm St. to West St.	Trail
Trail - HH Knoll Park to King St.	Trail
Sunset Park	Neighbourhood (w/ Tot Lot)
Centennial Park	Community (w/ Tot Lot)
Lockview Park	Community
Trail - Middle Bridge to Seaway Park	Trail
Trail - Welland St. to Elizabeth St.	Trail
Nickel Beach / Nickel Beach Playground	City (w/ Tot Lot)
DeWitt Carter Playground	Neighbourhood (w/ Tot Lot)
Vale Grounds - 550 Elizabeth St.	City (w/ Tot Lot)
Johnston St. Playground	Neighbourhood (w/ Tot Lot)
Chestnut Park	Neighbourhood (w/ Tot Lot)
Bulk Water Station - Elizabeth St.	n/a

VHWC - Reestablishment of Ice Surfaces (Parks Staffing Requirements):

If at some point throughout the summer there is direction to re-establish one ice surface, the Parks Division would need to hire 3 employees. If we re-establish the second ice surface in August (which we typically do under normal circumstances) then the Parks Division would be short 6 employees. In other words we will not be in a position to re-establish ice surfaces until individuals are hired because the outside work load is already seriously deficient.

Resumption of Parks Services:

A return to opening facilities and offering programs will be incremental, and potentially attached with stipulations. The department's preparation to resume operations is based on the assumption that temporary and part-time staff will be reinstated in a timely manner (this is particularly important to support the resumption of services in the Parks Division). As a result, communication to Council and the public is of key importance in order to manage expectations and clearly convey the workload capabilities that can be carried out with the current staff compliment restrictions.

Sincerely,

Mike Audit
Parks Supervisory

Nicole Halasz
Manager of Parks
and Recreation

Ashley Grigg
Director of Community and
Economic Development

COVID-19 Preliminary Financial Impacts

COVID-19 is estimated to result in a net loss of \$540,000 after certain initial mitigation measures. Staff forecasts the identified net loss can be managed within the 2020 budget. This report identifies mitigation strategies currently in development to reach this objective.

In preparing this report, certain assumptions and estimates were necessary. They are based on information available to staff at the time of preparing the forecast. Users of this report are cautioned that actual results will vary as more information becomes available. Council can expect monthly updates to the operational and capital impacts from COVID-19 and progress on mitigation strategies and the related impacts on a go forward basis and, as each update is prepared, the data available will be more accurate and will be based more on actual results than forecasts and estimates.

A summary of the estimated financial impact from COVID-19 and the City's response to date is as follows:

Closure of significant community assets to support social distancing, including the Vale Health and Wellness Centre, Nickel Beach and the Marina resulting in an estimated net revenue loss of \$700,000 offset by an estimated reduction in associated utility costs of \$90,000. ^	\$610,000
Loss of user fees and other income (ranging from investment income impacted by falling interest rates to parking/property standards, building permit and planning fees to library receipts and rentals)	\$400,000
Relief measures for impacted taxpayers (waived penalties and interest on tax and water receivables to June 30 th). *	\$170,000
Technology improvements to maintain essential services and consistent customer service levels – estimated cost of \$100,000.	\$100,000
Providing staff with personal protective equipment enhancements estimated at a cost of \$15,000 to June 30 th .	\$15,000
Hiring freeze estimated to save \$625,000 offset by an estimated increase in overtime of \$68,000 to June 30 th .	(\$557,000)
Cancelling Canal Days to support social distancing at a net savings of \$138,000.	(\$138,000)
Curtailing conference spending by \$60,000 as many conferences which provided for an opportunity to learn and share leading practices move on-line or are cancelled altogether.	(\$60,000)
Net Loss	\$540,000

* As of April 30th, the City experienced no change in collection rates year over year. This net loss forecasts the current relief measures are not extended past June 30th.

^ This net loss forecasts that the Vale Health and Wellness Centre and Marina remain closed to June 30th and Nickel Beach all of 2020. These dates were used for illustrating financial impact and may vary. At the time of writing this report the Province of Ontario is providing new direction for certain assets such as the marina.

Looking forward

To manage the estimated impact within the 2020 budget, staff intends to maintain the hiring freeze past June 30th and review operations for potential budgetary reductions and efficiencies. At the time of writing this report, staff is assessing the potential for additional costs associated with maintaining appropriate social distancing measures.

As the COVID-19 situation continues to evolve staff highlight that service levels may change to achieve social distancing standards, ensure the health and wellbeing of the community and staff, and to support financial sustainability.

The global response to COVID-19 is also likely to have an impact on the City's planned and in progress capital projects. The risk associated with being on-time and on budget has increased. Currently, staff is reviewing the capital plan with a goal of mitigating these risks. One mitigation measure may be to prioritize and defer certain capital projects.

While identifying there are risks to the implementation of the immediate capital plan, mid to long-term capital planning continues, including work on the community improvement plans.

Balance Sheet and Cash Flow Considerations

At the present time the City's balance sheet and cash flow remains sufficient to support operations and capital planning.

All local area municipalities have received cash flow support from the Province of Ontario and the Niagara Region through adjusted and/or delayed transfer payments of taxes and related fees collected on their behalf. Management has expressed appreciation to both the Province of Ontario and the Niagara Region for this support while the financial impact of COVID-19 is mitigated.



Report Number: 2020-58

Date: May 25, 2020

**SUBJECT: Drinking Water Quality Management System
Part 1 Management Review Summary**

1) PURPOSE:

This report, prepared by Darlene Suddard, Environmental Compliance Supervisor and authorized by Chris Lee, Director of Engineering and Operations, has been prepared to provide Council with a summary of the Management Review, which under Element 20 of the Drinking Water Quality Management Standard (DWQMS), is required to be completed once every calendar year. This report also fulfills Element 12: Communications where Top Management is required to keep the Owner of the Water Distribution System informed of items that could affect the Quality Management System or the operation of the Distribution System.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

In conformance with the Management Review Procedure (QMS-SOP20-1) and with the Communications Procedure (QMS-SOP12-1), the results of the Management Review are provided in this report.

Ensuring that the Mayor and Council, as the Owners of the Port Colborne Distribution System, are informed of the results of the Management Review is critical to not only fulfilling the requirements of the DWQMS, but also to support their compliance with the Section 19 Statutory Standard of Care requirements of the *Safe Drinking Water Act, 2002.*; which came into effect December 31, 2012.

The DWQMS dictates that the following items must be discussed during the annual Management Review:

- a. Incidents of regulatory non-compliance
- b. Incidents of adverse drinking water tests
- c. Deviations from critical control point limits and response actions
- d. Effectiveness of the risk assessment process
- e. Results of internal and third party audit results
- f. Results of emergency response testing
- g. Operational performance
- h. Raw water supply and drinking water quality trends
- i. Follow up on action items from previous management reviews
- j. Status of management action items identified between reviews
- k. Changes that could affect the Quality Management System (QMS)
- l. Consumer feedback
- m. Resources needed to maintain the QMS

- n. Results of the infrastructure review
- o. Operational plan currency, content and updates
- p. Staff suggestions

The items are not required to be discussed during a single meeting, but can be discussed over several meetings.

3) STAFF COMMENTS AND DISCUSSIONS

In 2020, based on a prior request to hold future Management Reviews prior to the annual water/wastewater budget, the Management Review was divided into two parts. The Part 1 Review completed on February 26, 2020 discussed operational items a, b, c, e, g, h, i, k, l and m (see above) for the period covering April 1, 2019 to December 31, 2019. A copy of the minutes from this meeting and the Summary QMS Report that was provided to all attendees is attached to this report, please refer to the corresponding section in the minutes for further information.

Highlights from the Management Review are summarized below:

Results of Internal and Third Party Audits

The City's Drinking Water Quality Management System was re-accredited in January 2020, and the 2020 Internal Audit has been moved to October 2020.

Operational performance

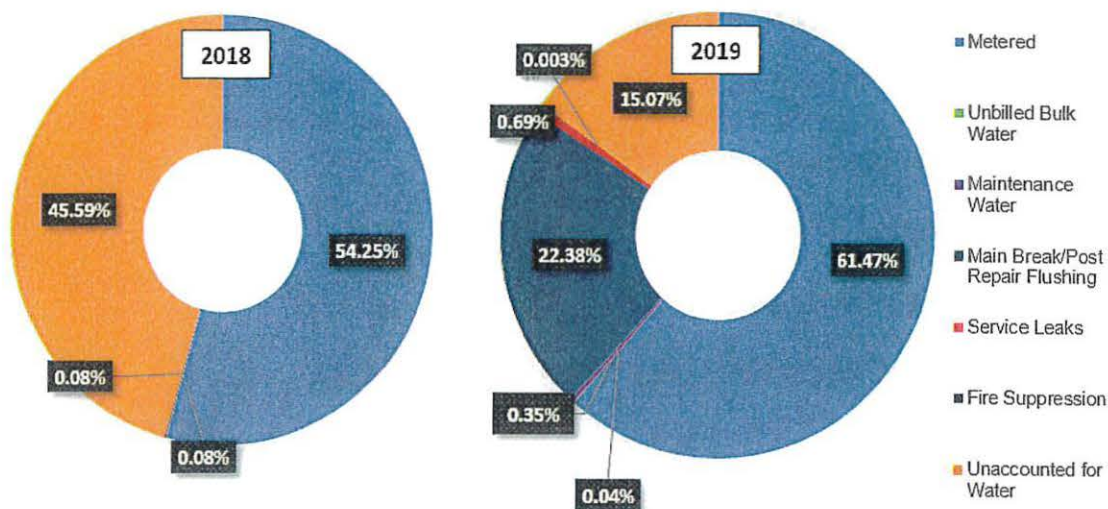
The outstanding efforts of Utilities staff was highlighted during the meeting, as there were many "wins" in 2019.

The operational performance indicators set by staff in early 2019 were overwhelmingly met. Some of the targets were adjusted after staff met to evaluate the successes and lessons learned from 2019.

One big success for 2019 is the overall 22% reduction in water purchases from the Region. As the volume of water sold to the City's customers only fell by 7% in 2019, the majority of the decrease in purchases from the Region is a direct result of the efforts by the Utilities Department to not only find and repair any watermain breaks in a timely fashion, but to also take a conservative, prudent approach to maintenance flushing activities.

Additionally, through careful tracking of water used for maintenance purposes and fire suppression, and by estimating the volume of water from watermain breaks and service leaks, staff were able to reduce the unaccounted for water from 46% in 2018 to just over 15% in 2019 (see Figure 4, copied from the Summary Report).

Figure 4: Proportion of Billed vs. Unbilled Water (by source) – 2018 vs 2019



Changes in resource requirements, infrastructure, process, personnel, the DWQMS or regulations that could affect the QMS

- Sanitary and Storm Sewer Design Criteria and Wastewater Collection Environment Compliance Approvals (ECAs)
 - The Province has not yet finalized the design criteria for sanitary and storm sewers; however, late in 2019 the Ministry anticipated the design criteria would be completed in 2020. They also indicated that in 2020 they will begin issuing “Area Wide Linear Infrastructure ECAs” which will apply to wastewater collection systems and stormwater systems.
 - While these items fall outside the scope of the QMS, once the Ministry issues an “Area Wide Linear Infrastructure ECA” to the City, there will be an impact on staffing and other resources in order to be in compliance with the ECA, which could affect the QMS.

Consumer Feedback

The majority of the water quality complaints in 2019 were about dirty water. In most cases, the water had already cleared, so the operator was unable to determine the cause; however, in all cases, the samples collected by the operator during the site visit were well within acceptable parameters. Where the source of the complaint could be determined, activities in the distribution system (i.e. valve turning, hydrant flushing) were the cause of the dirty water. Most frustrating for staff were the repeated complaints (10 total) from a single residence where no source of dirty water was observed. Due to the history at this address (many complaints each season), a new valve and an automatic flushing station was installed along this stretch of watermain. Continued monitoring in 2020 will see if this has addressed the issue.

Part 2 of the Management Review will be completed ahead of the 2020 Internal Audit, likely in September 2020, and will cover off the remaining items required to be reviewed

and will include updates since the Part 1 review.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) **Do nothing.**

None – report is for information only.

b) **Other Options**

None – report is for information only.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Not Applicable.

6) ATTACHMENTS

Appendix A – Drinking Water Quality Management System Review – Part 1 Minutes dated February 26, 2020.

Appendix B – Port Colborne Distribution System, Summary QMS Report for the Management Review – Part 1 dated February 21, 2020.

7) RECOMMENDATION

That Engineering and Operations Department, Operations Division Report No. 2020-58, Drinking Water Quality Management System, Part 1 Management Review Summary, be received for information.

8) SIGNATURES

Prepared on April 28, 2020 by:



Darlene Suddard
Environmental Compliance Supervisor

Reviewed by:



Chris Lee
Director, Engineering & Operations
Department

Reviewed and Respectfully Submitted:



C. Scott Luey
Chief Administrative Officer



Drinking Water Quality Management System Review – Part 1
February 26, 2020

The following were in attendance:

Chris Lee, Darlene Suddard, Councillor Gary Bruno, Councillor Harry Wells, Peter Paget, Richard Daniel, Steve Shypowskyj

Items	Actions/Deadline
<p>1. Overview of purpose and outcomes of annual Management Review</p> <p>Darlene provided an overview of the Management Review, indicating that this Part 1 review covered primarily the operational aspects of the items listed in the DWQMS to be discussed. The Part 2 review will cover primarily the management system items, and will occur in early fall.</p> <p>This Management Review covered the period from April 1, 2019 to December 31, 2019.</p>	
<p>2. Management Review - Items to be discussed.</p> <p>Attendees were provided with a summary of the items required to be discussed, prior to the meeting date. Therefore, only items where additional information was discussed during the meeting, or where action items were generated, are detailed in the minutes. Information about the remaining items are discussed in the Management Review Summary, dated February 21, 2020.</p> <p><i>e) Results of Internal and Third Party Audits</i></p> <p>The City's re-accreditation third party audit was completed in October/November 2019. The auditor found one minor nonconformance and identified four opportunities for improvement (OFIs). The nonconformance was due to an uncontrolled form being used in the field; the form was controlled, staff were trained and the auditor accepted the corrective action in December 2019, and the City received the accreditation certificate in January 2020.</p> <p>The Ministry of Environment, Conservation and Parks performed an announced inspection of the drinking water system in late 2019. Based on historical</p>	

Items	Actions/Deadline
<p>inspection results, the City was selected to participate in a remote pilot inspection. The inspector raised no findings and the drinking water system was assigned a rating of 100%.</p> <p><i>g) Operational Performance</i></p> <p>The outstanding efforts of Utilities staff was highlighted during the meeting, as there were many “wins” in 2019.</p> <p>The operational performance indicators set by staff in early 2019 were overwhelmingly met. Some of the targets were adjusted after staff met to evaluate the successes and lessons learned from 2019. These will be incorporated into a revised maintenance table.</p> <p>It was discussed during the meeting that the target for valve inspections/exercising will not only consist of the scheduled 25% annually – but that in 2020, staff will begin documenting the valves that are inspected/exercised during watermain isolations, and/or during other maintenance activities so that we may “take credit” for all valve inspections.</p> <p>One big success for 2019, is the overall 22% reduction in water purchases from the Region. As the volume of water sold to the City’s customers only fell by 7% in 2019, the majority of the decrease in purchases from the Region is a direct result of the efforts by the Utilities Department to not only find and repair any watermain breaks in a timely fashion, but to also take a conservative, prudent approach to maintenance flushing activities.</p> <p>Additionally, through careful tracking of water used for maintenance purposes and fire suppression, and by estimating the volume of water from watermain breaks and service leaks, staff were able to reduce the unaccounted for water from 46% in 2018 to just over 15% in 2019.</p>	

Items	Actions/Deadline
<p>i) <i>Follow up on action items from previous management reviews</i></p> <ul style="list-style-type: none"> • <u>Sampling SOP</u> – Staff were asked to verify if the sampling standard operating procedure (SOP) included instructions on how to check sample bottles to ensure they were “good” before use, and incorporate if it didn’t contain the information. 	
<p>STATUS: Procedure revision in progress</p> <ul style="list-style-type: none"> • <u>Provision for families of staff during emergency event</u> – check with Fire Chief to see if corporate emergency plan provides a provision for a safe place for families of city staff in an emergency event. 	
<p>STATUS: Was discussed at the corporate emergency planning level, but it was decided to not implement</p> <ul style="list-style-type: none"> • <u>GIS system updates</u> – discrepancies exist between the valve information in the GIS system vs. the valve database 	
<p>STATUS: Ongoing effort to update the GIS with correct information. Have developed a procedure to provide mapping corrections to the GIS Coordinator.</p> <ul style="list-style-type: none"> • <u>Reagent storage/disposal</u> – Process for reagent storage/disposal will be created to ensure expired standards and reagents won’t be used during watermain commissioning. 	
<p>STATUS: Procedure finalization in progress</p> <ul style="list-style-type: none"> • <u>Checklist of DWQMS and Compliance Deadlines</u> – develop procedure or checklist of all annual DWQMS and compliance deadlines to ensure reporting deadlines are not missed 	
<p>STATUS: Complete. Monthly deadline checklist has been created and is in use, and will be refined and updated as necessary</p>	

Items	Actions/Deadline
<ul style="list-style-type: none"> • <u>Region communications in event of a shutdown of Region facility -</u> outcome of the 2017 mock emergency. The City was concerned that the Region does not notify the City of all outages/upsets at Region facilities. While it is true that the majority of system outages/upsets at Regional facilities will have little to no impact on the City’s distribution system, knowing the status of the Regional facilities in the event of a distribution system incident and/or emergency would only assist the City and the Region in providing the highest quality drinking water and customer service to our residents – as drinking water is shared responsibility. Director was to discuss with Region’s leadership team <p>ACTION: Chris to raise with new Region Director. Peter and Richard to raise with new plant ORO</p> <ul style="list-style-type: none"> • <u>Frozen Water Services Hotline –</u> repurpose existing hotline for all kinds of communications - where residents could call to listen to a recorded message and receive information during a water emergency (or snow event etc) – number would be provided in all advisories and communications. <p>Evolution of customer service positions is being monitored.</p> <p>STATUS: Ongoing</p> <ul style="list-style-type: none"> • <u>Sample bottles during an emergency -</u> Investigate writing requirement to provide sample bottles as needed (i.e in an emergency) into agreement with the City’s chemical analysis laboratories. <p>STATUS: Complete – after discussing with laboratories, there is no need for a formal written requirement.</p> <p>Was also discussed that there may be an appetite for the NPPC group to consider microbiological sample analysis as a cooperative purchase</p> <p>ACTION: Richard to bring it up to the NPPC group</p>	<p>Richard Dec 31, 2020</p>

Items	Actions/Deadline
<ul style="list-style-type: none"> • <u>Alternative “local” chemical laboratories</u> – It was shared that there are no chemical laboratories in Niagara; the local microbiological labs contract out the chemical analysis to out of Region labs. The Region has an emergency agreement with a chemical lab in Waterloo. <p>ACTION: Reach out to Region to get contact information for their emergency lab, and put it out to the Regional working group to see if there is interest in designating a single lab as the emergency lab for all LAMs – and approach the lab to see about pricing.</p> <ul style="list-style-type: none"> • <u>Leak detection on Region’s trunk watermains</u> – it was shared that the Region does not do active leak detection on their trunk watermains, however, it has been indicated that there is an appetite to pursue program(s). <p>STATUS: Ongoing</p> <ul style="list-style-type: none"> • <u>Management Review ahead of water/wastewater budget</u> <p>STATUS: Complete. This is the first of two reviews to be held in 2020</p> <ul style="list-style-type: none"> • <u>Valve colour coding/Fire flow testing</u> – program started in 2020 <p>STATUS: Complete</p> <ul style="list-style-type: none"> • <u>QMS Rep back up</u> – there remains no defined back up to the QMS Representative and succession planning has not yet been discussed. <p>This was raised as a finding during the external re-accreditation audit</p> <p>STATUS: Ongoing.</p> <ul style="list-style-type: none"> • <u>Health Canada Lead Levels</u> – Health Canada officially released updated guidelines for lead in drinking water in March 2019 – lowering the acceptable concentration of lead in drinking water from 10 µg/L to 5µg/L. Staff will continue to monitor communications from the Ministry and inform Top Management as required. <p>STATUS: Ongoing.</p>	<p>Darlene June 30, 2020</p>

Items	Actions/Deadline
<ul style="list-style-type: none"> • <u>Asset Management Planning Regulation</u> – Engineering and Treasury are working on complying with this requirements of this regulation. <p>STATUS: Plan is currently with Treasury and will be provided to Engineering afterwards.</p> <ul style="list-style-type: none"> • <u>QMS Standard Operating Procedures</u> – secure on-line tool for Councillors to access and view the procedures <p>ACTION: Ask IT about setting up a OneDrive for Councillor access</p>	
<p>k) <i>Changes that could affect the QMS or the PCDS</i></p> <ul style="list-style-type: none"> • <u>Regional Construction Activities</u> - As discussed in previous Management Reviews, the Region’s new canal crossing may have significant impacts on the distribution system. It was shared that the Region was currently surveying and completing boreholes, and the estimated commissioning of this crossing is 2023. • <u>Sanitary and Storm Sewer Design Criteria and Wastewater Collection Environmental Compliance Approvals</u> – The Province has not yet finalized the design criteria for sanitary and storm sewers; however, late in 2019 the Ministry anticipated the design criteria would be completed in 2020. They also indicated that in 2020 they will begin issuing “Area Wide Linear Infrastructure ECAs” which will apply to wastewater collection systems and stormwater systems. <p>While these items fall outside the scope of the QMS, once the Ministry issues an “Area Wide Linear Infrastructure ECA” to the City, there will be an impact on staffing and other resources in order to be in compliance with the ECA, which could affect the QMS.</p>	

Items	Actions/Deadline
<p><i>l) Consumer Feedback</i></p> <p>The majority of the water quality complaints in 2019 were about dirty water. The exact cause of most of the complaints was not known at the time of the site visit. In most cases, the water had already cleared, so the operator was unable to determine the cause; however, in all cases, the samples collected by the operator during the site visit were well within acceptable parameters. Where the source of the complaint could be determined, activities in the distribution system (i.e. valve turning, hydrant flushing) were the cause of the dirty water. Most frustrating for staff were the repeated complaints (10 total) from a single residence where no source of dirty water was observed. Due to the history at this address (many complaints each season), a new valve and an automatic flushing station was installed along this stretch of watermain. Continued monitoring in 2020 will see if this has addressed the issue.</p>	
<p>3. Round Table</p> <p>It was discussed that when buildings are demolished, that the Utilities group needs to be kept in the loop to ensure that the water service and sewer lateral are correctly decommissioned to ensure the service is not leaking and that the sewer lateral is not allowing infiltration into the wastewater collection system.</p> <p>Engineering is working on a procedure for Planning and Building Department tasks and will incorporate.</p> <p>It was discussed whether it would be feasible to go back through all demolitions in the last five years to ensure that the services were properly decommissioned.</p> <p>ACTION:</p> <ol style="list-style-type: none"> 1. Engineering to provide updates on procedure 2. Utilities to check demolition permits from the last 5 years and check if servicing was properly decommissioned 	<p>Steve Peter/Darlene Dec 31, 2020</p>
<p>4. Next Scheduled Review</p> <p>As the internal audit has been moved to October 2020, Part 2 of the annual review will be scheduled in Q3, likely in September.</p>	<p>Darlene Before Internal Audit</p>



PORT COLBORNE

Port Colborne Distribution System
Summary QMS Report
for the
Management Review
Part 1

Report Prepared on:
February 21, 2020

For the period of:
April 1, 2019 to December 31, 2019

Executive Summary

- In response to feedback received from Owner representatives on the DWQMS Committee, the 2020 Management review is being completed in two parts. This Part 1 review addresses operational components of the DWQMS before the annual water budget is presented to Council.
- There were no incidents of regulatory non-compliance in this period
- There were three (3) adverse test results (2 microbiological and 1 low free chlorine) in this period. In all instances clear re-samples indicated the water was safe.
- The 2020 Internal Audit is scheduled for October 7, 2020
- The on-site re-accreditation audit took place in November 2019, the auditor identified one nonconformance which was addressed within the required timeframe, and the certificate of accreditation was received in January 2020.
- Number of main breaks in 2019 totalled 17; slightly more than were observed in 2018.
- Staff successfully met maintenance targets and performance indicators that were set in 2019 and have adjusted the targets and operational indicators for 2020.
- The City's water purchases decreased significantly in 2019, falling by 22%. As the volume of water sold to the City's customers only experienced a 7% decrease in 2019, it is safe to assume that the majority of the decrease in purchases is a direct result of the efforts by the Utilities Department to not only find and repair any watermain breaks in a timely fashion, but also to take a conservative, prudent approach to maintenance flushing activities.
- Coupled with the prudent approach to maintenance flushing activities, staff successfully tracked all sources of unbilled water in 2019. These efforts reduced the percentage of unaccounted for water from 46% in 2018 to 15.7% in 2019.
- The City's Municipal Drinking Water Licence and Drinking Water Works Permit were renewed in October 2019.
- Water quality complaints totalled 39 in 2019; 38 were calls about dirty water, one call was about air/milky water. Where the source of the complaint could be determined, activities in the distribution system (valve turning, hydrant flushing) were the most common sources.

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Port Colborne Distribution System
Summary QMS Report
for the
Management Review
Part 1
Prepared on February 21, 2020

Introduction

Purpose

The purpose of this report is to summarize the activities of the Port Colborne Distribution System (PCDS) Operating Authority (in general, the Engineering and Operations Department) so that Top Management can ensure the continuing suitability, adequacy and effectiveness of the Quality Management System (QMS) at scheduled Management Reviews.

Scope

This Summary Report for the Management Review – Part 1 covers key operational elements of the Drinking Water Quality Management Standard (DWQMS) from April 1, 2019 to December 31, 2019. In response to feedback received from the Owner representatives on the DWQMS Committee to discuss operational information ahead of the annual water budget submission, the Management Review has been divided into two parts – Part 1 will address operational elements before the annual water budget is presented to Council, Part 2 will address the remaining items required to be discussed at the Management Review, and will be held after the water budget submission.

Top Management reviews the information specified in:

Procedure QMS-SOP20-1 Management Review

This Part 1 review will include, but is not limited to, the bolded components following:

- a. **Incidents of regulatory non-compliance**
- b. **Incidents of adverse drinking water tests**
- c. **Deviations from critical control point limits and response actions**
- d. Effectiveness of the risk assessment process
- e. **Results of internal and third party audits, including best management practices**
- f. Results of relevant emergency response testing
- g. **Operational performance**
- h. **Raw water supply and water quality trends**
- i. **Follow up on action items from previous management reviews**
- j. Status of management action items identified between reviews
- k. **Changes in resource requirements, infrastructure, process, personnel, the Standard or regulations that could affect the QMS**
- l. **Consumer feedback**
- m. **Resources needed to maintain the QMS**
- n. Results of infrastructure review
- o. Operational plan currency, content and updates
- p. Staff suggestions

Summary of Items

a. Incidents of Regulatory Non-Compliance

There were no reportable regulatory non-compliances during this time period. The “Port Colborne Distribution System Annual Drinking Water Quality Report” for 2019 will be presented to Council in March 2020 and details the City’s compliance with the regulations.

b. Incidents of Adverse Drinking Water Tests

There were three (3) Adverse Drinking Water Tests in 2019.

One adverse drinking water test was due to low free chlorine (0.00 mg/L). The watermains were immediately flushed to restore secondary disinfection and ensure a minimum of 0.05 mg/L of chlorine was achieved. The remaining adverse drinking water tests in 2019 were due to adverse microbiological results. In both cases, subsequent flushing and resampling indicated that microbiological organisms were absent from samples up and downstream of the adverse sample location, and free chlorine levels were well above the minimum regulated requirement of 0.05mg/L. Based on this result, it is suspected that sample contamination, either during sample collection, or during laboratory analysis, had caused the adverse test result.

c. Deviations from Critical Control Point Limits and Response Actions

Critical Control Points (CCP) for the PCDS are, where applicable, higher than the regulated limits. During this period, Staff responded appropriately to low free chlorine levels (<0.10 mg/L but >0.04 mg/L) by flushing the distribution system to bring the chlorine levels up. Routine dead end flushing aided in ensuring free chlorine levels remained adequate.

d. 2020 Risk Assessment

To be discussed in the Management Review – Part 2

e. Results of Internal and Third Party Audits

Nonconformances (NCs) and Opportunities for Improvement (OFIs) that were generated during the report period are summarized in the Nonconformance and Corrective Action Logs provided in Appendix 1.

Internal Audit

The 2020 Internal Audit has been scheduled for October 7, 2020.

External Audits/Accreditation Status

The City's auditor from SAI Global completed the desk top portion of the re-accreditation audit on October 18, 2019 and was on-site November 5, 2019 to complete the on-site portion of the re-accreditation audit.

The auditor identified one opportunity for improvement (OFI) during the desk top audit. The OFI was to consider including a description of all distribution system components in the Operational Plan; however the auditor realized during the on-site audit that the PCDS is a very simple distribution system and that the Operational Plan does describe all components.

During the on-site audit, the auditor found one minor nonconformance and identified four (4) OFIs. The minor nonconformance was due to an uncontrolled form being used to record watermain breaks. The Operating Authority was given 60 days to submit the corrective action plan to the auditor. The corrective action (adding the form to the controlled document list and training staff in the use of the new form) was completed within the 60 days, and the City was recommended for re-accreditation on December 17, 2019 and accreditation was received on January 7, 2020. The four OFIs identified were as follows:

- a. Consider documenting a review timeframe for both the Essential Supplier/Services list & the QMS Policy to ensure currency of these records is maintained.
- b. Consider including action items from emergency debriefs in the corrective/preventive action process to improve responsiveness to emergency situations.
- c. Consider resurrecting the value of designating a QMS Rep back-up which was dismissed in 2017.
- d. Ensure the organizational chart is reflective of current organizational structure in terms of reportability within the DWQMS.

Staff have already incorporated b. into practice, and will consider a. and d. during the next QMS document review. Item c. has been left with Top Management.

Surveillance audits are undertaken in year 2 and 3 of the accreditation cycle, therefore, in 2020 a surveillance audit will be conducted by the City's accreditation body.

Ministry Inspections

The Ministry of the Environment, Conservation and Parks (Ministry) performed an announced inspection of the PCDS covering the period from July 10, 2018 to August 31, 2019. This year, based on the City's compliance history, the City was one of two municipalities in Niagara chosen for a remote pilot inspection. . The Inspector raised no findings, nor were any recommendations provided. The PCDS was assigned a rating of 100%.

f. Results of Relevant Emergency Response Testing

To be discussed in the Management Review – Part 2

g. Operational Performance

Table 1 summarizes Operational statistics for the PCDS in 2019. Overall, there were 17 watermain breaks in 2019, slightly higher than the total for 2018.

Table 1: PCDS Activity Report

ITEM	AMOUNT
	2019
Distribution Samples	
Bacteriological (approx.)	428
Operational (free chlorine)	1,829
Adverse Samples	3
Lead Samples	
Distribution – Alkalinity and pH	8
Distribution – Lead (Exempt from plumbing sampling as of Dec/09)	0 (4 private plumbing requests)
Sample results > 10 ppb	0
Watermain breaks	17

In 2019, staff set operational performance indicators for various infrastructure components and levels of service. A summary of the 2019 statistics, which indicated staff successfully met the majority of the maintenance targets, are provided in Table 2 below. Staff met to discuss the 2019 results and adjusted some of targets for 2020, noted in Table 2.

Total water purchases from the Region's Port Colborne Water Treatment Plant decreased significantly in 2019, falling by 22% from 3,233,180 m³ in 2018 to 2,656,040 m³ (Figure 1, Table 3). As the volume of water sold to the City's customers only experienced a 7% decrease (1,754,042 m³ in 2018 vs. 1,632,856 m³ in 2019) (Figure 2, Table 3), it is safe to assume that the majority of the decrease in purchases from the Region is a direct result of the efforts by the Utilities Department to not only find and repair any watermain breaks in a timely fashion, but to also take a conservative, prudent approach to maintenance flushing activities.

Table 2: PCDS Maintenance and Operational Performance Indicators (OPI)

Maintenance Activity	Target/OPI	Status
Watermain Breaks	Meet response times in SOP	Met
Valve Exercising, Inspections	25% annually/< 5 inoperable	Completed 25% in 2019, inoperable target not realistic – will set target once 100% of valves exercised
Hydrant Inspections	100% annually/< 5 inoperable	Completed 100%, < 5 inoperable
Winter Hydrant Inspection	2 inspections (Nov 1-Dec 31 and Jan 1-Apr 1)/0 frozen	1 st inspection complete, second (2020) in progress, 0 frozen
Fire flow testing	100% Completed over ten (10) yrs/<2 out of service, marked within 60 days	25% in 2019, hydrant markers installed
Curb stop/curb box repairs	Repair < 2 weeks	Met
Emergency service repairs	Meet response times in Watermain Break SOP	Met
Inspect bulk water stations	Annual/< 2 service disruptions	1 unscheduled outage in 2019
Dead end flushing	Weekly, May-Oct, autoflush stations/0 AWQIs, <10 complaints	0 AWQI, 9 complaints
Backflow inspections	Annually or as required/<40% failure	To be discussed at meeting

Figure 1: Annual Water Purchases since 2009

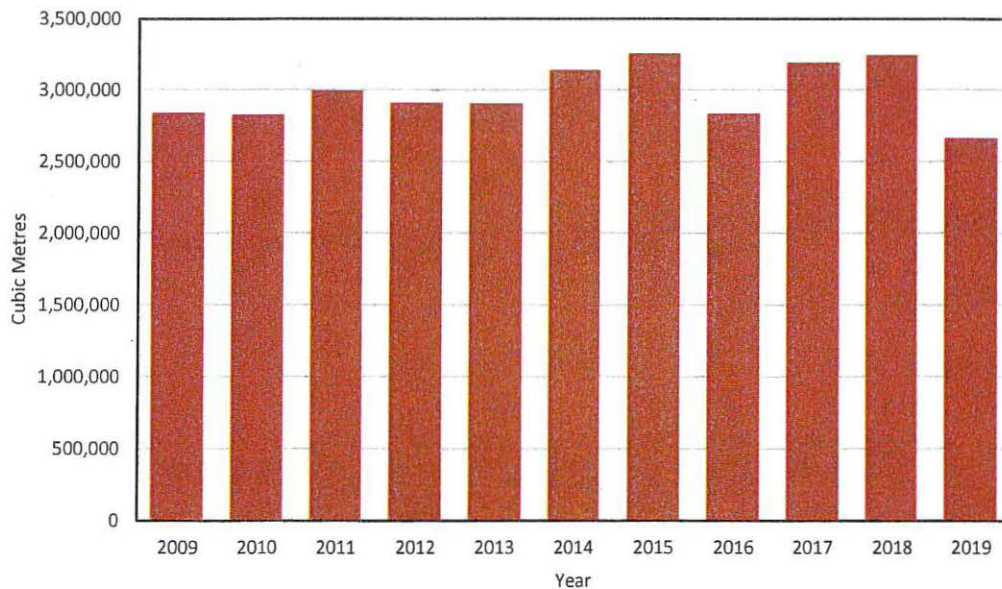
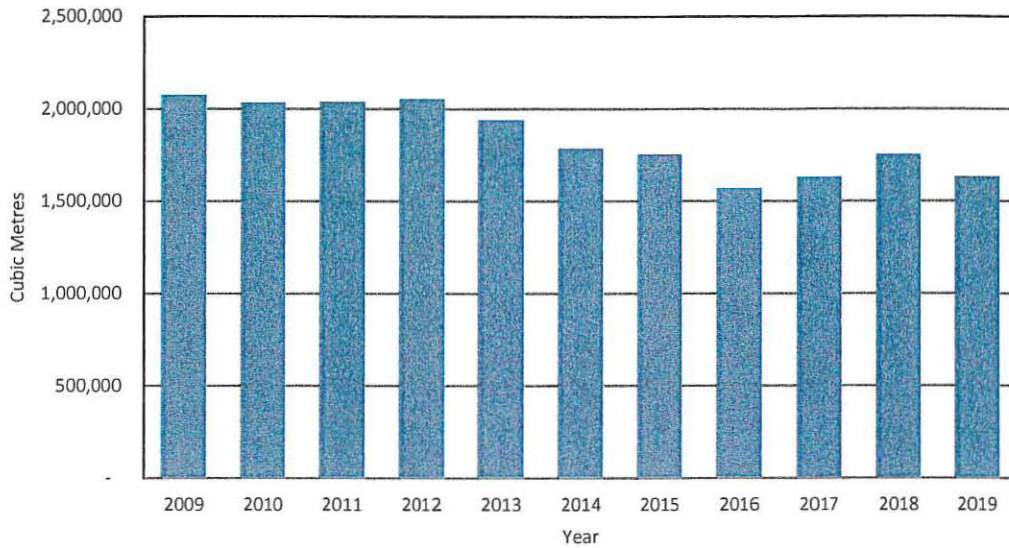
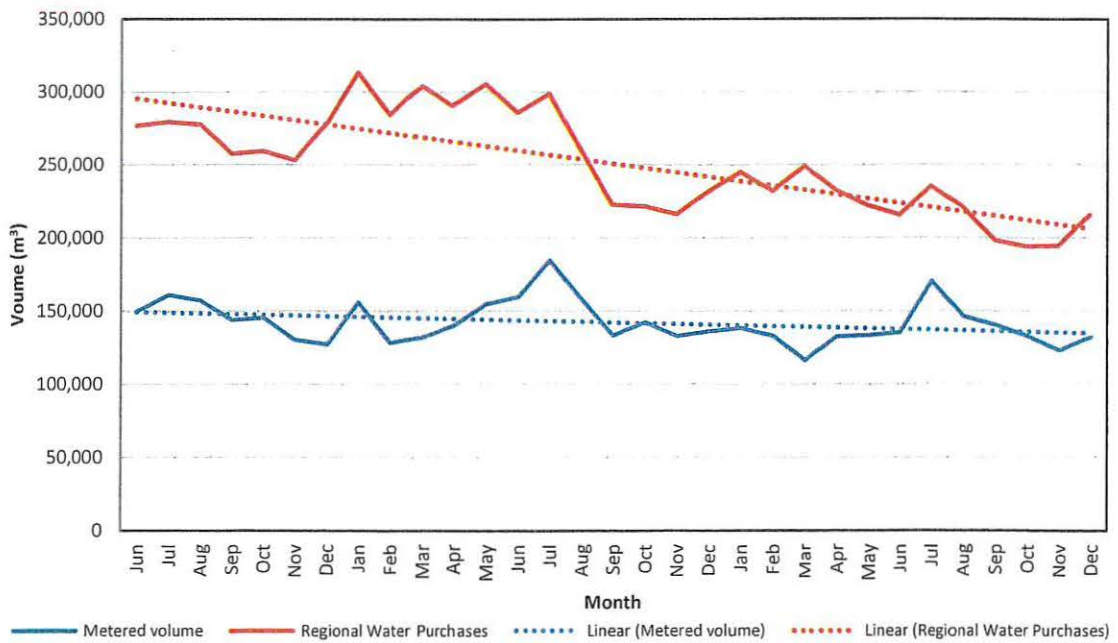


Figure 2: Annual Water Sales since 2009



Since obtaining the ability to read all the water meters in the City monthly, we have tracked actual metered volumes against monthly purchases from the Region. Figure 3 below compares the monthly metered volumes from June 2017 to December 2019. There is generally a good correlation between the amount of water purchased vs. the amount of water metered and 2019, in particular, shows a very good relationship between purchased and metered volumes.

Figure 3: Monthly Purchased Volume vs. Monthly Metered Consumption - June 2017 to December 2019



What is most encouraging is the fact that the monthly trend between purchased and metered is narrowing and that, overall, monthly purchases from the Region have been declining while monthly metered volumes have remained relatively stable.

In 2019, staff made a conscious effort to track all sources of unbilled water. As a result, staff were able to reduce the percentage of unaccounted for water from 46% in 2018 to just over 15.7% in 2019 (Figure 4).

Figure 4: Proportion of Billed vs. Unbilled Water (by source) – 2018 vs 2019

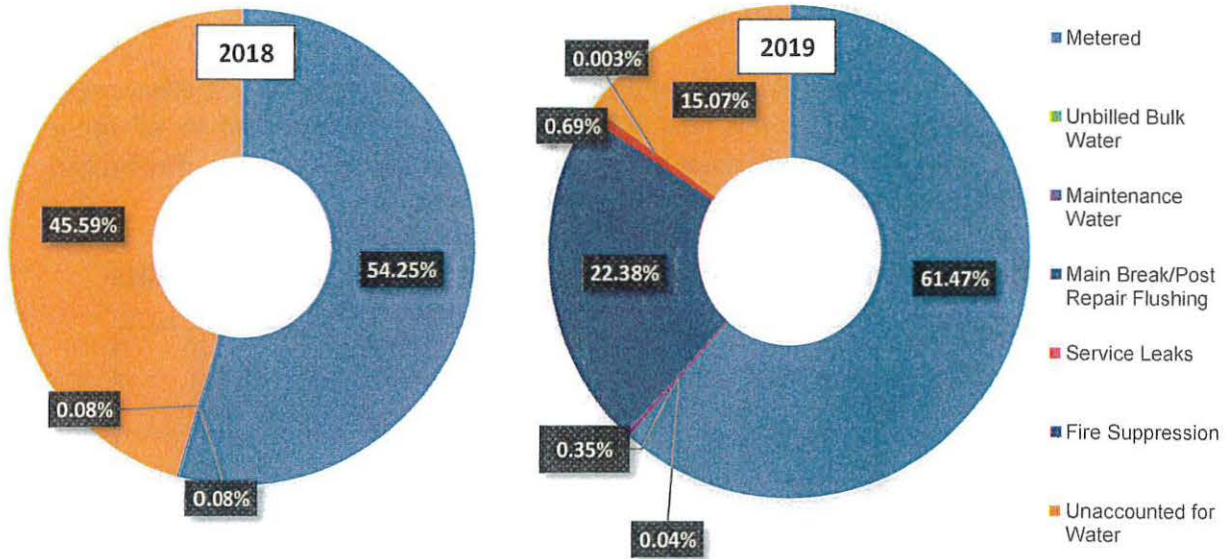


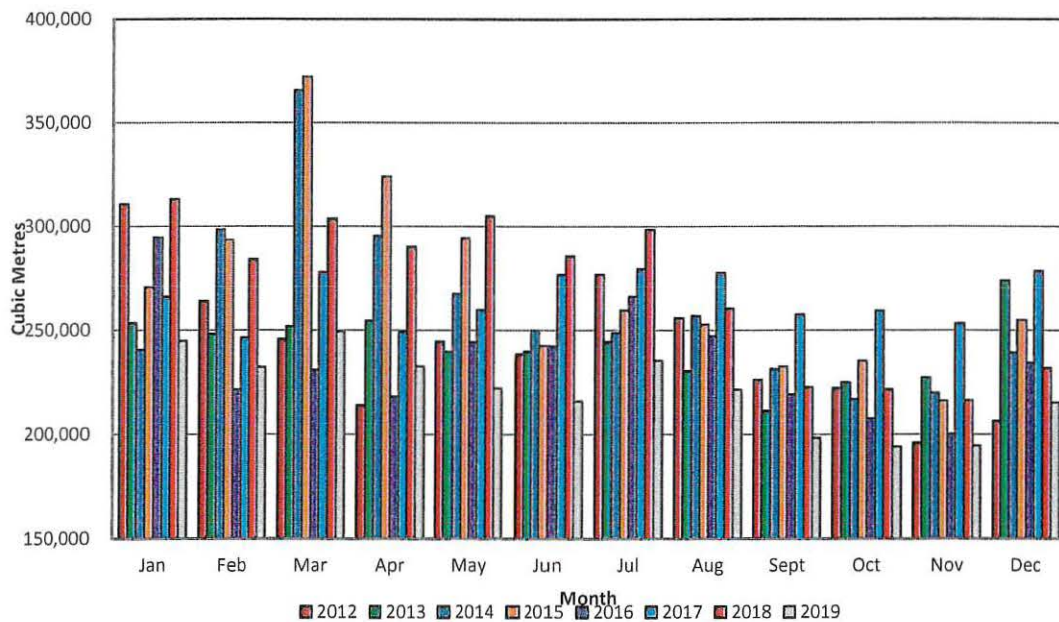
Table 3: Breakdown of Billed and Unbilled Water Volumes – 2018 vs 2019

		2018	2019
Purchased	Purchased volume	3,233,180	2,656,040
Billed	Metered volume	1,754,042	1,632,548
Unbilled	Unbilled Bulk Water	2,464.15	1,178.16
	Maintenance Water	-	9,254.30
	Main Break/Post Repair Flushing	-	594,362.28
	Service Leaks	-	18,330
	Fire Suppression	2,652	92
	Unaccounted for Water	1,474,021.85	400,275.26

From a volume standpoint, by accurately tracking the water used in maintenance activities and using tools to estimate the water lost during a watermain break incident, it is evident that watermain breaks and post-repair flushing use the greatest amount of unbilled water (Table 3). The commitment to tracking water usage will not only allow staff to accurately calculate the annual volume of unaccounted for water, but will also allow the impact of watermain renewal to be assessed. The unfortunate reality of aging infrastructure is that watermain breaks will be more numerous, and thus more water will be lost. Increased investment and accelerated replacement of aging infrastructure should reduce the amount of water lost due to watermain breaks and post-repair flushing, and that reduction should be captured during the annual analysis of water consumption data.

Figure 5 illustrates the unique Port Colborne consumption trend, which almost always sees the City using more water in the first quarter of the year, as opposed to all other municipalities in Niagara which use more water in the warmer summer months. Region and City staff are unclear as to why this trend occurs in Port Colborne.

Figure 5: Volume of Water Purchased from RMON each Month - Jan 2012 to Dec 2019



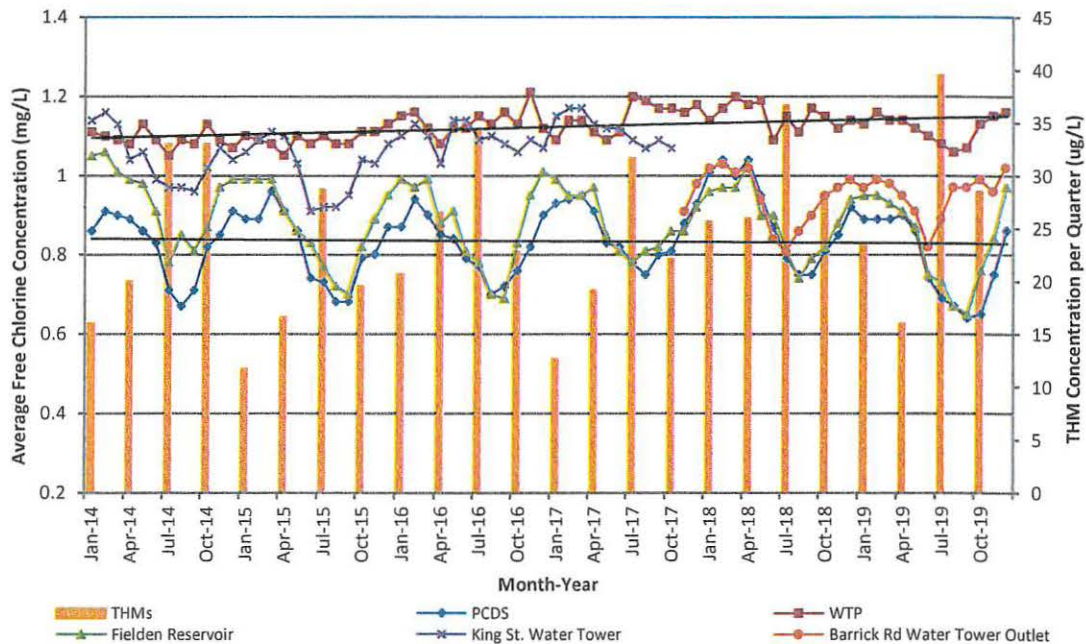
h. Raw Water Supply and Water Quality Trends

The Regional Municipality of Niagara (Region) supplies all drinking water to the PCDS, and as such, is responsible for all testing of the raw water supply (Welland Canal). Results of the testing are provided annually to the City in the Region’s annual report.

Within the PCDS, the City is required to collect samples on a routine basis and evaluate them for a number of parameters. Microbiological samples, in addition to free chlorine samples are the best indicators of water quality trends within the PCDS. As indicated in Table 1 and detailed in section b. above, there were a total of three (3) adverse samples in 2019.

Figure 6 below illustrates the average monthly free chlorine concentrations within the PCDS, compared to the average monthly free chlorine concentrations exiting the Water Treatment Plant (WTP), Fielden Avenue Reservoir (Reservoir) and Water Tower (King Street 2014-Oct 2017, Barrick Road Oct 2017-present) (data provided by Region staff).

Figure 6: 2014-2019 Average Monthly Free Chlorine Concentration Comparison between PCDS and Regional facilities vs. Quarterly Average Trihalomethanes



As expected, free chlorine concentrations in the PCDS are lower than those exiting the WTP, the Reservoir and Water Tower; although free chlorine concentrations leaving the Barrick Road Water Tower are closer to the PCDS concentrations than the King Street Water Tower concentrations were. Additionally, the relationship between warmer months and chlorine levels can be clearly observed, with free chlorine levels declining during the warmer months. It is interesting to note that the chlorine levels leaving the WTP, which had been quite consistent since late 2013, with average annual FAC levels of 1.09 mg/L, climbed to an average of 1.14 mg/L in 2016 and have remained high, averaging FAC of 1.15 mg/L in both 2017 and 2018 and averaging 1.12 mg/L in 2019.

Quarterly trihalomethanes (THM) in 2019 were slightly lower than the levels observed in 2018. Overall, average THM concentrations have remained relatively stable since 2013 (Table 4) It is expected that once the Region completes filter upgrades at the WTP, which will include changing the activated carbon filter, the THM levels will experience a decline similar

to the decline that was observed in 2011 after the last time the Region replaced the activated carbon filter late in 2010.

Table 4: Average Annual Trihalomethanes Concentrations – 2009-2018

Year	Average Trihalomethanes (µg/L)
2009	31.00
2010	25.25
2011	7.50
2012	16.75
2013	26.00
2014	25.50
2015	19.12
2016	26.08
2017	22.30
2018	29.04
2019	26.88

The City began sampling for Haloacetic Acids (HAAs), as required by the regulation, on a quarterly basis in 2017. The City is required to begin reporting results in January 2020. All samples collected in 2017 and in 2018 indicated that HAAs were less than the detection limit of 5.3 µg/L. In 2019, HAAs were observed at 13.1 µg/L in a sample collected on July 11. This detection was far below the Ministry's maximum acceptable concentration of 0.08 mg/L (or 80 µg/L

As per the direction provided by the Ministry in July 2018, staff adjusted the sampling locations for HAAs in the second quarter of 2019. Although the 2019 samples were low/non-detectable at the selected sample locations in 2019, as a full year of sample results from the new sampling locations was not completed, staff decided to continue to use the separate HAA sample location through 2020. If the HAA results remain low/non-detectable through 2020, staff will collect HAA and THM samples from the same locations in 2021, as per the Ministry's memo.

These preliminary results indicate that HAAs are not going to be a water quality issue in the distribution system.

i. Follow up on Action Items from Previous Management Reviews

Action Items:

- Sampling SOP - It was asked if the City's sampling procedure included instructions on how to check the sample bottle to ensure it was "good" before using it to collect a sample. Staff indicated they would check the procedure and incorporate if the procedure didn't contain that information

STATUS: Procedure revision is in progress

- Provision for families of staff during emergency event – During the discussion of extreme weather events, it was shared that at one of the Provincial DWQMS Workshops, the Town of Smiths Falls shared that during the 1998 ice storm, one of their biggest challenges had been the impact on their staff. Water staff were dedicated to keeping the water running during the event, however, they were torn with worrying about their home and family members. One of the lessons learned from Smiths Falls was to provide a safe place, i.e. warming centre, for the family of those involved in emergency response
STATUS: Fire Chief responded that use of the hall beside City Hall for City family members in the event of an emergency had been discussed at the corporate emergency planning level, but that the corporate group had decided against it.
- GIS system updates – It was discussed that there may be a discrepancy between the valve information contained in the City’s GIS system and the current valve databases and that it would be beneficial to check all databases with the GIS to ensure consistency
STATUS: Ongoing effort to update GIS with correct information. Have developed a procedure to provide mapping corrections to the GIS Coordinator
- Reagent storage/disposal – It was discussed that a process for reagent storage/disposal will be created to ensure expired standards and reagents won’t be used during watermain commissioning, and it was suggested that there may be an opportunity to set up automatic notifications regarding expiry dates.
STATUS: Procedure finalization in progress
- Checklist of DWQMS and Compliance Deadlines – It was discussed, with respect to submitting the results of the Management Review to Council, that there is an opportunity to develop a procedure or checklist of all annual deadlines – both DWQMS and compliance-related, to assist in ensuring reporting deadlines are not missed.
STATUS: Monthly deadline checklist has been created and is in use. Checklist will be refined and updated as necessary throughout 2020
- Region communication in event of shutdown of Region facility – outcome of the 2017 mock emergency. The City was concerned that the Region does not notify the City of all outages/upsets at Region facilities. While it is true that the majority of system outages/upsets at Regional facilities will have little to no impact on the City’s distribution system, knowing the status of the Regional facilities in the event of a distribution system incident and/or emergency would only assist the City and the Region in providing the highest quality drinking water and customer service to our residents – as drinking water is shared responsibility. Director was to discuss with Region’s leadership team
STATUS: To be discussed at the meeting.

- Frozen Water Services Hotline – repurposing as a hotline where residents could call to listen to a recorded message and receive information during a water emergency – number would be provided in all advisories and communications. Monitoring evolution of the customer service position(s) to determine if hotline is still required.
STATUS: Ongoing.
- Sample bottles during an emergency - Some municipalities do keep some bottles on hand for different parameters, but most rely on their laboratory to provide the required bottles as needed, and write that requirement into their agreement. City to investigate writing this requirement into agreement with chemical analysis laboratories
STATUS: To be discussed at the meeting.
- Alternative “local” chemical laboratories - There are no local chemical labs approved by the Ministry for drinking water analyses. The Region has an agreement with a laboratory in Waterloo, and has a key and code to access the laboratory in order to drop off samples 24/7, and they have pricing for 24/7 analysis in the event of an emergency. Investigate more alternative laboratories for the City and discuss emergency sampling with the current laboratories.
STATUS: To be discussed at the meeting
- Leak detection on Region’s trunk water mains – the Region does not do active leak detection on their trunk water mains, however, it has been indicated that there is an appetite to pursue program(s).
STATUS: Ongoing
- Management Review ahead of water/wastewater budget – Unable to accommodate timing in 2019 due to new council and required DWQMS documentation updates. Where practical, will schedule future Management Review meetings prior to annual water/wastewater budget meetings
STATUS: Complete – this is the first of two management review meetings to be held in 2020
- Valve colour coding/Fire flow testing - staff are interested in implementing a colour coding system, separate from the Region, and will implement as part of the valve maintenance program.

It was also discussed that staff will begin fire flow testing in 2019, as per the maintenance table, and will be implementing a hydrant colour coding system, using reflective port markers to indicate the fire flow from the hydrant.

STATUS: Update to be provided at the meeting.

- QMS Rep back up - there remains no defined back up to the QMS Representative and succession planning has not yet been discussed. It was asked if there was an opportunity

for local municipalities to back each other up, as many of the smaller municipalities do not have a back up for their QMS Rep.

STATUS: Ongoing. No appetite for municipalities to back each other up, as per April 24, 2019 Regional QMS/Compliance Working Group meeting. This item was also raised as a finding during the external re-accreditation audit.

- Health Canada Lead Levels – Health Canada officially released updated guidelines for lead in drinking water in March, 2019 – lowering the acceptable concentration of lead in drinking water from 10 µg/L to 5µg/L. The Ministry will likely also lower their limit (currently 10 µg/L), and may require those municipalities that are currently exempt from collecting and analyzing plumbing samples to commence sampling again. Port Colborne has been exempt from sampling plumbing (homes and businesses) since 2010. A review of historical plumbing sample results indicates there were two exceedances of the 10µg/L limit in 2008, and while there were not exceedances of the limit in 2009, there was one plumbing sample that was higher than the proposed 5µg/L limit.

STATUS: Staff will continue to monitor communications from the Ministry and inform Top Management as required.

- Asset Management Planning Regulation – O. Reg. 588/17 came into force on January 1, 2018.

STATUS: Ongoing. Engineering and Treasury are working on complying with the requirements of this regulation.

- QMS Standard Operating Procedures - Councillor Wells to investigate possible on-line method to access DWQMS SOPs that are referenced in the Operational Plan. Councillors don't have access to IBM Notes, so are unable to access the Quality Management System database, and the files are too large to email out. It was discussed if there was a secure online tool that the Councillors could access to view the procedures.

STATUS: Update to be provided at the meeting.

j. Status of Management Action Items Identified Between Reviews

There were no Management Action Items identified since the April 15, 2020 review.

k. Changes That Could Affect the QMS or the PCDS

- *Municipal Drinking Water Licence and Drinking Water Works Permit renewal*
The City's Licence and Permit were renewed in October 2019. There were no additional requirements added to either document.
- *Regional Construction Activities*
As discussed in previous Management Reviews, the Region's new canal crossing (estimated 2020 commissioning) may have significant impacts on the distribution system.

- *Provincial Watermain Disinfection Procedure*
The Ministry still has not released the updated Watermain Disinfection Procedure, but it has been indicated it will be released in 2020, and municipalities will have six (6) months to change their procedure. Based on the draft staff commented on in December 2018, it is not anticipated that there will be an impact on the City's operations.
- *Watermain Design Criteria*
The Province has indicated that once the Watermain Disinfection Procedure has been finalized, they will be opening up consultations into suggested revisions to the Watermain Design Criteria. Once the draft revision of the document has been received by staff, it will be circulated to the Engineering Department for comments so we can provide feedback. Until the draft revisions are released potential impacts to the system are uncertain.
- *Sanitary and Storm Sewer Design Criteria and Wastewater Collection Environmental Compliance Approvals (ECAs)*
The Province has not yet finalized the design criteria for sanitary and storm sewers; however, late in 2019 the Ministry anticipated the design criteria would be completed in 2020. They also indicated that in 2020 they will begin issuing "Area Wide Linear Infrastructure ECAs" which will apply to wastewater collection systems and stormwater systems.

While these items fall outside the scope of the QMS, once the Ministry issues an "Area Wide Linear Infrastructure ECA" to the City, there will be an impact on staffing and other resources in order to be in compliance with the ECA, which could affect the QMS.

I. Consumer Feedback

There were 39 complaints received in 2019. 38 of the complaints were about dirty water and one was about air/milky water. The exact cause of most of the complaints was not known at the time of the site visit. In most cases, the water had already cleared, so the operator was unable to ascertain what the cause may have been; however, in all these "unknown" cases, the samples collected by the operator during the site visit were well within acceptable parameters. Where the source of the complaint could be determined, activities in the distribution system (i.e. valve turning, hydrant flushing) were the cause of the dirty water. Most frustrating for staff were the repeated complaints (10 total) from a single residence where no source of dirty water was observed. Due to the history at this address (many complaints each season), a new valve and an automatic flushing station was installed along this stretch of watermain. Continued monitoring in 2020 will see if this has addressed the issue.

m. Resources Needed to Maintain the QMS

A discussion of items listed in section k. “Changes that could affect the QMS or the PCDS” may indicate the need for additional resources.

n. Results of Infrastructure Review

To be discussed in the Management Review – Part 2

o. Operational Plan Currency, Content and Updates

To be discussed in the Management Review – Part 2

p. Staff Suggestions

To be discussed in the Management Review – Part 2

q. New or Other Business

To be determined during the meeting.

r. Next Scheduled Review

The suggestion from a previous Management Review to meet ahead of the water/wastewater budget and then ahead of the internal audit is being achieved by holding this Part 1 review. As the internal audit has been moved to October 2020, Part 2 of the annual review will be scheduled in Q3, likely in September.

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Report Number: 2020-62

Date: May 25, 2020

SUBJECT: Project No.: 2015-04, City Wide Grass Mowing Contract, Extension.

1) PURPOSE

The purpose of the report is to provide details and inform Council of an offer by the current contractor to extend their contract with the municipality for another year.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

The City of Port Colborne has approached our current roadside grass mowing contractor, The Greenfield Group, entertaining the idea of extending their current contract for roadside grass mowing into 2020. The present contract expired in December of 2019.

3) STAFF COMMENTS AND DISCUSSIONS

Staff has received in writing, a tentative agreement from The Greenfield Group. The contractor has proposed to continue to supply the services as stipulated within the previous 5-year contract, from 2015-2019, at an increase of 0%. It is the recommendation of staff that Council accept the offer and extend the current contract into 2020, at a 0% increase to the 2019 contract rates.

This action would provide the municipality the ability to establish its annual roadside grass mowing cost for 2020 at the 0% increase from the 2019 contract pricing. Undertaking this action will eliminate the need to re-tender the works for 2020 and save the municipality the associated costs involved in that action.

The City's procurement policies permit extending contracts when there is an economic benefit to the City. It is the opinion of Staff that the savings derived from applying a 0% increase to this contract for an additional year and avoiding incurring tender costs provides sufficient economic benefit and reason to extend the contract.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Do nothing.

If Council does not agree with staff's recommendation, then staff will proceed to re-tender the works, initiating a formal tendering process for the Roadside Grass Mowing contract for 2020.

b) Other Options

If Council agrees with staff's recommendation, then staff will modify the contract dates and extend the contract to December 31st, 2020.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Not applicable.

6) ATTACHMENTS

None.

7) RECOMMENDATION

That the current City Wide Roadside Grass Mowing Contract No. 2015-04 with The Greenfield Group be extended for another year, at a 0% increase over the 2019 unit rates;

That staff be directed to utilize the bid items as listed within the existing Tender Document in such a manner as to complete all works as may be required for each year, all as approved in the annual budget by Council, for each of those years;

That a by-law, whereby the City enters into a Contract Agreement with the contractor be prepared to extend the contract as stated and the City Clerk and Mayor be authorized to execute the Contract Agreement;

That funding for the extension of Project No. 2015-04, be financed under the following GL Account number for annual roadside grass mowing, G/L # 0-500-73410-3328.

8) SIGNATURES

Prepared on May 7, 2020 by:



Patrick Zub
Design & Construction Supervisor

Reviewed by:



Chris Lee
Director of Engineering & Operations

Reviewed by:



Amber LaPointe
Acting Director of the Corporate Services
Department

Reviewed and Respectfully Submitted by:



C. Scott Luey
Chief Administrative Officer



Report Number: 2020-51

Date: May 25, 2020

**SUBJECT: Community Improvement Plan Incentives – 118 West Street
(SouthPort Condos Inc.)**

1) PURPOSE:

The purpose of this report is to provide Council with a recommendation for the application made by SouthPort Condos Inc. requesting a Tax Increment Grant Program (TIG) and a Rehabilitation Grant for the redevelopment of 118 West Street. The applicant proposes to construct a nine storey mixed use commercial and residential building containing 53 dwelling units.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES:

Since 2008 Council has adopted and implemented six (6) Community Improvement Plans for various project areas throughout the City. The subject property at 118 West Street is applying under the Downtown Central Business District Community Improvement Plan (Downtown CIP) and the Brownfield Community Improvement Plan (Brownfield CIP).

An application has been made for a Tax Increment Grant (TIG) under the terms of the program in the Downtown CIP. The TIG grant is a ten year grant for 80% in the increase of municipal realty taxes as a result of the development. The grant payment is each calendar year following an assessment completed by MPAC. The grant is to be in the amount of 80% for each of the ten years.

Another application made was for a Brownfield Rehabilitation Grant however the Downtown CIP TIG provides greater incentive.

Rankin Construction has acquired 100, 118 and 124 West Street as well as 21 Adelaide Street, all of which are referenced as 118 West Street in this report to develop the nine storey structure.

3) STAFF COMMENTS AND DISCUSSIONS:

While many of the programs contained within the various Community Improvement Plans for the City can be authorised and approved by the Director of Planning and Development (as designated by Council), an application for a Tax Increment Grant (TIG) must go through Council for their approval.

Staff therefore provide the following for Council to consider. The proposed project at 118 West Street is an eligible project under the terms of the Downtown CIP TIG and will qualify for a grant upon completion of the redevelopment project which will result in the construction of a nine storey, 108,000 square foot mixed use building containing 73 residential units.

Development costs are estimated at 28 million dollars and the total estimated grant over the ten year period is \$2,504,684.60 in City and Regional taxes. A three year tax freeze will begin upon execution of the Grant Agreement.

The final schedule of grant payments will be contingent upon a new assessment by MPAC following completion of the project. SouthPort Condos Inc. will be required to sign the Grant Agreement attached as Appendix A.

The Grant Agreement contains provisions for varying the grant payment in each and every year based on MPAC's assessed value. By signing, the applicant will accept the terms and conditions outlined therein prior to any grant payments being made. The following provides an overview of the estimated grant calculation for 118 West Street.

The estimated grant shall be calculated according to the following formulas based on the assessment of the return roll from MPAC for the year 2020:

Tax Assistance Calculation Schedule

	Pre Development	Project Completion	Tax Increment	% of Tax Increment	Annual Grant
Assessment Value	\$1,110,048	\$ 19,089.271		20%	80%
Municipal Taxes	\$11,345.87	\$ 189,512.40	\$178,166.53	\$35,633.31	\$142,533.22
Regional Taxes	\$8,173.79	\$ 143,092.84	\$134,919.05	\$26,938.81	\$107,935.24
Total	\$19,519.66	\$332,605.24	\$313,085.58	\$62,617.12	\$250,468.46
		Duration of Grant			10 years
		Total Payment of Grant			\$2,504,684.60

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

Council can chose to decline the grant and/or approve a reduced amount. This option is not recommended as it is not in keeping with the approved Downtown CIP. Further, declining the three year tax freeze is not in keeping with the Brownfield CIP. This is also not recommended.

5) COMPLIANCE WITH STRATEGIC PLAN INITATIVES:

Not applicable.

6) ATTACHMENTS:

Appendix A – Grant Agreement
Appendix B – Draft By-law

7) RECOMMENDATION:

That the Tax Increment Grant application submitted by SouthPort Condos Inc. for the property at 118 West Street be approved along with a three (3) year tax freeze in accordance with the Downtown CIP and Brownfield CIP; and

That the Mayor and City Clerk be directed to execute the Grant Agreement attached hereto as Appendix A.

8) SIGNATURES:

Prepared on May 15, 2020 by:



Dan Aquilina, MCIP, RPP, CPT
Director of Planning and Development

Reviewed and Respectfully Submitted:



C. Scott Luey
Chief Administrative Officer

Application No. D21-01-20

**Downtown Central Business District Community Improvement Plan Tax Assistance
& Brownfield Community Improvement Plan Rehabilitation Grant Agreement**

BETWEEN:

THE CITY OF PORT COLBORNE
(hereinafter referred to as the "City")

and

SouthPort Condos Inc.
(hereinafter referred to as the "Owner")

WHEREAS the City has adopted a Downtown Central Business District Community Improvement Plan (DCIP) and a Brownfield Community Improvement Plan (BCIP) pursuant to Section 28 of the *Planning Act*;

AND WHEREAS the Owner is the registered Owner of the lands described in Section 1 and Schedule "A" to this agreement (the "subject lands") which are located within the City of Port Colborne;

AND WHEREAS the Owner has made applications (the "application") to the City for the Tax Increment Grant under the DCIP and the Rehabilitation Grant under the BCIP;

AND WHEREAS the City has approved this application and has agreed to provide tax assistance and a grant;

AND WHEREAS a condition of approval of this application for tax assistance and/or a grant, the Owner is required by the City to enter into this Agreement (the "Agreement");

1. INFORMATION ON SUBJECT LANDS

1.1 The tax assistance and/or grant shall apply to the subject lands as set out in Schedule "A" attached.

2. TAX ASSISTANCE/GRANT ELIGIBILITY

2.1 To be eligible for the tax assistance and grant, the development and remediation works on the subject lands (hereinafter referred to as "work"), shall conform to and fulfill:

- (a) the objectives and requirements of the Tax Increment and Rehabilitation program of the DCIP and BCIP; and,
- (b) any other requirements as specified by the City

2.2 The Owner acknowledges that it has received and read a copy of the City's DCIP Tax Assistance Program Guide (the "DCIP Guide") and the City's BCIP Rehabilitation Program Guide, and the Owner covenants with the City that the subject lands shall be rehabilitated and developed in accordance with the City's objectives, policies and requirements set out in the Program Guides and the CIPs'.

3. TAX ASSISTANCE/GRANT CALCULATION AND PAYMENT

3.1 The annual tax assistance will be calculated as the difference between property taxes on the subject lands at the time of approval of this Agreement and property taxes that would have been collected on the subject lands after the projects completion.

3.2 Municipal tax assistance will commence at the time of passing of the by-law and three year freeze of taxes for the subject lands and will cease on the earlier of:

- a) sale or conveyance of the subject lands;
- b) ten (10) years from the date the tax assistance begins.

3.3 The annual grant will be calculated as a percentage of the increase in municipal property taxes on the subject lands that result from the development with this percentage as identified in the table below.

Year*	Grant Factor
1	80%
2	80%
3	80%
4	80%
5	80%
6	80%
7	80%
8	80%
9	80%
10	80%

3.4 The tax assistance/grant payments shall be calculated according to the formulas and schedules set out in Schedule B to this agreement.

3.6 The actual tax assistance/grant payment amounts will be based on the actual post-project assessed value (AV) as determined by the Municipal Property Assessment Corporation (MPAC) and actual applicable City tax rates.

3.7 Where at any time after the original rehabilitation of the subject lands, new construction is added to the subject lands that is not part of the original program application, the tax assistance and/or grant will be calculated only in respect of the original rehabilitation contained in the original application, based on the assessed value and property taxes in the last year before revaluation by the MPAC as a result of the new construction added to the subject lands.

- 3.8 The annual tax assistance and grant payment shall be calculated by the City based upon, and provided the City is satisfied in its discretion that rehabilitation of the subject lands took place in accordance with the proposed rehabilitation works as specified in the application, accompanying documentation, and this Agreement;
- 3.9 The City shall review all cost estimates and documentation submitted in support of the application in evaluating the estimated costs eligible for tax assistance and/or a grant, which costs, when designated by the City shall constitute the maximum costs eligible for tax assistance and/or a grant. In the event the City is not satisfied with said cost estimates, the City may substitute their opinion of such amounts for purposes of calculating the eligible costs and maximum total tax assistance and/or maximum total grant.
- 3.10 If the City is not in receipt of sufficient information satisfactory to the City to determine eligible costs and the amount of tax assistance and/or grant, there shall be no tax assistance/grant. The decision of the City regarding the total amount of eligible costs, the calculation of the total estimated tax assistance and grant, and the calculation of the actual tax assistance and grant is final and within the City's sole discretion.
- 3.11 Payment of the tax assistance and/or grant is subject to the City's review and satisfaction with all reports and documentation submitted in support of the application, including but not limited to: documentation of the estimated and actual costs of eligible works. Any and all of these costs may be, where required by the City, subject to verification, third party review or independent audit, at the expense of the Owner.
- 3.12 The Owner shall not be entitled to tax assistance and/or a grant payment unless and until they have met all the conditions of this Agreement to the satisfaction of the City. Except where expressly stated in this Agreement, all conditions in this Agreement are for the benefit of the City and may only be waived by the City. No waiver is effective unless in writing.
- 3.13 The total value of the tax assistance that may be provided to the Owner shall not exceed the total eligible Tax Assistance Program costs that have been approved by the City.
- 3.14 The tax assistance that has been provided to the Owner will become payable (including interest) upon notice in writing from the City that one or more of the terms and conditions set out in the application, this Agreement or the Industrial Property Tax Increment Grant Program have not been met.
- 3.15 The total sum value of the annual grant payments that may be provided to the Owner shall not exceed the total eligible Industrial Tax Increment Grant Program costs that have been accepted by the City.
- 3.16 Any and all grant payments that have been provided to the Owner will become payable upon notice in writing from the City that one or more of the conditions set out in the application, this Agreement, or the Tax Increment Grant Program have not been met.
- 3.17 Grants are not payable by the City until such time as additional assessment eligible for a grant has been added to the assessment roll by the MPAC, property taxes have been billed by the City, and property taxes have been paid in full for one year on the property.

- 3.18 Annual grant payments to the Owner will not be issued if there is an outstanding tax payment. If at any time after the term of this Agreement, property taxes are owing on a property for more than one full year, the City will have the option, at its sole discretion, to terminate this Agreement and all future grant payments.
- 3.19 The grant is not payable by the City until such time as all assessment appeals relating to the value of the subject lands before the additional assessment or as to the additional assessment as a result of the rehabilitation of the subject lands have been filed and decided.
- 3.20 The first grant payment as finally determined by the City shall be paid to the Owner by the City, subject to the provisions of this Agreement, following completion and occupancy of the said redevelopment of the subject lands, and during or after the property taxation year in which the property taxes increase as a result of the completed rehabilitation.
- 3.21 In the event that the accepted development works as described in the Tax Increment Grant application have not commenced within three (3) years of the Council approval of this agreement, this agreement shall be at an end, and no tax assistance or grant payments shall be paid to the Owner. The City's decision as to when such works are commenced is final.
- 3.22 In the event that the accepted works as described in the Tax Increment Grant application are not commenced within three (3) years and completed within six (6) years of the Council approval of this agreement, this agreement shall be at an end, and no grant payments shall be paid to the Owner. The City's decision as to when such works are commenced and completed is final.
- 3.23 Annual grant payments under the Industrial Tax Increment Grant Program will not be provided by the City until the Owner has satisfied the City that:
- a) The development work on the subject lands has been completed in accordance with the work as described in the application;
 - b) The Owner has supplied the City with the actual amount of the eligible Tax Increment Grant Program costs incurred by the Owner;
 - c) There are no outstanding work orders and/or orders or requests to comply from any City department or other regulatory authority in respect of the subject lands, and the business of the Owner conducted on the subject lands;
 - d) The Owner and the subject lands are in full compliance with:
 - i) Any Agreement(s) relating to the property in favour of the City, including any Agreement relating to: subdivision, modified subdivision, service, site plan approval, encroachment, joint sewer & water use, easement or other Agreement; and,
 - ii) Bylaws of the City and provincial or federal legislation and regulations.
 - e) There are no unpaid charges where applicable against the subject lands in favour of the City, including but not limited to: development charges, parkland dedication fees, special assessments and local improvement charges; and,

- f) The Owner has not appealed the post-project assessed value and there exists no other pending appeal which has not been settled completely in respect of the post-project assessed value.

4. CORPORATE STATUS

4.1 The Owner warrants and represents to the City that:

- a) The Owner has been duly incorporated as a corporation and is in good standing under the *Business Corporations Act* and is in compliance with all laws that may affect it and will remain so throughout the term of this Agreement;
- b) The Owner has the corporate capacity to enter into this Agreement and to perform and meet any and all duties, liabilities and obligations as may be required of it under this Agreement;
- c) the Owner is a resident of Canada as of the date of this Agreement and that in the event the Owner ceases to be a resident of Canada, the Owner shall immediately notify the City, and it is agreed, the City may deduct from any or all annual grant payments, such sum(s) as may be required by Canada Customs and Revenue Agency in order to meet the City's obligations as a payer and the Owner's obligations under the *Income Tax Act (Canada)* and other applicable laws.
- d) to the best of its knowledge and belief, there are no actions, suits or proceedings pending or threatened against or adversely affecting the Owner in any court or before or by any federal, provincial, city or other governmental department, commission, board, bureau or agency, Canadian or foreign, which might materially affect the financial condition of the Owner or title to their property or assets; and,
- e) The Owner shall notify the City immediately of any material change in the conditions set out in paragraphs (a)-(d) above.

5. PROVISIONS RELATING TO THE OWNER

- 5.1 At the time the Owner signs the Industrial Tax Increment Grant Agreement, the Owner will provide the City with a certified true copy of a resolution of the Board of Directors of the Owner (certified by an officer of the corporation) that authorizes the Owner to enter into this Agreement with the City.
- 5.2 At the time of application, the Owner shall submit to the City for its review and acceptance all required documentation and plans for the rehabilitation of the subject lands.
- 5.3 The Owner shall rehabilitate the subject lands in accordance with the plans submitted to the City to the extent such plans have been accepted by the City for purposes of the application and this Agreement.

- 5.4 The Owner shall not commence any works that are the subject of an Tax Increment Grant application prior to receiving approval of this Agreement from the City.
- 5.5 The Owner agrees that the rehabilitation of the subject lands and buildings thereupon shall be made in compliance with all required building permits, and constructed in accordance with the Ontario Building Code and all applicable zoning by-law requirements, city requirements and other approvals required at law.
- 5.6 The Owner covenants to the City that building(s) and improvements that are the subject of this Agreement will not be demolished, in whole or in part prior to the advance of all of the grant payments.
- 5.7 Upon completion of the works, the Owner shall provide the City with documentation satisfactory to the City as to the amount of the actual eligible Industrial Tax Increment Grant Program costs actually incurred by the Owner, and the City shall, in its sole discretion designate the approved total tax assistance available.
- 5.8 Upon completion of the work, the Owner shall provide the City with documentation satisfactory to the City as to the amount of the actual eligible Tax Increment Grant Program costs actually incurred by the Owner, and the City shall, in its sole discretion designate the approved total grant available.
- 5.9 The Owner will provide to the City, upon request, a rehabilitation status report signed by the Owner to confirm the status and completion of the approved eligible works, including, but not limited to, the rehabilitation schedule, the existence and extent of any faults or defects, the value of the work done under any contract, the amount owing to any contractor and the amounts paid or retained by the Owners on any contract.
- 5.10 The Owner shall ensure there are no liens or other claims outstanding in respect of the subject lands, including its rehabilitation, all accounts for work and materials which could give rise to any claim for a construction lien against the subject lands have been paid; and there is no default by the Owner with respect to any of the terms of this Agreement.
- 5.11 The Owner shall ensure that the Owner is in compliance with the *Construction Lien Act*, including its holdback provisions and is not aware of any potential or unresolved Lien claim in respect of the redevelopment.
- 5.12 The Owner covenants to the City that the Owner shall use the subject lands in compliance with this Agreement, all city by-laws pertaining to use, and all applicable environmental laws.
- 5.13 The Owner covenants to the City that the Owner will require, as a term of every lease, that tenants of the subject lands comply with all city by-laws pertaining to use, and all applicable environmental laws.
- 5.14 The Owner agrees to comply with all outstanding work orders and/or orders or requests to comply from any and all City departments during the term of this Agreement.
- 5.15 The Owner covenants to the City that the Owner shall not commit or permit any waste to be dumped or any nuisance upon the subject lands, or permit any part of the subject lands to be used for any dangerous occupation or business or for any noxious or offensive trade.

- 5.16 The Owner's lawyer shall provide the City, prior to the City's execution of this Agreement with their Lawyer's Certificate of Title and Registration to certify to the City, in a form satisfactory to the City's Corporate Counsel that:
- a) The Owner named in this Agreement is the registered Owner of the subject property;
 - b) The Agreement has been executed on behalf of the corporate Owner by individual(s) who have authority to bind the corporate Owner; and,
 - c) A complete legal description of the subject lands is set out in Schedule "A" of this Agreement.
- 5.17 The Owner may assign the grant approved under this Agreement to an assignee, provided the Owner is not in default of any of the terms and conditions set out in the application, this Agreement, the Industrial Tax Increment Grant Program and the Industrial Tax Increment Grant Program.
- 5.18 The Owner covenants to the City that where the Ownership of part or all of the subject lands ceases for any reason to be in the Owner's name by sale, conveyance, assignment or otherwise, prior to the advance of all of the tax assistance and/or the grant, the Owner will notify the City in writing of said change of ownership at least 30 days prior to said change of ownership.
- 5.19 In the event that after this Agreement is executed, the ownership of part or all of the subject lands ceases for any reason to be in the Owner's name while grant payments remain to be paid, the grant ceases completely, unless:
- (a) where the Owner wishes to retain the remaining grant payments, (to continue receiving the grant payments while the Owner is no longer on title as an owner), the City, entirely at its own discretion and to its satisfaction, prior to the Owner ceasing to be an owner, may enter into an agreement with the Owner and the new owner that permits the Owner to receive remaining grants payments, subject to:
 - i) The Owner agreeing to fulfill any obligations and maintenance conditions under this Agreement that have not been fulfilled; or
 - ii) The new owner assuming all of the Owner's obligations and maintenance conditions under this Agreement that have not been fulfilled; and,
 - (iii) The new owner paying property taxes;
 - (b) where the Owner wishes to assign the remaining grant payments to the new owner or an assignee, the City, entirely at its own discretion and to its satisfaction, prior to the Owner ceasing to be an owner, enters into an agreement with the Owner and the new owner/assignee that permits the Owner to assign the remaining grant payments to the new owner/assignee, subject to:

- i) The Owner agreeing to fulfill any obligations and maintenance conditions under this Agreement that have not been fulfilled; or
 - ii) The new owner assuming all of the Owner's obligations and maintenance conditions under this Agreement that have not been fulfilled.
- 5.20 The Owner will be responsible for ensuring that they can be contacted by the City for the purpose of delivering grant cheques.
- 5.21 The Owner acknowledges that without limiting the generality of the other provisions of this Agreement:
- a) The onus and responsibility is upon the Owner at all times to assume all costs of works on the subject lands and to apply for and obtain, at the Owner's expense, all approvals required from the City and all other agencies for the rehabilitation of the subject property, including but not limited to all Official Plan Amendments, Zoning By-law amendments, minor variances, and site plan approval;
 - b) Nothing in this Agreement limits or fetters the City in exercising its statutory jurisdiction under the *Planning Act* or under any other legislative authority or by-law, and that in the event the City decides to deny or oppose or appeal any such decision, that such action by the City is not in any manner limited by reason of the City entering into this Agreement;
 - c) The Owner releases the City from any liability in respect of the City's reviews, decisions, inspections or absence of inspections regarding the rehabilitation works that are subject of this Agreement, the Owner agrees that it is its responsibility at all times to prepare and implement its rehabilitation works as would a careful and prudent landowner;
 - d) Nothing in this Agreement is intended to impose or shall impose upon the City any duty or obligation to inspect or examine the land for compliance or non-compliance or to provide an opinion or view respecting any condition of development; and,
 - e) Nothing in this Agreement is intended to be or shall be construed to be a representation by the City regarding compliance of the land with:
 - i) Applicable environmental laws, regulations, policies, standards, permits or approvals; or,
 - ii) Other by-laws and policies of the City.
- 5.22 If the City determines in its sole discretion that any of the conditions of this Agreement are not fulfilled, and the City at its sole discretion delays or cancels tax assistance and/or grant payments, and/or requires repayment of tax assistance and/or grant payments already made to the Owner, and/or terminates this Agreement, the Owner agrees that notwithstanding any costs or expenses incurred by the Owner, the Owner shall not have any claim for compensation or reimbursement of these costs and expenses against the City and that the City is not liable to the Owner for losses, damages, interest, or claims which the Owner may bear as a result of the City exercising its rights herein to delay or

cancel tax assistance and/or grant payments, require repayment of tax assistance and/or grant payments already made to the Owner, and/or terminate this Agreement.

- 5.23 The Owner shall indemnify and save harmless from time to time and at all times, the City and its officials, officers, employees, and agents from and against all claims, actions, causes of action, interest, demands, costs, charges, damages, expenses and loss made by any person arising directly or indirectly from:
- a) The City entering into this Agreement; and
 - b) Any failure by the Owner to fulfil its obligations under this Agreement. This indemnification shall, in respect of any matter arising prior to the termination of this Agreement, remain in force following termination or expiry of this Agreement.

6. PROVISIONS RELATING TO THE CITY

- 6.1 The City agrees to provide a grant to the Owner with said grant to commence at the end of the tax assistance period and ceasing on the earlier of:
- a) the point in time when the total of all annual grant payments provided equals total eligible Tax Increment Grant Program costs that have been accepted by the City;
 - b) Ten (10) years.
- 6.2 On an annual basis, the City, upon being satisfied that the Owner is not in default of any of the terms and conditions set out in the application, this Agreement, the Tax Increment Grant Program, shall pay the annual grant payment.
- 6.3 If the Owner cannot be reached over a protracted period (more than 2 years), the City will have the option, without notice and at its own discretion, of terminating this Agreement and all future grant payments to the Owner.
- 6.4 If in the opinion of the City the property is not maintained in its rehabilitated condition, the City may, at its sole discretion, terminate tax assistance and/or all future grant payments and require repayment of the tax assistance and/or grant payments already provided by the City to the Owner.
- 6.5 The City, its employees and agents are entitled to inspect the subject lands at any time during business hours for the purpose of ascertaining their condition or state of repair or for the purpose of verifying compliance with the application, this Agreement, the Industrial Tax Increment Grant Program.
- 6.6 The City retains the right at all times to delay or cancel tax assistance and/or grant payments, and/or require repayment of tax assistance and/or grant payments already made to the Owner, and/or terminate this Agreement where the City deems that there is non-compliance with this Agreement. In particular, without limiting the generality of the foregoing, the tax assistance and the grant is conditional upon periodic reviews satisfactory to the City to there being no adverse change in the rehabilitation works and to there being compliance on the part of the Owner with all other requirements contained in this Agreement.

6.7 Communications from the City to the Owner may be addressed to the Owner at the address of the Owner listed in Section 9 of this Agreement.

7. DEFAULT AND REMEDIES

7.1 On the occurrence of default under this Agreement the City shall be entitled to its remedies to enforce this Agreement, including, but not limited to:

- a) Delaying or cancelling tax assistance and/or grant payments; and/or,
- b) Requiring repayment to the City by the Owner of all tax assistance and/or grant payments already made to the Owner; and/or,
- c) Terminating the Agreement.

7.2 The Owner agrees and covenants to the City that if the building(s) and improvements that are the subject of this Agreement are demolished, in whole or in part, prior to the expiration of the term of this Agreement, all subsequent grant payments shall cease, and all grant payments already paid by the City to the Owner shall be repaid to the City.

7.3 Default shall be deemed to occur upon any default of the Owner in complying with the terms set out in this Agreement, including, but not limited to, the following:

- a) Non-compliance with any City by-laws, provincial, and/or federal laws and regulations;
- b) Failure to pay and keep in good standing all real property taxes;
- c)
- d) Any representation or warranty made by the Owner is incorrect in any material respect;
- e)
- f) Failure to perform or comply with any of the obligations contained in this Agreement or contained in any other Agreement entered into between the Owner and the City;
- g) The Owner makes an assignment for the benefit of creditors, or assigns in bankruptcy or takes the advantage in respect of their own affairs of any statute for relief in bankruptcy, moratorium, settlement with creditors, or similar relief of bankrupt or insolvent debtors, or if a receiving order is made against the Owner, or if the Owner is adjudged bankrupt or insolvent, or if a liquidator or receiver is appointed by reason of any actual or alleged insolvency, or any default of the Owner under any mortgage or other obligation, or if the subject lands or interest of the Owner in the subject lands becomes liable to be taken or sold by any creditors or under any writ of execution or other like process;
- h) This Agreement is forfeited or is terminated by any other provision contained in it.

7.4 The City may at its sole discretion provide the Owner with an opportunity to remedy any default.

8. ADDITIONAL PROVISIONS

- 8.1 This Agreement shall remain in effect from the date of its execution by the City to the earlier of:
- a) The time when the City informs the Owner in writing that due to the non-fulfilment or non-compliance with a required condition or due to default, this Agreement is terminated;
 - b) The time when total amount of the tax assistance and grants paid out to the Owner equals the total accepted eligible costs under the Tax Assistance Program;
 - c) Ten (10) years.
- 8.2 Time shall be of the essence with respect to all covenants, Agreements and matters contained in this Agreement.
- 8.3 Schedule "A" attached to this Agreement forms part of the Agreement.

9 NOTICES

- 9.1 Where this Agreement requires notices to be delivered by one party or the other, such notice shall be given in writing and delivered either personally, by e-mail, by fax or by prepaid first call mail by the party wishing to give such notice to the other party at the address noted below:

To the Owner at:

SouthPort Condos Inc.
c/o Tom Rankin
222 Martindale Road
St. Catharines, ON L2R 7AR
Ph: 905-684-1111
Fax: 905-684-2260

To the City at:

City of Port Colborne
c/o Dan Aquilina
66 Charlotte Street
Port Colborne Ontario, L3K 3C8
Ph: 905-835-2901 ext 203
Fax: 905-835-2939

THIS AGREEMENT shall be binding upon the parties and their heirs, executors, successors and assigns.

IN WITNESS WHEREOF the parties duly execute this Agreement:

SIGNED, SEALED AND DELIVERED) THE CITY OF PORT COLBORNE
In the presence of)
)
)
) _____
) Mayor William C. Steele
)
)
) _____
) Amber LaPointe City Clerk
)
)
) SouthPort Condos Inc.
)
)
_____) _____
WITNESS) Tom Rankin:
) Owner
) I/We have the authority to bind the Corporation

Note: If the Business is a registered Ontario Corporation, a Witness is not required.

Schedule "B"

Downtown CIP Tax Assistance

(1) Estimated cost of approved eligible tax assistance works	\$22,821,975
(2) Estimated cost of approved eligible grant works	\$938,240
(3) Total estimated cost of approved eligible works (1 + 2)	\$23,760,215
(4) Pre-project assessed value (AV):	\$22,000,000
(5) Pre-project City property taxes	\$26,901.40
(6) Pre-project Region property taxes	\$ 18,173.79
(7) Pre-project Education property taxes	\$ 6,481.74
(8) Post-project assessed value (AV):	\$ 19,089.271
(9) Post-project City property tax rate	.00861420
(10) Post-project Region property tax rate	.00566267
(11) Post-project Education property tax rate	.0016100
(12) Post-project City property taxes	\$ 189,512.40
(13) Post-project Region property taxes	\$ 143,092.84
(14) Post-project Education property taxes	\$ 35,420.00

Municipal Tax Assistance = (Post-project City property Taxes + Post-project Region property taxes) – (Pre-project City property taxes + Pre-project Region property taxes)

Total Tax Assistance = Municipal Tax Assistance

Grant = ((Post-project City property taxes + Post-project Region property taxes) – (Pre-project City property taxes + Pre-project Region property taxes))*0.80

TAX ASSISTANCE CALCULATION SCHEDULE

	Pre Development	Project Completion	Tax Increment	% of Tax Increment	Annual Grant
Assessment Value	\$1,110,048	\$ 19,089.271		20%	80%
Municipal Taxes	\$26,901.14	\$ 189,512.40	\$178,166.53	\$35,633.31	\$142,533.22
Regional Taxes	\$22,173.79	\$ 143,092.84	\$134,919.05	\$26,938.81	\$107,935.24
Total	\$49,07551.19	\$332,605.24	\$313,085.58	\$62,617.12	\$250,468.46
Duration of Grant					10 years
Total Payment of Grant					\$2,504,684.60

Brownfield Rehabilitation Grant Eligible Items

Eligible Cost Item	Actual/Estimated Cost (\$)
Any costs of Phase II ESA's, Designated Substances and Hazardous Materials Survey, Remedial Work Plans and Risk Assessments not covered by the Environmental Site Assessment Grant Program	\$72,500
Environmental Remediation including the cost of preparing an RSC	\$632,240
Placing clean fill and grading	\$233,500
Installing environmental and/or engineering controls/works as specified in the Remedial Work Plan and/or Risk Assessment	\$ 0
Monitoring, maintaining and operating environmental and engineering controls/works as specified in the Remedial Work plan and/or Risk Assessment	\$ 0
Environmental Insurance Premiums	\$ 0
 Total Costs Eligible for Property Tax Assistance (Sum Costs 1-6 above)	 \$938,240
Any costs of Feasibility Study not covered by the Feasibility Study Grant Program	\$ 30,000
The following LEED components:	
Base plan review by a certified LEED consultant	\$ 0
Preparing new working drawings to LEED standard	\$0
Submitting and administering the constructed element testing and certification used to determine the LEED designation	\$ 0
Increase in material/construction cost of LEED components over standard building code requirements to a maximum of 10% of total construction costs.	\$ 0
Building demolition (excluding permit fees)	\$325,000
Building Rehabilitation and Retrofit Works (excluding permit fees)	\$668,480.35
Upgrading on-site infrastructure including water services, sanitary sewers and stormwater management facilities	
Construction/upgrading off-site infrastructure including roads, water services, sanitary sewers, stormwater management facilities, electrical/gas utilities, where this is required to permit remediation, rehabilitation and/or adaptive reuse of property that is subject of the application	\$340,360
 Total Eligible Costs Eligible for a Rehabilitation Grant (Sum Costs 1-12 above)	 <u>\$2,302,080.35</u>

**Please note the Downtown Central Business CIP Tax Increment Grant is being used instead of the Brownfield Rehabilitation Grant to calculate tax incentives but enables a 3-year tax freeze.*

The Corporation of the City of Port Colborne

By-Law no. _____

Being a By-law to authorize entering into a Grant Agreement with SouthPort Condos Inc. for Community Improvement Plan Incentives

Whereas the City has adopted a Downtown Central Business District Community Improvement Plan (DCIP) and a Brownfield Community Improvement Plan (BCIP) pursuant to Section 28 of the *Planning Act*; and

Whereas the Owner is the registered Owner of the lands described in Section 1 and Schedule "A" to the agreement (the "subject lands") which are located within the City of Port Colborne; and

Whereas the Owner has made applications (the "application") to the City for the Tax Increment Grant under the DCIP and the Rehabilitation Grant under the BCIP; and

Whereas the City has approved this application and has agreed to provide tax assistance and a grant; and

Whereas a condition of approval of this application for tax assistance and/or a grant, the Owner is required by the City to enter into this Agreement (the "Agreement");

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. That the Council of the Corporation of the City of Port Colborne hereby approves entering into a Grant Agreement with SouthPort Condos Inc. which agreement is attached to this By-law as Schedule A.
2. That the Mayor and Clerk be and they are hereby authorized and directed to sign the said Agreement and the Clerk is hereby authorized to affix the Corporate Seal thereto.
3. That this By-law shall come into force and take effect on the date that it is passed by Council.

Enacted and passed this 25th day of May, 2020.

William C. Steele
Mayor

Amber LaPointe
City Clerk



**Planning and Development Department
Planning Division**

Report Number: 2020-59

Date: May 25, 2020

SUBJECT: Mineral Aggregate Operation Zone

1) PURPOSE:

The purpose of the report is to provide Council with further information related to Planning and Development Report 2020-25.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

Planning and Development Report 2020-25 was presented to Council on March 9, 2020. It was an information report in response to a February 10, 2020, delegation made by Jack Hellinga. Mr. Hellinga had asked seven questions to Council on the land use policies and regulations on Mineral Aggregate Operation.

Planning staff would like to provide further information in response to the following questions:

- Is a pit or quarry zoned MAO prohibited from Asphalt Recycling on the quarry floor?
- Given the Permitted Uses and Definition of MAO, is a pit or quarry zoned MAO prohibited from manufacturing asphalt or concrete on the quarry floor?

3) STAFF COMMENTS AND DISCUSSIONS

Staff had responded that asphalt manufacturing was a prohibited use in the Zoning By-law which was correct. When the new zoning by-law was going through the approval process, it indicated asphalt manufacturing as a prohibited use on February 12, 2018:

2.3 Uses Prohibited in all Zones

- a) Abattoir;
- b) Asphalt and Cement Manufacturing;
- c) Mobile Home Park;
- d) Salvage Yard;
- e) Solid Waste Disposal Facility;

When the final draft of the zoning by-law was recommended for approval on March 26, 2018 and on April 23, 2018 asphalt and cement manufacturing was removed as a prohibited use; however, it was addressed in response to a public presentation from Harry Wells, 548 Highway 3 on June 12, 2017. Staff kept track of all public comments, their review and any changes throughout the zoning by-law update.

The following was included in Planning & Development Report 2018-14 on February 12, 2018:

Harry Wells of 548 Highway 3. Mr. Wells advised of a grammatical error on p.11 2.4(d) where the word "even" should be "event". Under S.26 Light Industrial "obnoxious" and "dangerous" uses are not defined. Adjectives should be defined. S.26 & 27 defines separation for sensitive land use for MOE setbacks but not for HI & LI uses. With regards to the quarry there should be more detailed requirements for setbacks. Rehabilitation of the quarry should be added.

The grammatical error has been corrected. A noxious use is defined.

Noxious Use: means:

- a) a use which creates an adverse effect through the generation of noise, vibration, dust, fumes, gas, odour, waste, hazardous waste, emissions, smoke, glare, radiation, electrical interference; or
- b) any use involving the use or storage of hazardous, toxic or contaminant substances which constitutes a threat to public health and safety; or
- c) any use that is not lawfully permitted in the Province of Ontario; or
- c) a combination thereof, but
- d) excluding normal agricultural and livestock operations and normal aggregate resource operations in a licensed pit or quarry

The zoning by-law has regard for sensitive land uses when a medical marihuana facility is proposed and is not based on MOE setbacks. Rehabilitation is not a matter that is regulated by the zoning by-law. The existing zoning by-law regulates setbacks to quarry property lines: "No pit, quarry or excavation shall be made or established within 15 metres of any lot line which does not abut a public street or 90 metres of any lot line which abuts a Provincial Highway or 30 metres of any lot line which abuts any other public street."

Port Colborne Quarries already received planning approvals for their existing operations and any changes to the zoning provisions can't be supported at this time. If expansion of quarry operations is proposed then matters regarding greater setbacks can be reviewed and considered together with provincial licensing.

"Asphalt and Cement Manufacturing" was removed from Section 2.3 Prohibited Uses; however, staff added the following "Noxious Use" definition in Section 39 as well as added Section 2.3 i):

Noxious Use: means

- a) a use which creates an adverse effect through the generation of noise, vibration, dust, fumes, gas, odour, waste, hazardous waste, emissions, smoke, glare, radiation, electrical interference; or

- b) any use involving the use or storage of hazardous, toxic or contaminant substances which constitutes a threat to public health and safety; or
- c) any use that is not lawfully permitted in the Province of Ontario; or
- c) a combination thereof; but
- d) excluding normal agricultural and livestock operations and normal aggregate resource operations in a licensed pit or quarry

2.3 i) Any use where its nature or the material used therein is considered a noxious use as defined in Section 39.

In review of staff's February 18, 2017 comments and an update for Council's information, the 2020 approved new Cannabis Production Facility regulations did address the MECP's D6 guidelines to further support their separation distance from sensitive land uses.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Do nothing

Not applicable. The report is for informational purposes only.

b) Other Options

Not applicable. The report is for informational purposes only.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Not applicable.

6) ATTACHMENTS

None.

7) RECOMMENDATION

That Planning and Development Department, Planning Division, Report No. 2020-59 Subject: Mineral Aggregate Operation Zone, be received for information.

8) SIGNATURES

Prepared on May 6, 2020 by:



Dan Aquilina, MCIP, RPP, CPT
Director of Planning and Development

Reviewed and Respectfully Submitted:



Scott Luey
Chief Administrative Officer

Report Number: 2020-67

Date: May 25, 2020

SUBJECT: Recommendation Report on Removing 3620 Second Concession from the Municipal Registry of Heritage Properties

1) PURPOSE:

The purpose of the report is to provide Council with a recommendation regarding a request to remove from the Municipal Registry of Heritage Properties the lands legally known as Humberstone Plan Concession 3 Part of Lots 9 and 10, in the City of Port Colborne, Regional Municipality of Niagara; municipally known as 3620 Second Concession.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

On April 17, 2020, the Planning Division received a formal request through the submission of a demolition permit to remove the property at 3620 Second Concession from the City's Municipal Registry of Heritage Properties. The Municipal Registry was created under Section 27 of the *Ontario Heritage Act*. This section permits municipalities to maintain a register of properties that are of cultural heritage value or interest. This is not the same as a building or property being designated under Part IV or Part V of the *Ontario Heritage Act*. The heritage registry requires a 60-day delay after a demolition permit is applied for before any structure on a listed property can be demolished. This gives Council, with its Municipal Heritage Committee, the opportunity to review the property to determine if the property is worthy of designation under Part IV of the *Ontario Heritage Act*. If Council chooses not to designate the property, or no decision is made within 60 days, the demolition permit will be issued.

The subject property was added to the Municipal Registry of Heritage Properties under Council's direction at its meeting on November 9, 2009. The records for the subject property in the Registry are listed as follows:

ADDRESS	3620 Second Concession
YEAR CONSTRUCTION COMMENCED/ COMPLETED	Unknown
PRESENT USE	Residential
ORIGINAL USE	Unknown
STYLE	Unknown
CONSTRUCTION	Clapboard
ARCHITECT	Unknown
DESIGN	Medium gable roof with centre gable in façade
INTERIOR FEATURES	N/A
PROPERTY FEATURES	Decorative board under roof of porch

ORIGINAL OWNER	Unknown
OCCUPATION	N/A
EVENT	N/A
CONTEXT	N/A
CONTINUITY	N/A
SETTING	N/A
LANDMARK	N/A
SITE	Unknown
ALTERATIONS	Wall, doors, roof, chimney, porch, addition
CONDITION (Survey 1982)	Maintained

The owner of 3620 Second Concession is seeking to remove the property from the registry with the intent of demolishing and rebuilding the dwelling.

It is usual practice for such requests to first be considered by the City of Port Colborne's Heritage Committee before a recommendation is made to Council on removing the property from the registry. Due to ongoing constraints, the Heritage Committee was consulted via email. The Chair of the Committee offered the following correspondence:

"I have received input from all members of the Heritage Committee. The committee unanimously voted in favour of staff's recommendation that the property not be designated heritage."

3) STAFF COMMENTS AND DISCUSSIONS

Staff visited the property on May 4, 2020, and viewed the exterior of the dwelling. Photographs from this visit are attached as Appendix A. As clearly shown in the photos, the dwelling is not what it once was. Significant alterations have been made to the dwelling resulting in little to no cultural heritage value. Staff would like to note that the records in the chart shown above are very minimal and provide very little information regarding the features of the dwelling. The original clapboard construction has been replaced by vinyl siding, some of which is missing, leaving the bare wall exposed. The decorative board under the roof of the porch is deteriorated to the point that it offers little value to the existing dwelling. Staff also witnessed a large rodent enter the basement of the house through a large hole in the foundation and several birds enter/exit the dwelling's roof through holes in the soffits.

Staff is of the opinion that the dwelling is of marginal heritage value and preserving the structure is nearly impractical. Therefore, staff recommends removing 3620 Second Concession from the City of Port Colborne's Municipal Registry of Heritage Properties.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Do nothing

Though not advisable, Council may choose to do nothing.

This option is not recommended.

b) Other Options

Council could also refer the report back to staff for additional information.

Council could initiate the process to designate the property under Part IV of the *Ontario Heritage Act* by issuing a Notice of Intention. Once Notice of Intention to designate is given no building or demolition permits for the property can be issued. Council will then be obliged to commence the designation process.

None of these options are recommended.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Not applicable.

6) ATTACHMENTS

Appendix A – Photos of the dwelling on the subject property

7) RECOMMENDATION

That Council of the City of Port Colborne removes from the Municipal Registry of Heritage Properties the lands legally known as Humberstone Plan Concession 3 Part of Lots 9 and 10, in the City of Port Colborne, Regional Municipality of Niagara; municipally known as 3620 Second Concession.

8) SIGNATURES

Prepared on May 13, 2020 by:



David Schulz, BURPI
Planner

Reviewed by:



Dan Aquilina, MCIP, RPP, CPT
Director of Planning and Development

Reviewed and Respectfully Submitted:



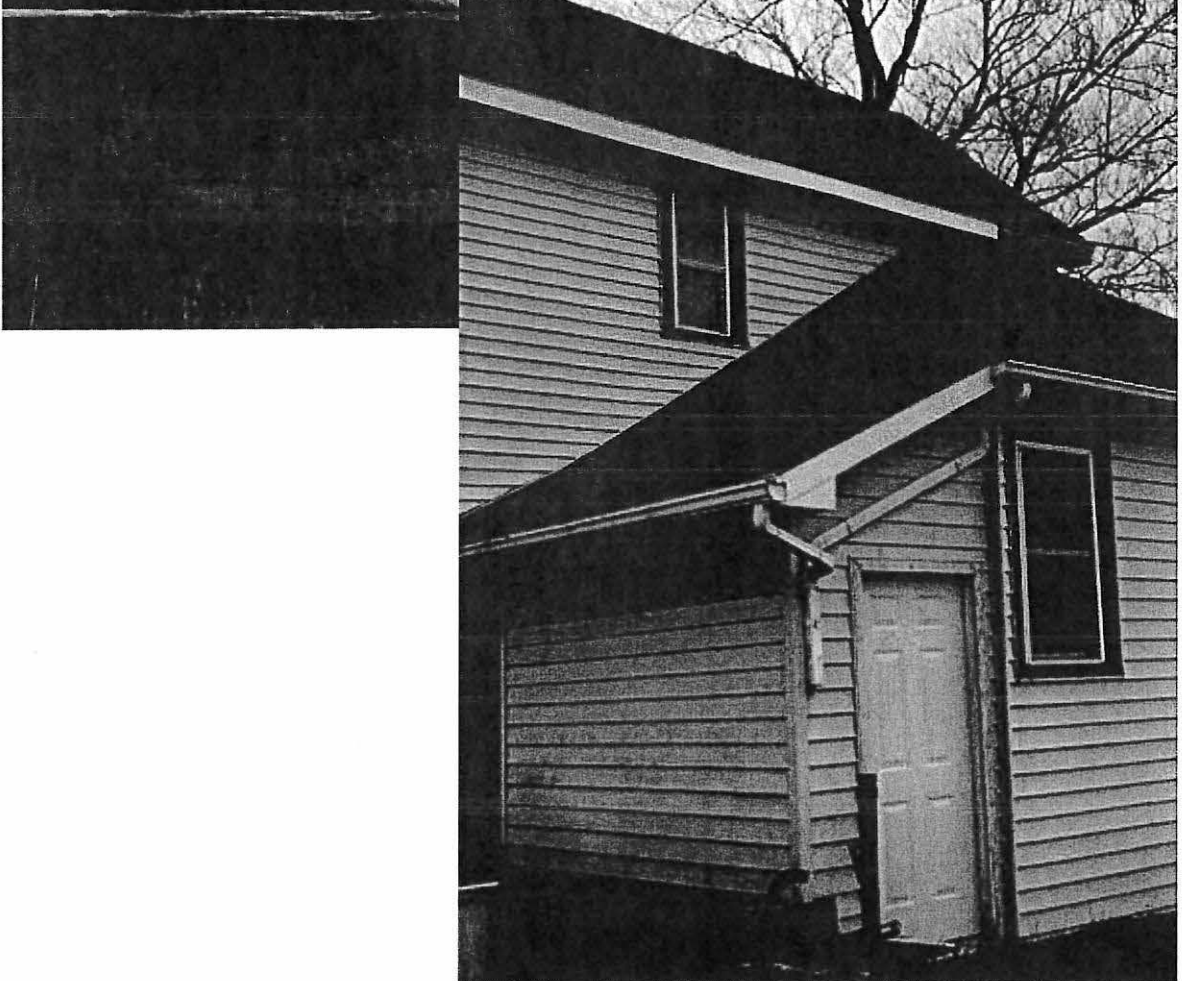
C. Scott Luey
Chief Administrative Officer



3620 Second Concession



3620 Second Concession



Report Number: 2020-64

Date: May 25, 2020

Subject: Parking and Traffic – Nickel Street

1) PURPOSE:

The purpose of the report is to request Council's consideration for two (2) new timed parking stalls at 36 Nickel Street on the north side of Nickel Street in front of Nickel Street Clothesline Laundromat.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

Mr. Jeff Armstrong, the business owner of Nickel Street Clothesline Laundromat located at 36 Nickel Street has requested the implementation of time limited parking in front of 36 Nickel Street for customer parking.

The existing conditions of this location on Nickel Street are as follows:

- This is a 14m wide highway.
- There are some corner restrictions on either side of this two lane highway.
- There is available parking along both sides of the highway.
- This is a mixed residential, commercial area.
- The speed limit on Nickel Street is 50km/hr.

The current parking requirements are as follows:

- No parking within 3m of fire hydrant.
- No parking within 1.5m of a driveway.
- No parking to obstruct or block a driveway.
- No parking over the time limit as per the signage.

3) STAFF COMMENTS AND DISCUSSIONS

Mr. Jeff Armstrong, the business owner of Nickel Street Clothesline Laundromat located at 36 Nickel Street informed staff that there have been times when parking in front of his business has not been available due to the adjacent rental unit's occupants and visitors parking there.

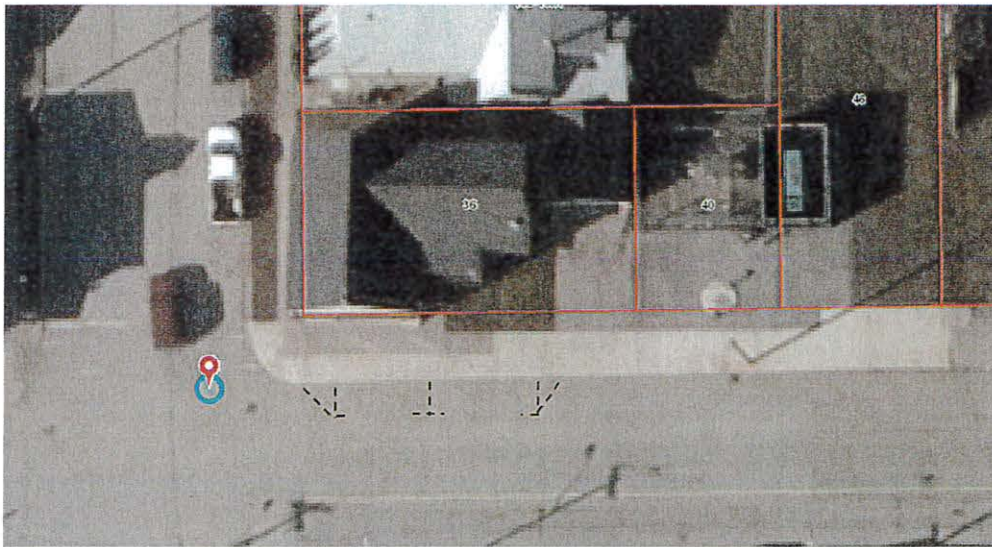
Staff advised Mr. Jeff Armstrong that a "Limited Parking Restriction" could be implemented which would only allow two (2) hour parking during his hours of operation. This would allow sufficient time for his patrons to conduct their business. Therefore, staff recommend the implementation of a "Limited Parking Restriction" of two (2) hours from 7:30 a.m. to 10:00 p.m. Monday to Sunday at this location.

Engineering Comments:

Engineering and Operations have reviewed the request for parking and have no objections to implementing "Limited Parking Restriction" in front of 36 Nickel Street.

Summary

After careful review, staff has no objections to implementing "Limited Parking Restriction" eight (8) metres east of Fares Street to a distance of eleven (11) metres therefrom. Further, there are no objections to having "No Parking" implemented on the north side of Nickel Street from the east limit of Fares Street to a distance of Eight (8) metres east therefrom.



4) OPTIONS AND FINANCIAL CONSIDERATIONS:

Locates are required and signs would need to be erected at the above noted locations.

a) Do nothing

Keep the status quo "as is". This option is not recommended.

b) Other Options

This section is not applicable.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

This section is not applicable.

6) ATTACHMENTS

Appendix A - Letter of Request from Mr. Jeff Armstrong, the owner of 36 Nickel Street

7) RECOMMENDATION

That the Council of the City of Port Colborne approve the following amendment to By-law No. 89-2000 being a By-law regulating traffic and parking on City roads:

1. That Schedule "E" Limited Parking Restrictions, to By-law 89-2000 as amended, be amended by adding thereto the following:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>		<u>Column 4</u>	<u>Column 5</u>
Highway	Side	From	To	Times/Days	Maximum
Nickel Street	North	8m east of the east limit of Fares Street	11m east therefrom	7:30 a.m. to 10:00 p.m. Mon to Sun	2 hours

2. That Schedule "C" Parking Prohibitions, to By-law 89-2000 as amended, be amended by adding thereto the following:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>		<u>Column 4</u>
Highway	Side	From	To	Times/Days
Nickel Street	North	The east limit of Fares Street	8m east therefrom	Anytime

8) SIGNATURES

Prepared on April 20, 2020 by:



Sherry Hanson, C.P.S.O.
Manager of By-law Services

Reviewed by:



Dan Aquilina, RPP, MCIP, CPT
Director of Planning and Development

Reviewed and respectfully submitted by:



C. Scott Luey
Chief Administrative Officer

TO Sherry Hanson,

April 9th 2020

I would like to ask permission and request that the City of Port Colborne allows me to have two timed parking spots in front of my Nickel street clothesline Laundry, located at 36 Nickel street.

It has been an ongoing problem that the tenants and their friends are parking in front day and night making it hard for any customers to have easy access to the laundry. I feel that I am loosing business, as I have watched them drive away . I appreciate your consideration ,and hope that we can solve this problem that I am having . Thanks for your time

Kind regards Jeff Armstrong

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Report Number: 2020-61

Date: May 25, 2020

SUBJECT: 2020 Final Tax Rates

1) PURPOSE:

The purpose of this report is to adopt the 2020 tax rates to be applied to all property assessments as provided from MPAC and to set the due dates for the final installments as July 2 and October 1, 2020.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

The 2020 tax rates are approved by by-law in accordance with Section 312 of the *Municipal Act, 2001* as amended. The City raises, through a special tax levy, the amount required for the purposes of the Downtown Development Board (BIA) and the Main Street Gateway (BIA) in accordance with Section 208(1) of the *Municipal Act, 2001*, as amended.

3) STAFF COMMENTS AND DISCUSSIONS

Tax Policy Changes:

The following tax ratios are approved by the Region and are used in calculating the City's tax rates.

	Provincial Threshold	2010 Tax Ratios	2011 Tax Ratios	2012-2016 Tax Ratios	2017 Tax Ratios	2018-2020 Tax Ratios
Residential	1.00	1.0000	1.0000	1.0000	1.0000	1.0000
New Multi Residential				1.0000	1.0000	1.0000
Multi Residential	2.74	2.0600	2.0440	2.0440	2.0000	1.9700
Commercial	1.98	1.7586	1.7586	1.7586	1.7586	1.7349
Industrial	2.63	2.6300	2.6300	2.6300	2.6300	2.6300
Large Industrial	2.63	2.6300	2.6300	2.6300	2.6300	2.6300
Pipelines		1.7021	1.7021	1.7021	1.7021	1.7021
Farmland		0.2500	0.2500	0.2500	0.2500	0.2500
Managed Forests		0.2500	0.2500	0.2500	0.2500	0.2500
Farmland Awaiting Development 1		1.0000	1.0000	1.0000	1.0000	1.0000

Tax Ratios determine the municipal tax burden for each property class relative to that of the residential property class. The tax ratio for the residential property class is set at 1.0000 with all other tax ratios set in relation to this ratio. Each year, the Regional Municipality of Niagara Council sets the tax ratios which must be used by each lower tier municipality to establish the tax rates.

The recommended tax policy for 2020 is the status quo based on the Region Tax Policy decision and was recommended by Area Treasurers.

Blended Property Tax Changes:

On March 23, 2020, Council approved the 2020 Operating/Capital Budget and the By-Law 6771/21/20 adopting the budget estimates for the operations for 2020; this includes the amount to be raised by a tax levy amounting \$16,660,141 for general operations and \$2,418,260 for capital purposes, with a total tax levy of \$19,078,401. Council further approved Chief Administrative Officer's Report 2020-57 as an update to the 2020 budget recommending that the capital budget be reduced by \$260,000 and be allocated to the general operations with no impact on the overall tax levy to remain the same at \$19,078,401.

During the budget process, staff estimated a blended residential property tax increase of 4.48% or approximately \$143.06 to the average residential household with a property assessment of \$196,670. This includes the increase in the phased assessment to the average residential household of 2.93% in 2020. Council was made aware that the Region had not yet approved the proposed tax policy and tax ratios and that the Education tax rate had already been determined by the Province.

The total tax rate including municipal, region and education increased from 0.01672842 to 0.01697951, which is an increase of 1.50%, combined with an average assessment increase of 2.93% in 2020 from \$191,070 to \$196,670, the average blended tax increase is 4.48% or approximately \$143. See Appendix A.

Final Tax Bill

The final tax bill for all tax classes including residential, multi-residential, commercial, industrial, pipeline, farmland, managed forest and farmland awaiting development classes will have a demand date (mailing) of June 11, 2020. The due dates will be July 2 and October 1, 2020.

A by-law is before Council to adopt the tax rates for 2020 for the City of Port Colborne, the Region of Niagara (including waste management), and the education tax rates.

2020 Tax Calculation

The calculation to determine total property taxes on a residential property for 2020, based on a property's 2020 assessment, is as follows (see Appendix A):

2020 Assessment x Tax Rate

Example: $196,670 \times 0.01697951 = \$3,339.36$

ESTIMATE OF TAX CHANGES

	2020	2019	\$ Change	% Change
Ave Residential Assessment	<u>196,670</u>	<u>191,070</u>		
City	1,725.69	1,645.92	79.77	4.85
Region-general	1,136.72	1,081.97	54.76	5.06
Region-waste mgmt.	176.04	160.79	15.25	9.48
Education	<u>300.91</u>	<u>307.62</u>	<u>(6.72)</u>	<u>(2.18)</u>
Total Property Taxes	<u>3,339.36</u>	<u>3,196.30</u>	<u>143.06</u>	<u>4.48</u>

The overall increase in taxes is dependent on a property's 2020 reassessed current value compared to 2019 assessed value. The blended rate includes the City, Region (including Police, Housing, Niagara Peninsula Conservation Authority and Waste Management) and the School Boards (Education). The average residential home assessed at \$196,670 will have an annual increase of approximately \$143.06, being a 4.48% increase.

A complete analysis and comparison of City levy and tax changes for each tax class and the blended tax amounts for all tax classes is provided in Appendix C.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Do nothing.

This is not an option as the tax rates are required to generate the appropriate amount of tax revenue for the 2020 operations and capital of the City of Port Colborne, the Downtown Development Board (BIA) and Main Street Gateway (BIA) operations.

b) Other Options

Council adopted By-Law No. 6771/21/20 on March 23, 2020 to approve the budget estimates for the year 2020. The tax rates in the attached by-law are required in order to meet budget requirements and are recommended.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Not applicable.

6) ATTACHMENTS

- Appendix A – Estimated Residential Property Tax Changes
- Appendix B – General 2020 Tax Rates
- Appendix C – City and Blended Levy Comparison by Assessment Class

7) RECOMMENDATION

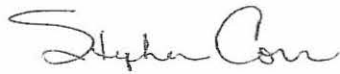
That Council approves the rates of taxation for the year 2020; and

That the 2020 tax rate by-law be executed by the Mayor and City Clerk; and

That the 2020 final billing for the residential, multi-residential, commercial, industrial, pipeline, farmland, managed forest and farmland awaiting development tax classes have a demand (mailing) date of June 11, 2020 with due dates of July 2 and October 1, 2020.

8) SIGNATURES

Prepared on May 11, 2020 by:



Stephen Corr
Manager of Revenue & Taxation

Reviewed and respectfully submitted:



C. Scott Luey
Chief Administrative Officer

**CITY OF PORT COLBORNE
2020 BUDGET
ESTIMATED RESIDENTIAL PROPERTY TAX CHANGES**

	Phased In Assessment change				No Assessment change			
	2020	2019	\$ Change	% Change	2020	2019	\$ Change	% Change
City	87.745	86.142	1.60	1.86%	87.745	86.142	1.60	1.86%
Region - general	57.799	56.627	1.17	2.07%	57.799	56.627	1.17	2.07%
Region - waste mgmt	8.951	8.416	0.54	6.37%	8.951	8.416	0.54	6.37%
Education	15.300	16.100	-0.80	-4.97%	15.300	16.100	-0.80	-4.97%
Tax Rate Change	169.795	167.284	2.51	1.50%	169.795	167.284	2.51	1.50%
	** with 5.237% levy increase				** with 5.237% levy increase with no assessment change			
ESTIMATES OF TAX CHANGES	2020	2019	\$ Change	% Increase	2020	2019	\$ Change	% Increase
Average Residential Assessment	<u>196,670</u>	<u>191,070</u>			<u>191,070</u>	<u>191,070</u>		
City	1,725.69	1,645.92	79.77	4.85%	1,676.55	1,645.92	30.64	1.86%
Region-general	1,136.72	1,081.97	54.76	5.06%	1,104.36	1,081.97	22.39	2.07%
Region-waste mgmt	176.04	160.79	15.25	9.48%	171.03	160.79	10.24	6.37%
Education	300.91	307.62	-6.72	-2.18%	292.34	307.62	-15.29	-4.97%
Total Tax Levy	3,339.36	3,196.30	143.06	4.48%	3,244.27	3,196.30	47.98	1.50%

**Note: Regional tax policy and tax ratios same as 2019
Assessment increase of 2.93% in 2020**

**City of Port Colborne
General 2020 Tax Rates**

Property Class	RTC Code	City Tax Rates	Region Tax Rates	Region Waste Mgmt Tax Rates	Education Tax Rates	TOTAL
Residential	RT	0.00877454	0.00577985	0.00089512	0.00153000	0.01697951
Multi-Residential	MT	0.01728584	0.01138630	0.00176339	0.00153000	0.03196553
New Multi-Res	NT	0.00877454	0.00577985	0.00089512	0.00153000	0.01697951
Commercial	CT	0.01522295	0.01002746	0.00155294	0.00980000	0.03660335
Excess Land	CU	0.01065607	0.00701922	0.00108705	0.00980000	0.02856234
Vacant Land	CX	0.01065607	0.00701922	0.00108705	0.00980000	0.02856234
Commercial Other	ST, GT	0.01522295	0.01002746	0.00155294	0.00980000	0.03660335
Commercial New Const	XT	0.01522295	0.01002746	0.00155294	0.00980000	0.03660335
Comm new const excess	XU	0.01065607	0.00701922	0.00108705	0.00980000	0.02856234
Industrial - New Const.	JT	0.02307704	0.01520101	0.00235417	0.00980000	0.05043222
Ind - new const excess	JU	0.01615393	0.01064070	0.00164792	0.00980000	0.03824255
Industrial	IT	0.02307704	0.01520101	0.00235417	0.01250000	0.05313222
Excess Land	IU	0.01615393	0.01064070	0.00164792	0.01250000	0.04094255
Vacant Land	IX	0.01615393	0.01064070	0.00164792	0.01250000	0.04094255
Large Industrial	LT	0.02307704	0.01520101	0.00235417	0.01250000	0.05313222
Excess Land	LU	0.01615393	0.01064070	0.00164792	0.01250000	0.04094255
Pipelines	PT	0.01493514	0.00983788	0.00152358	0.00980000	0.03609660
Farmlands	FT	0.00219364	0.00144496	0.00022378	0.00038250	0.00424488
FAD I	R1	0.00658091	0.00433489	0.00067134	0.00114750	0.01273464
FAD II		0.00877454	0.00577985	0.00089512	0.00153000	0.01697951
Managed Forests	TT	0.00219364	0.00144496	0.00022378	0.00038250	0.00424488

**CITY OF PORT COLBORNE
CITY LEVY COMPARISON BY ASSESSMENT CLASS**

	Tax Ratios	2019 Levy	2020 Levy	Increase (Decrease)	Ave % Change	2020 Tax Rates	Taxes on \$196,670	2019 Tax Rates	Taxes on \$191,070	\$ Change	% Change
Residential	1.0000	\$13,487,471	\$14,198,023	\$ 710,552	5.27%	0.00877454	1,725.69	0.00861420	1,645.92	79.77	4.85%
Multi-Residential	1.9700	\$657,343	\$666,940	\$ 9,597	1.46%	0.01728584	3,399.61	0.01696998	3,242.45	157.16	4.85%
New Multi-res	1.0000	\$5,169	\$10,758	\$ 5,589	108.14%	0.00877454	1,725.69	0.00861420	1,645.92	79.77	4.85%
Commercial	1.7349	\$1,953,829	\$2,060,427	\$ 106,598	5.46%	0.01522295	2,993.90	0.01494478	2,855.50	138.40	4.85%
Excess Land	1.7349	\$2,068	\$1,421	\$ (647)	-31.29%	0.01065606	2,095.73	0.01046135	1,998.85	96.88	4.85%
Vacant Land	1.7349	\$24,812	\$33,443	\$ 8,631	34.78%	0.01065606	2,095.73	0.01046135	1,998.85	96.88	4.85%
Industrial	2.6300	\$1,574,006	\$1,646,448	\$ 72,442	4.60%	0.02307704	4,538.56	0.02265536	4,328.76	209.80	4.85%
Excess Land	2.6300	\$31,280	\$33,478	\$ 2,198	7.03%	0.01615393	3,176.99	0.01585875	3,030.13	146.86	4.85%
Vacant Land	2.6300	\$116,530	\$133,620	\$ 17,090	14.67%	0.01615393	3,176.99	0.01585875	3,030.13	146.86	4.85%
Pipelines	1.7021	\$149,911	\$156,595	\$ 6,684	4.46%	0.01493514	2,937.29	0.01466224	2,801.51	135.78	4.85%
Farmlands	0.2500	\$115,792	\$125,924	\$ 10,132	8.75%	0.00219364	431.42	0.00215355	411.48	19.94	4.85%
Managed Forests	0.2500	\$1,847	\$2,026	\$ 179	9.68%	0.00219364	431.42	0.00215355	411.48	19.94	4.85%
FAD 1	1.0000	\$8,918	\$9,289	\$ 371	4.16%	0.00658091	1,294.27	0.00646065	1,234.44	59.83	4.85%
Totals		\$ 18,128,975	\$19,078,392	\$ 949,417	5.24%						

**CITY OF PORT COLBORNE
BLENDED LEVY COMPARISON BY ASSESSMENT CLASS**

	Tax Ratios	2019 Levy	2020 Levy	Levy Increase	Ave % Increase	2020 Tax Rates	Taxes on \$196,670	2019 Tax Rates	Taxes on \$191,070	\$ Change	% Change
Residential	1.0000	\$13,487,471	\$ 14,198,023	\$ 710,552	5.27%	0.01697951	3,339.36	0.01672842	3,196.30	143.06	4.48%
Multi-Residential	1.9700	\$657,343	\$ 666,940	\$ 9,597	1.46%	0.03196553	6,286.66	0.03139329	5,998.32	288.34	4.81%
New Multi-res	1.0000	\$5,169	\$ 10,758	\$ 5,589	108.14%	0.01697951	3,339.36	0.01672842	3,196.30	143.06	4.48%
Commercial	1.7349	\$1,953,829	\$ 2,060,427	\$ 106,598	5.46%	0.03660335	7,198.78	0.03652896	6,979.59	219.19	3.14%
Excess Land	1.7349	\$2,068	\$ 1,421	\$ (647)	-31.29%	0.02856234	5,617.36	0.02711526	5,180.91	436.45	8.42%
Vacant Land	1.7349	\$24,812	\$ 33,443	\$ 8,631	34.78%	0.02856234	5,617.36	0.02711526	5,180.91	436.45	8.42%
Industrial	2.6300	\$1,574,006	\$ 1,646,448	\$ 72,442	4.60%	0.05313222	10,449.51	0.05266146	10,062.02	387.49	3.85%
Excess Land	2.6300	\$31,280	\$ 33,478	\$ 2,198	7.03%	0.04094255	8,052.17	0.03879802	7,413.14	639.03	8.62%
Vacant Land	2.6300	\$116,530	\$ 133,620	\$ 17,090	14.67%	0.04094255	8,052.17	0.03879802	7,413.14	639.03	8.62%
Pipelines	1.7021	\$149,911	\$ 156,595	\$ 6,684	4.46%	0.03609660	7,099.12	0.03603307	6,884.84	214.28	3.11%
Farmlands	0.2500	\$115,792	\$ 125,924	\$ 10,132	8.75%	0.00424488	834.84	0.00418211	799.07	35.77	4.48%
Managed Forests	0.2500	\$1,847	\$ 2,026	\$ 179	9.68%	0.00424488	834.84	0.00418211	799.07	35.77	4.48%
FAD 1	1.0000	\$8,918	\$ 9,289	\$ 371	4.16%	0.01273464	2,504.52	0.01254632	2,397.22	107.30	4.48%
Totals		\$ 18,128,975	\$ 19,078,392	\$ 949,417	5.24%						

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ADR
CHAMBERS

Integrity Commissioner Office
for the City of Port Colborne

April 28, 2020

SENT BY EMAIL TO:

Amber LaPointe
City Clerk
City of Port Colborne
66 Charlotte Street
Port Colborne, ON, L3K 3C8
amberlapointe@portcolborne.ca

**Re: Complaint Reference Number IC-184-0220 (filed February 28, 2020)
Ron Baarda and Councillor Ron Bodner**

Dear Ms. LaPointe,

I wish to advise that I have now completed my investigation into this complaint and have determined that no contravention of the Town's Code of Conduct was committed by the Councillor with respect to the matters raised in the complaint. He also has no conflict of interest in participating in the matters referred in the complaint and in my report with respect to Pleasant Beach and Pleasant Beach Road.

A draft copy of the extensive and detailed Letter of Advice and my Report with respect to this matter has been provided to the complainant and the Councillor for their information and comment on April 23, 2020.

The process which was followed to investigate this complaint is recorded in detail in my Report which is attached hereto. It is my recommendation that this Report be placed before Council in open session as the contents of the Report and my determination of the issues do, in my view, have significance for members of Council and the public.

In accordance with section 223.4.1(16) of the *Municipal Act*, I further advise that I have determined that I will not be making an application to a judge under section 8 of the *Municipal Conflict of Interest Act* ("MCIA") for a determination that the Councillor has contravened sections 5, 5.1, or 5.2 of that *Act*. The reasons for not making such application are set forth in the Report, which concludes that there was no contravention of the MCIA.

I would also advise that, in accordance with section 223.6(2) of the *Municipal Act, 2001* of Ontario all matters disclosed in the report were necessary for the report itself.

This matter is accordingly now concluded.

Yours truly,

A handwritten signature in black ink, appearing to read 'E. McDermott', written in a cursive style.

Edward T McDermott
Integrity Commissioner, City of Port Colborne



ADR
C H A M B E R S

Integrity Commissioner Office
for the City of Port Colborne

April 27, 2020

Sent by email to: Ron Baarda



and to: Councillor Ron Bodner
ronbodner@portcolborne.ca

Re: Complaint Reference No. IC-184-0220

Dear Sirs,

Background

This complaint was forwarded to me as the Integrity Commissioner ("IC") of the City of Port Colborne on Monday, March 2, 2020. It was originally delivered to the Clerk of the City on January 22, 2020 but was, with the consent of the Complainant, not formally filed or processed as the Respondent Councillor was in the process of seeking my advice in accordance with the provisions of the Municipal Act and the Municipal Conflict of Interest Act ("MCIA") on the matters at issue and the Complainant was seeking to await that response before deciding if he would proceed with the complaint.

On or about January 22, 2020, the Councillor did take steps to seek my advice and, after several exchanges to obtain additional information, I proceeded to review that information. Due to a planned trip outside the country however, I could not complete the review and formulate the advice until I returned. The Councillor was advised of this and agreed the matter could await my return.

Upon my return to Canada I proceeded to review all of the information I had received including an email from the Complainant to the Councillor (dated January 23, 2020) stating the basis for his assertion that the Councillor had a pecuniary conflict of interest regarding any involvement he may have in making any decisions which might come before Council on issues involving Pleasant Beach Road in the City of Port Colborne.

I then prepared a comprehensive Letter of Advice to the Councillor setting forth my views on the issues raised by the Complainant and as augmented by the Councillor. That Letter of Advice was completed on Thursday February 27 2020 and released to the Councillor on Friday February 28, 2020 (before I received the complaint which is the subject matter of this inquiry and investigation).

Under the terms of the Municipal Act and the MCI, that Letter of Advice is confidential to the Councillor unless the Councillor consents or has made it public. As will be seen, the Councillor did file the complete Letter of Advice in response to this complaint so that the Complainant is fully aware of its contents (and has responded to it) during the course of this investigation. The Councillor has also now consented to having it released as part of this Report with the knowledge it may be placed on the public agenda of Council. It is accordingly attached to and forms part of this Report and the determination of the complaint*.

The Complaint and its Process

A) The Complaint

Upon receipt of the complaint, it was reviewed and found to be within my jurisdiction and mandate under the Code. It was immediately provided to the Councillor for his response within 10 days. The complaint itself was very brief with few particulars. The factual support for the complaint was stated as follows:

* The names of third parties have been redacted for purposes of privacy and omitted from this report.

“Below or attached hereto is a summary of the facts and relevant documentation that I believe constitutes a contravention of the Code of Conduct:

All of Ron’s dealings pertaining to Pleasant Beach Road End as it is a back door to Sherkston Shores Resorts wherein he (Ron Bodner) owns and conducts business. Specifically a general store. This is evident at numerous council meetings most recently January 13, 2020”.

The complaint also failed to enumerate any specific provisions of the Code or the MCIA which the Complainant asserted had been violated as required by the Request for Investigation form and the City’s Investigation protocol.

The Complainant did however request that a memorandum he had sent the Councillor with three photographs he had left with the City Clerk in January be forwarded to me which helped to amplify the general nature of his complaint. The relevant portion of that memorandum is as follows:

“On January 22 2020, I met with the City Clerk Amber LaPointe regarding what I believe to be a pecuniary conflict of interest regarding your involvement with Pleasant Beach Road end issues. This is in regards to the business you operate within the Sherkston Shores Resort. Pleasant Beach Road end is an access into Sherkston Shores Resort and there is considerable amount of people that enter Sherkston Shores Resort through this access point on foot and in golf carts to shop at your store.

Any issues regarding matters that will impact the access to your business from the Pleasant Beach Road End that are brought to Council could reduce or increase the volume of customers that shop at your store. This could result in a financial impact to your business which puts you in a position of a pecuniary conflict of interest. For this reason it is my opinion that you should declare a conflict of interest and not participate in any decisions on any issues in regards

to Pleasant Beach Road end or its immediate areas that could result in a financial impact to your business”.

The thrust of the complaint therefore was that because the Councillor owns and operates a General Store within the confines of Sherkston Shores Resorts (“SSR”) he should not participate in any dealings (as a Councillor) pertaining to Pleasant Beach Road and if he were to do so, that would result in an adjustment to his level of business in the General Store which would create a pecuniary conflict of interest on the Councillor’s part and result in a contravention of the Code.

It is to be noted that the Complainant did not raise any specific allegations of fact that the Councillor had to this point contravened the provisions of the Code with respect to any identifiable matter before Council. It was accordingly framed as an “in futuro” request with a view to barring the Councillor from having any dealings with matters involving Pleasant Beach in the future because of his business interests on the SSR property and the fact that Pleasant Beach (i.e. the extension of the Pleasant Beach 66 foot Road Allowance beyond the paved portion of the road) was a back door entrance to the SSR property. The Complainant accordingly submits that any decisions by Council involving matters related to Pleasant Beach would give rise to a pecuniary conflict of interest on the part of the Councillor by reason of the fact that such decisions would have a direct impact on his business interests within the SSR property.

B) The Councillor’s Response

In response to this generic complaint, the Councillor filed his response which consisted of the above referenced 14 page Letter of Advice from the IC to the Councillor (dated February 28, 2020) which provided considerable detail on the relationship of Pleasant Beach and Pleasant Beach Road to the SSR property and the Councillor’s business relationships with 3 commercial enterprises on that property.

* For purposes of this Report, references to Pleasant Beach Road and/or Pleasant Beach may include the paved road and unpaved road allowance where the context requires.

That letter was a detailed and thorough review of these issues and after considerable inquiry, thought and consideration, I concluded that based on the facts contained in the Report, the Councillor did not have a conflict of interest as alleged by the Complainant.

C) The Complainant's Rejoinder

Upon receipt of the Councillor's response it was forwarded to the Complainant who was given a further 10 days to provide any comments he may have on it. The Complainant then proceeded for the first time to assert a number of factual allegations in an attempt to establish that Pleasant Beach was indeed a back door to the SSR property with the result that any decisions with respect to it which might affect the number of people attending it (and thereby according to the Complainant spilling onto the SSR private property) would affect (positively or negatively) the Councillor's businesses in the SSR property. In support of his position, the Complainant filed a number of photographs taken at various periods of time but mostly from previous summers dating back to 2015.

Because these factual allegations had not been brought forward to the Councillor in the original Complaint, I determined to forward them to the Councillor and allow him the opportunity to comment on them, if he wished.

D) The Councillor's Response

The Councillor then advised that he considered the positions of the parties had been made clear in the material filed to date and accordingly did not believe a further written response was necessary.

E) Additional Investigation

Following the exchange of these written positions and submissions, I gave each party the opportunity to contact me directly and to submit any additional information they felt relevant. I also indicated I would contact them if I needed any further information

or clarification from them. I then proceeded to conduct independent interviews with representatives of SSR with respect to a number of factual issues as well as conducting independent research and investigation with respect to a number of the matters at issue.

F) The Draft Report

Upon completion of this investigation I then prepared this report which was provided to the parties for their review and comment before it was delivered to the City Clerk.

Having completed all of the foregoing steps I now submit my findings and decision with respect to the Complaint.

DECISION

In my view, the summation of the facts contained in my Letter of Advice remains accurate and determinative that the Councillor is not in a conflict of interest with respect to any matter that may come before Council which is currently under contemplation with respect to matters it may consider or decisions it may make with respect to Pleasant Beach Road or Pleasant Beach.

I would also point out that the provisions of the Code also bind me to adhere to advice given by me to Councillors as long as all relevant facts have been disclosed to me. The applicable provision of the Code provides as follows:

“Acting on Advice of the City’s Integrity Commissioner

Any written advice given by the Integrity Commissioner to a member binds the Integrity Commissioner in any subsequent consideration of the conduct of the member in the same matter as long as all the relevant facts known to the member were disclosed to the Integrity Commissioner.”

I would further add that whether or not such a provision existed in the Code of Conduct, on the facts presented to and accepted by me in the Letter of Advice as supplemented by the parties to this investigation and my own independent investigation, I am still firmly of the view that the Councillor does not have a pecuniary conflict of interest in matters relating to Pleasant Beach or Pleasant Beach Road because of his interest in the businesses identified as being part of the SSR complex. Of course there could always be a new and unexpected situation, or significantly changed factual circumstances, which could require a further review of the situation but, at the moment, I cannot envision one which would cause me to alter my position in this respect.

The Letter of Advice provided to the Councillor recites a number of facts, many of which the Complainant does not dispute. This catalogue of facts is set out at pages 1-5 of my Letter of Advice February 28, 2020. My conclusions with respect to those findings of fact are recorded at pages 11-13 of the Letter of Advice and conclude with the following summation:

“In summary I find the propositions advanced by the resident to be unrealistic and unreasonable. I am accordingly of the view that there is no nexus between the matters being considered by Council relative to Pleasant Beach and your business entities at the SSR property. Even if there were a connection between the two, and it could be said that your businesses (and by extension you) did have a pecuniary interest in the matters before Council that you have referenced (or other similar matters), it would, in my view, be so remote or insignificant that it could not reasonably be regarded as likely to influence your consideration of and decisions with respect to the matters before Council.

I am accordingly of the view that you are not in a conflict of interest under either the Code or the MCIA by participating in Council's deliberations on the Pleasant Beach issues you have described.”

Additional Factual Issues Raised by the Complainant

In fairness to the Complainant, I think it is appropriate to respond to and comment on a number of additional factual issues he raised in his rejoinder to the Councillor's response. I do so as follows:

A) Considerable Number of Members of the Public Enter SSR property on Foot or by Golf Cart through Pleasant Beach Road Allowance to Shop at the Councillor's Store.

As previously indicated, there is no hard evidence this occurs on a significant basis (or on anything other than a "rare" occasion) or that such (unlawful) transgressions would impact upon the businesses of the Councillor within the private property of the Resort.

Having said this however (and as will be referenced subsequently in this report), SSR has in the past given deference to the principles of Right of Passage as outlined in various Bills presented in the Ontario Legislature (but never passed into law). Accordingly, to the extent that members of the public have walked the shores of Elco Beach from Pleasant Beach (in the notional Right of Passage corridor), the resort has not moved to prohibit this. If however they intrude upon the private property of SSR outside of that "walking" corridor, they will be regarded as trespassers and intruders. In this context, such intrusions are regarded by SSR as "rare".

It should also be remembered that "Local Residents" (those with residences within the Postal Area of the Resort (L0S 1R0) which includes Pleasant Beach Road) are permitted to access the SSR property and Elco Beach as a result of a Road Allowance agreement between the City and SSR. They must be registered as permitted guests on an annual basis at the main office and can only enter the property through the main gate (and park their cars) to gain access to Elco Beach by showing a photo ID pass they receive when they are registered as Local Residents by SSR. If they are questioned by security with respect to the legitimacy of their presence on the SSR private properties they will have to produce the pass or other evidence they are permitted "Local Residents".

There are however other members of the public who come to Elco Beach by water or by boat and perhaps as the Complainant suggests, through Pleasant Beach on foot. These uninvited and unpermitted members of the public (who venture outside the tacitly permitted Right of Passage corridor) however, do not have a right to set up on the Beach or use the private property facilities or businesses of the SSR private resort or operate a golf cart on the SSR property.

SSR endeavours to ensure the privacy of its offering to its residents and their guests by engaging security personnel to patrol the premises and if unpermitted members of the public are found using their private facilities and Beach, they will be asked to leave and if they won't, they will be served with a Trespass to Property Notice and perhaps forcibly removed by the police. The head of SSR security has also confirmed that security patrols are maintained on a 24/7 basis throughout the resort and its beaches with particular emphasis on making sure no unregistered golf carts are permitted on the property.

The point is that visitors to Pleasant Beach may indeed swim in the water in front of Elco Beach and walk the shoreline, but they will, if they intrude on SSR's private property and are detected, be regarded as trespassers and removed from the property.

The Resort does patrol and take reasonable steps to preserve the privacy of its property and there is, in my view, no rational connection between potential steps being taken by Council to address issues localized to Pleasant Beach as it relates to members of the public who frequent that location and the business operations conducted on the private property of SSR (which takes all reasonable steps to defend against unlawful and unwelcome intruders).

It should also be noted that even if a few intruders from Pleasant Beach do slip through and patronize the Resort's businesses, it is minimal and insignificant to a business such as the General Store in which the Councillor has an interest and which processes several

thousand transactions per week from its core clientele who are property owners, seasonal occupants, and their registered guests, and Local Residents.

The Councillor advises that in 20 years of conducting his businesses at SSR, he has never heard of someone (not permitted on the private property) patronizing his businesses by entering the SSR property by way of Pleasant Beach.

The Manager of Security of SSR was interviewed by me at some length and advised me that the entrance of unpermitted intruders onto SSR's private amenities (whether through Pleasant Beach or at the other end of the property, Wyldewood Beach) as being "rare" to the point that it is an insignificant issue to SSR.

In the Manager's view however, if it were to become any form of a meaningful issue, the Resort would react in a substantial manner, the particulars of which were outlined to me, but which I have determined should, for operational reasons, be held in confidence. I am however satisfied that they would effectively and quickly deal with the situation in a proactive manner.

I am accordingly (as I concluded in my Letter of Advice) confident that at the moment there is little, if any, unlawful intrusions onto the private SSR property from visitors to Pleasant Beach. Moreover, if there were to be an increased influx of such intruders, it would be quickly and effectively countered by the security forces of SSR.

I accordingly do not accept the Complainant's concerns it is either a current or a prevalent condition which affects the business operations of the Councillor in the SSR Properties.

In any event, as indicated in my Letter of Advice, in my view, any such additional business generated by such intruders would fall within the "de minimis" exemption in Section 4 (k) of the MCIA.

B) Golf Carts

The Complainant also asserts that members of the public (presumably Local Residents adjacent to Pleasant Beach) access Elco Beach and the SSR property by driving their personal golf carts over the sand dunes at a steep angle, around a steel barricade and over or around cement blocks which protrude through the sand (to a greater or lesser extent depending upon the weather and shifting sands) at the property line between the SSR Elco Beach property and the west side of the Pleasant Beach Road Allowance.

The Councillor has never witnessed this and points out that all of the carts brought onto the SSR complex (owned or rented) are tightly monitored and controlled. They are registered with SSR and have specific identification on them (like a visible licence plate) to show they are permitted in the resort.

I verified this with the manager of Security at SSR and confirmed that currently some accommodations are made for Local (Postal Code) Residents who come to the Main Gate in golf carts. They are allowed to bring them onto the property but are required to register the carts with the main office before they can do so. In order to register them, proof of insurance is required which must be re-established annually. If Local Residency and insurance are established, the Local (Area Code) Resident will be allowed to bring the cart onto the premises and will be issued a sticker (like a licence plate) to place on the cart in order to establish the cart is permitted on the premises. There are only 10-15 carts per year registered to these Local Residents.

This is a special accommodation extended by SSR to the Local Residents which is not required under the terms of the Agreement of Purchase and Sale of the Road Allowance (or corresponding easement rights thereunder) with the City. Any abuse of this accommodation might well lead to an imposition of fines against the Local Resident (as authorized by the rules of the Resort) or withdrawal of the privilege of being allowed to bring the cart onto the property. The Complainant is a Local (Area Code) Resident who has registered himself and his golf cart with SSR.

It is therefore quite clear that everyone who has or brings a cart onto the SSR property must be registered with SSR and provide proof of insurance. If they do so, they will receive a visible licence sticker to demonstrate they are allowed to use the cart (in accordance with the rules of the resort) on its property. If this privilege is abused, it can be quickly revoked.

Not only would it be dangerous for people to bring their carts onto the SSR Elco Beach at Pleasant Beach Road in the manner described by this Complainant, but even if they could navigate entrance in this manner, they would be quickly recognizable by security as being unlawfully on the property. Non-registered cart owners would also be placing their own insurance in jeopardy if they were to use their personal carts to trespass and drive along a private beach (with people present and in motion) or other parts of the resort and something were to happen to an SSR resident, guest, or their property or to the intruder and his/her golf cart.

I am of the view that very few people would be so reckless as to attempt this journey and if they did, the SSR security forces would exert every effort to interdict them to protect the safety of their residents and permitted guests as well as defend against the Resort's potential liability if they were permitted to be on the property.

I accordingly do not accept the Complainant's contention that many intruders are arriving by cart at Pleasant Beach to gain access with the cart to the SSR property and the businesses thereon.

C) Parking Spots at Pleasant Beach Road

The Complainant suggests there are eleven (11) parking spots at the end of the paved portion of Pleasant Beach Road and the Councillor (as he has indicated) does not favour removing them as the Complainant wishes.

The Complainant believes these spaces encourage people to come to the Beach and notes that "No Parking" signs have been placed on Pleasant Beach Road for quite some

distance in order to reduce car congestion and enable the access of emergency vehicles to the Beach area. The Complainant apparently wants these end of road parking spaces removed in order to eliminate all parking at the Beach area and postulates that the Councillor's opposition to this creates a pecuniary conflict of interest as their presence enhances the number of people at the Beach and hence increases the chances of them trespassing on SSR property to access the Councillor's businesses some 2 km away.

The Councillor notes that these angled parking spaces are really 8 in number (although he acknowledges more can be squeezed in depending on the size of the cars and whether they are packed together) and have been in place for some period of time. He also advises that aside from visiting the Beach in high season, people also attend this location to ice fish; windsurf; walk the dogs etc. and it is of benefit to them to have a small number of parking spaces at the end of the paved road to enjoy these pursuits. The customers of the small restaurant business near the end of the paved road will also use these spaces to patronize this existing business so that the presence of some parking facilities assists the business and its patrons.

The Councillor advises that up until 2 years ago there were no posted restrictions for parking on Pleasant Beach Road to the Beach. This led to traffic congestion which in some circumstances hindered or precluded emergency vehicles getting down the road to the Beach. Council accordingly determined to address this situation by ensuring that the Pleasant Beach Road was designated as "No Parking" so that no parking would be allowed on the road for (by my calculations) about 1 1/2 km north from the Beach except for the above referenced angled spaces left for a small number of cars at the end of the road. Accordingly, unless visitors to the Beach can find parking somewhere else they will have to walk a great distance to get to the Beach, let alone to the businesses of the Councillor at SSR, another 2 kms away. (The use of yards of neighbouring residents as commercial parking lots is prohibited by by-law).

In considering this matter I reviewed the video recording of the meeting of March 26, 2018 where this issue was before Council and noted that Councillor Bodner championed the implementation of "No Parking" on both sides of Pleasant Beach Road

from Firelane 24 north to a point south of Mitchener Road quite some distance away from the Beach (about 1.5 kms). He specifically advocated for this restriction to be applicable for this great distance and on a 24 hour “tag and tow” basis in order to definitively deal with overcrowding issues at Pleasant Beach Road. His position was unanimously accepted by Council and was met with applause from citizens in attendance. Council was clear that the angled parking south of Firelane 24 (the 8-11 spots) should remain in place in large part to assist the existing restaurant business. During my investigation I was also advised that these No Parking restrictions and enforcement means (tag and tow) are well signed and actually stretch all the way up to Mitchener Road (about 2 hours from the Beach).

This reinforces my belief and conclusion that the issue of parking on Pleasant Beach is absolutely immaterial to the Councillor’s business interests at SSR. If you think about it, visitors to Pleasant Beach will, in large part because of Councillor Bodner’s position before Council, now have to park their cars at least 1.5 kms north of the Beach and walk to it with their beach paraphernalia and then traverse another 2 kms to the commercial area at SSR in order to frequent his store and then carry their purchases back along the same route. Councillor Bodner stated when the parking restrictions were passed to a point south of Mitchener Road words to the effect that if people want to walk that far to get to the Beach, then God bless them.

It is accordingly clear that the Councillor supported and voted in favor of these initiatives by Council to restrict parking and erect No Parking signs and “tag and tow” enforcement on Pleasant Beach Road. He does however believe that there should be some ability for the public to have some limited access by car to Pleasant Beach for the reasons described above and to him, 8-11 spaces, for angled parking at the end of the paved road which was agreed to by Council at the time the No Parking restrictions were put in place on Pleasant Beach Road, still seems about right at this time.

The Councillor is also strongly of the view that whether the small number of spaces are left in place or not will have no impact on his businesses 2 km away in the SSR Resort.

I agree with the Councillor there is no reasonable connection or nexus between the preservation or elimination of these spaces on the businesses within the SSR property. Even if there were, it would be insignificant and fall within the "de minimis" exemption in sections 4 of the MCIA.

I accordingly do not agree with the Complainant that the Councillor's participation in this issue should it come before Council, gives rise to any conflict of interest for the Councillor.

D) Consideration of Creating Public Washrooms at Pleasant Beach

This issue was raised as one which might come before Council to address the problem of having no sanitary facilities at Pleasant Beach which has resulted in people defecating in nearby bushes or sand dunes. The Complainant suggested there is no such issue at Pleasant Beach (as he says there is at Crystal Beach) and a sanitary facility at this location will serve to increase the number of visitors to the Beach which will in turn spill over into the Councillor's businesses at SSR.

In response, I would refer the Claimant to a January 14, 2020 article in the Port Colborne Leader entitled: "*Crap! A not - so Pleasant Beach in Port Colborne*" which references members of the public urinating and defecating on or near Pleasant Beach and suggests it might be a matter which the City and the nearby residents could partner together to address. This issue was also referred to in the Council meeting of March 26, 2018 (supra) when Council voted to remove a portable toilet from the premises.

For reasons set forth in my Letter of Advice and this Report, were such a matter to come before Council, it would not in my view have any impact on the Councillor's business interests at SSR whether the provision of sanitary facilities at Pleasant Beach is accepted or rejected by Council.

E) SSR Security

The Complainant raises a number of questions about the adequacy of SSR's security personnel and program and also asserts that the SSR property has few if any "No Trespassing" or "Private Property" signs.

SECURITY FORCES

I conducted an in depth interview with the Manager of Security at SSR who advised that they have an effective security program which patrols the property frequently. I was advised that there are 8 permanent full-time personnel consisting of a Manager; 4 supervisors and 3 security officers. In the high season (May – October), an additional 25 seasonal security officers are hired. These forces staff the main gate, patrol the premises by foot patrols, bicycles and golf carts as well as at Traffic check points for carts to ensure the Rules of the Resort are being observed and there are no unregistered carts on site. In addition, the resort engages 2 off-duty paid police officers to be on-site during the high season. As part of their duties, security personnel may approach individuals and ask for proof they are property owners/renters; registered guests or Local Residents (within the postal area) if they do not recognize them as such or they are violating the Rules of the Resort. If they cannot prove they are permitted to be on the private property, steps will be taken to remove them.

As part of this investigation, I obtained and reviewed copies of the SSR Resort Licence of Occupation and 2020 Resort Rules which contain a significant and comprehensive number of rules and regulations the owners, seasonal occupants, permitted guests and Local Residents must adhere to while on the property. These requirements amply demonstrate the importance to SSR of regulating conduct of all individuals on their property as well as protecting the privacy of their offering. The rules are monitored and enforced by security and fines of up to \$200 can be assessed for violators and/or the Licence of Occupation Agreement can be terminated. While these rules are detailed and far sweeping, the following stand out in the context of the investigation of this Complaint:

- 21. All Seasonal Occupants are required to register golf carts with the Owner. The Owner must be provided a copy of valid insurance annually stating coverage of \$1,000,000 public liability insurance. Failure to comply will result in removal of golf cart from the owner's property.**
- 22. Golf cart registration identification numbers must be clearly visible at all times.**
- 25. Only insured licenced owners and licenced drivers listed with the office are allowed to operate golf carts within the resort. Proof of a valid Class G drivers licence may be requested at any given time by the owner.**
- 52. All persons found on the property without granted access will be evicted immediately.**

As all owners, seasonal occupants and Local Residents are registered and permitted guests must have a site password, visitor parking pass and be accompanied by their host, the people they are on the lookout for those who would come from the water, over the fences bordering the property, Pleasant Beach or Wyldewood Beach. Security advises that to date intrusions by trespassers into the area where the Resort's amenities are located (including the commercial businesses) has never been a significant issue but they are alert to it and should it become a problem, they will react accordingly.

SIGNAGE- RIGHT OF PASSAGE

In support of his position that there was little prohibitory signage on the Elco Beach property, the Complainant submitted a picture of a sign (from 2016) he states is at the border between the end of Pleasant Beach and Elco Beach. The sign is titled "Private Property" and then purports to describe a Right of Passage (by foot or non-motorized vehicles) to all members of the public between the water's edge and the high water mark. In small letters the sign then references "*According to Bill 103 Great Lakes Shoreline Right of Passage Act, 2012 Legislative Assembly of the Province of Ontario.*"

As the sign is at the boundary between the two beaches (albeit on the property of SSR), SSR assumed the City had put the sign there as they do not believe they did. The City advises it did not erect the sign. My research indicates that as of this time, three Bills to create a Right of Passage for members of the public along the shores of the Great Lakes have, over the years, been presented before the Legislature, but none have been passed into law. Certain land grants or transactions might well grant or reserve such Rights of Passage but there does not appear to be any such statutory requirement in Ontario to a public Right of Passage along the shores of Lake Erie. Be that as it may, the Resort has however given deference to the principles of "Right of Passage" embodied in the draft legislation and have not taken any action to interdict any members of the public who enter this contemplated corridor for shoreline walking.

While the issue of granted rights of way on the shores of SSR property is beyond this purview of this investigation, a reference to a Bill which never became law cannot be used to support an argument that the public has a right to traverse a Right of Passage corridor at the shores of Elco Beach. Even if it could however, even the terms of the Bills presented to the Legislature would have precluded the public from venturing outside the proposed statutory corridor onto the private property of SSR.

The Complainant asserts that there are otherwise few or no "private property" or "no trespassing" signs on the property. The Manager of Security advises that there are other prohibitory signs on the property although they are taken down for the low season to avoid damage from the fall/winter weather. The Manager also advises however that since trespassing on SSR's private property from Pleasant Beach has never been an issue, there has not been a necessity to place a significant number of "private property" or "no trespassing" signs along the Beach.

Perhaps because this matter was raised with SSR at this time, during the course of this investigation I have now been advised by the Manager that security is reviewing the signing program and may well become more proactive in this respect and proceed to place additional signs on the Beach and at other locations on the SSR property to

reinforce the private property boundaries of SSR. It will also react with other measures to protect SSR's private property if intrusion from Pleasant Beach becomes an issue.

I accordingly conclude (as I did in my Letter of Advice) that SSR has a significant security program which is well-staffed and it has and will handle intrusion from Pleasant Beach (or elsewhere) in an appropriate manner to protect the private nature of its operations.

These are all however, matters which are within the purview of SSR and, as I found in my Letter of Advice, there is nothing currently before Council or even under contemplation relative to Pleasant Beach which would have any discernible impact on the Councillor's businesses in the SSR property.

F) Number of Intruders from Pleasant Beach Frequenting the Councillor's Businesses in SSR

In his rejoinder to the Councillor's response the Complainant suggested many people are back- dooring into SSR through Pleasant Beach and cites one unspecific example in which the Complainant spoke to an unidentified couple waiting for a parking spot at the end of Pleasant Beach Road who said they were waiting there because it was the only way to get into Sherkston. The Complainant also states that other visitors have been reported making similar statements.

By contrast the SSR security forces indicate that in some "rare" cases members of the public may enter the private property area of SSR from Pleasant Beach. If they do and are interdicted by security, they will be confronted and asked to leave.

The Complainant also indicates that he and his neighbours have entered the premises to shop or get forgotten items or additional groceries at the Councillor's store and have never been challenged. It should be remembered however that the Complainant (and presumably his neighbours) are Local Residents who have a right of easement from the main gate to the Beach and can enter through the main gate once registered as

permitted guests. I reviewed the Agreement where the City sold a Road Allowance from the north entrance of the property to the Beach to SSR in exchange (in part) for this right of easement for Local (Postal Code) Residents to the Beach. The agreement states that the Local Residents only have the right to travel on the (sold) road allowance to the Beach but have no right to use the “amenities” of SSR unless it permits them to do so. To date SSR has allowed such Local Residents to use these amenities (including the Councillor’s businesses) except the aquatic area and the Owner’s Club.

Inasmuch as these Local Residents are registered with SSR (as are their carts for those who wish to bring them onto the property- 10-15 per year) and there are only between 40-60 such registrations per year, it is not unreasonable to believe they would likely be known to security personnel and the SSR business merchants. There would accordingly be no reason for security or the merchants to challenge them as they are permitted guests who would have likely come in through the main gate. Even if confronted they would simply show their registration pass or proof of local residency in the Postal Code area as SSR registers them and allows them access to the amenities of the resort (including the commercial businesses).

I accordingly do not see how the presence of the Complainant and his neighbours (who are permitted on the SSR property) at the Councillor’s store can be used as support for the proposition that intrusions from Pleasant Beach are rising and going unchecked within the SSR property.

In my view there is no definitive way of measuring the number of intrusions onto the private SSR property and the use of the businesses and other amenities located there by unpermitted visitors. On any view however, on the evidence of those who are monitoring the property daily it would appear to be quite minimal and once discovered by security personnel will be immediately addressed.

I accordingly do not see how it can logically be said that there is any measurable impact on the businesses located at the SSR Resort property if the City takes steps to address

the inconvenience and other sanitary problems currently facing the members of the public who go to Pleasant Beach to enjoy it.

I accordingly find that there is nothing raised in this Complaint which dissuades me from the view expressed in my Letter of Advice to the Councillor that he has no conflict of interest concerning matters currently under contemplation which might come before Council involving Pleasant Beach or Pleasant Beach Road.

This complaint is accordingly dismissed.

Yours very truly,

A handwritten signature in black ink, appearing to read 'E. McDermott', written in a cursive style.

Edward T McDermott
Integrity Commissioner, City of Port Colborne

Appendix A



ADR
C H A M B E R S

Integrity Commissioner Office
for the City of Port Colborne

Friday, February 28, 2020

SENT VIA EMAIL TO: Councillor Ron Bodner
ronbodner@portcolborne.ca

**Re: Request for Advice re: Conflict of Interest
File No. IC-156-0120**

Dear Councillor Bodner,

We acknowledge receipt of your request for advice received January 24, 2020. Following receipt of this request we then engaged in several exchanges with you wherein you provided certain additional information and particulars in response to our requests. I also advised you that I would be out of the country on vacation for eleven days in February and you were good enough to agree that our response could await my return.

I have now had the opportunity of considering this matter in some detail and wish to respond as follows:

THE FACTS

Your request for advice arises out of a suggestion by a resident that you may have a conflict of interest regarding matters involving the Pleasant Beach Road Allowance which may come before Council on the basis that you own/ operate businesses within a gated community known as Sherston Shores Resort (SSR). Those businesses are situated about two kilometers away from the end of the paved portion of the Pleasant Beach Road Allowance.

The concern which has been brought forward by the resident is to the effect that any alterations to the configuration of current access points to Pleasant Beach along the Road Allowance would increase (or potentially decrease) the volume of traffic on the beach. The resident then postulates that these scenarios would in turn create a spillover effect with respect to the SSR property and thereby enhance or possibly diminish the value of the commercial business you operate in that community.

It is your view that for a number of reasons (hereafter noted) that is not a plausible result and accordingly such a concern is without merit or rational foundation.

There are a number of facts which are relevant to a consideration of this issue as follows:

1. Nature of the Pleasant Beach Road Allowance access points and the relationship of that Road Allowance (and Pleasant Beach) to the SSR development and property.

a) Pleasant Beach Road Allowance

Pleasant Beach Road is a public road which runs south to Pleasant Beach on Lake Erie. The paved portion of the road ends at the sand dunes north of the water, where there is a steel barrier constructed to prevent vehicular access to the beach. In order to get to the beach and water therefore, a visitor would have to park the car (presumably on the side of the paved road) and walk across the dunes to the beach and water. The actual Road Allowance (66' wide) however continues through the barrier to the water. (A distance of about 200 yards from the end of the paved road)

Apparently those who are familiar with the Road Allowance (which is continued to the water) have for decades used it as a small sandy beach although it has not been declared a public beach supported by the City.

b) Sherkston Shores Resort (SSR)

SSR is a gated resort community housing manufactured homes and RVs. It is privately owned by a large Resort/Development corporation and sells homes to seasonal owners as well as leasing units and site space to tenants who reside there. It faces on the same water as Pleasant Beach and lies to the west of the Road Allowance.

It is known in the area as Elco Beach which is owned by SSR. It has a reputation as a great swimming area, and since the waterway is public property, it often attracts jet skiers and boaters who come to it for a swim. In addition, members of the public who use the Pleasant Beach Road Allowance to enter the water may extend their swim into Elco Beach.

To be clear, Elco Beach is owned by SSR and abuts the Pleasant Beach Road Allowance (known as the Pleasant Road Beach). Once the visitors go off the Road Allowance, they are on SSR property. During the high season, SSR places cement blocks as a barrier to those who would venture onto their property from Pleasant Beach. It also posts "No Trespassing" signs in this area.

2. Security Measures at SSR

You have provided a letter from the security manager of SSR who has outlined the measures SSR takes in order to preserve the integrity of its private property. According to the security manager, it is recognized that visiting boaters and members of the public may access the water and swimming area in front of the SSR Elco Beach property.

SSR retains security personnel who are responsible to control access to the property as well as regularly patrol the beach (24/7 all year round) and ensure the general rules of the resort are followed (no glass containers or alcohol etc.). The security team will approach unrecognized visitors for identification if they are believed not to be residents or permitted visitors of the registered owners/ tenants of the resort. Persons approached in this manner will have to provide a site number or guest password for a site to prove they are permitted on the SSR site.

It should be noted that local residents who own property in the area are allowed in through the main security gate of the SSR (for beach access only) upon providing evidence they are local property owners by showing they live within the applicable postal code area. This accommodation was reached as part of a Road Allowance agreement between the City and SSR. The main entrance is staffed with a guard and a lift gate. It is the job of the guard to ensure only residents, guests, and others with SSR permission are permitted to enter the property

In the event that visitors to the beach cannot satisfy security they are permitted on the SSR property as a result of these requirements, they will be requested by security to leave and if they do not comply they will be served with a Notice of Trespass and potentially arrested by police under the Trespass to Property Act.

The development acknowledges that “in some rare cases” the general public from Pleasant Beach or visiting boaters (or in some other manner) may access the SSR property. SSR takes proactive steps to prevent this by posting “Private Property” signs; staffing the main gate; and instituting picture passes or wristbands to gain access to areas such as the water park area (which is also staffed by security personnel of SSR).

In short, the development has in place various security measures to protect and preserve the exclusivity of its property and beach for the benefit of its unit owners/ lessees and their guests as well as the well-being of its businesses.

3. The Businesses within the SSR property:

The letter from the Manager of Security indicates that the commercial businesses within the SSR private property are provided for the seasonal occupant/owners, tenants and their registered guests.

You have advised you are a shareholder (with other members of your family) in a corporation which operates in three of these businesses, within the SSR property, i.e. a grocery store; café; and laundromat. Other businesses within the complex include a Boston Pizza (owned by SSR); a golf cart rental and sales business; a paintball game

area; a paddleboat rental business, and contractors that service the units (build decks, sunrooms etc.) The location of your businesses on the SSR property are about 2 kilometers from the end of the paved portion of Pleasant Beach Road.

The objecting citizen has advanced the position that any issues that come before Council affecting access to the SSR property (and hence your businesses) would place you in a conflict of interest as it could result in an increase or decrease in your business volume and you therefore have a direct pecuniary interest in any such matter before Council which you should declare and then withdraw from any discussion or vote on these matters.

4. Expansion of the SSR Development

You have advised that SSR is owned by Sun Communities Inc., one of America's largest owners of manufactured homes and RV resorts. It is publicly traded on the stock exchange. SSR has ample land to build on at this location and has, in fact, started development on a 300 home site area with some ready for occupying this summer. Most of the manufactured homes in this area will be sold to owners with the rest being kept by SSR for rentals. The Pleasant Beach road issue and area concerns Council is working on in this respect would, in your view, have no impact on SSR or its property. The inbred population at SSR could grow to 10,000 or more depending on the holiday weekend, weather, etc.

5. The issues before Council.

The main issue that is currently under discussion by Council does not in your view affect the operation or property rights of SSR.

The problem that has arisen is that about four years ago SSR stopped allowing members of the public to purchase day passes at their main gate to get into the resort to go to the beach. This resulted in more people using the Pleasant Beach Road Allowance as a beach which has totally jammed up the road and "small beach area". The result of this situation has led to cars being parked on both sides of the paved road north of the dunes, so emergency vehicles (fire, EMS etc.) couldn't get to the end of the road. Additionally, the driveways of residents living on the road were often blocked in by reason of cars being parked on both sides of the road leading to the beach. The City has reacted by posting "No Parking" signs except for 8 spots at the end of the road.

There is also a small restaurant (about five tables) located a short distance up the road from the Beach (recently acquired by the owners of Pleasant Beach Campground). The new owners have come to Council to explore the potentiality of working together to improve the area and deal with the various issues affecting the beach including the

overcrowding issue as well as the lack of washroom facilities at the beach (which at the moment do not exist except for the small restaurant which restricts use of its facilities to its patrons). This has had the effect of people defecating in the bushes on the sand dunes.

At a recent meeting of Council where the owners of the restaurant sought to partner with the City to address these issues, you spoke in favour of it and suggested a working committee be formed to explore potential solutions to these issues and, if feasible, report back to Council for further discussion. Council has also taken or considered taking a number of other measures to address the issues including erecting signage directing the public to other public beaches with City support. Council may also consider reducing the remaining eight parking spots at the end of the road (although you have previously stated you do not favour this). Beyond this there is nothing you are currently aware of which is likely to come before Council on this issue although who know what proposals will come forward from a working committee.

THE *MClA* AND *CODE OF CONDUCT*

1. *The Municipal Conflict of Interest Act ("MClA")*

As you are aware, the *MClA* imposes duties on Members where they have a pecuniary interest (direct, indirect or deemed) in any matter which is the subject of consideration by Council.

Section 5 of the *MClA* sets forth the duties and steps which a Member is to take when these circumstances exist and provides (in part) as follows:

When present at meeting at which matter considered

5 (1) Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the council or local board at which the matter is the subject of consideration, the member,

(a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;

(b) shall not take part in the discussion of, or vote on any question in respect of the matter; and

(c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question. R.S.O. 1990, c. M.50, s. 5(1).

Where member to leave closed meeting

(2) Where the meeting referred to in subsection (1) is not open to the public, in addition to complying with the requirements of that subsection, the member shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration. R.S.O. 1990, c. M.50, s. 5 (2)...

When absent from meeting at which matter considered

(3) Where the interest of a member has not been disclosed as required by subsection (1) by reason of the member's absence from the meeting referred to therein, the member shall disclose the interest and otherwise comply with subsection (1) at the first meeting of the council or local board, as the case may be, attended by the member after the meeting referred to in subsection (1). R.S.O. 1990, c. M.50, s.5 (3).

Written statement re disclosure

5.1 At a meeting at which a member discloses an interest under section 5, or as soon as possible afterwards, the member shall file a written statement of the interest and its general nature with the clerk of the municipality or the secretary of the committee or local board, as the case may be. 2017 c. 10, Sched. 3, s.4...

Pursuant to the recent amendments to the *Municipal Act*, an Integrity Commissioner (on application by an elector or person demonstrably acting in the public interest) may also inquire into and make a determination that a Member of Council has acted in contravention of the *MClA*.

The ultimate determination as to whether the *MClA* has been contravened is however to be made by an application (by an elector, Integrity Commissioner or person demonstrably acting in the public interest) to a judge. The penalties if a contravention is found could be substantial as they include the power to declare the Member's seat on a Council vacant and bar the individual Member from being a Member for up to seven years.

There are also various other provisions of the *MCLIA* which touch upon and affect the issue you have raised. These sections include the following:

Principles

s. 1.1. The Province of Ontario endorses the following principles in relation to the duties of members of councils and of local boards under this Act;

1. The importance of integrity, independence and accountability in local government decision-making.

2. The importance of certainty in reconciling the public duties and pecuniary interests of members.

3. Members are expected to perform their duties of office with integrity and impartiality in a manner that will bear the closest scrutiny.

4. There is a benefit to municipalities and local boards when members have a broad range of knowledge and continue to be active in their own communities, whether in business, in the practice of a profession, in community associations, and otherwise. 2017, c.10, Sched.3, s. 1.

Indirect pecuniary interest

s. 2 - For the purposes of this Act, a member has an indirect pecuniary interest in any matter in which the council or local board, as the case may be is concerned, if,

(a) The member or his or her nominee,

i. Is a shareholder in, or a director or senior officer of, a corporation that does not offer its securities to the public,

ii. Has a controlling interest in or is a director or senior officer of a corporation that offers its securities to the public, or

iii. Is a member of a body,
that has a pecuniary interest in the matter; or

(b) The member is a partner of a person or is in the employment of a person or body that has a pecuniary interest in the matter.

R.S.O. 1990, c. M.50, s. 2.

Interest of certain persons deemed that of member

s. 3 - For the purposes of this Act, the pecuniary interest, direct or indirect, of a parent or the spouse or any child of the member shall, if known to the member, be deemed to be also the pecuniary interest of the member. R.S.O. 1990, c. 6, s. 41 (2); 2005, c. 5, s.45 (3).

Section 4 - Exceptions to Requirements under Section 5 of MCIA

The MCIA also contains a number of exceptions where the Act will not apply to a pecuniary interest (direct or indirect) of a member of Council.

Where s. 5 does not apply

s. 4 - Section 5 does not apply to a pecuniary interest in any matter that a member may have

j) by reason of the member having a pecuniary interest which is in common with electors generally.

k) by reason only of an interest of the member which **is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence the member.** R.S.O. 1990, c. M.50, s. 4; 2002, c. 17, Sched. F, Table; 2006, e. 32, Sched. C, s. 33.

As you can see from the foregoing, the legislation deals with situations where a Member of Council has a pecuniary interest (direct or indirect) in a matter that comes before Council. If such a situation unfolds, the Councillor must, under the MCIA, as well as the Town's Procedural By-Law, declare the conflict and withdraw from any further debate, discussion, or vote on the matter as set forth in section 5 above as well as the Procedural By-Law.

Under section 2 of the *Act*, the statute imputes an indirect pecuniary interest to the Councillor with respect to the related matters before Council if the Councillor falls within that section (i.e. is any of a shareholder, director or senior officer of a private corporation or an employee of a body that has a pecuniary interest in the matter).

2. City of Port Colborne Code of Conduct

In addition to the provisions of the MCIA, the City of Port Colborne's *Code of Conduct for Members of Council* (the "Code") has a number of provisions which reinforce the obligation of Councillors to avoid conflicts of interest. It is important to note that the provisions of the *Code* deal with both pecuniary and non-pecuniary interests and accordingly are broader than the provisions of the MCIA which regulate only pecuniary interests, whether they be direct, indirect or deemed.

The section of the Code dealing with Business Relations reinforces the obligation of all Members to comply with the provisions of the MCIA in the following terms:

Business Relations

No member shall act as a paid agent before Council, its committees, or an agency, board or commission of the City **except in compliance with the terms of the Municipal Conflict of Interest Act.**

The preamble to the Code also establishes the statements of principles by which all Members of Council are bound.

Preamble

Improving the quality of public administration and governance can be achieved by encouraging high standards of conduct on the part of all government officials. In particular, the public is entitled to expect the highest standards of conduct from the members that it elects to local government and to the members of advisory boards and commissions that it appoints. In turn, adherence to these standards will protect and maintain the City of Port Colborne's reputation and integrity and will provide the citizens of Port Colborne with the knowledge that the conduct of its elected and appointed persons is of the highest ethical standards. The key statements of principle that underline the Code of Conduct are as follows:

- Members of Council shall serve and be seen to serve their constituents in a conscientious and diligent manner;
- Members of Council should be committed to performing their functions with integrity and to avoiding the improper use of the influence of their office, and conflicts of interest both apparent and real;
- Members of Council are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence

and will bear close public scrutiny; and

- Members of Council shall seek to serve the public interest by upholding both the letter and the spirit of the laws of the Federal Parliament and Ontario legislature, and the laws and policies adopted by City Council.

The introduction to the Code makes reference to the relationship of the Code to various public statutes and makes it clear that all Members are to comply with the provisions of the MCIA. It also reminds members of the potential consequences of failing to declare a conflict of interest where required to do so under the MCIA in the following terms:

Statutory Provisions Regulating Conduct

This Code of Conduct operates along with and as a supplement to the existing statutes governing the conduct of members. The following provincial legislation governs the conduct of members of Council: ...

The Municipal Conflict of Interest Act...

Compliance with the Code of Conduct

Members of Council are accountable to the public through the four-year election process and members of boards, commissions and committees to the Council. Between elections they may, for example, become disqualified and lose their seat if convicted of an offence under the Criminal Code of Canada or for failing to declare a conflict of personal interest under the Municipal Conflict of Interest Act or should their seat be declared vacant by a Court.

The Code also addresses the obligations of the councilors to avoid using the influence of their office for private gain for themselves and certain related persons and associates (business or otherwise).

IMPROPER USE OF INFLUENCE

No member shall use the influence of her or his office for any purpose other than for the exercise of her or his official duties. Examples of prohibited conduct are the use of one's status as a member of Council to improperly influence the decision of another person to the private advantage of oneself or one's parents, children or spouse, staff members, friends, or associates, business or otherwise. This would include attempts to secure preferential treatment beyond activities in which members normally engage on behalf of their constituents as part

of their official duties. Also prohibited is the holding out of the prospect or promise of future advantage through a member's supposed influence within council, board of committee in return for present actions or inaction.

For the purposes of this provision, "private advantage" does not include a matter:

- that is of general application;
 - that affects a member, his or her parents, children or spouse, staff members, friends, or associates, business or otherwise as one of a broad class of persons;
- or
- that concerns the remuneration or benefits of a member.

RESPONSE TO REQUEST FOR ADVICE

There is little doubt that as a shareholder of the Corporation which operates the three businesses on the SSR property you would, under section 2 of the MCIA, have an indirect pecuniary interest in any manner in which Council is concerned **if the corporation has a pecuniary interest in the matter** and would then be required to declare your interest and refrain from participating in any discussion or vote on the matter in accordance with section 5 of the MCIA. The real issue however is whether on the facts you have related, the corporation has a pecuniary interest in the matter before Council which is imputed to you.

On the facts you have presented to me, I do not believe the corporation or you have a conflict of interest pecuniary, or otherwise, under the provisions of the MCIA or the City's Code of Conduct.

The matter which you have described that is currently before Council involves the potentiality of the City entering into a partnering agreement with the owner of a small restaurant on Pleasant Beach Road with a view to making improvements to that Beach area in order to alleviate certain issues which are matters of concern to local residents and visitors to the Beach (e.g. no sanitary facilities for the public with the result that a number of visitors are defecating in the dunes). There are also substantial parking and traffic issues which detrimentally affect owners of property on Pleasant Beach Road and the ability of emergency vehicles to easily access the beach area.

To date the Council has taken or may take certain measures to relieve the congestion on the Beach such as by posting “No Parking” signs on the Pleasant Beach Road and also posting the names of the City owned public beaches which do have amenities in place. The City and local restaurant owner may also explore the possibility of partnering to construct a sanitary facility for the benefit of visitors to the area to avoid the necessity for such visitors to have to use the surrounding open areas. There may also be other recommendations or proposals raised by the working group or Council itself to address the current issues of congestion at the Pleasant Beach Road Allowance.

The suggestion however has been made by a resident that you should not participate in such deliberations as you are conflicted by reason of being a shareholder of businesses on the SSR private site with the inference being that some of the measures brought forward to assist the public who choose to attend at Pleasant Beach would cause them to multiply and migrate to the private property of SSR which in turn would serve to increase (or perhaps decrease depending on the matter before Council) your business volume at that location (2 kilometers away from the paved portion of Pleasant Beach Road).

I do not agree with such a contention and do not believe that is reasonable, in these circumstances, to construct such a scenario as a basis for finding that you are in a conflict of interest with respect to matters that are directed at assisting the members of the public who wish to attend at Pleasant Beach.

In arriving at this conclusion I have in particular considered the following:

1. The matters Council is concerned with deal with Pleasant Beach and Pleasant Beach Road (not the SSR property) and are directed at alleviating the conditions at that beach so that members of the public will be better served at that location. The measures being considered include redirecting a number of people who attend there (e.g. by directing them to other fully serviced public beaches and posting “No Parking” signs on the road), not by attracting more people to this location. Coincidentally, the City may also seek to provide some sanitary amenities to those that still attend there.

None of these measures would, in my view, lead to a flood of migration to the SSR property.

2. Even if the number of intruders from Pleasant Beach onto the SSR property were to increase, it is clear that the SSR owners would not allow it to continue. Their business depends on being able to offer accommodation and an exclusive first class resort experience on their private property.

They have security protocols and personnel in place to protect the privacy of their offering and there is no reason to believe they would relax their efforts in this respect were the number of intruders from Pleasant Beach to increase. In fact, it would be counter-intuitive to their business interests to do so and if this were to occur they would likely beef up their security and take other measures to protect their business investment. The predominant purpose for SSR having commercial businesses on the property is to enhance their offering to their owners, tenants and other registered guests, not to operate businesses for the general public.

3. If the scenario depicted by the citizen who raised this matter were to occur, you would have to assume people would be prepared to expose themselves to trespass charges in breach of the law. I doubt that very few, if any, would be prepared to run that risk.
4. If your businesses were to be flooded by Pleasant Beach Road intruders, they would become less accessible to the substantial number of existing SSR residents and their guests in the expanding SSR complex. It would therefore be in your business interests to resist such an intrusion.
5. To get to your businesses on the SSR resort from the end of the Pleasant Beach Road it is about 2 kilometers each way, with the risk of being rejected, ejected or arrested. That should be a great disincentive to make the migration for a coffee; get a load of laundry cleaned; or carry groceries back to the car on Pleasant Beach Road.

In summary I find the propositions advanced by the resident to be unrealistic and unreasonable. I am accordingly of the view that there is no nexus between the matters being considered by Council relative to Pleasant Beach and your business entities at the SSR property. Even if there were a connection between the two, and it could be said that your businesses (and by extension you) did have a pecuniary interest in the matters before Council that you have referenced (or other similar matters), it would, in my view, be so remote or insignificant that it could not reasonably be regarded as likely to influence your consideration of and decisions with respect to the matters before Council.

I am accordingly of the view that you are not in a conflict of interest under either the Code or the MCIA by participating in Council's deliberations on the Pleasant Beach issues you have described.

I trust this fully responds to your enquiry.

Yours very truly,

A handwritten signature in black ink, appearing to read 'E. McDermott', written in a cursive style.

Edward T. McDermott

Integrity Commissioner for the Town of Port Colborne

P.S.: The above advice is provided to you in accordance with the provisions of the City's Code of Conduct for Members of Council and the applicable provisions of the Municipal Act and MClA, and should not be considered to constitute legal advice. Should you believe you require legal advice on the issues you have raised you should consult the City's Solicitor or your personal lawyer.

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Seniors Advisory Council

905-835-2900 Ext. 501

**TO: Amber LaPointe, Manager of Legislative Services/City Clerk
Charlotte Madden, Deputy Clerk**

**FROM: Karen Walsh, Executive Assistant to Director of Community & Economic
Development**

DATE: May 8, 2020

**RE: Senior Advisory Council
Proclamation of June, 2020 as Seniors' Month**

The Seniors Advisory Council (the "Committee") requests that Council proclaim June 1-30, 2020 as "Seniors' Month" in the City of Port Colborne.

The Committee has been working with Age-Friendly Niagara who has created a new flag that will be flying at City Hall during the month of June.

Each June, the Government of Ontario proclaims that June is Seniors' Month in order to celebrate our seniors and to recognize the contributions they continue to make.

Sincerely,

Karen Walsh
Executive Assistant to Director Community & Economic Development
Staff Liaison for Senior's Advisory Council



PORT COLBORNE

May 25, 2020

Moved by Councillor
Seconded by Councillor

WHEREAS Seniors' Month is an annual province-wide celebration;

AND WHEREAS seniors have contributed and continue to contribute immensely to the life and vibrancy of this community;

AND WHEREAS seniors continue to serve as leaders, mentors, volunteers and important and active members of this community;

AND WHEREAS their contributions past and present warrant appreciation and recognition and their stories deserve to be told;

AND WHEREAS the health and well-being of seniors is in the interest of all and further adds to the health and well-being of the community;

AND WHEREAS the knowledge and experience seniors pass on to us continues to benefit all;

NOW THEREFORE, I, Mayor, William C. Steele, proclaim June 1 - 30, 2020 as "Seniors' Month" in the City of Port Colborne and encourage all citizens to recognize and celebrate the accomplishments of our seniors.

William C. Steele
Mayor



MEMORANDUM

MAYOR'S OFFICE

905-835-2900 Ext. 301

TO: Members of Port Colborne City Council

FROM: Nancy Giles, EA to CAO and Mayor and Staff Liaison to the Grant Policy Committee

DATE: May 25, 2020

RE: Recommendations of Grant Policy Committee

The Grant Policy Committee met to review applications for the first intake of 2020. In accordance with Section 4.3(e) – “During a regular meeting of the Corporation, Council will approve all final recommendations,” we bring forward the following recommendations for consideration by Council.

Moved by G. Bruno
Seconded by B. Haymes

That donation/sponsorship requests be approved for a total of \$19,100 for the first allocation for the year 2020 as follows:

Education Foundation of Niagara - to assist in providing essential items to DSBN students in Port Colborne who experience a high level of need - **\$1,800**

Habitat for Humanity – to assist with the cost of their build on Wellington Street - **\$3,400**

Port Colborne Lions Club – to assist with the cost of removing black mould from their building on Chippawa Road - conditional upon receiving 3 written quotes before funds are released and if under \$5,000, balance of funds can be used for washroom vents - **\$5,000**

Women's Place of South Niagara – to assist in providing emergency shelter and programs for women and children fleeing abuse - **\$2,000**

YMCA of Niagara – to assist with the operation of the Youth Action Program in the City of Port Colborne which runs from October – May - **\$2,000**

Community Living Port Colborne Wainfleet – to assist with the operation of the weekly Kids Club Program – conditional upon receiving additional funding from other partners - **\$1,800**

The Evening Optimist Club of Port Colborne Inc. – to enhance Canada Day celebrations - **\$1200**

Friends of Port Colborne Lighthouses – to assist with the cost of insurance for lighthouse tours during Canal Days - **\$600**

Port Colborne Art Crawl - to assist with holding this year's Art Crawl on June 20th - **\$1,300**

At the time these donation/sponsorship requests were approved, the realities of the COVID-19 pandemic had not been realized. As a result of the pandemic, several programs and events benefitting from these donation/sponsorship requests have either been put on hold or cancelled.

As such, I would ask council to consider the following recommendation:

Approve the following donation/sponsorship requests in full as these activities will and have continued, totaling \$12,200:

Education Foundation of Niagara - to assist in providing essential items to DSBN students in Port Colborne who experience a high level of need - **\$1,800**

Habitat for Humanity – to assist with the cost of their build on Wellington Street - **\$3,400**

Port Colborne Lions Club – to assist with the cost of removing black mould from their building on Chippawa Road - conditional upon receiving 3 written quotes before funds are released and if under \$5,000, balance of funds can be used for washroom vents - **\$5,000**

Women's Place of South Niagara – to assist in providing emergency shelter and programs for women and children fleeing abuse - **\$2,000**

Approve the following donation/sponsorship requests with funds being released once it is determined if the program will run, totaling \$3,800:

YMCA of Niagara – to assist with the operation of the Youth Action Program in the City of Port Colborne which runs from October – May - **\$2,000**

Community Living Port Colborne Wainfleet – to assist with the operation of the weekly Kids Club Program – conditional upon receiving additional funding from other partners - **\$1,800**

Not approve the following donation/sponsorship requests as the events have been cancelled, totaling \$3,100:

The Evening Optimist Club of Port Colborne Inc. – to enhance Canada Day celebrations - **\$1200**

Friends of Port Colborne Lighthouses – to assist with the cost of insurance for lighthouse tours during Canal Days - **\$600**

Port Colborne Art Crawl - to assist with holding this year's Art Crawl on June 20th - **\$1,300**

Additionally, the committee would like to see the following recommendations included in the Grant Policy:

1. That funds be used within one year of approval.
2. That 3 estimates be provided with the application for requests for capital improvements.

Respectfully submitted.

April 24, 2020

Council Session CL 6-2020, April 23, 2020

DISTRIBUTION LIST

SENT ELECTRONICALLY

**RE: Report CSD 30-2020 COVID-19 Preliminary Overview of Financial Impacts
Minute Item 9.1.1 CL 6-2020, April 23, 2020**

Regional Council, at its meeting held on April 23, 2020, passed the following resolution:

That Report CSD 30-2020, dated April 23, 2020, respecting COVID-19 Preliminary Overview of Financial Impacts, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the Regional Chair **BE DIRECTED** to lobby provincial and federal levels of government for financial assistance to support Niagara Region's COVID-19 emergency response;
2. That Niagara Region **BE DIRECTED** to participate in efforts with other municipalities seeking financial support from senior levels of government for the financial impact of the COVID-19 pandemic; and
3. That the Regional Clerk **BE DIRECTED** to forward this report to local Members of Parliament, local Members of Provincial Parliament, the Federation of Canadian Municipalities, the Association of Municipalities Ontario and the Local Area Municipalities.

A copy of Report CSD 30-2020 is attached for your information.

Yours truly,



Ann-Marie Norio

Regional Clerk

CLK-C 2020-140

Distribution List:

D. Allison, MP, Niagara West
C. Bittle, MP, St. Catharines
T. Baldinelli, MP, Niagara Falls
V. Badawey, MP, Niagara Centre
S. Oosterhoff, MPP, Niagara West
J. Stevens, MPP, St. Catharines
W. Gates, MPP, Niagara Falls
J. Burch, MPP, Niagara Centre
Federation of Canadian Municipalities
Association of Municipalities of Ontario
Local Area Municipalities
T. Harrison, Commissioner, Corporate Services
H. Chamberlain, Director, Financial Management and Planning/Deputy Treasurer
M. Steele, Associate Director, Reporting and Analysis
K. Beach, Executive Assistant to the Commissioner, Corporate Services

Subject: COVID-19 Preliminary Overview of Financial Impacts

Report to: Regional Council

Report date: Thursday, April 23, 2020

Recommendations

1. That the Regional Chair **BE DIRECTED** to lobby provincial and federal levels of government for financial assistance to support Niagara Region's COVID-19 emergency response; and
2. That Niagara Region **BE DIRECTED** to participate in efforts with other municipalities seeking financial support from senior levels of government for the financial impact of the COVID-19 pandemic; and
3. That the Regional Clerk **BE DIRECTED** to forward this report to local MPs, local MPPs, the Federation of Canadian Municipalities and the Association of Municipalities Ontario.

Key Facts

- The purpose of this report is to provide an early indication of the potential financial impacts of the COVID-19 outbreak on the Niagara Region. Estimates and assumptions in this report are fluid and changing on a weekly basis.
- Staff expect that a budget adjustment related to the changes in services, incremental cost and lost revenue associated with the COVID-19 emergency response will be required. At this time, full impacts are unknown and staff will bring back a proposed budget adjustment for Council approval when more clarity around funding sources and full cost is available.
- The Region's preliminary estimate of the net cost of COVID-19 pandemic before funding announcements up to June 30, 2020 is \$9.3 million.
- Incremental costs and lost revenue estimates total \$9.6 million and may be offset by identified cost savings and mitigations of \$5.7 million for a current net budget impact \$3.9 million. The remaining \$5.4 million cost relates to already budgeted resources unavailable to work or redeployed to directly support the emergency response.
- The Region has received confirmed funding announcement of \$4.2 million in specific areas. Review of the eligible cost criteria for this funding is underway and restrictions do apply. Staff are looking for ways to fully leverage this funding and it is expected to support some costs that occur after our June 30, 2020 cost projection above.

Financial Considerations

Given the amount of uncertainty around timelines and availability of funding sources, it is difficult at this time to quantify the full impact of individual items as well as the overall impact to the Region. That being said, staff are of the preliminary view that ultimately the pandemic will result in a 2020 operating shortfall at year-end. Discussions have commenced with respect to opportunities for cost savings across operating and capital budgets. In addition, there are certain actions that the Region could take to offset a shortfall including use of the Taxpayer Relief Reserve. Staff will provide updates to Council with respect to year-end projections and any action that may be required as more details become known.

As of December 31, 2019 the Taxpayer Relief Reserve balance was \$23.8 million which is 4.2% of gross budgeted expenditures excluding agency boards and commissions (our minimum reserve target per the reserve policy is 10% of gross budgeted operating expenses or \$56 million at December 31, 2019).

In addition, staff recommend exploring all opportunities for financial assistance from senior levels of government and will provide updates to Council on any actions being undertaken by Provincial and Federal governments as they are announced. The Province and Federal governments have delayed the release of their respective 2020/21 budgets.

Analysis

Staff have been monitoring and assessing the potential financial impacts to the Region since the onset of the pandemic. Only two months after approving the 2020 Regional budget, a variety of operating expenditures and revenues are now expected to be impacted. While it is still too early to fully understand and quantify all of the potential impacts, some preliminary projections have been made.

To facilitate this analysis, projected costs and savings related to the pandemic have been made up to June 30, 2020

The Region has categorized impacts into 4 high-level categories

1. **Total costs supported by our approved base budget.** This category represents cost of resources unavailable to work or redeployed from their main work functions to directly support the emergency response. While the Region does have an established base budget to support these expenditures, it is important to note that the work these resources are performing during the emergency is not as originally contemplated in the base budget. This may result in delays in work plans and/or backlogs after the emergency is complete.

2. **Costs incremental to base budget.** This category represents all incremental costs over and above the approved 2020 base budget directly related to supporting the emergency.
3. **Lost revenue.** This category represents the loss of revenue that had been planned to fund the 2020 budget.
4. **Cost savings and mitigations.** This category represents identified cost savings the Region may expect to realize as a result of COVID-19 measures and managing the emergency.

The following is a summary of the financial impacts.

	Spent & Committed As of Date	Spent & committed	Projected to June 30	Total
Costs supported by our approved base budget				
EOC Dedicated Resources ¹	09-Apr	\$ 615,424	\$ 1,994,740	\$ 2,610,164
Lost Productivity – Staff Unable to Work ²	04-Apr	443,137	1,831,633	2,274,770
Redeployed Resources ³	04-Apr	86,149	356,083	442,232
Total costs supported by our approved base budget		1,144,710	4,182,456	5,327,166
Costs incremental to base budget				
Additional labour related costs ⁴	04-Apr	748,294	3,092,949	3,841,243
Purchases made or committed ⁵	09-Apr	1,770,942	2,104,081	3,875,023
Total costs incremental to base budget		2,519,236	5,197,030	7,716,266
Lost Revenue ⁶		-	1,914,708	1,914,708
Cost savings/mitigations ⁷		-	(5,673,142)	(5,673,142)
Net cost impact before funding announcements		\$ 3,663,946	\$ 5,621,052	\$ 9,284,998

¹ Assumes 100% of salary and benefit costs to any staff member fully activated in the Regional EOC, Public Health EOC, and EMS EOC.

² Staff unable to work due to self-isolation, needing to care for family members or being sick directly associated with COVID-19.

³ Currently only quantified for resources redeployed to the public health call centre. Redeployment in other areas in the organization has started to occur and will be quantified in the future.

⁴ Additional salary, benefits and overtime costs related to managing the emergency.

⁵ Additional purchase commitments made to directly support the emergency (e.g. cleaning supplies and services, personal protective equipment, emergency shelter, screening, advertising).

⁶ Estimated loss of expected revenue sources (e.g. rental income on owned units, transit fare revenue, business licensing revenue, development applications, parental fees, POA infraction revenue).

⁷ Estimated cost savings and mitigations (e.g. gapping of vacant positions, reduced non-emergency repair work, travel costs, transit service costs, electricity, cancelled events).

Impacts by department can be found in Appendix 2. Some of the more significant incremental costs and lost revenue items included in the estimate are outlined below:

- **Niagara Regional Transit:** fare revenue reduction due to reduced ridership and cancellation of Niagara College on-campus spring/summer classes;
- **POA Court:** Reduced POA revenue due to lower ticket volumes and court closure, with some related expenditure savings offsets;
- **Public Health:** Increased staffing and overtime, supplies (including personal protective equipment) and cleaning costs; additional staff to support higher call volumes;
- **Paramedic Services:** Increased staffing, overtime, supplies (including personal protective equipment), and cleaning;
- **Housing:** Increased cleaning costs in common spaces; lower tenant income levels would result in higher rent subsidies at community housing units and lower rent payments at NRH units;
- **Homelessness programs:** Increased costs to support homelessness agencies, housing allowances and expenses relating to the rent, staffing, cleaning, personal protective equipment and food for a self-isolation center;
- **Children's Services:** Loss of parent fee revenue due to closure of regionally operated child care centres;
- **Seniors' Services:** Increased cleaning, staffing, security and personal protective equipment costs; and
- **Technology Services:** Additional costs relating to increased licenses to ensure sufficient capacity for staff working remotely.

Other estimated savings across multiple services and departments include:

- **Labour related savings:** not filling non-essential vacant positions.
- **Fuel:** Short/medium term savings due to significant drop in world oil and local fuel prices.
- **Niagara Regional Transit/Niagara Specialized Transit:** reduction in daily service schedules resulting from decreased demand will result in significant savings;

- **Non-emergency maintenance work:** limiting work at NRH owned units to emergencies and move-outs;
- **Operational savings:** reduced travel, meeting expenses, and conferences due to travel restrictions and cancelled events.

COVID-19 is causing an unprecedented amount of uncertainty and volatility in financial markets. Federal governments around the world are responding through both monetary policy (e.g. through the lowering of interest rates) and fiscal policy (e.g. by introducing spending and tax relief measures for residents and businesses). The impact of these measures is not yet known and as a result there is the possibility of major longer term impacts depending on the duration and severity of the pause in economic activity. The following items have been identified as potential costs or loss revenues, but have not been quantified in the analysis above due to uncertainty around them.

- **Cost of borrowing:** a lower cost of borrowing for planned 2020 debenture issues would lower the amount of debt servicing costs required in the 2021 budget;
- **Investment returns:** a lower investment rate would impact 2020 interest income and interest allocations to reserves. Also any cash flow challenges experienced as identified and discussed in CSD 31-2020 could further reduce interest income;
- **Property taxes:** the economic disruption could lead to a material increase in tax write-offs and lower net assessment growth for 2020 and into 2021;
- **Building Activity:** if construction activity is materially reduced, there would be a lower amount of supplementary taxes collected and lower assessment growth during the year and in future years. This would also lead to a reduced level of development charge collections, potentially impacting the Region's ability to fund growth-related capital projects, and potentially a reduction in development charge exemption costs;
- **Additional support to housing providers:** the economic disruption could lead to housing providers seeking additional support from NRH;
- **Recycling end markets:** the economic disruption could lead to volatility in prices for the sale of recyclables in waste management; and
- **Provincial gas tax:** the economic disruption could impact Niagara Regions gas tax allocation in 2021 and 2022 if we experience a greater decrease in ridership relative to other municipalities or if the total provincial gas tax collected declines due to less gas purchases.

In addition to the above, the Region is currently reviewing all capital projects and determining if any project deferrals are appropriate. It is important to note that deferring capital projects does not result in direct savings that could be used to mitigate the current COVID-19 financial impacts. Most capital projects are funded from previous contributions to reserves or debt issuance. The deferral of capital projects will strengthen the Region's cash flow position as further discussed in CSD 31-2020.

Funding announcements

The Region has also received announcements for three confirmed funding sources identified below. Review of the eligible cost criteria with this funding is underway and restrictions do apply. The team is looking for ways to fully leverage this funding and it is expected to support some costs that occur after our June 30, 2020 cost projection period identified above.

Description	Funding Agency	Amount
Community Homelessness Prevention Initiative *	Ministry of Municipal Affairs and Housing	\$2,408,100
Reaching Home Funding *	Employment and Social Development Canada	1,253,271
Long-term Care Emergency Funding	Ministry of Long-term Care	600,000
		<u>\$4,261,371</u>

* Incremental funding to cover full fiscal year of April 1, 2020 to March 31, 2021

While no formal funding announcements have been made, the Province has indicated that it plans to work with municipalities to support Children's Service operations to minimize shortfalls.

Ontario Works also expects to see a substantial increase in subsidy claim payments to Ontario Works clients based on Provincial announcements. This increase will be directly offset by additional funding from the Province.

Additionally the Province has announced it plans to defer further reductions to the public health funding formula in 2021.

Budget Implications

As previously mentioned the full magnitude of the financial implications for the COVID-19 emergency on the Niagara Region's 2020 budget is not yet known. With that said, staff do expect the impact will require a gross budget adjustment that will exceed \$1 million requiring Council approval.

In order to avoid multiple adjustments and approvals, staff recommend that a budget adjustment will be completed once impacts, including funding announcements, are more clearly understood.

Should a funding shortfall materialize after all additional funding and cost mitigation strategies have been exhausted, Council could consider:

- An in-year budget amendment in accordance with the Budget Control Bylaw to draw on the Taxpayer Relief Reserve. This would require giving public notice.
- Making a recommendation through the year-end transfer report as per the Operating Surplus/Deficit Policy.

The decision on which approach would be recommended by staff will depend on the timing and magnitude of the required adjustment. Staff hope to be able to more fully outline the potential adjustment with the completion of the Q2 financial update report.

Staff will continue to provide Council with financial impact information in the weekly COVID-19 memo and will report back with a formal report outlining the budget adjustment prior to its completion.

Procurement Process

The Region has leveraged its existing Procurement By-law where appropriate to secure goods and services that are critical to our response to COVID-19. These purchases have utilized the special circumstance provision, which provides for both:

- an event that is exceptional or could not be foreseen and is likely to pose a threat to the health, safety or welfare of the public
- an emergency as defined in the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9, as amended, or any successor legislation thereto

At the time of writing this report, the Region has executed 12 special circumstance purchases over \$10,000 for a total value of \$1.3 million. These purchases consist mainly of personal protective equipment, cleaning supplies/services, emergency shelter, and screening services. Staff will continue to rely on the special circumstance provisions in the procurement by-law on an as-required basis and report back to Council as needed.

Alternatives Reviewed

Staff are working with both the area municipality treasurers within Niagara Region and with colleagues across the province (through the Ontario Regional and Single-Tier Treasurers group) to share ideas and strategies to respond to the financial and operational impacts of this pandemic.

Staff will also work with Standard and Poor's (who provide the Region's credit rating) to discuss potential implications on the ratings of the municipal sector as a whole across the country.

Relationship to Council Strategic Priorities

Supporting the COVID-19 emergency response directly supports Councils strategic priority of a Healthy and Vibrant Community.

Other Pertinent Reports

CSD-31 2020 Concessions to Local Area Municipalities regarding Taxes and Water Wastewater Billings

Prepared by:
Melanie Steele, MBA CPA CA
Associate Director, Reporting & Analysis
Corporate Services

Recommended by:
Todd Harrison, CPA, CMA
Commissioner/Treasurer
Corporate Services

Submitted by:
Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with regional departments and EOC members, and reviewed by Helen Chamberlain, Director, Financial Management & Planning/Deputy Treasurer.

Appendices

Appendix 1 COVID-19 Financial Impact by Department

Appendix 1 - COVID-19 Financial Impact by Department

	Total costs supported by our approved base budget	Total costs incremental to base budget	Lost Revenue	Cost savings & mitigations	Net cost/(savings) impact before funding announcements
Corporate Administration	\$ 395,761	\$ 134,827	\$ -	\$ (199,943)	\$ 330,645
Corporate Services	466,285	389,735	166,900	(517,785)	505,135
Court Services	36,970	3,431	196,875	(103,914)	133,362
Planning	87,909	8,055	120,000	(109,207)	106,757
Niagara Regional Housing	-	86,055	600,000	(844,065)	(158,010)
Niagara Regional Police Service *	71,674	110,471	-	-	182,145
Transportation	177,362	92,361	604,933	(3,249,355)	(2,374,699)
Public Health					-
Public Health	1,405,563	1,371,691	-	-	2,777,254
Emergency Medical Services	1,384,672	1,419,631	26,000	(62,000)	2,768,303
Sub-total Public Health	2,790,235	2,791,322	26,000	(62,000)	5,545,557
Community Services					-
Childrens Services	133,360	79,939	200,000	-	413,299
Seniors Services	783,506	2,707,961	-	-	3,491,467
Social Assistance & Employment Opportuniti	126,836	5,453	-	-	132,289
Homelessness Services	18,099	1,142,788	-	-	1,160,887
Sub-total Community Services	1,061,801	3,936,141	200,000	-	5,197,942
Total Levy Supported	5,087,997	7,552,398	1,914,708	(5,086,269)	9,468,834
Waste Management	211,669	105,429	-	(63,890)	253,208
Water/Wastewater	27,500	58,439	-	(522,983)	(437,044)
Total Rate Supported	239,169	163,868	-	(586,873)	(183,836)
Total	\$ 5,327,166	\$ 7,716,266	\$ 1,914,708	\$ (5,673,142)	\$ 9,284,998

*NRPS are preparing their own analysis of financial impacts they will be sharing with their board. The only costs included in the analysis above are those the Region is aware of as they are purchase order commitments or actual costs recorded in our financial system or members participating in our EOC.

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May 4, 2020

Council Session CL 6-2020, April 23, 2020

LOCAL AREA MUNICIPALITIES

SENT ELECTRONICALLY

**RE: Memorandum CHR 2-2020 COVID-19 Government Relations Strategy
Minute Item 5.1 CL 6-2020, April 23, 2020**

Regional Council, at its meeting held on April 23, 2020, passed the following resolution:

1. That Memorandum CHR 2-2020 from Daryl Barnhart Executive Officer to the Regional Chair, dated April 23, 2020, respecting COVID-19 Government Relations Strategy, **BE RECEIVED**;
2. That the Regional Clerk **BE DIRECTED** to forward a copy of the Regional Chair memo CHR 2-2020, and staff reports CSD-30-2020 and CSD-31-2021 to the Councils of the 12 local area municipalities;
3. That the Regional Chair **BE DIRECTED** to engage and actively collaborate with the Councils of the 12 local area municipalities to ensure the exchange of critical information in the development of short, medium, and long-term impacts of COVID-19;
4. That the Regional Chair **BE DIRECTED** to work with the 12 local area municipalities to coordinate the response and required advocacy strategies to the federal and provincial governments for financial relief related to COVID-19; and
5. That the Regional Chair **REQUEST** that the 12 local area municipalities formally endorse motions that support the collaboration between all of Niagara's communities and the Niagara Region.

Regional Council amended the recommendation from Report CSD 31-2020, and passed the following resolution:

That Report CSD 31-2020, dated April 23, 2020, respecting Concessions to Local Area Municipalities regarding Taxes and Water Wastewater Billings, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the May 13, 2020 Region general and special purposes levy amounts **BE REMITTED** by the Local Area Municipalities to the Niagara Region based on actual amounts collected by the Local Area Municipalities and that interest charges on these levy amounts **BE WAIVED** until June 30, 2020;
2. That the August 5, 2020 and October 14, 2020 instalments for Region general and special purposes levy **BE REMITTED** by the Local Area Municipalities to the Niagara Region based on actual amounts collected by the Local Area Municipalities and that interest charges on these levy amounts **BE WAIVED** for a period of 30 days;
3. That the April through November water and wastewater amounts billed monthly on the 15th of the month and due at the end of the month **BE REMITTED** to the Niagara Region based on actual amounts collected by the Local Area Municipalities;
4. That the difference in the amount billed by the Region and collected by the Local Area Municipalities for the water and wastewater requisitions **BE PAYABLE** before December 31, 2020;
5. That interest charges on the outstanding amount from the Local Area Municipalities for the water and wastewater requisition payments **BE WAIVED** for the year 2020;
6. That By-law 2019-94, By-law 2019-95 and By-law 2020-04 **BE AMENDED** to adjust interest charge provisions in consideration of the COVID-19 pandemic; and

7. That any amounts due from the Niagara Region to the Local Area Municipalities **BE DEFERRED** until such time as the amount due to the Local Area Municipality exceed the amount receivable from that municipality.

A copy of Memorandum CHR 2-2020 and Report CSD 31-2020 is attached for your information. Report CSD 30-2020 was circulated separately on April 24, 2020.

Yours truly,

A handwritten signature in black ink, appearing to read 'Ann Marie' with a stylized flourish at the end.

Ann-Marie Norio
Regional Clerk
CLK-C 2020-147



MEMORANDUM

CHR 2 - 2020

Subject: COVID-19 Government Relations Strategy

Date: April 23, 2020

To: Regional Chair and Members of Council

From: Daryl Barnhart, Executive Officer to the Regional Chair

In response to the COVID-19 pandemic, the federal and provincial governments have developed a number of different programs designed to support individuals and businesses. While these measures were designed to provide much-needed relief to these groups, announcements of wide-spread support for municipalities have yet to be specified. As Regional and Local Area Municipal (LAM) staff continue to assess the full financial impacts of the COVID-19 outbreak, it has already become clear that substantial financial relief will be needed to maintain municipal service levels (as detailed in CSD-30 - 2020 and CSD-31 - 2020). Without any such support from senior levels of government, the potential outcomes include prolonged service level reductions and/or significant property tax and rate increases.

It is paramount that the Niagara Region, in close partnership with the 12 Local Area Municipalities, leverage pre-existing relationships with other levels of governments and municipal organizations to identify opportunities for the mitigation of financial hardships, as well as strategies to secure this support at an accelerated pace.

Given the wide-spread impact of COVID-19 on all municipalities, it is crucial that Niagara be coordinated, consistent and bold in our requests in order to stand out among other jurisdictions.

To this end, the following high-level government relations activities are being recommended:

1. Ensure sufficient coordination, consistency & cooperation between the Region and LAMs
2. Develop an accurate and reliable projection of the impacts of COVID-19
3. Take advantage of formal consultation opportunities with the provincial government
4. Align an advocacy approach with municipal stakeholder groups (i.e. AMO, FCM, etc.)
5. Maintain strong working two-way relationships with our local federal MPs and provincial MPPs

Ensure regional coordination and consistency

Ensuring the Region and Niagara's Local Area Municipalities are unified in any requests being brought forward to the senior levels of government will be vital. It is also critical that the Region and local municipalities present a consistent view on shared priorities as well as potential solutions. Conflicting opinions or requests coming from Niagara may dilute our request and potentially have negative impacts on our ability to secure funding.

Development of an accurate picture of COVID-19 impacts

It is strongly recommended that the Region, in close partnership with the 12 municipalities, work together to develop accurate short, medium and long-term impacts of COVID-19. Being able to accurately determine these figures will be a key element in ensuring we are seeking what we require from other levels of government. This data will provide an objective and factual underpinning that will be used as part of all related Government Relations activities related to the pandemic.

In discussions with provincial ministries, the Region has made commitments that whatever figures are brought forward will be accurate, straightforward and veracious. It is also worth noting that these impacts will not be limited to financial provisions as attention will also be paid to social and health considerations.

Take advantage of formal provincial consultation opportunities

On April 9, the Provincial Government announced that Rod Phillips, Minister of Finance, will be chairing a new Ontario Jobs and Recovery Committee. This committee has been mandated to develop a plan to stimulate economic growth and job creation in the weeks and months ahead. As part of its work, it will be consulting with a wide variety of people to assess the impact of COVID-19 on the provincial economy and develop an action plan to move forward, including business associations, chambers of commerce, municipal leaders, corporate leaders, small business owners, and entrepreneurs.

The Region and the local area municipalities should be prepared for these consultations. Delivering reliable, strong projections on the financial impacts will be essential in presenting a holistic view on the region's challenging economic situation and the financial difficulties confronting its municipalities.

Regional staff will be reaching out to their municipal counterparts to explore the initiation of a formal coordinated approach to these consultations. Based on previous experience with provincial decision makers, it would be beneficial to ensure that any submissions through this process are consistent and Niagara presents a unified front.

Alignment with municipal stakeholder groups and counterparts

While there are certain aspects to Niagara that make the region unique, it is also fair to assume that all municipalities across Ontario, and arguably Canada, will require additional operational funding from other levels of government.

Frequent collaboration with other municipal associations has, and will continue to offer significant insights into the approaches taken by municipalities across Ontario and Canada. These connections strengthen Niagara Region's voice among its municipal counterparts and frequent consultation and engagement help ensure that we will be "in step" with our counterparts. It is our view that the Region should remain aligned with the positions being adapted by these organizations as there will be "strength in numbers".

Strategic alignment with the following groups will continue to be paramount:

- **Association of Municipalities of Ontario** – AMO's long-standing relationship and MOU with the Province of Ontario will help position its membership, including the Region, to have a strong voice with decision makers at Queen's Park. AMO is currently working closely with the Ontario Job and Recovery Committee to ensure the needs of municipalities are being heard.
- **Federation of Canadian Municipalities** – FCM has been working diligently to advocate for a municipal relief package from the federal government, focused primarily on highlighting the need for direct financial assistance to local governments to provide some immediate relief and allow essential services to keep operating. The Region will continue to work with FCM to ensure Niagara is contributing to this conversation.
- **MARCO / LUMCO** – These groups, representing the large urban mayors and regional chairs across Ontario, have been having ongoing discussions with Municipal Affairs and Housing to explore options to mitigate economic and social impacts of COVID-19 on municipalities. As members of the Mayors and Regional Chairs of Ontario (MARCO), the Region has gained insight into potential policy directions that the Province may (or may not) undertake to alleviate some of the financial pressures experienced by municipalities.
- **Counterparts across Ontario** – As members of the Ontario Regional and Single-Tier Treasurers and the Municipal Finance Officers Association (MFOA), Regional staff has the opportunity to consult with municipal counterparts regarding the financial impact the pandemic has on municipalities, possible relief measures that can be provided to communities, and potential strategies for refining new budget realities arising from the costs for managing the pandemic.

Maintain strong two-way relationships with federal and provincial MPs

Staff have been in constant contact with local MPPs and MPs to share pertinent information and ensure key messages regarding the management of the pandemic are aligned and communicated effectively to the public. Particularly, staff have participated in extensive discussions with MPP Sam Oosterhoff to illustrate the impact the outbreak is having on the region and how the Province can support the region in resolving critical issues that have emerged since the Provincial Emergency Declaration.

Conclusion

Provided there is support from Regional Council for the recommended high-level activities outlined in this memo, Regional staff will begin to actively reach out to local counterparts to develop a more fulsome strategy with the input of all stakeholders.

Moving forward, staff will continue to work with other municipalities and levels of government to find creative solutions to challenges, and opportunities to strengthen the region through recovery initiatives. As stimulus programs, grants, and other funding initiatives surface, government relations staff will connect the Region, local area municipalities, and the community to these funding opportunities.

Respectfully submitted and signed by

Original signed by:

Daryl Barnhart, M.A., APR
Executive Officer to the Regional Chair

Prepared in consultation is Gina van den Burg, Government & Stakeholder Relations Specialist; Helen Chamberlain, Director of Financial Management & Planning/Deputy Treasurer; and Todd Harrison, Commissioner of Corporate Services/Regional Treasurer

Subject: Concessions to Local Area Municipalities regarding Taxes and Water Wastewater Billings

Report to: Regional Council

Report date: Thursday, April 23, 2020

Recommendations

1. That the May 13, 2020 Region general and special purposes levy amounts **BE REMITTED** by the Local Area Municipalities to the Niagara Region based on actual amounts collected by the Local Area Municipalities and that interest charges on these levy amounts **BE WAIVED** until June 30, 2020;
2. That the August 5, 2020 and October 14, 2020 instalments for Region general and special purposes levy **BE REMITTED** by the Local Area Municipalities to the Niagara Region based on actual amounts collected by the Local Area Municipalities and that interest charges on these levy amounts **BE WAIVED** for a period of 30 days;
3. That the April through November water and wastewater amounts billed monthly on the 15th of the month and due at the end of the month **BE REMITTED** to the Niagara Region based on actual amounts collected by the Local Area Municipalities;
4. That the difference in the amount billed by the Region and collected by the Local Area Municipalities for the water and wastewater requisitions **BE PAYABLE** before December 31, 2020;
5. That interest charges on the outstanding amount from the Local Area Municipalities for the water and wastewater requisition payments **BE WAIVED** for the year 2020;
6. That By-law 2019-94, By-law 2019-95 and By-law 2020-04 **BE AMENDED** to adjust interest charge provisions in consideration of the COVID-19 pandemic;
7. That any amounts due from the Niagara Region to the Local Area Municipalities **BE DEFERRED** until such time as the amount due to the Local Area Municipality exceed the amount receivable from that municipality; and

8. That any interest and penalty charged by the Local Area Municipalities to the Niagara Region **BE WAIVED** for the year 2020.

Key Facts

- The purpose of this report is to respond to the motions included in appendix 1 passed by Welland, St. Catharines, and Thorold Councils (representing approximately 39% of Niagara Region's levy) requesting payment relief from the Niagara Region in light of the COVID-19 pandemic.
- This report has been written based on significant consultations with a variety of stakeholders as outlined in the report. Staff have used this information to develop assumptions from which the recommendations have been made. This situation remains fluid and staff will update Council on a regular basis.
- Based on meetings with the local area treasurers we understand that due to the extended payment terms being offered to taxpayers they may experience cash flow challenges which require special consideration by the Region for tax and water and wastewater payments.
- Overall the amount due from the LAMs for general and special purposes tax levies and water and wastewater payments the period of April 1st to June 30th is approximately \$130 million; the amount due for the third and fourth quarter are approximately \$148 million and \$146 million, respectively.
- The province has provided for a deferral of the second and third education tax remittances of \$42 million each from June 30th to September 30th, and from September 30th to December 15th, respectively which has been incorporated in the cash flow analysis completed by staff.

Financial Considerations

Most municipalities are considering extended payment terms to offer financial relief to tax and rate payers through a combination of payment deferrals and/or the waiving of late fees and interest charges. The Niagara Region is considering the impact of these decisions impact on the LAMs' cash flow and consequently offering alternative payment arrangements to the LAMS.

Finance staff have been monitoring the Region's cash flow during this crisis and will continue to analyze the position to ensure there is sufficient liquidity to provide for ongoing operations. Staff are ensuring flexibility by holding funds in High Interest Savings Accounts (HISA) to maintain essential regional services and capital works.

The recommendations made in this report will reduce balances in the Region's bank accounts that contribute to the budgeted investment income of \$2.7 million. The reduction in our average cash balances resulting from these recommendations and the decline in interest rates due to the pandemic is estimated to reduce investment income budgeted by up to \$1.3 million depending on what is approved by Council and the level of collections by the LAMs. This amount is in addition to the \$9.3 million estimated cost of COVID-19 in CSD 30-2020 as the cash flow analysis was not yet available at the time of publishing that report.

Analysis

The Region establishes and approves their own tax levy, waste management budget each year. These amounts are collected from the local area municipalities in four installment dates in the year. The municipalities bill and collect this amount on behalf of the Region, as well as their own tax levy, from the property owners either through four installment dates established in their bylaws (not the same dates as the Region installment due dates see appendix 2), monthly pre-authorized payment plans, or payments made by mortgage companies.

The Region also establishes and approves their own water and wastewater budgets each year. This establishes the wholesale rate for these services which the municipalities incorporate into their budget to establish the periodic billing rates to property owners. While some municipalities may not bill each month, remittances to the Region are due at each month end.

We understand that the Local Area Municipalities are impacted by the following decisions in response to the COVID-19 pandemic:

- Waiving interest and penalties on property tax, water, and wastewater payments from residents, many through to June.
- Some municipalities that have approved their water and wastewater rates are considering deferring the rate increases until the second or third quarter of the year.
- Some municipalities have not yet approved their water and wastewater budgets and are considering modifications to address COVID-19.
- Most are continuing with their pre-approved payments plans from residents, however are waiving penalties or charges on non-sufficient funds or withdrawal from the program.

- Facilities have been closed to the public limiting options to pay in person, however payment accepted by mail; cash or cheque; at financial institutions, both in person and electronically.
- The Ontario Government deferral of education tax payments from municipalities (\$42 million each quarter) with June 30th deferred to September 30th and September 30th deferred to December 15th.

These items are putting additional strain on the LAMs as they try to meet the billing schedule of the Niagara Region, and could result in negative cash flows being experienced. In order to understand the cash flow implications to the Region, staff started with a forecast under the status quo requirements of the Regional general and special purposes tax levies and water and wastewater payments. Staff then incorporated into the analysis the impacts of the Local Area Municipality motions (option A). Based on the negative effect of the municipal requests on Regional cash flows and the ability to sustain of Regional services staff developed an alternative (option B), which the recommendations in this report are based on.

Option A

The three municipal council motions that have been presented request consideration of the following:

- Water and wastewater payments be deferred to June 30th
 - Niagara Region's by-law 2019-94 and 2019-95 for the water and wastewater rates provide that the amount due is billed on the 15th of the month and due at the end of the month.
 - The total amount in aggregate that is collected is approximately \$9.5 million per month.
 - Both by-laws include a provision for interest to be charged on amounts in default until the date of payment.
- 2020 Water and Wastewater rate increases be deferred to June 30th
 - The Niagara Region has approved a budget with an additional \$0.5 million a month. This amount has already been billed for January and February. The February amount that was due in March was paid in full by all municipalities except one.
 - Billing of the 2019 rate for March to June would result in a revenue shortfall of \$2 million. Deferring the increase for the remainder of the year would result in a total revenue shortfall of \$5 million.

- The above shortfall of \$2 million relates \$0.5 million to Water and \$1.5 million to Wastewater, increasing to \$1.2 million and \$3.8 million for Water and Wastewater, respectively, if extended to December.
- Stabilization reserve balances are \$3.0 million for water and \$1.4 million for wastewater. Wastewater balances are insufficient to support the revenue loss, therefore alternative options would need to be considered, including budget amendment or use of capital reserves.
- The May 13th tax levy installment be deferred to June 30th
 - Niagara Region's By-law 2020-04 approves a scheduled payment in aggregate of \$100 million from the LAMs due May 13th.
 - The by-law did not include a provision of interest charges on late payments.

Other Assumptions

- Niagara Region detailed cash flow analysis and expenditure review assumes the following:
 - Operating costs for essential services, including Water, Wastewater, Seniors Services, etc. continue to be incorporated.
 - Incremental costs related to COVID-19 are being tracked and these have been offset by non-essential services and savings that have been identified in report CSD 30-2019.
 - Capital projects with budgets greater than \$1 million have been evaluated to assess if they are essential and if staff and/or industry capacity exists, and cash flow projections for the balance of the year have been updated accordingly.
 - The LAM requests noted above have been incorporated into cash flow projections.

Conclusions

- Niagara Region would not have adequate cash flows to support operations for the month of June. Recovery will occur on June 30th with the full remittance and remain positive for the balance of the year.
- St. Catharines requested deferral of tax payment for 90 days (May 13th to August 11th); if deferred \$27 million would remain uncollected until August.
- The reduced Water and Wastewater billing has been incorporated into this scenario, however it does not solve the budget shortfall which would require a budget amendment to the 2020 budget.

Option B

As a result of the cash shortfall of the above scenario, staff have considered alternatives which hopefully alleviate some of the strain on the Local Area Municipalities without the significant negative impact on the Region that may have an impact on continuity of essential services.

Tax Levy Assumptions

- Concessions by LAMs will result in continued, but reduced, collections. Therefore for modelling purposes, staff have conservatively assumed arrears of up to 50%, which would result in \$50 million in cash flow relief to the local area municipalities. The balance of the \$50 million would be remitted to the Region by June 30th being the date to which municipalities have deferred interest and penalties
- The final levy instalments of \$115 million each are scheduled for August 5th and October 14th, as included in by-law 2020-19. For modelling purposes staff have conservatively assumed arrears of up to 50%. Based on discussion with LAM Treasurers there may be continued difficulty in collection and/or ability to issue tax bills to residents. A deferral of each of these payments for 30 days has been included in the cash flow.

Water and Wastewater Assumptions

- Concessions by LAMs will result in continued, but reduced, collections. Therefore for modelling purposes, staff have conservatively assumed arrears of 25%, which would result in \$2.6 million in cash flow relief a month to the local area municipalities. The balance of the amount owing would be remitted to the Region no later than December 31st, 2020.

Other Assumptions

- All other assumptions for operating and capital expenditures are the same as in Option A.

Conclusions

- Niagara Region would have adequate cash flows to support operations for the month of June.
- The Region would not be required to pursue further cost cutting or cash mitigation measures related to essential services or the deferral of essential capital projects/

- Regional cash flow will be depleted again in August and October if tax instalments in their entirety are deferred 30 days, therefore, remittance based on LAM collection would still be required (minimum of 25% of instalment due would be required to sustain operations)
- No budget amendment would be required for Water or Wastewater.

The following details to support the above option are incorporated in the recommendations for greater clarity.

- LAMs will remit to the Niagara Region Taxes and Water/Wastewater amounts based on actual collection experience, (not the 50% and 25% modelled). However, if their collection is less than the 50% modelled the Region will experience further cash flow shortfalls.
- Staff recommend that the final instalments bylaw include an interest waiver of 30 days, however it is expected that LAMs able to bill residents will remit funds to the Region on the due dates based on their collection experience.
- Interest charges would be deferred for one month for tax payments and until the end of the year for water and wastewater payments; regional by-laws will be amended accordingly.
- The Region is routinely billed by the Local Area Municipalities for tax write-offs, water and wastewater for Regional facilities, cost shared capital projects, etc. In order to ensure that the Region cash flow is not further negatively impacted, we will offset these against the amounts receivable from the LAMs.

Regional staff cannot undertake a full analysis of LAMs individual cash flow impacts as we do not understand the impact of items such as facilities closures, lost event revenues, incremental costs due to COVID-19, etc. The concessions recommended in this report along with education payment deferral offered by the Ontario Government is expected to provide some level of cash flow relief to the Local Area Municipalities to align with their anticipated delay in tax collection from property owners.

Since the onset of the Provincial emergency declaration, Regional staff have been meeting weekly with the Ontario Regional and Single Tier Treasurers. Discussions have included:

- Opportunities for lower tier municipalities to provide relief to property owners. Many Ontario municipalities are offering the community options to defer payment of taxes and water/wastewater payments that are very similar to those of Niagara municipalities.

- Upper Tier Regional governments are being asked to consider impact the above concessions have on the ability to comply with established deadlines for remittances to the upper tier. Responses to the request have varied based on the upper tier cash flow analysis. Generally the constraints on the upper tier have been significant as well and most are asking for remittance from the lower tier based on the actual collections from the property owners in order to ensure no undue hardship to either party. This is similar to the Niagara recommendations.
- Impact of capital expenditure on cash flow. Many feel strongly that continued capital investment is necessary to keep the economy going however others are dealing with the reality of inadequate cash flow which requires significant reprioritization of capital works in particular in line with the Province's guidelines regarding essential vs non-essential services. This has been Niagara's position in the cash flow projection.
- Impact of lack of construction is having on development charges collected and ability to delivery anticipated growth related capital program. This will have impacts on future capital plans.
- Provincial lobbying for incremental funding for the unbudgeted cost of the pandemic. This includes assistance from Municipal Finance Officers Association (MFOA) to consolidate some asks as well as incorporating recommendations to share our financial implications reports with other levels of government, MP and MPPs. The types of impacts Niagara is experiencing with respect to costs and revenue losses are very consistent with those of other municipalities except the order of magnitude varies
- Lobbying of the Province with respect to latitude on other legislation not the least of which is the necessity to fund a deficit in next budget year. Many of Ontario municipalities are project very significant deficits and many do not have stabilization reserves to assist in funding the deficit. Use of other reserves such as capital reserves will only further the difficulty in recovery from the pandemic and adding to the next year's budget may impact community and businesses that are still in recovery from economic losses of the emergency. One consideration to be put to the Province is the ability to fund the deficit over a number of years in the future.
- Other items being discussed include workforce planning, work for home policies, short term borrowing etc.

Alternatives Reviewed

Staff **DO NOT RECOMMEND** option A for the conclusions noted above. Therefore option B is **RECOMMENDED**.

Relationship to Council Strategic Priorities

The recommendations in this report support Council's Strategic Priorities of Business and Economic Growth through the shared efforts with local area municipalities to retain vulnerable businesses in the Niagara Region, and Sustainable and Engaging Government through coordination with Local Area Municipalities with the goal of shared financial sustainability during this state of emergency.

Other Pertinent Reports

CSD 30-2020	COVID-19 Preliminary Overview of Financial Impacts
CSD 23-2020	2020 Property Tax Rates and Ratios

Prepared by:

Helen Chamberlain, CPA, CA
Director Financial Management and
Planning, Deputy Treasurer
Corporate Services

Recommended by:

Todd Harrison, CPA, CMA
Commissioner Corporate Services,
Treasurer
Corporate Services

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Tyler Potts, Senior Budget Analyst, and reviewed by Margaret Murphy, Associate Director Budget Planning and Strategy.

Appendices

- Appendix 1 Motions from Local Area Municipalities
- Appendix 2 Property Tax Payment Due Dates

March 30, 2020

Ann-Marie Norio
Office of the Regional Clerk, Niagara Region
1815 Sir Isaac Brock Way, P.O. Box 1042
Thorold, ON L2V 4T7

Sent via email: Ann-Marie.Norio@niagararegion.ca

**Re: COVID-19 Pandemic - Municipal Tax and Service Charge Deferral
Our File 10.57.19**

Dear Ms. Norio,

At its special meeting held on March 27, 2020, St. Catharines City Council approved the following motion:

The recommendations in this report are intended for use in the emergency situation known as the COVID-19 pandemic. Staff are confident that these measures will contribute and support the wellbeing of the residents and businesses of St Catharines. These recommendations can be revisited at upcoming Council Meetings as desired:

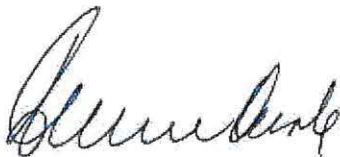
- Defer the April 30th Interim Tax Instalment to June 30th
- Waive Tax Penalty and Interest Charges until June 30th
- Waive Water and Wastewater Penalty and Interest Charges until June 30th
- Waive Accounts Receivable Penalty and Interest Charges until June 30th
- Continue to process Pre-Authorized Payments (PAP) for taxes and water unless suspended in writing by the payor
- Waive charges for any cheques or pre-authorized payments (PAP) returned for non-sufficient funds (NSF) or payments stopped by the payor
- Amend the 2020 Final Tax Levy instalment dates of June 30 and September 30 to July 31 and October 30, 2020, respectively
- Defer the 2020 Water and Wastewater rate increase from April 1st to July 1st
- Parking enforcement is limited to safety-related issues, including but not limited to, fire-routes, accessible parking, no-parking areas and fire hydrants, until June 30th, 2020
- Waive payment for on-street parking or in a municipal parking lot or garages
- Water services shall not be disconnected by the City of St Catharines for nonpayment of water and wastewater billings until June 30th, 2020
- Waive late fees for 2020 Dog Licences
- Waive late fees for 2020 General Business Licences

- That the Region of Niagara be requested to defer their payments requirement by 90 days to align with the change in instalment dates.
- That the Region of Niagara be requested to defer their water and wastewater monthly payments until June 30th
- That the Province of Ontario be requested to defer the June and September school board payment requirements by 90 days; and

That Council approve the above recommendations and that all actions taken by staff to implement these recommendations prior to March 27, 2020 be hereby ratified; and

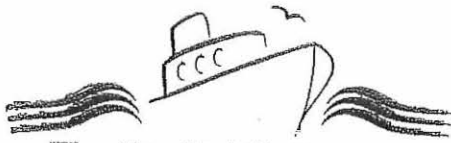
That the City Solicitor be directed to prepare or amend the necessary by-law(s).
FORTHWITH

If you have any questions, please contact the Office of the City Clerk at extension 1524.



Bonnie Nistico-Dunk, City Clerk
Legal and Clerks Services, Office of the City Clerk
:kn

cc. Kristine Douglas, Director of Financial Management Services and City Treasurer



Where Ships Climb The Mountain...

April 1, 2020

Office of the Regional Clerk
Niagara Region
1815 Sir Isaac Brock Way, P.O. Box 1042
Thorold, ON L2V 4T7

Ann-Marie.Norio@niagararegion.ca

Attention: Ann-Marie Norio, Regional Clerk

Dear Ms. Norio:

Re: Water and Sewer Invoices

Please be advised Thorold City Council, at its March 31, 2020 meeting, adopted the following motions:

1. That the Water Sewer Budget 2020 and related pricing increase normally scheduled for the April billing be deferred to the June billing, which would be due at the end of July.
2. That the Water Sewer Budget report be brought forward for Council consideration and implementation in late-May, to be effective for the June billing with a July 31st due date.
3. That should it be required due to COVID-19 pandemic ramifications to revisit the deferral date, that a further report be prepared for Council
4. That the Region be requested to defer collection of the water and sewer monthly invoices until June 30, 2020.
5. That the Region be requested to defer their 2020 price increase, and bill at the 2019 rates for the period up to June 30, 2020.

Yours truly,

Donna Delvecchio,
City Clerk

ec: M. Dilwaria, Chief Administrative Officer
Council Agenda – April 21, 2020

City of Thorold

P.O. Box 1044, 3540 Schmon Parkway, Thorold, Ontario L2V 4A7

www.thorold.ca

Tel: 905-227-6613



City of Welland
Legislative Services
Office of the City Clerk
60 East Main Street, Welland, ON L3B 3X4
Phone: 905-735-1700 Ext. 2280 | Fax: 905-732-1919
Email: clerk@welland.ca | www.welland.ca

April 8, 2020

File No. 20-37

SENT VIA EMAIL

Niagara Region
1815 Sir Isaac Brock Way
P.O. Box 1042
Thorold, ON L2V 4T7

Attention: Ann-Marie Norio, Regional Clerk

Dear Ms. Ann-Marie Norio:

Re: April 1, 2020 – WELLAND CITY COUNCIL

At its meeting of April 1, 2020, Welland City Council passed the following motion:

“THAT THE COUNCIL OF THE CITY OF WELLAND approves that the Water Sewer Budget 2020 and related pricing increase normally scheduled for the April, May and June billing be deferred to the billing cycle starting July 1, 2020; and further THAT Welland City Council directs staff that should it be required due to COVID-19 pandemic ramifications to revisit the deferral date that a further report be prepared for Council; and further THAT Niagara Region be requested to defer collection of the Water and Sewer monthly invoices until June 30; and further THAT Niagara Region be requested to defer their 2020 price increase, and bill at the 2019 rates, for the period up to June 30.”

Yours truly,

Tara Stephens
City Clerk

TS:cap

c.c.: S. Zorbas, General Manager, Corporate Services, Chief Financial Officer/Treasurer, sent via email

Bridging the past, present and future

Appendix 2 Property Tax Payment Due Dates

Municipality	First Instalment	Second Instalment	Third Instalment	Fourth Instalment
Fort Erie	February 28	April 30	June 30	September 30
Grimsby	March 6	May 1	August 7	October 2
Lincoln	February 28	April 30	July 31	September 30
Niagara Falls	February 28	April 30	June 30	September 30
Niagara-On-The-Lake	February 28	May 20	July 31	September 25
Pelham	February 28	April 30	June 30	September 30
Port Colborne	February 28	April 30	July 2	October 1
St. Catharines	February 28	April 30	June 30	September 30
Thorold	February 28	April 30	June 30	August 31
Wainfleet	February 28	April 30	July 31	September 30
Welland	March 2	May 1	July 1	September 1
West Lincoln	February 28	April 30	July 31	September 30
Niagara Region	March 11	May 13	August 5	October 14

April 24, 2020

Council Session CL 6-2020, April 23, 2020

DISTRIBUTION LIST

SENT ELECTRONICALLY

**RE: Report PDS 19-2020 2019 End of Year Growth Report
Minute Item 9.2 CL 6-2020, April 23, 2020**

Regional Council, at its meeting held on April 23, 2020, passed the following resolution:

That Report PDS 19-2020, dated April 23, 2020, respecting 2019 End of Year Growth Report, **BE RECEIVED** and **BE CIRCULATED** to the Local Area Municipalities, the Niagara Conservation Authority, Niagara Home Builders Association, Niagara Industrial Association, and the local Chambers of Commerce and School Boards.

A copy of Report PDS 19-2020 is attached for your information.

Yours truly,



Ann-Marie Norio
Regional Clerk

CLK-C 2020-144

Distribution List:

Local Area Municipalities

Niagara Peninsula Conservation Authority

Niagara Home Builders Association

Niagara Industrial Association

M. Balsom, President/CEO, Greater Niagara Chamber of Commerce

D. Fabiano, Executive Director, Niagara Falls Chamber of Commerce, Port Colborne/Wainfleet Chamber of Commerce, Welland/Pelham Chamber of Commerce

J. Thomson, Niagara-on-the-Lake Chamber of Commerce

Greater Fort Erie Chamber of Commerce

R. Shelley, Executive Director, Grimsby Chamber of Commerce

D. Potter, Executive Director, West Lincoln Chamber of Commerce

J. D'Amico, Chair, Niagara Board of Trade and Commerce
S. Mabee, Niagara District School Board
M. Ladouceur, Conseil scolaire Viamonde
S. Whitwell, Niagara Catholic District School Board
A. Aazouz, Conseil Scolaire de District Catholique Centre-Sud
G. Bowie, Planner, Planning & Development Services
R. Mostacci, Commissioner, Planning and Development Services
N. Oakes, Executive Assistant to the Commissioner, Planning and Development Services

Subject: 2019 End Of Year Growth Report

Report to: Regional Council

Report date: Thursday, April 23, 2020

Recommendations

1. That Report PDS 19-2020 **BE RECEIVED** for information; and
2. That a copy of Report PDS 19-2020 **BE CIRCULATED** to the Local Area Municipalities, Niagara Peninsula Conservation Authority, Niagara Home Builders Association, Niagara Industrial Association, local Chambers of Commerce and School Boards.

Key Facts

- The purpose of this report is to inform Planning and Economic Development Services Committee and Council about growth trends over the past 5 years.
- Niagara Region's population has increased by over 25,000 people since 2015, reaching an estimated total of 479,183 as of July 1, 2019.
- Housing Starts, Completions and Building Permits have all increased since 2015 and show a growing diversification of housing types being built.
- The average sale price of a home in Niagara Region increased 56% from 2015 to 2019, reaching \$444,500 in 2019.
- Over \$5 Billion in building permits were issued since 2015, with 2019 alone reaching nearly \$1.5 Billion.

Financial Considerations

There are no direct financial implications associated with this report. Metrics in this report inform Niagara's financial strategies. Increased residential, commercial and industrial development in Niagara, combined with increasing property assessments, has a direct impact on revenues collected by the Region.

Analysis

The Planning and Development Services department has been producing the annual growth report since 2017. Previous iterations of this report have focused on year-to-year trends throughout the Region. This report focuses on the past 5 years collectively to provide a more comprehensive analysis on growth metrics. This is possible since the Region has been collecting more detailed data over the past 5 years.

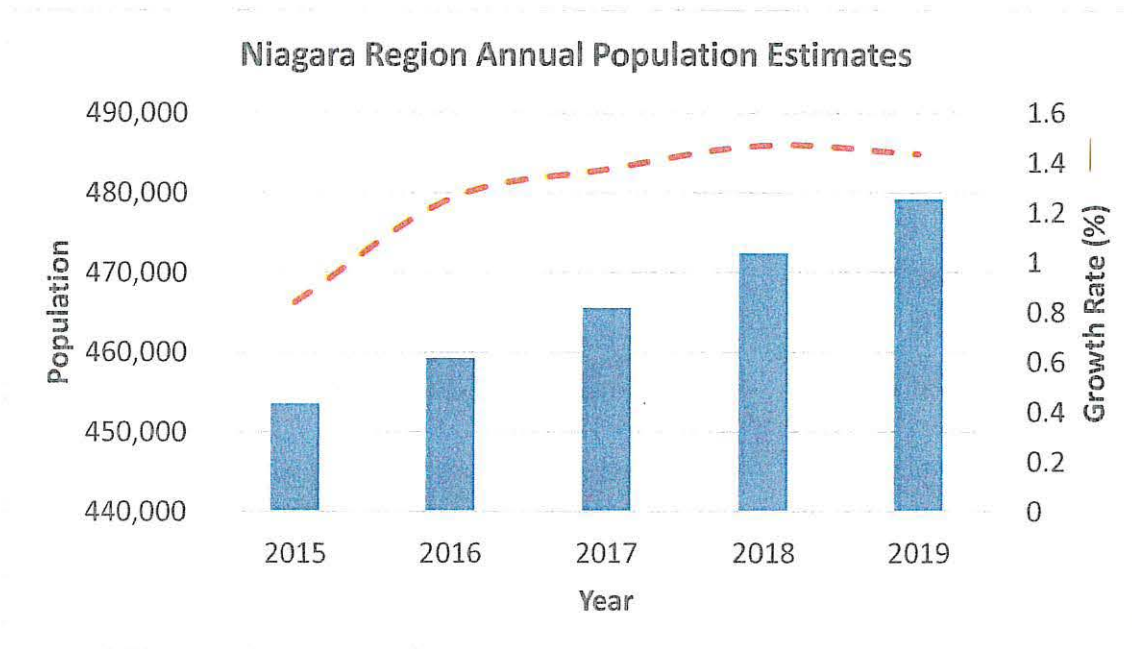
The Region has experienced significant growth across all areas set out in this report. This information is being presented as a means to update Regional Council on how growth has evolved over the last half decade and feeds directly into numerous Council Strategic Priorities.

Population

Pace of Population Growth

Both population and the pace of growth have increased significantly for Niagara since 2016. On average, the Region's population has increased by nearly 6,500 people per year since 2016, nearly double the pace of growth experienced previously between 2011 and 2016. Figure 1 provides a summary of population growth per year since 2015.

Figure 1: Niagara Region Annual Population Estimates



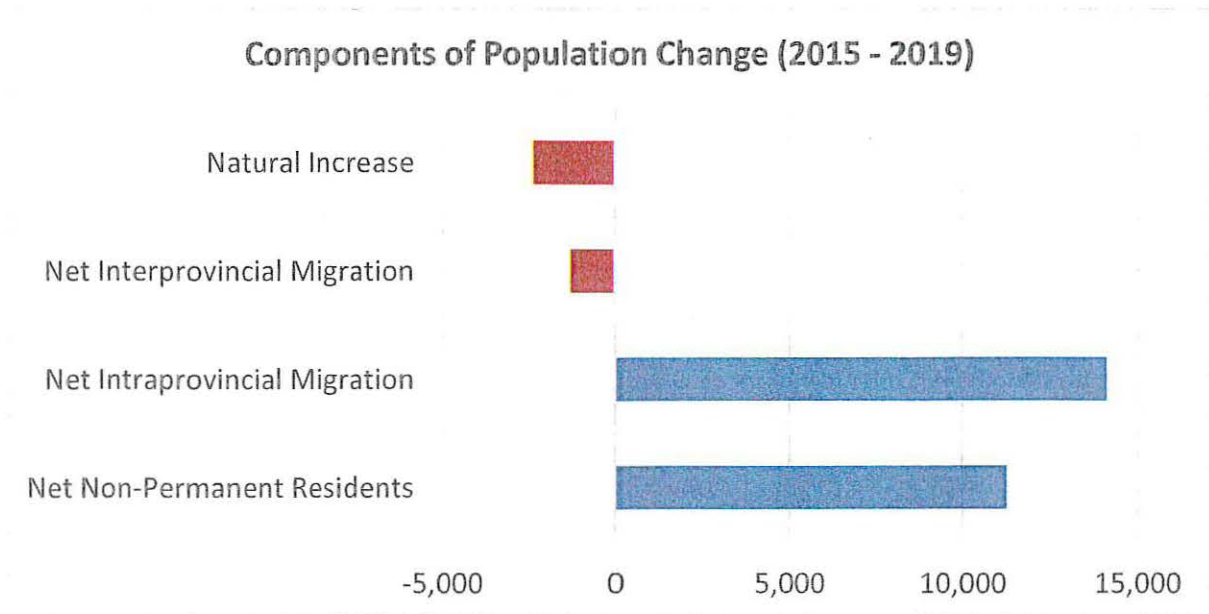
Source: Statistics Canada, Table 17-10-0140-01

While the pace of population growth may seem substantial, it is only within the last 5 years that the Niagara Region has started to match the pace contemplated in the Provincial population forecasts provided in *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019*. This is a noteworthy development as the Region must plan to achieve the forecasts set out in the *Growth Plan* and base infrastructure and development charges on the same forecasts.

Components of Population Growth

Niagara's population growth continues to be driven entirely by international and intraprovincial migration (highlighted in figure 2).

Figure 2: Components of Population Change (2015 - 2019)



Source: Statistics Canada, Table 17-10-0140-01

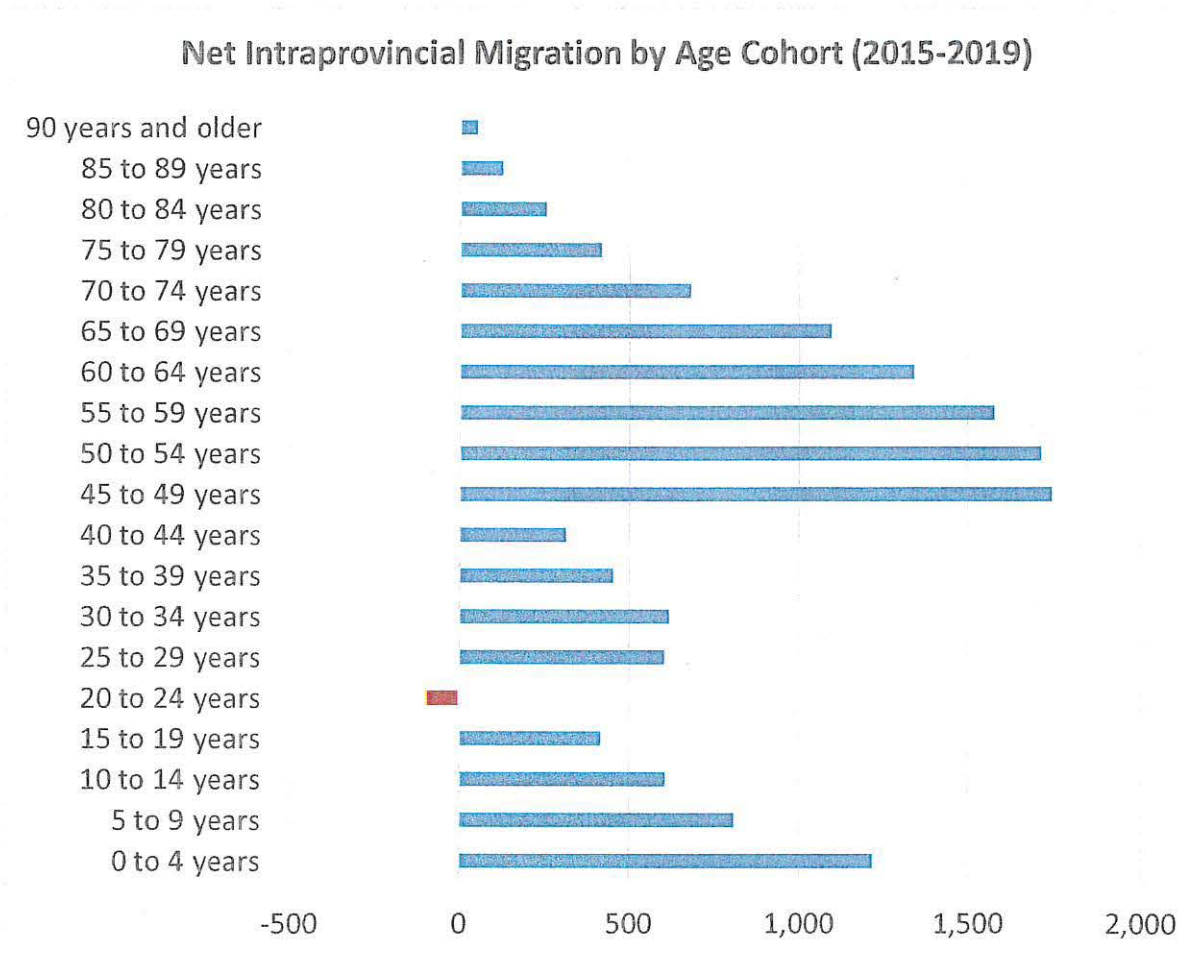
Ontario, in general, has seen a significant increase in international students over the past decade and municipalities with post-secondary institutions have received the greatest share of this growth. Since Niagara Region is home to Brock University and Niagara College, the Region has been able to capitalize on this influx.

From an intraprovincial perspective, there has been an outflow of population from Toronto and Peel Region to more affordable regions in Ontario.¹

Of the population growth Niagara received through intraprovincial migration, the vast majority have been above 44 years of age. As highlighted in PDS 21-2019, the influx of a population that is generally older than the Region's current median age of 45.6 will contribute to an already aging population. Figure 3 provides a breakdown of intraprovincial migration into Niagara Region by age cohort.

¹ Toronto CMA Losing Existing Population of All Ages to More Affordable Regions in Ontario (link): <https://www.rverson.ca/cur/Blog/blogentry46/>

Figure 3: Net Intraprovincial Migration by Age Cohort (2015 - 2019)



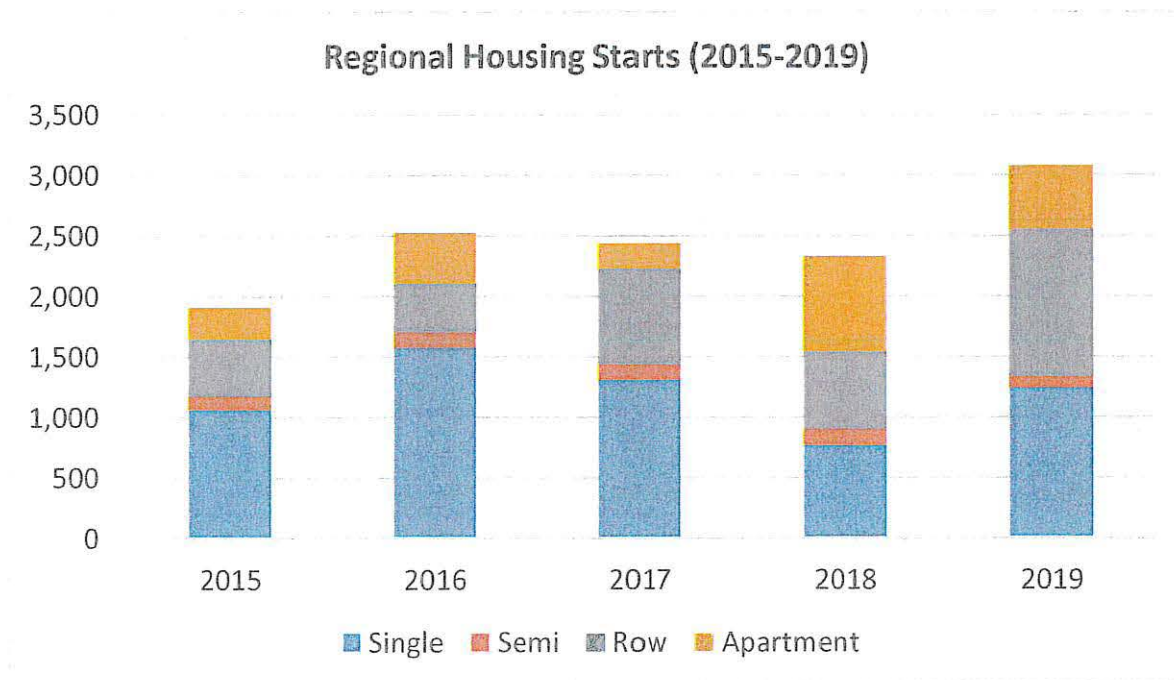
Source: Statistics Canada, Table 17-10-0140-01

Housing Developments

Housing Starts have steadily risen over the last 5 years. In 2015, there were 1,911 starts; in 2019, there were 3,077 starts (a 61% increase). Within starts, we can also see a shifting dynamic in housing choice as single-detached housing has made up less than 50% of starts over the past 2 years.

A critical factor of meeting population forecasts in the *Growth Plan* and, importantly, achieving affordable housing targets, is Niagara’s ability to offer a wider range of housing options for residents. Figure 4 provides an overview of housing starts per year by housing type.

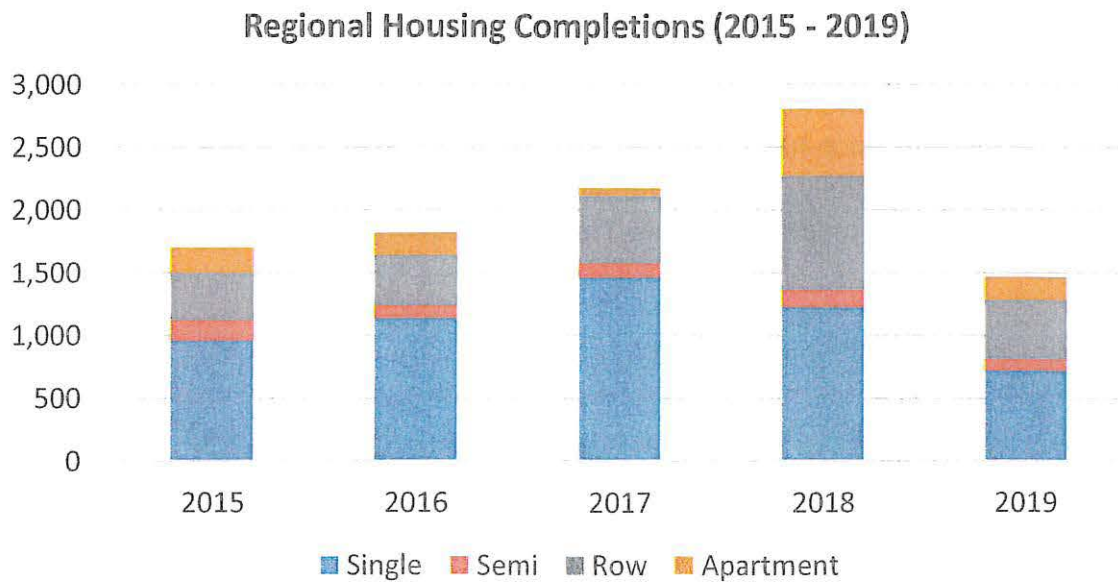
Figure 4: Regional Housing Starts (2015 - 2019)



Source: CMHC, Housing Market Information Portal

Housing completions steadily increased from 2015 to 2018 before dropping over 50% in 2019. The decline in housing completions is linked to the changing mix of housing starts as apartment developments take considerable more time to complete than single-detached and row/townhouse developments. It is anticipated that housing completions rebound in 2020 as starts that are currently under construction are complete. Figure 5 provides an overview of housing completions between 2015 and 2019.

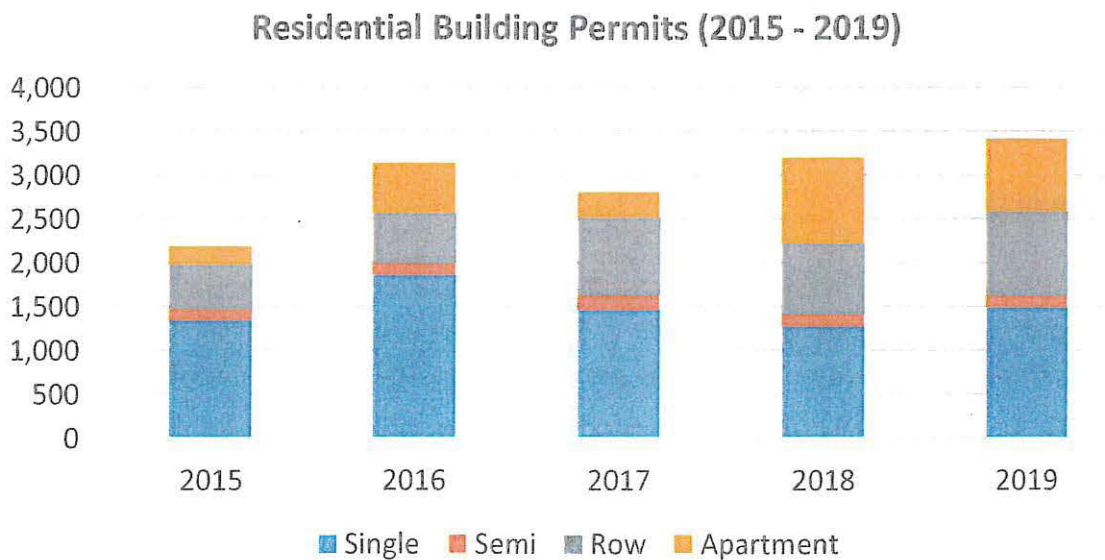
Figure 5: Regional Housing Completions (2015 - 2019)



Source: CMHC, Housing Market Information Portal

New housing units, issued by building permit, also grew consistently over the previous half decade, reaching 3,415 units in 2019. Figure 6 provides an overview of building permits (housing units) since 2015.

Figure 6: Residential Building Permits (2015 - 2019)

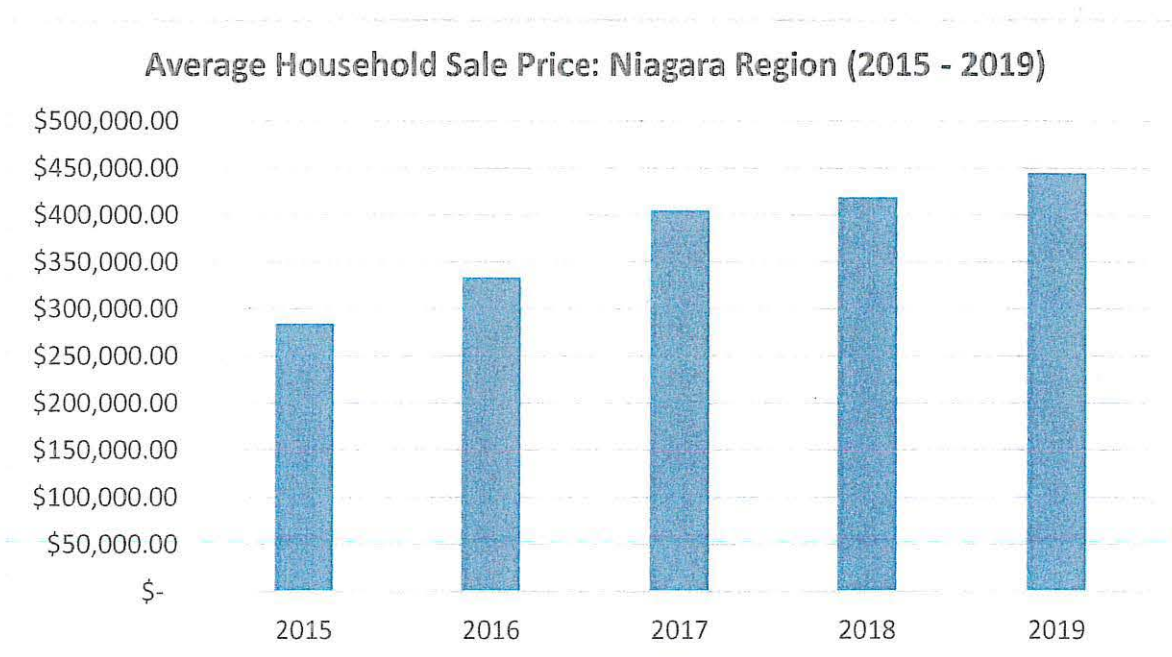


Source: Niagara Region Planning and Development Services

Housing Market

The housing market in Niagara has been on the rise since 2015 with significant increases to average sale price in 2016 and 2017. Between 2015 and 2017, the average sale price of a home in Niagara increased nearly 40%, from \$284,000 to \$405,000. Average sale price has continued to increase in 2018 and 2019 but at a lower rate of 4% and 6% respectfully. Overall, the average sale price for a home in Niagara increased 56% from 2015 to 2019.² Figure 7 provides a breakdown of average sale price by year.

Figure 7: Average Household Sale Price (2015 – 2019)



Source: Niagara Association of Realtors and Realtors Association of Hamilton-Burlington

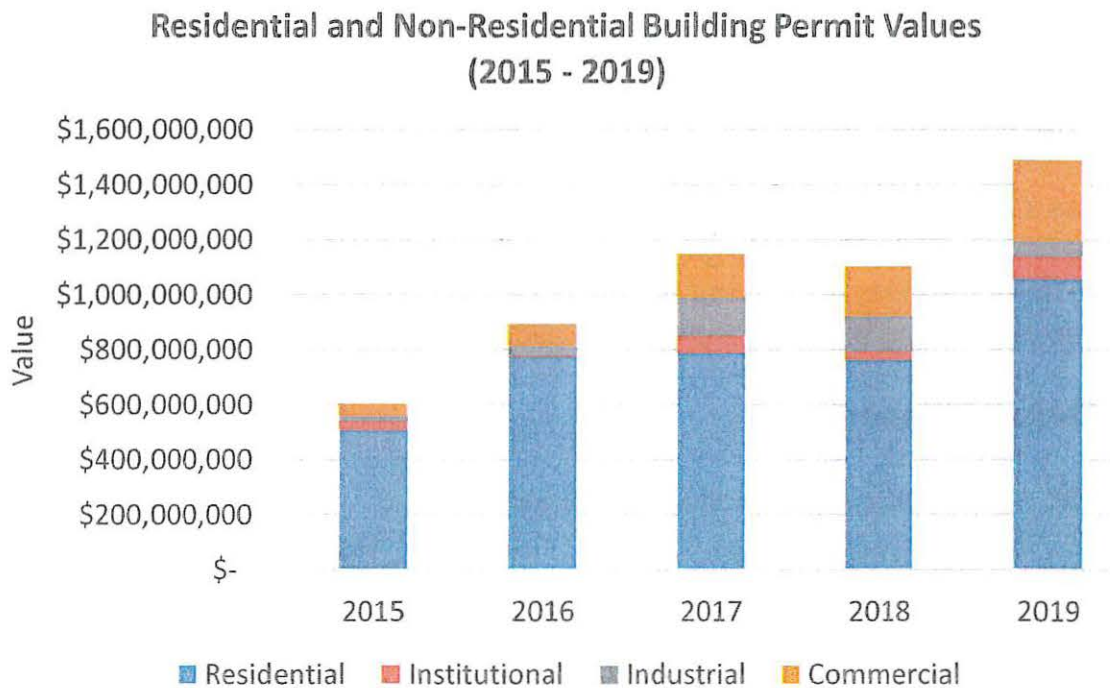
Building Permit Values

Building permit values, just like population and housing development, increased over the past 5 years, growing from \$600 million in 2015 and reaching nearly \$1.5 billion in 2019. The increased diversity of permits is particularly notable; non-residential permits

² Average sale price for 2019 is based on the data from January 2019 to June 2019. In July 2019, the Niagara Association of Realtors changed how sale price is reported on their website, opting for an HPI Benchmark value rather than the previous reporting of average sale price.

grew from 15% in 2015 and 2016 to 30% in 2017, 2018 and 2019. The increased ratio of non-residential building permit values is more inline with the Region’s Development Charges Background Study. Figure 8 provides an overview of building permit values from 2015 to 2019.

Figure 8: Residential and Non-Residential Building Permit Values (2015 - 2019)



Source: Statistics Canada Building Permit Values and Niagara Region Planning and Development Services

Alternatives Reviewed

The scope and detail of annual growth reports will be revisited following the adoption of the forthcoming new Regional Official Plan. Future iterations of the report will provide additional metrics and commentary on the implementation of the Regional Official Plan and achievement of policy objectives and targets.

Relationship to Council Strategic Priorities

- Supporting Businesses and Economic Growth

- This report discusses trends in population, housing and building permit values over the past 5 years. This information is important for Regional Council to have as they make decisions that impact the Regional economy.
- **Healthy and Vibrant Community**
 - This report highlights trends in housing sale prices that relate directly to housing affordability in Niagara.
- **Responsible Growth and Infrastructure Planning**
 - The population increase over the past 5 years will be a critical component in advancing Regional Transit and GO Rail Service. A greater population, as well as increased densities around proposed GO Station areas, will support development and provide greater use of the service.
 - Tracking and reporting upon residential and economic growth provides direction on maintaining existing infrastructure and assists in asset management.

Other Pertinent Reports

- PDS 9-2017: Niagara Region Annual Growth Report
- PDS 25-2018: Niagara Region End of Year Growth Report 2017
- PDS 21-2019: Niagara Region End of Year Growth Report 2018

Prepared by:

Greg Bowie
Planner
Planning and Development Services

Recommended by:

Rino Mostacci, MCIP, RPP
Commissioner
Planning and Development Services

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was reviewed by Isaiah Banach, Manager of Long Range Planning.

April 24, 2020

Council Session CL 6-2020, April 23, 2020

**MINISTRY OF THE ENVIRONMENT, CONSERVATION AND PARKS
LOCAL AREA MUNICIPALITIES**

SENT ELECTRONICALLY

**RE: Report PDS 13-2020 2019 Reserve Water and Wastewater Treatment
Capacities
Minute Item 9.2 CL 6-2020, April 23, 2020**

Regional Council, at its meeting held on April 23, 2020, passed the following resolution:

That Report PDS 13-2020, dated April 23, 2020, respecting 2019 Reserve Water and Wastewater Treatment Capacities, **BE RECEIVED** and **BE CIRCULATED** to the Ministry of the Environment, Conservation and Parks, and the Niagara Area Municipalities.

A copy of Report PDS 13-2020 is attached for your information.

Yours truly,



Ann-Marie Norio
Regional Clerk

CLK-C 2020-143

cc: I. Stetic, Project Manager
R. Mostacci, Commissioner, Planning & Development Services
N. Oakes, Executive Assistant to the Commissioner, Planning & Development Services

Subject: 2019 Reserve Water and Wastewater Treatment Capacities

Report to: Regional Council

Report date: Thursday, April 23, 2020

Recommendations

1. That this report **BE RECEIVED** for information; and
2. That a copy of this report **BE CIRCULATED** to the Ministry of the Environment, Conservation and Parks and Niagara Area Municipalities.

Key Facts

- The purpose of this report is to inform Council of the reserve treatment capacities at Niagara's Water and Wastewater Treatment facilities. This reporting is required by the Ministry of Environment, Conservation and Parks (MECP).
- The data contained in this report assists in commenting on new development proposals and related servicing as well as planning for future treatment capacity.
- All of Niagara Water Treatment Plants (WTPs) and Wastewater Treatment Plants (WWTPs) are positioned to accept growth beyond the minimum 10 year horizon.

Financial Considerations

This report provides Council with historical and projected treatment capacity and flow data. There are no direct financial implications in receiving this report.

The reserve treatment capacities at the water and wastewater (W&WW) facilities are considered in commenting on new development proposals and related servicing and, as a result, could result in a financial impact related to specific future applications.

Analysis

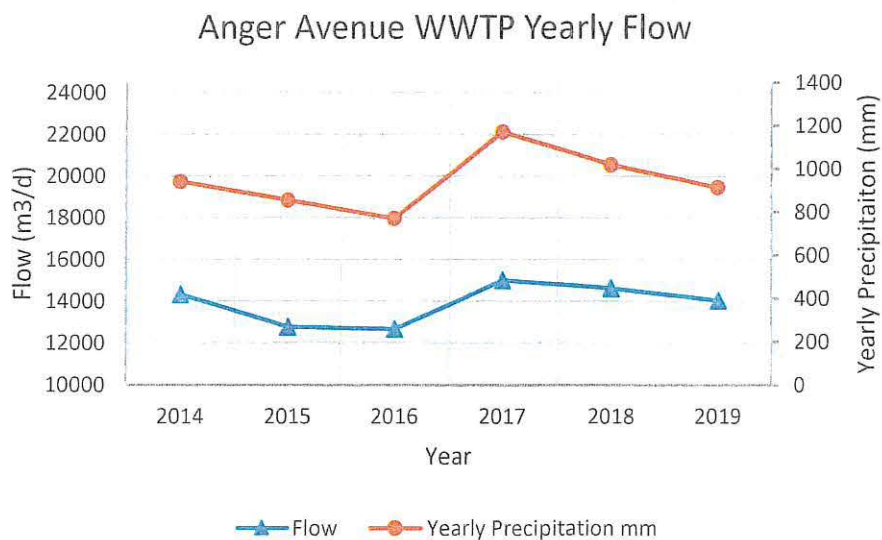
The Infrastructure Planning and Development Engineering section of Planning and Development Services Department annually reports on an assessment of the average daily W&WW flows based on the previous five years, as recorded at our various facilities compared to MECP rated capacities for the facilities. Included in the analysis are the 10-year growth projections in accordance with Niagara 2041 (*How we Grow, Flow and Go*).

A key objective of this report is to highlight potential capacity constraints and allow sufficient lead time to plan for future capacity increases through the W&WW capital programs so that development may continue unencumbered. This is a 'desktop' exercise, which compares five-year (annual) average flows to the respective MECP Environmental Compliance Approval(s), formerly known as Certificate of Approval(s) for each facility, then incorporates 10-year growth forecasts into the calculation. Ongoing phasing and staging strategy works with our local municipal partners will further refine this assessment for understanding development capacity.

This assessment does not reflect specific compliance, quality, sustainability, risk, or operational deficiencies at the treatment plants or trunk conveyance/transmission systems, which may affect the Region's ability to approve new development or permit servicing extensions.

For municipal wastewater treatment, weather is the key factor that results in peak wet weather flows, which impacts the collection and trunk sewers in both local and regional systems through "Rainfall Derived Inflow and Infiltration" (RDI&I). Even though, it is expected to record higher flows due to population growth, the annual average daily flows to the WWTPs are higher due to the wet weather flows entering the systems. Just for an example, Figure 1 illustrates a direct correlation of wastewater plant flows and yearly precipitation at Anger Avenue WWTP.

Figure 1: Correlation of Wastewater Flows with Precipitation



Wet weather flows can have substantial impact on available WWTP capacities and a direct impact on the limitations of available servicing capacity for future growth.

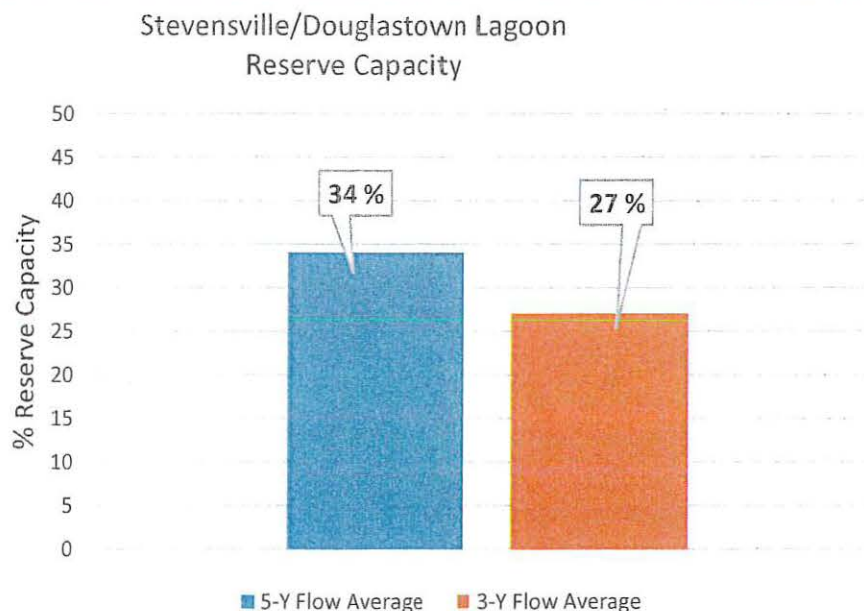
Appendix 1 and 2 provide the annual average daily flows and five year average from 2015 to 2019 for the water and wastewater treatment plants, respectively. Appendices 3 and 4 provide a summary of Niagara's six water treatment facilities and eleven wastewater treatment facilities presenting their respective reserve capacities.

It is worth noting that growth rates in recent years show a momentous increase compared to the previous trend in Niagara, which consequently may impact the way this 'desktop' exercise conducts the reserve capacity calculations.

Averaging daily flows over a five-year period versus a three-year period in calculations show a compelling difference in the resulting reserve capacities. This can create a skewed sense of a greater reserve capacity available for the future if the annual daily flows are averaged over longer period of time.

Figure 2 shows an example in a resulting reserve capacity difference for Stevensville/Douglastown Lagoon when flows are averaged over different time periods in calculations.

Figure 2: Reserve Capacity of Annual Flows Averaged over 5-Year and 3-Year



A potential change to incorporate the annual daily flows averaged over the last three-year period into the reserve capacities calculation instead of using the last five-year average presently will be discussed with the Municipal partners and the Ministry during 2020.

At present, all of Niagara's WTPs and WWTPs are positioned to accept growth beyond the minimum 10-year period (Appendix 3 and Appendix 4).

Wet Weather Management

In order to accommodate the anticipated growth from Niagara 2041, the 2016 W&WW Master Servicing Plan (MSP) investigated capacity upgrades (upgrades to trunk sewers, pumping station capacities, etc.), upstream management (storage, peak shaving, diversion), and peak flow management (flow reduction, Inflow & infiltration (I&I) reduction projects) for every wastewater system. Based on this review, there are wet weather projects listed with identified areas for targeted I&I removal to offset the requirement to upgrade and expand more expensive infrastructure all the way to the WWTPs. It is crucial to achieve the I&I reductions in order to offset the capacity needs from growth, to protect the environment, and mitigate potential basement flooding.

The Region and Area Municipalities are continuing to work collaboratively to facilitate ongoing development throughout the region and provide the requisite servicing and capacity allocation in a responsible way to service the communities. In addition, the Region has been aiding Area Municipalities by funding the CSO Control program under the Wet Weather Management Program to support various I&I related projects and programs on the municipal side. This program has been reducing the impacts of I&I and has been a benefit to both, the Region and the Area Municipalities.

The Wet Weather Management team is working with the Development Industry including Public Works Officials, Building Officials, Developers, Consultants and Contractors to raise awareness on the wet weather management issues and potential upcoming changes to address this.

Alternatives Reviewed

No alternatives were studied.

Relationship to Council Strategic Priorities

The report aligns with Council's Priority of Responsible Growth and Infrastructure Planning by highlighting the reserve capacity available to growth at all Regional Water and Wastewater Treatment Facilities.

The report also provides MECP and local municipal partners operational summary and reserve capacity projections for Region's Water and Wastewater Treatment facilities.

Other Pertinent Reports

- PDS 29-2019, August 7, 2019, 2018 Reserve Water and Wastewater Treatment Capacities
- PW 22-2017, May 30, 2017, 2016 Water and Wastewater Master Servicing Plan Update

Prepared by:

Ilija Stetic, B.Sc., PMP
Project Manager
Planning and Economic Development

Recommended by:

Rino Mostacci, MCIP, RPP
Commissioner
Planning and Economic Development

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Phill Lambert, Director Planning and Development Services, John Brunet, AD Water Operations and Staff Development and Jason Oatley, Manager WW Quality & Compliance.

Appendices

Appendix 1	Annual Average Daily Flow 2015 to 2019 WTP	Page 6
Appendix 2	Annual Average Daily Flow 2015 to 2019 WWTP	Page 7
Appendix 3	Water Reserve Capacity Calculations for 2019	Page 8
Appendix 4	Wastewater Reserve Capacity Calculations for 2019	Page 9

APPENDIX 1

**ANNUAL AVERAGE DAILY FLOW 2015 TO 2019
WATER TREATMENT PLANTS**

Water Treatment Facility Location	Rated Capacity (m ³ /d)	Average Daily Flow (m ³ /d)	Average Daily Flow (m ³ /d)	Average Daily Flow (m ³ /d)	Average Daily Flow (m ³ /d)	Average Daily Flow (m ³ /d)	5 Year Average Daily Flow (m ³ /d)
		2015	2016	2017	2018	2019	2015 to 2019
Decew Falls WTP	227,300	53,723	54,903	54,321	56,090	53,303	54,468
Grimsby WTP	44,000	16,652	15,699	14,020	14,866	14,029	15,053
Niagara Falls WTP	145,584	45,186	47,350	45,192	44,780	43,400	45,182
Port Colborne WTP	36,000	8,908	7,719	8,735	8,864	7,282	8,302
Rosehill WTP	50,026	13,182	13,148	12,388	12,862	11,188	12,554
Welland WTP	65,000	20,164	21,858	21,590	22,538	22,579	21,746

Note 1: Welland WTP rated capacity changed from 102,300 m³/d to 65,000 m³/d due to Operational constraints.

APPENDIX 2

**ANNUAL AVERAGE DAILY FLOW 2015 TO 2019
WASTEWATER TREATMENT PLANTS**

	Rated	Average	Average	Average	Average	Average	5 year
	Capacity	Daily Flow	Daily Flow	Daily Flow	Daily Flow	Daily Flow	Average
Wastewater Treatment Facility Location	(m ³ /d)	(m ³ /d)	(m ³ /d)	(m ³ /d)	(m ³ /d)	(m ³ /d)	Daily Flow
		2015	2016	2017	2018	2019	2015 to 2019
Anger Avenue WWTP	24,500	12,755	12,661	15,000	14,624	15,146	14,037
Baker Road WWTP	31,280	17,549	16,999	20,897	19,975	20,910	19,266
Crystal Beach WWTP	9,100	5,005	4,676	5,915	5,874	6,276	5,549
Niagara Falls WWTP	68,300	40,782	35,880	44,684	41,489	41,360	40,839
NOTL WWTP	8,000	3,911	4,021	4,561	4,687	5,237	4,483
Port Dalhousie WWTP	61,350	30,091	29,616	34,823	35,095	36,681	33,261
Port Weller WWTP	56,180	30,856	29,650	32,090	36,881	39,211	33,738
Queenston WWTP	500	234	278	234	198	213	231
Seaway WWTP	19,600	11,064	9,103	12,082	12,580	13,472	11,660
Stevensville/Douglastown Lagoon	2,289	1,192	1,314	1,635	1,670	1,729	1,508
Welland WWTP	54,550	32,164	29,728	35,407	34,643	37,137	33,816

APPENDIX 3

Regional Water Treatment Facilities Reserve Capacity Calculation for 2019

Treatment Facility	Permit To Take Water (1) (ML/D)	Rated Treatment Capacity (ML/D)	Peaking Factor (2)	Theoretical Average Day Capacity (ML/D)	90% of Average Day Capacity (3) (ML/D)	5-Year Average Day Flow (ML/D)	% of Total Capacity Used	Reserve Treatment Capacity (Based on 90%) (ML/D)	Design Flow Rate (275 l/c/d)	Reserve Serviceable Population (Equivalents)	10-Year Forecast For Population (Residential & Employment)	Surplus Population Over 10-Year Projection
DeCew Falls WTP	227.0	227.3	1.496	151.9	136.7	54.5	36%	82.2	275	298,909	30,398	268,511
Grimsby WTP	44.0	44.0	1.587	27.7	24.9	15.1	54%	9.9	275	36,000	14,771	21,229
Niagara Falls WTP	145.5	145.5	1.577	92.3	83.1	45.2	49%	37.9	275	137,818	23,782	114,036
Port Colborne WTP	45.5	36.0	1.640	22.0	19.8	8.3	38%	11.5	275	41,818	1,552	40,266
Rosehill WTP	78.0	50.0	1.482	33.7	30.3	12.6	37%	17.8	275	64,727	6,375	58,352
Welland WTP	110.0	65.0	1.486	43.7	39.3	21.7	50%	17.6	275	64,000	12,292	51,708

(1) Original MOE approved quantity of raw water permitted (Permit To Take Water).

(2) The peaking factors used are based on an average of actual flow rates of maximum day versus average day flows over the past three years at each facility.

(3) Region's W&WW MSP (GM BluePlan, 2017) requires planning process for expansion when plant capacity exceeds 80%, and expansion should be completed when capacity exceeds 90%.

APPENDIX 4

Regional Wastewater Treatment Facilities Reserve Capacity Calculation for 2019

Treatment Facility	MOE Plant Rated Capacity (m ³ /day)	90 % of Plant Capacity (1) (m ³ /day)	5-Year Average Daily Flow (m ³ /day)	% of Total Capacity Used	Reserve Treatment Capacity (Based on 90%) (m ³ /day)	Design Flow Rate (4) (365 L/c/d)	Reserve Serviceable Population (Equivalents)	10-Year Forecast For Population (Residential & Employment)	Surplus Population Over 10-Year Projection
Anger Avenue (Fort Erie) WWTP	24,500	22,050	14,037	57%	8,013	365	21,953	4,277	17,676
Baker Road (Grimsby) WWTP	31,280	28,152	19,266	62%	8,886	365	24,346	16,791	7,555
Crystal Beach (Fort Erie) WWTP	9,100	8,190	5,549	61%	2,641	365	7,236	1,443	5,793
Niagara Falls WWTP	68,300	61,470	40,839	60%	20,631	365	56,523	19,980	36,543
NOTL WWTP	8,000	7,200	4,483	56%	2,717	365	7,443	2,644	4,799
Port Dalhousie (St. Catharines) WWTP	61,350	55,215	33,261	54%	21,954	365	60,148	15,005	45,143
Port Weller (St. Catharines) WWTP	56,180	50,562	33,738	60%	16,824	365	46,094	10,052	36,042
Queenston (NOTL) WWTP (3)	500	450	231	46%	219	365	599	99	500
Seaway (Port Colborne) WWTP	19,600	17,640	11,660	59%	5,980	365	16,383	1,622	14,761
Stevensville/Douglastown Lagoon	2,289	2,060	1,508	66%	552	365	1,512	795	717
Welland WWTP	54,550	49,095	33,816	62%	15,279	365	41,860	12,912	28,948

(1) Region's W&WW MSP (GM BluePlan, 2017) requires planning process for expansion when plant capacity exceeds 80%, and expansion should be completed when capacity exceeds 90%.

(2) The Niagara Falls WWTP assessment includes the sewage flows from the St. David's area of Niagara-on-the-Lake.

(3) The Queenston WWTP in Niagara-on-the-Lake has a unique capacity commitment of 226 m³/d for the following properties: Niagara Parks Commission (75 m³/d), Niagara Falls Bridge Commission (63 m³/d), Shalamar Campground (38 m³/d) and Ontario Power Generation (50 m³/d). Due to these commitments and limited UAB, limited residential growth is expected within the next 10 year period within the tributary area.

(4) Design Flow Rate incorporated 90 L/c/d of extraneous flow allowance

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May 7, 2020

Council Session CL 6-2020, April 23, 2020

LOCAL AREA MUNICIPALITIES

SENT ELECTRONICALLY

**RE: Report CSD 23-2020 2020 Property Tax Policy, Ratios and Rates
Minute Item 9.1.3 CL 6-2020, April 23, 2020**

Regional Council, at its meeting held on April 23, 2020, passed the following resolution:

That Report CSD 23-2020, dated April 23, 2020, respecting 2020 Property Tax Policy, Ratios and Rates, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Regional Council **APPROVE** the following tax ratios and sub-class reductions for the 2020 taxation year:

Property Classification	Tax Ratio	Sub-Class Reduction
Residential	1.000000	
New Multi-Residential	1.000000	
Multi-Residential	1.970000	
Commercial	1.734900	
Commercial – Excess Land	1.734900	30%
Commercial – Vacant Land	1.734900	30%
Industrial	2.630000	
Industrial – Excess Land	2.630000	30%
Industrial – Vacant Land	2.630000	30%
Pipeline	1.702100	
Farmland	0.250000	
Managed Forest	0.250000	
Farmland Awaiting Development 1	1.000000	25%
Farmland Awaiting Development 2	Class Ratio	
Landfill Sites	2.940261	

2. That by having no properties subject to capping adjustments in 2019 in the commercial class, Regional Council **OPT OUT** of the capping program for the commercial tax class for the 2020 and subsequent taxation years;

3. That the necessary by-laws **BE PREPARED** and **PRESENTED** to Council for consideration and **CIRCULATED** to the Councils of the Area Municipalities for information.
4. That this report **BE APPROVED** and **CIRCULATED** to the Councils of the Area Municipalities for information.

A copy of Report CSD 23-2020 and the associated by-laws are attached for your information.

Yours truly,



Ann-Marie Norio
Regional Clerk
CLK-C 2020-141

cc: T. Harrison, Commissioner, Corporate Services
H. Chamberlain, Director, Financial Management and Planning/Deputy Treasurer
M. Murphy, Associate Director, Budget Planning & Strategy
R. Fleming, Senior Revenue and Tax Analyst
K. Beach, Executive Assistant to the Commissioner, Corporate Services

Subject: 2020 Property Tax Policy, Ratios and Rates

Report to: Regional Council

Report date: Thursday, April 23, 2020

Recommendations

1. That Regional Council **APPROVE** the following tax ratios and sub-class reductions for the 2020 taxation year:

Property Classification	Tax Ratio	Sub-Class Reduction
Residential	1.000000	
New Multi-Residential	1.000000	
Multi-Residential	1.970000	
Commercial	1.734900	
Commercial – Excess Land	1.734900	30%
Commercial – Vacant Land	1.734900	30%
Industrial	2.630000	
Industrial – Excess Land	2.630000	30%
Industrial – Vacant Land	2.630000	30%
Pipeline	1.702100	
Farmland	0.250000	
Managed Forest	0.250000	
Farmland Awaiting Development 1	1.000000	25%
Farmland Awaiting Development 2	Class Ratio	
Landfill Sites	2.940261	

2. That by having no properties subject to capping adjustments in 2019 in the commercial class, Regional Council **OPT OUT** of the capping program for the commercial tax class for the 2020 and subsequent taxation years;
3. That the necessary by-laws **BE PREPARED** and **PRESENTED** to Council for consideration and **CIRCULATED** to the Councils of the Area Municipalities for information.
4. That this report **BE APPROVED** and **CIRCULATED** to the Councils of the Area Municipalities for information.

Key Facts

- The purpose of this report is to set the tax policy for 2020 which includes tax ratios, rates and other policy considerations. Tax policy accounts for property assessment changes and affects the actual taxes paid by property owners or classes.
- The recommended tax policy for 2020 is status quo based on the tax policy decision adopted for the 2019 taxation year and is being recommended by Regional staff and Area Treasurers.
- In order for the Area Municipalities to complete final tax billings in June, Regional bylaws should be established no later than April.
- The Region approved a 2020 levy increase of 5.92%. Area Municipal increases are projected to range from 1.55% to 13.40%.
- Under the status quo tax policy the residential class in aggregate will see a tax increase of 5.74% for the Regional levy as a result of the reassessment shift reducing residential taxes by 0.20% (see Table 1).
- The reassessment impacts, proposed tax policy and approved Regional tax levy will result in an increase of approximately \$85 to the typical residential property with a CVA of \$277,044 in 2020 for an annual Regional property tax of \$1,601.
- This report recommends the complete exit of tax capping for 2020 and future years as there are no longer any capped properties.
- 2020 is the fourth and final year of the four year assessment phase-in period meaning that 2021 will be the first year of the new assessment cycle. The Municipal Property Assessment Corporation (MPAC) has provided preliminary assessments for the 2021 assessment cycle. Based on this information, the residential tax class is anticipated to experience assessment increases of approximately 50% which may create a substantial shift of taxes onto the residential class.

Financial Considerations

There are no direct costs to the Region as a result of setting 2020 tax policy. There are however, taxpayer impacts as a result of tax shifts between property classes due to reassessment phase-in, assessment growth and tax ratio decisions. Detailed analysis of assessment growth, reassessment and phase-in changes and tax ratios are included in the Tax Policy Study attached as Appendix 1.

As will be discussed under the Other Policy Consideration section of this report, Council approved the phase-out of the commercial/industrial vacant unit rebate program starting in 2019 through CSD 3-2019. As part of the same report, Council approved the phase-

out of the vacant/excess land subclass discount, which does not have an impact on tax policy until 2021.

Analysis

The Municipal Act provides the Region with the responsibility to establish tax policy to raise levy requirements. These tax policy decisions are reviewed and discussed with the Area Treasurers. Regional staff met with the Area Treasures and discussed options for the 2020 tax policy and the Area Treasurers unanimously supported the recommendations in this report.

Due to the 2016 reassessment, assessment growth and provincial legislation, tax shifts will occur across all property classes. These factors are outside the control of Niagara Regional Council and the budget process. The only opportunity to affect these is through a thorough analysis of options available for ratios and resulting impacts. Staff, with the use of a third party consultant undertook an analysis of a number of options to arrive at the recommendations presented in this report.

Region staff presented Area Treasurers with a draft copy of the tax study as completed by the Region's external tax consultant as well as reviewed various options and scenarios for 2020. Based on the feedback provided, both Regional staff and Area Treasurers are recommending a status quo tax policy for the 2020 taxation year. This recommendation is guided by the discussion contained under the Tax Policy Considerations section of this report. Due to the expected impact that 2021 reassessment will have on the residential tax class, the BMA study showing that all residential taxation categories are above the BMA study average, coupled with data provided by the Region's Affordable Housing Strategy Steering Committee, that many of the households in the core housing need currently reside in single detached homes (included in the residential tax class), Regional staff and Area Treasurers support the recommendation that the reduction in residential taxes shifted to other classes in 2020 of 0.20% be maintained.

In previous years, the Region utilized the tax shift away from the residential class to benefit commercial and multi-residential property owners. In addition, the Region also created a new multi-residential tax class in 2003 which carries the same ratio as residential properties which provides greater relief to newly constructed multi-residential buildings. See Appendix 2 for historical Regional tax ratios.

Analysis of Current State/Status Quo

1. Assessment Growth

The overall real assessment growth that occurred in 2019 for the Region was 1.42% (as included in the approved 2020 operating budget), equivalent to \$5.2 million in tax dollars from new taxpayers. Table 1 summarizes the overall assessment growth that occurred in 2019 as well as the impacts affecting each of the tax classes based on maintaining the status quo tax ratios for 2020.

Table 1 – 2020 Tax Levy Impacts by Property Class (Status Quo Policy)

Property Class	2019 Approved Levy	Growth Impacts	Phase-In Impacts	2020 Levy Impacts	2020 Approved Levy	Avg. % Increase
Residential	\$ 265,269,922	\$5,084,359	\$ (536,036)*	\$ 15,751,193	\$ 285,569,438	5.74%
New Multi-Res	815,906	130,479	4,216	55,493	\$1,006,094	7.32%
Multi-Residential	15,025,478	(204,665)	(54,469)	862,021	\$15,628,365	5.37%
Farm	3,113,063	(59,446)	189,577	189,328	\$3,432,522	12.17%
Management Forest	19,688	970	777	1,251	\$22,686	10.30%
Commercial	67,237,042	(749,744)	490,011	3,909,962	\$70,887,271	6.54%
Industrial	11,865,167	965,090	(66,738)	745,094	\$13,508,613	5.72%
Pipelines	2,320,511	23,923	(26,578)	135,310	\$2,453,166	4.69%
Landfill	58,884	-	(953)	3,382	\$61,313	4.13%
Total	\$ 365,725,661	\$ 5,190,966	\$ (193)	\$ 21,653,034	\$ 392,569,468	5.92%
% Increase		1.42%	0%	5.92%	7.34%	

* Represents a tax shift away from residential of 0.20%

2. Re-Assessment Phase-In and Tax Shifts

Reassessments of all properties is mandated by the Province every four years across Ontario to ensure that current value assessments (CVA) relied upon for property tax purposes are reflective of current market conditions. Increases in assessment are phased in over 2017-2020. As identified above in Table 1, there is a decrease in the residential class' proportionate share of taxes (0.20%) as a result of phase-in changes which has been consistent over the current reassessment cycle. Table 2 shows the relative tax share of each tax class from 2019 to 2020. The 2020 amounts in Table 2 are based on the proposed status quo ratios from 2019. The table represents a starting point for the ratio analysis.

The residential increase noted above of 5.74% (below the total Regional levy increase of 5.92%) is as a result of the residential class phase-in assessment growth being 3.49% which is lower than the overall average of phase-in assessment changes of 3.83% (See Appendix 1, Table 13). Classes with assessment increases greater than the 3.83% average will experience tax increases greater than the Region’s levy increase of 5.92% and classes with assessment less than the 3.83% average will see increases less than 5.92%.

Table 2 – Multi-Year Tax Distribution by Tax Class

Realty Tax Class	2019 Year End (As Revised)	Share	2020 Levy (As Returned)	Share
Taxable	\$	%	\$	%
Residential	\$ 270,354,281	72.89%	\$ 285,569,438	72.74%
Farm	3,053,617	0.82%	3,432,522	0.87%
Managed Forest	20,658	0.01%	22,686	0.01%
New Multi-Residential	946,385	0.26%	1,006,094	0.26%
Multi-Residential	14,820,813	4.00%	15,628,365	3.98%
Commercial	66,487,298	17.93%	70,887,271	18.06%
Industrial	12,830,257	3.46%	13,508,613	3.44%
Landfill	58,884	0.02%	61,313	0.02%
Pipeline	2,344,434	0.63%	2,453,166	0.62%
Total Taxable	\$ 370,916,627	100%	\$ 392,569,468	100%

3. *Municipal Impacts of Tax Shifts*

Similar to interclass shifts noted above, there will also be shifts between municipalities. Table 3 below provides a summary of the tax burden shifts across municipalities for the residential tax class as well as all tax classes overall. Appendix 1, Table 14 shows the municipal tax levy impacts of status quo tax policy recommendations overall.

Table 3 – Regional Tax Levy Shifts (2019 Revised to 2020 Notional)

Area Municipality	Residential	Total (Includes All Tax Classes)
Fort Erie	-1.40%	-1.42%
Grimsby	1.64%	1.90%
Lincoln	0.75%	0.72%
Niagara Falls	0.13%	0.24%
NOTL	0.17%	0.69%
Pelham	-0.73%	-0.61%
Port Colborne	-1.14%	-0.95%
St. Catharines	-0.67%	-0.32%
Thorold	-0.91%	-0.78%
Wainfleet	0.13%	0.57%
Welland	-0.93%	-0.94%
West Lincoln	0.99%	1.08%
Region Average	-0.20%	0.00%

- Six Municipalities (Fort Erie, Pelham, Port Colborne, St. Catharines, Thorold and Welland) see a tax shift away from the residential class above the Region average of 0.20% under the status quo scenario due to the residential reassessment increase being below the average increase for other municipalities.
- The remaining six municipalities (Grimsby, Lincoln, Niagara Falls, NOTL, Wainfleet and West Lincoln) will still see a positive tax shift on the residential class under a status quo scenario ranging from 0.13% to 1.64%.

4. Education Rates

The education tax rates are established by the Province and the decrease in the Provincial rate is greater than Niagara's average assessment phase-in increase therefore the average property in Niagara will benefit from a reduction in education taxes paid which may assist in offsetting municipal tax increases.

5. Waste Management Rates

Waste management tax rates are also set based on the Regional tax ratios. The waste management requisition by municipality was approved through report CSD 70-2019; however the by-law setting for the waste management rates for the 2020 requisitions

are brought forward with the 2020 general tax levy by-law as the rates are based on each municipality's assessment and are dependent on the tax ratios (with the exception of Niagara-on-the-Lake).

Tax Policy Considerations

The Region utilizes several BMA tax related performance metrics as seen in Appendix 3. These metrics were considered in the evaluation of tax policy options and discussed with Area Treasurers which helped inform the policy decisions proposed.

- *Residential taxpayer* - The residential class is responsible for 73% of the overall tax levy. Under the status quo tax policy the tax shift away from the residential class will mitigate 0.20% the overall levy increase for the year of 5.92% to 5.74% (see Table 1). This decrease in the residential class' proportionate share of taxes has been observed in previous years of the current assessment cycle. In those previous years, the Region utilized the tax shift away from the residential class to provide relief to multi-residential and commercial tax classes through reduced tax ratios (see Appendix 2). As identified in the most recent BMA study, the weighted average residential property taxes (including water and wastewater) payable as a percentage of household income is above the BMA study average (i.e., Niagara 5.0% [5.2% weighted average] versus BMA average 4.9%). The tax shift from the reassessment will assist with narrowing the gap between Niagara and the BMA average.

In addition to this, the Region's Affordable Housing Strategy Steering Committee also provided information regarding the distribution of housing need in Niagara. The information demonstrated that the majority (approximately 85%) of households with modest incomes live in traditional residential buildings (i.e., residential tax class) as opposed to multi-residential structures.

- *Anticipated Impact of 2021 Re-Assessment* – as indicated previously, 2020 represents the final year of the current assessment cycle. 2021 will be the first year of the new assessment cycle which will start the phase-in of assessment values based on a January 1, 2019 valuation date. MPAC has released preliminary figures for the 2021 new assessment cycle and based on this preliminary analysis, Niagara will experience significant residential assessment increases. The residential tax class in Niagara is anticipated to experience a 50% increase in average assessed values while all other non-residential classes will experience an approximate 20% assessment value increase. This increase for the residential tax class is approximately 20% higher than the MPAC average for the Regions of Niagara, Peel and Halton, Cities of Hamilton and Brantford, and the Counties of Haldimand,

Norfolk and Brant. Niagara residential assessments represents one of the highest increases across the Province. It is important to note that these values are still preliminary and are subject to change until finalized by MPAC later in 2020. More information on the residential assessment impacts can be found in Appendix 4.

Staff have completed an estimate of the impacts that this assessment change will have on the residential class in comparison to the estimated changes for other tax classes. It is estimated that there could be a shift onto the residential class of approximately 1.74% or \$5 million. This means that the residential class as a whole would pick-up \$5 million in Regional taxes in comparison to 2020. Shifts would also be experienced on an Area Municipality level but may vary as a result of different assessment trends that may occur on a more granular level.

- *Multi-Residential Tax Class* – the multi-residential tax category consists of two property tax classes. The multi-residential class is responsible for 4.0% of the overall tax levy while the new-multi-residential category (which includes multi-residential structures constructed after 2003) is responsible for 0.3%. Under the status quo tax policy the multi-residential and new-multi-residential classes will see an increase of 5.37% and 7.32% over 2019 as a result of the 2020 levy increase and reassessment tax shifts. In previous years, the Region utilized the tax shift away from the residential class to provide relief to multi-residential through reduced tax ratios from 2.0 to 1.97.

Appendix 3 provides BMA metrics related to two multi-residential structure types (Walk-up and Mid/High-Rise). The walk-up style structure was identified as above the survey average by \$191 and the high/mid-rise structure types are below the average by \$12 for 2019.

- *Industrial Tax Class* – per Table 2, under the status quo tax policy, the Industrial property class will be responsible for 3.44% of Regional taxes which includes a tax shift away from the industrial class in 2020 of 0.52%. Due to significant reassessment and appeal reductions in the property class in the recent past, the Industrial class share of taxation is down from 3.62% in 2016 and remains below or at the BMA relative tax burden averages for standard industrial provided in Appendix 3. The Region also offers many incentive programs including tax increment and development charge related grants that reduce the actual tax burden experienced by some industrial properties in Niagara. The current tax ratio has been in effect since 2007.

- *Commercial Tax Class* - properties pay the second largest share (after residential) of Regional taxes at 18.06%. Appendix 3 illustrates that Niagara taxation of shopping centres and hotels are moderately above the BMA average while office buildings and motels are below. It should be noted that a significant number of hotel appeals that were previously outstanding have been settled which will decrease the overall burden experienced by those properties. It is also important to note that the current assessment practice for hotels is the net rental income approach. A higher potential income per night from a higher concentration of hotels in Niagara Falls tourist areas helps explain the higher Niagara hotel taxes relative to neighbouring municipalities. For the 2018 taxation year Council approved a reduction in the commercial tax ratio from 1.7586 to 1.7349. The BMA study also compares commercial tax ratios for all participating municipalities which can be found in Appendix 5. The Region's tax ratio for the commercial class approximates the BMA average of 1.6785. The current tax ratio has been in effect since 2018 when it was reduced from 1.7586.

2020 Property Tax Levy Impacts

Table 4 shows the Regional tax increases for status quo tax policy. As per Appendix 1 Table 13, reassessment impacts increased the overall Region taxable assessment by an average of 3.83% for all tax classes. Properties that are reassessed with increases greater than the average of 3.83% will see tax increases greater than the Region's budget increase of 5.92% and conversely properties reassessed less than the 3.83% average will see increases (or decreases) of less than 5.92%.

Table 4 – Regional Tax Increases for Status Quo Tax Policy

Taxation Class	2019 Avg. CVA	2019 Regional Taxes	2020 Avg. CVA	2020 Regional Taxes*	\$ Increase	% Increase
Residential	267,711	1,516	277,044	1,601	85	5.6%
Multi-Res.	2,533,468	28,262	2,617,326	29,802	1,540	5.4%
Commercial	772,380	7,588	806,828	8,090	502	6.6%
Industrial	735,909	10,960	761,371	11,574	614	5.6%
Farmland	363,311	514	400,114	578	64	12.4%

* Based on draft rates utilizing the 2019 status quo tax ratios.

Other Policy Considerations

- *Changes in discounts to commercial and industrial classes for excess and vacant land*

In 2019, Regional Council reviewed and approved report CSD 3-2019 which recommended the elimination of this subclass discount over a 4 year phase-out starting 2021. As per the Council approved phase-out schedule, there are no impacts for 2020 for the commercial/industrial subclass property discounts.

As discussed, the 2021 assessment cycle is anticipated to create a significant shift onto the residential tax class for each year of the cycle. The current Provincial approved vacant/excess land subclass phase-out for the Region is over a four year period starting in 2021. Staff have also reviewed the impacts in 2021 if the subclass discount was removed completely in 2021. If this occurred, it would reduce the shift onto the residential class by approximately \$1 million. This analysis has been included in report CSD 9-2020 for Council's consideration as well.

- *Tax Capping Program*

There were no properties capped in 2019 and no properties projected for 2020 and as a result, the Region is eligible for opting out the commercial tax class in 2020. It is therefore recommended that the necessary steps be completed to fully opt out of the capping program. The Region opted out of the capping program for multi-residential properties in 2017 followed by industrial in 2019.

Alternatives Reviewed

A number of scenarios were reviewed for the 2020 tax policy. All scenarios considered utilizing a portion of the tax shift away from the residential class to benefit other tax classes (i.e., industrial and multi-residential). Staff did not feel that these scenarios would achieve the desired outcomes for the reasons cited below. This coupled with the anticipated impacts of the 2021 assessment cycle update on the residential tax class resulted in staff **RECOMMENDING** a status quo option for 2020.

Given the strong emphasis on affordable housing, staff analyzed an alternative that utilized half of the tax shift away from the residential class (0.10% of 0.20%) to reduce the tax ratio of the multi-residential tax class from 1.97 (status-quo) to 1.921. While this alternative was explored it is **NOT RECOMMENDED**. Under the Residential Tenancy Act, tenants are entitled to an automatic rent reduction when landlord's property taxes

have been reduced by more than 2.49% from one year to the next. Based on current levy requirements for the Region and the anticipated levy requirements for the Area Municipalities, it is not anticipated that a significant number of properties (if any) would be eligible for the mandatory rent reduction as outlined in the Act, meaning that there would be no legislated requirement for the landlords to pass any of the property tax savings as a result of a ratio reduction to the tenant.

Further to this, Regional Council approved a multi-residential tax class ratio reduction for 2018 which also utilized the tax shift away from the residential class 2018. It is important to note, that the new-multi-residential tax class has a legislated tax ratio of 1 (same as residential tax class). The intent behind the new class as legislated in 2017 (adopted by Region in 2003) is to assist in rental affordability of newly constructed multi-residential properties. Any reduction to the multi-residential tax class would also increase the tax burden on the new-multi-residential tax class.

Staff also analyzed an alternative which utilized half of the tax shift away from the residential class t (0.10% of 0.20%) to reduce the tax ratio of the industrial tax class from 2.67 (status-quo) to 2.554. This alternative was **NOT RECOMMENDED** as a result of the analysis discussed under the Tax Policy Considerations section of this report. Many of the Region's existing and future incentives will focus on the employment (industrial) sectors. The Region currently offers grants to these property types in the form of tax increment and development charge grants which effectively reduces the burden experienced by some of the existing property owners in the industrial tax class.

Relationship to Council Strategic Priorities

This tax policy report is aligned to Sustainable and Engaging Government.

Other Pertinent Reports

- CSD 7-2019 - 2019 Budget-Waste Management Services Operating Budget and Requisition
- CSD 3-2019 - Vacancy Program Revisions Submission to Ministry of Finance

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Appendices

Appendix 1	2020 Tax Policy Study
Appendix 2	History of Regional Tax Ratios
Appendix 3	Performance Measures
Appendix 4	MPAC Preliminary Market Trends – 2021 Assessment Cycle
Appendix 5	BMA Commercial Tax Ratio Comparison

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2020-18

A BY-LAW TO SET TAX RATIOS AND TAX RATE
REDUCTIONS FOR PRESCRIBED PROPERTY
SUBCLASSES FOR REGIONAL PURPOSES AND AREA
MUNICIPAL PURPOSES FOR THE YEAR 2020

WHEREAS pursuant to Section 308 (5) of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended (referred hereinafter as "the *Municipal Act, 2001*"), The Regional Municipality of Niagara (referred hereinafter as "The Regional Corporation") may establish the tax ratios for The Regional Corporation and the Area Municipalities;

WHEREAS the tax ratios determine the relative amount of taxation to be borne by each property class;

WHEREAS the property classes have been prescribed by the Ministry of Finance pursuant to Section 7 of the *Assessment Act*, R.S.O. 1990, c. A.31, as amended;

WHEREAS pursuant to Section 313 (1) of the *Municipal Act, 2001*, The Regional Municipality of Niagara may establish tax reductions for prescribed property subclasses for The Regional Corporation and the Area Municipalities; and

WHEREAS the property subclasses for which tax rate reductions are to be established are in accordance with Section 8 of the *Assessment Act*.

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows for the 2020 taxation year:


1. That the tax ratio for property in:
 - a. The residential property class is 1.000000;
 - b. The new multi-residential property class is 1.000000;
 - c. The multi-residential class is 1.970000;
 - d. The commercial property class is 1.734900;
 - e. The industrial property class is 2.630000;
 - f. The pipelines property class is 1.702100;
 - g. The farm property class is 0.250000;
 - h. The managed forest property class is 0.250000;
 - i. The landfill property class is 2.940261.

2. That the municipal purpose tax reduction for:
 - a. The vacant land and excess land subclasses in the commercial property class is 30%;
 - b. The vacant land and excess land subclasses in the industrial property class is 30%;
 - c. The first class of farmland awaiting development in the residential, multi-residential, commercial or industrial property classes is 25%;
 - d. The second class of farmland awaiting development in the residential, multi-residential, commercial or industrial property classes is 0%.

3. That for the purposes of this bylaw:
 - a. The industrial property class includes all properties classified as industrial and large industrial as per Ontario Regulation 282/98;
 - b. The first class of farmland awaiting development and the second class of farmland awaiting development consists of land as defined in accordance with Ontario Regulation 282/98.

4. That this by-law shall come into force and effect on the day upon which it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA



James Bradley, Regional Chair



Ann-Marie Norio, Regional Clerk

Passed: April 23, 2020

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2020-19

A BY-LAW TO SET AND LEVY THE RATE OF TAXATION
FOR REGIONAL GENERAL AND SPECIAL PURPOSES
FOR THE YEAR 2020

WHEREAS the Regional Council of The Regional Municipality of Niagara (hereinafter referred to as "The Regional Corporation") has prepared and adopted a budget including estimates of all sums it required during the year 2020 for the purposes of the Regional Corporation pursuant to Section 289 (1) of the Municipal Act 2001, S.O. 2001, c. 25, as amended (hereinafter referred to as the "Municipal Act");

WHEREAS Regional Council by By-Law No. 2019-96 adopted the 2020 Waste Management Budget, and by By-Law No. 2019-98 adopted the 2020 Operating Budget and Tax Levy;

WHEREAS for the purposes of raising the general levy for the Regional Corporation, the Regional Corporation shall pass a by-law directing each Lower-Tier Municipality to levy a separate tax rate, as specified in the by-law, on the assessment in each property class in the Lower-Tier Municipality ratable for the purposes of The Regional Corporation, pursuant to Section 311 (2) of the Municipal Act

WHEREAS the tax ratios and the tax rate reductions for prescribed property classes for the 2020 taxation year have been set out in By-Law No. 2020-18 of The Regional Corporation dated the 23rd of April 2020;

WHEREAS The Regional Corporation is responsible for providing Waste Management services pursuant to By-Laws 8280-96, 8281-96, 8282-96 and 8283-96;

WHEREAS Regional Council is desirous of imposing a special levy for Waste Management purposes and the sums required by taxation in the year 2020 for the said purposes are to be levied by separate rates by the applicable Area Municipalities as directed by Regional by-law pursuant to Subsection 311 (4) of the Municipal Act; and,

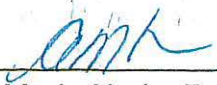
WHEREAS Regional Council established tax rates for property classes, and other decisions consistent with setting and levying rates of taxation for regional purposes for 2020.

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

1. That for the year 2020 in The Regional Municipality of Niagara the lower-tier municipalities shall levy upon the property tax classes set out in Schedule "A" the property tax rates applicable thereto.
2. That payment of all amounts directed to be levied pursuant to the provisions of this by-law and due to The Regional Municipality of Niagara shall be due and payable in the amounts and at the times shown on Schedule "B" attached to this by-law.
3. That for the year 2020 in The Regional Municipality of Niagara, the Town of Niagara-on-the-Lake be required to pay \$1,682,389 to the Regional Corporation as the charges for Waste Management purposes set out in Schedule "C". The remaining area municipalities shall levy upon the property tax classes and applicable subclasses the tax rates for Waste Management purposes set out in Schedule "C" attached to this by-law.
4. That if a lower-tier municipality fails to make any payment or portion thereof related to the August 5, 2020 installment, as provided in this by-law, the lower-tier municipality shall pay to the Regional Corporation interest due on the amount in default at the rate of fifteen (15) per cent per annum which will begin to accrue on September 5, 2020 until the full payment is made.
5. That if a lower-tier municipality fails to make any payment or portion thereof related to the October 14, 2020 installment, as provided in this by-law, the lower-tier municipality shall pay to the Regional Corporation interest due on the amount in default at the rate of fifteen (15) per cent per annum which will begin to accrue on November 14, 2020 until the full payment is made.
6. That this by-law shall come into force and effect on the day upon which it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA



James Bradley, Regional Chair

Ann-Marie Norio, Regional Clerk

Passed: April 23, 2020

Schedule A – 2020 Tax Ratios, Sub-Class Reductions, and Rates

Property Classification	Tax Ratio	Sub-Class Reduction	Tax Rate by Class
Residential	1.000000		0.00577985
New Multi-Residential	1.000000		0.00577985
Multi-Residential	1.970000		0.01138630
Commercial	1.734900		0.01002746
Commercial - Excess	1.734900	30%	0.00701922
Commercial - Vacant	1.734900	30%	0.00701922
Landfill	2.940261		0.01699427
Industrial	2.630000		0.01520101
Industrial - Excess	2.630000	30%	0.01064070
Industrial - Vacant	2.630000	30%	0.01064070
Pipelines	1.702100		0.00983788
Farmland	0.250000		0.00144496
FAD 1	1.000000	25%	0.00433489
FAD 2	Class Ratio		Class Rate
Managed Forests	0.250000		0.00144496

Schedule B – 2020 GENERAL TAX LEVY

2020 Upper-Tier General Levy and Dates by Local Municipality (Taxable Levy Only)

Municipality	Interim Payment Due March 11, 2020	Interim Payment Due May 13, 2020	Final Payment Due August 5, 2020	Final Payment Due October 14, 2020	2020 Approved General Levy	Regional Department	Niagara Regional Police	Niagara Regional Housing	Niagara Peninsula Conservation Authority	Court Services
Fort Erie	5,726,046	5,726,046	6,399,463	6,399,463	24,251,016	12,644,842	9,541,673	1,750,995	358,875	(45,369)
Grimsby	6,852,188	6,852,188	8,181,590	8,181,590	30,067,557	15,677,673	11,830,218	2,170,967	444,950	(56,250)
Lincoln	5,341,710	5,341,710	6,325,098	6,325,098	23,333,615	12,166,495	9,180,717	1,684,756	345,299	(43,652)
Niagara Falls	19,292,739	19,292,739	22,108,445	22,108,445	82,802,369	43,174,391	32,578,970	5,978,577	1,225,337	(154,906)
Niagara-on-the-Lake	7,863,682	7,863,682	9,149,971	9,149,971	34,027,305	17,742,345	13,388,198	2,456,873	503,547	(63,658)
Pelham	3,790,363	3,790,363	4,399,068	4,399,068	16,378,860	8,540,182	6,444,337	1,182,602	242,380	(30,642)
Port Colborne	2,979,336	2,979,336	3,304,200	3,304,200	12,567,070	6,552,658	4,944,571	907,380	185,972	(23,510)
St. Catharines	24,269,932	24,269,932	27,000,024	27,000,024	102,539,911	53,465,840	40,344,796	7,403,686	1,517,420	(191,831)
Thorold	3,636,661	3,636,661	4,210,627	4,210,627	15,694,576	8,183,386	6,175,103	1,133,195	232,254	(29,361)
Wainfleet	1,377,324	1,377,324	1,593,486	1,593,486	5,941,620	3,098,049	2,337,758	429,003	87,926	(11,116)
Welland	7,460,447	7,460,447	8,786,067	8,786,067	32,493,027	16,942,349	12,784,530	2,346,093	480,843	(60,788)
West Lincoln	2,840,987	2,840,987	3,395,247	3,395,247	12,472,468	6,503,331	4,907,349	900,549	184,572	(23,333)
Regional Total	91,431,414	91,431,414	104,853,283	104,853,283	392,569,394	204,691,543	154,458,220	28,344,677	5,809,372	(734,418)

Schedule C – 2020 WASTE MANAGEMENT TAX RATES & LEVY**2020 Upper-Tier Special Levy (Waste Management) and Dates by Local Municipality (Taxable Levy)**

Municipality	Interim Payment Due March 11, 2020	Interim Payment Due May 13, 2020	Final Payment Due August 5, 2020	Final Payment Due October 14, 2020	2020 Approved Special Levy
Fort Erie	669,137	669,137	807,802	807,802	2,953,876
Grimsby	462,426	462,426	598,004	598,004	2,120,858
Lincoln	400,600	400,600	484,586	484,586	1,770,372
Niagara Falls	1,732,600	1,732,600	2,074,971	2,074,971	7,615,141
Niagara-on-the-lake	386,227	386,227	454,968	454,968	1,682,389
Pelham	301,185	301,185	370,153	370,153	1,342,676
Port Colborne	442,770	442,770	530,356	530,356	1,946,252
St. Catharines	2,718,320	2,718,320	3,189,854	3,189,854	11,816,347
Thorold	368,883	368,883	452,320	452,320	1,642,405
Wainfleet	136,860	136,860	163,498	163,498	600,715
Welland	990,994	990,994	1,186,657	1,186,657	4,355,302
West Lincoln	222,074	222,074	265,496	265,496	975,141
Regional Total Taxable Only	8,832,074	8,832,074	10,578,663	10,578,663	38,821,474

Schedule C – 2020 WASTE MANAGEMENT TAX RATES & LEVY

Fort Erie			
Property Classification	2020 Roll Return CVA	Tax Rate by Class	Waste Management Levy by Class
Residential	3,494,840,772	0.00070401	2,460,403
New Multi-Residential	47,900	0.00070401	34
Multi-Residential	40,097,200	0.00138690	55,611
Commercial	245,576,821	0.00122139	299,945
Commercial - Excess	4,990,688	0.00085497	4,267
Commercial - Vacant	20,610,200	0.00085497	17,621
landfill	0	0.00206997	-
Industrial	43,564,791	0.00185155	80,662
Industrial - Excess	772,400	0.00129608	1,001
Industrial - Vacant	4,355,000	0.00129608	5,644
Pipelines	15,504,000	0.00119830	18,578
Farmland	55,934,900	0.00017600	9,845
FAD 1	0	0.00052801	-
Managed Forests	1,505,900	0.00017600	265
Taxable Total	3,927,800,572		\$2,953,876

Grimsby			
Property Classification	2020 Roll Return CVA	Tax Rate by Class	Waste Management Levy by Class
Residential	4,343,352,548	0.00040769	1,770,741
New Multi-Residential	0	0.00040769	-
Multi-Residential	30,264,000	0.00080315	24,307
Commercial	336,484,615	0.00070730	237,996
Commercial - Excess	13,620,295	0.00049511	6,744
Commercial - Vacant	14,869,500	0.00049511	7,362
landfill	0	0.00119872	-
Industrial	49,262,300	0.00107222	52,820
Industrial - Excess	3,708,300	0.00075056	2,783
Industrial - Vacant	4,140,600	0.00075056	3,108
Pipelines	8,261,000	0.00069393	5,733
Farmland	89,987,095	0.00010192	9,171
FAD 1	0	0.00030577	-
Managed Forests	913,800	0.00010192	93
Taxable Total	4,894,864,053		\$2,120,858

Schedule C – 2020 WASTE MANAGEMENT TAX RATES & LEVY

Lincoln Property Classification	2020 Roll Return CVA	Tax Rate by Class	Waste Management Levy by Class
Residential	3,183,013,444	0.00043853	1,395,847
New Multi-Residential	0	0.00043853	-
Multi-Residential	21,808,500	0.00086390	18,840
Commercial	205,396,774	0.00076081	156,268
Commercial - Excess	7,579,000	0.00053256	4,036
Commercial - Vacant	10,011,200	0.00053256	5,332
landfill	0	0.00128939	-
Industrial	93,922,558	0.00115333	108,324
Industrial - Excess	2,755,600	0.00080733	2,225
Industrial - Vacant	9,361,000	0.00080733	7,557
Pipelines	20,718,000	0.00074642	15,464
Farmland	514,211,237	0.00010963	56,373
FAD 1	0	0.00032890	-
Managed Forests	965,500	0.00010963	106
Taxable Total	4,069,742,813		\$1,770,372

Niagara Falls Property Classification	2020 Roll Return CVA	Tax Rate by Class	Waste Management Levy by Class
Residential	8,829,291,652	0.00053156	4,693,298
New Multi-Residential	10,875,500	0.00053156	5,781
Multi-Residential	321,441,900	0.00104717	336,604
Commercial	2,400,465,210	0.00092220	2,213,709
Commercial - Excess	41,293,877	0.00064554	26,657
Commercial - Vacant	143,782,400	0.00064554	92,817
landfill	3,152,500	0.00156293	4,927
Industrial	105,191,400	0.00139800	147,058
Industrial - Excess	5,418,500	0.00097860	5,303
Industrial - Vacant	37,642,400	0.00097860	36,837
Pipelines	45,297,000	0.00090477	40,983
Farmland	82,293,900	0.00013289	10,936
FAD 1	0	0.00039867	-
Managed Forests	1,737,200	0.00013289	231
Taxable Total	12,027,883,439		\$7,615,141

Schedule C – 2020 WASTE MANAGEMENT TAX RATES & LEVY

Niagara-on-the-Lake			
Property Classification	2020 Roll Return CVA	Tax Rate by Class	Waste Management Levy by Class
Residential	4,213,806,966	N/A	-
New Multi-Residential	0	N/A	-
Multi-Residential	14,834,100	N/A	-
Commercial	762,217,667	N/A	-
Commercial - Excess	15,147,439	N/A	-
Commercial - Vacant	14,493,000	N/A	-
landfill	0	N/A	-
Industrial	34,787,800	N/A	-
Industrial - Excess	91,900	N/A	-
Industrial - Vacant	16,855,500	N/A	-
Pipelines	18,559,000	N/A	-
Farmland	524,802,139	N/A	-
FAD 1	0	N/A	-
Managed Forests	1,402,100	N/A	-
Taxable Total	5,616,997,611		\$1,682,391

Pelham			
Property Classification	2020 Roll Return CVA	Tax Rate by Class	Waste Management Levy by Class
Residential	2,555,511,770	0.00047381	1,210,827
New Multi-Residential	544,000	0.00047381	258
Multi-Residential	17,693,000	0.00093341	16,515
Commercial	90,350,086	0.00082201	74,269
Commercial - Excess	806,111	0.00057541	464
Commercial - Vacant	1,192,000	0.00057541	686
landfill	0	0.00139313	-
Industrial	4,048,000	0.00124612	5,044
Industrial - Excess	45,100	0.00087228	39
Industrial - Vacant	101,000	0.00087228	88
Pipelines	17,467,000	0.00080647	14,087
Farmland	169,321,433	0.00011845	20,056
FAD 1	0	0.00035536	-
Managed Forests	2,897,100	0.00011845	343
Taxable Total	2,859,976,600		\$1,342,676

Schedule C – 2020 WASTE MANAGEMENT TAX RATES & LEVY

Port Colborne			
Property Classification	2020 Roll Return CVA	Tax Rate by Class	Waste Management Levy by Class
Residential	1,618,093,179	0.00089512	1,448,388
New Multi-Residential	1,226,000	0.00089512	1,097
Multi-Residential	38,583,000	0.00176339	68,037
Commercial	135,350,189	0.00155294	210,191
Commercial - Excess	133,400	0.00108706	145
Commercial - Vacant	3,138,400	0.00108706	3,412
landfill	0	0.00263189	-
Industrial	71,345,727	0.00235417	167,960
Industrial - Excess	2,072,441	0.00164792	3,415
Industrial - Vacant	8,271,700	0.00164792	13,631
Pipelines	10,485,000	0.00152358	15,975
Farmland	57,403,600	0.00022378	12,846
FAD 1	1,411,500	0.00067134	948
Managed Forests	923,800	0.00022378	207
Taxable Total	1,948,437,936		\$1,946,252

St. Catharines			
Property Classification	2020 Roll Return CVA	Tax Rate by Class	Waste Management Levy by Class
Residential	12,261,380,202	0.00066605	8,166,692
New Multi-Residential	83,316,920	0.00066605	55,493
Multi-Residential	683,669,568	0.00131212	897,057
Commercial	1,993,459,777	0.00115553	2,303,503
Commercial - Excess	13,609,687	0.00080887	11,008
Commercial - Vacant	16,722,100	0.00080887	13,526
landfill	0	0.00195836	-
Industrial	156,267,348	0.00175171	273,735
Industrial - Excess	5,071,860	0.00122620	6,219
Industrial - Vacant	25,209,900	0.00122620	30,912
Pipelines	31,123,000	0.00113368	35,284
Farmland	137,636,000	0.00016651	22,918
FAD 1	0	0.00049954	-
Managed Forests	0	0.00016651	-
Taxable Total	15,407,466,362		\$11,816,347

Schedule C – 2020 WASTE MANAGEMENT TAX RATES & LEVY

Thorold Property Classification	2020 Roll Return CVA	Tax Rate by Class	Waste Management Levy by Class
Residential	2,031,014,860	0.00060485	1,228,459
New Multi-Residential	65,945,300	0.00060485	39,887
Multi-Residential	42,120,300	0.00119155	50,188
Commercial	168,817,122	0.00104935	177,148
Commercial - Excess	3,424,100	0.00073455	2,515
Commercial - Vacant	9,034,500	0.00073455	6,636
landfill	0	0.00177842	-
Industrial	49,506,513	0.00159076	78,753
Industrial - Excess	3,801,265	0.00111353	4,233
Industrial - Vacant	18,007,800	0.00111353	20,052
Pipelines	26,249,000	0.00102952	27,024
Farmland	49,135,040	0.00015121	7,430
FAD 1	0	0.00045364	-
Managed Forests	528,600	0.00015121	80
Taxable Total	2,467,584,400		\$1,642,405

Wainfleet Property Classification	2020 Roll Return CVA	Tax Rate by Class	Waste Management Levy by Class
Residential	919,734,704	0.00058436	537,456
New Multi-Residential	0	0.00058436	-
Multi-Residential	457,000	0.00115119	526
Commercial	19,811,500	0.00101381	20,085
Commercial - Excess	1,042,000	0.00070966	739
Commercial - Vacant	650,500	0.00070966	462
landfill	0	0.00171817	-
Industrial	3,672,300	0.00153687	5,644
Industrial - Excess	105,100	0.00107581	113
Industrial - Vacant	132,000	0.00107581	142
Pipelines	5,582,000	0.00099464	5,552
Farmland	203,489,810	0.00014609	29,728
FAD 1	0	0.00043827	-
Managed Forests	1,835,100	0.00014609	268
Taxable Total	1,156,512,014		\$600,715

Schedule C – 2020 WASTE MANAGEMENT TAX RATES & LEVY

Welland Property Classification	2020 Roll Return CVA	Tax Rate by Class	Waste Management Levy by Class
Residential	4,215,851,211	0.00077472	3,266,104
New Multi-Residential	12,113,500	0.00077472	9,385
Multi-Residential	154,514,900	0.00152620	235,821
Commercial	375,813,033	0.00134406	505,115
Commercial - Excess	7,493,067	0.00094084	7,050
Commercial - Vacant	21,671,100	0.00094084	20,389
landfill	455,400	0.00227788	1,037
Industrial	129,995,587	0.00203751	264,867
Industrial - Excess	3,310,238	0.00142626	4,721
Industrial - Vacant	6,067,300	0.00142626	8,654
Pipelines	21,052,000	0.00131865	27,760
Farmland	21,714,600	0.00019368	4,206
FAD 1	0	0.00058104	-
Managed Forests	998,400	0.00019368	193
Taxable Total	4,971,050,336		\$4,355,302

West Lincoln Property Classification	2020 Roll Return CVA	Tax Rate by Class	Waste Management Levy by Class
Residential	1,740,809,528	0.00045189	786,654
New Multi-Residential	0	0.00045189	-
Multi-Residential	7,074,000	0.00089022	6,297
Commercial	77,375,400	0.00078398	60,661
Commercial - Excess	758,300	0.00054879	416
Commercial - Vacant	2,769,500	0.00054879	1,520
landfill	0	0.00132867	-
Industrial	36,185,200	0.00118847	43,005
Industrial - Excess	336,200	0.00083193	280
Industrial - Vacant	819,000	0.00083193	681
Pipelines	29,062,000	0.00076916	22,353
Farmland	469,583,447	0.00011297	53,049
FAD 1	0	0.00033892	-
Managed Forests	1,993,000	0.00011297	225
Taxable Total	2,366,765,575		\$975,141

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2020-20

A BY-LAW TO ADOPT OPTIONAL TOOLS FOR THE PURPOSES OF
ADMINISTERING LIMITS FOR THE COMMERCIAL, INDUSTRIAL AND MULTI-
RESIDENTIAL PROPERTY CLASSES FOR THE YEAR 2020

WHEREAS the Corporation of The Regional Municipality of Niagara (hereinafter referred to as "The Municipality") may, in accordance with section 329.1 of the *Municipal Act, 2001*, S.O. 2001 c.25, as amended (hereinafter referred to as "The Act"), and Ontario Regulation 131/17, as made and amended under The Act, modify the provisions and limits set out in Part IX of The Act, with respect to the calculation of taxes for municipal and school purposes for properties in the commercial, industrial and multi-residential property classes;

WHEREAS The Municipality did, in accordance with the terms and provisions of Ontario Regulation 73/03 as made and amended under The Act, pass a by-law ending the application of Part IX of The Act for the Multi-Residential property class in 2017 and Industrial property class in 2019;

WHEREAS The Municipality may, in accordance with the terms and provisions of Ontario Regulation 73/03 as made and amended under The Act, pass a by-law to end the application of Part IX of The Act for the for Commercial property class;

WHEREAS for the purposes of this by-law, the commercial classes shall be considered a single property class;

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

1. That having determined that the eligibility requirements set out under Section 8.2 of Ontario Regulation 73/03 have been met in respect of the Commercial property class, The Municipality opts to end the application of Part IX of The Act for that class for the 2020 and subsequent taxation years;

2. That this by-law shall come into force and effect on the day upon which it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA



James Bradley, Regional Chair



Ann-Marie Norio, Regional Clerk

Passed: April 23, 2020

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April 24, 2020

Council Session CL 6-2020, April 23, 2020

LOCAL AREA MUNICIPALITIES

SENT ELECTRONICALLY

**RE: Report CSD 8-2020 Optional Tax on Vacant Residential Units
Minute Item 9.2 CL 6-2020, April 23, 2020**

City of Port Colborne
RECEIVED

APR 24 2020

**CORPORATE SERVICES
DEPARTMENT**

Regional Council, at its meeting held on April 23, 2020, passed the following resolution:

That Report CSD 8-2020, dated April 23, 2020, respecting Optional Tax on Vacant Residential Units, **BE RECEIVED** and **BE CIRCULATED** to the Local Area Municipalities.

A copy of Report CSD 8-2020 is attached for your information.

Yours truly,



Ann-Marie Norio
Regional Clerk

CLK-C 2020-142

cc: T. Harrison, Commissioner, Corporate Services
H. Chamberlain, Director, Financial Management and Planning/Deputy Treasurer
M. Murphy, Associate Director, Budget Planning & Strategy
R. Fleming, Senior Revenue and Tax Analyst
K. Beach, Executive Assistant to the Commissioner, Corporate Services

Subject: Optional Tax on Vacant Residential Units

Report to: Regional Council

Report date: Thursday, April 23, 2020

Recommendations

1. That report CSD 8-2020 **BE RECEIVED** for information.
2. That a copy of Report CSD 8-2020 **BE CIRCULATED** to the Local Area Municipalities.

Key Facts

- This report is to provide Regional Council with additional information regarding a St. Catharines City Council motion on implementing an optional tax on vacant residential units (“vacant homes tax”).
- Only the units classified in the residential property class (primarily RT) are eligible for a vacant property tax under the Municipal Act.
- The intent of the vacant homes tax is to encourage owners of residential units to sell or rent out secondary residences.
- The vacant homes tax does not apply to vacant residential land (i.e., no structure) nor does it apply to properties that would be included in multi-residential or non-residential property tax classes.
- Region staff consulted Area Treasurers on the vacant homes tax as they are the tax billing authority and would have much of the information required to estimate vacant unit.
- Most Area Treasurers expressed concerns with internal capacity to implement the optional tax as it would require resources to estimate the number of units that would potentially be subject to the vacant homes tax.

Financial Considerations

There are no direct financial implications of this report as it is for information only. If Council were to consider proceeding further with considering an optional vacant homes tax, it could not take effect until the 2021 taxation year at the earliest. If implemented any net revenue generated from the tax could be reinvested into affordable housing initiatives similar to the approach adopted by Vancouver and considered by Toronto.

However, it should be noted that the cost of implementation and administration may exceed the projected revenue. At this time, there is not enough information to provide an accurate estimate of projected costs or revenue.

Analysis

St. Catharines Motion Re: Vacant Homes Tax

The Council of the City of St. Catharines, at its meeting held on August 12, 2019, passed the following motion:

WHEREAS St. Catharines currently has a years-long waiting list for social housing, extremely low apartment vacancy rates, rising apartment costs, a need for more shelter spaces and transitional housing, and a residential real estate market that has seen house values grow exponentially in a short period of time; and

WHEREAS these factors combined have resulted in St. Catharines becoming an unaffordable place to live for many, particularly those on fixed incomes, social assistance and those who earn less than the living wage; and

WHEREAS jurisdictions such as British Columbia and Vancouver have successfully implemented vacant property taxes to not only collect more revenue for social housing projects, but also to encourage real estate speculators to rent out vacant homes; and

WHEREAS the Regional Municipality of Niagara has the authority to implement a vacant home tax in St. Catharines (and all other lower-tier municipalities within Niagara);

THEREFORE BE IT RESOLVED that the City of St. Catharines endorse the concept of a vacant home tax and vacant residential land tax and call upon the Niagara Region to investigate a vacant home tax that specifically:

- *Addresses vacant residential units in St. Catharines*
- *Encourages turning empty St. Catharines homes into good housing for people*
- *Raises revenue that will directly support affordable housing in St. Catharines*

BE IT FURTHER RESOLVED that this resolution be circulated to the Office of the City Clerk at the Niagara Region, Niagara Region Housing, the local area municipalities and the City of St. Catharines City Treasurer / Director of Financial Management Services and the Director of Planning and Building Services. FORTHWITH

The implementation of a vacant homes tax is an upper-tier decision, which is consistent with other areas of tax policy, and promotes a regional approach to the imposition of a tax on vacant residential units. Staff consulted with the Province and it should be noted that the legislation does not preclude the Region from implementing in select municipalities based on need in the individual communities.

Overview of Ontario Vacant Home Legislation

In order to provide Council with background on the vacant homes tax, staff compiled information based on an analysis of existing legislation as well as information obtained from the Regional contact with Ontario's Ministry of Finance:

- The vacant homes tax can only be imposed once approved to do so via a Regulation of the Province.
- Once a municipality is designated by the Province for eligibility for implementing the tax, a by-law must be passed in the year to which it relates;
- The tax is to be based on the assessed value (as determined under the Assessment Act) of vacant residential units (similar to general property taxation).
- Eligible properties under the existing legislation are those that are classified in the residential property class only and excludes multi-residential and non-residential tax classes.
- A vacant homes tax by-law must satisfy the following criteria:
 - It must state the tax rate; and
 - It must state the conditions of vacancy that, if met, make a unit subject to the tax.
- A by-law may provide for such matters as Council considers appropriate, including,
 - Exemptions from the tax;
 - Rebates of tax;
 - Audit and inspection powers; and
 - Establishment and use of dispute resolution mechanisms.
- The Minister of Finance has the authority may make regulations prescribing such matters as the Minister considers necessary or desirable, including:

- Designating municipalities to which this the vacant homes tax could apply;
- Prescribing conditions and limits with respect to the imposition of a tax;
- Prescribing persons and entities who are not subject to a tax;
- Defining a “vacant unit”;
- Governing the collection of a tax;
- Governing dispute resolution.

To date, no municipality in Ontario has utilized the authority given by the Province to implement a vacant homes tax. The City of Toronto has been considering the need and ability to implement a vacant homes tax since 2017 but the results of the review have not been finalized.

Review of Other Municipalities

Region staff have conducted a review of both the Vancouver and Toronto vacant homes tax reports and implementation plans. Both Vancouver and Toronto utilized aggregated/anonymized water and hydro meter data to estimate the quantity of vacant residential units in each city which has been presented below in Table 1. An estimate of vacant homes in Niagara has also been included in Table 1 based on information received from a few Area Municipalities as the Region does not have access to water and hydro billing data as both functions are completed by the Area Municipalities or the local electricity authorities. Due to privacy concerns, however, Vancouver was not able to utilize water or hydro data for the purposes of billing for the vacant homes tax. This limitation experienced by Vancouver would also be present in Niagara as well.

Table 1: Estimated Vacant Residential Units

Municipality	Total Count of Units	Estimated Vacant Units	% of Total
Toronto	752,000	15,000-28,000	2-4%
Vancouver	225,000	10,000	4%
Niagara	177,000*	1,757**	1%

* Estimated count of residential units only (exclude multi-residential)

** 76% are seasonal residences (1,341 units)

It is important to note, that only four municipalities were able to provide estimates on vacant residential units. The total residential units in these four municipalities is approximately 75 thousand (42%) of the 177 thousand residential units in Niagara. One municipality stated that they did not have any vacant units that could be identified. Two municipalities estimated minimal vacant residential units. One municipality identified a

significant number of vacant units which were primarily seasonal properties which were estimated to be vacant for approximately 6 months during offseason periods.

Other Implementation Considerations

If a vacant homes tax was to be implemented, a framework would need to be developed with some of the below administrative requirements in mind:

- Public consultation and engagement approach and/or requirements prior to implementation;
- How would vacant homes be identified (mandatory declaration, self declaration, complaint based);
- Determining if the Region or Area Municipalities would administer the program (which would include billing, collections, appeals, etc.) – note that the Region does not currently have taxpayer billing capabilities;
- Determining the appropriate allocation of any net revenues or expense from the tax between Regional service areas/programs or between Region and Area Municipalities;
- Creating a complaint resolution process including audit or enforcement powers; and
- Determining an appropriate reporting approach to understand the effects (i.e., benefits or drawbacks) that the vacant homes tax will have on affordable housing.

Alternatives Reviewed

No alternatives are being presented as this report is for information only. Should Council direct staff complete a more fulsome review (including additional engagement with the public and Area Municipalities) a future report to Council would be required.

Relationship to Council Strategic Priorities

A vacant homes tax for Niagara may assist with retaining, protecting and increasing the supply of affordable housing stock to provide a broad range of housing to meet the needs of the community. This would only apply, however, if the vacant homes tax achieved the desired outcome of having property owners rent available units or in the event that revenues after administration costs were reallocated to affordable housing initiatives.

Other Pertinent Reports

None.

Prepared by:

Rob Fleming, MBA
Senior Tax & Revenue Analyst
Corporate Services

Recommended by:

Todd Harrison, CPA, CMA
Commissioner/Treasurer
Corporate Services

Submitted by:

Ron Tripp, P.Eng.
Acting, Chief Administrative Officer

This report was prepared in consultation with Margaret Murphy, Associate Director, Budget Planning & Strategy, and reviewed by Helen Chamberlain, Director, Financial Management & Planning.

Appendices

Appendix 1 City of St. Catharines Council Motion Re: Vacant Home Tax
Appendix 2 Municipal Act – Optional Tax on Vacant Residential Units

August 26, 2019

Ann-Marie Norio
Regional Clerk Niagara Region
1815 Sir Isaac Brock Way, P.O. Box 1042 Thorold, ON
L2V 4T7

Sent Via Email:
Ann-Marie.Norio@niagararegion.ca

Re: Vacant Home Tax

Dear Ms. Norio,

Please be advised that the Council of the City of St. Catharines, at its meeting held on August 12, 2019, passed the following motion:

WHEREAS St. Catharines currently has a years-long waiting list for social housing, extremely low apartment vacancy rates, rising apartment costs, a need for more shelter spaces and transitional housing, and a residential real estate market that has seen house values grow exponentially in a short period of time; and

WHEREAS these factors combined have resulted in St. Catharines becoming an unaffordable place to live for many, particularly those on fixed incomes, social assistance and those who earn less than the living wage; and

WHEREAS jurisdictions such as British Columbia and Vancouver have successfully implemented vacant property taxes to not only collect more revenue for social housing projects, but also to encourage real estate speculators to rent out vacant homes; and


WHEREAS the Regional Municipality of Niagara has the authority to implement a vacant home tax in St. Catharines (and all other lower-tier municipalities within Niagara);

THEREFORE BE IT RESOLVED that the City of St. Catharines endorse the concept of a vacant home tax and vacant residential land tax and call upon the Niagara Region to investigate a vacant home tax that specifically:

- Addresses vacant residential units in St. Catharines
- Encourages turning empty St. Catharines homes into good housing for people
- Raises revenue that will directly support affordable housing in St. Catharines

BE IT FURTHER RESOLVED that this resolution be circulated to the Office of the City Clerk at the Niagara Region, Niagara Region Housing, the local area municipalities and the City of St. Catharines City Treasurer / Director of Financial Management Services and the Director of Planning and Building Services. FORTHWITH

If you have any questions, please contact the Office of the City Clerk at extension 1524.



Bonnie Nistico-Dunk, City Clerk
Legal and Clerks Services, Office of the City Clerk
:kn

PART IX.1 OPTIONAL TAX ON VACANT RESIDENTIAL UNITS

Designated municipality

338.1 The Minister of Finance may, by regulation, designate municipalities to which this Part applies. 2017, c. 8, Sched. 19, s. 5.

Section Amendments with date in force (d/m/y)

Power to impose tax, vacant residential units

338.2 (1) In addition to taxes imposed under Part VIII, a designated municipality may, by by-law passed in the year to which it relates, impose a tax in the municipality on the assessed value, as determined under the *Assessment Act*, of vacant units that are classified in the residential property class and that are taxable under that Act for municipal purposes. 2017, c. 8, Sched. 19, s. 5.

Requirements for by-law

(2) A by-law described in subsection (1) must satisfy the following criteria:

1. It must state the tax rate.
2. It must state the conditions of vacancy that, if met, make a unit subject to the tax. 2017, c. 8, Sched. 19, s. 5.

Other contents of by-law

(3) A by-law described in subsection (1) may provide for such matters as the council of the municipality considers appropriate, including,

- (a) exemptions from the tax;
- (b) rebates of tax;
- (c) audit and inspection powers; and
- (d) except as otherwise provided for in the regulations, the establishment and use of dispute resolution mechanisms. 2017, c. 8, Sched. 19, s. 5.

Section Amendments with date in force (d/m/y)

Regulations re: power to impose tax

338.3 (1) The Minister of Finance may make regulations prescribing such matters as the Minister considers necessary or desirable in relation to this Part, including,

- (a) designating municipalities to which this Part applies;
- (b) prescribing conditions and limits with respect to the imposition of a tax under a by-law made under this Part;
- (c) prescribing persons and entities who are not subject to a tax imposed under this Part;
- (d) defining "vacant unit" for the purposes of this Part;
- (e) governing the collection of a tax imposed under this Part;
- (f) prescribing provisions of this Act that apply or do not apply for the purposes of this Part and providing for such modifications to those provisions as the Minister considers appropriate;
- (g) governing the manner for apportioning an assessment that is attributable to vacant units;
- (h) governing dispute resolution. 2017, c. 8, Sched. 19, s. 5.

Same

(2) On the recommendation of the Minister of Finance, the Lieutenant Governor in Council may make regulations defining any word or expression used in this Part. 2017, c. 8, Sched. 19, s. 5.

Retroactive

(3) A regulation under this section may be retroactive to a date not earlier than January 1 of the year in which the regulation is made. 2017, c. 8, Sched. 19, s. 5.

Conflicts

(4) In the event of a conflict between a regulation made under this section and a provision of any Act or regulation, the regulation made under this section prevails. 2017, c. 8, Sched. 19, s. 5.

Section Amendments with date in force (d/m/y)

Effect re: Part VIII

338.4 This Part does not limit the authority of a municipality under Part VIII (Municipal Taxation). 2017, c. 8, Sched. 19, s. 5.

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Luanne Patterson
Senior System Manager
Environmental Assessment

Directrice de l'analyse des systèmes
Évaluation environnementale

Box 8100
Montreal, Quebec Canada
H3C 3N4

Boite 8100
Montréal, Québec/Canada
H3C 3N4

5/4/2020



RE: CN RIGHT OF WAY VEGETATION CONTROL

Dear Mayor,

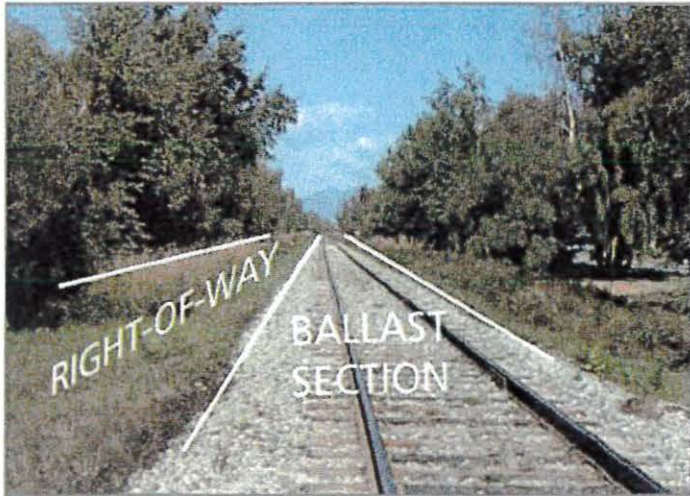
We are reaching out in order to advise you of our vegetation control activities in your area between May and October 2020. A regularly updated schedule will be available at www.cn.ca/vegetation.

If not managed properly, trees, brush or other vegetation can severely compromise public safety. Vegetation can impede the view motorists have of incoming trains, increase the risk of crossing accidents. Moreover, unwanted vegetation can damage the integrity of the railway, interfere with signals and switches, contribute to track side fires, compromise employee safety, reduce visibility for train crews at road crossings/train control signals and track side warning devices, to name a few of the potential risks. Our annual vegetation control program is designed to mitigate these risks by managing brush, weeds and other undesirable vegetation. In short, CN's vegetation control program is a critical contributor to safe operations; hence, these vegetation control measures assist in contributing to the overall safety of the communities through which we operate.

CN manages vegetation using both chemical and mechanical methods. CN is sensitive to concerns your community may have regarding chemical vegetation control. At CN, we are committed to environmental safety and sustainability

The track infrastructure is composed of two main sections, the ballast section typically ranging from 16-24 feet (which is primarily gravel and supports the track structure) and the right of way portion (which is the area outside of the ballast to the CN property boundary).

The 16-24 feet ballast section and areas around signals and communications equipment that is critical for safe railway operations must be managed using chemical methods. Application in these safety critical areas is done using spray truck or spray train with downcast nozzles that spray a short distance above the ground surface with shrouded booms. The right of way section is primarily maintained using mechanical control methods such as mowing or brush cutting. Small areas within the right of way that contain noxious or invasive weeds may be chemically treated.



CN must use chemical control techniques on the ballast section throughout the network for safety reasons. When chemicals are applied to the ballast section via spray train or truck, as outlined in the photo below, additives called surfactants that make the chemical work better may be included to help manage the application.



CN has retained professional contractors qualified to undertake this work who are required to comply with laws and regulations applicable to CN. In addition, the contractors ensure that vegetation control is performed with consideration of the environment and in accordance with the highest industry standards.

Should your Town/City have any noxious weed removal requests, we ask that you contact CN's Public Inquiry Line at contact@cn.ca or fill out the form at www.cn.ca/vegetation before June 1, 2020 with the specific information and location. CN will make every effort to include those locations as part of our 2020 Vegetation Management Program. All notices sent after the above mentioned date will be included in the 2021 Vegetation Management Plan.

We look forward to collaborating with you and answering any questions you may have regarding our vegetation control activities in your community. In that respect, please find attached the notices CN is publishing in local papers to advise the public. We would kindly ask that you post copies on your community's website and at City Hall or other central locations for a wider distribution.

For any questions or more information, please contact the CN Public Inquiry Line by telephone at 1-888-888-5909, or by email at contact@cn.ca.

Please also find our FAQ's regarding the program at the following address: www.cn.ca/vegetation.

Best regards,

Luanne Patterson
Senior Systems Manager, Environmental Assessment

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City of Welland
Corporate Services
Office of the City Clerk
60 East Main Street, Welland, ON L3B 3X4
Phone: 905-735-1700 Ext. 2159 | Fax: 905-732-1919
Email: clerk@welland.ca | www.welland.ca

City of Port Colborne
RECEIVED
APR 22 2020
CORPORATE SERVICES
DEPARTMENT

April 22, 2020

File No. 20-64

SENT VIA EMAIL

Niagara Region
1815 Sir Isaac Brock Way
P.O. Box 1042
Thorold, ON L2V 4T7

Attention: Ron Tripp, Acting Chief Administrative Officer

Dear Mr. Tripp:

Re: April 21, 2020 – WELLAND CITY COUNCIL

At its meeting of April 21, 2020, Welland City Council passed the following motion:

- “1. THAT THE COUNCIL OF THE CITY OF WELLAND receive for information Report FIN-2020-09, Covid-19 Financial Impact Report, from the General Manager Corporate Services and Chief Financial Officer dated April 21, 2020; and further
2. THAT Welland City Council request that Niagara Region not charge interest/penalty for any partial payment of any portion of the remaining 2020 Niagara Region tax levy not remitted by City of Welland; and further
3. THAT Welland City Council request that Niagara Region defer issuance of 2020 Debt to late July/August 2020; and further
4. THAT Welland City Council forward this report to Niagara Region and all local lower tier municipalities in Niagara; and further
5. THAT Welland City Council request that the Federal and Provincial governments provide municipalities with a 2020 operating grant to help municipalities fund current operations and maintain appropriate service levels during the Covid-19 event; and further
6. THAT Welland City Council request that the Federal and Provincial governments establish a new infrastructure building program by increasing the amount of gas tax funding made available to municipalities to stimulate the economy later this year; and further
7. THAT Welland City Council request that the Federal and Provincial governments accelerate approval of ICIP project applications submitted by the City of Welland to contribute to the economic recovery after the Covid-19 event is over; and further

RE: April 21, 2020 – Welland City Council

April 22, 2020

8. THAT Welland City Council forward this report to all local MPs and MPPs, FCM, AMO, and the Federal Minister of Finance, Minister of Municipal Affairs and Housing, and Minister of Finance for the Province of Ontario; and further
9. THAT Welland City Council extend the waiver of application of penalties charged on non-payment of current 2020 Realty tax arrears (excluding prior year arrears) from June 1-30, 2020); and further
10. THAT Welland City Council extend the deferral of 2020 water/wastewater increases from July 1, 2020 until October 1, 2020, PROVIDED that Niagara Region also defer its 2020 wholesale rate increases to that time period; and further
11. THAT Welland City Council extend waiving the charge back of NSF charges for all tax, water/wastewater, accounts receivable and miscellaneous accounts until June 30, 2020; and further
12. THAT Welland City Council extend not charging customers for removing themselves from the Pre-Authorized Payment Program (PAP) for both Tax and Water/Sewer accounts.
13. THAT Welland City Council request that all Niagara municipalities support the expansion of eligibility criteria to qualify for the 75% Canada Emergency Response Benefit wage subsidy for Covid-19 to all Municipal employers (including Library and Museum Boards), where currently it is only available to private sector employers.”

Yours truly,

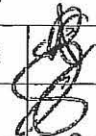




Tara Stephens
City Clerk

TS:jm

c.c.: Sent via email
Vance Badawey, MP, Niagara Centre
Jeff Burch, MPP, Niagara Centre
Federation of Canadian Municipalities
Association of Municipalities of Ontario
The Honourable William Morneau, Federal Minister of Finance
The Honourable Steve Clark, Minister of Municipal Affairs & Housing
Niagara Regional Municipalities
Ann-Marie Norio, Regional Clerk, Niagara Region
S. Zorbas, General Manager, Corporate Services, Chief Financial Officer/Treasurer

COUNCIL
CORPORATE SERVICES
FINANCE DIVISION

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

20-64

REPORT FIN-2020-09
APRIL 21, 2020

SUBJECT: COVID-19 FINANCIAL IMPACT REPORT

AUTHOR AND APPROVING G.M.: STEVE ZORBAS, CPA, CMA, B.Comm, DPA,
GENERAL MANAGER, CORPORATE SERVICES, CHIEF FINANCIAL OFFICER / TREASURER

RECOMMENDATION:

1. THAT THE COUNCIL OF THE CITY OF WELLAND receive for information Report FIN-2020-09, Covid-19 Financial Impact Report, from the General Manager Corporate Services and Chief Financial Officer dated April 21, 2020; and further
2. THAT Welland City Council request that Niagara Region not charge interest/penalty for any partial payment of any portion of the remaining 2020 Niagara Region tax levy not remitted by City of Welland; and further
3. THAT Welland City Council request that Niagara Region defer issuance of 2020 Debt to late July/August 2020; and further
4. THAT Welland City Council forward this report to Niagara Region and all local lower tier municipalities in Niagara; and further
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7. THAT Welland City Council request that the Federal and Provincial governments accelerate approval of ICIP project applications submitted by the City of Welland to contribute to the economic recovery after the Covid-19 event is over; and further
8. THAT Welland City Council forward this report to all local MPs and MPPs, FCM, AMO, and the Federal Minister of Finance, Minister of Municipal Affairs and Housing, and Minister of Finance for the Province of Ontario; and further

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12. THAT Welland City Council extend not charging customers for removing themselves from the Pre-Authorized Payment Program (PAP) for both Tax and Water/Sewer accounts.
13. THAT Welland City Council request that all Niagara municipalities support the expansion of eligibility criteria to qualify for the 75% Canada Emergency Response Benefit wage subsidy for Covid-19 to all Municipal employers (including Library and Museum Boards), where currently it is only available to private sector employers.

ORIGIN AND BACKGROUND:

The impact of the Covid-19 pandemic demonstrates the essential role played by the City in leadership, communication and community awareness, containment, and remediation efforts to flatten the curve on the Covid-19 virus. A decision was made by the City to close all public facilities and cancel events and programming until June 30, 2020. The decision was made by the City's Corporate Leadership Team (CLT) and Emergency Control Group, based on the need to protect City staff and residents, to help contain the spread of Covid-19; and to provide some certainty for user groups and key community stakeholders. With the number of confirmed Covid-19 cases and community spread in Niagara and Ontario on the rise, public health officials are indicating that it is more important than ever to continue to practice physical distancing, including self-monitoring and self-isolation. All indications from the experts are that these measures will be in place for months, not weeks. The Covid-19 event is the largest financial challenge that residents, families, businesses, communities and municipalities have seen in history.

This report provides an "estimated" financial impact update report to Council and a summary of various cost containment initiatives implemented by CLT to mitigate the negative financial impact to the City.

Staff have assumed that normal business operations will begin to be transitioned back no earlier than July 6, 2020. An immediate 3 month closure of non-essential services has been implemented by the CLT due to the Covid-19 pandemic and the business operations and service levels have been adjusted only to deliver essential services. The preliminary impact of Covid-19 is forecasting a deficit of approximately \$650,000 after implementing various cost containment initiatives and staff will be reporting back with update reports in May and June. In addition, staff continue to review assumptions/estimates/operations/business environment as more information becomes available and financial pressures may be increased or mitigated by future Council, Provincial and Federal decisions.

The most significant impact to the City of Welland is loss of revenues which can be offset by cost containment strategies implemented by the CLT that include, but are not limited to temporary layoffs of part-time, full-time staff, summer students, interns, co-op students and the elimination of contract positions.

The impact of the Covid-19 pandemic is being felt across the country with widespread closure of businesses, and a state of emergency declared by the Province of Ontario, Niagara Region, and the City of Welland.

The Federal Government has already provided information on economic and financial support for Canadians and businesses including:

- The extension of the income tax filing due date for individuals, and deferral of payments of qualifying income tax amounts owing;
- A temporary wage subsidy program over the next three months for qualifying small businesses faced with revenue losses, and to prevent employee layoffs;
- Enhancements to the Goods and Services Tax credit and the Canada Child Benefit; and
- An Emergency Care Benefit for employees that do not qualify for Employment Insurance Benefits.

On March 25, 2020, the provincial government announced that it is deferring the next two quarterly educational property tax remittances payments by 90 days. The remittance which would have been due June 30, 2020 is now September 30, 2020, and the remittance which would have been due September 30, 2020 is now December 15, 2020.

The government also announced that the property tax reassessment that was scheduled to be implemented in 2020 for the 2021 tax year will be postponed. This will provide stability for Ontario's property taxpayers and municipalities, and will enable municipal governments to focus their attention on critical public health initiatives and other efforts to manage the local response to the Covid-19 pandemic.

COMMENTS AND ANALYSIS:

Water and Wastewater Budgets for City of Welland

Welland owns, operates, and maintains in good working order, the water and wastewater system. The water supply and wastewater treatment are purchased from Niagara Region. Water/wastewater billing charged to the consumer is based on a rate per cubic meter (m³) of water consumed, plus a fixed rate. Residents are billed quarterly, while industrial, commercial and institutional (ICI), and larger residential apartment buildings are billed monthly. The water/wastewater operating and capital programs are funded by the revenue received from the water/wastewater rate charged to consumers. Approximately 55% of the revenues are used to pay Niagara Region for the water supply. The remaining 45% is used to fund the City's day-to-day operations and capital program.

City staff are recommending deferral of the 2020 water/wastewater rates to take effect October 1, 2020 in lieu of July 1, 2020, provided Niagara Region defers the proposed 2020 Wholesale rate increases to October 1, 2020. This will assist with the financial challenges many of our residents, families, and businesses are currently struggling with.

The potential deficit in the 2020 Water/Wastewater budget is estimated between \$1.2- \$1.4 million if:

1. Niagara Region does not freeze or delay their proposed 2020 Wholesale rate increases for purchase of Water and Wastewater Treatment costs.
2. The City of Welland defers the proposed 2020 Retail Rate Increase to December 31, 2020.
3. The City of Welland does not apply penalty/late charges for unpaid 2020 Water/Wastewater billings to end of year.

To mitigate, staff will reduce the 2020 staff inter-departmental chargebacks to the water/wastewater fund.

City provided Financial Assistance for Residents and Businesses-Welland City Council approvals

As stated previously in this report, the current Covid-19 pandemic is causing financial hardship for many residents and business owners. The CLT is recommending additional financial assistance for residents and businesses in Welland as follows:

1. Extend the waiver of application of penalties charged on non-payment of current 2020 Realty tax arrears (excluding prior year arrears) from June 1-30, 2020.
2. Defer 2020 water/wastewater rate increases from July 1, 2020 to October 1, 2020 provided Niagara Region also defers its proposed wholesale rate increases for water/wastewater to October 1, 2020.
3. Waive all NSF charges from March 19 – June 30,2020.
4. Waive all fee's associated with removing customers from PAP program from March 19- June 30, 2020.

FINANCIAL CONSIDERATION:

Cost Containment Initiatives Implemented by CLT:

1. Cancellation of Conferences effective March 19	\$121,000
2. Reduction of Promotions budgets (20%)	\$65,000
3. Reduce Ditching program	\$40,000
4. Reduce Catch Basin Cleaning (defer to 2021)	\$40,000
5. Defer Hard Surface Install @ Shaw St. Haulage station	\$25,000
6. Cancel Sweeping Contract and complete in house	\$45,000
7. Reduced fuel expenses at Transit	\$354,800
8. Reduced fuel – Other	\$131,000
9. Salary/Benefit Savings – Temporary Layoffs	\$1,950,000
10. Reduce Welland Museum 2020 Operating Grant	\$28,000
11. Reduce Library 2020 Operating Grant	\$291,000
12. Increase 2020 Welland Hydro Dividend	\$150,000
13. Cost Containment all City Departments – excl. salary/benefits	<u>\$560,000</u>
Sub-Total	\$3,800,800

Operating Losses Due to Covid-19

1. Reduced revenues-Recreation/Arenas/Wellness	\$230,000
2. YSP reduced revenues-Back to regular scheduling Sept 2020	\$250,000
3. Parking revenues reduced	\$124,000
4. Decrease Supplementary/Omit Taxes	\$50,000
5. Reduced charge backs to Water/WWV budgets	\$1,400,000
6. Covid-19 Initiatives to be initiated - various	\$500,000

7. Increased NSF charges	\$10,000
8. Reduction Building Department Revenues	\$23,500
9. Clerk's revenue reductions	\$32,700
10. Penalty/Interest Charges reduced	\$840,500
11. By-law revenue loss	\$4,500
12. Increased software licences for IT due to Covid-19	\$33,900
13. POA revenue reduced	\$30,000
14. Increased operating expenses due to COVID-19	\$50,000
15. Lost Revenue – Transit	<u>\$871,000</u>
Sub-Total	\$4,450,100

NET PROJECTED DRAFT DEFICIT \$649,300

Covid-19 Related Assumptions

1. The closure of recreation facilities will result in significant lost revenues. (Staff have assumed all recreational facilities and programming will begin re-opening July 6, 2020). The lost revenues are a result of immediate closures, cancellation of spring/ summer classes, and anticipated reduced revenues for the rest of the year as client behavior gradually returns.
2. Staff have assumed all conferences for all departments, including Mayor and Council, cancelled from March 19 to December 31, 2020.
3. Staff have reduced all Corporate Promotions budgets by 20%.
4. To protect the health of both transit operators and passengers, and implement social distancing, rear-door only entrance was introduced. In addition, numerous service level adjustments were made over the past weeks to recognize significant loss in ridership and revenue loss due to "free fares". Transit revenue losses are offset by reduced diesel consumption and lower fuel pricing.
5. Interest rate earnings will be lower as the Bank of Canada has lowered interest rates. This will negatively impact interest earned in the Operating budget and interest allocated to reserve funds. On the other hand, the City will be issuing debt and we expect interest rate savings due to record low interest rates.
6. Parking enforcement is reduced with fewer cars on the road.
7. Staff are projecting that fewer Provincial Offences (POA) tickets will be issued and with the closure of courts, some revenues will be deferred.
8. The four-month relief on reduction in penalties/interest charges to tax accounts will negatively impact the City. If relief is provided to the end of the year, the City will have a revenue shortfall and has assumed waiver will continue to December 31, 2020.
9. Other increased operating costs due to Covid-19 such as premiums for protective equipment, increased cleaning supplies and frequency of cleaning, material, supplies, and increased advertising.
10. Salary savings due to temporary layoffs for part-time and full-time staff, summer students, and not hiring Interns are assumed.
11. The CLT will delay the hiring of new staffing due to vacancy, resulting in gapping savings.
12. The CLT has implemented various cost containment initiatives in regards to discretionary spending in the 2020 Operating budget.

The combined effect of COVID-19 and currently projected variances as a result of regular business is a forecasted deficit of approximately \$650,000. Staff will continue to refine these

estimates as more information becomes available. Pressures may also be increased or mitigated by future Council, Provincial and Federal decisions.

City's 2020 Capital Program and All Approved & Outstanding Projects

A similar exercise will be undertaken on the City's approved 2020 capital program as more information becomes available. Some capital projects may have to be delayed or cancelled. The April 3, 2020 announcement by the Province stopping all non-essential construction could have an impact on the City's 2020 capital program.

Cash Flow Pressures for the City

Staff are monitoring the City's cash flow daily. Our current line of credit allows the City to access up to a maximum of \$9 million. City staff are seeking Welland City Council support requesting that Niagara Region not charge penalty/interest on any 2020 Regional Levy payments that are not paid due to cash flow challenges the City of Welland may experience due to non-payment of realty taxes by residential/commercial/industrial customers. The Province recently announced the deferral of Education tax remittances to the School Boards by 90 days (September and December) and this will assist the City's cash flow requirements. Staff will also be monitoring taxes receivable and all other receivables.

Permissive Grants and Special Events

Staff have not engaged in formal discussions with any organizations that have cancelled their 2020 special events. The potential exists for the City to realize cost savings if prior approved permissive grants for such cancelled events are returned to the City to assist with our revenue shortfalls. City staff continue to seek Council direction requesting prior approved 2020 grants for special events that have been cancelled to date, or that will be cancelled, to request return of such funds to assist with the Covid-19 financial challenges.

Library and Museum Boards

The CLT has been working closely with both the Library and Museums boards and each entity has also engaged various cost containment initiatives which have included temporary layoff for part-time and full time staff. City staff are requesting City Council to reduce the Library's 2020 Operating Grant in the amount of \$291,000, and the Museum 2020 Operating Grant in the amount of \$28,000.

Consider 75% Wage Subsidy to include Municipal Employer's including Library and Museum Boards

The Ontario Municipal Human Resources Association (OMHRA) supports including municipal employer's to apply to receive 75% wage subsidy for retaining employees.

Municipalities, especially those with Transit systems, are experiencing revenue loss and mitigating staffing costs through wage subsidies can assist municipalities in coping with financial challenges. Allowing municipal employer's to participate in a 75% wage subsidy, as is currently available to private sector employers, can assist municipalities in retaining staff and/or recalling staff that have been laid off

OTHER DEPARTMENT IMPLICATIONS:

Discussed in report.

SUMMARY AND CONCLUSION:

It is unknown the length of this crisis, but the CLT has implemented cost containment initiatives to deliver essential services to end the year in a stronger financial position in the absence of continuing business as usual. It is inevitable, as revenues decrease, while many costs continue, that CLT will be challenged to end the year with a balanced budget. All four levels of government have provided assistance for Welland residents and businesses. Municipalities in Ontario cannot sustain such fiscal pressures and will require assistance from both provincial and federal levels of government. The Finance department is monitoring the City's daily cash position and developing strategies to mitigate ending the 2020 calendar year in a deficit.

The CLT meets daily to ensure essential services are delivered, discuss issues, and ensure the health and safety of all residents and staff. They will continue to implement various cost containment initiatives to ensure the City's year-end financial position avoids a deficit. The City can run a deficit in a given year but it cannot budget for a deficit. Any deficit can be offset through the use of reserves or by increasing taxes in the subsequent year, or by increasing non-tax revenues. The state of the City's year-end financial position, the state of the economy later in the year, and the financial position of the City's residents and businesses will determine the extent of any 2021 tax increases and the rate of growth. Staff will work with Council including a 2021 budget update at the September Budget Committee meeting.

During such challenging economic times, all governments are thinking about the financial recovery that follows. As such, it is incumbent upon both Federal and Provincial governments to establish infrastructure-building programs to provide jobs and get the economy moving. Municipalities have always supported such incremental programs. It is important for Welland City Council, through the Mayor's office, to work with FCM and AMO to support such new incremental programs. Increased funding opportunities include dramatically increasing Federal and Provincial gas tax allocations, and accelerating approvals for the existing Investing in Canada Infrastructure Program (ICIP).

The City of Welland has submitted applications to the federal and provincial ICIP for key strategic initiatives and capital projects. ICIP's cost-sharing arrangement requires the municipality to contribute 26.67% of the funds with the remainder split between the Federal government at 40%, and the Provincial government at 33.33%. The details of the City's applications are as follows:

- Forks Road Bridge Replacement - \$5 million
ICIP – Rural and Northern Communities Stream
- New Transit Operations Facility - \$15 million
ICIP – Public Transit Stream
- Waterfront Redevelopment/Recreational and Cultural Amenities - \$13.5 million
ICIP – Community, Culture and Recreation Stream
- Broadway Infrastructure Improvements - \$1.43 million
- ICIP – Green Stream

Based on communications with provincial officials, the City's Forks Road Bridge Replacement application and new Transit Operations Facility application have been "nominated" by the province and sent to the federal government for review. To date, we have not received any updates regarding the status of our Waterfront Redevelopment application. City staff are continuing to work closely with our federal MP, Vance Badawey.

All these projects can be commenced immediately if funding is approved by the Federal and Provincial governments. The CLT will also provide Council with updates in late May and June. The City of Welland will need to rely on the Provincial and Federal governments who have the fiscal firepower to provide necessary funding programs to ensure continued economic prosperity for the City of Welland and Niagara Region.

The Corporate Leadership Team will be providing updated Covid-19 Financial Impact Reports in May and June.

ATTACHMENTS:

None.



EXCERPT OF THE MINUTES OF THE
General COMMITTEE
DATE May 6 / 20 ITEM NO. 3.1
RATIFIED BY COUNCIL May 6, 2020

3.1. Office of the Chief Administrative Officer
COVID-19 Update – May 6, 2020

Shelley Chemnitz, Chief Administrative Officer, provided an overview of the effects of the COVID-19 pandemic on City operations and services and initiatives brought forward by the City in response. Ms. Chemnitz also provided an update on the transition from the response phase to the recovery phase of operations and the enforcement of provincial orders. Kristine Douglas, Director of Financial Management Services / City Treasurer, provided an update on the City's finances and the financial effects of the COVID-19 pandemic on service delivery, revenue, the 2020 budget, the water and wastewater budget, the parking budget and the City's cash flow. Ms. Douglas outlined anticipated future financial challenges as well as financial mitigation efforts that have been and could be implemented.

Moved By: Councillor Dodge
Seconded By: Councillor Williamson

That the City of St. Catharines continues to work to keep essential services running for residents and businesses during the rapidly evolving global COVID-19 pandemic from a strategic and proactive approach while also suffering plummeting revenues; and

That organizations such as the Association of Ontario Municipalities (AMO), the Federation of Canadian Municipalities (FCM) and the Large Urban Mayors' Caucus of Ontario (LUMCO) have urged upper levels of government to provide emergency operating funding to municipalities to maintain municipal service levels; and

That the City of St. Catharines continues to endorse the advocacy work of the above organizations on behalf of municipalities to upper levels of government and affirms the need for direct and flexible emergency relief for municipalities; and

That the City continues to focus on recovery efforts while working with the above organizations as well as upper levels of government to address short and long-term financial impacts, recovery efforts, and economic stimulus; and

Further, that the City of St. Catharines forward this resolution to the Prime Minister of Canada, Canada's Minister of Finance, the Premier of Ontario, Ontario's Minister of Municipal Affairs and Housing, Ontario's Minister of Finance, local area MPs and MPPs, the Federation of Canadian Municipalities, the Association of Municipalities of Ontario, and the Large Urban Mayors' Caucus of Ontario. FORTHWITH

Yeas: Councillors Dodge, Garcia, Kushner, Littleton, Miller, Phillips, Porter, Siscoe, Sorrento, Townsend, Williamson, and Mayor Sendzik

Nays:

Carried

Councillor Harris was not present for the vote on this item.

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MAY 07 2020

CORPORATE SERVICES
DEPARTMENT

4800 SOUTH SERVICE RD
BEAMSVILLE, ON L0R 1B1

905-563-8205

May 7, 2020

SENT VIA EMAIL

The Honourable William Francis Morneau
Minister of Finance
90 Elgin Street
Ottawa, ON K1A 0G5
Bill.Morneau@canada.ca

Dear Minister of Finance Morneau:

**RE: REQUEST FOR EMERGENCY FUNDING FOR MUNICIPALITIES FROM THE
GOVERNMENT OF CANADA**

At its Special Council meeting held on Monday, May 4, 2020, the Council of the Town of Lincoln approved the following resolution:

Moved by: Councillor J.D. Pachereva; Seconded by: Councillor P. MacPherson

WHEREAS that the COVID-19 pandemic has created a global crisis;

AND WHEREAS towns, cities and communities are major economic drivers across Canada;

AND WHEREAS the Federation of Canadian Municipalities (FCM) on April 23, 2020 released its position, and called on all orders of government to work together in partnership, starting with an appeal to national leadership and stating that municipalities face challenges supporting isolation and good health among vulnerable populations;

AND WHEREAS, the Large Urban Mayors Caucus of Ontario (LUMCO) passed a resolution on April 28, 2020 stating that running deficits as a way to manage municipal financial challenges as a result of the pandemic is not in the public interest, and asked for emergency operating funding to keep critical services running;

AND WHEREAS the Council of the Town of Lincoln has expanded fiscal relief measures to ease the burden for businesses and residents and strategically plan for recovery for long-term sustainability;

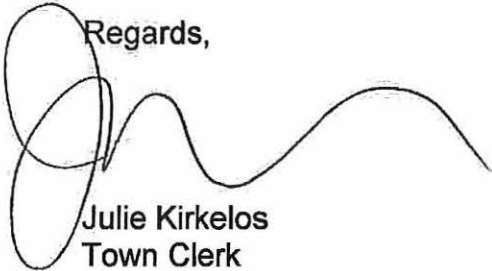
AND WHEREAS that staff continue to explore ways to assist Lincoln residents and businesses as well as continue to pursue advocacy with various levels of government as they experience and manage the impacts of the COVID-19 pandemic;

AND WHEREAS the Council of the Town of Lincoln has an obligation to run an effective, fiscally responsible and trusted local government, the intent of the Town's fiscal relief efforts are to support the community during the pandemic while not losing sight of long-term sustainability, which is critical to the development of an achievable and affordable long-term financial and resource strategy.

AND WHEREAS that the Council of the Town of Lincoln request emergency funding be administered to municipalities to assist with relief efforts;

THEREFORE BE IT RESOLVED that the Council of the Town of Lincoln support the positions of FCM and LUMCO in calling for support to municipalities, and that this be shared with local Niagara MP's and MPP's, the Federal Minister of Finance, the Minister of Municipal Affairs and Housing and Minister of Finance for the Province of Ontario, as well as the Niagara Region and the Niagara Region Local Area Municipalities.

Regards,



Julie Kirkelos
Town Clerk
jkirkelos@lincoln.ca

cc: The Honourable Rod Philips, Minister of Finance
The Honourable Steve Clark, Minister of Municipal Affairs and Housing
Dean Allison, MP
Sam Oosterhoff, MPP
Chris Bittle, MP
Jennifer Stevens, MPP
Tony Baldinelli, MP
Wayne Gates, MPP
Vance Badawey, MP
Jeff Burch, MPP
Niagara Region
Local Area Municipalities



Friday May 8, 2020

Hon. Bill Morneau
430 Parliament Street
Toronto, Ontario
M5A 3A2

City of Port Colborne
RECEIVED

MAY 11 2020

CORPORATE SERVICES
DEPARTMENT

Dear Minister Morneau,

I write to you today on behalf of the Oakville Economic Task Force. The Task Force – comprising the Town of Oakville’s Economic Development Department, the Oakville Chamber of Commerce, Oakville Business Improvement Associations, and myself – continues to engage our business community to understand what support is needed to ensure local businesses are able to survive this period of uncertainty and are in a position to play a role in the recovery of our local economy.

The Task Force is encouraged by the cooperation between the Federal and Provincial government to develop the Ontario-Canada Emergency Commercial Rent Assistance Program. While we recognize rent is a provincial concern and we are grateful for the federal government partnering with provinces, it is important to keep in mind that in order to work the program needs to address certain points that both levels of government need to be aware of in order to collaborate successfully, such as:

- Many landlords have declined to apply and others face the onerous process of having to apply for each commercial unit where they own many
- Many tenants cannot benefit from the program or qualify and are facing eviction.

We appreciate the Canada Mortgage and Housing Corporation indicating that they will address the issue of landlords with no mortgages “in the near future” but some tenants facing eviction do not have very much time to wait for a new program.

The feedback we are hearing from the local business community indicates that, based on the current program details, there are many businesses who will be unable to benefit from the program as-is and will face eviction. Therefore, we are proposing the following changes to the program:

1. Suspend evictions of commercial tenants for a minimum of 6 months
2. Allow tenants to make an application for the rent assistance if the property owner does not want to apply or is ineligible



3. Allow property owners to make one application for all of their properties rather than individual applications
4. Lower the 70% revenue decline threshold for tenants

I urge to you consider these proposed changes as you develop and roll out the program details. Without changes, an increasingly large number of small businesses will be put in a position where they may be faced with permanent closure.

We look forward to continuing to work together with you in supporting the Oakville business community.

Sincerely,

Mayor Rob Burton
Oakville Economic Task Force



Friday May 8, 2020

Hon. Rod Phillips
Ministry Office, Ministry of Finance
Frost Building South, 7th Floor
7 Queen's Park Cres.
Toronto, Ontario
M7A 1Y7

Dear Minister Phillips,

I write to you today on behalf of the Oakville Economic Task Force. The Task Force – comprising the Town of Oakville's Economic Development Department, the Oakville Chamber of Commerce, Oakville Business Improvement Associations, and myself – continues to engage our business community to understand what support is needed to ensure local businesses are able to survive this period of uncertainty and are in a position to play a role in the recovery of our local economy.

The Task Force is encouraged by the cooperation between the Federal and Provincial government to develop the Ontario-Canada Emergency Commercial Rent Assistance Program. While we recognize rent is a provincial concern and we are grateful for the federal government partnering with provinces, it is important to keep in mind that in order to work the program needs to address certain points that both levels of government need to be aware of in order to collaborate successfully, such as:

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2. Allow tenants to make an application for the rent assistance if the property owner does not want to apply or is ineligible
3. Allow property owners to make one application for all of their properties rather than individual applications
4. Lower the 70% revenue decline threshold for tenants

I urge to you consider these proposed changes as you develop and roll out the program details. Without changes, an increasingly large number of small businesses will be put in a position where they may be faced with permanent closure.

We look forward to continuing to work together with you in supporting the Oakville business community.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob".

Mayor Rob Burton
Oakville Economic Task Force



**The Corporation of the Town of Grimsby
Administration**

Office of the Town Clerk
160 Livingston Avenue, P.O. Box 159, Grimsby, ON L3M 4G3
Phone: 905-945-9634 Ext. 2015 | **Fax:** 905-945-5010
Email: skim@grimsby.ca

City of Port Colborne
RECEIVED
MAY 07 2020
CORPORATE SERVICES
DEPARTMENT

May 6, 2020

SENT VIA EMAIL

The Honourable Justin Trudeau
Prime Minister of Canada
80 Wellington Street
Ottawa, ON K1A 0A2

The Honourable William Francis Morneau
Minister of Finance
90 Elgin Street
Ottawa, ON K1A 0G5

The Honourable Doug Ford
Premier of Ontario
Legislative Building
Queen's Park
Toronto, ON M7A 1A1

Dear Prime Minister Trudeau, Minister of Finance Morneau and Premier Ford:

Re: Support for Commercial Rent Assistance Program

At its meeting of May 4, 2020, the Town of Grimsby Council passed the following resolution:

*Moved by Councillor Ritchie; Seconded by Councillor Vaine;
Whereas these are unprecedented times that have not been seen in generations;
and,
Whereas on April 16, 2020 the Canadian Federal Government announced a new
program called the Canada Emergency Commercial Rent Assistance; and,
Whereas this program is to be developed in unison with the Provincial and
Territorial counterparts; and,*



**The Corporation of the Town of Grimsby
Administration**

Office of the Town Clerk

160 Livingston Avenue, P.O. Box 159, Grimsby, ON L3M 4G3

Phone: 905-945-9634 Ext. 2015 | **Fax:** 905-945-5010

Email: skim@grimsby.ca

*Whereas this program is to provide relief to small business (in Grimsby and throughout Canada) with their rent for the months of April, May, and June; and,
Whereas many Provincial programs have been announced to date but have generally aimed at the residential, rather than the commercial, rent markets; and,
Whereas many small businesses in the Town of Grimsby have been affected financially due to COVID-19, thus making rent payments difficult;*

Therefore be it resolved that the Town of Grimsby endorse this program whole heartedly, and request the Federal Government of Canada to work with its Provincial and Territorial Partners to expedite this program and offer this program as soon as possible; and,

Be it further resolved that the Town of Grimsby ask the Federal Government, and Provincial and Territorial Partners look at the possibility of extending this program if the impacts of COVID-19 continue past the month of June; and,

Be it further resolved that the Town of Grimsby ask the Federal Government and its Provincial, and Territorial Partners to make this program 100 percent forgiving to the small businesses effected; and,

Be it further resolved that this motion be distributed to the Right Honourable Prime Minister of Canada, the Honourable Minister of Finance, the Honourable Premier of Ontario, and all municipalities in Ontario

Regards,

Sarah Kim
Town Clerk

SK/dk

Cc: Ontario Municipalities



**The Corporation of the Town of Grimsby
Administration**

Office of the Town Clerk

160 Livingston Avenue, P.O. Box 159, Grimsby, ON L3M 4G3

Phone: 905-945-9634 Ext. 2015 | **Fax:** 905-945-5010

Email: skim@grimsby.ca

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OFFICE OF THE MAYOR
CITY OF HAMILTON

City of Port Colborne
RECEIVED
APR 30 2020
CORPORATE SERVICES
DEPARTMENT

April 23, 2020

The Honourable David Lametti
Minister of Justice and Attorney General of Canada
284 Wellington Street
Ottawa, Ontario K1A 0H8

The Honourable Doug Ford
Premier of Ontario
Legislative Building
Queen's Park
Toronto, ON M7A 1A1

The Honourable Doug Downey
Attorney General
McMurtry-Scott Building, 11th Floor
720 Bay Street
Toronto, ON M7A 2S9

**Subject: Request to Regulate and Enforce Odour and Lighting Nuisances
Related to the Cultivation of Cannabis Plants**

Dear Minister/Attorney General Lametti, Premier Ford and Attorney General Downey:

At its meeting of April 22, 2020, Hamilton City Council approved Item 5.4(d), which reads as follows:

**5.4 (d) Repeal and Replace Public Nuisance By-law 09-110 and Amend
Administrative Penalty By-law 17-225 (PED20076) (City Wide)**

- (a) That the draft by-law, attached as Appendix "A" to Report PED20076, which repeals and replaces By-law 09-110, being a By-law to Prohibit and Regulate Certain Public Nuisances within the City of Hamilton, and amends the Administrative Penalties By-law 17-225 which has been prepared in a form satisfactory to the City Solicitor, be approved and enacted by Council;
- (b) That the Mayor be directed, on behalf of the City of Hamilton, to write to the relevant federal and provincial governments to regulate

and enforce odour and lighting nuisances related to the cultivation of cannabis plants;

- (c) That the Mayor contact the Premier of Ontario, Minister of the Attorney General, and local Members of Parliament to request that the Province extend authority to Municipalities to enforce odor and lighting nuisance complaints stemming from licensed and unlicensed cannabis cultivations within the its jurisdiction; and,
- (d) That the request be sent to other municipalities in Ontario, including the Association of Municipalities of Ontario for their endorsement.

We respectfully request your consideration with regard to this request and look forward to your response.

Sincerely,



Fred Eisenberger
Mayor

Copied:

The Honourable Filomena Tassi, M.P., Hamilton West, Ancaster, Dundas
Scott Duvall, M.P., Hamilton Mountain
Bob Bratina, M.P., Hamilton East-Stoney Creek
David Sweet, M.P., Flamborough – Glanbrook
Matthew Green, M.P. , Hamilton Centre
Andrea Horwath, Opposition Party Leader, NDP of Ontario, M.P.P Hamilton Centre
Monique Taylor, M.P.P., Hamilton Mountain
Paul Miller, M.P.P., Hamilton East-Stoney Creek
Donna Skelly, M.P.P., Flamborough-Glanbrook
Sandy Shaw, M.P.P. Hamilton West-Ancaster-Dundas
Association of Municipalities of Ontario
Municipalities of Ontario



Community Services

Legislative Services

City of Port Dalhousie
RECEIVED
MAY 05 2020
CORPORATE SERVICES
DEPARTMENT

May 5, 2020

Sent via email: sbellows@niagaraparks.com

Sandie Bellows, Chair
Niagara Parks Commission
7400 Portage Road, P.O. Box 150
Niagara Falls, Ontario, Canada L2E 6T2

Dear Ms. Bellows:

Re: Niagara Parks Commission Development of Miller's Creek Marina

Please be advised the Municipal Council of the Town of Fort Erie at its meeting of May 4, 2020 passed the following resolution for your action:

Whereas the Niagara Parks Commission ("NPC") has considered options for the operation or closing of its marina on the Niagara River in Fort Erie, near Miller's Creek; and

Whereas in 2005, the NPC agreed to work with the Town of Fort Erie to permit the Fort Erie Economic Development & Tourism Corporation ("EDTC") to undertake a Request for Proposals process for the expansion and enhancement of the marina and potential development of the lands between the Niagara Parkway and Cairns Crescent ("the adjacent lands"); and

Whereas as a result of the cooperative efforts of the NPC, Town of Fort Erie and the EDTC, submissions were received for expansion and enhancement of the marina and the development of a resort on the adjacent lands, and

Whereas since 2012, the NPC has embarked on a number of processes with a view to proceed with a marina/resort development at the Miller's Creek Marina, and

Whereas the NPC's most recent initiative resulted at the end of August 2017 in no proponent submitting a response to the NPC's Request for Proposals for development at the marina, and

Whereas the NPC maintains that it continues to be committed to marina enhancements and development on the adjacent lands, and

Whereas the Council of the Town of Fort Erie understands that there remains developer interest in proceeding to develop the marina and adjacent lands at Miller's Creek Marina.

Now therefore be it resolved,

That: The Council of the Town of Fort Erie reiterates its continuing support for the expansion and enhancement of the marina and a resort development on the adjacent lands at the NPC's Miller's Creek Marina; and further

.../2

That: Council urges the NPC to continue its discussions with the Province of Ontario regarding the transfer of a portion of the adjacent lands to facilitate redevelopment of the marina and development of a resort; and further

That: Council requests the NPC to review the realignment of the Niagara Parkway to allow for the development of the marina and resort development; and further

That: Council requests that the NPC work with the Town of Fort Erie and the Region of Niagara in the preparation and circulation of a public Request for Proposal (RFP) that maintains the integrity of the mandate of the NPC; and further

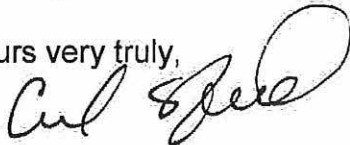
That: A copy of this resolution be forwarded to the Chair of the NPC for action; and further

That: A copy of this resolution be forwarded to the Premier of the Province of Ontario, the Minister of Tourism, Culture and Sport, the Minister of Infrastructure, the Chair of the Region of Niagara, the M.P.P.'s in Niagara, and the Honourable Tony Baldinelli, M.P.; and further

That: A copy of this resolution be circulated to the Councils of the local municipalities in Niagara for their support.

Trusting this information will be of assistance to you.

Yours very truly,



Carol Schofield, Dipl.M.A.
Manager, Legislative Services/Clerk
cschofield@forterie.ca

CS:dlk

Cc:

Sent via email:

The Honourable Doug Ford, Premier of Ontario premier@ontario.ca

The Honourable Lisa MacLeod, Minister of Heritage, Sport, Tourism and Culture Industries
minister.MacLeod@ontario.ca

The Honourable Laurie Scott, Minister of Infrastructure laurie.scottco@pc.ola.org

Jim Bradley, Regional Chair Jim.Bradley@niagararegion.ca

Wayne Gates, MPP-Niagara Falls, Legislative Assembly of Ontario wgates-co@ndp.on.ca

Sam Oosterhoff, MPP-Niagara West-Glanbrook, Legislative Assembly of Ontario sam.oosterhoff@pc.ola.org

Jennifer Stevens, MPP-St. Catharines JStevens-CO@ndp.on.ca

Jeff Burch, MPP-Niagara Centre JBurch-QP@ndp.on.ca

Tony Baldinelli, MP-Niagara Falls Tony.Baldinelli@parl.gc.ca

Niagara Area Municipalities

Mailing Address:

The Corporation of the Town of Fort Erie
1 Municipal Centre Drive, Fort Erie ON L2A 2S6

Office Hours 8:30 a.m. to 5:00 p.m. Phone: (905) 871-1600 FAX: (905) 871-4022

Web-site: www.forterie.ca



DISTRICT OF PARRY SOUND

56 ONTARIO STREET
PO BOX 533
BURK'S FALLS, ON
POA 1C0

(705) 382-3332
(705) 382-2954
Fax: (705) 382-2068
Email: info@armourtownship.ca
Website: www.armourtownship.ca

April 29, 2020

City of Parry Sound
RECEIVED
APR 29 2020
CORPORATE SERVICES
DEPARTMENT

Honourable Doug Ford
Premier of Ontario
Legislative Building
Queen's Park
Toronto, ON M7A 1A1

Re: Support Resolution - High Speed Internet Connectivity in Rural Ontario

At its meeting held on April 28, 2020, the Council of the Township of Armour passed Resolution #6 supporting our Councillor Rod Ward's letter regarding the need to make substantial investments in high-speed internet connectivity in the rural areas of Ontario.

A copy of Council's Resolution #6 dated April 28, 2020 and Councillor Ward's letter is attached for your consideration.

Sincerely,

Charlene Watt
Deputy Clerk

Cc: MPP Norm Miller, MP Scott Aitchison and Ontario Municipalities

Enclosures



CORPORATION OF THE TOWNSHIP OF ARMOUR

RESOLUTION

Date: April 28, 2020

Motion # 6.

That the Council of the Township of Armour supports the letter, dated April 15, 2020 from Councillor Rod Ward, on the need to make substantial investments in high-speed internet connectivity in rural areas. Furthermore, that this resolution and the letter be circulated to Scott Aitchison, MP for Parry Sound-Muskoka, Norm Miller, MPP for Parry Sound-Muskoka and all Ontario municipalities requesting their support.

Moved by:

Blakelock, Rod	<input type="checkbox"/>
Brandt, Jerry	<input checked="" type="checkbox"/>
MacPhail, Bob	<input type="checkbox"/>
Ward, Rod	<input type="checkbox"/>
Whitwell, Wendy	<input type="checkbox"/>

Seconded by:

Blakelock, Rod	<input checked="" type="checkbox"/>
Brandt, Jerry	<input type="checkbox"/>
MacPhail, Bob	<input type="checkbox"/>
Ward, Rod	<input type="checkbox"/>
Whitwell, Wendy	<input type="checkbox"/>

Carried / Defeated

[Handwritten Signature]

Declaration of Pecuniary Interest by: _____

Recorded vote requested by: _____

Recorded Vote:

Blakelock, Rod
 Brandt, Jerry
 MacPhail, Bob
 Ward, Rod
 Whitwell, Wendy

For	Opposed
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

April 15, 2020

To whom it may concern,

The COVID-19 pandemic in Ontario has highlighted both our positive responses to a crisis, and some definite shortcomings in infrastructure, systems and services which need to be addressed on a long-term basis. Setting priority on solving these issues will be a challenge, given the differing agendas and the strained budgets. Solving fundamental issues should focus on the most basic needs as a starting point. One of the clear needs in a rural community such as the Almaguin Highlands, highlighted further by recent events, is the need for proper high-speed internet connectivity. Healthcare and education are both going down a path where appropriate connectivity is assumed. Like many models that move outward from metropolitan areas, this assumption is lost on rural areas. For the vast majority of households in our community, true high-speed connectivity simply does not exist. For the vast majority of future strategies in healthcare and education, there is an assumption that it does exist.

Even in areas in the Almaguin Highlands which have 'high-speed' internet, the overall infrastructure is still limited. It is certainly not designed to deal with a sudden huge peak in demand. Whereas the capacity in large urban centres is built to handle the added throughput, there are clear limitations here. The best way to explain it is a comparison to hydro. Imagine if everyone went home at the same time and turned their lights on, but because there wasn't enough hydro capacity overall, all lights were 50% dimmer than normal and some appliances simply didn't work. We no longer have to imagine what happens with internet speed during peak usage. Suddenly during the COVID pandemic, people are working from home who have never worked from home. Kids are trying to do courses on-line. People who are not working are turning on-line to stay connected. Video-conferencing, which was a totally foreign concept to many, is now part of daily routine. Any idea how much internet bandwidth video uses? It's no wonder we hit a wall.

The future of healthcare sees patients being monitored and cared for in their own homes, through the use of technology. The future of education sees students doing much of their learning on-line. The future of business and commerce sees the ability to function outside the 'bricks and mortar' of an office location. Malls disappear and on-line shopping is the norm. For some, that future has already arrived. Our area has already been drastically affected by cutbacks in the area of healthcare and education through gradual decreases in budgets and services. Technology offers us the ability to level the playing field to a great extent. High-speed connectivity cannot be seen as a luxury or a nice-to-have, any more than hydro should be seen that way. In order to solve some other problems (i.e. skyrocketing budgets in healthcare and education) the wise investment is in providing connectivity for every resident in the province.



Rod Ward
Councillor
Armour Township

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The Corporation of the City of Port Colborne

By-law No. 6781/30/20

Being a By-law to Authorize Entering into a Contract Agreement with
The Greenfield Group Re: Project No. 2015-04, City Wide Grass Mowing
Contract Extension

Whereas at its meeting of May 25, 2020 the Council of The Corporation of the
City of Port Colborne approved the recommendations of the Engineering and
Operations Department, Engineering Division, Report No. 2020-62, Project No.
2015-04, City Wide Grass Mowing Contract Extension; and

Whereas the Council of The Corporation of the City of Port Colborne is desirous
of entering into a contract agreement with The Greenfield Group regarding
Tender 2015-04, City Wide Grass Mowing Contract Extension for the year 2020.

Now therefore the Council of The Corporation of the City of Port Colborne enacts
as follows:

1. That the Corporation of the City of Port Colborne enter into a contract
agreement with The Greenfield Group regarding Tender 2015-04, City Wide
Grass Mowing Contract Extension for the year 2020.
2. That the Mayor and the Clerk be and each of them is hereby authorized
and directed to sign said agreement, together with any documents
necessary to complete the conditions of said agreement, and the Clerk is
hereby authorized to affix the Corporate Seal thereto.

Enacted and passed this 25th day of May, 2020.

William C. Steele
Mayor

Amber LaPointe
City Clerk

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The Corporation of the City of Port Colborne

By-Law no. 6782/31/20

Being a By-law to authorize entering into a Grant Agreement with SouthPort Condos Inc. for Community Improvement Plan Incentives

Whereas the City has adopted a Downtown Central Business District Community Improvement Plan (DCIP) and a Brownfield Community Improvement Plan (BCIP) pursuant to Section 28 of the *Planning Act*; and

Whereas the Owner is the registered Owner of the lands described in Section 1 and Schedule "A" to the agreement (the "subject lands") which are located within the City of Port Colborne; and

Whereas the Owner has made applications (the "application") to the City for the Tax Increment Grant under the DCIP and the Rehabilitation Grant under the BCIP; and

Whereas the City has approved this application and has agreed to provide tax assistance and a grant; and

Whereas a condition of approval of this application for tax assistance and/or a grant, the Owner is required by the City to enter into this Agreement (the "Agreement");

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. That the Council of the Corporation of the City of Port Colborne hereby approves entering into a Grant Agreement with SouthPort Condos Inc. which agreement is attached to this By-law as Schedule A.
2. That the Mayor and Clerk be and they are hereby authorized and directed to sign the said Agreement and the Clerk is hereby authorized to affix the Corporate Seal thereto.
3. That this By-law shall come into force and take effect on the date that it is passed by Council.

Enacted and passed this 25th day of May, 2020.

William C. Steele
Mayor

Amber LaPointe
City Clerk

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**Downtown Central Business District Community Improvement Plan Tax Assistance
& Brownfield Community Improvement Plan Rehabilitation Grant Agreement**

BETWEEN:

THE CITY OF PORT COLBORNE
(hereinafter referred to as the "City")

and

SouthPort Condos Inc.
(hereinafter referred to as the "Owner")

WHEREAS the City has adopted a Downtown Central Business District Community Improvement Plan (DCIP) and a Brownfield Community Improvement Plan (BCIP) pursuant to Section 28 of the *Planning Act*;

AND WHEREAS the Owner is the registered Owner of the lands described in Section 1 and Schedule "A" to this agreement (the "subject lands") which are located within the City of Port Colborne;

AND WHEREAS the Owner has made applications (the "application") to the City for the Tax Increment Grant under the DCIP and the Rehabilitation Grant under the BCIP;

AND WHEREAS the City has approved this application and has agreed to provide tax assistance and a grant;

AND WHEREAS a condition of approval of this application for tax assistance and/or a grant, the Owner is required by the City to enter into this Agreement (the "Agreement");

1. INFORMATION ON SUBJECT LANDS

1.1 The tax assistance and/or grant shall apply to the subject lands as set out in Schedule "A" attached.

2. TAX ASSISTANCE/GRANT ELIGIBILITY

2.1 To be eligible for the tax assistance and grant, the development and remediation works on the subject lands (hereinafter referred to as "work"), shall conform to and fulfill:

- (a) the objectives and requirements of the Tax Increment and Rehabilitation program of the DCIP and BCIP; and,
- (b) any other requirements as specified by the City

2.2 The Owner acknowledges that it has received and read a copy of the City’s DCIP Tax Assistance Program Guide (the “DCIP Guide”) and the City’s BCIP Rehabilitation Program Guide, and the Owner covenants with the City that the subject lands shall be rehabilitated and developed in accordance with the City’s objectives, policies and requirements set out in the Program Guides and the CIPs’.

3. TAX ASSISTANCE/GRANT CALCULATION AND PAYMENT

3.1 The annual tax assistance will be calculated as the difference between property taxes on the subject lands at the time of approval of this Agreement and property taxes that would have been collected on the subject lands after the projects completion.

3.2 Municipal tax assistance will commence at the time of passing of the by-law and three year freeze of taxes for the subject lands and will cease on the earlier of:

- a) sale or conveyance of the subject lands;
- b) ten (10) years from the date the tax assistance begins.

3.3 The annual grant will be calculated as a percentage of the increase in municipal property taxes on the subject lands that result from the development with this percentage as identified in the table below.

Year*	Grant Factor
1	80%
2	80%
3	80%
4	80%
5	80%
6	80%
7	80%
8	80%
9	80%
10	80%

3.4 The tax assistance/grant payments shall be calculated according to the formulas and schedules set out in Schedule B to this agreement.

3.6 The actual tax assistance/grant payment amounts will be based on the actual post-project assessed value (AV) as determined by the Municipal Property Assessment Corporation (MPAC) and actual applicable City tax rates.

3.7 Where at any time after the original rehabilitation of the subject lands, new construction is added to the subject lands that is not part of the original program application, the tax assistance and/or grant will be calculated only in respect of the original rehabilitation contained in the original application, based on the assessed value and property taxes in the last year before revaluation by the MPAC as a result of the new construction added to the subject lands.

- 3.8 The annual tax assistance and grant payment shall be calculated by the City based upon, and provided the City is satisfied in its discretion that rehabilitation of the subject lands took place in accordance with the proposed rehabilitation works as specified in the application, accompanying documentation, and this Agreement;
- 3.9 The City shall review all cost estimates and documentation submitted in support of the application in evaluating the estimated costs eligible for tax assistance and/or a grant, which costs, when designated by the City shall constitute the maximum costs eligible for tax assistance and/or a grant. In the event the City is not satisfied with said cost estimates, the City may substitute their opinion of such amounts for purposes of calculating the eligible costs and maximum total tax assistance and/or maximum total grant.
- 3.10 If the City is not in receipt of sufficient information satisfactory to the City to determine eligible costs and the amount of tax assistance and/or grant, there shall be no tax assistance/grant. The decision of the City regarding the total amount of eligible costs, the calculation of the total estimated tax assistance and grant, and the calculation of the actual tax assistance and grant is final and within the City's sole discretion.
- 3.11 Payment of the tax assistance and/or grant is subject to the City's review and satisfaction with all reports and documentation submitted in support of the application, including but not limited to: documentation of the estimated and actual costs of eligible works. Any and all of these costs may be, where required by the City, subject to verification, third party review or independent audit, at the expense of the Owner.
- 3.12 The Owner shall not be entitled to tax assistance and/or a grant payment unless and until they have met all the conditions of this Agreement to the satisfaction of the City. Except where expressly stated in this Agreement, all conditions in this Agreement are for the benefit of the City and may only be waived by the City. No waiver is effective unless in writing.
- 3.13 The total value of the tax assistance that may be provided to the Owner shall not exceed the total eligible Tax Assistance Program costs that have been approved by the City.
- 3.14 The tax assistance that has been provided to the Owner will become payable (including interest) upon notice in writing from the City that one or more of the terms and conditions set out in the application, this Agreement or the Industrial Property Tax Increment Grant Program have not been met.
- 3.15 The total sum value of the annual grant payments that may be provided to the Owner shall not exceed the total eligible Industrial Tax Increment Grant Program costs that have been accepted by the City.
- 3.16 Any and all grant payments that have been provided to the Owner will become payable upon notice in writing from the City that one or more of the conditions set out in the application, this Agreement, or the Tax Increment Grant Program have not been met.
- 3.17 Grants are not payable by the City until such time as additional assessment eligible for a grant has been added to the assessment roll by the MPAC, property taxes have been billed by the City, and property taxes have been paid in full for one year on the property.

- 3.18 Annual grant payments to the Owner will not be issued if there is an outstanding tax payment. If at any time after the term of this Agreement, property taxes are owing on a property for more than one full year, the City will have the option, at its sole discretion, to terminate this Agreement and all future grant payments.
- 3.19 The grant is not payable by the City until such time as all assessment appeals relating to the value of the subject lands before the additional assessment or as to the additional assessment as a result of the rehabilitation of the subject lands have been filed and decided.
- 3.20 The first grant payment as finally determined by the City shall be paid to the Owner by the City, subject to the provisions of this Agreement, following completion and occupancy of the said redevelopment of the subject lands, and during or after the property taxation year in which the property taxes increase as a result of the completed rehabilitation.
- 3.21 In the event that the accepted development works as described in the Tax Increment Grant application have not commenced within three (3) years of the Council approval of this agreement, this agreement shall be at an end, and no tax assistance or grant payments shall be paid to the Owner. The City's decision as to when such works are commenced is final.
- 3.22 In the event that the accepted works as described in the Tax Increment Grant application are not commenced within three (3) years and completed within six (6) years of the Council approval of this agreement, this agreement shall be at an end, and no grant payments shall be paid to the Owner. The City's decision as to when such works are commenced and completed is final.
- 3.23 Annual grant payments under the Industrial Tax Increment Grant Program will not be provided by the City until the Owner has satisfied the City that:
- a) The development work on the subject lands has been completed in accordance with the work as described in the application;
 - b) The Owner has supplied the City with the actual amount of the eligible Tax Increment Grant Program costs incurred by the Owner;
 - c) There are no outstanding work orders and/or orders or requests to comply from any City department or other regulatory authority in respect of the subject lands, and the business of the Owner conducted on the subject lands;
 - d) The Owner and the subject lands are in full compliance with:
 - i) Any Agreement(s) relating to the property in favour of the City, including any Agreement relating to: subdivision, modified subdivision, service, site plan approval, encroachment, joint sewer & water use, easement or other Agreement; and,
 - ii) Bylaws of the City and provincial or federal legislation and regulations.
 - e) There are no unpaid charges where applicable against the subject lands in favour of the City, including but not limited to: development charges, parkland dedication fees, special assessments and local improvement charges; and,

- f) The Owner has not appealed the post-project assessed value and there exists no other pending appeal which has not been settled completely in respect of the post-project assessed value.

4. CORPORATE STATUS

4.1 The Owner warrants and represents to the City that:

- a) The Owner has been duly incorporated as a corporation and is in good standing under the *Business Corporations Act* and is in compliance with all laws that may affect it and will remain so throughout the term of this Agreement;
- b) The Owner has the corporate capacity to enter into this Agreement and to perform and meet any and all duties, liabilities and obligations as may be required of it under this Agreement;
- c) the Owner is a resident of Canada as of the date of this Agreement and that in the event the Owner ceases to be a resident of Canada, the Owner shall immediately notify the City, and it is agreed, the City may deduct from any or all annual grant payments, such sum(s) as may be required by Canada Customs and Revenue Agency in order to meet the City's obligations as a payer and the Owner's obligations under the *Income Tax Act (Canada)* and other applicable laws.
- d) to the best of its knowledge and belief, there are no actions, suits or proceedings pending or threatened against or adversely affecting the Owner in any court or before or by any federal, provincial, city or other governmental department, commission, board, bureau or agency, Canadian or foreign, which might materially affect the financial condition of the Owner or title to their property or assets; and,
- e) The Owner shall notify the City immediately of any material change in the conditions set out in paragraphs (a)-(d) above.

5. PROVISIONS RELATING TO THE OWNER

- 5.1 At the time the Owner signs the Industrial Tax Increment Grant Agreement, the Owner will provide the City with a certified true copy of a resolution of the Board of Directors of the Owner (certified by an officer of the corporation) that authorizes the Owner to enter into this Agreement with the City.
- 5.2 At the time of application, the Owner shall submit to the City for its review and acceptance all required documentation and plans for the rehabilitation of the subject lands.
- 5.3 The Owner shall rehabilitate the subject lands in accordance with the plans submitted to the City to the extent such plans have been accepted by the City for purposes of the application and this Agreement.

- 5.4 The Owner shall not commence any works that are the subject of an Tax Increment Grant application prior to receiving approval of this Agreement from the City.
- 5.5 The Owner agrees that the rehabilitation of the subject lands and buildings thereupon shall be made in compliance with all required building permits, and constructed in accordance with the Ontario Building Code and all applicable zoning by-law requirements, city requirements and other approvals required at law.
- 5.6 The Owner covenants to the City that building(s) and improvements that are the subject of this Agreement will not be demolished, in whole or in part prior to the advance of all of the grant payments.
- 5.7 Upon completion of the works, the Owner shall provide the City with documentation satisfactory to the City as to the amount of the actual eligible Industrial Tax Increment Grant Program costs actually incurred by the Owner, and the City shall, in its sole discretion designate the approved total tax assistance available.
- 5.8 Upon completion of the work, the Owner shall provide the City with documentation satisfactory to the City as to the amount of the actual eligible Tax Increment Grant Program costs actually incurred by the Owner, and the City shall, in its sole discretion designate the approved total grant available.
- 5.9 The Owner will provide to the City, upon request, a rehabilitation status report signed by the Owner to confirm the status and completion of the approved eligible works, including, but not limited to, the rehabilitation schedule, the existence and extent of any faults or defects, the value of the work done under any contract, the amount owing to any contractor and the amounts paid or retained by the Owners on any contract.
- 5.10 The Owner shall ensure there are no liens or other claims outstanding in respect of the subject lands, including its rehabilitation, all accounts for work and materials which could give rise to any claim for a construction lien against the subject lands have been paid; and there is no default by the Owner with respect to any of the terms of this Agreement.
- 5.11 The Owner shall ensure that the Owner is in compliance with the *Construction Lien Act*, including its holdback provisions and is not aware of any potential or unresolved Lien claim in respect of the redevelopment.
- 5.12 The Owner covenants to the City that the Owner shall use the subject lands in compliance with this Agreement, all city by-laws pertaining to use, and all applicable environmental laws.
- 5.13 The Owner covenants to the City that the Owner will require, as a term of every lease, that tenants of the subject lands comply with all city by-laws pertaining to use, and all applicable environmental laws.
- 5.14 The Owner agrees to comply with all outstanding work orders and/or orders or requests to comply from any and all City departments during the term of this Agreement.
- 5.15 The Owner covenants to the City that the Owner shall not commit or permit any waste to be dumped or any nuisance upon the subject lands, or permit any part of the subject lands to be used for any dangerous occupation or business or for any noxious or offensive trade.

- 5.16 The Owner's lawyer shall provide the City, prior to the City's execution of this Agreement with their Lawyer's Certificate of Title and Registration to certify to the City, in a form satisfactory to the City's Corporate Counsel that:
- a) The Owner named in this Agreement is the registered Owner of the subject property;
 - b) The Agreement has been executed on behalf of the corporate Owner by individual(s) who have authority to bind the corporate Owner; and,
 - c) A complete legal description of the subject lands is set out in Schedule "A" of this Agreement.
- 5.17 The Owner may assign the grant approved under this Agreement to an assignee, provided the Owner is not in default of any of the terms and conditions set out in the application, this Agreement, the Industrial Tax Increment Grant Program and the Industrial Tax Increment Grant Program.
- 5.18 The Owner covenants to the City that where the Ownership of part or all of the subject lands ceases for any reason to be in the Owner's name by sale, conveyance, assignment or otherwise, prior to the advance of all of the tax assistance and/or the grant, the Owner will notify the City in writing of said change of ownership at least 30 days prior to said change of ownership.
- 5.19 In the event that after this Agreement is executed, the ownership of part or all of the subject lands ceases for any reason to be in the Owner's name while grant payments remain to be paid, the grant ceases completely, unless:
- (a) where the Owner wishes to retain the remaining grant payments, (to continue receiving the grant payments while the Owner is no longer on title as an owner), the City, entirely at its own discretion and to its satisfaction, prior to the Owner ceasing to be an owner, may enter into an agreement with the Owner and the new owner that permits the Owner to receive remaining grants payments, subject to:
 - i) The Owner agreeing to fulfill any obligations and maintenance conditions under this Agreement that have not been fulfilled; or
 - ii) The new owner assuming all of the Owner's obligations and maintenance conditions under this Agreement that have not been fulfilled; and,
 - (iii) The new owner paying property taxes;
 - (b) where the Owner wishes to assign the remaining grant payments to the new owner or an assignee, the City, entirely at its own discretion and to its satisfaction, prior to the Owner ceasing to be an owner, enters into an agreement with the Owner and the new owner/assignee that permits the Owner to assign the remaining grant payments to the new owner/assignee, subject to:

- i) The Owner agreeing to fulfill any obligations and maintenance conditions under this Agreement that have not been fulfilled; or
 - ii) The new owner assuming all of the Owner's obligations and maintenance conditions under this Agreement that have not been fulfilled.

- 5.20 The Owner will be responsible for ensuring that they can be contacted by the City for the purpose of delivering grant cheques.

- 5.21 The Owner acknowledges that without limiting the generality of the other provisions of this Agreement:
 - a) The onus and responsibility is upon the Owner at all times to assume all costs of works on the subject lands and to apply for and obtain, at the Owner's expense, all approvals required from the City and all other agencies for the rehabilitation of the subject property, including but not limited to all Official Plan Amendments, Zoning By-law amendments, minor variances, and site plan approval;
 - b) Nothing in this Agreement limits or fetters the City in exercising its statutory jurisdiction under the *Planning Act* or under any other legislative authority or by-law, and that in the event the City decides to deny or oppose or appeal any such decision, that such action by the City is not in any manner limited by reason of the City entering into this Agreement;
 - c) The Owner releases the City from any liability in respect of the City's reviews, decisions, inspections or absence of inspections regarding the rehabilitation works that are subject of this Agreement, the Owner agrees that it is its responsibility at all times to prepare and implement its rehabilitation works as would a careful and prudent landowner;
 - d) Nothing in this Agreement is intended to impose or shall impose upon the City any duty or obligation to inspect or examine the land for compliance or non-compliance or to provide an opinion or view respecting any condition of development; and,
 - e) Nothing in this Agreement is intended to be or shall be construed to be a representation by the City regarding compliance of the land with:
 - i) Applicable environmental laws, regulations, policies, standards, permits or approvals; or,
 - ii) Other by-laws and policies of the City.

- 5.22 If the City determines in its sole discretion that any of the conditions of this Agreement are not fulfilled, and the City at its sole discretion delays or cancels tax assistance and/or grant payments, and/or requires repayment of tax assistance and/or grant payments already made to the Owner, and/or terminates this Agreement, the Owner agrees that notwithstanding any costs or expenses incurred by the Owner, the Owner shall not have any claim for compensation or reimbursement of these costs and expenses against the City and that the City is not liable to the Owner for losses, damages, interest, or claims which the Owner may bear as a result of the City exercising its rights herein to delay or

cancel tax assistance and/or grant payments, require repayment of tax assistance and/or grant payments already made to the Owner, and/or terminate this Agreement.

5.23 The Owner shall indemnify and save harmless from time to time and at all times, the City and its officials, officers, employees, and agents from and against all claims, actions, causes of action, interest, demands, costs, charges, damages, expenses and loss made by any person arising directly or indirectly from:

- a) The City entering into this Agreement; and
- b) Any failure by the Owner to fulfil its obligations under this Agreement. This indemnification shall, in respect of any matter arising prior to the termination of this Agreement, remain in force following termination or expiry of this Agreement.

6. PROVISIONS RELATING TO THE CITY

6.1 The City agrees to provide a grant to the Owner with said grant to commence at the end of the tax assistance period and ceasing on the earlier of:

- a) the point in time when the total of all annual grant payments provided equals total eligible Tax Increment Grant Program costs that have been accepted by the City;
- b) Ten (10) years.

6.2 On an annual basis, the City, upon being satisfied that the Owner is not in default of any of the terms and conditions set out in the application, this Agreement, the Tax Increment Grant Program, shall pay the annual grant payment.

6.3 If the Owner cannot be reached over a protracted period (more than 2 years), the City will have the option, without notice and at its own discretion, of terminating this Agreement and all future grant payments to the Owner.

6.4 If in the opinion of the City the property is not maintained in its rehabilitated condition, the City may, at its sole discretion, terminate tax assistance and/or all future grant payments and require repayment of the tax assistance and/or grant payments already provided by the City to the Owner.

6.5 The City, its employees and agents are entitled to inspect the subject lands at any time during business hours for the purpose of ascertaining their condition or state of repair or for the purpose of verifying compliance with the application, this Agreement, the Industrial Tax Increment Grant Program.

6.6 The City retains the right at all times to delay or cancel tax assistance and/or grant payments, and/or require repayment of tax assistance and/or grant payments already made to the Owner, and/or terminate this Agreement where the City deems that there is non-compliance with this Agreement. In particular, without limiting the generality of the foregoing, the tax assistance and the grant is conditional upon periodic reviews satisfactory to the City to there being no adverse change in the rehabilitation works and to there being compliance on the part of the Owner with all other requirements contained in this Agreement.

6.7 Communications from the City to the Owner may be addressed to the Owner at the address of the Owner listed in Section 9 of this Agreement.

7. DEFAULT AND REMEDIES

7.1 On the occurrence of default under this Agreement the City shall be entitled to its remedies to enforce this Agreement, including, but not limited to:

- a) Delaying or cancelling tax assistance and/or grant payments; and/or,
- b) Requiring repayment to the City by the Owner of all tax assistance and/or grant payments already made to the Owner; and/or,
- c) Terminating the Agreement.

7.2 The Owner agrees and covenants to the City that if the building(s) and improvements that are the subject of this Agreement are demolished, in whole or in part, prior to the expiration of the term of this Agreement, all subsequent grant payments shall cease, and all grant payments already paid by the City to the Owner shall be repaid to the City.

7.3 Default shall be deemed to occur upon any default of the Owner in complying with the terms set out in this Agreement, including, but not limited to, the following:

- a) Non-compliance with any City by-laws, provincial, and/or federal laws and regulations;
- b) Failure to pay and keep in good standing all real property taxes;
- c)
- d) Any representation or warranty made by the Owner is incorrect in any material respect;
- e)
- f) Failure to perform or comply with any of the obligations contained in this Agreement or contained in any other Agreement entered into between the Owner and the City;
- g) The Owner makes an assignment for the benefit of creditors, or assigns in bankruptcy or takes the advantage in respect of their own affairs of any statute for relief in bankruptcy, moratorium, settlement with creditors, or similar relief of bankrupt or insolvent debtors, or if a receiving order is made against the Owner, or if the Owner is adjudged bankrupt or insolvent, or if a liquidator or receiver is appointed by reason of any actual or alleged insolvency, or any default of the Owner under any mortgage or other obligation, or if the subject lands or interest of the Owner in the subject lands becomes liable to be taken or sold by any creditors or under any writ of execution or other like process;
- h) This Agreement is forfeited or is terminated by any other provision contained in it.

7.4 The City may at its sole discretion provide the Owner with an opportunity to remedy any default.

8. ADDITIONAL PROVISIONS

- 8.1 This Agreement shall remain in effect from the date of its execution by the City to the earlier of:
- a) The time when the City informs the Owner in writing that due to the non-fulfilment or non-compliance with a required condition or due to default, this Agreement is terminated;
 - b) The time when total amount of the tax assistance and grants paid out to the Owner equals the total accepted eligible costs under the Tax Assistance Program;
 - c) Ten (10) years.
- 8.2 Time shall be of the essence with respect to all covenants, Agreements and matters contained in this Agreement.
- 8.3 Schedule "A" attached to this Agreement forms part of the Agreement.

9 NOTICES

- 9.1 Where this Agreement requires notices to be delivered by one party or the other, such notice shall be given in writing and delivered either personally, by e-mail, by fax or by prepaid first call mail by the party wishing to give such notice to the other party at the address noted below:

To the Owner at:

SouthPort Condos Inc.
c/o Tom Rankin
222 Martindale Road
St. Catharines, ON L2R 7AR
Ph: 905-684-1111
Fax: 905-684-2260

To the City at:

City of Port Colborne
c/o Dan Aquilina
66 Charlotte Street
Port Colborne Ontario, L3K 3C8
Ph: 905-835-2901 ext 203
Fax: 905-835-2939

Schedule "B"

Downtown CIP Tax Assistance

(1) Estimated cost of approved eligible tax assistance works	\$22,821,975
(2) Estimated cost of approved eligible grant works	\$938,240
(3) Total estimated cost of approved eligible works (1 + 2)	\$23,760,215
(4) Pre-project assessed value (AV):	\$22,000,000
(5) Pre-project City property taxes	\$26,901.40
(6) Pre-project Region property taxes	\$ 18,173.79
(7) Pre-project Education property taxes	\$ 6,481.74
(8) Post-project assessed value (AV):	\$ 19,089.271
(9) Post-project City property tax rate	.00861420
(10) Post-project Region property tax rate	.00566267
(11) Post-project Education property tax rate	.0016100
(12) Post-project City property taxes	\$ 189,512.40
(13) Post-project Region property taxes	\$ 143,092.84
(14) Post-project Education property taxes	\$ 35,420.00

Municipal Tax Assistance = (Post-project City property Taxes + Post-project Region property taxes) – (Pre-project City property taxes + Pre-project Region property taxes)

Total Tax Assistance = Municipal Tax Assistance

Grant = ((Post-project City property taxes + Post-project Region property taxes) – (Pre-project City property taxes + Pre-project Region property taxes))*0.80

TAX ASSISTANCE CALCULATION SCHEDULE

	Pre Development	Project Completion	Tax Increment	% of Tax Increment	Annual Grant
Assessment Value	\$1,110,048	\$ 19,089.271		80%	
Municipal Taxes	\$26,901.14	\$ 189,512.40	\$178,166.53	\$35,63300.31	\$142,533.22
Regional Taxes	\$22,173.79	\$ 143,092.84	\$134,919.05	\$26,938.81	\$107,935.24
Total	\$49,07551.19	\$332,605.24	\$313,085.58	\$62,617.12	\$250,468.46
		Duration of Grant			10 years
		Total Payment of Grant			\$2,504,684.60

Brownfield Rehabilitation Grant Eligible Items

Eligible Cost Item	Actual/Estimated Cost (\$)
Any costs of Phase II ESA's, Designated Substances and Hazardous Materials Survey, Remedial Work Plans and Risk Assessments not covered by the Environmental Site Assessment Grant Program	\$72,500
Environmental Remediation including the cost of preparing an RSC	\$632,240
Placing clean fill and grading	\$233,500
Installing environmental and/or engineering controls/works as specified in the Remedial Work Plan and/or Risk Assessment	\$ 0
Monitoring, maintaining and operating environmental and engineering controls/works as specified in the Remedial Work plan and/or Risk Assessment	\$ 0
Environmental Insurance Premiums	\$ 0
Total Costs Eligible for Property Tax Assistance (Sum Costs 1-6 above)	\$938,240
Any costs of Feasibility Study not covered by the Feasibility Study Grant Program	\$ 30,000
The following LEED components:	
Base plan review by a certified LEED consultant	\$ 0
Preparing new working drawings to LEED standard	\$0
Submitting and administering the constructed element testing and certification used to determine the LEED designation	
Increase in material/construction cost of LEED components over standard building code requirements to a maximum of 10% of total construction costs.	\$ 0
Building demolition (excluding permit fees)	\$325,000
Building Rehabilitation and Retrofit Works (excluding permit fees)	\$668,480.35
Upgrading on-site infrastructure including water services, sanitary sewers and stormwater management facilities	
Construction/upgrading off-site infrastructure including roads, water services, sanitary sewers, stormwater management facilities, electrical/gas utilities, where this is required to permit remediation, rehabilitation and/or adaptive reuse of property that is subject of the application	\$340,360
Total Eligible Costs Eligible for a Rehabilitation Grant (Sum Costs 1-12 above)	<hr style="width: 100%; border: 0.5px solid black;"/> \$2,302,080.35

**Please note the Downtown Central Business CIP Tax Increment Grant is being used instead of the Brownfield Rehabilitation Grant to calculate tax incentives but enables a 3 year tax freeze.*

The Corporation of the City of Port Colborne

By-law No. 6783/32/20

Being a by-law to amend by-law no. 89-2000, as amended, being a by-law regulating traffic and parking on city roads (Nickel Street)

Whereas the Council of the Corporation of the City of Port Colborne is desirous of amending the provisions of By-law 89-2000, as amended, in accordance with the recommendations of Planning & Development Department, By-law Enforcement Division, Report No. 2020-64, Parking & Traffic, Nickel Street.

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. That By-law 89-2000, as amended, be further amended by adding to Schedule "E" thereto, "Limited Parking Restrictions", the following:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>		<u>Column 4</u>	<u>Column 5</u>
Highway	Side	From	To	Times/Days	Maximum
Nickel Street	North	8m east of the east limit of Fares Street	11m east thereof	7:30 a.m. to 10:00 p.m. Mon to Sun	2 hours

2. That By-law 89-2000, as amended, be further amended by adding to Schedule "C" thereto, "Parking Prohibitions", the following:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>		<u>Column 4</u>
Highway	Side	From	To	Times/Days
Nickel Street	North	The east limit of Fares Street	8m east therefrom	Anytime

3. That this by-law shall come into force and take effect on the day of passing, subject to the display of official signs.

Enacted and passed this 25th day of May, 2020.

William C. Steele
Mayor

Amber LaPointe
City Clerk

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The Corporation of the City of Port Colborne

By-law No. 6784/33/20

Being a By-law to set and levy the rates of taxation
for City purposes for the year 2020

Whereas the Council of the Corporation of the City of Port Colborne (hereinafter referred to as "the City") shall in each year prepare and adopt a budget including estimates of all sums it requires during the year for the purposes of the City pursuant to Section 290(1) of the *Municipal Act*, 2001, S.O. 2001, C. 25 as amended, (hereinafter referred to as the "Municipal Act"); and

Whereas the City passed By-Law No. 6771/21/20 on the 23rd day of March, 2020 which approved the 2020 Budget and amounts to be raised by tax levy; and

Whereas the City shall in each year levy a separate tax rate on the assessment in each property class pursuant to Section 312 of the *Municipal Act*, 2001, as amended; and

Whereas the Regional Municipality of Niagara by by-law, sets the tax rates, tax ratios and the tax rate reductions for prescribed property classes for the 2020 taxation year for the Regional Municipality of Niagara and Waste Management and the Province of Ontario sets the tax rates for Education purposes; and

Whereas the City shall annually raise the amount required for the purposes of a Board of Management (Business Improvement Areas) pursuant to subsection 208(1) of the *Municipal Act*, 2001, as amended.

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. That the rates of taxation be based on the levy amounts set out in By-Law No. 6771/21/20 of the City of Port Colborne.
2. That in accordance with Section 312 and subsection 208(1) of the *Municipal Act*, the City shall levy upon the property tax classes set out below, the property tax rates applicable thereto.

PROPERTY TAX CLASSES	GENERAL RATE	DOWNTOWN DEVELOPMENT BOARD (BIA)
Residential	0.00877454	n/a
Multi-Residential	0.01728584	
New Multi-Residential	0.00877454	n/a
Commercial -Occupied	0.01522295	0.00095520
-Vacant/Excess	0.01065606	0.00066864
Industrial -Occupied	0.02307704	0.00144803
- Vacant/Excess	0.01615393	0.00101362
Pipelines	0.01493514	n/a
Farmlands	0.00219364	n/a
Managed Forests	0.00219364	n/a
Farmland Awaiting Development I	0.00658091	n/a
Farmland Awaiting Development II	0.00877454	n/a

3. The City will levy on behalf of the Port Colborne Gateway Business Improvement Area an amount of \$10,000 in accordance with By-law No. 6771/21/20. The Commercial occupied rate will be 0.00100587, with no property having an assessment of more than \$5,000 being billed less than \$125.00 or more than \$250.00.
4. That the City of Port Colborne will levy on behalf of the Region of Niagara, Waste Management and the School Boards, the rates set out in Schedule "A" attached hereto and made part of this by-law.
5. That for the year 2020, the City of Port Colborne shall levy upon the assessment of such property classes set out in Schedule "A" attached hereto, the rate of taxation pursuant to current value assessment as returned on the assessment roll from the Municipal Property Assessment Corporation.
6. That the levy provided for in Schedule "A" attached hereto shall be reduced by the amount of the interim levy for 2020.
7. That payments in lieu of taxes due to the City, the actual amount due to the City shall be based upon the assessment roll and the tax rates for the year 2020.
8. That railway rights-of-way taxes due to the City in accordance with the regulations as established by the Minister of Finance, pursuant to the Municipal Act, the actual amount due to the City shall be based on the assessment roll and the tax rates for the year 2020.
9. That in accordance with Section 343 of the Municipal Act, the demand date shall be June 11th, 2020, effective for the Residential, Commercial, Industrial, Multi-Residential, Pipelines, Farmlands, Managed Forests and Farmland Awaiting Development property classes.
10. That in accordance with Section 343 of the Municipal Act, the Treasurer shall send a bill to the taxpayer's residence or place of business or to the premises in respect of which the taxes are payable unless the taxpayer directs the Treasurer, in writing, to send the bill to another address.
11. That in accordance with Section 342 and 346 of the Municipal Act:
 - (a) The payment of taxes, including local improvement assessments and other rates as taxes, to be made to the office of the Treasurer in one amount or by installments on the dates of July 2nd, 2020 and October 1st, 2020, on which the taxes or installments are due, and provide for the immediate payment of any installments if earlier installments are not paid on time. The due dates for installments, as mentioned, are effective for the Residential, Commercial, Industrial, Multi-Residential, Pipelines, Farmlands, Managed Forests and Farmland Awaiting Development property classes.
 - (b) The payment of taxes to the Municipality may also be paid by any person to any financial institution within the City of Port Colborne.
 - (c) The payment of taxes be made according to the established preauthorized payment plan on either a due date or monthly plan in the year for which the taxes are imposed to allow taxpayers to spread the payment of taxes more evenly over the year and that monthly payments be made on the 1st of the month from January to December, inclusive.
12. That in accordance with Section 347 of the Municipal Act, the Treasurer may accept part payment on account and allocate such payments in accordance with this Section.

13. That in accordance with By-Law No. 6746/110/19 (further amended by By-Law No. 6778/28/20), a late payment charge for non-payment of taxes shall be imposed. In response to the COVID-19 pandemic, late payment charges for non-payment of taxes will be waived until June 30, 2020.
14. That in accordance with Section 355 of the Municipal Act, where the sum of such taxes would be less than \$5.00, the amount of actual taxes payable shall be zero.
15. Where the sum of taxes would be \$150.00 or less, the amount shall be due and payable in one installment on the same date as the first installment.
16. All monies raised, levied or collected under authority of this by-law shall be paid into the hands of the City Treasurer, to be applied and paid to such persons and corporations and in such manner as the laws of Ontario and the by-laws or resolutions of the Council direct.

Enacted and passed this 25th day of May, 2020.

William C. Steele
Mayor

Amber LaPointe
City Clerk

City of Port Colborne
General 2020 Tax Rates

6784/33/20

Schedule A to By-Law

Property Class	RTC Code	Tax Ratio	2020		Region			TOTAL
			Current Value Assessment	City Tax Rates	Region Tax Rates	Waste Mgmt Tax Rates	Education Tax Rates	
Residential	RT	1.0000	\$1,618,093,179	0.00877454	0.00577985	0.00089512	0.00153000	0.01697951
Multi-Residential	MT	1.9700	\$38,583,000	0.01728584	0.01138630	0.00176339	0.00153000	0.03196553
New Multi-Res	NT	1.0000	\$1,226,000	0.00877454	0.00577985	0.00089512	0.00153000	0.01697951
Commercial	CT	1.7349	\$113,379,516	0.01522295	0.01002746	0.00155294	0.00980000	0.03660335
Excess Land	CU	1.7349	\$132,200	0.01065606	0.00701922	0.00108706	0.00980000	0.02856234
Vacant Land	CX	1.7349	\$3,138,400	0.01065606	0.00701922	0.00108706	0.00980000	0.02856234
Commercial Other	GT	1.7349	\$317,500	0.01522295	0.01002746	0.00155294	0.00980000	0.03660335
Commercial Other	ST	1.7349	\$15,002,873	0.01522295	0.01002746	0.00155294	0.00980000	0.03660335
Commercial New Const	XT	1.7349	\$6,650,300	0.01522295	0.01002746	0.00155294	0.00980000	0.03660335
Comm new const excess	XU	1.7349	\$1,200	0.01065606	0.00701922	0.00108706	0.00980000	0.02856234
Industrial - New Const.	JT	2.6300	\$11,613,900	0.02307704	0.01520101	0.00235417	0.00980000	0.05043222
Ind - new const excess	JU	2.6300	\$75,700	0.01615393	0.01064070	0.00164792	0.00980000	0.03824255
Industrial	IT	2.6300	\$22,412,900	0.02307704	0.01520101	0.00235417	0.01250000	0.05313222
Excess Land	IU	2.6300	\$393,900	0.01615393	0.01064070	0.00164792	0.01250000	0.04094255
Vacant Land	IX	2.6300	\$8,271,700	0.01615393	0.01064070	0.00164792	0.01250000	0.04094255
Large Industrial	LT	2.6300	\$37,318,927	0.02307704	0.01520101	0.00235417	0.01250000	0.05313222
Excess Land	LU	2.6300	\$1,602,841	0.01615393	0.01064070	0.00164792	0.01250000	0.04094255
Pipelines	PT	1.7021	\$10,485,000	0.01493514	0.00983788	0.00152358	0.00980000	0.03609660
Farmlands	FT	0.2500	\$57,403,600	0.00219364	0.00144496	0.00022378	0.00038250	0.00424488
FAD I	R1	1.0000	\$1,411,500	0.00658091	0.00433489	0.00067134	0.00114750	0.01273464
FAD II		1.0000	\$0	0.00877454	0.00577985	0.00089512	0.00153000	0.01697951
Managed Forests	TT	0.2500	\$923,800	0.00219364	0.00144496	0.00022378	0.00038250	0.00424488
			<u>\$1,948,437,936</u>					
Rounding				51.68%	39.31%		9.01%	

City Levy	Region Levy	Waste Mgmt Levy	Education Levy	TOTAL LEVY
\$14,198,023	\$9,352,336	\$1,448,388	\$2,475,683	\$27,474,429
\$666,940	\$439,318	\$68,037	\$59,032	\$1,233,326
\$10,758	\$7,086	\$1,097	\$1,876	\$20,817
\$1,725,970	\$1,136,909	\$176,072	\$1,111,119	\$4,150,070
\$1,408	\$928	\$144	\$1,296	\$3,776
\$33,443	\$22,029	\$3,412	\$30,756	\$89,640
\$4,834	\$3,184	\$493	\$3,112	\$11,622
\$228,387	\$150,441	\$23,299	\$147,028	\$549,155
\$101,236	\$66,686	\$10,328	\$65,173	\$243,423
\$13	\$8	\$1	\$12	\$34
\$268,015	\$176,543	\$27,341	\$113,816	\$585,715
\$1,223	\$806	\$125	\$742	\$2,895
\$517,223	\$340,699	\$52,764	\$280,161	\$1,190,847
\$6,363	\$4,191	\$649	\$4,924	\$16,127
\$133,620	\$88,017	\$13,631	\$103,396	\$338,664
\$861,210	\$567,285	\$87,855	\$466,487	\$1,982,837
\$25,892	\$17,055	\$2,641	\$20,036	\$65,624
\$156,595	\$103,150	\$15,975	\$102,753	\$378,473
\$125,924	\$82,946	\$12,846	\$21,957	\$243,671
\$9,289	\$6,119	\$948	\$1,620	\$17,975
\$0	\$0	\$0	\$0	\$0
\$2,026	\$1,335	\$207	\$353	\$3,921
\$19,078,392	\$12,567,069	\$1,946,253	\$5,011,330	\$38,603,044
\$8	\$1	(\$1)	\$0	\$8
\$19,078,400	\$12,567,070	\$1,946,252	\$5,011,330	\$38,603,052

Exempt Properties \$152,897,700

49.42% 37.60% 12.98% 100.00%

PAYMENTS-IN-LIEU								
Property Class	RTC Code	Tax Ratio	Current Value Assessment	City Tax Rates	Region Tax Rates	Region Waste Mgmt Tax Rates	Education Tax Rates	TOTAL
Residential-FULL	RF	1.0000	\$1,108,000	0.00877454	0.00577985	0.00089512	0.00153000	0.01697951
Residential-GEN	RG	1.0000	\$383,400	0.00877454	0.00577985	0	0.00000000	0.01455439
Commercial-FULL	CF	1.7349	\$11,092,500	0.01522295	0.01002746	0.00155294	0.00980000	0.03660335
Commercial-GEN	CG	1.7349	\$500,000	0.01522295	0.01002746	0	0.00000000	0.02525041
Industrial-HYDRO	IH	2.63	\$78,000	0.02307704	0.01520101	0.00235417	0.01250000	0.05313222
			<u>\$13,161,900</u>					

City Levy	Region Levy	Waste Mgmt Levy	Education Levy	TOTAL LEVY
\$9,722	\$6,404	\$992	\$1,695	\$18,813
\$3,364	\$2,216	\$0	\$0	\$5,580
\$168,861	\$111,230	\$17,226	\$108,707	\$406,023
\$7,611	\$5,014	\$0	\$0	\$12,625
\$1,800	\$1,186	\$184	\$975	\$4,144
\$191,358	\$126,049	\$18,401	\$111,377	\$447,186

TOTAL \$2,114,497,536

\$19,269,758 \$12,693,119 \$1,964,653 \$5,122,707 \$39,050,238

The Corporation of the City of Port Colborne

By-Law no. 6785/34/20

Being a by-law to adopt, ratify and confirm
the proceedings of the Council of The
Corporation of the City of Port Colborne at
its Regular Meeting of May 25, 2020

Whereas Section 5(1) of the *Municipal Act, 2001*, provides that the powers of a municipality shall be exercised by its council; and

Whereas Section 5(3) of the *Municipal Act, 2001*, provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

Whereas it is deemed expedient that the proceedings of the Council of The Corporation of the City of Port Colborne be confirmed and adopted by by-law;

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. Every action of the Council of The Corporation of the City of Port Colborne taken at its Regular Meeting of May 25, 2020 upon which a vote was taken and passed whether a resolution, recommendations, adoption by reference, or other means, is hereby enacted as a by-law of the City to take effect upon the passing hereof; and further
2. That the Mayor and Clerk are authorized to execute any documents required on behalf of the City and affix the corporate seal of the City and the Mayor and Clerk, and such other persons as the action directs, are authorized and directed to take the necessary steps to implement the action.

Enacted and passed this 25th day of May, 2020.

William C. Steele
Mayor

Amber LaPointe
City Clerk

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**City of Port Colborne
Regular Council Meeting 10-20
Minutes**

- Date:** April 27, 2020
- Time:** 6:30 p.m.
- Place:** Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne
- Members Present:** M. Bagu, Councillor (via Zoom)
E. Beauregard, Councillor (via Zoom)
R. Bodner, Councillor (via Zoom)
G. Bruno, Councillor (via Zoom)
F. Danch, Councillor (via Zoom)
A. Desmarais, Councillor (via Zoom)
D. Kalailieff, Councillor (via Zoom)
W. Steele, Mayor (presiding officer)
H. Wells, Councillor (via Zoom)
- Staff Present:** A. Griggs, Director of Community and Economic Development (via Zoom)
C. Lee, Director of Engineering and Operations (via Zoom)
A. LaPointe, Acting Director of Corporate Services/City Clerk
S. Luey, Chief Administrative Officer
C. Madden, Deputy Clerk

Also in attendance were members of WeeStream.

1. Call to Order:

Mayor Steele called the meeting to order and then proceeded into Roll Call.

Mayor Steele delivered his Mayor's Report, a copy of which is attached.

Regional Councillor Butters provided Council with information received at the recent Region of Niagara Council meeting, including the financial impact of COVID-19, and the coordination taking place with upper levels of government in order to receive relief. She encouraged residents to maintain social distancing and to follow the news provided on the Region of Niagara's website in order to be informed about the COVID-19 updates.

2. Introduction of Addendum Items:

Additions:

Councillors' Items is being added as an item after Item 9 on the agenda.

No. 50 Moved by Councillor M. Bagu
Seconded by Councillor D. Kalailieff

That the Rules of the Procedural By-law be waived in order to add Councillors' Items after Item 9 on the agenda.

CARRIED

3. Confirmation of Agenda:

No. 51 Moved by Councillor E. Beauregard
Seconded by Councillor A. Desmarais

That the agenda dated April 27, 2020 be confirmed, as circulated.

CARRIED

4. Disclosures of Interest:

None.

5. Adoption of Minutes:

No. 52 Moved by Councillor F. Danch
Seconded by Councillor G. Bruno

(a) That the minutes of the regular meeting of Council 09-20, held on March 23, 2020, be approved as presented.

CARRIED

6. Determination of Items Requiring Separate Discussion:

The following items were identified for separate discussion:

Item 1, 2, 3, 5, 6, 8, and 9.

7. Approval of Items Not Requiring Separate Discussion:

No. 53 Moved by Councillor R. Bodner
Seconded by Councillor H. Wells

That Items 1 to 12 on the agenda be approved, with the exception of items that have been deferred, deleted or listed for separate discussion, and the recommendation contained therein adopted.

Items:**4. Corporate Services Department, Finance Division, Report 2020-37, Subject: Cancellation, Reduction or Refund of Realty Tax**

Council Resolved:

That the applications pursuant to Section 357/358 of Municipal Act, 2001, numbered 2019-03 and 2019-09 be approved to cancel or reduce taxes in the total amount of \$4,556.97.

7. Memorandum from Janice Peyton, Executive Assistant, DEO Re: Environmental Advisory Committee – Motion Regarding Greenhouse Gas Emissions Reduction Plan

Council Resolved:

That the Memorandum from Janice Peyton on behalf of the Environmental Advisory Committee Re: Motion Regarding Greenhouse Gas Emissions Reduction Plan, be received for information.

10. Region of Niagara Re: Cannabis Workshop Summary (PDS 7-2020)

Council Resolved:

That the correspondence received from the Region of Niagara Re: Cannabis Workshop Summary, be received for information.

11. Region of Niagara Re: Niagara Region 2019 Employment Inventory Results Report (PDS 5-2020)

Council Resolved:

That the correspondence received from the Region of Niagara Re: Niagara Region 2019 Employment Inventory Results, be received for information.

12. Region of Niagara Re: Niagara Official Plan – Consultation Details and Revised Framework (PDS 9-2020)

Council Resolved:

That the correspondence received from the Region of Niagara Re: Niagara Official Plan – Consultation Details and Revised Framework, be received for information.

CARRIED

8. Consideration of Items Requiring Separate Discussion:

1. Chief Administrative Officer Department, Report 2020-56, Subject: COVID-19 Update

No. 54 Moved by Councillor H. Wells
Seconded by Councillor A. Desmarais

That Chief Administrative Officer Report No. 2020-56, Subject: COVID-19 Update be received for information.

CARRIED

2. Community and Economic Development Department, Parks and Recreation Division, Report 2020-52, Subject: 2020 Canal Days Marine Heritage Festival

No. 55 Moved by Councillor H. Wells
Seconded by Councillor A. Desmarais

That, in order to safeguard the health and safety of the community, volunteers, artists, festival partners/vendors, visitors and staff, the 2020 Canal Days Marine Heritage Festival is hereby cancelled;

That the Director of Community and Economic Development be directed to commence planning a smaller event, or series of events, to take place in the 2020 fall season, that would take place once the public health crisis is contained and economic recovery efforts commence;

That the Canal Days Advisory Committee be directed to participate in establishing a proposed budget and in defining the scope and scale of the 2020 fall event(s).

CARRIED

3. Chief Administrative Officer Department, Report 2020-57, Subject: 2020 Operating Budget Update

The Mayor informed Councillors that this item would be split into two separate motions as per Councillor Bruno's request.

No. 56 Moved by Councillor G. Bruno
Seconded by Councillor A. Desmarais

That Council directs the Director of Corporate Services to reduce the 2020 Capital budget by making the following budget reductions and deferring the following projects to the 2021 budget process:

- Sidewalk Replacements reduced by \$10,000
- Downtown CIP reduced by \$150,000 (deferred to 2021)
- Museum Capital purchases reduced by \$5,000
- Library Capital purchases reduced by \$5,000
- Tennessee Avenue Gate Inspection and Repairs reduced by \$25,000 (deferred to 2021)
- Roselawn Capital Program reduced by \$20,000
- Kinnear Park Asphalt Walkway reduced by \$20,586 (deferred to 2021)
- Parks Picnic Table replacement reduced by \$4,414
- Nickel Beach Capital Reserve Transfer reduced by \$10,000
- City Hall carpet/paint replacement reduced by \$5,000
- Fire Station Upgrades reduced by \$5,000

Moved in Amendment by Councillor E. Beauregard
 Seconded by Councillor A. Desmarais

That the main motion be amended by striking out the third bullet and adding thereto the following:

“Museum Capital project of Accessibility – repair sidewalk to Heritage Resource Centre reduced by \$5,000”

CARRIED

The vote was then called on the main motion, as amended, as follows:

That Council directs the Director of Corporate Services to reduce the 2020 Capital budget by making the following budget reductions and deferring the following projects to the 2021 budget process:

- Sidewalk Replacements reduced by \$10,000
- Downtown CIP reduced by \$150,000 (deferred to 2021)
- Museum Capital project of Accessibility – repair sidewalk to Heritage Resource Centre reduced by \$5,000
- Library Capital purchases reduced by \$5,000

- Tennessee Avenue Gate Inspection and Repairs reduced by \$25,000 (deferred to 2021)
- Roselawn Capital Program reduced by \$20,000
- Kinnear Park Asphalt Walkway reduced by \$20,586 (deferred to 2021)
- Parks Picnic Table replacement reduced by \$4,414
- Nickel Beach Capital Reserve Transfer reduced by \$10,000
- City Hall carpet/paint replacement reduced by \$5,000
- Fire Station Upgrades reduced by \$5,000

CARRIED

No. 57

Moved by Councillor G. Bruno

Seconded by Councillor A. Desmarais

That Council authorizes the Director of Corporate Services to distribute the \$260,000 fund set aside by resolution of Council at the March 23, 2020 Budget Meeting as follows:

- IT Cyber Security Detection and Monitoring - \$30,000
- Engineering ArcGIS Online Cloud Based GIS System (partnership with Niagara Region) - \$10,000
- Project Management Software - \$3,000
- HR Manager Position - \$101,800 (planned 50% expenditure in 2020 \$55,900, including recruitment software \$5,000)
- Head School Crossing Guard Position - \$7,000
- Software licensing - \$54,834
- COVID-19 Pandemic stabilization reserve - \$53,366

Moved in Amendment by Councillor G. Bruno

Seconded by Councillor A. Desmarais

That the main motion be amended by striking out the seventh bullet.

CARRIED

The vote was then called on the main motion, as amended, as follows:

That Council authorizes the Director of Corporate Services to distribute the \$260,000 fund set aside by resolution of Council at the March 23, 2020 Budget Meeting as follows:

- IT Cyber Security Detection and Monitoring - \$30,000

- Engineering ArcGIS Online Cloud Based GIS System (partnership with Niagara Region) - \$10,000
- Project Management Software - \$3,000
- HR Manager Position - \$101,800 (planned 50% expenditure in 2020 \$55,900, including recruitment software \$5,000)
- Head School Crossing Guard Position - \$7,000
- Software licensing - \$54,834

CARRIED

5. Engineering and Operations Department, Engineering Division, Report 2020-53, Subject: Project 2020-05, Line Painting – City Wide

No. 58

Moved by Councillor H. Wells

Seconded by Councillor A. Desmarais

That the Council of the City of Port Colborne award the Tender No. 2020-05 Line Painting – City Wide to Apex Pavement Markings Inc. of Bailieboro, Ontario, for the total tendered price of \$53,934.00 for 2020, plus applicable taxes;

That funding for Project No. 2020-05 be financed under GL Account: 0-500-74210-3328;

That the By-law be prepared and the City Clerk and Mayor be authorized to execute the Contract Agreement.

CARRIED

6. Engineering and Operations Department, Engineering Division, Report 2020-54, Subject: Project 2020-12, Sidewalk Construction – City Wide

No. 59

Moved by Councillor H. Wells

Seconded by Councillor A. Desmarais

That Council of the City of Port Colborne award Tender 2020-12 Sidewalk Construction – City Wide, to Signature Contractors Windsor Inc. of Oldcastle, Ontario for the total tendered price of \$ 219,375.00, plus applicable taxes;

That funding for contract 2020-12 be financed under the following GL accounts:

0-500-74385-3328 Sidewalk Maintenance
0-500-73651-3328 Curb Maintenance

6-595-76320-3328 Water Service Replacements
 7-590-76230-3328 Sanitary Sewer Laterals
 3-500-33155-3328 Sidewalk Replacements
 (Capital Funds)

That the By-law be prepared and the City Clerk and Mayor be authorized to execute the Contract Agreement.

CARRIED

8. Region of Niagara Re: Considerations of City of Niagara Falls Withdrawing from Regional Waste Management Services

No. 60 Moved by Councillor H. Wells
 Seconded by Councillor A. Desmarais

That the correspondence received from the Region of Niagara Re: Considerations of City of Niagara Falls Withdrawing from Regional Waste Management Services, be received for information.

CARRIED

9. Region of Niagara Re: Development Applications Monitoring Report – 2019 Year End (PDS 4-2020)

No. 61 Moved by Councillor D. Kalailieff
 Seconded by Councillor A. Desmarais

That the correspondence received from the Region of Niagara Re: Development Applications Monitoring Report – 2019 Year End, be received for information.

CARRIED

9. Proclamations:

None.

Councillors' Items:

(a) Olga Drive Pipe Repairs (Bagu)

In response to Councillor Bagu's request for an update on the Olga Drive pipe repairs, the Director of Engineering and Operations informed Council that a new design for the pipe has been prepared as well as priced out and the hired Contractor will be undertaking the required repairs in the coming weeks.

(b) Roof Repairs at the Vale Health and Wellness Centre (Bagu)

In response to Councillor Bagu's request for an update on repairing the leaks in the roof at the Vale Health and Wellness Centre, the Director of Engineering and Operations confirmed that two-thirds of the project is completed. He indicated that gutter liners and fittings are the last items outstanding in the project and that this cannot be completed until after the Province lifts the restrictions of essential services.

(c) Railroad Crossing at Sugarloaf and Elm Streets (Bagu)

In response to Councillor Bagu's request for an update on the repairs to be conducted on the railroad crossing at Sugarloaf Street and Elm Street, the Director of Engineering and Operations confirmed that since the budget for this item has been approved, staff is currently working with Trillium on sorting out the details of the work and the intent is to have it completed soon.

(d) Budget Preparation Recommendation (Bagu)

Councillor Bagu made a recommendation for later in the year when next year's budget preparation begins, that staff be very aware of what projects are currently underway and not to put too many projects on their plate for the following year. The Chief Administrative Officer confirmed that he will remind Directors of this at the upcoming Directors' meeting.

(e) Thank you to Healthcare Workers (Beauregard)

Councillor Beauregard thanked Personal Support Workers as well as all healthcare workers for their hard work in the long term care facilities during the COVID-19 Pandemic.

(f) Sidewalk on Clarke Street (Beauregard)

Councillor Beauregard expressed appreciation towards the Director of Engineering and Operations for repairing the sidewalk on Clarke Street.

(g) Meadow Heights (Bruno)

In response to Councillor Bruno's request for a status on the next phase of the Meadow Heights development, the Chief Administrative Officer confirmed that the Consulting Firm had submitted updated plans to the Engineering Department on April 16 and informed staff that the developer could attend a conference call in order to discuss next steps. Further, the Chief Administrative Officer advised that following that conference call, there will be a report brought to Council with input from the Developer regarding the entering into a new Subdivision Agreement.

(h) Post COVID-19 Infrastructure Projects (Bruno)

Councillor Bruno informed Council that the Federal Cabinet Minister for Infrastructure and Communities had been in discussion with the Provinces on post COVID-19 infrastructure projects and indicated that transportation, active transportation, and specifically trails would be high on the list of projects that would be explored. In response to Councillor Bruno's inquiry regarding whether there are any grant-related proposals or projects on the trails that could be planned for post COVID-19, the Director of Engineering and Operations indicated that re-surfacing of the trails and an already designed culvert to be located on the Friendship Trail could be applicable depending on the guidelines of the grants. The Chief Administrative Officer further indicated that certain aspects of the Downtown CIP project could also be applicable as it is a transportation initiative; however if the Downtown CIP project does not qualify for the grants, then there are a multitude of projects regarding active transportation under the Parks and Recreation Division's Master Plan that could be subject to grant funding.

(i) Illegal Dumping (Desmarais)

Councillor Desmarais informed Council that there has been an increase in illegal dumping in various areas around the City and asked staff to investigate this issue.

(j) Animal Droppings (Desmarais)

Councillor Desmarais informed Council that there has been many cases of animal waste not being picked up around the City and asked staff to examine how this could be better enforced. The Mayor mentioned that staff had recently received a complaint about this, they had addressed the issue at that time and that they will continue to keep an eye out for similar cases.

(k) Safety Concerns at the end of Stanley Street (Kalailieff)

In response to Councillor Kalailieff's request for an update on the investigation of the safety concerns at the end of Stanley Street, the Director of Engineering and Operations indicated that since there are a number of intersections that have been brought to the attention of staff with various safety concerns, it is suggested that a formal RFP process ensue in order to obtain a consultant that will conduct an in-depth analysis and traffic study in a number of areas around the City. He further informed Council that he will bring a report forward at the May 25, 2020 meeting that will provide additional information on this topic as well as recommend reducing the speed limit on Stanley Street.

(l) Speeding on Lakeshore Road West (Kalailieff)

Councillor Kalailieff informed Council that she has received a number of complaints about cars speeding along Lakeshore Road West near Cement Plant Road. The Mayor indicated that an email has been sent to the Staff Sergeant in Port Colborne to inform him of the speeding that is occurring at this exact area as well as another area in the City.

(m) Open Burning (Kalailieff)

Councillor Kalailieff requested clarification on the update the Fire Chief released to the public regarding open burning and fireworks being banned. She wanted to know if sparklers qualified as a fireworks and whether or not the use of sparklers was permitted at this time. The Chief Administrative Officer indicated that he would pass along that question to the Fire Chief and ask that he respond to Councillor Kalailieff via email.

(n) Council Meeting Schedule (Kalailieff)

In response to Councillor Kalailieff's inquiry regarding whether the regular Council Meeting Schedule could resume since Councillors are now able to participate electronically, the City Clerk indicated that as of right now there are only enough reports coming forward for one meeting a month; however, should there be more reports coming forward, then the regular Council Meeting Schedule could resume.

(o) Pleasant Beach Access Gate (Wells)

Councillor Wells informed Council that the Pleasant Beach access gate has been recently damaged and asked that staff either repair or replace it. The Director of Engineering and Operations confirmed that he would have staff repair it.

(p) Update on Report Regarding Road Ends in Ward 4 (Wells)

Councillor Wells requested an update on the report being prepared with regards to the implementation and development of the Ward 4 road end consistencies program. The Director of Engineering and Operations confirmed that Engineering and Operations staff as well as Parks and Recreation Division staff and By-law Enforcement Division staff are coordinating to prepare this report which will include costs, different options to consider and recommendations. He further reported that the intention is to have the report drafted by end of June or early July.

(q) Dust Suppressant to be used in 2020 (Wells)

Councillor Wells reported that he has received various queries regarding the type of dust suppressant used by the City in the past as well as its effectiveness. In response to Councillors Wells' inquiry regarding whether the intent is to use the same type of dust suppressant in 2020, the Director of Engineering and Operations confirmed that the City has used and will continue to use a Liquid Calcium Chloride application which has been approved by the Province. Councillor Wells asked if he could receive the MSDS for this application and the Director of Engineering and Operations confirmed that he would provide that to him.

(r) Training for Electronic Participation in Council Meeting

Councillor Bruno expressed appreciation towards the Clerk's Division and the Mayor for the extensive training offered to prepare for electronic participation in this Council meeting.

10. Minutes of Boards, Commissions & Committees:

None.

11. Consideration of By-laws:

No. 62 Moved by Councillor M. Bagu
 Seconded by Councillor D. Kalailieff

That the following by-laws be enacted and passed:

6775/25/20	Being a By-law to Authorize Entering Into a Contract Agreement with Apex Pavement Markings Inc. Re: Project 2020-05, Line Painting – City Wide
6776/26/20	Being a By-law to Authorize Entering Into a Contract Agreement with Signature Contractors Windsor Inc. Re: Project 2020-12, Sidewalk Construction – City Wide
6777/27/20	Being a By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne at its Regular Meeting of April 27, 2020

CARRIED

12. Adjournment:

Mayor Steele adjourned the meeting at approximately 8:29 p.m.

William C. Steele
Mayor

Amber LaPointe
City Clerk

AL/cm



MAYOR'S REPORT – APRIL 27, 2020

Good evening and thank you for joining us for our first virtual council meeting.

As you can see, the council chambers is very empty.

I am here with our CAO Scott Luey, City Clerk Amber LaPointe and Deputy Clerk Charlotte Madden along with our camera crew from Wee Stream.

I would like to welcome our eight city councilors and various city directors who are each attending from home.

We hope to all be back together in the council chambers soon, but for the time being, we will be conducting our meetings in this manner and I ask for your understanding if we have a few missteps this evening.

I would like to start this evening with a moment of silence as we remember the victims of last week's shooting in Nova Scotia including R.C.M.P. Constable Heidi Stevenson, a 23 year veteran of the force and also the loss of our fellow councillor from Pelham, Mike Ciolfi, who grew up in Port Colborne.

(moment of silence)

Our thoughts are with the family and friends of all of the victims of this criminal act and as well, all who have succumbed to COVID-19.

I would like to extend our appreciation to all of the essential workers in our community who are maintaining our emergency, medical, long term care and city services and all the staff and owners who are keeping businesses open during this unprecedented time in our history.

I ask that you check in with your neighbours, friends and family, especially those who are more vulnerable, to ensure their well-being.

Over the past three weeks, the city has worked with Community Support Services Niagara and our local grocery stores to establish a grocery delivery service for individuals over the age of 65 or adults with a disability.

My thanks go out to Sobey's, Bodner's Market and No Frills for participating and helping put this essential service together.

If you need this service or know of someone who does, please contact Community Support Services Niagara at 905-682-3800 Ext 706.

Also, if you would like to become a volunteer in the community to help with the grocery delivery program, you can call the same number, again, 905-682-3800 Ext 706.

I would really like to thank Carolyn Askeland, Executive Director of Community Support Services Niagara for working with my office, city staff and the grocery stores to bring this service to Port Colborne.

Last Friday, Community Support Services Niagara also announced their Volunteer Phone Chat and Safety Reassurance Call program. Arrangements can be made to call seniors who are lonely or isolated on a daily or weekly basis. To access this program, call 905-682-3800, Ext 0.

The Mayors and CAOs in the region have been holding weekly teleconferences to discuss issues related to COVID-19 in our communities and how we are dealing with them.

MP Badawey has also been holding weekly meetings with myself and the Mayors of Welland and Thorold keeping us apprised of developments and assistance offered by the federal government.

This week I and CAO Scott Luey will be meeting via conference call with MPP Burch.

Our economic development officer, Julian Douglas-Kameka has been meeting with her colleagues in the region and in consultation with our area Chambers of Commerce and Business Improvement Areas, as well as businesses in Port Colborne are developing a Regional Economic Recovery Plan. If you are a business owner, I urge you to go to our COVID-19 webpage for valuable resources and information.

Every business in our community has been affected by this pandemic, but together we can work to recover and reopen businesses and services and we ask for your continued support and diligence in keeping yourself and your family safe.

As this pandemic evolves, the information provided also evolves and changes. To stay informed about COVID-19 updates in Port Colborne and Niagara, visit our designated webpage, www.portcolborne.ca/page/covid-19, or follow us on social media. Our Customer Service Representatives are also here to answer your City related questions, Monday-Friday, 8:30 a.m. – 4:30 p.m. by calling City Hall at 905-835-2900.

Your ward councilors continue to be available through email and telephone to look after any concerns or inquiries during this pandemic. Please continue to reach out and I thank council for their dedication and understanding.

Last week was National Volunteer Week and I would like to give a shout out to all of the wonderful volunteers who help the city with their programs and services and also help our many non-profit organizations.

None of us would be able to maintain these programs and services without the help of our dedicated volunteers. We do thank you.

On a final note, I want to thank all of you for your continued efforts in helping Niagara beat this pandemic. I know it is tough on all of us not being able to gather with friends, family or neighbours, use our sports facilities, library, museum and not being able to fully support those businesses that are closed.

But in the words of Winston Churchill *“Success is never found. Failure is never fatal. Courage is the only thing. Victory at all costs, victory in spite of all terror, victory however long and hard the road may be; for without victory, there is no survival.”*

Council, staff and citizens, we will persevere and recover. Please stay safe and I thank you.

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