THE REGIONAL MUNICIPALITY OF NIAGARA
COUNCIL ORDER OF BUSINESS

CL 20-2020

Thursday, October 22, 2020

6:30 p.m.

Meeting will be held by electronic participation only

All electronic meetings can be viewed on Niagara Region's Website at:

https://www.niagararegion.ca/government/council/

Due to the efforts to contain the spread of COVID-19 the Council Chamber will not be open to the public to attend Council meetings until further notice. To view live stream meeting proceedings, please visit: niagararegion.ca/government/council

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Pages

1. CALL TO ORDER

2. ADOPTION OF AGENDA

   2.1. Addition of Items

   2.2. Changes in Order of Items

3. DISCLOSURES OF PECUNIARY INTEREST

4. PRESENTATIONS

5. CHAIR'S REPORTS, ANNOUNCEMENTS, REMARKS

6. DELEGATIONS

6.1. Motion respecting Proposed Amendment to By-law 2020-46 Mandatory Face Covering By-law (Agenda Item 11.2)

6.1.1. Danielle Romanuk, Resident, City of St. Catharines — *6 - 7*
The delegation submission is attached to this agenda item as CL-C 102-2020.

This delegation request was received after the deadline. The request must be considered by Council.

7. ADOPTION OF MINUTES

7.1. Council Minutes CL 16-2020 — 8 - 11
Thursday, September 17, 2020 (Special Meeting)

7.2. Council Minutes CL 17-2020 — 12 - 26
Thursday, September 17, 2020 (Regular Meeting)

7.3. Council Minutes CL 18-2020 — 27 - 36
Thursday, September 24, 2020 (Special Meeting)

8. CORRESPONDENCE

8.1. Receive and/or Refer

8.1.1. CHR 5-2020 — 37 - 38
A memorandum from Regional Chair Bradley, dated October 22, 2020, respecting Acting Chief Administrative Officer (CAO) Performance Appraisal Process and Recruitment Next Steps.

8.2. For Consideration

8.2.1. CSD 63-2020 — 39 - 44
2020 COVID-19 Cash Flow Update Report - October

8.2.2. CSD 69-2020 — 45 - 56
COVID-19 Financial Impact Update

9. COMMITTEE REPORTS - OPEN SESSION

9.1. Committee of the Whole — Diodati — 57 - 99
Minutes COTW 4-2020, Thursday, September 24, 2020

9.2.	Public Works Committee Minutes PWC 9-2020, Tuesday, October 13, 2020	Rigby	100 - 157
9.3.	Public Health and Social Services Committee Minutes PHSSC 9-2020, Tuesday, October 13, 2020	Greenwood	158 - 253
9.4.	Corporate Services Committee Minutes CSC 9-2020, Wednesday, October 14, 2020	Foster	254 - 356
9.5.	Planning and Economic Development Committee Minutes PEDC 8-2020, Wednesday, October 14, 2020	Darte	357 - 548
9.6.	Budget Review Committee of the Whole Minutes BRCOTW 2-2020, Thursday, October 15, 2020	Zalepa	549 - 652

10. CHIEF ADMINISTRATIVE OFFICER'S REPORT(S)

10.1. CAO 20-2020 — *653 - 654*
Recruitment of Commissioner Planning and Development Services

11. MOTIONS

11.1. Miller's Creek Marina/Resort Development — Redekop — 655 - 656
In accordance with the notice and submission deadline requirements of Sections 18.1 (b) and 11.3, respectively, of Niagara Region's Procedural By-law, the Regional Clerk received from Councillor Redekop a motion to be brought forward for consideration at the October 22, 2020 Council meeting respecting Miller's Creek Marina/Resort Development.

11.2. Proposed Amendment to By-law 2020-46 Mandatory Face Covering By-law — Nicholson — 657
In accordance with the notice and submission deadline requirements of Sections 18.1 (b) and 11.3, respectively, of Niagara Region's Procedural By-law, the Regional Clerk received from Councillor Nicholson a motion to be brought forward for consideration at the October 22, 2020 Council meeting respecting a Proposed Amendment to By-law 2020-46 Mandatory Face Covering By-law.

12. NOTICES OF MOTION

13. OTHER BUSINESS

14. CLOSED SESSION

14.1. Council Minutes - Closed Session

14.1.1. Council Minutes CL 16-2020 (Special Meeting), Closed Session September 17, 2020

14.1.2. Council Minutes CL 18-2020 (Special Meeting), Closed Session September 24, 2020

14.2. Committee Reports - Closed Session

14.2.1. Public Health and Social Services Committee - Closed Session Tuesday, October 13, 2020

14.2.2. Corporate Services Committee - Closed Session Wednesday, October 14, 2020

14.3. Confidential Reports Submitted Directly to Council

14.3.1. Confidential CL-C 100-2020
A Matter of a Proposed or Pending Acquisition or Disposition of Land by the Municipality - Niagara Regional Housing Acquisition of Property in the City of St. Catharines (Confidential Report NRH 13-2020)

15. BUSINESS ARISING FROM CLOSED SESSION

16. BY-LAWS

16.1. Bill 2020-72 — 658 - 660
A by-law to accept, assume and dedicate Block 30, plan 59M-477 and Blocks 8 and 9, Plan 59M-472, in the City of Welland as part of regional Road No. 29 (Webber Road).

16.2. Bill 2020-73 — 661 - 662
A by-law to accept, assume and dedicate Block 10, Plan 59M-472, in the City of Welland as part of Regional Road No. 36 (South Pelham Road).

16.3. Bill 2020-74 — 663 - 664
A by-law to accept, assume and dedicate Part of Lots 71 and 110 and part of Warren St East, Plan 530 and Part Block H, Plan 525, in the Town of Fort Erie as part of Regional Road No. 124 (Central Avenue).

16.4. Bill 2020-75 665 - 685
A by-law to authorize the borrowing upon amortizing debentures in the principal amount of $5,000,000.00 for a capital work of the Corporation of the City of Port Colborne.

16.5. Bill 2020-76 686 - 704
A by-law to authorize the borrowing upon amortizing debentures in the principal amount of $1,401,512.29 for a capital work of the Corporation of the Town of Niagara-on-the-Lake.

16.6. Bill 2020-77 705 - 723
A by-law to authorize the borrowing upon amortizing debentures in the principal amount of $8,400,000.00 for a capital work of the Corporation of the City of Niagara Falls.

16.7. Bill 2020-78 724 - 742
A by-law to authorize the borrowing upon serial debentures in the aggregate principal amount of $1,756,100.00 for capital works of the Corporation of the Town of Lincoln.

16.8. Bill 2020-79 743 - 762
A by-law to prohibit or regulate the destruction or injuring of trees in woodlands in The Regional Municipality of Niagara.

16.9. Bill 2020-80 763 - 764
A by-law to amend By-law 2020-46 being a by-law to require mandatory face coverings in enclosed public places during the COVID-19 pandemic.

The consideration of this proposed by-law is dependent on Council's consideration of the motion being put forward by Councillor Nicholson (Agenda Item 11.2).

16.10. Bill 2020-81 765
A by-law to adopt, ratify and confirm the actions of Regional Council at its meeting held on October 22, 2020.

17. ADJOURNMENT

If you require any accommodations for a disability in order to attend or participate in meetings or events, please contact the Accessibility Advisor at 905-980-6000 ext. 3252 (office), 289-929-8376 (cellphone) or accessibility@niagararegion.ca (email).

From: PF-Mailbox-01
To: Norio, Ann-Marie; Trennum, Matthew
Subject: FW: Online Form - Request to Speak at a Standing Committee
Date: Wednesday, October 21, 2020 7:52:40 PM

From: Niagara Region Website
Sent: Wednesday, 21 October 2020 19:52:34 (UTC-05:00) Eastern Time (US & Canada)
To: Clerks
Subject: Online Form - Request to Speak at a Standing Committee

Request to Speak at a Standing Committee

To reply, copy the email address from below and put into 'To'. (if resident entered their email address)

Name
Danielle Romanuk

Address
[redacted]

City
St Catharines

Postal
[redacted]

Phone
[redacted]

Email
[redacted]

Organization

standing committee
Regional Council

Presentation Topic
in opposition of Councilor Nicholson's motion to amend the facial coverings

bylaw

Presentation includes slides
No

Previously presented topic
No

Presentation Details
I am seeking for council to vote no on this topic, as it is a provincial matter now and should be left to the Province as to not add to the confusion of what bylaws are in place, where they differ, who is enforcing them, what the consequences are, etc., and calling on them to make sure that the people of the region are properly informed of the rules and enforcement that are currently in place before they go putting more, as it remains the Region's responsibility to enforce the Provincial Act, so now, for instance, in Saint Catharines there are three bylaw that all differ slightly, and if I don't know the ins, outs and implications of them as someone who has read them and made numerous phone calls and queries for answers, we can gather that the general public doesn't know either. At the very least a regional survey is in order so that true public opinion can be gained, so that the public understands it is based on public opinion rather than a public health recommendation, as we have been told by the CAO and Dr Hirji. Consider that cases are actually down per capita, and death is virtually entirely due to comorbidities, again as Dr Hirji has told us. This matter could be better resolved by repeal than amendment, as it clearly consider, and Council would cease to hear from delegates.

Video Consent
Yes

THE REGIONAL MUNICIPALITY OF NIAGARA
PROCEEDINGS OF SPECIAL COUNCIL
OPEN SESSION

CL 16-2020
Thursday, September 17, 2020
Council Chamber/Video Conference
Niagara Region Headquarters, Campbell West
1815 Sir Isaac Brock Way, Thorold, ON

Council Members present in the Council Chamber:	Bradley (Regional Chair), Foster
Council Members present via Video Conference:	Butters, Bylsma, Campion, Chiocchio, Darte, Diodati, Disero, Easton, Edgar, Fertich, Gibson, Greenwood, Heit, Huson, Insinna, Ip, Jordan, Junkin, Nicholson, Redekop, Rigby, Sendzik, Ugulini, Villella, Whalen, Witteveen, Zalepa
Absent/Regrets:	Bellows, Gale, Steele
Staff present in the Council Chamber:	D. Gibbs, Director, Legal & Court Services, T. Harrison, Commissioner/Treasurer, Corporate Services, M. Lewis, Technology Support Analyst, F. Meffe, Director, Human Resources, B. Menage, Director, Procurement & Strategic Acquisitions, A.-M. Norio, Regional Clerk, R. Tripp, Acting Chief Administrative Officer, B. Zvaniga, Interim Commissioner, Public Works
Others Present:	D. Ross, Third Party Biosolids and Residual Solids Subject Matter Expert, CH2M Hill Canada Limited (Jacobs), K. Scott, Fairness Commissioner, Optimus SBR

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1. CALL TO ORDER

Regional Chair Bradley called the meeting to order at 4:01 p.m.

2. ADOPTION OF AGENDA

2.1 Changes in Order of Items

There were no changes in the order of items on the agenda.

Moved by Councillor Huson
Seconded by Councillor Butters

That Council Agenda CL 16-2020, **BE ADOPTED**.

Carried

3. DISCLOSURES OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

4. CLOSED SESSION

Moved by Councillor Witteveen
Seconded by Councillor Gibson

That this Council **DO NOW MOVE** into Closed Session for the purposes of receiving information of a confidential nature respecting:

A Matter of Legal Advice that is Subject to Solicitor-client privilege under s. 239(2) of the Municipal Act, 2001 - 2020-RFP-60 Liquid Biosolids and Residuals Management Program Procurement; and

A Matter of Legal Advice that is Subject to Solicitor-Client Privilege under s. 239(2) of the Municipal Act, 2001 – Insurance Program and RFP.

Carried

Council resolved into closed session at 4:07 p.m.

5. BUSINESS ARISING FROM CLOSED SESSION

Council reconvened in open session at 4:56 p.m. with the following individuals in attendance:

Council Members present in the Council Chamber:	Bradley (Regional Chair), Foster
Council Members present via Video Conference:	Butters, Bylsma, Campion, Chiocchio, Darte, Diodati, Disero, Easton, Edgar, Fertich, Gibson, Greenwood, Heit, Huson, Insinna, Ip, Jordan, Junkin, Nicholson, Redekop, Rigby, Sendzik, Ugulini, Villella, Whalen, Witteveen, Zalepa
Absent/Regrets:	Bellows, Gale, Steele

Staff present in the Council Chamber:	D. Gibbs, Director, Legal & Court Services, T. Harrison, Commissioner/Treasurer, Corporate Services, M. Lewis, Technology Support Analyst, F. Meffe, Director, Human Resources, B. Menage, Director, Procurement & Strategic Acquisitions, A.-M. Norio, Regional Clerk, D. Pasto, Risk Management Program Manager, R. Tripp, Acting Chief Administrative Officer, B. Zvaniga, Interim Commissioner, Public Works
Others Present:	D. Ross, Third Party Biosolids and Residual Solids Subject Matter Expert, CH2M Hill Canada Limited (Jacobs), K. Scott, Fairness Commissioner, Optimus SBR

5.1 Confidential CSD 61-2020

A Matter of Legal Advice that is Subject to Solicitor-Client Privilege under s. 239(2) of the Municipal Act, 2001 – 2020-RFP-60 Liquid Biosolids and Residuals Management Program Procurement

Moved by Councillor Whalen
Seconded by Councillor Fertich

That Confidential Report CSD 61-2020, dated September 17, 2020, respecting A Matter of Advice that is Subject to Solicitor-client privilege under s. 239(2) of the Municipal Act, 2001 - 2020-RFP-60 Liquid Biosolids and Residuals Management Program Procurement, **BE RECEIVED** for information.

Carried

5.2 Confidential CSD 54-2020

A Matter of Legal Advice that is Subject to Solicitor-Client Privilege under s. 239(2) of the Municipal Act, 2001 – Insurance Program and RFP

Moved by Councillor Rigby
Seconded by Councillor Witteveen

That Confidential Report CSD 54-2020, dated September 17, 2020, respecting A Matter of Legal Advice that is Subject to Solicitor-Client Privilege under s. 239(2) of the Municipal Act, 2001 – Insurance Program and RFP, **BE RECEIVED** and the recommendation contained therein **BE APPROVED.**

Carried

6. BY-LAWS

6.1 Bill 2020-69
Moved by Councillor Easton
Seconded by Councillor Disero

That Bill 2020-69 being a by-law to adopt, ratify and confirm the actions of Regional Council at its special meeting held on September 17, 2020, **BE NOW READ** and **DO PASS**.

Carried

7. ADJOURNMENT

There being no further business, the meeting adjourned at 4:59 p.m.

Jim Bradley
Regional Chair

Ann-Marie Norio
Regional Clerk

THE REGIONAL MUNICIPALITY OF NIAGARA
PROCEEDINGS OF COUNCIL
OPEN SESSION

CL 17-2020
Thursday, September 17, 2020
Council Chamber / Video Conference
Niagara Region Headquarters, Campbell West
1815 Sir Isaac Brock Way, Thorold, ON

Council Members Present in the Council Chamber:	Bradley (Regional Chair), Foster
Council Members Present via Video Conference:	Butters, Bylsma, Campion, Chiocchio, Darte, Diodati, Disero, Easton, Edgar, Fertich, Gale, Gibson, Greenwood, Heit, Huson, Insinna, Ip, Jordan, Junkin, Nicholson, Redekop, Rigby, Sendzik, Ugulini, Villella, Whalen, Witteveen, Zalepa
Absent/Regrets:	Bellows, Steele
Staff Present in the Council Chamber	D. Gibbs, Director, Legal & Court Services, M. Lewis, Client and Support Advisor, A.-M. Norio, Regional Clerk, R. Tripp, Acting Chief Administrative Officer
Staff Present via Video Conference:	D. Barnhart, Executive Officer to the Regional Chair, H. Chamberlain, Director, Financial Management & Planning/Deputy Treasurer, Dr. A. Feller, Associate Medical Officer of Health, C. Habermebl, Director, Waste Management Services, T. Harrison, Commissioner/Treasurer, Corporate Services, Dr. M. M. Hirji, Acting Medical Officer of Health, D. Johnson, Associate Director, Water and Wastewater Operations Management & Laboratory Services , A. Jugley, Commissioner, Community Services, F. Meffe, Director, Human Resources, B. Menage, Director, Procurement & Strategic Acquisitions, R. Mostacci, Commissioner, Planning & Development Services, J. Tonellato, Director, Water and Wastewater, M. Trennum, Deputy Regional Clerk, D. Woiceshyn, Chief Executive Officer, Niagara Regional Housing, B. Zvaniga, Interim Commissioner, Public Works

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1. CALL TO ORDER

Regional Chair Bradley called the meeting to order at 6:31 p.m.

2. ADOPTION OF AGENDA

2.1 Addition of Items

Moved by Councillor Darte
Seconded by Councillor Villella

That Steffanie Hancharyk, Cheryl Rowe and Shaun Somers **BE PERMITTED** to appear before Council as individual delegates respecting Report CAO 19-2020 - Update on Niagara Region's Face Covering By-law.

Carried

2.2 Changes in Order of Items

There were no changes in the order of the Agenda.

Moved by Councillor Huson
Seconded by Councillor Chiocchio

That Council Agenda CL 17-2020, **BE ADOPTED**, as amended.

Carried

3. DISCLOSURES OF PECUNIARY INTEREST

Councillor Edgar declared an direct pecuniary interest with respect to the portion of the Public Health and Social Services Committee minutes PHSSC 8-2020 (Agenda Item 9.3) concerning Report COM 16-2020 (Minute Item 5.1) respecting Approval of the 2019 Community Services Program Audits, as the report includes the audit of the Children's Services division programs, and his wife is the Director of Children's Services.

4. PRESENTATIONS

There were no presentations.

5. CHAIR'S REPORTS, ANNOUNCEMENTS, REMARKS

The Regional Chair provided an update respecting activities within the Region and the efforts of Niagara Region with respect to the COVID-19 pandemic.

6. DELEGATIONS

6.1 Motion respecting Decriminalization of Personal Possession of Illicit Drugs (Agenda Item 11.1)

6.1.1 Glen Walker, Executive Director, Positive Living Niagara

Glen Walker, Executive Director, Positive Living Niagara, appeared before Council in support of the motion and to provide information respecting the issue of decriminalization of personal possession of illicit drugs.

6.1.2 Sandi Tantardini, Resident, City of St. Catharines

Sandi Tantardini, Resident, City of St. Catharines, appeared before Council in support of the motion and to provide information respecting addiction and its stigmatization in society and the public health issues associated with illicit drug use.

6.2 Update on Niagara Region's Face Covering By-law (Report CAO 19-2020 (Agenda Item 10.1)

6.2.1 Danielle Romanuk, Resident, City of St. Catharines

Danielle Romanuk, resident, City of St. Catharines, spoke in opposition to the extension of Niagara Region's Face Covering By-law.

6.2.2 Angie Domenegato, Resident, City of Niagara Falls

Angie Domenegato, resident, City of Niagara Falls, spoke in opposition to the extension of Niagara Region's Face Covering By-law.

6.2.3 Cullen McDonald, Resident, Town of Lincoln

Cullen McDonald, resident, Town of Lincoln, spoke in opposition to the extension of Niagara Region's Face Covering By-law.

6.2.4 Beata O'Connell, Resident, Town of Fort Erie

Angela Braun, resident, City of Thorold, appeared on behalf of Beata O'Connell and spoke in opposition to the extension of Niagara Region's Face Covering By-law.

6.2.5 Steffanie Hancharyk, Resident, City of St. Catharines

Steffanie Hancharyk, resident, City of St. Catharines, spoke in opposition to the extension of Niagara Region's Face Covering By-law.

Cheryl Rowe (Agenda Item 6.2.6) had not joined the meeting; therefore, Council heard the delegation from Shaun Somers at this time.

6.2.7 Shaun Somers, Resident, City of Port Colborne

Shaun Somers, resident, City of Port Colborne, spoke in opposition to the extension of Niagara Region's Face Covering By-law.

6.2.6 Cheryl Rowe, Resident, City of Welland

Cheryl Rowe, resident, City of Welland, spoke in opposition to the extension of Niagara Region's Face Covering By-law.

7. ADOPTION OF MINUTES

Moved by Councillor Witteveen
Seconded by Councillor Fertich

That Minutes CL 14-2020 being the Open Session minutes of the Special Regional Council meeting held on Thursday, August 13, 2020, and Minutes CL 15-2020 being the Open Session minutes of the Regular Regional Council meeting held on Thursday, August 13, 2020, **BE ADOPTED**.

Carried

8. CORRESPONDENCE

8.1 Receive and/or Refer

Moved by Councillor Sendzik
Seconded by Councillor Insinna

That the following items **BE DEALT WITH** as follows:

CL-C 93-2020, respecting Mandatory Face Covering By-law, **BE RECEIVED**;

CL-C 94-2020, respecting Submissions regarding Face Covering By-law, **BE RECEIVED**;

CL-C 95-2020, respecting Mandatory Face Covering By-law, **BE RECEIVED**;

CL-C 98-2020, respecting Mandatory Face Covering By-law, **BE RECEIVED**; and

CL-C 99-2020, respecting Ramar Designation, **BE RECEIVED**.

Carried

8.2 For Consideration

8.2.1 CSD 57-2020

COVID-19 Cash Flow Update Report - September

Moved by Councillor Huson
Seconded by Councillor Foster

That Report CSD 57-2020, dated September 17, 2020, respecting COVID-19 Cash Flow Update Report – September, **BE RECEIVED** for information.

Carried

9. COMMITTEE REPORTS - OPEN SESSION

9.1 Committee of the Whole

Minutes COTW 2-2020, Thursday, August 20, 2020

Moved by Councillor Fertich
Seconded by Councillor Chiocchio

That Report COTW 2-2020 being the Open and Closed Session minutes of the Committee of the Whole meeting held on Thursday, August 20, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

9.2 Public Works Committee

Minutes PWC 8-2020, Tuesday, September 8, 2020

Moved by Councillor Rigby
Seconded by Councillor Edgar

That Report PWC 8-2020 being the Open and Closed Session minutes of the Public Works Committee meeting held on Tuesday, September 8, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

9.2.1 Minute Item 5.4 respecting Approval of Various Single Source Public Works New Purchase Orders and Purchase Order Change Request

The motion contained in Minute Item 5.4 was considered separately as follows:

That Report PW 42-2020, dated September 9, 2020, respecting Approval of Various Single Source Public Works New Purchase Orders and Purchase Order Change Request, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That the Purchase Order (PO) Change Requests identified in Appendix 1 of Report PW 42-2020, **BE APPROVED**; and
2. That the Public Works Committee **EXPRESS** its concern respecting the review of single source procurements over $5,000.

Moved by Councillor Fertich
Seconded by Councillor Bylsma

That, in accordance with subsection 2.4 of Niagara Region's Procedural By-law, the rules of procedure, specifically clause (a) of subsection 19.16 "Motion to Reconsider" of the Procedural By-law, **BE SUSPENDED** to waive the notice requirements for a motion to reconsider to be introduced in order to permit Council to reconsider the closed session motion passed at the Special Regional Council meeting held on July 30, 2020 respecting all single source procurement over $5000 in Public Works initiated in 2020.

Two-thirds majority having been achieved, the Chair declared the vote,

Carried

Moved by Councillor Fertich
Seconded by Councillor Bylsma

That the freeze of all single source procurement over $5000 in Public Works initiated in 2020, and the requirement for any single source procurement deemed essential to receive pre-approval from the Public Works Committee, **BE RECONSIDERED** at this time.

Two-thirds majority having been achieved, the Chair declared the vote,

Carried

Moved by Councillor Fertich
Seconded by Councillor Witteveen

That staff **BE DIRECTED**, in the interim, to freeze all single source procurements over $100,000 in Public Works initiated in 2020 and if any single source procurement is deemed essential there must be pre-approval first received by the Public Works Committee.

Carried

The Regional Chair called the vote on the motion contained in Minute Item 5.4 as follows:

That Report PW 42-2020, dated September 9, 2020, respecting Approval of Various Single Source Public Works New Purchase Orders and Purchase Order Change Request, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That the Purchase Order (PO) Change Requests identified in Appendix 1 of Report PW 42-2020, **BE APPROVED**; and
2. That the Public Works Committee **EXPRESS** its concern respecting the review of single source procurements over $5,000.

Carried

9.2.2 Balance of the recommendations from Public Works Committee

The Regional Chair called the vote on the balance of the recommendations from the Public Works Committee and declared it,

Carried

9.3 Public Health and Social Services Committee

Minutes PHSSC 8-2020, Tuesday, September 8, 2020

Moved by Councillor Chiocchio
Seconded by Councillor Nicholson

That Report PHSSC 8-2020 being the Open Session minutes of the Public Health & Social Services Committee meeting held on Tuesday, September 8, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

9.4 Corporate Services Committee

Minutes CSC 8-2020, Wednesday, September 9, 2020

Moved by Councillor Foster
Seconded by Councillor Whalen

That Report CSC 8-2020 being the Open Session minutes of the Corporate Services Committee meeting held on Wednesday, September 9, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

9.5 Planning and Economic Development Committee

Minutes PEDC 7-2020, Wednesday, September 9, 2020

Moved by Councillor Darte
Seconded by Councillor Huson

That Report PEDC 7-2020 being the Open Session minutes of the Planning & Economic Development Committee meeting held on Wednesday, September 9, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

9.5.1 Minute Item 4.1 respecting Securing a Ramsar Designation for the Niagara River - Canadian Portion (PDS-C 11-2020 - Agenda Item 6.4)

The motion contained in Minute Item 4.1 was considered separately as follows:

WHEREAS, the Ramsar Convention is a voluntary global treaty, signed in Ramsar, Iran in 1971, that promotes the conservation and wise use of water-based ecosystems, including lakes and rivers;

WHEREAS, a nomination for the Niagara River to become a Wetland of International Importance (Ramsar Site) and the first transboundary Ramsar Site in the America’s is being sought by U.S. and Canadian partners in order to recognize the importance of the Niagara River's contribution to the global natural environment;

WHEREAS, a binational steering committee was formed to pursue the nomination, including oversight of the development of nomination documents, engagement plans, and other procedural requirements, as outlined in the Ramsar policy documents for each respective country;

WHEREAS, the designation will not impose any additional regulations on property owners along the Niagara River Corridor; and

WHEREAS, the designation will open up greater opportunities for expanding tourism programming, promote increased public awareness of the River's importance to global biodiversity through research and development, and allow the Niagara River region to further foster cooperation and partnership between the United States and Canada to ensure conservation both within and around the Niagara River Corridor.

NOW THEREFORE BE IT RESOLVED:

That the Regional Municipality of Niagara **ENDORSE** the nomination of the Niagara River as a Wetland of International Importance (Ramsar Site).

Moved by Councillor Zalepa
Seconded by Councillor Disero

That the endorsement of the Ramsar designation **BE REFERRED** to staff to engage outside legal counsel to research the implications of a Ramsar designation on the Niagara River in so much as such a designation could affect the agricultural properties throughout the Region; and

That the research **INCLUDE** but not be limited to assessment of potential sites, their limitations and how any such designation would work with other provincial and federal agencies and policy documents and provides the Ramsar status of other agencies and organizations and municipalities in the Region of Niagara.

Recorded Vote:

Yes (22): Bylsma, Campion, Chiocchio, Darte, Diodati, Disero, Easton, Fertich, Foster, Gale, Gibson, Greenwood, Ip, Jordan, Junkin, Nicholson, Sendzik, Ugulini, Villella, Whalen, Witteveen, Zalepa.

No (7): Butters, Edgar, Heit, Huson, Insinna, Redekop, Rigby.

Carried

9.5.2 Balance of the recommendations from Planning and Economic Development Committee

The Regional Chair called the vote on the balance of the recommendations from the Planning and Economic Development Committee, and declared it,

Carried

10. CHIEF ADMINISTRATIVE OFFICER'S REPORT(S)

10.1 CAO 19-2020

Update on Niagara Region's Face Covering By-law

Moved by Councillor Darte
Seconded by Councillor Diodati

That CAO 19-2020, being a memorandum from R. Tripp, Acting Chief Administrative Officer, dated September 17, 2020, **BE RECEIVED**; and

That Regional Council **APPROVE** By-law 2020-64 being a by-law to amend By-law 2020-46 being a by-law to require mandatory face coverings in enclosed public places during the COVID-19 pandemic for purposes of extending the term of the by-law to April 1, 2021.

Moved by Councillor Gale
Seconded by Councillor Insinna

That the Regional Council **EXTEND** this meeting's curfew to 11:00 p.m.

Carried

Moved by Councillor Ip
Seconded by Councillor Zalepa

That the question **BE CALLED.**

Carried

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

That CAO 19-2020, being a memorandum from R. Tripp, Acting Chief Administrative Officer, dated September 17, 2020, **BE RECEIVED**; and

That Regional Council **APPROVE** By-law 2020-64 being a by-law to amend By-law 2020-46 being a by-law to require mandatory face coverings in enclosed public places during the COVID-19 pandemic for purposes of extending the term of the by-law to April 1, 2021.

Recorded Vote:

Yes (24): Butters, Campion, Chiocchio, Darte, Diodati, Disero, Easton, Edgar, Fertich, Foster, Gale, Greenwood, Heit, Huson, Insinna, Ip, Jordan Junkin, Nicholson, Redekop, Sendzik, Ugulini, Whalen, Zalepa.

No (5): Bylsma, Gibson, Rigby, Villella, Witteveen.

Carried

Moved by Councillor Easton
Seconded by Councillor Butters

That the rules of procedure **BE SUSPENDED** to permit Council to extend this meeting's curfew until business is completed.

Two-thirds majority having been achieved, the Chair declared the vote,

Carried

11. MOTIONS

11.1 Decriminalization of Personal Possession of Illicit Drugs

Moved by Councillor Ip
Seconded by Councillor Chiocchio

WHEREAS governments around the world are considering different approaches to drugs, including the decriminalization of drug use and possession and legal regulation;

WHEREAS a growing number of health officials and boards of health throughout Ontario, Canada, and around the world are calling for changes to our approach to drugs, especially in the midst of the opioid crisis and COVID-19 pandemic, in which the contaminated, unregulated supply of illegal drugs is the main contributor to the crisis;

WHEREAS, in July 2020, the Canadian Association of Chiefs of Police released a report recognizing substance use disorder as a public health issue and agree that evidence, supported by numerous Canadian health leaders, suggests that decriminalization for simple possession is an effective way to reduce the public health and public safety harms associated with substance use;

WHEREAS the Canadian Association of Chiefs of Police endorse alternatives to criminal sanctions for simple possession of illicit drugs, and agree that increased community capacity and resources are necessary to support the availability and integration of health, social programs, and enforcement required for effective diversion;

WHEREAS the Canadian Association of Chiefs of Police agree that police services remain committed to combatting organized crime and disrupting the supply of harmful substances coming into our communities by targeting drug trafficking and illegal production and importation, and further agree that diversion provides new opportunities to make positive impacts in communities. These impacts may include reducing recidivism, reducing ancillary crimes and improving health and safety outcomes for individuals who use drugs;

WHEREAS laws that criminalize people simply for using and possessing drugs have resulted in serious health and social harms, including forcing people into unsafe spaces and high-risk behaviours leading to HIV and HCV infection, resulting in criminal records that make it difficult to obtain employment and housing, and reinforcing negative stereotypes and judgements about people who use drugs;

WHEREAS some groups are more impacted by our drug laws than others, including people who are homeless and/or living in poverty, people with mental health and substance use issues, people from racialized groups, Indigenous people, women, and youth;

WHEREAS a public health approach to drugs would be based on principles and strategies that have been shown to support healthy individuals, families, and communities;

WHEREAS countries that have decriminalized personal drug use and possession and invested in public health interventions have seen results, including decreases in HIV and overdose, decreases in costs to the criminal justice system, and improved police/community relationships;

WHEREAS the evidence on the health and social harms of our current criminalization approach to illegal drugs as well as that of alternative approaches such as decriminalization and legal regulation strongly support the need to shift to a public health approach to drugs in Canada;

NOW THEREFORE BE IT RESOLVED:

1. That the federal government **BE URGED** to decriminalize the possession of all drugs for personal use, and scale up prevention, harm reduction, and treatment services;

2. That the federal government **CONVENE** a task force, comprised of people who use drugs, family members, and policy, research and program experts in the areas of public health, human rights, substance use, mental health, and criminal justice, to explore options for the legal regulation of all drugs in Canada, based on a public health approach; and

3. That this motion **BE CIRCULATED** to Minister of Health Patty Hajdu, Minister of Justice and Attorney General of Canada David Lametti, the Canadian Association of Chiefs of Police, Deputy Premier and Minister of Health Christine Elliott, Attorney General Doug Downey, Niagara's Members of Parliament (MPs) and Members of Provincial Parliament (MPPs), Niagara's 12 local area municipalities, Niagara Regional Police Service, the Association of Municipalities of Ontario, and the Association of Local Public Health Agencies.

Moved by Councillor Foster
Seconded by Councillor Insinna

That the motion respecting Decriminalization of Personal Possession of Illicit Drugs, **BE REFERRED** to the Public Health and Social Services Committee meeting being held on Tuesday, October 14, 2020.

Carried

12. NOTICES OF MOTION

There were no notices of motion.

13. OTHER BUSINESS

There were no items of other business.

14. CLOSED SESSION

Council did not resolve into closed session.

15. BUSINESS ARISING FROM CLOSED SESSION

15.1 Confidential CL-C 85-2020

A Matter respecting Personal Matters about an Identifiable Individual under s. 239(2) of the Municipal Act, 2001 - Extension of Appointment of Interim Commissioner of Public Works

Moved by Councillor Zalepa
Seconded by Councillor Witteveen

That an extension of the current employment contract for Bruce Zvaniga, Interim Commissioner, Public Works, **BE APPROVED** for a period of up to 12 months.

Carried

16. BY-LAWS

Moved by Councillor Diodati
Seconded by Councillor Disero

That the following Bills **BE NOW READ** and **DO PASS**:

Bill 2020-58
A by-law to authorize the borrowing upon debentures in the principle amount of $3,450,000.00 for a capital work of The Corporation of the Town of Pelham.

Bill 2020-59
A by-law to accept, assume and dedicate Part of Lots 946-952 CP Plan 2, in the City of St. Catharines as part of Regional Road No. 42 (Ontario Street).

Bill 2020-60
A by-law to accept, assume and dedicate Part of Lot 10, Concession 1, in the Township of West Lincoln as part of Regional Road No. 63 (Canborough Road).

Bill 2020-61
A by-law to accept, assume and dedicate Part of Township Lot 148, in the City of Niagara Falls as part of Regional Road No. 98 (Montrose Road).

Bill 2020-62
A by-law to amend By-law 2017-56, being a By-law to Regulate the Use of the Waste Management System for The Regional Municipality of Niagara.

Bill 2020-63
A by-law to accept, assume and dedicate part of Livingston Avenue, Plan 441, in the Town Of Grimsby as part of Regional Road No. 512 (Livingston Avenue).

Bill 2020-64
A by-law to amend By-law 2020-46 being a by-law to require mandatory face coverings in enclosed public places during the COVID-19 pandemic.

Bill 2020-65
A by-law to approve the submission of an application to Ontario Infrastructure and Lands Corporation (“OILC”) for the long-term financing of certain capital work(s) of The Corporation of the Town of Lincoln (the “lower-tier municipality”) through the issue of debentures by The Regional Municipality of Niagara (the “upper tier municipality”); and to authorize the entering into of a rate offer letter agreement pursuant to which the upper-tier municipality will issue debentures on behalf of the lower-tier municipality to OILC.

Bill 2020-66
A by-law to approve the submission of an application to Ontario Infrastructure and Lands Corporation ("OILC") for the long-term financing of certain capital work(s) of The Corporation of the Town of Niagara-on-the-Lake (the "lower-tier municipality") through the issue of debentures by The Regional Municipality of Niagara (the "upper tier municipality"); and to authorize the entering into of a rate offer letter agreement pursuant to which the upper-tier municipality will issue debentures on behalf of the lower-tier municipality to OILC.

Bill 2020-67
A by-law to approve the submission of an application to Ontario Infrastructure and Lands Corporation ("OILC") for the long-term financing of certain capital work(s) of The Corporation of the City of Niagara Falls (the "lower-tier municipality") through the issue of debentures by The Regional Municipality of Niagara (the "upper tier municipality"); and to authorize the entering into of a rate offer letter agreement pursuant to which the upper-tier municipality will issue debentures on behalf of the lower-tier municipality to OILC.

Bill 2020-68
A by-law to adopt, ratify and confirm the actions of Regional Council at its meeting held on September 17, 2020.

There being no objection, Bill 2020-64 (Agenda Item 16.7) was considered separately as follows:

That Bill 2020-64, being a by-law amend By-law 2020-46 being a by-law to require mandatory face coverings in enclosed public places during the COVID-19 pandemic, **BE NOW READ** and **DO PASS**.

Carried

The Regional Chair called the vote on the balance of the bills, and declared it,

Carried

17. ADJOURNMENT

There being no further business, the meeting adjourned at 11:24 p.m.

Jim Bradley
Regional Chair

Matthew Trennum
Deputy Regional Clerk

Ann-Marie Norio
Regional Clerk

THE REGIONAL MUNICIPALITY OF NIAGARA
PROCEEDINGS OF SPECIAL COUNCIL
OPEN SESSION

CL 18-2020
Thursday, September 24, 2020
Council Chamber/Video Conference
Niagara Region Headquarters, Campbell West
1815 Sir Isaac Brock Way, Thorold, ON

Council Members Present in the Council Chamber:	Bradley (Regional Chair), Insinna
Council Members Present via Video Conference:	Bellows, Butters, Bylsma, Chiocchio, Darte, Diodati, Disero, Easton, Edgar, Fertich, Foster, Gale, Gibson, Greenwood, Heit, Huson, Ip, Nicholson, Redekop, Rigby, Sendzik, Steele, Ugulini, Villella, Whalen, Witteveen, Zalepa
Absent/Regrets:	Campion, Jordan, Junkin
Staff Present in the Council Chamber:	D. Barnhart, Executive Officer to the Regional Chair, D. Gibbs, Director, Legal & Court Services, T. Harrison, Commissioner/Treasurer, Corporate Services, M. Lewis, Technology Support Analyst, F. Meffe, Director, Human Resources, B. Menage, Director, Procurement & Strategic Acquisitions, A.-M. Norio, Regional Clerk, R. Tripp, Acting Chief Administrative Officer, B. Zvaniga, Interim Commissioner, Public Works
Staff Present via Video Conference:	D. Johnson, Associate Director, Wastewater Operations, Maintenance & Laboratory Services, A. Jugley, Commissioner, Community Services, R. Mostacci, Commissioner, Planning & Development Services, C. Ogunniyi, Diversity, Equity & Inclusion Program Manager, J. Tonellato, Director, Water & Wastewater Services
Others Present via Video Conference:	D. Ross, Third Party Biosolids and Residual Solids Subject Matter Expert, CH2M Hill Canada Limited (Jacobs), K. Scott, Fairness Commissioner, Optimus SBR

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1. CALL TO ORDER

Regional Chair Bradley called the meeting to order at 4:02 p.m.

2. ADOPTION OF AGENDA

Moved by Councillor Steele
Seconded by Councillor Edgar

That Council Agenda CL 18-2020, **BE ADOPTED.**

Carried

3. DISCLOSURES OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

4. REPORTS FOR CONSIDERATION

4.1 PW 33-2020

Award of Request For Proposal 2020-RFP-60 Liquid Biosolids and Residuals Management Program

Moved by Councillor Edgar
Seconded by Councillor Huson

That Report PW 33-2020, dated September 24, 2020, respecting Award of Request For Proposal 2020-RFP-60 Liquid Biosolids and Residuals Management Program, **BE RECEIVED** and the following recommendations **BE APPROVED:**

1. That Contract 2020-RFP-60 Liquid Biosolids and Residuals Management Program **BE AWARDED** to 2386246 Ontario Inc. (Thomas Nutrient Solutions), based on year one pricing of $5,043,651.22 (including 13% HST) for a four (4) year (plus 3 month period remaining 2020) initial term, with two (2) optional, one (1) year extension terms, and;

   1.1 The term of the contract is summarized as follows:

Initial Term:
Year 1: Oct 1, 2020 – Dec 31 2021 (15 month period)
Year 2: Jan 1, 2022 – Dec 31, 2022
Year 3: Jan 1, 2023 – Dec 31, 2023
Year 4: Jan 1, 2024 – Dec 31, 2024

Optional Extensions:

Year 1: Jan 1, 2025 – Dec 31, 2025
Year 2: Jan 1, 2026 – Dec 31, 2026

2. That the Regional Chair and Regional Clerk **BE AUTHORIZED** to execute the Contract and any required documents related thereto in a form satisfactory to the Director of Legal and Court Services.

Councillor Gale provided comments on Report PW 33-2020 that he requested be attached to the minutes (attached as CL-C 101-2020) and introduced information concerning the current whistleblower investigation. Councillor Redekop rose on a point of order indicating that the whistleblower investigation was not pertinent to the motion before Council.

The Regional Chair ruled that discussion of the current whistleblower investigation was not germane to the matter before Council.

Councillor Gale challenged the ruling of the Chair and as a result the following motion was considered to determine whether the ruling of the Chair would be upheld.

Moved by Councillor Gale
Seconded by Councillor Darte

That the ruling of the Chair **BE SUSTAINED** that discussion of the current whistleblower investigation is not germane to the matter currently before Council.

Recorded Vote:

Yes (16): Disero, Easton, Edgar, Foster, Greenwood, Heit, Huson, Insinna, Ip, Redekop, Rigby, Sendzik, Steele, Ugulini, Witteveen, Zalepa.

No (11): Butters, Bylsma, Chiocchio, Darte, Diodati, Fertich, Gale, Gibson, Nicholson, Villella, Whalen.

Carried

Information was requested respecting the whistleblower investigation in relation to the RFP process, specifically whether those named in the whistleblower complaint participated in the RFP process. Staff advised that the whistleblower investigation as it related to the RFP would need to be discussed in closed session as these items relate to personal matters about identifiable individuals and legal advice that would be subject to solicitor-client privilege; therefore it was:

Moved by Councillor Gibson
Seconded by Councillor Steele

That Council **DO NOW MOVE** into closed session for the purposes of receiving information of a confidential nature respecting:

A Matter concerning Personal Matters about identifiable individuals under s. 239(2) of the Municipal Act, 2001- Whistleblower Policy Complaints; and

A Matter of Legal Advice that is Subject to Solicitor-client privilege under s. 239(2) of the Municipal Act, 2001 - Award of Request For Proposal 2020-RFP-60 Liquid Biosolids and Residuals Management Program.

Carried

Council resolved into closed session at 4:42 p.m.

Council reconvened in open session at 6:33 p.m. with the following individuals in attendance:

Council Members Present in the Council Chamber:	Bradley (Regional Chair), Insinna
Council Members Present via Video Conference:	Bellows, Butters, Bylsma, Chiocchio, Darte, Diodati, Disero, Easton, Edgar, Fertich, Foster, Gale, Gibson, Greenwood, Heit, Huson, Ip, Nicholson, Redekop, Rigby, Sendzik, Steele, Ugulini, Villella, Whalen, Witteveen, Zalepa
Absent/Regrets:	Campion, Jordan, Junkin
Staff Present in the Council Chamber:	D. Gibbs, Director, Legal & Court Services, T. Harrison, Commissioner/Treasurer, Corporate Services, M. Lewis, Technology Support Analyst, F. Meffe, Director, Human Resources, B. Menage, Director, Procurement & Strategic Acquisitions, A.-M. Norio, Regional Clerk, R. Tripp, Acting Chief Administrative Officer, B. Zvaniga, Interim Commissioner, Public Works
Staff Present via Video Conference:	D. Johnson, Associate Director, Wastewater Operations, Maintenance & Laboratory Services, A. Jugley, Commissioner, Community Services, R. Mostacci, Commissioner, Planning & Development Services, J. Tonellato, Director, Water & Wastewater Services
Others Present via Video Conference:	D. Ross, Third Party Biosolids and Residual Solids Subject Matter Expert, CH2M Hill Canada Limited (Jacobs), K. Scott, Fairness Commissioner, Optimus SBR

Moved by Councillor Foster
Seconded by Councillor Easton

That the Legal Advice that is Subject to Solicitor-client privilege under s. 239(2) of the Municipal Act, 2001 respecting Award of Request For Proposal 2020-RFP-60 Liquid Biosolids and Residuals Management Program and the information respecting A Matter concerning Personal Matters about identifiable individuals under s. 239(2) of the Municipal Act, 2001- Whistleblower Policy Complaints, **BE RECEIVED.**

Carried

Moved by Councillor Darte
Seconded by Councillor Gale

That the Award of Request For Proposal 2020-RFP-60 Liquid Biosolids and Residuals Management Program **BE DEFERRED** for 60 days.

Recorded Vote:

Yes (8): Bellows, Chiocchio, Darte, Diodati, Fertich, Gale, Heit, Nicholson.

No (19): Butters, Bylsma, Easton, Edgar, Foster, Gibson, Greenwood, Huson, Insinna, Ip, Redekop, Rigby, Sendzik, Steele, Ugulini, Villella, Whalen, Witteveen, Zalepa.

Defeated

The Regional Chair called the vote on the recommendation contained in Report PW 33-2020 as follows:

That Report PW 33-2020, dated September 24, 2020, respecting Award of Request For Proposal 2020-RFP-60 Liquid Biosolids and Residuals Management Program, **BE RECEIVED** and the following recommendations **BE APPROVED:**

1. That Contract 2020-RFP-60 Liquid Biosolids and Residuals Management Program **BE AWARDED** to 2386246 Ontario Inc. (Thomas Nutrient Solutions), based on year one pricing of $5,043,651.22 (including 13% HST) for a four (4) year (plus 3 month period remaining 2020) initial term, with two (2) optional, one (1) year extension terms, and;

1.1 The term of the contract is summarized as follows:

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Year 3: Jan 1, 2023 – Dec 31, 2023
Year 4: Jan 1, 2024 – Dec 31, 2024

Optional Extensions:

Year 1: Jan 1, 2025 – Dec 31, 2025
Year 2: Jan 1, 2026 – Dec 31, 2026

2. That the Regional Chair and Regional Clerk **BE AUTHORIZED** to execute the Contract and any required documents related thereto in a form satisfactory to the Director of Legal and Court Services.

Recorded Vote:

Yes (18): Butters, Bylsma, Easton, Edgar, Foster, Gibson, Greenwood, Heit, Huson, Insinna, Ip, Redekop, Rigby, Sendzik, Steele, Ugulini, Witteveen, Zalepa.

No (9): Bellows, Chiocchio, Darte, Diodati, Fertich, Gale, Nicholson, Villella, Whalen.

Carried

The meeting recessed at 6:56 p.m.

The meeting resumed at 6:57 p.m.

Councillor Information Request(s):

That the Procurement By-law be reviewed by the Procurement Advisory Committee. Councillor Huson.

5. CLOSED SESSION

Diversity and Inclusion

Due to time constraints, Council did not resolve into closed session for An Education or Training Session held under s.239(3.1) of the Municipal Act, 2001 - Diversity and Inclusion.

7. BY-LAWS

7.1 Bill 2020-70

Moved by Councillor Rigby
Seconded by Councillor Gibson

That Bill 2020-70 being a by-law to adopt, ratify and confirm the actions of Regional Council at its special meeting held on September 24, 2020, **BE NOW READ** and **DO PASS**.

Carried

8. ADJOURNMENT

There being no further business, the meeting adjourned at 7:03 p.m.

Jim Bradley Regional Chair	Ann-Marie Norio Regional Clerk

COMMENTS SUBMITTED BY COUNCILLOR GALE RESPECTING BISOLIDS TENDER

Mr. Chair, I have some comments, and thereafter I have some questions for staff.

My first comment is that I have reviewed the Request For Proposal issued by the Region. In the RFP, Section 3.6.1 states that Council may:

- Cancel this RFP at any stage;
- Cancel this RFP at any stage and issue a new RFP; or
- Accept any proposal in whole or in part; or reject any or all proposals.

And these reserved rights are in addition to any other expressed rights or any other rights that may be implied in the circumstances.

So, we as Council may accept any proposal in whole or in part. Now, could there be legal issues, of course, but we are talking about saving taxpayers millions of dollars. Let me explain.

I want to remind Council that one of the bidders signed a formal letter that was submitted to the January 14, 2020 Public Works Committee stating that the staff report was “misleading” and claims “substantial cost and procurement issues”.

Now we know why they would write this letter.

First, under sole sourcing, we received a staff report in January that provided the 2021 estimated costs for the biosolids contract at $4,752,955.02. Without factoring the GST rebate, this represented a 12.5 % increase (or $526,400) over the actual 2019 costs as reported today.

Under the competitive process, today we received a staff report that provided the 2021 estimated costs at $4,449,039.80. Without factoring the GST rebate, this represents a 5% increase over the actual 2019 costs as reported today.

Thus, if you compare sole sourcing versus competitive procurement, the Region will save approximately $303,915 in 2021. And if you add a 1.5% CPI over 4 years, these savings equate to approximately $1,243,287.80.

To my colleagues, this is why we need to take action and review these multi-million-dollar, sole sourcing, contracts. As evident today, by going through the competitive process, we saved taxpayers over $1.2 million.

COMMENTS SUBMITTED BY COUNCILLOR GALE RESPECTING BISOLIDS TENDER

Imagine what we could have saved taxpayers if we put the Niagara Recycling contract in a competitive procurement process.

Second, related to this contract, the question we must ask ourselves, could we save the taxpayers even more?

As best practice, when we receive the results of a procurement process, we typically receive in the public domain the actual name of the bidders and the price they submitted.

For example, in Public Works report PW 1-2020, the awarding of the Grimsby water storage contract, we received a summary of the bidders. For this water storage contract, the bidders ranged from the lowest bid of approximately $17.8 million to the highest bid of approximately $20.5 million. We awarded the contract to the lowest bidder. And this contract had greater technical aspects than the biosolids contract.

In another example, in Public Works report PW 27-2020, the awarding of the DeCew Falls Water Treatment Plant Upgrades contract, we received a summary of the bidders. For this plant upgrade contract, the bidders ranged from the lowest bid of approximately $10.5 million to the highest bid of approximately $10.7 million. We awarded the contract to the lowest bidder. And this contract had greater technical aspects than the biosolids contract.

In this contentious biosolids report, we don't receive a summary of the 3 bidders that qualified past the technological stage. My question is to the Director of Procurement, why did the report, in which you signed, did not include the name of the 3 bidders and a summary of prices?

How can we make a decision, of a multi-year, multi-million-dollar contract, when we don't know the 3 actual costs? This is absurd.

Well, in fact, I received an unsolicited email from one of the bidders this morning, a different bidder from the one who signed the letter back in January. This second bidder wrote "We see that Thomas has been awarded the tender…our price was nearly $1 million less than Thomas". I respectfully responded, "I am not allowed to talk to you right now" and I strongly urged him to watch this afternoons Special Council meeting.

What I want to know, is who was the lowest bid in price, and what was the amount?

COMMENTS SUBMITTED BY COUNCILLOR GALE RESPECTING BISOLIDS TENDER

These delays are unacceptable.

Back to this report, the procurement process identified that 4 regional staff participated in the evaluation process. My question is to the Director of Procurement, were any of the 4 staff who participated in the evaluation process named in the whistleblowers' complaints?

How can we award a multi-year, multi-million-dollar contract, when staff are implicated in alleged inappropriate behavior? This is absurd.

Good, can you tell me who were the 4 evaluators.

Councillors, I am appalled by the sequence of events.

- Uncompleted whistleblower complaints.
- Last minute staff reports and Special Council meetings.
- No detailed information on who are the bidders are and what were their prices.
- No information on the lowest price.
- Bidders who are telling Councillors that we have been misled.
- And, $1.2 million in savings because we unanimously refused the staff recommendation to proceed with a sole source contract.

I will be voting against this staff recommendation.

I ask my colleagues to reject this absurd sequence of events. Most of you ran on a campaign of greater transparency and accountability.

And when we turn down this staff recommendation, let's save taxpayers dollars even more and proceed to award the contract to the lowest bidder, whoever it may be. If you meet the technical requirements, you can do the job.

And don't be baited by the threat of lawsuits. It is our right to choose any proposal we receive.

In these unprecedented times, we need to find every dollar to support taxpayers.

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www.niagararegion.ca

MEMORANDUM

CHR 5- 2020

To: **Members of Regional Council**

From: **Jim Bradley, Regional Chair**

Date: **October 22, 2020**

Subject: Acting Chief Administrative Officer (CAO) Performance Appraisal Process and Recruitment Next Steps

Councillors,

Pursuant to the process Regional Council approved on February 20, 2020, regarding the CAO performance management procedure (detailed in HR-01-2020), I want to remind Councillors of how we will conduct the Acting CAO's performance appraisal this year, and on a go-forward basis.

For further context, Council's approved CAO appraisal process was part of the Region's response to the recommendations found in the Ontario Ombudsman's *Inside Job* report.

In accordance with the Policy, the following is a high-level overview of the process we will be following:

Event	Timeline details
The Acting CAO will be provided with self-assessment documents for completion	To be completed by the Acting CAO by Dec. 17, 2020
Regional Councillors will be provided with a link to a performance evaluation survey	Link sent to Councillors Nov. 19; survey to be completed by Dec. 17, 2020
Chair to complete evaluation report (with provisional rating) using feedback from the evaluation survey	The confidential performance appraisal to be distributed to council during the Jan. 28, 2021 meeting.
Council to approve the evaluation report and final rating (note: any compensation adjustments to align with the	Special meeting of Council on Jan. 28, 2021

Event	Timeline details
Non-Union Compensation Policy and Salary Administration Procedure)	

Based on this schedule, Councillors can expect to receive their CAO evaluation survey link on Nov. 19, 2020 and I respectfully request that it be completed by December 17, 2020. A special closed-session meeting of council will occur on January 28, 2021 to review and approve a final rating and performance appraisal.

The Acting CAO's Contract and Next Steps

As you will recall, the Acting CAO has been operating under a series of consecutive contract extensions since Council approved his appointment in the acting capacity in December 2018. On March 26, 2020, due to the COVID-19 pandemic, Regional Council passed a motion delaying the hiring of a permanent CAO until such time that the pandemic had been appropriately resolved to allow Council to focus on the recruitment.

Given the status of the pandemic, accordingly the Acting CAO has continued to receive contract extensions. As this current contract will expire on October 31, 2020, the Acting CAO has received an additional three-month extension, set to expire on January 31, 2021. It is important to note that outside of the expiry date, there has been no modification of the terms of the Acting CAO's contract, including compensation or benefits, save and except his continued participation in the annual Non-Union Pay for Performance program.

During our special meeting of Regional Council on January 28, 2021, Councillors will consider a memorandum outlining options in regards to next steps in the CAO recruitment process. It is my hope that Regional Council will provide definitive direction in respect to hiring a CAO.

If you have any questions or concerns on the process we will be following please do not hesitate to reach out to me directly.

Respectfully submitted and signed by:

ORIGINAL SIGNED BY

_____

Jim Bradley, Chair
Niagara Region

Subject: COVID-19 Cash Flow Update Report - October

Report to: Regional Council

Report date: Thursday, October 22, 2020

Recommendations

1. That this report **BE RECEIVED** for information.

Key Facts

- The purpose of this report is to provide Council with an update on Niagara Region's cash flow position and forecast for October with specific reference to the impacts of concessions made to Local Area Municipalities (LAMs) to align with their concessions to the taxpayers in Niagara.
- Monthly cash flow updates are provided to Council in response to report CSD 31-2020, which generally approved deferrals of LAM tax and water and wastewater remittances to the Region, as well as waiving interest charges on late payments.
- Overall the amount due from the LAMs for general and special purposes tax levies and water and wastewater payments in Q4 is approximately $146 million.
- Phase 1 of the Municipal Safe Re-start funding has been committed by the province of Ontario; the Regional Municipality of Niagara will receive a payment of $12.2 million in Q4 to support COVID-19 operating costs and pressures.
- Cash flow forecasting is an important tool to ensure that sufficient funds are available to meet the Region's operating and capital payment obligations.

Financial Considerations

The COVID-19 pandemic has caused a strain on a number of financial resources. Niagara Region cash balances are impacted by increased spending for pandemic relief services, as well as by deferred and/or reduced revenue collections.

The Region's cash flows are monitored to ensure sufficient liquidity to provide for ongoing operations. Balances have increased compared to forecast; this is the result primarily of improved collection experienced by the LAMs and reduced outflows compared to forecast. In addition, the recent provincial announcement of the $12.2 million Municipal Safe Re-start funding will assist the cash flow balances in Q4. Graph 1

provides an illustration of the updated cash flow forecast for the Niagara Region for the remainder of the year.

Graph 1: 2020 Cash Flow Forecast

The following are updates since the September cash flow report CSD 57-2020 – 2020 COVID-19 Cash Flow Update Report – September:

- Water and Wastewater remittances of $10.7 million, versus the total billed $10.9 million (for August flows, due September 30), represent 3% arrears ($0.3 million)
- Water and Wastewater February through July flows have remittances outstanding of $2.0 million, which is unchanged from the last report.
- Water flows continue to be down, however the most recent flow information indicates an improvement in the decline from 3.6% to 2.2% over the three-year average.
- In light of the recent postponement of the Canada Summer Games until 2022, the Host Society will be taking a revised operating and capital budget to their Board in fall 2020. Once all information is available for the revised budget as well as the transition of responsibility for managing the construction of the Canada Summer Games Park to the Niagara Region, updates to the cash flow forecast will be made.

Analysis

The Region conducts cash flow forecasts to ensure sufficient operating liquidity by estimating the available cash deposits, expected inflows, and required disbursements. Common inflows include tax and rate remittances from the LAMs, grant revenue from other levels of government, debenture proceeds, interest revenue from investments and other revenue from fees and services. Outflows typically represent employee payroll and benefits, anticipated payments such as debt service and payments to vendors for goods and services for both operating and capital costs.

COVID-19 implications have had an adverse impact on the Region's cash flow forecast. The Region has taken measures to mitigate financial impacts; however, following the provincial funding announcement of $12.2 million, mitigations are being reviewed to determine on-going requirements.

Impacts on Niagara Region Cash Flows:

LAM remittances:
The largest impact to the Region's cash flow forecast is the implementation of the concessions approved through report CSD 31-2020, including partial payments for the general tax and special purpose levy amounts as well as amendments to the water and wastewater collections.

The fourth and last levy instalment has an initial due date of October 14th, with concessions allowing the waiving of interest charges to the LAMs until November 13th for partial or late payments. At the time of finalizing this report, October 9th, 2020 the initial due date has not passed. Some municipalities have extended the due date for the fourth levy instalment which may impact their ability to remit to the Region by the initial due date; however their collection dates are still before November 13th.

Water and Wastewater billings are completed on the 15th of the following month and due by the end of that month; January through August have been billed and due dates passed. Ten municipalities have paid August billings in full, and one has made a partial payment; this represents $0.3 million outstanding or 3% in arrears of the total $10.9 million. The total unpaid balance has increased to $2.3 million from $2.0 million. Billings for the September water and wastewater charges occurs mid October and is due at the end of October.

Conclusion: Cash flows from the remittances of LAM payments are providing support to the Region's cash flow position. With the levy collection experienced to date, there are no recommendations to change the treatment for the fourth levy instalment at this time.

Capital Project activity:
Capital projects continue to progress to the extent possible acknowledging any staff and industry constraints. Capital project spending has an impact on cash flows; it does not affect the operating budget, as the cost of capital has been previously approved in prior year budgets, either through contributions to capital reserves, debt issuances, or from external contributions. There are currently 563 approved capital projects with budget remaining as at the end of September of $802 million.

Conclusion: Capital spending continues to be less than forecasted resulting in a positive impact on the cash flow to date; this has not affected strategy, however staff will continue to monitor cash flows and update the strategy if required. The capital projects that were deemed non-urgent previously continue to be delayed. Spending on these projects will extend into next year and possibly beyond based on the scope of the project.

Incremental COVID – 19 costs:
Incremental costs associated with COVID-19 are affecting the Region's cash flows. Staff have used cost analysis information from report CSD 56-2020 – Q2 2020 Financial Update that captures and models financial impacts to the end of the year on the cost of COVID-19. The province has announced and committed $12.2 million to the Niagara Region as part of the Municipal Safe Re-start to support COVID-19 related operating costs and pressures. The incremental costs and provincial revenues associated with the pandemic are modeled in the cash flow forecast.

Conclusion: Incremental COVID-19 costs are negatively affecting the Region's cash flow; however, savings, mitigation efforts, and provincial support provide relief to cash flows.

Treasury activities:
Since the pandemic started, the Niagara Region has seen no increase to the investment portfolio, to address uncertainty surrounding projected and outstanding collections, at the risk of reduced investment income. This strategy has been reviewed against current cash flow forecasts as of October and consideration is being given to the further investments later this year as cash flows continue to be better than forecast.

The Region plans to issue $54.4 million in debentures through Infrastructure Ontario this fall to finance capital projects.

Conclusion: The delay on planned investments has provided cash flow relief in the short term, however it has negatively impacted investment income. An increase to the investment portfolio is being considered, dependent on market conditions and available options.

Summary:
Staff will continue to monitor the Region's cash flow position and will take action to ensure there is sufficient liquidity to fund operating and capital payment obligations. Based on the updated information, it is projected that the Region's cash flow will remain positive to the end of the year, however any changes in projected timing and collection could alter the forecast.

Alternatives Reviewed

No alternatives are offered for this report.

Relationship to Council Strategic Priorities

This report highlights how the Niagara Region is supporting the Council Priority of Sustainable and Engaging Government.

Other Pertinent Reports

CSD 31-2020	Concessions to Local Area Municipalities regarding Taxes and Wastewater Billings
CSD 57-2020	COVID-19 Cash Flow Update Report - September
CSD 56-2020	Q2 2020 Financial Update

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This report was prepared in consultation with Helen Chamberlain, Director, Financial Management and Planning, Deputy Treasurer.

Subject: COVID-19 Financial Impact Update

Report to: Regional Council

Report date: Thursday, October 22, 2020

Recommendations

1. That staff **BE DIRECTED** to complete the Safe Restart Agreement Phase 2 reporting template to request additional 2020 provincial funding.

Key Facts

- The purpose of this report is to provide an update on the potential financial impacts of the COVID-19 pandemic in the Niagara Region and seek Council's direction on requesting Safe Restart Phase 2 funding from the province.
- The intention of the recommendation in this report is to secure the necessary resolution of council required of the Safe Restart Phase 2 funding application that council has assessed the municipality's financial situation and specifically requests additional provincial funding on the basis that the funding provided under Phase 1 is not sufficient to address 2020 COVID-related operating pressures.
- Staff estimate the Niagara Region's COVID-related pressure to be $37.7 million which is in excess of the $12.2 million Safe Restart Phase 1 allocation received.
- All financial implications quantified in this report include estimates up to December 31, 2020 unless otherwise noted. Estimates in this report are fluid and changing, and as a result, the forecasts contain inherent risks and actual results may differ.
- The Niagara Region's current estimate of the 2020 total gross cost of COVID-19 pandemic is $55.7 million. Total regional gross cost (including all Local Area Municipalities, LAMS) is estimated at $84.4 million.
- The Region's current estimated 2020 net deficit as a result of the COVID-19 pandemic before Phase 1 Municipal Safe Re-start funding is $5.3 million. Total regional net deficit (including LAMS) is estimated at $14 million.
- The Region has received confirmed 2020 funding announcements of $35.2 million in specific program areas. Additional funding announcements are expected but not confirmed.
- The 2021 projected net cost related to ongoing COVID-19 measures is estimated at $19.7 million or 5.02% for levy programs, $0.02 million or 0.02% for water/wastewater programs, and $0.2 million or 0.53% for waste management. These estimates will continue to be refined as new information is received. To date,

limited 2021 funding announcements from upper levels of government have occurred and the estimates include only confirmed funding sources. Should additional funding sources be received, this would reduce the pressure identified.

Financial Considerations

Due to the COVID-19 emergency, the Region's results and forecast are continuously being updated for new information and changes in assumptions. At the time of writing this report, it still remained difficult to quantify the full financial impact as the Region is actively making decisions around its recovery plan and details of some funding announcements remain outstanding.

While the Region's COVID related pressures of $37.7 million (Net Cost to Region reported to date) remain in excess of the Safe Restart Phase 1 funding allocation of $12.2 million, due to strategic mitigations and redeployments put in place, the Region no longer anticipates a 2020 deficit. The Province has outlined their reporting requirements for Phase 2 funding and it includes accessing the municipality's overall financial situation and specifically demonstrating that Phase 1 funding is not sufficient to address 2020 COVID-related operating pressures. It also requires outlining mitigation measures taken by the municipality and reserve balances. It remains unclear how the Province will apply mitigation measures when allocating Phase 2 funding, but staff believe that while pressures have been mitigated in 2020, our reserves balances remain well below targets limiting our financial flexibility.

Given unknowns around additional Public Health funding, staff have prepared the following worst to best case scenarios for 2020.

Table 1: 2020 Funding Scenarios

(in millions)	**Worst Case**	**Likely Case**	**Best Case**
2020 Forecasted Deficit	$ (5.3)	$ (5.3)	$ (5.3)
Year end transfers from rate reserves	0.2	0.2	0.2
2020 Possible Public Health Funding	-	3.5	5.9
2020 Possible Transit Funding	-	-	Unknown
Safe Restart Municipal Funding - Phase 1	12.2	12.2	12.2
Safe Restart Municipal Funding - Phase 2	-	-	Unknown
Funds available for 2021 Budget	$7.1	$ 10.6	$ 13.0

Staff would recommend that any excess Municipal Safe Re-start funding at December 31, 2020 be allocated to the Taxpayer Relief Reserve, to then be utilized to offset COVID-19 related pressures in the 2021 budget in accordance with the parameters of the funding.

Analysis

In order to better understand the financial results as they relate to the COVID-19 emergency, staff continue to track costs directly related to the emergency. Total gross cost related to the emergency is $55.7 million, with a net cost after program-specific funding of $37.7 million as outlined in the table below. The table below also considers strategic and other mitigations (offset by additional non-COVID pressures) that the Region has been able to put in place to help manage the cost of the emergency, resulting in a total net estimated deficit of $5.3 million. All estimates in the analysis have been made up to December 31, 2020 unless otherwise noted in Appendix 1.

Table 2: 2020 COVID-19 Financial Impact Summary

(in millions)	Levy	Water/ Wastewater	Waste Management	Total
Total Gross Cost	**$ 53.9**	**$ 1.1**	**$ 0.7**	**$ 55.7**
Less: Confirmed Funding Matched to Expenses	(18.0)	-	-	(18.0)
Net Cost to Region	**35.9**	**1.1**	**0.7**	**37.7**
Less: Strategic and Other Mitigations	(10.8)	(0.4)	(1.0)	(12.2)
Less: Redeployed resources	(20.0)	(0.2)	(0.0)	(20.2)
Net budget deficit/(surplus)	**$ 5.1**	**$ 0.5**	**$ (0.3)**	**$ 5.3**

Further detail on the corporate assumptions and cost categories can be found in Appendix 1. Also a more detailed breakdown by operating department can be found in Appendix 2.

The Region has also been coordinating with local area municipalities to consolidate the full impact to Niagara residents. While all municipalities have been reporting to their Council using different estimates, assumptions and reporting schedules, the estimated consolidated (Region and LAMs) total gross cost is $84.4 million and net deficit of $14 million.

Since our previous Q2 report CSD 56-2020 on September 9th information has been received and assumptions have been updated. The main driver of change in the projected net deficit is a result of:

- Additional confirmed funding announcements in long-term care (July-Sept)

- Downward actual trends in the use of additional staff and overtime which is the basis for our projection to December 31.

The Niagara Region results continues to be driven by the Region's response to the COVID-19 pandemic. For detailed variance analysis within each department, please reference the Q2 financial update at the link below. An updated comprehensive Q3 report, that will form the basis for our Safe Restart Phase 2 application, will be provided to Council in early December.

2020 Q2 Financial Update
(https://www.niagararegion.ca/business/finance/quarterly-reports/default.aspx)

2020 Funding announcements

The Region has received announcements of confirmed funding sources of $35.2 million to support COVID-19 emergency identified below. The funding sources will be utilized as outlined by each different agreement, with an estimated $23.1 million ($18 million in program-specific funding and $5.1 million in Municipal Safe Re-start funding) being recognized in the 2020 operating results.

Table 3: 2020 Confirmed Funding Announcements

(in millions)	Amount	2020 Operating	2021 Operating	To be allocated
Social Services Relief Fund - Phase 1 (Note 1)	$ 2.4	$ 1.5	$ 0.9	$ -
Reaching Home Funding (Note 1)	1.3	1.3	-	$ -
Social Services Relief Funding - Phase 2 (Note 1 & 2)	3.0	-	-	$ 3.0
Community Response Fund	0.1	0.1	-	$ -
Childrens Services Fees Subsidy Funding Reallocation	0.7	0.7	-	$ -
School Focused Nursing Initiative (Note 3)	1.5	0.4	1.1	$ -
Transit Bus Cleaning	0.0	0.0	-	$ -
Safe Restart - Transit Phase 1 Funding	0.6	0.6	-	$ -
Safe Restart - Child Care Funding	4.5	4.5	-	$ -
Long-term Care Emergency Funding	4.3	4.3	-	$ -
Pandemic Pay (Note 4)	4.6	4.6	-	$ -
Sub-total of program specific funding	23.0	18.0	2.0	$ 3.0
Safe Restart - Municipal Phase 1 Funding	12.2	5.1	7.1	$ -
Total	$ 35.2	$ 23.1	$ 9.1	$ 3.0

Note 1: Incremental funding to cover full fiscal year of April 1, 2020 to March 31, 2021
Note 2: Subject to business case proposals by Niagara to MMAH. Funding for operating or capital needs.
Note 3: Estimated based on 20 FTE notice provided. Should continue into 2021.
Note 4: Final pandemic payments from April 24 to August 13.

In addition to the confirmed funding announcements above, the Region is monitoring the following announcements. The timing and allocation to Niagara Region of these funding announcements is uncertain at this time.

- An additional $540 million of provincial funding for continued prevention and containment of COVID-19 (for example, screening staff, additional staff, and personal protective equipment) in long-term care homes. The total funding originally announced was $88.3 million. Monthly funding allocations have been received for April through September.
- The federal-provincial governments will provide $4 billion to Ontario municipalities to help fund a "safe re-start" of the economy. Phase 1 funding has been confirmed. Phased 2 funding availability will be based on reporting and need.
- Additional $236.7 million through Reaching Home program to help extend and expand the emergency response to the COVID-19 outbreak. The Niagara Region has been allocated $1.7 million but has not yet established a workplan fpr spending and spending is required by March 31, 2021. Staff expect to review and incorporate into Q3 report.
- Ontario Works expects to see increased funding to support an increase in subsidy claim payments to Ontario Works clients.
- The Province has indicated that it plans to work with municipal service managers to support Children's Services operations to minimize shortfalls.
- The Province has announced that it plans to defer further reductions to the public health funding formula in 2021.
- The Province has issued a memorandum and reporting template to Public Health saying they plan to help support incremental costs, but no details have been provided on allocation yet.

2021 Budget Pressures & Long-term Considerations

On June 25, Council endorsed a budget planning strategy for 2021. This strategy includes identifying and quantifying separately all COVID-19 related budget considerations. Additionally, Council expressed interest in being informed on a more regular basis of the other base service delivery pressures so that both the COVID-19 and these base pressures could be understood collectively. To that end, as the budget process has now begun, we will provide in this report each month a brief summary of

the status of the consolidated operating budget inclusive of normal business costs as well as COVID-19 where possible.

At this time staff have only begun efforts to identify and quantify the COVID-19 operating budget pressures. The Region's recovery planning activities are currently underway and the decisions of this plan will drive many of the budget impacts. While there is still a lot of work to be done on these items, at the time of this report staff have identified 2021 net budget pressures related to COVID-19 as $19.9 million and is summarized by program area below. It is important to note that no new funding sources (outside of the homelessness program, which has identified funding until the end of its fiscal year of March 31st 2021 and specific school-funded nurses) have been identified from other levels of government. Should additional funding sources be received, this would reduce the pressure identified.

2021 Financial Implications		**Amount**	**Increase %**
General Government & Corporate		TBD	TBD
Corporate Services	$	1,398,000	0.36%
Court Services	$	34,000	0.01%
Niagara Regional Housing		696,000	0.18%
Transportation		59,000	0.02%
Public Health & Emergency Services			
Public Health		8,395,000	2.14%
Emergency Medical Services		788,000	0.20%
Community Services			
Seniors Services		7,034,000	1.79%
Social Assistance & Employment Opportunities		50,000	0.01%
Homelessness		1,241,000	0.32%
Levy Budget Pressure		**19,695,000**	**5.02%**
Water & Wastewater Services Pressure		**19,000**	**0.02%**
Waste Management Pressure	**$**	**204,000**	**0.53%**
Total	**$**	**19,918,000**	

To better understand the components, a summary of items by category is provided below. The most significant pressure relates to required incremental staffing in public health and community services. The costs below assume the Region will end current redeployment between departments and acquire incremental staffing to support the needs of these departments. It is anticipated these resources would be secured on a temporary basis until long-term clarity on sustainable funding is received.

Table 5: 2021 COVID Related Budget Pressure by Category

(in millions)		**Amount**	**Increase %**
Staffing	$	15.3	
Personal Protective Equipment		1.1	
Cleaning & Sanitation		2.2	
Equipment		0.1	
Shelter		1.9	
Agency Support		0.2	
Vaccination Program		0.9	
Rent Subsidy		0.3	
Other		(0.0)	
Total Gross Levy Cost		21.9	
Confirmed Funding		2.0	
Net Levy Cost	$	19.9	5.07%

In addition to the items above, the Region and local area municipalities have been monitoring water and wastewater flow data. Reduction in water usage does not change the total water/wastewater budget; however, it can put increased pressure on the volumetric rates used by both the Region and the local area municipalities or it could result in a shortfall in revenues. The current decline in water usage is generally driven by the business/commercial sector due to mandatory COVID-19 closures, therefore the increase in rates would create a shift in the burden to the residential sector if business closures continue into 2021. The need to incorporate changes in water volumes into the 2021 budget will be assessed in alignment with the economic recovery permitted by the Provincial reopening orders.

With the announcement of Phase 1 Safe Re-start funding from the Province of Ontario, staff have prepared the following worst to best case scenarios for 2021 based on information currently available and the 2020 estimated results. While it is the Region's policy to include in the budget confirmed external sources of funding, it would seem reasonable to expect that the Province will provide additional supports in 2021 and perhaps in an adhoc fashion similar to 2020. To that end staff are looking for additional opportunities to mitigate the 2021 COVID pressure including the possible use of reserves in the areas where there is a very high probability of additional funding coming forward. This will ensure the tax levy is not increased unnecessarily for items that may be funded from upper levels of government in the future.

Table 7: 2021 Funding Scenarios

(in millions)	Worst Case	Likely Case	Best Case
2021 Pressure Identified	$ (19.9)	$ (19.9)	$ (19.9)
2021 Possible Public Health Funding		8.4	9.2
2020 Funds available for 2021 Budget	7.1	10.6	13.0
2021 (pressure)/opportunity to be addressed	$ (12.8)	$ (0.9)	$2.3

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.

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 30-2020 COVID-19 Preliminary Overview of Financial Impacts (April 23, 2020)
- CSD 31-2020 Concessions to Local Area Municipalities regarding Taxes and Water Wastewater Billings (April 23, 2020)
- CSD 34-2020 COVID Cash Flow Update (May 21, 2020)
- CSD 35-2020 COVID-19 Financial Impact Update (May 21, 2020)
- CSD 39-2020 COVID Cash Flow Update (June 25, 2020)
- CSD 40-2020 COVID-19 Financial Impact Update (June 25, 2020)
- CSD 46-2020 COVID Cash Flow Update (July 23, 2020)
- CSD 47-2020 COVID-19 Financial Impact Update (July 23, 2020)
- CSD 50-2020 COVID Cash Flow Update (August 13, 2020)
- CSD 51-2020 COVID-19 Financial Impact Update (August 13, 2020)
- CSD 56-2020 COVID-19 Financial Impact Update (CSC September 9, 2020)
- CSD 57-2020 COVID-19 Cash Flow Update (September 17, 2020)
- CSD 63-2020 COVID-19 Cash Flow Update (October 22, 2020)

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Appendices

Appendix 1	COVID-19 2020 Financial Impact Summary
Appendix 2	COVID-19 2020 Financial Impact by Department

Appendix 1: COVID-19 2020 Financial Impact Summary (in millions)

The information available and estimated to date has been summarized into the following key categories.

1. Total Gross Cost: This category represents all costs tracked and associated with the emergency response including costs that can be accommodated within our approved 2020 budget. It is important to note that while the Region does have an established base budget to support some of these expenditures, it is not what was originally contemplated in the base budget and may result in delays in work plans and/or backlogs after the emergency is complete.
2. Total Net Cost: This category considers confirmed funding sources that have been matched to eligible expenditures.
3. Net Deficit/(Surplus): This category removes the costs that can be supported by our approved base budget. It also considers strategic and other mitigations (offset by other non-COVID pressures) the Region has been able to identify and put in place to help manage the cost of the emergency.

(in millions)	Spent & Committed As of Date	Spent & committed	Projected to Dec 31	Total
Redeployed Resources				
EOC Dedicated Resources [1]	30-Sep	$ 3.9	$ 1.1	$ 5.0
Lost Productivity – Staff Unable to Work [2]	19-Sep	1.9	0.6	2.4
Redeployed Resources [3]	19-Sep	8.2	4.0	12.2
Emergency Child Care Costs [4]	05-Oct	0.6	-	0.6
Total redeployed resources		14.5	5.7	20.2
Costs incremental to base budget				
Additional labour related costs [5]	19-Sep	6.3	2.2	8.5
Pandemic Pay [6]	19-Sep	4.6	-	4.6
Purchases made or committed [7]	05-Oct	9.1	7.1	16.2
Total costs incremental to base budget		19.9	9.3	29.2
		-	-	-
Lost Revenue [8]		-	11.5	11.5
Cost Savings [9]		-	(5.2)	(5.2)
Total Gross Cost		**34.5**	**21.2**	**55.7**
Confirmed Funding Matched to Expenses [10]		(16.0)	(1.9)	(18.0)
Net Cost to Region		**18.5**	**19.3**	**37.7**
Strategic and Other Mitigations [11]		-	(12.2)	(12.2)
Redeployed resources		(14.5)	(5.7)	(20.2)
Net Deficit/(Surplus)		**$ 3.9**	**$ 1.4**	**$ 5.3**

[1] Mar 13 to June 29 - Assumes 100% of salary and benefit costs to any staff member fully activated in the Regional EOC, Public Health EOC, and EMS EOC . As of June 30th all EOC members have estimated their ongoing time commitment and costs have been projected accordingly.

[2] Staff unable to work due to self-isolation, needing to care for family members or being sick directly associated with COVID-19

[3] Corporate cost of staff redeployed from their main role to new roles to support the pandemic.

[4] Emergency child care services were provided as requested by the province. Cost include base staffing and supplies used while delivering emergency childcare in April through June.

[5] Additional salary, benefits and overtime costs related to managing the emergency. Overtime (banked and paid) to date represent 26% of the additional labour related cost which averages to an additional 21 FTE each week of the pandemic.

[6] Final pandemic pay from April 24 to August 13. Pandemic pay is allocated by department as follows and does not yet include amounts that will be flowed to third party agencies through the Homelessness program: Seniors Services $3.5 million thousand, Homelessness Services $0.02 million, Emergency Medical Services $1 million, Public Health Programs $0.04 million.

[7] Additional purchase commitments made to directly support the emergency (e.g. cleaning supplies and services, personal protective equipment, emergency shelter, screening, advertising). Included in the purchases the Region has executed 36 special circumstance purchases over $10 thousand for a total value of $5.2 million. These purchase consist mainly of personal protective equipment, cleaning supplies/services, emergency shelter, homelessness agency support 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.

[8] 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, investment income).

[9] Estimated cost savings directly related to the COVID measures (e.g. reduced travel costs, reduced electricity, cancelled events). Fuel savings in EMS and transportation estimated at $0.3 million.

[10] Funding received has been matched to eligible expenditures.

[11] Strategic mitigations put in place by the Region (e.g. gapping of vacant positions, reduced non-emergency repair work, reduced transit service costs, other non-COVID related savings). This category is offset by other non-COVID related pressures.

Appendix 2: COVID-19 2020 Financial Impact by Department (in millions)

	Redeployed Resources	Costs incremental to base budget	Lost Revenue	Cost savings	Total Gross Cost	Confirmed Funding Matched to Expenses	Net Cost to Region	Strategic & Other Mitigations	Costs supported by our base budget	Net Deficit/ (Surplus)
General Government	$ -	$ 0.0	$ 1.0	$ (1.3)	$ (0.2)	$ -	$ (0.2)	$ (2.0)	$ -	$ (2.2)
Corporate Administration	1.1	0.5	-	(1.6)	0.1	-	0.1	(2.1)	(1.1)	(3.2)
Governance	0.1	0.0	-	(0.1)	(0.0)	-	(0.0)	(0.1)	(0.1)	(0.2)
Corporate Services	1.0	1.4	0.2	(0.0)	2.5	-	2.5	3.9	(1.0)	5.5
Court Services	0.0	0.0	1.0	(0.2)	0.9	-	0.9	(0.0)	(0.0)	0.8
Planning	0.3	0.0	0.3	-	0.6	-	0.6	(0.7)	(0.3)	(0.4)
Niagara Regional Housing	0.0	0.3	-	(0.1)	0.2	-	0.2	(1.1)	(0.0)	(0.9)
NRPS *	1.1	0.6	3.6	(0.8)	4.6	-	4.6	(2.6)	(1.1)	0.9
Transportation	0.2	0.1	3.0	(0.2)	3.1	(0.6)	2.5	(5.7)	(0.2)	(3.4)
Public Health & Emergency Services										
Public Health	8.3	4.4	0.1	(0.0)	12.8	(0.5)	12.3	(0.5)	(8.3)	3.5
EMS	2.2	2.7	0.0	(0.2)	4.7	(1.0)	3.7	0.9	(2.2)	2.4
Sub-total Public Health	10.5	7.1	0.2	(0.3)	17.5	(1.4)	16.1	0.3	(10.5)	5.9
Community Services										
Childrens Services **	0.9	4.9	0.3	-	6.2	(5.3)	0.9	-	(0.9)	-
Seniors Services ***	4.1	10.8	0.0	-	14.9	(7.8)	7.1	(1.2)	(4.1)	1.9
SAEO	0.2	0.1	-	-	0.2	-	0.2	(0.8)	(0.2)	(0.8)
Homelessness Services	0.6	2.8	-	-	3.4	(2.8)	0.6	-	(0.6)	-
Sub-total Community Services	5.7	18.7	0.3	-	24.7	(15.9)	8.8	(2.0)	(5.7)	1.1
Indirect allocation levy related deficit	-	-	-	-	-	-	-	1.1	-	1.1
Total Levy Supported	**20.0**	**28.8**	**9.7**	**(4.6)**	**53.9**	**(18.0)**	**35.9**	**(10.8)**	**(20.0)**	**5.1**
Waste Management	0.0	0.2	0.9	(0.4)	0.7	-	0.7	(0.7)	(0.0)	0.0
Water/Wastewater	0.2	0.3	0.9	(0.2)	1.1	-	1.1	0.4	(0.2)	1.3
Indirect allocation rate related surplus	-	-	-	-	-	-	-	(1.1)	-	(1.1)
Total Rate Supported	**0.2**	**0.5**	**1.8**	**(0.6)**	**1.8**	**-**	**1.8**	**(1.3)**	**(0.2)**	**0.3**
Total	**$ 20.2**	**$ 29.2**	**$ 11.5**	**$ (5.2)**	**$ 55.7**	**$ (18.0)**	**$ 37.7**	**$ (12.2)**	**$ (20.2)**	**$ 5.3**

*NRPS figures reflect revised forecast to be presented to the NRPS board in September 2020.

** Confirmed funding matched to expense in Childrens Services is a reallocation of existing funding and not incremental funding. The MOE has advised service providers it will allow them to be flexible in how they apply their existing grants against their costs to minimize or eliminate any deficits. As a results, the division is confident it will be able to use its current grant to support COVID

*** The incremental costs in seniors services is 36% labour related, 33% pandemic pay related and 31% supplies/PPE/screening related. While there has been incremental staffing needs in the long-term care homes, the hours per bed per day is 3.57 which remains under the recommended level of 4.

THE REGIONAL MUNICIPALITY OF NIAGARA
COMMITTEE OF THE WHOLE
MINUTES

COTW 4-2020
Thursday, September 24, 2020
Council Chamber/Video Conference
Niagara Region Headquarters, Campbell West
1815 Sir Isaac Brock Way, Thorold, ON

Council Members present in the Council Chamber:	Bradley (Regional Chair), Insinna
Council Members present via Video Conference:	Bellows, Butters, Bylsma, Campion, Chiocchio, Darte, Diodati, Edgar, Fertich, Foster, Gibson, Greenwood, Heit, Huson, Ip, Nicholson, Redekop, Rigby, Sendzik, Steele, Ugulini, Villella, Whalen, Witteveen, Zalepa
Absent/Regrets:	Disero, Easton, Gale, Jordan, Junkin
Staff present in the Council Chamber:	D. Ane, Manager, Program Financial Support, H. Chamberlain, Director, Financial Management & Planning/Deputy Treasurer, T. Harrison, Commissioner/Treasurer, Corporate Services, M. Lewis, Technology Support Analyst, A.-M. Norio, Regional Clerk, R. Tripp, Acting Chief Administrative Officer, B. Zvaniga, Interim Commissioner, Public Works
Staff present via Video Conference:	T. Cimino, Associate Director, Water & Wastewater Engineering, P. Lambert, Director, Infrastructure Planning & Development Engineering, R. Mostacci, Commissioner, Planning & Development Services, J. Tonellato, Director, Water & Wastewater Services, L. Vespi, Senior Project Manager, Water & Wastewater Engineering
Others present via Video Conference:	C. Hamel, Project Manager, GM BluePlan, D. McKinnon, Infrastructure Planning Engineering Designer, GM BluePlan

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1. CALL TO ORDER

Regional Chair Bradley called the meeting to order at 6:57 p.m.

The meeting recessed at 6:57 p.m.

The meeting resumed at 7:23 p.m.

2. DISCLOSURES OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

3. ITEMS FOR CONSIDERATION

3.1 PW 39-2020

South Niagara Falls Wastewater Treatment Plant Update

Lisa Vespi, Senior Project Manager, Water & Wastewater Engineering, Niagara Region, Chris Hamel, Project Manager, GM BluePlan, and Dan Ane, Manager Program Financial Support, Niagara Region, provided information respecting South Niagara Falls Wastewater Solutions Schedule C Class Environmental Assessment. Topics of the presentation included:

- Project Background and Validation
  - 2017 Master Servicing Plan (MSP) Overview and Recommendations
  - Projected Growth
  - South Niagara Falls Wastewater Solutions Class Environmental Assessment
- Cost Estimate
  - Principles, Accuracy and Approach
  - Class D Cost Estimate
- Financial Review
  - Budget Implications
  - Operating Savings & Impact
- Next Steps

Moved by Councillor Diodati
Seconded by Councillor Ugulini

That Report PW 39-2020, dated September 3, 2020, respecting South Niagara Falls Wastewater Treatment Plant Upgrade, **BE RECEIVED** and the following recommendation **BE APPROVED:**

1. That the capital projects associated with the new South Niagara Falls Wastewater Treatment Plant **BE REFERRED** to Budget Review Committee of the Whole for consideration as part of the 2021 budget process.

Carried

Councillor Information Request(s):

Include information in future presentations indicating when large projects are projected to be considered by Council and quantifying the investment opportunities that may be generated. Councillor Sendzik.

4. OTHER BUSINESS

There were no items of other business.

5. NEXT MEETING

The next meeting will be held at the call of the Chair.

6. ADJOURNMENT

There being no further business, the meeting adjourned at 8:55 p.m.

Jim Bradley Regional Chair	Ann-Marie Norio Regional Clerk

South Niagara Falls Wastewater Solutions Schedule C Class Environmental Assessment

Wastewater Program and Cost Estimate Update

Thursday, September 24, 2020

Zoom Meeting

Workshop Agenda

1. Project Background and Validation
    1. 2017 Master Servicing Plan (MSP) Overview and Recommendations
    2. Projected Growth
    3. SNF WW Solutions Class Environmental Assessment
2. Cost Estimate
    1. Principles, Accuracy and Approach
    2. Class D Cost Estimate
3. Financial Review
    1. Budget Implications
    2. Operating Savings & Impact
4. Next Steps
5. Q & A

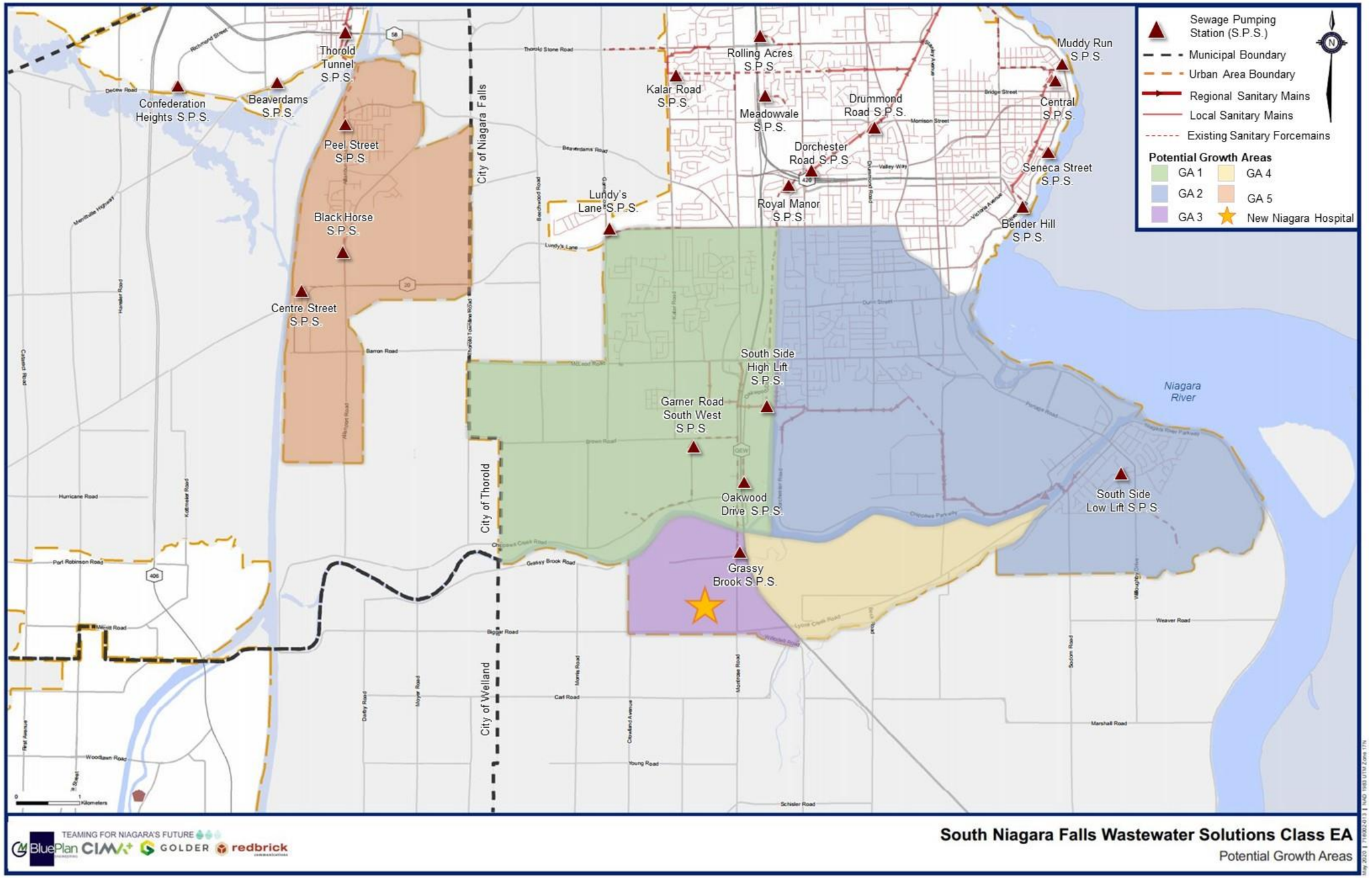
2017 MSP Overview and Recommendations

- 2041 growth projections were developed through the Municipal Comprehensive Review (MCR) process, approved by Council and utilized in the Master Servicing Plan (MSP) Update
- The MSP developed Region-wide servicing strategies and established the Niagara Falls strategy including the new WWTP
- Niagara Falls Strategy:
    - Go North vs New Plant
    - Rationale for selection (financial, technical feasibility of expanding existing system, development pressures/growth)
    - Foundation moving forward into Class EA
- Identified need for new South Niagara Falls Wastewater Treatment Plant (SNF WWTP)
- Recommended moving forward to Schedule C Class EA

Cost Benefit Validation

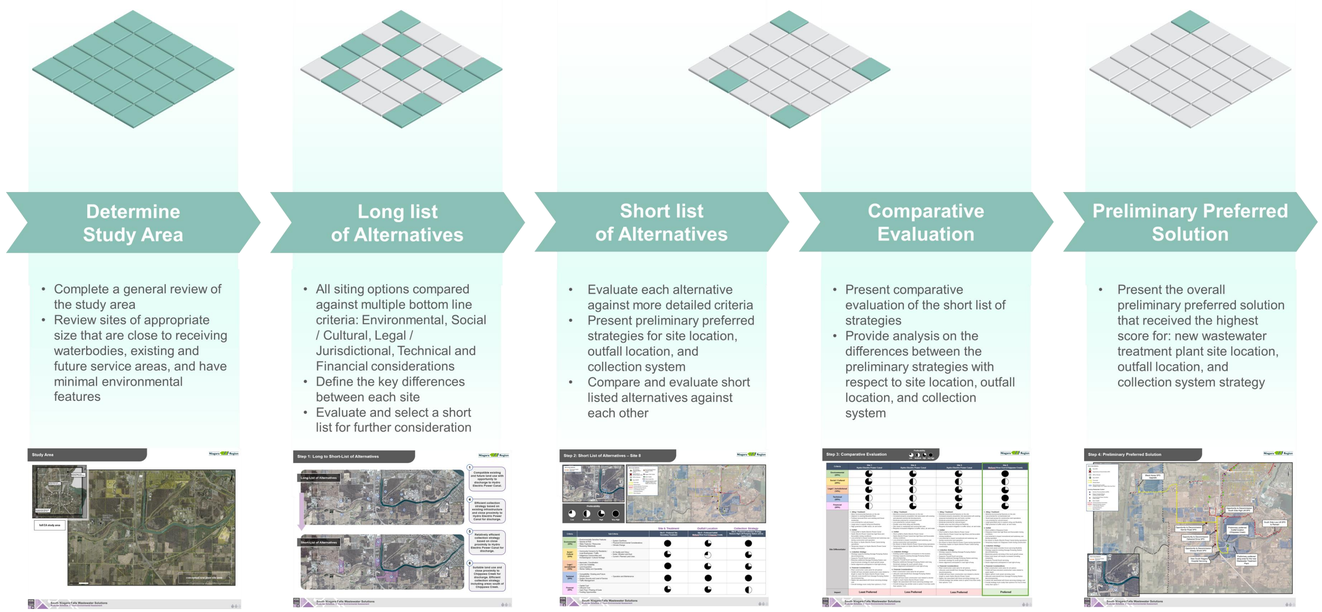
- MSP undertook a cost benefit evaluation of the Go North vs New Plant options
- Class EA has validated the Cost Benefit Analysis
- New Plant was selected as preferred
  - Higher capital costs and higher lifecycle costs
  - Better financial risk management (capacity phasing, greenfield construction)
  - Greater flexibility and ability to service long term growth
  - More efficient and cost effective post period capacity
  - Avoids difficult and costly construction related to existing infrastructure within urban developed areas as well as site constraints at the existing Stanley Ave WWTP
- SNF strategy provides broader benefit to support servicing and mitigating system issues in Niagara Falls including North NF and Chippawa, Thorold, NOTL, and St. Catharines

Projected Growth



SNFWWS Class EA Process Overview

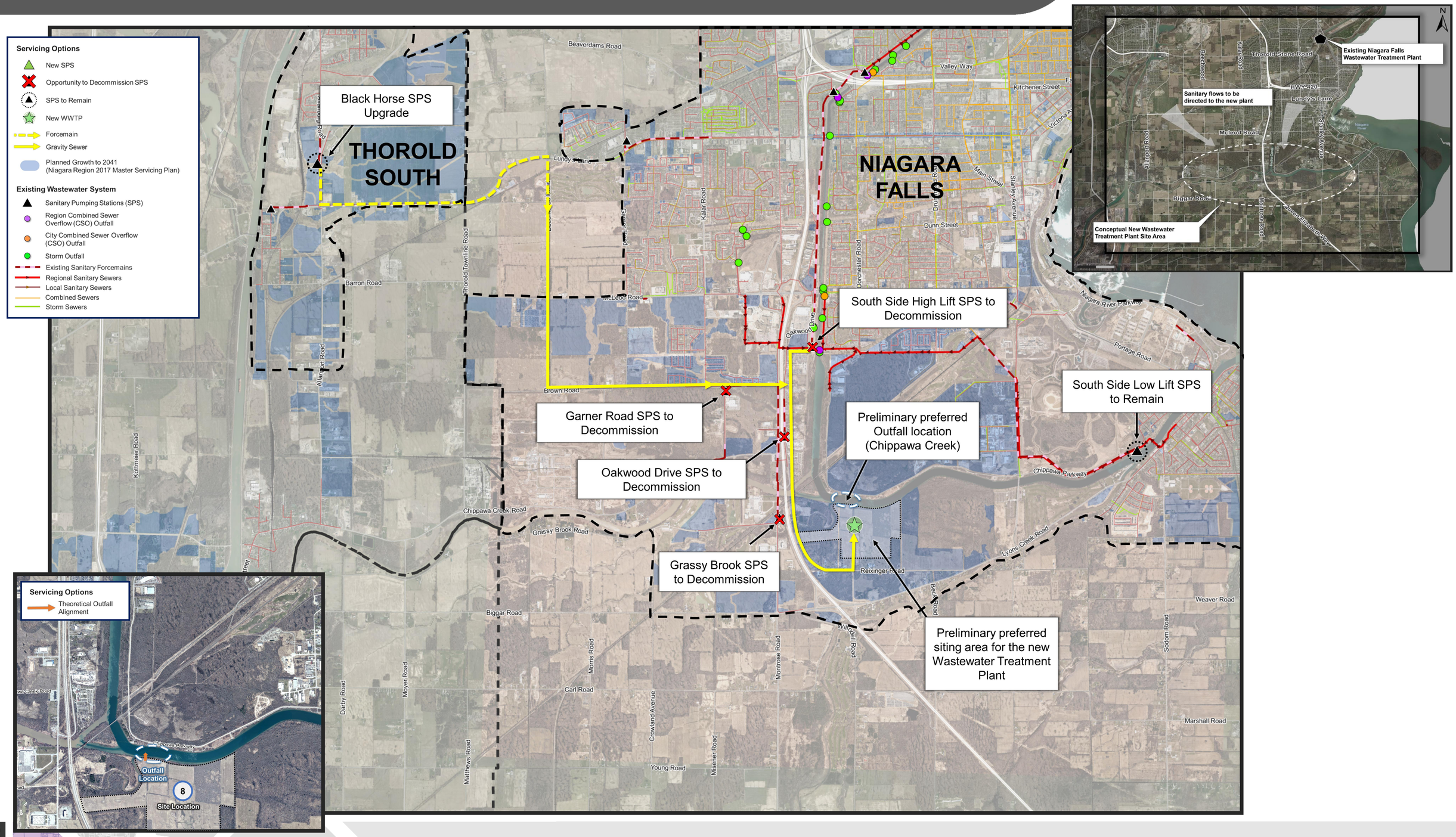
- Pre-Consultation and Stakeholder Engagement
- 3 Public Information Centres (PICs) to date, 1 more anticipated in late fall 2020 or early 2021
- Extensive Development and Evaluation of Alternatives
  - Treatment Plant Site
  - Collection System Strategy
  - Outfall Location



- Presented Preliminary Preferred Solution to the Public on March 11, 2020
- Supported Preferred Solution – Moving forward with Design Concepts

SNFWWS Class EA Preferred Solution

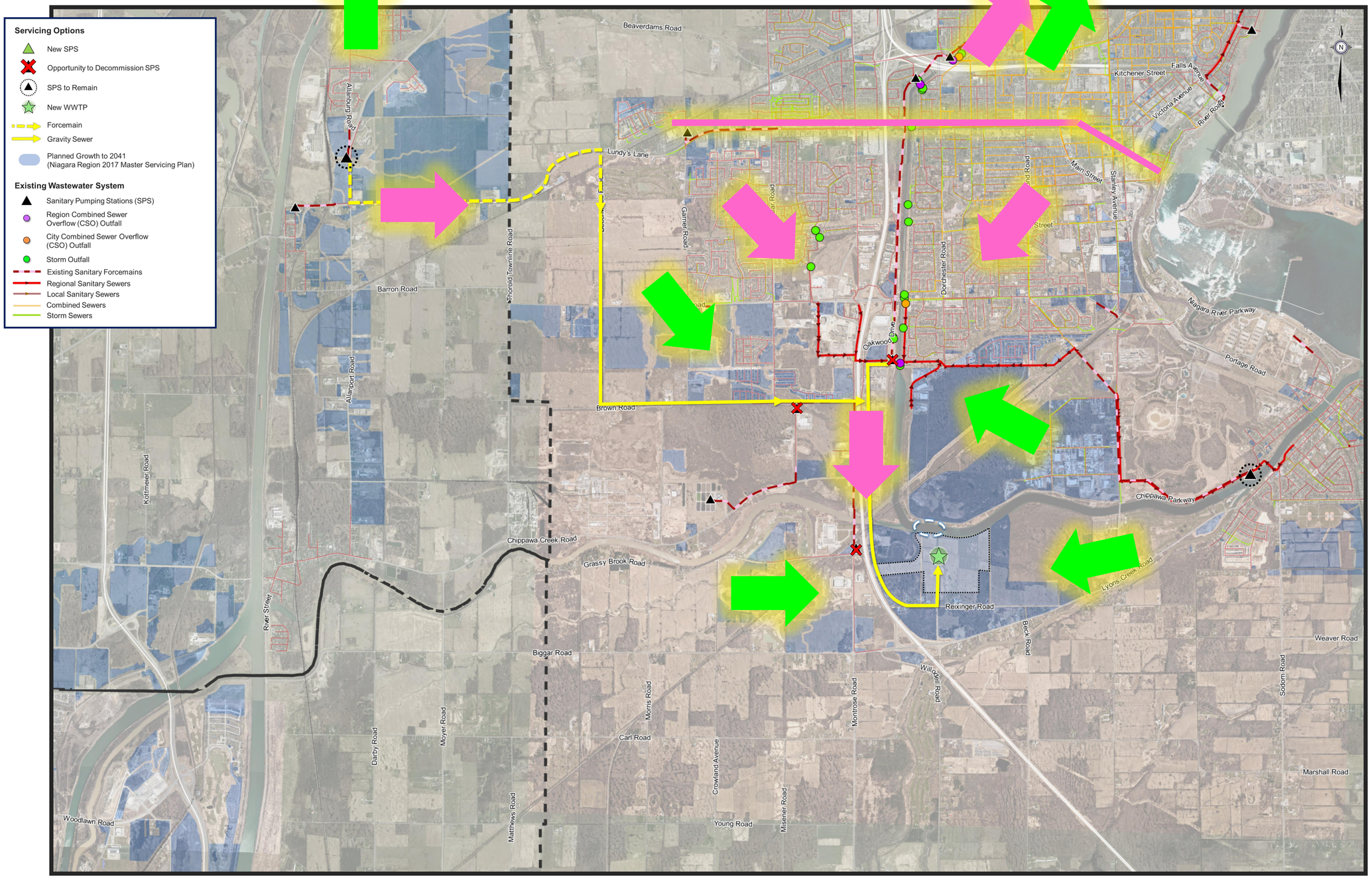
Niagara Region



MOVING WATER FORWARD

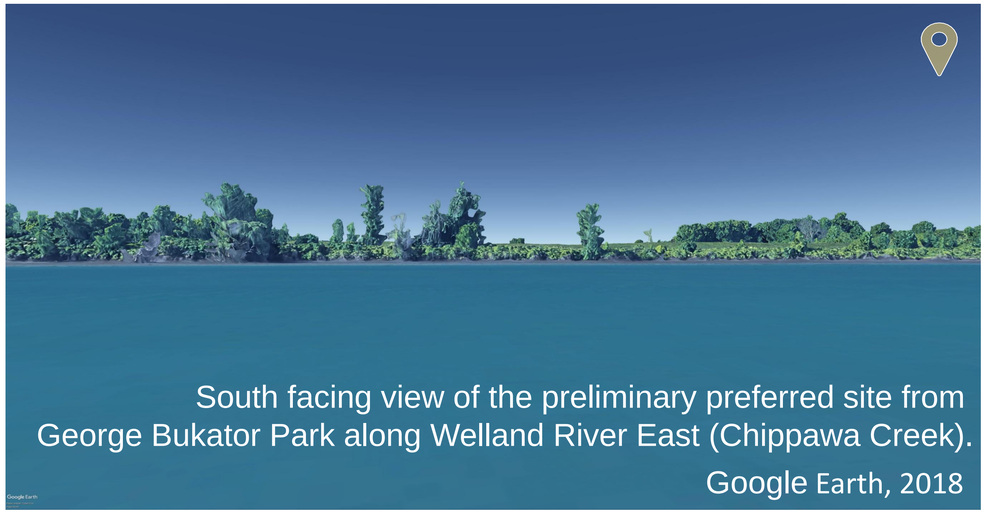
Servicing Strategy Map

Niagara Region



Preferred WWTP Site

Niagara Region



South facing view of the preliminary preferred site from George Bukator Park along Welland River East (Chippawa Creek).

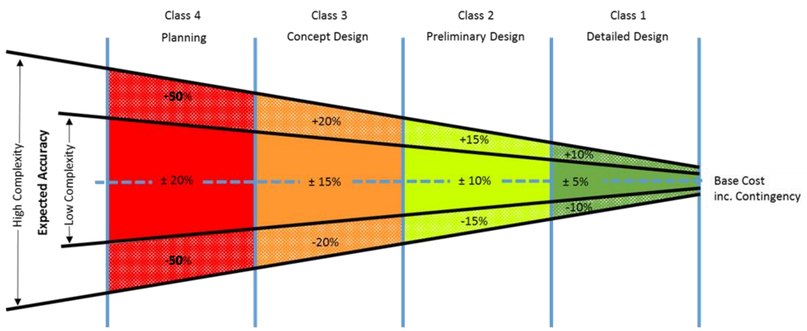
Google Earth, 2018

MOVING WATER FORWARD

Cost Estimation Principles and Accuracy

- Cost estimating accuracy will improve as a project moves through concept to design stages
- The MSP cost estimates are truly planning level and in some cases have limited information for costing
- Class EA cost estimates will start at planning/conceptual level in Phase 2 and will continue to improve in accuracy to conceptual/preliminary design level in Phase 3
- The Class EA process will result in complete refinement of the projects technically (design basis) as well as result in a more accurate budget level cost estimate

	Estimate Class	Estimate Class Description	End Usage / Major Deliverables	Accuracy Range (+/-)	
				Low Complexity	High Complexity
D	Class 4	Planning Cost Estimate	Concept Screening; justification for project planning funding. Minimum information requirements.	20 →	50
C	Class 3	Concept Design Cost Estimate	Basis for budgeting and approvals.	15 →	20
B	Class 2	Preliminary Design Cost Estimate	Used for project cost control during design; initial detailed estimate.	10 →	15
A	Class 1	Detailed Design Cost Estimate	Final cost review in preparation for construction; tender ready.	5 →	10



Cost Estimation Approach

- Unit rates
- Specific project review
- Reference to previous/ongoing Region projects
- Industry benchmark
- Include construction as well as internal/external engineering costs etc
- Contingency
- Current year dollars

Class D Cost Estimate

Project	Total Project Cost ($M)
New SNF WWTP (NF)	$ 192.7
New SNF WWTP Outfall (NF)	10.6
New South West Trunk Sewer - South Niagara Falls (NF)	85.3
New South West Trunk Sewer (NF/TH)	9.8
Black Horse Sewage Pumping Station (SPS) (TH)	4.4
Black Horse Forecemain (TH)	12.7
Peel Street SPS Upgrades and Forcemain (TH)	5.9
South Side High Lift Pumping Station Decommissioning (NF)	0.6
Garner, Oakwood, Grassy Brook SPS Decommissioning (NF)	1.1
McLeod Road Overflow Diversion (NF)	1.9
Total SNF Projects	**$ 325.1**

- Estimate developed in 2021$ then indexed to future year $
- Includes studies, engineering, internal, property and construction
- Strategy update results in some new post period development charge costs

SNFWWS Strategy Benefits

- The Class EA has established an optimized strategy that balances the needs for the plant, the outfall and collection system
- Meets the capacity needs for growth and addresses current limitations
- While costs have increased since the MSP, the long term strategy is enhanced and other efficiencies and cost savings have been gained
- The updated wastewater strategy that will provide improved level of service, enhanced ability to address wet weather flows, and greater flexibility for efficient servicing in the future
    - Incoming trunk sewer is at a depth to support servicing of broader growth areas including the Chippawa area
    - Trunk sewer is located to support future servicing east of the QEW, west of the QEW and other potential growth areas
    - Trunk sewer sizing will support managing wet weather flows to the plant (storage)
    - South Thorold infrastructure located to efficiently service future growth
- Reduction of existing Operation and Maintenance costs from SPS Decommissioning
- Reduction of Lifecycle costs (sustainability upgrades, major maintenance/rehabilitation/replacement) from SPS Decommissioning

Additional Class EA Tasks

- Currently completing Phases 3 and 4 of the Class EA
  - Undertaking more detailed investigations based on the preferred site and preferred collection strategy
  - Confirming Montrose Road or Oakwood Drive or OPG corridor for trunk sewer alignment
  - Completing more detailed environmental, cultural/heritage and archaeological investigations on the site and for the trunk sewer alignment
  - Completing more detailed geotechnical/hydrogeotechnical investigations on the preferred strategy
  - New archaeological information has come forward related to the site that will guide next steps
  - Confirming orientation of the facilities on the site as well as the outfall location at Chippawa Creek
  - Minimizing risk and surprises in next steps of implementation
  - Completing conceptual design by early 2021
- This will result in refinement of the strategy
- This will also result in another update to the program Cost Estimate in early 2021

Budget Implications

- The SNF capital projects and required debt financing can be accommodated within a 2% rate increase in 2021 with the following key strategies:
    - Temporary reduction in the operating budget transfer to the WW capital reserves to provide required operating budget for Plant debt charges and operating costs.
    - Use of plant debt charge and operating budget will fund “pay as you go” infrastructure until the plant is operational
    - 5.15% rate increase from 2022 – 2028 required to re-establish the transfer to capital reserves to $40 million from $21 million in 2020 to support the asset management plan

Project Budgets and Funding

Niagara Region

Project	Development Charge %	Cost: Total Project Cost	Cost: Previously Approved	Cost: 2021 Budget Request	Funding: External Funding	Funding: DCs (Debt)	Funding: Debt	Funding: Total
New SNF WWTP (NF)	65%	$ 192.7	$ (4.9)	$ 187.8	$ 108.0	$ 51.8	$ 27.9	$ 187.8
New SNF WWTP Outfall (NF)	65%	10.6		10.6		6.9	3.7	10.6
New South West Trunk Sewer - South Niagara Falls (NF)	70%	85.3		85.3		59.7	25.6	85.3
New South West Trunk Sewer (NF/TH)	85%	9.8		9.8		8.3	1.5	9.8
Black Horse Sewage Pumping Station (SPS) (TH)	85%	4.4		4.4		3.7	0.7	4.4
Black Horse Forecemain (TH)	85%	12.7		12.7		10.8	1.9	12.7
Peel Street SPS Upgrades and Forcemain (TH)	85%	5.9		5.9		5.0	0.9	5.9
South Side High Lift Pumping Station Decommissioning (NF)	50%	0.6		0.6		0.3	0.3	0.6
Garner, Oakwood, Grassy Brook SPS Decommissioning (NF)	50%	1.1		1.1		0.6	0.6	1.1
McLeod Road Overflow Diversion (NF)	50%	1.9		1.9		0.9	0.9	1.9
Total SNF Projects		**$ 325.1**	**$ (4.9)**	**$ 320.2**	**$ 108.0**	**$ 148.2**	**$ 64.0**	**$ 320.2**

Debt **$212.20**

(NF) - Niagara Falls
(TH) - Thorold

- A key assumption in the funding of the SNF WWTP is the estimated $108M of external funding
- The remaining $212.2M of funding will come from Debt and Development Charges; future DC's will help fund a portion of the debt servicing cost

Debt/Grant Funding Impacts

- Debt Issued may impact the S&P Ratio
  - Consolidated Region Debt - $695.5M (Region - $379.5M, LAM - $316.4M)
  - End of Q2 2020 - $273.3M of Regional unissued debt

- The project is contingent on grant funding in order to proceed with “Phase 2” capital budgets which include all project costs not related to design or land acquisition

2021 Initiation of Funds

Niagara Region

- Recommendation to initiate the following capital projects in 2021:

Project	2021 Action	Initiated Budget
SNF WWTP	Land acquisition and design	$26,176,240
New SNF WWTP Outfall	Design	$780,400
New South West Trunk Sewer	Design	$6,264,011
Black Horse SPS	Land acquisition	$600,000
Total		**$33,820,651**

- Further initiation of capital budget for “Phase 2” components would be done when external funding is confirmed

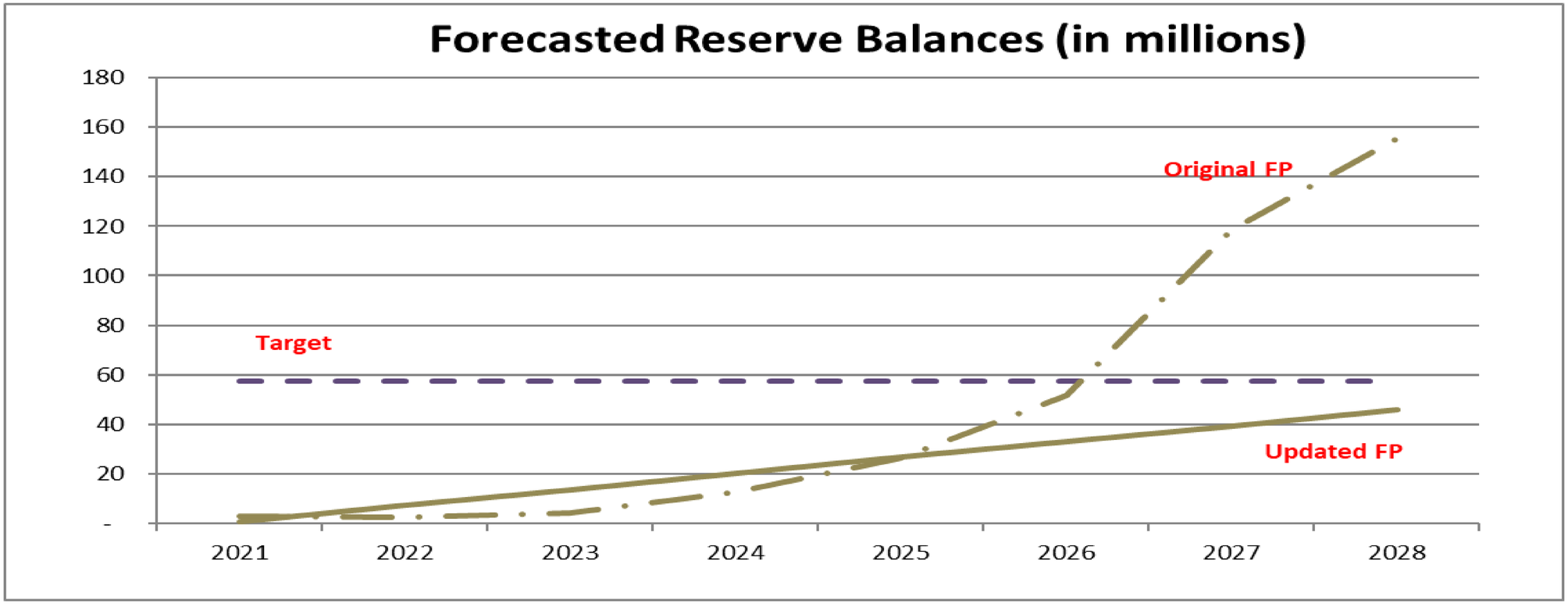
Changes to Financial Plan – Operating Impacts

Niagara Region

Description	Original Financing Strategy	Updated Financing Strategy	Variance	Notes
Annual Debt Charge Budget (net of DC recovery)	N/A	$3.8M	($3.8M)	• $12.5M Debt Charge less ($8.7M) DC Recovery = $3.8M
Transfer to WW capital	$21M	$12.8M	$8.2M	• Reduction required to offset debt charges and operating impacts of SNF projects and maintain 2% budget strategy
Annual Operating, maintenance and lifecycle costs	N/A	$6M	($6M)	• Includes operational, maintenance, staffing costs associated with SNF projects
Annual Operating Savings	N/A	($.77M)	$.77M	• Savings associated with decommissioning of sewage pumping stations

Forecasted W/WW Reserve Balances

- Target - **$56 M**
- Revised WW forecasted reserve balance of **$46 M** in 2028
- Annual contributions to reserve in 2028 - **$40 M**



Overview

- Clarity on cost estimating:
  - Current year dollar estimates
  - Indexed future year dollar estimates
  - Clarity on how these estimates are accounted for in budgeting, rates, development charges
- Acknowledge potential changes in scope / costs moving forward through the Class EA process and subsequently the detailed design process
- Further development and mitigation of project risks
- Understanding the full program budget

Key Take-Aways

- SNF WW Program is a significant infrastructure program for the Region
- A sustainable financial plan has been established to deliver the program
  - Balancing funding, DC, budget impacts
  - Region can continue to support ongoing capital programs and future budgets
- SNF WW Program provides benefit to multiple municipalities
- The infrastructure is strategically located to support key planned and future growth areas
  - South Niagara Hospital
  - Active development interests
- Class EA process has been positive and successful to date
- Critical component of the Region's Strategic Plan and "How We Grow"

Class EA Process Next Steps

Niagara Region

Schedule:

March 2020: Public Information Centre No. 3
(Present preliminary preferred plant site, outfall location and collection strategy)

Spring / Summer 2020: Validate preferred solution and work through conceptual design

Fall 2020/Early 2021: Public Information Centre No. 4 (Select preferred design concept)

Early 2021: Environmental Assessment completion

2022: Post EA - Design & Construction
2027: Post EA - Estimated plant in-service date

Subject: South Niagara Falls Wastewater Treatment Plant Update

Report to: Committee of the Whole

Report date: Thursday, September 3, 2020

Recommendations

That the capital projects associated with the new South Niagara Falls Wastewater Treatment Plant **BE REFERRED** to Budget Review Committee of the Whole for consideration as part of the 2021 budget process.

Key Facts

- The purpose of this report is to inform Council of the project status, provide an updated budget estimate for the capital projects associated with the new South Niagara Falls Wastewater Treatment Plant (SNF WWTP), and ask Council to refer the consideration of these projects with the 2021 Capital Budget
- The new South Niagara Falls WWTP was recommended from the 2016 Water and Wastewater Master Servicing Plan (MSP) Update and endorsed by Regional Council on June 8, 2017.
- The financing strategy for the SNF projects can accommodate a 2% rate increase for 2021 and with a 5.15% increase from 2022 – 2028.
- GM BluePlan Engineering Ltd is completing the Schedule 'C' Class Environmental Assessment (Class EA) for the program and is continuing to refine the recommendations from the MSP.
- The Class EA study is developing a holistic wastewater program to address not only the new wastewater treatment plant but also, major trunk sewer extensions, sewage pumping stations, and the overall wastewater strategy for Niagara Falls, and for parts of the City of Thorold. The holistic wastewater program will provide benefit to Niagara Falls, Thorold as well as Niagara-on-the-Lake and St. Catharines.
- In March 2020, the Region presented the selected preferred solution at a Public Information Meeting in Niagara Falls, with the preferred site identified on Reixinger Road, east of the QEW.
- At this time, Class D planning level cost estimates(which are based on conceptual information and are subject to a wide range of variability) indicate that the capital cost for the entire program could be $325M (indexed to the year of cashflow), which

includes design, property acquisition, construction and commissioning of all components. Significant fieldwork and conceptual design is underway to refine the program and improve the accuracy of the cost estimate.

- In accordance with the budget planning by-law and capital financing policy, staff recommend including the complete budget for the entire program in the 2021 Capital Budget
- If the program is approved with the 2021 capital budget, it would be staff's intention in 2021 to commence design of the new WWTP, outfall and trunk sewers as well as to procure land for the preferred site of the new SNF WWTP.
- Construction of most projects, including the new WWTP and trunk sewer are not anticipated to commence until 2023.
- Region is actively pursuing funding from provincial and federal government. Region delegates gave a presentation at the AMO conference to Laurie Scott, Minister of Infrastructure, to request a portion of the announced Infrastructure Canada Investment Program funding be allocated to this critical infrastructure program.

Financial Considerations

The SNF capital projects and required debt financing can be accommodated within a 2% rate increase in 2021 with the following key strategies:

- Temporary reduction in the transfer from operating to the WW capital reserves.
- Use of plant operations, maintenance and debt charge budget to fund pay as you go infrastructure until the plant is operational.
- 5.15% increase from 2022 – 2028 required to re-establish the transfers to capital reserves to $40 million from $21 million in 2020 to support the asset management plan.

Capital Costs and Details

The projects and estimated costs are associated with the preferred solution of the new South Niagara Falls Wastewater Treatment plant are outlined below:

Table 1 – Project Budgets (in millions)

	Project	Total Project Cost	Previously Approved	2021 Budget Request
1	New SNF WWTP (NF)	$ 192.65	$4.90	$ 187.75
2	New SNF WWTP Outfall (NF)	10.63		10.63
3	New South West Trunk Sewer – SNF (NF)	85.34		85.34
4	New South West Trunk Sewer (NF/TH)	9.77		9.77
5	Black Horse Sewage Pumping Station (TH)	4.39		4.39
6	Black Horse Force Main (TH)	12.73		12.73
7	Peel Street SPS Upgrades and Forcemain (TH)	5.92		5.92
8	South Side High Lift Pumping Station Decommissioning (NF)	0.63		0.63
9	Garner, Oakwood, Grassy Brook SPS Decommissioning (NF)	1.14		1.14
10	McLeod Road Overflow Diversion (MF)	1.89		1.89
	Total	**$ 325.10**	**$4.90**	**$ 320.20**

NF - Niagara Falls
TH - Thorold

Descriptions of each of the projects is provided in the analysis section of the report.

The New SNF WWTP had a previously approved budget of $4.9 million to proceed with the environmental assessment and land acquisition related costs. As of August 20, 2020, $2.4 million has been spent and committed on the previously approved budget, leaving $2.5 as uncommitted. Costs committed to date primarily relate to the Schedule C Environmental Assessment (EA) and enhanced conceptual design for the entire capital program associated with the South Niagara Falls WWTP.

Revised Estimates

The revised indexed projects cost estimate is $325.10 million compared to the indexed cost estimates in 2017 of $236.80 million for a difference of $88.3 million. This is summarized below in Table 2.

Table 2 – Project Cost Comparison (in millions)

	2021 Estimate	2017 Estimate	Variance
Total Indexed Costs	$325.10	$236.80	$ (88.30)

There were a number of components removed and added from the initial project scopes. Details of the projects and estimates and scope changes between 2021 and 2017 are outlined in Appendix 2.

The primary reasons for the increase from the 2017 estimates are as follows:

- The trunk sewer estimated depth and length increased based on conceptual design information ($30 million)
- Increased property acquisition cost estimates ($12 million)
- Addition of treatment costs and provision for potential tertiary treatment ($23 million)
- Capital inflation rate of 4% per year dependent on timing of project cash flow/construction compared to 2% capital inflation rate used previously
- An updated wastewater strategy that will provide improved level of service, enhanced ability to address wet weather flows, and greater flexibility for efficient servicing in the future

It should be noted that the overall wastewater strategy and capital cost estimates continue to be reviewed and refined under the Class EA process. A final Class EA cost estimate will be provided in early 2021. Further to this cost estimate, the costs will continue to be refined and estimated with greater accuracy and detail as the projects move through detailed design and prior to tendering for construction.

Project Funding

The projects are to be funded by a combination of external grants, development charges, and debt. See Appendix 1 for a listing of the project budgets with associated funding sources.

The amount of debt to fund the South Niagara Falls projects is approximately $212.2 million. Of this debt, $148.20 million will be recovered by development charges over the life of the debt (30 years). The difference of $64 million will be funded by the operating budget and rate requisition. Staff are currently forecasting a deficit in available

Wastewater development charges receipts. This is common in municipalities with large growth projects as the benefits of the growth expenditures through development charge receipts occur after the infrastructure has been constructed. As a result the Region is required to issue development charge debt funded by future development charge revenue (which is a practice adopted by municipalities).

Note that staff is monitoring the effect of incremental debt in the amount of $212.2 million on its Standard and Poor Rating (S&P). S&P considers the ratio of total Region and lower tier debt combined compared to Region's operating revenues as one of the metrics. If the ratio is greater than 120% or consolidated debt surpasses $1 billion, there is a risk of a downgrade to the Region's credit rating. Potential impacts on the S&P rating will be presented by staff at Budget Review Committee of the Whole in October.

Total consolidated debt is currently $695.5 million (Region - $379.5 million, LAM - $316.4 million). At the end of Q2 2020, there was $273.3 million of Regional unissued debt. This does not include any future LAM issuances which may occur.

The project budget is reliant on external funding in the amount of $108 million for the SNF WWTP. This external funding estimate is in alignment with the funding formula for the new Niagara-on-the-Lake WWTP of 2/3 grant funding from Provincial and Federal sources. Staff will budget for 2/3 of the estimated plant cost as externally funded. This excludes land acquisition and design costs as funding has not yet been confirmed and staff intends to acquire land and start the design process in 2021. The total 2021 SNF WWTP budget excluding land and design costs is $162 M x 2/3 = $108M in estimated external funding.

If funding is confirmed to offset land and design costs, this will partially offset debt required to fund the project. Staff recommend partial initiation of projects identified in Table 3, specifically for land acquisition and design costs. The remaining project expenditures would be uninitiated until external funding is confirmed.

If these projects are approved with the 2021 capital budget, staff would intend to proceed with the following initiation in 2021:

Table 3 – 2021 Project Initiation

Project	2021 Action	Initiate
SNF WWTP	Land acquisition and design	$ 26,176,240
New SNF WWTP Outfall	Design	$ 780,400
New South West Trunk Sewer	Design	$ 6,264,011
Black Horse SPS	Land acquisition	$ 600,000
Total		**$ 33,820,651**

Estimated timelines for design to construction of the projects are noted in the analysis section of the report.

Operating Costs

The W/WW Financial Plan (W/WW FP), which is required to be updated every five (5) years to comply with safe drinking water legislation, was endorsed by council in 2019 and proposed an annual rate increase of 5.15% until 2028. Staff recognizes the challenge faced by the COVID-19 pandemic and have recommended a 2021 budget strategy of 2% increase for W/WW as per CSD 41-2020 – 2021 Budget Planning. A reduction to the transfer to W/WW capital reserves will provide the necessary mitigation to the budget to realize a 2% increase for 2021. This reduction will be re-established by 2024 with the recommitment to the 5.15% rate increase in the forecast years. However, the contribution to WW capital reserves will be $40 million by 2028 rather than the 2019 W/WW FP forecast of $50 million by 2028.

Combined with the budget planning pressures, the operating impacts of the revised SNF WWTP project estimates are summarized in Table 4.

Gross operating cost impacts are estimated at approximately $6 million, which would include staffing, utilities, repairs and maintenance, and lifecycle replacements costs. Staffing required to manage the plant operations would include a minimum of five operators, three maintainers, one instrumentation technician and one SCADA technician (10 FTE). Staff will be evaluating the need for additional FTE support as design and construction of the projects progresses. The request for FTE to operate the plant will be made in subsequent budget years when construction is anticipated to be substantially completed. Staff anticipates an approximate $770,000 reduction in operations and maintenance costs due to sewage pumping station decommissioning.

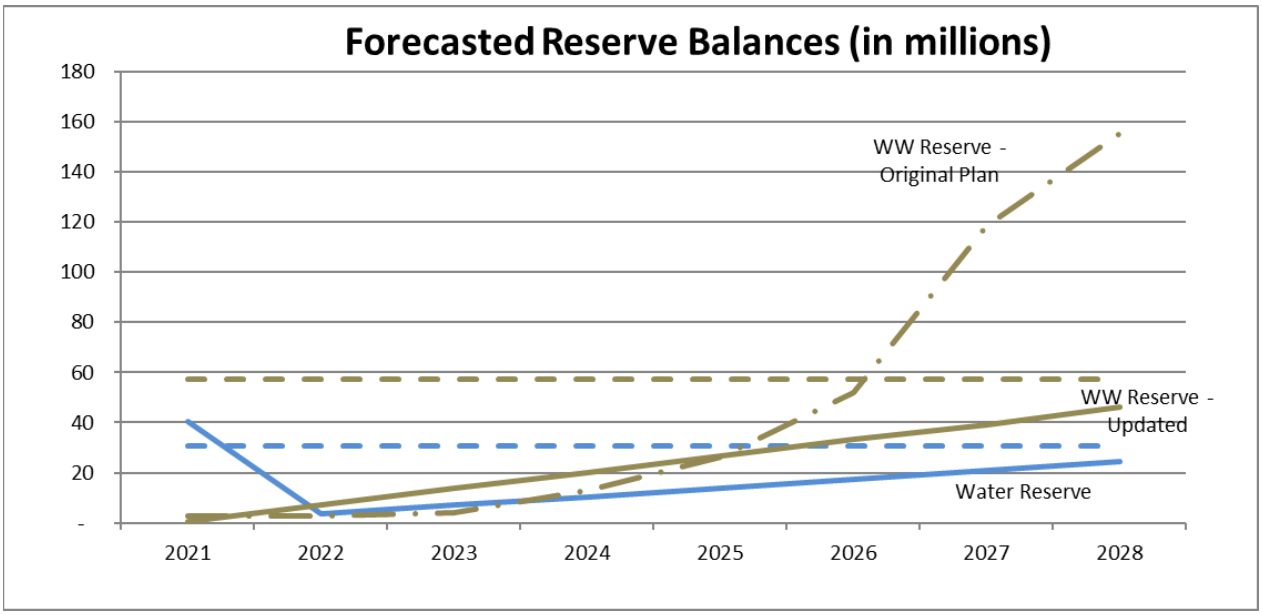
As per the budget planning by-law, the approval of capital projects that will result in an increase in operating costs in future years are to be budgeted in the year the project is

approved. Where a surplus may occur due to timing, that surplus will be used to fund pay as you go capital. This strategy will be adopted if these projects are approved with the 2021 capital budget as the projects are not anticipated to begin incurring debt financing or operating costs until after 2024. This surplus will assist in funding some pay as you go capital in lieu of the reduction in the annual transfer to capital reserves as noted above.

Table 4 – Summary of Annual Operating Budget Impact

Description	Original Financing Strategy	Updated Financing Strategy	Variance	Notes
Annual Debt Charge Budget (net of DC recovery)	N/A	$12.5M (8.7)M $3.8M	($3.8M)	• Original W/WW FP did not require debt for the SNF project as it was assumed adequate reserve contributions would have been established by construction (2025) • Updated Plan issues debt including debt to fund DCs not collected due to timing • Net impact is an increased Debt Charge of $3.8M
Transfer to WW capital	$21M	$12.8M	$8.2M	• Target - $74M (being the Average Annual Renewal Investment per 2016 Asset Management Plan) • Reduction required to offset debt charges and operating impacts of the SNF projects to align with 2% budget strategy
Annual Operating, maintenance and lifecycle costs	N/A	$6M	($6M)	• Includes operational, maintenance, staffing costs associated with SNF projects
Annual Operating Savings	N/A	($.77M)	$.77M	• Savings associated with decommissioning of sewage pumping stations

The impacts to the WW reserve balance based on revisions to the 2019 W/WW FP are noted below:



The 2019 W/WW FP forecasted the WW reserve to climb above target toward the end of the forecast period at an estimated balance of $152 million to provide additional financial flexibility should Upper Tier funding applications for the SNF WWTP not be successful and to close existing sustainability gaps in existing capital backlog. With the inclusion of the SNF projects in the 2021 capital budget, the reserve is now forecasted to have a balance of $46 million at the end of 2028. Note the target reserve balance is 2% of $2.8 billion in assets, or $56 million.

It is important to note that staff continue to evaluate the adequacy of recommended rate increases and impacts on reserve forecasts given capital requirements. The next W/WW FP will be updated for 2024 at which time the analysis will be refreshed and revised rate impacts will be communicated to Council.

Analysis

Project History

As part of Niagara 2041, there was an update to the Water and Wastewater Master Servicing Plan (MSP). Niagara Region retained GM BluePlan Engineering Ltd. (GMBP) to review, evaluate and develop water and wastewater servicing strategies for all servicing within the urban areas of the Region. The MSP Update used updated population and employment growth forecasts based on a 2041 planning horizon.

In Niagara Falls, there is not enough capacity in the existing sewer system nor at the existing treatment plant to meet the increasing system demands resulting from growth as well as the increased wet weather flows due to aging infrastructure and climate change.

The option to expand the existing wastewater treatment plant (WWTP) on Stanley Avenue and existing wastewater system in Niagara Falls was considered in the MSP. Through a detailed evaluation process, it was recommended that a new WWTP be implemented in South Niagara Falls to support growth, free up capacity in the existing system and at the WWTP, better manage wet weather flows and allow operational flexibility at the existing WWTP. A new WWTP will be located close to growth areas and provides the greatest flexibility and support for long-term servicing and benefit to the Niagara Falls and surrounding systems.

Expansion of the existing system to accommodate growth and wet weather flows would cause significant construction impacts due to the constrained corridors through built areas, environmentally sensitive areas and the difficulty in sequencing construction along critical infrastructure. As well, there would be increased operations costs with pumping the increased flows northerly through the City. Expansion of the existing WWTP would be significantly challenging due to the property constraints at the process areas requiring expansion, difficulty in sequencing construction in the operational plant and poor soil conditions.

The MSP Update recommended that the South Niagara Falls wastewater strategy, including the new WWTP be further evaluated under a Schedule C EA process.

Development Opportunities

There are development pressures and a strong interest in the South Niagara Falls area for servicing capacity, which is currently impacted by wet weather constraints. The proposed capital program is anticipated to provide the much needed servicing capacity to unlock the development potential in this area. Some developments include Thorold South/Rolling Meadows, Grand Niagara Secondary Plan, redevelopment of existing golf courses, including Oaklands Golf Club.

This new WWTP will be able to accommodate the servicing of the anticipated residential and employment growth from approximately 64,000 to 97,000 people and jobs for the estimated build out to 2041 of the existing urban boundary lands. The new WWTP and collection system strategy is also considering potential long term growth beyond 2041.

The South Niagara Hospital represents a significant investment of approximately $1 Billion for health care in Niagara which will generate associated growth and development surrounding this area. The development along Fourth Avenue near the new St. Catharines Hospital is an example that demonstrates how a new Hospital is a catalyst for growth. The new WWTP will support this development area and timing of construction is being considered with intention to align in-service dates.

The capital program to support the new WWTP will provide greater flexibility for development servicing in St. Catharines, Niagara Falls, Thorold, and Niagara-on-the-Lake.

Environmental Assessment and Conceptual Design

In November 2018, GMBP was retained via a public, competitive bid process (2018-RFP-34) to complete the Schedule C Environmental Assessment (EA) and enhanced conceptual design for the entire capital program associated with the South Niagara Falls WWTP that would review options to:

- Locate the new wastewater treatment plant in South Niagara Falls
- Determine the waterbody to receive the clean, treated water from the WWTP
- Best integrate the wastewater network to address growth, make the system as efficient as possible, and manage wet weather

Since award, the team has been working diligently to develop a solution that will support servicing for growth, minimize sewage pumping stations, reduce combined sewer overflows and maximize flexibility for the future. The project team is continuing to conduct extensive consultation with key stakeholder groups, approval agencies, property owners, residents, media and Indigenous communities. There have been three (3) public information centres held (May 2019, November 2019 and March 2020) and one Councillor drop-in session (June 2019). The PICs were held in open house format with good representation from residents in the study area. Facebook Live events were also held in advance of each PIC to provide additional opportunity for those not able or willing to attend the in person meeting. This format achieved over 1500, 1300 and 2900 views, respectively for each PIC.

With input from the public, key stakeholders and approval agencies, the project team developed and applied multiple-bottom line criteria (environmental, socio-cultural, legal / jurisdictional, technical and financial) to evaluate options for the new plant site, plant outfall location, and sanitary sewer system connections. Ten (10) long list alternatives were reviewed and evaluated from a high level and short-listed to four (4) alternatives that were evaluated in detailed. For each of the four (4) sites considered, the project team completed extensive reviews and investigations including: Natural Environment; Record Site Condition Review (Contamination); Stage 1 Archaeological; Cultural Heritage Screening; Agricultural Impact Screening; Geotechnical; Hydrogeological; Assimilative Capacity; and Conceptual Costing. There has also been consideration for public impact including: receptors (noise, odour, and air), traffic, transportation, and recreational activities.

Following the PIC 3 in March 2020 and a review and consideration of stakeholder input, the following preferred solution was selected:

- New WWTP site located at 6811 and 7047 Reixinger Rd.
    - close proximity to growth areas
    - close enough to existing residential and commercial to effectively service it but far enough away that the construction and operation will have minimal impacts
    - selection of a greenfield property that will not impact current commercial and operational businesses.
- Plant outfall location at Chippawa Creek, east of the QEW
    - adjacent to the site which facilitates a shorter outfall pipe
    - favourable flow conditions to receive the treated effluent
- Associated sewer strategy

- Sewer alignment from South Side High Lift Pumping Station to the new WWTP site is still being confirmed as part of Phase 3 of the EA.
- Modifications to the Chippawa system are not included in this part of this phase of the project, but could potentially be incorporated as part of the long term growth. This could include decommissioning of Low Lift PS and a gravity pipe from the new plant to Chippawa along the south side of Chippawa Creek. The conceptual design of the new WWTP will include flexibility for this future option.

Now in Phase 3 of the Class EA, the Region project team is conducting further detailed investigations to support the decisions regarding design and construction concepts for the preferred solution. These site-specific studies include a more in-depth analysis of the natural environment; potential for soil contamination through an Environmental Site Assessment; Stage 1/2/3 and potentially Stage 4 Archaeological; Cultural Heritage Impact Assessment; and Geotechnical/ Hydrogeological Field Investigations. The Archaeology Assessment is currently ongoing and the Region has recently been made aware of a previously completed archaeology report, absent from the Ministry database, for the preferred site location. This report outlines the need for a Stage 3 and potential Stage 4 investigations at certain areas within the site. At this time the magnitude and associated costs of these investigations is not known. The project team is working with the archaeological consultant, Wood, to develop the best and most cost effective solution.

To support Provincial approvals, additional site-specific studies relating to: Noise and Odour Impact and Mitigation Assessment; Assimilative Capacity Detailed Modelling and Assessment; Traffic Impact Assessment; and detailed Costing Analysis will also be undertaken. These additional studies are necessary to confirm the site, orientation of the facilities on the property, and refine the sewer alignments.

The Class EA is anticipated to be complete and filed for public review in early 2021.

Project Descriptions for the 2021 Capital Program

The following describes each project associated with the new WWTP. Each project relies on the design and construction of the new WWTP.

1. South Niagara Falls Wastewater Treatment Plant – Land Acquisition (2021), Design (2021), and Construction (2024) - the new South Niagara Falls Wastewater Treatment Plant, with a capacity of 30 MLD that will service existing

and future growth areas in Niagara Falls, south of Lundy's Lane and south Thorold.

2. New South Niagara Falls WWTP Outfall – Design (2021) and Construction (2024) of a new outfall for the South Niagara Falls Wastewater Treatment Plant
3. New Trunk Sewer Connecting to the South Niagara Falls WWTP – Design (2021) and Construction (2024) of the new trunk sewer from the existing South Side High Lift Pumping Station to the new South Niagara Falls Wastewater Treatment Plant is necessary to support conveyance of flows. The alignment is currently being refined with options along Montrose Road, Oakwood Drive or the OPG corridor. The sewer will be tunneled from the upstream location, under the Welland River near the QEW bridge crossing and connect into the headworks of the plant. The sewer will support decommissioning of multiple sewage pumping stations and provide flexibility for gravity servicing of future growth areas.
4. (Thorold) New South West Trunk Sewer Connecting Thorold to the South Niagara Falls WWTP – Design (2023) and Construction (2025) of the new south-west trunk sewer to convey sanitary flows from the new Black Horse pumping station forcemain in Thorold, southerly to the existing sanitary sewer network in southwest Niagara Falls.
5. (Thorold) New Black Horse PS – Land Acquisition (2021), Design (2023), and Construction (2025) for the upgrades (or new) Black Horse Pumping Station in Thorold. This will reverse flows from the St. Catharines sanitary system to the new South Niagara Falls WWTP.
6. (Thorold) New Black Horse PS Forcemain – Design (2023) and Construction (2025) of a new 400mm diameter forcemain from the new Black Horse pumping station.
7. (Thorold) Peel St PS Upgrades and New Forcemain - Design (2023) and Construction (2025) of the Peel St Pumping Station upgrades and forcemain replacement in Thorold. This will reverse flows from the St. Catharines sanitary system to the new South Niagara Falls WWTP.
8. South Side High Lift PS Decommissioning – Design (2027) and Construction (2027) of the decommissioning of the South Side High Lift Pumping Station, the flows will be redirected south to the new South Niagara Falls Wastewater Treatment Plant via a new gravity trunk sewer. This presents long-term operations and maintenance cost savings for the Region by eliminated a major pumping station.
9. Garner Rd, Oakwood Dr, Grassy Brook PS Decommissioning – Design (2027) and Construction (2027) of the decommissioning of the Garner Rd, Oakwood Dr, and Grassy Brook Pumping Stations. As part of the overall servicing strategy for the new South Niagara Falls Wastewater Treatment Plant the Pumping Stations will be decommissioned as the catchment areas will have the ability to flow by gravity to the new trunk sewer along OPG corridor, Oakwood Dr or Montrose Rd.

This presents long-term operations and maintenance cost savings for the Region by eliminated a major pumping station.

10. Niagara Falls McLeod Rd Overflow Diversion – Design (2026) and Construction (2027) of the interception and diversion of the existing Niagara Falls McLeod Rd Overflow. This existing overflow will be connected to the existing sanitary system and ultimately flow to the new WWTP.

Project Resources

How We Flow (Master Servicing Plan) (https://www.niagararegion.ca/2041/master-servicing-plan/default.aspx)

SNF WW Solutions Project Webpage (https://www.niagararegion.ca/projects/south-niagara-falls-treatment-plant/default.aspx)

Alternatives Reviewed

N/a

Relationship to Council Strategic Priorities

The SNF WW Solutions capital program achieves several priorities of the 2019-2022 Council Strategic Plan, including the following:

- Supporting Businesses and Economic Growth - The servicing strategy will help support growth by providing new servicing options south of Welland River.

- Healthy and Vibrant Community – Improving wastewater infrastructure in south Niagara Falls supports the Growth Plan for the Greater Golden Horseshoe. This project protects what matters most by improving Niagara's ability to manage wastewater and help mitigate future impacts of climate change that translates into the effective safeguarding of our Great Lakes and generating healthy sustainable communities.

- Responsible Growth and Infrastructure Planning – Planning for growth enables Niagara to remain open for business, strengthens local employment, and delivers the critical infrastructure that meets the needs of residents and businesses

Other Pertinent Reports

CL-C 24-2017 Waste & Wastewater Services Master Servicing Plan (How We Flow) Project Update – South Niagara Falls Treatment Plant Review

PW 8-2019 – South Niagara Falls Wastewater Treatment Plant – Project Update and Award Notice

Prepared by:
Lisa Vespi, P.Eng.
Senior Project Manager
Public Works Department

Recommended by:
Bruce Zvaniga, P.Eng.
Commissioner of Public Works (Interim)
Public Works Department

Submitted by:
Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Dan Ane, Manager Program Financial Support, and reviewed by Tony Cimino, Associate Director W-WW Engineering and Joseph Tonellato, Director Water and Wastewater Services.

Appendices

Appendix 1 Project Budgets and Funding

Appendix 2 Project Budget Cost and Scope Comparison

PW 39-2020 - Appendix 1
Project Budgets and Funding

		Cost			Funding			
Project	**Development Charge %**	**Total Project Cost**	**Previously Approved**	**2021 Budget Request**	**External Funding**	**DCs (Debt)**	**Debt**	**Total**
New SNF WWTP (NF)	65%	$ 192.7	$ (4.9)	$ 187.8	$ 108.0	$ 51.8	$ 27.9	$ 187.8
New SNF WWTP Outfall (NF)	65%	10.6		10.6		6.9	3.7	10.6
New South West Trunk Sewer - South Niagara Falls (NF)	70%	85.3		85.3		59.7	25.6	85.3
New South West Trunk Sewer (NF/TH)	85%	9.8		9.8		8.3	1.5	9.8
Black Horse Sewage Pumping Station (SPS) (TH)	85%	4.4		4.4		3.7	0.7	4.4
Black Horse Forecemain (TH)	85%	12.7		12.7		10.8	1.9	12.7
Peel Street SPS Upgrades and Forcemain (TH)	85%	5.9		5.9		5.0	0.9	5.9
South Side High Lift Pumping Station Decommissioning (NF)	50%	0.6		0.6		0.3	0.3	0.6
Garner, Oakwood, Grassy Brook SPS Decommissioning (NF)	50%	1.1		1.1		0.6	0.6	1.1
McLeod Road Overflow Diversion (NF)	50%	1.9		1.9		0.9	0.9	1.9
Total SNF Projects		**$ 325.1**	**$ (4.9)**	**$ 320.2**	**$ 108.0**	**$ 148.2**	**$ 64.0**	**$ 320.2**

(NF) - Niagara Falls
(TH) - Thorold

Debt **$ 212.20**

PW 39-2020 - Appendix 2

Project Budget Cost and Scope Comparison

Project Components	New Estimate	Previous Estimate	Variance
New SNF WWTP (NF)	$ 165,750,000	$ 130,000,000	$ 35,750,000
New SNF WWTP Outfall (NF)	9,000,000	-	9,000,000
Trunk Sewer (NF)	72,240,000	39,000,000	33,240,000
Black Horse SPS (TH)	3,800,000	4,000,000	(200,000)
Black Horse Forecemain (TH)	10,750,000	10,950,000	(200,000)
Peel Street Forecemain (TH)	5,000,000	3,000,000	2,000,000
Sub-Total	**$ 266,540,000**	**$ 186,950,000**	**$ 79,590,000**

Components Removed from Scope	New Estimate	Previous Estimate	Variance
Wet Weather Management (SC)		$ 20,000,000	$ (20,000,000)
St. Davids #2 SPS Upgrade		2,000,000	(2,000,000)
South Side High Lift SPS Upgrade		1,000,000	(1,000,000)
Grassy Brook SPS Upgrade		1,000,000	(1,000,000)
Grassy Brook Forcemain		500,000	(500,000)
Sub-Total	**$ -**	**$ 24,500,000**	**$ (24,500,000)**

Components Added to Scope	New Estimate	Previous Estimate	Variance
SW Trunk Sewer (NF/TH)	$ 8,250,000		$ 8,250,000
HLPS Decommissioning (NF)	500,000		$ 500,000
Garner, Oakwood, Grassy Brook SPS Decommissioning (NF)	900,000		$ 900,000
CSO/SSO Sewer (NF)	1,500,000		$ 1,500,000
Sub-Total	**$ 11,150,000**	**$ -**	**$ 11,150,000**

Total Project Cost	**$ 277,690,000**	**$ 211,450,000**	**$ 66,240,000**
Indexed Project Cost	**$ 325,096,268**	**$ 236,809,507**	**$ 88,286,761**

NF - Niagara Falls
TH - Thorold

Minute Item No. 5.1
PW 40-2020
Regional Road 38 (Martindale Road) Amending Agreement with Engineering Consultant Wood

That Report PW 40-2020, dated October 13, 2020, respecting Regional Road 38 (Martindale Road) Amending Agreement with Engineering Consultant Wood Canada Limited operating as Wood Environment & Infrastructure Solutions, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Council **APPROVE** the increase to the current Engineering Agreement between Niagara Region and Wood Canada Limited operating as Wood Environment & Infrastructure Solutions ("Wood") by $190,409, for a new total value of $1,250,838 (excluding 13% HST); and
2. That Council **AUTHORIZE** the Commissioner of Public Works to execute an amendment to the Engineering Agreement between Niagara Region and Wood incorporating the increase proposed in recommendation 1 of Report PW 40-2020.

Minute Item No. 5.2
PW 45-2020
Approval of Public Works Single Source Purchase Requests Over $100,000

That Report PW 45-2020, dated October 13, 2020, respecting Approval of Public Works Single Source Purchase Requests Over $100,000, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That a change request to Purchase Order PO71767, assigned to Summa Engineering per tender 2019-T-272 for SCADA Upgrades at Five Landfill Sites, to increase the original pre-tax amount of $535,544.00 by $113,595.38 for a new total of $649,139.38, **BE APPROVED**.

Minute Item No. 6.0
CONSENT ITEMS FOR INFORMATION

That the following items **BE RECEIVED** for information:

PWC-C 37-2020
COVID-19 Response and Business Continuity in Public Works

PWC-C 38-2020
Update on Public Education Campaign and Contract Implementation

THE REGIONAL MUNICIPALITY OF NIAGARA
PUBLIC WORKS COMMITTEE
MINUTES

PWC 9-2020
Tuesday, October 13, 2020
Council Chamber / Video Conference
Niagara Region Headquarters, Campbell West
1815 Sir Isaac Brock Way, Thorold, ON

Committee Members Present in the Council Chamber:	Rigby (Committee Chair)
Committee Members Present via Video Conference:	Bradley (Regional Chair), Chiocchio, Diodati, Disero, Edgar (Committee Vice-Chair), Fertich, Foster, Gale, Heit, Insinna, Ip, Junkin, Nicholson, Steele, Ugulini, Witteveen, Zalepa
Absent/Regrets:	Sendzik
Staff Present in the Council Chamber:	A.-M. Norio, Regional Clerk, R. Tripp, Acting Chief Administrative Officer, B. Zvaniga, Interim, Commissioner, Public Works
Staff Present via Video Conference:	M. Cruickshank, Legal Counsel, C. Habermebl, Director, Waste Management Services, T. Harrison, Commissioner/Treasurer, Corporate Services, B. Menage, Director, Procurement and Strategic Acquisitions, M. Robinson, Director, GO Implementation Office, C. Ryall, Director, Transportation Services, J. Tonellato, Director, Water & Wastewater Services, M. Trennum, Deputy Regional Clerk, M. Wilson, Senior Project Manager, Transportation Engineering
Others Present via Video Conference:	M. Guy, GFL Environmental, L. Parcher, G. Gifford, P. Saabas, M. Canal, Miller Waste Systems

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1. CALL TO ORDER

Committee Chair Rigby called the meeting to order at 9:32 a.m.

2. DISCLOSURES OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

3. PRESENTATIONS

3.1 Green For Life (GFL) Environmental - Niagara Region - Curbside Collection

Dave Vieira, General Manager, Solid Waste Division, GFL Environmental, provided information respecting Green For Life (GFL) Environmental - Niagara Region - Curbside Collection. Topics of the presentation included:

- Who We Are
- Where We Are
- What We Do
  - Municipal Contracts
  - Solid Waste Operations - Innovative Technology
  - Contract Specifics
  - Commitment to Niagara

Councillor Information Request(s):

Provide information respecting the Niagara Region Waste App's ability to track real-time collection vehicle movement in the future. Councillor Diodati.

3.2 A New Partnership with Niagara Region - How Miller Waste Services will Serve Collection Area Two

Denis Goulet, President, and Rob Harris, District Manager, Miller Waste Systems, provided information respecting A New Partnership with Niagara Region - How Miller Waste Services Will Serve Collection Area Two. Topics of the presentation included:

- Who we are: Miller
- Niagara Contract Specifics
  - Part 1 - Managerial staff
  - Part 2 - Service team
- Our Commitment to Niagara

4. DELEGATIONS

4.1 Proposed Lament Drain - Town of Niagara-on-the-Lake

4.1.1 S.C. Watson, Resident, Town of Niagara-on-the-Lake

The delegation request from S.C. Watson was withdrawn.

5. ITEMS FOR CONSIDERATION

5.1 PW 40-2020

Regional Road 38 (Martindale Road) Amending Agreement with Engineering Consultant Wood

Moved by Councillor Witteveen
Seconded by Councillor Steele

That Report PW 40-2020, dated October 13, 2020, respecting Regional Road 38 (Martindale Road) Amending Agreement with Engineering Consultant Wood Canada Limited operating as Wood Environment & Infrastructure Solutions, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Council **APPROVE** the increase to the current Engineering Agreement between Niagara Region and Wood Canada Limited operating as Wood Environment & Infrastructure Solutions ("Wood") by $190,409, for a new total value of $1,250,838 (excluding 13% HST); and
2. That Council **AUTHORIZE** the Commissioner of Public Works to execute an amendment to the Engineering Agreement between Niagara Region and Wood incorporating the increase proposed in recommendation 1 of Report PW 40-2020.

Carried

5.2 PW 45-2020

Approval of Public Works Single Source Purchase Requests Over $100,000

Moved by Councillor Edgar
Seconded by Councillor Zalepa

That Report PW 45-2020, dated October 13, 2020, respecting Approval of Public Works Single Source Purchase Requests Over $100,000, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That a change request to Purchase Order PO71767, assigned to Summa Engineering per tender 2019-T-272 for SCADA Upgrades at Five Landfill Sites, to increase the original pre-tax amount of $535,544.00 by $113,595.38 for a new total of $649,139.38, **BE APPROVED**.

Carried

6. CONSENT ITEMS FOR INFORMATION

Moved by Councillor Edgar
Seconded by Councillor Foster

That the following items **BE RECEIVED** for information:

PWC-C 37-2020
COVID-19 Response and Business Continuity in Public Works

PWC-C 38-2020
Update on Public Education Campaign and Contract Implementation

Carried

7. OTHER BUSINESS

7.1 Landfill Site Hours

Councillor Insinna requested information respecting the operating hours of Niagara's landfill sites. Catherine Habermebl, Director, Waste Management Services, advised that Niagara's landfill sites' hours of operation are 8 a.m. - 5 p.m.; however, if required may open at 7 a.m.

7.2 Speeding on Regional Roads

Councillor Insinna enquired whether staff were aware of an increase in speeding and motor vehicle incidents on Dominion Road, in the Town of Fort Erie. Carolyn Ryall, Director, Transportation Services, advised that staff have received reports of these issues and continue to refer such matters to Niagara Regional Police. She additionally advised that the Vision Zero Road Safety program will be presented to all of the local area municipalities by the end of the year with a view to implementing the program in the first quarter of 2021.

7.3 Recycling Bin Collection

Councillor Foster requested information respecting whether individuals are allowed to remove recycling materials from recycling bins placed curbside for collection. Catherine Habermebl, Director, Waste Management Services, advised that the Waste Management By-law states that no person shall remove any material set out for collection and that staff investigate any complaints of scavenging that are received.

7.4 Niagara Region Waste App Metrics

Councillor Nicholson requested information respecting the number of individual downloads and/or metrics concerning the use of the Niagara Region Waste App. Catherine Habermebl, Director, Waste Management Services, stated staff would provide statistics via weekly correspondence.

7.5 Cost of Garbage Bag Tags

Councillor Heit enquired whether garbage tags, previously purchased at a lower cost, were still valid. Catherine Habermebl, Director, Waste Management Services, advised that garbage tags increased to a price of $2.50 in 2019, however older tags purchased at a lower cost were still valid for use.

8. NEXT MEETING

The next meeting will be held on Tuesday, November 10, 2020 at 9:30 a.m. in the Council Chamber, Regional Headquarters.

9. ADJOURNMENT

There being no further business, the meeting adjourned at 10:41 a.m.

Councillor Rigby
Committee Chair

Matthew Trennum
Deputy Regional Clerk

Ann-Marie Norio
Regional Clerk

Niagara Region – Curbside Collection

Public Works Committee

Tuesday, October 13, 2020

Dave Vieira, General Manager, Solid Waste Division

Director of National Sales & Marketing

GFL Environmental

Niagara Region

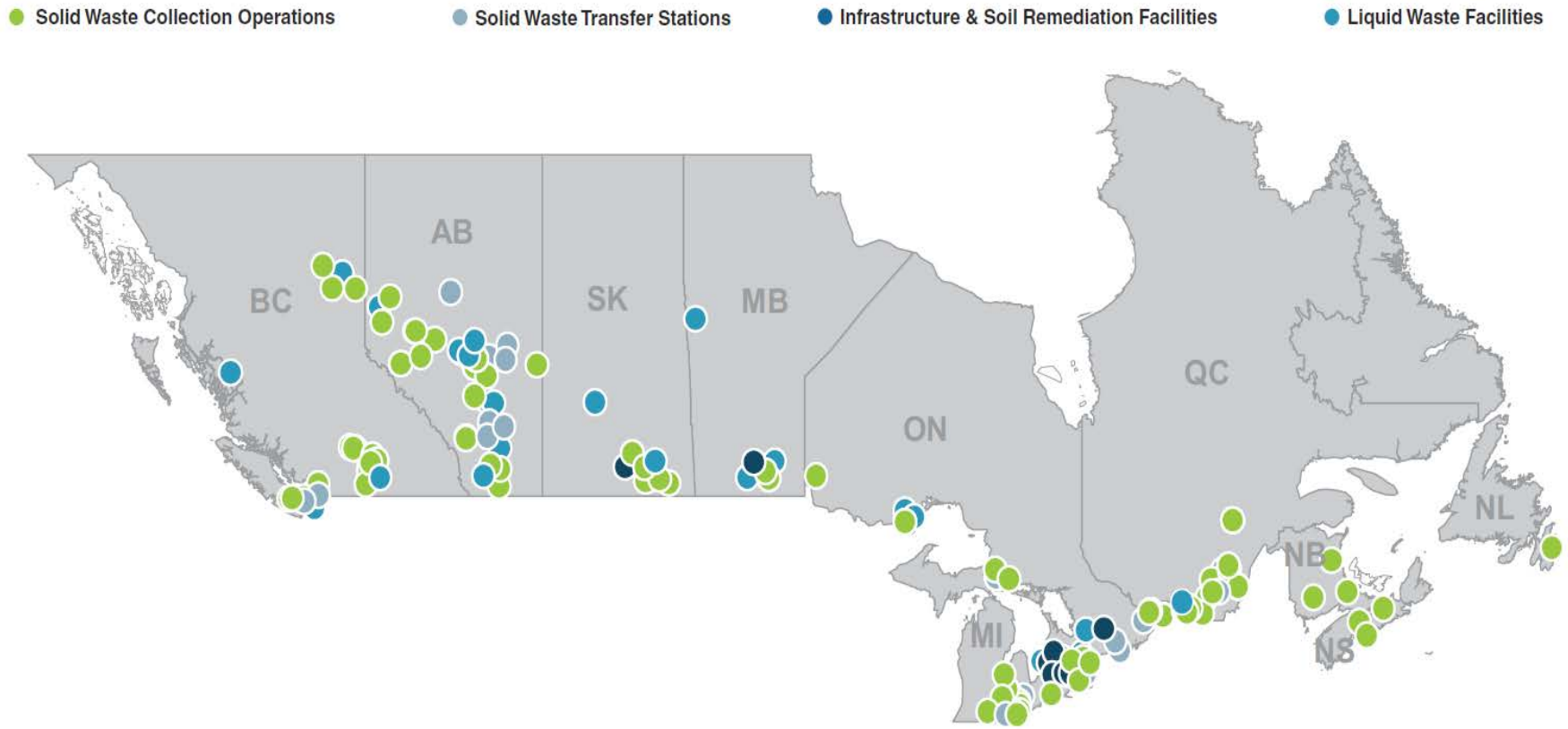
NIAGARA REGION - CURBSIDE COLLECTION PRESENTATION

Presented by Dave Vieira

WHO WE ARE:

Year Founded:	2007
Headquarters:	Vaughan, Ontario
Staff:	Approximately 15,000 total GFL employees
Vehicles:	Approximately 9480 vehicles in GFL fleet
Solid Waste Division:	Municipal and commercial/industrial collection, transfer station, MRF, organic processing and landfill operations
Liquid Waste Division:	Liquid and solid industrial and hazardous waste collection, transfer and processing and industrial cleaning (power washing, line snaking, interceptor cleaning, confined space rescue services)
Infrastructure Division:	Site excavation, demolition, asbestos abatement, transportation, shoring, petroleum hydrocarbon bioremediation

WHERE WE ARE: CANADIAN OPERATIONS -



WHAT WE DO:

MUNICIPAL CONTRACTS –

(SIMILAR SCOPE TO NIAGARA REGION)

- City of Hamilton (CNG)
- City of Toronto (CNG)
- Halifax Regional Municipality
- County of Northumberland
- Regional Municipality of Durham (Whitby, Oshawa) (CNG)
- City of Windsor
- Region of York Ontario (North 6 Municipalities)
- City of Sault Ste. Marie
- City of St Thomas
- County of Dufferin (CNG)
- Regional of Peel
- City of Winnipeg
- City of Edmonton
- City of Coquitlam

GFL GREEN FOR LIFE environmental

WHAT WE DO:

SOLID WASTE OPERATIONS – INNOVATIVE TECHNOLOGY

- **ALTERNATIVE ENERGY**

  GFL currently has Compressed Natural Gas (CNG) fleets in Hamilton, Toronto & Orangeville, Ontario, Halifax, Nova Scotia, Calgary, Edmonton Alberta and Vancouver, BC with over 375 trucks operating on clean burning natural gas. CNG technology supports fleet sustainability and reduces greenhouse gas emissions by up to 25%.

WHAT WE DO: CONTRACT SPECIFICS –

The GFL team servicing the contract is committed to provide superior service and implement best practices (such as Driver-Driver and Driver-Loader teams, affording the ability of training staff on multiple routes, for absenteeism and holiday coverage).

GFL Managerial staff consists of Dave Vieira (General Manager), Garth Gifford (Operations Manager), Ron Wilk (Controller) and Two On-Road Supervisors.

GFL has 45 Drivers, 23 Loaders, 3 Customer Service Representatives, 31 trucks and a minimum of 8 spare trucks available, with a back up management team ready to assist.

GFL's yard is located at 411 and 416 Glendale Avenue.

WHAT WE DO:

COMMITMENT TO NIAGARA –

"Since our inception in 2007, sustainability has been a key focus for GFL and we are committed to investing in innovative and sustainable solutions. We know that the Niagara community shares this commitment, which is why we have invested in 31 new CNG trucks to support the region in reaching its sustainability goals."

"GFL is proud to be a partner to the Niagara Region and our team is excited and ready to bring our superior customer service to the community. We know we are going to be facing weather, long distance and other challenges but we have planned for them. We are looking forward to provide service that every resident in the region of Niagara deserves."

THANK YOU!

A New Partnership with Niagara Region – Presentation by Miller Waste Systems

Public Works Committee

Tuesday, October 13, 2020

Denis Goulet, President and

Rob Harris, District Manager

Niagara Region

Servicing communities across Canada Since

1961

A new Partnership with Niagara Region

How Miller will serve Collection Area Two

- Town of Fort Erie
- City of Niagara Falls
- Town of Niagara-on-the-Lake
- City of Port Colborne
- City of St. Catharines
- City of Welland

Presentation: October 16, 2020

2. Who we are: Miller

- Years in business: 59 years
- Number of trucks in entire fleet / and staff in entire company: Miller operates about 800 collection vehicles and employs over 1,900 personnel
- Curbside contracts servicing/or serviced of similar scope to Niagara: Current municipal waste collection contracts include the Regional Municipalities of Halton and Waterloo, and the Cities of Markham, Ottawa, Vaughan and Winnipeg
- Other Business activities e.g. MRF, Composting: Design, build and operation of transfer stations, MRFs and organic waste processing facilities

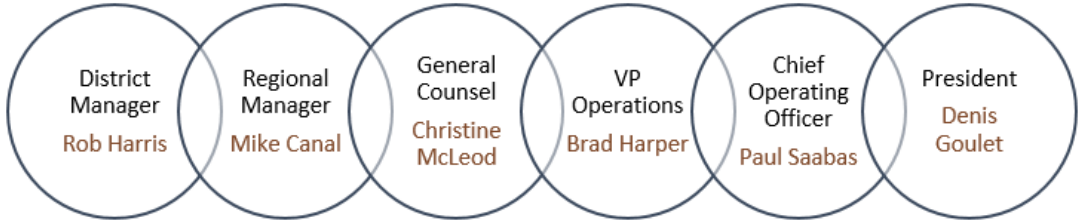
Miller WASTE SYSTEMS

CANADA'S BEST MANAGED COMPANIES Platinum member

3. Niagara Contract Specifics (Part 1)

- **How we plan to service**
  - Miller will operate five days a week, from Monday to Friday
  - Frontline employees will arrive in advance of the 7:00am start time which will allow the Route Supervisors to assign collection duties for the day, review any concerns that arose from the previous day, and ensure each Driver has adequate time to perform a pre-trip inspection of their vehicle
  - CSRs will collect the regular waste/organics or recycling, and if there are additional bags of waste, they would verify that there is an appropriate bag tag present or place a refusal sticker
  - Miller will maintain collection routes as they are currently described by the Niagara Region to minimize disruption to the residents during the transition phase
  - Miller Route Supervisors will conduct spot checks to ensure equipment is being used safely and all waste collection procedures are followed to the letter
  - Miller will undertake monthly Tailgate Talks with all operations staff with the purpose of continuous improvement and enhancing service delivery

- **Managerial staff**



- **Yard location:** 335 Townline Road, Niagara-on-the-Lake

3. Niagara Contract Specifics (Part 2)

- How many drivers, pitch staff, CSRs: see org chart
- How many trucks: 60
  - Garbage and organic collection will utilize 15 trucks, two-stream recycling will utilize 23 trucks, Leaf and Yard will have nine trucks in service. Weekly organic collection will be serviced by seven single person operated Side load collection vehicles. Also rolling out daily, three Multi Residential trucks, plus one truck servicing Parks and Litter cans. Two rear load garbage trucks will be collecting Bulky Goods, predominately within St. Catharines and Niagara Falls
- Other resources available: the following resources are instrumental in delivering the services:
  - Talent Acquisition Specialist, IT Team, Technology Specialist, Office Administrator, Apprentice Mechanics, Admin Assistants, Welders, Painters, Parts Staff

Service Team Organizational Chart

Number of Employees Per Position	Position	Description of Role	Name
1	Regional Manager	Offers operational support and corporate guidance as well as liaising with the Region	Mike Canal
1	District Manager	Oversees day-to-day operations, lead role in start-up operations, overseeing hiring and training, communicating with the Region	Rob Harris
1	Assistant District Manager	Supervises Route Supervisors, liaises with the Region officials, participates in training	Lance Parcher
1	Equipment Manager	Oversees all shop operations; oversees repairs, training, parts, appearance of trucks, building and yard maintenance, and equipment specifications	John Mattia
4	Route Supervisors	Spot check the routes and drivers, respond to complaints, daily check in with drivers, training, collects driver paperwork	Shawn Sliter John Snow Chris Bateman Jeff Piher
106	DZ Drivers	Fulfill daily materials collection demands	N/A
1	Shop Foreman	Oversees daily shop operation; oversees repairs, preventative maintenance, service calls, and safety meetings	TBC
3	310T Mechanics	Ensure internal maintenance support	Jonathon Turco Chad Rosinsky TBC
1	Parts Coordinator	Purchases and manages the on-site spare parts inventory	TBC
1	Safety Trainer	Train drivers and ensure continuous adherence to Miller and governmental policies	TBC
1	HR Business Partner	Responsible for Employee Engagement and Employee Compliance. Ensures all Federal, Provincial, Municipal, and internal policies and procedures are adhered to	Marc Poirier
3	Customer Service Representatives/Office Administrators	Address customer service and employee issues, and miscellaneous administrative tasks	Tracey Cassar Stephanie Brunner Samantha Foisey

4. Our Commitment to Niagara

- Hire staff locally and invest in property in Niagara-on-the-Lake
- Recently acquired an Anaerobic Digester from the Town of Grimsby and established “Escarpment Renewables”
- Expand our Organics Processing capabilities in Niagara
- Establish a commercial business (ICI) to support our residential contract
- Be involved in community events and support local “good cause” initiatives
- Provide residents with exceptional customer service

Questions?

Thank you for your time.

All of Miller Waste Systems is excited to bring “Only the Best” to Niagara Region.

From: Info at S.C. Watson
To: Norio, Ann-Marie; Zvaniga, Bruce; Ryall, Carolyn
Cc: Zalepa, Gary; Info at S.C. Watson
Subject: Appear before public Works Re Lament proposed drain
Date: Tuesday, October 06, 2020 5:11:20 AM

CAUTION: This email originated from outside of the Niagara Region email system. Use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Hi Miss Norio, I want to speak to the Public Works Committee regarding the Proposed Lament drain. This drain is in notl and includes the Regions York Rd ditch. The York rd ditch is also receiving 60 acres of intensified farm land drainage. This has taken place without the necessary permits issued by the Region. Further more the farmer that is draining to York rd illegally has also illegally diverted the Hwy 405 road drainage onto my property and then into the Region ditch.
All of this water is having damaging effects on the York rd ditch, damaging private property and bring phagmites and pollution onto Provincially protected lands in the greenbelt.
5 years ago the Transportation group were made aware and the comment was “we don’t have a problem with this” WOW. Being landowners of lower elevation we are within ours right to protect our lands. I have research the Regions 2017 Complete Streets Design Guidelines and the Regions Model Urban Design Guidelines. An interesting point #6 Preserve farmland and natural resources. Not sure if the staff member 5 years ago was aware of this mandate.
The farm to the north also has a pond on it to irrigate world class grapes making world class wines and your road ditch flows into this pond, pollution. So the Region has turned a blind eye to the farmer illegally draining to York rd BUT has told another farmer “we don’t have a problem with this”. My property has the less than 1% of remaining Carolinian forest in notl. The Region is down to 11%. From the NPCA a 30% coverage is ideal for a healthy eco system. The natural resource part. Also this is expensive land the Regions water is having an adverse affect on. We have made it clear that litigation is quite possible for damages as a last resort, like always a practical approach is the first step. That includes the Region taking landowners concerns seriously.
We have invited Region staff for a site visit but we have not received a reply.
Steve Watson

S.C. Watson
info@scwatson.ca
[redacted]

Subject: Regional Road 38 (Martindale Road) Amending Agreement with Engineering Consultant Wood Canada Limited operating as Wood Environment & Infrastructure Solutions

Report to: Public Works Committee

Report date: Tuesday, October 13, 2020

Recommendations

1. That Council **APPROVE** the increase to the current Engineering Agreement between Niagara Region and Wood Canada Limited operating as Wood Environment & Infrastructure Solutions ("**Wood**") by $190,409, for a new total value of $1,250,838 (excluding 13% HST); and

2. That Council **AUTHORIZE** the Commissioner of Public Works to execute an amendment to the Engineering Agreement between Niagara Region and Wood incorporating the increase proposed in recommendation 1 above.

Key Facts

- Wood currently has an Engineering Agreement with Niagara Region to undertake the Environmental Assessment, Detailed Design, Contract Preparation and Contract Administration and Inspection for the Reconstruction of Regional Road 38 (Martindale Road) in the City of St. Catharines.
- A change Purchase Order (PO# 0000049746) will be dispatched once Council authorizes the execution of the Amending Agreement and approves the Purchase Order increase.
- The recommended Engineering Agreement amendment is required to accommodate: (1) a change request by the Ministry of Transportation (MTO), a cost sharing partner, to address additional design work on an MTO asset (new overhead sign structure); and (2) Wood's request for additional fees for Contract Administration and Inspection services due to project delays experienced with the pile driving and centre pier construction in late 2019 and early 2020.

- The cumulative value of the Engineering Agreement, inclusive of this proposed amendment, will exceed $1,000,000 and therefore requires the authorization of Regional Council in accordance with Niagara Region's procurement By-law 02-2016 as amended on February 28, 2019 pursuant to Section 18 (c) and Schedule B.

Financial Considerations

The total value of Wood's Engineering Agreement, including the recommended increase herein, from the initiation of the Environmental Assessment to completion of the construction contract will have a maximum limit of $1,250,838, comprised of the amounts detailed at Appendix 2, and summarized as follows:

- In 2013, Niagara Region engaged Wood (pursuant to a competitive process 2013-RFP-81) at a cost of $346,514, to undertake a Municipal Class Schedule "C", Environmental Assessment (EA) and detailed design assignment for Regional Road 38 (Martindale Road) from Highway QEW to Regional Road 77 (Fourth Ave).

- Throughout the design, there were modifications to the original scope in the value of $189,532; including rehabilitation work of the existing structure to be paid for by the MTO; amendments to address new MTO design standards; construction staging; inclusion of a watermain replacement for Water and Wastewater; and the tendering of two separate construction contracts, as referenced in Appendix 2.

- The Phase 1 construction contract (QEW to Barton St.) is currently under warranty and was administrated and inspected by Niagara Region staff.

- The Phase 2 construction contract (Barton St. to Fourth Ave.) is currently under construction and being administrated and inspected by Wood, at an approved maximum limit of $351,600 per the per diem rate included in the original 2013-RFP-81. Included in the current Purchase Order is the material testing and Quality Verification Engineering (QVE) at an estimated value of $168,213. The material testing and QVE are necessary to comply with MTO requirements.

The recommended Engineering Agreement amendment is required to accommodate the following project changes:

1. a change request from the MTO for the design of an overhead sign structure; including foundation investigation; live loading analysis; and a centre pier batter adjustment for a value of $49,324; and

2. an additional scope change request from Wood in the amount of $145,655, for additional QVE, Contract Administration and Inspection services, arising due to

project delays experienced with the pile driving and centre pier construction in late 2019 and early 2020; the additional fees represent an estimate maximum amount of fees from September 2020 to completion of the project, presently estimated at end of 2020.

Included in the maximum limit of $1,250,838 are the recovery costs from the cost sharing partners on this project at the following estimated values: MTO for a value of $211,226, and the City of St Catharines for a value of $56,184. Therefore the total cost to be incurred by Niagara Region as part of Wood's Engineering Agreement, including the recommended increase, amounts to $983,428.

Staff have confirmed there are sufficient funds in the project budget (10RC0627) to address the total amount of the change PO request. Amounts noted in the Financial Considerations section of this report exclude 13% HST.

Analysis

While sufficient funds remain in the project budget, the proposed increase brings the cumulative value of the Engineering Agreement above $1,000,000, and therefore requires Regional Council approval pursuant to Section 18(c) and Schedule "B" of Niagara Region's procurement By-law 02-2016 as amended on February 28, 2019.

Niagara Region staff have worked with Wood and the contractor's project teams to find cost savings measures on this project. In order to remain in compliance with MTO's requirements, Niagara Region is presently continuing the material testing and sampling, QVE and inspections on the project. These items are required to ensure proper workmanship by the contractor and ensure the end product meets the MTO's standards.

Niagara Region currently has an agreement with Wood to complete the work in compliance with the MTO requirements. Wood has extensive knowledge of the work required by the Contractor to bring the project to a timely completion, including the construction of the new bridge structure and the rehabilitation of the existing structure on Regional Road 38 (Martindale Rd.) spanning over Highway 406. Wood will continue to provide the required services in compliance with the MTO requirements, and to advise of any contract discrepancies. It is critical to complete the project on a timely basis in order to mitigate increases to overall construction costs, disruption and inconvenience to vehicular traffic.

Alternatives Reviewed

The Project Team reviewed the alternative option of stopping construction to allow a formal procurement to proceed. This would add significant project delay, negatively impact the planned works in 2021, increase construction costs and impact on the users of Martindale Road, as the road will need to remain closed for a longer period and potentially cause conflicts with the planned construction works in 2021, causing Ministry of Labour constructor issues.

Relationship to Council Strategic Priorities

Approving this recommendation by staff will align with Council's Strategic Priority to:

- Support businesses and encourage economic growth,
- Promote a Healthy and Vibrant Community,
- Reasonable Growth and Infrastructure Planning.

Allowing construction to continue will support the economic growth in the Niagara region, providing many quality jobs. The new structures on Regional Road 38 (Martindale Rd.) over Highway 406 will aid in alleviating traffic congestion and provide a more complete pedestrian and cycling network.

Other Pertinent Reports

PW 29-2019 – Award of construction contract to Rankin Construction.

PWC-C 19-2020 - Regional Road 38 (Martindale Road) Bridge Structure Closure memorandum.

Prepared by:
Mike Wilson, PMP, A.Sc.T
Senior Project Manager
Transportation Engineering

Recommended by:
Bruce Zvaniga, P.Eng.
Commissioner of Public Works (Interim)
Public Works Department

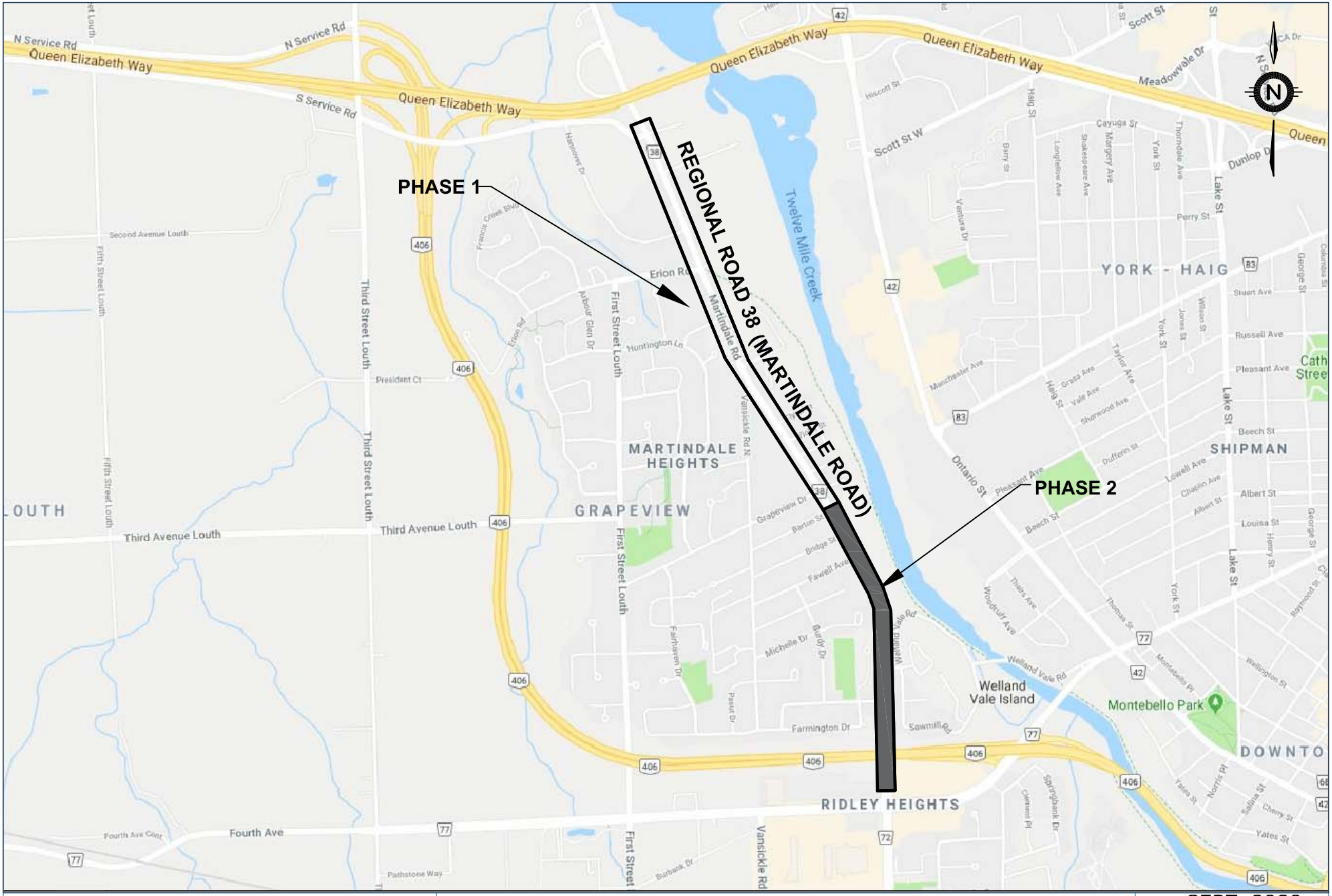
Submitted by:
Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Brian McMahon, Program Financial Specialist, Frank Tassone, Associate Director Transportation Engineering, Scott Crocco, Legal Counsel and reviewed by Carolyn Ryall, Director Transportation Services.

Appendices

Appendix 1 Key Plan

Appendix 2 Costing Breakdown



Niagara Region
PUBLIC WORKS

REPORT PW40-2020
AUTHORIZATION TO AMEND
ENGINEERING AGREEMENT

DATE	SEPT 2020
SCALE	NTS
REF. No.	
DWG No.	KEY PLAN

PW 40-2020 APPENDIX 2
Costing Breakdown
Wood Project Costing Breakdown
Regional Road 38 (Martindale Road) Amending Agreement with Engineering Consultant Wood

Wood's Project Cost (10RC0627)*	**Engineering Agreement Costs**
(a) Original Assignment (EA & Detail Design) 2013-RFP-81	$346,514.00
(b) Addition of Traffic analysis, inc alternatives requested by Councilors	$35,374.00
(c) Addition of Regional watermain modeling & design	$4,870.00
(d) Addition of MTO Existing Bridge Rehbilation Design (MTO Request)	$86,273.00
(e) MTO Permit, Property expropriation, temporary signal design	$28,528.00
(f) Update contract to new bridge structure design standards	$31,283.00
(g) MTO Existing Bridge soffit review (MTO Request)	$3,204.00
(h) Contract Administration & Inspection	$351,600.00
(i) Quality Verification Engieering	$168,213.00
(j) Existing Structure Live loading analysis	$4,570.00
(k) Hwy 406 Overhead Sign Design (MTO Request)	$24,949.00
(l) Hwy 406 Overhead Sign Foundation Investigation (MTO Request)	$15,560.00
(m) Centre Pier Design, Batter design & Traffic Staging	$4,245.00
(n) Additional Request QVE, CA & Insp conceniding with new construction schedule	$145,655.00
Total Estimated Wood's Cost	**$1,250,838.00**

* All costs shown do not include tax (HST & Non-recoverable)

Subject: Approval of Public Works Single Source Purchase Requests Over $100,000

Report to: Public Works Committee

Report date: Tuesday, October 13, 2020

Recommendations

1. That a change request to Purchase Order PO71767, assigned to Summa Engineering per tender 2019-T-272 for SCADA Upgrades at Five Landfill Sites, to increase the original pre-tax amount of $535,544.00 by $113,595.38 for a new total of $649,139.38, **BE APPROVED**.

Key Facts

- The purpose of this report is to seek Public Works Committee's approval to proceed with a Purchase Order (PO) Change Request in excess of $100,000.
- At the Special Council meeting on July 30, 2020, Regional Council instructed staff that, "If any single source [Public Works] procurement [over $5000] is deemed essential there must be approval first received by the Public Works Committee."
- On August 18, 2020, the CAO provided Confidential Memorandum CONF-C 6-2020 providing key information in response to the July 30, 2020 staff direction. The memo identified that pursuant to a formal competitive procurement process, a change to the resulting contract (via the Change PO process) is required for any additional goods and/or services, which were not part of that formal process (consider Single Source additions). This includes most (if not all) instances where the "work" is underway when a Change PO request initiates.
- At the Council meeting on September 17, 2020, Regional Council approved an increase in the limit to $100,000 above which approval must first be received by the Public Works Committee.

Financial Considerations

The Change PO request has approved funding in place from either Capital or Operating budgets in the respective divisions in Public Works.

Analysis

Staff within the Public Works Department are currently managing 1259 open active Purchase Orders related to 140 essential infrastructure projects valued at more than $160 million dollars. These include planning, design, preventative maintenance and construction.

Niagara Region's Procurement By-law 02-2016 as amended February 28, 2019 provides controls and methods that ensure, among other things, that the procurement processes undertaken to procure Goods and/or Services achieves, "best value for the Corporation".

Pursuant to the formal procurement process, which culminates in contract award, there are occasions, when new information identified after award, requires further consideration of how these unforeseen additional requirements will impact the final project deliverable.

This report addresses a request to increase the current purchase order to account for additional work for the installation of fibre line from the main pumping station to three remote pumping wells located a significant distance away to allow for communication back to a main programmable logic controller at the main pumping station.

The original project scope contemplated the installation of the fibre in existing underground conduit installed seven (7) years ago. This approach worked everywhere on-site except for two sections where the conduit appears compromised. Despite repeated attempts, the existing wire could not be removed. Based on this issue, the scope of work was modified by requiring the fibre to be installed overhead on existing hydro lines for one section and via directional drilling for another section (that is remote and otherwise inaccessible). The work requires staff from all of Summa's existing subcontractors in order to successfully implement the work. When this project is complete, all Waste Management leachate pumping stations will meet Water & WasteWater SCADA standards.

- Modification of Construction Methods Due to Constructability Issues $113,595.38

Total Additional Fee Request (w/o tax): $113,595.38

Alternatives Reviewed

(i) Do Nothing:

- This alternative does not address the needs of the project and it leaves Operations Staff without line of sight on the remote pumping wells. Furthermore, those same remote pumping wells are not currently interlocked with the leachate pumping station and could cause a spill and impact to the environment resulting in issues with the Ministry of Environment, Conservation and Parks. Due to the current lack of communications, it is also requiring additional staff time to monitor the pumping well operations.
- This alternative could also result in claims due to construction delays.

(ii) Proceed with competitive RFP process:

- This will not address the increased costs and complications of incorporating work by two contractors on a project that is otherwise completed. The existing contractor has the right subcontractors available who are knowledge with respect to the site and the overall project. The only other bidder on this project was $170,000 more on the base scope of work. Even with this additional work, Summa Engineering will still be $57,000 less than the only other bidder on the original public tender.

Relationship to Council Strategic Priorities

- Responsible Growth and Infrastructure Planning

Other Pertinent Reports

- CONF-C 6-2020 Update from Special Council Meeting - July 30, 2020 Closed Session
- PW 42-2020 Approval of Various Single Source Public Works New Purchase Orders and Purchase Order Change Request - September 8, 2020

Prepared and Recommended by:
Bruce Zvaniga, P.Eng.
Commissioner of Public Works (Interim)
Public Works Department

Submitted by:
Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Dan Ane, Manager Program Financial Support and Bart Menage, Director Procurement and Strategic Acquisitions

Appendices

None.

Niagara Region

Public Works
1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

MEMORANDUM

PWC-C 37-2020

Subject: COVID-19 Response and Business Continuity in Public Works

Date: October 13, 2020

To: Public Works Committee

From: Bruce Zvaniga, P.Eng., Commissioner of Public Works

As reported previously, Public Works has remained focused on keeping the critical public infrastructure operational while responding to the COVID19 pandemic. Departmental staff continue to ensure that the community has: safe drinking water, reliable wastewater systems, recycling and waste collection/disposal, regional specialized and regular transit and a well-maintained regional road system. Public Works staff recognize and are dedicated to the essential role they play ensuring that healthcare, social services, emergency responders and the community-at-large can depend upon the reliable availability of these core municipal services.

Public Works leadership is actively participating in the Municipal Emergency Control Group. Working with all other departments, the Business Continuity Plan and staff redeployment strategy is monitored and adjusted to respond to changing conditions. Public Works staff who have been re-deployed outside of the department delivering essential services are returning to their home positions to address the increased needs in Public Works and to prepare for winter maintenance readiness.

The Department Leadership team continue to actively participating in virtual meetings with their counterparts in the Local Area Municipalities, and provincial committees to share our successes and learn how others have overcome challenges.

The following provides a brief highlight from each of the four (4) divisions on their respective status, service changes, actions taken and future outlook.

Water & Wastewater Services

Current Status of Operations

High quality, safe and reliable water and wastewater services in accordance with health regulations and standards continue to be provided.

Both the Drinking Water and Wastewater Quality Management Systems (QMS) remain active. A Water QMS external audit was completed July 6 to 10 where the Division retained its long standing QMS accreditation. Capital infrastructure projects are deemed essential and continue to be delivered.

Memorandums have been distributed to all W-WW staff and contractors regarding compliance with the new Niagara Region mask by-law.

Service/Operational Change Highlights

- Recreational Vehicle wastewater holding tank disposal service extended to seven (7) days a week at the Niagara Falls Wastewater Treatment Plant and Baker Rd Wastewater Treatment Plant. Both facilities will be open Monday through Saturday 5 - 7 p.m. and all day on Sunday 7 a.m. - 7 p.m.
- Wastewater Treatment Plants are now accepting heavy wine waste as the wine producing season has started.
- The new Niagara-on-the-Lake Wastewater Treatment Plant has started to receive wine waste and septic haulage since the week of September 28.

Significant Initiatives or Actions undertaken

- Developed a full divisional staffing mitigation strategy to deal with any staff shortages that may occur due to COVID-19.
- Developed a W-WW Division Pandemic Re-opening Framework to supplement the Region Re-opening Phase of the Pandemic Response Plan.
- Received license from Health Canada to produce disinfectant spray and hand sanitizer for Regional workplace use during the COVID-19 emergency response to alleviate supply chain shortages when required.
- Cancellation of all non-essential meetings, plant tours, training activities, visitor access.
- Implemented COVID-19 protocols for consultants, contractors and project managers at plant facilities.
- Enhanced focus on the health and well-being of staff operating the essential systems including limiting access to the plant and deferring all non-essential contracted services.
- W-WW training activities resumed in early September. Facility set-ups devoted to classroom(s) with registration numbers suitable for physical distancing practices. Training activities ongoing through 2020 Fall Learning Calendar.

- Assigned maintenance staff to dedicated areas and implemented flexible start and end work locations to avoid both unnecessary travel and exposure.
- One employee per vehicle where possible; If employees need to travel together they are required to wear a mask.
- Setup static sanitation stations in all staffed W-WW facilities and deployed mobile sanitation kits for all fleet vehicles.
- Implemented W-WW tailored weekly COVID-19 spot check reports including regular reporting of facility sanitation supply inventories.
- Adopted changes to ensure no physical interaction on deliveries, courier and lab samples.
- Changes to pickup and handling of uniform laundry.
- Portable washrooms have been setup at Wastewater and Water facilities to accommodate contractors, couriers and sewage haulers.
- Face shields, half mask respirators and surgical masks are being used as a form of source protection for staff where certain activities do not allow for proper physical distancing or as required per Niagara Region face covering by-law (By-law 2020-46).
- Meeting room max occupancy signage, screening signage, screening protocol and limited door access have been implemented at all Water-Wastewater buildings. Daily reports of staff well-being and screening are being provided to management for recording and documentation purposes.
- Screening protocol for all vendors and contractors also implemented at all worksites.
- Constructors at various worksites have put into place proper distancing, working measures and PPE for the well-being of all staff.
- Accepting digital signatures for MECP form approvals.
- Capital project delivery through all phases continuing with proper protocols for consultants, contractors as well as for internal staff in place.
- Collaborating with Corporate Communications to develop strategies for Public outreach/engagement to satisfy the requirements of the MECP.
- Reducing production of hand sanitizer and sanitizing spray due to increased availability of commercial supplies.
- Increasing sampling as MECP regular relief expired August 30.
- Increasing by-law inspections and sampling while maintaining staff safety.

Operational Outlook

1 month

- Implementing phased W-WW Pandemic Re-Opening Plan in accordance with Public Health advisement and direction from the Region's Emergency Operations Centre.
- Developing 2021 Operational and Capital Budgets.

3 months

- Implementing phased W-WW Pandemic Re-Opening Plan in accordance with Public Health advisement and direction from the Region's Emergency Operations Centre.

6 months

- The focus continues to be on the maintenance of all key components, the sustainable supply of key chemicals and materials and most importantly on the well-being of the staff managing these essential systems.

Transportation Services

Current Status of Operations

Essential bridge, culvert and roadway works, forestry, traffic control, pavement markings and signage are critical services which continue to be provided.

Design, construction management and environmental assessments continue from engineering staff and consultants.

Staff continue to monitor all material shipments, supplies and construction contracts experiencing delays to understand larger impacts to ongoing construction project schedules.

Service/Operational Changes

- Dispatch is providing 24 hour support with all calls received by the Region; in particular directing residents for COVID-19 to Public Health and by-law enforcement (Local and Regional) seven days a week.
- Earlier in assessing the separation of staff in field operations, the normal weekday shift and management oversight had been split into two groups scheduled to not

physically interact with each other. As a result, the hours of operation were stretched from 5 a.m. - 9:30 p.m. with the support of the union and management.

- Since the implementation of two (2) shifts, management have continued to review staffing levels and needs. Due to the number of redeployments to Long Term Care (LTC) and EMS in support of the pandemic, vacancies, plus sick time, management reassessed the two shifts and converted back to one shift per day from 7 a.m. - 3 p.m. Management is continuing to assess service levels against staffing needs and safety protocols and will adjust accordingly.

Significant Initiatives or Actions undertaken

- Separation of field staff in vehicles where possible is being administered. Vehicle assignment to specific staff with the responsibility to clean / maintain on a daily basis.
- Face masks and shields have been ordered for additional staff protection in certain circumstances.
- Staff continue to monitor supplies out of Fleet stores such as wipes, hand sanitizer, N95 masks and are supporting other Divisions with resources as required.
- Screening signage, screening protocol and limited door access have been implemented at all yards and the service center. Daily reports of staff well-being and screening are being provided to management for recording and documentation purposes.
- Screening protocol for all vendors and contractors also implemented at yards and service centers.
- Constructors at various worksites have put into place proper distancing, working measures and PPE for the well-being of all staff.
- Updated protocols based on provincial regulations/guidelines for working on construction sites has been sent to Heavy Construction Association of the Region of Niagara to notify their members that they must adhere to these measures.
- IT equipment to assist with working from home has been provided where applicable.
- A number of Transportation Staff have already been trained and redeployed to assist other Departments where needed. In assisting with the redeployments to LTC, Staff manufactured personal screening barriers for screener positions at entry points of the homes as an additional safety measure.
- In meeting essential service levels throughout the pandemic, management continue to review staffing; in particular the redeployment numbers and will be phasing the return of Transportation staff throughout Q4. Key operations (i.e. Winter Operations)

will require staff to be recalled for training and availability to meet legislated service level requirements in keeping Niagara's roads safe.

Operational Outlook

1 month

- Essential and critical project interpretation based on Provincial announcements will affect the delivery of projects and levels of service to residents of Niagara region. This continues to be under review. The Business Continuity Plan with Redeployment Strategy of staff for the Division will be administered accordingly.

3 months

- Essential and critical project interpretation based on Provincial announcements will affect the delivery of projects and levels of service to residents of Niagara region. This continues to be under review. The Business Continuity Plan with Redeployment Strategy of staff for the Division will be administered accordingly.

6 months

- Contractors have shared their concern that once non-essential work can re-commence, there will be shortage within the trades due to demand. Contracts are continuing to be monitored by staff with regards to any shortages (supplies and trades) and updates will be highlighted.

Waste Management Services

Current Status of Operations

Restrictions to the curbside collection program and at the landfill sites/drop off depots have been lifted with minor restrictions still in place as noted below.

The processing of recyclable materials is being maintained. Storage capacity has become an issue. Staff have applied, and have been granted by the Ministry of Environment, Conservation and Parks to work on Sundays and during the hours of 11 p.m. - 6 a.m. to process the backlog of recyclables. When necessary, unprocessed recyclables have been shipped to other recycling facilities for processing resulting in additional costs and loss of revenue.

An online tool was successfully implemented in June to provide residents the ability to purchase garbage tags, CFC stickers and recycling and organic bins on line. Garbage

tags and CFC stickers are mailed to the residents. For recycling and organic bins, payment is made on line and residents can pick up the bins at one of the Regional distributions centres. Some local municipalities have begun to sell or distribute recycling boxes and green bins, by appointment.

Strategic initiatives are continuing such as the MRF Opportunity Review, implementation of new collection contracts and services levels, construction projects, and operational tenders. Staff continue to participate in stakeholder consultation sessions regarding the Blue Box program and other programs transitioning over to a Producer Responsibility model.

Service/Operational Changes

Landfill Service Changes

Preferred methods of payment are debit and credit, using the tap option.

Compost Giveaway

Compost giveaway was scheduled September 14 to 26, 2020.

Some /Green Bin Distribution Locations Remain Closed

For more information on waste management services, visit https://www.niagararegion.ca/waste.

Community Events

Presentations, sites tours and special events recycling have been postponed until further notice. Unstaffed booths have been set up across Niagara to promote new collection services which are commencing October 19, 2020. Staff have engaged in booths at farmer markets from August to early October, and are complying with Public Health protocols.

Significant Initiatives or Actions undertaken

- Screening signage, screening protocol and limited door access have been implemented at all facilities. Daily reports of staff well-being and screening are being provided to management for recording and documentation purposes.

- Screening protocol for all vendors and contractors has also been implemented at all facilities and sites.
- Installation of a portable washroom and hand washing station for commodity drivers to avoid visitors entering the Recycling Centre.
- Staggering breaks and lunch to reduce amount of people taking breaks at one time at the Recycling Centre.
- Increased cleaning being completed at night and during the day (i.e. between lunch breaks and in high traffic areas).
- Installed plexi-glass between sorters on the processing line, and at the scale houses located at the landfill sites/drop off depots.
- Staff are travelling in separate vehicles to maintain physical distancing per health guidelines.
- On-road staff working from home to start and end their day due to lack of public washroom availability, and to reduce the need to enter their work location.

Operational Outlook

1 month

- Staff continue to work with new collection contractors in preparation of the new waste collection contracts commencing October 19, 2020.
- Communication campaign for new waste collection service levels continues. The collection guide, which is an all encompassing publication.
- After the commencement of the new waste collection contracts, staff will be working to address any major concerns and provide residents with information to fully participate in the curbside programs.
- The Humberstone Landfill Operations tender will be issued.
- RFP will be issued for the division's Long-term Strategic Plan.
- 2021 operational budgets are being finalized.
- Draft Blue Box Final Regulations expected from the Province

3 months

- 2021 work plan will be developed
- Recommendations brought forth as a result of the NRFP MRF Opportunity Review

6 months

- Work to continue to on strategic initiatives
- Preparation for the start of the new Humberstone contract

Niagara Region Transit/Specialized Transit & GO Implementation

Current Status of Operations

Niagara Region Transit (NRT) is operating at a modified version of the “Saturday” level of service:

- All Express routes were eliminated (40a, 40b, 45a, 45b, 60a, 65a, 70a, 75a) effective March 23
- 7:00 a.m. - 9:00 p.m. operating hours effective May 4 (typically 7:00 a.m. - 11:00 p.m.)
- Hourly service (60 minutes) on Routes 22, 25, 40, 45, 50, 55, 60, 65, 70 & 75

Niagara Specialized Transit (NST) is operating at the normal level of service, except for trips whose origins or destinations are to/from a location with reported cases of COVID-19 are not being provided. Reducing hours of operation is not a necessity in this case as Niagara Region only pays for trips delivered, rather than an hourly rate. Overall, NST trip requests are significantly reduced, however NST continues to deliver all requested trips within the capacity available. Ridership has continues to show small signs of recovery.

NRT OnDemand service operates in Grimsby, Lincoln, Pelham, Wainfleet and West Lincoln from Monday to Saturday, 7 a.m. - 10 p.m.

Service/Operational Changes

The "Rear door boarding" policy enacted on March 23 to temporarily limit driver contact and respect physical distancing has been lifted. Through Inter-Municipal Transit Working Group (IMTWG) coordination, Niagara’s transit providers have installed plexi-glass bio-barriers across the entire fleet of vehicles to protect bus operators. With these bio-barriers in place, reinstatement of front door boarding was able to begin on June 29, and collection of fares on July 2.

Hourly service on Routes 40 and 45 was reinstated to relieve capacity pressures on Routes 50 and 55 and to support the re-opening of the Outlet Collection at Niagara.

NRT OnDemand, a dynamic, ridesharing service, was launched on August 17 in Grimsby, Lincoln, Pelham, Wainfleet and West Lincoln. It does not operate on a fixed route or schedule; rather, riders are able to request trips in real-time through the NRT

OnDemand app (available on IOS or Android) or over the phone by selecting a pick-up point and destination.

Barriers have been installed on NRT OnDemand vehicles between the driver and rider to reduce the potential spread of COVID-19. Mandatory mask usage will also be required as per the Region's Face Covering By-law.

Information about NRT OnDemand, including links to download the app, as well as additional information on the service, fares and service area boundaries, can be found on the Region's website https://niagararegion.ca/transit/on-demand/default.aspx.

Significant Initiatives or Actions undertaken

- All NRT, and NST fleet vehicles have been professionally cleaned/disinfected/sanitized well beyond regular protocols, and Aegis antimicrobial spray was applied to all interior surfaces. This work was completed by the local transit service providers as they manage and operate the NRT fleet as part of their own.
- Due to the low volume of trips, BTS has made every effort to deliver trips with only a single occupant in each vehicle, although this has not been formalized as a public policy.

Operational Outlook

1 month

- NRT staff continue to review ridership data closely in order to determine appropriate levels of service.
- The IMTWG has received provincial guidelines, however those guidelines did not address vehicle capacity. Through discussion with other transit properties in Ontario, Niagara's transit providers are on target to allow for an increased capacity to 100% effective September 7.
- Work continues with our post-secondary partners to review projected enrollment and transit ridership for the Fall 2020 semester at both Brock University and Niagara College. With the percentage of enrolled students on campus undetermined at this time, transit staff are developing scenarios for meeting needs that arise from the campus sites where typically, very significant volumes of students use transit.
- Staff continues to work with Brock University and the Brock University Student Union to maintain the U-Pass Program for the 2020-2021 academic year.

Niagara College terminated the U-Pass agreement in response to COVID-19 and thus students will be purchasing monthly passes in September.

3 months

- Possible further service adjustments based on ridership and in reaction to any provincial changes. Staff will continue to work with the IMTWG in reviewing the available data to ensure that adequate service is being provided while being mindful of the financial challenges faced by each municipality.
- The Niagara Transit Governance Study report will be complete by summer 2020. Introduction of the final report to LNTC with recommendation on a new governance model by the Project Team and study consultants will be done in consultation with the CAO Working Group and the LNTC Chair.

6 months

- The IMTWG will begin working towards the implementation of a new fare payment technology through the funding provided by the Investing in Canada Infrastructure Program (ICIP). Due to the complexity of the program, an implementation date in 2021 is most likely. Staff will continue to provide updates once a timeline has been established and at the major milestones.

As both the Province and Region move through the recovery process, staff at each of Niagara's transit providers will continue to collaborate in monitoring service levels, processes, and policies to ensure the safety of the residents and employees remain a priority and that decisions are made and communicated jointly wherever possible.

Respectfully submitted and signed by,

Bruce Zvaniga, P.Eng.
Commissioner of Public Works (Interim)

Waste Management Services
1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

MEMORANDUM

PWC-C 38-2020

Subject: Update on Public Education Campaign and Contract Implementation

Date: Tuesday, October 13, 2020

To: Public Works Committee

From: Susan McPetrie, Waste Management Services Advisor and Jennifer Wilson, Waste Management Supervisor

The purpose of this memorandum is to provide an update on the progress of the public education campaign that is currently underway to raise awareness of the collection service level changes that will occur with the commencement of the new waste collection contracts on October 19, 2020. This memorandum also provides an update on the status of activities related to the implementation of the new curbside collection contracts in October.

Overview of Campaign Implementation Phases

As outlined in PWC-C 14-2020 and PWC-C 29-2020, implementation of the campaign began in June and will continue until November 2020. The campaign was designed to be delivered in three phases:

Phase 1: The Pre-Change Campaign – June to September 21, 2020

The focus of this phase is on educating the public about the upcoming changes and why the changes are being made, particularly through direct mail communication pieces to all residents and businesses in Niagara.

Phase 2: The Build-Up - September 21 to October 19, 2020

In the month before the waste collection changes take effect, outreach and communication activities will ramp up, to encourage residents to prepare for every-other-week garbage collection by picking up a Green Bin and downloading the waste collection mobile application, currently in development.

Phase 3: The Launch and Post-Launch - October 20 to November, 2020

The final phase of the campaign will feature messages focusing on compliance and illegal dumping, while at the same time recognizing and expressing appreciation to residents and businesses that have embraced and adapted to the changes.

The memorandum, PWC-C 29-2020 outlined the campaign activities completed in June and July and the following sections will summarize activities completed in August and up to September 17, 2020, results and upcoming activities. Appendix A contains a full, detailed list of these completed and upcoming activities.

Summary of Campaign Activities Completed Between August and September 17, 2020

Since the beginning of August, a range of promotional activities have been implemented to increase the visibility and reach of the campaign messages. Although COVID-19 restrictions have presented challenges to in-person outreach, unstaffed banner displays with take-away postcards containing information on the upcoming collection changes have continued to be set up at twenty-five (25) locations throughout the region. There have also been staffed displays provided at eight (8) local famers' markets.

Advertisements indicating that starting October 19, Blue/Grey Boxes and Green Bins will be collected weekly and garbage will be collected every other week were installed on five (5) buses and fifteen (15) billboards. These advertisements will all be in place until October 18. Visitors to Regional landfill sites will also see these messages on outdoor banners set up at the sites and will be offered take-away postcards at the scale house. There are also seven (7) Regional Waste Management vehicles with magnets advertising that changes are coming October 19.

In addition to a series of radio advertisements that are running daily until October 18th, regular print advertisements are running in Niagara's weekly and daily newspapers. Online promotion has included social media posts, programmatic advertisements and digital advertisements with Metroland Media.

Appendix B provides some examples of graphics and messages used in campaign.

Following these communication tactics, there has been continued calls about the collection changes to Niagara Region's Waste Info-Line. There were 55 calls in August compared to 56 calls in July. Applications for diaper exemptions and for waste related to

medical conditions continue to be submitted with 356 received from August 1 to September 16, 2020.

Green Bin distribution data continues to suggest that residents are beginning to prepare for the start of every-other-week garbage collection in October. Between August and September 16, 2020, 2,032 Green Bins have been delivered to distribution sites. This is a 68% increase in Green Bin distribution compared to the same time period in 2019.

Upcoming Campaign Activities

Campaign activities will continue as the start date of the new collection contract approaches. Key tactics that will take place in the upcoming months include outreach to businesses through presentations for organizations representing businesses (i.e. Business Improvement Associations and Chambers of Commerce), a reminder letter to all businesses and ICI/MU/MR property owners, dedicated e-blasts to Chambers of Commerce and in-person delivery of Designated Business Area collection guides. Collection Guides will mailed out directly to low-density residential properties and apartments with 2-6 units.

Print advertisements will continue in the weekly and daily newspapers, along with continued social media posts. New animated and live videos have been created to promote messages about the upcoming changes, increasing diversion and reducing illegal dumping. These will be posted online and on social media.

Other new tactics include bus shelter advertisements, takeover advertisements on the Weather Network, radio and YourTV interviews and media events. Refer to Appendix A for a detailed list of upcoming campaign activities.

Contract Implementation Update

Since January, Niagara Region has continued to meet regularly with GFL and (Contractor's) to discuss various aspects of the implementation of the upcoming waste collection contract (Contract) transition on October 19th. The sections below provide a high level update on major items/tasks.

<u>GFL & Miller Yards</u>

GFL's office and yard is located at 411 Glendale Avenue in St. Catharines, which is the current yard of Emterra Environmental (Emterra). GFL only has access to the upper

floor of the operations building at this time, renovations are near complete and the compressed natural gas (CNG) rails have been installed for fuelling trucks. Technical Standards and Safety Authority (TSSA) testing and sign off on the CNG rails is scheduled to occur during the first week of October.

The Miller yard, located at 335 Townline Road in Niagara-on-the-Lake, is currently undergoing renovations to the parking lot. Work is scheduled to be completed October 1, 2020.

Collection Vehicles

GFL has confirmed two (2) of 31 trucks have arrived and they are being equipped with cameras and GPS system. The remaining fleet (27 vehicles) are expected to arrive by the end of September through to the second week of October. As previously communicated, GFL is still reporting delays of four (4) collection vehicles due to COVID-19, which are scheduled to arrive just before and after the Contract start date. In lieu of the delayed vehicles, GFL will support their Niagara fleet with six (6) additional vehicles from within the company to ensure a successful Contract transition. GFL's collection vehicles will be fueled with CNG. GFL and its sign contractor are presently working on creating proofs for decal installation.

Miller has confirmed 25 of the 61 trucks have arrived in Niagara. Miller and their sign contractor are presently working on decal installation. Miller has recently informed Niagara Region that the manufacture of five (5) side load collection vehicles is delayed due to COVID-19. The five (5) delayed trucks are scheduled to arrive during the first few weeks of the Contract. Miller will replace the delayed collection vehicle with five (5) new, 2020 Miller trucks from its company fleet until the new trucks arrive. The four (4) additional rear load vehicles that were ordered following the confirmation of enhanced services, are expected to arrive after the commencement of the contract. These vehicles are expected within two to four weeks after contract commencement. Miller will use vehicles from their company fleet until the new vehicles arrive.

As both Contractors will be using existing fleet resources to supplement their Niagara fleet, until they have full truck compliment, there will be a period of approximately one (1) month when some of the collection vehicles will be painted the Contractor's respective colours. These temporary trucks will not be compliant with Contract requirement which stipulates, brand new, freshly painted white trucks.

Collection Routes

No collection day changes will be occurring in Area Two (Miller). In Area One (GFL), all of Wainfleet will be collected on Monday and in Pelham, the area currently collected on Wednesday will be collected on Monday, effective October 19, 2020.

As previously communicated, Wainfleet, Pelham, Thorold, West Lincoln, St. Catharines, NOTL, and Fort Erie will receive garbage collection on Week One (1), during October 19-23, 2020, of every-other-week collection.

Lincoln, Grimsby, Niagara Falls, Welland and Port Colborne will begin to receive every-other-garbage collection on Week Two (2) - October 26-30. Residents and businesses in these municipalities will not receive garbage collection during the week of October 19. No local municipality will be divided between week 1 and week 2, allowing for clear communication to residents and businesses.

Staffing

Both collection contractors have hired their Operations Managers, whom have been working cooperatively with Niagara Region staff as part of the Contract implementation process. Both Contractors will have their customer service office set up one week prior to the start of the Contract. Customer service staff will be available for residents to schedule large item collection during the week of October 12 -16.

GFL has indicated 100% fulfillment of their staffing plan, where all staff are full-time employees. GFL has an agreement with two agencies that will assist with hiring temporary staff for dedicated leaf and yard collection and to address any gaps in staffing. GFL has a staff orientation session scheduled for October 17, 2020. GFL has committed to becoming a member of the Ontario Living Wage association in early October.

Miller has indicated 90% fulfillment of their staffing plan. Miller continues to issue job offers, as the contractor works to have 100% of the staff hired as Miller employees. Temporary staff will be hired for leaf and yard waste collection and to address any gaps in the staffing plan. Miller has staff orientation sessions scheduled for September 19 and 20.

Regional staff have attended orientation sessions on Saturday September 19 and Sunday September 20 to support Miller with staff training. Staff will also attend GFL's orientation on Saturday, October 17, 2020.

Enhanced Containerized Waste Collection

Miller and GFL are coordinating with the current collection contractors to facilitate the removal and replacement of front-end dumpsters as part of the collection Contract transition. The contractors are working cooperatively to ensure the service transition is successful and that the properties receiving this service experience no service interruptions. The enhanced in-ground containerized waste collection has been subcontracted to a third party by Miller and GFL. This is a new service and Niagara Region is communicating with the local area municipalities to finalize collection days and schedule.

Next Steps

Niagara Region staff have scheduled meetings with both Contractors right up to the start date of the Contracts. Niagara Region will have resources on the road during the first two weeks of the new Contract to assist residents and businesses with the service level changes.

Respectfully submitted and signed by

Susan McPetrie
Waste Management Services Advisor

Jennifer Wilson
Waste Management Supervisor

Appendix A: List of Completed and Upcoming Campaign Activities

Campaign Activities Completed Between August 1, 2020 and September 17, 2020:

August 17:

- Magnets were placed on seven (7) Regional Waste Management vehicles that travel across the region to advertise that changes are coming starting October 19, 2020. These magnets will remain on the vehicles until the new collection contract starts.

September 2:

- Banners were placed at Regional landfill sites and take-away postcards were available at the scale houses to educate residents attending these sites of the upcoming changes. These will remain on display and be available until after the start of the new service levels changes.

August 2 and ongoing:

- With current COVID-19 restrictions, there have been challenges in arranging community outreach. Unstaffed booths have been scheduled at a mix of business types, such as grocery stores, hardware stores and pharmacies, in Local Area Municipalities (LAM), where available. Banner displays and take-away postcards will be set up for three (3) or four (4) days to provide information to residents on the upcoming collection changes.
- The displays will be set up in at least two different locations in each local municipality, except Wainfleet. In Welland, Niagara Falls and St.Catharines, the displays will be provided at four (4) different business locations.
- From August to September 15, twenty-five (25) unstaffed displays were held in different locations in eleven (11) LAMs. The last booth is scheduled to be completed on September 24, 2020.

August 13 and ongoing:

- Staffed booths were set up at various farmers' markets throughout Niagara region. Although an attempt was made to attend farmers' markets in all LAMs, due to COVID-19, not all were operating.
- From August to September 15, eight (8) staffed booths were attended in Pelham, Niagara-on-the-Lake, Niagara Falls, St. Catharines, Wainfleet and Welland. The last staffed booth at a farmers market is scheduled to be completed on September 23.

August 24:

- Bus advertisements indicating that starting October 19th, Blue/Grey Boxes and Green Bins will be collected weekly and garbage will be collected every other week were installed on five (5) buses in St. Catharines, Welland and Niagara Falls. These ads will run until October 18th.

August 24

- Metroland Media digital display and banner ads to raise awareness of the coming changes and direct residents to the website for more information. Ads will run on websites for the St.Catharines Standard, Niagara Falls Review and Welland Tribune until October 18th.

September 7:

- A series of five radio advertisements were developed to educate residents about the upcoming changes and the new Niagara Region Waste App. These ads are running on Bell Media until October 18th.

September 7:

- Billboard advertisements were installed on fifteen (15) locations in Fort Erie, Niagara Falls, Port Colborne, St.Catharines, Thorold and Welland. The billboards remind residents that starting on October 19, 2020, Blue/Grey Boxes and Green Bins will be collected weekly with garbage being collected every other week. These billboards run until November 1st.

September 7:

- Several print advertisements in the weekly and daily newspapers educating residents about the upcoming changes. These include in-kind advertisements provided through Resource Productivity and Recovery Authority. Print advertisements will continue until November 25 and in addition to educating residents on the upcoming changes will also include messaging on how to get and use a Green Bin and every-other-week garbage collection.

September 8 and 9:

- Staff participated in a virtual vendor fair for post-secondary students hosted by Brock University to educate students living in off-campus housing of Niagara Region's waste management programs and upcoming changes.

September 16:

- Scrolling ads have been placed on the YourTV channel reminding viewers that every-other-week garbage collection begins on October 19th and that they can prepare by downloading the Niagara Region Waste app and purchasing a Green Bin. An announcement with this information has also been posted on the YourTV community messages webpage. These messages will run until October 18th.

September 17:

- A media release and social media posts formally launched Niagara Region's online collection calendar, updated disposal search tool, and mobile application (Niagara Region Waste App). The Niagara Region Waste App is available for download through Apple's App Store and Google Play.

August 5, 12, 20, and 26; September 1, 2, 9, 15, and 17:

- Posts on Niagara Region's Facebook and Twitter accounts reflected upcoming waste collection contract changes. Topics have included information on the display booths, how to get a Green Bin, what goes in the Green Bin, the rationale for every-other-week garbage, a Green Bin contest and the new mobile app.
- The Facebook posts have received upwards of 165 comments on a single post and with over 335 shares.

Upcoming Campaign Activities

- Webinar presentations to organizations representing businesses (i.e. Business Improvement Associations, Chambers of Commerce etc.);

- Twenty (20) bus shelter ads;

- Interviews on YourTV;

- A second reminder letter to all businesses and ICI/MU/MR property owners;

- Letters to all properties that will experience a collection day change (a subset of residents in Wainflleet and Pelham);

- Direct mail out of Collection Guides to all low-density residential properties and apartments with 2- 6 units;

- New animated video segments promoting Green Bin use, diversion and the upcoming collection changes posted online and on social media;

- New series of hosted video segments demonstrating Green Bin and recycling tips and dispelling common myths about participation posted online and on social media;
- Continued print advertisements in weekly and daily newspapers with messages on the upcoming changes including large item collection limits and discontinuation of metal household items, preparing for every-other-week garbage collection and illegal dumping;
- Media events with new collection contractors to provide introduction and overview of upcoming changes in collection services.
- Preparation of outreach materials for school aged children (i.e. presentations and videos);
- Dedicated e-blasts to the Greater Niagara Chamber of Commerce and the South Niagara Chambers of Commerce;
- Takeover ads on the Weather Network;
- In-person delivery of Designated Business Area collection guides to businesses;
- Advertisement in Business Link magazine;
- New illegal dumping videos posted online and on social media; and
- Ongoing social media posts with key campaign messages.

Appendix B: Examples of Recent Campaign Tactics

Figure 1: Example of a bus ad currently running in Niagara Falls, St.Catharines, and Welland

Figure 2: Example of a campaign billboard advertisements

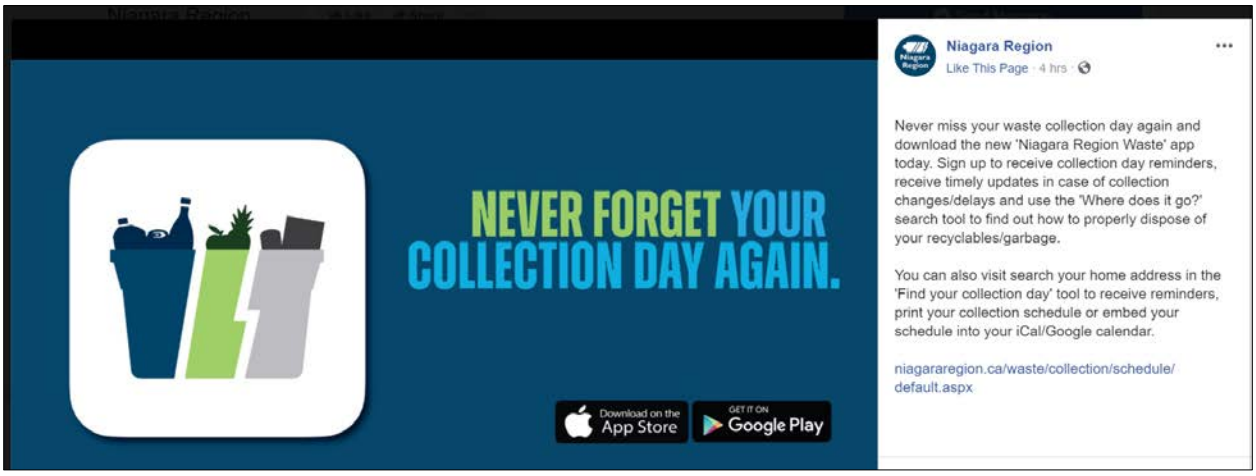


Figure 3: Facebook post on September 17th promoting the launch of the new Niagara Region Waste app

Minute Item No. 3.1
Regional Essential Access to Connected Health (REACH), Niagara - Healthcare, Homelessness & COVID in Niagara

1. That Regional Council **SUPPORT** the extension of the Alternate Funding Plan (AFP) currently provided to the network of primary care physicians across Hamilton (Shelter Health Network) to REACH Niagara which would allow local physicians and specialists through REACH to provide ongoing, compassionate and accessible care to the marginalized across the Region as well as supporting the necessary infrastructure to continue expansion into all of Niagara;
2. That the Regional Chair **BE DIRECTED** to send a letter to the Ministry of Health, supporting the request by REACH Niagara for an extension of the Alternate Funding Plan; and
3. That the motion **BE CIRCULATED** to the local area MPPs.

Minute Item No. 5.1
PHD 8-2020
Occupational Therapists Request for Niagara Emergency Medical Services

That Report PHD 8-2020, dated October 13, 2020, respecting Occupational Therapists Request for Niagara Emergency Medical Services (NEMS), **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That Regional Council **APPROVE** the addition of two new full time permanent Occupational Therapist positions, using already-approved funding in the Niagara Emergency Medical Services operating budget.

Minute Item No. 5.2
PHD-C 9-2020
Referral of Motion – Decriminalization of Personal Possession of Illicit Drugs

That Correspondence Item PHD-C 9-2020, being a memorandum from A.-M. Norio, Regional Clerk, dated October 13, 2020, respecting Referral of Motion – Decriminalization of Personal Possession of Illicit Drugs, **BE RECEIVED** for information; and

1. That the federal government **BE URGED** to convene a task force, comprised of people who use drugs, family members, and policy, research and program experts in the areas of public health, human rights, substance use, mental health, and criminal justice, to explore options for the legal regulation of all drugs in Canada, based on a public health approach;
2. That the task force **BE URGED** to scale up prevention, harm reduction, and treatment services and to explore the decriminalization of the possession of all drugs for personal use; and

3. That this motion **BE CIRCULATED** to Minister of Health, Patty Hajdu, Minister of Justice and Attorney General of Canada, David Lametti, the Canadian Association of Chiefs of Police, Deputy Premier and Minister of Health, Christine Elliott, Attorney General, Doug Downey, Niagara's MPs and MPPs, Niagara's 12 local area municipalities, Niagara Regional Police Service, the Association of Municipalities of Ontario, and the Association of Local Public Health Agencies.

Minute Item No. 6
Consent Items for Information

That the following items **BE RECEIVED** for information:

PHD-C 10-2020
COVID-19 Response and Business Continuity in Public Health & Emergency Services

COM-C 29-2020
COVID-19 Response and Business Continuity in Community Services

COM 19-2020
Update on Community Based Capital Program and Early Years Capital Program Projects

PHD-C 11-2020
Decriminalization of Personal Possession of Illicit Drugs

CWCD 268-2020
Opioid Update Memo

Minute Item No. 9.1
Confidential COM-C 30-2020
A Matter of a Proposed or Pending Acquisition or Disposition of Land by the Municipality - Niagara Regional Housing Acquisition of Property in the City of Niagara Falls (Confidential Report NRH 12-2020)

That Confidential Correspondence Item COM-C 30-2020, being a memorandum from A.-M. Norio, Regional Clerk, dated October 13, 2020, respecting A Matter of a Proposed or Pending Acquisition or Disposition of Land by the Municipality - Niagara Regional Housing Acquisition of Property in the City of Niagara Falls (Confidential Report NRH 12-2020), **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

THE REGIONAL MUNICIPALITY OF NIAGARA
PUBLIC HEALTH & SOCIAL SERVICES COMMITTEE
OPEN SESSION

PHSSC 9-2020
Tuesday, October 13, 2020
Council Chamber/Video Conference
Niagara Region Headquarters, Campbell West
1815 Sir Isaac Brock Way, Thorold, ON

Committee Members Present in the Council Chamber:	Chiocchio (Committee Co-Chair), Greenwood (Committee Co-Chair), Rigby
Committee Members Present via Video Conference:	Bradley (Regional Chair), Butters, Darte, Foster, Gibson, Insinna, Ip, Jordan, Nicholson, Sendzik, Villella, Whalen, Witteveen
Other Councillors Present via Video Conference:	Zalepa
Absent/Regrets:	Bellows
Staff Present in the Council Chamber:	M. Elia, Technology Support Analyst, Dr. M. M. Hirji, Acting Medical Officer of Health, A. Jugley, Commissioner, Community Services, A.-M. Norio, Regional Clerk
Staff Present via Video Conference:	D. Barnhart, Executive Officer to the Regional Chair, B. Brens, Manager, Program Financial Support, H. Chamberlain, Director, Financial Management & Planning/Deputy Treasurer, C. Cousins, Director, Homelessness and Community Engagement, Dr. A. Feller, Associate Medical Officer of Health, H. Koning, Director, Senior Services, K. Lotimer, Legislative Coordinator, K. Lutz, Deputy Chief/Associate Director, Emergency Medical Services, K. Smith, Chief/Director, Emergency Medical Services, M. Trennum, Deputy Regional Clerk, R. Tripp, Acting Chief Administrative Officer, L. Watson, Director, Social Assistance and Employment Opportunities, D. Woiceshyn, Chief Executive Officer, Niagara Regional Housing

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1. CALL TO ORDER

Committee Co-Chair Greenwood called the meeting to order at 1:00 p.m.

2. DISCLOSURES OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

3. PRESENTATIONS

3.1 Regional Essential Access to Connected Health (REACH), Niagara - Healthcare, Homelessness & COVID in Niagara

Dr. Karl Stobbe, Medical Director, REACH Niagara, and David vanVelzen, Executive Director, REACH Niagara, provided information respecting Regional Essential Access to Connected Health (REACH), Niagara - Healthcare, Homelessness & COVID in Niagara. Topics of the presentation included:

- Niagara: COVID, homelessness and healthcare
  - The concern
  - The response
- Collaboration and Partners
- COVID Isolation Shelter Support
- Safe Injection Site Support
- Lessons Learned
- Next Steps and Anticipated Program Enhancements

Moved by Councillor Sendzik
Seconded by Councillor Whalen

1. That Regional Council **SUPPORT** the extension of the Alternate Funding Plan (AFP) currently provided to the network of primary care physicians across Hamilton (Shelter Health Network) to REACH Niagara which would allow local physicians and specialists through REACH to provide ongoing, compassionate and accessible care to the marginalized across the Region as well as supporting the necessary infrastructure to continue expansion into all of Niagara;

2. That the Regional Chair **BE DIRECTED** to send a letter to the Ministry of Health, supporting the request by REACH Niagara for an extension of the Alternate Funding Plan; and

3. That the motion **BE CIRCULATED** to the local area MPPs.

Carried

3.2 Current State in Long-Term Care and Addressing the Pandemic

Henri Koning, Director, Seniors Services, provided information respecting Current State in Long-term Care and Addressing the Pandemic. Topics of the presentation included:

- Changing Profile of Long-term Care Residents
- Resident Care Needs with Activities of Daily Living
- Increasing Medical Complexity of Residents
- Optimizing Care
- Preparing for a Pandemic - Three Key Success Factors
    - Infection Prevention and Control Practices
    - Pandemic Supplies
    - Existing Practices
- A New Normal

4. DELEGATIONS

4.1 Referral of Motion - Decriminalization of Personal Possession of Illicit Drugs (PHD-C 9-2020 (Agenda Item 5.2))

4.1.1 Glen Walker, Executive Director, Positive Living Niagara

Glen Walker, Executive Director, Positive Living Niagara, appeared before Committee in support of the motion and to provide information respecting the issue of decriminalization of personal possession of illicit drugs.

4.1.2 Justin Arcaro, Resident, City of Welland

The delegation request made by Justin Arcaro, Resident, City of Welland, was withdrawn.

4.1.3 Additional Delegation Requests

Committee members were advised that the Clerk's Office was in receipt of four additional delegation requests received after the deadline and as per Section 13.5 of the Procedural By-law (By-law No. 120-2010) the requests must be considered.

Moved by Councillor Jordan
Seconded by Councillor Butters

That the following delegations **BE PERMITTED** to appear before the Public Health and Social Services Committee:

Angie Domengato, as an individual delegate, respecting the effects of the lockdown on residents in senior care homes as well as the general public;

Cheryl Frame, as an individual delegate, respecting the impacts on health due to the mask mandate;

Danielle Romanuk, as an individual delegate, respecting Councillor Rigby's motion; and

Steffannie Hancharyk, as an individual delegate, respecting public shaming and public health due to the mask mandate.

Recorded Vote:

Yes (5): Butters, Chiocchio, Jordan, Rigby, Villella.

No: (11): Bradley, Darte, Foster, Gibson, Greenwood, Insinna, Ip, Nicholson, Sendzik, Whalen, Witteveen.

Defeated

5. ITEMS FOR CONSIDERATION

5.1 PHD 8-2020
Occupational Therapists Request for Niagara Emergency Medical Services

Moved by Councillor Foster
Seconded by Councillor Nicholson

That Report PHD 8-2020, dated October 13, 2020, respecting Occupational Therapists Request for Niagara Emergency Medical Services (NEMS), **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That Regional Council **APPROVE** the addition of two new full time permanent Occupational Therapist positions, using already-approved funding in the Niagara Emergency Medical Services operating budget.

Carried

5.2 PHD-C 9-2020
Referral of Motion – Decriminalization of Personal Possession of Illicit Drugs

Moved by Councillor Ip
Seconded by Councillor Darte

That Correspondence Item PHD-C 9-2020, being a memorandum from A.-M. Norio, Regional Clerk, dated October 13, 2020, respecting Referral of Motion – Decriminalization of Personal Possession of Illicit Drugs, **BE RECEIVED** for information.

Carried

Moved by Councillor Ip
Seconded by Councillor Darte

WHEREAS governments around the world are considering different approaches to drugs, including the decriminalization of drug use and possession and legal regulation;

WHEREAS a growing number of health officials and boards of health throughout Ontario, Canada, and around the world are calling for changes to our approach to drugs, especially in the midst of the opioid crisis and COVID-19 pandemic, in which the contaminated, unregulated supply of illegal drugs is the main contributor to the crisis;

WHEREAS, in July 2020, the Canadian Association of Chiefs of Police released a report recognizing substance use disorder as a public health issue and agree that evidence, supported by numerous Canadian health leaders, suggests that decriminalization for simple possession is an effective way to reduce the public health and public safety harms associated with substance use;

WHEREAS the Canadian Association of Chiefs of Police endorse alternatives to criminal sanctions for simple possession of illicit drugs, and agree that increased community capacity and resources are necessary to support the availability and integration of health, social programs, and enforcement required for effective diversion;

WHEREAS the Canadian Association of Chiefs of Police agree that police services remain committed to combatting organized crime and disrupting the supply of harmful substances coming into our communities by targeting drug trafficking and illegal production and importation, and further agree that diversion provides new opportunities to make positive impacts in communities. These impacts may include reducing recidivism, reducing ancillary crimes and improving health and safety outcomes for individuals who use drugs;

WHEREAS laws that criminalize people simply for using and possessing drugs have resulted in serious health and social harms, including forcing people into unsafe spaces and high-risk behaviours leading to HIV and HCV infection, resulting in criminal records that make it difficult to obtain employment and housing, and reinforcing negative stereotypes and judgements about people who use drugs;

WHEREAS some groups are more impacted by our drug laws than others, including people who are homeless and/or living in poverty, people with mental health and substance use issues, people from racialized groups, Indigenous people, women, and youth;

WHEREAS a public health approach to drugs would be based on principles and strategies that have been shown to support healthy individuals, families, and communities;

WHEREAS countries that have decriminalized personal drug use and possession and invested in public health interventions have seen results, including decreases in HIV and overdose, decreases in costs to the criminal justice system, and improved police/community relationships;

WHEREAS the evidence on the health and social harms of our current criminalization approach to illegal drugs as well as that of alternative approaches such as decriminalization and legal regulation strongly support the need to shift to a public health approach to drugs in Canada;

NOW THEREFORE BE IT RESOLVED:

1. That the federal government **BE URGED** to decriminalize the possession of all drugs for personal use, and scale up prevention, harm reduction, and treatment services;

2. That the federal government **CONVENE** a task force, comprised of people who use drugs, family members, and policy, research and program experts in the areas of public health, human rights, substance use, mental health, and criminal justice, to explore options for the legal regulation of all drugs in Canada, based on a public health approach; and

3. That this motion **BE CIRCULATED** to Minister of Health, Patty Hajdu, Minister of Justice and Attorney General of Canada, David Lametti, the Canadian Association of Chiefs of Police, Deputy Premier and Minister of Health, Christine Elliott, Attorney General, Doug Downey, Niagara's MPs and MPPs, Niagara's 12 local area municipalities, Niagara Regional Police Service, the Association of Municipalities of Ontario, and the Association of Local Public Health Agencies.

The following friendly amendment was accepted by the Committee Chair, and the mover and seconder of the motion, so that the motion reads as follows:

1. That the federal government **BE URGED** to convene a task force, comprised of people who use drugs, family members, and policy, research and program experts in the areas of public health, human rights, substance use, mental health, and criminal justice, to explore options for the legal regulation of all drugs in Canada, based on a public health approach;

2. That the task force **BE URGED** to scale up prevention, harm reduction, and treatment services and to explore the decriminalization of the possession of all drugs for personal use; and

3. That this motion **BE CIRCULATED** to Minister of Health, Patty Hajdu, Minister of Justice and Attorney General of Canada, David Lametti, the Canadian Association of Chiefs of Police, Deputy Premier and Minister of Health, Christine Elliott, Attorney General, Doug Downey, Niagara's MPs and MPPs, Niagara's 12 local area municipalities, Niagara Regional Police Service, the Association of Municipalities of Ontario, and the Association of Local Public Health Agencies.

Committee Co-Chair Greenwood called the vote on the motion, as amended, as follows:

Clause 1 was voted on separately as follows:

1. That the federal government **BE URGED** to convene a task force, comprised of people who use drugs, family members, and policy, research and program experts in the areas of public health, human rights, substance use, mental health, and criminal justice, to explore options for the legal regulation of all drugs in Canada, based on a public health approach.

Carried

Clause 2 was voted on separately as follows:

2. That the task force **BE URGED** to scale up prevention, harm reduction, and treatment services and to explore the decriminalization of the possession of all drugs for personal use.

Recorded Vote:

Yes (9): Bradley, Butters, Chiocchio, Darte, Ip, Jordan, Rigby, Sendzik, Witteveen.

No (7): Foster, Gibson, Greenwood, Insinna, Nicholson, Villella, Whalen.

Carried

Clause 3 was voted on separately as follows:

3. That this motion **BE CIRCULATED** to Minister of Health, Patty Hajdu, Minister of Justice and Attorney General of Canada, David Lametti, the Canadian Association of Chiefs of Police, Deputy Premier and Minister of Health, Christine Elliott, Attorney General, Doug Downey, Niagara's MPs and MPPs, Niagara's 12 local area municipalities, Niagara Regional Police Service, the Association of Municipalities of Ontario, and the Association of Local Public Health Agencies.

Carried

5.3 PHD-C 12-2020
Motion from Councillor Rigby respecting Updates on COVID-19 and the Mandatory Face Covering By-law

Moved by Councillor Rigby
Seconded by Councillor Witteveen

WHEREAS it is prudent and necessary for Niagara Regional Council to remain regularly apprised of the status of the need to continue with the mandatory Face Covering By-law; and

WHEREAS it is our desire as a Region to effectively learn how to live with the COVID-19 Virus safely;

NOW THEREFORE BE IT RESOLVED:

1. That the Region of Niagara Public Health Department **PROVIDE** an information report at each Public Health and Social Services Committee meeting providing data that would demonstrate if Niagara Region should or should not continue the enactment of the Mandatory Face Covering By-law (By-law 2020-46); and
2. That the report **INCLUDE** evidence from Provincial, Federal and International Health Agencies.

Defeated

6. CONSENT ITEMS FOR INFORMATION

Moved by Councillor Rigby
Seconded by Councillor Witteveen

That the following items **BE RECEIVED** for information:

PHD-C 10-2020
COVID-19 Response and Business Continuity in Public Health & Emergency Services

COM-C 29-2020
COVID-19 Response and Business Continuity in Community Services

COM 19-2020
Update on Community Based Capital Program and Early Years Capital Program Projects

PHD-C 11-2020
Decriminalization of Personal Possession of Illicit Drugs

CWCD 268-2020
Opioid Update Memo

Carried

7. OTHER BUSINESS

7.1 Information Respecting the Requirement for Face Coverings in Common Areas of Apartment Buildings and Condominiums

Councillor Nicholson requested information respecting whether or not mask/face covering by-laws of other jurisdictions, include common areas of apartment buildings and condominiums. Dr. Hirji, Acting Medical Officer of Health, advised that he would collaborate with the Clerk's Office and Legal Services to provide this information to Committee members.

7.2 Business Owners' Concerns

Councillor Darte brought forward concerns from business owners in downtown St. Catharines respecting homeless individuals. He advised that he would be bringing additional information to a future meeting.

8. CLOSED SESSION

Committee did not resolve into closed session.

9. BUSINESS ARISING FROM CLOSED SESSION ITEMS

9.1 Confidential COM-C 30-2020
A Matter of a Proposed or Pending Acquisition or Disposition of Land by the Municipality - Niagara Regional Housing Acquisition of Property in the City of Niagara Falls (Confidential Report NRH 12-2020)

Moved by Councillor Insinna
Seconded by Councillor Foster

That Confidential Correspondence Item COM-C 30-2020, being a memorandum from A.-M. Norio, Regional Clerk, dated October 13, 2020, respecting A Matter of a Proposed or Pending Acquisition or Disposition of Land by the Municipality - Niagara Regional Housing Acquisition of Property in the City of Niagara Falls (Confidential Report NRH 12-2020), **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

10. NEXT MEETING

The next meeting will be held on Tuesday, November 10, 2020, at 1:00 p.m. in the Council Chamber, Regional Headquarters.

11. ADJOURNMENT

There being no further business, the meeting adjourned at 4:05 p.m.

Councillor Greenwood Committee Co-Chair	Councillor Chiocchio Committee Co-Chair
Kelly Lotimer Legislative Coordinator	Ann-Marie Norio Regional Clerk

REACH Niagara – Healthcare, Homelessness and COVID in Niagara

Public Health & Social Services Committee
Presentation only – no corresponding report

October 13, 2020

Dr. Karl Stobbe, Medical Director, REACH Niagara

David van Velzen, Executive Director, REACH Niagara

Niagara Region

Regional Essential Access to Connected Health, Niagara

Healthcare, Homelessness and COVID in Niagara

Dr. Karl Stobbe: Medical Director
David van Velzen: Executive Director

Goal: to connect marginalized people with existing available healthcare services

Population served: initially, homeless people in St. Catharines

Intervention: family medicine clinics in shelters

Care, education and research

REACH Organizational Development

- Incorporated 2019
- Charitable status 2019
- Interim board of directors

As of March 2020:

- One doctor, one nurse practitioner
- 3 shelter-based clinics, all in St. Catharines
- Planning for a Welland clinic, with an additional NP and MD

REACH collaborators

- McMaster University
- Brock University
- Niagara College
- Niagara EMS
- Niagara Region Public Health
- Niagara Region Mental Health
- Niagara Region Homelessness Services
- Niagara North Family Health Team
- Welland McMaster Family Health Team
- Niagara Falls Community Health Centre
- Niagara Medical Group Family Health Team
- Niagara Assertive Street Outreach Team
- Salvation Army Booth Center
- Southridge Shelter
- YWCA Niagara
- Hope Center
- Attachment and Trauma Treatment Centre for Healing (ATTCH)
- Community Addiction Services of Niagara (CASON)
- Fowler Family Foundation

REACH healthcare providers

Doctors

Karl Stobbe
Pam Kapend
Bob McMillan
Mo Moore

Nurse practitioners

Jane Carson
Erin Jarvis
Elise Suhadolc
Laurel Satov
Lois Barlow

REACH Services: Access to the System

- Family doctor, nurse practitioner and paramedic
- First contact with the system: care for 80% of problems
- Refer to specialists when needed
- Prevention: vaccination, pap tests, blood pressure treatment, etc.
- Complete forms to increase income
- Through collaboration:
  - Pharmacy
  - Dental
  - Foot care
  - Trauma counseling

Development

1. St. Catharines (largest population of poor/homeless):
   a) Salvation Army Booth Centre (Apr 2018)
   b) Southridge Shelter (Dec 2018)
   c) YWCA (June 2019)

2. COVID Mar 2020 - Added:
   a) YWCA Culp St
   b) High-risk shelter Niagara Falls
   c) COVID isolation shelter
   d) Consumption and Treatment Services (safe injection site)

3. Niagara Assertive Street Outreach Collaborative

Common health conditions we see:

- Mental health and addictions
- Chronic pain
- Skin conditions – rashes, spots, sores, infections
- Sexual health: infections, contraception, etc.
- Injuries: cuts, bruises, sprains, broken bones
- Diabetes, heart disease, lung disease
- Abdominal pain, headaches, arthritis
- Etc.

Safety

- Best care:
  - A single prescriber (or single clinic)
  - A single pharmacy

Qualitative Health Research
1–11
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Health Care While Homeless: Barriers, Facilitators, and the Lived Experiences of Homeless Individuals Accessing Health Care in a Canadian Regional Municipality

Natalie Ramsay[1], Rahat Hossain[1], Mo Moore[1], Michael Milo[1], and Allison Brown[1]

Abstract

Persons struggling with housing remain significantly disadvantaged when considering access to health care. Effective advocacy for their needs will require understanding the factors which impact their health care, and which of those most concern patients themselves. A qualitative descriptive study through the lens of a transformative framework was used to identify barriers and facilitators to accessing health care as perceived by people experiencing homelessness in the regional municipality of Niagara, Canada. In-person, semi-structured interviews with 16 participants were completed, and inductive thematic analysis identified nine barriers and eight facilitators. Barriers included affordability, challenges finding primary care, inadequacy of the psychiatric model, inappropriate management, lack of trust in health care providers, poor therapeutic relationships, systemic issues, and transportation and accessibility. Facilitators included accessibility of services, community health care outreach, positive relationships, and shelters coordinating health care. Knowledge of the direct experiences of marginalized individuals can help create new health policies and enhance the provision of clinical care.

Adapting and Improving

- Ongoing: we seek input from shelters about the experience of their guests with REACH

- With our academic partners, we conduct surveys and research about how to improve care, and how our patients can direct the improvement

- Currently: 3 research papers and 2 quality improvement projects in process

Niagara: COVID, homelessness and healthcare

The concern:

Homelessness and poverty could be a risk for severe disease from COVID-19 due to:

- Stress/anxiety/mental health
- Drug/alcohol use
- Nutrition
- Lack of exercise

AND the congregated living conditions could increase spread

Niagara: COVID, homelessness and healthcare

The response:

A collaboration between:

- Niagara Public Health & Emergency Services
- Niagara Region Homelessness Services
- REACH Niagara
- McMaster University Family Medicine Program

Public Health & Emergency Services

- Advised regarding best practices
- Reviewed plans
- Inspected locations (shelters, clinics)
- Conduct COVID swabs in the COVID isolation shelter
- In the Safe Injection Site, work with physicians for diagnosis and treatment of skin infections

Niagara Region

Niagara Homelessness Services

- Limited chance of spread
  - Lock-down shelters: no visitors or volunteers
  - New shelters for:
    - Vulnerable individuals – age or medical comorbidities
    - COVID isolation – those with symptoms are swabbed and kept isolated while awaiting results
    - High-needs individuals – chronically homeless and not in shelters
  - Reduced crowding – reduce population, head-to-toe sleeping, physical distancing
  - Enhanced cleaning
  - Supplied non-medical masks for staff and clients
  - Improved staff support
- Frequent communication with shelters including biweekly teleconferences
  - Ensuring screening tools were updated for employees and clients
  - Supported policy and procedure development to protect safety of clients

McMaster University Family Medicine Program

- By April, most non-emergency health services had shut down
- This affected Niagara's 20 Family Medicine Residents
- Meantime,
  - Many walk-in clinics were closed
  - Most homeless people don't have a family doctor
- In this population, 'non-emergencies' often become emergencies:
  - Uncontrolled blood pressure, diabetes, cardiac problems
  - Deteriorating mental health
  - Skin infections from injection drug use leading to heart, blood and bone infections

McMaster University

McMaster University Family Medicine Program

- The solution: Residents 'attached' to shelters – one resident per shelter at 7 locations.
  - Weekly video or phone clinics in some, daily check-in with staff in others
  - COVID symptom response – for public health
  - On-call: available to all shelters 8 a.m. – 9 p.m. 7 days a week
  - Resident supervision provided by McMaster faculty

McMaster University

Safe Injection Site Support

People come to use, don’t want to stay, don’t want to be identified, don’t want to speak with doctors. Staffed by EMS paramedics.

Resident roles:

1. COVID symptom response – for public health
2. Skin infections
   - Assessed by paramedics
   - Resident reviews, discusses with paramedic
   - Antibiotics are given to patient immediately
   - Antibiotic protocol created by Dr. Ali (head of Infectious Disease at Niagara Health System)

COVID Isolation Shelter Support (Niagara Region)

- Welcoming, low-barrier, high-support shelter.
- Increased staff, including some with healthcare backgrounds
- Residents worked with Niagara experts to develop in-shelter protocols for:
  - Opioid addiction
  - Alcohol withdrawal

REACH Niagara

- **Video clinics** – provide care while keeping shelters safe from COVID
  - Purchasing and installing computers, speakers, web-cams
  - Training shelter staff to start the video visits
  - Upgrading bandwidth at provider's location
- **iPad clinics, Phone clinics** where video not possible
- Manage **COVID results** while maintaining patient privacy rights
- Ensure supervision for residents, organize faculty on-call
- Liaise and **connect**; ensure all are working together:
  - Addiction providers (Dr. MacKay, Dr. Kimacovich)
  - Infectious disease expert (Dr. Ali)
  - Public health (Dr. Feller)
  - EMS (Karen Lutz and Rob Law)
  - Shelter managers and staff

REACH Niagara

“House Calls”

- People who lived in shelters but are now housed, but don’t have a doctor
- Not allowed into shelter clinics because of COVID
- Phone visits, with rare in-person visit (if required)

Niagara Assertive Street Outreach Team

- MD joins team huddle twice-weekly
- Very helpful for people discharged from shelters to the street, together we offer ongoing healthcare

Lessons Learned

- Collaboration
- Communication
- Challenges create opportunities

Next Steps

- Welland Hope Center clinic (Oct 2020)
- Alternate Funding Plan
- Clinic in Niagara falls (2021)

Regional Essential Access to Connected Health, Niagara

Healthcare, Homelessness and COVID in Niagara

Dr. Karl Stobbe: medical director
David van Velzen: executive director

https://reachniagara.com/

Current State in Long-Term Care and Addressing the Pandemic

Public Health & Social Services Committee
Presentation only – no corresponding report

October 13, 2020

Henri Koning, Director, Seniors Services

Niagara Region

Seniors Services

Current State in Long-Term Care and Addressing the Pandemic

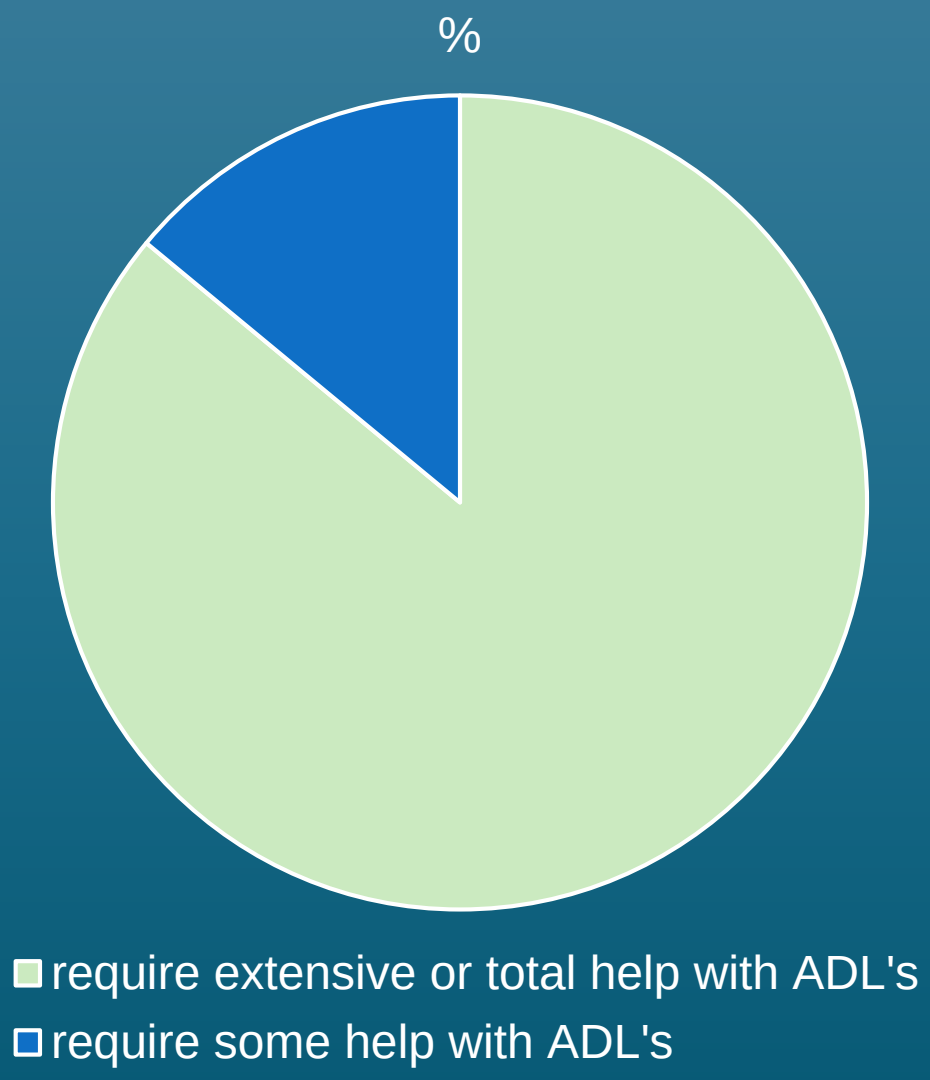
Niagara Region

Changing Profile of Long-term Care Residents

Residents are frail at the time of admission

- 86% have cognitive impairment
- 84% are incontinent
- 31% require extensive or total assistance with meal service
- 67% require extensive or total assistance with transfers
- 58% are over the age of 85
- 12% are over the age of 95

Resident Care Needs with Activities of Daily Living (ADL's) (bathing, grooming, dressing)



Increasing Medical Complexity of Residents

40% of residents need monitoring for an acute medical condition

Examples of medical complexity include:

- Chronic kidney disease
- Chronic parenteral support for nutrition and medication
- Chronic respiratory support
- Chronic wound management
- Co-morbidities (e.g. dementia, diabetes, heart disease, osteoporosis)

Optimizing Care

Analytics

- Leveraging data, clinical applications and business intelligence to support enhanced clinical care

Relational Care

- Leveraging resident and family input to ensure that care is individualized and aligned with residents' personal preferences

Preparing for a Pandemic
Three Key Success Factors: IPAC

I. Enhanced Infection Prevention and Control Practices

Public Health / Seniors Services Outbreak Improvement Project 2014
Focus:

(1) enhanced identification of outbreaks
(2) decreased length of outbreaks

Outcomes

- Significant improvement in surveillance and subsequent early identification of outbreaks and
- Enhanced ability to effectively implement IPAC measures to minimize spread of an outbreak
- The homes have sustained these improvements over the past 5 years

Preparing for a Pandemic
Three Key Success Factors: Supplies

II. Pandemic Supplies

- Seniors Services maintains a pandemic inventory of PPE (surgical masks, N95 masks, goggles, shields, gowns, wipes, disinfectant)
- System in place to avoid issues related to expired products

Outcomes

- LTC homes had enough PPE at the onset of the pandemic when supply chains were challenged and access was limited
- Access to supplies decreased anxiety among staff adjusting to working in a pandemic environment
- Have secured further pandemic supplies in preparation for a second wave this fall

Preparing for a Pandemic
Three Key Success Factors: Existing Practices

III. Building on Existing Practices: Analytics and Relational Care

- Leverage technology to monitor resident symptoms, to enhance the efficiency of twice daily febrile screening assessments, to optimize communication across the care team and to facilitate training and capacity building
- Recognizing the value of interpersonal connection and relationships and ensuring ongoing communication within the constraints of the pandemic (face time visits, phone calls, outdoor visits, indoor visits)

Outcomes

- Effective heightened surveillance – no transmission of the virus in the homes, no deaths related to covid-19 in the homes
- Communication plan developed for each resident in collaboration with residents and families

A New Normal:

A look at our long-term care homes during the COVID-19 pandemic.

A New Normal in LTC

Questions

From: Glen Walker
To: Norio, Ann-Marie
Subject: Public Health and Social Services Committee next week.
Date: Wednesday, October 07, 2020 4:42:40 PM
Attachments: image001.png

CAUTION: This email originated from outside of the Niagara Region email system. Use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Ann-Marie

I would like to speak to the motion on decriminalization at the Public Health and Social Services Committee next week. Can you add me in as a speaker please. I would not have any slides of materials to share.

Sincerely

Glen Walker
Executive Director
Positive Living Niagara

120 Queenston St., St. Catharines, ON L2R 2Z3
Tel: 905-984-8684 Ext. 112 Fax: 905-988-1921
email: gwalker@positivelivingniagara.com

PLEASE VISIT OUR WEB SITE: www.positivelivingniagara.com

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From: PF-Mailbox-01
To: Norio, Ann-Marie; Trennum, Matthew
Subject: FW: Online Form - Request to Speak at a Standing Committee
Date: Thursday, October 08, 2020 3:24:20 PM

From: Niagara Region Website
Sent: Thursday, 08 October 2020 15:24:12 (UTC-05:00) Eastern Time (US & Canada)
To: Clerks
Subject: Online Form - Request to Speak at a Standing Committee

Request to Speak at a Standing Committee

To reply, copy the email address from below and put into 'To'. (if resident entered their email address)

Name
Justin Arcaro

Address
[redacted]

City
Welland

Postal
[redacted]

Phone
[redacted]

Email
[redacted]

Organization

standing committee
Public Health and Social Services Committee

Presentation Topic
Item 5.2 of the agenda - Decriminalization of Personal Possession of Illicit

Drugs

Presentation includes slides
Yes

Previously presented topic
No

Presentation Details
I would like to speak to support the 'Referral of Motion - Decriminalization of Personal Possession of Illicit Drugs'. My goal is to put this motion in the broader context of legalization/decriminalization initiatives around Canada, the USA and around the world.

Video Consent
Yes

Subject: Occupational Therapists Request for Niagara EMS

Report to: Public Health & Social Services Committee

Report date: Tuesday, October 13, 2020

Recommendations

That Regional Council **APPROVE** the addition of two new full time permanent Occupational Therapist positions, using already-approved funding in the EMS operating budget.

Key Facts

- These positions are central to the Falls Intervention Team (FIT) as part of our Mobile Integrated Health model
- Occupational therapists were previously contracted through Hotel Diêu Shaver in temporary assignments
- Challenges exist in attracting occupational therapists to a temporary contracted role. This past year, EMS was able to fill only one of two positions
- With the onset of COVID-19 mid-March this year, Niagara EMS lost the one occupational therapist due to work refusal and returned to the Hotel Dieu Shaver
- The position of Occupational Therapist is already used in Public Health and is associated with CUPE 1757
- A recommendation is made to bring these positions internal as funded FTE's to improve recruitment and management of occupational therapists dedicated to FIT, with a small reduction in cost.

Financial Considerations

The approved 2020 EMS Operating budget contained $166,013 in purchased services to accommodate contracting two Occupational Therapists. The 2020 budget was estimated based on internal regional wages as a benchmark; therefore, the approved budget is sufficient to cover the costs of the two FTE's with no incremental budget increase required.

Analysis

As most recently discussed in PHD 20-2019, the implementation of the Mobile Integrated Health teams has led to a reduction in patients being conveyed to hospitals, and instead patients are receiving more appropriate care that better meets their health needs, and places less pressure on the emergent care system. This in turn has resulted in a "bending of the curve" of actual call volumes to the end of 2019 as seen in Figure 1.

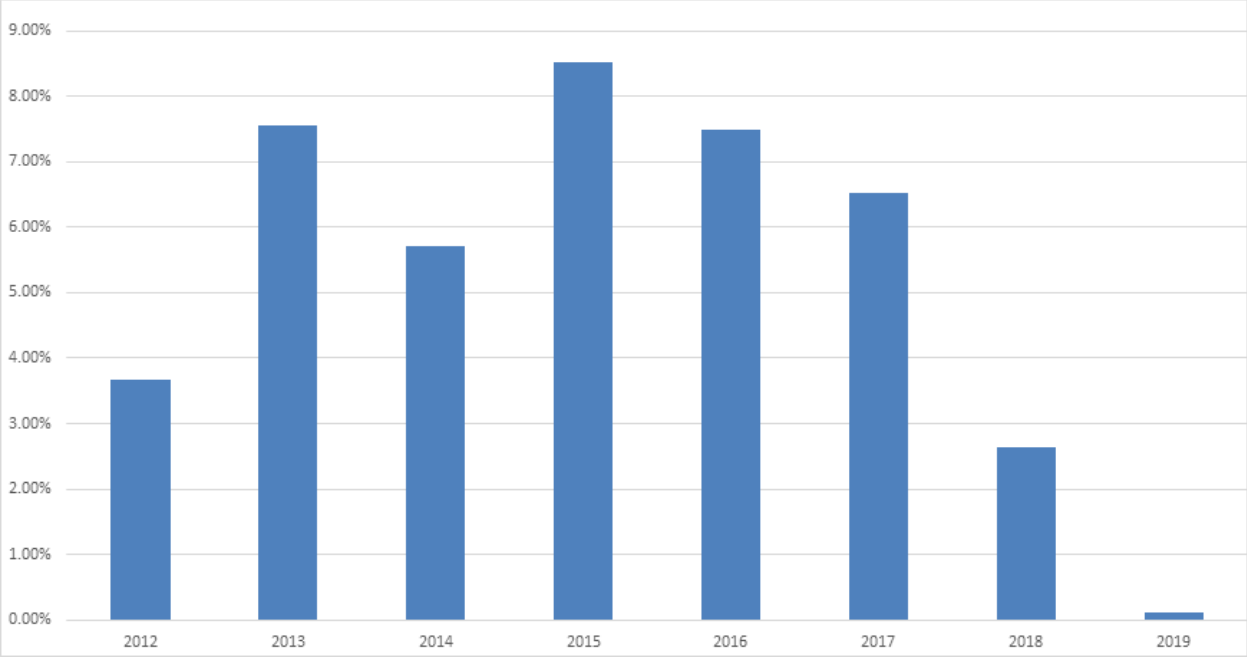

Figure 1 Call volume growth 2012-2019

One of the teams that has contributed to this bend of the curve is the FIT consisting of an occupational therapist and a paramedic, who respond in real time to 911 calls for persons who report a fall and require assessment and/or assistance with the fall. Previous to the introduction of the FIT, these callers either refused transport to the hospital if they were uninjured or were transported to the hospital. As per Niagara EMS patient care reports, more than half of unique 911 callers between 2016–2018 reported that factors other than medical conditions contributed to the fall. Such factors could include but are not limited to arranging for gait aids, educating patients in proper use, recommendations about changing a living environment or arranging for enhanced care offered by community service providers. It is not within the scope of the paramedic to make these recommendations however, it is within the scope of the occupational therapist to recommend strategies to decrease the incidence of repeat falls and risk of serious injury.

Since the inception of the FIT in 2018, increases in unique calls for falls have dramatically decreased as illustrated in Figure 2, evidence that this team is more effectively resolving underlying causes for falls, preventing future 911 calls.

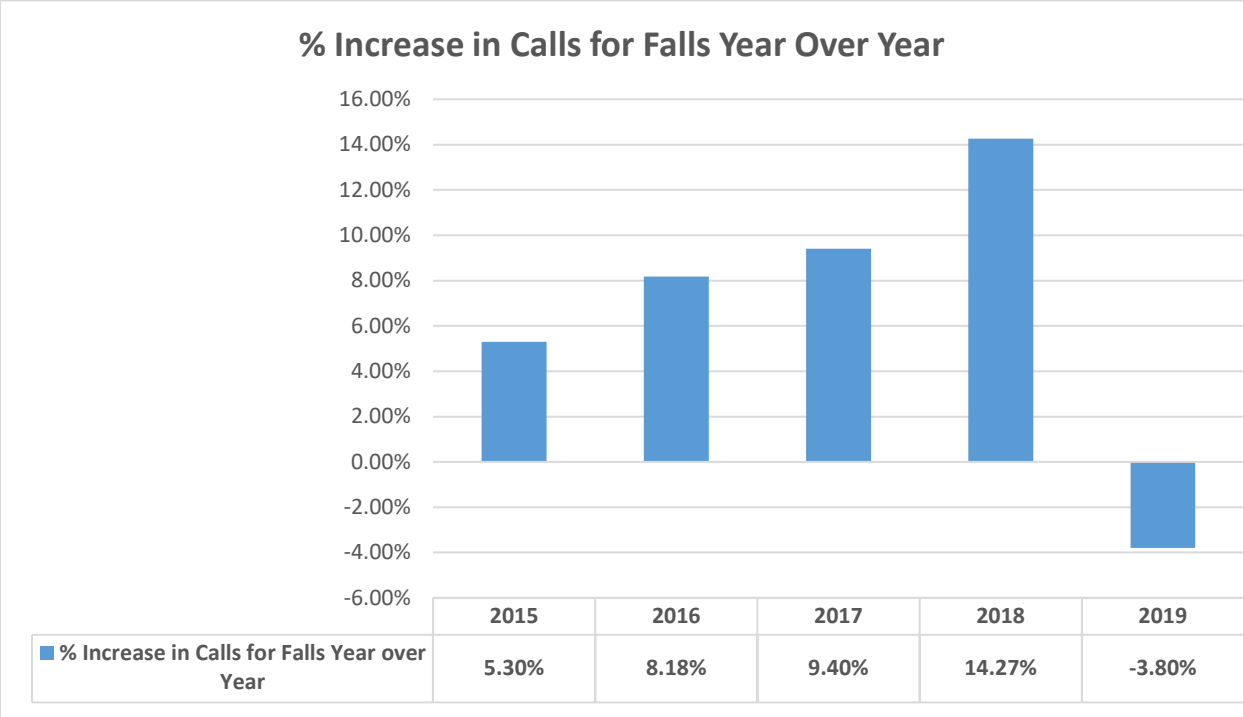

Figure 2 Call Volume Growth for Falls 2015-2019

The FIT not only responds to real time 911 calls for falls, but in between active calls also proactively visit fallers after receiving a referral from paramedics who encounter patients who have fallen at other times. Prior to the occurrence of a repeat fall, a visit will be arranged between the patient and the FIT in order to assess the patient's environment. The visit could result in meaningful changes and strategies to avoid additional falls or a referral to community health and social providers, thereby increasing safety and preventing serious injury from future falls.

Recruitment of Occupational Therapists through Contracted Services

Previous attempts at recruitment of occupational therapists collaboratively with the Hotel Diêu Shaver have not yielded many candidates despite concerted efforts to promote this unique opportunity. In five months of active recruitment, only one position was filled. The Government of Canada Job Bank (https://www.jobbank.gc.ca/marketreport/outlook-occupation/4168/ca) may offer some explanation as to the paucity of applicants as over the next ten years across Canada as it appears this is a highly competitive field for recruitment: the expected new job openings for occupational therapists will total 11,800 but there will only be 9,600 job seekers.

Additionally, data provided by the Region of Niagara, Growth Management Strategy indicate that over the next 20 years, Niagara's population is expected to increase by roughly 79,000 people or 17.8% and seniors 65 years old or greater will account for 60% of the population growth (approximately 47,000 people). The increase in the senior

population is the result of an aging baby boomer population and the migration of individuals 55 years and older from surrounding regions as they make the decision to retire in Niagara. This forecast indicates that planning to address falls more proactively in the face of an increasing number of seniors migrating to and currently living in Niagara could assist to ease the burden to Niagara EMS and the hospital system of increasing numbers of falls and ensuing transports to the emergency department for low acuity falls. From January 1, 2020 up to June 30, 2020, Niagara EMS responded to 3,718 seniors over the age of 65 who called 911 with a fall. With the addition of a possible 47,000 more seniors within the next 20 years, call volumes for falls will continue to increase, absent upstream innovative interventions such as the Falls Intervention Team.

Prior to the COVID-19 pandemic, work was underway to hire an additional occupational therapist and bring both positions internal as it was realized that continuation of contracted services afforded Niagara EMS minimal control over human resource issues and actually increased the cost of staffing.

Shortly after the COVID-19 pandemic was declared in March of this year, the occupational therapist seconded by Niagara EMS from the Hotel Diêu Shaver elected to withdraw services and return to the hospital environment leaving the position empty.

Posting the two positions as full time to a wider audience will improve recruitment of occupational therapists currently in secure full time positions elsewhere who may, however, want to be part of this innovative and high profile initiative. Indeed, the FIT was featured on a segment by the *CBC National* during an hour of programming highlighting innovative and novel approaches to addressing the impact of falls in Canada.

Alternatives Reviewed

Staff continues to participate in the development of the Niagara-Ontario Health Team (N-OHT). The future design of coordinated and integrated delivery of health services through the N-OHT may include resources such as the FIT occupational therapist in collaboration with other agencies. In the interim, the following alternatives were reviewed:

- Continue to contract as temporary positions through Hotel Diêu Shaver, which will not eliminate the challenges experienced with recruitment, control of human resource issues and increased costs. Likely this option will not allow filling the two occupational therapists positions for FIT, and so will result in more preventable falls in our community, leading to resident injury and suffering; including possible death, (falls in the elderly that lead to bone fractures have a high mortality rate). This option may also lead to increased EMS overtime costs if 911 calls due to falls lead to hospital overcrowding and lengthy ambulance offload delays.

- Post these two positions as temporary with the Region (not full time) to a wider audience. As evidenced, occupational therapists are in high demand making it unlikely a qualified occupational therapist will leave a permanent position and apply to a temporary position. Frequent turnover of temporary positions could also lead to avoidable training costs for new hires.

Relationship to Council Strategic Priorities

The approval of two full time occupational therapists supports Council Strategic Priorities of fostering *Healthy and Vibrant Communities* through the delivery of quality, affordable and accessible Mobile Integrated Health services, specifically the FIT. In addition, this model contributes to a *Sustainable and Engaging Government* with a high quality, efficient, fiscally sustainable and coordinated core delivery of prehospital services that reduce the requirement for ambulance responses to falls while aiming to prevent future system delivery costs for responses to falls.
The outcomes of an integrated health system promotes improved opportunities for *Healthy and Vibrant Communities* and contributes to less institutionalized care and more aging at home supports that can be provided safely.

Other Pertinent Reports

PHD 20-2019

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Prepared by:
Kevin Smith
Chief, Niagara Emergency Medical Services & Director, Emergency Services
Public Health & Emergency Services

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Recommended by:
M. Mustafa Hirji, MD, MPH, FRCPC
Medical Officer of Health & Commissioner (Acting)
Public Health & Emergency Services

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Submitted by:
Ron Tripp, P.Eng.
Chief Administrative Officer (Acting)

This report was prepared in consultation with Karen Lutz-Gaul, Commander of Mobile Integrated Health, Niagara Emergency Medical Services, Jeff Garritsen, Labour Relations Manager, Michael Leckey, Program Financial Specialist

Administration
1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

MEMORANDUM

PHD-C 9-2020

Subject: Referral of Motion – Decriminalization of Personal Possession of Illicit Drugs

Date: October 13, 2020

To: Public Health and Social Services Committee

From: Ann-Marie Norio, Regional Clerk

At its meeting held on September 17, 2020, Regional Council passed the following motion:

That the motion respecting Decriminalization of Personal Possession of Illicit Drugs **BE REFERRED** to the Public Health and Social Services Committee.

The motion respecting Decriminalization of Personal Possession of Illicit Drugs is noted below for Committee's consideration:

WHEREAS the Canadian Association of Chiefs of Police agree that police services remain committed to combatting organized crime and disrupting the supply of harmful substances coming into our communities by targeting drug trafficking and illegal production and importation, and further agree that diversion provides new opportunities to make positive impacts in communities. These impacts may include reducing recidivism, reducing ancillary crimes and improving health and safety outcomes for individuals who use drugs;

WHEREAS laws that criminalize people simply for using and possessing drugs have resulted in serious health and social harms, including forcing people into unsafe spaces and high-risk behaviours leading to HIV and HCV infection, resulting in criminal records that make it difficult to obtain employment and housing, and reinforcing negative stereotypes and judgements about people who use drugs;

WHEREAS some groups are more impacted by our drug laws than others, including people who are homeless and/or living in poverty, people with mental health and substance use issues, people from racialized groups, Indigenous people, women, and youth;

WHEREAS a public health approach to drugs would be based on principles and strategies that have been shown to support healthy individuals, families, and communities;

WHEREAS countries that have decriminalized personal drug use and possession and invested in public health interventions have seen results, including decreases in HIV and overdose, decreases in costs to the criminal justice system, and improved police/community relationships;

WHEREAS the evidence on the health and social harms of our current criminalization approach to illegal drugs as well as that of alternative approaches such as decriminalization and legal regulation strongly support the need to shift to a public health approach to drugs in Canada;

NOW THEREFORE BE IT RESOLVED:

1. That the federal government **BE URGED** to decriminalize the possession of all drugs for personal use, and scale up prevention, harm reduction, and treatment services;

2. That the federal government **CONVENE** a task force, comprised of people who use drugs, family members, and policy, research and program experts in the areas of public health, human rights, substance use, mental health, and criminal justice, to explore options for the legal regulation of all drugs in Canada, based on a public health approach; and

3. That this motion **BE CIRCULATED** to Minister of Health Patty Hajdu, Minister of Justice and Attorney General of Canada, David Lametti, the Canadian Association of Chiefs of Police, Deputy Premier and Minister of Health Christine Elliott, Attorney General, Doug Downey, Niagara's MPs and MPPs, Niagara's 12 local area municipalities, Niagara Regional Police Service, the Association of Municipalities of Ontario, and the Association of Local Public Health Agencies.

Respectfully submitted and signed by

_____

Ann-Marie Norio
Regional Clerk

To Ann-Marie Norio, Clerk, Region of Niagara

From Tim Rigby, Regional Councillor

Motion for consideration at Public Health and Social Services Committee:

UPDATES ON COVID-19 AND THE MANDATORY FACE COVERING BY-LAW

Whereas it is prudent and necessary for Niagara Regional Council to remain regularly apprised of the status of the need to continue with the mandatory face covering by-law; and

Whereas it is our desire as a Region to effectively learn how to live with the COVID-19 Virus safely.

NOW THEREFORE BE IT RESOLVED:

1. That the Region of Niagara Public Health Department **PROVIDE** an information report at each Public Health and Social Services Committee meeting providing data that would demonstrate if Niagara Region should or should not continue the enactment of the Mandatory Face Covering By-law (By-law 2020-46); and

2. That the report **INCLUDE** evidence from Provincial, Federal and International Health Agencies.

Public Health & Emergency Services
1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
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MEMORANDUM

PHD-C 10-2020

Subject: COVID-19 Response and Business Continuity in Public Health & Emergency Services (October 2020)

Date: October 13, 2020

To: Public Health & Social Services Committee

From: M. Mustafa Hirji, Medical Officer of Health & Commissioner (Acting)

Current Status as of September 30, 2020

- The latest updates including statistics can be found at https://niagararegion.ca/covid19
- After cases increased upon moving to Stage 3 of reopening, cases have now surged in the GTA. In parallel, infections have also now markedly increased in Niagara as well as other parts of the province. This is likely due to many factors:
    - the public relaxing their vigilance against COVID-19 (e.g. heading out and working while sick),
    - travel between Niagara and areas with more cases (e.g. GTA), and
    - residents engaging in many social contacts with friends, co-workers, and extended family beyond their 10 person social circle.
- In order to avoid a repeat lockdown as has been instituted in China, Israel, South Korea, Australia, and the United Kingdom, it is critical that everyone redouble efforts around physical distancing, hand hygiene, wearing face coverings when one cannot keep distance from others, and being very mindful of one's own health so one can get tested if any symptoms develop. All of these measures protect a person, and the community more widely. And all of these measures must be practiced now with greater fidelity.
- Outbreaks in long term care homes and retirement homes have risen lately, with some more residents affected, but still far fewer than in April. As cases rise in the community, there are likely to be more cases that work or visit long term care and retirement homes, leading to more outbreaks.
- With the increase in cases in the community, Public Health capacity is being stretched in several ways:

  - Increased work to follow-up with each person infected with COVID-19 and all of their contacts,
  - Each person infected with COVID-19 typically now has a very large number of contacts as compared to in previous months, so each new case of COVID-19 is requiring more work for management.
  - A four-fold increase in calls/on-line chat requests by the public needing to be answered.
  - Increased cases in the community are leading to increased cases in persons associated with schools, child care, long term care, retirement homes, and other institutions. All of these require significant work by Public Health to prevent and/or manage outbreaks.
- Simulations of outbreaks to help prepare long term care and retirement homes are being discontinued as Public Health is now becoming overwhelmed with case management, contact tracing, public calls, and supporting schools.
- To deal with the surge of work associated with the new cases, Public Health is again scaling and stopping other program areas to focus on COVID-19. Programs such as vaccination and dental health are unlikely to be able to operate this year; other programs such as mental health and child health will need to be further scaled back, depriving vulnerable residents of needed support.
- Other Boards of Health in Ontario are investing additional funding into Public Heath to ensure a strong pandemic response, as well as the continuation of robust programs to support the health of the public from all other health issues which have been exacerbated by the Pandemic. Hamilton's Board of Health, for example, has authorized an additional 92 staff be hired in Public Health temporarily. York Region has authorized the hiring of 172 additional Public Health staff for 2 years, as well as 8 new permanent staff. Many other local public health agencies are also increasing staffing (e.g. Ottawa, Halton Region, Waterloo Region, Peel Region) with some adding additional permanent staff to complement (e.g. Toronto). Niagara Region Public Health is has been attempting to hire temporary positions (as opposed to permanent) to manage the pandemic response, but given the intense competition province-wide to hire staff, there has been only very limited success in recruitment. The impact of this could be exacerbation of health problems in Niagara relative to our peers.
- In Emergency Services, call volumes for EMS have largely returned to normal levels business and life has resumed.
- EMS is closely monitoring patient flow within local emergency departments and working with Niagara Health to ensure capacity and surge planning for anticipated COVID-19 related hospitalizations.

- Emergency Management continues to support both Regional and Local Area Municipal EOC's for coordinated response and business continuity planning.

Previous (September 8) Summary on Business Continuity (Updates Underlined)

Public Health & Emergency Services deliver essential services year-round to impact the health and health equity of Niagara residents, and to pursue Council's strategic goal of building a Healthy and Vibrant Community. During the current pandemic, the department is playing a central role in the response to protect and mitigate the impacts of COVID-19, while also continuing the essential work around all other health issues that continue to affect residents.

While COVID-19 has commanded the primary focus of Public Health and society at large, it is important to remember that most of the pre-existing health issues continue to exist and are responsible for more deaths (4,500 per year in Niagara) than the projected number of deaths from COVID-19 in Niagara (250–1,000 deaths).

Activity in Public Health & Emergency Services reflects focusing on COVID-19 response, while also ensuring ongoing service to protect the health in other essential areas.

Public Health Emergency Operations Centre for COVID-19

Current Status of Operations

Public Health began work in response to COVID-19 on January 8, 2020. As volume of activities grew, the Public Health Emergency Operations Centre was partly activated on January 28, 2020 to ensure coordination of work and central leadership. By March 9, staff had begun to be redeployed from regular duties to supporting the activities of the Emergency Operations Centre, which was fully activated at this time. Currently 112 staff are work in COVID-19 emergency response (32% of staff complement in Public Health), as well as an additional 24 staff on contract to support the response. An additional 22 staff are being transferred to emergency operations for the start of October to deal with the recent surge in cases.

Significant Initiatives or Actions Taken

There are three principle lines of response to COVID-19:

1. **Case, Contact, and Outbreak Management**. Public Health is following-up with every person diagnosed with COVID-19 to ensure they are isolated and no longer infecting others. Public Health identifies all contacts of that person who may also have been infected, and arranges for those contacts to be isolated as well. That way, if they develop illness, they cannot have exposed anyone. By isolating all persons who may be infected with COVID-19, the chain of transmission can be broken. Case and contact management will be critical to ensuring ongoing control of COVID-19 transmission if and when physical distancing measures are relaxed.

   A critical subset of this work is advising and supporting the management of outbreaks in long term care homes, retirement homes, and other health care facilities. We have seen that most cases and deaths in Niagara, Ontario, and Canada as a whole have occurred in these settings. Better protecting them and supporting these facilities to manage outbreaks are our top priority.

   Public Health usually has 12 staff working on case, contact, and outbreak management year-round for 75 diseases of public health significance (e.g. measles, influenza, salmonella, HIV). Within the Emergency Operations Centre, this has been scaled-up to 52 front line FTE as well as 10 FTE of support staff and 9 supervisory/leadership staff trained to support this, as needed. An additional 44 staff are trained to support case & contact management, but have been deployed back to their home programs given the lower number of cases currently being identified. In addition, Public Health is further expanding its capacity by “out sourcing” some of this work to staff offered by the Public Health Agency of Canada and to medical students. With Council’s approval received on August 13, 2020, there is now the ability to enter into assistance agreements with other local public health agencies to further expand capacity if needed. The case/contact/outbreak management operation now works 7 days a week, 08:00 to 20:00.

2. **Supporting Health Care & Social Services Sector**. The health care and social services sectors play an essential role in supporting those most vulnerable, including diagnosing and caring for those who contact COVID-19. Public Health has been working with the sector to advise and support protocols that will minimize risk of infection to both clients and staff. We are also helping health care providers acquire personal protective equipment and testing materials.

An additional role around supporting the health care system has been to enable Niagara Health to maximize the capacity of its COVID-19 assessment centres. Public Health has been temporarily assessing and prioritizing persons concerned about COVID-19 for testing at the assessment centres. Public Health is in the process of transitioning this effort to primary care provides so that Public Health staff can shift to focus even more on other elements of COVID-19 response. A dedicated health care provider phone line supports health care providers in providing advice and latest recommendations around COVID-19.

Approximately 43 FTE currently support the health care and social services sector within the Emergency Operations Centre, all redeployed from normal public health work.

3. **Supporting Schools & Child Care**. A new call line has been created to support schools, teachers, staff, and child care operators with keeping children safe in their reopening's. Supporting these sectors is a priority in terms of protecting vulnerable children as well as older staff who may work in these settings and are at risk of severe illness. However, it is also a priority given the potential for children to spread infections through families and through the large populations in schools which could trigger a second wave. As well, successful reopening of schools and child care is critical for our economic recovery to enable parents to return to work. This is a particular equity issue for women given the disproportionate role women play in child care. Approximately 40 staff, including the 20 new provincially-funded hires are supporting schools and child care.

4. **Public Messaging**. Given the rapidly changing landscape of COVID-19. Public Health seeks to provide the public with the information to address their fears and concerns, as well as to understand their risk and how to protect themselves. These efforts include a comprehensive web site library of frequently asked questions, an information phone line to speak to a health professional that operates 09:15 to 20:30 on weekdays and 09:15 on 16:15 on weekends, an online chat service with health professionals that operates during the same hours, social media, and approximately 15 media requests per week. Daily, Public Health has over 20,000 interactions with the public across all channels.

   Approximately 10 staff have been redeployed from usual public health operations to support the Emergency Operations Centre with public messaging.

In addition to these lines of work, there is significant work around data entry, customizing data systems and process management to make the above three lines of work as efficient and effective as possible. As well, there are comprehensive planning teams, logistics teams, a finance and administration team, and liaison activities. Approximately 45 staff have been reallocated to these activities.

Finally, existing mass immunization plans are being updated and preparedness is underway for if and when a COVID-19 vaccination is available.

Operational Outlook

1 month

- Case & Contact Management capacity readied for deployment as cases increase with increased economic and social interactions

3 months

- Assistance agreements may be entered into with other local public heath agencies to prepare for managing the risk of a local surge of COVID-19 cases.

3 months to 6 months

- Projections on operations in the future will depend on Provincial government policy decisions around COVID-19 response. The expectation is that current emergency operations would continue with emphasis shifting based on provincial response.

Clinical Services Division (Excluding Mental Health)

Current State of Operations

Most efforts in this area normally focus on infectious disease prevention. Many staff (37 FTE of 84 total) have been reallocated to the Emergency Operations Centre for COVID-19 response. A further 11 staff are being reallocated to emergency operations for early October. This number has been scaled back as sexual health services as well as vaccination cold chain inspections have been scaled up, the latter in preparation for vaccination against influenza. Current operations are focused on

- case and contact management of sexually transmitted infections

- case and contact management of significant infectious diseases (e.g. tuberculosis, measles)
- distributing provincial vaccination stockpiles to primary care
- inspection primary care for appropriate cold chain with respect to vaccinations
- advising primary care around complex immunization scenarios
- emergency contraception
- outreach to marginalized populations around vaccination and sexual health

Services/Operational Changes

- Cessation of immunization clinics
- Cessation of school vaccinations
- Cessation of enforcing the *Immunization of School Pupils Act*
- Cessation of supplying the public with immunization records
- Cessation of sexual health clinics
- Cessation of health promotion around vaccinations
- Cessation of health promotion around healthy sexuality

It is a priority in the coming weeks to develop a plan to resume school vaccinations and enforcement of the *Immunization of School Pupils Act*. <u>However, the recent surge of cases threatens the ability to restart vaccinations.</u>

Operational Outlook

1 month & 3 months

- Return of staff to vaccination and sexual health programs to scale up operations in these areas.
- <u>Attempt to</u> resume school-based vaccinations.
- Plan for enforcement of the *Immunization of School Pupil's Act*.

Mental Health

Current State of Operations

Mental Health supports clients in the community who would often otherwise need to be hospitalized. This work is critical to keep people out of the hospital and ensure health system capacity for those with COVID-19. As well, given current challenges around loss

of employment, anxiety, and social isolation, delivery of mental health services is more important than ever. All 61 staff have been returned to their role with Mental Health.

Services/Operational Changes

- Shift of some in-person clinics to remote delivery
- Reduction in some volume of work to shift 6 FTE to provide mental health case management in shelters.

Operational Outlook

- 2 staff have returned to Mental Health from emergency operations. Anticipate no changes to current operations over the next 6 months.

Environmental Health

Current State of Operations

Several lines of inspection that were discontinued due to closures of certain sectors (e.g. food services, personal services, recreational pools) have resumed as those sectors reopen. In addition, other sectors of inspection remain more important than ever (e.g. infection control inspections of long term care homes and retirement homes). No staff remain completely deployed to support Emergency Operations. However, almost all staff are supporting emergency operations in their home program by inspecting COVID-19 prevention measures as part of their normal inspection work, or taking on roles around non-COVID-19 infection prevention normally done by staff redeployed to Emergency Operations. For early October, 1 staff is being formally redeployed to emergency operations. Currently staff focus upon

- Investigation of animal bites for rabies prevention
- Investigation of health hazards
- Foodborne illness complaints
- Food premises complaints
- Infection prevention and control lapse investigations
- Inspection of reopened food premises
- Inspection of housing and infection prevention amongst temporary foreign workers
- Support and advice to private drinking water and small drinking water system operators
- Inspection of reopened recreational water establishments

- Inspection of reopened personal services settings
- Surveillance and prevention of West Nile Virus, Lyme Disease, and other vector born diseases
- Investigation of adverse water quality
- Supporting businesses and other partners with infection prevention and control, especially as many businesses move to re-open
- Supporting operators with other unique health risks from resuming after a period of extended closure, such as flushing and managing stale water in pipes

Services/Operational Changes

- Increase of infection control investigations of long term care facilities and retirement homes
- Simulations of outbreaks with long term care facilities and retirement homes to increase their preparedness for outbreaks have now been discontinued.
- Refocusing infection control investigations of day cares to focus on very frequent inspection of those that remain operational

Operational Outlook

1 month

- Continuing with intense inspections of long term care facilities and retirement homes, as well as other congregate living locations (e.g. group homes)
- Additional inspections of local farms and workplaces where transmission is likely.
- Loosening of social restrictions has necessitated resumption of inspections of food services, personal services, beaches, and other areas, and this will only increase.

3 month & 6 month

- Projections on operations in the future will depend on Provincial government policy decisions around COVID-19 response.

Chronic Disease & Injury Prevention

Current State of Operations

Chronic illnesses are responsible for 70% of ill health and lead to more deaths (75,000 deaths per year in Ontario) than are likely to be caused by COVID-10 (Ontario government projects 3,000 to 15,000 deaths from COVID-19). Chronic diseases are likely to be exacerbated during this period of social restrictions. As well, since chronic disease make one more likely to suffer severe illness from COVID-19, mitigating chronic diseases remains a high priority.

Efforts are being consolidated around three areas:

1. Mental health promotion. This reflects the greater risk of persons suffering mental health challenges including suicide during this time.
2. Substance use prevention. This reflects the risk of greater substance use while people are unemployed and lack other means of recreation.
3. Health eating and physical activity. The goal is to ensure physical activity despite current social restrictions, and support healthy eating when mostly fast food is available to purchase for take-out.

The above three priorities align with the underlying causes of most ill health and most deaths in Canada. Of 35 staff, 34 remain in their role supporting work on these health issues.

Services/Operational Changes

- Consolidation of resources around the previously mentioned three priorities
- Elimination of engagement of populations in-person
- Elimination of activities in schools, workplaces, and other public settings
- Cessation of most cancer prevention work
- Cessation of most healthy aging work
- Cessation of most injury prevention work
- Expansion of role of Tobacco Control Officers to also enforce Provincial emergency orders around physical distancing

Operational Outlook

1 month

- Continuing new initiatives
- Working with partners on new opportunities enabled by the pandemic

3 month & 6 month

- Resumption of workshops for smoking cessation
- Roll-out of major suicide-prevention initiatives
- Projections on operations in the future will depend on Provincial government policy decisions around COVID-19 response. Loosening of social restrictions will enable delivery of programming with more direct engagement.

Family Health

Current State of Operations

There continues to been redeployment of 69 of 144 staff in Family Health to support Emergency Operations. A further 10 staff are being redeployed to emergency operations for early October.

Families in Niagara are burdened now more than ever to try to provide safe and healthy care, environments and opportunities for children. The Family Health division continues to provide essential services for families with a small number of staff. Limited services are provided by phone, live chat and virtual access to nurses through **Niagara Parents** where families can seek support with breastfeeding, parenting, pregnancy, postpartum mental health and child health issues.

Efforts are now underway to plan with schools on how school health programming may be delivered this fall. The Healthy Babies Healthy Children program has begun transitioning back to in-person visits with physical distance to better support families, as well as in-person screening in the hospitals. The Nurse Family Partnership has also been able to transition to mostly in-person visits using physical distance having maintained visiting at pre-COVID levels for the prior 3 months with more virtual visits. Figure 1 shows an example of how Family Health has continued to support our most vulnerable clients through the pandemic.

Staff are focusing their efforts on the following areas:

- Prenatal/postnatal support
- Supporting vulnerable families

- Parenting supports
- Providing enrollment and information towards emergency dental care

Home visiting programs for some of our most vulnerable families are also offering virtual support to assist with

- adjusting to life with a new baby,
- addressing parenting concerns,
- promoting healthy child development,
- accessing other supports and services as they are available, and
- assessing for increased risk related to child protection

Services/Operational Changes

- Cessation of dental screening
- Cessation of dental services
- Cessation of breastfeeding clinics
- Cessation of well baby clinics
- Shifting all prenatal/postnatal support to virtual options from in-person service
- Shifting home visits to remote connections

For the period of March 16, 2020 to September 19, 2020:

- 359 registrants for online prenatal education
- 1,876 HBHC postpartum screens and assessments completed by PHN
- 1,391 HBHC home visits
- 417 Nurse Family Partnership visits
- 279 Infant Child Development service visits
- 515 Breastfeeding outreach visits
- 1,334 interactions with Niagara Parents (phone, live chat, and email)
- 129 moms received support and skill building through our cognitive behavioural therapy post-partum depression group
- 88 families received support and skill building through Triple P Individualized Parent Coaching

Operational Outlook

1 month

- Resume breastfeeding clinics

3 month & 6 month

- Future operations will depend on Provincial policy decisions around COVID-19 response. Loosening of social restrictions will enable delivery of programming with more direct engagement, as well as engagement within schools.
- Resumption of dental clinics and fluoride varnish administration is also being planned for the fall.
- Positive Parenting Program being planned for resumption in the fall. There has been high uptake to virtual class options.

Organizational and Foundational Standards

Current State of Operations

Organizational and Foundational Standards supports the data analytics, program evaluation, quality improvement, professional development, communications, engagement, and customer services activities of Public Health. There has been redeployment of 34 of 39 staff to Emergency Operations. Ongoing activity includes

- Opioid surveillance reporting
- Active screening of staff at Regional buildings
- Managing data governance and privacy issues

Services/Operational Changes

- Cessation of public health surveillance work
- Cessation of most public health communications and engagement work
- Cessation of public health data analytics
- Cessation of expanded implementation of electronic medical record system
- Cessation of all public health quality improvement work
- Cessation of Public health applied research
- Cessation of evaluating public health programs
- Cessation of public reception service in Public Health buildings
- Scaling back data governance initiative

Operational Outlook

- Expectation is that resources will remain reallocated to Emergency Operations for at least 6 months.

Emergency Medical Services

Current State of Operations

Emergency Medical Services (EMS) continues to dispatch land ambulance services to the population calling 911, as well as modified non-ambulance response to 911 calls as appropriate (the System Transformation Project). At present, call volumes have returned to expected values and operational response is normal. EMS has moved from the Monitoring stage of their Pandemic Protocol back to the Awareness stage following the recent increase in COVID-19 cases and the impact on resources. EMS is experiencing many staff in all areas of EMS operations needing to self-isolate due to family testing requiring business continuity procedures to be enacted. EMS continues to face pressures around personal protective equipment procurement as global shortages continue.

Services/Operational Changes

- Providing enhanced community support through COVID-19 specific programs (refer to PHD 05-2020 for additional details)

Operational Outlook

1 month

- The Pandemic Plan for response prioritization remains in place in case there is a resurgence of cases in Niagara. This is a unique plan to Niagara, enabled by Niagara's local control and tight integration of both ambulance dispatch and the land ambulance services.

3 month & 6 month

- Projections on operations in the future will depend on Provincial government policy decisions around COVID-19 response, and the subsequent circulation of COVID-19 in the population. Higher COVID-19 circulation would create demand for more calls to 911 as well as increase risk for EMS staff who must be off work due to COVID-19 infection or exposure. As 911 calls increase and/or staff are unable to work, the Pandemic Plan will prioritize which calls continue to be served, and which 911 calls receive a modified response (e.g. phone call and advice from a nurse) or no response.

Emergency Management

Current State of Operations

Emergency Management is currently fully deployed to supporting the Regional Emergency Operations Centre and advising the Public Health Emergency Operations Centre. Emergency Management is also deeply engaged with supporting emergency operations teams at the local area municipalities, as well as other key stakeholders (e.g. Niagara Regional Police, fire services, Canadian Forces). The CBNRE team has also been supporting emergency operations part time. Paramedics are also assisting with staffing the shelter system.

Services/Operational Changes

- Cessation of preparedness activities to focus fully on current response to COVID-19.

Operational Outlook

Ongoing support of current Emergency Operations Centres and recovery planning efforts. There are some elements of recovery planning that are begin implemented.

Respectfully submitted and signed by

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M. Mustafa Hirji, MD MPH FRCPC
Medical Officer of Health & Commissioner (Acting)
Public Health & Emergency Services

Community Services
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MEMORANDUM

COM-C 29-2020

Subject: **COVID-19 Response and Business Continuity in Community Services**

Date: **October 13, 2020**

To: **Public Health & Social Services Committee**

From: **Adrienne Jugley, Commissioner, Community Services**

This memo provides continued updates on the measures Community Services has taken to ensure the ongoing delivery of essential services during the COVID-19 pandemic, and the alternate approaches used to support those most vulnerable in Niagara.

Seniors Services – Long-Term Care

Resident Day Trips

Recently, there has been a surge in community COVID-19 infection rates and a re-emergence of significant outbreaks in long-term care homes across the province. After careful consideration of the changing landscape, Seniors Services modified the precautions regarding “day trips” or outings with family and friends to include additional safeguards to prevent potential exposure of COVID-19 within Niagara’s long-term care homes. Precautionary measures include COVID-19 testing and a 72 hour isolation period.

Long-Term Care Covid-19 Outbreak Updates

Bi-monthly surveillance testing of staff (mandated by the Province of Ontario), triggered outbreaks at Woodlands of Sunset, Meadows of Dorchester, Rapelje Lodge and Linhaven during this reporting period. Through the implementation of outbreak measures within the home, staff were able to bring each outbreak to a successful close with no transmission to staff and residents.

A number of staff with identified symptoms were tested for COVID-19 as a precautionary measure (over and above the bi-monthly surveillance testing). In two

instances, employees' test results were positive and as such triggered COVID-19 outbreaks, including an outbreak at Deer Park Villa and Meadows of Dorchester. The Deer Park Villa outbreak was cleared by Public Health on October 1, 2020 and there was no transmission of COVID-19 to staff and residents. The Meadows of Dorchester outbreak was declared on October 2, 2020 and at the time of this report, Public Health had initiated contact tracing and the home has implemented all outbreak measures.

Additional Pandemic Pay Update

On October 1, 2020, the province announced that a temporary wage increase will be provided to personal support workers, including those who work within long-term care homes, and home and community care settings. The temporary wage increase has been set at $3.00 per hour.

Funding Updates for Long-Term Care Homes

On September 29, 2020, the province announced funding for long-term care homes to better prepare for and address future surges and waves of COVID-19. Funding has been geared toward many areas of need for long-term care homes including, emergency prevention and containment, staff recruitment and retention, infection prevention and control, and personal protective equipment (PPE). Details on the funding, such as Niagara Region's allocation and how and when the funding will flow to the Region, are still being received and will be shared when available.

Seniors Services – Seniors Community Programs

Seniors Services implemented a blended model of service for the Adult Day Program, which includes a virtual program option to clients as well as a half day in-person model of service. Virtual programming went live with nine active clients on September 14, 2020. On September 21, 2020 the half day in-person model of service began; clients were offered one day of programming a week. All active clients are able to supplement the in-person service with virtual programming. Appropriate use of PPE, screening measures, and infection prevention and control training, are in place to ensure the safety and well-being of staff and clients.

Virtual registration for the Healthy Safe and Strong Exercise Program was completed through the month of September. One hundred and seventy-two clients have registered to receive virtual programming for the fall.

In-home visits for clients of the Respite Companion program resumed in September. Screening and relevant Public Health guidance and protocols, and PPE requirements are in place. Starting on October 19, 2020, Respite Companions will provide services to two clients per week, due to an increase in the number of clients interested in participating in the program. The program will look to continue expanding the number of clients served depending on local cases of COVID-19 and community infection rates, as well as by gauging the willingness of families to accept service from a Respite Companion that is supporting multiple clients. During this current phase of the pandemic, a Respite Companion will see only one client per day, however, a Respite Companion may serve more than one client per week.

Outreach Services is continuing with over the phone service delivery while resuming in-home visits based on client need. Comparing data from March 2019 to September 2019 with 2020 data for the same period, shows a 28% increase in client contacts. Six hundred and twelve clients have been served between March 2020 and September 2020. Appropriate use of PPE and health and safety measures, based on guidance from Public Health, are in place to ensure the safety and well-being of staff and clients.

The Calls for Connection initiative, which utilizes Respite Companions to provide both a well-being screener and weekly social connection calls to clients, has been reaching out to clients who have not been able to access services due to COVID-19 restrictions. Currently there are 59 active clients who receive scheduled calls. Seniors Services plans to expand Calls for Connection into Niagara Regional Housing wellness collaborative buildings and hubs in October and November.

Deer Park Suites Assisted Living continues to adapt to the changes in COVID-19 cases, recommendations received through Public Health, as well as guidance received through the province. Restrictions for clients, in terms of day outings which includes community appointments and outings with family for the day, were eased as of August 11, 2020. Health and safety measures remain in place (e.g. screening, physical distancing, mask wearing, etc.), and relevant communication is shared with both residents and families.

Homelessness Services & Community Engagement

Homelessness Services continues to operate the full emergency shelter system, overflow hotel rooms, the self-isolation facility and an enhanced street outreach service. As of September 18, 2020 180 individuals have been referred to the isolation facility with testing administered in shelter, resulting in negative findings to date.

On September 21, 2020, the federal government announced the Rapid Rehousing Initiative (RHI). The RHI is a $1 billion dollar capital investment program to help address urgent housing needs of vulnerable Canadians by rapidly creating new affordable housing. This program will support the acquisition of land and/or the conversion of existing buildings to permanent supportive housing, affordable housing, etc. The RHI is the newest initiative of the National Housing Strategy and will be available to municipalities, provinces, territories, Indigenous governing bodies and organizations, and non-profit organizations. The RHI does not provide operating funds to support any capital investments that are made and the expectation is to spend the funding received through this program by March 31, 2021. The federal government, in the next few weeks, will provide further details about program criteria and the application process for the RHI.

On September 21, 2020, the federal government also announced an additional $236.7 million through Reaching Home: Canada's Homelessness Strategy to help extend and expand the emergency response to the COVID-19 outbreak. Through this additional funding, Niagara Region will be receiving $1,705,346. This is in addition to Phase One of Reaching Home program funding that was provided in April 2020, through which Niagara Region received $1.25 million dollars to support the COVID-19 emergency response. Guidelines for the new additional funding, as well as further information on the timeline for spending this additional funding, are expected to be provided in the coming weeks.

Children's Services

Although the Ministry of Education permitted all licensed child care centres to reopen at full capacity as of September 1, 2020, the majority of Niagara's licensed child care service providers have reopened through a staggered approach in order to better accommodate for the increased capacity levels. EarlyOn centres remain closed to on-site visits; however, the centres are continuing to offer virtual services to children and families.

Most child care centres are reporting low enrollment numbers due to a number of factors which include, parental decisions to not return their children to child care, child care service providers ability to find qualified Registered Early Childhood Educators, and a shortage of staff due to employees being tested for COVID-19.

Children's Services is continuing to monitor the reopening of child care centres, which is expected to be completed by October 13, 2020. Further updates on the full number of

operational child care spaces will be provided once reopening is complete. Children's Services continues to provide funding to child care service providers to support their ability to remain open, as a result of the loss of revenue from parental fees.

Resource consultants, who provide specialized support to children with special needs, are conducting a blend of on-site and virtual visits to support children with identified needs in licensed child care programs. Home Visitor employees in Niagara Region's Home Child Care Program are conducting a combination of on-site and virtual visits with contracted home child care service providers. Virtual casework continues for families applying to receive child care subsidies. Registration for the ProKids Program has reopened, however the number of applications is significantly lower compared to September 2019.

On October 1, 2020, the provincial government updated the COVID-19 Screening Tool for Children in School and Child Care guidance. Children's Services will be working with licensed service providers to update and adjust their current screening tools to reflect these changes. Children's Services will be reviewing the new guidance to determine if there will be any financial implications.

As of October 5, 2020, the total number of child care spaces available is 3,907, across 135 licensed child care centres and 2 home child care programs across Niagara. Children's Services anticipates that approximately 20 licensed child care centres will reopen after Thanksgiving. Prior to the COVID-19 pandemic, there was a total of 11,595 licensed child care spaces across 169 child care centres, and 90 home based providers across Niagara. One licensed child care centre located in Lincoln, with a licensed capacity of 24 spaces, had to close temporarily due to having an insufficient number of staff needed to fully operate the centre. One licenced child care service provider that administered three child care centres in Niagara Falls, with a licensed capacity of 172 spaces, permanently closed due to stated concerns regarding financial capacity, and ability to keep staff and children healthy and safe. At this time, there is approximately 33 percent of licensed child care spaces operating from the overall licensed child care system.

Social Assistance & Employment Opportunities (Ontario Works)

As of August 2020, Niagara's OW caseload was 9,384. Overall, the average caseload has increased by 0.8% when compared to August of 2019.

As of July 31, 2020, the availability of the COVID-19 Discretionary Emergency Benefit, funded through the province, ended. Even though the benefit concluded, SAEO recognized that there is still a need for clients to access financial supports during the pandemic. Effective September 2020, SAEO expanded the list of eligible items under employment related expenses to include COVID-19 related items, as a temporary measure to support OW clients. Items include the delivery of essential supplies for those who are self-isolating, masks, cleaning supplies and sanitizer. The goal through this temporary measure is to improve a client's access to necessary supports and services and remove any barriers that a client may face, to continue assisting a client's life stabilization and employment activities during the pandemic. Funding to support this temporary measure is within SAEO's 2020 approved budget.

In September 2020, SAEO implemented the second phase of its staged recovery approach with a service delivery model that incorporates in-person, telephone and virtual services in both the Fort Erie and Port Colborne offices. This service delivery model has allowed SAEO to respond to the needs of high-risk clients while also supporting the health and safety of clients and staff across Niagara.

As of September 27, 2020, the Canada Emergency Response Benefit (CERB) transitioned to a modified Employment Insurance (EI) program. Those receiving the modified EI program are eligible for a taxable benefit at a rate of at least $500 per week, or $300 per week for extended parental benefits. People claiming EI benefits for job loss would be eligible for at least 26 weeks. The EI program will also allow people with 120 hours of insurable work or more to qualify by providing a temporary, one-time credit of 300 insurable hours for those claiming EI regular and work-sharing benefits. People claiming EI special benefits (e.g. maternity, parental, sickness, compassionate care, and family caregiver), will be provided with a temporary, one-time credit of 480 insurable hours. The modifications to the EI program also include setting the unemployment rate at 13.1 percent across Canada (contributing to the formula for benefits eligibility), and freezing EI insurance premium rates for two years.

On October 1, 2020, the federal government passed legislation for three new temporary recovery benefits. The benefits would apply retroactively to begin as of September 27, 2020 and will be available between September 27, 2020 and September 25, 2021.The three new temporary benefits are:

- The Canada Recovery Benefit that will provide $500 a week for up to 26 weeks, to workers who are self-employer or are not eligible for EI who still require income support. This would support people who have not returned to work due to COVID-19

or whose income has dropped by at least 50%. Recipients must be available and looking for work, and must accept work where it is reasonable to do so.

- The Canada Recovery Sickness Benefit that will provide $500 per week for up to two weeks for people who do not have access to paid sick leave, and to make it easier to stay home if there is a need to self-isolate due to COVID-19.
- The Canada Recovery Caregiving Benefit that will provide $550 per week per household for up to 26 weeks. The benefit will be available for people who are providing care for a child, family member, or dependent who is not attending school, daycare, or other care facilities because they are closed as a result of COVID-19 or because they are at high-risk if they contract COVID-19.

Staff are working to ensure that the OW caseload is updated to better understand a client's readiness for employment and any necessary referrals that a client may require to address barriers (e.g. housing, mental health, etc.).

On September 30, 2020, the provincial government announced the first phase of the Social Assistance Recovery and Renewal Plan. Through this Plan, the province will be focusing on improved access to employment and training services, developing new tools and modern service options, and ways to process financial assistance faster. Based on many process improvements already implemented and continuous efforts to align services with emerging provincial policy, SAEO is well positioned to move forward with the first phase of the Social Assistance Recovery and Renewal Plan. SAEO will provide updates on these recently announced changes as additional details become available.

Niagara Regional Housing (NRH)

NRH continues to deliver essential services, in all business streams, while taking all the necessary safety precautions and protocols. NRH has reintroduced in-suite maintenance in NRH units. Community programs in NRH units have also resumed, with after school programs in Welland's McLaughlin Street community. The after school programs include scheduled in-person homework help for a maximum of three children, and the delivery of craft/recipe kits. Other communities that also normally have after school programs will receive weekly activity kits, however, in-person programming will not be provided as United Way has discontinued funding that was allocated towards in-person programming.

NRH has coordinated on-site programs like BBQs, balcony bingo and porch visits, in place of programs that were cancelled or being held virtually. Adult masks were

distributed to every NRH unit that included instructions on how to properly wear a mask along with Niagara Region's Public Health contact information.

NRH has obtained a priority hearing at the Landlord and Tenant Board, which recently reopened virtually, in order to resolve a significant tenant related issue. The backlog of pre-COVID-19 hearings have been scheduled to resume at the end of September.

NRH has partnered with Niagara College to have a security student offer friendly reminders about COVID-19 guidelines to tenants, in an effort to reduce any social issues resulting from claims of non-compliance.

The NRH intensification project in Hawkins Street is currently progressing as planned, on budget, and without any delays. Currently, there is a shortage of some building materials needed for the project, however, NRH is working closely with the general contractor of the project to secure these materials and prevent any delays.

NRH continues to assist housing providers (e.g. providers of non-profit and cooperative housing) by sharing relevant communication materials (e.g. signs/posters), updates from the Ministry of Municipal Affairs and Housing, the Landlord and Tenant Board, as well as steps NRH is taking to respond throughout the pandemic. The Provider Advisory Committee, which acts as a liaison between housing providers and NRH, began meeting virtually which has allowed for greater opportunity for ongoing discussions within the group.

Respectfully submitted and signed by

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Adrienne Jugley, MSW, RSW, CHE
Commissioner

Subject: Update on Community Based Capital Program and Early Years Capital Program Projects

Report to: Public Health and Social Services Committee

Report date: Tuesday, October 13, 2020

Recommendations

1. That this report **BE RECEIVED** for information.

Key Facts

- On November 16, 2017, the Ministry of Education (MEDU) announced $157 million in capital funding over two years for purpose-built child care through new construction, renovations, retrofits and additions to promote the creation of up to 5,000 new licensed child care spaces in community-based facilities for children aged 0 to 4 years.
- Locally, Niagara Region Children's Services received $6.4 million in Community Based Capital Program (CBCP) funding to support six capital projects (five licensed child care centres and one child and family centre).
- A second provincial capital funding program, Early Years Capital Program (EYCP) flowed from the Ministry of Education directly to three local school boards approved for five school-based child care capital build projects and retrofits for care of children aged 0 to 4 years.
- Combined, the provincially funded capital programs will create an additional 475 licensed child care spaces in Niagara, of which 70 spaces will be for the care of infants.
- As the local licensed child care system continues to expand, service managers will be challenged to financially support the operation of the additional spaces within the existing child care budget allocation from the province and continue to strive to ensure affordability for families.

Financial Considerations

The Community-Based Early Years and Child Care Capital Program (CBCP) provides 100% capital funding from the Ministry of Education. Locally, Niagara Region Children's Services received $6.4 million in funding to support six projects (five licensed child care centres and one child and family centre). The funding has supported the creation of 230

new licensed child care spaces across Niagara, consisting of: 20 infant, 90 toddler, 120 preschool spaces.

The EYCP funding was also flowed directly by the province to three local school boards who were approved for five school-based child care capital build projects. The funding supports the creation of 245 new licensed child care spaces in schools consisting of: 50 infant, 75 toddler, and 120 preschool age spaces.

While the capital funding is 100% provincially funded, no additional operating dollars were provided to the local system and on April 26,2019, the MEDU asked Niagara Region Children's Services, as the local service system manager, to confirm support for ongoing operations funding within the current provincial base budget allocation for the newly created spaces.

Analysis

On November 16, 2017, the Ministry of Education announced the 2017-18 Community-Based Early Years and Child Care Capital Program, an investment of $157 million in capital funding over two years for purpose-built licensed child care centres. The funding supported new construction, renovations, retrofits and additions with the goal to create up to 5,000 new licensed child care spaces in community-based facilities for children aged 0 to 4 years across Ontario.

In response to the province's request for capital funding applications, four Niagara service providers applied for child care and/or EarlyON Child and Family Centre capital funding, and Niagara Region additionally submitted an application for the St. Catharines Regional Child Care Centre.

On April 5, 2018, Children's Services received funding of $6.4 million to support six projects (one service provider received approval for two different projects) to create an additional 230 licensed child care spaces across Niagara, consisting of: 20 infant, 90 toddler, and120 preschool spaces. To date, four of the capital build projects have been completed, including the project at the St. Catharines Regional Child Care Centre (as per approval of COM 01-2018 Request for Community-Based Child Care Capital Build Funding).

The following table provides more information indicating the municipality, recipient agency, the project type (addition to existing building and/or renovation of an existing space) number of additional licensed child care spaces, and project status.

Municipality	Agency Name	Project Type	Child Care Spaces	Status
Fort Erie	Fort Erie Native Friendship Centre	Addition	72	Complete
		Addition (EarlyON Child and Family Centre)	N/A	Complete
Grimsby	Kidzdome Preschool	Addition/Renovation	78	In progress
Niagara-on-the-Lake	Niagara Nursery School	Addition	15	Pending
Pelham	A Child's World Family Care Services of Niagara	Renovation	25	Complete
St. Catharines	Niagara Region	Addition/Renovation	40	Complete

The construction at Kidzdome Preschool in Grimsby is nearly complete, with an anticipated opening the first week of November, pending a successful MEDU licensing inspection.

The capital build projects are required to be completed by December 31, 2020, however, due to a number of local challenges, including some associated with the COVID-19 pandemic, the Niagara Nursery School project in Niagara-on-the-Lake will not meet the provincial deadline. At this time, the project is awaiting approval from the MEDU for a funding extension, which would allow for the provincial funding to be accessed beyond 2020, until the completion of the project.

In addition to the CBCP, on January 6, 2017, the MEDU launched the EYCP, giving school boards an opportunity to request capital funding to support the creation of new child care spaces or child and family centre projects that are associated with a larger school capital project. Three local school boards were approved for capital funding to support five capital projects in schools. The funding supports the creation of 245 new licensed child care spaces in schools consisting of: 50 infant, 75 toddler and 120 preschool age spaces. To date, one of the five EYCP capital projects was completed in September 2019, and another project is anticipated to be completed in October 2020. Two additional EYCP builds will be completed in 2021, and the last project is anticipated to be completed in 2022.

Combined, the EYCP and CBCP capital funding will support the creation of an additional 475 licensed child care spaces in Niagara, of which 70 spaces will be for infant care. This will help meet a local priority of increasing the total number of licensed infant spaces, to address the critical demand in Niagara. As of August 31, 2020, of the 11,830 licensed child care spaces in Niagara, 258 are available for infants.

Niagara Region Children's Services, in its role as service system manager of the local licensed child care system, has been monitoring the impacts of COVID-19 on the system, working with licensed child care service providers, and developing mitigation strategies to address the following challenges:

No increase in annualized provincial child care funding

While the additional 475 licensed child care spaces are a welcome addition to the current system, Niagara Region Children's Services will be expected to financially support the operation of the additional spaces within the existing child care budget allocation from the province. Because the provincial government is not anticipated to provide any additional child care funding to the existing base budget, as the system grows, the annual child care funding allocated to licensed child care service providers per licensed space will be reduced. While Children's Services is working to mitigate the anticipated budgetary impacts, the lack of increased funding will likely cause some licensed child care service providers to increase parent fees for child care to make up for the reduction in annual funding and to address increasing costs associated with operating a licensed child care centre. However, it should also be noted that the provincial government has also introduced the Ontario Childcare Tax Credit, which is intended to assist low to middle income families with child care costs through the tax return process.

Qualified staff shortage

Prior to the COVID-19 global pandemic, the province was already facing a critical shortage of qualified Registered Early Childhood Educators to care for children attending licensed child care. This staffing crisis has been exacerbated by COVID-19, as some qualified staff have elected not to return to work in these uncertain times, while others are on medical leave due to underlying health issues and their risk to the virus. This means that it is very possible that the newly created licensed child care spaces will be difficult to staff and some could remain vacant for some time, due to insufficient qualified staffing. With the reopening of the child care system, Niagara Region Children's Services is actively monitoring system capacity, family uptake of available

spaces, child care fees and staffing challenges in the system, and commits to providing Council with regular updates in the months ahead.

Alternatives Reviewed

This report is initiated by staff to provide Council with information related to a service enhancement.

Relationship to Council Strategic Priorities

The provision of accessible and quality early learning programs and services supports Council's focus on Supporting Businesses and Economic Growth

Other Pertinent Reports

- COM 1-2018 Request for Community-Based Child Care Capital Build Funding
- CWCD156-2018 Ministry of Education Announcement
- COM 30-2019 School Based Child Care Capital Projects

Prepared by:
Sandra Noel
Manager
Community Services

Recommended by:
Adrienne Jugley, MSW, RSW, CHE
Commissioner
Community Services

Submitted by:
Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Lori Bell, Manager, and reviewed by Darlene Edgar, Director.

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MEMORANDUM

PHD-C 11-2020

Subject: Decriminalization of Personal Possession of Illicit Drugs

Date: October 13, 2020

To: Public Health & Social Services Committee

From: Dr. Andrea Feller, Associate Medical Officer of Health

Background:

Addiction is a disease, often tracking back to childhood adversity and trauma(s). We now have a strong understanding of the neurodevelopmental physiology involved and adverse childhood experiences are estimated to account for 40-60% of the risk of development of substance-use disorders in North America.

Education that has focused on drug avoidance, such as Drug Abuse Resistance Education (DARE), have been shown to be ineffective and perhaps harmful. Criminalization of drug use has not reduced the use of, or harms from, drugs and causes harms, including:

- Stigma and harsh judgment of people who use drugs
- Criminal records that impair people's ability to recover from addiction
- Difficulty accessing harm reduction and treatment services, which can lead to bloodborne infections such as HIV
- Disproportionate impacts on vulnerable individuals, including people experiencing poverty or homelessness, and people from racialized groups.

Current Approach in Canada:

Increases in harm reduction and treatment services for people who use drugs, including availability of Naloxone, supervised consumptions sites (SCSs), medical substitution therapy, and provision of sterile drug use equipment have become common. Niagara's utilization of these options is appropriately proportionately higher than the provincial average, and police services have already moved to decreased drug criminalization in practice. These are important investments and efforts, but opioid-related harms continue to increase. Readiness is high. Last month, the Public Prosecution Service of Canada (PPSC) issued a directive strongly discouraging prosecution of simple

possession. This is a critical step and formalizes the current common practice, but is not enough to ensure decriminalization.

Decriminalization of Possession of Illicit Drugs and Global Experience:

Decriminalization is the removal of criminal penalties for the individual use and possession of drugs. It is not legalization; the manufacturing, distribution, and sale of illicit drugs remains illegal.

Many organizations in Canada, and internationally, support decriminalization, including the Canadian Association of Chiefs of Police, the Canadian Public Health Association, the Centre for Addiction and Mental Health, and the World Health Organization.

Portugal decriminalized all drugs in 2001, leading to reduced problematic drug-use, no increase in drug-use since decriminalization, fewer people incarcerated for drug offences, more people in treatment for substance dependence, reduced incidence of HIV, reduced drug-related deaths, and still had an estimated reduction in the social costs of drug use of 18%.

Portugal's decriminalization occurred after two years of increasing investment in prevention, harm reduction, and treatment services for people who use drugs. Drug-use remains an administrative offense, with diversion to health services practiced for those identified with problematic substance-use.

Other countries with varying levels of decriminalization of drug-use have seen mixed and less conclusive results due to differing contexts and approaches.

- Australia's diversion programs showed high completion rates and a reduction in any further drug offences, but net widening was observed initially. Net widening:
    - When the number of people implicated in the criminal justice system increases after implementation of a diversion scheme, which could result in increased prosecution despite decriminalization
    - Effects were reduced through clear communication to the police and public about the purpose of the diversion program, increasing flexibility of the program, and increasing the threshold quantities for personal possession; these measures were in place early in Portugal, and net widening was avoided there
- The Czech Republic decriminalized personal possession of drugs originally in 1990, subsequently increasing criminalization in 1999 due to political pressures, with analyses finding increases in social and enforcement costs and no reduction in drug use with the increased criminalization
- The Netherlands decriminalized small amounts of drugs, with mixed results, including low use and harm from opioids and high use of MDMA and amphetamines

- Mexico instituted some drug decriminalization policies in 2009, with associated diversion practices, however the amount considered “personal possession” was very small and there was limited implementation, with unclear results

Norway has begun a diversion scheme and intends to make more sweeping changes in 2021, and New Zealand has introduced legislation requiring police to consider the potential benefits of providing health services instead of prosecution.

Altogether, decriminalization does not lead to increased substance use. There is good information available to guide decriminalization policy attempts to ensure the benefits outweigh any risks, including the importance of prevention, harm reduction, social support and other interventions, similar to those existing in Niagara, which are likely key to maximizing success.

Key Points:

- The current layered approaches around substance use are critical but will not be enough
- Net widening, a potential risk of decriminalization, can likely be avoided through clear communication to the police and public, high threshold quantities for classification as personal possession, and flexible diversion policies
- Decriminalization policies in the context of increased investment in prevention, health promotion, harm reduction, treatment, and supportive (e.g. housing, employment) services reduce drug-related harms and likely also decrease societal costs
- Consideration for and review of broader implementation of decriminalization, safe supply, and other innovative approaches is well supported by the evidence

Respectfully submitted and signed by

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Andrea Feller, MD, MS, FAAP, FACPM
Associate Medical Officer of Health

Niagara Region

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MEMORANDUM

CWCD 268-2020

Subject: **Opioid Work Update**

Date: **October 2, 2020**

To: **Board of Health**

From: **Dr. Andrea Feller, Associate Medical Officer of Health**

We have important updates around the opioid overdose epidemic.

1. While finalized data have been lagging during the pandemic, we have continued to monitor EMS data and preliminary hospital and ED visit data. As noted previously, the data have shown that at best, there would be no improvements this year. However, the data are now clearly showing ongoing significantly worsening volumes for EMS calls, and an increasing trend in ED visits. Preliminary data show an increase in hospitalizations as well. It is very good that the public are calling EMS, and we need to continue to encourage this practice.

2. Deaths data are now available until May. We have complete data (trends and themes) for January through March, and have begun to analyze that. We anticipate receiving complete data for April through May imminently.

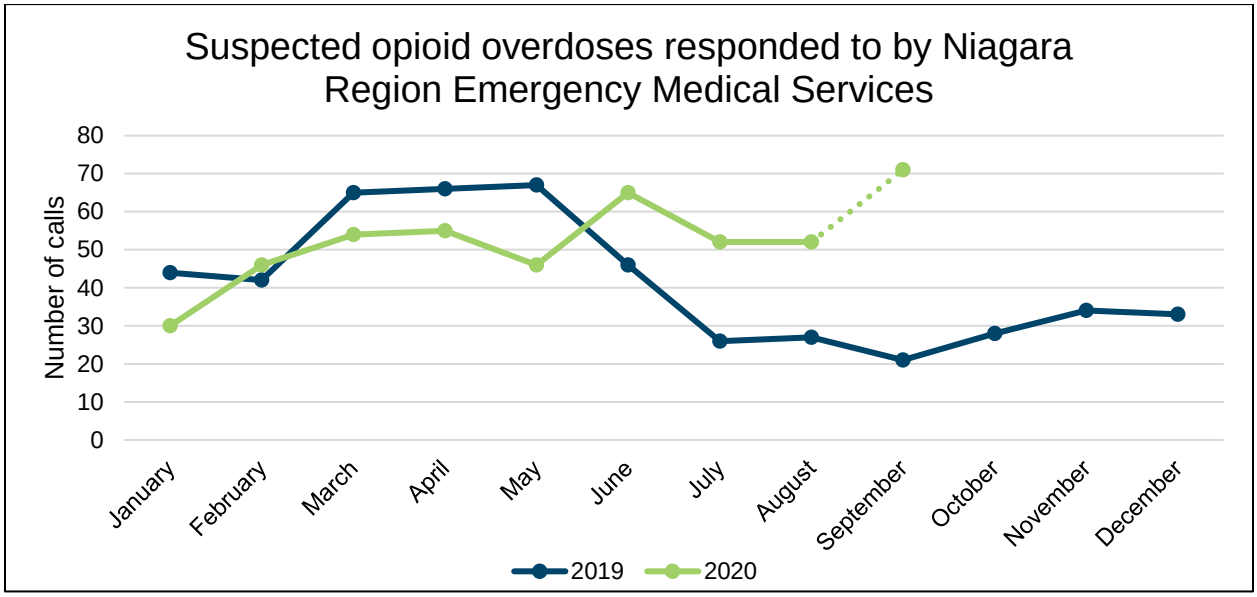
3. Naloxone distribution and use has also increased, which is critically important. **We encourage all persons to never use alone, and to make sure you have naloxone.**

4. OPENN updates: Four advisories have gone out this year. The Substance Use Prevention report is in the final stages. OPENN's prioritizations amongst the recommendations based on feasibility and anticipated impact are nearly done and workplan development, and sharing back with the community are the final steps.

5. NRPH is extremely grateful to the Ministry of Health and Public Health Ontario for their willingness to support our community. With them, we are striving to have quicker access to deaths data, support for assessment towards another SCS in Niagara, if the community is ready, and information to help OPENN with their safer supply workgroup efforts.

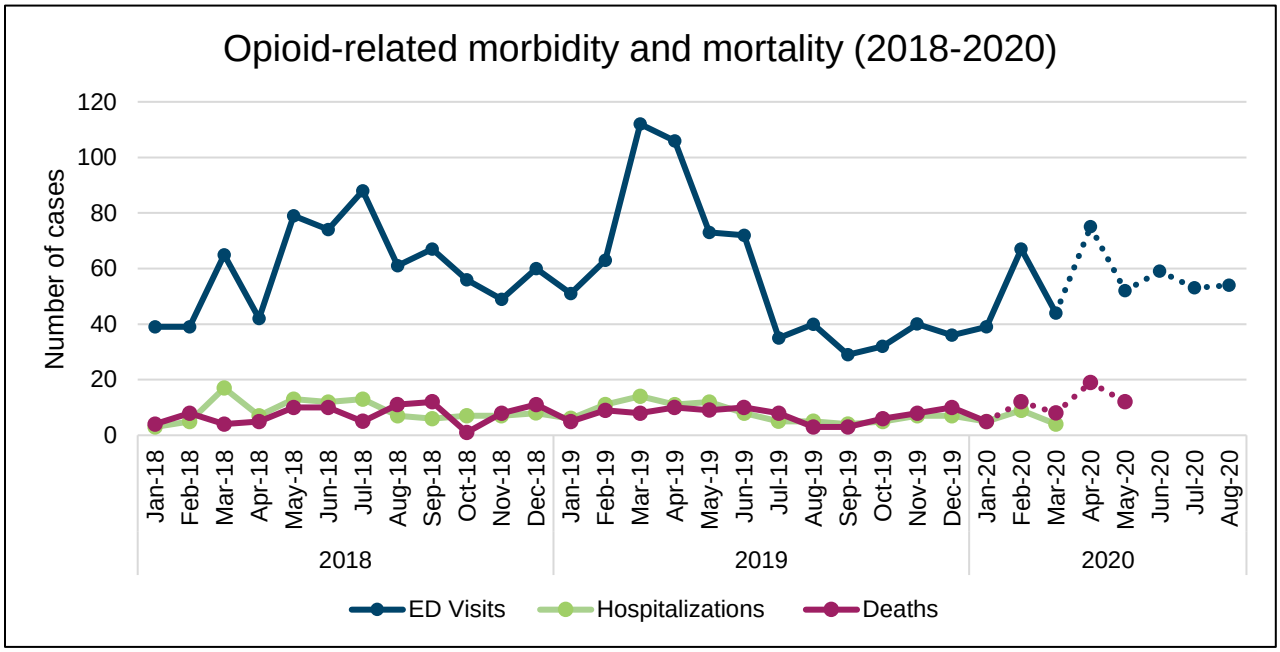
6. The website is updated as data becomes available. These updates are available through NRPH's site (in addition to elsewhere on the Region's site). https://www.niagararegion.ca/living/health_wellness/alc-sub-abuse/drugs/overdose-prevention.aspx

7. For this report, we have included some **preliminary** data (in broken lines) in addition to the data found on the website. A summary of opioid-related population health outcome and naloxone distribution data available to date follows.



Data source: Niagara Emergency Medical Services, 2019-2020

- In 2019, there were 499 suspected opioid overdoses that were responded to by EMS. This was an average of 42 calls per month
- From January to August 2020, there were 400 suspected opioid overdoses that were responded to by EMS. This is an average of 50 calls per month
    - As of September 29, 2020, there have been 71 suspected opioid overdoses that were responded to by EMS this month. This is a record high for monthly calls.



Data source: National Ambulatory Care Reporting System, 2018-2020; Discharge Abstract Database, 2018-2020; Office of the Chief Coroner of Ontario, 2018-2020.

Note: ED visit data from April 2020 and onward is considered preliminary and should be interpreted with caution; Death data for 2020 is considered preliminary and should be interpreted with caution

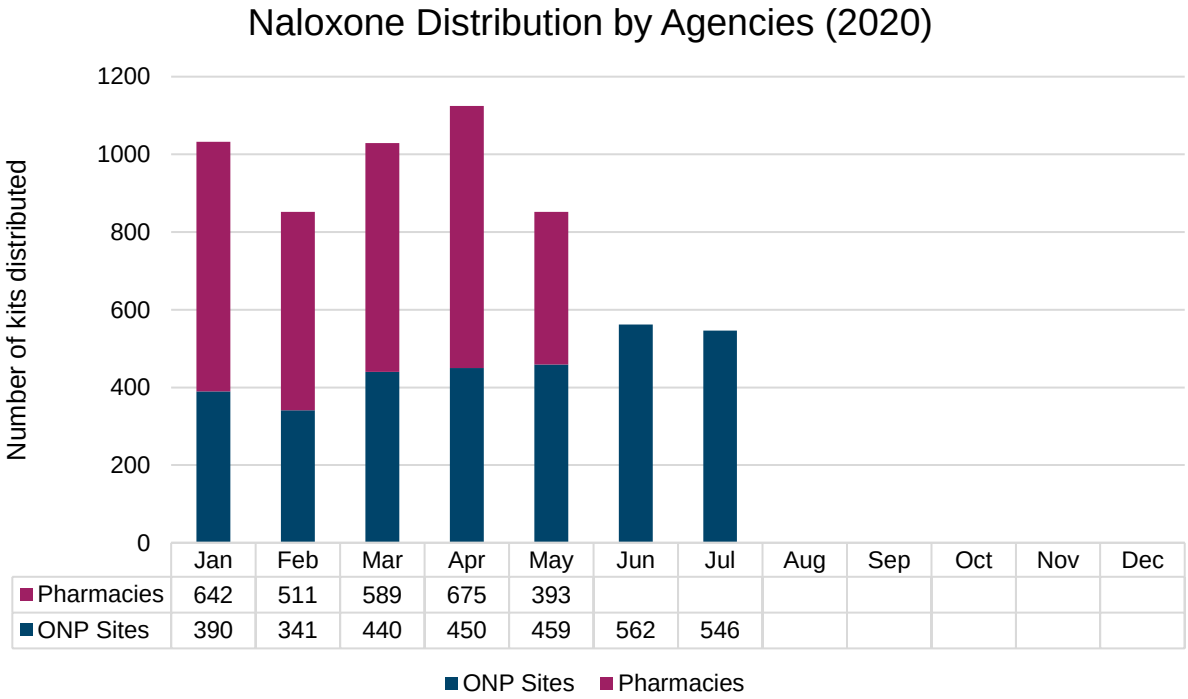
Emergency Department Visits and Hospitalizations

- In 2018, there were a total of 719 opioid poisoning emergency department (ED) visits, and 105 hospitalizations. This was an average of 60 ED visits per month and 9 hospitalizations per month
- In 2019, there was a total of 689 opioid poisoning ED visits and 95 hospitalizations. This was an average of 57 ED visits per month and 8 hospitalizations per month
- From January to August 2020, there have been 456 opioid poisoning ED visits. This is an average of 57 ED visits per month
- From January to March 2020, there have been 18 hospitalizations. This is an average of 6 hospitalizations per month

Deaths

- In 2018, there were 89 opioid overdose deaths. This was an average of 7 deaths per month
    - Fentanyl was the most common type of opioid present at the time of death (present in 79% of deaths), followed by methadone (present in 18% of deaths)

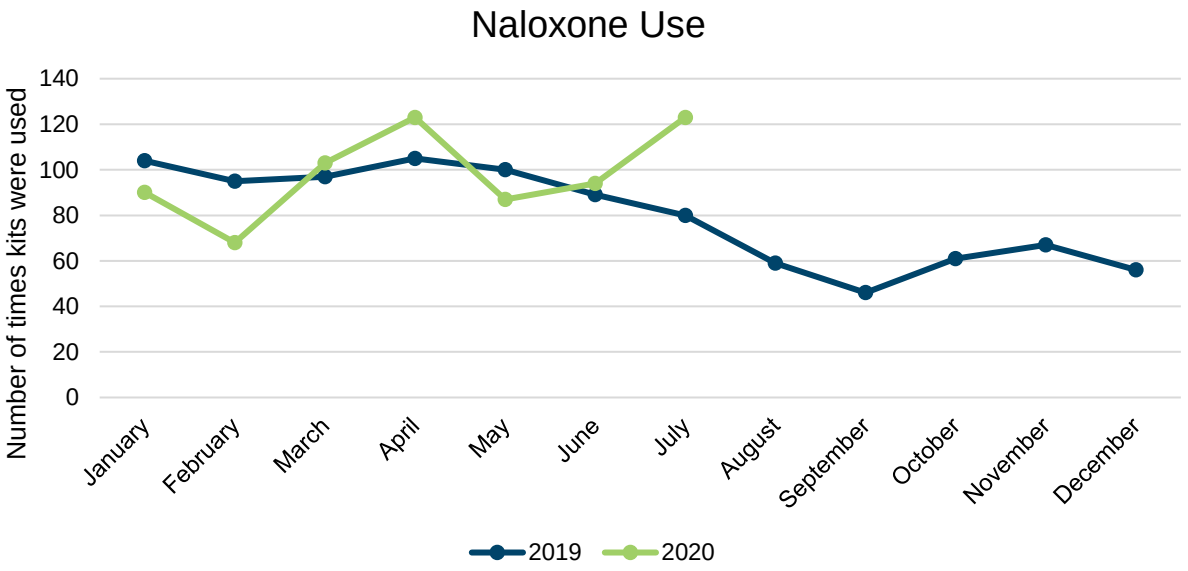
- In 2019, there were 89 opioid overdose deaths. This was an average of 7 deaths per month
    - Fentanyl was the most common type of opioid present at the time of death (present in 52% of deaths), followed by carfentanil (present in 46% of deaths)
- From January to May 2020, there have been 56 opioid overdose deaths. This is an average of 11 deaths per month
    - January to March themes are consistent with previous years in terms of using while alone. Cocaine use was higher than in the past. Full information will be updated once second quarter analysis is available.



	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Pharmacies	642	511	589	675	393							
ONP Sites	390	341	440	450	459	562	546					

Data source: Niagara Region Public Health, 2020; Ministry of Health, 2020.

Note: Data for naloxone distribution from Canadian Addiction Treatment Centres is unavailable for 2020 while pharmacy data is only available up until the end of May 2020



Data source: Niagara Region Naloxone Distribution and Use [2019-2020].

- In 2019, there were over 13,500 naloxone kits distributed by pharmacies, Ontario Naloxone Program sites, and the Canadian Addiction Treatment Centres in Niagara.
    - Naloxone kits were reported to be used 959 times during this time
- From January to July 2020, there were over 6,000 naloxone kits distributed by pharmacies and Ontario Naloxone Program sites in Niagara (data are incomplete)
    - Naloxone kits were reported to be used 688 times during this time

We will continue to keep you updated. Other pertinent correspondence is listed below:

CWCD 429-2019

Respectfully submitted and signed by

_____
Andrea Feller, MD, MS, FAAP, FACPM
Associate Medical Officer of Health

Minute Item No. 5.1
CLK 10-2020 REVISED
2021 Legislative Schedule of Regular Meetings

That Report CLK 10-2020 REVISED, dated October 14, 2020, respecting 2021 Legislative Schedule of Regular Meetings, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That Option 1 of the 2021 Legislative Schedule (Appendix 1 to Report CLK 10-2020 REVISED), **BE APPROVED**.

Minute Item No. 5.2
CSC-C 20-2020
Recommendations for Consideration from the Women's Advisory Committee meeting held September 30, 2020

That Correspondence Item CSC-C 20-2020, being a memorandum from A.-M. Norio, Regional Clerk, dated October 14, 2020, respecting Recommendations for Consideration from the Women's Advisory Committee meeting held September 30, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Minute Item No. 5.3
HR 5-2020
Human Resources Information Systems (HRIS) Support

That Report HR 5-2020, dated October 14, 2020, respecting Human Resources Information Systems (HRIS) Support, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That an extension to the current Human Resources Information Systems (HRIS) Application Support, Maintenance & Development agreement, currently set to expire on March 31, 2021, **BE APPROVED**, for a period not to exceed 18 months, in order to ensure adequate time to facilitate a procurement process (Request for Proposal), award the ensuing contract, ensure a seamless transition and mitigate the risk of any interruption to critical HR and payroll services should the outcome of the RFP necessitate a change from the current provider. The total cost of the extension will be $1,270,100, should it be for the entire 18 month period.

Minute Item No. 6
Consent Items for Information

That the following items **BE RECEIVED** for information:

CSC-C 19-2020
COVID-19 Response and Business Continuity in Corporate Services

CSD 64-2020
Canada Summer Games - Transition Update

Minute Item No. 9.1
Confidential CSD 59-2020
A Matter Respecting Litigation and a Matter of Advice that is Subject to Solicitor-Client privilege under s. 239(2)(e) and (f) of the Municipal Act, 2001 – Hatch Corporation and South Side Low Lift Sewage Pumping Station Upgrades, Chippawa (Niagara Falls)

That Confidential Report CSD 59-2020, dated October 14, 2020, respecting A Matter Respecting Litigation and a Matter of Advice that is Subject to Solicitor-Client privilege under s. 239(2)(e) and (f) of the Municipal Act, 2001 – Hatch Corporation and South Side Low Lift Sewage Pumping Station Upgrades, Chippawa (Niagara Falls), **BE RECEIVED** and the recommendation contained therein, **BE APPROVED**.

Minute Item No. 9.2
Confidential CSD 62-2020
A Matter Respecting Litigation and a Matter of Advice that is Subject to Solicitor-Client privilege under s. 239(2)(e) and (f) of the Municipal Act, 2001 – Cole Engineering Group Ltd. re Welland Wastewater Treatment Plant

That Confidential Report CSD 62-2020, dated October 14, 2020, respecting A Matter Respecting Litigation and a Matter of Advice that is Subject to Solicitor-Client privilege under s. 239(2)(e) and (f) of the Municipal Act, 2001 – Cole Engineering Group Ltd. re Welland Wastewater Treatment Plant, **BE RECEIVED** and the recommendation contained therein, **BE APPROVED**.

Minute Item No. 9.3
Confidential CSD 67-2020
A Matter of Advice that is Subject to Solicitor-Client privilege and A Matter of Commercial Information supplied in confidence to the municipality which if disclosed could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization, under s. 239(2) of the Municipal Act, 2001 – 2021 Canada Summer Games Agreements - Update and Next Steps

That Confidential Report CSD 67-2020, dated October 14, 2020, respecting A Matter of Advice that is Subject to Solicitor-Client privilege and A Matter of Commercial Information supplied in confidence to the municipality which if disclosed could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization, under s. 239(2) of the Municipal Act, 2001 – 2021 Canada Summer Games Agreements - Update and Next Steps, **BE RECEIVED** for information.

Minute Item No. 9.4
Confidential CSC-C 21-2020
A Matter of a Proposed or Pending Acquisition or Disposition of Land by the Municipality - Niagara Regional Housing Acquisition of Property in the City of Niagara Falls (Confidential Report NRH 12-2020)

That Confidential Correspondence Item CSC-C 21-2020, being a memorandum from A.-M. Norio, Regional Clerk, dated October 14, 2020, respecting A Matter of a Proposed or Pending Acquisition or Disposition of Land by the Municipality - Niagara Regional Housing Acquisition of Property in the City of Niagara Falls (Confidential Report NRH 12-2020), **BE RECEIVED** for information.

THE REGIONAL MUNICIPALITY OF NIAGARA
CORPORATE SERVICES COMMITTEE
OPEN SESSION

CSC 9-2020
Wednesday, October 14, 2020
Council Chamber/Video Conference
Niagara Region Headquarters, Campbell West
1815 Sir Isaac Brock Way, Thorold, ON

Committee Members Present in the Council Chamber:	Foster (Committee Chair), Rigby, Whalen (Committee Vice-Chair)
Committee Members Present via Video Conference:	Bradley (Regional Chair), Butters, Diodati, Easton, Edgar, Fertich, Gale, Heit, Ip, Redekop
Other Councillors Present via Video Conference:	Zalepa
Absent/Regrets:	Campion
Staff Present in the Council Chamber:	H. Chamberlain, Director, Financial Management & Planning/Deputy Treasurer, M. Elia, Technology Support Analyst, L. Gigliotti, Associate Director, Employee Services, T. Harrison, Commissioner/Treasurer, Corporate Services, F. Meffe, Director, Human Resources, A.-M. Norio, Regional Clerk, R. Tripp, Acting Chief Administrative Officer
Staff Present via Video Conference:	S. Crocco, Legal Counsel, D. Gibbs, Director, Legal & Court Services, S. Hendrie, Chief Information Officer, K. Lotimer, Legislative Coordinator, B. Menage, Director, Procurement & Strategic Acquisitions, M. Trennum, Deputy Regional Clerk, B. Wilson, Legal Counsel, N. Wolfe, Director, Construction, Energy & Facilities, B. Zvaniga, Interim Commissioner, Public Works

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1. CALL TO ORDER

Committee Chair Foster called the meeting to order at 9:30 a.m.

2. DISCLOSURES OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

3. PRESENTATIONS

There were no presentations.

4. DELEGATIONS

4.1 Canada Summer Games - Transition Update (Report CSD 64-2020 (Agenda Item 6.2))

4.1.1 Doug Hamilton, Chair, 2021 Canada Summer Games

Doug Hamilton, Chair, 2021 Canada Summer Games, appeared before Committee to provide an update on the planning for the Canada Summer Games.

5. ITEMS FOR CONSIDERATION

5.1 CLK 10-2020 REVISED
2021 Legislative Schedule of Regular Meetings

Moved by Councillor Fertich
Seconded by Councillor Edgar

That Report CLK 10-2020 REVISED, dated October 14, 2020, respecting 2021 Legislative Schedule of Regular Meetings, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That Option 1 of the 2021 Legislative Schedule (Appendix 1 to Report CLK 10-2020 REVISED), **BE APPROVED**.

Carried

5.2 CSC-C 20-2020
Recommendations for Consideration from the Women's Advisory Committee meeting held September 30, 2020

Moved by Councillor Ip
Seconded by Councillor Butters

That Correspondence Item CSC-C 20-2020, being a memorandum from A.-M. Norio, Regional Clerk, dated October 14, 2020, respecting Recommendations for Consideration from the Women's Advisory Committee meeting held September 30, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

5.3 HR 5-2020
Human Resources Information Systems (HRIS) Support

Linda Gigliotti, Associate Director, Employee Services, provided information respecting Human Resources Information Systems (HRIS) Support. Topics of the presentation included:

- Current State of Human Resources Information Systems
- Recommendation
- Key Considerations
- Actions Completed
- Next Steps & Questions

Moved by Councillor Rigby
Seconded by Councillor Whalen

That Report HR 5-2020, dated October 14, 2020, respecting Human Resources Information Systems (HRIS) Support, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That an extension to the current Human Resources Information Systems (HRIS) Application Support, Maintenance & Development agreement, currently set to expire on March 31, 2021, **BE APPROVED**, for a period not to exceed 18 months, in order to ensure adequate time to facilitate a procurement process (Request for Proposal), award the ensuing contract, ensure a seamless transition and mitigate the risk of any interruption to critical HR and payroll services should the outcome of the RFP necessitate a change from the current provider. The total cost of the extension will be $1,270,100, should it be for the entire 18 month period.

Carried

6. CONSENT ITEMS FOR INFORMATION

Moved by Councillor Diodati
Seconded by Councillor Easton

That the following items **BE RECEIVED** for information:

CSC-C 19-2020
COVID-19 Response and Business Continuity in Corporate Services

CSD 64-2020
Canada Summer Games - Transition Update

Carried

7. OTHER BUSINESS

7.1 Diversity, Equity and Inclusion

Councillor Ip requested a report to be brought to the Corporate Services Committee meeting being held on December 9, 2020, respecting the creation of a structure of working groups and/or advisory committees, to ensure that the communities in Niagara have a part in directing the work related to addressing issues faced by equity seeking groups.

7.2 Legal Services

Councillor Redekop requested information respecting the Region's Legal Services Department, including the number of lawyers, their areas of work and the department budget. Todd Harrison, Commissioner/Treasurer, Corporate Services, advised that he would provide the requested information.

8. CLOSED SESSION

Committee did not resolve into closed session.

9. BUSINESS ARISING FROM CLOSED SESSION ITEMS

9.1 Confidential CSD 59-2020
A Matter Respecting Litigation and a Matter of Advice that is Subject to Solicitor-Client privilege under s. 239(2)(e) and (f) of the Municipal Act, 2001 – Hatch Corporation and South Side Low Lift Sewage Pumping Station Upgrades, Chippawa (Niagara Falls)

Moved by Councillor Heit
Seconded by Councillor Rigby

That Confidential Report CSD 59-2020, dated October 14, 2020, respecting A Matter Respecting Litigation and a Matter of Advice that is Subject to Solicitor-Client privilege under s. 239(2)(e) and (f) of the Municipal Act, 2001 – Hatch Corporation and South Side Low Lift Sewage Pumping Station Upgrades, Chippawa (Niagara Falls), **BE RECEIVED** and the recommendation contained therein, **BE APPROVED**.

Carried

9.2 Confidential CSD 62-2020
A Matter Respecting Litigation and a Matter of Advice that is Subject to Solicitor-Client privilege under s. 239(2)(e) and (f) of the Municipal Act, 2001 – Cole Engineering Group Ltd. re Welland Wastewater Treatment Plant

Moved by Councillor Edgar
Seconded by Councillor Butters

That Confidential Report CSD 62-2020, dated October 14, 2020, respecting A Matter Respecting Litigation and a Matter of Advice that is Subject to Solicitor-Client privilege under s. 239(2)(e) and (f) of the Municipal Act, 2001 – Cole Engineering Group Ltd. re Welland Wastewater Treatment Plant, **BE RECEIVED** and the recommendation contained therein, **BE APPROVED**.

Carried

9.3 Confidential CSD 67-2020
A Matter of Advice that is Subject to Solicitor-Client privilege and A Matter of Commercial Information supplied in confidence to the municipality which if disclosed could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization, under s. 239(2) of the Municipal Act, 2001 – 2021 Canada Summer Games Agreements - Update and Next Steps

Moved by Councillor Whalen
Seconded by Councillor Fertich

That Confidential Report CSD 67-2020, dated October 14, 2020, respecting A Matter of Advice that is Subject to Solicitor-Client privilege and A Matter of Commercial Information supplied in confidence to the municipality which if disclosed could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization, under s. 239(2) of the Municipal Act, 2001 – 2021 Canada Summer Games Agreements - Update and Next Steps, **BE RECEIVED** for information.

Carried

9.4 Confidential CSC-C 21-2020

A Matter of a Proposed or Pending Acquisition or Disposition of Land by the Municipality - Niagara Regional Housing Acquisition of Property in the City of Niagara Falls (Confidential Report NRH 12-2020)

Moved by Councillor Easton
Seconded by Councillor Ip

That Confidential Correspondence Item CSC-C 21-2020, being a memorandum from A.-M. Norio, Regional Clerk, dated October 14, 2020, respecting A Matter of a Proposed or Pending Acquisition or Disposition of Land by the Municipality - Niagara Regional Housing Acquisition of Property in the City of Niagara Falls (Confidential Report NRH 12-2020), **BE RECEIVED** for information.

Carried

10. NEXT MEETING

The next meeting will be held on Monday, November 9, 2020, at 9:30 a.m. in the Council Chamber, Regional Headquarters.

11. ADJOURNMENT

There being no further business, the meeting adjourned at 11:05 a.m.

Councillor Foster
Committee Chair

Kelly Lotimer
Legislative Coordinator

Ann-Marie Norio
Regional Clerk

Subject: 2021 Legislative Schedule of Regular Meetings

Report to: Corporate Services Committee

Report date: Wednesday, October 14, 2020

Recommendations

1. That ***one of the two options of*** the 2021 Legislative Schedule of Regular Meetings, attached as Appendix 1 ***and 2*** ~~to~~ ***of*** Report CLK 10-2020 ***REVISED***, **BE** ~~**ADOPTED**~~ ***APPROVED***.

Key Facts

- ***At the Corporate Services Committee meeting held on September 9, 2020, the 2021 Legislative Schedule of Regular Meetings was referred to staff to provide additional meeting schedule options reflecting feedback received at the meeting.***
- ***Staff have taken the feedback provided at the Corporate Services Committee and included two potential options for the 2021 Legislative Schedule of Regular Meetings.***
- The legislative schedule for the following calendar year is typically adopted in the later months of the previous year.
- The proposed schedule continues the cycle of monthly meetings for both Council and Standing Committees that was the preference of Council and staff when the 2020 calendar was adopted.
- Section 5.1 of the Region's Procedural By-law provides that "All meetings of Council and Committee of the Whole shall be held…according to the schedule to be set annually and approved by Council or at such other time or place as may be designated by Council from time to time."
- Section 5.2 of the Region's Procedural By-law provides that "Regular meetings of Council shall be held on a Thursday, commencing at 6:30 p.m. in Open Session or at such other time as may be designated by the Regional Chair from time to time."
- Section 22.2 of the Region's Procedural By-law provides that "Standing Committees shall meet on the days and times according to the schedule set annually and approved by Council."

Financial Considerations

There are no financial considerations associated with the adoption of this report's recommendations.

Analysis

Staff has prepared a draft 2021 Legislative Meeting Schedule for Council's consideration (attached as Appendix 1). The schedule was prepared in accordance with the Region's Procedural By-law and the established monthly cycle of Council and Standing Committees.

The proposed meeting schedule results in 24 days of Standing Committee meetings, 12 Regional Council meetings, and five (5) Committee of the Whole meetings.

The schedule includes the date of the 2021 Association of Municipalities of Ontario (AMO) conference, being held on August 15 to 18, in London, Ontario. The date of the 2021 Federation of Canadian Municipalities (FCM) conference has not been included on the schedule, as a final date has yet to be confirmed. The conference is to be held in Montreal, Quebec, on either June 3 to 6 or June 10 to 13. As such, June Standing Committees have been scheduled for June 15 and 16 so that regardless of when FCM is scheduled there will be no impact to Standing Committees.

At its meeting held on December 13, 2018, Regional Council approved the 2019 Legislative Schedule of Regular Meetings changing from a three week cycle of meetings to once a month. This change allowed for additional time between meetings to prepare the necessary reports and documents for Council's consideration and to help avoid the addition of addendum items unless absolutely required. At that time, given the move to monthly meetings, Council was supportive of scheduling meetings in the month of August which had been previously been designated as a month without meetings.

It was requested that the schedule include monthly Committee of the Whole meetings. Staff have included monthly dates for Committee of the Whole, avoiding the months of October through December as these months include Budget Review Committee of the Whole meetings.

Staff have taken the feedback provided at the Corporate Services Committee meeting held on September 9, 2020 to offer two options for consideration for the 2021 Legislative Schedule of Regular Meetings.

The schedule includes the 2021 tentative dates for the Budget Review Committee of the Whole meetings to provide a fulsome overview of meetings in 2021. In accordance with the Budget Planning By-law (By-law 2019-79), these dates would be subject to approval of the Budget Review Committee of the Whole at its meeting scheduled on June 17, 2021.

Option 1 proposes 24 days of Standing Committee meetings, 12 Regional Council meetings, and seven (7) Committee of the Whole meetings. Committee of the Whole meetings are not scheduled in January (due to the previously approved dates of January 7 for a Budget Workshop and January 14 for Budget Review Committee of the Whole in accordance with CSD 41-2020), June (still waiting for confirmation on the date for FCM) and as noted above October through December (due to Budget Review Committee of the Whole meetings).

Option 1 also includes holding meetings in the month of August.

Option 2 follows the same schedule as noted above but no meetings are scheduled during the month of August. It is worthwhile noting that should a decision be made to not to hold any meetings in the month of August this could mean potentially heavier agendas in both July and September.

In consideration of timing, staff have attempted to limit evening meetings to two Thursdays a month and have avoided scheduling meetings on Thursdays of Standing Committee weeks where possible.

Alternatives Reviewed

Not applicable.

Relationship to Council Strategic Priorities

Not applicable.

Other Pertinent Reports

None.

Prepared and recommended by:	**Submitted by:**
Ann-Marie Norio	Ron Tripp, P.Eng.
Regional Clerk	Acting Chief Administrative Officer
Administration	

Appendices

Appendix 1	2021 Draft Legislative Meeting Schedule – Option 1
Appendix 2	2021 Draft Legislative Meeting Schedule – Option 2

2021 LEGISLATIVE SCHEDULE OF REGULAR MEETINGS - DRAFT - Option 1

REGIONAL COUNCIL, BUDGET REVIEW COMMITTEE OF THE WHOLE,
COUNCIL BUSINESS PLANNING COMMITTEE OF THE WHOLE AND STANDING COMMITTEES

JANUARY						
S	M	T	W	T	F	S
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31						

FEBRUARY						
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MARCH						
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JUNE						
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JULY						
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AUGUST						
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NOVEMBER						
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DECEMBER						
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Council
Committee Week
Workshop

Committee of the Whole
Budget Review Committee of the Whole
Stat Holiday

March Break
TENTATIVE Budget Review Committee of the Whole
(Subject to approval by BRCOTW)

AMO - August 15-18, London, ON	***FCM Conference - June - , Montreal, QC***

Meeting Times

Council	Thursdays at 6:30 p.m.
Committee of the Whole *(includes Budget Review)*	Thursdays at 6:30 p.m.
Public Works Committee	Tuesdays at 9:30 a.m.
Public Health and Social Services Committee	Tuesdays at 1:00 p.m.
Corporate Services Committee	Wednesdays at 9:30 a.m.
Planning & Economic Development Committee	Wednesdays at 1:00 p.m.

Approved by Regional Council on

2021 LEGISLATIVE SCHEDULE OF REGULAR MEETINGS - DRAFT - Option 2 - AUGUST OFF

REGIONAL COUNCIL, BUDGET REVIEW COMMITTEE OF THE WHOLE,
COUNCIL BUSINESS PLANNING COMMITTEE OF THE WHOLE AND STANDING COMMITTEES

JANUARY						
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31						

FEBRUARY						
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MARCH						
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MAY						
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30	31					

JUNE						
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JULY						
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18	19	20	21	22	23	24
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AUGUST						
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

SEPTEMBER						
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Council
Committee Week
Workshop

Committee of the Whole
Budget Review Committee of the Whole
Stat Holiday

March Break
TENTATIVE Budget Review Committee of the Whole
(Subject to Approval by BRCOTW)

AMO - August 15-18, London, ON	***FCM Conference - June - , Montreal, QC***

Meeting Times

Council	Thursdays at 6:30 p.m.
Committee of the Whole *(includes Budget Review)*	Thursdays at 6:30 p.m.
Public Works Committee	Tuesdays at 9:30 a.m.
Public Health and Social Services Committee	Tuesdays at 1:00 p.m.
Corporate Services Committee	Wednesdays at 9:30 a.m.
Planning & Economic Development Committee	Wednesdays at 1:00 p.m.

Approved by Regional Council on

Administration
1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

MEMORANDUM

CSC-C 20-2020

Subject: Recommendations for Consideration from the Women's Advisory Committee meeting held September 30, 2020

Date: October 14, 2020

To: Corporate Services Committee

From: Ann-Marie Norio, Regional Clerk

At its meeting held on September 30, 2020, the Women's Advisory Committee put forward the following motions for consideration by the Corporate Services Committee:

Minute Item 7.1.1
Meeting Frequency

That the Women's Advisory Committee Terms of Reference **BE AMENDED** to provide that the Committee meet six (6) times per year.

Minute Item 7.1.2
Establishment of Working Groups

That in alignment with the goals of the Women's Advisory Committee Terms of Reference, that three (3) working groups **BE FORMED**;

That a working group **BE ESTABLISHED** to advocate for gender-based issue resolutions and opportunities related to Regional policies, priorities and decisions and that Sabrina Hill, Rochelle Ivri, Naheed Qureshi, and Elisabeth Zimmermann **BE APPOINTED** to this working group;

That a working group **BE ESTABLISHED** to promote leadership development that empowers women in Niagara to fully participate in civic life and that Councillors Butters, Huson, and Villella, and Isabell Camillo, and Laura Lane **BE APPOINTED** to this working group; and

That a working group **BE ESTABLISHED** to research and provide information and resources about women's gender-based issues to Niagara and that N'ora Kalb, Emily Kovacs, Coletta McGrath, Hafsah Shaikh, and Ruth Unrau **BE APPOINTED** to this working group.

Respectfully submitted and signed by

_____

Ann-Marie Norio
Regional Clerk

THE REGIONAL MUNICIPALITY OF NIAGARA
WOMEN'S ADVISORY COMMITTEE
MINUTES

WAC 1-2020
Wednesday, September 30, 2020
Meeting held by Video Conference

Committee:	Councillors Butters, Huson, Villella, I. Camillo, S. Hill, R. Ivri, N. Kalb, E. Kovacs, L. Lane, C. McGrath, N. Qureshi, H. Shaikh, R. Unrau, E. Zimmermann
Absent/Regrets:	Councillor Ip
Staff:	L. Gigliotti, Associate Director, Employee Services, A.-M. Norio, Regional Clerk, J. Smith, Human Resources Consultant, M. Trennum, Deputy Regional Clerk, C. Ogunniyi, Diversity, Equity & Inclusion Program Manager

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1. CALL TO ORDER

Ann-Marie Norio, Regional Clerk, called the meeting to order at 4:02 p.m.

2. DISCLOSURES OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

3. ROUND TABLE INTRODUCTIONS

Committee members briefly introduced themselves and provided their experience and reasons for wanting to be part of the Committee.

4. SELECTION OF COMMITTEE CHAIR AND VICE CHAIR

4.1 Call for Nominations for Committee Chair (Regional Councillor)

Ann-Marie Norio, Regional Clerk, explained that in accordance with the Women's Advisory Committee terms of reference, the Committee Chair must be a Regional Councillor from the membership of the Committee.

The Regional Clerk called for nominations for the position of Committee Chair of the Women's Advisory Committee for a two-year term (2020-2022).

Moved by Councillor Butters
Seconded by Councillor Villella

That Councillor Huson **BE NOMINATED** as Chair of the Women's Advisory Committee for a two-year term (2020-2022).

4.2 Motion to Close Nominations for Committee Chair

The Regional Clerk called a second and third time for nominations for the position of Women's Advisory Committee Chair. There being no further nominations it was:

Moved by R. Unrau
Seconded by E. Kovacs

That nominations for the position of Chair of the Women's Advisory Committee **BE CLOSED.**

Carried

4.3 Voting for the Position of Committee Chair

There being only one nominee for the position of Committee Chair (Regional Councillor), the Regional Clerk announced that Councillor Huson would be the Women's Advisory Committee Chair for a two-year term (2020-2022).

4.4 Call for Nominations for Committee Vice Chair (Public Member)

Ann-Marie Norio, Regional Clerk, explained that in accordance with the Women's Advisory Committee terms of reference, the Committee Vice Chair must be a public member from the membership of the Committee.

The Regional Clerk called for nominations for the position of Committee Vice Chair of the Women's Advisory Committee for a two-year term (2020-2022).

Moved by Councillor Huson
Seconded by Councillor Butters

That Ruth Unrau **BE NOMINATED** as Vice Chair of the Women's Advisory Committee for a two-year term (2020-2022).

Moved by N. Qureshi
Seconded by Councillor Huson

That Elisabeth Zimmermann **BE NOMINATED** as Vice Chair of the Women's Advisory Committee for a two-year term (2020-2022).

Elisabeth Zimmermann declined the nomination.

4.5 Motion to Close Nominations for Committee Vice Chair

The Regional Clerk called a second and third time for nominations for the position of Women's Advisory Committee Vice Chair. There being no further nominations it was:

Moved by Councillor Butters
Seconded by Councillor Huson

That nominations for the position of Vice Chair of the Women's Advisory Committee **BE CLOSED**.

Carried

4.6 Voting for the Position of Vice Chair

There being only one nominee for the position of Committee Vice Chair (Public Member), the Regional Clerk announced that Ruth Unrau would be the Women's Advisory Committee Vice Chair for a two-year term (2020-2022).

At this point in the meeting Councillor Huson, Committee Chair, assumed the chair.

5. ITEMS FOR CONSIDERATION

There were no items for consideration.

6. CONSENT ITEMS FOR INFORMATION

Moved by R. Unrau
Seconded by Councillor Villella

That the following items **BE RECEIVED** for information:

ED 11-2020
Economic Recovery Plan Update

WAC-C 1-2020
YWCA Canada & Gender and the Economy - 2019 - Feminist Economic Recovery Plan for Canada

Carried

7. OTHER BUSINESS

7.1 Round Table - Priorities and Work Plan

7.1.1 Meeting Frequency

Committee members discussed the frequency of meetings as outlined in the Committee Terms of Reference.

Moved by E. Zimmermann
Seconded by R. Ivri

That this Committee **RECOMMENDS** to the Corporate Services Committee:

That the Women's Advisory Committee Terms of Reference **BE AMENDED** to provide that the Committee meet six (6) times per year.

Carried

7.1.2 Establishment of Working Groups

Moved by Councillor Butters
Seconded by N. Kalb

That this Committee **RECOMMENDS** to the Corporate Services Committee:

That in alignment with the goals of the Women's Advisory Committee Terms of Reference, that three (3) working groups **BE FORMED**;

That a working group **BE ESTABLISHED** to advocate for gender-based issue resolutions and opportunities related to Regional policies, priorities and decisions and that Sabrina Hill, Rochelle Ivri, Naheed Qureshi, and Elisabeth Zimmermann **BE APPOINTED** to this working group;

That a working group **BE ESTABLISHED** to promote leadership development that empowers women in Niagara to fully participate in civic life and that Councillors Butters, Huson, and Villella, and Isabell Camillo, and Laura Lane **BE APPOINTED** to this working group; and

That a working group **BE ESTABLISHED** to research and provide information and resources about women's gender-based issues to Niagara and that N'ora Kalb, Emily Kovacs, Coletta McGrath, Hafsah Shaikh, and Ruth Unrau **BE APPOINTED** to this working group.

Carried

8. NEXT MEETING

The next meeting date is to be determined.

9. ADJOURNMENT

There being no further business, the meeting adjourned at 5:37 p.m.

Councillor Huson Committee Chair	Ann-Marie Norio Regional Clerk

Human Resources Information Systems Support

Corporate Services Committee

Wednesday, October 14, 2020

Agenda

1. Current State
2. Recommendation
3. Key Considerations
4. Actions Completed
5. Next Steps & Questions

Current State

- In 2004, Niagara Region outsourced to a 3rd party regular support and the technical development, configuration, maintenance, upgrades and break/fixes of :
  - PeopleSoft HCM (payroll, recruiting, learning, pension, etc)
  - Kronos Time and Attendance (tracking, scheduling)
  - LifeRay Portal (employee and manager self service)
- HRIS Support covers Business Critical processes that cannot be interrupted or delayed
- Includes Niagara Region, NRPS, NRH and City of St. Catharines

Recommendation:

That an extension to the current *Human Resources Information Systems (HRIS) Application Support, Maintenance & Development agreement,* currently set to expire on March 31, 2021, **BE APPROVED,** for a period not to exceed 18 months, in order to ensure adequate time to facilitate a procurement process (Request for Proposal), award the ensuing contract, ensure a seamless transition and mitigate the risk of any interruption to critical HR and payroll services should the outcome of the RFP necessitate a change from the current provider. The total cost of the extension will be $1,270,100, should it be for the entire 18 month period.

What will be accomplished:

1. Secure business critical support
2. Procurement process: RFP issuance, award, new provider contract potential
3. Transition plan to new provider if required based on awarded agreement

Key Considerations:

- ✓ With the up to 18 month extension, the intent is to ONLY execute the number of months required to implement these steps.
  - 6 month minimum with option to terminate with 6 months notice.
- ✓ Secures external resources, with contingency, to mitigate risk of any service interruption to Niagara Region and its partners
- ✓ Will provide Committee with updates as required with respect to go forward HRIS support

Actions Completed: 2019 - 2020

- **Ongoing:** Comparative costing analysis of alternatives reviewed
  - internal model vs. current costs (not marketed) including comparison to internal model
- **April to November 2019:** PeopleSoft HCM Upgrade
- **February to April 2020:** Expression of Interest: to inform RFP with market data
- **March to October 2020:** Kronos Time & Attendance Upgrade
- **March 2020 to present:** COVD-19 reprioritize work and resources
- **Ongoing:** Technical RFP drafting, period of discovery with current provider for existing technical documentation, confirming items in scope for new agreement

Next Steps:

Current Contract Extension:

- Approval by Council
- Confirm with Vendor

Request for Proposal

- Issue RFP Q4 2020
- Award RFP Q1 2021
- Contract with provider

New Support Agreement

- Inform Council
- Execute transition plan to new provider if required

Questions ?

Franco Meffe, Director Human Resources

Linda Gigliotti, Associate Director Employee Services

Subject: Human Resources Information Systems (HRIS) Support

Report to: Corporate Services Committee

Report date: Wednesday, October 14, 2020

Recommendations

1. That an extension to the current *Human Resources Information Systems (HRIS) Application Support, Maintenance & Development agreement,* currently set to expire on March 31, 2021, **BE APPROVED,** for a period not to exceed 18 months, in order to ensure adequate time to facilitate a procurement process (Request for Proposal), award the ensuing contract, ensure a seamless transition and mitigate the risk of any interruption to critical HR and payroll services should the outcome of the RFP necessitate a change from the current provider. The total cost of the extension will be $1,270,100, should it be for the entire 18 month period.

Key Facts

- The purpose of this report is to seek an extension of the current contractual agreement for outsourced HR technology support which expires on March 31, 2021, in the event that the outcome of the Request for Proposal (RFP) requires a transition away from the current provider. The extension will ensure a seamless transition and mitigate the risk of any interruption to critical HR and Payroll services.

- As no further options exist to extend the current contract beyond March 31, 2021, an extension for a period of up to 18 months is a single source award in accordance with Schedule B of Procurement By-law 02-2016 and as such, Council approval is required given that the value of the extension could exceed $1,000,000.
  The single source purchase for the up to 18 month extension with the current provider is being done in accordance Section 19 (a)(vi) of the Procurement By-law 02-2016.

- Since the implementation of the existing applications in 2004, Niagara Region has outsourced technical administration, troubleshooting, software application configuration and development, and technical maintenance upgrades of its PeopleSoft Human Capital Management (HCM), Kronos Time and Attendance and the Employee/Manager Self Service portal applications which supports all human

resources data, time and attendance, payroll technical processing and related reporting support. The initial outsourcing agreement was offset by a reduction of 6.2 Niagara Region FTE.

- The current human resource applications are utilized by Niagara Region, Niagara Regional Police Services (NRPS), Niagara Regional Housing (NRH) and the City of St. Catharines.

- The RFP would consider a contract term of up to five (5) years with a scope of work which would maintain status quo in terms of the external services as listed in *Appendix A: Current Outsourced Support Services* of this report.

- Niagara Region has notified the current provider of its intention to issue the RFP, and that subject to Council approval, Niagara Region would intend to extend the current agreement to allow sufficient time to complete the RFP process and award the ensuing contract. Staff intends to issue the RFP in Q4 2020 and confirms that a timeline of 8-10 weeks is required to facilitate the formal procurement process, which would culminate in the execution of an agreement with the highest ranked Proponent. Based on the possibility that the outcome of this process could result in award to a new Proponent, Staff deem it unreasonable to expect that a successful and seamless transition would occur prior to March 31, 2021.

- The RFP will require Proponents to outline and propose their detailed methodology for implementation/transition to onboard services. While the current provider could elect to bid, in the event that the outcome of the process is a recommendation to award to a new provider, a transition from the current provider will require the shared commitment of Staff and the current provider to ensure a seamless transference of extensive knowledge of Niagara Region's systems.

- Should it be required, the terms and conditions of a transition agreement are to be negotiated and mutually agreed to by the parties. The current agreement requires that the current Support Provider cooperate and assist with a smooth transition of responsibilities and continue to provide Services for a limited time in order to ensure uninterrupted service. Moreover, the current agreement provides that, if requested by the Region, the service provider shall continue to provide the services for a limited period of time after the contract expiry date, at reasonable rates, so as to effect an orderly transition to a new service provider.

Financial Considerations

The current twelve month contract fees for the external support are approximately $820,000, with an external support team ranging from 6 to 10 FTE dedicated to Niagara Region support at any given time, dependant on various projects and ongoing technical development requirements. The external support team includes technical developers, business and systems analysts, and operational support staff. Additionally, technical development fees are budgeted annually and charged on a time and materials basis, with consideration to various operational business needs for the year which may include technical/functional application upgrades, or newly required system configuration or development. The development costs incurred each year range from $200,000 to $400,000 depending on the business need for new operational functionality and required technical upgrades/maintenance. The total cost of the extension is $1,270,100. This amount can be accommodated within the proposed budget, and includes recoverable fees for the City of St. Catharines.

As approved by Council, support agreement operating costs for the past three (3) years with an annual 3.5% increase trend is outlined in Table 1:

*Table 1: 3-year Annual Operating Costs**

	Operating	Capital Development	Total
Year 1: 2018	$789,615	$350,000	$1,139,615
Year 2: 2019	$796,372	$350,000	$1,146,372
Year 3: 2020	$820,263	$350,000	$1,170,263

*demonstrated annually however contract years are April 1 to March 31

Given the above recent costs, the total for *up to* five-year contract costs would likely be in excess of $5 million. Council approval would be required for award in accordance with Schedule B of the Procurement By-law 02-2016 as amended on February 28, 2019.

Should the outcome of the procurement process result in the selection of a new provider, a comprehensive transition plan would be required to transition each application to prevent any service interruption to payroll services, time and attendance

tracking, recruitment etc… This will result in some normal duplication of efforts during various testing phases, training, knowledge transfer, and security access changes.

Additionally, should a transition between 3rd party providers be required as a result of the RFP process, the RFP would include transition terms. Subsequent negotiations with the current provider for any necessary consulting and transition of knowledge to a new provider would be required. For budgetary purposes, an estimate of approximately $800,000 in consulting, transition fees and resourcing was approved in the 2020 budget with one time funding from the Taxpayer Relief Reserve. These funds have not been committed, nor encumbered in 2020, as the procurement process has not started; rather they have been budgeted in 2021 with updated cost analysis, which is underway. The RFP evaluation process will consider each proposals proposed methodology for implementation and transition to onboard services inclusive of their financial submissions.

Analysis

Ultimately, the long-term HR technology strategy is to deliver the highest level of HR support services that firmly enable the business, are cost effective and sustainable, and align with corporate technology strategies. Business operational demands for the expanded use of the existing HR technology, including reporting, is on the rise. Increased demand to further leverage and expand the use of all existing platforms, such as advanced scheduling capability for 24/7 legislated areas, mobile and web access, increased employee and manager self-serve functionality, enhanced recruitment candidate functionality, and analytical reporting which all requires significant continued technical development.

Niagara Region has an outsourced technology support model for corporate human resource technology platforms (PeopleSoft HCM, Kronos Time and Attendance, Employee/Manager Self Service) through a 3rd party outsourced support agreement, and development and upgrade projects completed on a time and materials basis for a fixed rate within the terms of the same agreement. The support contract is a long standing agreement in place since 2004, and has been extended since that time mostly in 3-year increments with Council approval as outlined in Table 3:

Table 2: Outsourcing Agreement History

Agreement Start Date	Term
April 1, 2004	3 years
April 1, 2007	5 years
April 1, 2012	3 years
April 1, 2015	3 years
April 1, 2018	3 years

The technology platforms currently in place are still considered amongst the best in class and similar/same to those used in many upper tier municipalities. They are sophisticated applications that are required to be scalable and able to accommodate complex, large multi-union environments with a broad scope of diverse needs and demands. The nature of the work and tools must ensure compliance with payroll, taxation, pension, labour and health and safety regulations. The scope of work covered in the support agreement is technical in nature and highly specialized, including the maintenance of PeopleSoft HCM System, Kronos Time and Attendance Management System, and an Employee/Manager Self Service portal. This includes technical support for payroll tax and patch updates, configuration in response to collective bargaining requirements, pay and time code mapping, HR financial reporting support/tools, and more. At this time the existing support agreement is exclusive of training, upgrade implementation costs and all development, which is offered on a fixed rate, time and materials basis. Niagara Region, NRPS, NRH and City of St. Catharines currently use the HR platforms affecting approximately 5,500 employees. (*See Appendix A: Current Outsourced Support Services)*

At this time, with the current support agreement scheduled to expire on March 31, 2021, it is critical to arrange support services to secure operations that include technology for payroll processing, recruitment (internal/external), attendance management and scheduling, reporting, training and benefits records and more. There is an immediate need to manage the potential risk and secure support services in such a way that is seamless and to prevent any interruption to services for Niagara Region, NRPS, NRH or the City of St. Catharines. Therefore a new arrangement is required that maintains or improves the current support levels and future business requirements, including building

capacity for the potential for business expansion, while effectively managing current and future costs.

A formal procurement process has the potential to determine best value in terms of market offerings relative to the deliverables, and that coupled with financially competitive submissions received via a competitive process demonstrates fiscal responsibility to the constituents of Niagara. To help inform the RFP and anticipate a market response, an initial Expression of Interest (EOI) was issued on February 21, 2020 and closed on March 24, 2020 for HRIS Application Support and Development. This EOI did provide some insight to a limited market of providers and also highlighted the consideration for offshore vendor support in the RFP and its impact to pricing. From a project feasibility perspective, any transition plan/project would require careful consideration regarding limited staff resources as this team of subject matter experts will overlap with the teams and subject matter experts required to consider and evaluate other CAO and KPMG identified business opportunities.

Additional noted considerations includes that operational business demands for the expanded use of the existing HR technology is on the rise. Increased demand to further leverage existing platforms and introduce expanded functionality of the platforms, such as advanced scheduling capability, mobile access, enhanced recruitment candidate functionality, is in high demand by the operating areas and all require technical development. The need to appropriately manage these critical assets used for payroll, the employee database, recruitment, time/attendance, scheduling, attendance management and more, continues to be a significant operational and service level priority.

The COVD-19 pandemic has further highlighted the criticality for HR technology and support resources for corporate financial reporting, attendance and sick time management, payroll and redeployment implementation changes. During this pandemic, the volume of changes to staffing, reporting and encoding updates for cost tracking, and the ability to produce and manage these changes with extreme efficiency has made it even more evident that the control of this work and assets remains business critical. The financial pressures created by the pandemic also highlights the need for cost management and reduction strategies. As the global pandemic situation is not likely to be fully resolved in the immediate future, the exposure and need to ensure a seamless transition during this challenging time is required and perhaps more important than ever.

Finally, Council has identified that the HR technology strategy should consider and strengthen our ability to expand our capacity in order to support local area municipalities through enhanced shared service opportunities. The CAO working group and the KPMG Sustainability Review further highlight shared services as a cost mitigation strategy. The RFP and any future HRIS planning will include serious consideration to the scalability and responsiveness to accommodate future growth and expansion in this regard.

Scanning other municipalities in Ontario of a similar size and scope, many use the same or similar technologies, but are managing the regular support configuration and new development within these applications with internal teams of staff, and supplementing consulting support as required for larger scale efforts.

As Council is aware, in 2016 the Region completed the Enhanced Financial Management Service Project which completed the implementation of the Financial Systems to PeopleSoft with a full in house support model. With the introduction of PeopleSoft Financials in 2016, Niagara Region is currently operating with two separate support models for similar type of technology support and development – an external 3rd party support model for PeopleSoft HCM (and other applications per Appendix A), and an internal support model for PeopleSoft Financials (and other applications such as Hyperion). Initial concerns with an internal support model were primarily in regards to the ability to source key talent and technical skill sets required to appropriately manage the complexity and volume of work. While these concerns remain ongoing and the nature of this talent and skill set is increasingly competitive and scarce in the market, the successful PeopleSoft Financials internal support model has demonstrated that Niagara Region staff have been able to build/develop or source the necessary talent, manage workload, new development requests and upgrades in an efficient and effective manner; albeit with sufficient time and effort to fully develop this function internally. While the up-front cost of transitioning to an insourced model for HRIS as well may be significant there are many advantages to an in house solution that are identified in the Alternatives Reviewed below. Staff have been reviewing and compiling the cost of analysis, both one-time and on going, of this option and will continue to consider this option as part of a longer term HR strategy. .

Alternatives Reviewed

Alternatives considered include:

1. Maintain status quo with current external 3rd party support agreement.

While the current service provider has served Niagara Region for several years, staff acknowledge that this agreement has been sole sourced since its inception and would therefore not align with the direction of Council. Furthermore, the RFP process ensures Niagara Region is competitively tendering for goods and/or services to ensure best value to the Region and the constituents of Niagara.

This option also assumes the current provider supports a continued arrangement on the same terms that currently exist and that the Region are able to continue to secure these extended services at a reasonable cost.

2. Transition to a fully insourced technical support and development model following the current intended Procurement process

Staff have been reviewing this option as part of the longer term HR technology strategy, including considerable time researching this strategy over the past several months. With an insourced technical support and development model, Niagara Region maintains greater control of managing critical assets required for payroll, employee database, recruitment, time/attendance, scheduling, attendance management, pension, and more.

As stated, the level of continued development and expansion operationally required is completed by a 3rd party for HR technologies, however budget constraints each year limit the ability and affordability to complete development work, which falls outside the support agreement, to fully leverage applications, build efficiencies, and at times even prevents or delays the development required for break fixes. While the demand and cost for development by a 3rd party on a time and materials basis increases each year, budgetary constraints prevent the type of investment to keep up with current demand, particularly given the budgetary requests which are also required to have 3rd party consultants complete necessary maintenance upgrades required almost annually to manage multiple applications, which are significant contractual hours over a six month period to complete as a capital project. There is little budgetary room left for new development and progress without significantly greater capital investment costs, which is typically not achievable within approved capital and is proving difficult to sustain. Operating area business needs are also dynamic and if the business is not able to

identify these needs early enough for budget planning inclusion, the request often needs to be deferred to future budget year consideration, limiting HR's ability to be responsive and proactively address these needs, and risks the business finding alterative solutions within a single department out of necessity, ultimately creating risk of driving up costs by creating multiple single department response solutions as opposed to delivering a corporate wide solution. At the same time, the trend for the annual 3rd party ongoing support agreement costs, while closely managed and carefully negotiated, also experienced increases greater than council budget guidance for the past several years.

An external model is also creating some duplication of effort particularly for lower level, high volume requests. Within an external support model, staff are not permitted access to our systems for configuration and development to protect the terms of the external support agreement. Practically, this creates a process whereby staff are identifying and carefully documenting all of the detailed requirements for the request to configure for the provider, and then often there is additional turn-around time resulting in the need to log the request with the provider, address enquiries from the external party that is not as familiar with the business or the nature of the request, wait for the work to be completed, and then confirm/test result and provide back to the operating area. For straightforward, high volume requests such as security access changes, an internal resource could complete the effort and serve the business in fewer steps. Understandably, an outsourced model restricts Niagara Region's access from internally managing the completion of these requests.

When considering the immediate future of HR service delivery, an internal support model would allow for greater control to cost and deliver services to other local area municipalities and additional partners. While Niagara Region would contractually request that a 3rd party agreement includes a level of scalability to allow for service delivery to local area municipalities, the Region would still have limited control over the cost and delivery of those services as each unique request would need to be individually negotiated with the 3rd party to address each new scope of work. This could significantly alter the affordability and timelines for such arrangements.

Once the RFP process requirements are satisfied and the costs and availability of these services in the market are better determined through the formal procurement process, it will allow Staff to make an informed recommendation on the most effective method to deliver services in the future, and provide the best value for the constituents of Niagara.

3. Transition to a fully insourced technical support model immediately following the expiration of the 3rd party agreement

The considerations for an in-house solution are as stated in Alternative #2 above.

This alternative has been given a measured amount of staff time to explore and analyze over the past several months. This analysis requires resources from across the organization including Human Resources, Information Technology, Finance, Procurement and Legal. In order to implement this solution, new resources are required to complement existing staff resources in order to transition work currently being outsourced. While the benefits of insourcing still remains with this alternative, in the absence of conducting the Procurement Process there is no comparative market data to analyze cost of insourcing in comparison with maintaining a 3rd party model, and whether any cost differential outweighs the stated benefits of insourcing.

Relationship to Council Strategic Priorities

This report aligns with Council's Strategic Priority of Sustainable and Engaging Government.

Other Pertinent Reports

- September 27, 2017: GM 6-2017 Employee Information Systems (HRIS): External Systems Support Agreement
- February 18, 2015: HR 05-2015 Employee Information Systems; Contract Renewal
- July 18, 2012: CSD 96-2012 Corporate Services Committee
- March 7, 2012: CSD 44-2012 Corporate Services Committee
- January 31, 2007: CSD 25-2007 Corporate Services Committee

Prepared by:
Linda Gigliotti
Associate Director, Employee Services

Recommended by:
Franco Meffe
Director, Human Resources

Submitted by:
Ron Tripp, P.Eng.
Acting, Chief Administrative Officer

This report was prepared in consultation with Franco Meffe, Director Human Resources; Todd Harrison, Commissioner Corporate Services/Treasurer; Helen Chamberlain, Director Financial Management & Planning/Deputy Treasurer; Stuart Hendrie, Chief Information Officer; Laura Ford, Manager, ERP System Support; Bart Menage, Director, Procurement & Strategic Acquisitions and Brian Wilson, Legal Counsel.

Appendices

Appendix A Current Outsourced Support Services

Appendix A: Current Outsourced Support Services

Niagara Region

Application	Description		Supported Period	# of Users
PeopleSoft HCM	• Core HR (Workforce Admin) • Benefits • Payroll • Position Management • Training Administration • Competency Management • Recruiting	• Seniority custom bolt-On • Pension custom bolt-On • Attendance management custom bolt-On • Custom Ticklers (Accomplishments, Probation) • Interfaces: Kronos, PeopleSoft Financials, Parklane, myINFO/myHR	2004 - current	~160 Public: ~ 30,000+ recruiting applications annually
Kronos	• Timekeeping • Biometric Clocks (Seniors) • Scheduling (Seniors)	• Accruals/Bank Balances • Self Service (Seniors) • Interfaces: PeopleSoft, MMS, myINFO/myHR	2004 - current	~2,900
Reports and Analytics	• HR Reporting • OLAP tool for HR Analysis	• Interfaces: PeopleSoft and Kronos	2014 - current	~170
Self-Serve portals	• Employee & Manager Self Service (subscription-based, RMON and NRPS)	• HR Content Portal, including pay statements and schedules • Interfaces: PeopleSoft and Kronos	2013 - current	~5,500

City of St. Catharines

Application	Description	Supported Period	# of Users
Kronos	• Timekeeping • Biometric Clocks • Scheduling • Accruals/Bank Balances • Self Service	2013 - current	~375

Corporate Services
1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

MEMORANDUM **CSC-C 19-2020**

Subject: COVID-19 Response and Business Continuity in Corporate Services

Date: October 14, 2020

To: Corporate Services Committee

From: Todd Harrison, Commissioner of Corporate Services and Regional Treasurer

Corporate Services delivers efficient and innovative service excellence to external and internal customers in an integrated and timely manner.

During this pandemic, our staff have continued this support function for core businesses within our group and for operating departments. In addition, Corporate Services has provided critical support to the Emergency Operations Committee (EOC).

The following provides an overview of activity that has taken place and a projection of expected service delivery moving forward:

CONSTRUCTION, ENERGY AND FACILITIES MANAGEMENT (CE&FM)

The CE&FM group is divided into two main groups, Construction and Facilities Management. This Team continues to be an essential component of the Region's EOC. Some of the functions performed in this capacity are:

- Maintaining Vine Portal for EOC supply chain requests allowing for increased efficiencies and tracking of delivery;
- Coordinating the sourcing of essential supplies in collaboration with other departments;
- Continuing Operations and Maintenance of all opened facilities including enhanced cleaning protocols to ensure safe working environment for essential staff not working from home;
- Coordinating emergency procurements of PPE and other supplies that are critical to business continuity for essential services;
- Coordinating shipping/receiving and securement of critical supply needs;

- Providing dedicated and secured storage areas to assist LTC pandemic supply requirements;
- Upgrading facilities with social distancing barriers, protective screens;
- Responding to internal client needs for changes in normal operations, special moves and health & safety concerns;
- Providing enhanced security monitoring of sites with reduced and or no staff on site; and
- Redeployment of CE&FM staff to support REOC and facilities operations.

Operational Outlook

1/3/6 months

Construction:

- Continue to work with contractors on construction sites for work that resumed as of mid-May.
- For projects not in construction, staff is proceeding with procurement for projects deemed to be critical to proceed.
- Working with OH&S, determining what physical changes are required to re-open Regional office locations to the public.
- Completed installation of glass/plexi barriers at SAEO Niagara Falls and Welland SAEO for public waiting areas.
- Continuing to install COVID barriers and modify furniture as needed for Fort Erie and Port Colborne SAEO offices.
- Working with communications, developed new Region floor decals and signage for physical distancing. Decals are installed at Welland POA Courts, SAEO offices at Niagara Falls, Welland and St. Catherines and partial installation at Niagara Region HQ based on operational need.
- Completed working with dental clinics to review air exchange requirements in order to resume in person appointments.

Cleaning:

- Staff has extended the current enhanced COVID cleaning requirements for facilities managed by CE&FM and EMS stations.
- Renegotiated cleaning contract to extend for another 6 months based on right sizing operations to meet PH guidelines.
- Procured additional cleaning and janitorial supplies to meet divisional and client needs.
- Addressed multiple emergency workplace disinfection requests following positive COVID findings in the workplace.

Supply Chain and Deliveries

- Dedicated staff for delivery and reception of all Region Headquarters deliveries to loading dock to limit personnel entry to Region Headquarters.
- Have met all client and division's support requests for procurement of PPE, hygiene and cleaning supplies.
- Sourced N95, cloth and surgical masks for use by region staff based on operational needs.
- Increasing inventory of critical PPE supplies for fall flu season (including anticipation of second wave).

Building Security

- Continue to monitor security and facility access control systems to meet program delivery needs.
- Continue to keep all Region sites functional, safe and secure for eventual return to normal operations.

Non-essential maintenance and repair work

With opening up of maintenance and repair work by the Province in early May, continue with critical maintenance repair work and services and any other work required for the efficient building operations.

FINANCIAL MANAGEMENT AND PLANNING (FMP)

Current Status of Operations

As indicated, all of the Corporate Services Departments continue to deliver core services while at the same time perform a significant number of duties to support the Regional EOC.

FMP staff have continued to support core business functions during the pandemic. Some highlights of these actions include:

- Complete the 2019 year end audit;
- Submission to the Province of the 2019 Financial Information Return;
- Publication of the 2019 Annual Report;
- Develop 2020 tax bylaws and provide required necessary report and bylaws;

- Work with Public Works to update financial implications of SNF water treatment plant for inclusion in the 2021 budget;
- Publication of the 2020 Budget Summary;
- 2021 budget planning and preparations;
- Successful sale of $34 million in serial debentures ($15.5 million Regional) on July 31 at all time historical low interest rate of 1.43% for 10 years;
- Preparation of 2021 Capital and Operating Budgets timetables and planning report for Council and establishing strategies for budget preparation;
- Reported to Council on the second quarter financial results and year end forecast; and
- Completion of Service Sustainability Review project and reporting to Council.

Additionally, FMP has a main role in the Region's EOC as part of the Finance and Administration Unit. Highlights include:

- Development and implementation of procedures for cost reporting and tracking;
- Coordination and collaboration with municipal treasurers of assumptions and information for consolidated financial impact information for advocacy to provincial and federal governments;
- Review of Regional capital projects in light of provincial legislative essential construction business and Regional capacity to complete;
- Implementation of on-line/credit card payments for services such as business licenses, garbage bag tags including direct sales to residents, planning and transportation permits, long term accommodations, etc.;
- Support HR in development of cost tracking system to facilitate staff redeployment to essential services in pandemic including ongoing update of EOC costing assumptions;
- Support HR in establishing process to administer pandemic pay. Finance is leading completion of significant additional reporting requirements for various different Ministry;
- Extensive cash flow and collections analysis and planning in conjunction with local municipalities;
- Analysis and reporting related to Council motion to consider deferral of 2020 water/wastewater budget increases;
- Preparation of COVID-19 recovery planning documentation and consolidation of corporate plan; and

- Evaluation of options and reporting requirements for $12.6 million in provincial Safe Restart funding and completion of additional COVID-19 extraordinary cost claims and reports to various Ministry.

Operational Outlook

1/3/6 months

- Managing Local Area Municipality receivable and payables in accordance with CSD 31-2020.
- Improvements to Cash Flow model tools and processes to support ongoing operations and cash flow implications of municipal COVID concessions.
- Ongoing COVID financial analysis and weekly/monthly impact and cash flow reporting to Council with updates for items impacting 2021 budget to be added.
- Third quarter financial reporting to Council in accordance with policies.
- Ongoing financial reporting submissions for pandemic pay and COVID-19 extraordinary cost claims.
- Supporting the 2021 Capital and Operating Budgets preparation including establishing new processes to integrate Capital Asset Management Resource Allocation model integration with Capital Financing Strategy.
- Supporting GO implementation, Niagara Regional Transit Governance, Canada Summer Games, Airport Master Plan RFP, sponsorship revenue, Asset Management Planning.
- Securing HST advisory services to minimize HST impacts on Canada Summer Games construction costs.
- Creation of Development Charge Bylaws RFP and new Development Charge Policy regarding payment instalment options and related interest.
- Financial and implementation analysis for HRIS support and alternative models.
- Coordinating debenture issuances with infrastructure Ontario for Region and Area Municipalities.
- Supporting the annual Standard and Poor’s credit rating review,
- PeopleSoft configuration changes to report to Council on sole source procurements in excess of $5,000.

PROCUREMENT AND STRATEGIC ACQUISITIONS (PSA)

Current Status of Operations

Similar to other departments within Corporate Services, PSA staff have delivered by supporting core business functions while taking on additional projects to support the Region's EOC.

Highlights of activity during the operational period includes:

- Facilitating new and ongoing procurements culminating in award;
- Realty related works for inflight projects, leases and licenses;
- PeopleSoft Change PO's, Supplier and PCard administration;
- Sourcing critical PPE and supplies needed for the EOC response to the pandemic; and
- Preparation of Covid-19 recovery planning documentation.

Operational Outlook

1/3/6 months

The Region's review of essential projects both capital and operational has resulted in a prioritization of formal procurements moving forward. This will continue throughout the pandemic and afterwards.

INFORMATION TECHNOLOGY SERVICES (ITS)

Current Status of Operations

Similar to other departments within Corporate Services, ITS staff have delivered by supporting core business functions while taking on additional established projects to support the Region's EOC.

Highlights of initiatives completed during the pandemic include the following:

- During these unprecedented times, the need existed more than ever, to effectively communicate, collaborate and connect with one another. In response to the pandemic, IT was able to the accelerated deployment of corporate email accounts to all Senior's staff that previously did not have a corporate mailbox. In

July of this year, over 800 Senior's staff were provided a corporate email account through Office 365.

- Wireless infrastructure deployed and enhanced the WiFi coverage at all 8 Senior's facilities.
- Deployed Recollect mobile application in support of the upcoming Waste Management changes in service delivery.
- Implemented enhancements to Online Payment and modified systems to allow Respite workers to be paid for telephone calls instead of only home visits.
- IT continues to provide remote access capabilities to over 4000 network users - 24 hours a day/7 days a week.
- SERVICEDESK continues to provide support and assist IT related inquiries from staff. We are currently averaging 500 calls/day.

Operational Outlook

1/3/6 months

- Continued support for COVID-19 initiatives while supporting and enabling staff to work from home. Prior to COVID-19 daily average for the number of remote connections was approximately 90 users, current daily average is 1270 users.
- Ongoing updates to the screening questions used by EMS in their tool 'EMS Tools'
- Ongoing COVID-19 data analytics including internal operations supports and external data visualizations - Launched enhanced stats on external website including municipal breakdown.
- Implemented technology and processes to accommodate electronic public participation in Council and Committee meetings.
- Went live with the "Homelessness Reporter" for Community Services that will allow staff to track and monitor homeless in Niagara.
- Automated Public Health EOC status report for daily briefing and Ministry submission.

LEGAL SERVICES

Current Status of Operations

As indicated, all of the Corporate Services Departments continue to deliver core services while at the same time perform a significant number of duties to support the Regional EOC.

The Legal team provides a key role in the Region's EOC. The team provides ongoing support and advice in particular related to the interpretation and implementation of new provincial legislation and Emergency Orders that have been issued throughout the pandemic. Highlights of advice provided in this regard:

- Advice and legal support related to the development and implementation of the Region's face covering by-law;
- Advice related to impact of emergency orders on construction to ensure the continuation of essential Regional capital projects and help minimize pandemic-related project costs and disruptions;
- Risk management advice on building screening and security issues; and
- Advice related to recovery planning/reopening of Regional facilities.

Operational Outlook

1/3/6 months

The Legal team continues to provide advice and support to operational departments on core business activities, including risk management and insurance advice and litigation support. The team also continues to provide additional support for REOC and COVID-19 related matters as required, with the majority of the team working remotely.

COURT SERVICES

Current Status of Operations

The Court Services team is overseen by the Region's legal department on behalf of the joint board of management, between the Region and area municipalities.

Highlights of operational changes to Court Services:

- Facility reopened to the public effective September 14, 2020 for counter service only. Remote service continues to be leveraged wherever possible.

- Direction from the Ministry of the Attorney General has been received indicating that all in-person matters have been adjourned to at least October 19, 2020.

- Since July 6, judicial pre-trial matters and early resolution guilty pleas have been conducted remotely where eligible, before a Justice of the Peace via audio or video conference.

- Amendments to the Provincial Offences Act made pursuant to Bill 197, the COVID-19 Economic Recovery Act, 2020, received Royal Assent came into effect July 21, 2020. These amendments will enable Court Services, in consultation with the judiciary, to make greater use of technology to deliver justice services remotely. These updates include:

    - Allowing defendants to request a trial, in early resolution courts and in first attendance municipalities that administer parking, by mail or other electronic method permitted by the court house;

    - Allowing defendants and prosecutors to conduct early resolution discussions remotely in all cases; and

    - Allowing any participant, including a clerk of the court, witness, judge, or justice of the peace, to attend any proceeding remotely by audio or video, unless the presiding judicial official orders otherwise.

- Court services is well equipped to deliver these services remotely, and has begun to do so, based on extensive preparation for remote matters in addition to the modern technology available onsite at the courthouse facility. Further guidance is pending from MAG regarding electronic protocols to enable further transition to remote proceedings.

- Continued collaboration with Facilities and Corporate Health & Safety to prepare for resumption of in-person court matters, utilizing the Recovery Secretariat Guidelines which have been provided by the MAG.

Operational Outlook

1/3/6 months

Continue to provide customer service support remotely wherever possible, and in-person via counter service where required. Continue to conduct eligible remote court matters electronically while awaiting resumption of in-person court proceedings.

ASSET MANAGEMENT OFFICE

Current Status of Operations

AMO staff have continued to support core business functions during the pandemic. Some highlights of these actions include:

- Planning and leading the development and submission to the Province of the 2021 Asset Management Plan in accordance with Reg 588.
- Participating on the Public Health initiative to develop a Health Impact Assessment methodology to apply against the Region's capital projects.
- Initiated development of the Region's Enterprise Risk Management Framework

AMO has redeployed 2 of 5 staff to support the Regional response to Covid-19.

The recruitment process for 2 of the 5 staff vacancies that was put on hold in March 2020 is being completed.

Projects to improve the Region's Asset Management System (AMS) require participation and collaboration from staff across the organization. Given the impact of COVID-19 on divisional plans and resources, the ability of Region staff to focus time on the AMS projects is limited and will have further impact on the schedule of 2020 projects. A schedule assessment indicates the majority of planned 2020 projects are now delayed while some are on hold due to the previous staffing levels. Once AM Analysts are on board, projects that have been delayed will be rolled out sequentially and in coordination with other Regional staff. There will be continued delay due to AMO staff who remain redeployed and are not expected back until October – November.

Operational Outlook

1/3/6 months

The Asset Management System development projects that are underway (Priority 0) and those planned in the coming months (Priority 1) are tabled below. These projects are directly related to the requirements of the 2021 Asset Management Plan.

Table 1: Asset Management System development projects

Priority	Service availability by Phase	Current status	Project
0	PNM	Delayed	Region AM delivery structure ID 112
0	PNM	Delayed	AM program foundations ID 430
0	PNM	Pilot completed	CAMRA - Risk Management Framework ID 248
0	M	Delayed	Develop data analytics capabilities- Microsoft BI ID 530
0	PNM	Delayed	Develop AM performance management KPIs ID 410
0	PNM	Initiated	Niagara Region AM working group ID 512
0	PNM	Delayed	Process for preparing the AM Plan ID 210
1	PNM	Delayed	Capital planning process ID 262
1	PNM	Initiated	Enterprise Risk Management Framework ID 249
1	PNM	Delayed	Develop Asset Registry - hierarchy and relationships ID 242
1	C	On hold	Project Resource Estimating - cost model ID 310
1	PNM	Pending	2021 AMP ID 630

Notes: PNM: No changes but delivered differently - e.g. working remotely
C: Cancelled pending redeployed/ staff vacancies are filled

Other planned 2020 projects not tabled above, and that have only an indirect bearing on the 2021 Asset Management Plan, or are related to supporting Niagara's local municipalities are also on hold until staffing issues have been resolved.

BUSINESS LICENSING

Current Status of Operations

Similar to the other departments in Corporate Services, the Business Licensing unit has continued to operate with core service delivery as well as play a role in the Region's EOC. These activities are identified separately.

Business License

- Continuance of issuance of licenses.
- Developing office protocols for future public intake by appointment only.
- Investigating permanent eCommerce licensing sales.

Provincial Order Enforcement

The provincial government's announcement for stricter enforcement of social distancing and businesses' temporary closings resulted in an enhanced bylaw enforcement. In cooperation and coordination with local municipalities, the Region's enforcement team has increased its hours of operations to respond to increased complaints.

- Staff have been re-assigned to enforce the Provincial Orders and remain assigned to an evening shift schedule Monday to Friday. Staff remain assigned to this until further notice or when the orders and state of emergency is lifted. Hours of operation and days of service are assessed weekly and will be adjusted to meet demands and pressures.
- Staff respond to after-hours calls to assist the local response and also monitor the Region's six public open space properties and beach and ensure Region licensed businesses are following order requirements and adherence to the Regional Licensing Bylaw.
- Order enforcement for the Re-opening Ontario Act.
- Face Covering bylaw enforcement including education.

Operational Outlook

1/3/6 months

The Regional Enforcement Manager will continue to work in cooperation with local municipalities, NRPS and other Regional departments in a coordinated approach to enforcement of the social distancing legislation and Face Covering Bylaw until the pandemic eases.

The business license bylaw review is ongoing and will likely come before Council in December of 2020.

INTERNAL AUDIT

Current Status of Operations

The Internal Audit function and related projects were paused to allow a focus on essential and core program areas. Recently, Internal Audit has been re-engaged to deliver several audits as directed by Audit Committee. In addition, as with other subcommittees, Audit Committee will restart in September with a committee meeting scheduled on September 21, 2020.

Operational Outlook

1/3/6 months

Manager of Internal Audit will be developing two tender packages in the short term to commence an audit on Single/Sole Procurement and a comprehensive review of the BioSolids program. In addition, a revised workplan will be presented to Audit Committee to consider other audit areas, most notably building upon the recently completed Information Technical General Controls (ITGC) audit to look at cybersecurity.

A more comprehensive operational strategy for the internal audit function is still be considered and will be presented to Audit Committee in the new year.

Respectfully submitted and signed by

_____
Todd Harrison, CPA, CMA
Commissioner of Corporate Services and
Regional Treasurer

Subject: Canada Summer Games – Transition Update

Report to: Corporate Services Committee

Report date: Wednesday, October 14, 2020

Recommendations

1. That this report be **RECEIVED** for information.

Key Facts

- The purpose of this report is to provide Corporate Services Committee with an update on the Canada Games Park build transition progress.

- On June 4, 2020 Regional Council approved, in principle, the transitioning of responsibility for construction of Canada Games Park to the Region.

- On June 30, 2020 The Regional Municipality of Niagara (the "**Region**") executed a Transition Agreement with 2021 Canada Games Host Society Inc. ("**CSG Host Society**") setting out the details, including preconditions, to the transition of responsibility for managing the remaining construction of Canada Games Park to the Region.

- Only a handful of preconditions to effecting the transition remain, most notably, receipt of the Province's consent to the transition.

- The 2021 Canada Summer Games were originally set to be held in August, 2021; however, were recently postponed until 2022. Construction remains on track to reach Substantial Performance by December 1, 2021.

Financial Considerations

The following are financial considerations provided by Region staff based on the documentation and information made available by the CSG Host Society through to the end of July.

The 2021 CSG budget, including both the original operating budget and revised Legacy capital budget now sits at $146.7 million.

The Region has budgeted for and is scheduled to contribute $1.0 million a year for four years, contributing a total of $4.0 million to CSG Host Society's $34.9 million operating budget.

The Region has budgeted $20.05 million for the capital contribution, $6.3 million funded with debentures and $13.7 million which has already been transferred to the Host Society funded from the Gas Tax capital funding. Should the Regions role in the delivery of any of the capital projects linked to the Canada Summer Games change, this would require budget adjustment. A comprehensive budget reconciliation will be completed once the date of transition is set.

At this time, the capital budget below includes an estimate of the non-recoverable HST municipal tax rebate applicable to the transfer of the building to the consortium at the end of construction. The amount budgeted is for the portion of the facility owned by Brock University, current advice from Deloitte indicates that the Niagara Region, St. Catharines and Thorold are eligible for 100% recoverable HST. The tax status of the Consortium has yet to be finalized, however should the Consortium not be eligible for this rebate; the HST expense could be greater and would represent an additional liability for the Region which would require a future funding allocation.

Capital Program - EXPENSES SOURCE BUDGET NOTES	Total Approved Canada Summer Games Capital Budget	Canada Games Park Allocation	Henley & Other
Canada Games Park			
Canada Games Park - Final Contract (excl. HST)		$ 85,580,225	
Canada Games Park - Change order as of Aug 30 2020 (excl. HST)		$ 4,471,178	
Canada Games Park - Competition Equipment		$ 3,959,914	
Off-Site Sanitary Replacement		$ 1,612,326	
Design, Project Management, Commissioning, Technical Studies, Permits, Admin etc.		$ 4,386,356	
Canada Games Park - Other Facility Equipment		$ 1,528,934	
CSG Legacy Capital Project(s) Contingency		$ 970,856	
Non-refundable HST		$ 880,000	
Henley Rowing Centre & Other Capital Infrastructure			$ 8,442,150
TOTAL PROJECT COST	111,810,586	$ 103,389,789	$ 8,442,150
(1) Non-recoverable HST of 1.76% was not included in Host budget, funding requirements have been taken out of contingency			

A balanced budget is subject to successfully securing $6.5 million in collective sponsorship and fundraising for both the Canada Games Park ($5.5 million) and Henley Rowing Centre ($1.0 million) respectively. It is anticipated that the COVID-19 pandemic will have a negative impact on the ability to secure sponsorship and fundraising in the short and medium term. This will have a corresponding impact on the overall operating

and capital budget for the Canada Summer Games given that contingencies identified did not consider the potential impacts of a global pandemic.

In addition, the Host Society is currently revising their budget in light of the postponement of the Games to 2022, and will present a revised budget reflective of COVID-19 and the postponement of the Games to their Board in October/November.

Recognising that the financial and capital risks above exist, the Consortium and Host Society continue to meet frequently and collaboratively to address these risks and deliver a Canada Summer Games that will benefit the community as a whole.

Analysis

2021 Canada Summer Games – Timing

On September 16, 2020 the Canada Games Council and CSG Host Society, after consulting with the Federal Government, the Province and the Region, announced the difficult decision to postpone the 2021 Canada Summer Games. While the Games were originally scheduled to take place in August, 2021 they are being reschedule as a result of continued public health concerns relating to the COVID-19 pandemic. The press release by CSG Host Society provides:

> Given the uncertainty created by the ongoing pandemic, the decision to postpone the Games was made, first and foremost, to ensure the health and safety of all the athletes, coaches, staff, volunteers and spectators expected to attend this event. Additionally, the COVID-19 pandemic would likely prevent us from delivering a phenomenal Games experience, both in terms of sport competitions and cultural events. By postponing the Niagara Canada Games, we will be able to better protect the health and safety of Games participants, the Niagara community and visitors from across the country, while delivering an extraordinary Games experience.

While no decision has been made yet on new dates our understanding is that Canada Games Council and CSG Host Society are aiming for the rescheduled Games to take place in the summer of 2022. The Region will continue to receive updates on timing as they become available.

Canada Games Park – Construction Update

Based on the last issued construction schedule (July 13, 2021), construction progress is tracking to schedule and is set to achieve Substantial Performance of the Work on December 1, 2021. Milestone events complete or nearing completion include: site works (excluding landscaping), storm water management, outdoor athletic facilities (excluding volleyball courts and outdoor storage), west parking and driveways, foundations, below slab building services, superstructure (structural steel and concrete block), structural steel and gymnasium slab. Roofing, building envelope, HVAC, plumbing, life safety, lighting, electrical and remaining site works are underway. As per the contract, Total Completion is due by February 1, 2022 and includes work remaining after Substantial Performance as well as completion of deficiencies to the Owner's satisfaction.

Schedule Risk – Low to moderate

As indicated in CAO 11-2020 construction commenced on the Canada Games Park in late 2019 utilizing a phased approach. Prior to the postponement of the Games, the contractor provided a schedule delivering Phase 1 exterior amenities and a portion of Phase 2 Games Ready Amenities (a portion of the Canada Games Park building) for August 1, 2021. Staff previously reported a low risk to the schedule for Phase 1 and a moderate to high risk for Phase 2 success. With the Games delayed until the summer of 2022, the requirement to achieve Games Ready is no longer a risk to the project schedule and there is no need to phase the remaining construction.

Overall project schedule risk is low to moderate. During the fall and winter season, construction efficiency decreases with the cold weather and with the potential of a 2nd wave of COVID in late 2020/2021 there may be a further loss of productivity, uncertainty with labour availability and instability with material supply chains further impacting the schedule. To date, the project has lost 17.75 working days due to weather and 20 working days due to the provincially ordered shutdown.

Budget Risk – High

There is a high risk to the project budget. The original contract amount with Aquicon in respect of Canada Games Park was $85,580,225. The revised contract amount including 76 change orders and 1 change directive approved to date is $90,051,403. Of the $4.471 M in added cost, over $3.2 M is attributed to poor soil conditions. Based on revenue, committed and forecast project cost, the amount remaining in the project budget as a construction contingency is $804,511 (approximately 1.5% of balance to complete the contract).

At this point in the construction, particularly with a complex building, best practice suggests maintaining a contingency of 3% to 5% indicating a potential budget risk of

$800,000 to $2.6 M. In order to mitigate the risk, staff recommends continuing to defer exterior lighting for the athletics and beach volley ball facilities and the purchase of FFE until next spring/summer as they are not part of the base contract.

Canada Games Park – Transition Update

Pursuant to report CSD 42-2020 Regional Council authorized staff to proceed, in principle, with the transfer of responsibility for the construction of Canada Games Park from CSG Host Society to the Region, subject to the fulfillment of the following two conditions:

1. the financial terms and conditions of any Transition Agreement, including with respect to the $58 million in Investing in Canada Infrastructure Program ("ICIP") capital funding committed to Canada Games Park are satisfactory to the Commissioner of Corporate Services and Treasurer; and

2. the Transition Agreement includes terms and conditions consistent with the principles set out in the term sheet attached as APPENDIX 3 to CSD 42-2020

Pursuant to this direction CSG Host Society and the Region successfully negotiated the terms of a transition agreement and executed same on June 30, 2020 (the "**Transition Agreement**")**.** The Transition Agreement, attached hereto as **APPENDIX 1**, contemplates the Region being added to the Provincial Transfer Payment Agreement (the "**Provincial TPA**") as a Recipient and, once the transition occurs, all Provincial TPA monies being deposited into a Region controlled bank account. This is a clean arrangement and ensures the necessary access to the $58M in combined provincial/federal funding in order to pay for construction – construction for which the Region will bear direct financial responsibility post transition.

The Transition Agreement also provides, as an over-arching principle, that the parties cooperate in good faith in all matters necessary to facilitate the effective and efficient transition of responsibility for the Canada Games Park build. In this way, both CSG Host Society and the Region have been working together to satisfy the various preconditions to transition set out in the Transition Agreement. While a number of these conditions have been satisfied other key conditions remain outstanding. Until all conditions are satisfied, the transition cannot take place. Accordingly, the Transition Agreement and, specifically, the closing date thereunder (originally anticipated to be July 31, 2020)

continue to be extended on a month-to-month basis pending the completion of these conditions. The following three (3) conditions remain the most noteworthy outstanding preconditions to closing the transition:

1. Provincial Consent

    i. The Transfer Payment Agreement made between CGS Host Society (as Recipient) and the Region, the City of St. Catharines, the City of Thorold and Brock University executed on or about March 31, 2020 provides that no assignment (or similar) can occur without the consent of the province.
    ii. The parties circulated a form of Provincial Acknowledgement and Consent to the province on July 4, 2020 and have been diligently following up through regular Steering Committee meetings on its status. The Province has indicated that they are doing their best to turn their attention to this matter but that COVID-19 continues to draw on a large number of their resources.

2. Aquicon (Construction Contractor) – Consent to Assignment

    i. We understand from CSG Host Society that this document is forthcoming, but that it is taking some time to complete as the Henley scope of work must, first, be removed from the Construction Contract before assignment to the Region (as required by the Transition Agreement). CSG Host Society and Aquicon have been working out the details of the Henley scope of work, following which, we anticipate Aqucion consenting to the assignment as well as executing the necessary amendments to the Construction Contract the Region will assume (to remove the Henley scope of work).

3. MJMA Architect (Consultant)

    i. As was the case with Aqucion, above, MJMA and CSG Host Society are currently negotiating the particulars of the removal of the Henley scope of work from the Architect contract(s) to be assigned to the Region following which we understand MJMA will be in a position to consent to the assignment as well as complete

the necessary amending agreements to reflect the removal of the Henley scope of work.

Canada Games Park – Consortium Update

In addition to the work that continues under the Transition Agreement the Consortium members have also been working to finalize the Consortium Agreement and Legacy Lease – documents which underpin the future use, operation and governance oversight of Canada Games Park. These documents have been reworked to reflect the Region's role change as it relates to construction and are largely settled.

As a result of the Games being postponed, the Consortium partners have begun to turn their minds to operationalizing Canada Games Park in advance of the Games (now anticipated to be held in 2022).The Region, on behalf of the Consortium partners, has retained the services of an experienced consultant to help assist in operationalizing the building, including with respect to the development of an operational plan, maintenance program and the development of specifications for an RFx for qualified third party operators to run the facility on behalf of the consortium partners.

The Consortium Members together with CSG Host Society have also created a sponsorship committee who has a mandate to provide assistance in relation to generating sponsorship revenue for the development of Canada Games Park and the Games. The committee is made up of members of the Consortium, CSG Host Society as well as community members who will develop a plan for securing sponsorship revenue for the sale of long-term naming rights for Canada Games Park.

Alternatives Reviewed

N/A

Relationship to Council Strategic Priorities

The successful delivery of Canada Games Park will provide the Region with a legacy of health, wellness and athletic excellence for decades to come. In this way, the project supports meeting Council's strategic objective of fostering a 'healthy and vibrant community'.

Other Pertinent Reports

CSD 67-2020
CAO 11-2020
CSD 42-2020

Prepared by:
Brian Wilson
Legal Counsel
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 Nicole Wolfe, Director, Construction Energy and Facility Management, and Heather Talbot, Financial and Special projects Consultant.

Appendices

Appendix 1 Transition Agreement

TRANSITION AGREEMENT FOR

CANADA GAMES PARK

THIS AGREEMENT is made as of this 30th day of June, 2020

BETWEEN:

2021 CANADA GAMES HOST SOCIETY INC.

("CGHS")

- and -

THE REGIONAL MUNICIPALITY OF NIAGARA

("Niagara")

WHEREAS:

A. The Canada Games in 2021 (the "**Games**") will be held across all municipalities in the Niagara Region of Ontario;

B. By a memorandum of understanding dated January 26, 2017 ("**MOU**"), between the Niagara 2021 Canada Summer Games Bid Committee, Niagara, and Brock University, it was contemplated, among other things, that Niagara and the Niagara 2021 Canada Summer Games Bid Committee would facilitate the hosting of the Games and that, if the Niagara 2021 Canada Summer Games Bid Committee's bid was successful a corporation would be created to, *inter alia*, plan, organize, promote, finance and stage the Games as well as to assist in the construction and preparation of facilities as may be required for the Games;

C. Based on the MOU, it is intended that prior to the Games, there will be upgrades to existing sport facilities and the development of new sport infrastructure and equipment, and much of that new sport infrastructure and equipment is to be located at a new site to be known as "**Canada Games Park**" that will include among other related infrastructure, a new Sport and Ability Centre with a twin pads ice arena, beach volleyball courts, a new athletics facility, and parking areas, and will be located on lands owned by Brock University, south of Sir Isaac Brock Blvd South and west of Merrittville Highway on Brock University's main campus (the "**CGP Lands**");

D. The 2021 Canada Games Host Society Inc. was created, in accordance with the *Corporations Act* (Ontario) to constitute CGHS, and, pursuant to a Hosting Agreement with the Canada Games Council dated December 12, 2018, was charged with planning, organizing, promoting, financing and staging the Games as well as assisting in the construction and preparation of Canada Games Park and to leave a tangible legacy and

funding for amateur sport for future generations in the Region of Niagara and the Province of Ontario;

E. With input and approval from the Consortium (as hereinafter defined), CGHS undertook the design and commenced construction and development of the Canada Games Park;

F. CGHS has entered into:

a. a Transfer Payment Agreement with Her Majesty the Queen in right of the Province of Ontario (the "**Province of Ontario**") with respect to the Games dated November 1, 2017 ;

b. a Transfer Payment Agreement with Niagara with respect to the Games dated January 1, 2018 (the "**Niagara TPA**");

c. a Contribution Agreement with Canada with respect to the Games dated May 1, 2019;

d. a Transfer Payment Agreement with the Province of Ontario, Niagara, the City of St. Catharines, City of Thorold and Brock University with respect to certain funding for the Canada Games Park construction dated August 30, 2019 and executed on or about March 31, 2020 (the "**Provincial TPA**");

e. a construction contract with Aquicon Construction Co. Ltd. to construct the Canada Games Park and the Henley Rowing Centre (as hereinafter defined) dated December 4, 2019;

f. an Offer to Lease (the "**Offer to Lease**") with Brock University in respect of those lands shown in Schedule A of the Offer to Lease to allow for the development, construction and operation of Canada Games Park for the Games dated December 4, 2019;

g. a Project Manager Agreement with Urban & Environmental Management Inc. for the construction management of Canada Games Park dated December 13, 2019;

h. a site plan agreement with the City of Thorold with respect to the CGP Lands upon which the Canada Games Park is to be constructed dated January 21, 2020;

i. a commissioning agreement with CFMS-West Consulting Inc. for the commissioning of the facilities contained within Canada Games Park dated March 1, 2020;

j. a Temporary Construction Access Licence Agreement with Ontario Power Generation Inc. ("**OPG**") made as of March 1, 2020 for temporary access to certain OPG lands in connection with the construction of a spillway serving a newly constructed stormwater holding pond on lands owned by Brock University; and

k. three separate architectural agreements with MacLennan Jaunkalns Miller Architects for the design of Canada Games Park and the Henley Rowing Centre

(as hereinafter defined) dated September 28, 2018, December 2, 2019 and March 11, 2020;

G. CGHS has obtained a building permit for the Canada Games Park dated February 4, 2020 from the City of Thorold;

H. Following the Games, it is the intention that a new ground lease will be entered into between Brock University, as landlord, and a consortium made up of Niagara, the City of St. Catharines, the City of Thorold, and Brock University (collectively the "**Consortium**"), as tenant, and the Consortium will have possession of the Canada Games Park and the CGP Lands for a term of forty (40) years;

I. CGHS has advised that it would be preferable to transition responsibility for the balance of the construction of Canada Games Park to Niagara for several reasons including so that CGHS can focus on organizing and delivering the Games and the development of other facilities such as the Henley Rowing Centre;

J. Niagara is agreeable to assuming responsibility for the balance of the construction of Canada Games Park on the terms and conditions of this Agreement;

K. Niagara is agreeable to becoming a Recipient party jointly with CGHS pursuant to the Provincial TPA on the terms and conditions of this Agreement; and

L. This Agreement sets out the framework for the transition of the construction of Canada Games Park from CGHS to Niagara (the "**Transition**").

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the mutual covenants hereinafter set forth for good and valuable consideration (the receipt and sufficiency of which are acknowledged by each of the undersigned) the Parties agree as follows:

ARTICLE 1
INTERPRETATION

1.01 Recitals

The foregoing recitals are true and correct in fact and in substance and are incorporated herein and form part of this Agreement.

1.02 Definitions

In this Agreement, in addition to the terms defined above, the following definitions apply:

a) "**Agreement**" means this transition agreement, including all Schedules, Appendices and Exhibits to this transition agreement, as amended, supplemented, restated and replaced from time to time in accordance with its provisions.

b) "**Applicable Law**" means:

i. any domestic (federal, provincial or municipal) or foreign statute, law (including common and civil law), code, ordinance, rule, regulation, order-in-council, restriction or by-law (zoning or otherwise);

ii. any judgment, order, writ, injunction, directive, decision, ruling, decree or award;

iii. any regulatory policy, practice, standard or guideline;

iv. any published administrative position; or

v. any Permit;

of any Governmental Authority, binding on or affecting the person referred to in the context in which the term is used or binding on or affecting the property of that person.

c) "**Assignment Condition Date**" means 5:00pm (local time) on July 30, 2020.

d) "**Books and Records**" means all books, records, files and papers of CGHS relating to the Project, including, electronic data, financial working papers, financial books and records, business reports, business plans and projections, records and correspondence, all other documents and data (technical or otherwise) relating to the Project and the Material Agreements, and all copies and recordings of the foregoing.

e) "**Business Day**" means any day, except Saturdays and Sundays, on which banks are generally open for non-automated business in the City of Thorold.

f) "**Canada Games Park**" has the meaning ascribed to that term in Recital C.

g) "**CGP Lands**" has the meaning ascribed to that term in Recital C.

h) "**Claims**" means any and all actions, causes of action, suits, proceedings, claims, losses, demands, damages, liabilities, penalties, costs and expenses of every nature and kind.

i) "**Closing**" means the completion of the transactions contemplated in this Agreement on the Closing Date in accordance with this Agreement.

j) "**Closing Date**" means the date which is one (1) Business Day after all of the conditions in Article 3 are satisfied or waived by Niagara and/or CGHS as applicable, or such other date as agreed to by the Parties in writing.

k) "**Consortium**" has the meaning ascribed to that term in Recital H.

l) **"Council Approval Date**" means 5:00pm (local time) on July 30, 2020.

m) "**Due Diligence Condition Date**" means 5:00pm (local time) on July 30, 2020.

n) "**Financial Statements**" means the financial statements in respect of the Project, consisting of the budgets, reports, balance sheet, income statement, cash flow statement and all notes, schedules and exhibits thereto.

o) "**Funds Reconciliation**" shall have the meaning given to it in Section 9.01a).

p) "**Games**" means the 2021 Canada Summer Games, as further defined in Recital A.

q) "**Games Equipment**" means the "Games Equipment" identified in Schedule C.

r) "**Governmental Authority**" means any domestic or foreign government, whether federal, provincial, state, territorial, local, regional, municipal, or other political jurisdiction, and any agency, authority, instrumentality, court, tribunal, board, commission, bureau, arbitrator, arbitration tribunal or other tribunal, or any quasi-governmental or other entity, body, organization or agency, insofar as it exercises a legislative, judicial, regulatory, administrative, expropriation or taxing power or function of or pertaining to government.

s) "**Hazardous Substance**" means any substance that is, or is likely to be, hazardous or harmful to the environment or likely to cause an adverse effect, damage or impairment to persons or property and includes, without limiting the generality of the foregoing, the following: (A) any substance that, if added to water, would degrade or alter or form part of a process of degradation or alteration of the quality of that water to the extent that it is detrimental to its use by humans or by any animal, fish or plant; (B) any solid, liquid, gas or odour or combination of any of them that, if emitted into air, soil or water, would create or contribute to the creation of a condition that does or would endanger the health, safety or welfare of persons or the health of animal life, interfere with normal enjoyment of life or property, or cause damage to plant life or to property; and (C) any material or substance declared or deemed to be hazardous, toxic, deleterious, caustic, radioactive, explosive, dangerous, a contaminant, a waste, a source of contaminant, a pollutant or a dangerous good under any environmental law, including, without limitation, petroleum hydrocarbons, benzene, toluene, ethylbenzene, xylene, urea formaldehyde, asbestos, lead, polychlorinated biphenyls and dioxins;

t) "**Henley Rowing Centre**" means the Games legacy project consisting of certain rowing infrastructure improvements to be constructed by CGHS for and on behalf of the Canadian Henley Rowing Corporation**.**

u) "**Holdback**" or "**Holdbacks**" means, as applicable, the holdback(s) required to be retained under Part IV of the *Construction Act*.

v) "**Insurance Polices**" all insurance policies maintained in respect of the Project.

w) "**Key Personnel**" shall mean the key individual(s) for CGHS set out in Section 8.01.

x) "**Labour & Material Payment Bond"** means, collectively, the labour and material payment bond and the Multiple Obligee Rider to the labour and material payment bond issued in respect of the construction contract in respect of the Project, by Travelers Insurance Company of Canada number 90040455 dated December 6, 2019.

y) "**Legacy Plan**" means the plan, insofar as it relates to the Canada Games Park, prepared in relation to legacy from the Games pursuant to the Hosting Agreement referred to in Recital D.

z) "**Material Agreements**" means all of the following agreements:

i. a Construction Contract with Aquicon Construction Co. Ltd. to construct Canada Games Park dated December 4, 2019;

ii. Project Manager Agreement with Urban & Environmental Management Inc. ("**UEM**") for the construction management of the construction of Canada Games Park dated December 13, 2019;

iii. a Commissioning Agreement with CFMS-West Consulting Inc. for the commissioning of the facilities contained within Canada Games Park dated March 1, 2020;

iv. three separate architectural agreements with MacLennan Jaunkalns Miller Architects for the design of Canada Games Park dated September 28, 2018, December 2, 2019 and March 11, 2020;

v. a Temporary Construction Access Licence Agreement with Ontario Power Generation Inc. made as of March 1, 2020 for temporary access to certain OPG lands in connection with the construction of a spillway serving a newly constructed stormwater holding pond on lands owned by Brock University; and

vi. a Site Plan Agreement with the City of Thorold with respect to the CGP Lands upon which the Canada Games Park is to be constructed dated January 21, 2020.

aa) "**MOU**" has the meaning ascribed to that term in Recital B.

bb) "**Niagara TPA**" has the meaning ascribed to that term in Recital F.

cc) "**Notice**" means any notice, request, direction, or other document that a Party can or must make or give under this Agreement, which, in each case, shall be given in accordance with Section 13.10.

dd) "**Offer to Lease**" has the meaning ascribed to that term in Recital F.

ee) "**Offsite Works**" means the replacement and upsizing of the sanitary sewer along Schmon Parkway to service the CGP Lands and other lands owned by Brock University comprising the installation of approximately 380 metres of 375mm diameter sanitary sewer and related appurtenances in accordance with the Niagara Peninsula Standard Contract Documents and as outlined in the proposal from Upper Canada Planning & Engineering Ltd., dated March 9, 2020 (as amended).

ff) **"Participant"** has the meaning set out in the Provincial TPA;

gg) "**Parties**" means collectively, Niagara and CGHS, and "Party" means any of them.

hh) "**Performance Bond**" means collectively, the performance bond and the Multiple Obligee Rider to the performance bond issued in respect of the construction contract in respect of the Project, by Travelers Insurance Company of Canada number 90040455 dated December 6, 2019.

ii) "**Permits**" means licences, qualifications, approvals, authorizations, consents, certificates, certificates of authorization, decrees, orders-in-council, registrations, exemptions, consents, variances, waivers, filings, grants, notifications, privileges, rights, orders, judgments, rulings, directives, permits and other approvals, obtained from, issued by or required by a Governmental Authority.

jj) "**Project**" means the construction and development of Canada Games Park on the CGP Lands.

kk) "**Project Account**" means a segregated bank account held at a Canadian chartered bank in the name of and held by Niagara which has a maximum of three authorized signatories, two of which shall be designated by Niagara and one of which shall be designated by CGHS and such account shall stipulate that any two of the three authorized signatories may sign and access the account.

ll) "**Province of Ontario**" means Her Majesty the Queen in right of the Province of Ontario.

mm) "**Provincial Acknowledgement and Consent**" has the meaning ascribed to that term in Section 3.03.

nn) "**Provincial TPA**" a Transfer Payment Agreement made between CGHS as the Recipient and the Province of Ontario, (with Niagara, the City of St. Catharines, the City of Thorold and Brock University as Participants only), with respect to certain funding for the Canada Games Park construction dated August 30, 2019 and executed on or about March 31, 2020.

oo) "**Services**" shall mean the services as defined in Section 8.01.

pp) **"Recipient"** has the meaning set out in the Provincial TPA and shall include both CGHS and Niagara from and after the Closing Date.

qq) "**Transition**" has the meaning ascribed to that term in Recital K.

1.03 Interpretation

In this agreement, unless the context requires otherwise, words in the singular include the plural and vice versa.

1.04 Schedules

The following Schedules and Exhibit attached to this Agreement are integral to and form part of this Agreement.

Schedule A	-	Form of Assignment, Consent To Assignment and Counterparty Estoppel
Schedule B	-	Form of Acknowledgement and Consent for Provincial TPA
Schedule C	-	Funds Reconciliation

ARTICLE 2 - OVERARCHING PRINCIPLES

The Parties agree to cooperate in good faith in all matters necessary to enable the Parties to meet the goals and objectives of this Agreement. The Parties will take timely action in relation to any mattes of disagreement to attempt to minimize them before they become matters of dispute. Without limiting the generality of the foregoing, in respect of the performance of their roles and responsibilities under this agreement, the Parties agree that they shall:

a) act in a cooperative and collaborative manner in carrying out their respective roles with respect to Canada Games Park and to facilitate the effective and efficient Transition; and

b) throughout the delivery of the Project, regardless of the nature of a Party's role, the Parties shall make commercially reasonable efforts that are not limited to financial matters to:

i. consider any input that a Party receives from the other Party in carrying out its roles and responsibilities under this Agreement;

ii. keep the other Party informed with respect to the status of the Project, as reasonably necessary and appropriate;

iii. exchange such information and documents related to the Project, the CGP Lands, the Transition, or otherwise, as may be reasonably required by the other Party to efficiently and effectively complete the Project and implement the Transition; and

iv. deliver Canada Games Park pursuant to the construction contract timeline so that it is ready to host a portion of the Games.

ARTICLE 3
CONDITIONS PRECEDENT

The Closing shall be conditional upon each of the following conditions being satisfied or waived on or before the respective dates noted below:

3.01 Consortium Approvals

On or before the Council Approval Date:

a) the Council of Niagara shall have approved the terms and conditions of this Agreement in its sole, absolute and unfettered discretion;

b) the Council of the City of St. Catharines shall have approved the Transition of the Project to Niagara as contemplated by this Agreement;

c) the Council of the City of Thorold shall have approved the Transition of the Project to Niagara as contemplated by this Agreement; and

d) the Board of Trustees of Brock University shall have approved the Transition of the Project to Niagara as contemplated by this Agreement.

3.02 CGHS Board Approval Condition

The Closing shall be conditional upon the Board of Directors of CGHS having approved the terms and conditions of this Agreement in its sole, absolute and unfettered discretion on or before July 30, 2020.

3.03 Provincial TPA Condition

On or before July 30, 2020, the Province of Ontario, Niagara and CGHS shall have executed an Acknowledgement and Consent (substantially in the form as Schedule B) (the "**Provincial Acknowledgement and Consent**") whereby the Province consents to the Transition and Niagara agrees to, in addition to being a Participant, also become a Recipient party to the Provincial TPA jointly with CGHS, such that Niagara and CGHS shall be jointly and severally liable to the Province under the Provincial TPA as Recipients and Niagara shall also have all the benefits and privileges conferred on a Recipient under the Provincial TPA.

3.04 Due Diligence

On or before the Due Diligence Condition Date, Niagara shall have satisfied itself in its sole, absolute and unfettered discretion with respect to each of the following:

a) all of the representations and warranties of CGHS made in or pursuant to this Agreement are true and correct;

b) the Material Agreements and all other materials, documents and information delivered to Niagara by CGHS, the status of the Project, the environmental condition of the CGP Lands, the geotechnical condition of the CGP Lands, the Permits, compliance of the Project with Applicable Laws, Niagara's ability to obtain satisfactory funding for the Project, and such other due diligence reviews, tests, inspections, investigations and evaluations as Niagara may choose to undertake or consider;

c) the Funds Reconciliation; and

d) Niagara having obtained reliance letters from any third party consultants identified by Niagara who prepared any reports in respect of the Project on terms and conditions satisfactory to Niagara.

3.05 Assignment Condition

On or before the Assignment Condition Date:

a) CGHS, at its sole cost and expense, shall have entered into legally binding agreements with the relevant counterparties to each of the applicable Material Agreements that contain a scope of work related to the Henley Rowing Centre and/or any other scope of work that is not related to the Canada Games Park to amend those Material Agreements to remove all work associated with the Henley Rowing Centre and any other work that is not part of the Canada Games Park from the scope of the Material Agreements, satisfactory to Niagara in all respects, and has delivered copies of such amending agreements to Niagara;

b) CGHS shall have caused to be delivered to Niagara written assignments, consents to assignment and counterparty estoppel of all of the Material Agreements to Niagara from each of the counterparties to each of the Material Agreements, substantially in the form attached at Schedule "A" and each on terms and conditions satisfactory to Niagara;

c) CGHS, Niagara and the Province shall have executed the Provincial Acknowledgement and Consent, with respect to the Provincial TPA consenting to the Transition and confirming that Niagara shall, in addition to being a Participant, become a Recipient party jointly with CGHS as of and from the Closing Date, on terms and conditions satisfactory to CGHS and Niagara, each in its absolute discretion;

d) CGHS shall have caused to be transferred to Niagara any Permits obtained by CGHS and relating to the construction of the Project that are required to be transferred for the purposes of this Transition;

e) CGHS shall have caused to be delivered to Niagara written confirmation or certificates from the relevant insurance companies which have issued the Insurance Policies confirming that of all Insurance Policies will be transferred, endorsed and/or reissued to Niagara on the Closing Date with the intent that Niagara shall have the full benefit and entitlements under all of the Insurance Policies and written confirmation that the Insurance Policies are in full force and effect with no change to the insurance premiums, each in a form satisfactory to Niagara; and

f) CGHS shall have caused to be delivered to Niagara written confirmation or certificates from the relevant bond issuers which have issued the Performance Bond and Labour and Materials Payment Bond that of all such bonds will be transferred to Niagara on the Closing Date and are in full force and effect, each in a form satisfactory to Niagara.

3.06 Consortium Agreement

On or prior to Closing, Niagara shall have entered into:

a) an agreement with the Consortium in respect of the Canada Games Park, and

b) a lease, license or other arrangement with Brock University to permit construction of the Project to continue after Closing.

3.07 Waiver and Satisfaction of Conditions

a) The condition set out in Section 3.02 is inserted solely for the benefit of CGHS and may be waived by CGHS, at any time or times by Notice to Niagara. Any waiver of a condition or conditions by CGHS shall not constitute or be construed as a waiver of any other conditions, and shall not constitute or be construed as a waiver of the obligations of Niagara under this Agreement or the rights of CGHS in respect thereof, which rights are expressly reserved.

b) The conditions set out in Sections 3.03, 3.05 and 3.06b) are inserted for the mutual benefit of Niagara and CGHS and may not be waived by either Party.

c) The conditions set out in Sections 3.01, 3.04 and 3.06a) are inserted solely for the benefit of Niagara and may be waived by Niagara, in whole or in part, at any time or times by Notice to CGHS. Any waiver of a condition or conditions, in whole or in part, by Niagara shall not constitute or be construed as a waiver of any other conditions, and shall not constitute or be construed as a waiver of the obligations of CGHS under this Agreement or the rights of Niagara in respect thereof, which rights are expressly reserved.

3.08 CGHS Responsibility

CGHS shall use commercially reasonable efforts to do all things necessary to satisfy the conditions set out in Sections 3.02, 3.03, 3.04 and 3.05.

3.09 Niagara Responsibility

Niagara shall use commercially reasonable efforts to do all things necessary to (i) satisfy the conditions set out in Section 3.06, (ii) assist CGHS to satisfy the conditions set out in Section 3.03 and 3.05c), and (iii) ensure that Brock University permits construction of the Project to continue without delay pending the satisfaction of the conditions precedent in Article 3 of this Agreement.

ARTICLE 4
DUE DILIGENCE

4.01 Deliveries by CGHS

Niagara acknowledges that CGHS has, prior to the date of this Agreement, delivered to Niagara for Niagara's review certain information and documentation in order to conduct due diligence with respect to the Transition. Within three (3) Business Days following a written request from Niagara, CGHS shall deliver to Niagara such further documentation and information relating to the Project which is reasonably requested by Niagara prior to the Due Diligence Condition Date which requests may include, but not be limited to:

a) copies of all Material Agreements and any documents that are supplementary or collateral thereto;

b) the Books and Records;

c) the Project budgets and Financial Statements;

d) copies of all Permits;

e) evidence of all invoices and receipts for payments under the Material Agreements;

f) copies of all bonds and insurance policies and certificates in respect of the Project and any material correspondence with any bond holder and insurer in respect of the Project; and

g) copies of any surveys, plans, specifications, drawings, soil test reports, environmental reports and engineering reports relating to the Project.

4.02 Authorizations

Within three (3) Business Days of receipt of a request from Niagara, CGHS shall execute and deliver to Niagara authorizations permitting any counterparty to a Material

Agreements, the bond holders and insurers in respect of the Project, and Governmental Authorities to release information respecting the Project to Niagara.

4.03 Access to the Project

CGHS shall permit Niagara and its employees, agents, representatives, consultants and contractors to have access to the Project and CGP Lands, from time to time, at reasonable times and subject to permission from Aquicon, which permission CGHS shall use commercially reasonable efforts to promptly obtain, for the purpose of conducting such enquiries, tests, inspections and investigations as Niagara may reasonably consider necessary or desirable.

ARTICLE 5
ASSIGNMENT

5.01 Material Agreements

On the Closing Date:

a) CGHS does hereby assign, transfer and set over unto Niagara, as of and from the Closing Date:

   i. all of the right, title and interest of CGHS under, in and to the Material Agreements;

   ii. the benefit of all covenants by the other contracting party or parties under each of the Material Agreements;

   iii. the benefit of all guarantees and indemnities in respect of the obligations of the other contracting party or parties under each of the Material Agreements and any security relating to the obligations of such party or parties under each of the Material Agreements (if any); and

   iv. all other rights, benefits and advantages whatsoever contained in each of the Material Agreements;

   with full power and authority to demand, collect, sue for, distrain for, recover, receive and give receipts for all monies payable thereunder and to enforce performance of the covenants thereunder, each on the terms and conditions of the form of Assignment, Consent to Assignment and Counterparty Estoppel agreement attached at Schedule “A”.

b) Niagara hereby accepts the assignment and assumes all of the CGHS’s obligations and liabilities with respect to the Material Agreements as of and from the Closing Date each on the terms and conditions of the form of Assignment, Consent to Assignment and Counterparty Estoppel agreement attached at Schedule “A”.

c) CGHS hereby acknowledges that, notwithstanding the assignment herein contained, CGHS shall not be released from any of its obligations under the Material Agreements prior to the date of the assignment.

5.02 Indemnities

a) CGHS covenants and agrees to indemnify and save harmless Niagara from and against Claims arising pursuant to or in connection with the Material Agreements with respect to any matter that has occurred prior to the Closing Date.

b) Niagara covenants and agrees to indemnify and save harmless CGHS from and against any and all Claims arising pursuant to or in connection with the Material Agreements with respect to any matter that occurs on or after the Closing Date.

c) CGHS covenants and agrees to indemnify and save harmless Niagara from and against Claims arising pursuant to or in connection with CGHS's obligations under the Provincial TPA, except to the extent that any such Claim was caused or contributed to as a result of any action or omission by Niagara.

d) Niagara covenants and agrees to indemnify and save harmless CGHS from and against any and all Claims arising pursuant to or in connection with Niagara's obligations under the Provincial TPA, except to the extent that any such Claim was caused or contributed to as a result of any action of omission by CGHS,

5.03 Provincial TPA

The Parties hereby agree and declare that the following shall apply with respect to the Provincial TPA:

a) CGHS and Niagara hereby acknowledge and agree that as of the Closing Date and upon the execution of the Provincial Acknowledgement and Consent by the Province of Ontario, Niagara and CGHS, both Niagara and CGHS shall be jointly and severally liable as Recipients under the Provincial TPA and Niagara shall also be entitled to all of the benefits, rights and privileges as a Recipient thereunder.

b) Niagara, and CGHS agree that they will:

i. take or cause to be taken such action in its name as may be required to provide each other with the benefits thereof, at the direction of each other, provided that such actions or directions are consistent with the terms and conditions of this Agreement;

ii. update the designation of the account identified in Section A.4.1(c) of the Provincial TPA as the Project Account and irrevocably direct and ensure that all funds payable under the Provincial TPA shall be paid directly to the Project Account;

iii. observe and perform all of its obligations under the Provincial TPA;

iv. keep each other fully informed of all matters related to the Provincial TPA and promptly forward to each other all documents, correspondence, notices and other information received by them in relation to the Provincial TPA;

v. coordinate all matters with respect to the funding of the Project under the Provincial TPA with each other; and

otherwise promptly do all things and acts necessary to comply with and administer the Provincial TPA.

ARTICLE 6
RELEASE FROM PART OF NIAGARA TPA

6.01 Release

The Parties acknowledge that the capital funding requirements under sections 7.1(b) and 7.1(d) of the Niagara TPA have been met via Niagara's commitments and obligations under Article A.34.0 of the Provincial TPA. CGHS hereby releases Niagara and its successors and assigns effective as of the Closing Date from any Claims that CGHS may have now or in the future or may have had against Niagara with respect to the capital funding requirements under sections 7.1(b) and 7.1(d) of the Niagara TPA provided that Niagara complies with all of its commitments and obligations under Article A.34.0 of the Provincial TPA.

ARTICLE 7 - OTHER MATTERS

7.01 Offsite Works

CGHS shall be responsible, at its sole cost and expense, for the development of the Offsite Works. CGHS shall ensure that the Offsite Works are completed in accordance with all Permits and Applicable Law and so as to ensure that the Project does not incur any delays, disruption or interference as a result of any failure or delay in completing the Offsite Works and so as to ensure that the Canada Games Park is fully serviced by the Offsite Works prior to the commencement of the Games.

7.02 Termination of Offer to Lease and Venue Use Agreement

CGHS shall be solely responsible for the termination of, and all liability and Claims under, the Offer to Lease, at CGHS's sole cost and expense. CGHS shall be responsible for making the arrangements with the Consortium for CGHS's preparation and use of the CGP Lands and/or Canada Games Park before and during the Games.

7.03 Value in Kind Arrangements

CGHS shall be solely responsible, at its sole cost and expense, for observing, performing and satisfying all arrangements and agreements made by CGHS with the counterparties to the Material Agreements and any other third parties prior to the Closing Date, for any value in kind arrangements or agreements relating to the Canada Games Park and/or Project. Niagara agrees to abide by all such arrangements and agreements provided for in the Material Agreements, from and after the Closing Date.

ARTICLE 8
SUPPORT SERVICES

8.01 Key Personnel

a) CGHS shall use reasonable efforts to ensure that the following CGHS personnel (the "**Key Personnel**") are the primary contacts for Niagara and will be available to support and provide assistance, information and documentation in relation to the Project and the Canada Games Park (the "**Services**"):

i. Doug Hamilton;

ii. Matt Hill; and

iii. Mario D'Uva.

b) Notwithstanding the foregoing, CGHS shall be entitled to add or remove any of the Key Personnel in its reasonable discretion; provided that any replacement Key Personnel shall be competent in carrying out the Services in accordance with this Agreement; and in doing so, the duties and obligations of CGHS under this Agreement shall not be diminished. CGHS shall give Niagara not less than five (5) Business Days advance written notice of any additions or removals of the Key Personnel.

c) CGHS shall ensure that the Key Personnel are familiar with the specific terms and conditions of this Agreement which apply to the provision of the Services in which they are involved.

8.02 Share Documents

CGHS shall promptly provide true and accurate copies of all information, documentation, and materials relating to the Project requested by Niagara.

8.03 Games Equipment

Prior to the commencement of the Games, CGHS shall supply and install the Games Equipment in accordance with the venue use agreement to be entered into pursuant to Section 7.02 of this Agreement. CGHS shall not be entitled to remove the Games

Equipment from Canada Games Park after the Games unless such removal is in accordance with the Legacy Plan.

8.04 Cooperation

Each Party shall cooperate with the other Party in relation to the Project, the Canada Games Park and their readiness for the Games. Each Party shall not do anything that delays the construction of the Project or its readiness for use at the Games. UEM shall continue to report jointly to Niagara, the other Consortium members and CGHS, pursuant to the Project Manager Agreement.

8.05 Conduct until Closing

Without in any way limiting any other obligations of CGHS hereunder CGHS shall, until the Closing continue to perform the Project in a manner consistent with that of a prudent owner of a similar project, and shall not, without the prior written consent of Niagara, enter into any transaction or action or refrain from doing any action that, if effected before the date of this Agreement, would constitute a breach of any representation, warranty, covenant or other obligation of CGHS in this Agreement.

ARTICLE 9
FUNDS & FUNDING

9.01 Funding Matters

a) By no later than July 15, 2020, CGHS shall prepare a schedule, to be attached hereto as Schedule "C", containing a ledger or ledgers detailing revenue and expenses in respect of the Project and the allocation of such revenue and expenses as between the Parties (the "**Funds Reconciliation**"). The Funds Reconciliation shall include details:

   i. breaking down expenses by supplier, and identifying whether each expense has been accrued, invoiced, and/or paid, and all forecasted expenses with respect to the Project;

   ii. breaking down revenues by source of revenues, and whether each revenue has been committed, invoiced and/or received; and

   iii. construction holdbacks, cash or investments held as working capital for the Project.

b) With respect to the allocation of the revenue and expenses in respect of the Project, the Parties agree that as part of the Funds Reconciliation:

   i. CGHS shall be reimbursed from the committed revenue, without duplication, for all expenses which it has incurred in respect of the Project

as at the Closing Date, including all non-recoverable HST in respect of such expenses;

ii. CGHS shall be provided funds from the committed revenue for all expenses budgeted for the Games Equipment and Offsite Works, including all non-recoverable HST budgeted in respect of the Games Equipment and Offsite Works; and

iii. The remaining revenue shall be allocated to Niagara.

c) The Funds Reconciliation shall be prospective to the Closing Date and shall be updated, if necessary, on the Closing Date.

d) On the Closing Date, all cash or investments held by CGHS as working capital for the Project other than that reimbursed or provided to CGHS pursuant to Sections 9.01b)i and ii , shall be deposited into the Project Account.

9.02 Surplus in funds

a) Any surplus in funds in relation to hosting the Games will first be paid by CGHS to Niagara to fund any deficit arising in relation to the costs of constructing the Project.

b) Any surplus in funds received by Niagara in relation to constructing the Project will be applied to, firstly, fund any financial deficit associated with hosting the Games in accordance with Niagara's responsibility under section 7.1(a) of the Niagara TPA and, secondly, to fund the legacy fund established pursuant to the Legacy Plan.

ARTICLE 10
NAMING RIGHTS, SPONSORSHIP & LEGACY

10.01 Sponsorship Committee

a) CGHS will use commercially reasonable efforts to assist Niagara to secure sponsorship revenue from the sale of long term naming rights in respect of Canada Games Park (which the Consortium is responsible for) to fund the uncommitted elements of the budget established for Canada Games Park in the amount of five million, four hundred thousand dollars ($5,400,000.00) (the "**Sponsorship Revenue**").

b) Niagara will use commercially reasonable efforts to assist CGHS to secure other sponsorship revenue to fund the CGHS budget to host the Games.

c) CGHS shall establish and administer a committee (the "**Sponsorship Committee**") for the purpose of, *inter alia*, securing the Sponsorship Revenue.

d) The membership of the Sponsorship Committee shall include appropriate community leaders from the Niagara Region and representatives of each of the Consortium.

e) CGHS shall prepare reasonable terms of reference for the Sponsorship Committee, which shall include:

i. The number of members;

ii. The identity of the members;

iii. The protocols and schedule for meetings;

iv. The need for the Committee to develop a plan for securing the Sponsorship Revenue;

v. Such other matters of governance of the Sponsorship Committee that CGHS and Niagara deem appropriate;

by no later than July 15, 2020.

10.02 Legacy Matters

a) Subject to Section 10.02b), CGHS acknowledges that it has no interest, right or title in Canada Games Park or the CGP Lands, save and except as may be set out in the venue use agreement to be made pursuant to Section 7.02 of this Agreement, and accordingly, shall not have the right to make any commitments, bind or act as the agent of Niagara or any member of the Consortium, in respect of the Canada Games Park for any period following the Games.

b) CGHS acknowledges that Niagara has or will be entering into certain arrangements, including, without limitation the Legacy Lease and a consortium agreement with the Consortium in respect of the Canada Games Park and Legacy Period. Niagara will use commercially reasonable efforts to ensure that the Legacy Lease and consortium agreement includes, as applicable, provision for implementation of the Legacy Plan.

c) Niagara shall be responsible for satisfying the requirements of the Canada Games Council, Province of Ontario and Her Majesty in right of Canada in relation to naming, signage and the acknowledgement of the sources of financial support in relation to Canada Games Park.

d) Niagara shall be responsible for the long term naming rights in respect of Canada Games Park.

ARTICLE 11
REPRESENTATIONS & WARRANTIES

11.01 CGHS Representations and Warranties

CGHS represents and warrants to Niagara that:

a) CGHS is a corporation existing under the laws of Ontario and has the necessary corporate authority, power and capacity to enter into the Material Agreements and the Provincial TPA and to enter into this Agreement and carry out the transaction contemplated by this Agreement on the terms and conditions herein contained;

b) this Agreement has been duly authorized by all corporate action required to be taken by CGHS and constitutes a legal, valid and binding obligation of CGHS, enforceable in accordance with its terms;

c) CGHS has the right to assign the Material Agreements and to complete the transaction as contemplated herein on the Closing Date;

d) CGHS is not an insolvent person within the meaning of the *Bankruptcy and Insolvency Act* (Canada) and has not made an assignment in favour of its creditors or a proposal in bankruptcy to its creditors or any class thereof, and no petition for a receiving order has been presented in respect of it. CGHS has not initiated proceedings with respect to a compromise or arrangement with its creditors or for its winding up, liquidation or dissolution. No receiver or interim receiver has been appointed in respect of it or any of its undertakings, property or assets (including any of the Material Agreements and Provincial TPA) and no execution or distress has been levied on any of its undertakings, property or assets (including any of the Material Agreements and Provincial TPA), nor have any proceedings been commenced in connection with any of the foregoing.

e) The execution, delivery and performance of this Agreement by CGHS and the completion of the transactions contemplated hereunder will not (whether after the passage of time or notice or both) result in:

   i. the breach or violation of any of the provisions of, or constitute a default under, or give any person the right to seek or cause a termination, cancellation, amendment or renegotiation of any Material Agreement to which it is a party, the Provincial TPA, or by which any of its undertakings, property or assets is bound or affected;

   ii. the breach or violation of any of the provisions of, or constitute a default under, or conflict with any of its obligations under:

      A. any provision of its constating documents or resolutions of its board of directors (or any committee thereof) or shareholders;

B. any judgment, decree, order or award of any Governmental Authority having jurisdiction over it;

C. any approval issued to, or held by, CGHS or held, for the benefit of or necessary to the operation of the Project; or

D. any Applicable Law;

iii. the creation or imposition of any encumbrance over any of the Material Agreements and Provincial TPA; or

iv. the requirement of any approval from any of its creditors.

f) CGHS has complied with and has executed the Project, as at the Closing Date, in compliance with all Applicable Laws;

g) All accounts for work done, services performed and materials supplied, placed or furnished on or in respect of the Project and/or in respect of the CGP Lands as at the Closing at the request of or on behalf of CGHS have been or will have been fully accounted for and satisfied by Closing;

h) Except as disclosed to Niagara prior to the Due Diligence Condition Date, CGHS has not entered into any agreement or other arrangement with the counterparties to the Material Agreements or other third parties for the payment or contribution of in kind value, compensation or consideration in relation to the Project or Canada Games Park.

i) CGHS is not aware of any person that claims or may be entitled to claim a lien against the CGP Lands under the *Construction Act* (Ontario) or any similar legislation.

j) to the best of CGHS's knowledge and belief, no Hazardous Substance has been stored, treated or disposed of on the CGP Lands except in compliance with Applicable Laws; CGHS has not received notice of and has no knowledge or information of any pending, contemplated or threatened judicial, administrative or other action relating to the existence of a Hazardous Substance on or affecting the CGP Lands and has no reason to believe that any cause of action for such exists.

k) CGHS has not received notice and is not aware of any pending or threatened litigation or of any other judicial or administrative proceeding affecting the Project or in respect of any of the Material Agreements and Provincial TPA;

l) CGHS has not received any notice of and is not aware of any outstanding work orders, deficiency notices, orders to comply or directives against the Project or any part thereof;

m) CGHS has performed all of the obligations required to be performed by it and is entitled to all benefits under, and is not in default or alleged to be in default in respect of, any Material Agreement and the Provincial TPA, to which it is a party

or by which it is bound or affected. All Material Agreements and the Provincial TPA are in good standing and in full force and effect, and no event, condition or occurrence exists that, after notice or lapse of time or both, would constitute a default under any Material Agreement and the Provincial TPA. Each of the Material Agreements constitutes the entire agreement with the counterparty(ies) thereunder in respect of the Project (other than the City of Thorold's participation in the Provincial TPA) and there is no dispute between CGHS and any other party under any Material Agreement and the Provincial TPA. None of the Material Agreements contain terms under which the execution or performance of this Agreement would give any other contracting party the right to terminate or adversely change the terms of that Material Agreement. None of those Material Agreements and the Provincial TPA have been assigned, in whole or in part;

n) CGHS has obtained all Permits necessary for the construction of the Project. Each such Permit is valid, subsisting and in good standing. CGHS is not in default or in breach of the terms of any Permit and, to the knowledge of CGHS, there exists no grounds nor is any action or proceeding pending or, to the knowledge of CGHS, threatened to revoke, suspend, amend or limit any Permit. True, accurate and complete copies of all Permits relating to the Project have been provided to Niagara.

o) The Financial Statements:

i. have been prepared in accordance with GAAP, applied on a basis consistent with that of the preceding periods;

ii. are complete and accurate in all respects;

iii. accurately disclose the assets, liabilities (whether accrued, absolute, contingent or otherwise) and financial condition of the Project, as at the dates thereof and for the periods covered thereby;

iv. reflect, all proper accruals as at the dates thereof and for the periods covered thereby of all amounts which, though not payable until a time after the end of the relevant period, are attributable to activities undertaken in respect of the Project during or prior to that period; and

v. contain or reflect, adequate provision for all liabilities and obligations of CGHS of any nature, whether absolute, contingent or otherwise, matured or unmatured, in respect of the Project, as at the date thereof.

vi. No information has become available to CGHS that would render the Financial Statements incomplete or inaccurate.

vii. All projections, including forecasts, budgets, pro formas and business plans provided to Niagara were prepared in good faith based on assumptions which were believed to be reasonable and are believed to be reasonable estimates of the Project.

viii. CGHS has disclosed the existence of and made available for review by Niagara all Books and Records. The system of internal accounting controls is sufficient to provide reasonable assurances that transactions are executed in accordance with management's general or specific authorization and that transactions are recorded as necessary to permit preparation of financial statements in conformity with GAAP and to maintain accountability for assets. The Books and Records:

A. accurately reflect the basis for the financial condition and expenses of the Project in the Financial Statements;

B. together with all disclosures made as part of this Agreement and during Niagara's due diligence review, present fairly the financial condition and the expenses of the Project as of and to the date of this Agreement and Closing; and

C. are not recorded, stored, maintained, operated or otherwise dependent on or held by any means (including any electronic, mechanical or photographic process, whether computerized or not), which are not or will not be available to Niagara after Closing.

p) Niagara acknowledges that the aforesaid Financial Statements and projections may change or be impacted or affected by force majeure, including the current pandemic. CGHS has no liabilities, obligations, indebtedness or commitments, whether accrued, absolute, contingent or otherwise, and is not a party to or bound by any agreement of guarantee, support, indemnification, assumption or endorsement of, or any other similar commitment with respect to the Project, that have not been disclosed in the Financial Statements or in the disclosures made as part of this Agreement and during Niagara's due diligence review;

q) CGHS has not made any binding commitments in respect of the naming rights of Canada Games Park or in respect of any legacy matter in relation to Canada Games Park save and except as set out in the Provincial TPA, the Niagara TPA, the Hosting Agreement with the Canada Games Council, the Contribution Agreement with Canada, and the Transfer Payment Agreement with the Province of Ontario dated November 1, 2017; and

r) the materials and documents delivered or which will be delivered by CGHS to Niagara pursuant to Section **Error! Reference source not found.** hereof are true and complete copies of all of the materials of the nature described therein as are in the possession or control of CGHS.

The representations and warranties that are made herein are true, accurate and complete as at the date of this Agreement and shall be true, accurate and complete as at the Closing Date.

11.02 Niagara Representations and Warranties

Niagara represents and warrants to CGHS that:

a) Niagara is a municipal corporation and has the necessary corporate authority, power and capacity to enter into the Provincial TPA as a Recipient party, and to enter into this Agreement and carry out the transactions contemplated by this Agreement on the terms and conditions herein contained;

b) Subject to satisfaction of the conditions set out in Article 3, this Agreement has been duly authorized by Niagara's council and constitutes a legal, valid and binding obligation of Niagara, enforceable in accordance with its terms;

c) Subject to satisfaction of the conditions set out in Article 3, Niagara has the authority and right to accept an Assignment of the Material Agreements and to complete the transaction as contemplated herein on the Closing Date;

d) Subject to satisfaction of the conditions set out in Article 3, the execution, delivery and performance of this Agreement by Niagara and the completion of the transactions contemplated hereunder will not (whether after the passage of time or notice or both) result in:

   i. the breach or violation of any of the provisions of, or constitute a default under, or conflict with any of its obligations under:

      A. any provision of its constating documents or resolutions of its council or committees thereof;

      B. any judgment, decree, order or award of any Governmental Authority having jurisdiction over it;

      C. any approval issued to or held by Niagara, or held for the benefit of or necessary to the operation of the Project; or

      D. any Applicable Law;

   ii. the requirement of any approval from any of its creditors.

The representations and warranties that are made herein, are true, accurate and complete as at the date of this Agreement and shall be true, accurate and complete as at the Closing Date.

ARTICLE 12 – TERMINATION

12.01 Termination

The term of this Agreement will expire on the earliest of: (A) the date of the final dissolution of CGHS; (B) March 31, 2030; and (C) the date of the mutual agreement of

both Parties in accordance with Section 13.06 of this Agreement. Niagara may terminate this Agreement at any time prior to the Closing Date by giving written notice to CGHS, which notice shall state the date on which the termination is to become effective.

ARTICLE 13
GENERAL PROVISIONS

13.01 Survival of Obligations

The rights and obligations of the Parties specified in any provision of this Agreement which by their nature would reasonably be interpreted as intended by the Parties to survive the termination of this Agreement shall survive such termination.

13.02 Severability

The invalidity or unenforceability of any particular term of this Agreement will not affect or limit the validity or enforceability of the remaining terms.

13.03 Independence of Parties

Nothing in this Agreement shall be deemed to create any partnership, agency or joint venture relationship between the Parties hereto.

13.04 Entire agreement relating to Transition

This Agreement constitutes the entire agreement between the Parties relating to the Transition of the Project and other matters as contemplated herein; there are no representations, covenants, or other terms other than those set out in this Agreement relating to its subject matter, and this Agreement supersedes any previous discussions, understandings, or agreements, between the Parties relating to its subject matter. Except as specifically set out in Article 6 of this Agreement, this Agreement does not have any effect whatsoever on any of the rights and obligations in the Niagara TPA. Further, except as specifically set out in this Agreement, this Agreement does not have any effect whatsoever on any of the rights and obligations in the Provincial TPA, including the obligations of Niagara in Article A.34.0 of the Provincial TPA. The Niagara TPA and the Provincial TPA shall continue in full force and effect.

13.05 Further assurances

Each Party, upon receipt of Notice by another Party, shall sign (or cause to be signed) all further documents, do (or cause to be done) all further acts, and provide all reasonable assurances as may reasonably be necessary or desirable to give effect to this Agreement.

13.06 Amendment

This Agreement may only be amended by a written document signed by each of the Parties.

13.07 Binding effect

This Agreement enures to the benefit of and binds the Parties and their respective heirs, trustees, executors, administrators, and other legally appointed representatives, successors, and permitted assigns.

13.08 Assignment

This Agreement may not be assigned by CGHS. This Agreement may not be assigned by Niagara without the prior written consent of CGHS.

13.09 Niagara as Municipality

The Parties acknowledge that although Niagara is a Party to this Agreement, nevertheless, Niagara is and shall each remain an independent planning authority and municipality with all requisite powers and discretion provided under applicable law, including, without limitation, the *Planning Act* (Ontario) and the *Municipal Ac*t, 2001 (Ontario).

13.10 Notice

Any notice, request, demand, consent, advice, approval or other communication provided for or permitted under this Agreement shall be in writing and may be given by personal delivery or electronic mail, addressed to the Party for which it is intended at its address as follows:

Niagara:

The Regional Municipality of Niagara
1815 Sir Isaac Brock Way, PO Box 1042
Thorold, Ontario
L2V 4T7
Attention: Ron Tripp
Email: Ron.Tripp@niagararegion.ca

CGHS:

2021 Canada Summer Games Host Society Inc.
20 Corporate Park Drive, Suite 302, Box 10
St. Catharines, Ontario
L2S 3W2
Attention: Matt Hill
Email: mhill@2021canadagames.ca

provided, however, that any Party may change its address for purposes of receipt of any such communication to another address in Canada by giving 10 (ten) days' prior written notice of such change to the other Party in the manner above prescribed. Any notice delivered as aforesaid shall be deemed to have been received on the day of delivery if

received on or before 5:00 p.m. on any Business Day, or if not, on the next Business Day following the day of delivery.

13.11 Governing law

The laws of Ontario and the laws of Canada applicable in that province, excluding any rule or principle of conflicts of law that may provide otherwise, govern this Agreement.

13.12 Counterparts

This Agreement may be signed in any number of counterparts, each of which is an original, and all of which taken together constitute one single document.

13.13 Time is of the essence

Time is of the essence of this Agreement and of every part of this Agreement. No extension of time or other variation of this Agreement will operate as a waiver of this provision.

13.14 Effective Date

This Agreement is effective as of the date shown at the top of the first page, even if any signatures are made after that date.

13.15 No Merger

None of the covenants and agreements of the Parties or any of them contained in this Agreement will merge in any certificates or documents signed or delivered at or subsequent to the date hereof and all shall continue in full force and effect.

[The remainder of this page has been intentionally left blank]

IN WITNESS WHEREOF the Parties hereto have executed this Agreement as of the date first mentioned above.

THE REGIONAL MUNICIPALITY OF NIAGARA

By: _____
Name: James Bradley
Title: Regional Chair

By: _____
Name: Ann-Marie Norio
Title: Regional Clerk

I/We have the authority to bind the Corporation

2021 CANADA GAMES HOST SOCIETY INC.

By: _____
Name:
Title:

By: _____
Name:
Title:

I/We have the authority to bind Canada Games Host Society Inc.

SCHEDULE "A"

FORM OF ASSIGNMENT, CONSENT TO ASSIGNMENT AND COUNTERPARTY ESTOPPEL

THIS AGREEMENT is made as of the ____ day of June, 2020.

B E T W E E N:

2021 CANADA GAMES HOST SOCIETY INC.

(hereinafter called the "Assignor")

OF THE FIRST PART

- and -

THE REGIONAL MUNICIPALITY OF NIAGARA

(hereinafter called the "Assignee")

OF THE SECOND PART

- and -

[COUNTERPARTY]

(hereinafter called the "Counterparty")

OF THE THIRD PART

RECITALS:

A. The Assignor and the Counterparty have entered into a [agreement description] in connection with the development of new sport infrastructure and equipment, and much of that new sport infrastructure and equipment is to be located at a new site to be known as "**Canada Games Park**", as amended from time to time (the "**Assigned Agreement**").

B. The Assignor has requested that the Assignee takes over the construction and development of Canada Games Park and have entered into an agreement in respect of the same dated [■] between the Assignor and the Assignee (the "**Transition Agreement**").

C. In connection with the consummation of the transactions described in the Transition Agreement, the Assignor desires to assign all of its future rights and obligations pursuant to the Assigned Agreement to the Assignee.

D. The Counterparty agrees to provide its consent to the assignment of the Assigned Agreement contemplated herein and to acknowledge the status of the Assigned Agreement.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of Two Dollars ($2.00) now paid by each party hereto to the other and other good and valuable consideration (the receipt and sufficiency of which are hereby acknowledged), the parties covenant and agree as follows:

1. Assignment. The Assignor hereby assigns, transfers and sets over to the Assignee absolutely,

   (a) all of the right, title and interest of the Assignor under, in and to the Assigned Agreement;

   (b) the benefit of all covenants by the Counterparty under the Assigned Agreement;

   (c) the benefit of all guarantees and indemnities in respect of the obligations of the Counterparty under te Assigned Agreements and any security relating to the obligations of the Counterparty under the Assigned Agreement (if any); and

   (d) all other rights, benefits and advantages whatsoever contained in the Assigned Agreement;

   with full power and authority to demand, collect, sue for, distrain for, recover, receive and give receipts for all monies payable thereunder and to enforce performance of the covenants thereunder.

2. Assumption. Effective as of the date first written above, the Assignee does hereby assume the Assigned Agreement and covenants and agrees to perform, comply with and discharge each of the duties and obligations of the Assignor under the Assigned Agreement arising from and after Closing.

3. Assignor not Released. The Assignor hereby acknowledges that, notwithstanding the assignment herein contained, the Assignor shall not be released from any of its obligations under the Assigned Agreement prior to the date of assignment.

4. Indemnity from Assignor. The Assignor covenants and agrees to indemnify and save harmless the Assignee from and against any and all claims, costs, expenses and liability the Assignee may suffer or incur in respect of the Assigned Agreement relating to any period prior to the date first written above.

5. Indemnity from Assignee. The Assignee covenants and agrees to indemnify and save harmless the Assignor from and against any and all claims, costs, expenses and liability the Assignor may suffer or incur in respect of the Assigned Agreement relating to any period from and after the date first written above.

6. Full Force and Effect. The Assignor represents and warrants to the Assignee that the Assigned Agreement is presently in full force and effect and has not been cancelled and, except as disclosed in Exhibit A, has not been amended.

7. Further Assurances. Each of the Assignor and Assignee shall execute such documents and other instruments and perform such further acts as may be reasonably required or desirable to effect the provisions hereof and the transactions contemplated hereby.

8. Counterparty Consent, Estoppel and Other Acknowledgments. The Counterparty hereby represents, warrants, agrees and certifies, with the intent that the Assignee (and its successors and assigns) may rely on the following and that the information contained herein shall be binding on the Counterparty:

   (a) The Assigned Agreement consists entirely of the agreements set out in Exhibit A and is currently in full force and effect and, together with this Agreement, constitutes the entire agreement between the parties thereto.

   (b) The Assigned Agreement has not been amended, modified or otherwise changed except for such modifications and amendments as are identified in Exhibit A.

   (c) Neither the Assigned Agreement nor any rights thereunder have been assigned by the Counterparty or the Assignor.

   (d) Except as set out on Exhibit B, the Assignor has performed all of the obligations required to be performed by it and is entitled to all benefits under, and is not in default or alleged to be in default in respect of the Assigned Agreement. The Assigned Agreement is in good standing and in full force and effect, and except as set out in Exhibit B, no event, condition or occurrence exists that, after notice or lapse of time or both, would constitute a default under the Assigned Agreement.

   (e) Except as set out on Exhibit B, there is no dispute, claim, setoff, defence or counterclaim between the Assignor and the Counterparty pursuant to or in connection with the subject matter of the Assigned Agreement.

   (f) The Counterparty is not aware of any person that claims or may be entitled to claim a lien against the lands upon which the Canada Games Park is being constructed under the *Construction Act* (Ontario) or any similar legislation.

   (g) Except as set out in Exhibit B, the Assignor and, to the best of the Counterparty's knowledge, the Counterparty, are not in default or breach of the Assigned Agreement, and no event has occurred which constitutes, or with the lapse of time

or the giving of notice or both would constitute, a default or breach by the Assignor or the Counterparty of the Assigned Agreement.

(h) The Counterparty hereby acknowledges and irrevocably consents to the assignment of the Assigned Agreement by the Assignor to the Assignee.

(i) The Counterparty hereby acknowledges and agrees that the Assignee shall not be responsible for any costs, expenses or liability in respect of the Assigned Agreement relating to any period prior to the date first written above.

(j) [Such other certifications as the Assignee may reasonable require upon the conduct of due diligence]

9. Successors and Assigns. This Agreement shall be binding upon, and shall enure to the benefit of, the parties hereto, and their respective successors and assigns.

10. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the Province of Ontario, Canada, without regard to conflict of law principles.

11. Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument. Electronic or facsimile signatures shall have the same effect as originals.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

2021 CANADA GAMES HOST SOCIETY INC.

Per: _____
Name:
Title:

Per: _____
Name:
Title:

I/We have authority to bind the corporation.

THE REGIONAL MUNICIPALITY OF NIAGARA

Per: _____
Name:
Title:

Per: _____
Name:
Title:

I/We have authority to bind the municipality.

[COUNTERPARTY]

Per: _____
Name:
Title:

Per: _____
Name:
Title:

I/We have authority to bind the corporation.

EXHIBIT A

Assigned Agreement Documentation

(i) [■]

EXHIBIT B
Defaults, Claims, Setoffs, etc.

(i) [■]

SCHEDULE "B"

PROVINCIAL ACKNOWLEDGEMENT AND CONSENT

CONTEXT

A. 2021 Canada Games Host Society Inc. ("**CGHS**"), as recipient, and Her Majesty the Queen in Right of Ontario (the "**Province**"), as transferor, and The Regional Municipality of Niagara ("**Niagara**"), The Corporation of the City of St. Catharines, The Corporation of the City of Thorold and Brock University, as participants, have entered into the Transfer Payment Agreement dated August 30, 2019 and executed on or about March 31, 2020 with respect to certain funding for the Canada Games Park construction (the "**Provincial TPA**");

B. CGHS has advised that it would be preferable to transition responsibility for the balance of the construction of Canada Games Park to Niagara for several reasons including so that CGHS can focus on organizing and delivering the 2021 Canada Summer Games and the development of other facilities such as the Henley Rowing Centre;

C. Niagara is agreeable to assuming responsibility for the balance of the construction of Canada Games Park (the "**Transition**") on terms set out in the Transition Agreement attached hereto as Schedule "A";

D. As set out in Schedule "A", as conditions of the Transition:

   a. Niagara is to become a party to the Provincial TPA, as Recipient; and

   b. the written consent of the Province to the Transition is required.

NOW THEREFORE THIS ACKNOWLEDGEMENT AND CONSENT WITNESSES that in consideration of the mutual covenants hereinafter set forth for good and valuable consideration (the receipt and sufficiency of which are acknowledged by each of the undersigned) the parties agree as follows:

ACKNOWLEDGEMENT

The parties hereto agree that Niagara shall be a party to the Provincial TPA as Recipient, jointly and severally with CGHS.

CONSENT

The Province hereby consents to the Transition.

This Consent given on this ____ day of July, 2020.

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF ONTARIO

_____

Name:
Title:

I have authority to bind the Province.

2021 CANADA GAMES HOST SOCIETY INC.

_____

Name:
Title:

I have authority to bind the Corporation.

THE REGIONAL MUNICIPALITY OF NIAGARA

_____

Name:
Title:

I have authority to bind the Municipality.

SCHEDULE "A"

TRANSITION AGREEMENT

SCHEDULE “C”

FUNDS RECONCILIATION

[NTD: Funds Reconciliation to be attached once complete, as per Section 9.01a)]

Minute Item No. 3.3
Report & Correspondence (For Information Only) – Statutory Public Meeting

That Report PDS 23-2020, dated October 14, 2020, respecting Statutory Public Meeting for Regional Official Plan Amendment (ROPA) 18 (Northwest Welland Urban Boundary Expansion), **BE RECEIVED** and **BE CIRCULATED** to the City of Welland; and

That the following correspondence items **BE RECEIVED** and **REFERRED** to the preparation of the final report on Regional Official Plan Amendment 18:

PDS-C 17-2020
An email submission from S. Stanyar, Quaker Road, City of Welland, dated September 24, 2020, respecting Northwest Welland Urban Boundary Expansion

PDS-C 19-2020
A letter from D. and F. Suthons, Residents, Town of Wainfleet, dated October 7, 2020, respecting Northwest Welland Urban Boundary Expansion Request.

PDS 29-2020
An email submission from A. Magazzeni, Rice Road, City of Welland, dated October 8, 2020, respecting ROPA 18 Northwest Welland Urban Boundary Expansion.

Minute Item No. 6.1
PDS 16-2020
Woodland Conservation By-law Review

That Report PDS 16-2020, dated October 14, 2020, respecting Woodland Conservation By-law Review, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Regional Council **APPROVE** the Niagara Region Woodland Conservation By-law attached as Appendix 1 to Report PDS 16-2020;
2. That staff **BE DIRECTED** to terminate the service level agreement with the Niagara Peninsula Conservation Authority (NPCA) for the enforcement of the Woodland Conservation By-law and advertise the Regional Forester position for external hire;
3. That staff **CIRCULATE** a copy of this report and the new Niagara Region Woodland Conservation By-law to the Local Area Municipalities, NPCA, Niagara North Federation of Agriculture, Niagara South Federation of Agriculture, Niagara Woodlot Association, Niagara Home Builders Association, Niagara Construction Association and Niagara Parks Commission; and
4. That a copy of the Niagara Region Woodland Conservation By-law **BE POSTED** on the Region's website and local municipalities be requested to include a reference and link to the By-law in all pre-consultation applications.

Minute Item No. 7.1
PDS-C 13-2020
COVID 19 - Response and Business Continuity in Planning and Development

That Correspondence Item PDS-C 13-2020, being a memorandum from R. Mostacci, Commissioner, Planning and Development Services, dated October 14, 2020, respecting COVID-19 Response and Business Continuity in Planning and Development, **BE RECEIVED** for information.

Minute Item No. 7.2
ED 12-2020
COVID-19 Response and Business Continuity in Economic Development

That Correspondence Item ED 12-2020, being a memorandum from V. Kuhns, Acting Director, Economic Development, dated October 14, 2020, respecting COVID-19 Response and Business Continuity in Economic Development, **BE RECEIVED** for information.

Minute Item No. 7.3
ED 13-2020
COVID-19 Impact on Investment and Development in Niagara

That Report ED 13-2020, dated October 14, 2020, respecting COVID-19 Impact on Investment and Development in Niagara, **BE RECEIVED** for information.

Minute Item No. 7.4
PDS-C 15-2020
Regional Official Plan Update

That Correspondence Item PDS-C 15-2020, being a memorandum from D. Giles, Director, Long Range and Community Planning , dated October 14, 2020, respecting Regional Official Plan Update, **BE RECEIVED** for information; and

That staff **BE DIRECTED** to extend the contract with the Canadian Centre for Economic Analysis (CANCEA) to provide additional analysis of housing and affordable housing in Niagara based on the 2051 population and employment numbers recently release by the Province.

Minute Item No. 7.5
PDS-C 22-2020
Draft Woodlands By-law

That Correspondence Item PDS-C 22-2020, being a letter from J. Schonberger, resident, City of Thorold, dated October 7, 2020, respecting Draft Woodlands By-law, **BE RECEIVED** for information.

THE REGIONAL MUNICIPALITY OF NIAGARA
PLANNING & ECONOMIC DEVELOPMENT COMMITTEE
MINUTES

PEDC 8-2020
Wednesday, October 14, 2020
Council Chamber / Video Conference
Niagara Region Headquarters, Campbell West
1815 Sir Isaac Brock Way, Thorold, ON

Committee Members Present in the Council Chamber:	Darte (Committee Vice-Chair)
Committee Members Present via Video Conference:	Bradley (Regional Chair), Butters, Bylsma, Campion, Easton, Fertich, Foster, Greenwood, Heit, Junkin, Redekop, Rigby, Ugulini, Witteveen, Zalepa
Absent/Regrets:	Bellows, Huson (Committee Chair), Sendzik
Staff Present in the Council Chamber:	L. Glynn, Technology Support Analyst, V. Kuhns, Acting Director, Economic Development, R. Mostacci, Commissioner, Planning & Development Services, A.-M. Norio, Regional Clerk, R. Tripp, Acting Chief Administrative Officer
Staff Present via Video Conference:	E. Acs, Manager, Community Planning, P. Busnello, Manager, Development Planning, P. D'Souza, Legal Counsel, D. Gibbs, Director, Legal & Court Services, D. Giles, Director, Community & Long Range Planning, D. Heyworth, Official Plan Policy Consultant, P. Lambert, Director, Infrastructure Planning & Development Engineering, C. Lampman, Manager, Environmental Planning, B. Landry, Manager, Economic Research and Analysis, K. McCauley, Senior Planner, Secondary Plans, D. Morreale, Director, Development Approvals, S. Norman, Senior Planner, M. Trennum, Deputy Clerk, B. Zvaniga, Interim Commissioner, Public Works
Others Present via Video Conference:	T. Fitzpatrick, General Manager, Infrastructure & Development Services, D. Jennings, Regional Forester, Niagara Peninsula Conservation Authority, G. Munday, Manager, Development Approvals, City of Welland

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1. CALL TO ORDER

Committee Vice-Chair Darte called the meeting to order at 1:00 p.m.

Rino Mostacci, Commissioner, Planning and Development Services, announced his retirement effective October 30, 2020. Committee Vice-Chair Darte thanked Commissioner Mostacci for his years of service on behalf of the Planning and Economic Development Committee.

2. DISCLOSURES OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

3. STATUTORY PUBLIC MEETING UNDER THE PLANNING ACT

At 1:05 p.m. Committee Vice-Chair Darte called the Statutory Public Meeting under the *Planning Act* to order and stated that the meeting was being held in accordance with Section 17 of the *Planning Act.*

The purpose of the meeting was to receive comments and answer questions from the public regarding proposed Amendment 18 to the Niagara Region Official Plan (Report PDS 23-2020).

The proposed amendment would add approximately 190 hectares of land, known as Northwest Welland, into the urban settlement area boundary. The amendment consists of mapping changes to re-designate the Northwest Welland study area to urban area and add a site specific policy area to recognize the expansion area.

The Committee Vice-Chair stated that any person present on the video conference, or by phone, who wished to make representation on the proposed amendment would be given an opportunity to do so. He additionally advised that written submissions may be placed on a public agenda and become part of the public record. Personal information will be collected and maintained for the purpose of creating a record and may be available to the general public pursuant to the *Municipal Act*, the *Municipal Freedom of Information and Privacy Act*, and any other relevant Acts. Any questions related to the privacy policy, should be directed to the Regional Clerk's Office.

3.1 Presentations

3.1.1 Overview of the Application

Kirsten McCauley, Senior Planner, Secondary Plans, provided information respecting Regional Official Plan Amendment 18 - Northwest Welland Urban Boundary Expansion. Topics of the presentation included:

- Purpose of Regional Official Plan Amendment (ROPA) 18
- Northwest Welland Study Area
- Northwest Welland Area Timeline
- Supporting Information
- Approval Process
- Summary of Next Steps

3.2 Registered Speakers

3.2.1 Carly Forrester

Carly Forrester did not provide any comments.

There were no individual participating in the meeting who spoke to the application.

3.3 Report & Correspondence (For Information Only)

Moved by Councillor Heit
Seconded by Councillor Butters

That Report PDS 23-2020, dated October 14, 2020, respecting Statutory Public Meeting for Regional Official Plan Amendment (ROPA) 18 (Northwest Welland Urban Boundary Expansion), **BE RECEIVED** and **BE CIRCULATED** to the City of Welland; and

That the following correspondence items **BE RECEIVED** and **REFERRED** to the preparation of the final report on Regional Official Plan Amendment 18:

PDS-C 17-2020
An email submission from S. Stanyar, Quaker Road, City of Welland, dated September 24, 2020, respecting Northwest Welland Urban Boundary Expansion

PDS-C 19-2020
A letter from D. and F. Suthons, Residents, Town of Wainfleet, dated October 7, 2020, respecting Northwest Welland Urban Boundary Expansion Request.

PDS-C 20-2020
An email submission from A. Magazzeni, Rice Road, City of Welland, dated October 8, 2020, respecting ROPA 18 Northwest Welland Urban Boundary Expansion.

Carried

3.4 Summary and Next Steps

Kirsten McCauley, Senior Planner, Secondary Plans, advised that any comments received would be considered in the preparation of the final report on Regional Official Plan Amendment 18.

3.5 Adjournment of the Statutory Public Meeting Under the Planning Act

The Committee Vice-Chair declared the Statutory Public Meeting under the *Planning Act* adjourned at 1:21 p.m.

4. PRESENTATIONS

There were no presentations.

5. DELEGATIONS

Dr. Bacher (Agenda Item 5.1.1) had not yet joined the meeting; therefore, Committee considered the delegation request from Mr. McShane at this time.

Moved by Councillor Greenwood
Seconded by Councillor Ugulini

That Chuck McShane **BE PERMITTED** to appear before the Planning and Economic Development Committee as an individual delegate respecting Report PDS 16-2020, concerning Woodland Conservation By-law Review.

Carried

5.1 Woodland Conservation By-law Review (Report PDS 16-2020 (Agenda Item 6.1))

5.1.2 Chuck McShane, Niagara Home Builders Association

Chuck McShane, Niagara Home Builders Association, spoke in opposition to the approval of the Woodland Conservation By-law expressing concern that Niagara Official Plan policies have not yet been updated.

In the Absence of Dr. Bacher, Committee heard the staff presentation respecting Woodland Conservation By-law Review (Agenda Item 6.1) at this time.

6. ITEMS FOR CONSIDERATION

6.1 PDS 16-2020

Woodland Conservation By-law Review

Britney Fricke, Senior Planner, and Adam Boudens, Senior Environmental Planner/Ecologist, provided information respecting Woodland Conservation By-law Review. Topics of the presentation included:

- Goals of the By-law Review
- Public Consultation
- Existing By-law Facts
- Delegation of Authority
- Forestry Act Woodland Definition
- Existing Exemptions
- Good Forestry Practices Permit
- Feedback from Public Consultation
- Key Changes Proposed
- Next Steps

5. DELEGATIONS

5.1 Woodland Conservation By-law Review (Report PDS 16-2020 (Agenda Item 6.1))

5.1.1 Dr. John Bacher, Resident, City of St. Catharines

Dr. John Bacher, resident, City of St. Catharines, appeared before the committee to request amendments to the draft by-law to strengthen woodland conservation policy by including peer reviews of environmental impact statements and provisions for additional public participation in the policy review process.

6. ITEMS FOR CONSIDERATION

6.1 PDS 16-2020

Woodland Conservation By-law Review

Moved by Councillor Foster
Seconded by Councillor Fertich

That Report PDS 16-2020, dated October 14, 2020, respecting Woodland Conservation By-law Review, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Regional Council **APPROVE** the Niagara Region Woodland Conservation By-law attached as Appendix 1 to Report PDS 16-2020;
2. That staff **BE DIRECTED** to terminate the service level agreement with the Niagara Peninsula Conservation Authority (NPCA) for the enforcement of the Woodland Conservation By-law and advertise the Regional Forester position for external hire;
3. That staff **CIRCULATE** a copy of this report and the new Niagara Region Woodland Conservation By-law to the Local Area Municipalities, NPCA, Niagara North Federation of Agriculture, Niagara South Federation of Agriculture, Niagara Woodlot Association, Niagara Home Builders Association, Niagara Construction Association and Niagara Parks Commission; and
4. That a copy of the Niagara Region Woodland Conservation By-law **BE POSTED** on the Region's website and local municipalities be requested to include a reference and link to the By-law in all pre-consultation applications.

Carried

Councillor Information Request(s):

Provide a copy of the woodland and wetland map which denotes the area south of the railway tracks and west of Casablanca Boulevard in the Town of Grimsby. Councillor Fertich.

Provide information respecting available grant programs and/or other funding initiatives which support reforestation and tree planting efforts. Councillor Greenwood.

7. CONSENT ITEMS FOR INFORMATION

7.1 PDS-C 13-2020

COVID 19 - Response and Business Continuity in Planning and Development

Moved by Councillor Easton
Seconded by Councillor Ugulini

That Correspondence Item PDS-C 13-2020, being a memorandum from R. Mostacci, Commissioner, Planning and Development Services, dated October 14, 2020, respecting COVID-19 Response and Business Continuity in Planning and Development, **BE RECEIVED** for information.

Carried

7.2 ED 12-2020

COVID-19 Response and Business Continuity in Economic Development

Moved by Councillor Butters
Seconded by Councillor Ugulini

That Correspondence Item ED 12-2020, being a memorandum from V. Kuhns, Acting Director, Economic Development, dated October 14, 2020, respecting COVID-19 Response and Business Continuity in Economic Development, **BE RECEIVED** for information.

Carried

7.3 ED 13-2020

COVID-19 Impact on Investment and Development in Niagara

Blake Landry, Manager, Research and Analysis, provided information respecting COVID-19 Impact on Investment and Development in Niagara. Topics of the presentation included:

- Introduction
- Methodology
- Investment in Building Construction
- Building Permit Values
- Conclusion

Moved by Councillor Rigby
Seconded by Councillor Witteveen

That Report ED 13-2020, dated October 14, 2020, respecting COVID-19 Impact on Investment and Development in Niagara, **BE RECEIVED** for information.

Carried

7.4 PDS-C 15-2020

Regional Official Plan Update

Moved by Councillor Redekop
Seconded by Councillor Foster

That Correspondence Item PDS-C 15-2020, being a memorandum from D. Giles, Director, Long Range and Community Planning, dated October 14, 2020, respecting Regional Official Plan Update, **BE RECEIVED** for information.

Moved by Councillor Zalepa
Seconded by Councillor Foster

That the motion **BE AMENDED** to include the following:

That staff BE DIRECTED to extend the contract with the Canadian Centre for Economic Analysis (CANCEA) to provide additional analysis of housing and affordable housing in Niagara based on the 2051 population and employment numbers recently release by the Province.

Carried

The Committee Vice-Chair called the vote on the motion, as amended, as follows:

That Correspondence Item PDS-C 15-2020, being a memorandum from D. Giles, Director, Long Range and Community Planning , dated October 14, 2020, respecting Regional Official Plan Update, **BE RECEIVED** for information; and

That staff **BE DIRECTED** to extend the contract with the Canadian Centre for Economic Analysis (CANCEA) to provide additional analysis of housing and affordable housing in Niagara based on the 2051 population and employment numbers recently release by the Province.

Carried

7.5 PDS-C 22-2020

Draft Woodlands By-law

Moved by Councillor Easton
Seconded by Councillor Bylsma

That Correspondence Item PDS-C 22-2020, being a letter from J. Schonberger, resident, City of Thorold, dated October 7, 2020, respecting Draft Woodlands By-law, **BE RECEIVED** for information.

Carried

8. OTHER BUSINESS

There were no items of other business.

9. NEXT MEETING

The next meeting will be held on Monday, November 9, 2020, at 1:00 p.m. in the Council Chamber, Regional Headquarters.

10. ADJOURNMENT

There being no further business, the meeting adjourned at 3:53 p.m.

Councillor Darte
Committee Vice-Chair

Matthew Trennum
Deputy Regional Clerk

Ann-Marie Norio
Regional Clerk

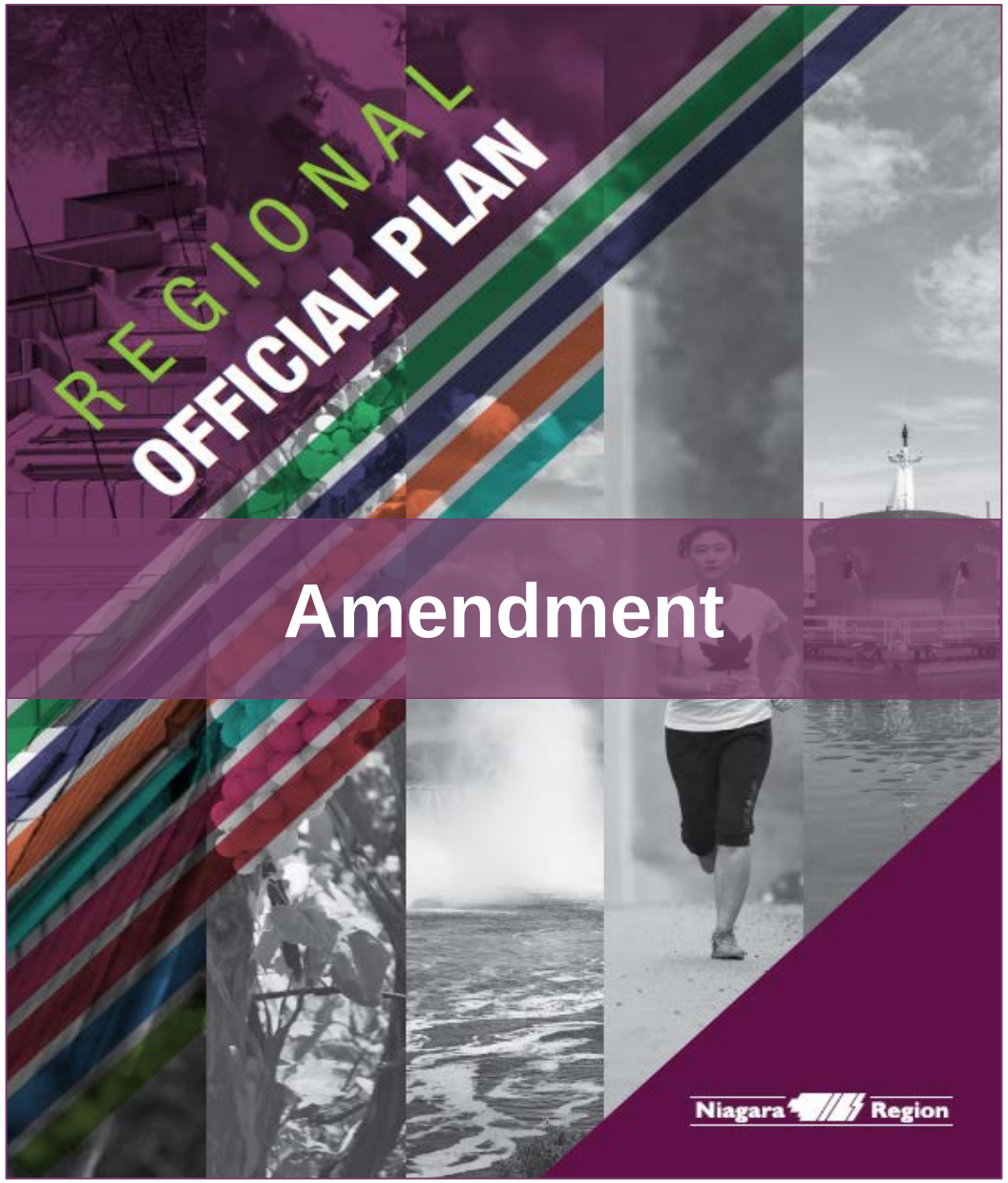
Statutory Public Meeting
Regional Official Plan Amendment 18 – Northwest Welland Urban Boundary Expansion

Planning and Economic Development Committee
PDS 23-2020

October 14, 2020

Kirsten McCauley, Senior Planner – Secondary Plans

Niagara Region



Statutory Public Meeting

October 14, 2020

ROPA 18: Northwest Welland Urban Boundary Expansion

Presented by:

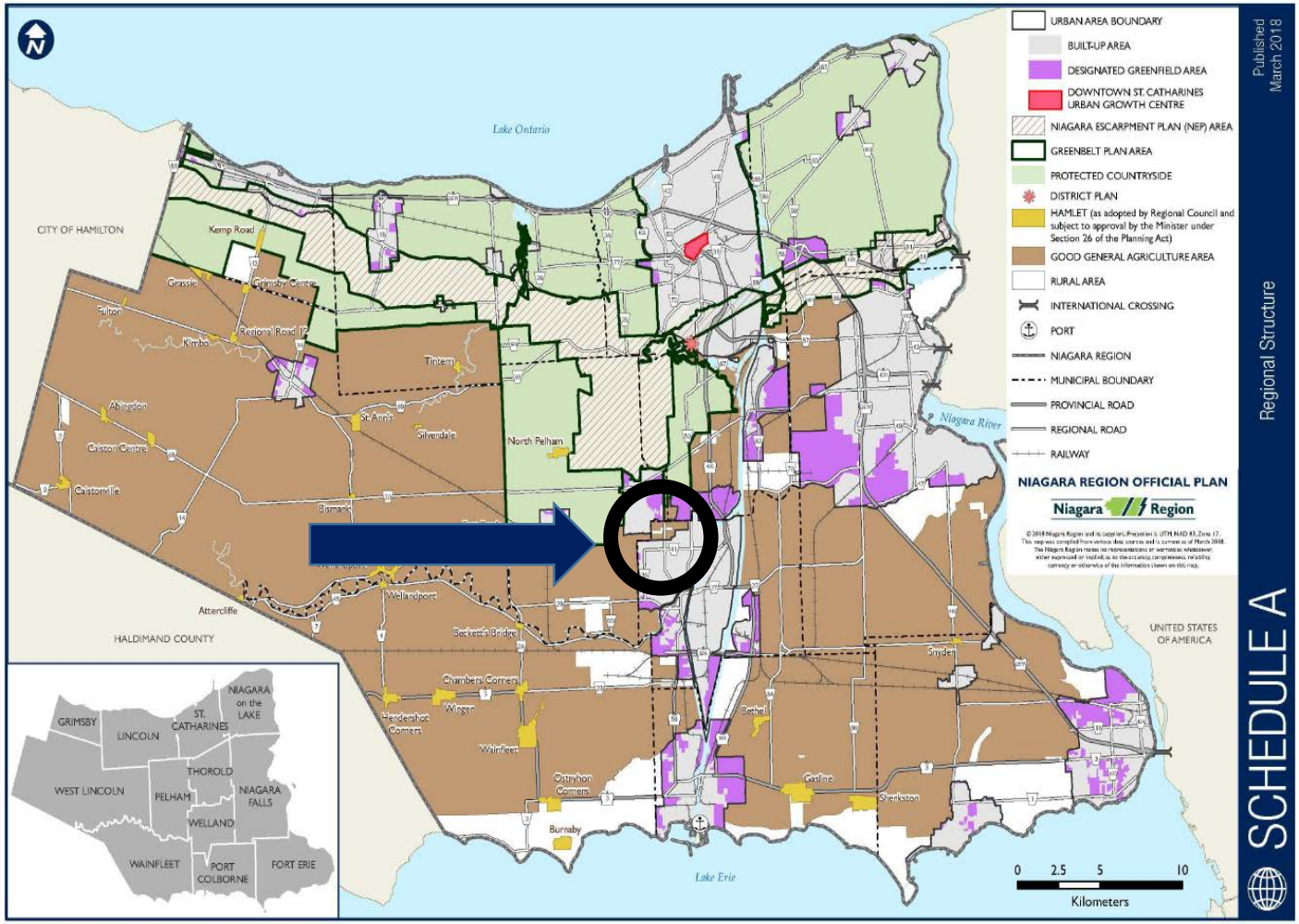
Kirsten McCauley, MCIP, RPP
Senior Planner, Secondary Plans
kirsten.mccauley@niagararegion.ca

Associated report:

PDS 23-2020

Purpose of ROPA 18

- Adding approximately 190 ha to Welland's urban area boundary and redesignating the lands to Designated Greenfield Area and Built-Up Area.
- Creating a site specific policy for the lands.



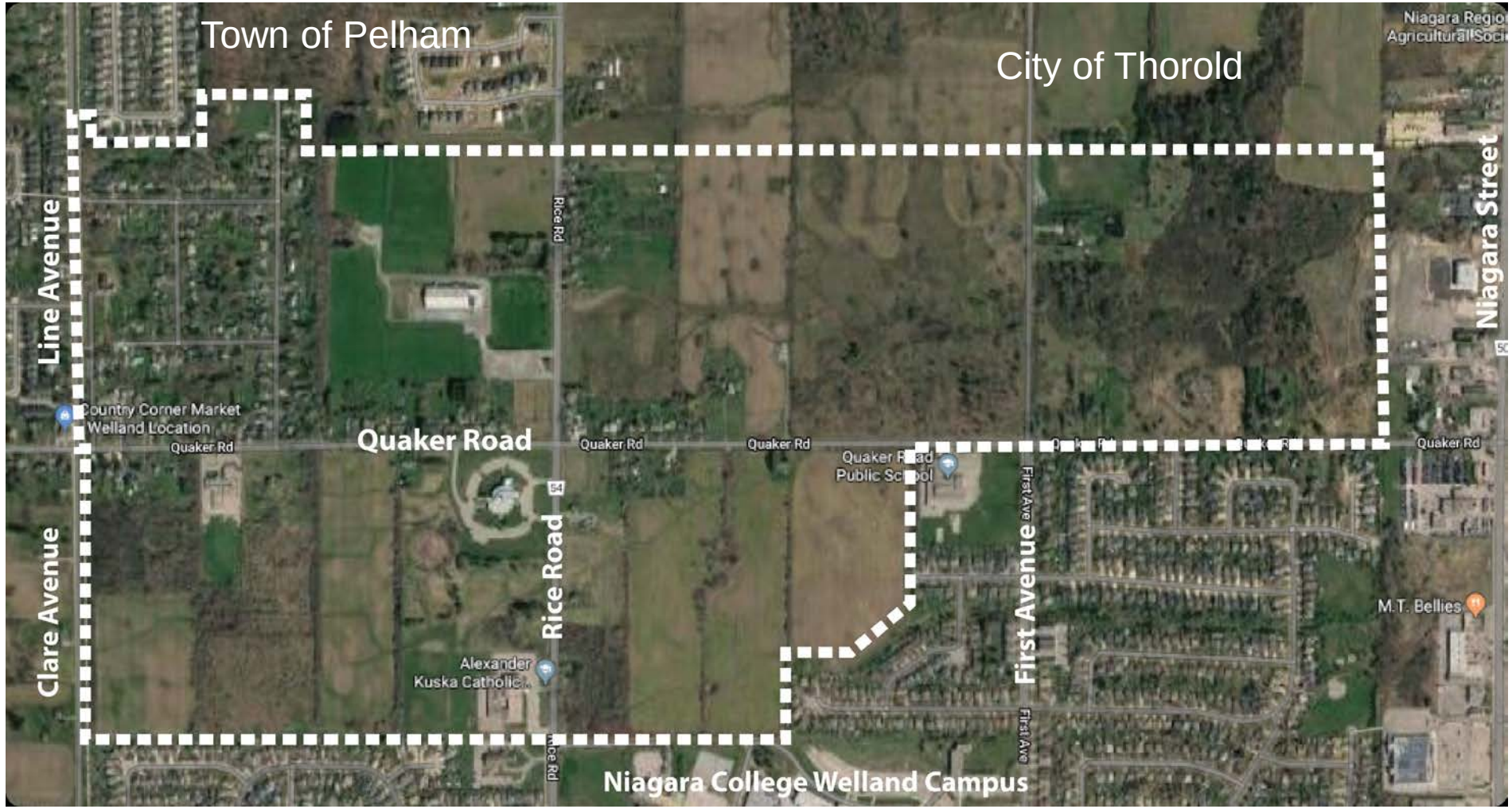
Northwest Welland Study Area

Total Study Area:
Approx. 190 ha

Built-Up Area:
58ha

Environmental Area:
31ha

Proposed Designated Greenfield Area:
102ha



Northwest Welland Area Timeline

2017

June - NW Welland UBE and SP commenced

Growth Plan, 2017 applicable

September - Region and City partnered on project

2018

Background and existing conditions review

Public consultation

2019

May – Provincial Growth Plan amended

November – City submits partial Application for pre-MCR expansion

2020

Ongoing work on Application

July – additional information submitted to Region. Application deemed complete.

Supporting information

The ROPA application includes the following technical reports:

- Planning Justification Report and Scoped Planning Justification Report
- Transportation Impact Study
- Functional Servicing Study
- Stormwater Management Report
- Natural Heritage Study/Environmental Impact Study
- Cultural Heritage Assessment
- Agricultural Impact Assessment
- Financial Impact Assessment

This technical information will be used to evaluate the NWE as well as the associated Northwest Welland Secondary Plan.

Approval Process

ROPA 18

The Region is responsible for defining the urban boundaries for settlement areas across the Region.

OPA 24

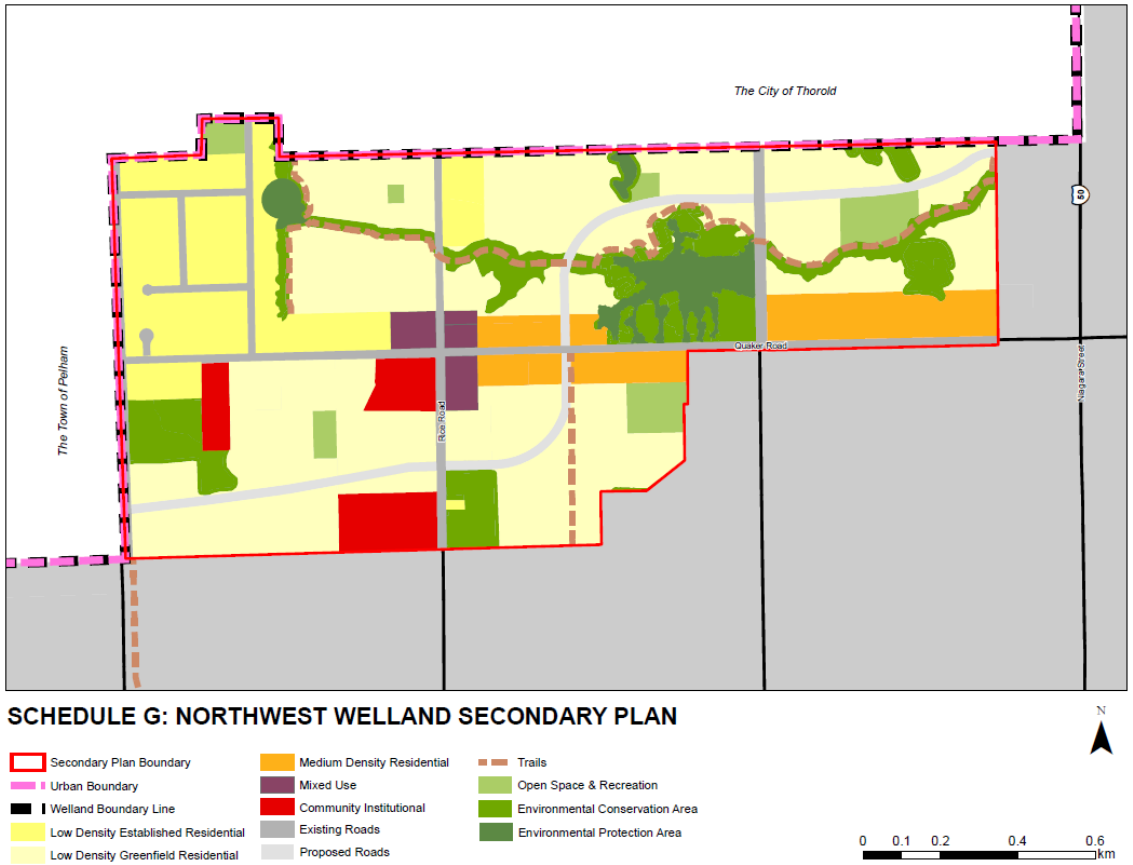
Welland adopted Official Plan Amendment 24. OPA 24 relies on the approval of ROPA 18 to be in conformity with the Region's Official Plan.

Northwest Welland Secondary Plan

The Secondary Plan will implement land use permissions and a policy framework for the new urban area.

Summary of Next Steps

- ✓ Collect comments from agencies and the public
- ✓ Review and address any issues
- ✓ Prepare a recommendation report for ROPA 18 and local OPA 24 concurrently
- ✓ Complete the Northwest Welland Secondary Plan and bring forward for approval following approval of ROPA 18 and OPA 24



Subject: Statutory Public Meeting for Regional Official Plan Amendment (ROPA) 18 (Northwest Welland Urban Boundary Expansion)

Report to: Planning and Economic Development Committee

Report date: Wednesday, October 14, 2020

Recommendations

1. That Report PDS 23-2020 **BE RECEIVED** for information; and

2. That Report PDS 23-2020 **BE CIRCULATED** to the City of Welland.

Key Facts

- The purpose of this report is to provide information for the Statutory Public Meeting for Regional Official Plan Amendment No. 18 (ROPA 18), which is being held in accordance with prescribed requirements of Section 17 of the *Planning Act, 1990*, and to collect comments from the public. No recommendations or approvals are sought at this time.

- The City of Welland has submitted an application for a Regional Official Plan Amendment for the expansion of the City's urban boundary known as the Northwest Welland Expansion (NWE) area. This report also provides information on the local Official Plan Amendment 24 adopted by the City in relation to the same matter.

- The Region has directly supported Welland's work program to consider the NWE and secondary plan process since 2017, with the intent that the process would feed into the Region's new Official Plan per the requirements of the *Growth Plan, 2017.*

- As a result of changes to the *Growth Plan, 2019,* Welland has advanced its request to expand the City's urban boundary for the NWE area in advance of the completion of the Region's Official Plan, by submitting a Regional Official Plan Amendment (ROPA) application and adopting a Local Official Plan Amendment (OPA 24).

- The City is proceeding with this application pursuant to Section 2.2.8.5-2.2.8.6 of the Provincial Growth Plan and is seeking multiple, concurrent 40 ha expansion requests ahead of the completion of the Region's new Official Plan. The Region may consider multiple 40 ha expansions so long as the proposal meets the applicable policies of the Growth Plan.

- The Region deemed this application to be complete in July 2020. On September 24, 2020, the Region circulated information to prescribed agencies and advertised this public meeting in newspapers having general circulation surrounding the study area.

Financial Considerations

There are no direct financial implications arising from this report.

The cost to process ROPA 18 have been accommodated within the Planning and Development Services Department 2020 Operating Budget.

The Region may incur costs as a result of the development of these lands in accordance with the NWE Secondary Plan. This information will be provided through a future report related to the recommendation on the NWE Secondary Plan.

Analysis

ROPA 18 has been initiated by the City of Welland to add approximately 190 hectares of land known as NWE into the urban settlement area as Designated Greenfield Area and Built-Up Area, as applicable.

The amendment study area affects land generally running along Quaker Road and bound by the Town of Pelham and City of Thorold to the north, the rear lot lines of properties along Niagara Street to the east, Niagara College Welland Campus to the south and Line Avenue and Clare Avenue on the west.

Appendix 1 shows the Study Area Map.

Background

The Region has directly supported Welland's work program to consider the NWE expansion and secondary plan process since 2017. Regional staff participated in establishing the Terms of Reference for the project, the selection of the successful consultant, participated on a steering committee and committed to provide financial assistance via the SNIP planning grant.

When the work plan started in 2017, the *Growth Plan for the Greater Golden Horseshoe (Growth Plan)* only permitted municipalities to consider urban boundary expansions as part of the Region's municipal comprehensive review (MCR). In Niagara's case, the MCR is the new Regional Official Plan (ROP) which is targeting a 2021 completion. The Region agreed to the City's NWE work program on the basis that the required supporting information to justify a boundary expansion and secondary plan would feed in to the Region's MCR/new ROP in 2021.

The *Growth Plan* was amended in May, 2019 to include new policies which allow for consideration of urban boundary expansions of 40 ha in advance of a municipal comprehensive review, subject to specific criteria. The Province later clarified through a November 12, 2019 letter that an upper-tier municipality may consider multiple 40 ha expansions so long as the proposal meets the applicable policies of the *Growth Plan*. The Province also confirmed that the Region is the approval authority for 40 ha boundary expansion applications in accordance with Section 17 of the *Planning Act, 1990*.

Process Timeline

The Region met with the City on several occasions in September and October, 2019 to discuss the ROPA requirements for the NWE area expansion under the new *Growth Plan, 2019* policies. The City submitted a partial application for a Regional Official Plan Amendment for the NWE in November, 2019. This application was deemed incomplete.

The City, Region and City's consultant met in January, 2020 to discuss the additional requirements to complete the application. The remaining information was submitted in July, 2020. The application was subsequently deemed complete in accordance with the Region's complete application policies.

Regional Official Plan Amendment

The City is proceeding with this application pursuant to Section 2.2.8.5-2.2.8.6 of the *Growth Plan* and is seeking multiple, concurrent 40 ha expansion requests ahead of the completion of the Region's new OP (i.e. pre-MCR).

The ROPA application includes the following technical reports:

- Planning Justification Report and Scoped Planning Justification Report
- Transportation Impact Study
- Functional Servicing Study
- Stormwater Management Report
- Natural Heritage Study/Environmental Impact Study
- Cultural Heritage Assessment
- Agricultural Impact Assessment
- Financial Impact Assessment

This technical information will be used to evaluate the NWE as well as the associated Northwest Welland Secondary Plan.

Of the total study area, approximately 31 hectares are protected environmental features within Natural Heritage System and 58 hectares of the area is currently occupied by existing uses and designated as Built-Up Area on Schedule A of the City's Official Plan

and the Province's Built Boundary Mapping. Therefore, approximately 102 hectares of the amendment area will contribute to future designated greenfield area for development.

The proposed amendment consists of mapping changes to re-designate the NWE study area to Urban Area and add a site specific policy area to recognize the expansion area.

A copy of draft ROPA 18 is included as Appendix 2.

Welland's Official Plan Amendment (OPA) 24

Welland adopted OPA 24 on December 17, 2019 and circulated the notice of adoption on December 26, 2019. This local amendment relates to the expansion of the urban boundary and amends the City's Official Plan policy related to boundary expansions.

OPA 24 relies on the approval of ROPA 18 in order to demonstrate conformity with Regional and Provincial policy. Therefore, the Region has retained approval authority for this OPA and will be modifying the amendment to be consistent with the ROPA. The Region will process the ROPA and OPA 24 concurrently and will bring both amendments forward for Council's consideration at the same time.

Next Steps

The Region is collecting comments from the public, prescribed agencies and other stakeholders. Any comments received prior to the authoring of this report are included in Appendix 3. Additional comments may be submitted at or following the public meeting. These comments will be reviewed and addressed prior to making a recommendation on this application.

The Region continues to work with the City on the Northwest Welland Secondary Plan.

Alternatives Reviewed

The *Planning Act, 1990* requires that public consultation be conducted as part of all amendments to municipal Official Plans. Notice has been provided for this Statutory Public Meeting as required by the legislation.

Relationship to Council Strategic Priorities

This proposal has the potential to support the following Council strategic priorities:

- Healthy and Vibrant Communities
- Responsible Growth and Infrastructure Planning

Other Pertinent Reports

PDS 6-2020 - City of Welland Application for Regional Official Plan Amendment

Prepared by:
Kirsten McCauley, MCIP, RPP
Senior Planner, Secondary Plans
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 prepared in consultation with Isaiah Banach, Manager of Long Range Planning, and reviewed by Doug Giles, Director of Community and Long Range Planning.

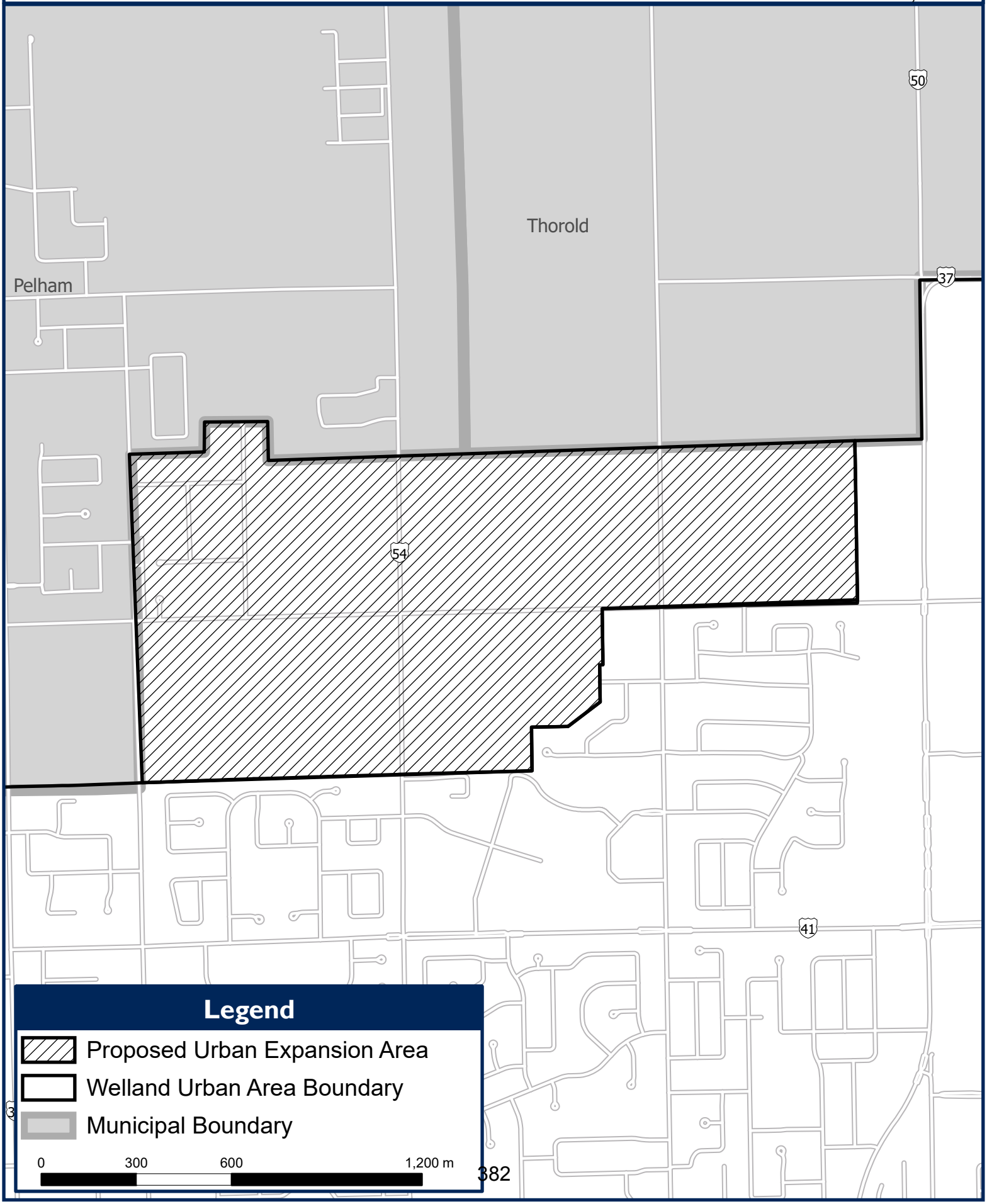
Appendices

Appendix 1	Study Area Map
Appendix 2	Draft ROPA 18
Appendix 3	Public and Agency Comments

Niagara Region

Regional Official Plan Amendment 18
Northwest Welland Expansion

Appendix 1
PDS 23-2020
October 14, 2020



DRAFT
Amendment No. 18
To The Official Plan
for the Niagara Planning Area

PART "A" – THE PREAMBLE

The preamble provides an explanation of the Amendment including the purpose, location, background, and basis of the policies and implementation, but does not form part of this Amendment.

- Title and Components
- Purpose of the Amendment
- Location of the Amendment
- Background
- Basis for the Amendment
- Implementation

PART "B" – THE AMENDMENT

The Amendment describes the modifications to the mapping of Official Plan for the Niagara Planning Area, which constitute Official Plan Amendment No. 18.

PART "C" – THE APPENDICES

The Appendices provide information regarding public participation and agency comments relevant to the Amendment, but do not form part of this Amendment.

DRAFT

PART "A" – THE PREAMBLE

TITLE AND COMPONENTS:

This document, when approved in accordance with Section 17 of the *Planning Act*, *1990,* shall be known as Amendment 18 to the Official Plan of the Niagara Planning Area.

Part "A" – The Preamble, contains background information and does not constitute part of this Amendment.

Part "B" – The Amendment constitutes Amendment 18 to the Official Plan of the Niagara Planning Area.

Part "C" – The Appendices, does not constitute part of the Amendment. These Appendices contain information related to public involvement and agency comments associated with the Amendment.

PURPOSE OF THE AMENDMENT:

The purpose of this Amendment is to amend the urban boundary of the City of Welland to add approximately 190.3 hectares of lands known as the Northwest Welland and designate these lands as Designated Greenfield Area and Built-Up Area, as applicable.

LOCATION OF THE AMENDMENT:

The amendment affects land within the City of Welland, generally running along Quaker Road and bounded by the Town of Pelham and City of Thorold to the north, the rear lot lines of properties along Niagara Street to the east, Niagara College Welland Campus to the south and Line Avenue and Clare Avenue on the west.

BACKGROUND:

Welland's urban settlement area boundary expansion process commenced in 2017, a two phase process involving justifying the boundary expansion and the creation of a Secondary Plan.

When the work plan started in 2017, the Growth Plan for the Greater Golden Horseshoe (Growth Plan) only permitted municipalities to consider urban boundary expansions as part of the Region's municipal comprehensive review (MCR). In Niagara's case, the MCR is the new Regional Official Plan (ROP) which is targeting a 2021 completion. The Region agreed to the City's work program on the basis that the required supporting information to justify a boundary expansion would feed into the Region's new ROP in 2021.

DRAFT

The Growth Plan was amended in May, 2019 to include new policies which allow for consideration of urban boundary expansions of 40ha in advance of a municipal comprehensive review, subject to specific criteria. The Province later clarified through a November 12, 2019 letter that an upper-tier municipality may consider multiple 40 ha expansions so long as the proposal meets the applicable policies of the Growth Plan. The Province also confirmed that 40 ha boundary expansion applications would be considered by the Region as the approval authority in accordance with Section 17 of the Planning Act, 1990.

The application is supported by the following technical reports:

- Planning Justification Report
- Transportation Impact Study
- Functional Servicing Study
- Stormwater Management Report
- Subwatershed Study
- Cultural Heritage Assessment
- Agricultural Impact Assessment
- Financial Impact Assessment

The technical information has been used to evaluate the boundary expansion based on the preferred land use concept for the associated Secondary Plan.

In total, the amendment area comprises approximately 190.3 hectares, of which 31 hectares are protected environmental features within Natural Heritage System and approximately 58 hectares of the area is currently occupied by existing uses and designated as Built-Up Area on Schedule A of the City's Official Plan and the Province's Built Boundary Mapping. Therefore, approximately 102 hectares of the amendment area will contribute to future designated greenfield development.

BASIS FOR THE AMENDMENT:

a) The Amendment was the subject of a Public Meeting held under the *Planning Act, 1990* on XXXXXXXXXXX.

b) Rationale (to be added following formal review and collection of comments)

c) Based on the Region's review of the *Planning Act, 1990,* the Provincial Policy Statement, the Provincial plans, the Regional Official Plan, and public and agency consultation, Regional staff is of the opinion that the Amendment is XXXXXX.

DRAFT

IMPLEMENTATION:

Section 14, Implementation of the Official Plan for the Niagara Planning Area, shall continue to apply where applicable.

DRAFT

PART "B" – THE AMENDMENT

Amendment 18
To The Official Plan for the
Niagara Planning Area

The Official Plan for the Niagara Planning area is amended as follows:

Map Changes (attached)

1. The following Regional Official Plan schedules are hereby amended to modify Niagara Region's Urban Area Boundary for the City of Welland and redesignate the subject lands as shown on Schedule A to this amendment (attached) as follows:

    a. Schedule A: Regional Structure is amended to extend the Urban Area Boundary to include the amendment area and to redesignate the Good General Agriculture Area to Built-Up Area and Designated Greenfield Area;

    b. Schedule B: Agricultural Land Base is amended to redesignate the amendment area from Good General Agriculture Area to Urban Area;

    c. Schedule C: Core Natural Heritage is amended to identify the amendment area as Urban Area;

    d. Schedule E1: Transportation Infrastructure is amended to identify the amendment area as Urban Area;

    e. Schedule E2: Strategic Cycle Network is amendment to identify the amendment area as Urban Area;

    f. Schedule G1: Niagara Economic Gateway is amended to identify the amendment area as Gateway Economic Centre;

    g. Schedule G2: Niagara Economic Gateway Employment Lands is amended to identify the amendment area as Urban Area; and

    h. Schedule H: Source Water Protection is amended to identify the amendment area as Urban Area.

A key map of the subject lands will be provided for reference purposes and does not constitute part of the Amendment. (see Appendix 1)

DRAFT

Text Changes

Part II – New Policies

The following text is added as Policy 13.K.1.X:

Notwithstanding other policies of this Plan, the following applies to the lands generally located along Quaker Road and bounded by the Town of Pelham and City of Thorold to the north, the rear lot lines of properties along Niagara Street to the east, the former urban boundary and Niagara College campus to the south and Line Avenue and Clare Avenue on the west, and more specifically shown on the Key Map, as being within the urban boundary of the City of Welland:

The land use permissions shall be in accordance with land use schedule and policies of the Northwest Welland Secondary Plan. No development shall occur prior to the approval of this Secondary Plan.

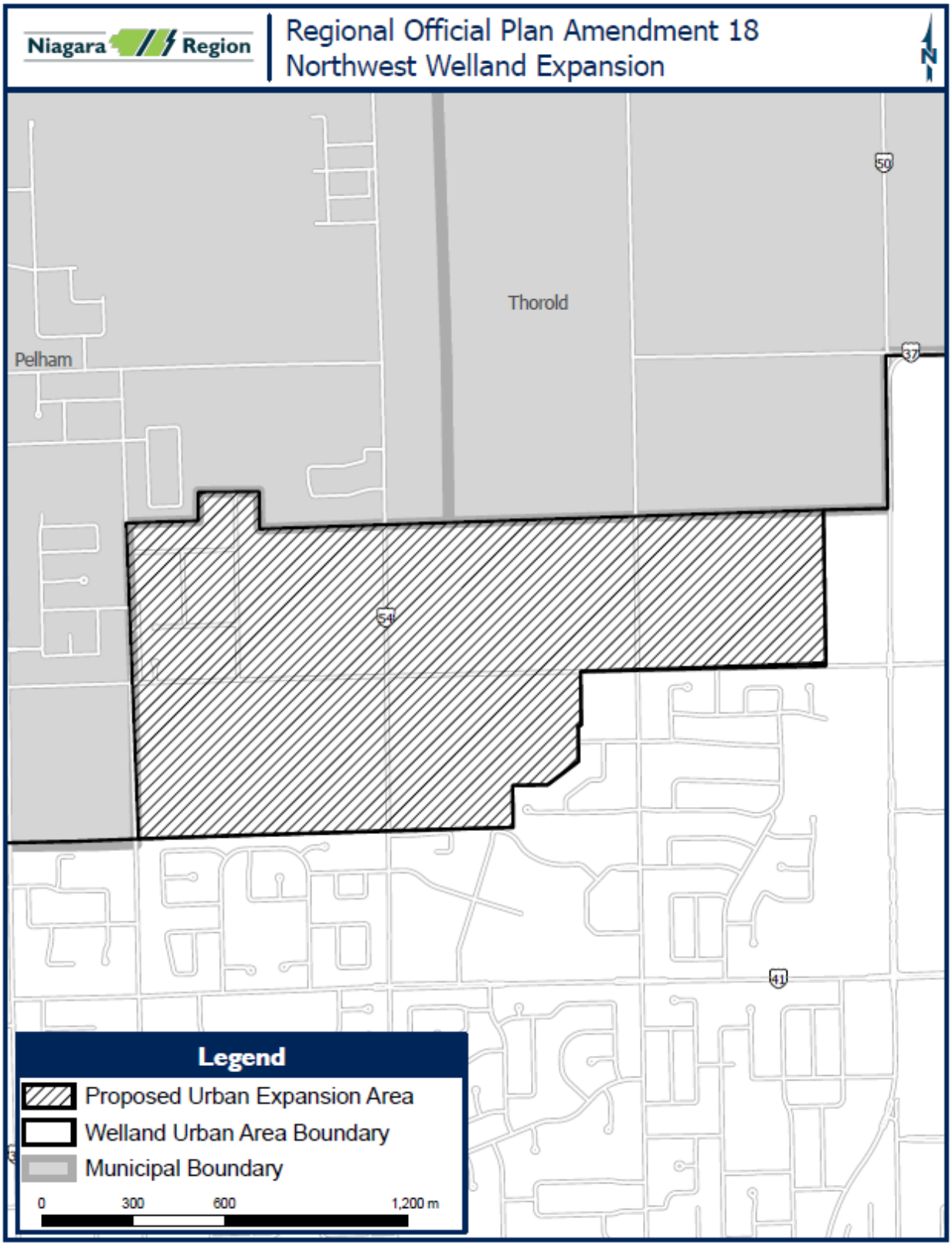
The boundaries of the Environmental Protection Area and Environmental Conservation Area shall reflect the approved Northwest Welland Secondary Plan, as informed by the Natural Heritage Review, and any other approval authority requirements.

The Northwest Welland lands and forecasted growth will be fully accounted for in the land needs assessment associated with the Region's new Official Plan (municipal comprehensive review).

Appendix 1:

The following is added to Section 13.K:

DRAFT


Niagara Region
Regional Official Plan Amendment 18
Northwest Welland Expansion
N
Thorold
Pelham
50
37
54
41
Legend
Proposed Urban Expansion Area
Welland Urban Area Boundary
Municipal Boundary
0
300
600
1,200 m

Appendix 3 – Public and Agency Comments

23Jan2020
To: Niagara Region Planning & Economic Development Committee
RE: Welland Urban Boundary Expansion Plan

I recently attended a round table session at the City of Welland 09Jan2020, where it was stated that further consideration for the urban boundary expansion plan was now with the Niagara Region Planning Committee for review.
As a resident of Welland whose property falls within the area of discussion, I wanted to express my full support of this expansion. Not only will it personally be of benefit for myself and my family, however also for the City of Welland. Opening up the area will allow for the city to grow and prosper.
As an interested party, I would appreciate to be informed of any decisions that will be made for the area.
With Regards,
Jack Passero

Dear Councillor Rino Mostacci,

We are writing to you as a land owner in the City of Welland that falls within the proposed North-West Urban Expansion (south side of Quaker Road, first property west of Quaker Road Public School) and a strong proponent of OPA #24 recently submitted by the Town of Welland for your consideration and approval.

With both population and job growth at our door step, it is hard to ignore the requirements that this explosion of economic growth will create. The time is now to move forward with a plan that makes sense for both the town and the region and we are confident that the one put forth on November 12th, 2019 is a strong one.

The plan submitted addresses many considerations and includes the following:

- Infrastructure and public service facilities needed would be financially viable over the full life cycle of these assets
- The subject area contains an elementary school and the NCDSB Headquarters, and abuts two other elementary schools and the Welland Niagara College Campus
- Is readily serviceable as no major extension or upgrading of water and sewer infrastructure is required
- The lands have been studied extensively for urban development purposes. It is time to move forward with adding the subject lands to the Welland urban area
- The subject lands are a logical extension of the existing urban area
- The City is experiencing growth pressures for development in the area

Thank you for your support and consideration and look forward to working with you and the team at Niagara Region on this exciting growth plan for the Golden Horseshoe.

Sincerely,
Josephine Martella and Mirella DiNardo

Dear Councillor,

My name is Roman Grocholsky, I represent several clients who own land in the proposed Welland Urban expansion and I am seeking your support to approve the City of Welland's application.

We would like to bring to the attention of Regional Council the history surrounding the City of Welland's urban area expansion request and the reasons for providing its support for the City's urban area expansion.

Over the years constraints on these lands, which negated them being included within the urban area boundary of the City, have been eliminated (servicing, location of the mid-peninsula corridor). As a result of the expansion of the Town of Pelham and related commitment on the part of the Region to service those lands, the northwest area of the City became economically feasible to service. The mid-peninsula corridor designation has been eliminated from this area.

Given the foregoing, the City, in 2017, initiated the preparation of a Secondary Plan so as to bring the lands in the northwest portion of the City within its urban area boundary. The Secondary Plan process is near completion resulting in the preparation of a Secondary Plan for the area as well as studies supporting the urban area expansion to include the northwest area of the City. This has further initiated a local Official Plan Amendment as well as a Regional Official Plan Amendment which must be undertaken and approved. To this end, City Council has approved the local Amendment and has directed that an Application to Amend the Regional Official Plan so as to align the City's urban area boundary with its municipal boundary in northwest Welland also be made.

The inclusion of lands in the City of Welland's northwest area to within its urban area boundary has a long history. Welland Council and Staff have, over the years, supported their inclusion for many reasons. This area has many characteristics of an urban area including water and sewer services and existing urban land uses. The services were put in as the result of a partnership between the Province, the Region and the City of Welland. Existing land uses within the subject lands include a mix of single-detached residential properties, institutional uses (3 elementary schools and a School Board

Headquarters), some fallow and active agricultural land, recreation/open space (former Welland Soccer Club), wooded areas and provincially significant wetlands.

Based on the above, we would request your support for, and approval of, the Application to Amend the Regional Official Plan to bring the northwest area of Welland to within its urban area boundary.

Roman Grocholsky
Sales Representative
Integrity | Experience | Results
Royal LePage NRC Realty, Brokerage

Hi Kirsten,

City Planning staff have reviewed Niagara Region's ROPA 18 and offer the following comments for your consideration.

The Welland Urban Area and the proposed Northwest urban expansion is not adjacent to and therefore does not impact the Niagara Falls Urban Area. Accordingly, the City of Niagara Falls has no objection to the proposed urban expansion.

Regards,

Brian Dick

Brian Dick, MCIP, RPP | Manager Policy Planning | Planning, Building & Development | City of Niagara Falls

From: PF-Mailbox-01
To: Norio, Ann-Marie; Trennum, Matthew
Subject: FW: north west plan meeting sept 22nd 2020
Date: Thursday, September 24, 2020 5:22:35 PM

From: [redacted]
Sent: Thursday, 24 September 2020 17:22:22 (UTC-05:00) Eastern Time (US & Canada)
To: Clerks
Subject: Fwd: north west plan meeting sept 22nd 2020

Please review my concerns with this proposal stated at welland s meeting.
I would like to be able to view this up coming meeting, and register my concerns if necessary.
My main objection to this plan is the fact that my and other current properties will be rezoned.
and there is not information as to when and how Quaker Road and Rice Road will be altered to allow for their development.
I have seen this plan being presented for the last decade or more and the same basic proposal remains with out expected time lines, and methods of carrying out this expansion, The present property owners deserve to have this as part of the plan, to know how it will affect us.
Thank you
S. Stanyar

-----Original Message-----
From: [redacted]
To: rachelle.larocque@welland.ca <rachelle.larocque@welland.ca>
Sent: Tue, Sep 22, 2020 10:16 pm
Subject: Re: north west plan meeting sept 22nd 2020

Some of my concerns were addressed but not all.
Is it the intention of the city to rezone this area as laid out in the proposal, and if so what would the timing be?
To allow developers to proceed as shown Quaker Road would require widening and storm sewers added, how and who would this be doing this work and when? assuming there would be multiple developers and this is Wellands Road.
I would like confirmation that property owners will not be forced into selling their properties for this proposal now or in the future, and that we will continue to have our access to Quaker Road as we do now.
Thank you
S. Stanyar

---Original Message-----
From: [redacted]
To: rachelle.larocque@welland.ca <rachelle.larocque@welland.ca>
Sent: Tue, Sep 22, 2020 9:55 pm
Subject: Re: north west plan

-----Original Message-----
From: [redacted]
To: rachelle.larocque@welland.ca <rachelle.larocque@welland.ca>
Sent: Thu, Sep 10, 2020 7:06 pm
Subject: north west plan

In your planning and presentation the present owners do not seem to be considered .
As a property owner on Quaker Rd. near rice I am very angered by my property being changed into mixed use and medium density.
How in the future would our property be acquired and by who?
What would the expected time line for this development to start ?
Why not keep the present properties as they are and develop the vacant lands.
This plan seems to be out of scale to the rest of wellands present method of development.
Let it be said I am against the plan as shown.

S. Stanyar
[redacted] Quaker Rd

Wednesday, October 7, 2020

Mrs. Faye Suthons [redacted] Regional Rd 27

[redacted] (taxpayer of Wainfleet)

[redacted]

Regional Clerk: This will be sent via the mail as well just did

not want to miss deadline but want you to have a hand held copy as well.

Re Northwest Welland Urban Boundary Expansion Request.

My husband and I, Douglas and Faye Suthons both AGAINST

Welland has gone overboard with the cramming of cookie cutter houses and buildings everywhere paving over proper mature forests, wetland and all other nature that believe it or not sustains our lives. Politicians need to smarten up and realize what is happening with climate change, COVID, while they are merrily paving over ecosystems. Take a look at Weber Road sickening. Our farmland in Southern Ontario is disappearing at a fast horrible rate soon we will be depended on foreign countries like China. God granted us this beautiful natural setting and it is daily being destroyed with no thought for future generations what they will be left with and no thought whatsoever of wildlife they don't even make the list.

I was told by someone in a high position at Region that Growth growth it is coming and we MUST abide by what the

provincial and federal government dictate. To that we say Bull. But we must admit it takes a backbone to speak up and you can. While driving around the area you have mapped out for expansion we were sick. Nature. Like it be for once and for all. All this expansion does not come without problems for all 1. more roads, more bridges, more sidewalks so that adds major costs. 2.traffic jams, traffic pollution killing people's lungs, longer wait times.

3.ugly cookie cutter type houses put up in record time. Tomorrow slums. 4. bringing Toronto people who soon tire of it and then we see for sale signs on lands that never needed to be destroyed in the first place. 4. people crammed into together with no green spaces equals mental illness. How many thousands of needles were found in Welland and throughout Niagara? Damn sad. Put your money there.

Greed of developers, Toronto people with chunks of money from careers in the city and huge amounts for selling their Toronto homes. Did they ask for you to come along on their journey or share their wealth from selling? How stupid are all of us that we must now provide them lodging? Does that mean if we move to Toronto that the government will dictate that we must be provided for lodging in Toronto?

Fed up with the mindset of politicians ruining this area.

STOP STOP STOP STOP STOP STOP!!!!

Douglas and Faye Suthons

From: PF-Mailbox-01
To: Norio, Ann-Marie; Trennum, Matthew
Subject: FW: ROPA 18 Northwest Welland Urban Boundary Expansion
Date: Thursday, October 08, 2020 10:18:17 PM

From: Aurelio Magazzeni
Sent: Thursday, 08 October 2020 22:17:59 (UTC-05:00) Eastern Time (US & Canada)
To: Clerks; Rose DiFelice
Subject: ROPA 18 Northwest Welland Urban Boundary Expansion

Sorry, I forgot to include a subject line in my first email.

Re: ROPA 18 Northwest Welland Urban Boundary Expansion

Hello,

My name is Aurelio Magazzeni and I live at [redacted] Rice Rd., Welland, ON [redacted]. I own two parcels of property side-by-side. Both parcels of land are zoned residential in the front half and agricultural in the back half. In 1988 I purchased the property in order to enjoy the lifestyle I'm currently living. I enjoy a small hobby farm and operate a tree service. This urban boundary expansion will change the way I currently enjoy my property. I will be surrounded by residential development and it's likely that I won't be able to continue with my regular activities. If I am forced to stop my current activities I will have a loss of revenue.

I am therefore opposed to the Northwest Welland Urban Boundary Expansion.

I would like to take this opportunity to ask a few questions:

- The plan indicates that Rice Rd will be four lanes. Is there going to be expropriation of lands to accommodate? Are there turning lanes, sidewalks, and bicycle lanes?
- What is the timeline for a local sewer to be installed?
- Will we be forced to hook up and decommission septic?
- Are homeowners responsible for sewer along the frontage of our property?
- Will there be storm sewers in place of the ditch as well as curbs and gutters?
- As I understand my zoning to be 50% residential and the back half agricultural. Will I be able to carry out agricultural activities as I have for the past 30 years, including the raising of livestock?
- It appears from the plans that east of my rear property line it will be converted to low density residential. Will there be a buffer substantial enough for me to continue my hobby farm, both livestock and gardening?
- I currently operate tractors, chainsaws, wood splinters, saw mill, etc. in the

rear yard for firewood processing and occasionally burn fruit tree branches. Will I be permitted to continue to operate these machines, and open burn as per fire department permit?

- In order to allow for low density residential, are there plans to expropriate the back half of my property?

I request a copy of the report and the notice of decision of council.

Regards,
Aurelio Magazzeni

From: PF-Mailbox-01
To: Norio, Ann-Marie; Trennum, Matthew
Subject: FW: Online Form - Request to Speak at a Standing Committee
Date: Monday, October 05, 2020 9:57:32 PM

From: Niagara Region Website
Sent: Monday, 05 October 2020 21:57:23 (UTC-05:00) Eastern Time (US & Canada)
To: Clerks
Subject: Online Form - Request to Speak at a Standing Committee

Request to Speak at a Standing Committee

To reply, copy the email address from below and put into 'To'. (if resident entered their email address)

Name
John Bacher

Address
[redacted]

City
St. Catharines

Postal
[redacted]

Phone
[redacted]

Email
[redacted]

Organization

standing committee
Regional Council

Presentation Topic
Woodland Review

Presentation includes slides
No

Previously presented topic
No

Presentation Details
Request that changes be made to Woodland policy to require peer reviews of Environmental Impact Statement. Policy should also require provisions for public participation in thee reviews.

Video Consent
Yes

Comments on Niagara Region Woodland-by Law Review. Dr. John Bacher (PhD)

1. Woodland -By Law Sound, but. Improvements can be made

I agree with the general conclusion that the Woodland by-law of the Niagara Region is basically sound. I have keenly followed the course of the by-law since it emerged out of the weaker tree by-laws of Welland and Lincoln counties. The Niagara Regional Council should be aware that there were two specific incidents that triggered the two phases of the current by-law.

2. Significant Origins of Niagara Regional Tree By-law.

The two incidents that drove the evolution of Niagara's tree by law are among the darkest moments of our community's recent environmental history. One was a clear cutting incident of a 35 acre old growth wetland forest. It was north of Oldfield Road and part of the ecosystem which has come to be known as the Thundering Waters Forest. The other was the removal of half of an approximately, 20 acre forest on Garner Road in Niagara Falls.

3. Need for Stronger Application of Restoration Requirements of Niagara Regional Tree by-Law.

Where my experience has found that the Niagara Regional Tree by-law needs strengthening of the enforcement of its restoration provisions . The provisions are quite valid, but are not properly triggered. In actual practice they are ignored, and the problem of how restoration takes place is left to a slow moving process of natural restoration, without even restoring ruts which were made in the tree removal process.

Tree planting in response to violations of the by-law is appropriate. Perhaps the by-law should certify a minimum size of tree, or age. Most importantly, the by-law does require inspections of the how well restoration is doing. This is important since in periods of drought there can be extensive death of young trees. The penalties that result from properly enforced restoration plans are normally more extensive that individual tree fines, which are in comparison, minimal deterrents.

4. Lack of Restoration Requirements in Violation of By-Law in Thundering Waters Forest Ecological Restoration Area.

My understanding of the problems of triggering tree planting restoration can be seen in the case of a violation by a contractor employed by GR (CAN) Investments in an area targeted for ecological restoration by Amendment 128 of the Niagara Falls Official Plan. This area is part of the Lower Welland River Provincially Significant Wetland Complex. Under the Amendment the area was slated for ecological restoration work such as the removal of invasive, exotic Buckthorn.

The impact of the cutting at Thundering Waters was described by a Professor of Biology, Dr. Michael Dickman. Dr. Dickman recalls how, "On Nov. 2018 (Wed) at 2pm I drove to the Riverfront Community, (previously referred to as Thundering Waters) proposed development area where it abuts onto the Chippawa Parkway near Bukator Park. I witnessed areas where the cutting was done in a spot identified in OPA 128 for ecological enhancement. This area was supposed to be improved through methods such as Buckthorn removal to compensate for the deforestation of other areas.

I took several photos to document the indiscriminate tree damage and later learned that the bulldozer operator had been employed by the developer who did not have the required permits to bulldoze vegetation in the area."

Several months after receiving Dr. Dickman's statement, I visited the site and contacted the NPCA. The only evidence of prosecution appears to be the installation of blue marking flags along the course of the bulldozer. No restorative plantings had taken place. There were some ruts in the path created by the bulldozer. When I contacted the NPCA they expressed satisfaction with the site, attributing the ruts, in my view wrongly, to the uses of the site by off road vehicles. They also seem to indicate that the natural growth of what appears to be Grey Dogwood saplings was the equivalent, of the ordered restoration of planted young trees under the by-law. In my view this shows the need to strengthen provisions for compulsory restoration in response to violations of the by-law.

5. Mandatory Peer Reviews of Environmental Impact Studies (EIS) in Core Natural Heritage Areas are Needed.

Currently under the Regional Plan, there is a provision for discretionary Peer Review of Environmental Impact Studies (EIS). Where (EIS) studies are required in practise, it is within areas that form part of the Core Natural Heritage System of the Niagara Region Official Plan. These are largely predominately woodland covered Environmental Conservation Areas (ECA) lands. Not only should such Peer Reviews be required, a process needs to be mandated for public participation in the Peer Review. Before the Peer Review begins, a notice should be given whereby the public will have the opportunity to meet the reviewer. Following the completion of a draft review, a second public meeting should also take place before the peer review is completed.

6. Recommendations of Peel Regional Plan Should be Incorporated in By-law to Prevent Removal of Lands from Protection of By-law from Ash Die Off.

There is a danger that lands which were in the past, or may in the future, protected under the Tree by-law, may be removed because of temporary canopy reduction caused by Ash Die Off from the Emerald Ash Borer. The by-law in this regard, should incorporate the sensible precautionary principles recognized in a background study for the new Niagara Regional Official Plan. This is ,that such impacted lands should not lose their current level of protection.

Dr. Dickman has also written on the problem of Ash Die off. He disputes notions of degradation of woodlands to Buckthorn dominated thickets, noting that the US Forest Service has found that "in the long run a succession would take place in which the buckthorn would be replaced by taller trees such as oak, whose canopy would arch out over the buckthorn depriving them of light."

7. Conclusion

It is to be hoped that the Niagara Region will develop a tree-by law that will be a model for other municipalities to emulate. This should be a high priority for the council as it develops a new official plan.

From: PF-Mailbox-01
To: Norio, Ann-Marie; Trennum, Matthew
Subject: FW: Online Form - Request to Speak at a Standing Committee
Date: Friday, October 09, 2020 9:36:49 AM

From: Niagara Region Website
Sent: Friday, 09 October 2020 09:36:44 (UTC-05:00) Eastern Time (US & Canada)
To: Clerks
Subject: Online Form - Request to Speak at a Standing Committee

Request to Speak at a Standing Committee

To reply, copy the email address from below and put into 'To'. (if resident entered their email address)

Name
Chuck McShane

Address
[redacted]

City
[redacted]

Postal
[redacted]

Phone
[redacted]

Email
chuck@nhba.ca

Organization
Niagara Home Builders Association

standing committee
Planning and Economic Development Committee

Presentation Topic

Woodlot by-law

Presentation includes slides
No

Previously presented topic
No

Presentation Details
As an association we would like to bring forth some questions for clarity regarding the proposed bylaw

Niagara Region's Woodland By-law Review

Planning and Economic Development Committee
PDS 16 2020

October 14, 2020

Britney Fricke, MCIP, RPP, Senior Planner

Adam Boudens, Senior Environmental Planner/Ecologist

Niagara Region

Niagara Region's Woodland By-law Review

Planning and Economic Development Committee

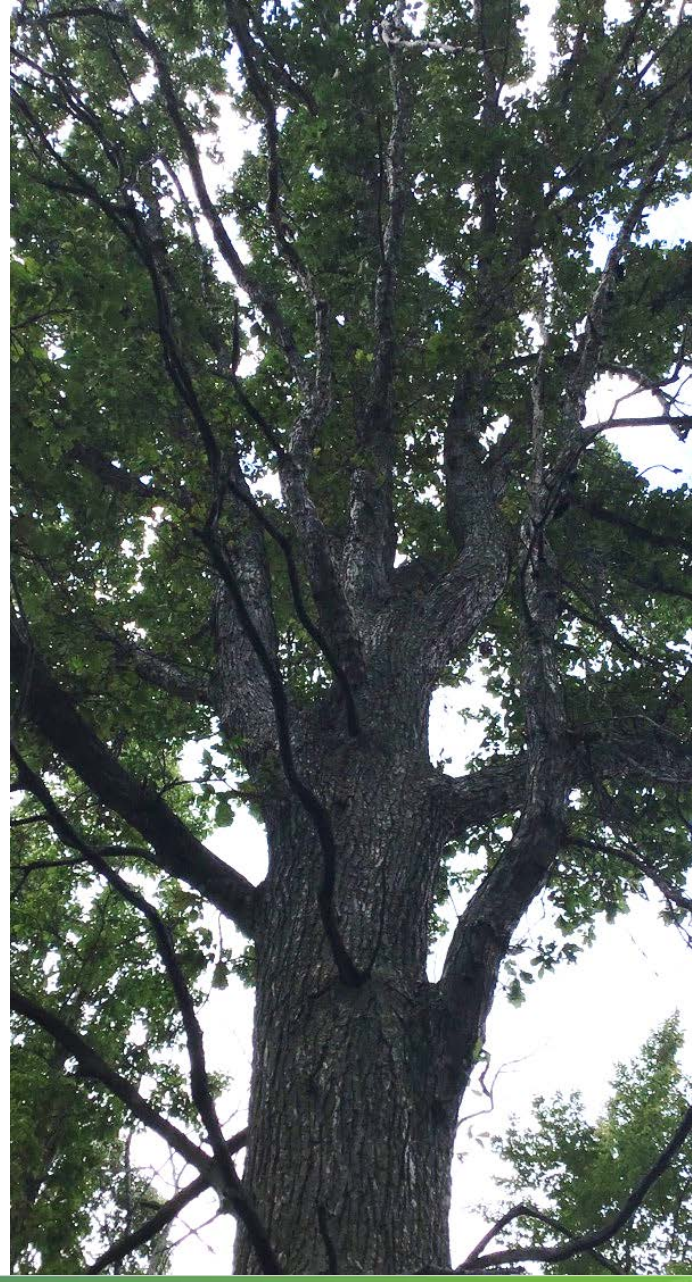
October 14, 2020

Agenda

- Presentation ~ 10 minutes
  - Public Consultation Summary
  - Overview of Existing By-Law
  - By-Law Exemptions
  - Key Changes Proposed

Why Are We Here?

- Niagara Region has undertaken a comprehensive review of the Region's Woodland By-law
- By-law was last updated in 2008
- We are now bringing proposed changes to Committee for consideration



Goals of the By-law Review

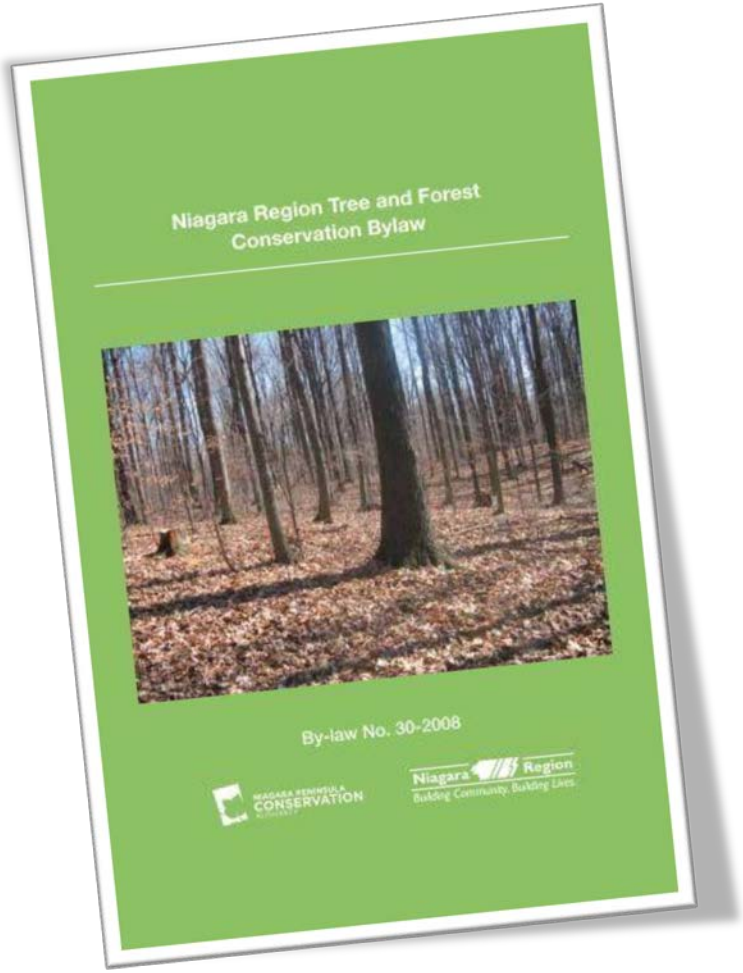
- To review any relevant changes to Provincial legislation
- To review alignment with the Regional Official Plan
- To compare with similar by-laws and update best practices
- To review and confirm by-law objectives
- To review and confirm administration and enforcement processes

Public Consultation

- Two stakeholder sessions
  - 24 attendees in the AM- biologists, arborists, ecologists, planners, developers and project managers.
  - 14 attendees in the PM- planners from the local area municipalities and representatives from local environmental groups
- Virtual public open house
- Online survey
- Dedicated project webpage and email for other questions and enquiries

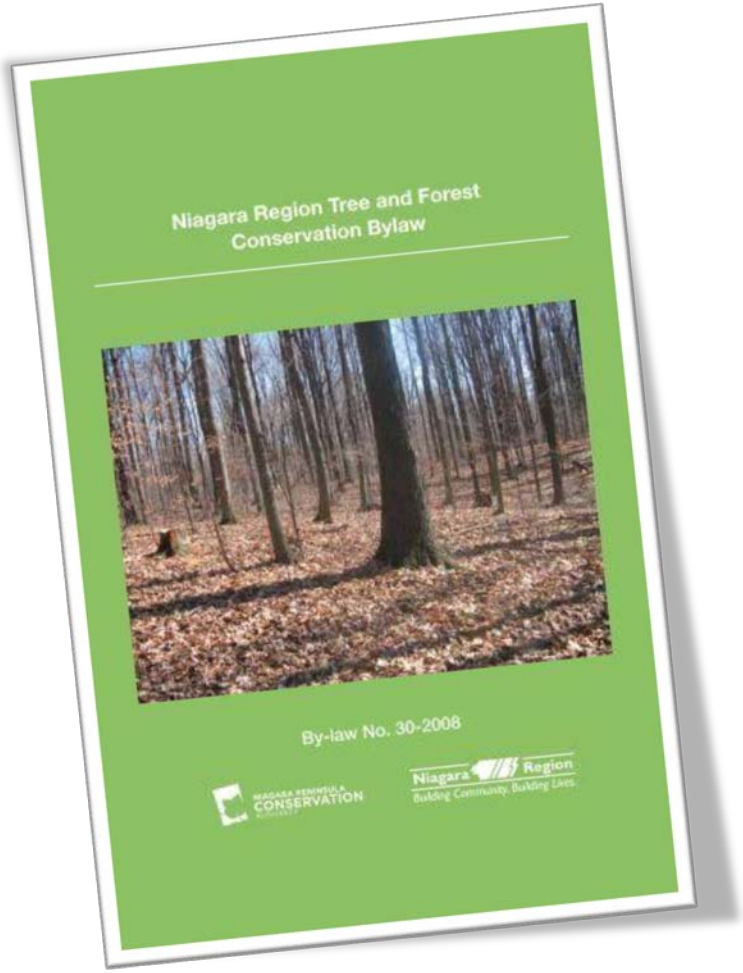
Existing By-law Facts 1 of 2

- Administered and enforced by the NPCA on behalf of the Region since 2008
- Prohibits injury or destruction of protected trees, unless an exemption applies
- Permits harvesting in accordance with Good Forestry Practices
- Legislated by the *Municipal Act* (2001) s.135



Existing By-law Facts 2 of 2

- Applies to treed areas measuring 1 ha or more that meet the definition of “woodland” as defined in the *Forestry Act*
- Applies to all woodlots less than 1 ha and designated heritage trees and significant trees upon delegation of authority to the Region by the local area municipality



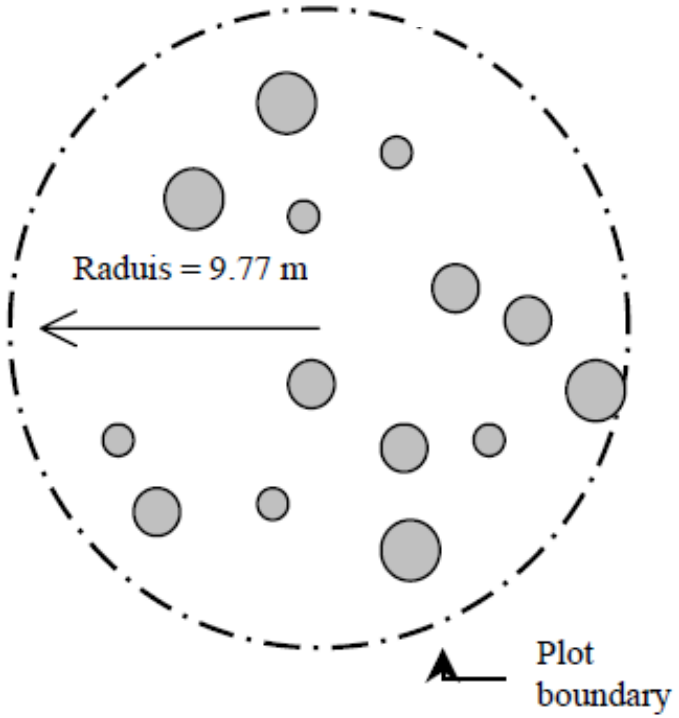
Delegation of Authority

- Delegated authority for woodlots less than 1 ha:
  - Grimsby
  - Niagara Falls
  - Niagara-on-the-Lake
  - West Lincoln
  - St. Catharines
- Must meet density requirements as per the *Forestry Act*.

Forestry Act Woodland Definition

- Land on one or more properties with a density of:
  - 1000 or more trees of any size per hectare
  - 750 trees 5 cm or more in diameter per hectare
  - 500 trees 12 cm or more in diameter per hectare
  - 250 trees 20 cm or more in diameter per hectare
- Does not include dead trees, cultivated orchards or actively tended Christmas tree plantations
- Includes plantations that have not been harvested for 15 years

Radius = 11.28 m



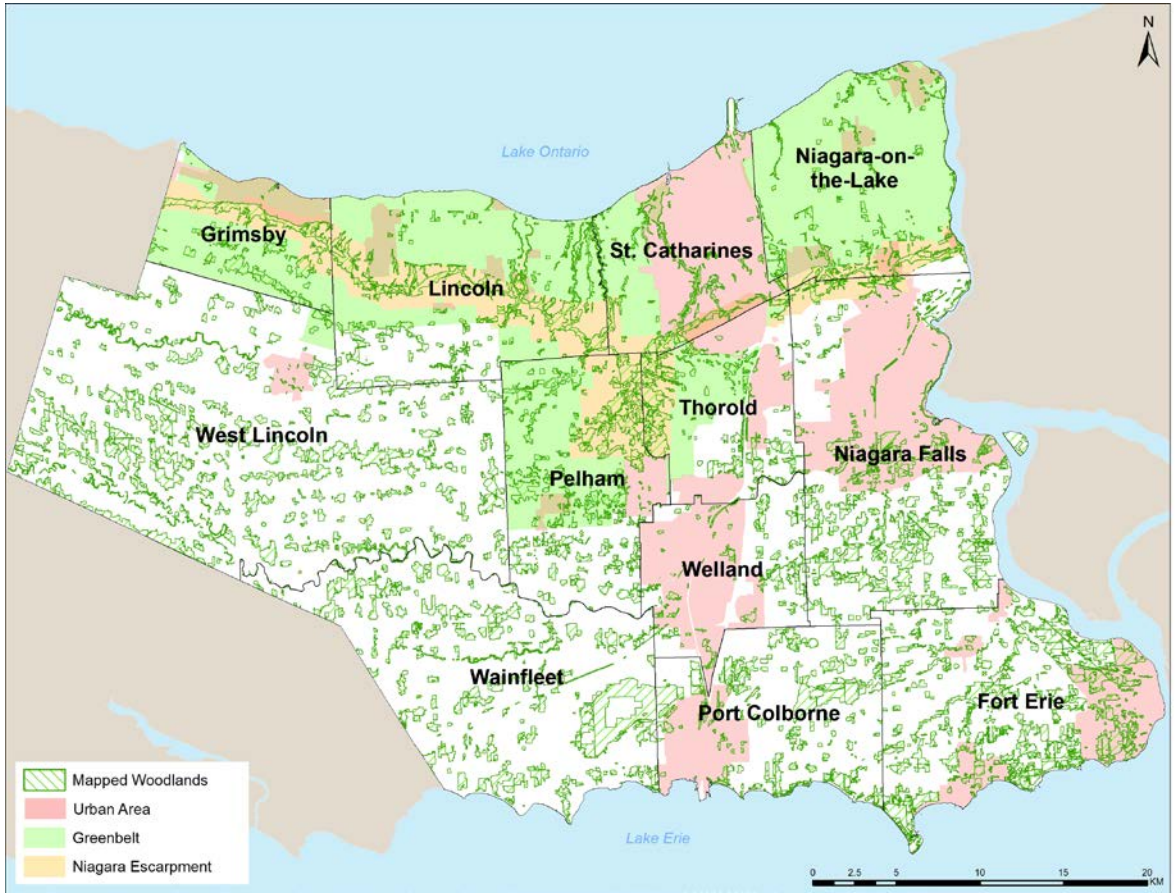
11.28 m radius = 400 m^2 or 0.04 ha
14 trees x 25 conversion factor = 350 trees/ha

By-law Cannot Regulate: 1 of 2

- Woodlands less than 1 ha or heritage/ significant trees where authority has not been delegated to the Region by the local area municipality
- Removal of trees required for construction or maintenance of electrical transmission or distribution systems
- Removal of trees required for municipal activities or surveying
- Removal of trees on Crown land or for licensed pits & quarries

By-law Cannot Regulate: 2 of 2

- Removal of trees approved through a *Planning Act* application as a condition of site plan, subdivision or consent, or a development permit
- These exemptions are legislative and not open to review



Existing Exemptions 1 of 3

- Harvest of trees for the owner's own use, provided that:
  - There is no commercial sale of trees
  - Good Forestry Practices are followed and the woodland is maintained
  - Prior notification of cutting has been provided
  - The owner has owned the woodland for at least 2 years
  - Does not involve a "sensitive natural area", otherwise a permit is required

Sensitive Natural Area currently means lands that are in a woodland designated as part of an Environmental Protection Area in the Regional Official Plan or within a Natural Area designated in the Niagara Escarpment Plan.

Existing Exemptions 2 of 3

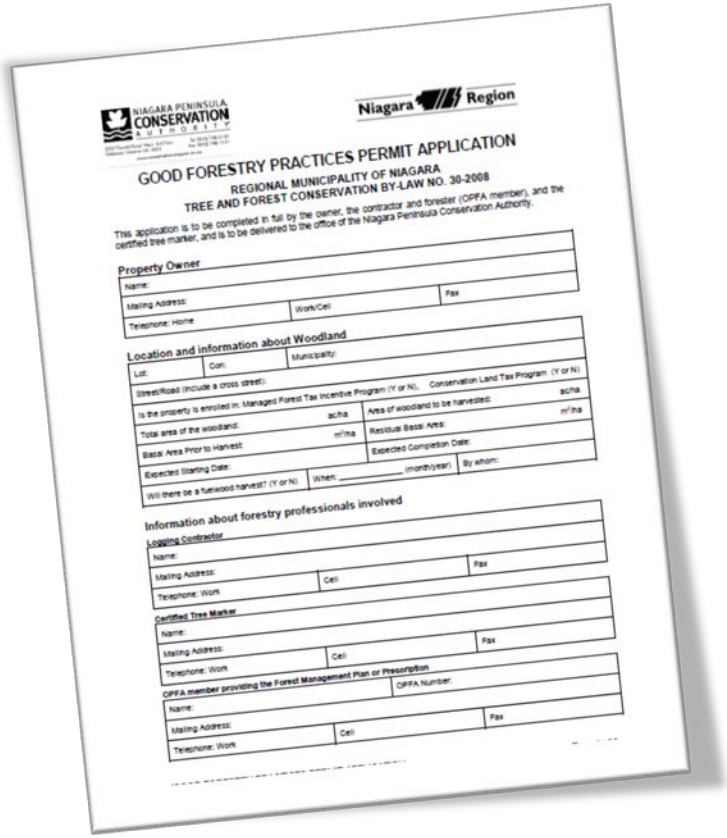
- Removal of trees by a farmer for agricultural use, provided that:
  - The land is owned by the farmer doing the clearing and part of a farm operation that has existing for at least 3 years
  - The land is put into agricultural use within 3 years
  - The land is outside the urban area and zoned for agricultural use
  - Clearing is carried out in accordance with normal farm practices
  - Prior notification of cutting has been provided
  - Does not involve a “sensitive natural area”, otherwise a permit is required

Existing Exemptions 3 of 3

- Removal of trees:
  - Where a building permit has been issued by a local area municipality
  - On approved waste disposal sites
  - For construction of drainage works under the *Drainage Act*
  - That are dead or hazardous to human safety or property
  - That are diseased, as identified in a Forest Management Plan or Silvicultural Prescription

Good Forestry Practices Permit

- The by-law prohibits tree cutting in woodlands unless a Good Forestry Practices Permit has been obtained
- Good Forestry Practices improve the health, vigour and economic value of woodlands over time



NIAGARA PENINSULA CONSERVATION AUTHORITY

Niagara Region

GOOD FORESTRY PRACTICES PERMIT APPLICATION

REGIONAL MUNICIPALITY OF NIAGARA
TREE AND FOREST CONSERVATION BY-LAW NO. 30-2008

This application is to be completed in full by the owner, the contractor and forester (OPFA member), and the certified tree marker, and is to be delivered to the office of the Niagara Peninsula Conservation Authority.

Property Owner

Name:
Mailing Address: | Fax
Telephone: Home | Work/Cell

Location and information about Woodland

Lot: | Con: | Municipality:
Street/Road (include a cross street):
Is the property is enrolled in: Managed Forest Tax Incentive Program (Y or N); Conservation Land Tax Program (Y or N)
Total area of the woodland: ac/ha | Area of woodland to be harvested: ac/ha
Basal Area Prior to Harvest: m^2/ha | Residual Basal Area: m^2/ha
Expected Starting Date: | Expected Completion Date:
Will there be a fuelwood harvest? (Y or N) | When: _____ (month/year) | By whom:

Information about forestry professionals involved

Logging Contractor

Name:
Mailing Address: | Fax
Telephone: Work | Cell

Certified Tree Marker

Name:
Mailing Address: | Fax
Telephone: Work | Cell

OPFA member providing the Forest Management Plan or Prescription

OPFA Number:
Name:
Mailing Address: | Fax
Telephone: Work | Cell

Feedback from Public Consultation

- Major Themes
  - Existing and proposed exemption policies;
  - Changes to Definitions;
  - Connection between the By-law and Official Plan;
  - Status of By-law Advisory Committee; and
  - Enforcement Policies

Key Changes Proposed 1 of 4

- Title change
  - Woodland ~~Tree and Forest~~ Conservation By-law
- Enforcement responsibilities
  - Administration and enforcement by ~~NPCA~~ Niagara Region
- Definitions
  - Remove terms not used and add others

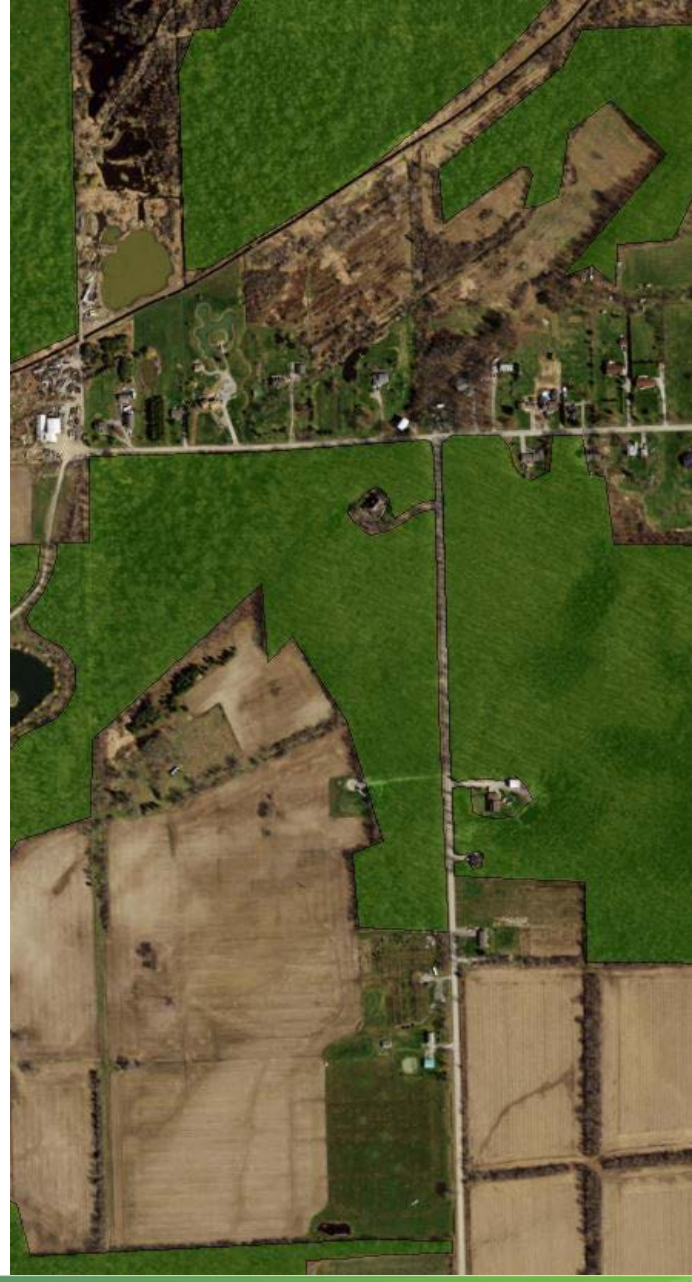
Key Changes Proposed 2 of 4

- Advisory Committee
  - Remove – no other municipality has a committee
- Redefine woodlot characteristics
  - Do not include hedgerows less than 20 m wide
- Tree Saving Plan requirements
  - Interim – Relocate existing guidelines from within current By-law to an Appendix so that they can be updated at a later date

Key Changes Proposed 3 of 4

- Exemptions
  - Keep existing exemptions
  - Add exemption for contaminated lands

- Building permit requirements
  - Update to include a land area limitation for woodland removals associated with building permits

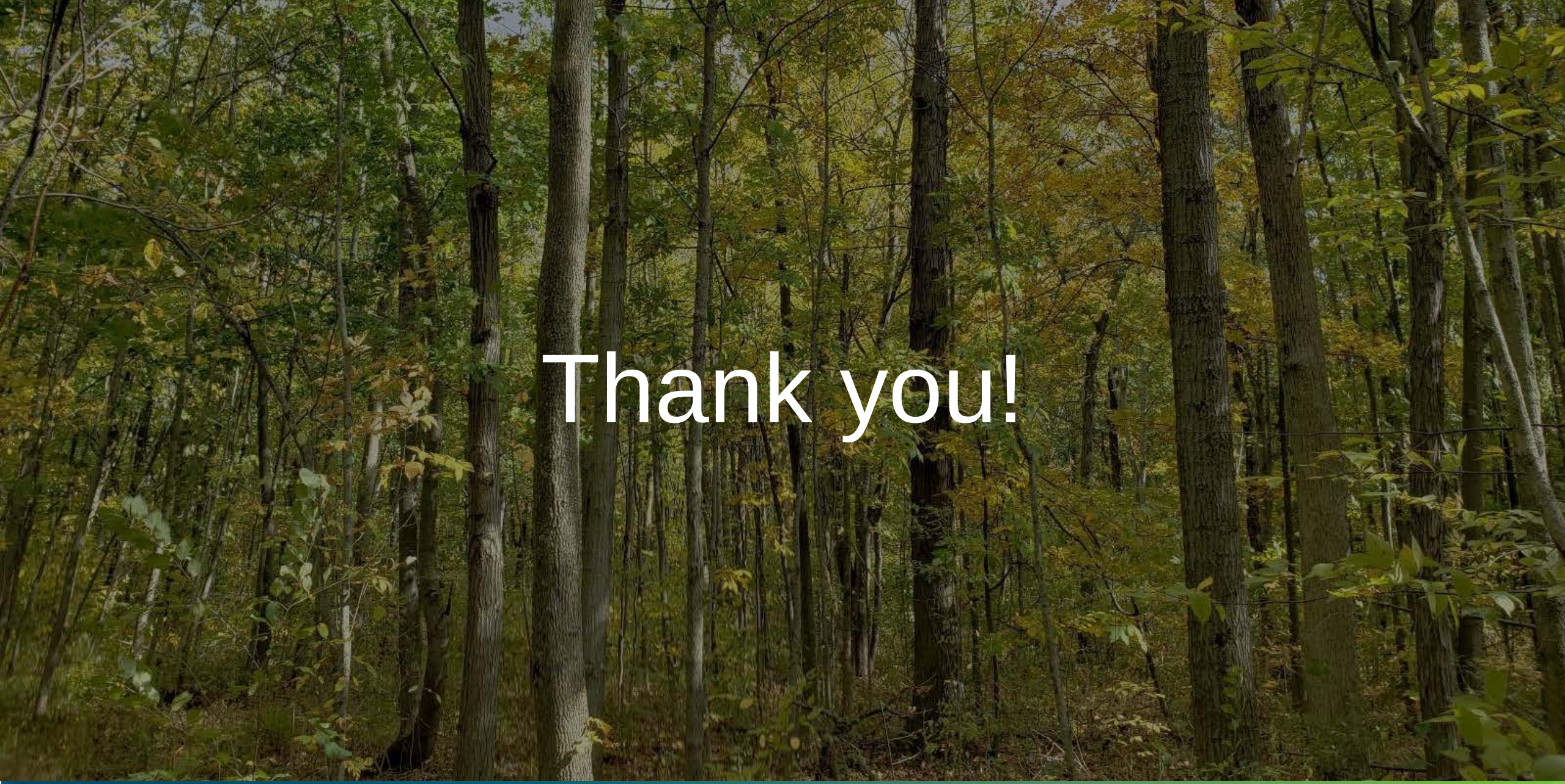


Key Changes Proposed 4 of 4

- Good Forestry Practices
  - Plans must be prepared by an Ontario Professional Foresters Association member
  - Qualified Tree Marker approvals
  - Notification required 48-hours prior to cutting

Next Steps

- Draft By-law and Report is going to PEDC on October 14th, 2020 for consideration



Thank you!

Subject: Woodland Conservation By-law Review

Report to: Planning and Economic Development Committee

Report date: Wednesday, October 14, 2020

Recommendations

1. That Regional Council **APPROVE** the Niagara Region Woodland Conservation By-law attached as Appendix 1 to this report, Report PDS 16-2020;

2. That staff **BE DIRECTED** to terminate the service level agreement with the Niagara Peninsula Conservation Authority (NPCA) for the enforcement of the Woodland Conservation By-law and advertise the Regional Forester position for external hire;

3. That staff **CIRCULATE** a copy of this report and the new Niagara Region Woodland Conservation By-law to the Local Area Municipalities, NPCA, Niagara North Federation of Agriculture, Niagara South Federation of Agriculture, Niagara Woodlot Association, Niagara Home Builders Association, Niagara Construction Association and Niagara Parks Commission; and,

4. That a copy of the Niagara Region Woodland Conservation By-law **BE POSTED** on the Region's website and local municipalities be requested to include a reference and link to the By-law in all pre-consultation applications.

Key Facts

- The purpose of this report is to present the updated Niagara Region Woodland Conservation By-law for Regional Council review and approval.
- The Woodland Conservation By-law Review engagement strategy began in March 2020 and included two stakeholder sessions, a virtual public open house, online survey, and other comments/inquires received through the project email site.
- Section 135 (2) of the Municipal Act enables Regional Council to prohibit or regulate the destruction or injuring of trees in woodlands as defined in the Forestry Act larger than one hectare in size.
- The current Tree and Forest Conservation By-law is 12 years old and the review considered legislative changes, alignment between the By-law and the Regional Official Plan, best management practices and operational needs.
- Currently, the Niagara Peninsula Conservation Authority (NPCA) administers the By-law on the Region's behalf through a Service Level Agreement. Through the By-law

review, and discussions with NPCA, staff recommend terminating the Service Level Agreement (Appendix 2) in order to bring the Regional Forester Position back to the Region.

Financial Considerations

Financial costs of undertaking the Woodland Conservation By-law review internally were accommodated through the 2019/2020 Planning and Development Services Operating Budget.

Currently, the NPCA administers the Tree and Forest Conservation By-law on the Region's behalf through a Service Level Agreement. The annual cost to the Region is $108,985. Annual Reports are prepared to inform Council of the activities undertaken throughout the year by the NPCA to provide Good Forestry Practices, educate the public, and enforce the provisions of the by-law (Appendix 3).

Upon terminating the Service Level Agreement, the above will be repurposed to fund the internal Regional Forester Position (existing approved FTE) that has been left vacant to fund NPCA for this service.

Analysis

Background

Section 135 of the Municipal Act allows municipalities to prohibit and regulate the destruction or injuring of trees through enacting tree by-laws. Upper-tier municipalities may enact such a by-law for trees in woodlands as defined in the Forestry Act that are greater than one hectare in area. Local municipalities may also enact such a by-law for individual trees and trees within woodlands that are less than one hectare. The Act also provides upper-tier and local municipalities with the option to delegate all or part of their power to pass such by-laws to each other, with an agreement.

Grimsby, Niagara-on-the-Lake, Niagara Falls and West Lincoln have delegated their authority to regulate trees in woodlands less than one hectare to the Region, as per the Municipal Act, s. 135 (10).

- **Tree and Forest Conservation By-law (30-2008)**

The current by-law regulates the destruction or injury of trees within woodlands that are greater than one hectare. The intent of the existing by-law is to encourage the conservation and improvement of woodlands in Niagara through Good Forestry Practices. The by-law prohibits the clearing of woodlands except under specific circumstances and requires landowners to follow Good Forestry Practices when

harvesting trees. This is accomplished by requiring landowners to submit a forest management plan or a silvicultural prescription prepared by a Registered Professional Forester (or a member of the Ontario Professional Foresters Association) to obtain a permit.

Benchmark Research

Woodland conservation by-laws from 13 upper tier municipalities across southern Ontario were compared according to a number of criteria (Appendix 4). The large majority of by-laws require a permit to cut, do not have by-law committees, and none are able to require direct compensation from fines (in accordance with legislation). A majority of by-laws allow personal use exemptions, and require permits or exemptions to be processed for tree removal where a building permit has been issued. Additionally, a majority of by-laws reviewed protect woodlands less than 1.0ha.

Proposed Changes to the By-law

In 2013, various municipal by-law officers and staff from the Ministry of Natural Resources formed a Forest Conservation By-law Committee and developed a template for upper tier municipalities to use when creating and/or updating their Forest Conservation By-laws. It provides suggested legal text and best management practices and to encourage a more consistent format between Forest By-laws making it easier to adhere to when working in and across the boundaries of various municipalities. The proposed updates to the Niagara Region Woodland Conservation By-law includes suggestions from this template.

Changes to the Woodland Conservation By-law are proposed for Council approval. The majority of changes are minor and provide clarity and alignment with the *Municipal Act* and *Forestry Act*.

Key changes to the by-law include the following:

- **Administration of the By-law**

Niagara Region's existing Tree and Forest Conservation By-law (30-2008) has been in place since 1981. The most recent update to the by-law occurred in 2008 in response to changes to the Municipal Act, a request for amendments to the by-law from the Township of West Lincoln, as well as to facilitate the transfer of responsibilities for enforcement of the by-law to the NPCA

As a result, the administration and enforcement of the by-law was delegated to the NPCA and a Service Level Agreement was developed in August 2008. In 2018, the NPCA returned the environmental planning review functions back to the Region, including stormwater management review. At that time, the only role that was not fully

returned to the Region was the Regional Forester position. This position remained at the NPCA because the 2008 By-law needed to be updated to remove NPCA administration references from the By-law. To finalize the 2018 environmental planning review transfer to the Region, staff are recommending deleting NPCA references from the By-law and terminating the Service Level Agreement in order to bring back the Regional Forester Position to the Region. Returning the Forester position back to the Region is appropriate as we also undertake the prosecution.

The NPCA staff have provided comment and input into the Woodland Conservation By-law and aware of the changes being brought forward. The By-law includes a delayed enforcement date of January 31st, 2021 to allow the Region time to complete the hiring process for a Regional Forester and provide for the required 90 days' notice to terminate the service level agreement with the NPCA. Upon the Woodlands Conservation By-law taking effect on January 31st, 2021, the current by-law 30-2008 will be repealed.

- **External Committee**

Niagara Region is the only municipality in the province with an external advisory committee written into its Tree and Forest Conservation By-law. Having an external advisory committee for by-law enforcement is very irregular and is not required under the *Municipal Act*. Enforcement decisions under the by-law are to be made by a By-law Enforcement Officer, not an advisory committee. The purpose of the external advisory committee was to provide advice on matters of tree and forest conservation. The committee included, at a minimum, representatives of the local municipalities, the Niagara North and Niagara South Federations of Agriculture, the Niagara Woodlot Association and the logging industry. There was an expectation of the advisory committee to discuss compliance matters with members of the public and decide on whether charges should be laid. This practice was ended given it is highly improper to discuss compliance matters with members especially if charges are laid and court proceedings are to be conducted.

Staff are recommending the removal of the external committee from the by-law as it is not required by the *Municipal Act* and is in keeping with other municipal woodland by-laws in the Greater Toronto Hamilton Area (GTHA). Furthermore, staff suggest the use of the regional Agricultural Policy and Action Committee (APAC) as a forum to discuss any matters relating to tree and forest conservation.

- **Removal of Tree Preservation Plan requirements in By-law**

Previously the 2008 By-law included a definition for Tree Saving Plan including all the requirements. The Tree Saving Plan definition has been removed and instead will be replaced as a stand-alone guideline titled “Tree Preservation Guideline”, see Appendix 5.

Public Consultation Summary

The Woodland Conservation By-law Review was initiated in March 2019. Consultation included two stakeholder sessions, held on March 3, 2020, and a virtual public open house, held on June 17, 2020. Both the stakeholder sessions and open house consisted of a presentation and Q&A period moderated by a facilitator and Regional staff, respectively. In addition, an online survey was conducted. The results of the public consultation are summarized below.

- **Stakeholder Sessions**

Invitations to the stakeholder sessions were sent to 181 individuals. There were 24 attendees at the morning stakeholder session, including biologists, arborists, ecologists, planners, developers and project managers. There were 14 attendees at the afternoon session, including planners from the local area municipalities and representatives from local environmental groups. The sessions consisted of a presentation and facilitated question and answer period. Questions at the stakeholder sessions focussed on existing and proposed exemption policies, changes to definitions, the connection between the By-law and Official Plan, the status of the By-law advisory committee and enforcement policies.

- **Survey**

A survey to gather feedback on the by-law was posted on the Region’s website and advertised through social media posts from June 11, 2020 to July 5, 2020. There were 372 survey responses, with 273 of them being complete and 99 partially complete. “Providing increased protection for woodlands from unauthorized clearing or cutting” ranked as the highest priority for the by-law review by those that provided input via the online survey.

Please refer to Appendix 6 for a full summary of the survey results.

- **Virtual Open House**

Invitations were sent to 255 individuals, and contact information for registration was posted on the project webpage two weeks prior to the virtual open house. 82 people registered in advance to attend, and 79 people attended. The virtual open house was

presented in the same format as the stakeholder sessions and consisted of a presentation followed by a question and answer period with Regional staff. Questions at the open house had a similar focus as the questions received at the Stakeholder Sessions.

- **Comments Received**

The input received on the by-law update revealed a keen interest to recognize the challenges and limitations of the current By-law, as well as identifying opportunities for the review and finalization of the updated By-law. A full summary of all comments and questions received are included in Appendix 7. Input collected throughout the review has been considered in drafting the updated By-law and is reflected in the draft By-law presented today.

Alternatives Reviewed

The option of postponing the review of the by-law until the Regional Official Plan review has concluded was considered but is not recommended. The Regional Official Plan review is a multi-year project, and there are items that require immediate attention such as ensuring the language of the by-law aligns with current best management practices. The Woodland Conservation By-law will often compliment the intent of the natural heritage policies of the new Niagara Official Plan in preserving woodlands by prohibiting their removal for development or construction unless properly assessed and the correct planning and building approvals are provided first.

In 2018, the responsibility for plan review and technical clearance for the natural environment policies of the Regional Official Plan (Chapter 7) returned to the Region. A review of the by-law is timely to ensure administration and enforcement requirements remain clear.

Postponing the review could result in an extended period with an out of date by-law, and may result in issues with interpretation and enforcement. Given the aforementioned changes, and considering there has been no review of the by-law since its approval in 2008, the option to move forward with the review immediately is prudent and responsible.

Relationship to Council Strategic Priorities

The Woodland Conservation By-law aligns with objective 3.2 Environmental Sustainable Stewardship:

“A holistic and flexible approach to environmental stewardship and consideration of the natural environment, such as in infrastructure, planning and development, aligned with a renewed Official Plan.”

Other Pertinent Reports

- DPD 49-2006 Update on the Tree Conservation By-law
- CAO 4-2008 Tree and Forest Conservation By-law Amendments
- DPD 133-2007 Tree and Forest Conservation By-law Amendments
- Service Level Agreement Tree and Forest Conservation By-law August 2008
- PDS 13-2019 Initiation of a Woodland By-law Review
- CWCD 41-2020- Woodland By-law Review Update

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Planning and Development Services

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Commissioner,
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Submitted by:
Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Adam Boudens, Senior Environmental Planner, Britney Fricke, Senior Development Planner, Vanessa Aykroyd, Landscape Architect, Patricia D'Souza, Legal Counsel, and reviewed by Donna Gibbs, Director Legal and Court Services.

Appendices

Appendix 1	Woodland Conservation By-law
Appendix 2	Service Level Agreement
Appendix 3	2019 Annual NPCA Report
Appendix 4	Benchmark Municipalities
Appendix 5	Tree Preservation Guidelines
Appendix 6	Survey Results
Appendix 7	Comments Received

Bill XX

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO.

A BY-LAW TO PROHIBIT OR REGULATE THE DESTRUCTION OR INJURING OF TREES IN WOODLANDS IN THE REGIONAL MUNICIPALITY OF NIAGARA

WHEREAS Section 135(2) of the *Municipal Act*, *2001,* S.O. 2001, c. 25, (the "*Municipal Act*"), as amended, provides that Regional Council may by bylaw prohibit or regulate the destruction or injuring of trees in Woodlands designated in the by-law;

AND WHEREAS Section 135(7) of the *Municipal Act* provides that the by-law may require that a permit be obtained to injure or destroy trees in Woodlands as designated in the by-law and impose conditions on a permit, including conditions relating to the manner in which destruction occurs and the qualification of persons authorized to injure or destroy trees;

AND WHEREAS the Council for The Regional Municipality of Niagara ("Regional Council") deems it desirable to enact such a By-law for the purposes of:

- conserving and improving the Woodlands in the Regional Municipality of Niagara (the "Region") through Good Forestry Practices;
- promoting Good Forestry Practices that sustain healthy Woodlands and related natural habitats and environments;
- helping to achieve the objectives of the Regional Official Plan to ensure the long-term health and productivity of woodlands;
- regulating and controlling the removal, maintenance and protection of trees in Woodlands;
- protecting, promoting and enhancing the values of Woodlands;
- contributing to human health, recreation, enjoyment and quality of life through the maintenance of Woodland cover;
- enhancing biodiversity and forest resilience to help our communities adapt to climate change;
- supporting the objective of the Regional Official Plan to maintain, restore and, enhance the ecological health, integrity and biodiversity of the Core Natural Heritage System and its contributions to a Healthy Landscape as defined in the Regional Official Plan; and,
- supporting the objective of the Regional Official Plan to maintain, restore and, enhance the ecological health, integrity and biodiversity of the Core Natural Heritage System and its contributions to a Healthy Landscape as defined in the Regional Official Plan.

AND WHEREAS on April 10, 2008 By-law No. 30-2008 was passed by Regional Council and this by-law has been in place to prohibit or regulate the destruction or injuring of trees in Woodlands in the Region;

AND WHEREAS Regional Council wishes to repeal By-law No. 30-2008 and replace same with an updated By-law regulating the destruction or injuring of trees in Woodlands in the Region;

NOW, THEREFORE, the Council of The Regional Municipality of Niagara hereby enacts as follows:

1. DEFINITIONS

In this By-law:

1.1 "Agricultural Use" means the commercial production of crops and/or raising of livestock for human use and includes ploughing, seeding, Harvesting, leaving land fallow as part of a conventional rotational cycle, production of tree fruits and grapes, grazing, animal husbandry, and buildings and structures associated with these activities;

1.2 "Area Municipality" means any one of the municipalities of the Town of Fort Erie, Town of Grimsby, Town of Lincoln, City of Niagara Falls, Town of Niagara-on-the-Lake, Town of Pelham, City of Port Colborne, City of St. Catharines, City of Thorold, Township of Wainfleet, City of Welland, and the Township of West Lincoln;

1.3 “Building Permit” means a building permit issued by an Area Municipality under the *Building Code Act, 1992,* S.O. 1992, c.23, as amended;

1.4 “Bumper Tree” means a poor quality, low value tree that grows in close proximity to higher value trees and is located along skid roads to protect residual trees from damage during logging and skidding operations;

1.5 “Coppice growth” means clump growth where more than one tree stem grows from a single tree stump and the point of measurement for such growth means that point on each stem measured immediately above the point of fusion, provided such point of fusion is less than 1.37 metres above the highest point of undisturbed ground at the base of the coppice or clump growth;

1.6 “DBH” or “Diameter at Breast Height” means the diameter of the stem of a tree measured at a point that is 1.37 metres above the ground;

1.7 "Diameter" means the diameter of the stem of a tree measured at a specified Point of Measurement with such measurement including the bark of the stem;

1.8 “Farmer” means a person who has a current and valid farm registration number under the *Farm Registration and Farm Organizations Funding Act, 1993,* S.O. 1993, c. 21, as amended;

1.9 “Forest Management Plan” means a course of forest management action prescribed for a particular woodland area after specific assessments and evaluations have been made by a Qualified OPFA Member in accordance with the Ministry of Natural Resources document “A Silvicultural Guide to Managing Southern Ontario Forests”, as amended from time to time;

1.10 “Good Forestry Practices" means:

1.10.a the proper implementation of harvest, renewal and maintenance activities known to be appropriate for the forest and environmental conditions under which they are being applied and that minimize detriments to forest values, including: significant ecosystems; important fish and Wildlife Habitat; soil and water quality and quantity; forest productivity and health; and the aesthetic and recreational opportunities of the landscape;

1.10.b the cutting and removal of hazardous, severely damaged, diseased and insect-infested trees which must be removed in order to prevent contamination or infestation of other trees or because they no longer contribute to the achievement of forest values;

1.10.c in the case of hazardous, damaged, diseased or insect-infested trees, the maintenance of a Woodland after the cutting and removal is completed unless it is determined through a report prepared by Qualified OPFA Member that trees must be removed and a Woodland would not be maintained; and,

1.10.d the forestry management practices as set out in the Ministry of Natural Resources document “A Silvicultural Guide to Managing Southern Ontario Forests”;

1.11 “Harvesting” means the Injury or Destruction of a Tree through cutting or other mechanized means. The term “Harvested” shall have a corresponding meaning;

1.12 “Heritage Tree” means a Tree identified and designated by the Council of an Area Municipality as having heritage significance;

1.13 “Injury” or “Destruction” means lasting damage to a Tree, that has the effect of inhibiting or terminating growth and which may include, but is not limited to:

1.13. a broken branches in the crown of a Tree;

1.13. b the breaking off or splitting of the stem of any Tree and the noticeable tipping of any Tree;

1.13. c the splitting of, removal of or damage to the bark of a Tree; or

1.13. d damage to the root structure of a Tree;

but does not include damage to Bumper Trees, or pruning or removing branches for maintenance purposes. The terms “Injury”, “Injured” ,“Injuring”, “Destroy”, “Destroying” or “Destroyed” shall have a corresponding meaning

1.14 “Normal Farm Practice” means a practice that is recognized by the Normal Farm Practices Board which is conducted in a manner consistent with proper and acceptable customs and standards, as established and followed by similar agricultural operations under similar circumstances, or makes use of innovative technology in a manner consistent with proper advanced farm management practices;

1.15 "Officer" means an individual appointed by the Regional Council for the administration and enforcement of this By-law;

1.16 “Owner” means any Person having control over any portion of land that contains Woodland or Woodlands and specifically includes any Person having any right, title, interest or equity in the land and any Person lawfully permitted on the land;

1.17 “Own Use” means use that does not include a commercial sale, exchange or other disposition of trees Injured or Destroyed;

1.18 “Permit” means a permit to Injure or Destroy Trees issued under this By-law;

1.19 “Person” means an individual or a corporation and their respective heirs, executors, administrators or other duly appointed representatives;

1.20 "Point of Measurement" means the point on a tree trunk measured above the highest point at which the ground meets the tree. For Coppice Growth the Point of Measurement shall be at the point on the tree trunk where the tree stems separate provided that such point of separation is less than 1.37 metres from where the ground meets the tree;

1.21 “Qualified OPFA Member” means a Registered Professional Forester or Associate Member of the Ontario Professional Foresters Association under the *Professional Foresters Act* 2000, c.18, as amended, certified to practice professional forestry, unless a suspension, term, condition or limitation of certification applies which would restrict the Member from carrying out responsibilities under this By-law;

1.22 “Qualified Tree Marker” means:

1.22.a An individual who is currently certified through the Ontario Ministry of Natural Resources Certified Tree Marker Program; or

1.22.b A Qualified OPFA Member qualified to do tree marking.

1.23 “Region” means the Regional Municipality of Niagara;

1.24 “Regional Council” means the Council of the Region;

1.25 “Regional Official Plan” means the Official Plan of the Regional Municipality of Niagara;

1.26 "Sensitive Natural Area" means lands that are in a Woodland and:

1.26.a within the Environmental Protection Area designation of the Natural Heritage System and adjacent lands, as defined in the Regional Official Plan; or

1.26.b within a Natural Area as designated in the Niagara Escarpment Plan;

1.27 “Significant Community Tree” means a Tree identified and designated by the Council of an Area Municipality as having community signifcance;

1.28 “Silviculture”means the theory and practice of controlling forest establishment, and the composition, growth and quality of forests to achieve the objectives of forest management. The term “Silvicultural” shall have a corresponding meaning;

1.29 “Silvicultural Prescription” means the site specific operational plan, signed and sealed by a Qualified OPFA Member (unless otherwise exempted under the *Professional Foresters Act*), that describes the existing forest conditions and the forest management objectives for an area, and which prescribes the methods for Harvesting the existing forest stand and a series of silvicultural treatments that will be carried out to establish a free-growing stand in a manner that accommodates other resource values as identified;

1.30 "Tree" or “Trees” means any living species of woody perennial plant, including its root system, which has reached or can reach a height of at least 4.5 meters at physiological maturity;

1.31 “Tree Preservation Plan” means a plan, prepared by a Qualified OPFA Member or Certified Arborist, for the purpose of protecting and preserving trees on properties where development or disturbance of the natural forest cover is to occur;

1.32 “Wildlife Habitat” means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species;

1.33 "Woodland" or “Woodlands” means land on one or more properties with a density of at least:

1.33.a 1,000 Trees, of any size, per hectare;
1.33.b 750 Trees, measuring over five (5) centimetres in Diameter at DBH, per hectare;
1.33.c 500 Trees, measuring over twelve (12) centimetres, in Diameter at DBH, per hectare; or
1.33.d 250 Trees, measuring over twenty (20) centimetres, in Diameter at DBH, per hectare;

but does not include:

1.33.f a cultivated fruit or nut orchard;
1.33.g a plantation established for the purpose of producing Christmas trees and which is being actively managed and Harvested for the purposes for which it was planted, except that this does not refer to plantations that have ceased being managed or Harvested for their intended purpose for a period of 15 years or more; or
1.33.h a bona fide tree nursery that is being actively managed and harvested for the purposes for which it was planted.
1.33.i a hedgerow or windrow less than 20 meters in width.

2. APPLICATION OF THE BY-LAW

This By-law shall apply to:

2.1 all Woodlands having an area of one (1) hectare or more;
2.2 all Woodlands having an area of less than one (1) hectare upon delegation of such authority by an Area Municipality to the Region; and
2.3 Heritage Trees and Significant Community Trees identified and designated by the Council of an Area Municipality, upon delegation of such authority by an Area Municipality to the Region.

3. GENERAL PROHIBITIONS

3.1 No Person through their own actions or through any other Persons shall Injure or Destroy any Tree located in Woodlands:

3.1.a Unless exempted under Section 4 of this By-law; or
3.1.b Unless in possession of a valid Permit issued under this By-law and in accordance with its terms or conditions.

3.2 No Person through their own actions or through any other Person shall:

3.2.a Contravene the terms or conditions of a Permit issued under this By-law;
3.2.b Fail to comply with an Order issued under this By-law; or
3.2.c Remove or deface any Order that has been posted pursuant to this By-law.

3.3 No Person through their own actions or through any other Person shall Injure or Destroy any Tree that has been designated by the Council of an Area Municipality as a Heritage Tree or a Significant Community Tree, provided that the authority to regulate such Trees has been delegated to the Region by the Area Municipality.

3.4 An Owner is deemed to have knowledge of, to have permitted, and to be liable for actions that violate this By-law that occur on the portion of land over which the Owner has control.

3.5 A Person is not liable under Section 3.4 of this By-law if such Person establishes, on a balance of probabilities, that the actions that violate this By-law occurred before or after such Person was an Owner.

4. EXEMPTIONS

Despite Section 3 of this By-law, this By-law does not apply to:

4.1 activities or matters undertaken by a municipality or a local board of a municipality;

4.2 activities or matters undertaken under a licence issued under the *Crown Forest Sustainability Act, 1994*, S.O. 1994, c.25, as amended;

4.3 the Injuring or Destruction of Trees by a Person licensed under the *Surveyors Act,* R.S.O. 1990, c. S.29, as amended, to engage in the practice of cadastral surveying or his or her agent, while making a survey;

4.4 the Injuring or Destruction of Trees imposed after December 31, 2002:

4.4.a as part of a Tree Preservation Plan required as a condition of approval in a plan of subdivision that has received draft approval under Section 51 of the *Planning Act;*
4.4.b as part of a Tree Preservation Plan required as a condition on a consent approved under Section 53 of the *Planning Act;*
4.4.c as a condition to the approval of a site plan or a plan of subdivision under Sections 41 and 51, respectively, of the *Planning Act* or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;

4.4.d in a development agreement between an Owner and an Area Municipality;

4.4.e as a condition to a development permit authorized by regulation made under Section 23(b) of the *Niagara Escarpment Planning and Development Act*, R.S.O 1990, c. N.2, as amended; or

4.4.f as a condition to a development permit authorized by regulation made under Section 70.2 of the *Planning Act* or as a requirement of an agreement entered into under the regulation;

4.5 the Injuring or Destruction of Trees by a transmitter or distributor, as those terms are defined in Section 2 of the *Electricity Act*, *1998*, S.O. 1998, c.15, Sched. A, as amended, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;

4.6 the Injuring or Destruction of Trees undertaken on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*; R.S.O 1990, c. A.8, as amended;

4.7 the Injuring or Destruction of Trees undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land:

4.7.a that has not been designated under the *Aggregate Resources Act* or a predecessor of that Act; and

4.7.b on which a pit or quarry is a permitted land use under a by-law passed under Section 34 of the *Planning Act*;

4.8 the Injuring or Destruction of Trees that is required in order to erect any building, structure or thing, including yard areas, in respect of which a Building Permit has been issued and has taken into consideration the protection of Trees surrounding the structure or work within the building envelope, provided that no Tree is removed that is located more than 15 metres from the outer edge of the building, structure or thing, and that only those Trees necessary to accommodate the building structure or thing, including yard areas, are removed;

4.9 the Injuring or Destruction of Trees that is reasonably required in order to install and provide utilities, including a private waste disposal system, to the construction or use of the building, structure or thing in respect of which a Building Permit has been issued;

4.10 the Injuring or Destruction of Trees that is required in order to install, provide or maintain a driveway of sufficient width for vehicular access to the building, structure or thing in respect of which a Building Permit has been issued;

4.11 the Injuring or Destruction of Trees on lands, including buffer lands, used for the purpose of a licenced waste disposal site that has been approved, where applicable, under the *Environmental Protection Act*, R.S.O. 1990, c. E.19, as

amended, the *Ontario Water Resources Act,* R.S.O. 1990, c. O.40, as amended, the *Environmental Assessment Act*, R.S.O. 1990, c. E.18, as amended, the *Planning Act*, and/or the *Niagara Escarpment Planning and Development Act;*

4.12 the Injuring or Destruction of Trees for the construction of drainage works under the *Drainage Act*, R.S.O. 1990, c. D.17, as amended;

4.13 the Injuring or Destruction of Trees that:

4.13.a are dead;
4.13.b are diseased, as identified in a Silvicultural Prescription or Forest Management Plan; or
4.13.c pose a hazard to human safety or property;

4.14 the Injuring or Destruction of Trees by an Owner of a Woodland who may Harvest, Destroy or Injure Trees for his or her Own Use on his or her property provided that:

4.14.a Good Forestry Practices are employed in accordance with the Ministry of Natural Resources document “A Silvicultural Guide to Managing Southern Ontario Forests”; and
4.14.b the Injuring or Destruction, in that part of the Woodland where Trees have been Injured or Destroyed, does not reduce the number of Trees per hectare below that necessary to constitute a Woodland.

4.15 the Harvesting, Injuring or Destruction of Trees by a Farmer that involves the clearing of all or part of a Woodland for Agricultural Use on land that is owned by the Farmer doing the clearing and is part of a farm operation or farm corporation that has existed for at least three (3) years prior to such clearing.

The clearing shall be carried out in accordance with Normal Farm Practices as defined in the *Farming and Food Production Protection Act, 1998*, S.O. 1998, c. 1, as amended, provided that:

4.15.a the land that is cleared is put into Agricultural Use within three (3) years of the date on which such clearing commences;
4.15.b prior to the clearing, the Farmer advises the Officer of the proposed clearing. For the purposes of this section the marking of Trees, a Forest Management Plan or a Silvicultural Prescription, a fee and a Permit are not required; and
4.15.c the land being cleared for Agricultural Use is outside the Urban Areas as defined in the Regional Official Plan, and is designated and zoned for Agricultural Use in the Official Plan and Zoning By-law of the Area Municipality and, where applicable, in the Niagara Escarpment Plan;

except where the Injuring or Destruction of Trees involves a Sensitive Natural Area, in which case a Permit is required pursuant to the provisions of this By-law, but no fee shall be required.

4.16 the Harvesting, Injuring or Destruction of non-native/invasive Trees in a Woodland for the purpose of restoring the tree cover to native species as per an approved Forest Management Plan or Silvicultural Prescription.

4.17 the Injuring or Destruction of Trees in a Woodland for the purpose of conducting site rehabilitation activities to remove and/or treat contaminated soils. A reforestation plan must be prepared and approved by the officer prior to Tree removal.

5. GOOD FORESTRY PRACTICES PERMITS

5.1 The Niagara Region hereby delegates to an Officer the authority to issue a Good Forestry Practices Permit under this By-law, and to impose such terms and conditions in accordance with Good Forestry Practices.

5.2 An application for a Good Forestry Practices Permit shall be submitted at least four (4) weeks prior to the commencement date of Harvesting and shall include the following:

5.2.a a complete signed application form as provided by the Region;
5.2.b a copy of the Silvicultural Prescription sealed by a Qualified OPFA Member; and,
5.2.c A signature from a Qualified OPFA Member confirming proof that themarking of the Trees to be cut has been carried out by a Qualified Tree Marker in accordance with a Silvicultural Prescription or Forest Management Plan. Tree marking must include clean, legible paint marks at breast height, visible from any direction,and 40 centimetre stump marks that are in crevices (if available) and run right to the ground.

5.3 A Good Forestry Practices Permit issued under this By-law shall be subject to the following terms and conditions:

5.3.a Trees which are to be harvested are cut in accordance with Good Forestry Practices, and as described in a Silvicultural Prescription sealed by a Qualified OPFA Member;
5.3.b the Harvesting, Injuring or Destruction of Trees will not reduce the number of Trees per hectare below the minimum number of Trees per hectare required to be considered a Woodland;

5.3.c The Permit-holder must notify the Officer at least 48 hours before start of cutting and again upon resumption of activities after any four (4) week period of inactivity; and

5.3.d Any other terms and conditions deemed appropriate and imposed by the Officer.

5.4 Notwithstanding Sections 5.2 and 5.3, a Good Forestry Practices Permit may be issued where an exclusion provision under the *Professional Foresters Act* applies and a qualified member of the Ontario Professional Foresters Association provides an opinion that the Harvesting of Trees is consistent with Good Forestry Practices.

6. PERMIT APPLICATION PROCESS

6.1 Every Person who intends to Injure or Destroy Trees personally or through another Person, where a Permit to do so is required under this By-law, shall first complete and submit an application for a Permit in the form approved by the Region from time to time.

6.2 Applications for Permits will be processed only if:

6.2.a the appropriate application form, approved by the Region from time to time, has been completed in full, duly signed and submitted to the Officer;

6.2.b the requirements that must be submitted with an application have been included; and

6.2.c applications are in keeping with the general purpose and intent of this By-law.

6.3 A Permit application that does not meet the requirements of clauses 6.2.a, 6.2.b and 6.2.c will be returned to the applicant within 30 days.

6.4 A Permit may be:

6.4.a issued by the Officer to the Owner for a term of up to one (1) year from the date of issue and shall not be transferable; and,

6.4.b may be renewed by the Officer for up to two (2) additional one (1) year terms contiguous with the expiry date of the original Permit and after a written request from the Owner for renewal is made to the Officer, who must be satisfied that there are reasonable grounds for the renewal.

6.5 In addition to those terms and conditions listed in section 5.3, the Officer may impose conditions to a Permit that relate to, but which are not restricted to:

6.5.a the manner and timing in which Harvesting, Injuring or Destruction is to occur;
6.5.b the species, size, number and location of Trees to be Injured or Destroyed, or to be planted;
6.5.c the marking of Trees to be cut with paint;
6.5.d the qualifications of Persons authorized to Injure or Destroy Trees;
6.5.e the submission of additional information required before the Permit becomes effective;
6.5.f measures to be implemented to mitigate the direct and indirect effects of the Injuring or Destruction on Sensitive Natural Areas; and
6.5.g a follow-up fuelwood (firewood) harvest.

6.7 When denying a Permit, the Officer will notify the applicant in writing by registered mail. The Officer shall provide written reasons for their decision to the applicant.

6.8 A Permit issued under the By-law does not relieve the Owner of any other applicable property boundary, municipal, provincial, or federal by-laws, regulations or requirements.

7. APPEALS TO REGIONAL COUNCIL

7.1 An applicant for a Permit under this By-law may appeal to Regional Council if:

7.1.a the Officer refuses to issue a Permit; such an appeal must be made within 30 days after the refusal; or

7.1.b if the applicant objects to a condition in the Permit; such an appeal must be made within 30 days after the issuance of the Permit.

7.2 A request by an applicant for a hearing shall be made in writing and filed with the Regional Clerk.

7.3 The Regional Council shall hold a hearing on the issue and shall give the applicant an opportunity to make representations at the hearing. The Regional Clerk shall mail a notice of hearing to the applicant at least seven (7) days before the hearing.

7.4 The Regional Council may:
7.3.a Uphold the decision of the Officer;
7.3.b Vary any condition on a Permit; or
7.3.c Issue a Permit with conditions as the Regional Council considers appropriate.

7.5 The Regional Council will provide reasons for its decision. The decision of the Regional Council is final.

8. ORDERS TO DISCONTINUE ACTIVITY

8.1 Where an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an Order requiring the Person who contravened the By-law or who caused or permitted the Injuring or Destruction of Trees in contravention of the By-law to stop the Injuring or Destruction of Trees. The Order shall set out:

8.1.a the municipal address or the legal description of the land;
8.1.b reasonable particulars of the contravention; and
8.1.c the period within which there must be compliance with the Order.

8.2 An Order issued under this By-law may be served personally or by registered mail to the last known address of:

8.2.a the Owner of the Woodland; and
8.2.b the person identified as Injuring or Destroying Trees.

8.3 Where service of an Order is made by registered mail, service shall be deemed to have been served on the fifth day after the date the Order is mailed.

8.4 Where service cannot be carried out under subsection 8.2, the Officer shall place a placard containing the terms of the Order in a conspicuous place on the affected lands. The placing of the placard shall be deemed to be sufficient service of the Order on the Person to whom the Order is directed. The placard shall not be removed without the approval of the Officer.

9. WORK ORDERS

9.1 Where an Officer believes that a contravention of this By-law has occurred, the Officer may issue an Order requiring the Person to rehabilitate the land or Woodlands, or to plant or replant Trees.

9.2 The Order shall set out:
9.2.a the name and the Owner and the municipal address or the legal description of the land;
9.2.b reasonable particulars of the contravention;
9.2.c the work to be done and the date by which the work must be done;
9.2.d a statement that if the work is not done in compliance with the Order within a specified time period, the Region may have the work done at the expense of the Owner; and,
9.2.e contact information of the Officer.

9.3 The Order may be served in accordance with the service provisions contained in section 8.

9.4 If a Person fails to comply with an Order issued pursuant to this section, the Region may enter the lands at any reasonable time for the purposes of doing the things described in the Order at the Person's expense.

9.5 If the Region enters onto the lands and completes the work, the Region may recover its costs to complete the work for the Person named in the Order by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

10. PENALTY

10.1 Any Person who contravenes any provision of this By-law, or an Order issued under this By-law is guilty of an offence and is liable:

10.1.a on first conviction, to a fine of not more than $10,000 or $1,000 per Tree, whichever is greater;

10.1.b on any subsequent conviction for the same offence, to a fine of not more than $25,000 or $2,500 per Tree, whichever is greater; and,

10.1.c on conviction for a continuing offence, to a fine of not less than $100 and not more than $10,000 for each day or part of a day that the offence continues. The total of the daily fines may exceed $100,000;

10.2 Despite subsection 10.1, where the Person convicted is a corporation:

10.2.a the maximum fines in clause 10.1.a are $50,000 or $5,000 per Tree; and

10.2.b the maximum fines in clause 10.1.b are $100,000 or $10,000 per Tree .

10.3 If a Person is convicted of an offence for contravening this By-law or an Order is issued under this By-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may order the Person to rehabilitate the land or to plant or replant Trees in such a manner and within such period as the court considers appropriate, including any silvicultural treatment necessary to re-establish the Trees.

10.4 If an Order has been issued under this bylaw or by the court, and the order has not been complied with, the contravention of the Order shall be deemed to be a continuing offence for each day or part of the day that the Order is not complied with.

10.5 The destruction of two or more Trees without or in contravention of a Permit shall be deemed to be a "multiple offence" as provided in the *Municipal Act*

and shall be subject to the per tree penalties prescribed in section 10.1 and 10.2.

11. ENFORCEMENT

11.1 The provisions of this By-law may be enforced by an Officer

11.2 An Officer or any person authorized by an Officer may, at any reasonable time, enter upon and inspect any land for the purposes of enforcing this By-law, determining compliance with this By-law, determining compliance with terms and conditions of a Permit issued under this By-law, determining compliance with an Order issued under this By-law or laying charges under this By-law.

11.3 An Officer exercising a power may be accompanied by a Person under his or her direction.

11.4 Any Person who obstructs or interferes with an Officer, or any Person or agent authorized by an Officer, in the discharge of his or her duties under this By-law, shall be considered in violation of this By-law.

11.5 Any Person who provides false information to an Officer shall be deemed to have obstructed or interfered with the Officer in the execution of their duties.

12. ADMINISTRATION

12.1 If any section or part of this By-law is found by any court of competent jurisdiction to be illegal or beyond the power of Regional Council to enact, such section or part shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom and to be enacted as such.

12.2 The short title of this By-law is the “Woodland Conservation By-law”.

12.3 By-law 30-2008 of the Regional Municipality of Niagara and all amendments thereto, are hereby repealed.

12.4 Despite subsection 12.3, By-law 30-2008, as amended, shall continue to apply to:

12.4.a proceedings in respect of offences that occurred before its repeal; and,

12.4.b permits in compliance with Bylaw 30-2008, which were approved prior to its repeal.

12.5 This by-law shall come into force on January 31, 2021.

THE REGIONAL MUNICIPALITY OF NIAGARA

_____
Regional Chair

_____
Regional Clerk

Passed: _____

SERVICE LEVEL AGREEMENT
TREE AND FOREST CONSERVATION BY-LAW

THIS AGREEMENT made as of the 1st day of August, 2008

BETWEEN:

THE REGIONAL MUNICIPALITY OF NIAGARA
(hereinafter called the "Region")

OF THE FIRST PART

- and -

THE NIAGARA PENINSULA CONSERVATION AUTHORITY
(hereinafter called "NPCA")

OF THE SECOND PART

WHEREAS section 447.4(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, permits a municipality to enter into agreements with a person or body in relation to matters of mutual interest for the purpose of coordinating the enforcement of by-laws;

AND WHEREAS Council of the Region has approved entering into an agreement with the NPCA wherein the NPCA will administer and enforce the Region's Tree and Forest Conservation By-law No. 30-2008, as may be amended (the "By-law");

AND WHEREAS the NPCA is willing to assume responsibility for administration and enforcement of the By-law;

NOW THEREFORE the parties hereto hereby agree as follows:

Interpretation

1.1 Each capitalized term not otherwise defined in this Agreement has the meaning given to it in the By-law.

NPCA's Obligations

1.2 The NPCA agrees to administer and enforce the provisions of the By-law in a manner consistent with the following purposes and principles:

- preserving and improving the Woodlands in the Regional Municipality of Niagara through Good Forestry Practices;
- promoting Good Forestry Practices that sustain healthy Woodlands and related natural habitats and environments;
- helping to achieve the goal of 30% forest cover in the Niagara Region;
- minimizing the destruction or injuring of trees in Woodlands;
- regulating and controlling the removal, maintenance and protection of trees in Woodlands;
- minimizing and guarding against dangerous conditions which may result in injury;
- protecting, promoting and enhancing the aesthetic values of Woodlands;
- contributing to human health, recreation, enjoyment and quality of life through the maintenance of woodland cover;
- providing for the production of wood and other products derived from trees;
- supporting the objective of the Regional Policy Plan to maintain, restore and enhance the ecological health, integrity and biodiversity of the Core Natural Heritage System and its contributions to a Healthy Landscape as defined in the Regional Policy Plan; and,
- Enhancing and implementing processes and decisions made with respect to applications made under the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

1.3 In matters where tree cutting is proposed by the NPCA on lands owned by NPCA, the NPCA shall submit an application to the Region for review by Region staff to ensure that such cutting is compliant with the Tree and Forest conservation By-law.

1.4 The NPCA shall establish and maintain a Tree and Forest Conservation By-law Advisory Committee (the "Advisory Committee") in accordance with Section 11 of the Tree and Forest Conservation By-law. The NPCA agrees to maintain the current membership of the Advisory Committee for the remainder of this term of Council. The NPCA shall consult the Advisory Committee on the following general matters:

1.4.1 Matters related to the development and dissemination of educational material and information in support of Good Forestry Practices;
1.4.2 Matters related to issues, not specifically addressed in the By-law, but which may result in proposals for changes to the By-law; and
1.4.3 Matters related to changes in Provincial, regional or local policy which could impact tree and forest conservation.

1.5 The NPCA agrees to carry out public education efforts and seek improvements in development application processes that would support Good Forestry Practices. This may include, but is not limited to; providing landowners and interested parties information and advice on the By-law, forestry management and Good Forestry Practices; and, working with Area Municipalities to establish pre-development agreements related to tree preservation.

1.6 The NPCA agrees to provide, at least semi-annually, reports to Council of the Region on the following matters:

a) Status of prosecutions and charges under the By-law;
b) Status of investigations;
c) Permits issued, denied and renewed;
d) Issues arising from enforcement and administration activities that may require changes to the By-law;
e) Current tree and forest conservation issues; and
f) Minutes and recommendations of the Advisory Committee.

Region's Obligations

2.1 The Region agrees to provide existing information and materials related to the By-law administration, enforcement and educational efforts to the NPCA.

Term

3.1 The term of this Agreement shall commence on August 1, 2008, and continue until such time as the Agreement is terminated in accordance with the terms herein.

3.2 Either party may terminate this Agreement by providing at least ninety (90) days prior written notice to the other party.

Dispute Resolution

4.1 Disputes of any kind should be resolved at the lowest level of authority within both organizations. If escalation is required on specific issues, they shall resolve the dispute by convening a meeting with the Region's responsible Commissioner and NPCA's General Manager.

If escalation is still required in a dispute over this Agreement, they shall resolve the dispute by convening a meeting of the Parties with the Chief Administrative Officer of the Region.

General

Amendments

5.1 If at any time during the term of this Agreement the parties deem it necessary or expedient to make any alteration or addition to this Agreement they may do so by means of a written agreement between them, executed by both parties.

Jurisdiction

5.2 This Agreement is governed by the laws of the Province of Ontario and the laws of Canada applicable therein.

Waivers

5.3 No party is to be deemed to have waived the exercise of any right that it holds under this Agreement unless such waiver is made in writing. No waiver made with respect to any instance involving the exercise of any such right is to be deemed to be a waiver with respect to any other instance involving the exercise of the right or with respect to any other such right.

Assignment

5.4 Neither party may assign this Agreement, either in whole or in part, without the prior written consent of the other.

Notice

5.5 Any notice given or required under this Agreement shall be served personally or via facsimile transmission and is effective as of the next business day following delivery as follows:

To the Region:

The Regional Municipality of Niagara
2201 St. David's Road, P.O. Box 1042
Thorold, Ontario L2V 4T7

Attention: Pam Gilroy, Regional Clerk
Fax: 905-687-4977

To the NPCA:

The Niagara Peninsula Conservation Authority
250 Thorold Road
Welland, Ontario L3C 3W3

Attention: Tony D'Amario, CAO, Secretary-Treasurer
Fax: 905-788-1121

Severability

5.6 In the event any provision of this Agreement, as may be amended from time to time, is deemed invalid or void, in whole or in part, by any court of competent jurisdiction, the remaining terms and provisions of this Agreement remain in full force and effect.

Successors and Assigns

5.7 This agreement shall bind the parties hereto and their respective successors and permitted assigns.

Indemnification

5.8 The NPCA shall indemnify and save harmless the Region, its elected officials, officers, employees and agents from and against any and all claims of any nature, actions, causes of action, losses, expenses, fines, costs (including legal costs), interest, or damages of every nature and kind whatsoever arising out of the negligence, errors, omissions, fraud or wilful misconduct of the NPCA, its officers, employees and agents, or any of them, attributable to or connected with the performance, non-performance or purported performance of the NPCA's obligations pursuant to this Agreement, except to the extent that same is attributable or caused by the negligence of the Region, its officers, employees and agents, or any of them.

The Region shall indemnify and save harmless the NPCA, its elected officials, officers, employees and agents from and against any and all claims of any nature, actions, causes of action, losses, expenses, fines, costs (including legal costs), interest, or damages of every nature and kind whatsoever arising out of the negligence, errors, omissions, fraud or wilful misconduct of the Region, its officers, employees and agents, or any of them, attributable to or connected with the performance, non-performance or purported performance of the Region's obligations pursuant to this Agreement, except to the extent that same is attributable or caused by the negligence of the NPCA, its officers, employees and agents, or any of them.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their corporate seals under the hands of their proper officers duly authorized in that behalf.

SIGNED, SEALED AND DELIVERED

APPROVED FOR EXECUTION
LEGAL SERVICES

THE REGIONAL MUNICIPALITY OF NIAGARA

(Peter Partington, Regional Chairman)

(Pam Gilroy, Regional Clerk)

We have the authority to bind the Corporation

THE NIAGARA PENINSULA CONSERVATION AUTHORITY

(Douglas Ransom, Chair)

(Tony D'Amario, P.Eng., Chief Administrative Officer

We have the authority to bind the Corporation

DATED May 21, **2008**

THE REGIONAL MUNICIPALITY OF NIAGARA

- and -

NIAGARA PENINSULA CONSERVATION AUTHORITY

A G R E E M E N T

ADMINISTRATION
THE REGIONAL MUNICIPALITY OF NIAGARA
2201 St. David's Road, Box 1042
Thorold, Ontario L2V 4T7

2019 ANNUAL REPORT

NIAGARA REGION

TREE AND FOREST CONSERVATION BYLAW (2008-30)

NIAGARA PENINSULA CONSERVATION AUTHORITY

Niagara Region Tree and Forest Conservation Bylaw 2019 Annual Summary Report

Niagara Peninsula Conservation Authority

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Introduction

The Niagara Region Tree and Forest Conservation By-law 30-2008 exists to encourage the conservation and improvement of woodlands in Niagara through Good Forestry Practices. The By-law prohibits the clearing of woodlands except under specific circumstances and requires landowners to follow Good Forestry Practices when harvesting trees. This is done by requiring landowners to submit a forest management plan or a silvicultural prescription prepared by a Registered Professional Forester (or a member of the Ontario Professional Foresters Association) to obtain a permit.

In August of 2008 the Region of Niagara delegated administration of the By-law to the Niagara Peninsula Conservation Authority (NPCA). The NPCA is responsible for reviewing applications and issuing permits for timber harvesting within the Region. We also follow up on public inquiries and investigate violations, which sometimes lead to charges. For this reason, NPCA forestry staff is designated as Provincial Offences Officers under the Provincial Offences Act. The NPCA employs one full-time staff, a Registered Professional Forester to administer the By-law.

The 2019 year marked the eleventh year in which the NPCA administered the By-law on behalf of the Region. This report will summarize the activities undertaken throughout the year by the NPCA to promote Good Forestry Practices, educate the public and enforce the provisions of the By-law.

Permits

Good Forestry Practices (GFP) Permits are issued after an application is received and satisfies the necessary criteria. In 2019, 11 new GFP Permits were issued by the NPCA, 3 permits were carried over from the 2018 year. 54% of these permits were completed by the end of 2019. Poor weather conditions was a contributing factor for permits not being completed by year's end.

Commenced in 2012 and continued in 2019, strategies for managing woodlots for emerald ash borer (EAB) are required in prescriptions and tree marking for woodlots that have a significant component of ash. This strategy will continue into 2019 as the impact of EAB continues to be an issue.

Landowners are provided a copy of a recent publication from the Ontario Woodlot Association, 'A Landowner's Guide to Careful Logging', when a permit is approved. The guide provides landowners with information on proper logging practices that will ensure good forestry is attained. The harvest inspections conducted by the NPCA are based on the contents in the guide.

All permits are subject to conditions which are specified and tailored to the characteristics of the individual site. For example, harvesting in woodlands with sensitive ground conditions will be conditional to the work being done while the ground is frozen in the winter, or during a dry period during the summer, to minimize soil disturbance. Failure to follow the conditions of a permit is considered a violation of the By-law. There were no incidents in 2019 where permit conditions were not complied with. Forest Bylaw staff maintained regular communication with logging contractors to ensure operations were suspended when ground conditions were not favourable.

Selection Silvicultural System

The forest management plan or silvicultural prescription required for a permit is prepared and reviewed by forest professionals with expert knowledge in silvicultural practices. Silviculture practices are treatments applied at the stand (woodlot) scale to achieve specific forest management objectives. Treatments are broadly categorized as either harvest, renewal, or tending. Ideally these practices are applied in a coordinated fashion with a long-term view of what is possible, practical, and desirable at both a stand and landscape scale. The coordination and long-term view are achieved through application of a silvicultural system.

A silvicultural system is a planned program of silviculture treatments that extends throughout the life of a stand for the purposes of controlling stand establishment, composition, and growth. While this view implies a certain intensity of effort and manipulation, on suitable sites the simplest application may include only a single harvest with natural regeneration (assuming a seed source, seedlings are present in sufficient quantity to restore the forest to a desired composition and structure).

There are three silvicultural systems used in Ontario; Clear-cut, Shelterwood and Selection. **Selection is the system most commonly used in the Niagara Region**. The following table describes the three silvicultural systems.

Silvicultural System	Description	General characteristics
Clear-cut	Most of the overstory trees are removed over a short period of time to create a fully exposed microenvironment for the establishment of a new even-aged stand.	• even-aged future stand • regeneration established in >70% full sunlight.
Shelterwood	Most of the overstory trees are removed in a series of two or more harvests for the purpose of establishing and sheltering regeneration under a residual canopy.	• even-aged future stand • regeneration established in 30-70% full sunlight • regeneration period <20% of the intended rotation • final removal creates >70% full sunlight.
Selection	Periodic partial harvests timed based on basal area recruitment using vigour, risk, and species preference, to select trees for harvest and retention.	• all-aged future forest • regeneration established in ≥70% residual cover (approx. ≤30% full sunlight) • **dense mature forest cover maintained in perpetuity**.

The selection system provides an environment ranging from partial to full-shade and a forest floor protected from temperature extremes and desiccation. Regeneration under single tree selection favours shade tolerant species while some mid-tolerant species are well suited to group selection openings. Both single tree and group harvest methods are used in Niagara

Single Tree: Individual trees are removed at regular intervals with no clear patches or edges created.

Group: The removal of a small group of trees, in an area normally less than 2 tree heights in diameter, in a single entry or progressive fashion, within a matrix of mature forest canopy.

The following illustrations show the implementation of the Single Tree Selection Silvicultural System.

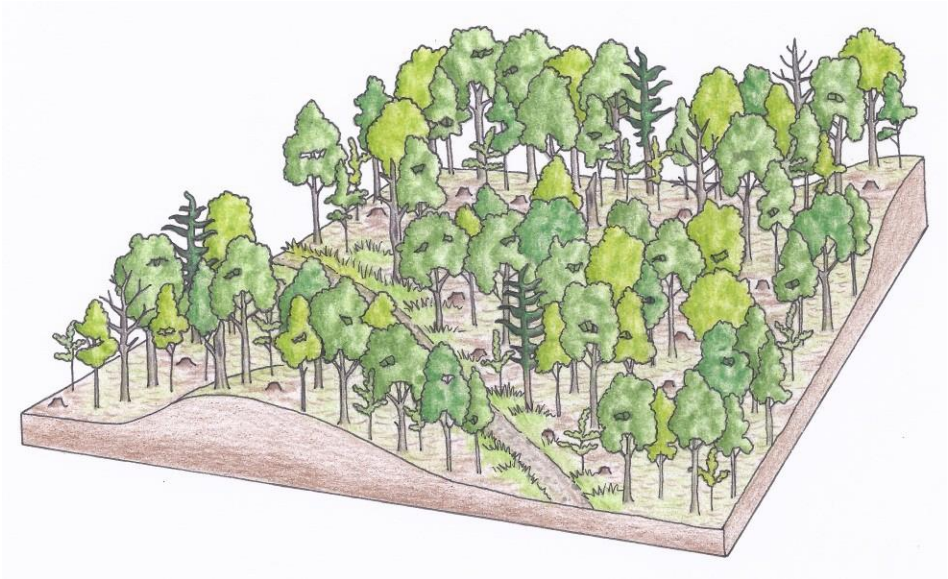
(a) Pre-harvest

(b) Post-harvest

(c) Ten years later

A profile of an individual selection silviculture system depicting a pre-harvest tolerant hardwood stand (a), stand conditions after a partial selection cut (b), and 10 years later with the natural regeneration of shade tolerant species under the canopy (c) (illustrations by Jodi Hall).

(a) Post-harvest



(b) Ten years later

An aerial view of an individual tree selection harvest in a tolerant hardwood stand resulting in >70% residual cover and perpetual all-aged stand. Image (a) depicts the initial harvest entry, while image (b) depicts regrowth after approximately 10 years and the harvest associated with the next cutting cycle (illustrations by Jodi Hall).

Tree Marking

The selection system requires the practice of tree marking. Tree marking involves the selection of individual trees to be harvested, while leaving trees to grow for future harvests and to provide wildlife habitat. The actual process of tree marking is recognized as being both an art and a science. Historically, many of our forests were subjected to various types of uncontrolled harvest. This included “high-grading,” a term that refers to woodlots that have had only the largest and best quality timber harvested. These unregulated disturbances, in combination with other factors, such as disease and insects, can lead to a forest with irregular stand structure and unpredictable growth. In the absence of sound forest management these forests often display a lack of regeneration of favorable species and poor spacing of smaller diameter stems.

When properly applied, tree marking can reverse many of the historical, negative impacts that unregulated cutting has created in our forests. This often requires two or more cutting cycles and adhering to the guidelines of selection and shelterwood system management.

Trees to be cut through tree marking are physically identified through the application of paint on the tree. Depending on the management system being used, trees are marked in a colour that indicates the tree is to be cut or in some cases a colour that indicates the tree should not be cut. The objective of marking is to optimize growth for all trees being retained rather than attempting to maximize growth on a few individual trees. Marking also allows the forest manager to make changes, if necessary, to selected trees before the harvest takes place.

Tree marking alone will not prevent 'high-grading'. Virtually anyone with a can of spray paint can sell their services as a tree marker. It is only when tree marking is applied in conjunction with good forestry practices that the opportunity for high-grading can be minimized. Regular monitoring (site visits) by the NPCA Forester during harvest operations ensures tree marking is being followed.

To ensure the practice of tree marking is being done professionally, the Bylaw requires those marking woodlots be ‘Certified Tree Markers’. Since 1995, the MNR has provided tree marking certification training. The training involves a one-week course covering silvicultural systems, silviculture, silvics, wildlife habitat, tree defects and tree vigour characteristics. Participants are field tested, and successful trainees are issued a certificate endorsing their skills as a certified tree marker (of conifer forests, hardwood forests or both). To maintain MNR's certification, a tree marker must attend and successfully complete a two-day refresher course every three years.

Certified tree markers must be knowledgeable in silviculture, tree and wildlife biology, and forest economics to choose the right trees to mark for cutting. Knowledge required for proficiency as a tree marker:

- ability to identify species
- understanding of silvical characteristics of species
- familiarity with site and land features
- recognition of tree defect characteristics and indicators
- appreciation of tree quality and vigour, including use of an acceptable tree classification system
- comprehension of stocking levels and structural types
- appreciation of commercial values of species, products, and grades, and
- appreciation of wildlife habitat, biodiversity, and other ecosystem values

Forest Harvest Summary

The following table breaks down the distribution and harvest area of the 2019 GFP permits by municipality.

Municipality	Number of permits	Harvest Area		Harvest Volume	
		Hectares	Acres	FBM	Cubic Meters
Fort Erie					
Grimsby					
Lincoln					
Niagara Falls					
Niagara on the Lake					
Pelham	1	3.5	8.6	22,178	52.3
Port Colborne					
St Catharines					
Thorold					
Wainfleet	10	98.1	242.4	465,721	1099.0
Welland					
West Lincoln					
Totals	11	101.6	251	487,899	1151.3

The table excludes permit renewals. Permit renewal statistics will always be included in the year in which the original permit was issued.

Inspections

Generally, each permit site is inspected at least twice, many sites were visited multiple times. The first inspection occurs upon receiving the application. NPCA Bylaw staff visit the site and inspect the tree marking to ensure it follows good forestry practices. Any concerns with the tree marking and prescription will be noted and followed up with the landowner and/or certified tree marker. The permit may not be approved until any concerns are addressed. At this time NPCA staff also assesses the site conditions (soil) and any environmental values present which may be impacted by the harvest operation such as stick nests and streams. This will affect conditions that may be stipulated on the permit.

The operation may be inspected again while the work is underway, and the crew is onsite. This gives NPCA Bylaw staff the opportunity to observe the precautions being taken and ensure that the permit conditions are being met.

Lastly the site is inspected again when the work has been completed. At this time NPCA Bylaw staff can verify that only trees that were marked have been removed and that all permit conditions are satisfied.

The result is that NPCA staff made approximately 65 site inspections on permits during 2019.

Education

In 2019 the NPCA continued to educate the public as well as groups and public agencies regarding the Bylaw.

Much of the educational activity takes place when members of the public phone or drop into the NPCA office and ask questions. Staff also conducted site visits when requested by the land owner to provide forestry knowledge and make them aware of Bylaw requirements. Staff is always available to answer questions and often spend considerable time going over the details of the bylaw and management strategies to deal with Emerald Ash Borer.

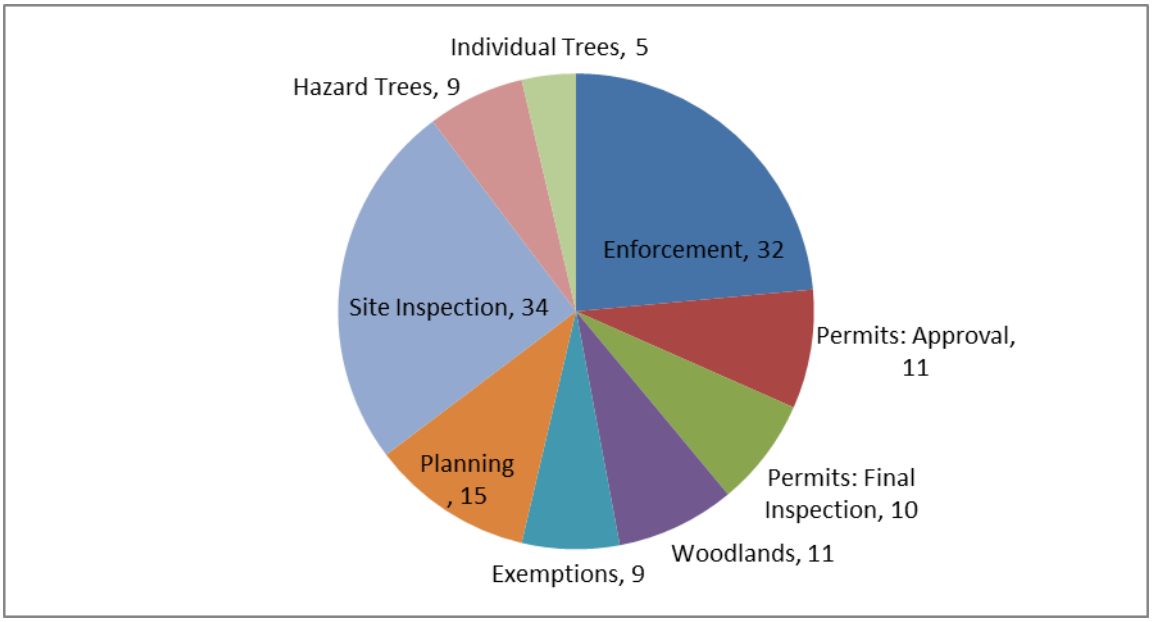
The NPCA website has a section dedicated to the Forest Bylaw with an emphasis placed on Good Forestry Practices and the latest strategies for managing woodlots for Emerald Ash Borer.

Bylaw Inquiries

Bylaw inquiries occur when Bylaw staff responds to an issue either presented by a member of the public or outside agency, or an issue initiated based on observations of Bylaw staff. Most are made by telephone. NPCA staff track inquiries for reporting purposes.

In 2019, Bylaw staff responded to 154 bylaw inquiries. Chart 1 indicates the number of inquiries by program area. Most of the inquiries were about enforcement followed by permits and woodlands. Most of the inquiries about individual trees were related to dead and dying ash trees from local citizens. Many inquired if a permit was required for their removal. A brief explanation of program area's follows.

Chart 1: Number of Inquiries by Program Area



Program Area Descriptions

Enforcement: Any enforcement related matters which required action by Bylaw staff.

Exemptions: Inquiries regarding exemptions which required evaluation by Bylaw staff.

Individual Trees: Inquiries regarding individual trees on private property, most of which are outside the jurisdiction of the Bylaw.

Permits Approval: The review and issuing of a Good Forestry Practices permit.

Permits Final Inspection: A formal documented inspection of a completed harvest operation.

Public Outreach: Inquires about by-law & other educational materials. Mail out of educational materials.

Woodlands: Issues and inquiries centered on the application of the Bylaw to woodlands.

Site Inspections: An informal site inspection of a permit during a harvest operation.

Planning: Land use planning inquiries

Chart 2: Number of Inquiries by Interest Group

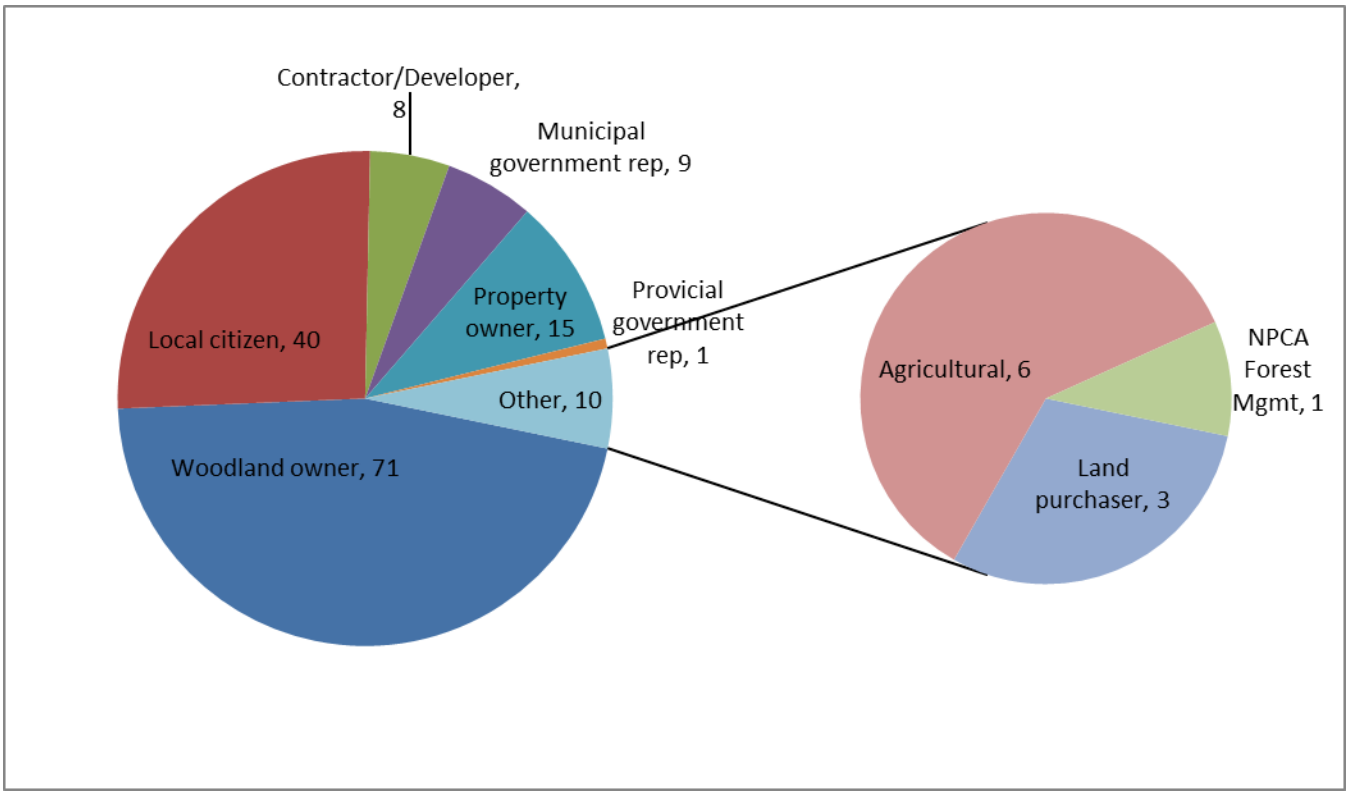


Chart 2 is a break down of the types of people that make the inquiries to the NPCA office. Most of the inquiries are from woodlot owners, followed by local citizens and contractors/developers.

Enforcement and Charges

Should it become necessary to initiate charges resulting from Bylaw violations, it is done under Part III of the Provincial Offences Act. This is referred to as commencement by information.

There were two Bylaw infractions in which Part III Informations were filed in 2018 for properties located in Thorold and St. Catharines. The Thorold property had 4.1 hectares of forest cleared without a valid exemption. That matter is still being processed in court as of the date this report was prepared. The infraction in St. Catharines involved clearing a 40-meter-wide section of forested slope along the Martindale Pond. The matter was settled before going to trial in December 2019. The landowner was fined $5,000 and required to reforest the disturbed area as instructed in a reforestation plan prescribed by the NPCA Forester. Reforestation activity is planned for spring 2020.

There was one new Bylaw infraction where a charge was laid in 2019. The infraction occurred in Thorold. The matter is before the courts and is scheduled for trial in January 2020. It is the intention that the outcomes will be presented in future annual reports once the matters are finalized.

Training and Development

The Bylaw staff conducted independent learning to remain current with respect to the practice of forestry in the region and the application of the Bylaw. Staff will attend applicable training opportunities when available.

Advisory Committee

The Tree and Forest Conservation By-law Advisory Committee did not meet during 2019, as there were no issues brought up by NPCA that required additional meetings. The role of the committee is to review and provide advice or recommendations on matters of forest conservation as requested by the NPCA.

Conclusion

2019 was the eleventh full year in which the Bylaw was being administered by the NPCA. There were no issues with the NPCA's ability to carry out the role of administering the Bylaw for the Region. All aspects of the Bylaw, from managing Good Forestry Practice permits, enforcement and public education were conducted in a professional manner.

Woodlot management strategies to deal with Emerald Ash Borer will continue to be a main concern in 2019. Current strategies will be used in woodlots that have a significant component of ash.

A revision process was initiated in 2019 to make changes to the Bylaw. An amended Bylaw is expected in 2020.

Literature Cited:

OMNR. 2015. Forest Management Guide to Silviculture in the Great Lakes-St. Lawrence and Boreal Forests of Ontario. Toronto: Queens Printer for Ontario. 394 pp.

Upper Tier	Does your by-law require a permit to cut?	Requires a silvicultural prescription when using GFP?	Cost for a GFP Permit?	Exemptions (similar to Special Council Permit)	Maximum Area Exempted	How many people are involved? Their role? Staff or contract?	Protected 'Woodland' size	Other Natural Heritage lands protected?	Removal for personal use without permit	Tree Saving Plans
Halton Region	Yes	Yes	No	Yes requires approval by council ($500)	Typically 0.5 to 1 ha	Regional Forester	0.5 ha	Yes, greenlands	Yes	no, but in DA process
Brant County	Notice of intent	No	N/A	Minor Exceptions (council to approve)	N/A	Forestry Officer	1/0.2(woodlot)	regulates woodland/woodlots within sensitive natural areas (No cutting)	Yes	No
City of Brampton	Yes	Yes	$250	Yes (council to approve)	N/A (replacement policy)	Unconfirmed	0.2 ha	No	No	No
Middlesex County	Notice of Intent	Yes	N/A	Yes ($100) city council to approve exemption	N/A	1 Woodland Bylaw Officer	1 ha	No	Yes	No
Niagara Region	Yes	Yes	No	No	N/A	1 Forester (RPF)	1 ha unless delegated by municipality	Permit required for owner personal use in sensitive natural areas	Yes	Yes
Perth County	Notice of Intent	Yes	N/A	No	N/A	Bylaw Officer is RPF	0.2	No	Yes	Yes
Region of Durham	Yes	Yes, if more than 50 trees are to be removed.	$50	Clear cutting permit	0.1 to 1 ha (approved by planning commissioner) >1 ha require public meeting and Regional council approval	Forestry Consultant hired for admin and enforcement	1 ha	No	At the discretion of officer	No
Simcoe County	Yes	Yes	No	Special Permit (council to approve)	N/A	Forestry Officer	1 ha	Yes, sensitive natural areas	Yes	No
Wellington County	Yes	Yes	No	Clearing permit (also No fee, approved by officer)	0.5 ha	2 Permit Officers	1 ha	No	Yes 20 trees/yr	No
York Region	Yes	Yes	$25	Special Permit	0.2 ha ($250) approved by officer >0.2 ($500) approved by council	Unconfirmed	0.2 ha	No	No	No
Oxford County	Notice of Intent	Yes	$25	Exemptions by By-law officer	$200 fee	Urban Forester and other bylaw officers	1 ha	No	Yes 20 trees per ha	No
Dufferin County	Yes		can't find	Yes (approved by council, application submitted 3 months before destruction)	n/a		1/0.5	No	No	

Niagara Region Tree Preservation Guidelines

As per the Region's EIS Guidelines (January 2018) and Official Plan Table 7-1 and Policy 7.B.1.19, a Tree Preservation Plan is required for development within or adjacent a Significant Woodland. The purpose of the Plan is to preserve as many trees as possible, confirm there are no species of concern within the development/construction footprint, and where applicable, quantify the removals for replacement plantings.

"***Tree Preservation Plan***" means a plan, prepared for the purpose of protecting and preserving trees on properties where development or disturbance of the natural forest cover is to occur. Such plans shall attempt to retain as many trees as possible and as a minimum shall include all of the following:

a) an inventory and graphic display of trees on the property including location, size, species, general age distribution health and any individual trees or grouping of trees with particular significance such as but not limited to age, species and size;

b) identification of natural features and functions present, whether they should be protected, and if not, why;

c) a statement identifying whether any threatened or endangered species are present and if so, how they are to be protected;

d) a description and a map of the trees to be removed and retained including written reasons why the trees are to be removed or retained;

e) an indication as to how the trees to be retained will be marked or otherwise identified as trees to be protected;

f) the layout of the proposed development superimposed on the woodland area, including existing and proposed grades, services/utilities, roads, surface drainage and building envelopes;

g) the specific measures to be used during and after construction or site disturbance to protect and preserve individual trees or clumps of trees identified for retention, including but not limited to fencing around the dripline, the avoidance of storage or dumping of materials over root zones and operation of equipment over root zones;

h) a tree replanting program using native species;

i) a statement indicating that the plan conforms to the Region's Tree and Forest Conservation By-law; and

j) consideration of the relationship between an Environmental Impact Study, prepared as part of a development application, and requirements of the Regional Policy Plan.

It is especially important that the Tree Preservation Plan include an updated drawing showing the limits of construction impact (i.e., including the site preparation/grading plan, servicing or drainage, stockpile areas, driveway, backyard development, etc.) in relation to the trees to be removed or retained, and an indication of how the trees to be retained will be protected. A 10 m buffer from the dripline of mature trees is typically required to adequately protect the root system of those trees to be maintained.

The drawing should illustrate where protective tree hoarding and/or any other mitigation measures for protection are proposed, and include protection notes and details. Mitigation measures should include **but are not limited to:**

- Protective tree hoarding locations and specification;
- Root pruning standards following International Society of Arboriculture (ISA) protocols; and
- A note indicating that if trees are being removed within the active nesting period for migratory birds (generally between March 15 and August 31), a nest search will be completed by a qualified biologist.

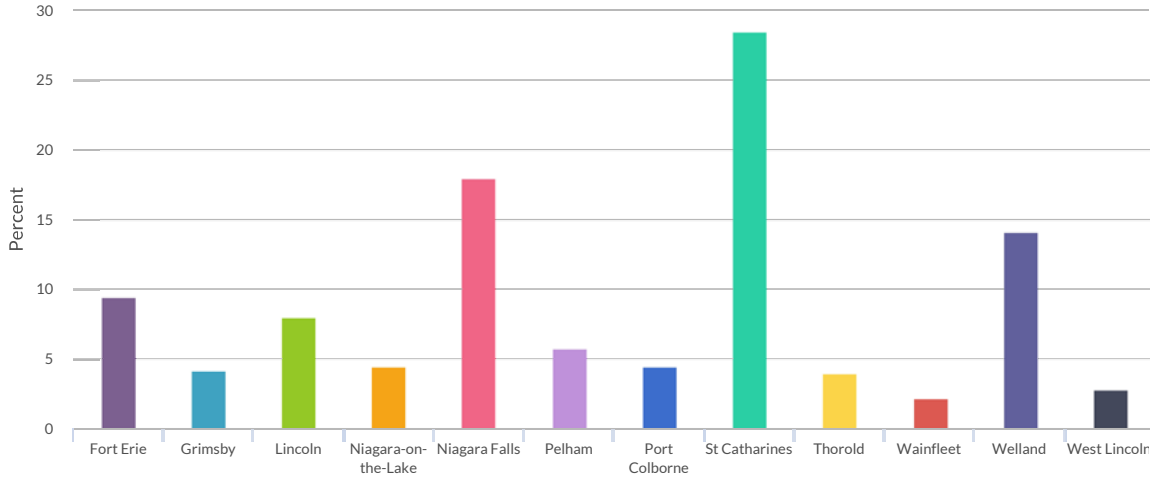
Please note that the tree inventory should include all trees with a diameter at breast height (DBH) of 10 cm or more, but any species of concern, regardless of size, should be identified. Smaller trees may be grouped as per item a) above, and location accuracy (i.e., the exact, surveyed location of trunks larger than 10 cm DBH) is not required, except where 1) trees along the property line (including tree hedges) belonging to an adjacent landowner may be impacted; and 2) trees to be retained immediately adjacent to the proposed development require specific mitigation measures that necessitate survey by an Ontario Land Surveyor (OLS). In such case, the OLS shall take every reasonable measure to determine the exact location of trunks of trees growing on a property line without damaging said trees, and noting the angle of lean where a tree straddles a property line below where the tree would naturally begin to branch out.

Report for Woodland By-law Review

Response Counts

Completion Rate:	**73.4%**	
	Complete	273
	Partial	99
		Totals: 372

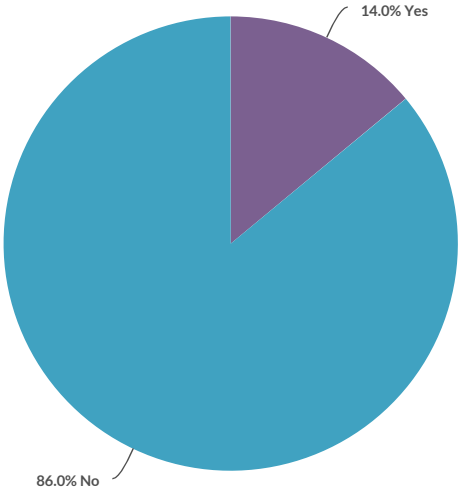
1. Where do you live and/or own property in? Check all that apply.



Value	Percent	Responses
Fort Erie	9.4%	34
Grimsby	4.1%	15
Lincoln	8.0%	29
Niagara-on-the-Lake	4.4%	16
Niagara Falls	18.0%	65
Pelham	5.8%	21
Port Colborne	4.4%	16
St Catharines	28.5%	103
Thorold	3.9%	14
Wainfleet	2.2%	8
Welland	14.1%	51

Value	Percent	Responses
West Lincoln	2.8%	10
I don't live in or own property in Niagara	2.5%	9

2. In order to qualify as a "woodland," an area must meet specific density requirements: 1,000 trees of any size per hectare (2.47 acres) OR 750 or more trees of 5 cm in diameter per hectare (2.47 acres) OR 500 or more trees of 12 cm in diameter per hectare (2.47 acres) OR 250 or more trees of 20 cm in diameter per hectare (2.47 acres) Do you live on property, own property, or manage property in Niagara with a woodland or forest on it?



Value	Percent	Responses
Yes	14.0%	46
No	86.0%	283
		Totals: 329

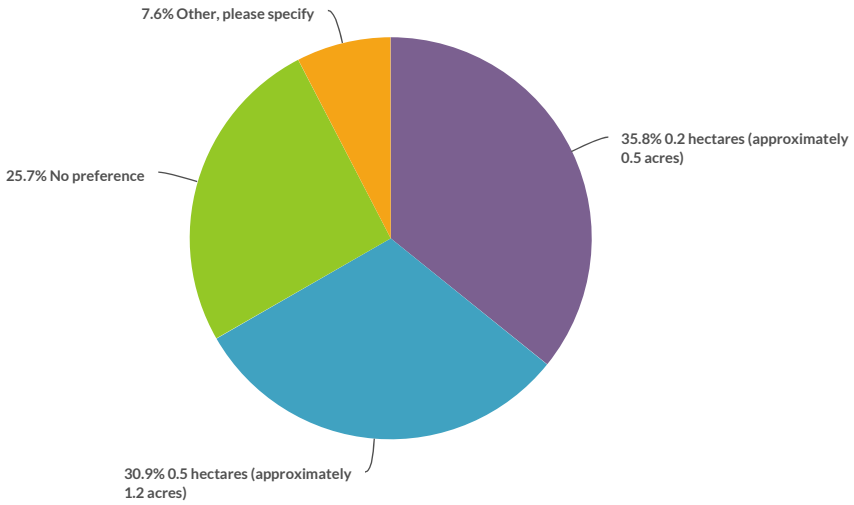
3. Have you ever obtained a permit or exemption under the current Tree and Forest Conservation By-law?

Value	Percent	Responses
Yes	4.6%	15
No	95.4%	312
		Totals: 327

4. Niagara Region has identified several priorities that will guide the implementation of the revised by-law.Rank which priorities are most important to you with 1 being most important.

Item	Overall Rank	Rank Distribution	Score	No. of Rankings
To provide increased protection for woodlands from unauthorized clearing or cutting	1		986	277
To increase species diversity and forest health to help Niagara adapt to climate change	2		968	263
To increase protection of woodlands in urban areas	3		915	262
To help achieve the current Regional Official Plan goal for increased forest cover in Niagara	4		712	255
To contribute to the local economy and ensure a sustainable supply of forest products	5		442	256
		Lowest Rank — Highest Rank		

5. The current by-law regulates the destruction or injury of trees in wooded areas 1 hectare (2.47 acres) in size or larger that meet specific density requirements. Wooded areas less than 1 hectare, and specific heritage or community-significant trees, are governed by Niagara's local municipalities, who can also choose to delegate that authority to the Region.For those municipalities who choose to delegate their authority to the Region for woodlands less than 1 hectare, what should be the minimum size able to be regulated?



Value	Percent	Responses
0.2 hectares (approximately 0.5 acres)	35.8%	103
0.5 hectares (approximately 1.2 acres)	30.9%	89
No preference	25.7%	74
Other, please specify (click to view)	7.6%	22
		Totals: 288

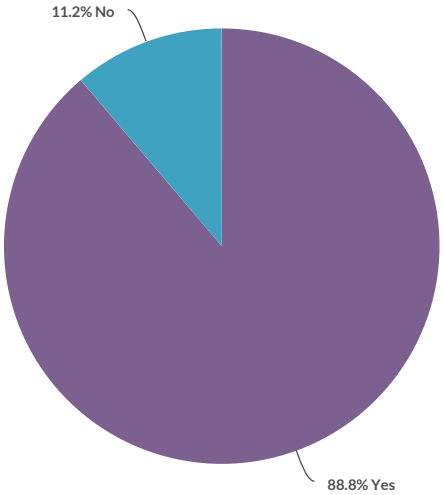
6. The current by-law regulates the destruction or injury of trees in wooded areas 1 hectare (2.47 acres) in size or larger that meet specific density requirements. Wooded areas less than 1 hectare, and specific heritage or community-significant trees, are governed by Niagara's local municipalities, who can also choose to delegate that authority to the Region.For those municipalities who choose to delegate their authority to the Region for woodlands less than 1 hectare, what should be the minimum size able to be regulated? - comments

Show Responses

7. The current by-law includes several exemptions, some that are legislatively required, and others that are optional. The following optional exemptions are included in the current by-law: Harvest of trees for personal use, as per specific conditions in the by-law Removal of trees by a farmer for agricultural use, as per specific conditions in the by-law Removal of trees on a waste disposal site Removal of trees for the construction of drainage works under the Drainage Act Removal of trees that are dead or hazardous to human safety or property Removal of trees that are diseased, as identified in a Forest Management Plan or Silvicultural Prescription Niagara Region is considering adding an exemption for woodlands on historically contaminated lands that require soil remediation (cleanup) as directed by the Province.Should this exemption be added?

Value	Percent	Responses
Yes	60.7%	170
No	39.3%	110
		Totals: 280

8. Niagara Region is considering adding a condition that woodland removals not associated with a Good Forestry Practices Permit must occur during late fall or winter, or after bird/bat surveys are completed and measures identified, to protect bird and bat species during their spring/summer breeding periods.Should this condition be included?

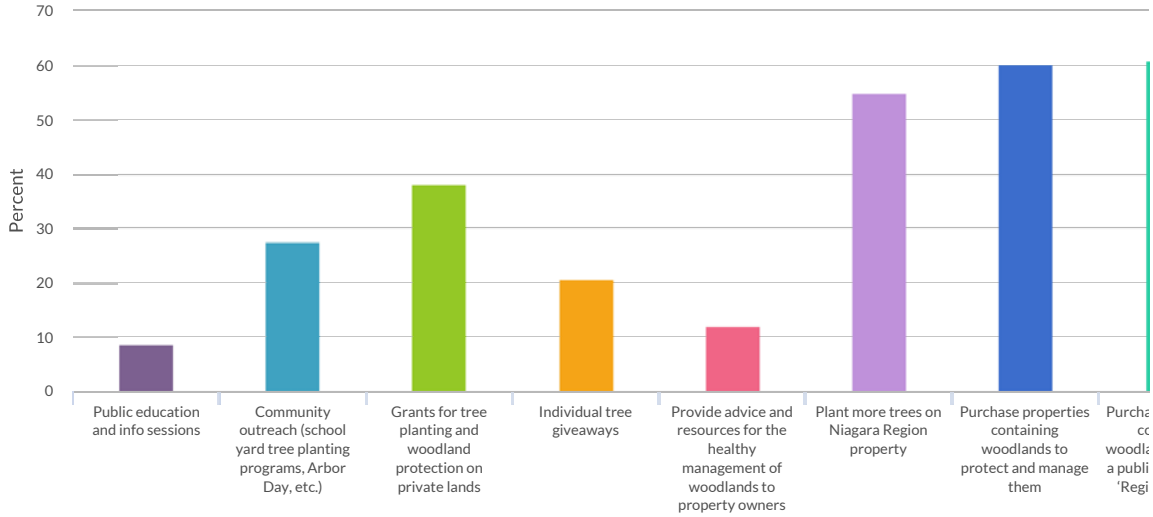


Value	Percent	Responses
Yes	88.8%	245
No	11.2%	31
		Totals: 276

9. Should Niagara Region require replacement planting or cash-in-lieu payments to be used for planting in targeted areas when trees are approved for removal under building permits or Planning Act applications?

Value	Percent	Responses
Yes	84.2%	234
No	15.8%	44
		Totals: 278

10. Woodland canopy cover in Niagara is estimated to be approximately 17 percent. How should Niagara Region direct these cash-in-lieu resources to increase canopy cover? Choose your top three.



Value	Percent	Responses
Public education and info sessions	8.6%	20
Community outreach (school yard tree planting programs, Arbor Day, etc.)	27.5%	64
Grants for tree planting and woodland protection on private lands	38.2%	89
Individual tree giveaways	20.6%	48
Provide advice and resources for the healthy management of woodlands to property owners	12.0%	28
Plant more trees on Niagara Region property	54.9%	128
Purchase properties containing woodlands to protect and manage them	60.1%	140
Purchase properties containing woodlands to create a publicly accessible 'Regional Forest'	60.9%	142

11. Do you have any additional comments or feedback?

Hide Responses

ResponseID	Response
354	The main objective of this bylaw seems to focus on "Good Forestry Practices". The objectives regarding helping to achieve the goal of 30% forest cover in the Niagara Region, and to enhancing the ecological health, integrity and biodiversity of the Core Natural Heritage System, appear almost non-existent in the details of the bylaw or at best a subservient objective to forest practices. These should be the primary objectives. There is too much focus on tree management and not enough on the environment and ecosystem which would enhance the ecological health, integrity and biodiversity of the Core Natural Heritage System. There needs to be a larger focus on what the woodland sustains i.e. fauna, as it is an ecosystem and not just a forest. Biodiversity and ecological health need to be elements that are critical to decisions regarding the woodland. As it stands now, the list of exceptions to the bylaw is long and encompasses almost anything a developer or any level of government would w (Read More)
355	Please look into this model from the Halton Region below to adopt for the Niagara region. We desperately need to increase the tree canopy region wide. Why is the Natural Heritage System in Halton's Regional Official Plan? Halton Region, like all municipalities in Ontario, is responsible for protecting the natural environment. Preserving natural heritage is a key component of Halton's Planning Vision. The NHS provides environmental, health, economic, and cultural benefits for today and future generations. Halton implements its Planning Vision through policies in its Regional Official Plan (ROP). Learn more about Halton's Regional Official Plan View Provincial Policy Statement, Section 2.1 Refer to ROP Section 25
356	The critical habitat of endangered species of trees such as Butternut and Red Mulberry should be considered in the By-law since it may extend beyond the limits of the woodland.
363	Enforcement of sick and/or damaged tree removal and their replacement should be strongly enforced.
367	Confer with Indigenous communities to understand the value of certain woodland areas & species that are valuable as traditional food/medicine - as well as species at risk that may not be obvious.
371	Protect all woodlands by limiting development of residential areas areas at the expense of the environment. The City of Niagara Falls is currently being run by a group of people, with 2 notable exceptions, who think only in terms of dollars. I'm sick of them all!!
373	Reptiles, amphibians, insects and arthropods all require trees/tree cover as well, and should be considered during clearing processes. Woodlands should not ever be turned into a lawn and tree re-planting in developed areas should focus on a natural environment and not just a green grass lawn with trees. Fallen leaves, sticks, decomposing wood, etc. are all vital to the continuation of numerous species.
375	Keep NIAGARA FALLS Green and STOP interlopers from destroying a once beautiful city which us now in decline ! Casinos and river road High rises DON'T MAKE NIAGARA FALLS BEAUTIFUL They just make syndicates ,Corporations and ppl that DON'T CARE one bit about the city RICH ! It's disgusting whats happening to our city !
376	There must be no permit fees. There must be no provision for ticketing.
381	Please ensure to offer trails for recreational use and restrict bikes and motorized vehicles as well as hunting.

PDS 16-2020
Appendix 6

ResponseID	Response
382	We have just completed a planting of 1400 trees in a sensitive area on one of our properties in conjunction with Npca. We actually have many other areas we are willing to reforest which should benefit society as a whole. My concern is that non landowners will have a disproportionate input on what we should/could do on our private lands. Many people I know in the urban areas (friends / relatives) are all in favour of conservation and forestry restrictions as long as it doesn't affect them. If people have a tree in town that shades their pool, drops maple keys etc, the reaction is to want it removed. I guess in short,I am just pointing out the hypocrisy.
383	You cannot protect Niagara's remaining woodlands over time if you continue to allow the destruction of the understory. Find a way to prevent this. The exemptions and loopholes that allow the destruction of the remnants of forest that remain in Niagara ensure that we will continue to lose our valuable green infrastructure at a time when the Global Warming crisis and the extinction crisis makes them evermore important. What the Woodland bylaw cannot do, the Region must through the designation of a Natural Heritage System. The Region, whether on its own or through partnership and funding to the NPCA and community groups, must also get serious about restoring tree canopy and improving biodiversity throughout the region through tree planting, grants, tree giveaways, buying land, promoting the planting of native species by Regional residents — whatever it takes. While I appreciate the work of the staff on the Woodland Bylaw Review, I don't think there is anything in it that will save an addi (Read More)
389	Trees in residential addresses that have wildly grown due to lack of property maintenance and affect fences and neighboring properties need to be addressed. Bylaws in place for tall grass but not for invasive trees on properties.
395	Why is brush hogging, mowing or destruction of the understory or shrubbery edge good forestry. It should not be allowed as it destroys biodiversity, prevents forest regeneration and changes the habitat that the plants and animals depend on that already live there. "Property maintenance" of this type should not be allowed and certainly should not be allowed while development is being considered or pursued as it disrupts the natural environment before studies such as breeding birds or botanical surveys can be completed. Enforcement has not been happening and forests have been losing canopy cover and or resilience. Forests have been cleared by landowners after being decimated by Emerald Ash Borer . These decimated Ash forests should be protected and allowed to regenerate.
398	If it is the Regions' goal to increase forest cover in Niagara, but a particular Municipality supports a foreign developer who keeps violating our provincial policies by negligently bulldozing substantial Forest cover when no one is looking, without any authorization to destroy protected wetlands and woodlands, how does the Region plan to support their important goal? How can forest cover be increased when rogue developers understand there will be little to no consequences for their actions, when they enjoy the full support of a Municipality that is complicit in their continued disrespect for our Forest and our laws? Lots of work to do to address this ongoing affront to Niagara's natural heritage. I hope you find the correct solution. Niagara's Forests deserve to be protected, not sold off to demonstrably inept rogue foreign developers. With regards to adequate by-laws, punishment needs to fit the crime.
400	I responded to question about soil remediation based on the assumption that a forested area is self-remediating and that removing those trees would be a greater disturbance to the local ecosystem at that stage.

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This is a report for "Woodland By-law Review" (Survey #50069742)

Woodland By-law Update
Questions/Comments & Responses Summary Table

ID #	Question/Comment	Response
Regulated Woodlands versus Other Woodlands		
1	Will the by-law affect or regulate small groupings of trees (e.g., 10 m^2) on private property?	No, as per the *Municipal Act*, the Region only has the right to regulate trees in woodlands 1 hectare (2.47 acres) or more in size. Woodlots less than 1 hectare are the responsibility of the local municipality. Five local municipalities (Grimsby, Niagara-on-the-Lake, Niagara Falls, St. Catharines and West Lincoln) have currently delegated their responsibility for woodlots less than 1 hectare to the Region, but small groupings of single trees do not meet the definition of "woodland" as defined in the *Forestry Act*. Local municipalities also have the ability to enact local woodland by-laws as well as private tree by-laws. However, the Region does not have the ability to enact private tree by-laws.
2	Will this affect my woodland, sized about 10-12 acres?	Yes, private woodlands greater than 1 hectare in size (about 2.5 acres) are subject to the by-law. Woodlands less than 1 hectare in size are also subject to the by-law in five of the Region's 12 local area municipalities where the municipality has delegated authority to the Region for smaller woodlands (Grimsby, Niagara-on-the-Lake, Niagara Falls, St. Catharines and West Lincoln). This means that as a private landowner, you are not allowed to clear your woodland without permission under the Planning Act. If you would like to remove multiple single trees to improve the health of the woodland (for example, to help combat the spread of Emerald Ash Borer), you will likely require a Good Forestry Practices permit. There are also exemptions identified in the by-law, including an exemption that permits landowners to remove dead or hazard (soon to be dead) trees.
3	With regard to recommendations on what size woodland to regulate where authority has been delegated from the local municipality, I have concern with the small size of 0.2 ha. We don't have mature trees like other areas of the GTHA, and this size limit will restrict small lot owners. I would prefer 0.5 ha.	Results of the woodland by-law survey suggest an approximately even, but slightly higher preference for a minimum regulated size threshold of 0.2 hectares (approximately 0.5 acres) as opposed to 0.5 hectares (approximately 1.2 acres). Approximately 36% of survey respondents preferred 0.2 hectares and 31% preferred 0.5 hectares, while 26% had no preference and 7% either preferred larger sizes (1 to 1000 hectares) or protections for all trees regardless of woodland size. The Natural Heritage Reference Manual (Ministry of Natural Resources, 2010) points to a threshold size as small as 0.2 hectares for establishing significance criteria, as is the case in some other municipalities (e.g., York Region).
4	Does you plan include forests on federal land in the Niagara Region?	Federal, provincial and municipal lands are exempt from the by-law as per the requirements of the *Municipal Act*.
5	If a treed area is found not to be a woodland through the by-law (i.e. *Forestry Act* definition), but is mapped as an ECA under the Regional Official Plan, how will that be treated?	The by-law only applies to woodlands that meet the definition of woodland as per the *Forestry Act*. Woodlands that do not meet the density requirements outlined in the Act, but do meet regional significance criteria to be designated as Environmental Conservation Area (ECA) or Environmental Protection Area (EPA), are subject to applicable Regional Official Plan policies through the development application process.
6	What is the connection between the woodland by-law and the Region's Official Plan? I would like to see more consistency.	Yes, there is inconsistency between the Regional Official Plan and the by-law. According to Chapter 7 of the Regional Official Plan, a woodland must meet one or more of six criteria in order to be considered "significant woodland" – and the criteria do not include density. For example, those criteria pertain to whether the woodland contains wetlands or a watercourse, endangered species, or based on size, if it's bigger than 2 hectares in urban areas, or 4 hectares outside urban areas north of the escarpment, or 10 hectares south of the escarpment. If it meets any one of these criteria, Official Plan policies apply. However, those policies are only triggered when a Planning Application is required, so for example, a new subdivision, or if a landowner wants to rezone or sever off a part of their property. Typically, the completion of an Environmental Impact Study is required if there is development proposed within 50 metres of Significant Woodland.

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		The Region is currently working on updating the woodland mapping and associated policies as part of the new Regional Official Plan work. Interested stakeholders and members of the public are encouraged to get involved in that process. More information is available on the Region's website at: https://www.niagararegion.ca/official-plan/default.aspx. Although we are striving to be as consistent as possible between the by-law and the Regional Official Plan, this may not be possible. The primary reason for this is that the Municipal Act requires the by-law to use the Forestry Act definition for a woodland, whereas the Official Plan relied more heavily on other methodologies for identifying a woodland (e.g., Ecological Land Classification methodology).
7	Can separate/more protections be included in the by-law for Provincially Significant Woodlands which, as part of a Natural Heritage System (and EPA/ECA) are intricately tied to the ecosystem and biodiversity of the area?	More protections for Significant Woodlands or Environmental Conservation Areas (ECA) as defined in the existing Regional Official Plan was originally one of the key goals of the by-law update. However, through the background review process, it has been determined that in order for the by-law to apply, a woodlot must meet the tree density requirements as outlined in the *Forestry Act*. If the woodlot is not large enough or does not contain enough live trees to meet the definition of "woodland" as per the Act, the by-law does not apply. This determination is made by the Regional Forester. For clarification, there is no such thing as "Provincially Significant Woodlands". Rather, there are "Provincially Significant Wetlands" (PSWs), identified by the Province using provincial criteria, which are considered Environmental Protection Areas (EPA) as per the Regional Official Plan. Development or site alteration is generally not permitted within EPAs.

8	There was an error in the tree workshop presentation. It was stated that there are no provincially significant woodlands. This is an error. These were determined by the Niagara Region using provincial criteria, which are laid out carefully in the Ministry of Natural Resources and Forestry's Natural Heritage Implementation Guidelines. These lands are identical to the Niagara Regional Official Plan's Environmental Conservation Areas. Participants should be emailed to correct this error. To further substantiate my view of Provincially Significant Woodlands, please go to the Lands Ontario [mapping]. The mapping is identical to the Environmental Conservation Areas identified in the Niagara Regional Plan.	The Province does map woodlands that can be used by municipalities as a starting point for identifying "Significant Woodlands" within their jurisdiction. However, this mapping is not the only thing used by municipalities to identify significant woodlands. Rather, they are identified by the municipality using regional criteria as informed by provincial guidelines.
		• The Regional Official Plan does not refer to any woodlands as "provincially significant", as this is specific terminology with specific classification requirements.
		• For Woodland, the Region uses 'significant' as woodlands are identified using regionally developed criteria that were *informed* by provincial guidelines.
		  o The Province provides Municipalities multiple documents that provide criteria for determining significance of woodlands.
		  o In Niagara, the '*Natural Heritage Reference Manual'* and '*Technical Definitions and Criteria for Key Natural Heritage Features in the NHS of the Protected Countryside Area'* can be used for developing a criterion for significance.
		• For Wetlands the Region uses 'provincially significant' as wetlands are identified by the province using provincial criteria.
		  o Provincially significant wetland mapping is provided to the Region by the Province.
		• Although most significant woodlands in the Region are in the Environmental Conservation Area (ECA) designation, significant woodlands in the Greenbelt Plan Natural Heritage System are in an Environmental Protection Area (EPA) designation. The ECA/EPA designations are specific to the Regional Official Plan, and not a requirement of the Province.

9	The Provincial Ministry has identified certain areas as Heritage Woodlands. How does the by-law protect these provincially designated resources?	The Province does not identify "Heritage Woodlands". Rather, Significant Woodlands are considered a "key natural heritage feature" within the Provincial Natural Heritage System and applicable provincial natural heritage policies apply. The by-law can only regulate woodlands that meet the definition of woodland as per the *Forestry Act*.
10	What about woodlands composed on mostly non-native species, like plantations of black locust, Norway spruce, red spruce, red poplar. Will these be protected under the by-law?	Plantations are typically composed of mostly Scots Pine, White Pine, or a combination of Walnut and White Pine. Plantations that are not actively managed eventually transition to woodland, and the by-law will apply – regardless of species composition – if the woodland meets the tree density requirements outlined in the *Forestry Act*.

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11	Will there be specific terminology to exclude certain species from protection under the by-law?	It is not currently anticipated that certain species (e.g., invasive or non-native species) will be excluded from the by-law. Buckthorn for example, is an invasive species that rarely reaches the height considered to be a tree (1.37 metres at breast height). Therefore, buckthorn is not considered a tree under the by-law.
Woodland Assessment		
12	Who and how does someone decide upon an area to be measured to determine if it is a "woodlot" under the by-law? For instance, the density would be affected if a less-dense greater area is measured, rather than a smaller more dense area for the same site. A few stray trees could affect the area to be measured.	The Regional Forester is responsible for administration of the by-law and conducts forest sampling to determine tree density. Foresters are trained to conduct sampling using various methods. The fixed-area plot method is the ideal way to collect tree density.
13	There should be clarification in the by-law on who is qualified to evaluate woodlands (i.e. biologist and forester). There also needs to be clarification on what would be included towards calculating density of a woodlot. The *Forestry Act* definition is problematic because it can lead to using saplings, especially non-native, towards density calculations. Ecologically speaking, this would be a thicket. I would like qualification or exemption for this scenario (i.e. only saplings at a height of 5 m would count).	The Regional Forester is responsible for administration of the by-law, including forest sampling to determine tree density and whether a woodlot meets the *Forestry Act* definition of “woodland”. Biologists or ecologists are responsible for determination of woodland “significance” through the development approvals process. The *Municipal Act* requires that the by-law use the *Forestry Act* definition of woodland, which includes trees of any size, as long as they can be measured at “breast height” which is considered 1.37 metres (just under 5 feet) in height.
14	The definitions in the by-law need to be refined (i.e. using woody plant height for physiological maturity is open to interpretation, and many species of hawthorns may meet this definition compared to sexual maturity). There should be an exemption for shrubs, but the by-law doesn't specify that and shrubs aren't defined (i.e. hedge row - is it 20 m from drip line, space of stem, etc.).	The *Municipal Act* requires that the by-law use the *Forestry Act* definition of woodland, which includes trees of any size, as long as they can be measured at “breast height” which is considered 1.37 metres (just under 5 feet) in height. The definition of hedgerow has been included and clarifies that measurements shall be taken from the dripline.
15	In cases where a forest has been infested with emerald ash borer, but then the ash trees miraculously come back to life after being dead, will these trees count as dead or alive when calculating density plots?	If during the time a density count is being conducted and there is an ash stump with live sprouts on it and they are greater than 1.37 meters in height, then yes, it would be counted in the density plot. Epicormic branching (or “suckers” that emerge from dormant buds along the trunk or branches) does not count.
16	Regarding density, is there any opportunity to recognize a forest as a woodland where it is in transition (e.g. forest which has a high percentage of (now) dead ash which will increase density over time)?	The determination/recognition of a woodland through the by-law is based on what exists there at the time of inventory, not projections of its future forest condition.

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17	Be clear on the methodology for determining density and whether a feature meets the *Forestry Act* definition of woodland. Dan's process of using plots is good – other municipalities use assessment methodologies that are not reproducible (i.e., counting whole woodland). Representative sample plots are supported.	The methodology for determining density is not defined in the *Forestry Act*. However, the Regional Forester uses sample plots or "fixed area cruising" as per the recommendations of the Ontario Woodlot Association found here: https://www.ontariowoodlot.com/publications-and-links/owa-publications/woodland-notes/the-art-of-timber-cruising-part-ii-fixed-area-plots.
18	Is there an appeal process for whether something is considered a woodland?	An appeal cannot be made by the general public. However, the landowner could call into question the Regional Forester's determination of tree density by hiring their own experts qualified to measure/sample tree density. This might occur when there is a by-law violation and the owner is disputing the charges.
19	Is there a database on woodlands?	Yes, Significant Woodlands are mapped as per the Regional Official Plan. This database includes approximate size and the criteria for which the woodland was originally identified as "significant". This mapping is currently being updated as part of the new Regional Official Plan using a combination of aerial photo interpretation and sample field verification.
20	Can we not use Google Earth mapping to identify protected woodlands across the Region, rather than the ad hoc means by one individual as is the current practice?	Woodland density cannot be determined using Google Earth. Identification of woodland density requires field assessment. As part of the new Regional Official Plan, updated Ecological Land Classification (ELC) mapping is being prepared using a combination of aerial photo interpretation and sample field verification.
Woodland By-law Scope		
21	If a tree or small group of trees on private property could be cut because the by-law doesn't apply, how does the *Endangered Species Act* factor into the removal process?	Trees listed as endangered such Butternut or Eastern Flowering Dogwood for example, are protected under the provincial *Endangered Species Act*. A landowner must get permission from the Ministry of Environment, Conservation and Parks (MECP) before disturbing or removing an endangered species. If appropriate permissions are not obtained, the landowner could be charged by the Province under the *Endangered Species Act*.
22	Can a site alteration by-law regulate smaller groups of trees on private property?	The *Municipal Act* section 142(2) delegates the authority to local municipalities to prohibit or regulate what would typically be the subject of site alteration by-laws (e.g., placing/dumping of fill, removal of topsoil, alteration of the grade of the land)
23	At the March meeting it was stated that owners of woodlands are being allowed to remove underbrush to maintain woodlands "in a more park-like" setting. The concern is that if this continues to be allowed, no woodlands will eventually qualify as woodlands as older trees die and new trees are not allowed to grow. Will this practice continue to be allowed under the new by-law?	Removing the understory is certainly not a good forestry practice as it eliminates new growth/young regeneration. Known instances where this happens will continue to be inspected to determine if the understory tree removal reduces the tree density below the minimum levels to be considered a woodland under the by-law. If there is no compliance issue with the residual tree density, the owner cannot be charged under the by-law, but will still be made aware that it is not a recommended forest practice. It is also important to note that the size of the area disturbed must meet the area requirements to be covered under the by-law. For example, a 0.5 hectare treed area in Welland is not regulated under the by-law because it is less than 1 hectare in size and Welland has not delegated authority to the Region for woodlands less than 1 hectare.
24	My concerns focus on the critical importance of woodlands to the 'water cycle'; providing habitat for wildlife, several of which are classed as endangered; and especially on the role of woodlands in climate change mitigation. The US	Increasing our urban tree canopy and the percentage of land area in forest or wetland cover is an important aspect of climate change mitigation. The purpose of the by-law is to prohibit or regulate the harvesting, destruction or injuring of trees in woodlands. Several existing Regional Official Plan policies also speak to this requirement (see below). In addition, Niagara Region is currently working on a new Regional Official Plan, including updated policies that address natural heritage and water resource systems protection.

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	Forestry Service estimated the value of free services provided by a tree as approximately $57,000 ($65,000 Canadian?). Several countries, including Canada, have worked on strategies for planting millions of trees to combat the worst effects of climate change. Scientists tell us we have just ten years to stop the increase of atmospheric carbon. How do we preserve the health and viability of the forests we already have and expand them to meet the threat posed by climate change?	
25	The Project Scope (PDS 13-2019 - March 20, 2019) states: "In addition, recent changes to the Municipal Act (more particularly section 270 which introduced the requirement for municipalities to adopt a policy addressing the manner in which the municipality will protect and enhance the tree canopy and natural vegetation in the municipality) warrant consideration through a review of comparator municipalities." I raised this question as well at the PIC and the presenter advised they did not have an answer and would respond to me later. As well, the Region is a leader in setting the standard for municipalities on protecting our Natural Environment and enabling policies for climate change resiliency. One of the goals of the Region's OP is to achieve a target of 30% forest cover/wetland. **Question:** How does the by-law address Section 270 (1) 7 of the *Municipal Act* (implemented under Bill 68) where municipalities must demonstrate how they will protect the tree canopy?	The by-law currently prohibits or regulates the harvesting, destruction or injuring of trees in woodlands in the Regional Municipality of Niagara. Policies for the protection and enhancement of the tree canopy and vegetative cover are more appropriately defined in the Regional Official Plan. Several existing Regional Official Plan policies also speak to this requirement: 7.A.1.1 The Region shall support efforts to achieve…30% of the land area in the Region in forest cover or wetland… 7.A.1.2 The Region shall support the efforts of landowners to maintain and improve ecosystem health by: a) Promoting good forestry practices and development of Woodland Management Plans; b) Encouraging and supporting natural heritage conservation and restoration, including the planting of native vegetation; and c) Maintaining and implementing a Regional Forest Conservation By-law regulating harvesting, destruction or injuring of trees in woodlands… 7.A.1.3 Local municipalities shall be encouraged to: a) Adopt by-laws protecting trees and woodlands not covered by the Regional Forest Conservation By-law or delegate their authority to the Region; b) Require preparation and implementation of Tree Saving Plans for new development, if needed; and c) Integrate natural features and natural vegetation, including the planting of native species, into development. In addition, Niagara Region is currently working on a new Regional Official Plan, including updated policies that address natural heritage and water resource systems protection. Interested stakeholders and members of the public are encouraged to get involved in that process. More information is available on the Region's website at: https://www.niagararegion.ca/official-plan/default.aspx.
26	Who is responsible for drafting the policy?	Niagara Region is currently working on a new Regional Official Plan, including updated policies that address natural heritage and water resource systems protection. Interested stakeholders and members of the public are encouraged to get involved in that process. More information is available on the Region's website at: https://www.niagararegion.ca/official-plan/default.aspx
27	Can "enhancement" of the tree canopy policies be implemented and incorporated into this By-law?	Enhancement of tree canopy policies will need to be evaluated outside of the Woodland Bylaw, due to the limitations and parameters of the bylaw identified in the Municipal Act.

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28	How does this By-law support the Region's target of 30% forest cover/wetland?	Recognizing that preserving existing forest cover is critical to achieving the Region's target of 30% forest cover, this by-law serves as a deterrent to the illegal removal of woodlands and is one tool to support the baseline so that reforestation efforts increase rather than replace removed forest cover. The bylaw also contains tools and mechanisms that support replanting where forest cover has been removed illegally.
29	Woodlands protected through the Planning Act process are identified as Environmental Conservation Areas (significant woodlands). Not all of these areas are mapped under the Niagara Regional Official Plan. The Tree and Forest Conservation By-law overrides mapping to ensure woodlands that meet the criteria may be protected. **Question:** What is the Region doing to ensure that mapping of Woodland (woodlots) meeting the Forestry Act and Woodland Conservation By-law are aligned with the Regional OP?	As part of the new Regional Official Plan, updated Ecological Land Classification (ELC) mapping is being prepared using a combination of aerial photo interpretation and sample field verification. This will identify all wooded areas; then further desktop assessment will be undertaken to identify those areas that meet one or significance criteria. However, woodland density – and by extension whether the woodland by-law would apply – cannot be accurately determined via a desktop exercise. Identification of woodland density requires field assessment, which is why the by-law may not align with even the new Regional Official Plan mapping.
30	How recent and up-to-date is the Woodlands (and Wetlands) inventory mapping?	The Region's woodland mapping dates from the early 2000's and is currently being updated as part of the new Regional Official Plan, using Ecological Land Classification (ELC) mapping being prepared via a combination of aerial photo interpretation and sample field verification. Provincially Significant Wetland (PSW) mapping is provided to Niagara Region by the Ontario Ministry of Natural Resources and Forestry (MNRF) on a regular basis, as is Locally Significant Wetland (LSW) mapping by the Niagara Peninsula Conservation Authority (NPCA).
31	Who is responsible for validating the accuracy of the mapping/Woodland determination in the event of a property owner appeal and is this addressed in the amended By-law?	The by-law has been updated to clarify that an appeal cannot be made by the general public. However, the landowner could call into question the Regional Forester's determination of tree density by hiring their own experts qualified to measure/sample tree density. This might occur when there is a by-law violation and the owner is disputing the charges.
32	The definition of "Sensitive Natural Area" currently means lands that are in a woodland and within an Environmental Protection designation as defined in the Niagara Region Official Plan or within a natural area as designated in the Niagara Escarpment Plan. Policy 7.B.1.3 Environmental Protection Areas include provincially significant wetlands; provincially significant Life Science Areas of Natural and Scientific Interest (ANSIs); and significant habitat of threatened and endangered species. In addition, within the Greenbelt Natural Heritage System, Environmental Protection Areas also include wetlands; significant valleylands; significant woodlands; **Question:**	Significant Woodlands as per Regional Official Plan policy 7.B.1.5 are automatically elevated to Environmental Protection Area (EPA) (i.e., no development or site alteration) within the Provincial Natural Heritage System (expanded to include areas outside the Greenbelt as per the 2019 Growth Plan for the Greater Golden Horseshoe). Additional protections or the elevation of woodlands to EPA status are more appropriately considered through updated Regional Official Plan policy.

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	Where a Woodland is designated Regionally significant and retains characteristics that are provincially significant or rare, is there opportunity to add a section to the By-law to provide additional protections for these Woodlands, and to have them elevated from Environmental Conservation Areas to Environmental Protection Areas?	
33	As there are some cases where the Regional OP does not identify a significant Woodland as an EPA (as not all Woodlands are currently mapped), does the Woodland Conservation By-law take precedence?	The woodland by-law takes precedence over the mapping. If a woodland is not mapped as Significant Woodland but meets density requirements, it is still subject to the by-law. Conversely, if a woodland is mapped as Significant Woodland but is found through field verification by the Regional Forester, to not meet the by-law density requirements, then the by-law cannot apply. Regional Official Plan policy 7.B.1.8 addresses unmapped areas with natural vegetative cover. For example, through the development review process, where woodlands or wetlands may be located on a property but are not mapped, a Constraints Analysis as outlined in the Region's Environmental Impact Study Guidelines is typically required as a first step to determine if the unmapped feature meets criteria for identification as an Environmental Conservation Area (ECA) or Environmental Protection Area (EPA). Simply put, in both the by-law and Regional Official Plan, the text takes precedence over any mapping that exists. If a woodland meets the definition of the by-law then the policies of the by-law apply. If a woodland meets the criteria of significance in accordance with the Regional Official Plan, then the policies of the Official Plan apply.
34	Could you please explain to me how this by-law can supersede the rights given and granted by the Sovereign of all of the woods and waters laying and being to the first settler his heirs and assigns forever? How does the municipality elevate it's self above our head of state?	In Ontario, municipalities are created by statute, specifically the *Municipal Act*, 2001. As provided by section 2 of the *Municipal Act*: "Municipalities are created by the Province of Ontario to be responsible and accountable governments with respect to matters within their jurisdiction and each municipality is given powers and duties under this Act and many other Acts for the purpose of providing good government with respect to those matters." The Region's proposed woodland by-law will be passed in accordance with the legal authority conferred upon the Region pursuant to the *Municipal Act*. In this regard, the Region is empowered pursuant to section 11 of the *Municipal Act* to pass bylaws with respect to the "economic, social and environmental well-being of the municipality"; and more specifically, s. 135 of the Act grants the Region the specific power to prohibit or regulate the destruction or injuring of trees in woodlands designated in the by-law. Further pursuant to section 270(1)7 of the Act, the Region is required to adopt and maintain a policy regarding the manner in which the municipality will protect and enhance the tree canopy and natural vegetation within the municipality.
35	The recommendation is to create a stand alone Tree Saving By-law, separate from the Woodland By-law and Regional OP. Will a Tree Saving By-law be enforceable, and under what legislation?	For clarification, there will be no separate Tree Saving "by-law". Rather, the intent is to create a separate "guideline" for the development of Tree Saving Plans. Currently, the by-law section 1.36 provides the minimum requirements for Tree Saving Plans, which are often required as a condition of development approval. In the past, these requirements have been widely interpreted, resulting in a variety of "plans" which sometimes do not meet expectations. It is anticipated that the creation of a standalone guideline or standard, to be prepared separate from the by-law as is common in most other municipalities, will alleviate the inconsistencies in Tree Saving Plans currently being prepared.
36	Removal of the Tree Saving Plan (1.36) requirements from the By-law **Question:** Who will be drafting the Tree Saving Plan as a separate policy and will it be brought to Regional Council at the same time as the draft Woodland	At this time, the current or existing Tree Saving Plan definition (Section 1.36) will be removed from the body of the bylaw and included as an appendix so that it may be updated from time to time expeditiously through a report to council, but without amendment to the bylaw. The Bylaw Update report to Council will include a recommendation to direct staff to prepare updated Tree Saving Plan Requirements.

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	Conservation By-law (as it currently forms a part of it)?	
37	By separating the Tree Saving Plan into its own policy (which in a lot of cases is directly related to a Planning Act application), how do municipalities ensure the minimum requirements are incorporated into any pre-consultation agreement and enforceable?	The requirement for a Tree Saving Plan is typically required as part of the development approvals process through the *Planning Act* (Site plan, Plan of Subdivision, etc). It is helpful to have a set of Tree Saving Plan Requirements independent of the bylaw so that staff can consistently and clearly convey to applicants and their consultants the requirements for a tree saving plan, and allow staff to verify that they are reflected in application submission materials for treed areas. These plans often become incorporated into conditions of approval and are required to be implemented in agreements through the Planning Act. Tree Saving plans should not be confused with Environmental Impact Studies or Assessments for which there are already guidelines in effect, and which may contain a tree saving plan component.
38	I do appreciate that the *Municipal Act, 2001* permits municipalities to legislate "… with respect to matters within their jurisdiction…". As well, I acknowledge that the *Municipal Act, 2001* grants specific powers concerning regulation of trees. However, I ask that you please keep in mind that at all times such powers are limited to any municipality's respective jurisdiction. My concern is that the Region's proposed by-law fails to recognize that the powers derived from the *Municipal Act, 2001* will vary depending upon the type of land at issue. For instance, a municipality's ability to legislate pursuant to, or in accordance with, the *Municipal Act, 2001* differs in respect to Federal Crown Land, Reserve lands, and as well to land conveyed to a private landowning entity (be it individual or corporation) at different times throughout history. Consider the *Public Lands Act* RSO 1990, s. 58 which states: *"(3) A reservation of all timber and trees or any class or kind of tree contained in letters patent dated on or before the 1st day of April, 1869 and granting public lands disposed of under this or any other Act is void. R.S.O. 1990, c. P.43, s. 58 (3)."* Through this section, reservations concerning trees that are contained in letters patent prior to April 1, 1869 are void. Thus, any Crown interest in those reservations which the Crown may have had since the time of issuance of the respective letters patent, are no longer, by confirmation of the Public Lands Act. Indeed, this was confirmed to me by Mr. Scott	Section 2 of the *Municipal Act, 2001* states "*Municipalities are created by the Province of Ontario to be responsible and accountable governments with respect to matters within their jurisdiction and each municipality is given powers and duties under this Act and many other Acts for the purpose of providing good government with respect to those matters*." The Regional Municipality of Niagara is also required to follow Federal and Provincial Legislation (Ontario). Under the *Constitution* Act, the control of land and its uses is a provincial responsibility, which is derived from the Constitutional authority of "property and civil rights". The provincial government of Ontario has established municipalities that are empowered to control the use of land within their boundaries. Crown patents are part of a broader legal framework and any rights or obligations granted to a landowner in such patents must be considered together with the applicable statutory regime. The rights under such patents, however, do not displace otherwise validly enacted provincial legislation. On the day of the Virtual Open House for the Woodlands By-law Review, XXXXXX asked a very similar question to the one staff had provided a response to you on. Unfortunately, we did not verbally respond back to her question. This was an oversight on our part. Following the open house, we did respond to her question via email. All questions posed at the Open House and the Region's responses to these questions will be posted on the Region's website next week. You will be able to view these questions and answers by following this link: https://www.niagararegion.ca/culture-and-environment/woodland-bylaw-review/default.aspx The Virtual Open House that was conducted was not legislatively required by the *Municipal Act, 2001* or the *Forestry Act*. The Region of Niagara is conducting public engagement on the by-law because we are soliciting feedback as part of our review process. The engagement process we are conducting goes above and beyond the Region's strict legislative requirements. Section 270 of the *Municipal Act* mandates that a municipality shall adopt and maintain policies with respect to public notice. The Act does not specify what the content of the public notice requirements should be. The Region's Public Notice policy requires public notice of any Public Meeting be published in a Newspaper or posted on the Region's website at least ten (10) days in advance. While not strictly meeting the definition of "Public Meeting", notice of the Open House was provided on the Region's website and in local newspapers, in accordance with the Region's policy. Further, the proposed bylaw amendments have not yet been considered by Council or the appropriate Standing Committee. Once it is placed on the Standing Committee agenda, public notice of the committee meeting will be given and copies of the agenda along with the related staff report and draft bylaw will be available to the public on the Region's website, in accordance with the Region's Procedural By-law no.120-2010.

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	Kaldeway, Ministry of Natural Resources, who wrote: "*reservations of trees granted under any Act prior to April 1, 1869 are void (Section 58 of the Public Lands Act) – you would now own all trees, regardless of species*."[1] Mr. Kaldeway was responding to an inquiry I had made concerning land granted through letters patent. The patent I inquired about expressly grants land "together with all of the woods and waters laying and being". Lest you doubt that letters patent may themselves be of any force or effect, I also refer you to section 24 of the *Evidence Act*, RSO 1990 which states: *"Letters patent* *24 Letters patent under the Great Seal of the United Kingdom, or of any other of Her Majesty's dominions, may be proved by the production of an exemplification thereof, or of the enrolment thereof, under the Great Seal under which such letters patent were issued, and such exemplification has the like force and effect for all purposes as the letters patent thereby exemplified or enrolled, as well against Her Majesty as against all other persons whomsoever. R.S.O. 1990, c. E.23, s. 24."* Accordingly, proof of the contents of the letters patent flows from the patent itself. In summary, my concern about the Region's draft by-law is that it overreaches – the Municipal Act, 2001 only permits a municipality powers in respect of trees over which it has jurisdiction. It does not extend unilaterally to all trees, on all different types of land against all different types of landowners. To claim otherwise would constitute an excess of jurisdiction, elevating the Municipality's by-law over other acts of the Province of Ontario, the Federal Crown, and the Crown as it historically existed, prior to Confederation. Quite simply, the proposed by-law cannot elevate above the authority of those who	

[1] See attached email of Scott Kaldeway, Ministry of Natural Resources, dated May 15, 2014, attached hereto as Appendix 1.

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	may have granted trees (and land) to property owners, their heirs and assigns forever. Instead, and in my view it would be prudent that the by-law ought to first meet a jurisdiction threshold to establish whether the municipality has appropriate jurisdiction over the subject tree in question. If so, then the remainder of the by-law may apply to that particular tree. The by-law cannot be drafted so as to apply equally to all trees within a geographical area. Such a by-law would be ultra vires the municipality, necessitating a challenge and ought to be struck down. Lastly, I acknowledge that you invited my participation in the virtual open house held June 17th through Zoom. I was unable to attend. However, I understand that the above issue concerning the letters patent was raised during the virtual open house. Sadly, the Zoom host or facilitators ignored putting the question to the general assembly (i.e. the public) and no answer was provided or explanation given (see appendix 2 concerning the question posed at open house). Thus, the open house appears to have been far less “open” then one would expect. Accordingly, my position is that the virtual open house failed to meet the legislatively mandated requirements of transparency and access to the public pertaining to public discussion on draft by-laws. I therefore invite you to please provide an explanation as to 1. why this question was not put forward to the public, 2. why the question was left unanswered by the facilitators or authorities in attendance, and 3. how the failure to address, and at the very least raise, this question meets the Region’s obligations concerning a public forum for by-law introduction. Presently, and in my opinion, the Region’s conduct does not meet the Region’s obligations, and so even in its efforts to present this by-law, the Region is acting contrary to the legislative scheme concerning enactment of by-laws. Further to my above-noted concern about the apparent lack of transparency surrounding this by-law, I ask that you provide me with the following:	

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	1. the background staff reports prepared in support of this by-law, 2. the notice of the public/council meeting or meetings that considered the enactment or amendment of this by-law, 3. the Agenda of each respective meeting where this by-law was considered; 4. the date the Agenda for each council meeting was made public, how it was publicized, and all attached proposed bylaw amendments or enactments, and all supporting material which accompanied these Agendas; 5. the minutes of any Council/Region meeting where this by-law was considered, 6. any public announcements involving this by-law, after being amended, passed or repealed. Given that I am aware that at least one question was asked at the Region's purported open house but not put the public, I also ask that you provide me with a complete list of all questions asked at the open house, including identifying those questions that were raised, but not made public or otherwise responded to during the Zoom call. If you disagree with any of the contents of this letter, I ask that you identify your basis of disagreement together with rationale for same. I look forward to hearing from you and to receipt of the aforementioned (public) documents concerning the Region's consideration, consultation, and presentation of this draft by-law.	
39	**Climate Change** Under the current Purposes of the bylaw, there is no mention of "mitigating the impacts of Climate Change" or maintaining the benefits of the green infrastructure services healthy woodlands provide. I am pleased to see you are considering adding "to increase species diversity and forest health to help Niagara adapt to climate change", however, I don't see anything in the suggested changes to the bylaw that will help you achieve this purpose.	The core mandate of the By-law, to protect trees within woodlands, serves to preserve opportunities for biodiversity and forest resilience to help our communities adapt to climate change. We will be addressing more specific climate change strategies through the Regional Official Plan review.

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	Question 1: In what way would the proposed changes to the bylaw address this proposed purpose?	
40	**Aesthetic Values** Furthermore, I submit mitigating the impacts of Climate Change or maintaining the benefits of the green infrastructure services healthy woodlands provide should be high on the list of purposes and are certainly infinitely more important than "enhancing the aesthetic values of woodlands", in fact what does that even mean? Who is judging the aesthetics? Too often groomed and maintained landscapes are valued by humans when natural, wild spaces provide the most environmental, biodiversity, green infrastructure and climate change benefits. ***Question 2:*** What is meant by "aesthetic values" in this context? Is this needed as a goal?	The "aesthetic value" purpose was included in the 2009 By-law and is being considered for removal in the revised Woodland By-law.
41	**Allowing Understory Removal** This brings me to one of the greatest concerns I have that is not addressed by your proposed changes to the bylaw: currently, woodland owners are not prohibited from clearing out the understory of their woodlands. This means that they are being allowed to destroy the very biodiversity this bylaw purports to protect both in the current bylaw where it says "Supporting the objective of the Niagara Regional Official Plan to maintain, restore, and enhance the ecological health, integrity and biodiversity of the Core Natural Heritage System" or in the goals being considered in the new bylaw: • To increase species diversity and forest health to help Niagara adapt to climate change • To help achieve the current Niagara Regional Official Plan goal for increased forest cover in Niagara It also means that no woodland in Niagara is protected overtime because if new trees are not allowed to grow, then as older trees die off or are removed, the woodland will lose its designation over time. I have asked questions about this at the in person public meeting and during the online meeting and have yet to receive a satisfactory answer about why this is allowed and	The Woodland By-law is limited specifically to the protection of "trees" by the Municipal Act. However, staff recognize the importance of the forest understory and will be reviewing opportunities to address this concern.

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	why the Region cannot include something in the bylaw that would not prevent this destruction. ***Question 3:*** Could you please explain why allowing this practice cannot be prohibited?	
42	**Provincial Legislation** Three of the stated goals of the Woodland By-law update was to: To review any changes to provincial legislation that provides Niagara Region with the power to enact/delegate the administration and enforcement of such a by-law; To review the alignment between the existing Niagara Regional Official Plan and the by-law; To review whether the by-law is able to fulfill the current objectives as outlined in the preamble of the current by-law, and any other objectives identified through the review. ***Question 6:*** What was the review's findings in regard to these goals?	The process is still ongoing and the findings are not fully known. The findings of the consultation and review process with regard to the goals and objectives of the By-law will be summarized in the report going to Committee and Council in the Fall.
43	As well there was another stated goal to review whether the by-law is in line with similar municipal tree and forest conservation by-laws within the Greater Golden Horseshoe and commonly accepted best practices. I would suggest the goal should be to find out whether the bylaw was not similar to others but rather meets the very highest standards of best practice. ***Question 7:*** Why not aim to have the best standards?	We do aim to have best management practices incorporated into the updated By-law, and as you mentioned, the review process did include a review of best practices from other upper tier municipalities.
44	**Replacement** You asked: Should Niagara Region require replacement planting or cash-in-lieu payments to be used for planting in targeted areas when trees are approved for removal under building permits or Planning Act applications? The answer is of course replacement planting should be required. No to cash in lieu because it usually gets misdirected into general revenues. Cash in lieu doesn't address the loss of canopy. The question is how do you put a good replacement plan in place. Removing a forest can only be remedied by adding new forest. Where do you do that? Who does it? How is it monitored?	Since the survey was drafted, we have consulted with the Region's Legal staff. They have advised that Section 135(7) of the Municipal Act specifies the conditions that may be imposed in relation to a permit, which include conditions relating to the manner in which destruction occurs and the qualifications of persons authorized to injure or destroy trees. The context for the replacement plan will be for tree removal that occurs through applications under the *Planning Act,* which is an exemption specified in the current Tree and Forest Conservation By-law. We hoped to address this through the proposed By-law; however, because of legislation limitations of the By-law, we are unable to require this under the proposed By-law.

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	You can't replace one on one. Replacement should be related to the canopy cover lost, for instance, the canopy of one 200-year-old oak cannot be replaced by even 10 young trees, especially since most won't survive given the harsh conditions they are usually planted in. What do you plant in lieu? Will it only be native trees? Are we planting for the future by taking climate change into effect and planting appropriate species? Are we only replanting trees of a certain DBH or are we trying to recreate what was lost by planting additional shrubs, plants etc.? ***Question 10:*** What kind of replacement plan are you contemplating?	
45	**Cash in Lieu** Further to the question you asked about directing cash in lieu on the questionnaire. Ideally, as previously stated, there is immediate replacement planting, but if cash in lieu is allowed, it should go to purchasing woodland so that it remains as woodland, as a top priority but the Region could also do that by providing funding to the NPCA. The Region shouldn't have to buy land to preserve because it should create a Natural Heritage System and designate the land as Halton Region has done. Protecting the remnant woodlands that exist should be the Region's top priority. Following that, planting more native trees on Regional properties, and working with partners like the NPCA to plant more trees, is the next step. Identifying lands that can be reforested should be a priority. Providing grants for tree planting, as long as that's well supervised, and doing tree giveaways as well as the educational component that goes along with it. ***Question 11:*** If you allow cash in lieu, how do you ensure the money is not diverted into general coffers, as it usually is, and if directed into land preservation or tree planting, how so you ensure that it is properly managed so that the goal of increasing Regional tree cover is met?	Since the survey was drafted, we have consulted with the Region's Legal staff. They have advised that we cannot allow cash-in-lieu payments for replacement planting that must occur as a result of an offense. With respect to the fines that may be imposed, those fines don't 'compensate' a specific department and they are divided up on a pro rata share with the lower tier municipalities based on legislated requirements.
46	The Project Scope (PDS 13-2019 - March 20, 2019) states one of the objectives of the review is to	More protections for Significant Woodlands or Environmental Conservation Areas (ECA) as defined in the existing Regional Official Plan was originally one of the key goals of the by-law update. However, through the background review process, it has been determined that in order for

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	"Recommend changes to bylaw as required to align with current ROP" On the June 17 PIC Q&A, the presenters noted that the By-law "can't fix the disconnect between the Regional OP and the By-law…" **Question:** If the mandate was to align the By-law to be in conformity with the OP, how does this meet the objective?	the by-law to apply, a woodlot must meet the tree density requirements as outlined in the *Forestry Act*. Use of this definition is legislated as per the *Municipal Act* and cannot be changed. Unfortunately, there may continue to be instances where the by-law and Official Plan are not in complete alignment.
47	What is the implication of not aligning the OP and the By-law with respect to definitions, administration and enforcement?	Niagara Region can only lay charges or levy fines for by-law violations. Where trees or woodlots are removed that do not meet the density requirements to be defined as woodland as per the *Forestry Act*, unfortunately there is no legal recourse. This means that the by-law may not apply to all woodlands currently mapped as Significant Woodland or Environmental Conservation Area as per the Regional Official Plan. Further, dying woodlands that no longer meet by-law density requirements, due to Emerald Ash Borer for example, cannot be protected under either the by-law or existing Regional Official Plan policies. It is anticipated that the new Regional Official Plan may include new policy regarding dead trees, similar to other municipalities.
48	How are property owners being informed and educated on the requirements under this By-law (before it becomes a compliance or enforcement issue)?	We are currently considering what components of community outreach will be necessary to communicate changes to the updated bylaw.
Advisory Committee		
49	I have concerns about the reliance on elected officials and the removal of an advisory committee with non-elected officials on it. Given our recent political history, how is it felt prudent to further remove citizen involvement in something as important as this?	Having an advisory committee for by-law enforcement is very irregular. It is not required under the *Municipal Act* and no other region/county has such a committee to oversee implementation of their forest by-law. Enforcement decisions are to be made by an individual designated as a by-law enforcement officer, not by a committee. When enforcement of the by-law was transferred to the Niagara Peninsula Conservation Authority (NPCA) in 2008, there was an expectation of the advisory committee to discuss compliance matters, know the parties involved, and decide/vote on whether charges should be laid. This practice was ended given it is highly improper to discuss compliance matters with members of the public. Further, the issuance of Good Forestry Practice Permits does not require a committee to make decisions on whether a permit should be approved. Rather, the decision is made by an individual with the education, expertise and authority to do so. No complaints have been received by the Region or the NPCA since 2013 regarding why there were no meetings. The stated purpose of the advisory committee in the current by-law is to "review and provide advice on matters of tree and forest conservation as requested by the NPCA." It is proposed that this statement will be removed and no advisory committee be required.
50	I am a member of the Niagara Federation of Agriculture. Prior to 2008, the Niagara Region managed the Woodland By-law and enforcement, whereby regional staff ran all meetings and invited members from the Woodlot Association, agricultural sectors and others to regular meetings. The meetings were well attended and much was	Thank you for your letter and suggestions. We will review your request and see how we move this forward with our review of the woodland by-law. In the meantime, I will reach out to Councilor Witteveen and see if we can use APAC as a way to discuss any issues that arise from the woodland by-law instead of having a separate advisory committee.

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	discussed. After 2008, the NPCA was given the administration and enforcement of the by-law, whereby things went awry. Even though the chair of the committee was an agricultural member, meetings did not run well and eventually stopped altogether. Farmers are great stewards of the forests and land as they utilize Best Management Practices. I believe that removing the Advisory Committee as a whole is wrong as the Region only heard one side of the story. In the best interests of the Woodland By-law, I suggest that the Niagara Region's Agricultural Policy and Action Committee (APAC) take the place of Section 11's Tree Forest Conservation By-Law Advisory Committee for advice and comment. I understand that APAC does not meeting regularly enough, however items for reference or discussion could be sent out to the committee for comment and added to the following meeting for updating.	
Building Permits		
51	How can the potential to overharvest with building permits be eliminated?	Building permits are the responsibility of lower-tier municipalities, and as such, the woodland by-law is unable to address concerns related to the overharvest of woodlands through the building permit process. However, staff will be working with lower-tier municipalities to determine how best to enact best management practices.
52	Has the Region given thought to what the "zoning clearance" process could look like at the building permit stage? Would that be a clearance at the local level or Regional level?	Staff are having discussions with our partner lower-tier municipalities to determine what the 'zoning clearance' process would look like. Based on a review of the process being implemented by other upper-tier municipalities.
Good Forestry Practice Permits		
53	How many GFP permits do you typically process annually?	The Regional Forrester typically processes approximately 20 Good Forestry Practice permits per year. The Niagara Region Tree and Forest Conservation By-law Annual Reports are currently available by request. However, given the interest, these Annual Reports will soon be made available online at: https://www.niagararegion.ca/government/bylaws/tree/default.aspx.
54	Is it possible for someone who has recently purchased property with a woodland on it to obtain a "Good Forestry Practice Permit" before 2 or 3 years?	Yes, the two-year rule is for the landowner's own use, not for Good Forestry Practices permits.
55	How much does a Good Forestry Practices permit cost?	Currently there is no charge for obtaining a Good Forestry Practices permit. However, there is a cost involved because the services of a Professional Forester are required to prepare a Forest Management Plan or Silvicultural Prescription to accompany the permit application.

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56	Good Forestry Practices Permit – Common Conditions (from the Presentation/Display Materials) #12 - The landowner or the logging contractor must notify the by-law officer at the Niagara Peninsula Conservation Authority of the exact day when operations are to commence. The notification must be three (3) working days (excludes weekend days) before the commencement **Question:** Should this be reworded with the proposed changes to show administration and enforcement fall under RMoN?	Yes, the updated by-law is being updated to reflect by-law administration and enforcement by Niagara Region.
Timing Windows		
57	I suggest including conditions for removals to follow bat and bird windows, even where exemption for agricultural uses applies.	Timing windows that avoid the spring/summer breeding bird and bat active season are typically required as part of the development approvals process. Outside of the development process, Good Forestry Practices permits are subject to conditions that include no harvesting during the spring/summer breeding bird period. However, an option is provided for a qualified ecologist or biologist to conduct a “bird sweep or nest sweep” within 48 hours of the proposed tree removals. If nests are found, work within 10 metres of the tree should cease until the young of year have fledged or until the nest is determined to be inactive. If no nests are present, clearing may occur.
58	If you add restrictions for removals to follow bird and bat windows, this will be restricting to only winter removals and will hinder development.	Timing windows that avoid the spring/summer breeding bird and bat active season are typically required as part of the development approvals process. Alternatively, bird or nest sweeps may be conducted as outlined above, and acoustical bat surveys may be conducted according to protocols approved by the Ministry of Natural Resources and Forestry.
59	**Breeding Birds** The more restrictive provisions to protect breeding birds are welcome but ultimately futile if you are allowing the permanent removal of their breeding sites and habitat. What is the point of allowing fledglings to survive only to remove any site for them to breed/feed in subsequent years? When you destroy the habitat, you destroy the animals that live there, period. There is no other place to go. All habitat is filled to capacity. We have to stop pretending otherwise. These continuous deaths of a thousand cuts are what is decimating our songbird population and in a larger sense creating the Holocene/Anthropocene extinction. ***Question 4:*** how will this bylaw protect breeding birds in the long term?	The proposed by-law changes include clarifying timing windows for removals permitted under the provisions of the By-law, and are intended to better align with Federal Guidelines and the provisions of the (s.6) Migratory Birds Convention Act. One of the overall goals of the by-law is also to enhance Regional tree canopy cover, which will assist in protecting habitat for breeding birds in the long term.
Exemptions		

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60	In regards to your consideration of adding this option of allowing trees to be removed from historical areas of contamination when they are being restored to your by-law, can you please give an example of such a site?	For clarification, the proposed exemption for historically contaminated lands will allow the removal of trees from a site requiring soils remediation (cleanup) as directed by the Province. An example of such a site would be the old Cytec site in north Niagara Falls across from the Gale Centre.
61	If trees are required to be removed for remediation of a site as authorized by the Province, would an application still need to be made to the Region to complete this work?	A permit would not be required, so no application would need to be made. However, yes, the Regional Forester would still need to be made aware of the proposed work in order to ensure applicable Provincial requirements and/or authorizations are in place.
62	Further to the process of remediation involving the Province's direction, would the Region still require a professional to prepare the application, or would the owner simply need to provide the background information and Provincial direction for the Region's review and files? If formal application still required, what extra costs would need to be considered for a potential owner?	A permit would not be required, so no application would need to be made. However, the “extra costs” associated with Provincially-directed soils remediation are typically substantial. Applicable Environmental Site Assessment (ESA) reports prepared by a qualified professional and correspondence with the Ministry of Environment, Conservation and Parks (MECP) regarding the remediation requirements would be required.
63	For the contemplated exemption for contaminated land, would it be subject to Risk Management Plans, Record of Site Conditions or Certificate of Property Use?	Specifics have not yet been defined, but in cases where the Province has directed remediation based on the results of Environmental Site Assessment studies or otherwise, the intent is not to require a Record of Site Condition or Certificate of Property Use. It is anticipated that the requirement for Risk Management Plans would be determined by the Province on a site-specific basis.
64	With regard to the exception for removal of dead trees, if once dead trees are taken out, the overall density doesn't meet requirements, would it still be considered a woodland? (i.e., example of a property that was taken over by bush, which was removed, leaving 15 trees on 2 acres - would the owner have to replant to keep it as woodland?)	Dead trees are not included in the density count, thus the site would not be considered a woodland, the by-law would not apply, and the landowner would not be made to replant it. It is important not to fault a landowner for removing dead/hazardous trees if the trees were killed/infected by invasive species (e.g., Emerald Ash Borer) because the owner could not have fully prevented it. A government-funded restoration program for landowners interested in replacing the forest cover on their property would be ideal.
65	The three year "waiting period" for agricultural clearing seems excessive in cases of reclamation or return to agricultural use of former agricultural lands (e.g., vineyard establishment on overgrown former orchard). Could the revised by-law include a little more case-specific flexibility for farmers?	The 3-year waiting period was adopted in the previous by-law update to ensure tree clearing for farming was being carried out by established farmers. However, given it is restrictive on new people entering the agriculture industry (such as vineyards), the option to include site-specific flexibility will be explored.
66	Farmers who own farmland can clear - what about leased land? Would it be the landowner that could proceed with the clearing?	Yes, only a registered farmer and the owner of the farm (not tenant) may proceed with clearing farmland for agricultural purposes.
67	Through the existing by-law, there are exemptions for the removal of trees in accordance with an	There is no intention to remove that exemption – it’s one of the mandatory exemptions legislated under the *Municipal Act*.

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	approved Tree Saving Plan through a *Planning Act* Application. I would just like to confirm that there is no intent to remove the exemption.	
68	**Optional Exemptions** The list of Optional Exemptions is large, and you are adding another in regard to contaminated land. Should we be removing precious forest cover in Niagara for waste disposal sites? Should we be removing dead or diseased trees if they don't pose a danger to human health or the health of other trees? Dead trees are required for biodiversity and a healthy ecosystem. Many plants, animals and fungi feed of dead and dying trees, and as they decompose, they contribute immensely to the health of the forest soil. In terms of contaminated lands, plants are often employed to help decontaminate polluted soil. Unless there is a very dangerous situation that needs to be addressed to human health or the water system, why would we need to remove woodlands to remedy contaminated soil? Given the industrial and agricultural history of Niagara, I fear that there is very little land that is not contaminated and that this will be used as an excuse to remove forest cover to prepare land for development. ***Question 8:*** Are all of these really required?	Some exemptions are mandated by s. 135(12) of the Municipal Act. Some exemptions (i.e. agricultural exemption) were included from previous versions of the by-law as a result of stakeholder engagement.
69	***Question 9:*** How will the Region prevent abuse of the contaminated land exemption?	The contaminated lands exemption proposed to be included in the updated By-law would come from Provincial direction for remediation, and would not apply to all lands that require remediation.
Violations/Penalties		
70	Under the current by-law, the Region must lay charges or levy fines within six months of a violation. Can the new by-law increase this time period to 1 or 2 years?	If a wooded area is dense enough to meet the definition of woodland, then the landowner can be charged for woodland removal. Charges typically involve a fine and/or court-ordered restoration works. An increase in the time-period to lay charges was originally one of the key goals of the by-law update. However, through the background review process, it has been determined that the Region is required to stay within the 6-month statute of limitations. As per section 76(1) of the *Provincial Offences Act*, "A proceeding shall not be commenced after the expiration of any limitation period prescribed by or under any Act for the offence or, where no limitation period is prescribed, after six months after the date on which the offence was, or is alleged to have been, committed." The *Municipal Act* does not prescribe any other specific limitation period, so section 76(1) applies and the 6-month time limit must remain. The 2-year limitation period under the *Limitations Act* that applies to other claims (not under the *Provincial Offences Act*) unfortunately does not apply in this case.
71	Will the updated by-law address restoration requirements for woodland boundaries for portions of woodlands that are removed? For example, a	The Woodland by-law would not permit the removal of 30% of trees within a woodland unless it meets one of the identified exemption policies.

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	developer plans to develop a subject property which has a woodland (by definition) on a portion of the property. The developer proposes to remove 30% of the trees within the woodland. Trees previously protected by that 30% are now exposed, which may result in the eventual decline in the quality of the woodland. Is there a requirement by the developer to do invasive species management and/or to restore a 6-15m (just an example) strip along the boundary to prevent the deterioration of the quality of the stand?	The type of development being described would likely require a Planning Act approval, and through that process any proposed removal of woodland would require the completion of an Environmental Impact Study (EIS). If sufficient justification was provided in the EIS to remove portions of the woodland, then mitigation measures are typically required which include Edge Management Plans to prevent the deterioration of the quality of the remaining woodland.
72	When was the last time the Region prosecuted a violation under this by-law? Is it frequent?	Two violations are before the courts right now and one additional charge will be laid once the courts start intake again (currently on-hold due to the pandemic). The most recent conviction was in December 2019 involving a property in St. Catharines. The Niagara Region Tree and Forest Conservation By-law Annual Reports summarize this information and are currently available by request. However, given the interest, these Annual Reports will soon be made available online at: https://www.niagararegion.ca/government/bylaws/tree/default.aspx.
73	How many charges have been laid in the past 5 years?	There have been 13 charged laid in the past 12 years. Very few charges were laid from 2000-2008.
74	The NPCA had indicated that mandated restoration/ remediation with regards to the first violation by GR-CAN, the developer at Thundering Waters, had been completed. However, there is no evidence of this, and requests for details of the remediation plan were not provided or acknowledged. What is the Region's role in enforcing this, as well as the second unsanctioned substantial violation that destroyed significant protected woodland, wetlands and wildlife habitat at Thundering Waters Forest? And what happens in the event of a conflict between the Region and a Municipality?	The restoration work required by the Niagara Peninsula Conservation Authority (NPCA) for the compliance matter related to borehole drilling was completed. The NPCA is responsible for enforcing violations related to wetlands under Ontario Regulation 155/06. Niagara Region has no involvement in this legislation or restoration order involving wetlands. The Region's by-law only applies to areas considered “woodlands” as per the *Forestry Act* definition. The treed areas most recently removed at the Thundering Waters/Riverfront property did not meet the density requirements to be defined as woodland, as verified during site inspections by the Regional Forester, nor were the tree removals within the wetlands. As a result, no second violation or charge could be laid under either Ontario Regulation 155/06 or the Region’s Tree and Forest Conservation By-law. Tree removals were reported to the Ministry of Environment, Conservation and Parks (MECP) for follow-up regarding any potential violations under the *Endangered Species Act*. A lower tier municipality (e.g., City of Niagara Falls) cannot supersede the Region's authority to administer the by-law if woodlands are involved.
75	There is an obvious weakness in restoration plans in response to offences. At Thundering Waters since the violation there was no tree planting done in response to the cutting that resulted in charges under the Region's tree by-law. This was confirmed at the recent Riverfront Open House, where the ecological consultants of the developer admitted they had never been on site since the offence took place.	To clarify, there were no charges laid under the Region’s Woodland By-law at the Thundering Waters property (Riverfront). The Region's by-law only applies to areas considered “woodlands” as per the *Forestry Act* definition. The treed areas most recently removed at the Thundering Waters/Riverfront property did not meet the density requirements to be defined as woodland, as verified during site inspections by the Regional Forester, nor were the tree removals within the wetlands. As a result, no violation or charge could be laid under the Region’s Tree and Forest Conservation By-law. If you have further questions about the unauthorised works in the NPCA regulated area, please contact the NPCA directly as they are investigating the issue.

ID #	Question/Comment	Response
76	Regarding the term "restoration" given in answer to a question involving breaking the law. Very vague. Who will be around to evaluate that? Nice term but rather weak.	The Region's current Tree and Forest Conservation By-law is enforced by the Region's Registered Professional Forester, and the revised Woodlands By-law will also be enforced by this Professional. If there is a contravention of the By-law, the Forester and the Region's Legal Department work together to determine appropriate remedies and/or pursue charges through the Provincial Offenses Court. A Court Order requires full implementation of a reforestation prescription assigned to properties with by-law violations. The prescription is written by a Registered Professional Forester. Regular monitoring of the reforested area is done until it is considered "free growing" (i.e., young trees are mature enough to survive competing brush).
77	Did the landowner have permission to remove the woodland that came down in Niagara-on-the-Lake?	Relatively small groupings of trees are not subject to the by-law. Wooded areas that don't have enough trees to meet the definition of "woodland" as per the *Forestry Act* area also not subject to by-law. Trees were removed in Niagara-on-the-Lake, but they were not covered by the by-law. Individual trees are the responsibility of the lower tier municipality, and Niagara-on-the-Lake has a private tree by-law.
78	**Charges** It's an improvement to increase the time limit for charges to be laid from six months to two years. ***Question 5:*** How will you know if offences have occurred? Will you rely on citizen reports or will the Region actively monitor woodlands that fall under the bylaw?	Offences are pursued on a complaint basis. Under the Provincial Offences Act, we are not permitted to increase the timing window for pursuing charges.
79	Who is responsible for enforcement and under what authority for fines/penalties if it is not embodied within the Region's Woodland By-law (Penalties under Section 9)?	The Woodland Bylaw is currently enforced by the Region, and will continue to be. Until this point, the Regional Forester has been physically located at the NPCA, however, charges under the bylaw have always been pursued by the Region directly. Charges are pursued in the Ontario Court of Justice Provincial Offences Court under the provisions stipulated in the Municipal Act.
Stakeholder Sessions and Virtual Open House		
80	Who was invited to the stakeholder session on March 3?	Two stakeholder sessions were held on March 3, 2020 to solicit preliminary comments and feedback on the public open house materials in advance of the open houses previously scheduled for the end-of March. Invitees generally included local area municipal staff, environmental and agricultural group representatives, environmental consultants and local developers.
81	I went to the Niagara Region at 7 pm to try to attend this [March 3rd] event. Was not listed at front desk and could not locate with help of a staff person.	The meeting was at 1 pm as per the invitation you RSVP'd to. Nonetheless, there is still lots of opportunity to become involved – the presentation slides and an online survey will be posted within the next few days on the Region's website. Please also feel free to attend one of the four Public Information Centres (PICs) scheduled for March 24, 25, 30 or 31 [subsequently cancelled due to the pandemic].
82	I was looking for the slide deck that was presented during the public meeting on Tuesday, March 3rd. Will it be posted soon or can I be emailed a copy?	The presentation slides are available on the project website (https://www.niagararegion.ca/culture-and-environment/woodland-bylaw-review/default.aspx) and were again presented during the virtual public open house on June 17, 2020.
83	Were the Public Information Centre sessions cancelled last month due to the virus controls?	Yes, the Public Information Centres (PICs) were cancelled. The cancellations were advertised on the Region's website, in local newspapers and through the Region's social media accounts. Unfortunately posting of the planned survey link has also been delayed. In the meantime, we are investigating the possibility of moving to an online format, but no decisions have yet been made. Updates regarding a new format and/or rescheduled PICs will be communicated via our website, social media, newspaper notices, and email notification to those on our contact list.
84	Is this review continuing, and if so, how can the public receive more information or provide comments? Has the deadline been extended for commenting?	The by-law review will continue [despite the pandemic and closure of facilities] but yes, the original commenting deadline was extended to June 30, 2020. If anyone has any specific questions or comments or would like further information, they are welcome to contact us through the website or via e-mail at woodlandreview@niagararegion.ca.

ID #	Question/Comment	Response
85	Do you have any document(s) that I could look at that would give me some guidance on what types of changes that you are considering? We have a client who has a nature trail on their property and we would like to provide some input to your process on their behalf. I see "overheads" on your website from a public meeting – is there any additional documentation?	A high-level summary of the changes being considered are summarized in the stakeholder presentation slides, pages 15-18, available on the project website (and attached). Pages 13 and 14 of the display boards available for download from the website also explain the proposed changes. If you have any specific questions regarding your client's property, please let us know.
86	The majority of woodlot owners is Niagara live in rural areas. Many of them are farmers and the timing of this virtual meetings may seem convenient to the organizers but for those busy doing farm chores, the time of year may not be fair timing. Also, many of these woodlot owners will not be comfortable with a zoom meeting. Please make sure that you reschedule public meetings for a later time after COVID.	The timing of public meetings is inevitably always inconvenient for at least some interested individuals. A live recording of the presentation is available for review on the project website (https://www.niagararegion.ca/culture-and-environment/woodland-bylaw-review/default.aspx) and the recommendations for the by-law update will be brought forward to Regional Planning Committee, which is open to public viewing and comment. Rescheduling of the public meetings for a later time is not contemplated. Those on the project mailing list (who either attended the stakeholder sessions, registered for the virtual public open house or e-mailed woodlandreview@niagararegion.ca) will be notified when the Committee Report and attached by-law recommendations are posted online.
87	It appears then that a journalist cannot follow this open house online. Why don't you wait and hold them when we can have a little physical distancing in a real room?	There was certainly no intent to block access. The link to the virtual open house was sent but it may have gone to your junk mail folder. The presentation is available for viewing on the project website or on YouTube at: https://www.youtube.com/watch?v=HknmJ0kc6Mw. This was the Region's first foray into online engagement, so we're still working through some kinks. As we move forward we'll be looking at ways to improve the process to make sure we're as accessible and responsive as possible.
88	I sent a notification to register for this presentation but did not receive the instructions.	It appears the meeting invites/link may have automatically been directed to some junk mail folders. As Niagara Region continues to move forward with online engagement, we'll be looking at ways to improve the process.
89	I'm interested in knowing the names of the authors and their positions at the Region who prepared the woodland by-law review, and also was it done in collaboration with NPCA and/or any additional consultants. What is the consultant's name if in fact one was used?	The woodland by-law update is being prepared internally by Niagara Region Planning and Legal staff, in consultation with Niagara Peninsula Conservation Authority (NPCA) staff, as applicable. No consulting services are contemplated.
General Comments/Feedback*		
90	There should be new definitions in the by-law to ensure consistency in terms between planning documents and this by-law.	The definitions included in the by-law are being reviewed and updated as part of this process. However, it is not anticipated that all inconsistencies can be rectified through this update (e.g., the protection of Significant Woodlands as identified in the Regional Official Plan if they do not meet the Forestry Act definition of woodland).
91	Clarification on who is qualified to assess hazard trees should be included (i.e., add arborist).	"Hazard tree" has been added to the definitions with clarification that a Qualified Ontario Professional Foresters Association (OPFA) Member (i.e., Certified Arborist or Registered Professional Forester) must agree that the woodland hazard tree(s) to be removed are in fact hazardous to human health or property.
92	A major reform to the Official Plan should be to make Peer Reviews of Environmental Impact	Environmental Impact Studies (EIS) are reviewed by Regional Environmental Planning staff and Niagara Peninsula Conservation Authority (NPCA) staff as applicable, depending on the natural heritage or regulated environmental features involved. Your comment has been forwarded to the OP team for consideration.

ID #	Question/Comment	Response
	Studies mandatory. Now they are at the discretion of the regional planning commissioner.	
93	I support the exemption for contaminated sites.	Acknowledged.
94	**Development Process "Protections"** Having been involved in reviewing and commenting on numerous development approval processes it was amusing to read that under "What Is Protected and How" that the development approval process legislated through the Planning Act is listed as one of two ways woodlands are protected. I have yet to see any environmental study completed as by the developers' consultants that actually result in the protection of anything. Instead they catalogue all that will be destroyed and then either makes excuses why it won't matter or suggest virtually useless mitigation measures. The truth of this is borne out by the well documented continued and accelerating losses to the Region's natural forests, wetlands and waterways. As evidence refer to years of Watershed reports generated by the Niagara Peninsula Conservation Authority. **Minimum Size** Tightening up of the language is good and defining the minimum size to .2 hectares is good. **Administration and Enforcement** As up until now the NPCA has done a poor job of both administration and enforcement of the bylaw, I have no issue with the Region taking over these tasks as long as the Region has the budget, qualified staff and commitment to handle the job. **Advisory Committee** I have no issues with removing the requirement for the Advisory Committee especially since advisory committees' positions tend to be filled from the ranks of groups that have little interest in protecting the environment. **Tree Savings Plans**	Acknowledged

ID #	Question/Comment	Response
	It's an improvement that Tree Saving Plans must be prepared by a qualified member of the Ontario Professional Foresters Association or a Certified Arborist. The updates to the "Good Forestry Practices Permit" section is also appreciated.	
95	I think the existing by-law is in pretty good shape – great to see this initiative moving forward and tweaks are positive.	Acknowledged.
96	I support rewording of the by-law title to be clearer.	Acknowledged.
97	There will be added clarity in decisions if the Region takes over enforcement.	Acknowledged.
98	I am an independent commentator. All the words and ideas herein contained are my own and are not meant to be reflective of any organization or committee that I may now or ever have served on. Our family farms. We have a woodland that we value highly. Since the beginning of Bylaws regulating woodlands Niagara Region has worked with an Advisory Committee who helped in the creation of the original circumference limit Bylaw, then a Bylaw under the Municipal Act, and an amended Bylaw to be delegated to the NPCA while at the Region. The Committee continued at the NPCA. At the Region the Committee was in a position of trust and responsibility. The Region provided all the information they needed to do their jobs and be helpful. The Committee was promised that if they came to work with NPCA that there would be an important role for them to play. They soon found that they were not in "Kansas anymore" as routine information including what was public was not available. The Committee rarely met and fell into disuse. The Bylaw process at the Region was very transparent. It was more secret at the NPCA. The NPCA did hire good Staff. He was well received in the rural and agricultural community and was easy to work with and was tough on those who	• **The addition of an exemption to remediate contamination is good. Is a requirement to reforest being considered?** *In situations when contamination needs to be remediated we work closely with the Ministry of Environment, Conservation and Parks (MECP) to determine what the remediation will look like and what the end state of the land will be, including exploration of restoration opportunities.* • **Can the performance and conduct of Foresters be regulated in a Woodlands Bylaw?** *The professional conduct of foresters is regulated by the Professional Foresters Act (2000).* • **The exemption for hedgerows less that 20 meters wide is good. Would this apply if it was a wetland or if it is contiguous to a woodland?** *If a hedgerow is adjacent or within a wetland, there are other regulations in place to protect these features. Hedgerows that are contiguous to woodlands are evaluated on a site by site basis.* • **The Municipal Act states very clearly that the Upper Tier Municipality regulates woodlands over 1 hectare in size, Lower tier Municipalities are attempting to regulate trees in woodlands as defined using their Property Standards Bylaw and are issuing Orders under the Building Code to cut trees with no regard for the time of year or conditions in the woodland and placing time deadlines on the work that cannot be reasonably met. This can result in unnecessary damage to the woodland or the PSW that woodlands usually are. What can the Region do to prevent this inside or outside the Bylaw? Could there be something put into the Bylaw?** *As per the Municipal Act, the Region only has the ability to regulate trees in woodlands 1 hectare (2.47 acres) or more in size. Woodlots less than 1 hectare are the responsibility of the local municipality. PSWs are regulated by the NPCA. If there is something that you have observed that seems amiss, please reach out to the NPCA directly (info@npca.ca or 905-788-3135).*

ID #	Question/Comment	Response
	contravened Bylaw Requests to revive the Committee were not successful and there was real concern that pushing the issue might get a good Bylaw Officer fired. They did that a lot at the Conservation Authority. There is nothing irregular or unusual about an Advisory Committee in a Niagara Region Woodlands Bylaw. The contributions of a diverse group of Stakeholders have been a valuable part of the Bylaw since the beginning, could have been at the NPCA, and can be again at the Region. Why is there so much disdain and hate from Staff on this issue? **Summary of Recommendations** Reinstate the Advisory Committee and use language that insure the Committee will meet regularly and play an important role. It is good that enforcement is returning to the Region. The Regional Forester must be a full time employee of the Region. To avoid conflict of interest the Regional Forester should be prohibited from developing Forestry Management Plans for anyone within Niagara Region. This should be stated within the Bylaw. It is good that existing exemptions are being maintained. The addition of an exemption to remediate contamination is good. Is a requirement to reforest being considered? Section 5.1.a should remain as is. This was done because there was a lack of Foresters available to write Forestry Management Plans. There is no reason to believe this has changed. Can the performance and conduct of Foresters be regulated in a Woodlands Bylaw? The exemption for hedgerows less that 20 meters wide is good. Would this apply if it was a wetland or if it is contiguous to a woodland? The name change to Woodlands Bylaw is good. Tree Savings Plans should remain within the Bylaw. The Prohibition on tree cutting during Bird and Bat	

ID #	Question/Comment	Response
	breeding season is opposed. Breeding Birds and Bats will not be in every woodland. Trees need to be cut when conditions are good to avoid damage to the woodland. Further the Region already has the ability to place conditions on any Permit. The Region should not go below .5 hectares for woodlands delegated by a Lower Tier Municipality. The Municipal Act states very clearly that the Upper Tier Municipality regulates woodlands over 1 hectare in size, Lower tier Municipalities are attempting to regulate trees in woodlands as defined using their Property Standards Bylaw And are issuing Orders under the Building Code to cut trees with no regard for the time of year or conditions in the woodland and placing time deadlines on the work that cannot be reasonably met. This can result in unnecessary damage to the woodland or the PSW that woodlands usually are. What can the Region do to prevent this inside or outside the Bylaw? Could there be something put into the Bylaw?	

Planning and Development Services
1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

MEMORANDUM **PDS-C 13-2020**

Subject: COVID-19 Response and Business Continuity in Planning and Development Services

Date: October 14, 2020

To: Planning and Economic Development Committee

From: Rino Mostacci, Commissioner, Planning and Development

Commissioner Comments, Planning and Development Services

Community and Long Range Planning

Current Status of Operations

The Province has released the *"Land Needs Assessment"* which is a methodology that is used to calculate the lands needs as part of the Regional Official Plan. Between now and the end of the year the Provincial population and employment numbers to 2051 will be applied to the Land Needs Assessment to determine land requirements, population distribution and employment distribution, infill and greenfield density targets across the region. As this work is carried out, there will be meetings with all of the Local Area Municipality Planning Departments to refine the allocations.

Online consultation for the Regional Official Plan has been initiated. To date there has been consultation with Local Area Municipality Planning Departments, meetings with stakeholders and Public Information Centres with an emphasis on the environmental policy options that were presented to Planning and Economic Development Committee/Council. Regional Planning Staff also delivered a presentation to the NPCA on the ROP/environmental work plan. This round of consultation will continue through to November followed by a report to Planning and Economic Development Committee/Council, which will provide detail of the consultation.

Policy Planning staff have had discussion with the Ministry of Municipal Affairs and Housing (MMAH) to provide an update on the progress of the Regional Official Plan. In

discussion MMAH has indicated that the process to date has been comprehensive and that there are no areas of concern.

Development Planning & Approval Services

Current Status of Operations

Development Planning & Approval Services continues to adapt to ensure the delivery of core development review functions including: review and comment on all development applications from a Provincial and Regional perspective, coordinating and analyzing internal review/comments from Urban Design, Environmental Planning and Development Engineering for a “one-window” Regional response.

For the months of July and August the following development volumes were received by the department:

July:

- Planning Applications (includes zoning, subdivision, site plan etc.) - **27**
- Engineering Applications (includes servicing reviews, site plan, etc.) - **18**
- Private Septic Applications - **44**
- Pre-consultations – **36**

August:

- Planning Applications (includes zoning, subdivision, site plan etc.) - **42**
- Engineering Applications (includes servicing reviews, site plan, etc.) - **14**
- Private Septic Applications - **44**
- Pre-consultations – **46**

Application volumes in August have continued the steady increase experienced since April. Volumes returned to and, in some cases, exceeded “normal” pre-pandemic levels. In fact, overall application volumes in August represent a 30% increase in comparison with the same period in 2019 with planning applications experiencing a 133% significant increase (42 versus 18). This resurgence supported by the ability of local area municipalities and the NEC to clear up backlogs that resulted from the early stages of the pandemic. Also, virtual public meetings have become the norm, which allows planning applications to continue advancing through the approval process.

Infrastructure Planning & Development Engineering

Current Status of Operations

Development Engineering

We are continuing to respond to development applications with engineering comments, legal agreements for road works, and processing ECA's under the Transfer of Review program for new sanitary and storm sewers. Additionally, we are continuing with Stormwater Management (SWM) review, Transportation review/meetings, and W&WW review/meetings as it relates to development applications and inquiries. We are working on the SWM Guidelines Project with WOOD Consulting Engineers and assessing schedule/deliverables to adapt to current situation.

Infrastructure Planning

We are developing the RFP for the 2021 Water & Wastewater (W&WW) Master Servicing Plan (MSP) Update project in consultation with W&WW team. The target release imminent to ensure work can be completed by end of 2021 as essesntial input for the Development Charges Background Study and By-law update.

Collectively, there are ongoing corporate wide-efforts to coordinate long range planning/growth with infrastructure planning projects (2021 W&WW MSP update) and the upcoming Development Charges Background Study & By-law update.

Development Industry Liaison

We are continuing with the review of the potential build out scenarios for the urban areas in collaboration with planning group. This is necessary for the 2021 W&WW MSP update to evaluate servicing implications and supporting infrastructure. We are leading the development application process for the Linhaven and Gilmore LTC Redevelopment Projects and coordinating with St. Catharines, MTO, and other review agencies to ensure that site plan application can be approved and the timelines associated with this project remain on track (Government funding is tied to this as well). Participating with Development Industry meetings (NHBA) to understand impacts and restrictions from COVID to residential development industry and housing stock.

Private Sewage/Septic Systems Program

The Private Sewage System group (responsible for Part 8 of the Ontario Building Code) is continuing to receive and respond to septic permit applications, inspections, development applications, special requests and complaints.

Respectfully submitted and signed by

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Rino Mostacci, MCIP, RPP
Commissioner, Planning and Development Services

Economic Development
1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

MEMORANDUM

ED 12-2020

Subject: COVID-19 Response and Business Continuity in Economic Development

Date: October 14, 2020

To: Planning and Economic Development Committee

From: Valerie Kuhns, Acting Director, Economic Development

Economic Development

Current Status of Operations

This memo is the Economic Development Division's monthly update on our response to COVID-19 and business continuity. Niagara Economic Development's response to COVID-19 is focused on economic recovery efforts of the Economic Rapid Response Team (ERRT) and the implementation of the Economic Recovery Plan. However, we are also engaging new ways of doing our regular business virtually to ensure business continuity. All planning for 2021 is being started on the basis that we will not be holding in-person meetings or travelling any time soon and will continue to work virtually.

Service/Operational Changes

Niagara Economic Development is working in all of our core functional areas now but through the lens of the changes that COVID-19 has brought about and will continue to influence for months/years. All strategic planning work is concentrated on the implementation of the Economic Recovery Plan and so work on the creation of a 10 year Economic Development Strategy is on hold for the time being.

Significant Initiatives or Actions Taken

Economic Recovery Planning continues to be a main focus, centred on the implementation of the actions in the Economic Recovery Plan. Biweekly reporting to our stakeholder group is through ERRT update calls. Updates are provided for actions in all three pillars of the Plan, Research, Advocacy and Resilience. The update calls are being used as a communication forum for all support organizations who are

advancing recovery and resilience for Niagara's economy. An average of 30 stakeholders have been attending the calls.

There are ongoing discussions with ERRT members and other stakeholders to monitor and assess the relevance of the Economic Recovery Plan. Given the evolving nature of the pandemic, future adjustment might be required to ensure the action items remain relevant to support Niagara's economy.

Economic Recovery Planning is working in collaboration with the internal Organizational Recovery table as well as the Community Recovery Planning table to develop good communications and collaboration in our planning. We are providing input into the discussion about the economic indicators that will be used to monitor recovery.

Our marketing partnership with Venture Niagara has resulted in their Regional Recovery and Relief Fund being fully subscribed. Approximately 70 companies across Niagara accessed an interest-free loan of between $4,000 and $40,000.

Funding agreements with the two Small Business Enterprise Centres (SBEC) in Niagara Falls and St. Catharines have now been executed. This has enabled both SBECs to expand their services to all 12 municipalities by hiring two new advisors to facilitate this extended outreach.

For the last few months since March, we have relied on the information from our two Business Impact Surveys to understand how Niagara companies are being affected by COVID-19. Statistics Canada data and other data is now becoming available and so work has started on an Economic Update report which will be presented at PEDC in November. In September a report on 'COVID-19 Impact on Investment and Development in Niagara' was finalized and is included, with a presentation, in this month's agenda. This is in addition to ongoing research support which is provided to other Regional departments, Local Area Municipalities (LAMs) and other stakeholders.

All recovery efforts are supported by strategic marketing activities. Page views of www.niagaracanada.com are up from Q2 2020 at 21,080 with 247 returning visitors. The top pages viewed are the Niagara PPE Provider Directory (4,166 views), News, Tourism, Business Support and the Niagara Foreign Trade Zone. The Open in Niagara website which encourages our community to buy local by providing information on businesses that are open now has almost 400 businesses registered. We are exploring how this website may be expanded to be a permanent regional business directory.

The second Business Impact Survey identified supply chain gaps as a result of the pandemic. Outreach to companies uncovered a need to find opportunities for Niagara companies to purchase PPE supplies, such as masks, gloves and cleaning products, locally and the potential for reduced costs by bulk buying. It is anticipated that this project will also address other areas of the supply chain which will increase the competitiveness of Niagara companies and enable more secure supply chains. This will be particularly important if another wave of COVID-19 hits.

Applications to our LAM Fund, which was extended this year to include recovery related initiatives, are being processed. To date, two municipal applications have been approved and four are pending.

The Foreign Direct Investment (FDi) program is now conducting meetings virtually with potential investors, with the adoption of new technology and professional backdrops. This month 15 meetings were held with qualified leads in the U.S.

The Niagara Foreign Trade Zone received 14 specific inquiries, making a total of 28 for Q3. A webinar is being planned for later in the fall, to help Niagara businesses adapt to the conditions of COVID-19 and successfully participate in virtual trade shows and online business meetings.

Advisory support continues to Local Area Municipalities who do not have economic development offices and their businesses. These municipalities are Niagara-on-the-Lake, Pelham, Wainfleet and West Lincoln. Sector support to the agribusiness and tourism sectors is also ongoing.

Operational Outlook

1 month

- Economic Recovery Plan implementation with stakeholders continues.
- Virtual FDi meetings continue in the U.S. and start with companies in the U.K.
- Webinar organized to help businesses participate in virtual trade shows.
- Economic Update report will be developed and presented at PEDC in November.
- Development of a third Business Impact Survey to be circulated to businesses.

3 months

- Implementation of the Economic Recovery Plan is completed.

- Work on the development of a 10 Year Economic Development Strategy is started.
- Review work practices depending on Niagara Region recommendations and Public Health advice.

6 months

- Continue to monitor economic indicators to better understand the impact of COVID-19 on the local economy compared to previous years and determine where resources could best by utilized to maximize ongoing economic development programing.
- Review work practices depending on Niagara Region recommendations and Public Health advice.
- Development of an economic emergency communications plan to address possible future emergencies that may impact the regional economy.

Respectfully submitted and signed by

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Valerie Kuhns
Acting Director, Economic Development

ED 13-2020 Impact on Investment and Development in Niagara

Planning and Economic Development Committee
ED 13-2020

October 14, 2020

Blake Landry, Manager, Research and Analysis

Niagara Region

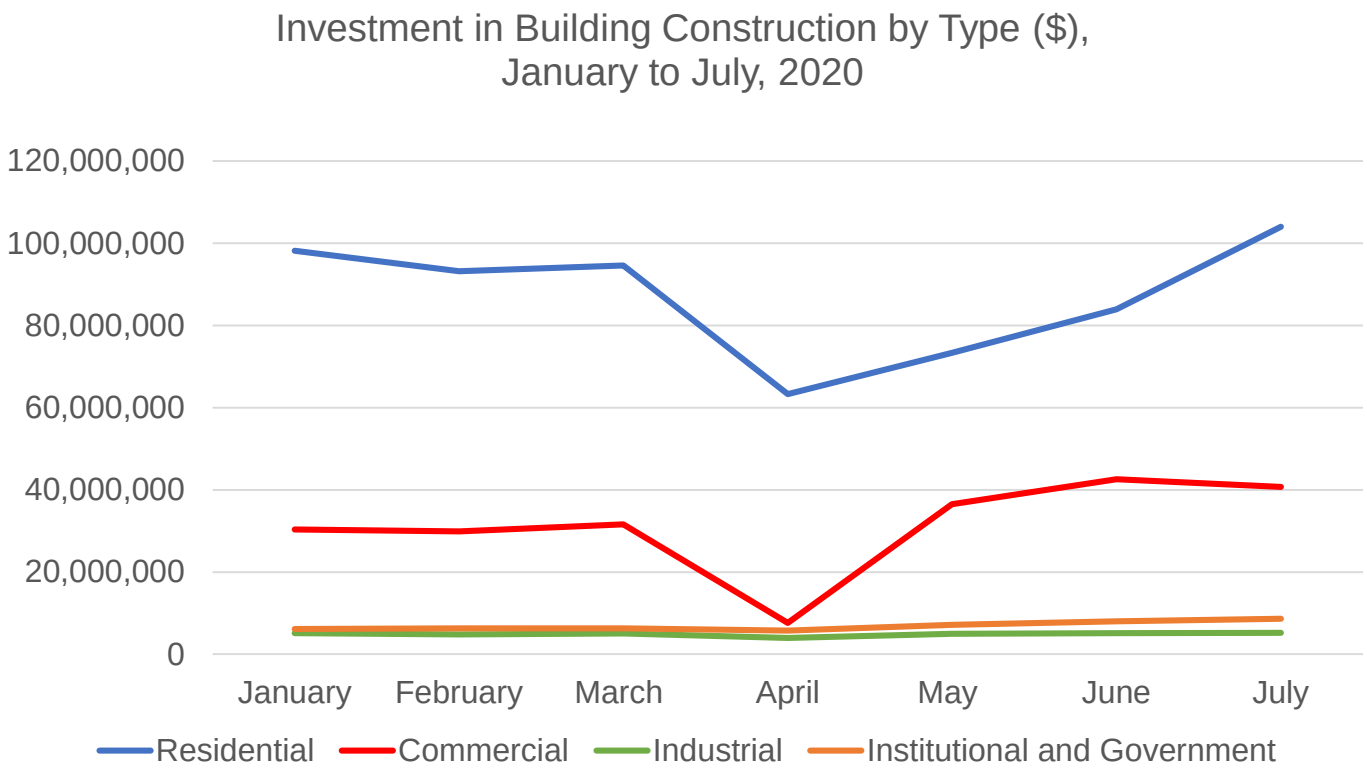
COVID-19 Impact on Investment and Development in Niagara

Blake Landry, Ec.D
Manager, Economic Research and Analysis
Economic Development

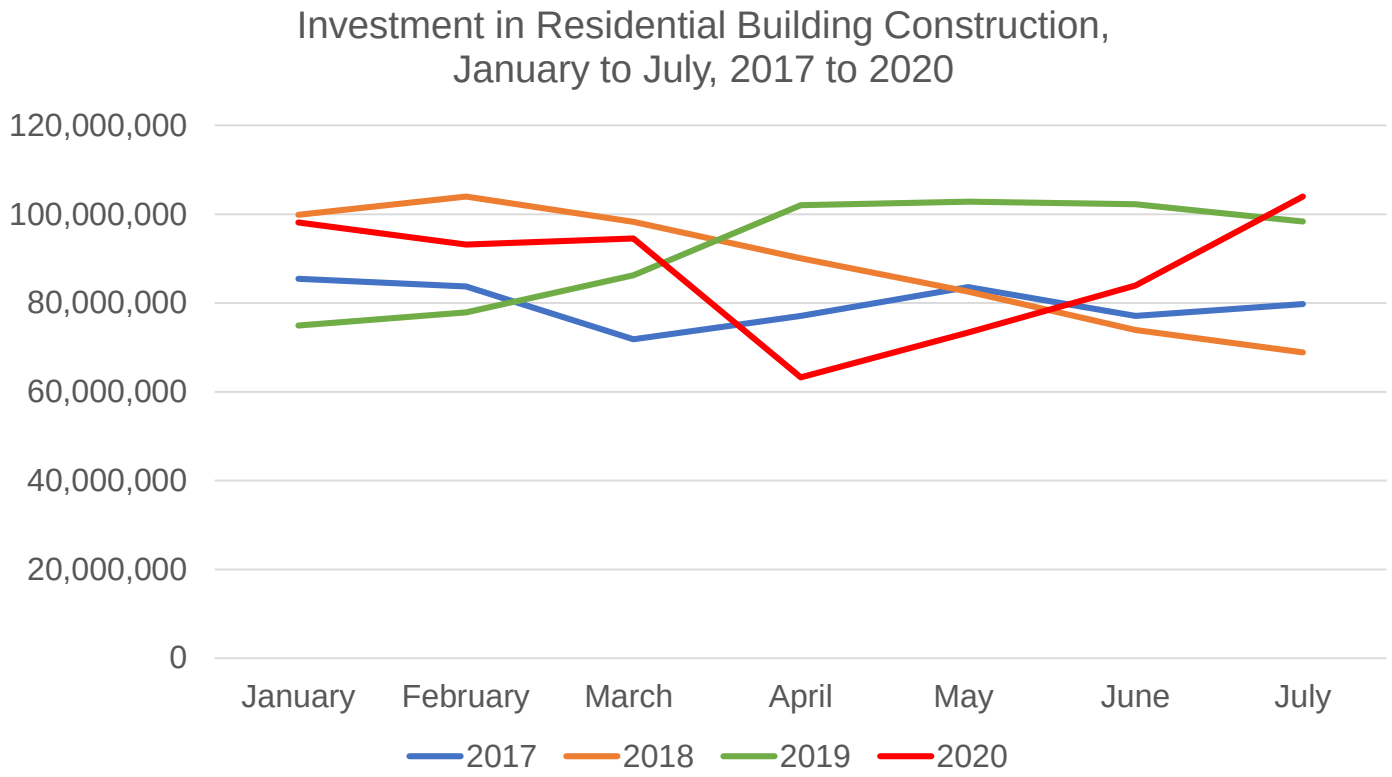
Niagara Region

Agenda

- Introduction
- Methodology
- Investment in building construction
- Building permit values
- Conclusion



Niagara Region



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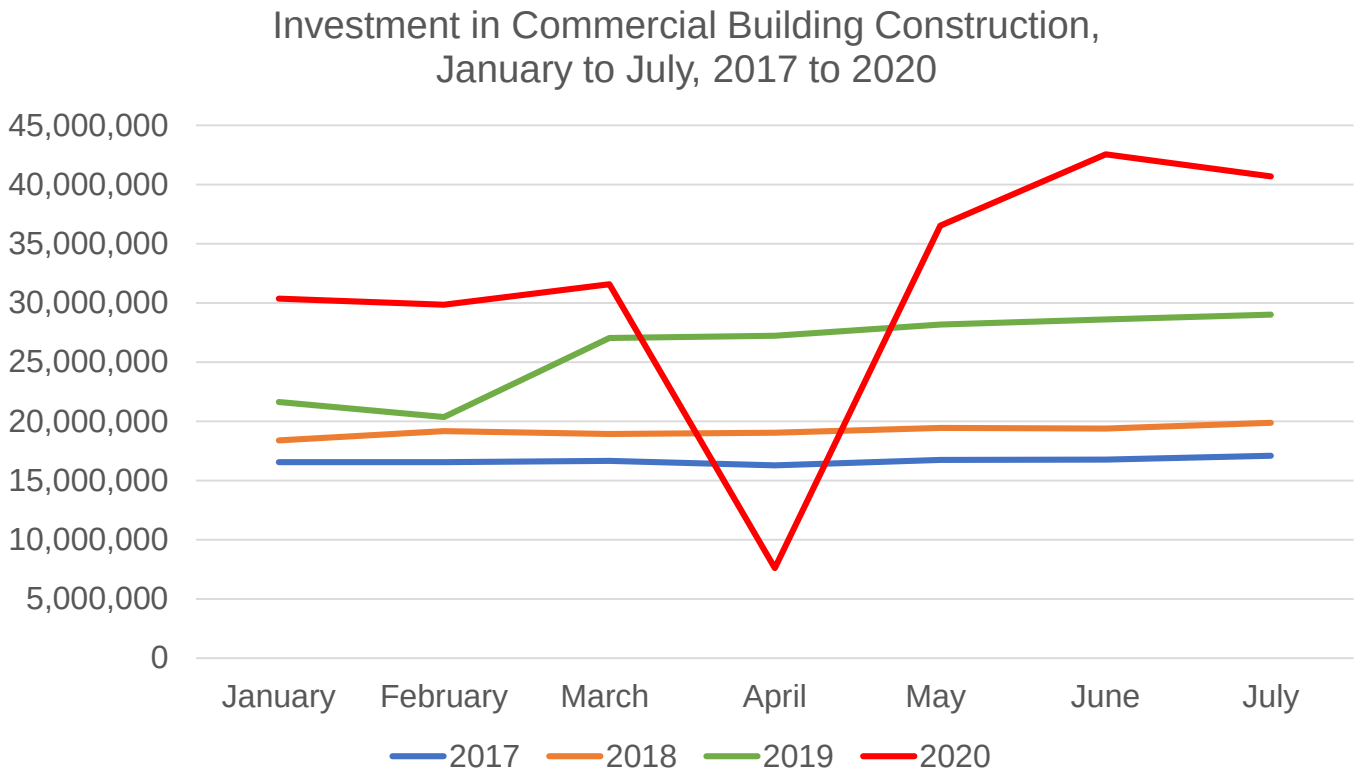

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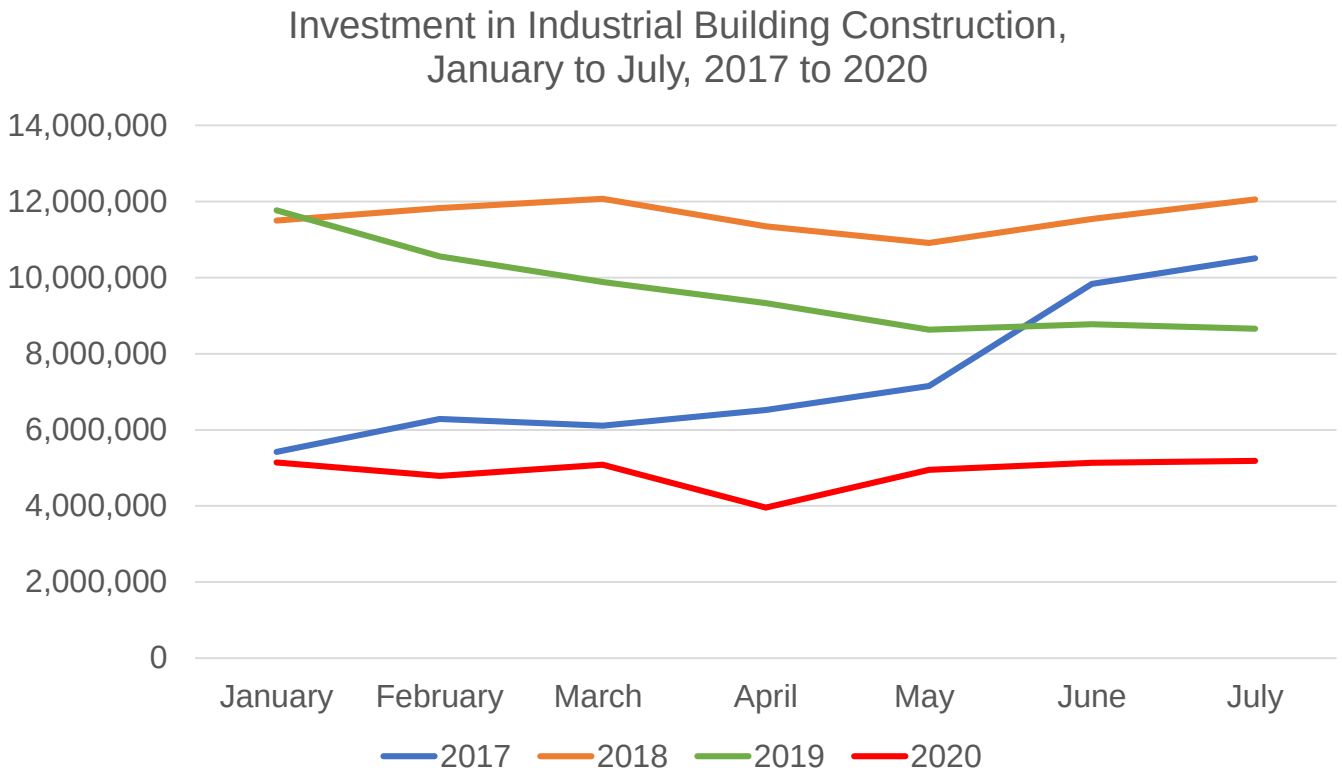

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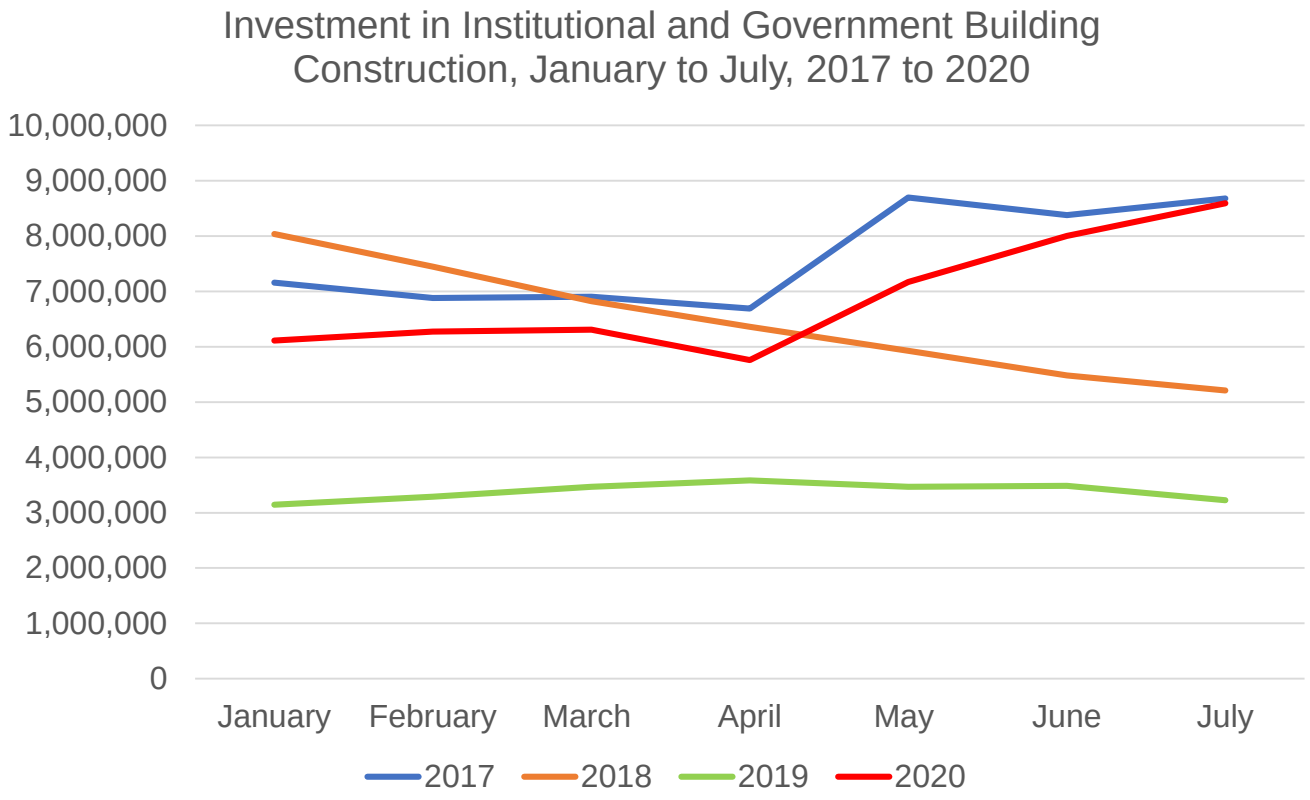
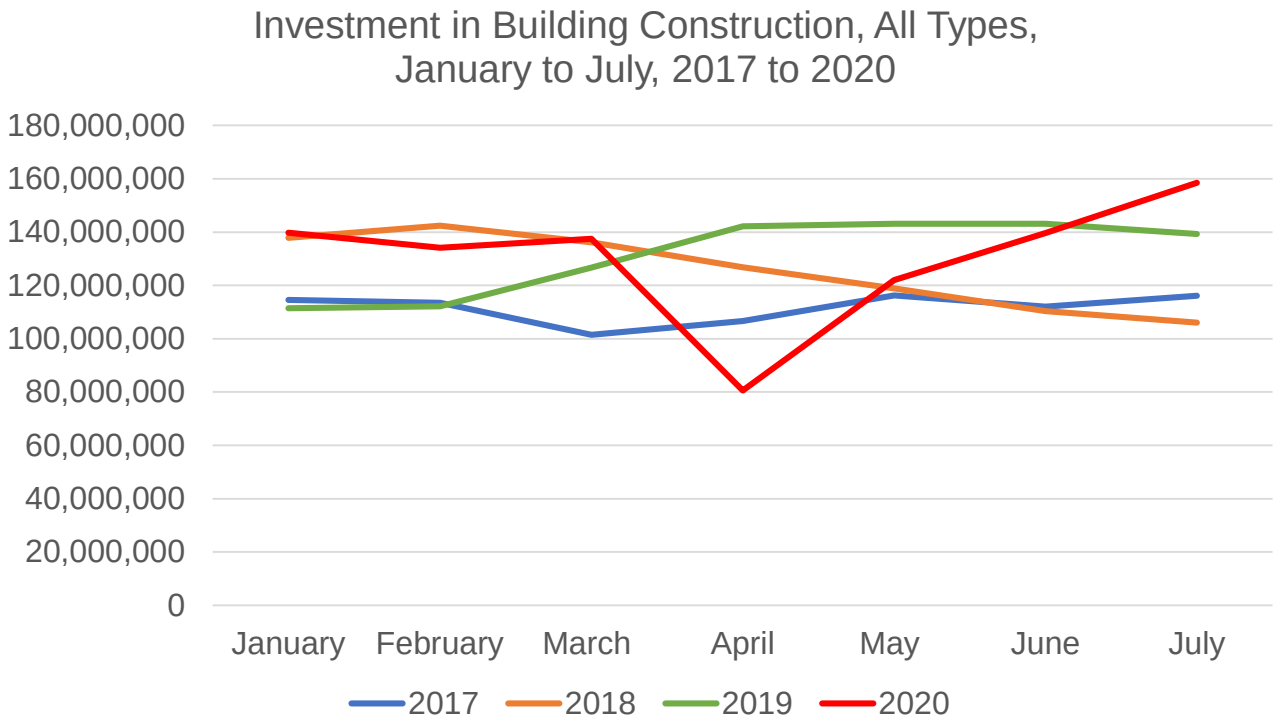


Niagara Region



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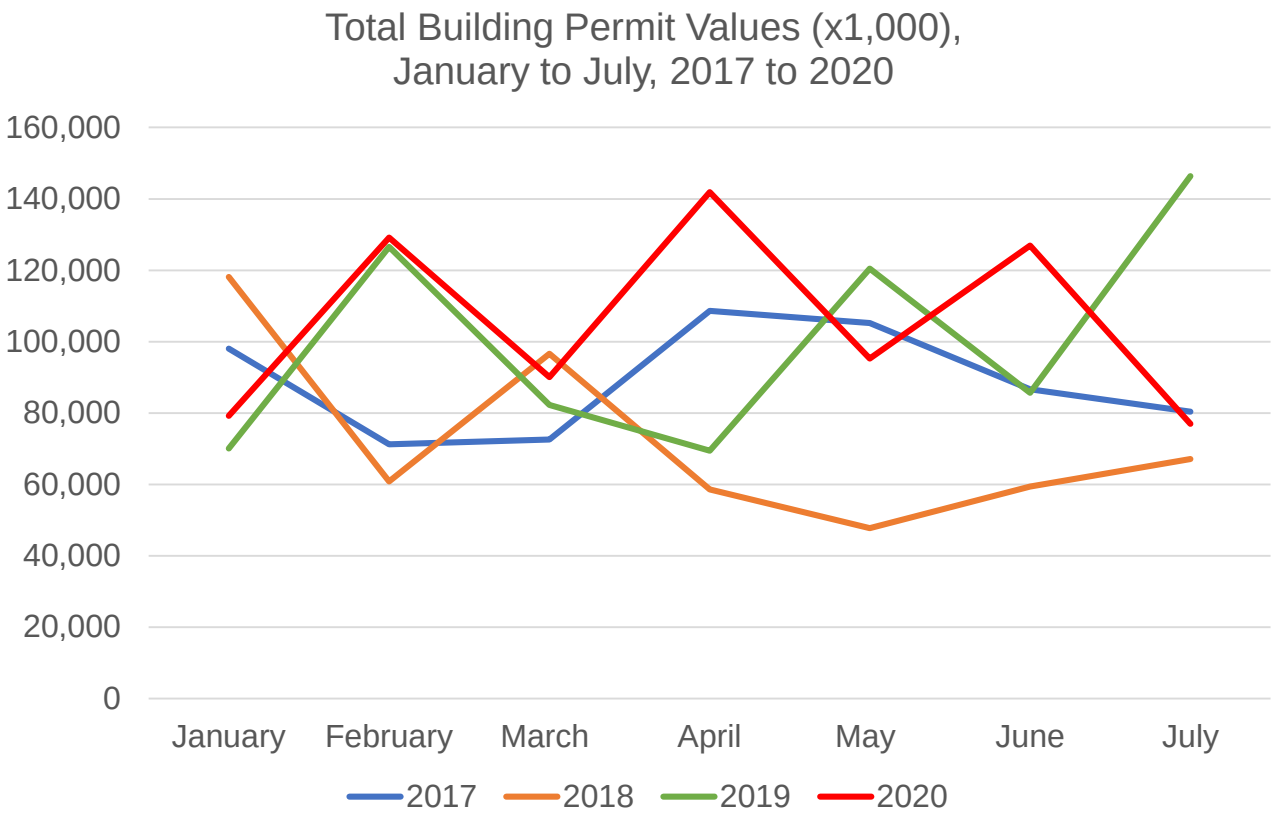

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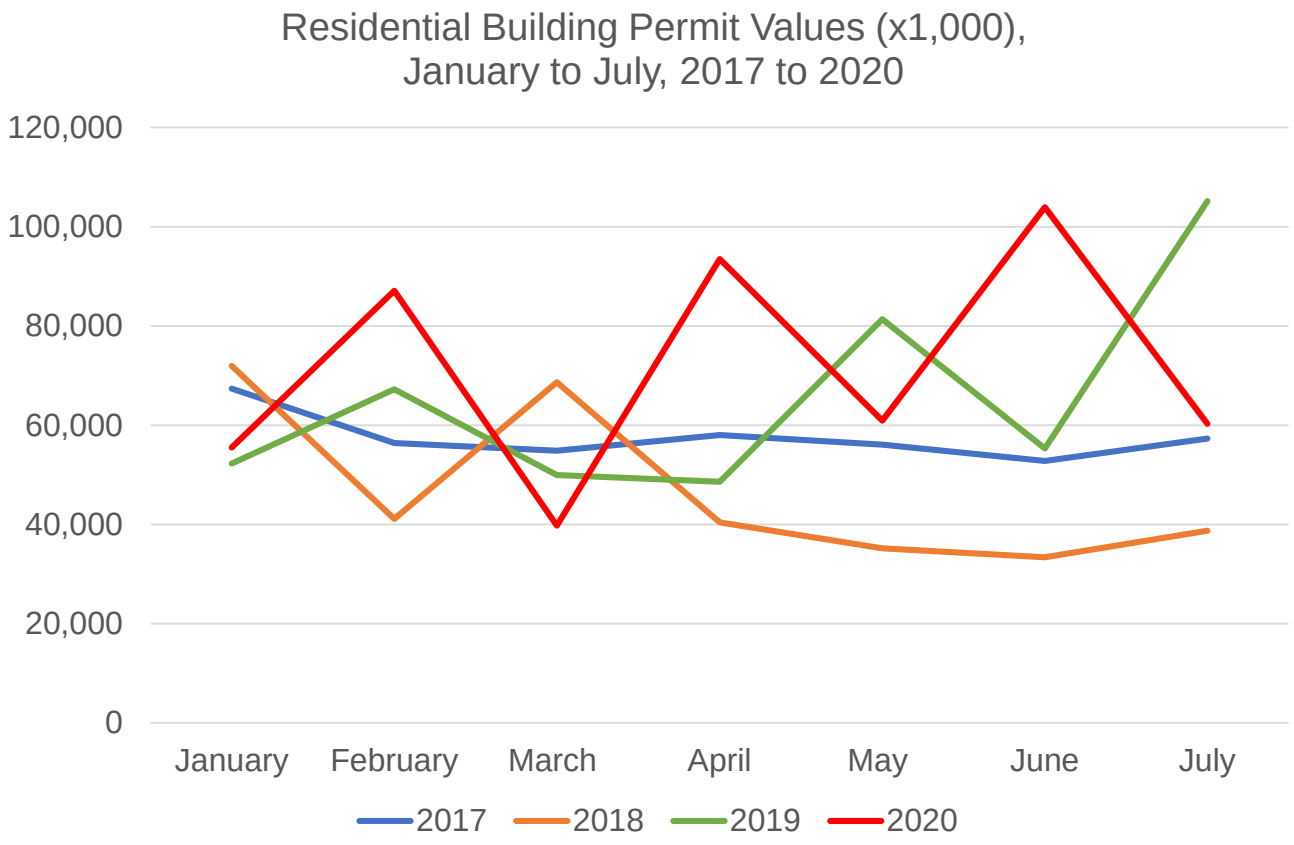

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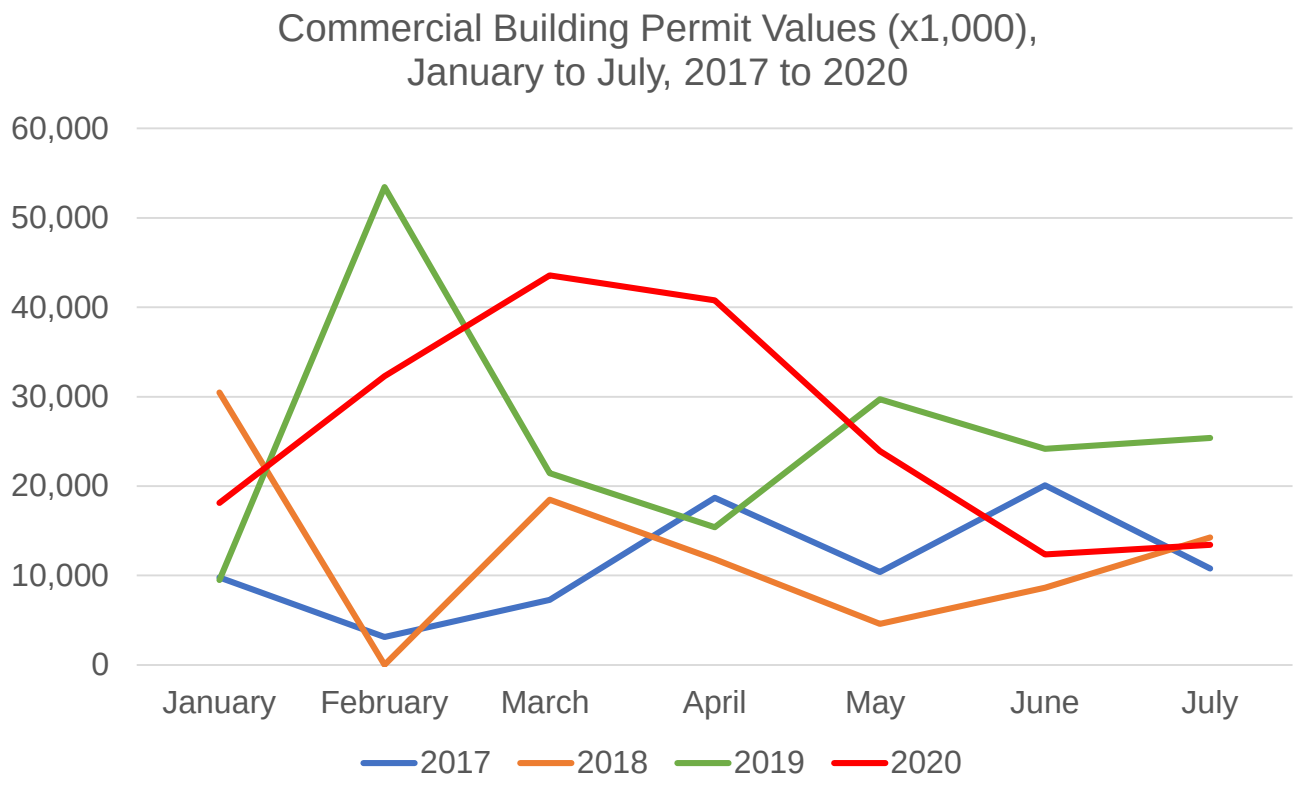

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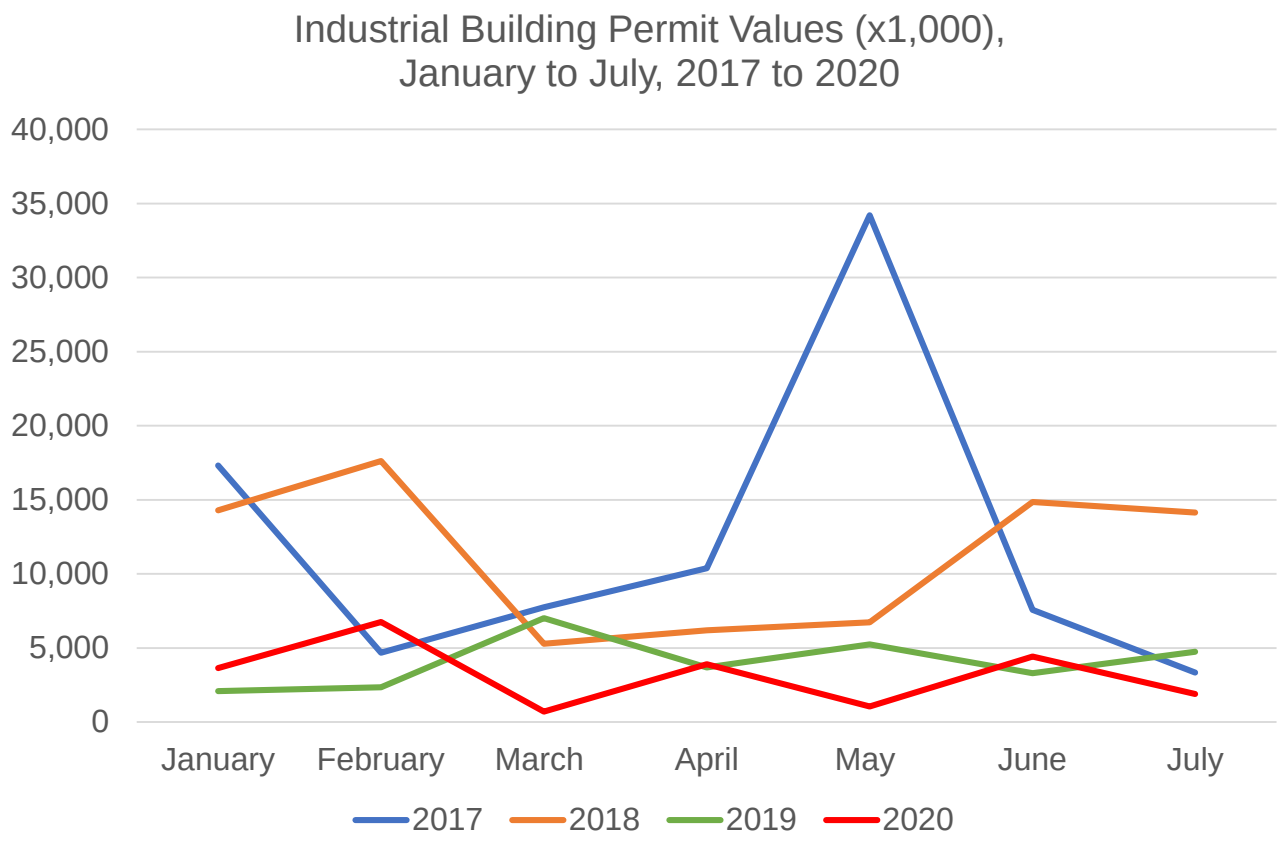

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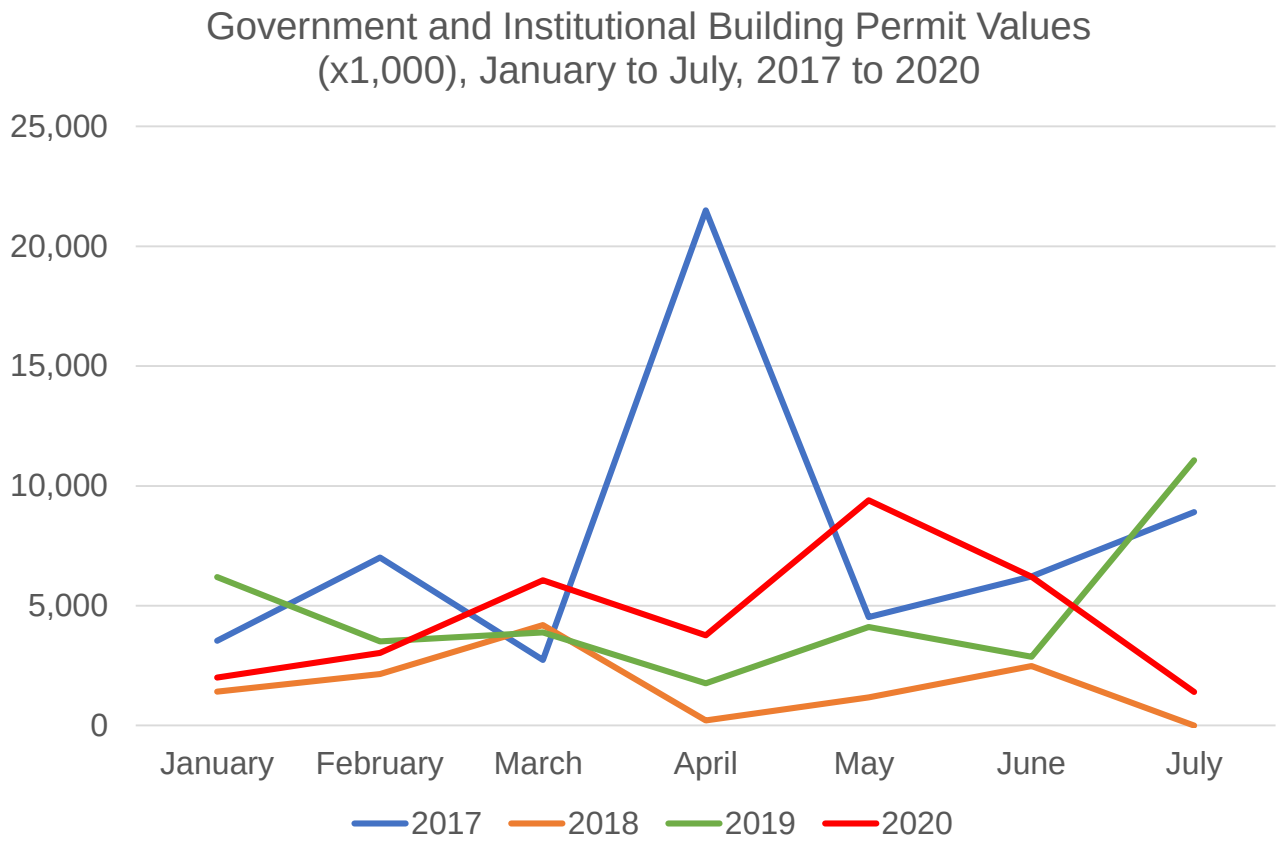

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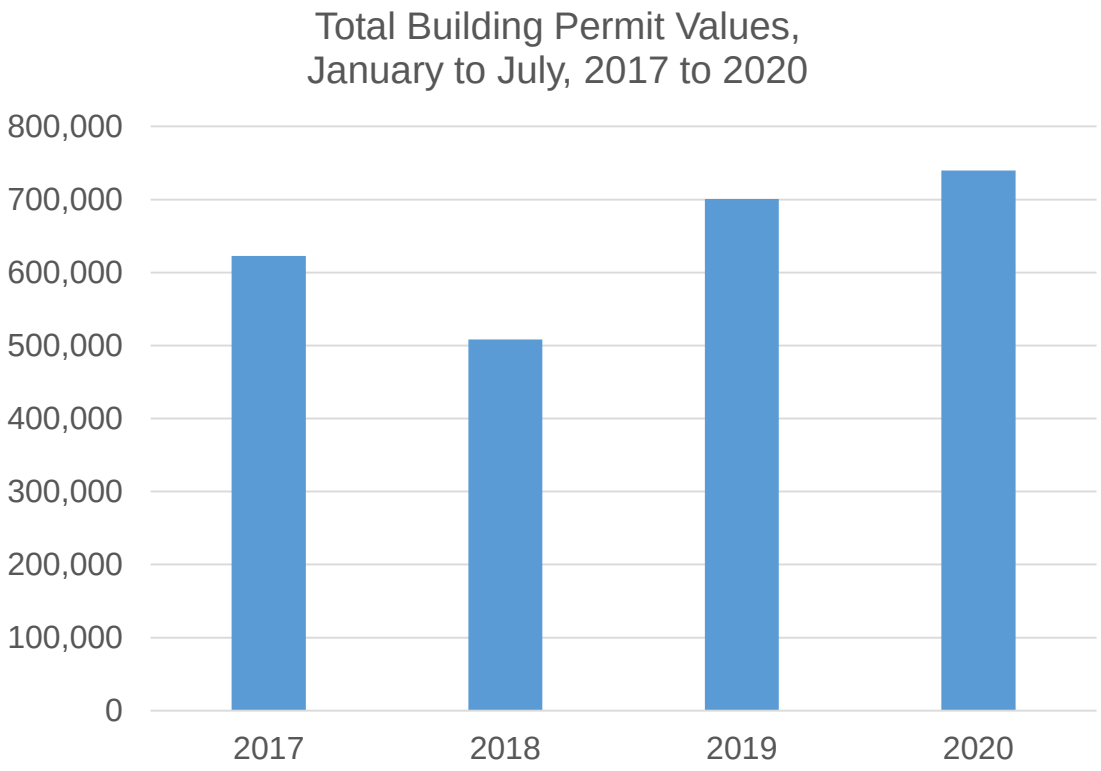


Niagara Region

Questions

Blake Landry, Ec.D
Manager, Economic Research and Analysis
Economic Development

Subject: COVID-19 Impact on Investment and Development in Niagara

Report to: Planning and Economic Development Committee

Report date: Wednesday, October 14, 2020

Recommendations

1. That this report ED 13-2020 **BE RECEIVED** by the Planning and Economic Development Committee for information.

Key Facts

- This report examines two main datasets: investment in building construction, and building permit values for the St. Catharines-Niagara CMA.
- Levels of investment in building construction and building permit values were strong and stable going into 2020.
- Total investment experienced a sharp decline in April 2020 but recovered as of July 2020.
- Residential and commercial building types were affected more drastically than industrial, and institutional and government building types.
- Although investment has regained momentum, there are still economic challenges present that could negatively affect this in the near future.

Financial Considerations

None applicable.

Analysis

The COVID-19 pandemic has had a major impact on Niagara's economy since restrictions were put in place in April 2020. At that time, upwards of 25,000 people became unemployed and businesses across Niagara began losing multiple billions in revenue and opportunity. While data from the Niagara COVID-19 Business Impact Surveys provided initial information to understand the impact on businesses and the regional economy, economic indicators are now becoming available in order to do more comprehensive research and analysis on the economic fallout and recovery of COVID-19.

This report examines two datasets of economic data in order to understand how COVID-19 has had an impact on investment in building construction and development during the initial stages of the COVID-19 pandemic. The first dataset is on investment in building construction, and the second is on building permit values. These datasets provide important insights into investment and development trends in Niagara.

Methodology

The data used to complete this research comes from Statistics Canada. The data on investment in building construction comes from Statistics Canada: Table 34-10-0175-01. The data used to complete the research on building permit values comes from Statistics Canada: Table 34-10-0066-01.

All values for investment in building construction are in constant dollars and seasonally adjusted. This means that the values are adjusted for inflation and seasonality. This is important when accounting for changes over time because it removes inflationary and seasonal effects in the data in order to account for real economic growth.

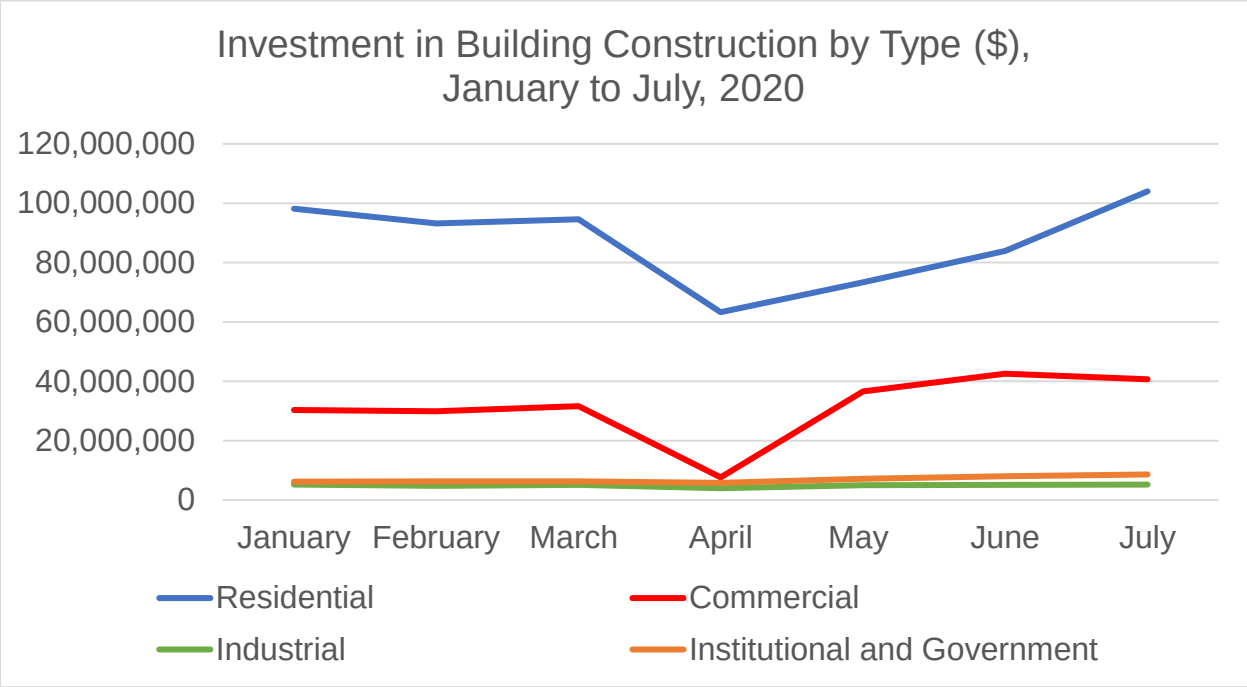
All values for building permits are in current dollars and seasonally adjusted. This means that the values are not adjusted for inflation but are adjusted for seasonality. Building permit values are helpful at indicating the potential for future investment in building construction. They do not reflect actual investment, but proposed investment that will occur at a future date.

The timeframe chosen for the research is January to July 2020. January reflects investment and building permit values pre-COVID-19 and July is the latest data available to look at trends in investment in building construction and building permit values.

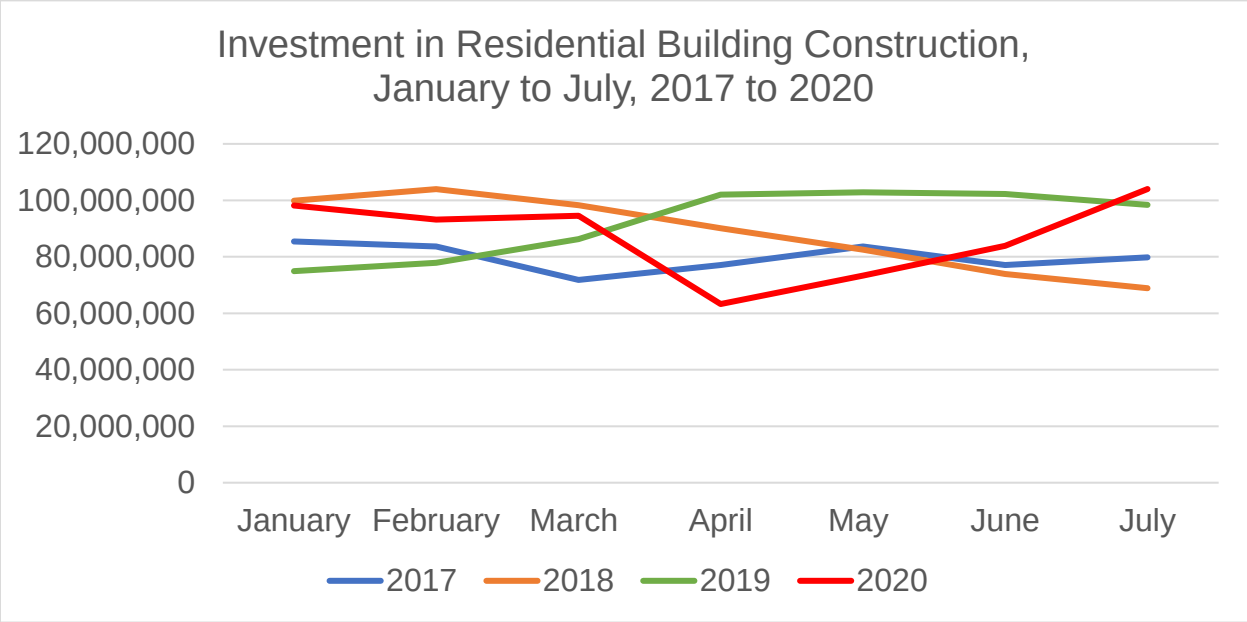
All data used is for the St. Catharines Niagara Census Metropolitan Area (CMA). The same data is not available at the census division level.

Investment in Building Construction

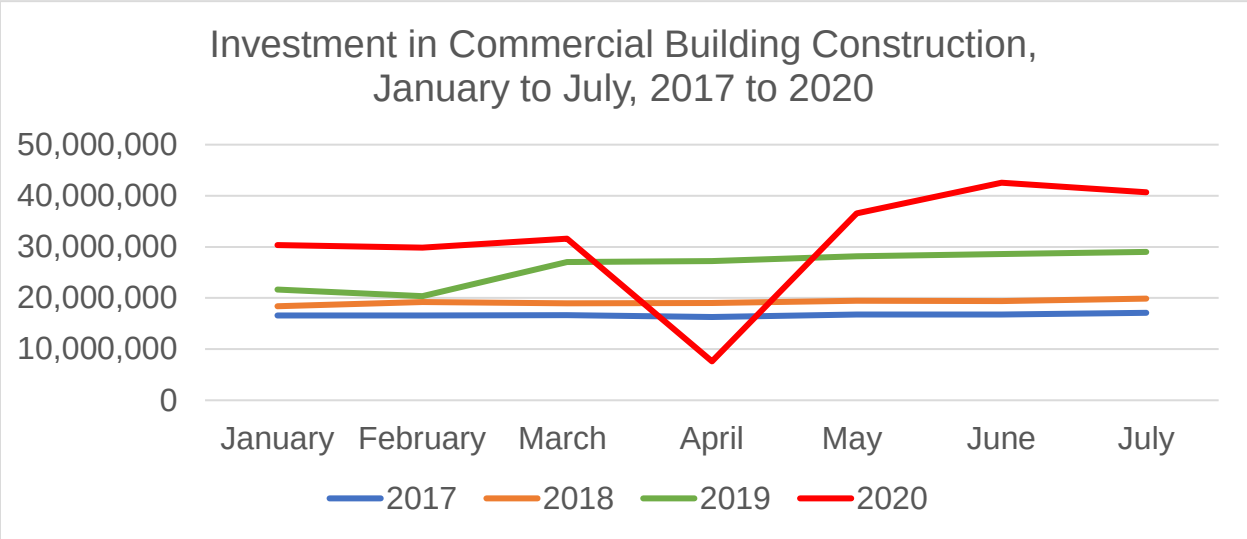
This section covers investment in building construction values across building types including residential, commercial, industrial, and government and institutional building types, as well as the combined values of all building types.



COVID-19 affected investment in residential and commercial construction differently than industrial, and institutional and government. Investment in residential and commercial building construction experienced a sharp decline in April 2020 with a gradual recovery through May, June, and July. The sharp decline in April was likely due to the COVID-19 restrictions introduced by various levels of government. Investment in industrial, and institutional and government remained stable during the same timeframe.

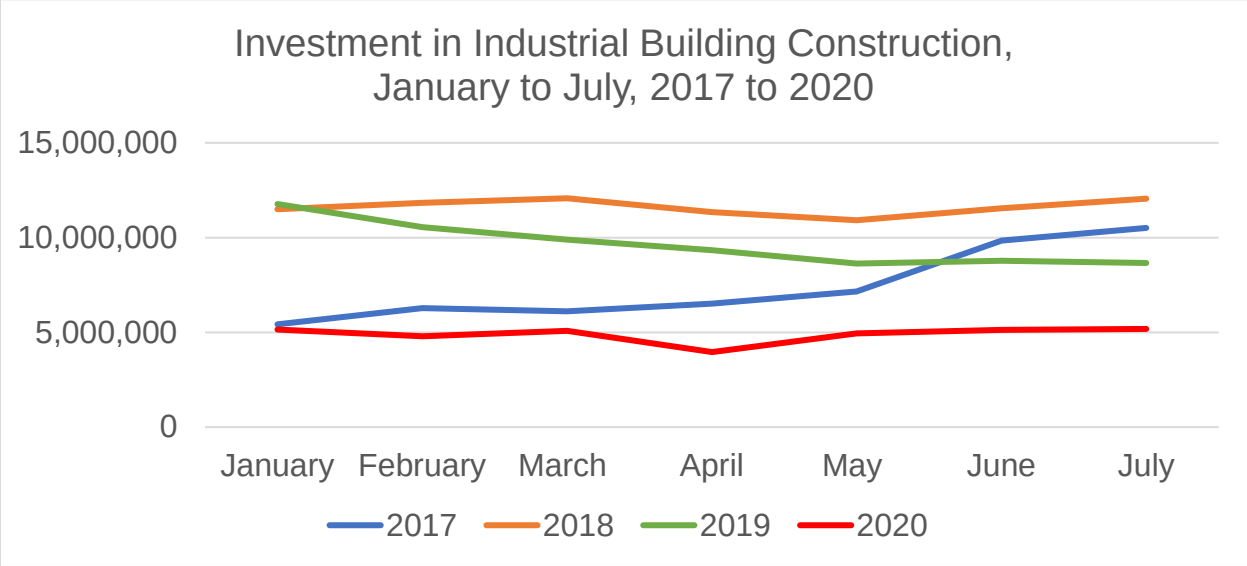


Compared to previous years, investment in residential building construction remained strong in January at $98.2 million. There was a sharp decline in April down to $63.3 million during the start of COVID-19 restrictions, but there was a gradual increase through May and June with July achieving a higher level of investment than the previous years at $104.0 million.

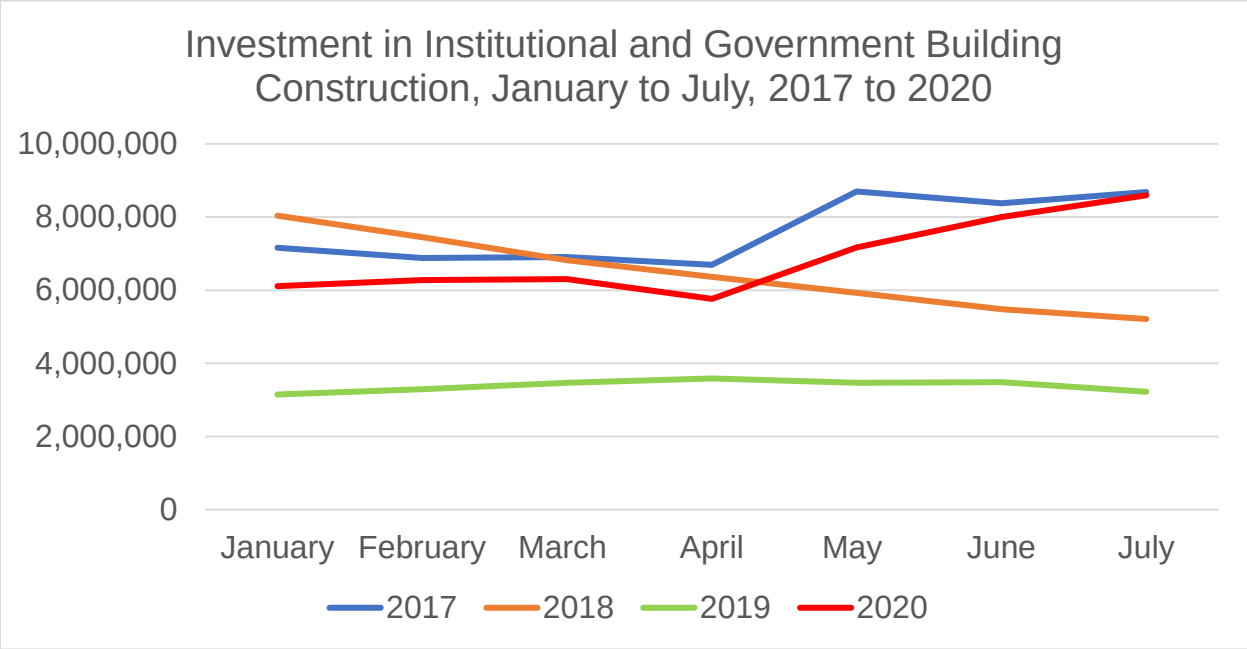


Investment in commercial building construction was also strong in January 2020 at $30.4 million. Similar to residential, commercial experienced a significant drop in April

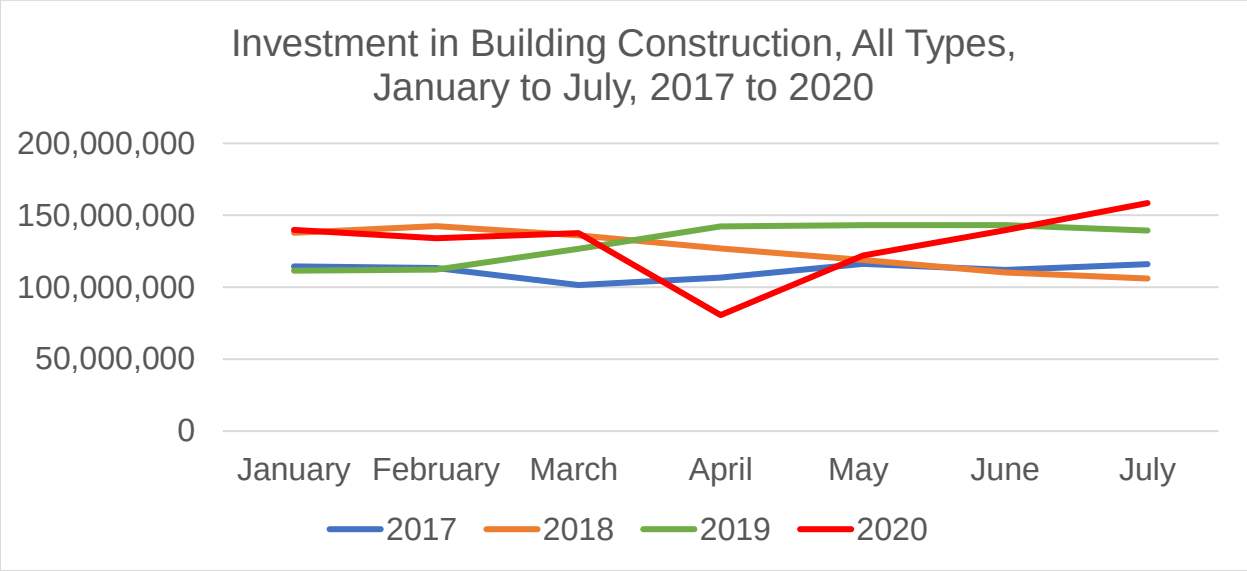
falling to $7.6 million. Commercial also experienced a significant rebound and achieved growth higher than previous years at $40.7 million.



Compared to previous years, investment in industrial building construction was relatively low in January 2020 at $5.1 million. Although there was a slight dip in April down to $4 million, investment values rebounded the following month in May. By July, investment in industrial building construction rebounded to pre-COVID-19 levels of $5.2 million.



Investment in institutional and government building construction was relatively low at $6.1 million in January 2020. There was a slight dip to $5.8 million in April, but values rebounded immediately and reached $8.6 million by July. Interestingly, investment levels seem to outpace all previous years except 2017 despite the COVID-19 pandemic.



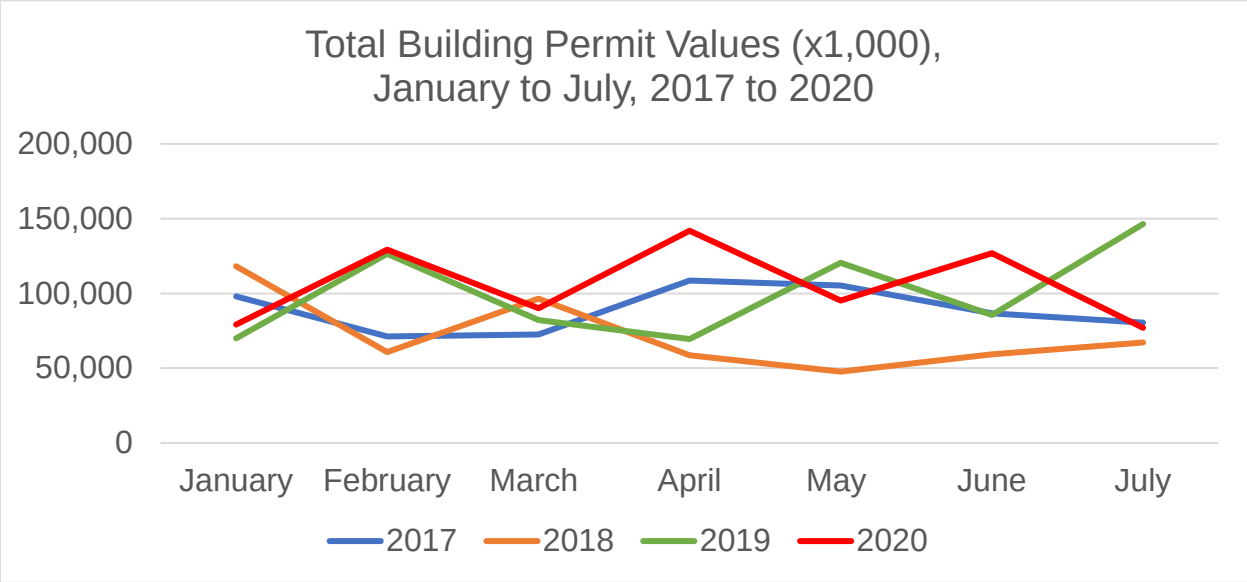
For the past 5 years, Niagara has been under a construction boom across all building types and investment in building construction remained historically strong at $140.0 million in January 2020. Investment levels remained strong until April 2020 when the

COVID-19 restrictions took effect. Although that month experienced a sharp decline, surprisingly total investment quickly rebounded and actually surpassed the past few years achieving $158.5 million.

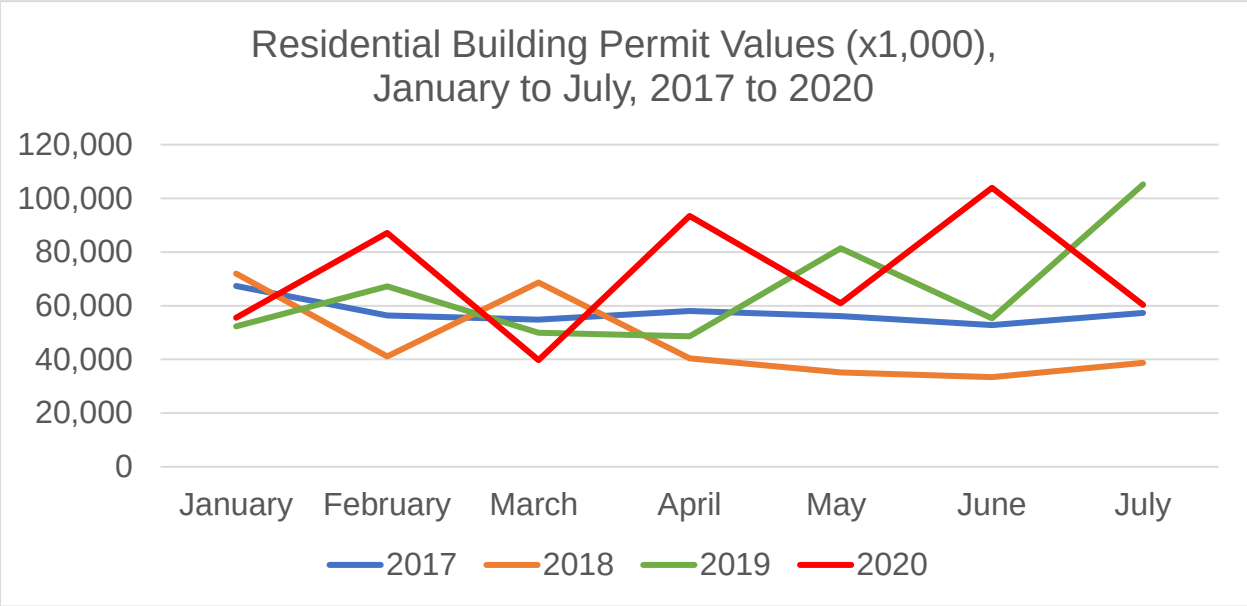
As mentioned, investment in building construction in Niagara has been historically high for the past few years. Despite the negative economic impacts of the COVID-19 pandemic, investment levels have remained strong so far for 2020.

Building Permits Values

This section covers the value of building permits issued for residential, commercial, industrial, and institutional and government building types. It also looks at the combined value of all building types.

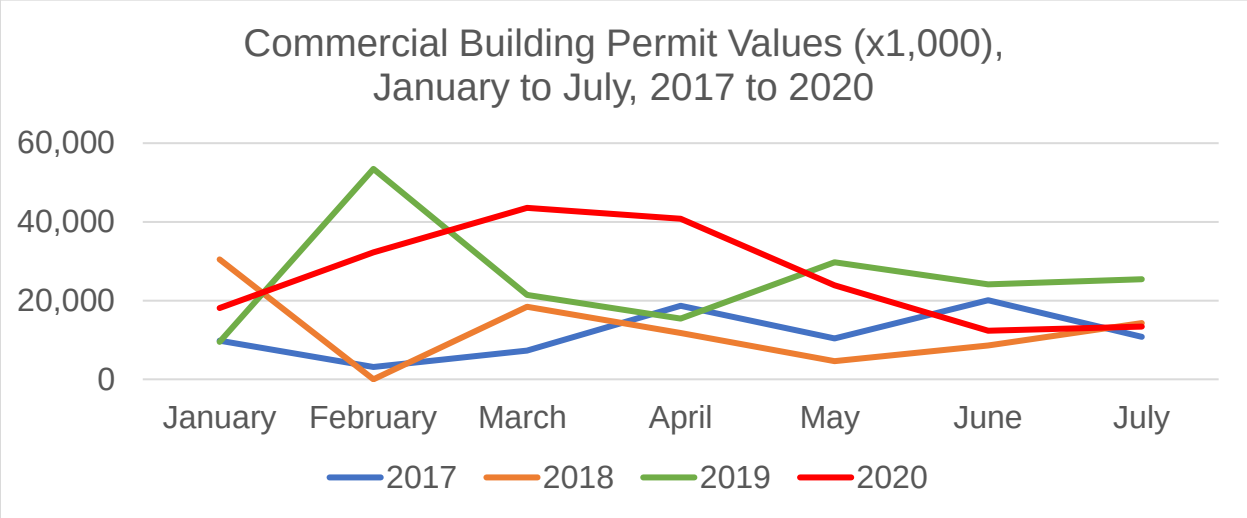


Total building permit values in January 2020 were slightly lower than 2017 and 2018; however, values have remained relatively strong. Despite the fact that COVID-19 restrictions took effect in April 2020, total building permit values surged to $141.9 million that same month. They remained at stable levels with a slight decline to $77.0 million in July 2020.

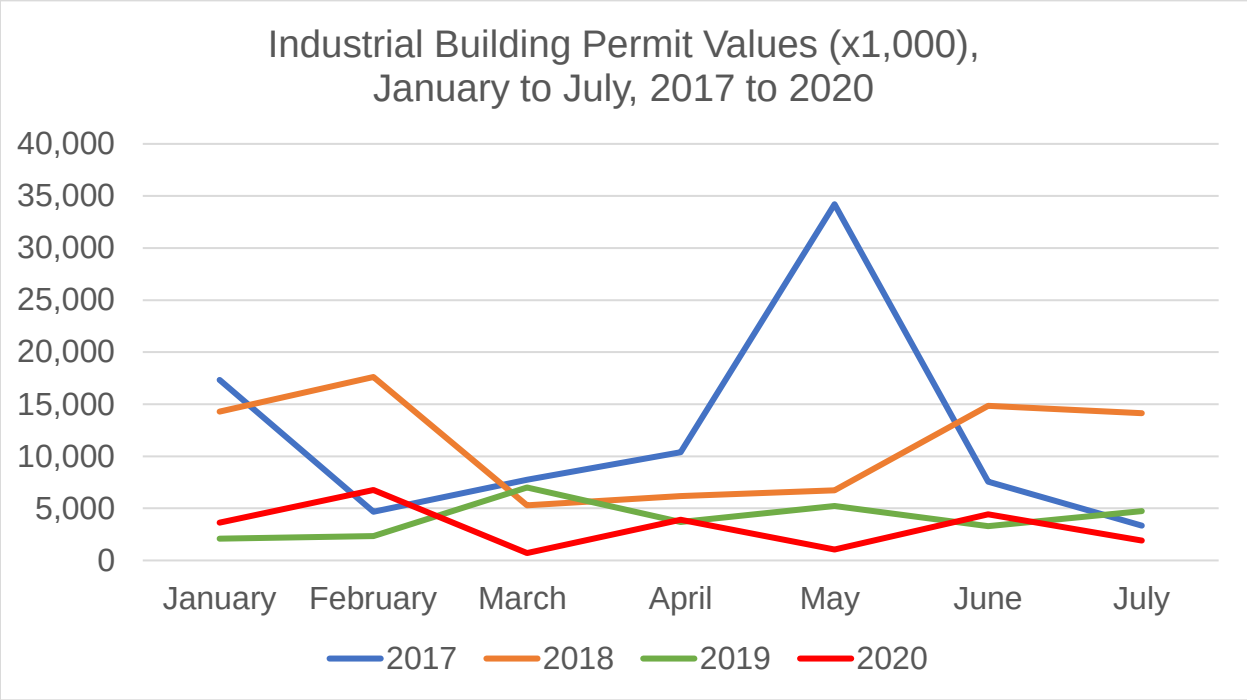


In January 2020, residential building permit values were lower than 2017 and 2018, but on par with 2019 at $55.5 million. Residential building permit values dropped in March

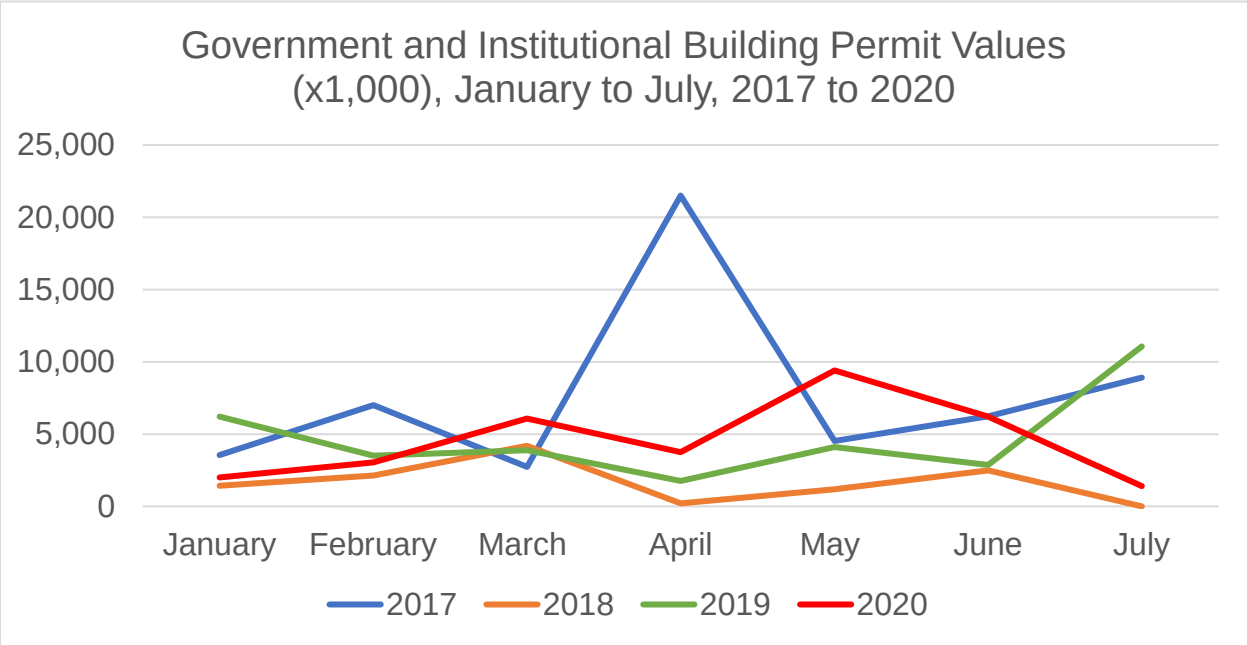
2020 to $40.0 million, but increased again in April to $93.5 million despite the introduction of COVID-19 restrictions. Residential building permit values showed an upward trend to June 2020, but declined again in July to $60.3 million.



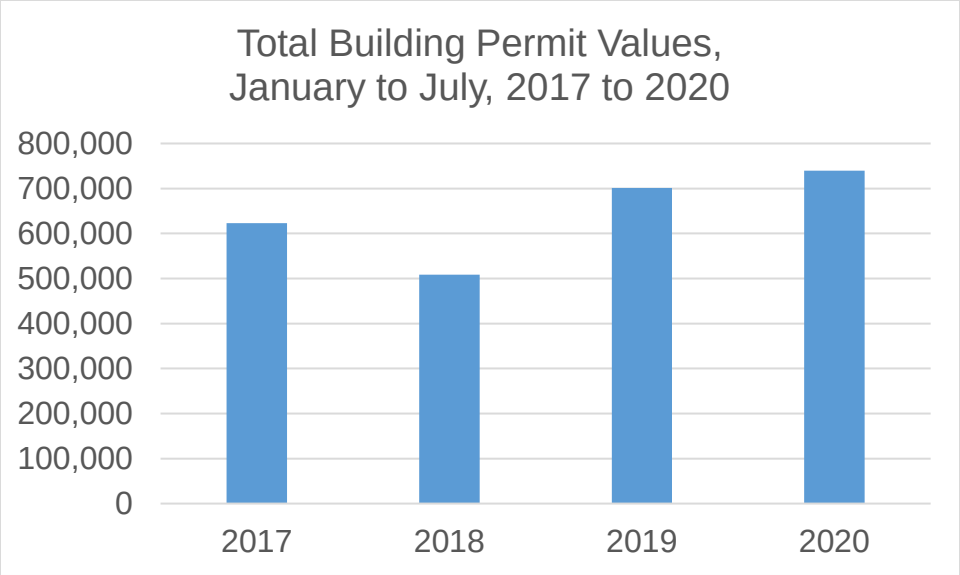
Commercial building permit values experienced steady growth from January to March 2020, but began to decline in April with a slight rebound in July. In 2020, there was a decline from March to July whereas previous years had slight gains during these months.



Industrial building permit values remained relatively low but stable from January to July 2020. The major spike in values in May 2017 are likely due to some major projects that were planned for Niagara at that time.



Government and institutional building permits were relatively low in January 2020. They grew steadily but returned to lower values by July 2020. These values are not as influenced by market conditions compared to the other types because they are publicly funded projects that are planned and budgeted for well in advance of construction.



Total building permit values remained strong for 2020. To date, 2020 is still on track to be a record year with building permit values reaching $740.0 million in value as of July. This is an indication that investment will continue in Niagara in the immediate future as these projects come to fruition.

Conclusion

Investment and construction activity remained strong for Niagara going into 2020. However, investment values were drastically affected in April 2020 due to COVID-19. Interestingly, they rebounded almost immediately and remained stable. This is a good sign that Niagara may not have lost momentum in new investment and development in Niagara.

Investment in residential and commercial building construction were impacted drastically more than industrial, and government and institutional building types. This is likely due to the nature of residential and commercial developments compared to industrial and institutional. Commercial and residential projects are much higher in volume and react more quickly to market conditions. Industrial and institutional projects are typically larger, fewer and take longer to complete.

Industrial, and institutional and government remained relatively stable throughout the COVID-19 restrictions period. As evident in the results from the Niagara COVID-19 Business Impact Surveys and the results from the Statistics Canada Labour Force Survey, the goods producing sector which included manufacturing, construction and agriculture, were not negatively affected as much as the service sector when it comes to lost jobs and revenue.

Investment in building construction returned to pre-pandemic levels as of July and higher for residential and commercial building types.

Investment remains strong, but there are economic challenges on the horizon that could affect this including the end of support programs for individuals and business, as well as the end of mortgage and other debt payment deferral programs. This will have negative macroeconomic implications that may affect business confidence, access to capital, and new investment into the future.

Residential building permits remain strong, but there is softening in commercial, industrial, and government and institutional values, which is a sign that future investment levels may decline into the future if conditions do not improve.

A second wave of COVID-19 could negate economic progress on recovery to-date, which would result in another shock to the regional economy.

Alternatives Reviewed

None applicable.

Relationship to Council Strategic Priorities

Economic development activities described in this report directly support three of Council's 2019-2022 Strategic Priorities:

- Supporting Businesses and Economic Growth

Other Pertinent Reports

- ED 9-2020 – COVID-19 Response and Business Continuity in Economic Development
- ED 11-2020 – Economic Recovery Plan Progress Update

Prepared by:
Blake Landry, Ec.D
Manager, Economic Research and Analysis
Economic Development

Recommended by:
Valerie Kuhns
Acting Director
Economic Development

Submitted by:
Ron Tripp, P.Eng.
Acting Chief Administrative Officer

Appendices

None applicable.

Planning and Development Services
1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

MEMORANDUM

PDS-C 15-2020

Subject: Regional Official Plan Update

Date: October 14, 2020

To: Planning and Economic Development Committee

From: Doug Giles, Director Long Range and Community Planning

New Regional Official Plan Update

The purpose of the memo is to provide an update on the status of components for the New Regional Official Plan and related projects.

On August 28, 2020, the Province revised key planning guidance and policies that are required to be implemented through the New Regional Official Plan, being:

- updated population and employment numbers to 2051;
- substantially revised land needs assessment methodology; and
- new policies and methodology relating to market demand for housing, which impacts the way the Region will assess urban boundary expansions.

As a result, background reports related to the New Regional Official Plan require further updating. This will affect the analysis and recommendations in relation to:

- the allocation of population numbers;
- housing mix and affordability;
- land needs and urban boundary expansion; and
- greenfield density and intensification targets.

Background

In 2019, after an RFP procurement process, the Canadian Centre for Economic Analysis (CANCEA) was retained to conduct in-depth analysis of housing and affordable housing in Niagara based on the 2041 population and employment numbers provided by the Province. This analysis provided the base data for the Housing and Homelessness Action Plan (HHAP) and was to be used for the housing strategy component of the Regional Official Plan. The modelling behind the analysis was

sufficiently detailed and the results identified affordable housing requirements and core housing need at the regional and local area municipality level, as well as considered submarkets, income levels and job categories. The results were discussed with and shared with Local Area Municipalities and data has been made available to the public. The data and analysis are valuable, but are no longer current after the 2051 population and employment numbers were released.

New Regional Official Plan

The deadline for approval of the Regional Official Plan is December 2021 (15 months) and the deadline for conformity per Provincial direction is July 1, 2022 (21 months). The revised Provincial planning guidance and policies outlined above have come at a critical point in the preparation of the New Regional Official Plan, as a majority of the background work is concluding and the process is moving into the stage of consultation and drafting of policy.

In order to complete the analysis and conform with Provincial guidance and planning policy, it is necessary to retain a consultant to continue the work undertaken and produced by CANCEA – and due to recent procurement measures put in place by Council, an RFP procurement process will now have to be initiated for this purpose. It is noted that an RFP procurement for this purpose was unanticipated by Planning staff, as a contract extension to CANCEA would otherwise have been permitted in accordance with Regional procurement policy.

As a result, the timeline for projects and decisions outlined above will be pushed out to March/April 2021. If these timelines cannot be met, projects and decisions will be pushed out beyond this date and have an impact on other Regional Official Plan components. Also, this delay may impact the ability of planning staff to contribute information required to inform the updates to the Water-Waste Water Master Plan and the DC Background Study and By-Law.

Respectfully submitted and signed by

_____

Doug Giles
Director Community and Long Range Planning

Joe Schonberger
RR#1 Port Robinson ON L0S 1K0

October 7, 2020.

Planning and Economic Development Committee
c/o Regional Clerk, 1815 Sir Issac Brock Way
P.O. Box 1042, Thorold, Ontario L2V 4T7
clerk@niagararegion.ca

Re: Draft Woodlands Bylaw

Dear Valued Members of the Planning and Economic Development Committee,

I am an independent commentator. All the words and ideas herein contained are my own and are not meant to be reflective of any organization or committee that I may now or ever have served on.

The name change to Woodlands Bylaw is appropriate. It is good that the Bylaw is returning to the Region. It never should have left in the first place.

As long as there have been Woodlands Bylaws in Niagara Region there has been an Advisory Committee. Within the context of Niagara Region there is nothing irregular about having one. The Advisory Committee worked closely with Staff to develop versions of circumference limit Bylaws as well as the Good Forestry Practices Bylaw of 2006. Much of that Bylaw has survived revisions in 2008 and 2020. The Advisory Committee was the "Project Team" of the day.

Advisory Committees do what ever their hosts ask them to do. A successful Advisory Committee meets on a regular basis, is given adequate information, and comes to meetings prepared to work. The host needs to want to work with the Advisory Committee and give them reasons to be there.

I was a long time member of the Advisory Committee both at the Region and the NPCA.

At the Region the Advisory Committee did what the Region asked of us. We reviewed Activity Reports and from time to time were asked to discuss legal matters including possible contraventions in camera. Legal would have known about this protocol and at least once someone from the Legal Department sat in during an in camera discussion. We always rose with Report supporting the Actions of the Bylaw Officer. There were never any leaks of confidential information. The Region asked us to do this. Their house. Their rules.

The Region decided to delegate authority to enforce the Bylaw to the NPCA. It took 20 months of negotiation to get it there. This resulted in the amended 2008 version of the bylaw which reflected that change, At the time Regional Staff had proposed removing the Advisory Committee. At least they did not trash us as the current Project Team has. Ironically the NPCA asked for it to be retained. However the section of the Bylaw concerning the Advisory Committee was not well written and could allow the NPCA to do what ever they wanted with it or nothing at all. They were contractually obligated to maintain an Advisory Committee.

The Advisory Committee went to the NPCA. Management there had promised us that we would play an important role at the NPCA. We went with open minds and without expectations. We went there to work with them on forestry issues and hopefully to improve relations with the NPCA. There was culture shock adapting to how the NPCA did things. There was an apparent expectation that we would show up, be quiet, tell them what they wanted to hear and then go home. They seemed to have trouble coping with an experienced and engaged group. Staff often seemed nervous to be in the room with us.

As might be imagined the Advisory Committee was curious about how the Bylaw was working. Gentle questions were not warmly greeted and seemed to annoy Staff who tended to guard any information closely. They sought a legal opinion from the Niagara Region Legal Department who

apparently told them not to tell us very much. It became clear that the NPCA would not be asking the same things that the Region had asked of us. Their house. Their rules. We rolled with it and moved on and kept showing up at meetings. That was 11 years ago. It is puzzling as to why NPCA Staff and the Project team are so fixated on this.

After the Director of Land Management was fired we never met again. The Bylaw Officer really did not want to and based on the wording of the section he did not really have to. We would have come to meetings if any had been called.

One could ask how not calling a meeting for 7 years fits with the contractual obligations that the NPCA had under the Service Level Agreement to maintain an Advisory Committee.

There was concern that if we pushed too hard to get the Advisory Committee going again that we might get the Bylaw Officer, who was well received among the woodland owning public, fired. They did that a lot at the NPCA.

As a long time member of the Advisory Committee I am appalled by the conduct of the Project Team. It is one thing to remove the Advisory Committee. It is quite another to spread falsehoods both verbally and in print to justify that recommendation.

I was there. They were not. Be assured that there was NEVER any expectation that we would ever decide or vote on either permits or alleged contraventions. There was NEVER any expectation that we would take confidential information and discuss it with other members of the Public. We did what we were asked to do to the best of our abilities.

The Staff comments in the section of PDS 16-2020 regarding the Advisory Committee are uninformed nonsense seemingly meant to discredit and demonize the Advisory Committee. This does not reflect well on the Project team.

There is merit in an Advisory Committee if its duties are properly prescriptive and Staff is properly motivated to work with them.

It is of paramount importance to recognize the contributions of everyone who served on the Advisory Committee to woodland conservation and the development of versions of the Bylaw over many years. This would include the latest proposal which was built on the foundation of what the Advisory Committee and Regional Staff built in the 2006 version.

Members who served on the Advisory Committee over many years do not deserve the disrespect they have gotten from the Project Team. A public apology is in order.

Thank you for your consideration of this.

Yours truly,

Joe schonberger.

THE REGIONAL MUNICIPALITY OF NIAGARA
BUDGET REVIEW COMMITTEE OF THE WHOLE
MINUTES - OPEN SESSION

BRCOTW 2-2020
Thursday, October 15, 2020
Council Chamber / Video Conference
Niagara Region Headquarters, Campbell West
1815 Sir Isaac Brock Way, Thorold, ON

Committee Members Present in the Council Chamber:	Bradley (Regional Chair), Zalepa (Committee Chair)
Committee Members Present via Video Conference:	Butters, Bylsma, Campion, Chiocchio, Disero, Easton, Edgar, Fertich, Foster, Gibson, Greenwood, Heit, Huson, Insinna, Ip, Jordan, Junkin, Nicholson, Redekop, Rigby, Steele, Ugulini, Villella, Whalen (Committee Vice Chair), Witteveen
Absent/Regrets:	Bellows, Darte, Diodati, Gale, Sendzik
Staff Present in the Council Chamber:	H. Chamberlain, Director/Deputy Treasurer, Financial Management & Planning, R. Cheung, Senior Budget Analyst, L. Glynn, Information Technology Analyst, T. Harrison, Commissioner / Treasurer, Corporate Services, M. Murphy, Associate Director, Budget Planning & Strategy, A.-M. Norio, Regional Clerk, C. Sportel, Supervisor, Corporate Budgets, R. Tripp, Acting Chief Administrative Officer, B. Zvaniga, Interim Commissioner, Public Works
Staff Present via Video Conference:	D. Barnhart, Executive Officer to the Regional Chair, T. Cimino, Associate Director, Water Wastewater Engineering, A. Jugley, Commissioner, Community Services, R. Mostacci, Commissioner, Planning & Development Services, E. Prpic, Associate Director, Waste Disposal Operations and Engineering, M. Robinson, Director, GO Implementation Office, D. Rurak, Director, Asset Management Office, C. Ryall, Director, Transportation Services, K. Smith, Chief/Director, Emergency Medical Services, J. Tonellato, Director, Water & Wastewater Services, M. Trennum, Deputy Regional Clerk, D. Woiceshyn, Chief Executive Officer, Niagara Regional Housing, N. Wolfe, Director, Construction, Energy, & Facilities Management
Others Present via Video Conference:	L. Martin, Vice President, Pollera Strategic Insights

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1. CALL TO ORDER

Committee Chair Zalepa called the meeting to order at 6:30 p.m.

2. DISCLOSURES OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

3. PRESENTATIONS

3.1 Budget Engagement Overview

Peter Criscione, Communications Consultant, Niagara Region, provided information respecting 2021 Budget Public Engagement Result. Topics of the presentation included:

- Why Do Public Engagement on the Budget?
- 2021 Budget Engagement Strategy
- Online Response Demographics by Age and Municipality
- Key Themes / Findings

Lesli Martin, Vice President, Pollara Strategic Insights, provided information respecting Niagara Region Budget Engagement 2020 Qualitative Results. Topics of the presentation included:

- Background and Methodology
- Results in Detail
- Conclusions

Councillor Information Request(s):

Committee members requested additional information respecting the 2021 Budget Engagement process including the raw data and/or results from the survey and focus groups; the questionnaire used; and information respecting the criteria used to select focus group attendees.

3.2 2021 Capital Budget Overview

Helen Chamberlain, Director/Deputy Treasurer, Financial Management and Planning, provided information respecting 2021 Capital Budget Overview. Topics of the presentation included:

- Key Themes
- How We Identified Capital Projects
- Capital Financing Strategy
  - Recommended for 2021
  - Funding Strategy Methodology
  - Funding Summary - $502 Million Capital Expenditure Summary
- Multi-year Overview
- 2021 Capital Budget Outcomes
- Next Steps

Councillor Information Request(s):

Committee members requested additional information respecting the strategy and rationale behind the budgeting of the South Niagara Falls Wastewater Treatment Plant project.

Provide information respecting the inclusion of the South Niagara Falls Wastewater Treatment Plant in the Development Charges background study and by-law. Councillor Redekop.

3.3 Corporate Asset Management Resource Allocation

Dean Rurak, Director, Asset Management Office, provided information respecting Overview of Corporate Asset Management Resource Allocation. Topics of the presentation included:

- Corporate Asset Management Resource Allocation (CAMRA)
- Why Do We Need CAMRA?
- What is CAMRA?
- CAMRA is an Aid for Good Decision-making
- CAMRA Measures Risk and Corporate Priority
- Applying CAMRA to the Capital Budget
- Asset Management System 5-year Plan

Councillor Information Request(s):

Provide information respecting the capital projects evaluated under the CAMRA model which were not included in the 2021 capital budget. Councillor Heit.

5. ITEMS FOR CONSIDERATION

5.1 CSD 58-2020

2021 Capital Budget

Moved by Councillor Ugulini
Seconded by Councillor Nicholson

That Report CSD 58-2020, dated October 15, 2020, respecting 2021 Capital Budget, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the 2021 Capital Budget for the Niagara Regional Departments and Agencies, Boards and Commissions of $501,505,722 as per Appendix 1 to Report CSD 58-2020, **BE APPROVED** pending final by-law approval anticipated to be brought forward to the Council meeting being held January 21, 2021;
2. That an incremental transfer to the Capital Levy Reserve of $2,046,910, or 1.00% of the departmental share of the levy, **BE REFERRED** to the 2021 Operating budget;
3. That $5,300 for the incremental operating costs of capital projects as per Appendix 7 to Report CSD 58-2020, **BE REFERRED** for consideration as part of the 2021 Operating Budget to be funded from Assessment Growth;
4. That $5,230,000 for the incremental operating costs of capital projects as per Appendix 7 to Report CSD 28-2020, **BE REFERRED** for consideration as part of the 2021 Rate Budget;
5. That financing in the amount of $215,130,104 gross and $182,450,742 net **BE INITIATED** upon approval of the 2021 Capital Budget and **BE ALLOCATED** to the projects as summarized in Appendix 4 to Report CSD 58-2020; and
6. That the necessary by-laws **BE PREPARED** and **PRESENTED** to Council for consideration to coincide with the approval of the operating budget.

Moved by Councillor Campion
Seconded by Councillor Redekop

That Report CSD 58-2020 **BE DEFERRED** to the Budget Review Committee of the Whole meeting being held on November 26, 2020.

Carried

6. CONSENT ITEMS FOR INFORMATION

6.1 CSD 68-2020

2021 Budget Public Engagement Exercise

Moved by Councillor Greenwood
Seconded by Councillor Steele

That Report CSD 68-2020, dated October 15, 2020, respecting 2021 Budget Public Engagement Exercise, **BE RECEIVED** for information.

Carried

7. OTHER BUSINESS

There were no items of other business.

8. NEXT MEETING

The next meeting will be held on Thursday, November 26, 2020 at 6:30 p.m. in the Council Chamber, Regional Headquarters.

9. ADJOURNMENT

There being no further business, the meeting adjourned at 9:31 p.m.

Councillor Zalepa
Committee Chair

Matthew Trennum
Deputy Regional Clerk

Ann-Marie Norio
Regional Clerk

Minute Item No. 6.1
CSD 68-2020
2021 Budget Public Engagement Exercise

That Report CSD 68-2020, dated October 15, 2020, respecting 2021 Budget Public Engagement Exercise, **BE RECEIVED** for information.

Budget Engagement Overview

Budget Review Committee of the Whole
CSD 68-2020

Thursday, October 15, 2020

Peter Criscione, Communications Consultant

Lesli Martin, Vice President, Pollara Strategic Insights

Niagara Region

Niagara Region Budget Engagement 2020 Qualitative Results

Niagara Region

pollara strategic insights

September 2020

Background and Methodology

- The COVID-19 outbreak has caused Niagara Region to re-examine their budget priorities. Before finalizing its decisions, it was determined that qualitative research should be utilized to understand where residents believe the budget priorities should lie.

- The objectives of this research are as follows:
  - To investigate comprehension of the Niagara Region's role and mandate
  - To determine if there has been a change in perceived priorities since the COVID outbreak
  - To explore reaction to Regional mandates
  - To determine areas of high and low priority
  - To explore willingness to pay for new priorities with a tax increase.

- A total of five focus group discussions were conducted with a total of 35 respondents; four with residents of Niagara Region (31 respondents) and one with business stakeholders from the Region (4 respondents). The resident groups were recruited from a random sample of Niagara Region residents, while the business stakeholders were recruited from a list provided by Niagara Region.

- All groups were conducted between September 23rd and 29th, 2020, using a virtual Zoom platform.

Results in Detail

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Understanding of Regional responsibilities is limited: those who do, question its efficiency

- Understanding of Regional responsibilities range from limited to none at all. Very few feel versed in this area.

- Business stakeholders do not feel positively about the role of the Regional government.
  - Inefficient spending;
  - Added bureaucracy;
  - Multiple priorities can lead to lack of focus.

- When asked about Regional services they have not been using, residents can easily mention local services (such a libraries, recreational activities and transit), but do not mention Regional services that have been impacted.

- Residents are less likely to name services they are using more, but some mentioned:
  - Garbage and Recycling;
  - Public Health (particularly mentioned by Business Stakeholders)

Affordable Housing and Homelessness is a top priority to most

Housing affordability is an issue for many Niagara residents. In recent years, the Region has aimed to address housing affordability including offering financial incentives toward the construction of additional units, although tackling the affordability gap is complex and requires a multi-pronged approach. Niagara Region also has a community action plan that is focused on strengthening Niagara's housing system so that everyone in the Region can find and keep a home. With the vision of a home for all, the plan outlines goals and actions the Region will take over the next 10 years to end homelessness and provide residents with suitable adequate housing to help them achieve their full potential.

- Affordable housing and homelessness is a top priority of all groups:
  - Cost of housing currently is unreasonable (both to rent and to buy) - Young people will be forced to leave because of affordability
  - Homelessness is believed to be on the rise, with many residents seeing it more than ever before.

- Residents are quick to discuss reasons and solutions:
  - Affordability: People coming from larger cities to buy cheaper houses or to rent them as short-term rentals.
  - Homelessness: Cannot be dealt with in a vacuum – must address causes (mental health, addiction), business stakeholder would like to see more subsidized housing.

- Business stakeholders do not believe the government is offering incentives and are more likely to blame the fees they pay to the different levels of government for the high price.

GO Transit service is a priority to many, but some would rather focus on Niagara Region

Metrolinx is working to expand and enhance the rail system that will provide commuters with two-way, all-day service. This expansion will see new stations built across Niagara. The Region has invested money to see this initiative come to fruition.

- Many feel this is an important initiative:
  - Traffic makes it difficult to get to Hamilton/Toronto;
  - Current service is too inconvenient to use;
  - Improvements will help young people stay in Niagara or bring in more people from outside.

- Some, however, are less positive about this initiative:
  - Will encourage a bedroom community;
  - Does not help all areas of Niagara Region;
  - Should focus on improvements within the Region.

- Business stakeholders all strongly believe this is of utmost importance:
  - Business needs it to flourish;
  - Will help them to get out of the Region when needed.

While many say an integrated transit system is important, few believe they would use it

St. Catharines, Welland and Niagara Falls, along with the Niagara Region, are working together to consider transit requirements for an integrated transit system. Work is underway to develop options for a joint transit system that meets the needs of all municipalities, in response to a motion from Niagara Regional Council (March, 2015) and subsequent support by the City of St. Catharines, City of Welland and City of Niagara Falls.

- Almost all agree that a Regional transit system is important:
  - Current system is inconvenient and takes too long to get anywhere;
  - Necessary for students/seniors;
  - Would be environmentally friendly.

- However, most do not use the transit system:
  - See Niagara as a car community;
  - Some believe if the transit system was better they might use it, but others say they would not give up their cars.

- In theory, transit is important.

While Long Term Care is not considered a top priority to most, it does receive strong support from all

Niagara Region currently operates 8 long term care homes. This year, the Region budgeted a large amount of budget to redevelop homes in St. Catharines and Fort Erie. This investment is among the largest capital program spending item for the Region to date and is a required update to meet modern standards. Legislation currently governing municipalities requires each municipality to establish and maintain a long term care home directly, jointly or through an agreement with another municipality. But currently the Region runs 8 facilities.

- All agree this is an important priority for the Region:
  - Covid-19 has brought the problems to light;
  - Niagara Region is an older community and therefore needs to take care of its elderly residents;
  - One LTC Home would not be able to house the people who need it, the Region definitely needs to continue with current levels of support.

- Despite the support, there were some questions:
  - What role does the provincial government play in supporting the initiative;
  - Is a redevelop the best use of funds when more beds are needed.

- Despite this overwhelming support, very few residents and no business stakeholders included long term care homes as one of their top priorities. This could be because it is not of personal importance to them. That said, ending support for this initiative would likely be met with backlash by all.

Residents are hesitant about the Region taking on other responsibilities

At times, other levels of government ask Niagara Region to contribute funds toward important initiatives that extend beyond our area of responsibility, such as hospital redevelopment, sports competitions, tourism, and incentives for local priority projects. For example, Niagara Region spent money to bring the Canada Summer Games to Niagara. I have another example of this. Currently there are plans to redevelop the West Lincoln Memorial Hospital. Generally, health care is not the responsibility of the Regional government but falls in the Provincial jurisdiction. However, the Region has been asked to contribute to the funding of this project.

- There is some hesitation regarding the Region supporting initiative that should be supported by other levels of government – some feel initiatives that help residents should be supported, others think the Region should stay focused on their mandate.

- Canada Summer Games – should only be supported if it will be financially profitable.

- Redevelopment of West Lincoln Memorial Hospital - support for this project is polarizing to participants.
  - Some feel health care needs to be improved and it should be part of the Region mandate to do support this;
  - Others become almost angry at the idea the Region would take on what should be the provinces responsibility.

Improvement to infrastructure receives strong support

Climate change is creating increased risks for major weather events such as severe and more frequent storms. This places more demand on existing infrastructure, may require more costly infrastructure to be built to mitigate these risks, and will require the municipality to have increased budget flexibility to deal with unexpected costs.

- Infrastructure is an important issue:
  - Often spontaneously mentioned as a priority;
  - Should be a mandate of the Regional government.

- The initiative of improving infrastructure receives strong support, and some believe Regional involvement could improve the efficiencies of the projects.

- While climate change is seen as an important issues, many do not think it is the responsibility of the Regional government.

Residents think business promotion is important, but businesses think it is not working

The Region is committed to creating an environment that allows businesses to flourish. Every year, Niagara Region invests in projects aimed at helping existing businesses grow, or attracting new businesses to Niagara.

- Residents feel this initiative has some importance:
  - Can help Niagara grow and flourish;
  - Can provide jobs – some disagreement whether it is better to support small business or encourage larger corporations;
  - Can help Niagara be more than a tourist area or bedroom community.

- Business stakeholders react more negatively to this initiative:
  - Region Is currently not promoting business;
  - Suggest keeping taxes down and removing red tape when it comes to zoning and permits would do this;
  - Should have industry-specific experts who understand what is needed.

Uploading the Niagara airports to the Region does not receive support

Currently Regional staff is in the process of preparing a report researching the costs and consequences of uploading Niagara District Airport and Niagara Central Dorothy Rungeling Airport, which are run by their surrounding municipalities.

- There is no support for this initiative:
  - Few have used this airport and do not know why this would be considered;
  - Some may support it only if it could generate revenue.

While all feel the Region is on the right track, only a minority would be willing to pay more tax to support it

- Overall, residents believe the Region is on the right track with the initiatives they are supporting.
  - Decisions on support on a Regional or Municipal level should be made on cost effectiveness.

- There is mixed reaction as to whether a small tax increase would be acceptable to pay for new Regional priorities.
  - Some would be willing to pay a small increase to help others in their community if it could be proven that it was necessary;
  - Many are not willing to pay an increase and feel the money could come from governmental efficiencies.

Conclusions

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Conclusions

- The initiatives that are perceived to be the **Top Priorities** for the Region are as follows:
  - Affordable Housing and Homelessness: All agree that housing is too expensive and homelessness is a growing problem and believe the Region should be working on this issue
  - Eight Long Term Care Homes: This is an area thought to need improvement and all agree the Region should be involved and should do all it can (including running all eight homes). It must be noted that while very few choose this as a top priority, removing this funding would likely result in backlash from all.
  - Go Transit and Regional Transit: All feel that transit must be improved. Depending on where they travel and what they use, some place more priority on Go Transit, while others prioritize Regional transit. When asked to choose a top priority, many lump these two together as they feel transit in general needs to be improved.
  - Infrastructure: All agree that infrastructure needs to be supported, with many spontaneously mentioning this as an area that the Region should focus on..

Conclusions

- The initiatives that receive some, but less, support are as follows:
  - Business Development: Some residents support this initiative because they perceive it will bring more jobs into the area. Other residents are not sure this should be a mandate of the Region. Business stakeholders do not feel the Region is currently doing a good job on this imitative so are less likely to support it.
  - Assistance to Other Levels of Government: Support for this is on a case by case basis. Overall, some feel it is the Region's responsibility to fund any initiative that will help residents. Others do not want their funding to go to another government's mandates. Of the two examples given, support of the Canada Games is dependent on whether the Games will make money for the Region. Support for hospital redevelopment is polarized, with some feeling it is vitally important, while others believe it should be left with the province.
  - Climate Change: While some believe this issue is vitally important and should be considered by all levels of government, most do not think a problem this global should be the mandate of a Regional government.
- The initiative that receives the lowest support is:
  - Uploading of Niagara Airport: No one thought this should be a priority for the Region. Almost all said this was an initiative that could be abandoned.
- Only a minority would be willing to pay for any of these initiatives with a tax increase. Others feel the money could be found through government efficiencies.

Lesli Martin, Vice President

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TWENTY21
NIAGARA REGION BUDGET

2021 Budget Public Engagement Results

Oct 15, 2020

Peter Criscione
Communications Consultant
Niagara Region

Lesli Martin
Vice President
Pollara Strategic Insights

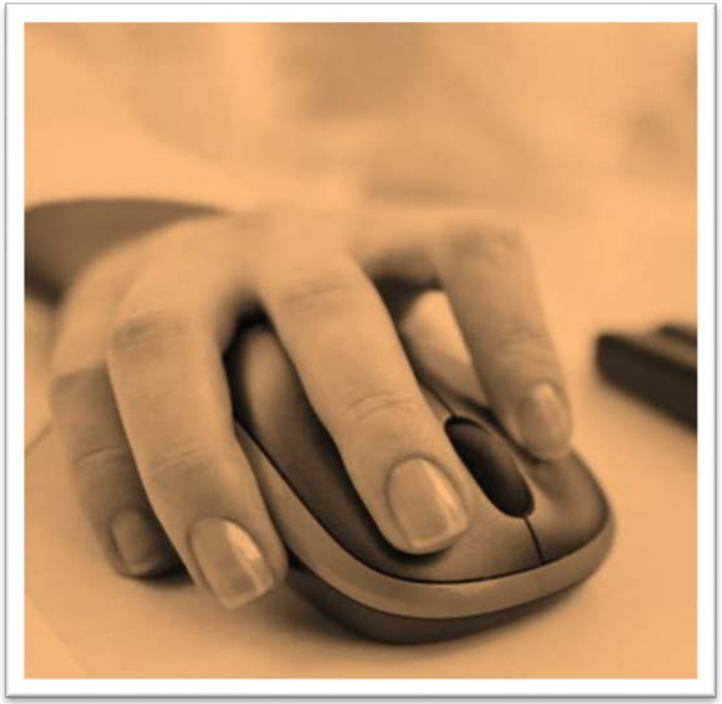
Why Do Public Engagement on the Budget?

1. The COVID-19 crisis poses significant challenges for municipalities across Ontario and Canada

2. Obtain input from the public and business community on budget priorities

3. Gauge opinion on municipality's continued involvement in key initiatives that fall outside of core mandate

2021 Budget Engagement Strategy

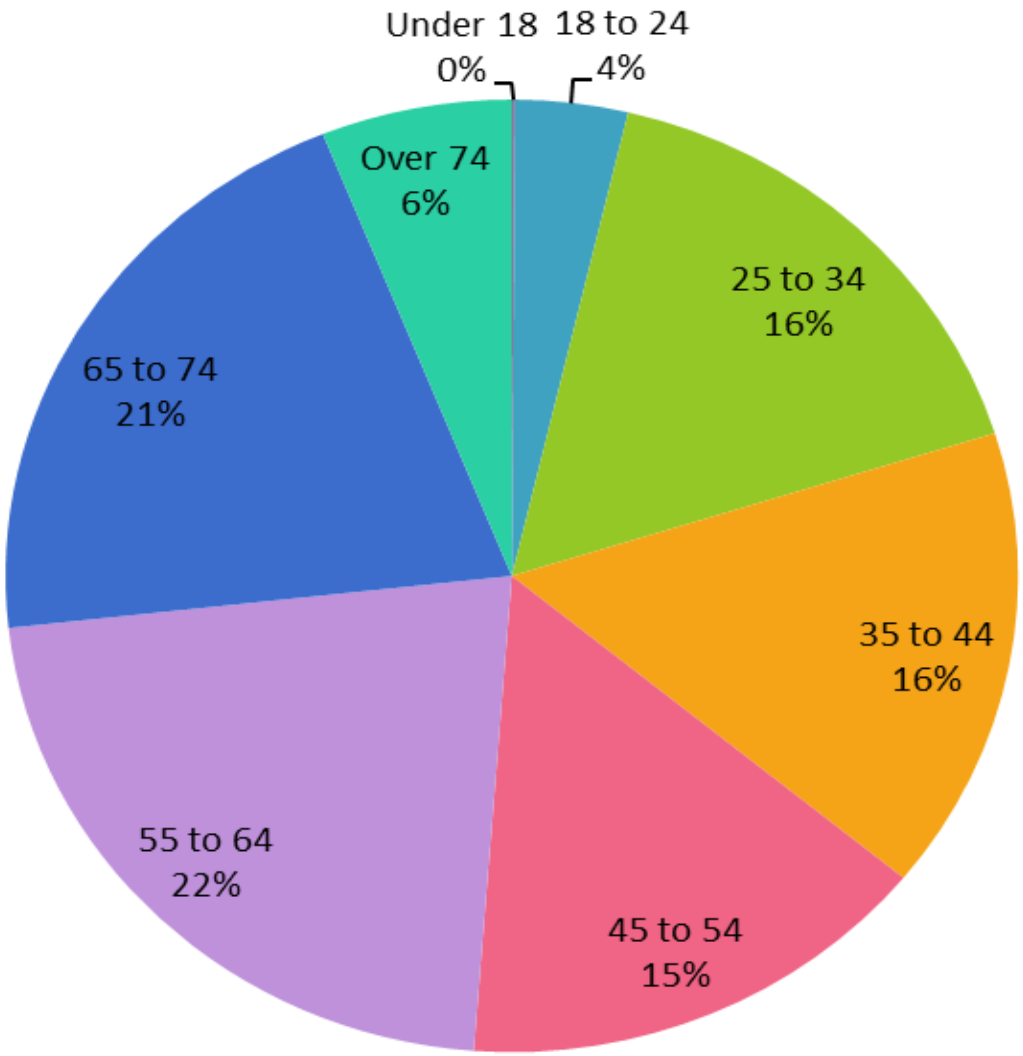


Online Survey

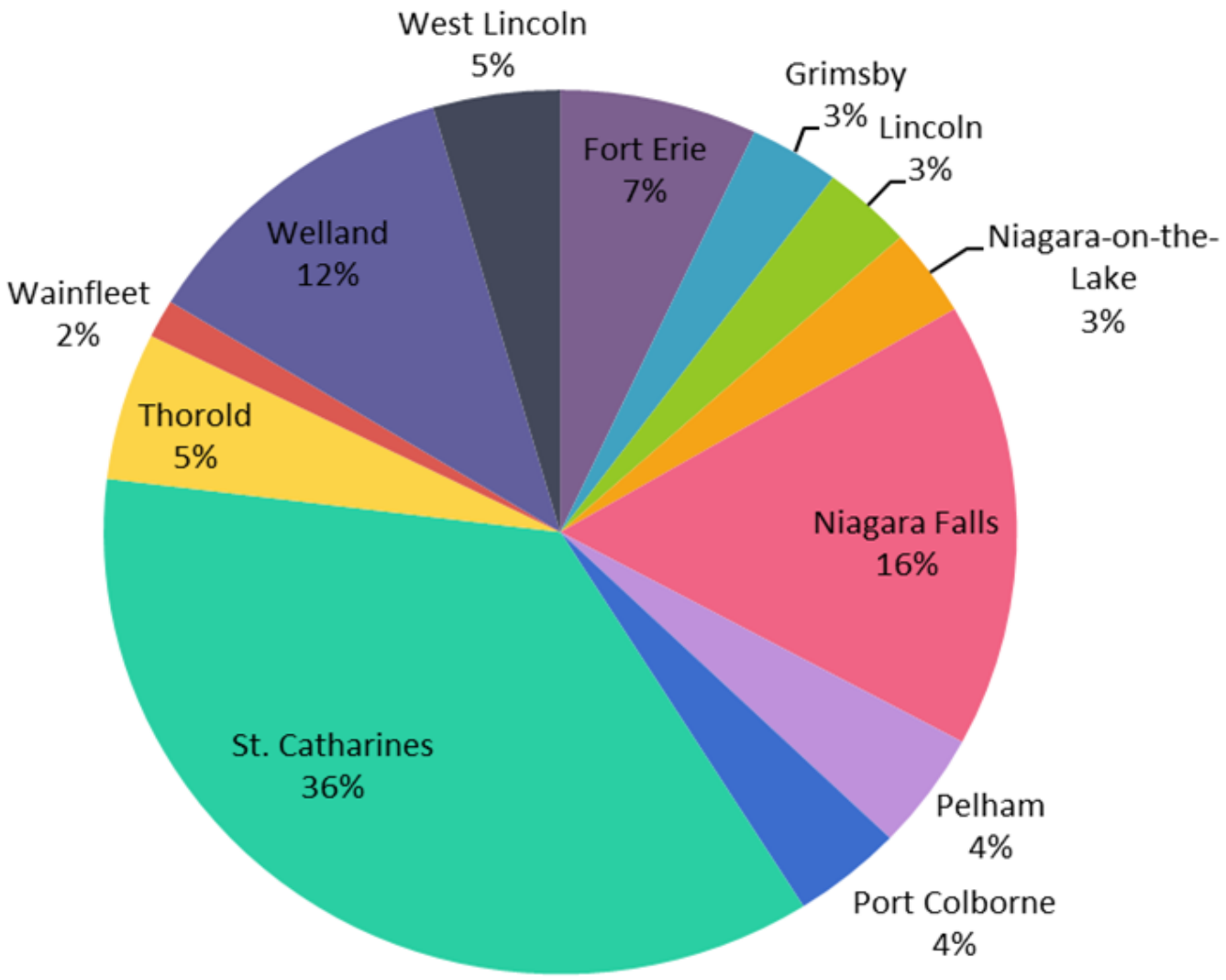
Third-party facilitated focus groups

Online Response Demographics

Age



Online Response by Municipality



Where do you live?

Key Themes / Findings

1. Services residents have relied on more since the start of COVID-19

Top Five

• Public Health	67.2%
• Social Assistance	24.9%
• Help finding a job	15.1%
• Transit	13.8%
• Business Support	10.9%

2. What areas Niagara Region should focus on to help support residents during COVID-19?

Top Five

- Maintenance of essential services
- Keeping seniors safe
- Mental health
- Support for homeless and those at risk
- Supporting business

3. What existing initiatives should the Region continue to support?

Respondents asked to rate the following projects in order of importance

- **Transit**
  GO and integrated transit
- **Special projects**
  i.e. hospital redevelopment, sports competitions, tourism, local priority projects
- **Housing affordability**
  Including providing building incentives
- **Long-term care homes and seniors programs**
  i.e. LTC redevelopment
- **Shared services**
  Study municipal cost-sharing opportunities and other efficiencies
- **Acquisition of regional airports**
  District Airport and Niagara Central Dorothy Rungeling Airport
- **Business supports**
  Marketing and other programs

4. Focus Groups Results

Pollara hosted five virtual focus groups from Sept. 23 to 29

Lesli Martin, Vice President

Pollara Strategic Insights

2021 Capital Budget

Budget Review Committee of the Whole
CSD 58-2020

October 15, 2020

Helen Chamberlain, Director/Deputy Treasurer, Financial Management and Planning

Niagara Region

TWENTY21
NIAGARA REGION BUDGET

2021 Capital Budget

Oct 15, 2020

Key Themes

1. Projects prioritized using new Asset Management Office methodology.
2. Funding assigned using approved Capital Financing Policy.
3. Projects recommended for proposed 1% of 2021 operating budget.
4. Projects support Council Strategic Priorities

2021 Capital Budget

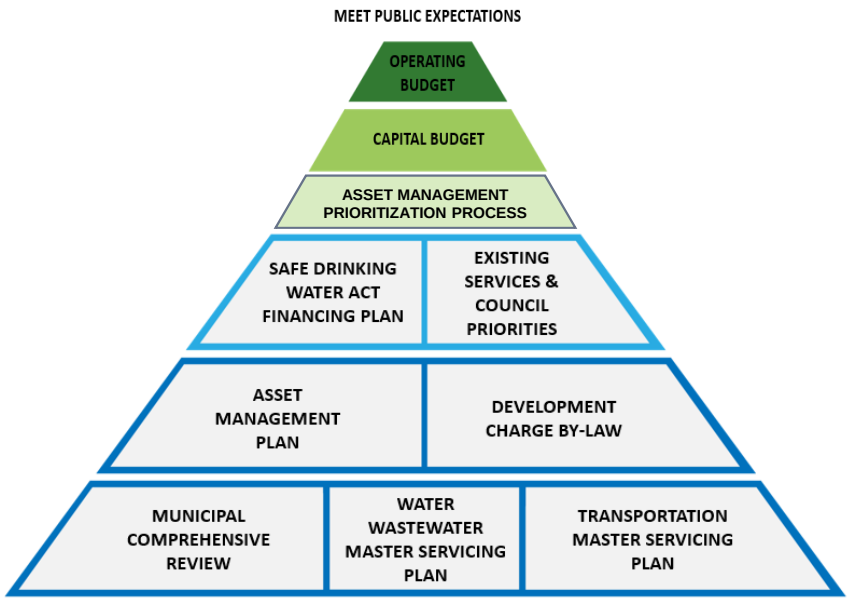
What we're going to cover:

- Financing Strategy
- 2021 Capital Expenditure
- Multi-year Overview
- Outcomes
- Next Steps

2021 Capital Budget

How we identified capital projects?

- Depts/Asset Managers recommend projects
- Asset Management Office evaluated and prioritized projects
- Finance applied funding in accordance with the Capital Financing Policy
- Capital Workshop provided education and information.
- BRC approval required.
  - Subject to additional operating budget considerations



Capital Financing Strategy

Niagara Region's Capital Plan

Project Type

Asset Management Plan
- Responsible Growth and Infrastructure Planning
- Current tax base maintaining existing level of service

Strategic Investments
- Debt required to support projects with future beneficiaries

Growth
- Business/Economic Growth
- Growth pays for growth

Funding Source

Other External Sources
- Grants, Subsidies, Local Area Municipal Cost Share etc.

Pay as you go (Reserves)
- Utilize funds set aside from Operating budgets

Federal Gas Tax
- Federal Funding to support local infrastructure priorities

Debt
- Funds raised from creditors for Capital projects
- Required to transition to the policy

Development Charges
- Used for Growth projects based on DC study & receipts

Recommended for 2021

1% Operating Increase for Capital

- 2021 Budget Planning Strategy recommended in June
  - 1% of departmental share of levy (no ABCs) dedicated to capital financing
  - Provides $2M of reserve funding
  - 0.52% of the consolidated tax levy

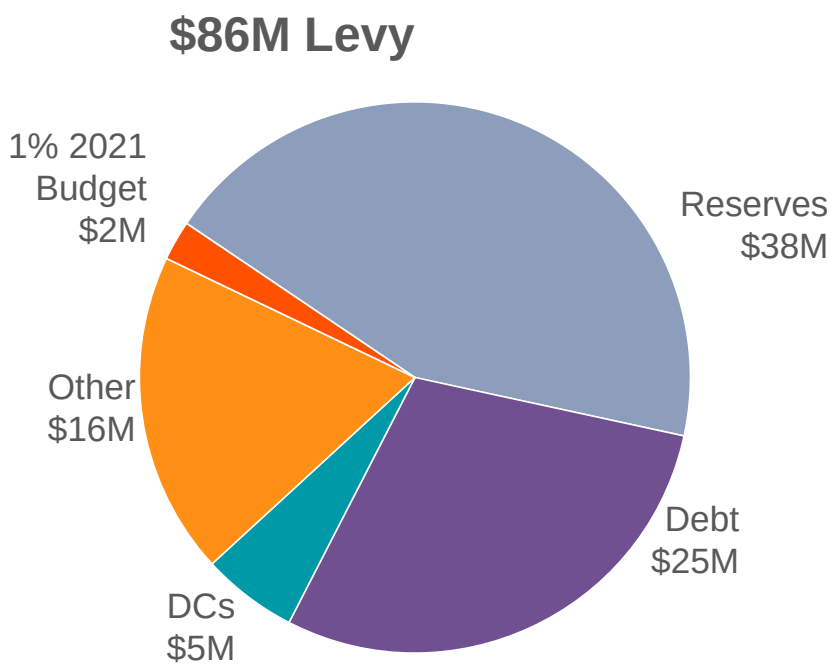
- Recognizing COVID-19 pressures. Deferred previous recommendations of:
  - 2.16% annual increase for levy
  - 3.15% annual increase for rate

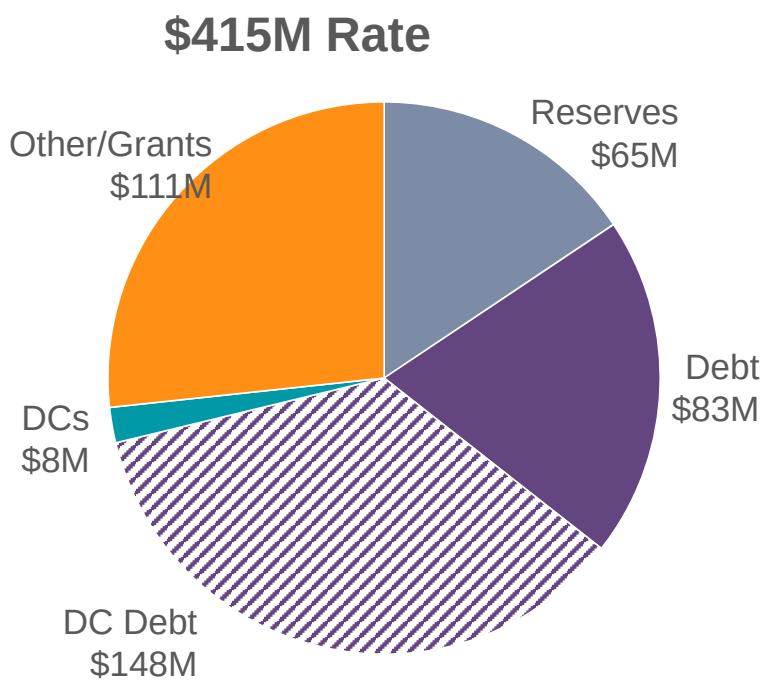
Funding Strategy Methodology

- Type of funding allocated based on Capital Financing Policy

FINANCING TYPE	USE
Reserves	Infrastructure Renewal
1% from 2021 Budget Planning (subject to council approval)	Infrastructure Renewal
Debt	Growth/ Net-new projects
DC and Other	Growth/Project specific

Funding Summary - $502 Million Funded

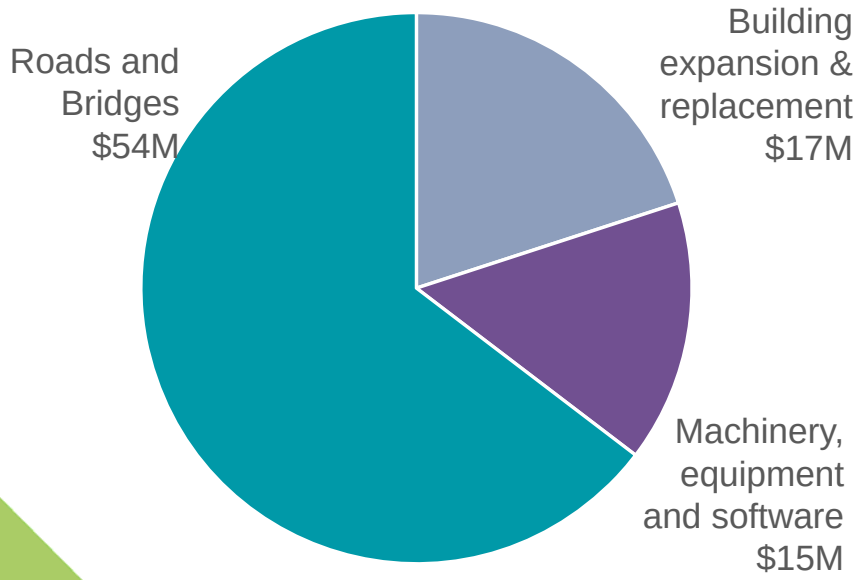




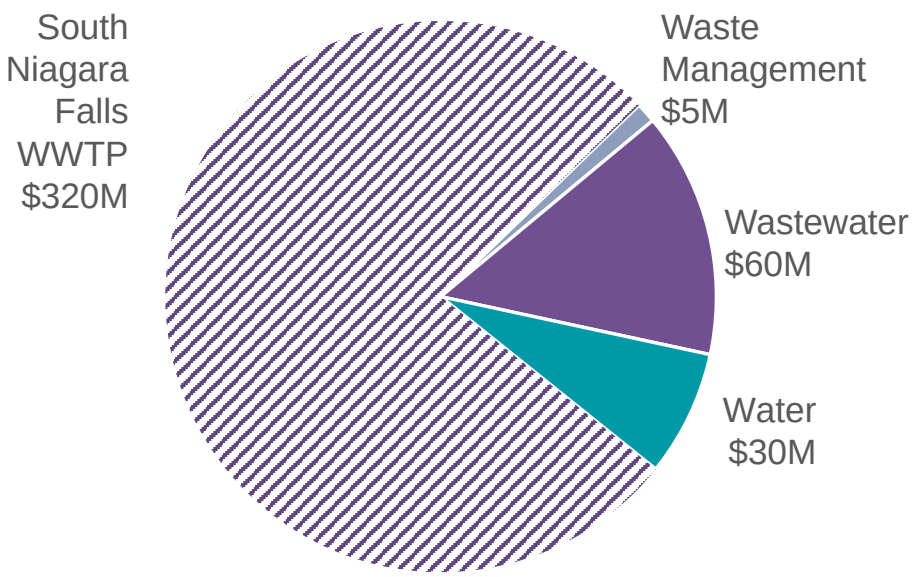
2021 NIAGARA REGION BUDGET

$502 Million Capital Expenditure Summary

$86M Levy

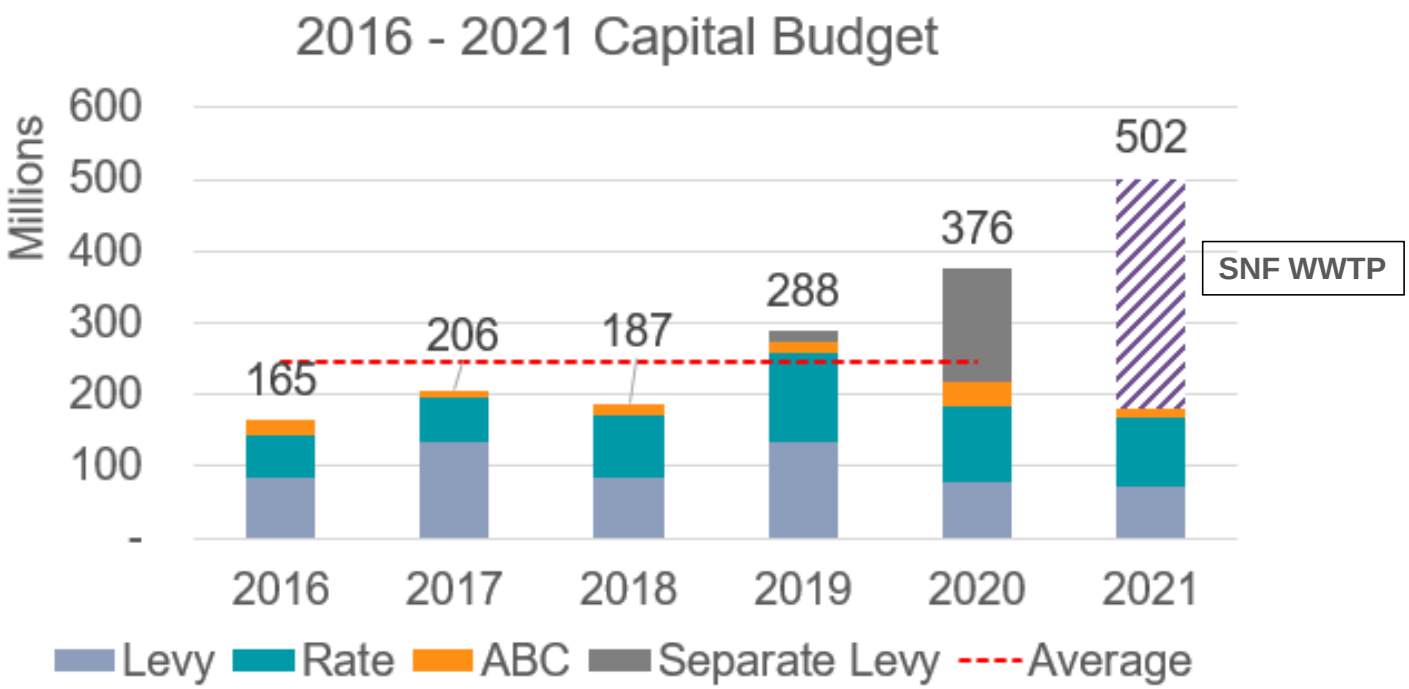


$415M Rate



Capital Budget Trend

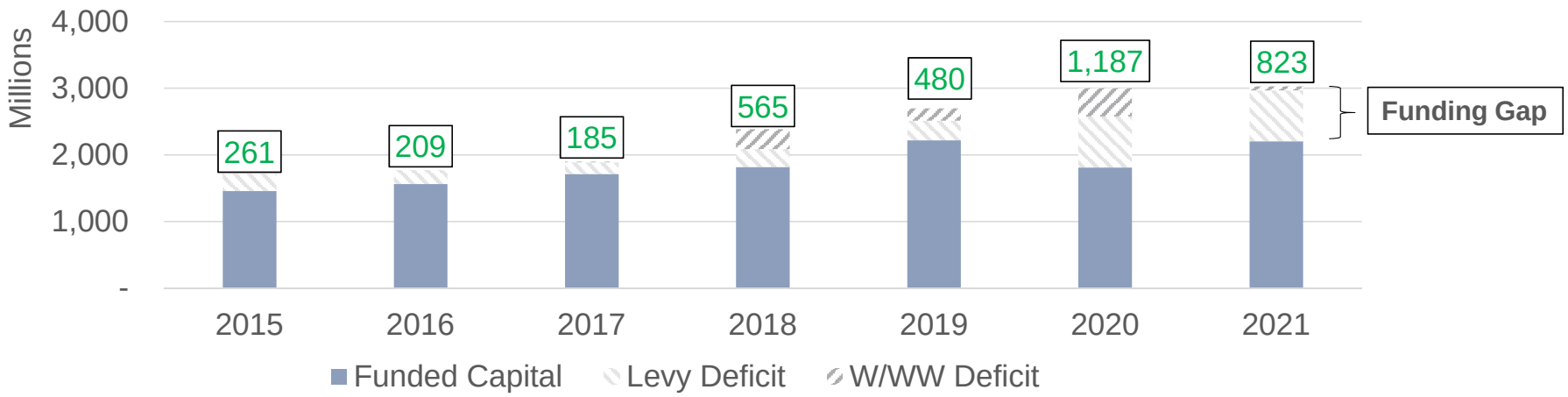
5-year historical and 2021 recommended



Multi-year Financing Strategy

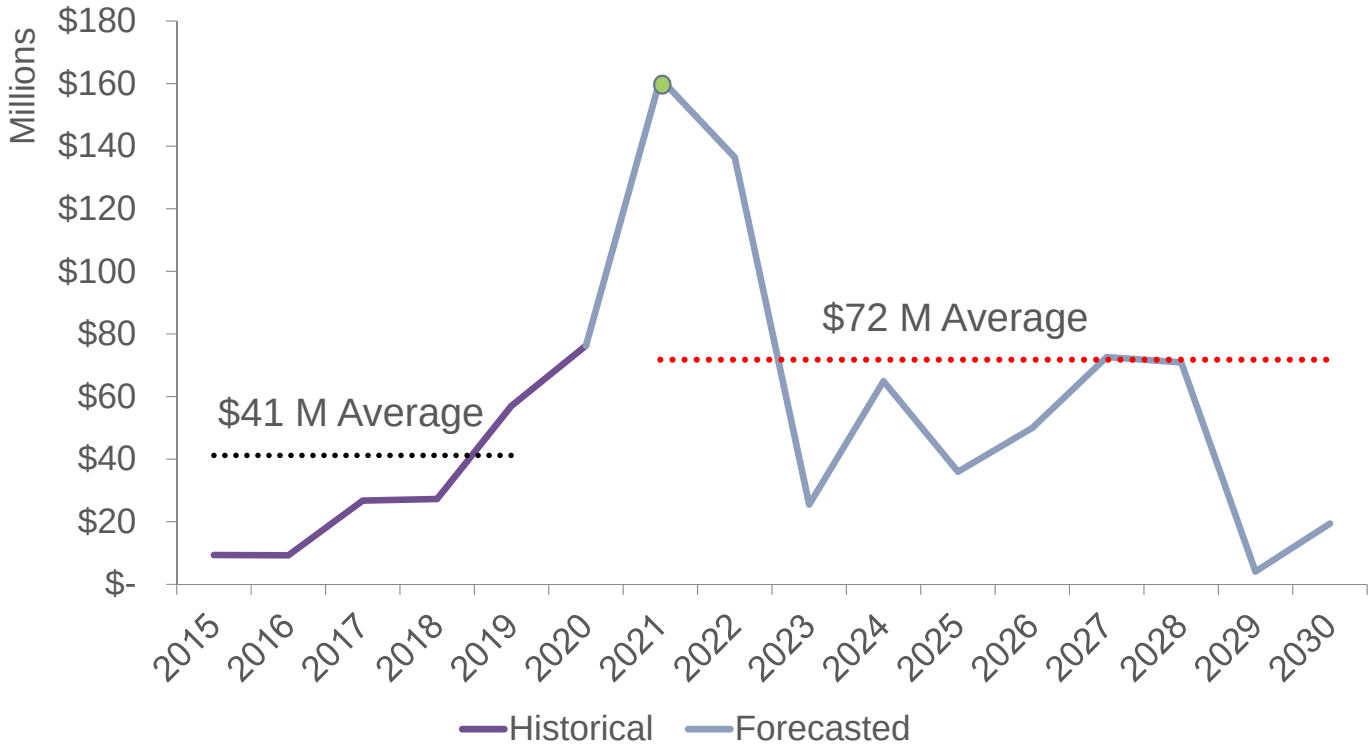
For $7.4 Billion in Regional Levy and Rate capital assets

10-year infrastructure Gap is decreasing



Investing in Growth

$162 Million Development Charges for 2021 growth projects



2021 NIAGARA REGION BUDGET

Investing in Growth

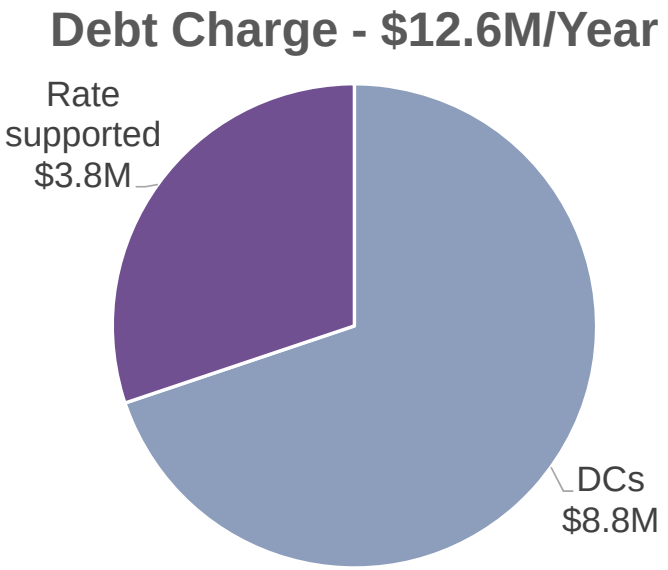
Largest Growth Projects – Gross Total of $337M in 2021

PROJECT	GROWTH SHARE	% OF PROJECT BUDGET	IMPACT
South Niagara Falls WWTP Projects	$148M	46.3%	Anticipated growth of up to 97,000 people and jobs
Grimsby Watermain Replacement	$3M	50.0%	Anticipated growth of 38,400 people and jobs
St. Paul West CNR Bridge Replacement	$2M	16.0%	Anticipated growth of 4,000 people and jobs

South Niagara Falls WWTP - $320M

Funded with $212M Debt & $108M Grants

- Accommodate growth:
  - Residential and employment growth
  - Up to 97,000 people and jobs build out to 2041
  - South Niagara Hospital District - $1B investment
- 2021 budget initiation to begin Environmental Assessment, Planning and Land acquisition
- Construction anticipated to begin 2025



MOVING WATER FORWARD

Debt Strategy

Debt Financing - $256M for 2021

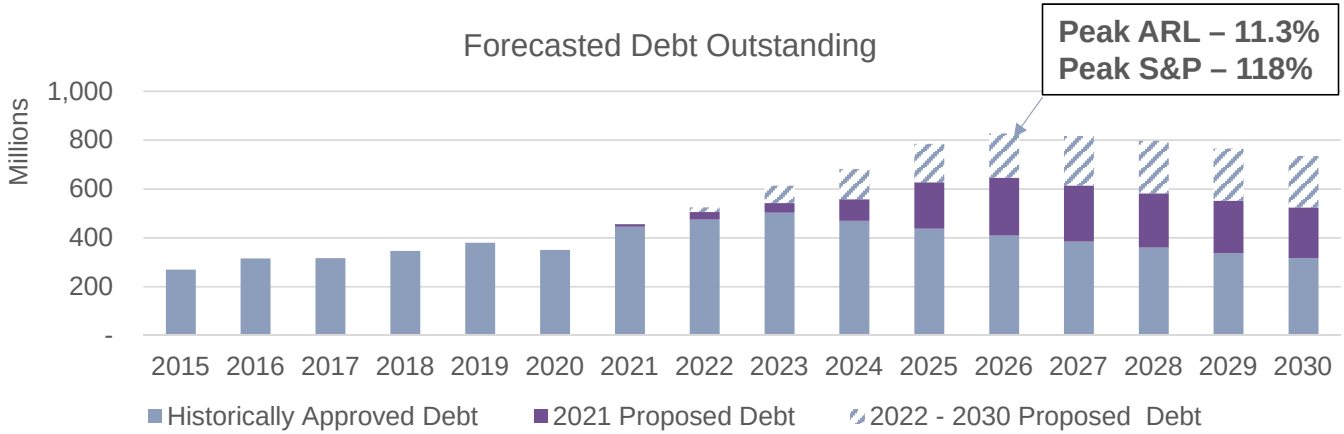
USE	LEVY	RATE
Various - Base Debt	$25M	-
Various - Per Safe Drinking Water Financial Plan	-	$19M
South Niagara Falls WWTP – Rate Supported	-	$64M
South Niagara Falls WWTP – DC Supported	-	$148M
Total	$25M	$231M

Debt Strategy

Debt Financing - $256M for 2021

Objective of debt strategy:

- Use for growth projects or net-new strategic investments
- Monitor S&P credit rating agency financial metrics
- Maintain ARL below 25% per Municipal Act requirements

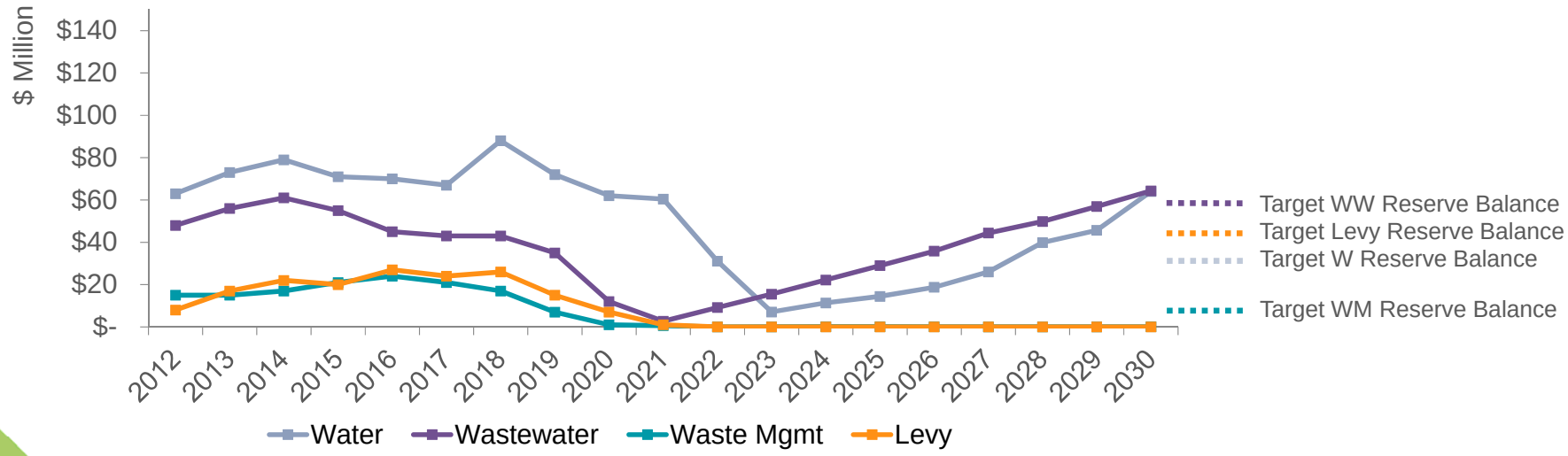


Reserve Strategy

Reserve Funding - $104.6M for 2021

Objective of reserve strategy:

- Use in accordance to the Capital Financing Strategy for asset renewal projects
- Target balance of the reserves is 2% of assets replacement value



Yearend Forecasted Balances

Capital Budget Outcomes

Council Strategic Priorities

PROJECT	BUDGET	COUNCIL PRIORITY
South Niagara Falls WWTP Projects	$320M	
NF WWTP Secondary Upgrade	$47M	
911 Backup	$12M	
St. Paul West CNR Bridge Replacement	$11M	
NRH Building Renewal	$7M	

SUPPORTING BUSINESSES AND ECONOMIC GROWTH

HEALTHY AND VIBRANT COMMUNITY

RESPONSIBLE GROWTH AND INFRASTRUCTURE PLANNING

SUSTAINABLE AND ENGAGING GOVERNMENT

Capital Budget Outcomes

KPMG Sustainability Review

INDICATOR #1

2nd Lowest

Reserves and reserve funds per household

Annual capital reserve contributions increases by $2M

Improving

INDICATOR #2

2nd Highest

Long-term debt per household

Levy debt increased only by principal room from debt rolling over

Rate debt will increase to support growth in South Niagara Falls.

INDICATOR #3

Lowest

Capital additions as a percentage of amortization expense

2021 = 97% of AARI

2020 = 92%
2019 = 72%

Improving

2021 Capital Budget Outcomes

Budget Planning Principles

2021 Capital budget was prepared balancing:

- Sustainability
  - Funding was allocated per the Capital Financing Policy
- Transparency
  - Highest risk ranked ROI projects included in 2021 Capital Budget
- Affordability
  - 0.52% increase – as per to 2021 budget strategy (1% of dept. share of Levy)
  - Previous Capital Funding Strategy recommended 2.16%/year.

Next Steps

- CSD 58-2020 recommends approval of 2021 Capital Budget in principle
- Capital Budget By-law to be approved concurrent with Operating Budget By-law in January

Next Steps

Date	Capital Budget	Operating Budget - Rate	Operating Budget – Levy / ABC
Oct 15th	Budget Review Committee ✓		
Nov 19th		Budget Workshop	
Nov 26th		Budget Review Committee	Authority over ABC Budget Workshop
Dec 10th			Budget Review Committee ABC Operating Budget
Dec 17th		Council Budget By-law approval	
Jan 7th			Budget Workshop (day)
Jan 14th			Budget Review Committee Levy Operating Budget
Jan 21st			Council Levy & Capital Budget By-law

Questions?

2021 NIAGARA REGION **BUDGET**

Overview of Corporate Asset Management Resource Allocation

Budget Review Committee of the Whole

Thursday, October 15, 2020

Dean Rurak, P.Eng, Director, Asset Management, Corporate Services

Niagara Region

TWENTY21

NIAGARA REGION BUDGET

Overview of Corporate Asset Management Resource Allocation

Oct 15, 2020

Corporate Asset Management Resource Allocation

1. Why do we need Corporate Asset Management Resource Allocation (CAMRA)?
2. What is CAMRA?
3. How does CAMRA work?
4. What is the plan to develop the Asset Management System (AMS)?

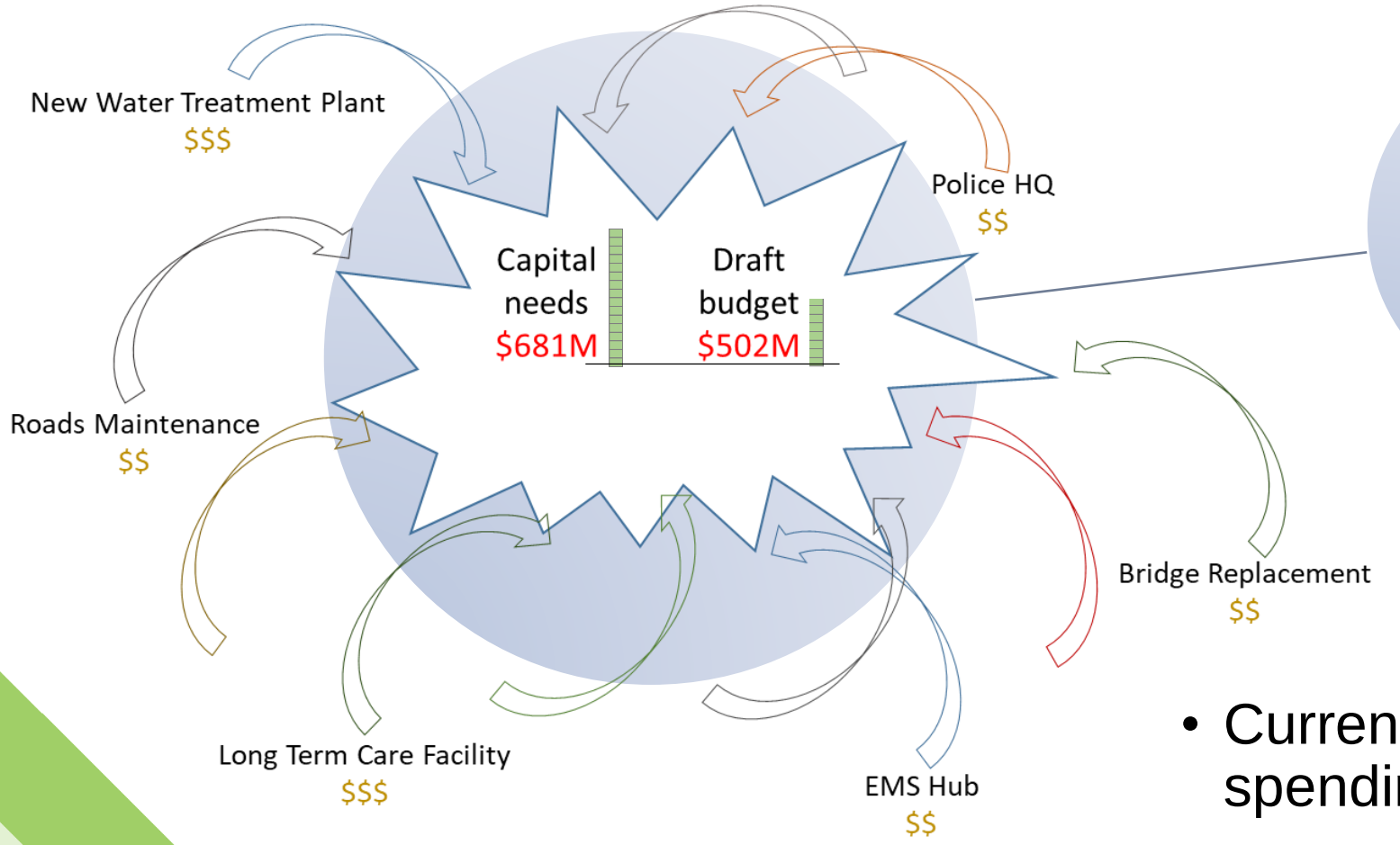
Why?

What?

How?

AMS

Why do we need CAMRA?



"We don't have a fair or transparent way to help make the hard choices of where best to invest our limited financial resources"

- Current budgets are well below spending needs
- So spending needs to be prioritized where it will provide the most value

What is CAMRA?

- Asset management is defined as "Coordinated activities of an organization to realize value from assets" ISO 55000
- The asset management system (AMS) comprises the activities that will allow the Region to realize the benefits from asset management
- The Corporate Asset Management Resource Allocation (CAMRA) model is one component within the AMS

Asset Management System

CAMRA is an aid for good decision-making

Best practice in decision-making

Basic	AM decisions based largely on staff judgement and agreed corporate priorities
Core	Formal decision-making techniques are applied to major projects and programs
Intermediate	Formal decision-making and prioritization techniques are applied to all operational and capital programs within each budget category. Critical assumptions and estimates are tested for sensitivity of results
Advanced	Adds the ability for projects and programs to be optimized across all activity and service areas including conducting formal risk based sensitivity analysis

A good decision is one that is made deliberately and thoughtfully, considers and includes all relevant factors, is consistent with the organization's vision and values, and can be explained clearly to others[1]

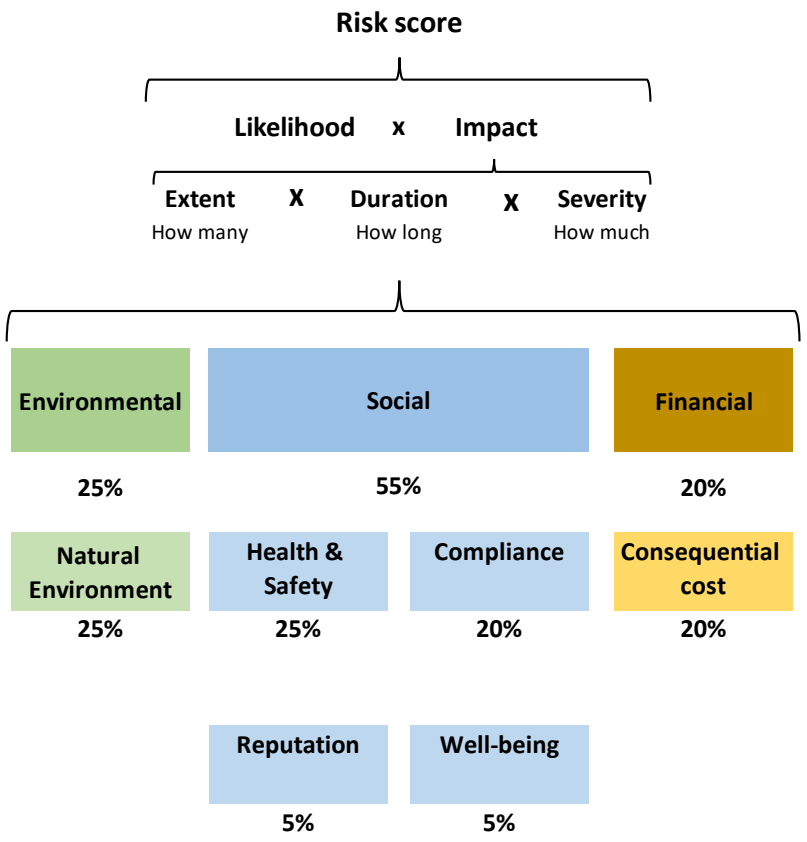
CAMRA measures two dimensions to help decision-making:

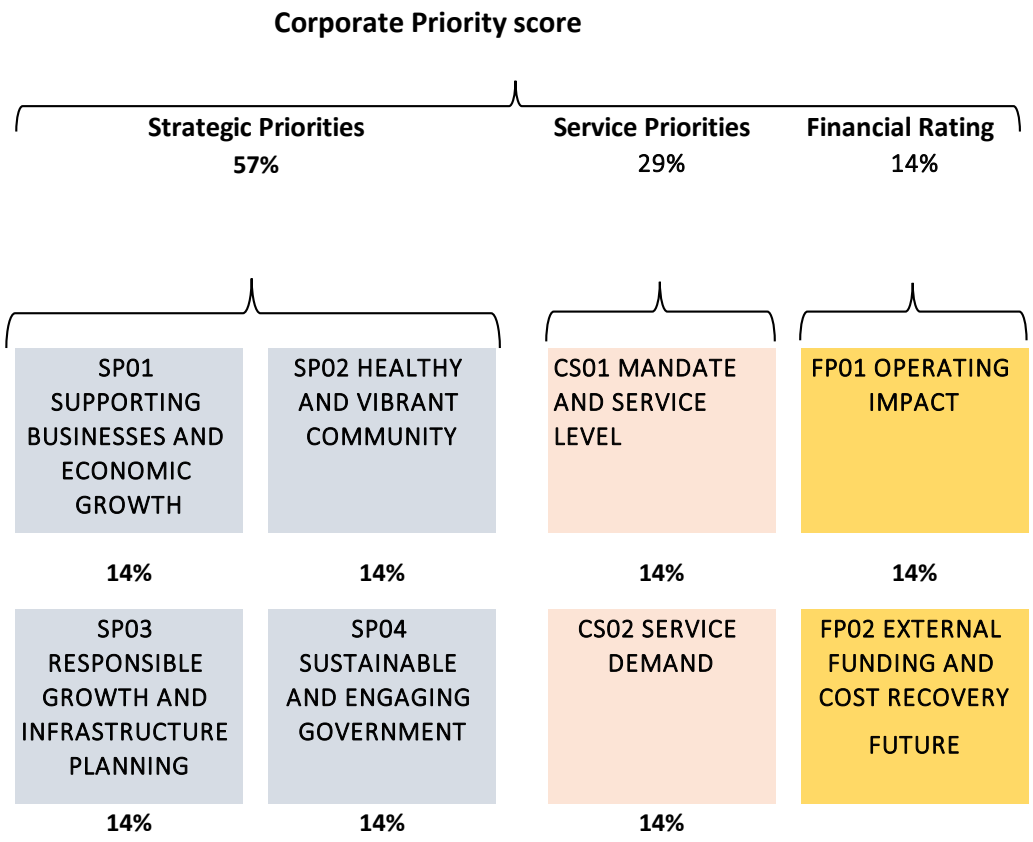
- Level of risk, and
- alignment with Corporate Priorities

Adopted from International Infrastructure Management Manual (IIMM), 2011, The Institute of Public Works Engineering Australasia (IPWEA)

1. Adapted from Utpal Dholakia Ph.D., The Science Behind Behavior, What Is a "Good" Decision?, Psychology Today, https://www.psychologytoday.com/us/blog/ the-science-behind-behavior/ 201707/ what-is-good-decision

CAMRA measures Risk and Corporate Priority

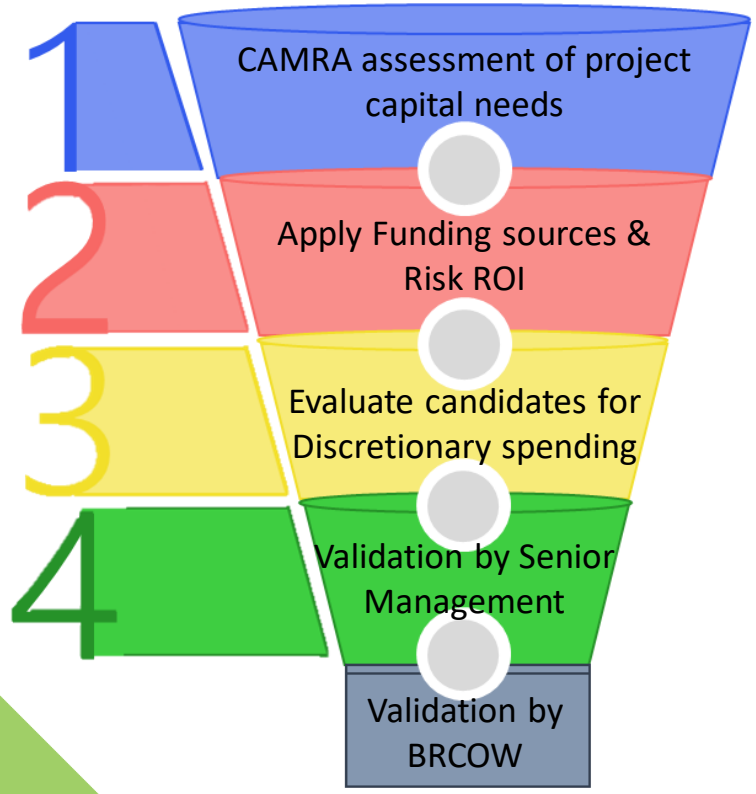




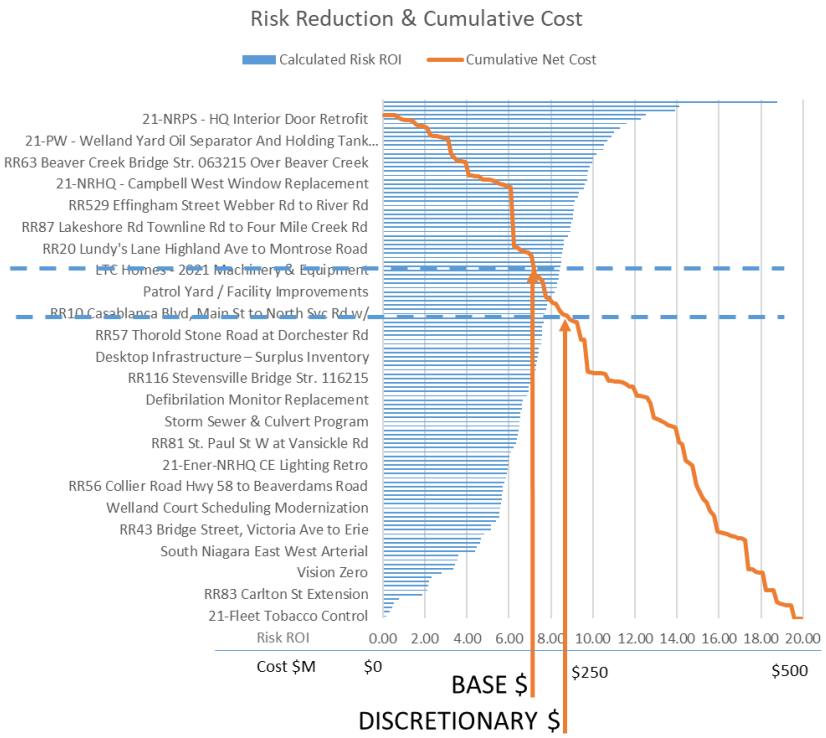
Risk is the product of the likelihood of an event occurring and the impact should it occur. It is measured with 5 weighted criteria under the triple bottom line.

Alignment to corporate priorities is measured against criteria from Strategic, Service, and Financial perspectives.

Applying CAMRA to the capital budget

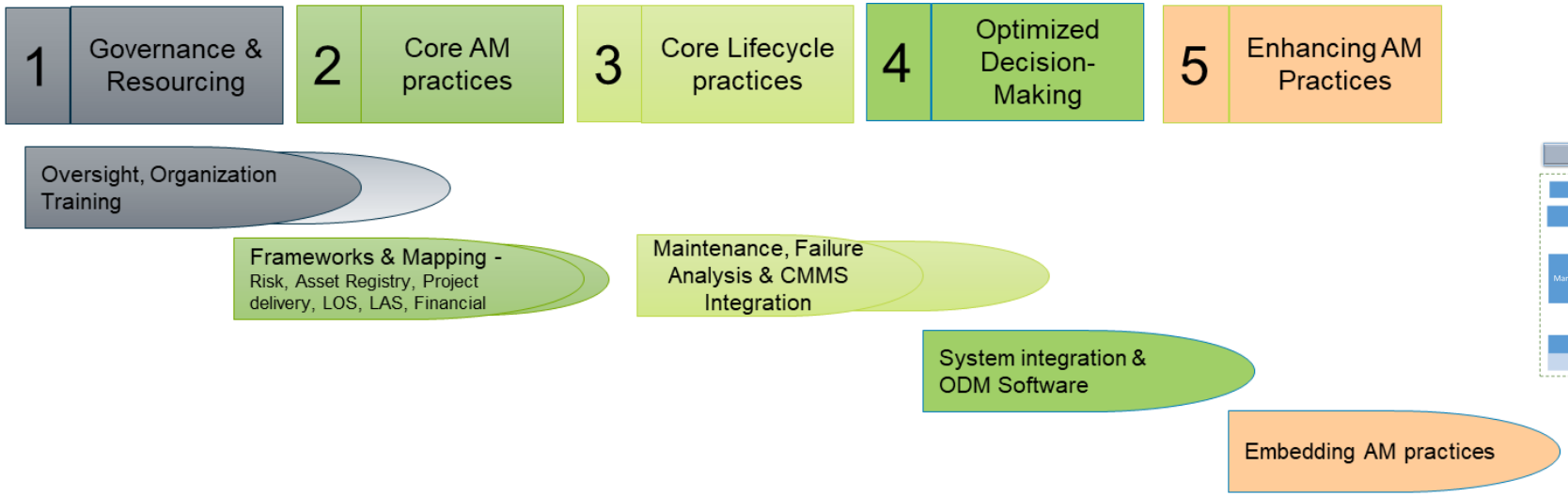


1. Assessment of projects through CAMRA sorted by Risk Return on Investment (Risk ROI – Risk reduction divided by project cost)
2. Apply **Capital Funding Strategy** (CFS) and determine candidate projects based on Strategy (funding source) and **Risk ROI** within Base budget
3. Apply **Discretionary** funding against projects below the Base budget threshold using other attributes and Risk ROI
   - Corporate Priority Score
   - Interdependent - Timing Opportunity
   - Business continuity
   - Divisional priority
   - Recurring program…etc.
4. Evaluation, adjustment and validation of results of CAMRA and CFS prioritized project listing by Corporate Asset Management Steering Team (CAMST)
5. Preparation of final draft 2021 Capital Budget for Budget Review Committee of the Whole



Asset Management System 5-year plan

The 5-year plan to improve the asset management system



Although the roadmap is based on focused themes for each year of the 5 year plan period, throughout the period value enabling activities support achievement of goals. This includes Training, IT, and Data management

Subject: 2021 Capital Budget

Report to: Budget Review Committee of the Whole

Report date: Thursday, October 15, 2020

Recommendations

1. That the 2021 Capital Budget for the Niagara Regional Departments and Agencies, Boards and Commissions of $501,505,722 as per **Appendix 1** to CSD 58-2020, **BE APPROVED** pending final by-law approval anticipated to be on January 21, 2021.

2. That an incremental transfer to the Capital Levy Reserve of $2,046,910 or 1.00% of the departmental share of the levy **BE REFERRED** to the 2021 Operating budget.

3. That $5,300 for the incremental operating costs of capital projects as per **Appendix 7 BE REFERRED** for consideration as part of the 2021 Operating Budget to be funded from Assessment Growth.

4. That $5,230,000 for the incremental operating costs of capital projects as per **Appendix 7 BE REFERRED** for consideration as part of the 2021 Rate Budget.

5. That financing in the amount of $215,130,104 gross and $182,450,742 net **BE INITIATED** upon approval of the 2021 Capital Budget and **BE ALLOCATED** to the projects as summarized in **Appendix 4** to CSD 58-2020;

6. That the necessary by-laws **BE PREPARED** and **PRESENTED** to Council for consideration to coincide with the approval of the operating budget.

Key Facts

- The purpose of this report is to recommend the 2021 capital budget of $501.51 million with 127 projects that have been prioritized through the Corporate Asset Management Resource Allocation (CAMRA) Model. All capital projects were evaluated and ranked with CAMRA based on a risk calculated return on investment (RROI).
- Included in the capital budget is the South Niagara Falls Wastewater Treatment Plant (SNF WWTP) Project which is $320 million or 64% of the 2021 Capital Budget.

- All recommended capital projects are supported by business cases included in eScribe. 117 projects are to be initiated and 4 projects are to be partially initiated concurrently with the approval of the 2021 Capital Budget (**Appendix 4**). There are 10 capital projects, in the amount of $286.37 million, that will be brought forward for initiation at a later date once further information is available (**Appendix 4**).
- Capital funding was allocated to projects in alignment with the principles of the Capital Financing Policy inclusive of 1% increase of the departmental share of the levy and rate budgets in accordance with the 2021 budget planning report.

Financial Considerations

The proposed 2021 Capital Budget of $501.51 million ($85.76 million Levy Capital Budget and $415.75 million Rate Capital Budget) is included in **Appendix 1**.

The 2021 Capital Budget being presented is funded as follows:

Table 1: Levy Capital Funding Sources 2020 vs 2021

	2020	**2021**
Regional Funding:		
Reserves	$39,822,935	$39,698,091
Debt for Long Term Care	129,187,000	-
Debt	15,762,650	25,000,000
	184,772,585	63,098,091
External Funding:		
Area Municipalities	2,700,000	3,950,000
Federal Gas Tax	10,348,900	11,000,000
Other External	12,621,546	1,289,862
	25,670,466	16,239,862
Development Charges (DC)	59,956,458	4,819,500
Total	270,399,489	85,757,453

Table 2: Rate Capital Funding Sources 2020 vs 2021

	2020	**2021**
Regional Funding:		
Reserves	$83,994,830	$64,932,000
Debt	-	82,988,565
	83,994,830	147,920,565
External Funding:		
Federal Gas Tax	4,000,000	3,000,000
Unconfirmed Grants (SNF)	-	108,000,000
Other External	800,000	-
	4,800,000	111,000,000
Debt - Development Charges	-	148,207,703
Development Charges	16,330,570	8,620,000
Total	105,125,400	415,748,269

Assumptions for the funding are as follows:

- The Capital Financing Policy has a strategy for establishing adequate levels of funding for capital projects that address sustainment, growth and new strategic investments. This policy was utilized for funding decisions in the 2021 Capital Budget.
- **Reserves** – Reserves were allocated to infrastructure renewal projects
    - A levy increase of 1% ($2.05 million) was recommend in the 2021 budget planning strategy to support the infrastructure deficit and Capital Financing Strategy. If the increase is not approved, an additional $2.05 million of levy capital projects will have to be deferred or reduced **(Appendix 3).**
    - At the end of 2021; General Capital Levy and Infrastructure Deficit Reduction Reserves is forecasted to be $1 million, Water Reserve is forecasted to be $60 million, Wastewater Reserve is forecasted to be $2 million, and Waste Management reserve is forecasted to be $0.5 million. The 9-year forecast of capital reserve balances are in **Appendix 6.**
    - Closures of 53 Capital projects and budget reductions provided $9.6 million in funding for the 2021 Capital Budget.

- **Debt –** Debt was allocated to growth projects as identified within the DC background study, projects that provided net-new assets to the Region or projects that leveraged external funding sources.
    - No increase in the debt charge budget with the exception of accommodating the SNF WWTP and the Safe Drinking Water Act financial plan. The impacts to the debt metrics and trends are identified **in Appendix 5**. While Niagara is the highest compared to the average of comparable Regions in 7 debt metrics, it is still below the Municipal Act debt threshold of an annual repayment limit of 25% (2021 – 8.30%).
- **Area Municipality –** Contributions from local area municipalities are used for Capital projects in which Niagara Region projects incorporate some element of Local Area Municipality owned infrastructure.
- **Federal Gas Tax –** Annual allocation from the Federal Government of approximately $14 million is provided to the Niagara Region every year to spend on infrastructure projects and is allocated to projects in accordance with the transfer payment agreement.
- **Unconfirmed Grants SNF –** Unconfirmed $108 million estimated provincial and federal contribution for the SNF WWTP based on historical grant funding formulas. Confirmation of this grant is required in order for the SNF WWTP projects to proceed to construction phase.
- **Other External** – Confirmed contributions from 3rd parties, provincial and federal governments for capital projects were leveraged where possible.
- **Debt - Development charges** – 70% of the net cost of the SNF WWTP projects are recoverable by DCs. Since the collection of DC receipts from the resulting growth of the project will occur after the project is done, debenture financing will be required with the future annual debt payments funding from DC receipts
- **Development charges** - $13.4 million have been maximized in accordance with the background study for growth related projects.

Operating impacts with capital

To align with the budget planning by-law, the impacts of operating these capital projects will be recommended to be funded through assessment growth for more transparency into the incremental revenues, expenditures or cost savings. This information is reported on the capital data sheets within the Budget detail on eScribe. A summary of the operating impacts can be seen in **Appendix 7.** Preliminary estimates of net assessment growth amount to $3.9 million. Assessment growth will be allocated based on the budget planning bylaw's methodology when the operating budget is presented to the Budget Review Committee of the Whole in January. The remaining net assessment

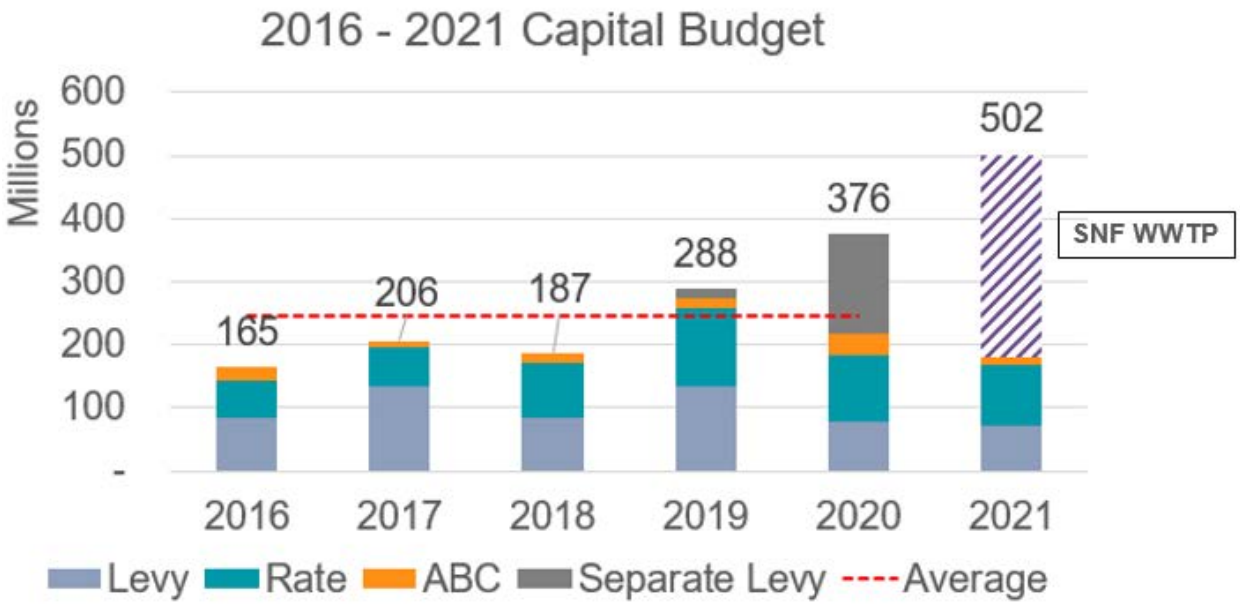
growth may be recommended for the projected levy 2021 operating costs of capital of $5,300.

The projected rate 2021 operating cost of capital is $5,230,000. The entire amount is related to the SNF WWTP. This operating cost will be accommodated within 2% budget planning on the rate budget. Additional breakdown into the rate operating impacts of capital can be found in PW 39-2020 South Niagara Falls Wastewater Treatment Plant Update.

South Niagara Falls Wastewater Projects and Development Charge Debt

As seen in Chart 1, The South Niagara Falls Wastewater Treatment Project comprises 64% of the 2021 Capital Budget. As identified in PW 39-2020, the SNF WWTP projects are being included in 2021 so that the project can begin the environmental assessment, planning and land acquisition. Due to the size of request, DC Debt will be used as a new method of financing in the 2021 Capital Budget.

Chart 1: 2016 – 2021 Capital Budget Trend



It is common that the infrastructure must be build first in order to open up the opportunity area for development which will in turn generate future development charges. As a result the Region will issue DC debt that will be funded with future DC

receipts (which is a practice adopted by municipalities). This required $212 million of debt of which $148 million will be recovered through future DC receipts.

Table 3: Funding Breakdown of South Niagara Falls Wastewater Projects

	Amount (in millions)
Gross Cost	**$320.20**
Unconfirmed Grants	$108.00
Debt - Development Charges	$148.20
Debt - Rates	$64.00
Total Funding	**$320.20**

9 Year Forecast Financing Strategy

The 10-year capital program is $3.03 billion with an estimated funding deficit of $0.82 billion ($763 million levy, $60 million rate) **(Appendix 8).** This amount changes every year due to the timing of projects and new funding assumptions. Changes from the prior year forecast funding deficit of $1.2 billion are primarily due to the following:

- The 10-year forecast is $30M greater than the prior year
- The 10-year Water and Wastewater financial plan has been revised to reflect a recommended increase of 2% for 2021 and 5.15% for the 9 year forecast as per the Safe Drinking Water Act Financial plan. These projected increases to capital contributions will decrease the funding gap by $400 million.

Analysis

Corporate Prioritization Process

In 2019, Council approved the Asset Management Office. Their mandate is to manage capital assets through a co-ordinated approach to ensure the desired level of service in the Asset Management Plan is achieved against the potential risk of failure due to deferrals from a lack of funding.

The Asset Management Office piloted for the 2021 capital budget a corporate capital project prioritization process. The new process known as Corporate Asset Management Resource Allocation (CAMRA) is a methodology to prioritize all capital projects submitted for the 2021 Capital Budget based on risk calculated return on investment which assigns a score based on the following:

- Environmental, social and economic risk assessment
- Alignment to council priorities
- Impact on the funding strategy

In co-ordination with the principles of the Capital Financing Policy, the model optimized the allocation of available funding to projects with the highest RROI.

Incorporated within CAMRA's environmental and social risk assessment is consideration of health, safety and wellbeing. This is aligned with steps from the Health Equity Informed Planning (HEIP) project, part of the Council Strategic Priority, fostering a healthy and vibrant community. This project involves incorporating Health Impact Assessments into planning processes at the Region. One of the objectives of this assessment is to identify health and health equity impacts within projects in order to maximize positive impacts and reduce negative impacts on health, leading to safer, more inclusive, affordable and accessible human services.

A team led by the Diversity, Equity and Inclusion Program Manager is piloting a Health Impact Assessment process in relation to capital projects over the next few months.

Capital Financing Sustainability and Asset Management Plan

The 2017 comprehensive Asset Management Plan was utilized in the 2021 budget cycle to identify existing assets for replacements. In the 2021 Capital Budget, 44% (2020 – 55%) of the projects are directly attributable to the AMP.

In 2017, Council approved the creation of the Infrastructure Deficit Reduction reserve through a 1% increase on the levy. The establishment of the reserve was the first step in a long-term capital financing strategy to reduce the infrastructure funding gap. Since the creation of this reserve, it has funded $17.1 million of Capital projects which are identified in **Appendix 2**.

Per CSD 41-2019 Capital Financing Policy, it was identified that an estimated 2.16% annually for the next ten years was required to eliminate the infrastructure deficit. Recognizing the impact of COVID-19, the budget planning strategy proposed a 1% increase for capital. The 1% of departmental share of the levy (excluding agencies boards and commissions) equates to a 0.52% of the consolidated levy increase. Inclusive of the incremental 0.52% ($2 million) of the levy budget, the annual contributions to general capital levy capital reserves will be $19.9 million. The target based on the 2017 Asset Management Plan's annual asset renewal investment is $66 million.

Table 3: Tax Levy Impact: Capital Funding Strategy vs Capital Budget proposed

	Amount (in millions)	% of Tax levy
Requirement for Asset Management identified in Capital Funding Strategy	$8.48	**2.16%**
1% of Departmental Share of Levy	$2.05	**0.52%**
Difference	$6.43	**1.64%**

Supporting Growth

In the 2021 Capital Budget, $161.6 million or 32% (2020 - 20%) of the gross request is growth related, therefore eligible to be financed through DCs. This is an increase of $85.4 million from the 2020 Capital budget and is reflective of the continued investment in growth.

Alternatives Reviewed

No alternatives were reviewed. Information will continue to be developed, analysed and summarized for the Rate, ABC and Operating Budget Review Committee to facilitate decision making. Council will have the opportunity to consider all options throughout the budget process.

Relationship to Council Strategic Priorities

The 2021 Capital Budget aligns with the approved Niagara Region's 2019 – 2022 Council Strategic Plan. The following is the percentage of gross capital expenditures aligned to each strategic priority:

- 51.5%, Responsible growth and infrastructure planning and Sustainable and Engagement Government - Sustainable investments in transportation, transit and infrastructure and a commitment to high quality, efficient, fiscally sustainable and coordinated core services through enhanced communication, partnerships and collaborations with the community.
- 48.5%, Businesses and Economic Growth and Healthy and Vibrant Community - A coordinated approach to fostering economic growth in Niagara and foster a high quality of life through safe, healthy and inclusive neighbourhoods through the delivery of quality, affordable and accessible human services.

Other Pertinent Reports

CSD 21 – 2017	Asset Management Plan
CSD 51 – 2019	Capital Financing Policy
CSD 41 – 2020	2021 Budget Planning
CSD 63 – 2017	Regional Development Charges and Proposed By-law
CSD 65 – 2019	Budget Planning By-law
PDS 37 – 2016	Niagara 2041 Growth Strategy - Local Municipal Growth Allocations
PW 22 – 2017	2016 Water & Wastewater Master Servicing Plan Update
PW 39 – 2020	South Niagara Falls Update
TSC-C 3 – 2017	Niagara Region Transportation Master Plan

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Appendices

Appendix 1	2021 Capital Budget Summary by Department with Funding
Appendix 2	Projects Allocated Infrastructure Deficit Reduction Funding
Appendix 3	Projects Allocated 1% Levy increase
Appendix 4	2021 Capital Projects Initiation Status
Appendix 5	Debt Information
Appendix 6	Capital Reserve Balances
Appendix 7	Operating Impacts of Capital

Appendix 8	2021 – 2030s Capital Budget and Nine Year Forecast
Appendix 9	Treasurer's Certificate

2021 Capital Budget by Department

	Gross Capital Request	Reserves	Debt*	Development Charges	Federal Gas Tax	Area Municipality	Other External	Total Funding
Community Services	**795,051**	795,051	0	0	0	0	0	**795,051**
Corporate Services	**10,397,500**	2,637,500	7,760,000	0	0	0	0	**10,397,500**
Corporate Administration	**400,000**	400,000	0	0	0	0	0	**400,000**
NRPS	**7,438,500**	2,838,500	4,600,000	0	0	0	0	**7,438,500**
Public Health	**5,051,402**	5,051,402	0	0	0	0	0	**5,051,402**
Regional Housing	**7,280,000**	1,162,415	5,677,723	0	0	0	439,862	**7,280,000**
Transportation	**54,395,000**	26,813,223	6,962,277	4,819,500	11,000,000	3,950,000	850,000	**54,395,000**
Waste Management	**4,927,000**	4,927,000	0	0	0	0	0	**4,927,000**
Wastewater	**380,121,269**	35,565,000	231,196,269	2,360,000	3,000,000	0	108,000,000	**380,121,269**
Water	**30,700,000**	24,440,000	0	6,260,000	0	0	0	**30,700,000**
Total	**501,505,722**	**104,630,091**	**256,196,269**	**13,439,500**	**14,000,000**	**3,950,000**	**109,289,862**	**501,505,722**

* $146.2M of Debt will be recovered by future development charge reciepts.

Projects Allocated 1% Infrastructure Deficit Reduction Funding

The following are capital projects financed with the 1% infrastructure deficit reduction reserve since 2017

Historically Approved

Project ID	Project Name	IDR Funded
10RC0627	38-QEW/Fourth – St. Catharines	$500,000
10RC0816	57-Thorold Stone Road Extension –Niagara Falls	1,643,022
10RC1329	10-Livingston / QEW - Grimsby	1,650,000
10RC1354	87-Third/Seventh- St. Catharines	44,234
10RC1554	Glendale Ave Interchange @ QEW	250,000
10RC1559	69-Wessel/Centre Phase 3 - Lincoln	450,000
10RC1560	1-Albert/Lakeshore- Fort Erie	936,000
10RC1562	RR 42 - Ontario Street EA St. Catharines	1,260,000
10RC1567	27-Prince Charles Drive /Lincoln- Welland	945,000
20000145	63-Wellandport/Com Centre- West Lincoln	270,000
20000147	89-Welland Canal / Homer - NOTL	270,000
20000319	St Davids Road East – Thorold	1,158,576
20000497	2017-Interchange St Davids @ 406 – Thorold	1,140,000
20000658	18-Struct Rehab -Mewburn@CNR Tracks- Niagara Falls	75,000
20000660	18-Rehab 56-Glendale to St Davids -Thorold	180,000
20000662	18-Intersection Improvement -81 @ Main & 19th-Lincoln	500,000
20000667	18-Rehab 49 – Hydro Electric PC to Wilson P2-Niagara Falls	255,000
20000668	18-Rehab 81- Burgoyne to CNR-St. Catharines	450,000
20000895	19-Intersection Improvement RR 24 Victoria Ave – Niagara Falls	500,000
20000898	19-Rds Rehab - RR 72 Louth St – St. Catharines	300,000
20000929	19- Intersection Improvement - RR46 Geneva St – St. Catharines	1,000,000
Total		**$13,776,832**

Proposed with the 2021 Capital Budget

Project ID	Project Name	IDR Funded
20001350	21- Code and Legislative Compliance Program	$258,691
20001323	21- Rds Rehab – Misc Construction	250,000
20001433	21- EMS King St. Base Parking Lot Refurbishment and And Retaining Wall Repair	400,000
20001400	21- Annual – EMS Ambulance and Equipment Replacement	2,028,958
Total		**$3,352,000**

Projects Allocated 1% Budget Planning

The following are capital projects financed with the 1% budget planning.

Project ID	Project Name	1% Budget Planning
J_20001402	21- EMS Intraosseous Needles	103,313
J_20001440	21- EMS New Ambulance plus Equipment	290,527
J_20001320	21- Ann-Line Marking	200,000
J_20001338	21- LTC Homes – Machinery & Equipment	172,687
J_20001399	21- NRH – Annual Building Capital Program	1,280,383
Total		**$2,046,910**

2021 Capital Projects Initiated Concurrent with Budget Approval

Program	Project ID	Project Name	Gross Capital Request	Reserves	Debt	Development Charges	Federal Gas Tax	Local Area Municipality	Other External
Community Services	**J_20001336**	21- LTC Homes - Bed Replacement	195,481	195,481	-	-	-	-	-
	J_20001337	21 - LTC Homes - Resident Care Equipment	426,883	426,883	-	-	-	-	-
	J_20001338	21 - LTC Homes - Machinery & Equipment	172,687	172,687	-	-	-	-	-
Community Services Total			**795,051**	**795,051**	**-**	**-**	**-**	**-**	**-**
Corporate Administration	**J_20001341**	21-HRIS Development	400,000	400,000	-	-	-	-	-
Corporate Administration Total			**400,000**	**400,000**	**-**	**-**	**-**	**-**	**-**
Corporate Services	**J_20001348**	21-Court Scheduling Modernization	150,000	150,000	-	-	-	-	-
	J_20001421	21-Telecom Infrastructure – End of Life Voice Speech Attendant	100,000	100,000	-	-	-	-	-
	J_20001349	21-Server Infrastructure – End of Life Asset Replacement	600,000	600,000	-	-	-	-	-
	J_20001350	21-Code and Legislative Compliance Program	290,000	290,000	-	-	-	-	-
	J_20001432	EMS - NOTL Separation Of Utilities From Hospital And Generator Installation	350,000	350,000	-	-	-	-	-
	J_20001433	21-EMS - King St. Base Parking Lot Refurbishment and And Retaining Wall Repair	400,000	400,000	-	-	-	-	-
	J_20001351	21-NRPS - HQ Interior Door Retrofit	150,000	150,000	-	-	-	-	-
	J_20001435	21-PW - Welland Yard Oil Separator And Holding Tank Replacement	100,000	100,000	-	-	-	-	-
	J_20001271	Backup 911 Call Centre Relocation	7,760,000	-	7,760,000	-	-	-	-
	J_20001353	21-Wainfleet Beach - Long Term Sustainability	70,000	70,000	-	-	-	-	-
	J_20000107	Bldg Ext - Emerg Srvc - Roof	427,500	427,500	-	-	-	-	-
Corporate Services Total			**10,397,500**	**2,637,500**	**7,760,000**	**-**	**-**	**-**	**-**
Niagara Regional Housing	**J_20001340**	21-NRH - Annual Emergency Capital Program	200,000	200,000	-	-	-	-	-
	J_20001398	21-NRH - Annual Grounds Capital Program	2,290,000	311,290	1,836,438	-	-	-	142,272
	J_20001399	21-NRH - Annual Building Capital Program	4,790,000	651,125	3,841,285	-	-	-	297,590
Niagara Regional Housing Total			**7,280,000**	**1,162,415**	**5,677,723**	**-**	**-**	**-**	**439,862**
NRPS	**J_20001447**	NRPS - IT & Network Equipment Replacement - Annual (2021)	800,000	800,000	-	-	-	-	-
	J_20001446	NRPS - Annual Vehicle Replacements - NRPS - Annual Forecast (2021)	1,400,000	1,400,000	-	-	-	-	-
	J_20001450	NRPS - Speed Detection Devices (2021)	14,000	14,000	-	-	-	-	-
	J_20001449	NRPS - CEW Replacement - Annual (2021)	75,000	75,000	-	-	-	-	-
	J_20001462	NRPS – Communications Back Up Centre	4,600,000	-	4,600,000	-	-	-	-
	J_20001448	NRPS - Automated Fingerprint Records Check (2021)	125,000	125,000	-	-	-	-	-
	J_20001459	NRPS - Automated Licence Plate Reader (2021)	30,000	30,000	-	-	-	-	-
	J_20001452	NRPS - Binocular Night Vision Devices (2021)	61,000	61,000	-	-	-	-	-
	J_20001456	NRPS - CBRN Non-Encapsulating Protection Suits (2021)	20,000	20,000	-	-	-	-	-
	J_20001454	NRPS - Direct Read Portable X-Ray System (2021)	87,000	87,000	-	-	-	-	-
	J_20001457	NRPS - Forward Looking Infrared Camera (2021)	36,000	36,000	-	-	-	-	-
	J_20001453	NRPS - Diver's Umbilical Breathing Hose (2021)	13,000	13,000	-	-	-	-	-
	J_20001455	NRPS - Self Contained Breathing Apparatus (2021)	47,000	47,000	-	-	-	-	-
	J_20001458	NRPS - Towable Underwater Video/Light System (2021)	18,000	18,000	-	-	-	-	-
	J_20001451	NRPS - Range Target System (2021)	60,000	60,000	-	-	-	-	-
	J_20001460	NRPS - Property and Evidence Money Safes (2021)	45,000	45,000	-	-	-	-	-
	J_20001461	NRPS - Property and Evidence Scissor Lift (2021)	7,500	7,500	-	-	-	-	-
NRPS Total			**7,438,500**	**2,838,500**	**4,600,000**	**-**	**-**	**-**	**-**
Public Health Emergency Serv	**J_20001400**	21-Annual - EMS - Ambulance and Equipment Replacement	2,028,958	2,028,958	-	-	-	-	-
	J_20001401	21-EMS - Defibrillator Replacement	2,306,536	2,306,536	-	-	-	-	-
	J_20001402	21-EMS Intraosseous Needles	103,313	103,313	-	-	-	-	-
	J_20001342	Digital Radios - Fire Coordinator	20,000	20,000	-	-	-	-	-
	J_20001440	21-EMS New Ambulance plus Equipment	290,527	290,527	-	-	-	-	-
	J_20001442	21-EMS Emergency Response Vehicles	302,068	302,068	-	-	-	-	-
Public Health Emergency Serv Total			**5,051,402**	**5,051,402**	**-**	**-**	**-**	**-**	**-**
Public Works - Levy	**J_10RC1560**	Rds Rehab - RR 1 Dominion Rd Reconstruction - Helena St to Lakeshore Rd	5,860,000	4,419,223	449,777	541,000	-	100,000	350,000
	J_10RC1562	Rds Rehab - RR 42 Ontario St. Reconstruction - Lakeshore to Linwell	710,000	639,000	-	71,000	-	-	-
	J_10RC1564	Rds Rehab - RR 81 King St Reconstruction - Durham Rd to Lincoln Ave	1,000,000	-	900,000	100,000	-	-	-
	J_10RC1566	Struc Rehab - St. Paul W CNR Bridge Replacement (081215)	11,000,000	-	-	1,787,500	5,362,500	3,850,000	-

2021 Capital Projects Initiated Concurrent with Budget Approval

Program	Project ID	Project Name	Gross Capital Request	Reserves	Debt	Development Charges	Federal Gas Tax	Local Area Municipality	Other External
	J_20000489	Rds Rehab - RR 529 Effingham St - Webber Rd to River Rd	5,500,000	-	-	550,000	4,950,000	-	-
	J_10RC1244	Rds Rehab RR87 Lakeshore Rd from Townline Rd to Four Mile Creek Rd	2,000,000	2,000,000	-	-	-	-	-
	J_10RC1559	Rds Rehab - Pelham Rd Reconstruction (Ph 3) - Wessell Dr to 8th Ave	7,000,000	-	5,612,500	700,000	687,500	-	-
	J_20000664	Struc Rehab - Hydro Canal Bridge North Str. 020230	2,580,000	2,580,000	-	-	-	-	-
	J_20001186	Rds Rehab - RR 20 Lundy's Lane - Highland Ave to Montrose Rd	700,000	630,000	-	70,000	-	-	-
	J_20001311	21 Ann-Guide Rail Imprv	250,000	250,000	-	-	-	-	-
	J_20001307	21 Ann-Development Projects	500,000	-	-	-	-	-	500,000
	J_20001317	21 Ann-Roads Resurfacing	10,000,000	9,000,000	-	1,000,000	-	-	-
	J_20001319	21 Ann-Struc Rehab-Eng &Constr	1,500,000	1,500,000	-	-	-	-	-
	J_20001320	21 Ann-Line Marking	200,000	200,000	-	-	-	-	-
	J_20000498	McLeod Rd at Stanley/CNR Tracks - Storm Pumping Station	500,000	500,000	-	-	-	-	-
	J_20001323	21-Rds Rehab-Misc Construction	750,000	750,000	-	-	-	-	-
	J_20001128	21- Vision Zero	500,000	500,000	-	-	-	-	-
	J_20001406	Struc Rehab - Beaver Creek Bridge (063215)	150,000	150,000	-	-	-	-	-
	J_20001407	Struc Rehab - Hwy 20 Bridge - Bridge Replacement (Str. 020220)	3,500,000	3,500,000	-	-	-	-	-
	J_20001414	Struc Rehab -077310-16 Mile Creek Arch Culvert	100,000	100,000	-	-	-	-	-
	J_20001420	21-WM-Ops Vehicle	40,000	40,000	-	-	-	-	-
	J_20001445	21- Water New Vans	55,000	55,000	-	-	-	-	-
Public Works - Levy Total			**54,395,000**	**26,813,223**	**6,962,277**	**4,819,500**	**11,000,000**	**3,950,000**	**850,000**
Waste Management	**J_20000887**	Mtn-GW Treatment LCS upgrades	1,200,000	1,200,000	-	-	-	-	-
	J_20000167	Glenridge - Passive Gas System	385,000	385,000	-	-	-	-	-
	J_20001333	21-Ann Misc. Enhance/Replace	165,000	165,000	-	-	-	-	-
	J_20001335	21-Property Acquisition	110,000	110,000	-	-	-	-	-
	J_20001334	21-Humberstone-LGCCS Phase 3	330,000	330,000	-	-	-	-	-
	J_20001329	21-NR12-Compost Pad	520,000	520,000	-	-	-	-	-
	J_10GL1218	Glenridge LCS Header Replacement	825,000	825,000	-	-	-	-	-
	J_20001330	21-Recycling Loader Replacement	358,000	358,000	-	-	-	-	-
	J_20001331	21-Recycling Facility Improvement	44,000	44,000	-	-	-	-	-
	J_20001332	21-Recycling Building & Equip	110,000	110,000	-	-	-	-	-
	J_20001390	21-Recycling Rotary Glass Dryer	880,000	880,000	-	-	-	-	-
Waste Management Total			**4,927,000**	**4,927,000**	**-**	**-**	**-**	**-**	**-**
Wastewater Operations	**J_10SW1517**	Niagara Falls WWTP Secondary Treatment Upgrade	47,000,000	25,000,000	19,000,000	-	3,000,000	-	-
	J_20000705	George Street SPS Upgrade	2,600,000	2,600,000	-	-	-	-	-
	J_20000698	Campden Pumping Station Upgrades	1,200,000	120,000	-	1,080,000	-	-	-
	J_20000711	East Side Pump Station Forcemain Replacement	1,500,000	1,500,000	-	-	-	-	-
	J_20000724	South Niagara Falls Wastewater Treatment Plant	26,176,240		26,176,240		-	-	
	J_20001146	20-Lakeshore Road Pumping Station Upgrade	500,000	50,000	-	450,000	-	-	-
	J_20001354	21 - Region Wide Sludge Septic Haulage Program	1,000,000	1,000,000	-	-	-	-	-
	J_20001355	21-Laboratory and Sampling Equipment Upgrade Program	100,000	100,000	-	-	-	-	-
	J_20001356	21-WWTP Digester / Sludge Management Program	1,250,000	1,250,000	-	-	-	-	-
	J_20001357	21- Royal Manor Pump Station Upgrades and Forcemain Replacement	300,000	300,000	-	-	-	-	-
	J_20001358	21- Rolling Acres PS Upgrades and Forcemain Replacement	300,000	300,000	-	-	-	-	-
	J_20001359	21- Nigh Rd Pumping Station Upgrade	300,000	150,000	-	150,000	-	-	-
	J_20001360	21 - Nickel St Pumping Station Upgrades	300,000	300,000	-	-	-	-	-
	J_20001361	21-Seaway WWTP Contact Tank Process Modifications	250,000	250,000	-	-	-	-	-
	J_20001362	21-Fares St Pumping Station Upgrades	300,000	300,000	-	-	-	-	-
	J_20001363	21- Arena Pumping Station Upgrades	300,000	300,000	-	-	-	-	-
	J_20001364	21- Spring Gardens Pumping Station Upgrades and Forcemain Replacement	350,000	350,000	-	-	-	-	-
	J_20001365	21-Port Dalhousie WWTP Waste Gas Burner Upgrades	300,000	300,000	-	-	-	-	-
	J_20001366	21 - Ontario St Pumping Station Upgrades	850,000	170,000	-	680,000	-	-	-
	J_20001367	21-New South Niagara Falls WWTP Outfall	780,400	-	780,400		-	-	-

2021 Capital Projects Initiated Concurrent with Budget Approval

Program	Project ID	Project Name	Gross Capital Request	Reserves	Debt	Development Charges	Federal Gas Tax	Local Area Municipality	Other External
	J_20001368	21- South Niagara Falls Trunk Sewer	6,264,011	-	6,264,011		-	-	-
	J_20001374	21-New Black Horse PS - South Niagara Falls WWTP	600,000	-	600,000		-	-	-
	J_20000866	19-Decomission Old Central Pumping Station	400,000	400,000	-	-	-	-	-
	J_20001465	21- Mill St Area Sanitary Improvements Ph 1	825,000	825,000	-	-	-	-	-
Wastewater Operations Total			**93,745,651**	**35,565,000**	**52,820,651**	**2,360,000**	**3,000,000**	**-**	**-**
Water Operations	**J_20000615**	DeCew Falls Bypass Channel Weir Upgrade (Middle Res)	750,000	750,000	-	-	-	-	-
	J_20000620	Downing Avenue Transmission Main Replacement	2,000,000	2,000,000	-	-	-	-	-
	J_20000755	WTP Upgrade - DeCew Falls Intake Building Rehabilitation	5,000,000	5,000,000	-	-	-	-	-
	J_20000848	Watermain - Port Robinson System Interconnect	3,600,000	1,800,000	-	1,800,000	-	-	-
	J_20000187	Grimsby WTP Upgrade - Laneway Improvements	1,100,000	1,100,000	-	-	-	-	-
	J_20001396	21- Roof Replacement Program	500,000	500,000	-	-	-	-	-
	J_20001377	21-Water - Hardware & Software Upgrade Program	100,000	100,000	-	-	-	-	-
	J_20001378	21-GAC Replacement program at Water Treatment Plants	2,500,000	2,500,000	-	-	-	-	-
	J_20001379	21-Master Meter Replacement Program - Water	250,000	250,000	-	-	-	-	-
	J_20001380	21-Reservoir & Storage Program	500,000	500,000	-	-	-	-	-
	J_20001382	21-Corporate WIFI Expansion at Water Facilities	200,000	200,000	-	-	-	-	-
	J_20001393	21- Boiler Replacement Program	1,000,000	1,000,000	-	-	-	-	-
	J_20001384	21-Drummond Road Valve Rehabilitation	1,000,000	1,000,000	-	-	-	-	-
	J_20001385	21- New Niagara Falls Elevated Tank	1,500,000	1,050,000	-	450,000	-	-	-
	J_20001391	21- Rosehill WTP New Outfall	400,000	400,000	-	-	-	-	-
	J_20001394	New Trunk Main in Central Fort Erie	400,000	200,000	-	200,000	-	-	-
	J_20001386	21-Bemis Elevated Tank Replacement	500,000	500,000	-	-	-	-	-
	J_20001387	21-DeCew Plant 1 Mixing System	400,000	400,000	-	-	-	-	-
	J_20001388	21-York Road Watermain Replacement	500,000	500,000	-	-	-	-	-
	J_20000467	2017- Grimsby Watermain Replacement	6,000,000	3,000,000	-	3,000,000	-	-	-
	J_20001392	21- Grimsby WTP New Outfall	600,000	600,000	-	-	-	-	-
	J_20001395	21- New Transmission Main in Smithville	900,000	90,000	-	810,000	-	-	-
	J_20001464	21- Grimsby WTP HVAC Upgrades	1,000,000	1,000,000	-	-	-	-	-
Water Operations Total			**30,700,000**	**24,440,000**	**-**	**6,260,000**	**-**	**-**	**-**
Grand Total			**215,130,104**	**104,630,091**	**77,820,651**	**13,439,500**	**14,000,000**	**3,950,000**	**1,289,862**

2021 Capital Projects for Future Initiation

			Values						
Program	**Project ID**	**Project Name**	**Gross Capital Request**	**Reserves**	**Debt**	**Development Charges**	**Federal Gas Tax**	**Local Area Municipality**	**Other External**
Wastewater Operations	**J_20000724**	South Niagara Falls Wastewater Treatment Plant	161,571,691		53,571,691		-	-	108,000,000
	J_20001367	21-New South Niagara Falls WWTP Outfall	9,851,933	-	9,851,933		-	-	-
	J_20001368	21- South Niagara Falls Trunk Sewer	79,078,177	-	79,078,177		-	-	-
	J_20001369	21-New South West Trunk Sewer - South Niagara Falls WWTP	9,770,090	-	9,770,090		-	-	-
	J_20001370	21-Peel St PS Upgrades and New Forcemain - South Niagara Falls WWTP	5,921,267	-	5,921,267		-	-	-
	J_20001371	21-South Side High Lift PS Decommissioning - South Niagara Falls WWTP	632,660	-	632,660		-	-	-
	J_20001372	21-Garner Rd, Oakwood Dr, Grassy Brook PS Decommissioning	1,138,787	-	1,138,787		-	-	-
	J_20001373	21-Niagara Falls McLeod Rd Overflow Diversion	1,890,679	-	1,890,679		-	-	-
	J_20001374	21-New Black Horse PS - South Niagara Falls WWTP	3,789,611	-	3,789,611		-	-	-
	J_20001375	21-New Black Horse PS Forcemain - South Niagara Falls WWTP	12,730,724	-	12,730,724		-	-	-
Wastewater Operations Total			**286,375,619**	**-**	**178,375,619**	**-**	**-**	**-**	**108,000,000**
Grand Total			**286,375,619**	**-**	**178,375,619**	**-**	**-**	**-**	**108,000,000**

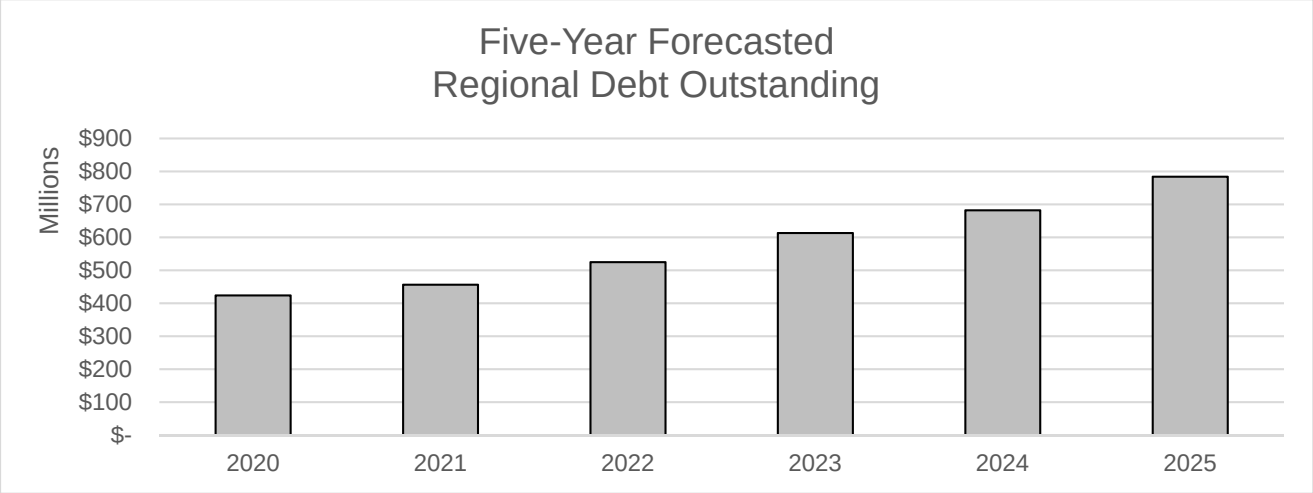
Debt Information

The following is a comparison of the Region's debt-related metrics compiled from the Financial Information Return (FIR) compared to our upper tier municipal peers.
The information on the FIR below represents actual debt issued with the exception of the S&P ratio. The S&P Ratio and ARL are presented in the table are based on forecasted timing of debt issuance. The worst case scenario in which all debt is issued upon approval would put the S&P ratio at 108.1% and the ARL at 9.80%.

Metric	Current State	Proposed with 2021 Budget	Average of Comparable Regions[1]	Key thresholds
Debt as a % of Operating Revenues	38.0%	63.0%	29.0%	
Debt as a % of Reserves & Reserve Funds	82.0%	137.0%	65.0%	
Debt per Capita	$801.02	$1,335.68	$583.30	
Debt per Household (upper tier)	$1,902.10	$3,171.67	$1,628.51	
Debt per Household (upper & lower tier)	$3,550.71	$4,820.28	$2,544.89	
S&P Ratio of Total Region and lower tier Debt to Operating Revenue[2]	76.20%	90.4%	55.30%	120.00%[3]
Annual Repayment Limit (ARL)	7.79%	8.30%	5.64%	25.00%[4]

Source: Ministry of Municipal Affairs Financial Information Return
1 - The comparable regions are Durham, Halton, and Waterloo in line with the KPMG Sustainability review
2 - Waterloo does not use S&P as their credit agency and thus was not included for this analysis. The Region's S&P ratio is calculated as of August 31, 2020.
3 - If this ratio surpasses 120% or total consolidated debt surpasses $1 billion there is a risk of downgrade in the Region's credit rating.
4 - Legislated maximum ratio set by the Province is 25%.

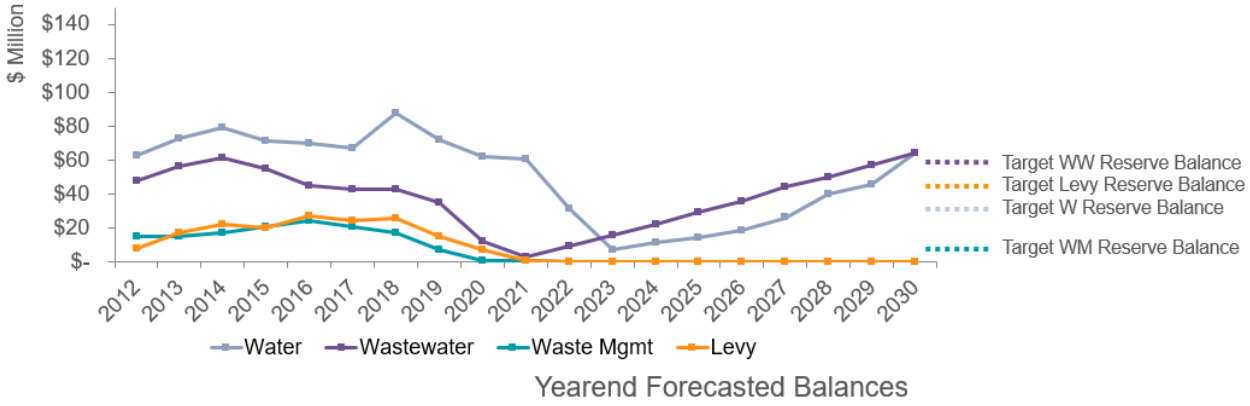
Five-year Forecasted Debt Outstanding



Forecasted Capital Reserve Balances

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
Water	63	73	79	71	70	67	88	72	62	60	31	7	11	14	19	26	40	46	64
Wastewater	48	56	61	55	45	43	43	35	12	2	9	15	22	28	35	44	49	56	64
Waste Mgmt	15	15	17	21	24	21	17	7	1	1	1	1	1	1	1	1	1	1	1
Levy	8	17	22	20	27	24	26	15	7	1	1	1	1	1	1	1	1	1	1
	134	**161**	**179**	**167**	**166**	**155**	**174**	**129**	**82**	**64**	**42**	**24**	**35**	**45**	**56**	**72**	**91**	**104**	**130**

*Figures presented for Levy may not be comparable for years 2010 – 2012 as CSD 48-2014 authorized the closure of several reserve and reserve funds to capital levy reserves



Operating Impacts of Capital

The following are capital projects that will have impact on the operating budget.

Project ID	Project Name	Operating Impact
J_20001342	Digital Radios - Fire Coordinator	2,400.00
J_20001420	21-WM-Ops Vehicle	1,450.00
J_20001445	21- Water New Vans	1,450.00
Total		**$5,300.00**

Project ID	Project Name	Operating Impact
J_20000724	South Niagara Falls Wastewater Treatment Plant	5,230,000.00
Total		**$5,230,000.00**

2021 Capital Budget and 9-Year Forecast

Year	Gross Capital Request	Reserves	Debt	Development Charges	Federal Gas Tax	Area Municipality	Other External	Funding Gap
2021	**$501,505,722**	$104,630,091	$256,196,269	$13,439,500	$14,000,000	$3,950,000	$109,289,862	0
2022	**566,288,459**	99,444,099	78,368,868	136,456,432	14,000,000	3,302,075	2,318,493	232,398,491
2023	**374,563,769**	93,073,306	56,978,230	25,515,000	14,000,000	1,600,000	23,618,493	159,778,740
2024	**245,988,734**	65,551,310	34,847,946	64,946,500	14,800,000	-	1,105,078	64,737,900
2025	**252,807,613**	69,330,023	31,280,218	35,974,000	14,800,000	300,000	31,048,874	70,074,498
2026	**208,202,577**	65,113,708	35,632,092	50,010,000	14,800,000	-	1,048,874	41,597,904
2027	**231,943,248**	69,794,007	28,908,225	72,670,000	15,300,000	-	1,000,000	44,271,015
2028	**292,341,906**	73,140,417	8,776,840	70,942,500	15,300,000	-	1,000,000	123,182,150
2029	**179,697,601**	87,273,421	12,249,082	4,090,000	15,300,000	-	1,000,000	59,785,098
2030	**176,136,018**	82,063,368	29,207,943	19,400,000	15,900,000	-	1,000,000	28,564,707
Grand	**$3,029,475,647**	**$809,413,750**	**$572,445,713**	**$493,443,932**	**$148,200,000**	**$9,152,075**	**$172,429,674**	**$824,390,503**

TREASURER'S REPORT

PROJECT IDENTIFICATION AND FINANCING INFORMATION

Project ID	Description	Long-term Financing	Term (min-max)
J_20001368	21-New Oakwood Dr Trunk Sewer - South Niagara Falls WWTP	$ 85,342,188	1 - 30
J_20000724	South Niagara Falls Wastewater Treatment Plant	79,747,931	1 - 30
J_10SW1517	Niagara Falls WWTP Secondary Treatment Upgrade	19,000,000	1 - 30
J_20001375	21-New Black Horse PS Forcemain - South Niagara Falls WWTP	12,730,724	1 - 30
J_20001367	21-New South Niagara Falls WWTP Outfall	10,632,332	1 - 30
J_20001369	21-New South West Trunk Sewer - South Niagara Falls WWTP	9,770,090	1 - 30
J_20001370	21-Peel St PS Upgrades and New Forcemain - South Niagara Falls WWTP	5,921,267	1 - 30
J_20001374	21-New Black Horse PS - South Niagara Falls WWTP	4,389,611	1 - 30
J_20001373	21-Niagara Falls McLeod Rd Overflow Diversion	1,890,679	1 - 30
J_20001372	21-Garner Rd, Oakwood Dr, Grassy Brook PS Decommissioning	1,138,787	1 - 30
J_20001371	21-South Side High Lift PS Decommissioning - South Niagara Falls WWTP	632,660	1 - 30
J_20001271	Backup 911 Call Centre Relocation	7,760,000	1 - 10
J_10RC1559	Rds Rehab - Pelham Rd Reconstruction (Ph 3) - Wessell Dr to 8th Ave	5,612,500	1 - 10
J_20001462	NRPS – Communications Back Up Centre	4,600,000	1 - 10
J_20001399	21-NRH - Annual Building Capital Program	3,841,285	1 - 10
J_20001398	21-NRH - Annual Grounds Capital Program	1,836,438	1 - 10
J_10RC1564	Rds Rehab - RR 81 King St Reconstruction - Durham Rd to Lincoln Ave	900,000	1 - 10
J_10RC1560	Rds Rehab - RR 1 Dominion Rd Reconstruction - Helena St to Lakeshore Rd	449,777	1 - 10
	TOTAL	**$ 256,196,269**	

TREASURER'S VERIFICATION REPORT

(REQUIRED ONLY ON PROJECTS INVOLVING DEBENTURE FINANCING)

This confirms that I have checked the "Debt Repayment Limit" for Regional Niagara and passage of the by-law to approve these projects will not cause the Region to exceed its limit.

DATE_____

SIGNATURE

Subject: 2021 Budget Public Engagement Exercise

Report to: Budget Review Committee of the Whole

Report date: Thursday, October 15, 2020

Recommendations

1. That this report **BE RECEIVED** for information.

Key Facts

- Niagara Region undertook a public engagement exercise to inform Council's consideration of the 2021 Budget and COVID-19 recovery plans. This campaign engaged with residents, business owners and other stakeholders through an online survey, and third-party facilitated focus groups.

- The provincial government legislates many of the services Niagara Region provides. During this time, the Region continues to deliver programs and services deemed essential.

- Budget engagement activities probed opinions on select investment areas identified by the Region's 2019 Sustainability Review, which highlights the municipality's continued efforts to streamline its business.

- The COVID-19 crisis and other pressures have strained the Region's already limited resources. The campaign aimed to get a better understanding of what our community's needs are during this time, using this input to help Council make the right adjustments to the budget plan to ensure there are no interruptions in the delivery of essential services to our community.

- The campaign aimed to educate and consult various stakeholders on specific areas of service that could provide the Region with a more focused and aligned strategy. It also gathered input on the municipality's continued involvement in key initiatives that fall outside of its core mandate.

- Overall, residents and business owners see the value in the Region's continued involvement in initiatives that keep residents safe and healthy, improve connectivity

and generate economic activity.

- Engagement activities were held over a number of weeks from late September to early October 2020.

- In all, more than 2,300 online surveys were completed. In total, 31 residents participated in four moderated focus groups. Four business leaders participated in a separate business-only session.

Financial Considerations

Niagara Region delivered public engagement activities within a budget of $40,000. In total, the Region spent $35,331 on the delivery of focus groups, video production and survey promotion through newspaper and social media advertising.

The Region hired Pollara Strategic Insights to lead in the full delivery of focus groups, including recruiting of participants and analysis of feedback obtained through sessions. Because of current restrictions on gatherings, Pollara held five focus groups virtually over Zoom between September 23 and 29, 2020.

Other budgetary items include additional costs associated with the delivery of focus groups, and survey promotion through digital and print advertising, as well as the development of a video.

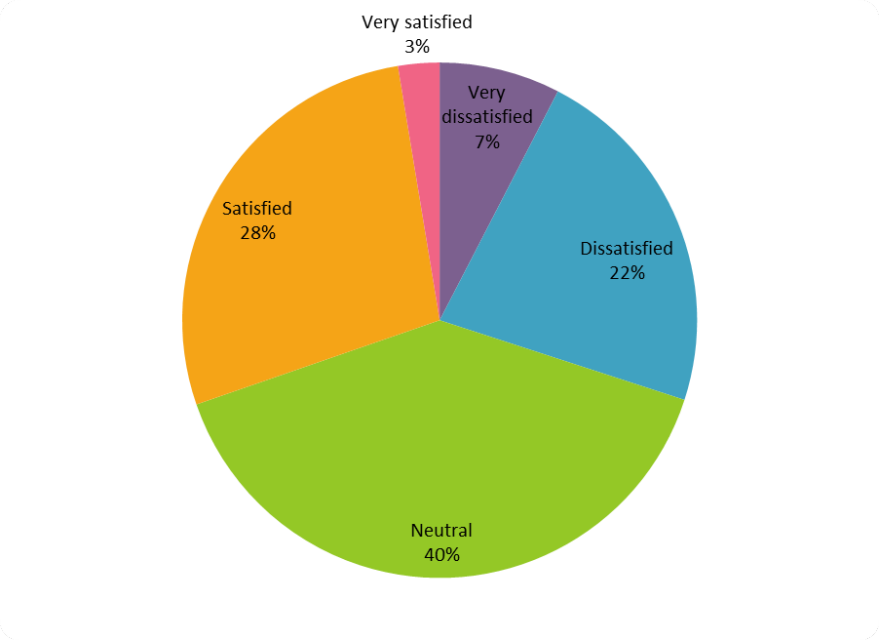
Analysis

As part of its engagement exercise, the Region engaged with residents, business owners and other stakeholders with an online survey, and third-party facilitated focus groups. Generally, survey and focus group responses are consistent across the board with the exception of transit and business supports, which show a difference in the level of support. The survey question four shows 54% of respondent rank transit as low or of no importance. In the focus groups, while most do not use transit themselves, they believe it was important for others (students/seniors) and ranked it as a higher priority. As well, survey question three rated business supports the lowest of five priorities and the focus group discussion, revolving around an increase in jobs, gave it “some but less support”.

Online survey: Niagara Region conducted an online survey hosted on the Region website between September 25 and October 5, 2020. To drive participation, the survey

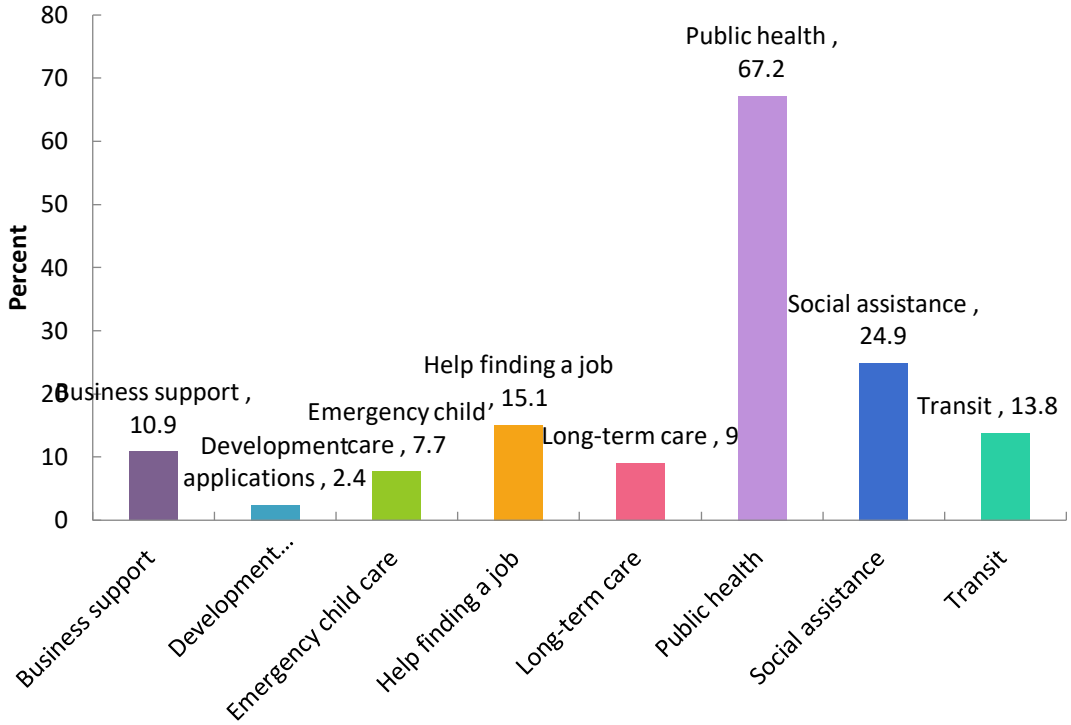
was promoted through newspaper and social media advertising, as well as coverage in local media. In total, the Region received more than 2,300 responses from across the region. Below are some of the findings:

1. The following pie graph shows resident satisfaction with the programs and services provided by Niagara Region.



Value	Percent	Count
Very dissatisfied	7.6%	138
Dissatisfied	22.4%	405
Neutral	39.7%	718
Satisfied	27.7%	501
Very satisfied	2.6%	47
Total		1,809

2. Residents were asked what services they have relied on more since the start of COVID-19.



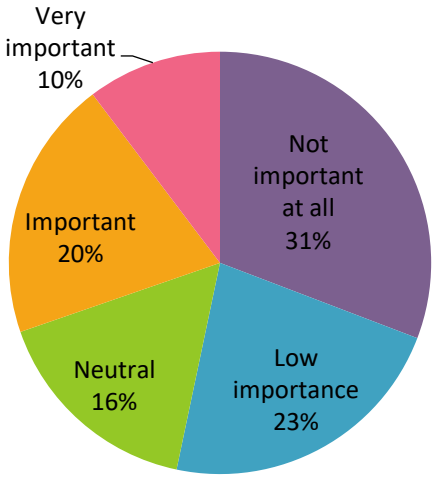
Value	Percent	Count
Business support	10.9%	94
Development applications	2.4%	21
Emergency child care	7.7%	66
Help finding a job	15.1%	130
Long-term care	9.0%	78
Public health	67.2%	579
Social assistance	24.9%	215
Transit	13.8%	119

3. Residents were asked to rank in order of importance what areas Niagara Region should focus on to help support them during COVID-19 (with one being most important and five being least important).

Item	Overall Rank	Score	Total Respondents
Maintenance of essential services, such as clean drinking water, waste collection, roads maintenance	1	5,172	1,464
Keeping seniors safe	2	4,991	1,444
Mental health	3	4,404	1,398
Support for homeless and those at risk	4	4,013	1,463
Supporting business	5	3,475	1,396

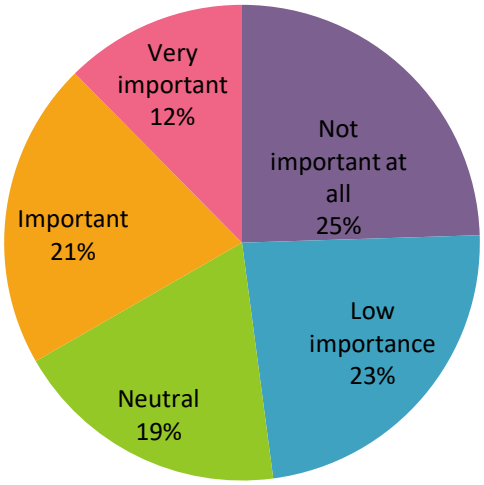
The online survey then asked residents to rate a number of existing Regional projects and initiatives on their order of importance. The purpose of these questions is to gauge residents' opinions of these areas during the COVID-19 pandemic.

4. Niagara residents were asked how important it is for the Region to continue to invest in GO Train service enhancements.



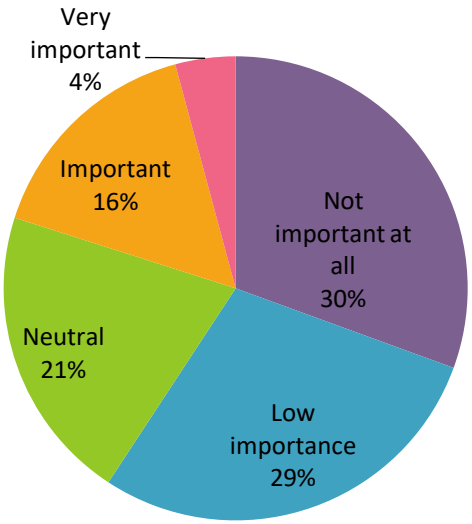
Value	Percent	Count
Not important at all	30.8%	527
Low importance	22.5%	386
Neutral	16.4%	281
Important	20.0%	343
Very important	10.3%	176
Total		1,713

5. Residents were asked how they would rate the importance of Niagara Region collaborating with local area municipalities and investing in integrating transit services.



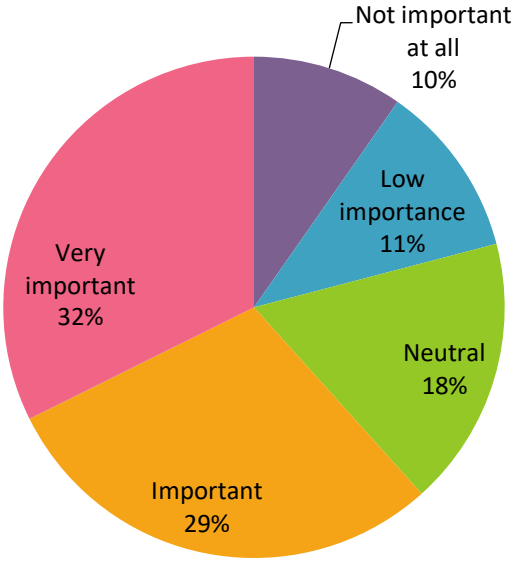
Value	Percent	Count
Not important at all	24.5%	374
Low importance	23.4%	358
Neutral	18.8%	288
Important	20.9%	319
Very important	12.4%	190
Total		1,529

6. The Region asked residents how important is it for the municipality to contribute tax dollars toward projects that fall outside its area of responsibility such as hospital redevelopment, sports competitions, tourism, and incentives for local priority projects.



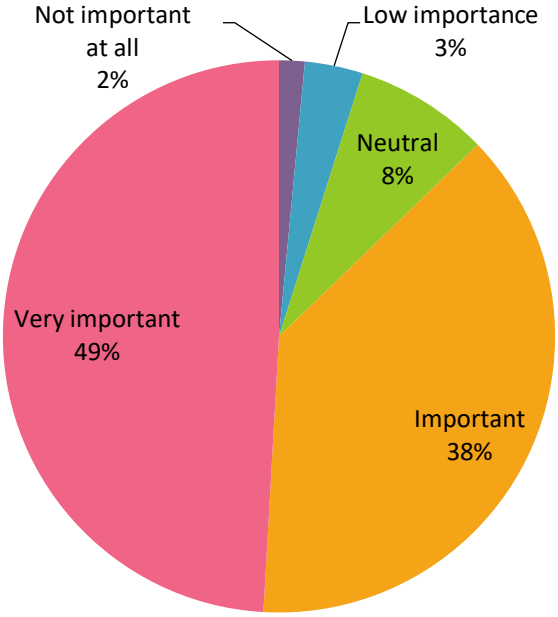
Value	Percent	Count
Not important at all	30.6%	457
Low importance	28.7%	428
Neutral	20.7%	309
Important	15.9%	237
Very important	4.2%	62
Total		1,493

7. The chart below shows responses to the question around the Region's continued efforts to address a gap in affordable housing.



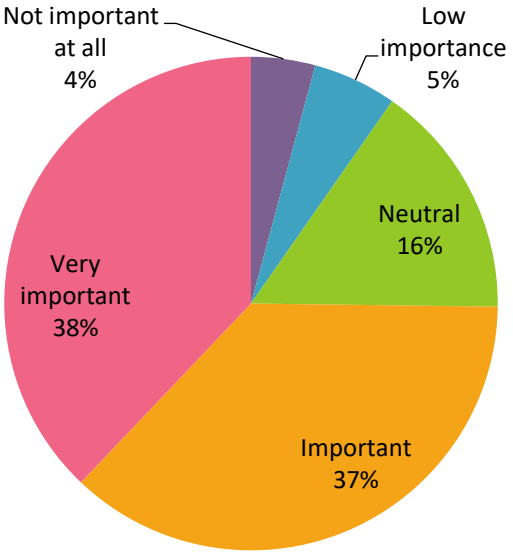
Value	Percent	Count
Not important at all	9.7%	143
Low importance	11.2%	165
Neutral	17.4%	256
Important	29.3%	430
Very important	32.3%	474
Total		1,468

8. The Region asked Niagara residents their level of support for the municipality's continued operation of Long-Term Care facilities and delivery of services supporting seniors.



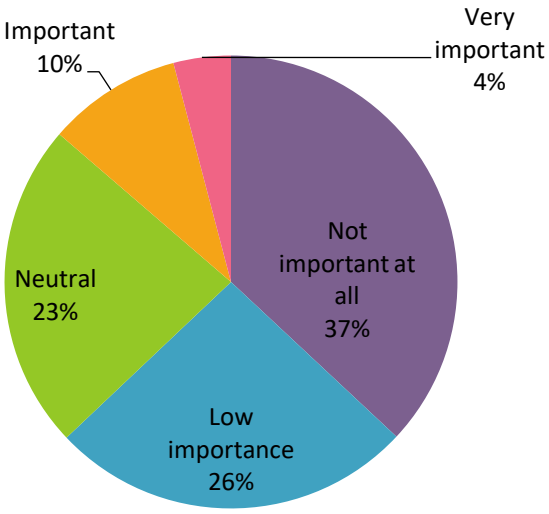
Value	Percent	Count
Not important at all	1.5%	26
Low importance	3.4%	57
Neutral	7.9%	134
Important	38.1%	644
Very important	49.1%	830
Total		1,691

9. Below is a graph showing level of support for the Region and Niagara's 12 Local Area Municipalities to study cost-sharing opportunities and other efficiencies.



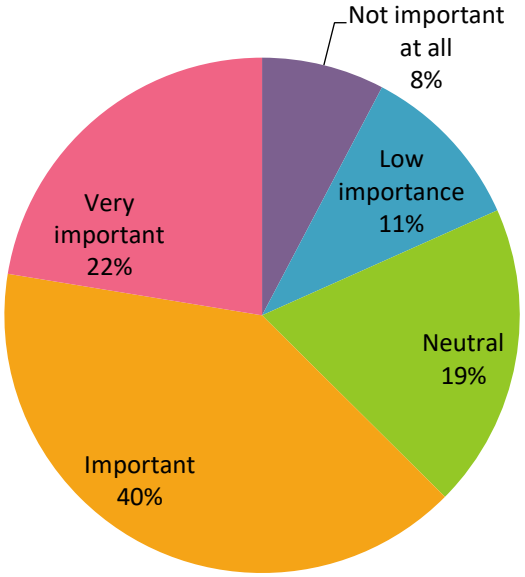
Value	Percent	Count
Not important at all	4.2%	64
Low importance	5.5%	83
Neutral	15.5%	234
Important	36.9%	557
Very important	37.9%	572
Total		1,510

10. Residents were asked their level of support in the Region possibility taking ownership of the District Airport and Niagara Central Dorothy Rungeling Airport, which are currently managed by their surrounding municipalities.



Value	Percent	Count
Not important at all	37.0%	548
Low importance	26.0%	385
Neutral	23.4%	346
Important	9.6%	142
Very important	4.1%	60
Total		1,481

11. The below graph shows the level of support among residents for projects aimed at helping existing businesses grow, or attracting new businesses to Niagara.



Value	Percent	Count
Not important at all	7.7%	114
Low importance	10.6%	157
Neutral	19.1%	282
Important	40.1%	592
Very important	22.4%	331
Total		1,476

The survey results are not meant to be binding. Rather, they are intended to offer members of Council with anecdotal evidence to gauge public support for the Region's continued involvement in key initiatives during COVID-19.

Focus Groups

Pollara Strategic Insights hosted 31 respondents over four virtual focus groups held from September 23 to September 29, 2020. Four business leaders participated in a separate business-only session.

The results of the online survey and focus groups will be shared with the senior leadership teams of each department for their consideration when preparing their 2021 budget submissions.

This engagement was designed to produce qualitative and quantitative research that may assist Regional Council in the prioritization of projects and investment as it deliberates budget priorities for 2021.

Pollara Strategic Insights will present findings of focus group sessions to members of the Budget Review Committee of the Whole.

Conclusion

Niagara Region is committed to ensuring services are aligned with the needs of residents and delivered in an effective, efficient and financially sustainable manner.

The COVID-19 crisis poses significant challenges for municipalities across Ontario and Canada. In response to this unprecedented challenge, the Region continues to review plans and budgets to ensure the delivery of essential services.

Prepared by:
Peter Criscione
Communications Consultant
Strategic Communications & Public Affairs

Recommended by:
Todd Harrison, CPA, CMA
Commissioner of Corporate Services and Regional Treasurer

Submitted by:
Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Helen Chamberlain, CPA, CA Director, Financial Management and Planning/Deputy Treasurer Corporate Services and Sean O'Brady, Associate Director, Strategic Communications and Public Affairs.

Niagara Region

Chief Administrative Officer
1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

MEMORANDUM

CAO 20-2020

Subject: Recruitment of Commissioner Planning and Development Services

Date: October 22, 2020

To: Regional Council

From: Ron Tripp, P.Eng., Acting Chief Administrative Officer

This memo is to provide an update concerning the recruitment for the position of Commissioner Planning and Development Services (PDS).

As members of Council are aware, after six years of dedicated service as Commissioner PDS, Rino Mostacci has decided to retire from Niagara Region with his last day of work being October 30, 2020.

Since receiving Commissioner Mostacci's retirement notice, the Region has carried out a comprehensive communications plan, which included two other key components, (1) an undertaking that the recruitment process for the Commissioner position will be initiated immediately, and (2) an interim plan to fill the vacancy on an acting basis during the recruitment process would be shared in the near future.

Recruitment for role of Commissioner PDS

It is important that a recruitment for this role commence immediately. The role of Commissioner PDS is a critical role within the organization, and the Corporate Leadership Team. The Commissioner provides strategic leadership, in the management, implementation and administration of policies and programs of the Planning and Development Services Department that guide long term sustainable growth patterns, quality development and environmental integrity through the land use planning process, ensuring that programs and services are able to respond to the current and future priorities, objectives, and initiatives of the Region.

I have been working with Human Resources staff to facilitate a candidate search for this position. Given the responsibilities of this role, along with the highly specialized skill sets required to carry out the Region's planning and development services, and in the interest in expediting the recruitment process, Human Resources in consultation with Procurement, will establish an Informal Request for Quotation process, above the Procurement By-law limit, by identifying up to five (5) Executive Search Firms (ESF) to select one (1) ESF to coordinate with the CAO on the recruitment and selection process. The costs associated with engaging an ESF in this recruitment can be accommodated within the Council approved 2020 budget.

Human Resources, in coordination with the ESF, will ensure the successful launch of a fulsome recruitment strategy. This strategy will include a targeted advertising through established professional associations and networks with regional, provincial and national outreach. Accordingly, we will proceed to identify interested and qualified candidates to fill the position. It is our intention to replace the role of the Commissioner as expeditiously as possible; it can be expected to take up to four (4) months to complete this recruitment as compared to the greater duration of time this could take should we undertake a formal procurement process to engage an ESF.

Once qualified candidates are identified, an interview and selection process will be conducted along with the Planning and Development Committee Chairs being invited to participate in the interview process.

The recommended candidate for the position of Commissioner PDS will be presented to Council in the form of a future Report for consideration and approval in making a permanent appointment to the role.

Interim Acting Commissioner PDS

While the recruitment for a permanent Commissioner is undertaken, after careful consideration, I will be appointing Mr. Doug Giles on an interim basis as Acting Commissioner PDS, effective November 2, 2020. Doug has been with the Region since 2016, he is currently in the role of Director Community and Long Range Planning.

With a portfolio that regularly interfaces with area municipalities and is critical to economic development objectives and an “open for business” image, this role is an essential leadership position in building trust and confidence in Niagara. The individual who occupies this position must work seamlessly with Council, the leadership team, municipalities and customers to create opportunities in Niagara; I have every confidence that Doug will ensure these principles are upheld during this time of transition.

Respectfully submitted and signed by

_____
Ron Tripp, P.Eng.
Acting Chief Administrative Officer

In accordance with the notice and submission deadline requirements of Sections 18.1 (b) and 11.3, respectively, of Niagara Region's Procedural By-law, the Regional Clerk received from Councillor Redekop a motion to be brought forward for consideration at the October 22, 2020 Council meeting respecting Miller's Creek Marina/Resort Development.

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;

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");

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;

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, including consultations with the Town of Fort Erie and Niagara Region;

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;

Whereas the NPC continues to be committed to marina enhancements and development on the adjacent lands;

Whereas the Council of the Region of Niagara 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:

1. That the Council of the Region of Niagara **REITERATES** its continuing support for the expansion and enhancement of the marina and a resort development on the adjacent lands at the Niagara Park Commission's Miller's Creek Marina;

2. That Council **URGES** the Niagara Parks Commission 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;

3. That Council **REQUESTS** the Niagara Parks Commission to review the realignment of the Niagara Parkway to allow for the development of the marina and resort development;

4. That Council **REQUESTS** that the Niagara Parks Commission work with the Town of Fort Erie and the Region of Niagara in the preparation and circulation of a public Request or Call for Proposals (RFP) that maintains the integrity of the mandate of the Niagara Parks Commission;

5. That a copy of this resolution **BE FORWARDED** to the Chair of the Niagara Parks Commission for action;

6. 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, local area MPPs, and the Honourable Tony Baldinelli, MP; and

7. That a copy of this resolution **BE CIRCULATED** to the Councils of the local municipalities in Niagara for their support.

In accordance with the notice and submission deadline requirements of Sections 18.1 (b) and 11.3, respectively, of Niagara Region's Procedural By-law, the Regional Clerk received from Councillor Nicholson a motion to be brought forward for consideration at the October 22, 2020 Council meeting respecting Proposed Amendment to By-law 2020-46 Mandatory Face Covering By-law.

Whereas on July 23, 2020, Regional Council passed By-law 2020-46 being a by-law to require mandatory face coverings in enclosed public places during the COVID-19 pandemic;

Whereas residents of Niagara Region have expressed concern that the by-law is not applicable to the common areas of residential apartment buildings or condominiums.

NOW THEREFORE BE IT RESOLVED:

That By-law 2020-46 **BE AMENDED** to include that common areas of residential apartment buildings and condominiums are an enclosed public place where the wearing of face coverings is required in accordance with the By-law.

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. <>

A BY-LAW TO ACCEPT, ASSUME AND DEDICATE BLOCK 30, PLAN 59M-477 and BLOCKS 8 AND 9, PLAN 59M-472, IN THE CITY OF WELLAND AS PART OF REGIONAL ROAD NO. 29 (WEBBER ROAD)

WHEREAS it is in the interest of Council for The Regional Municipality of Niagara to accept a road widening from:

1454417 Ontario Ltd. as in the firstly described parcel; and
Demac Properties Inc, as in the secondly described parcel.

WHEREAS it is deemed expedient to accept, assume and dedicate the lands hereinafter described as part of the public highway being Regional Road No. 29 (Webber Road).

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

1. That the following lands be and the same are hereby accepted, assumed and dedicated as public highway forming part of the said Regional Road No. 29 (Webber Road):

Firstly:
Block 30, Plan 59M-477, City of Welland, Regional Municipality of Niagara
Secondly:
Blocks 8 and 9, Plan 59M-472, City of Welland, Regional Municipality of Niagara.

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: < >

1454417 Ontario Inc & Demac Properties

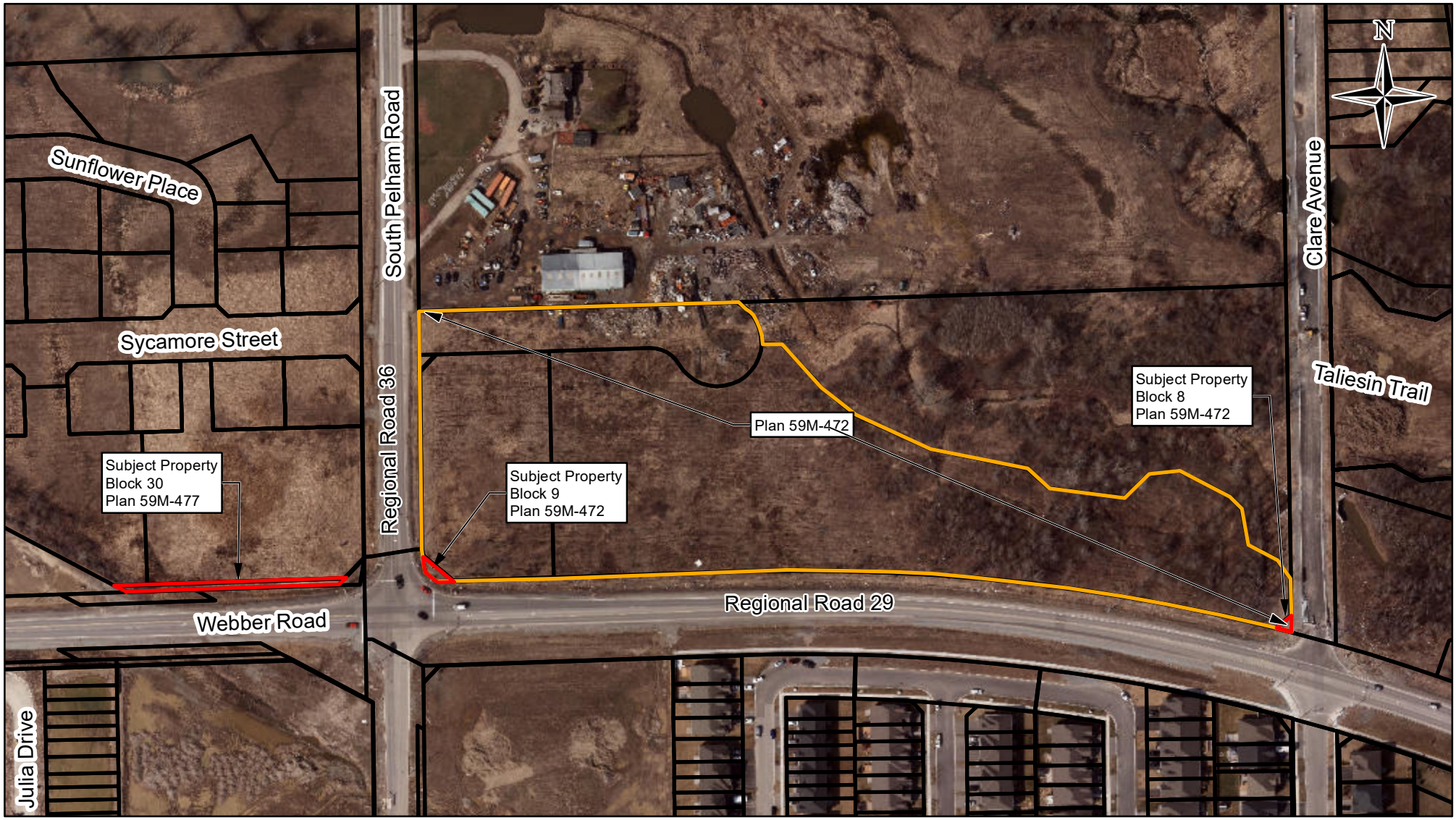


ILLUSTRATION SHOWING APPROXIMATE LOCATION OF ROAD WIDENING ALONG REGIONAL ROAD 29 (WEBBER ROAD) CITY OF WELLAND

LEGEND:

- DENOTES TERANET MAPPING
- DENOTES SUBJECT PROPERTY

CAUTION:

- This is not a Plan of Survey

Niagara Region

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660

SCALE = 1:2,500

0 30 60 120 Metres

Transportation Services
Surveys & Property Information
IR-20-218 Date: 2020-09-28

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. <>

A BY-LAW TO ACCEPT, ASSUME AND DEDICATE
BLOCK 10, PLAN 59M-472, IN THE CITY OF WELLAND
AS PART OF REGIONAL ROAD NO. 36 (SOUTH PELHAM ROAD)

WHEREAS it is in the interest of Council for The Regional Municipality of Niagara to accept a road widening from Demac Properties Inc.

WHEREAS it is deemed expedient to accept, assume and dedicate the lands hereinafter described as part of the public highway being Regional Road No. 36 (South Pelham Road).

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

1. That the following lands be and the same are hereby accepted, assumed and dedicated as public highway forming part of the said Regional Road No. 36 (South Pelham Road):

Block 10, Plan 59M-472, City of Welland, Regional Municipality of Niagara

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: < >

Demac Properties

ILLUSTRATION SHOWING APPROXIMATE LOCATION OF ROAD WIDENING ALONG REGIONAL ROAD 36 (SOUTH PELHAM ROAD) CITY OF WELLAND

LEGEND:

- DENOTES TERANET MAPPING

- DENOTES SUBJECT PROPERTY

CAUTION:

- This is not a Plan of Survey

Niagara Region

Internal Use Only

Transportation Services
Surveys & Property Information
IR-20-223 Date: 2020-09-28

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SCALE = 1:1,005

0 5 10 20 Metres

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. <>

A BY-LAW TO ACCEPT, ASSUME AND DEDICATE
PART OF LOTS 71 and 110 and PART OF WARREN ST EAST, PLAN 530
AND PART BLOCK H, PLAN 525, IN THE TOWN OF FORT ERIE
AS PART OF REGIONAL ROAD NO. 124 (CENTRAL AVENUE)

WHEREAS it is in the interest of Council for The Regional Municipality of Niagara to accept a road widening from JPAS International Inc.;

WHEREAS it is deemed expedient to accept, assume and dedicate the lands hereinafter described as part of the public highway being Regional Road No. 124 (Central Avenue).

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

1. That the following land be and the same is hereby accepted, assumed and dedicated as public highway forming part of the said Regional Road No. 124 (Central Avenue):

> Part Lots 71 and 110 and Part of Warren Street East closed by Unregistered Bylaw and Bylaw 1429, Plan 530 and Part of Block H, W/S of Niagara Street, Plan 525, Town of Fort Erie, Regional Municipality of Niagara designated as Part 1 on Reference Plan 59R-16778.

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: < >

JPAS International Inc.

ILLUSTRATION SHOWING APPROXIMATE LOCATION OF ROAD WIDENING ALONG REGIONAL ROAD 124 (CENTRAL AVENUE) SOUTH OF WINTEMUTE STREET TOWN OF FORT ERIE

LEGEND:

- DENOTES TERANET MAPPING

- DENOTES SUBJECT PROPERTY

CAUTION:

- This is not a Plan of Survey

DISCLAIMER
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SCALE 1:1,000

0 5 10 20 Metres

Niagara Region

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Transportation Services
Surveys & Property Information
IR-20-219 Date: 2020-09-24

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. < >

A BY-LAW TO AUTHORIZE THE BORROWING UPON AMORTIZING DEBENTURES IN THE PRINCIPAL AMOUNT OF $5,000,000.00 FOR A CAPITAL WORK OF THE CORPORATION OF THE CITY OF PORT COLBORNE

WHEREAS subsection 401 (1) of the "Municipal Act, 2001", as amended (the "Act") provides that a municipality may incur a debt for municipal purposes, whether by borrowing money or in any other way, and may issue debentures and prescribed financial instruments and enter prescribed financial agreements for or in relation to the debt;

AND WHEREAS subsection 408 (2.1) of the Act provides that a municipality may issue a debenture or other financial instrument for long-term borrowing only to provide financing for a capital work;

AND WHEREAS the Act also provides that a municipality shall authorize long-term borrowing by the issue of debentures or through another municipality under section 403 or 404 of the Act;

AND WHEREAS section 403 of the Act provides that a by-law of an upper-tier municipality authorizing the issuing of debentures for the purposes or joint purposes of one or more of its lower-tier municipalities may require those lower-tier municipalities to make payments in each year to the upper-tier municipality in the amounts and on the dates specified in the by-law and subsection 403 (7) of the Act provides that all debentures issued under a by-law passed by an upper-tier municipality under section 403 of the Act are direct, joint and several obligations of the upper-tier municipality and its lower-tier municipalities;

AND WHEREAS the Council of The Corporation of the City of Port Colborne (the "Municipality"), which is a lower-tier municipality forming part of The Regional Municipality of Niagara (hereinafter called the "Upper-tier Municipality"), has passed the By-laws enumerated in column (3) of Schedule "A" attached hereto and forming part of this By-law to authorize the capital work described in column (1) of Schedule "A" (the "Capital Work") and to authorize the entering into of a Financing Agreement dated effective as of the 24th day of June, 2020 for the provision of temporary and long-term borrowing from Ontario Infrastructure and Lands Corporation ("OILC") in respect of the Capital Work (the "Financing Agreement");

AND WHEREAS the Upper-tier Municipality has passed a By-law to authorize submitting an application to OILC for financing the Capital Work and to authorize long-term borrowing for the Capital Work through the issue of debentures to OILC;

AND WHEREAS the Council of the Upper-tier Municipality has received a request from the Council of the Municipality to borrow money for the purpose of providing long-term financing for the Capital Work pursuant to the Financing Agreement and to issue debentures for the Capital Work in the amount specified in column (8) of Schedule “A”;

AND WHEREAS before authorizing the Capital Work and before authorizing any additional cost amount and any additional debenture authority in respect thereof, the Council of the Municipality had its Treasurer calculate an updated limit in respect of its most recent annual debt and financial obligation limit received from the Ministry of Municipal Affairs and Housing in accordance with the applicable regulation and, prior to the Council of the Municipality authorizing the Capital Work, each such additional cost amount and each such additional debenture authority, the Treasurer determined that the estimated annual amount payable in respect of the Capital Work, each such additional cost amount and each such additional debenture authority, would not cause the Municipality to exceed the updated limit and that the approval of the Capital Work, each such additional cost amount and each such additional debenture authority, by the Local Planning Appeal Tribunal pursuant to such regulation was not required;

AND WHEREAS the Upper-tier Municipality has submitted an application to OILC for long-term borrowing through the issue of debentures to OILC in respect of the Capital Work (the “Application”) and the Application has been approved;

AND WHEREAS to provide long-term financing for the Capital Work it is now deemed to be expedient to borrow money by the issue of amortizing debentures in the principal amount of $5,000,000.00 dated November 2, 2020 and maturing on November 2, 2050, and payable in semi-annual instalments of combined principal and interest on the 2nd day of May and on the 2nd day of November in each of the years 2021 to 2050, both inclusive on the terms hereinafter set forth;

NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF NIAGARA ENACTS AS FOLLOWS:

1. That for the Capital Work, the borrowing upon the credit of the Upper-tier Municipality at large of the principal amount of $5,000,000.00 and the issue of amortizing debentures therefor to be repaid in semi-annual instalments of combined principal and interest as hereinafter set forth, are hereby authorized.

2. That the Regional Chair and the Regional Treasurer of the Upper-tier Municipality are hereby authorized to cause any number of amortizing debentures to be issued for such amounts of money as may be required for the Capital Work in definitive form, not exceeding in total the said principal amount of $5,000,000.00 (the "Debentures"). The Debentures shall bear the Upper-tier Municipality's municipal seal and the signatures of the Regional Chair and the Regional Treasurer of the Upper-tier Municipality, all in accordance with the provisions of the Act. The municipal seal of the Upper-tier Municipality and the signatures referred to in this section may be printed, lithographed, engraved or otherwise mechanically reproduced. The Debentures are sufficiently signed if they bear the required signatures and each person signing has the authority to do so on the date he or she signs.

3. That the Debentures shall be in fully registered form as one or more certificates in the principal amount of $5,000,000.00, in the name of OILC, or as OILC may otherwise direct, substantially in the form attached as Schedule "B" hereto and forming part of this By-law with provision for payment of principal and interest (other than in respect of the final payment of principal and outstanding interest on maturity upon presentation and surrender) by pre-authorized debit in respect of such principal and interest to the credit of such registered holder on such terms as to which the registered holder and the Upper-tier Municipality may agree.

4. That in accordance with the provisions of section 25 of the "Ontario Infrastructure and Lands Corporation Act, 2011", as amended from time to time hereafter, the Upper-tier Municipality is hereby authorized to agree in writing with OILC that the Minister of Finance is entitled, without notice to the Upper-tier Municipality or the Municipality, as appropriate, to deduct from money appropriated by the Legislative Assembly of Ontario for payment to the Upper-tier Municipality or the Municipality, as appropriate, amounts not exceeding any amounts that the Upper-tier Municipality or the Municipality fails to pay OILC on account of any unpaid indebtedness of the Upper-tier Municipality to OILC under the Debentures and to pay such amounts to OILC from the Consolidated Revenue Fund.

5. That the Debentures shall all be dated the 2nd day of November, 2020, and as to both principal and interest shall be expressed and be payable in lawful money of Canada. The Debentures shall bear interest at the rate of 2.29% per annum and mature during a period of 30 years from the date thereof payable semi-annually in arrears as described in this section. The Debentures shall be paid in full by November 2, 2050 and be payable in equal semi-annual instalments of combined principal and interest on the 2nd day of May and on the 2nd day of November in

each of the years 2021 to 2050, both inclusive, save and except for the last instalment which may vary slightly from the preceding equal instalments, as set forth in Schedule “C” attached hereto and forming part of this By-law (“Schedule “C”).

6. That payments in respect of principal of and interest on the Debentures shall be made only on a day, other than Saturday or Sunday, on which banking institutions in Toronto, Ontario, Canada and the Upper-tier Municipality are not authorized or obligated by law or executive order to be closed (a “Business Day”) and if any date for payment is not a Business Day, payment shall be made on the next following Toronto Business Day.

7. That interest shall be payable to the date of maturity of the Debentures and on default shall be payable on any overdue amounts both before and after default and judgment at a rate per annum equal to the greater of the rate specified on the Schedule as attached to and forming part of the Debentures for such amounts plus 200 basis points or Prime Rate (as defined below) plus 200 basis points, calculated on a daily basis from the date such amounts become overdue for so long as such amounts remain overdue and the Upper-tier Municipality shall pay to the registered holders any and all costs incurred by the registered holders as a result of the overdue payment. Any amounts payable by the Upper-tier Municipality as interest on overdue principal or interest and all costs incurred by the registered holders as a result of the overdue payment in respect of the Debentures shall be paid out of current revenue. Whenever it is necessary to compute any amount of interest in respect of the Debentures for a period of less than one full year, other than with respect to regular semi-annual interest payments, such interest shall be calculated on the basis of the actual number of days in the period and a year of 365 days or 366 days as appropriate.

“Prime Rate” means, on any day, the annual rate of interest which is the arithmetic mean of the prime rates announced from time to time by the following five major Canadian Schedule I banks, as of the issue date of the Debentures: Royal Bank of Canada; Canadian Imperial Bank of Commerce; The Bank of Nova Scotia; Bank of Montreal; and The Toronto-Dominion Bank (the “Reference Banks”) as their reference rates in effect on such day for Canadian dollar commercial loans made in Canada. If fewer than five of the Reference Banks quote a prime rate on such days, the “Prime Rate” shall be the arithmetic mean of the rates quoted by those Reference Banks.

8. (1) That in each year in which a payment of equal semi-annual instalments of combined principal and interest becomes due in respect of the Capital Work, including the last 'non-equal' instalment, there shall be raised as part of the Upper-tier Municipality's general upper-tier levy the amounts of principal and interest payable by the Upper-tier Municipality in each year as set out in Schedule "C" to the extent that the amounts have not been provided for by any other available source including other taxes or fees or charges imposed on persons or property by a by-law of any municipality. Without limiting the generality of the foregoing, the Municipality shall pay the aforesaid yearly amounts as set out in Schedule "C" to the Upper-tier Municipality one Business Day before the date payment is due. The amounts required to be paid to the Upper-tier Municipality in accordance with Schedule "C" shall constitute a debt of the Municipality to the Upper-tier Municipality and such amounts shall, when combined with any amount payable by the Upper-tier Municipality in the year for repayment of the debt for which the Debentures are to be issued, be sufficient to meet the total amount of principal and interest payable in the year by the Upper-tier Municipality in respect of the Debentures, all in accordance with the provisions of this By-law and the Act.

(2) That if the Municipality fails to make any payment or portion of it as provided in this By-law, the Municipality shall pay interest to the Upper-tier Municipality on the amount in default at the rate of 15% per annum, from the date the payment is due until it is made.

(3) That there shall be raised, for the Capital Work, pursuant to this By-law, in each year of the currency of the Debentures, as part of the general upper-tier levy, the amounts required to be paid to the Upper-tier Municipality in any previous year by the Municipality to the extent that the amounts have not been paid to the Upper-tier Municipality in accordance with this By-law and the Act.

9. That the Debentures may contain any provision for their registration thereof authorized by any statute relating to municipal debentures in force at the time of the issue thereof.

10. That the Upper-tier Municipality shall maintain a registry in respect of the Debentures in which shall be recorded the names and the addresses of the registered holders and particulars of the Debentures held by them respectively and in which particulars of the cancellations, exchanges, substitutions and transfers of

Debentures, may be recorded and the Upper-tier Municipality is authorized to use electronic, magnetic or other media for records of or related to the Debentures or for copies of them.

11. That the Upper-tier Municipality shall not be bound to see to the execution of any trust affecting the ownership of any Debenture or be affected by notice of any equity that may be subsisting in respect thereof. The Upper-tier Municipality shall deem and treat registered holders of the Debentures as the absolute owners thereof for all purposes whatsoever notwithstanding any notice to the contrary and all payments to or to the order of registered holders shall be valid and effectual to discharge the liability of the Upper-tier Municipality on the Debentures to the extent of the amount or amounts so paid. When a Debenture is registered in more than one name, the principal of and interest from time to time payable on such Debenture shall be paid to or to the order of all the joint registered holders thereof, failing written instructions to the contrary from all such joint registered holders, and such payment shall constitute a valid discharge to the Upper-tier Municipality. In the case of the death of one or more joint registered holders, despite the foregoing provisions of this section, the principal of and interest on any Debentures registered in their names may be paid to the survivor or survivors of such holders and such payment shall constitute a valid discharge to the Upper-tier Municipality.

12. That the Debentures will be transferable or exchangeable at the office of the Regional Treasurer of the Upper-tier Municipality upon presentation for such purpose accompanied by an instrument of transfer or exchange in a form approved by the Upper-tier Municipality and which form is in accordance with the prevailing Canadian transfer legislation and practices, executed by the registered holder thereof or such holder's duly authorized attorney or legal personal representative, whereupon and upon registration of such transfer or exchange and cancellation of the Debenture or Debentures presented, the Regional Chair and the Regional Treasurer shall issue and deliver a new Debenture or Debentures of an equal aggregate principal amount in any authorized denomination or denominations as directed by the transferor, in the case of a transfer or as directed by the registered holder in the case of an exchange.

13. That the Regional Chair and the Regional Treasurer shall issue and deliver new Debentures in exchange or substitution for Debentures outstanding on the registry with the same maturity and of like form which have become mutilated, defaced, lost, subject to a mysterious or unexplainable disappearance, stolen or destroyed, provided that the applicant therefor shall have: (a) paid such costs as may have been incurred in connection therewith; (b) (in the case when a Debenture is

mutilated, defaced, lost, mysteriously or unexplainably missing, stolen or destroyed) furnished the Upper-tier Municipality with such evidence (including evidence as to the certificate number of the Debenture in question) and an indemnity in respect thereof satisfactory to the Upper-tier Municipality in its discretion; and (c) surrendered to the Upper-tier Municipality any mutilated or defaced Debentures in respect of which new Debentures are to be issued in substitution.

14. That the Debentures issued upon any registration of transfer or exchange or in substitution for any Debentures or part thereof shall carry all the rights to interest if any, accrued and unpaid which were carried by such Debentures or part thereof and shall be so dated and shall bear the same maturity date and, subject to the provisions of this By-law, shall be subject to the same terms and conditions as the Debentures in respect of which the transfer, exchange or substitution is effected.

15. That the cost of all transfers and exchanges, including the printing of authorized denominations of the new Debentures, shall be borne by the Upper-tier Municipality. When any of the Debentures are surrendered for transfer or exchange the Regional Treasurer of the Upper-tier Municipality shall: (a) in the case of an exchange, cancel and destroy the Debentures surrendered for exchange; (b) in the case of an exchange, certify the cancellation and destruction in the registry; (c) enter in the registry particulars of the new Debenture or Debentures issued in exchange; and (d) in the case of a transfer, enter in the registry particulars of the registered holder as directed by the transferor.

16. That reasonable fees in respect of the Debentures, in the normal course of business, other than reasonable fees for the substitution of a new Debenture or new Debentures for any of the Debentures that are mutilated, defaced, lost, mysteriously or unexplainably missing, stolen or destroyed and for the replacement of any of the principal and interest cheques (if any) that are mutilated, defaced, lost, mysteriously or unexplainably missing, stolen or destroyed may be imposed by the Upper-tier Municipality. When new Debentures are issued in substitution in these circumstances the Upper-tier Municipality shall: (a) treat as cancelled and destroyed the Debentures in respect of which new Debentures will be issued in substitution; (b) certify the deemed cancellation and destruction in the registry; (c) enter in the registry particulars of the new Debentures issued in substitution; and (d) make a notation of any indemnities provided.

17. That except as otherwise expressly provided herein, any notice required to be given to a registered holder of one or more of the Debentures will be sufficiently given if a copy of such notice is mailed or otherwise delivered to the registered address of such registered holder in accordance with the Financing Agreement.

18. That the Regional Chair and the Regional Treasurer are hereby authorized to cause the Debentures to be issued, one or more of the Regional Clerk and Regional Treasurer are hereby authorized to generally do all things and to execute all other documents and other papers in the name of the Upper-tier Municipality in order to carry out the issue of the Debentures and the Regional Treasurer is authorized to affix the Upper-tier Municipality's municipal seal to any of such documents and papers.

19. That the money received by the Upper-tier Municipality from the sale of the Debentures to OILC, including any premium, and any earnings derived from the investment of that money, after providing for the expenses related to their issue, if any, shall be delivered to the Municipality on the basis that the Municipality shall apportion and apply such money to the Capital Work, and to no other purpose except as permitted by the Act.

20. That subject to the Upper-tier Municipality's investment policies and goals, the applicable legislation and the terms and conditions of the Debentures, the Upper-tier Municipality may, if not in default under the Debentures, at any time purchase any of the Debentures in the open market or by tender or by private contract at any price and on such terms and conditions (including, without limitation, the manner by which any tender offer may be communicated or accepted and the persons to whom it may be addressed) as the Upper-tier Municipality may in its discretion determine.

21. That this by-law shall come into force and take effect on the day upon which it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA

_____
James Bradley, Regional Chair

_____
Ann-Marie Norio, Regional Clerk

Passed:<>

Schedule "A"

Item No.	(1) Description	(2) Account No.	(3) Authorizing By-law	(4) MOE File No.	(5) MOE Date	(6) Debentures Authorized by Council $	(7) Debentures Previously Issued $	(8) Debentures Now Being Issued $	(9) Debentures Available for Future Use $
	The Corporation of the City of Port Colborne								
	Term 1-30 Year Amortizing Debenture								
	Capital costs in connection with the:								-
1	construction of the new Nickel Area storm sewer system		6451/18/17 6770/20/20 6774/24/20			10,500,000.00	5,500,000.00	5,000,000.00	
						10,500,000.00	**5,500,000.00**	**5,000,000.00**	**-**
	Total – City of Port Colborne					**10,500,000.00**	**5,500,000.00**	**5,000,000.00**	**-**

THE REGIONAL MUNICIPALITY OF NIAGARA

No. OILC-20-05 | $5,000,000.00

C A N A D A
Province of Ontario
THE REGIONAL MUNICIPALITY OF NIAGARA

FULLY REGISTERED 2.29% AMORTIZING DEBENTURE

THE REGIONAL MUNICIPALITY OF NIAGARA (the "Upper-tier Municipality"), for value received, hereby promises to pay to

ONTARIO INFRASTRUCTURE AND LANDS CORPORATION ("OILC")

or registered assigns, subject to the Conditions attached hereto which form part hereof (the "Conditions"), upon presentation and surrender of this debenture (or as otherwise agreed to by the Upper-tier Municipality and OILC) by the maturity date of this debenture (November 2, 2050), the principal amount of

FIVE MILLION DOLLARS
---------- ($5,000,000.00) ----------

by equal semi-annual instalments of combined principal and interest on the 2nd day of May and on the 2nd day of November in each of the years 2021 to 2050, both inclusive, save and except for the last instalment which may vary slightly from the preceding equal instalments in the amounts set forth in the attached Loan Amortization Schedule (the "Amortization Schedule") and subject to late payment interest charges pursuant to the Conditions, in lawful money of Canada. Subject to the Conditions: interest shall be paid until the maturity date of this debenture, in like money in semi-annual payments from the closing date (November 2, 2020), or from the last date on which interest has been paid on this debenture, whichever is later, at the rate of 2.29% per annum, in arrears, on the specified dates, as set forth in the Amortization Schedule; and interest shall be paid on default at the applicable rate set out in the Amortization Schedule both before and after default and judgment. The payments of principal and interest and the outstanding amount of principal in each year are shown in the Amortization Schedule.

The Upper-tier Municipality, pursuant to section 25 of the *Ontario Infrastructure and Lands Corporation Act, 2011* (the "OILC Act, 2011") hereby irrevocably agrees that the Minister of Finance is entitled, without notice to the Upper-tier Municipality, to deduct from money appropriated by the Legislative Assembly of Ontario for payment to the Upper-tier Municipality, amounts not exceeding any amounts that the Upper-tier Municipality fails to pay OILC on account of any unpaid indebtedness under this debenture, and to pay such amounts to OILC from the Consolidated Revenue Fund.

This debenture is subject to the Conditions.

DATED at the Regional Municipality of Niagara as at the 2nd day of November, 2020.

IN TESTIMONY WHEREOF and under the authority of By-law No. 2020-75 the Upper-tier Municipality duly passed on the 22nd day of October, 2020 (the "By-law"), this debenture is sealed with the municipal seal of the Upper-tier Municipality and signed by the Regional Chair and by the Regional Treasurer thereof.

Date of Registration: November 2, 2020

_____ (seal) _____
James Bradley, Regional Chair Todd Harrison, Regional Treasurer

This global debenture is also signed by the Regional Clerk pursuant to the Issuer's internal requirements.

_____
Ann-Marie Norio, Regional Clerk

OILC hereby agrees that the Minister of Finance is entitled to exercise certain rights of deduction pursuant to section 25 of the OILC Act, 2011 as described in this debenture.

Ontario Infrastructure and Lands Corporation

by:_____ by:_____
Authorized Signing Officer Authorized Signing Officer

AMORTIZATION SCHEDULE

Name.....: The Regional Municipality of Niagara
Principal: $5,000,000.00
Rate.....: 02.290%
Term.....: 360 months
Matures..: 11/02/2050

Pay #	Date	Amount Due $	Principal Due $	Interest Due $	Rem. Principal $
1	05/02/2021	115,668.39	58,418.39	57,250.00	4,941,581.61
2	11/02/2021	115,668.39	59,087.28	56,581.11	4,882,494.33
3	05/02/2022	115,668.39	59,763.83	55,904.56	4,822,730.50
4	11/02/2022	115,668.39	60,448.13	55,220.26	4,762,282.37
5	05/02/2023	115,668.39	61,140.26	54,528.13	4,701,142.11
6	11/02/2023	115,668.39	61,840.31	53,828.08	4,639,301.80
7	05/02/2024	115,668.39	62,548.38	53,120.01	4,576,753.42
8	11/02/2024	115,668.39	63,264.56	52,403.83	4,513,488.86
9	05/02/2025	115,668.39	63,988.94	51,679.45	4,449,499.92
10	11/02/2025	115,668.39	64,721.62	50,946.77	4,384,778.30
11	05/02/2026	115,668.39	65,462.68	50,205.71	4,319,315.62
12	11/02/2026	115,668.39	66,212.23	49,456.16	4,253,103.39
13	05/02/2027	115,668.39	66,970.36	48,698.03	4,186,133.03
14	11/02/2027	115,668.39	67,737.17	47,931.22	4,118,395.86
15	05/02/2028	115,668.39	68,512.76	47,155.63	4,049,883.10
16	11/02/2028	115,668.39	69,297.23	46,371.16	3,980,585.87
17	05/02/2029	115,668.39	70,090.68	45,577.71	3,910,495.19
18	11/02/2029	115,668.39	70,893.22	44,775.17	3,839,601.97
19	05/02/2030	115,668.39	71,704.95	43,963.44	3,767,897.02
20	11/02/2030	115,668.39	72,525.97	43,142.42	3,695,371.05
21	05/02/2031	115,668.39	73,356.39	42,312.00	3,622,014.66
22	11/02/2031	115,668.39	74,196.32	41,472.07	3,547,818.34
23	05/02/2032	115,668.39	75,045.87	40,622.52	3,472,772.47
24	11/02/2032	115,668.39	75,905.15	39,763.24	3,396,867.32
25	05/02/2033	115,668.39	76,774.26	38,894.13	3,320,093.06
26	11/02/2033	115,668.39	77,653.32	38,015.07	3,242,439.74
27	05/02/2034	115,668.39	78,542.45	37,125.94	3,163,897.29
28	11/02/2034	115,668.39	79,441.77	36,226.62	3,084,455.52
29	05/02/2035	115,668.39	80,351.37	35,317.02	3,004,104.15
30	11/02/2035	115,668.39	81,271.40	34,396.99	2,922,832.75
31	05/02/2036	115,668.39	82,201.96	33,466.43	2,840,630.79
32	11/02/2036	115,668.39	83,143.17	32,525.22	2,757,487.62
33	05/02/2037	115,668.39	84,095.16	31,573.23	2,673,392.46
34	11/02/2037	115,668.39	85,058.05	30,610.34	2,588,334.41
35	05/02/2038	115,668.39	86,031.96	29,636.43	2,502,302.45
36	11/02/2038	115,668.39	87,017.03	28,651.36	2,415,285.42

37 05/02/2039	115,668.39	88,013.37	27,655.02	2,327,272.05
38 11/02/2039	115,668.39	89,021.13	26,647.26	2,238,250.92
39 05/02/2040	115,668.39	90,040.42	25,627.97	2,148,210.50
40 11/02/2040	115,668.39	91,071.38	24,597.01	2,057,139.12
41 05/02/2041	115,668.39	92,114.15	23,554.24	1,965,024.97
42 11/02/2041	115,668.39	93,168.85	22,499.54	1,871,856.12
43 05/02/2042	115,668.39	94,235.64	21,432.75	1,777,620.48
44 11/02/2042	115,668.39	95,314.64	20,353.75	1,682,305.84
45 05/02/2043	115,668.39	96,405.99	19,262.40	1,585,899.85
46 11/02/2043	115,668.39	97,509.84	18,158.55	1,488,390.01
47 05/02/2044	115,668.39	98,626.32	17,042.07	1,389,763.69
48 11/02/2044	115,668.39	99,755.60	15,912.79	1,290,008.09
49 05/02/2045	115,668.39	100,897.80	14,770.59	1,189,110.29
50 11/02/2045	115,668.39	102,053.08	13,615.31	1,087,057.21
51 05/02/2046	115,668.39	103,221.58	12,446.81	983,835.63
52 11/02/2046	115,668.39	104,403.47	11,264.92	879,432.16
53 05/02/2047	115,668.39	105,598.89	10,069.50	773,833.27
54 11/02/2047	115,668.39	106,808.00	8,860.39	667,025.27
55 05/02/2048	115,668.39	108,030.95	7,637.44	558,994.32
56 11/02/2048	115,668.39	109,267.91	6,400.48	449,726.41
57 05/02/2049	115,668.39	110,519.02	5,149.37	339,207.39
58 11/02/2049	115,668.39	111,784.47	3,883.92	227,422.92
59 05/02/2050	115,668.39	113,064.40	2,603.99	114,358.52
60 11/02/2050	115,667.93	114,358.52	1,309.41	0.00
	6,940,102.94	5,000,000.00	1,940,102.94	

LEGAL OPINION

We have examined the By-law of the Upper-tier Municipality authorizing the issue of amortizing debentures in the principal amount of $5,000,000.00 dated November 2, 2020 and maturing on November 2, 2050 payable in equal semi-annual instalments of combined principal and interest on the 2nd day of May and on the 2nd day of November in each of the years 2021 to 2050, both inclusive, save and except for the last instalment which may vary slightly from the preceding equal instalments, as set out in Schedule “C” to the By-law.

In our opinion, the By-law has been properly passed and is within the legal powers of the Upper-tier Municipality. The debenture issued under the By-law in the within form (the “Debenture”) is the direct, general, unsecured, unsubordinated, joint and several obligation of the Upper-tier Municipality and of its lower-tier municipalities (the “Lower-tier Municipalities”). The Debenture is enforceable against the Upper-tier Municipality and the Lower-tier Municipalities subject to the special jurisdiction and powers of the Local Planning Appeal Tribunal over defaulting municipalities under the *Municipal Affairs Act*. This opinion is subject to and incorporates all the assumptions, qualifications and limitations set out in our opinion letter.

November 2, 2020 WeirFoulds LLP

CONDITIONS OF THE DEBENTURE

Form, Denomination, and Ranking of the Debenture

1. The debentures issued pursuant to the By-law (collectively the "Debentures" and individually a "Debenture") are issuable as fully registered Debentures without coupons.

2. The Debentures are direct, general, unsecured, unsubordinated, joint and several obligations of the Upper-tier Municipality and of its Lower-tier Municipalities. The Debentures rank concurrently and equally in respect of payment of principal and interest with all other debentures of the Upper-tier Municipality except for the availability of money in a sinking or retirement fund for a particular issue of debentures.

3. This Debenture is one fully registered Debenture registered in the name of OILC and held by OILC.

Registration

4. The Upper-tier Municipality shall maintain at its designated office a registry in respect of the Debentures in which shall be recorded the names and the addresses of the registered holders and particulars of the Debentures held by them respectively and in which particulars of cancellations, exchanges, substitutions and transfers of Debentures, may be recorded and the Upper-tier Municipality is authorized to use electronic, magnetic or other media for records of or related to the Debentures or for copies of them.

Title

5. The Upper-tier Municipality shall not be bound to see to the execution of any trust affecting the ownership of any Debenture or be affected by notice of any equity that may be subsisting in respect thereof. The Upper-tier Municipality shall deem and treat registered holders of Debentures, including this Debenture, as the absolute owners thereof for all purposes whatsoever notwithstanding any notice to the contrary and all payments to or to the order of registered holders shall be valid and effectual to discharge the liability of the Upper-tier Municipality on the Debentures to the extent of the amount or amounts so paid. Where a Debenture is registered in more than one name, the principal of and interest from time to time payable on such Debenture shall be paid to or to the order of all the joint registered holders thereof, failing written instructions to the contrary from all such joint registered holders, and such payment shall constitute a valid discharge to the Upper-tier Municipality. In the case of the death of one or more joint registered holders, despite the foregoing provisions of this section, the principal of and interest on any Debentures registered in their names may be paid to the survivor or survivors of such holders and such payment shall constitute a valid discharge to the Upper-tier Municipality.

Payments of Principal and Interest

6. The record date for purposes of payment of principal of and interest on the Debentures is as of 5:00 p.m. on the sixteenth calendar day preceding any Payment Date including the maturity date. Principal of and interest on the Debentures are payable by the Upper-tier Municipality to the persons registered as holders in the registry on the relevant record date. The Upper-tier

Municipality shall not be required to register any transfer, exchange or substitution of Debentures during the period from any record date to the corresponding Payment Date.

7. The Upper-tier Municipality shall make all payments in respect of equal semi-annual instalments of combined principal and interest on the Debentures on the 2nd day of May and on the 2nd day of November in each of the years 2021 to 2050, both inclusive, including the last 'non-equal instalment, as set out in Schedule "C" to the By-law, by pre-authorized debit in respect of such interest and principal to the credit of the registered holder on such terms as the Upper-tier Municipality and the registered holder may agree.

8. The Upper-tier Municipality shall pay to the registered holder interest on any overdue amount of principal or interest in respect of any Debenture, both before and after default and judgment, at a rate per annum equal to the greater of the rate specified on the Amortization Schedule as attached to and forming part of the Debenture for such amount plus 200 basis points or Prime Rate (as defined below) plus 200 basis points, calculated on a daily basis from the date such amount becomes overdue for so long as such amount remains overdue and the Upper-tier Municipality shall pay to the registered holder any and all costs incurred by the registered holder as a result of the overdue payment.

9. Whenever it is necessary to compute any amount of interest in respect of the Debentures for a period of less than one full year, other than with respect to regular semi-annual interest payments, such interest shall be calculated on the basis of the actual number of days in the period and a year of 365 days or 366 days as appropriate.

10. Payments in respect of principal of and interest on the Debentures shall be made only on a day, other than Saturday or Sunday, on which banking institutions in Toronto, Ontario, Canada and the Upper-tier Municipality are not authorized or obligated by law or executive order to be closed (a "**Business Day**"), and if any date for payment is not a Business Day, payment shall be made on the next following Business Day as noted on the Amortization Schedule.

11. The Debentures are transferable or exchangeable at the office of the Regional Treasurer of the Upper-tier Municipality upon presentation for such purpose accompanied by an instrument of transfer or exchange in a form approved by the Upper-tier Municipality and which form is in accordance with the prevailing Canadian transfer legislation and practices, executed by the registered holder thereof or such holder's duly authorized attorney or legal personal representative, whereupon and upon registration of such transfer or exchange and cancellation of the Debenture or Debentures presented, a new Debenture or Debentures of an equal aggregate principal amount in any authorized denomination or denominations will be delivered as directed by the transferor, in the case of a transfer or as directed by the registered holder in the case of an exchange.

12. The Upper-tier Municipality shall issue and deliver Debentures in exchange for or in substitution for Debentures outstanding on the registry with the same maturity and of like form in the event of a mutilation, defacement, loss, mysterious or unexplainable disappearance, theft or destruction, provided that the applicant therefor shall have: (a) paid such costs as may have been incurred in connection therewith; (b) (in the case of a mutilated, defaced, lost, mysteriously or unexplainably missing, stolen or destroyed Debenture) furnished the Upper-tier Municipality with such evidence (including evidence as to the certificate number of the Debenture in question) and an indemnity in respect thereof satisfactory to the Upper-tier Municipality in its discretion; and (c) surrendered to

the Upper-tier Municipality any mutilated or defaced Debentures in respect of which new Debentures are to be issued in substitution.

13. The Debentures issued upon any registration of transfer or exchange or in substitution for any Debentures or part thereof shall carry all the rights to interest if any, accrued and unpaid which were carried by such Debentures or part thereof and shall be so dated and shall bear the same maturity date and, subject to the provisions of the By-law, shall be subject to the same terms and conditions as the Debentures in respect of which the transfer, exchange or substitution is effected.

14. The cost of all transfers and exchanges, including the printing of authorized denominations of the new Debentures, shall be borne by the Upper-tier Municipality. When any of the Debentures are surrendered for transfer or exchange the Treasurer of the Upper-tier Municipality shall: (a) in the case of an exchange, cancel and destroy the Debentures surrendered for exchange; (b) in the case of an exchange, certify the cancellation and destruction in the registry; (c) enter in the registry particulars of the new Debenture or Debentures issued in exchange; and (d) in the case of a transfer, enter in the registry particulars of the registered holder as directed by the transferor.

15. Reasonable fees for the substitution of a new Debenture or new Debentures for any of the Debentures that are mutilated, defaced, lost, mysteriously or unexplainably missing, stolen or destroyed and for the replacement of mutilated, defaced, lost, mysteriously or unexplainably missing, stolen or destroyed principal and interest cheques (if any) may be imposed by the Upper-tier Municipality. When new Debentures are issued in substitution in these circumstances the Upper-tier Municipality shall: (a) treat as cancelled and destroyed the Debentures in respect of which new Debentures will be issued in substitution; (b) certify the deemed cancellation and destruction in the registry; (c) enter in the registry particulars of the new Debentures issued in substitution; and (d) make a notation of any indemnities provided.

16. If OILC elects to terminate its obligations under the financing agreement entered into between the Upper-tier Municipality and OILC, pursuant to which the Debentures are issued, at OILC's discretion, the Upper-tier Municipality shall pay to OILC the Make-Whole Amount on account of the losses that OILC will incur as a result of the early repayment or early termination.

Notices

17. Except as otherwise expressly provided herein, any notice required to be given to a registered holder of one or more of the Debentures will be sufficiently given if a copy of such notice is mailed or otherwise delivered to the registered address of such registered holder. If the Upper-tier Municipality or any registered holder is required to give any notice in connection with the Debentures on or before any day and that day is not a Business Day (as defined in section 10 of these Conditions) then such notice may be given on the next following Business Day.

Time

18. Unless otherwise expressly provided herein, any reference herein to a time shall be considered to be a reference to Toronto time.

Governing Law

19. The Debentures are governed by and shall be construed in accordance with the laws of the Province of Ontario and the federal laws of Canada applicable in Ontario.

Definitions:

(a) “**Prime Rate”** means, on any day, the annual rate of interest which is the arithmetic mean of the prime rates announced from time to time by the following five major Canadian Schedule I banks, as of the issue date of this Debenture: Royal Bank of Canada; Canadian Imperial Bank of Commerce; The Bank of Nova Scotia; Bank of Montreal; and The Toronto-Dominion Bank (the “**Reference Banks**”) as their reference rates in effect on such day for Canadian dollar commercial loans made in Canada. If fewer than five of the Reference Banks quote a prime rate on such days, the “Prime Rate” shall be the arithmetic mean of the rates quoted by those Reference Banks.

(b "**Make-Whole Amount**" means the amount determined by OILC as of the date of prepayment of the Debenture, by which (i) the present value of the remaining future scheduled payments of principal and interest under the Debenture to be repaid from the prepayment date until maturity of the Debenture discounted at the Ontario Yield exceeds (ii) the principal amount under the Debenture being repaid provided that the Make-Whole Amount shall never be less than zero.

(c) “**Ontario Yield**" means the yield to maturity on the date of prepayment of the Debenture, assuming semi-annual compounding, which a non-prepayable term loan made by the Province of Ontario would have if advanced on the date of prepayment of the Debenture, assuming the same principal amount as the Debenture and with a maturity date which is the same as the remaining term to maturity of the Debenture to be repaid minus 100 basis points.

Schedule "C"
AMORTIZATION SCHEDULE

Name.....: The Regional Municipality of Niagara
Principal: $5,000,000.00
Rate.....: 02.290%
Term.....: 360 months
Matures..: 11/02/2050

Pay #	Date	Amount Due $	Principal Due $	Interest Due $	Rem. Principal $
1	05/02/2021	115,668.39	58,418.39	57,250.00	4,941,581.61
2	11/02/2021	115,668.39	59,087.28	56,581.11	4,882,494.33
3	05/02/2022	115,668.39	59,763.83	55,904.56	4,822,730.50
4	11/02/2022	115,668.39	60,448.13	55,220.26	4,762,282.37
5	05/02/2023	115,668.39	61,140.26	54,528.13	4,701,142.11
6	11/02/2023	115,668.39	61,840.31	53,828.08	4,639,301.80
7	05/02/2024	115,668.39	62,548.38	53,120.01	4,576,753.42
8	11/02/2024	115,668.39	63,264.56	52,403.83	4,513,488.86
9	05/02/2025	115,668.39	63,988.94	51,679.45	4,449,499.92
10	11/02/2025	115,668.39	64,721.62	50,946.77	4,384,778.30
11	05/02/2026	115,668.39	65,462.68	50,205.71	4,319,315.62
12	11/02/2026	115,668.39	66,212.23	49,456.16	4,253,103.39
13	05/02/2027	115,668.39	66,970.36	48,698.03	4,186,133.03
14	11/02/2027	115,668.39	67,737.17	47,931.22	4,118,395.86
15	05/02/2028	115,668.39	68,512.76	47,155.63	4,049,883.10
16	11/02/2028	115,668.39	69,297.23	46,371.16	3,980,585.87
17	05/02/2029	115,668.39	70,090.68	45,577.71	3,910,495.19
18	11/02/2029	115,668.39	70,893.22	44,775.17	3,839,601.97
19	05/02/2030	115,668.39	71,704.95	43,963.44	3,767,897.02
20	11/02/2030	115,668.39	72,525.97	43,142.42	3,695,371.05
21	05/02/2031	115,668.39	73,356.39	42,312.00	3,622,014.66
22	11/02/2031	115,668.39	74,196.32	41,472.07	3,547,818.34
23	05/02/2032	115,668.39	75,045.87	40,622.52	3,472,772.47
24	11/02/2032	115,668.39	75,905.15	39,763.24	3,396,867.32
25	05/02/2033	115,668.39	76,774.26	38,894.13	3,320,093.06
26	11/02/2033	115,668.39	77,653.32	38,015.07	3,242,439.74
27	05/02/2034	115,668.39	78,542.45	37,125.94	3,163,897.29
28	11/02/2034	115,668.39	79,441.77	36,226.62	3,084,455.52
29	05/02/2035	115,668.39	80,351.37	35,317.02	3,004,104.15
30	11/02/2035	115,668.39	81,271.40	34,396.99	2,922,832.75
31	05/02/2036	115,668.39	82,201.96	33,466.43	2,840,630.79
32	11/02/2036	115,668.39	83,143.17	32,525.22	2,757,487.62
33	05/02/2037	115,668.39	84,095.16	31,573.23	2,673,392.46
34	11/02/2037	115,668.39	85,058.05	30,610.34	2,588,334.41
35	05/02/2038	115,668.39	86,031.96	29,636.43	2,502,302.45
36	11/02/2038	115,668.39	87,017.03	28,651.36	2,415,285.42
37	05/02/2039	115,668.39	88,013.37	27,655.02	2,327,272.05

Schedule "C"

38	11/02/2039	115,668.39	89,021.13	26,647.26	2,238,250.92
39	05/02/2040	115,668.39	90,040.42	25,627.97	2,148,210.50
40	11/02/2040	115,668.39	91,071.38	24,597.01	2,057,139.12
41	05/02/2041	115,668.39	92,114.15	23,554.24	1,965,024.97
42	11/02/2041	115,668.39	93,168.85	22,499.54	1,871,856.12
43	05/02/2042	115,668.39	94,235.64	21,432.75	1,777,620.48
44	11/02/2042	115,668.39	95,314.64	20,353.75	1,682,305.84
45	05/02/2043	115,668.39	96,405.99	19,262.40	1,585,899.85
46	11/02/2043	115,668.39	97,509.84	18,158.55	1,488,390.01
47	05/02/2044	115,668.39	98,626.32	17,042.07	1,389,763.69
48	11/02/2044	115,668.39	99,755.60	15,912.79	1,290,008.09
49	05/02/2045	115,668.39	100,897.80	14,770.59	1,189,110.29
50	11/02/2045	115,668.39	102,053.08	13,615.31	1,087,057.21
51	05/02/2046	115,668.39	103,221.58	12,446.81	983,835.63
52	11/02/2046	115,668.39	104,403.47	11,264.92	879,432.16
53	05/02/2047	115,668.39	105,598.89	10,069.50	773,833.27
54	11/02/2047	115,668.39	106,808.00	8,860.39	667,025.27
55	05/02/2048	115,668.39	108,030.95	7,637.44	558,994.32
56	11/02/2048	115,668.39	109,267.91	6,400.48	449,726.41
57	05/02/2049	115,668.39	110,519.02	5,149.37	339,207.39
58	11/02/2049	115,668.39	111,784.47	3,883.92	227,422.92
59	05/02/2050	115,668.39	113,064.40	2,603.99	114,358.52
60	11/02/2050	115,667.93	114,358.52	1,309.41	0.00
		6,940,102.94	5,000,000.00	1,940,102.94	

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. < >

A BY-LAW TO AUTHORIZE THE BORROWING UPON AMORTIZING DEBENTURES IN THE PRINCIPAL AMOUNT OF $1,401,512.29 FOR A CAPITAL WORK OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE

WHEREAS subsection 401 (1) of the "Municipal Act, 2001", as amended (the "Act") provides that a municipality may incur a debt for municipal purposes, whether by borrowing money or in any other way, and may issue debentures and prescribed financial instruments and enter prescribed financial agreements for or in relation to the debt;

AND WHEREAS subsection 408 (2.1) of the Act provides that a municipality may issue a debenture or other financial instrument for long-term borrowing only to provide financing for a capital work;

AND WHEREAS the Act also provides that a municipality shall authorize long-term borrowing by the issue of debentures or through another municipality under section 403 or 404 of the Act;

AND WHEREAS section 403 of the Act provides that a by-law of an upper-tier municipality authorizing the issuing of debentures for the purposes or joint purposes of one or more of its lower-tier municipalities may require those lower-tier municipalities to make payments in each year to the upper-tier municipality in the amounts and on the dates specified in the by-law and subsection 403 (7) of the Act provides that all debentures issued under a by-law passed by an upper-tier municipality under section 403 of the Act are direct, joint and several obligations of the upper-tier municipality and its lower-tier municipalities;

AND WHEREAS the Council of The Corporation of the Town of Niagara-on-the-Lake (the "Municipality"), which is a lower-tier municipality forming part of The Regional Municipality of Niagara (hereinafter called the "Upper-tier Municipality"), has passed the By-laws enumerated in column (3) of Schedule "A" attached hereto and forming part of this By-law to authorize the capital work described in column (1) of Schedule "A" (the "Capital Work") and to authorize the long-term borrowing from Ontario Infrastructure and Lands Corporation ("OILC") in respect of the Capital Work;

AND WHEREAS the Upper-tier Municipality has passed a By-law to authorize submitting an application to OILC for financing the Capital Work and to authorize long-term borrowing for the Capital Work through the issue of debentures to OILC (the "Application");

AND WHEREAS the Council of the Upper-tier Municipality has received a request from the Council of the Municipality to borrow money for the purpose of providing long-term financing for the Capital Work and to issue debentures for the Capital Work in the amount specified in column (8) of Schedule "A";

AND WHEREAS before authorizing the Capital Work and before authorizing any additional cost amount and any additional debenture authority in respect thereof, the Council of the Municipality had its Treasurer calculate an updated limit in respect of its most recent annual debt and financial obligation limit received from the Ministry of Municipal Affairs and Housing in accordance with the applicable regulation and, prior to the Council of the Municipality authorizing the Capital Work, each such additional cost amount and each such additional debenture authority, the Treasurer determined that the estimated annual amount payable in respect of the Capital Work, each such additional cost amount and each such additional debenture authority, would not cause the Municipality to exceed the updated limit and that the approval of the Capital Work, each such additional cost amount and each such additional debenture authority by the Local Planning Appeal Tribunal pursuant to such regulation was not required;

AND WHEREAS the Upper-tier Municipality has submitted an application to and the Application has been approved;

AND WHEREAS to provide long-term financing for the Capital Work it is now deemed to be expedient to borrow money by the issue of amortizing debentures in the principal amount of $1,401,512.29 dated November 2, 2020 and maturing on November 2, 2040, and payable in semi-annual instalments of combined principal and interest on the 2nd day of May and on the 2nd day of November in each of the years 2021 to 2040, both inclusive on the terms hereinafter set forth;

NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF NIAGARA ENACTS AS FOLLOWS:

1. That for the Capital Work, the borrowing upon the credit of the Upper-tier Municipality at large of the principal amount of $1,401,512.29 and the issue of amortizing debentures therefor to be repaid in semi-annual instalments of combined principal and interest as hereinafter set forth, are hereby authorized.

2. That the Regional Chair and the Regional Treasurer of the Upper-tier Municipality are hereby authorized to cause any number of amortizing debentures to be issued for such amounts of money as may be required for the Capital Work in definitive form, not exceeding in total the said principal amount of $1,401,512.29 (the "Debentures"). The Debentures shall bear the Upper-tier Municipality's municipal seal and the signatures of the Regional Chair and the Regional Treasurer of the Upper-tier Municipality, all in accordance with the provisions of the Act. The Debentures are sufficiently signed if they bear the required signatures and each person signing has the authority to do so on the date he or she signs.

3. That the Debentures shall be in fully registered form as one or more certificates in the principal amount of $1,401,512.29, in the name of OILC, or as OILC may otherwise direct, substantially in the form attached as Schedule "B" hereto and forming part of this By-law with provision for payment of principal and interest (other than in respect of the final payment of principal and outstanding interest on maturity upon presentation and surrender) by pre-authorized debit in respect of such principal and interest to the credit of such registered holder on such terms as to which the registered holder and the Upper-tier Municipality may agree.

4. That in accordance with the provisions of section 25 of the "Ontario Infrastructure and Lands Corporation Act, 2011", as amended from time to time hereafter, the Upper-tier Municipality is hereby authorized to agree in writing with OILC that the Minister of Finance is entitled, without notice to the Upper-tier Municipality or the Municipality, as appropriate, to deduct from money appropriated by the Legislative Assembly of Ontario for payment to the Upper-tier Municipality or the Municipality, as appropriate, amounts not exceeding any amounts that the Upper-tier Municipality or the Municipality fails to pay OILC on account of any unpaid indebtedness of the Upper-tier Municipality to OILC under the Debentures and to pay such amounts to OILC from the Consolidated Revenue Fund.

5. That the Debentures shall all be dated the 2nd day of November, 2020, and as to both principal and interest shall be expressed and be payable in lawful money of Canada. The Debentures shall bear interest at the rate of 1.99% per annum and mature during a period of 20 years from the date thereof payable semi-annually in arrears as described in this section. The Debentures shall be paid in full by November 2, 2040 and be payable in equal semi-annual instalments of combined principal and interest on the 2nd day of May and on the 2nd day of November in each of the years 2021 to 2040, both inclusive, save and except for the last instalment which may vary slightly from the preceding equal instalments, as set

forth in Schedule “C” attached hereto and forming part of this By-law (“Schedule “C”).

6. That payments in respect of principal of and interest on the Debentures shall be made only on a day, other than Saturday or Sunday, on which banking institutions in Toronto, Ontario, Canada and the Upper-tier Municipality are not authorized or obligated by law or executive order to be closed (a “Business Day”) and if any date for payment is not a Business Day, payment shall be made on the next following Toronto Business Day.

7. That interest shall be payable to the date of maturity of the Debentures and on default shall be payable on any overdue amounts both before and after default and judgment at a rate per annum equal to the greater of the rate specified on the Schedule as attached to and forming part of the Debentures for such amounts plus 200 basis points or Prime Rate (as defined below) plus 200 basis points, calculated on a daily basis from the date such amounts become overdue for so long as such amounts remain overdue and the Upper-tier Municipality shall pay to the registered holders any and all costs incurred by the registered holders as a result of the overdue payment. Any amounts payable by the Upper-tier Municipality as interest on overdue principal or interest and all costs incurred by the registered holders as a result of the overdue payment in respect of the Debentures shall be paid out of current revenue. Whenever it is necessary to compute any amount of interest in respect of the Debentures for a period of less than one full year, other than with respect to regular semi-annual interest payments, such interest shall be calculated on the basis of the actual number of days in the period and a year of 365 days or 366 days as appropriate.

   “Prime Rate” means, on any day, the annual rate of interest which is the arithmetic mean of the prime rates announced from time to time by the following five major Canadian Schedule I banks, as of the issue date of the Debentures: Royal Bank of Canada; Canadian Imperial Bank of Commerce; The Bank of Nova Scotia; Bank of Montreal; and The Toronto-Dominion Bank (the “Reference Banks”) as their reference rates in effect on such day for Canadian dollar commercial loans made in Canada. If fewer than five of the Reference Banks quote a prime rate on such days, the “Prime Rate” shall be the arithmetic mean of the rates quoted by those Reference Banks.

8. (1) That in each year in which a payment of equal semi-annual instalments of combined principal and interest becomes due in respect of the Capital Work, including the last ‘non-equal’ instalment, there shall be raised as part

of the Upper-tier Municipality's general upper-tier levy the amounts of principal and interest payable by the Upper-tier Municipality in each year as set out in Schedule "C" to the extent that the amounts have not been provided for by any other available source including other taxes or fees or charges imposed on persons or property by a by-law of any municipality. Without limiting the generality of the foregoing, the Municipality shall pay the aforesaid yearly amounts as set out in Schedule "C" to the Upper-tier Municipality one Business Day before the date payment is due. The amounts required to be paid to the Upper-tier Municipality in accordance with Schedule "C" shall constitute a debt of the Municipality to the Upper-tier Municipality and such amounts shall, when combined with any amount payable by the Upper-tier Municipality in the year for repayment of the debt for which the Debentures are to be issued, be sufficient to meet the total amount of principal and interest payable in the year by the Upper-tier Municipality in respect of the Debentures, all in accordance with the provisions of this By-law and the Act.

(2) That if the Municipality fails to make any payment or portion of it as provided in this By-law, the Municipality shall pay interest to the Upper-tier Municipality on the amount in default at the rate of 15% per annum, from the date the payment is due until it is made.

(3) That there shall be raised, for the Capital Work, pursuant to this By-law, in each year of the currency of the Debentures, as part of the general upper-tier levy, the amounts required to be paid to the Upper-tier Municipality in any previous year by the Municipality to the extent that the amounts have not been paid to the Upper-tier Municipality in accordance with this By-law and the Act.

9. That the Debentures may contain any provision for their registration thereof authorized by any statute relating to municipal debentures in force at the time of the issue thereof.

10. That the Upper-tier Municipality shall maintain a registry in respect of the Debentures in which shall be recorded the names and the addresses of the registered holders and particulars of the Debentures held by them respectively and in which particulars of the cancellations, exchanges, substitutions and transfers of Debentures, may be recorded and the Upper-tier Municipality is authorized to use electronic, magnetic or other media for records of or related to the Debentures or for copies of them.

11. That the Upper-tier Municipality shall not be bound to see to the execution of any trust affecting the ownership of any Debenture or be affected by notice of any equity that may be subsisting in respect thereof. The Upper-tier Municipality shall deem and treat registered holders of the Debentures as the absolute owners thereof for all purposes whatsoever notwithstanding any notice to the contrary and all payments to or to the order of registered holders shall be valid and effectual to discharge the liability of the Upper-tier Municipality on the Debentures to the extent of the amount or amounts so paid. When a Debenture is registered in more than one name, the principal of and interest from time to time payable on such Debenture shall be paid to or to the order of all the joint registered holders thereof, failing written instructions to the contrary from all such joint registered holders, and such payment shall constitute a valid discharge to the Upper-tier Municipality. In the case of the death of one or more joint registered holders, despite the foregoing provisions of this section, the principal of and interest on any Debentures registered in their names may be paid to the survivor or survivors of such holders and such payment shall constitute a valid discharge to the Upper-tier Municipality.

12. That the Debentures will be transferable or exchangeable at the office of the Regional Treasurer of the Upper-tier Municipality upon presentation for such purpose accompanied by an instrument of transfer or exchange in a form approved by the Upper-tier Municipality and which form is in accordance with the prevailing Canadian transfer legislation and practices, executed by the registered holder thereof or such holder's duly authorized attorney or legal personal representative, whereupon and upon registration of such transfer or exchange and cancellation of the Debenture or Debentures presented, the Regional Chair and the Regional Treasurer shall issue and deliver a new Debenture or Debentures of an equal aggregate principal amount in any authorized denomination or denominations as directed by the transferor, in the case of a transfer or as directed by the registered holder in the case of an exchange.

13. That the Regional Chair and the Regional Treasurer shall issue and deliver new Debentures in exchange or substitution for Debentures outstanding on the registry with the same maturity and of like form which have become mutilated, defaced, lost, subject to a mysterious or unexplainable disappearance, stolen or destroyed, provided that the applicant therefor shall have: (a) paid such costs as may have been incurred in connection therewith; (b) (in the case when a Debenture is mutilated, defaced, lost, mysteriously or unexplainably missing, stolen or destroyed) furnished the Upper-tier Municipality with such evidence (including evidence as to the certificate number of the Debenture in question) and an indemnity in respect thereof satisfactory to the Upper-tier Municipality in its

discretion; and (c) surrendered to the Upper-tier Municipality any mutilated or defaced Debentures in respect of which new Debentures are to be issued in substitution.

14. That the Debentures issued upon any registration of transfer or exchange or in substitution for any Debentures or part thereof shall carry all the rights to interest if any, accrued and unpaid which were carried by such Debentures or part thereof and shall be so dated and shall bear the same maturity date and, subject to the provisions of this By-law, shall be subject to the same terms and conditions as the Debentures in respect of which the transfer, exchange or substitution is effected.

15. That the cost of all transfers and exchanges, including the printing of authorized denominations of the new Debentures, shall be borne by the Upper-tier Municipality. When any of the Debentures are surrendered for transfer or exchange the Regional Treasurer of the Upper-tier Municipality shall: (a) in the case of an exchange, cancel and destroy the Debentures surrendered for exchange; (b) in the case of an exchange, certify the cancellation and destruction in the registry; (c) enter in the registry particulars of the new Debenture or Debentures issued in exchange; and (d) in the case of a transfer, enter in the registry particulars of the registered holder as directed by the transferor.

16. That reasonable fees in respect of the Debentures, in the normal course of business, other than reasonable fees for the substitution of a new Debenture or new Debentures for any of the Debentures that are mutilated, defaced, lost, mysteriously or unexplainably missing, stolen or destroyed and for the replacement of any of the principal and interest cheques (if any) that are mutilated, defaced, lost, mysteriously or unexplainably missing, stolen or destroyed may be imposed by the Upper-tier Municipality. When new Debentures are issued in substitution in these circumstances the Upper-tier Municipality shall: (a) treat as cancelled and destroyed the Debentures in respect of which new Debentures will be issued in substitution; (b) certify the deemed cancellation and destruction in the registry; (c) enter in the registry particulars of the new Debentures issued in substitution; and (d) make a notation of any indemnities provided.

17. That except as otherwise expressly provided herein, any notice required to be given to a registered holder of one or more of the Debentures will be sufficiently given if a copy of such notice is mailed or otherwise delivered to the registered address of such registered holder.

18. That the Regional Chair and the Regional Treasurer are hereby authorized to cause the Debentures to be issued, one or more of the Regional Clerk and

Regional Treasurer are hereby authorized to generally do all things and to execute all other documents and other papers in the name of the Upper-tier Municipality in order to carry out the issue of the Debentures and the Regional Treasurer is authorized to affix the Upper-tier Municipality's municipal seal to any of such documents and papers.

19. That the money received by the Upper-tier Municipality from the sale of the Debentures to OILC, including any premium, and any earnings derived from the investment of that money, after providing for the expenses related to their issue, if any, shall be delivered to the Municipality on the basis that the Municipality shall apportion and apply such money to the Capital Work, and to no other purpose except as permitted by the Act.

20. That subject to the Upper-tier Municipality's investment policies and goals, the applicable legislation and the terms and conditions of the Debentures, the Upper-tier Municipality may, if not in default under the Debentures, at any time purchase any of the Debentures in the open market or by tender or by private contract at any price and on such terms and conditions (including, without limitation, the manner by which any tender offer may be communicated or accepted and the persons to whom it may be addressed) as the Upper-tier Municipality may in its discretion determine.

21. That this by-law shall come into force and take effect on the day upon which it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA

_____
James Bradley, Regional Chair

_____
Ann-Marie Norio, Regional Clerk

Passed: <>

Schedule "A"

Item No.	(1) Description	(2) Account No.	(3) Authorizing By-law	(4) MOE File No.	(5) MOE Date	(6) Debentures Authorized by Council $	(7) Debentures Previously Issued $	(8) Debentures Now Being Issued $	(9) Debentures Available for Future Use $
	The Corporation of the Town of Niagara-on-the-Lake								
	Term 1-20 Year Amortizing Debenture								
	Capital costs in connection with the:								
1	Fire Truck Ladder Apparatus acquisition project		5078-18 5127-19 5259-20			1,401,512.29	Nil	1,401,512.29	-
						1,401,512.29	**Nil**	1,401,512.29	-
	Total – Town of Niagara-on-the-Lake					1,401,512.29	**Nil**	1,401,512.29	-

THE REGIONAL MUNICIPALITY OF NIAGARA

No. OILC-20-04

$1,401,512.29

C A N A D A
Province of Ontario
THE REGIONAL MUNICIPALITY OF NIAGARA

FULLY REGISTERED 1.99% AMORTIZING DEBENTURE

THE REGIONAL MUNICIPALITY OF NIAGARA (the "Upper-tier Municipality"), for value received, hereby promises to pay to

ONTARIO INFRASTRUCTURE AND LANDS CORPORATION ("OILC")

or registered assigns, subject to the Conditions attached hereto which form part hereof (the "Conditions"), upon presentation and surrender of this debenture (or as otherwise agreed to by the Upper-tier Municipality and OILC) by the maturity date of this debenture (November 2, 2040), the principal amount of

ONE MILLION, FOUR HUNDRED ONE THOUSAND, FIVE HUNDRED TWELVE DOLLARS AND TWENTY-NINE CENTS
---------- ($1,401,512.29) ----------

by equal semi-annual instalments of combined principal and interest on the 2nd day of May and on the 2nd day of November in each of the years 2021 to 2040, both inclusive, save and except for the last instalment which may vary slightly from the preceding equal instalments in the amounts set forth in the attached Loan Amortization Schedule (the "Amortization Schedule") and subject to late payment interest charges pursuant to the Conditions, in lawful money of Canada. Subject to the Conditions: interest shall be paid until the maturity date of this debenture, in like money in semi-annual payments from the closing date (November 2, 2020), or from the last date on which interest has been paid on this debenture, whichever is later, at the rate of 1.99% per annum, in arrears, on the specified dates, as set forth in the Amortization Schedule; and interest shall be paid on default at the applicable rate set out in the Amortization Schedule both before and after default and judgment. The payments of principal and interest and the outstanding amount of principal in each year are shown in the Amortization Schedule.

The Upper-tier Municipality, pursuant to section 25 of the *Ontario Infrastructure and Lands Corporation Act, 2011* (the "OILC Act, 2011") hereby irrevocably agrees that the Minister of Finance is entitled, without notice to the Upper-tier Municipality, to deduct from money appropriated by the Legislative Assembly of Ontario for payment to the Upper-tier Municipality, amounts not exceeding any amounts that the Upper-tier Municipality fails to pay OILC on account of any unpaid indebtedness under this debenture, and to pay such amounts to OILC from the Consolidated Revenue Fund.

This debenture is subject to the Conditions.

DATED at the Regional Municipality of Niagara as at the 2nd day of November, 2020.

IN TESTIMONY WHEREOF and under the authority of By-law No. 2020-76 the Upper-tier Municipality duly passed on the 22nd day of October, 2020 (the "By-law"), this debenture is sealed with the municipal seal of the Upper-tier Municipality and signed by the Regional Chair and by the Regional Treasurer thereof.

Date of Registration: November 2, 2020

_____ (seal) _____
James Bradley, Regional Chair Todd Harrison, Regional Treasurer

This global debenture is also signed by the Regional Clerk pursuant to the Issuer's internal requirements.

_____
Ann-Marie Norio, Regional Clerk

OILC hereby agrees that the Minister of Finance is entitled to exercise certain rights of deduction pursuant to section 25 of the OILC Act, 2011 as described in this debenture.

Ontario Infrastructure and Lands Corporation

by:_____ by:_____
Authorized Signing Officer Authorized Signing Officer

AMORTIZATION SCHEDULE

Name.....: The Regional Municipality of Niagara
Principal: $1,401,512.29
Rate.....: 01.990%
Term.....: 240 months
Matures..: 11/02/2040

Pay #	Date	Amount Due $	Principal Due $	Interest Due $	Rem. Principal $
1	05/02/2021	42,643.39	28,698.34	13,945.05	1,372,813.95
2	11/02/2021	42,643.39	28,983.89	13,659.50	1,343,830.06
3	05/02/2022	42,643.39	29,272.28	13,371.11	1,314,557.78
4	11/02/2022	42,643.39	29,563.54	13,079.85	1,284,994.24
5	05/02/2023	42,643.39	29,857.70	12,785.69	1,255,136.54
6	11/02/2023	42,643.39	30,154.78	12,488.61	1,224,981.76
7	05/02/2024	42,643.39	30,454.82	12,188.57	1,194,526.94
8	11/02/2024	42,643.39	30,757.85	11,885.54	1,163,769.09
9	05/02/2025	42,643.39	31,063.89	11,579.50	1,132,705.20
10	11/02/2025	42,643.39	31,372.97	11,270.42	1,101,332.23
11	05/02/2026	42,643.39	31,685.13	10,958.26	1,069,647.10
12	11/02/2026	42,643.39	32,000.40	10,642.99	1,037,646.70
13	05/02/2027	42,643.39	32,318.81	10,324.58	1,005,327.89
14	11/02/2027	42,643.39	32,640.38	10,003.01	972,687.51
15	05/02/2028	42,643.39	32,965.15	9,678.24	939,722.36
16	11/02/2028	42,643.39	33,293.15	9,350.24	906,429.21
17	05/02/2029	42,643.39	33,624.42	9,018.97	872,804.79
18	11/02/2029	42,643.39	33,958.98	8,684.41	838,845.81
19	05/02/2030	42,643.39	34,296.87	8,346.52	804,548.94
20	11/02/2030	42,643.39	34,638.13	8,005.26	769,910.81
21	05/02/2031	42,643.39	34,982.78	7,660.61	734,928.03
22	11/02/2031	42,643.39	35,330.86	7,312.53	699,597.17
23	05/02/2032	42,643.39	35,682.40	6,960.99	663,914.77
24	11/02/2032	42,643.39	36,037.44	6,605.95	627,877.33
25	05/02/2033	42,643.39	36,396.01	6,247.38	591,481.32
26	11/02/2033	42,643.39	36,758.15	5,885.24	554,723.17
27	05/02/2034	42,643.39	37,123.89	5,519.50	517,599.28
28	11/02/2034	42,643.39	37,493.28	5,150.11	480,106.00
29	05/02/2035	42,643.39	37,866.34	4,777.05	442,239.66
30	11/02/2035	42,643.39	38,243.11	4,400.28	403,996.55
31	05/02/2036	42,643.39	38,623.62	4,019.77	365,372.93
32	11/02/2036	42,643.39	39,007.93	3,635.46	326,365.00
33	05/02/2037	42,643.39	39,396.06	3,247.33	286,968.94
34	11/02/2037	42,643.39	39,788.05	2,855.34	247,180.89
35	05/02/2038	42,643.39	40,183.94	2,459.45	206,996.95
36	11/02/2038	42,643.39	40,583.77	2,059.62	166,413.18

37 05/02/2039	42,643.39	40,987.58	1,655.81	125,425.60
38 11/02/2039	42,643.39	41,395.41	1,247.98	84,030.19
39 05/02/2040	42,643.39	41,807.29	836.10	42,222.90
40 11/02/2040	42,643.02	42,222.90	420.12	0.00
	1,705,735.23	1,401,512.29	304,222.94	

LEGAL OPINION

We have examined the By-law of the Upper-tier Municipality authorizing the issue of amortizing debentures in the principal amount of $1,401,512.29 dated November 2, 2020 and maturing on November 2, 2040 payable in equal semi-annual instalments of combined principal and interest on the 2nd day of May and on the 2nd day of November in each of the years 2021 to 2040, both inclusive, save and except for the last instalment which may vary slightly from the preceding equal instalments, as set out in Schedule "C" to the By-law.

In our opinion, the By-law has been properly passed and is within the legal powers of the Upper-tier Municipality. The debenture issued under the By-law in the within form (the "Debenture") is the direct, general, unsecured, unsubordinated, joint and several obligation of the Upper-tier Municipality and of its lower-tier municipalities (the "Lower-tier Municipalities"). The Debenture is enforceable against the Upper-tier Municipality and the Lower-tier Municipalities subject to the special jurisdiction and powers of the Local Planning Appeal Tribunal over defaulting municipalities under the *Municipal Affairs Act*. This opinion is subject to and incorporates all the assumptions, qualifications and limitations set out in our opinion letter.

November 2, 2020 WeirFoulds LLP

CONDITIONS OF THE DEBENTURE

Form, Denomination, and Ranking of the Debenture

1. The debentures issued pursuant to the By-law (collectively the "Debentures" and individually a "Debenture") are issuable as fully registered Debentures without coupons.

2. The Debentures are direct, general, unsecured, unsubordinated, joint and several obligations of the Upper-tier Municipality and of its Lower-tier Municipalities. The Debentures rank concurrently and equally in respect of payment of principal and interest with all other debentures of the Upper-tier Municipality except for the availability of money in a sinking or retirement fund for a particular issue of debentures.

3. This Debenture is one fully registered Debenture registered in the name of OILC and held by OILC.

Registration

4. The Upper-tier Municipality shall maintain at its designated office a registry in respect of the Debentures in which shall be recorded the names and the addresses of the registered holders and particulars of the Debentures held by them respectively and in which particulars of cancellations, exchanges, substitutions and transfers of Debentures, may be recorded and the Upper-tier Municipality is authorized to use electronic, magnetic or other media for records of or related to the Debentures or for copies of them.

Title

5. The Upper-tier Municipality shall not be bound to see to the execution of any trust affecting the ownership of any Debenture or be affected by notice of any equity that may be subsisting in respect thereof. The Upper-tier Municipality shall deem and treat registered holders of Debentures, including this Debenture, as the absolute owners thereof for all purposes whatsoever notwithstanding any notice to the contrary and all payments to or to the order of registered holders shall be valid and effectual to discharge the liability of the Upper-tier Municipality on the Debentures to the extent of the amount or amounts so paid. Where a Debenture is registered in more than one name, the principal of and interest from time to time payable on such Debenture shall be paid to or to the order of all the joint registered holders thereof, failing written instructions to the contrary from all such joint registered holders, and such payment shall constitute a valid discharge to the Upper-tier Municipality. In the case of the death of one or more joint registered holders, despite the foregoing provisions of this section, the principal of and interest on any Debentures registered in their names may be paid to the survivor or survivors of such holders and such payment shall constitute a valid discharge to the Upper-tier Municipality.

Payments of Principal and Interest

6. The record date for purposes of payment of principal of and interest on the Debentures is as of 5:00 p.m. on the sixteenth calendar day preceding any Payment Date including the maturity date. Principal of and interest on the Debentures are payable by the Upper-tier Municipality to the persons registered as holders in the registry on the relevant record date. The Upper-tier

Municipality shall not be required to register any transfer, exchange or substitution of Debentures during the period from any record date to the corresponding Payment Date.

7. The Upper-tier Municipality shall make all payments in respect of equal semi-annual instalments of combined principal and interest on the Debentures on the 2nd day of May and on the 2nd day of November in each of the years 2021 to 2040, both inclusive, including the last 'non-equal instalment, as set out in Schedule "C" to the By-law, by pre-authorized debit in respect of such interest and principal to the credit of the registered holder on such terms as the Upper-tier Municipality and the registered holder may agree.

8. The Upper-tier Municipality shall pay to the registered holder interest on any overdue amount of principal or interest in respect of any Debenture, both before and after default and judgment, at a rate per annum equal to the greater of the rate specified on the Amortization Schedule as attached to and forming part of the Debenture for such amount plus 200 basis points or Prime Rate (as defined below) plus 200 basis points, calculated on a daily basis from the date such amount becomes overdue for so long as such amount remains overdue and the Upper-tier Municipality shall pay to the registered holder any and all costs incurred by the registered holder as a result of the overdue payment.

9. Whenever it is necessary to compute any amount of interest in respect of the Debentures for a period of less than one full year, other than with respect to regular semi-annual interest payments, such interest shall be calculated on the basis of the actual number of days in the period and a year of 365 days or 366 days as appropriate.

10. Payments in respect of principal of and interest on the Debentures shall be made only on a day, other than Saturday or Sunday, on which banking institutions in Toronto, Ontario, Canada and the Upper-tier Municipality are not authorized or obligated by law or executive order to be closed (a "**Business Day**"), and if any date for payment is not a Business Day, payment shall be made on the next following Business Day as noted on the Amortization Schedule.

11. The Debentures are transferable or exchangeable at the office of the Regional Treasurer of the Upper-tier Municipality upon presentation for such purpose accompanied by an instrument of transfer or exchange in a form approved by the Upper-tier Municipality and which form is in accordance with the prevailing Canadian transfer legislation and practices, executed by the registered holder thereof or such holder's duly authorized attorney or legal personal representative, whereupon and upon registration of such transfer or exchange and cancellation of the Debenture or Debentures presented, a new Debenture or Debentures of an equal aggregate principal amount in any authorized denomination or denominations will be delivered as directed by the transferor, in the case of a transfer or as directed by the registered holder in the case of an exchange.

12. The Upper-tier Municipality shall issue and deliver Debentures in exchange for or in substitution for Debentures outstanding on the registry with the same maturity and of like form in the event of a mutilation, defacement, loss, mysterious or unexplainable disappearance, theft or destruction, provided that the applicant therefor shall have: (a) paid such costs as may have been incurred in connection therewith; (b) (in the case of a mutilated, defaced, lost, mysteriously or unexplainably missing, stolen or destroyed Debenture) furnished the Upper-tier Municipality with such evidence (including evidence as to the certificate number of the Debenture in question) and an indemnity in respect thereof satisfactory to the Upper-tier Municipality in its discretion; and (c) surrendered to

the Upper-tier Municipality any mutilated or defaced Debentures in respect of which new Debentures are to be issued in substitution.

13. The Debentures issued upon any registration of transfer or exchange or in substitution for any Debentures or part thereof shall carry all the rights to interest if any, accrued and unpaid which were carried by such Debentures or part thereof and shall be so dated and shall bear the same maturity date and, subject to the provisions of the By-law, shall be subject to the same terms and conditions as the Debentures in respect of which the transfer, exchange or substitution is effected.

14. The cost of all transfers and exchanges, including the printing of authorized denominations of the new Debentures, shall be borne by the Upper-tier Municipality. When any of the Debentures are surrendered for transfer or exchange the Treasurer of the Upper-tier Municipality shall: (a) in the case of an exchange, cancel and destroy the Debentures surrendered for exchange; (b) in the case of an exchange, certify the cancellation and destruction in the registry; (c) enter in the registry particulars of the new Debenture or Debentures issued in exchange; and (d) in the case of a transfer, enter in the registry particulars of the registered holder as directed by the transferor.

15. Reasonable fees for the substitution of a new Debenture or new Debentures for any of the Debentures that are mutilated, defaced, lost, mysteriously or unexplainably missing, stolen or destroyed and for the replacement of mutilated, defaced, lost, mysteriously or unexplainably missing, stolen or destroyed principal and interest cheques (if any) may be imposed by the Upper-tier Municipality. When new Debentures are issued in substitution in these circumstances the Upper-tier Municipality shall: (a) treat as cancelled and destroyed the Debentures in respect of which new Debentures will be issued in substitution; (b) certify the deemed cancellation and destruction in the registry; (c) enter in the registry particulars of the new Debentures issued in substitution; and (d) make a notation of any indemnities provided.

16. If OILC elects to terminate its obligations under the rate offer letter agreement entered into between the Upper-tier Municipality and OILC, pursuant to which the Debentures are issued, at OILC's discretion, the Upper-tier Municipality shall pay to OILC the Make-Whole Amount on account of the losses that OILC will incur as a result of the early repayment or early termination.

Notices

17. Except as otherwise expressly provided herein, any notice required to be given to a registered holder of one or more of the Debentures will be sufficiently given if a copy of such notice is mailed or otherwise delivered to the registered address of such registered holder. If the Upper-tier Municipality or any registered holder is required to give any notice in connection with the Debentures on or before any day and that day is not a Business Day (as defined in section 10 of these Conditions) then such notice may be given on the next following Business Day.

Time

18. Unless otherwise expressly provided herein, any reference herein to a time shall be considered to be a reference to Toronto time.

Governing Law

19. The Debentures are governed by and shall be construed in accordance with the laws of the Province of Ontario and the federal laws of Canada applicable in Ontario.

Definitions:

(a) "**Prime Rate"** means, on any day, the annual rate of interest which is the arithmetic mean of the prime rates announced from time to time by the following five major Canadian Schedule I banks, as of the issue date of this Debenture: Royal Bank of Canada; Canadian Imperial Bank of Commerce; The Bank of Nova Scotia; Bank of Montreal; and The Toronto-Dominion Bank (the "**Reference Banks**") as their reference rates in effect on such day for Canadian dollar commercial loans made in Canada. If fewer than five of the Reference Banks quote a prime rate on such days, the "Prime Rate" shall be the arithmetic mean of the rates quoted by those Reference Banks.

(b) "**Make-Whole Amount**" means the amount determined by OILC as of the date of prepayment of the Debenture, by which (i) the present value of the remaining future scheduled payments of principal and interest under the Debenture to be repaid from the prepayment date until maturity of the Debenture discounted at the Ontario Yield exceeds (ii) the principal amount under the Debenture being repaid provided that the Make-Whole Amount shall never be less than zero.

(c) "**Ontario Yield**" means the yield to maturity on the date of prepayment of the Debenture, assuming semi-annual compounding, which a non-prepayable term loan made by the Province of Ontario would have if advanced on the date of prepayment of the Debenture, assuming the same principal amount as the Debenture and with a maturity date which is the same as the remaining term to maturity of the Debenture to be repaid minus 100 basis points.

Schedule "C"
AMORTIZATION SCHEDULE

Name.....: The Regional Municipality of Niagara
Principal: $1,401,512.29
Rate.....: 01.990%
Term.....: 240 months
Matures..: 11/02/2040

Pay #	Date	Amount Due $	Principal Due $	Interest Due $	Rem. Principal $
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14	11/02/2027	42,643.39	32,640.38	10,003.01	972,687.51
15	05/02/2028	42,643.39	32,965.15	9,678.24	939,722.36
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26	11/02/2033	42,643.39	36,758.15	5,885.24	554,723.17
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29	05/02/2035	42,643.39	37,866.34	4,777.05	442,239.66
30	11/02/2035	42,643.39	38,243.11	4,400.28	403,996.55
31	05/02/2036	42,643.39	38,623.62	4,019.77	365,372.93
32	11/02/2036	42,643.39	39,007.93	3,635.46	326,365.00
33	05/02/2037	42,643.39	39,396.06	3,247.33	286,968.94
34	11/02/2037	42,643.39	39,788.05	2,855.34	247,180.89
35	05/02/2038	42,643.39	40,183.94	2,459.45	206,996.95
36	11/02/2038	42,643.39	40,583.77	2,059.62	166,413.18

Schedule “C”

37	05/02/2039	42,643.39	40,987.58	1,655.81	125,425.60
38	11/02/2039	42,643.39	41,395.41	1,247.98	84,030.19
39	05/02/2040	42,643.39	41,807.29	836.10	42,222.90
40	11/02/2040	42,643.02	42,222.90	420.12	0.00
		1,705,735.23	1,401,512.29	304,222.94	

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. < >

A BY-LAW TO AUTHORIZE THE BORROWING UPON AMORTIZING DEBENTURES IN THE PRINCIPAL AMOUNT OF $8,400,000.00 FOR A CAPITAL WORK OF THE CORPORATION OF THE CITY OF NIAGARA FALLS

WHEREAS subsection 401 (1) of the "Municipal Act, 2001", as amended (the "Act") provides that a municipality may incur a debt for municipal purposes, whether by borrowing money or in any other way, and may issue debentures and prescribed financial instruments and enter prescribed financial agreements for or in relation to the debt;

AND WHEREAS subsection 408 (2.1) of the Act provides that a municipality may issue a debenture or other financial instrument for long-term borrowing only to provide financing for a capital work;

AND WHEREAS the Act also provides that a municipality shall authorize long-term borrowing by the issue of debentures or through another municipality under section 403 or 404 of the Act;

AND WHEREAS section 403 of the Act provides that a by-law of an upper-tier municipality authorizing the issuing of debentures for the purposes or joint purposes of one or more of its lower-tier municipalities may require those lower-tier municipalities to make payments in each year to the upper-tier municipality in the amounts and on the dates specified in the by-law and subsection 403 (7) of the Act provides that all debentures issued under a by-law passed by an upper-tier municipality under section 403 of the Act are direct, joint and several obligations of the upper-tier municipality and its lower-tier municipalities;

AND WHEREAS the Council of The Corporation of the City of Niagara Falls (the "Municipality"), which is a lower-tier municipality forming part of The Regional Municipality of Niagara (hereinafter called the "Upper-tier Municipality"), has passed the By-laws enumerated in column (3) of Schedule "A" attached hereto and forming part of this By-law to authorize the capital work described in column (1) of Schedule "A" (the "Capital Work") and to authorize the long-term borrowing from Ontario Infrastructure and Lands Corporation ("OILC") in respect of the Capital Work;

AND WHEREAS the Upper-tier Municipality has passed a By-law to authorize submitting an application to OILC for financing the Capital Work and to authorize long-term

borrowing for the Capital Work through the issue of debentures to OILC (the "Application");

AND WHEREAS the Council of the Upper-tier Municipality has received a request from the Council of the Municipality to borrow money for the purpose of providing long-term financing for the Capital Work and to issue debentures for the Capital Work in the amount specified in column (8) of Schedule "A";

AND WHEREAS before authorizing the Capital Work, the Council of the Municipality had its Treasurer calculate an updated limit in respect of its most recent annual debt and financial obligation limit received from the Ministry of Municipal Affairs and Housing in accordance with the applicable regulation and, prior to the Council of the Municipality authorizing the Capital Work the Treasurer determined that the estimated annual amount payable in respect of the Capital Work would not cause the Municipality to exceed the updated limit and that the approval of the Capital Work by the Local Planning Appeal Tribunal pursuant to such regulation was not required;

AND WHEREAS the Upper-tier Municipality has submitted an application to and the Application has been approved;

AND WHEREAS to provide long-term financing for the Capital Work it is now deemed to be expedient to borrow money by the issue of amortizing debentures in the principal amount of $8,400,000.00 dated November 2, 2020 and maturing on November 2, 2040, and payable in semi-annual instalments of combined principal and interest on the 2nd day of May and on the 2nd day of November in each of the years 2021 to 2040, both inclusive on the terms hereinafter set forth;

NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF NIAGARA ENACTS AS FOLLOWS:

1. That for the Capital Work, the borrowing upon the credit of the Upper-tier Municipality at large of the principal amount of $8,400,000.00 and the issue of amortizing debentures therefor to be repaid in semi-annual instalments of combined principal and interest as hereinafter set forth, are hereby authorized.

2. That the Regional Chair and the Regional Treasurer of the Upper-tier Municipality are hereby authorized to cause any number of amortizing debentures to be issued for such amounts of money as may be required for the Capital Work in definitive form, not exceeding in total the said principal amount of $8,400,000.00 (the "Debentures"). The Debentures shall bear the Upper-tier Municipality's municipal seal and the signatures of the Regional Chair and the Regional Treasurer of the

Upper-tier Municipality, all in accordance with the provisions of the Act. The Debentures are sufficiently signed if they bear the required signatures and each person signing has the authority to do so on the date he or she signs.

3. That the Debentures shall be in fully registered form as one or more certificates in the principal amount of $8,400,000.00, in the name of OILC, or as OILC may otherwise direct, substantially in the form attached as Schedule "B" hereto and forming part of this By-law with provision for payment of principal and interest (other than in respect of the final payment of principal and outstanding interest on maturity upon presentation and surrender) by pre-authorized debit in respect of such principal and interest to the credit of such registered holder on such terms as to which the registered holder and the Upper-tier Municipality may agree.

4. That in accordance with the provisions of section 25 of the "Ontario Infrastructure and Lands Corporation Act, 2011", as amended from time to time hereafter, the Upper-tier Municipality is hereby authorized to agree in writing with OILC that the Minister of Finance is entitled, without notice to the Upper-tier Municipality or the Municipality, as appropriate, to deduct from money appropriated by the Legislative Assembly of Ontario for payment to the Upper-tier Municipality or the Municipality, as appropriate, amounts not exceeding any amounts that the Upper-tier Municipality or the Municipality fails to pay OILC on account of any unpaid indebtedness of the Upper-tier Municipality to OILC under the Debentures and to pay such amounts to OILC from the Consolidated Revenue Fund.

5. That the Debentures shall all be dated the 2nd day of November, 2020, and as to both principal and interest shall be expressed and be payable in lawful money of Canada. The Debentures shall bear interest at the rate of 1.99% per annum and mature during a period of 20 years from the date thereof payable semi-annually in arrears as described in this section. The Debentures shall be paid in full by November 2, 2040 and be payable in equal semi-annual instalments of combined principal and interest on the 2nd day of May and on the 2nd day of November in each of the years 2021 to 2040, both inclusive, save and except for the last instalment which may vary slightly from the preceding equal instalments, as set forth in Schedule "C" attached hereto and forming part of this By-law ("Schedule "C").

6. That payments in respect of principal of and interest on the Debentures shall be made only on a day, other than Saturday or Sunday, on which banking institutions in Toronto, Ontario, Canada and the Upper-tier Municipality are not authorized or obligated by law or executive order to be closed (a "Business Day") and if any date

for payment is not a Business Day, payment shall be made on the next following Toronto Business Day.

7. That interest shall be payable to the date of maturity of the Debentures and on default shall be payable on any overdue amounts both before and after default and judgment at a rate per annum equal to the greater of the rate specified on the Schedule as attached to and forming part of the Debentures for such amounts plus 200 basis points or Prime Rate (as defined below) plus 200 basis points, calculated on a daily basis from the date such amounts become overdue for so long as such amounts remain overdue and the Upper-tier Municipality shall pay to the registered holders any and all costs incurred by the registered holders as a result of the overdue payment. Any amounts payable by the Upper-tier Municipality as interest on overdue principal or interest and all costs incurred by the registered holders as a result of the overdue payment in respect of the Debentures shall be paid out of current revenue. Whenever it is necessary to compute any amount of interest in respect of the Debentures for a period of less than one full year, other than with respect to regular semi-annual interest payments, such interest shall be calculated on the basis of the actual number of days in the period and a year of 365 days or 366 days as appropriate.

   "Prime Rate" means, on any day, the annual rate of interest which is the arithmetic mean of the prime rates announced from time to time by the following five major Canadian Schedule I banks, as of the issue date of the Debentures: Royal Bank of Canada; Canadian Imperial Bank of Commerce; The Bank of Nova Scotia; Bank of Montreal; and The Toronto-Dominion Bank (the "Reference Banks") as their reference rates in effect on such day for Canadian dollar commercial loans made in Canada. If fewer than five of the Reference Banks quote a prime rate on such days, the "Prime Rate" shall be the arithmetic mean of the rates quoted by those Reference Banks.

8. (1) That in each year in which a payment of equal semi-annual instalments of combined principal and interest becomes due in respect of the Capital Work, including the last 'non-equal' instalment, there shall be raised as part of the Upper-tier Municipality's general upper-tier levy the amounts of principal and interest payable by the Upper-tier Municipality in each year as set out in Schedule "C" to the extent that the amounts have not been provided for by any other available source including other taxes or fees or charges imposed on persons or property by a by-law of any municipality. Without limiting the generality of the foregoing, the Municipality shall pay the aforesaid yearly amounts as set out in Schedule "C" to the Upper-tier

Municipality one Business Day before the date payment is due. The amounts required to be paid to the Upper-tier Municipality in accordance with Schedule "C" shall constitute a debt of the Municipality to the Upper-tier Municipality and such amounts shall, when combined with any amount payable by the Upper-tier Municipality in the year for repayment of the debt for which the Debentures are to be issued, be sufficient to meet the total amount of principal and interest payable in the year by the Upper-tier Municipality in respect of the Debentures, all in accordance with the provisions of this By-law and the Act.

(2) That if the Municipality fails to make any payment or portion of it as provided in this By-law, the Municipality shall pay interest to the Upper-tier Municipality on the amount in default at the rate of 15% per annum, from the date the payment is due until it is made.

(3) That there shall be raised, for the Capital Work, pursuant to this By-law, in each year of the currency of the Debentures, as part of the general upper-tier levy, the amounts required to be paid to the Upper-tier Municipality in any previous year by the Municipality to the extent that the amounts have not been paid to the Upper-tier Municipality in accordance with this By-law and the Act.

9. That the Debentures may contain any provision for their registration thereof authorized by any statute relating to municipal debentures in force at the time of the issue thereof.

10. That the Upper-tier Municipality shall maintain a registry in respect of the Debentures in which shall be recorded the names and the addresses of the registered holders and particulars of the Debentures held by them respectively and in which particulars of the cancellations, exchanges, substitutions and transfers of Debentures, may be recorded and the Upper-tier Municipality is authorized to use electronic, magnetic or other media for records of or related to the Debentures or for copies of them.

11. That the Upper-tier Municipality shall not be bound to see to the execution of any trust affecting the ownership of any Debenture or be affected by notice of any equity that may be subsisting in respect thereof. The Upper-tier Municipality shall deem and treat registered holders of the Debentures as the absolute owners thereof for all purposes whatsoever notwithstanding any notice to the contrary and all payments to or to the order of registered holders shall be valid and effectual to discharge the liability of the Upper-tier Municipality on the Debentures to the extent

of the amount or amounts so paid. When a Debenture is registered in more than one name, the principal of and interest from time to time payable on such Debenture shall be paid to or to the order of all the joint registered holders thereof, failing written instructions to the contrary from all such joint registered holders, and such payment shall constitute a valid discharge to the Upper-tier Municipality. In the case of the death of one or more joint registered holders, despite the foregoing provisions of this section, the principal of and interest on any Debentures registered in their names may be paid to the survivor or survivors of such holders and such payment shall constitute a valid discharge to the Upper-tier Municipality.

12. That the Debentures will be transferable or exchangeable at the office of the Regional Treasurer of the Upper-tier Municipality upon presentation for such purpose accompanied by an instrument of transfer or exchange in a form approved by the Upper-tier Municipality and which form is in accordance with the prevailing Canadian transfer legislation and practices, executed by the registered holder thereof or such holder's duly authorized attorney or legal personal representative, whereupon and upon registration of such transfer or exchange and cancellation of the Debenture or Debentures presented, the Regional Chair and the Regional Treasurer shall issue and deliver a new Debenture or Debentures of an equal aggregate principal amount in any authorized denomination or denominations as directed by the transferor, in the case of a transfer or as directed by the registered holder in the case of an exchange.

13. That the Regional Chair and the Regional Treasurer shall issue and deliver new Debentures in exchange or substitution for Debentures outstanding on the registry with the same maturity and of like form which have become mutilated, defaced, lost, subject to a mysterious or unexplainable disappearance, stolen or destroyed, provided that the applicant therefor shall have: (a) paid such costs as may have been incurred in connection therewith; (b) (in the case when a Debenture is mutilated, defaced, lost, mysteriously or unexplainably missing, stolen or destroyed) furnished the Upper-tier Municipality with such evidence (including evidence as to the certificate number of the Debenture in question) and an indemnity in respect thereof satisfactory to the Upper-tier Municipality in its discretion; and (c) surrendered to the Upper-tier Municipality any mutilated or defaced Debentures in respect of which new Debentures are to be issued in substitution.

14. That the Debentures issued upon any registration of transfer or exchange or in substitution for any Debentures or part thereof shall carry all the rights to interest if any, accrued and unpaid which were carried by such Debentures or part thereof

and shall be so dated and shall bear the same maturity date and, subject to the provisions of this By-law, shall be subject to the same terms and conditions as the Debentures in respect of which the transfer, exchange or substitution is effected.

15. That the cost of all transfers and exchanges, including the printing of authorized denominations of the new Debentures, shall be borne by the Upper-tier Municipality. When any of the Debentures are surrendered for transfer or exchange the Regional Treasurer of the Upper-tier Municipality shall: (a) in the case of an exchange, cancel and destroy the Debentures surrendered for exchange; (b) in the case of an exchange, certify the cancellation and destruction in the registry; (c) enter in the registry particulars of the new Debenture or Debentures issued in exchange; and (d) in the case of a transfer, enter in the registry particulars of the registered holder as directed by the transferor.

16. That reasonable fees in respect of the Debentures, in the normal course of business, other than reasonable fees for the substitution of a new Debenture or new Debentures for any of the Debentures that are mutilated, defaced, lost, mysteriously or unexplainably missing, stolen or destroyed and for the replacement of any of the principal and interest cheques (if any) that are mutilated, defaced, lost, mysteriously or unexplainably missing, stolen or destroyed may be imposed by the Upper-tier Municipality. When new Debentures are issued in substitution in these circumstances the Upper-tier Municipality shall: (a) treat as cancelled and destroyed the Debentures in respect of which new Debentures will be issued in substitution; (b) certify the deemed cancellation and destruction in the registry; (c) enter in the registry particulars of the new Debentures issued in substitution; and (d) make a notation of any indemnities provided.

17. That except as otherwise expressly provided herein, any notice required to be given to a registered holder of one or more of the Debentures will be sufficiently given if a copy of such notice is mailed or otherwise delivered to the registered address of such registered holder.

18. That the Regional Chair and the Regional Treasurer are hereby authorized to cause the Debentures to be issued, one or more of the Regional Clerk and Regional Treasurer are hereby authorized to generally do all things and to execute all other documents and other papers in the name of the Upper-tier Municipality in order to carry out the issue of the Debentures and the Regional Treasurer is authorized to affix the Upper-tier Municipality's municipal seal to any of such documents and papers.

19. That the money received by the Upper-tier Municipality from the sale of the Debentures to OILC, including any premium, and any earnings derived from the investment of that money, after providing for the expenses related to their issue, if any, shall be delivered to the Municipality on the basis that the Municipality shall apportion and apply such money to the Capital Work, and to no other purpose except as permitted by the Act.

20. That subject to the Upper-tier Municipality's investment policies and goals, the applicable legislation and the terms and conditions of the Debentures, the Upper-tier Municipality may, if not in default under the Debentures, at any time purchase any of the Debentures in the open market or by tender or by private contract at any price and on such terms and conditions (including, without limitation, the manner by which any tender offer may be communicated or accepted and the persons to whom it may be addressed) as the Upper-tier Municipality may in its discretion determine.

21. That this by-law shall come into force and take effect on the day upon which it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA

_____
James Bradley, Regional Chair

_____
Ann-Marie Norio, Regional Clerk

Passed:<>

Schedule "A"

Item No.	(1) Description	(2) Account No.	(3) Authorizing By-law	(4) MOE File No.	(5) MOE Date	(6) Debentures Authorized by Council $	(7) Debentures Previously Issued $	(8) Debentures Now Being Issued $	(9) Debentures Available for Future Use $
	The Corporation of the City of Niagara Falls								
	Term 1-20 Year Amortizing Debenture								
	Capital costs in connection with the:								
1	Recreation and Culture - Cultural Centre and Farmers Market construction project		2019-138 2020-88			11,700,000.00	Nil	8,400,000.00	-
						11,700,000.00	**Nil**	**8,400,000.00**	**-**
	Total – City of Niagara Falls					11,700,000.00	**Nil**	**8,400,000.00**	**-**

THE REGIONAL MUNICIPALITY OF NIAGARA

No. OILC-20-02

$8,400,000.00

C A N A D A
Province of Ontario
THE REGIONAL MUNICIPALITY OF NIAGARA

FULLY REGISTERED 1.99% AMORTIZING DEBENTURE

THE REGIONAL MUNICIPALITY OF NIAGARA (the "Upper-tier Municipality"), for value received, hereby promises to pay to

ONTARIO INFRASTRUCTURE AND LANDS CORPORATION ("OILC")

or registered assigns, subject to the Conditions attached hereto which form part hereof (the "Conditions"), upon presentation and surrender of this debenture (or as otherwise agreed to by the Upper-tier Municipality and OILC) by the maturity date of this debenture (November 2, 2040), the principal amount of

EIGHT MILLION, FOUR HUNDRED THOUSAND DOLLARS
---------- ($8,400,000) ----------

by equal semi-annual instalments of combined principal and interest on the 2nd day of May and on the 2nd day of November in each of the years 2021 to 2040, both inclusive, save and except for the last instalment which may vary slightly from the preceding equal instalments in the amounts set forth in the attached Loan Amortization Schedule (the "Amortization Schedule") and subject to late payment interest charges pursuant to the Conditions, in lawful money of Canada. Subject to the Conditions: interest shall be paid until the maturity date of this debenture, in like money in semi-annual payments from the closing date (November 2, 2020), or from the last date on which interest has been paid on this debenture, whichever is later, at the rate of 1.99% per annum, in arrears, on the specified dates, as set forth in the Amortization Schedule; and interest shall be paid on default at the applicable rate set out in the Amortization Schedule both before and after default and judgment. The payments of principal and interest and the outstanding amount of principal in each year are shown in the Amortization Schedule.

The Upper-tier Municipality, pursuant to section 25 of the *Ontario Infrastructure and Lands Corporation Act, 2011* (the "OILC Act, 2011") hereby irrevocably agrees that the Minister of Finance is entitled, without notice to the Upper-tier Municipality, to deduct from money appropriated by the Legislative Assembly of Ontario for payment to the Upper-tier Municipality, amounts not exceeding any amounts that the Upper-tier Municipality fails to pay OILC on account of any unpaid indebtedness under this debenture, and to pay such amounts to OILC from the Consolidated Revenue Fund.

This debenture is subject to the Conditions.

DATED at the Regional Municipality of Niagara as at the 2nd day of November, 2020.

IN TESTIMONY WHEREOF and under the authority of By-law No. 2020-77 the Upper-tier Municipality duly passed on the 22nd day of October, 2020 (the "By-law"), this debenture is sealed with the municipal seal of the Upper-tier Municipality and signed by the Regional Chair and by the Regional Treasurer thereof.

Date of Registration: November 2, 2020

_____ (seal) _____
James Bradley, Regional Chair Todd Harrison, Regional Treasurer

This global debenture is also signed by the Regional Clerk pursuant to the Issuer's internal requirements.

_____
Ann-Marie Norio, Regional Clerk

OILC hereby agrees that the Minister of Finance is entitled to exercise certain rights of deduction pursuant to section 25 of the OILC Act, 2011 as described in this debenture.

Ontario Infrastructure and Lands Corporation

by:_____ by:_____
Authorized Signing Officer Authorized Signing Officer

AMORTIZATION SCHEDULE

Name.....: The Regional Municipality of Niagara
Principal: $8,400,000.00
Rate.....: 01.990%
Term.....: 240 months
Matures..: 11/02/2040

Pay #	Date	Amount Due $	Principal Due $	Interest Due $	Rem. Principal $
1	05/02/2021	255,584.22	172,004.22	83,580.00	8,227,995.78
2	11/02/2021	255,584.22	173,715.66	81,868.56	8,054,280.12
3	05/02/2022	255,584.22	175,444.13	80,140.09	7,878,835.99
4	11/02/2022	255,584.22	177,189.80	78,394.42	7,701,646.19
5	05/02/2023	255,584.22	178,952.84	76,631.38	7,522,693.35
6	11/02/2023	255,584.22	180,733.42	74,850.80	7,341,959.93
7	05/02/2024	255,584.22	182,531.72	73,052.50	7,159,428.21
8	11/02/2024	255,584.22	184,347.91	71,236.31	6,975,080.30
9	05/02/2025	255,584.22	186,182.17	69,402.05	6,788,898.13
10	11/02/2025	255,584.22	188,034.68	67,549.54	6,600,863.45
11	05/02/2026	255,584.22	189,905.63	65,678.59	6,410,957.82
12	11/02/2026	255,584.22	191,795.19	63,789.03	6,219,162.63
13	05/02/2027	255,584.22	193,703.55	61,880.67	6,025,459.08
14	11/02/2027	255,584.22	195,630.90	59,953.32	5,829,828.18
15	05/02/2028	255,584.22	197,577.43	58,006.79	5,632,250.75
16	11/02/2028	255,584.22	199,543.33	56,040.89	5,432,707.42
17	05/02/2029	255,584.22	201,528.78	54,055.44	5,231,178.64
18	11/02/2029	255,584.22	203,533.99	52,050.23	5,027,644.65
19	05/02/2030	255,584.22	205,559.16	50,025.06	4,822,085.49
20	11/02/2030	255,584.22	207,604.47	47,979.75	4,614,481.02
21	05/02/2031	255,584.22	209,670.13	45,914.09	4,404,810.89
22	11/02/2031	255,584.22	211,756.35	43,827.87	4,193,054.54
23	05/02/2032	255,584.22	213,863.33	41,720.89	3,979,191.21
24	11/02/2032	255,584.22	215,991.27	39,592.95	3,763,199.94
25	05/02/2033	255,584.22	218,140.38	37,443.84	3,545,059.56
26	11/02/2033	255,584.22	220,310.88	35,273.34	3,324,748.68
27	05/02/2034	255,584.22	222,502.97	33,081.25	3,102,245.71
28	11/02/2034	255,584.22	224,716.88	30,867.34	2,877,528.83
29	05/02/2035	255,584.22	226,952.81	28,631.41	2,650,576.02
30	11/02/2035	255,584.22	229,210.99	26,373.23	2,421,365.03
31	05/02/2036	255,584.22	231,491.64	24,092.58	2,189,873.39
32	11/02/2036	255,584.22	233,794.98	21,789.24	1,956,078.41
33	05/02/2037	255,584.22	236,121.24	19,462.98	1,719,957.17
34	11/02/2037	255,584.22	238,470.65	17,113.57	1,481,486.52
35	05/02/2038	255,584.22	240,843.43	14,740.79	1,240,643.09

36 11/02/2038	255,584.22	243,239.82	12,344.40	997,403.27
37 05/02/2039	255,584.22	245,660.06	9,924.16	751,743.21
38 11/02/2039	255,584.22	248,104.38	7,479.84	503,638.83
39 05/02/2040	255,584.22	250,573.01	5,011.21	253,065.82
40 11/02/2040	255,583.82	253,065.82	2,518.00	0.00
	10,223,368.40	8,400,000.00	1,823,368.40	

LEGAL OPINION

We have examined the By-law of the Upper-tier Municipality authorizing the issue of amortizing debentures in the principal amount of $8,400,000.00 dated November 2, 2020 and maturing on November 2, 2040 payable in equal semi-annual instalments of combined principal and interest on the 2nd day of May and on the 2nd day of November in each of the years 2021 to 2040, both inclusive, save and except for the last instalment which may vary slightly from the preceding equal instalments, as set out in Schedule "C" to the By-law.

In our opinion, the By-law has been properly passed and is within the legal powers of the Upper-tier Municipality. The debenture issued under the By-law in the within form (the "Debenture") is the direct, general, unsecured, unsubordinated, joint and several obligation of the Upper-tier Municipality and of its lower-tier municipalities (the "Lower-tier Municipalities"). The Debenture is enforceable against the Upper-tier Municipality and the Lower-tier Municipalities subject to the special jurisdiction and powers of the Local Planning Appeal Tribunal over defaulting municipalities under the *Municipal Affairs Act*. This opinion is subject to and incorporates all the assumptions, qualifications and limitations set out in our opinion letter.

November 2, 2020 WeirFoulds LLP

CONDITIONS OF THE DEBENTURE

Form, Denomination, and Ranking of the Debenture

1. The debentures issued pursuant to the By-law (collectively the "Debentures" and individually a "Debenture") are issuable as fully registered Debentures without coupons.

2. The Debentures are direct, general, unsecured, unsubordinated, joint and several obligations of the Upper-tier Municipality and of its Lower-tier Municipalities. The Debentures rank concurrently and equally in respect of payment of principal and interest with all other debentures of the Upper-tier Municipality except for the availability of money in a sinking or retirement fund for a particular issue of debentures.

3. This Debenture is one fully registered Debenture registered in the name of OILC and held by OILC.

Registration

4. The Upper-tier Municipality shall maintain at its designated office a registry in respect of the Debentures in which shall be recorded the names and the addresses of the registered holders and particulars of the Debentures held by them respectively and in which particulars of cancellations, exchanges, substitutions and transfers of Debentures, may be recorded and the Upper-tier Municipality is authorized to use electronic, magnetic or other media for records of or related to the Debentures or for copies of them.

Title

5. The Upper-tier Municipality shall not be bound to see to the execution of any trust affecting the ownership of any Debenture or be affected by notice of any equity that may be subsisting in respect thereof. The Upper-tier Municipality shall deem and treat registered holders of Debentures, including this Debenture, as the absolute owners thereof for all purposes whatsoever notwithstanding any notice to the contrary and all payments to or to the order of registered holders shall be valid and effectual to discharge the liability of the Upper-tier Municipality on the Debentures to the extent of the amount or amounts so paid. Where a Debenture is registered in more than one name, the principal of and interest from time to time payable on such Debenture shall be paid to or to the order of all the joint registered holders thereof, failing written instructions to the contrary from all such joint registered holders, and such payment shall constitute a valid discharge to the Upper-tier Municipality. In the case of the death of one or more joint registered holders, despite the foregoing provisions of this section, the principal of and interest on any Debentures registered in their names may be paid to the survivor or survivors of such holders and such payment shall constitute a valid discharge to the Upper-tier Municipality.

Payments of Principal and Interest

6. The record date for purposes of payment of principal of and interest on the Debentures is as of 5:00 p.m. on the sixteenth calendar day preceding any Payment Date including the maturity date. Principal of and interest on the Debentures are payable by the Upper-tier Municipality to the persons registered as holders in the registry on the relevant record date. The Upper-tier

Municipality shall not be required to register any transfer, exchange or substitution of Debentures during the period from any record date to the corresponding Payment Date.

7. The Upper-tier Municipality shall make all payments in respect of equal semi-annual instalments of combined principal and interest on the Debentures on the 2nd day of May and on the 2nd day of November in each of the years 2021 to 2040, both inclusive, including the last 'non-equal instalment, as set out in Schedule "C" to the By-law, by pre-authorized debit in respect of such interest and principal to the credit of the registered holder on such terms as the Upper-tier Municipality and the registered holder may agree.

8. The Upper-tier Municipality shall pay to the registered holder interest on any overdue amount of principal or interest in respect of any Debenture, both before and after default and judgment, at a rate per annum equal to the greater of the rate specified on the Amortization Schedule as attached to and forming part of the Debenture for such amount plus 200 basis points or Prime Rate (as defined below) plus 200 basis points, calculated on a daily basis from the date such amount becomes overdue for so long as such amount remains overdue and the Upper-tier Municipality shall pay to the registered holder any and all costs incurred by the registered holder as a result of the overdue payment.

9. Whenever it is necessary to compute any amount of interest in respect of the Debentures for a period of less than one full year, other than with respect to regular semi-annual interest payments, such interest shall be calculated on the basis of the actual number of days in the period and a year of 365 days or 366 days as appropriate.

10. Payments in respect of principal of and interest on the Debentures shall be made only on a day, other than Saturday or Sunday, on which banking institutions in Toronto, Ontario, Canada and the Upper-tier Municipality are not authorized or obligated by law or executive order to be closed (a "**Business Day**"), and if any date for payment is not a Business Day, payment shall be made on the next following Business Day as noted on the Amortization Schedule.

11. The Debentures are transferable or exchangeable at the office of the Regional Treasurer of the Upper-tier Municipality upon presentation for such purpose accompanied by an instrument of transfer or exchange in a form approved by the Upper-tier Municipality and which form is in accordance with the prevailing Canadian transfer legislation and practices, executed by the registered holder thereof or such holder's duly authorized attorney or legal personal representative, whereupon and upon registration of such transfer or exchange and cancellation of the Debenture or Debentures presented, a new Debenture or Debentures of an equal aggregate principal amount in any authorized denomination or denominations will be delivered as directed by the transferor, in the case of a transfer or as directed by the registered holder in the case of an exchange.

12. The Upper-tier Municipality shall issue and deliver Debentures in exchange for or in substitution for Debentures outstanding on the registry with the same maturity and of like form in the event of a mutilation, defacement, loss, mysterious or unexplainable disappearance, theft or destruction, provided that the applicant therefor shall have: (a) paid such costs as may have been incurred in connection therewith; (b) (in the case of a mutilated, defaced, lost, mysteriously or unexplainably missing, stolen or destroyed Debenture) furnished the Upper-tier Municipality with such evidence (including evidence as to the certificate number of the Debenture in question) and an indemnity in

respect thereof satisfactory to the Upper-tier Municipality in its discretion; and (c) surrendered to the Upper-tier Municipality any mutilated or defaced Debentures in respect of which new Debentures are to be issued in substitution.

13. The Debentures issued upon any registration of transfer or exchange or in substitution for any Debentures or part thereof shall carry all the rights to interest if any, accrued and unpaid which were carried by such Debentures or part thereof and shall be so dated and shall bear the same maturity date and, subject to the provisions of the By-law, shall be subject to the same terms and conditions as the Debentures in respect of which the transfer, exchange or substitution is effected.

14. The cost of all transfers and exchanges, including the printing of authorized denominations of the new Debentures, shall be borne by the Upper-tier Municipality. When any of the Debentures are surrendered for transfer or exchange the Treasurer of the Upper-tier Municipality shall: (a) in the case of an exchange, cancel and destroy the Debentures surrendered for exchange; (b) in the case of an exchange, certify the cancellation and destruction in the registry; (c) enter in the registry particulars of the new Debenture or Debentures issued in exchange; and (d) in the case of a transfer, enter in the registry particulars of the registered holder as directed by the transferor.

15. Reasonable fees for the substitution of a new Debenture or new Debentures for any of the Debentures that are mutilated, defaced, lost, mysteriously or unexplainably missing, stolen or destroyed and for the replacement of mutilated, defaced, lost, mysteriously or unexplainably missing, stolen or destroyed principal and interest cheques (if any) may be imposed by the Upper-tier Municipality. When new Debentures are issued in substitution in these circumstances the Upper-tier Municipality shall: (a) treat as cancelled and destroyed the Debentures in respect of which new Debentures will be issued in substitution; (b) certify the deemed cancellation and destruction in the registry; (c) enter in the registry particulars of the new Debentures issued in substitution; and (d) make a notation of any indemnities provided.

16. If OILC elects to terminate its obligations under the rate offer letter agreement entered into between the Upper-tier Municipality and OILC, pursuant to which the Debentures are issued, at OILC's discretion, the Upper-tier Municipality shall pay to OILC the Make-Whole Amount on account of the losses that OILC will incur as a result of the early repayment or early termination.

Notices

17. Except as otherwise expressly provided herein, any notice required to be given to a registered holder of one or more of the Debentures will be sufficiently given if a copy of such notice is mailed or otherwise delivered to the registered address of such registered holder. If the Upper-tier Municipality or any registered holder is required to give any notice in connection with the Debentures on or before any day and that day is not a Business Day (as defined in section 10 of these Conditions) then such notice may be given on the next following Business Day.

Time

18. Unless otherwise expressly provided herein, any reference herein to a time shall be considered to be a reference to Toronto time.

Governing Law

19. The Debentures are governed by and shall be construed in accordance with the laws of the Province of Ontario and the federal laws of Canada applicable in Ontario.

Definitions:

(a) “**Prime Rate”** means, on any day, the annual rate of interest which is the arithmetic mean of the prime rates announced from time to time by the following five major Canadian Schedule I banks, as of the issue date of this Debenture: Royal Bank of Canada; Canadian Imperial Bank of Commerce; The Bank of Nova Scotia; Bank of Montreal; and The Toronto-Dominion Bank (the “**Reference Banks**”) as their reference rates in effect on such day for Canadian dollar commercial loans made in Canada. If fewer than five of the Reference Banks quote a prime rate on such days, the “Prime Rate” shall be the arithmetic mean of the rates quoted by those Reference Banks.

(b) "**Make-Whole Amount**" means the amount determined by OILC as of the date of prepayment of the Debenture, by which (i) the present value of the remaining future scheduled payments of principal and interest under the Debenture to be repaid from the prepayment date until maturity of the Debenture discounted at the Ontario Yield exceeds (ii) the principal amount under the Debenture being repaid provided that the Make-Whole Amount shall never be less than zero.

(c) “**Ontario Yield**" means the yield to maturity on the date of prepayment of the Debenture, assuming semi-annual compounding, which a non-prepayable term loan made by the Province of Ontario would have if advanced on the date of prepayment of the Debenture, assuming the same principal amount as the Debenture and with a maturity date which is the same as the remaining term to maturity of the Debenture to be repaid minus 100 basis points.

Schedule "C"

AMORTIZATION SCHEDULE

Name.....: The Regional Municipality of Niagara
Principal: $8,400,000.00
Rate.....: 01.990%
Term.....: 240 months
Matures..: 11/02/2040

Pay #	Date	Amount Due $	Principal Due $	Interest Due $	Rem. Principal $
1	05/02/2021	255,584.22	172,004.22	83,580.00	8,227,995.78
2	11/02/2021	255,584.22	173,715.66	81,868.56	8,054,280.12
3	05/02/2022	255,584.22	175,444.13	80,140.09	7,878,835.99
4	11/02/2022	255,584.22	177,189.80	78,394.42	7,701,646.19
5	05/02/2023	255,584.22	178,952.84	76,631.38	7,522,693.35
6	11/02/2023	255,584.22	180,733.42	74,850.80	7,341,959.93
7	05/02/2024	255,584.22	182,531.72	73,052.50	7,159,428.21
8	11/02/2024	255,584.22	184,347.91	71,236.31	6,975,080.30
9	05/02/2025	255,584.22	186,182.17	69,402.05	6,788,898.13
10	11/02/2025	255,584.22	188,034.68	67,549.54	6,600,863.45
11	05/02/2026	255,584.22	189,905.63	65,678.59	6,410,957.82
12	11/02/2026	255,584.22	191,795.19	63,789.03	6,219,162.63
13	05/02/2027	255,584.22	193,703.55	61,880.67	6,025,459.08
14	11/02/2027	255,584.22	195,630.90	59,953.32	5,829,828.18
15	05/02/2028	255,584.22	197,577.43	58,006.79	5,632,250.75
16	11/02/2028	255,584.22	199,543.33	56,040.89	5,432,707.42
17	05/02/2029	255,584.22	201,528.78	54,055.44	5,231,178.64
18	11/02/2029	255,584.22	203,533.99	52,050.23	5,027,644.65
19	05/02/2030	255,584.22	205,559.16	50,025.06	4,822,085.49
20	11/02/2030	255,584.22	207,604.47	47,979.75	4,614,481.02
21	05/02/2031	255,584.22	209,670.13	45,914.09	4,404,810.89
22	11/02/2031	255,584.22	211,756.35	43,827.87	4,193,054.54
23	05/02/2032	255,584.22	213,863.33	41,720.89	3,979,191.21
24	11/02/2032	255,584.22	215,991.27	39,592.95	3,763,199.94
25	05/02/2033	255,584.22	218,140.38	37,443.84	3,545,059.56
26	11/02/2033	255,584.22	220,310.88	35,273.34	3,324,748.68
27	05/02/2034	255,584.22	222,502.97	33,081.25	3,102,245.71
28	11/02/2034	255,584.22	224,716.88	30,867.34	2,877,528.83
29	05/02/2035	255,584.22	226,952.81	28,631.41	2,650,576.02
30	11/02/2035	255,584.22	229,210.99	26,373.23	2,421,365.03
31	05/02/2036	255,584.22	231,491.64	24,092.58	2,189,873.39
32	11/02/2036	255,584.22	233,794.98	21,789.24	1,956,078.41
33	05/02/2037	255,584.22	236,121.24	19,462.98	1,719,957.17
34	11/02/2037	255,584.22	238,470.65	17,113.57	1,481,486.52
35	05/02/2038	255,584.22	240,843.43	14,740.79	1,240,643.09

Schedule “C”

36	11/02/2038	255,584.22	243,239.82	12,344.40	997,403.27
37	05/02/2039	255,584.22	245,660.06	9,924.16	751,743.21
38	11/02/2039	255,584.22	248,104.38	7,479.84	503,638.83
39	05/02/2040	255,584.22	250,573.01	5,011.21	253,065.82
40	11/02/2040	255,583.82	253,065.82	2,518.00	0.00
		10,223,368.40	8,400,000.00	1,823,368.40	

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2020-78

A BY-LAW TO AUTHORIZE THE BORROWING UPON SERIAL DEBENTURES IN THE AGGREGATE PRINCIPAL AMOUNT OF $1,756,100.00 FOR CAPITAL WORKS OF THE CORPORATION OF THE TOWN OF LINCOLN

WHEREAS subsection 401 (1) of the "Municipal Act, 2001", as amended (the "Act") provides that a municipality may incur a debt for municipal purposes, whether by borrowing money or in any other way, and may issue debentures and prescribed financial instruments and enter prescribed financial agreements for or in relation to the debt;

AND WHEREAS subsection 408 (2.1) of the Act provides that a municipality may issue a debenture or other financial instrument for long-term borrowing only to provide financing for a capital work;

AND WHEREAS the Act also provides that a municipality shall authorize long-term borrowing by the issue of debentures or through another municipality under section 403 or 404 of the Act;

AND WHEREAS section 403 of the Act provides that a by-law of an upper-tier municipality authorizing the issuing of debentures for the purposes or joint purposes of one or more of its lower-tier municipalities may require those lower-tier municipalities to make payments in each year to the upper-tier municipality in the amounts and on the dates specified in the by-law and subsection 403 (7) of the Act provides that all debentures issued under a by-law passed by an upper-tier municipality under section 403 of the Act are direct, joint and several obligations of the upper-tier municipality and its lower-tier municipalities;

AND WHEREAS the Council of The Corporation of the Town of Lincoln (the "Municipality"), which is a lower-tier municipality forming part of The Regional Municipality of Niagara (hereinafter called the "Upper-tier Municipality"), has passed the By-laws enumerated in column (3) of Schedule "A" attached hereto and forming part of this By-law to authorize the capital works described in column (1) of Schedule "A" (individually a "Capital Work", collectively the "Capital Works") and to authorize the long-term borrowing from Ontario Infrastructure and Lands Corporation ("OILC") in respect of the Capital Works;

AND WHEREAS the Upper-tier Municipality has passed a By-law to authorize submitting an application to OILC for financing the Capital Works and to authorize long-term borrowing for the Capital Works through the issue of debentures to OILC (the "Application");

AND WHEREAS the Council of the Upper-tier Municipality has received a request from the Council of the Municipality to borrow money for the purpose of providing long-term financing for the Capital Works and to issue debentures for the Capital Works in the amounts specified in column (8) of Schedule "A";

AND WHEREAS before authorizing the Capital Works and before authorizing an additional cost amount and an additional debenture authority in respect of one of the Capital Works, the Council of the Municipality had its Treasurer calculate an updated limit in respect of its most recent annual debt and financial obligation limit received from the Ministry of Municipal Affairs and Housing in accordance with the applicable regulation and, prior to the Council of the Municipality authorizing each Capital Work, such additional cost amount and such additional debenture authority, the Treasurer determined that the estimated annual amount payable in respect of each Capital Work, such additional cost amount and such additional debenture authority, would not cause the Municipality to exceed the updated limit and that the approval of each Capital Work, such additional cost amount and such additional debenture authority by the Local Planning Appeal Tribunal pursuant to such regulation was not required;

AND WHEREAS the Upper-tier Municipality has submitted the Application to OILC and the Application has been approved;

AND WHEREAS to provide long-term financing for the Capital Works it is now deemed to be expedient to borrow money by the issue of serial debentures in the aggregate principal amount of $1,756,100.00 dated November 2, 2020 and maturing on November 2, 2040, and payable in semi-annual instalments of combined principal and interest on the 2nd day of May and on the 2nd day of November in each of the years 2021 to 2040, both inclusive on the terms hereinafter set forth;

NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF NIAGARA ENACTS AS FOLLOWS:

1. That for the Capital Works, the borrowing upon the credit of the Upper-tier Municipality at large of the aggregate principal amount of $1,756,100.00 and the issue of serial debentures therefor to be repaid in semi-annual instalments of combined principal and interest as hereinafter set forth, are hereby authorized.

2. That the Regional Chair and the Regional Treasurer of the Upper-tier Municipality are hereby authorized to cause any number of serial debentures to be issued for such amounts of money as may be required for the Capital Works in definitive form, not exceeding in total the said aggregate principal amount of $1,756,100.00 (the "Debentures"). The Debentures shall bear the Upper-tier Municipality's municipal seal and the signatures of the Regional Chair and the Regional Treasurer of the Upper-tier Municipality, all in accordance with the provisions of the Act. The municipal seal of the Upper-tier Municipality and the signatures referred to in this section may be printed, lithographed, engraved or otherwise mechanically reproduced. The Debentures are sufficiently signed if they bear the required signatures and each person signing has the authority to do so on the date he or she signs.

3. That the Debentures shall be in fully registered form as one or more certificates in the aggregate principal amount of $1,756,100.00, in the name of OILC, or as OILC may otherwise direct, substantially in the form attached as Schedule "B" hereto and forming part of this By-law with provision for payment of principal and interest (other than in respect of the final payment of principal and outstanding interest on maturity upon presentation and surrender) by pre-authorized debit in respect of such principal and interest to the credit of such registered holder on such terms as to which the registered holder and the Upper-tier Municipality may agree.

4. That in accordance with the provisions of section 25 of the "Ontario Infrastructure and Lands Corporation Act, 2011", as amended from time to time hereafter, the Upper-tier Municipality is hereby authorized to agree in writing with OILC that the Minister of Finance is entitled, without notice to the Upper-tier Municipality or the Municipality, as appropriate, to deduct from money appropriated by the Legislative Assembly of Ontario for payment to the Upper-tier Municipality or the Municipality, as appropriate, amounts not exceeding any amounts that the Upper-tier Municipality or the Municipality fails to pay OILC on account of any unpaid indebtedness of the Upper-tier Municipality to OILC under the Debentures and to pay such amounts to OILC from the Consolidated Revenue Fund.

5. That the Debentures shall all be dated the 2nd day of November, 2020, and as to both principal and interest shall be expressed and be payable in lawful money of Canada. The Debentures shall bear interest at the rate of 1.96% per annum and mature during a period of 20 years from the date thereof payable semi-annually in arrears as described in this section. The Debentures shall be paid in full by November 2, 2040 and be payable in semi-annual instalments of combined equal principal and diminishing interest amounts on the 2nd day of May and on the 2nd

day of November in each of the years 2021 to 2040, both inclusive, as set forth in Schedule "C" attached hereto and forming part of this By-law ("Schedule "C").

6. That payments in respect of principal of and interest on the Debentures shall be made only on a day, other than Saturday or Sunday, on which banking institutions in Toronto, Ontario, Canada and the Upper-tier Municipality are not authorized or obligated by law or executive order to be closed (a "Business Day") and if any date for payment is not a Business Day, payment shall be made on the next following Toronto Business Day.

7. That interest shall be payable to the date of maturity of the Debentures and on default shall be payable on any overdue amounts both before and after default and judgment at a rate per annum equal to the greater of the rate specified on the Schedule as attached to and forming part of the Debentures for such amounts plus 200 basis points or Prime Rate (as defined below) plus 200 basis points, calculated on a daily basis from the date such amounts become overdue for so long as such amounts remain overdue and the Upper-tier Municipality shall pay to the registered holders any and all costs incurred by the registered holders as a result of the overdue payment. Any amounts payable by the Upper-tier Municipality as interest on overdue principal or interest and all costs incurred by the registered holders as a result of the overdue payment in respect of the Debentures shall be paid out of current revenue. Whenever it is necessary to compute any amount of interest in respect of the Debentures for a period of less than one full year, other than with respect to regular semi-annual interest payments, such interest shall be calculated on the basis of the actual number of days in the period and a year of 365 days or 366 days as appropriate.

   "Prime Rate" means, on any day, the annual rate of interest which is the arithmetic mean of the prime rates announced from time to time by the following five major Canadian Schedule I banks, as of the issue date of the Debentures: Royal Bank of Canada; Canadian Imperial Bank of Commerce; The Bank of Nova Scotia; Bank of Montreal; and The Toronto-Dominion Bank (the "Reference Banks") as their reference rates in effect on such day for Canadian dollar commercial loans made in Canada. If fewer than five of the Reference Banks quote a prime rate on such days, the "Prime Rate" shall be the arithmetic mean of the rates quoted by those Reference Banks.

8. (1) That in each year in which a payment of semi-annual instalments of combined equal principal and diminishing interest amounts becomes due in respect of the Capital Works, there shall be raised as part of the Upper-tier Municipality's general upper-tier levy the amounts of principal and

interest payable by the Upper-tier Municipality in each year as set out in Schedule "C" to the extent that the amounts have not been provided for by any other available source including other taxes or fees or charges imposed on persons or property by a by-law of any municipality. Without limiting the generality of the foregoing, the Municipality shall pay the aforesaid yearly amounts as set out in Schedule "C" to the Upper-tier Municipality one Business Day before the date payment is due. The amounts required to be paid to the Upper-tier Municipality in accordance with Schedule "C" shall constitute a debt of the Municipality to the Upper-tier Municipality and such amounts shall, when combined with any amount payable by the Upper-tier Municipality in the year for repayment of the debt for which the Debentures are to be issued, be sufficient to meet the total amount of principal and interest payable in the year by the Upper-tier Municipality in respect of the Debentures, all in accordance with the provisions of this By-law and the Act.

(2) That if the Municipality fails to make any payment or portion of it as provided in this By-law, the Municipality shall pay interest to the Upper-tier Municipality on the amount in default at the rate of 15% per annum, from the date the payment is due until it is made.

(3) That there shall be raised, for the Capital Works, pursuant to this By-law, in each year of the currency of the Debentures, as part of the general upper-tier levy, the amounts required to be paid to the Upper-tier Municipality in any previous year by the Municipality to the extent that the amounts have not been paid to the Upper-tier Municipality in accordance with this By-law and the Act.

9. That the Debentures may contain any provision for their registration thereof authorized by any statute relating to municipal debentures in force at the time of the issue thereof.

10. That the Upper-tier Municipality shall maintain a registry in respect of the Debentures in which shall be recorded the names and the addresses of the registered holders and particulars of the Debentures held by them respectively and in which particulars of the cancellations, exchanges, substitutions and transfers of Debentures, may be recorded and the Upper-tier Municipality is authorized to use electronic, magnetic or other media for records of or related to the Debentures or for copies of them.

11. That the Upper-tier Municipality shall not be bound to see to the execution of any trust affecting the ownership of any Debenture or be affected by notice of any

equity that may be subsisting in respect thereof. The Upper-tier Municipality shall deem and treat registered holders of the Debentures as the absolute owners thereof for all purposes whatsoever notwithstanding any notice to the contrary and all payments to or to the order of registered holders shall be valid and effectual to discharge the liability of the Upper-tier Municipality on the Debentures to the extent of the amount or amounts so paid. When a Debenture is registered in more than one name, the principal of and interest from time to time payable on such Debenture shall be paid to or to the order of all the joint registered holders thereof, failing written instructions to the contrary from all such joint registered holders, and such payment shall constitute a valid discharge to the Upper-tier Municipality. In the case of the death of one or more joint registered holders, despite the foregoing provisions of this section, the principal of and interest on any Debentures registered in their names may be paid to the survivor or survivors of such holders and such payment shall constitute a valid discharge to the Upper-tier Municipality.

12. That the Debentures will be transferable or exchangeable at the office of the Regional Treasurer of the Upper-tier Municipality upon presentation for such purpose accompanied by an instrument of transfer or exchange in a form approved by the Upper-tier Municipality and which form is in accordance with the prevailing Canadian transfer legislation and practices, executed by the registered holder thereof or such holder's duly authorized attorney or legal personal representative, whereupon and upon registration of such transfer or exchange and cancellation of the Debenture or Debentures presented, the Regional Chair and the Regional Treasurer shall issue and deliver a new Debenture or Debentures of an equal aggregate principal amount in any authorized denomination or denominations as directed by the transferor, in the case of a transfer or as directed by the registered holder in the case of an exchange.

13. That the Regional Chair and the Regional Treasurer shall issue and deliver new Debentures in exchange or substitution for Debentures outstanding on the registry with the same maturity and of like form which have become mutilated, defaced, lost, subject to a mysterious or unexplainable disappearance, stolen or destroyed, provided that the applicant therefor shall have: (a) paid such costs as may have been incurred in connection therewith; (b) (in the case when a Debenture is mutilated, defaced, lost, mysteriously or unexplainably missing, stolen or destroyed) furnished the Upper-tier Municipality with such evidence (including evidence as to the certificate number of the Debenture in question) and an indemnity in respect thereof satisfactory to the Upper-tier Municipality in its discretion; and (c) surrendered to the Upper-tier Municipality any mutilated or

defaced Debentures in respect of which new Debentures are to be issued in substitution.

14. That the Debentures issued upon any registration of transfer or exchange or in substitution for any Debentures or part thereof shall carry all the rights to interest if any, accrued and unpaid which were carried by such Debentures or part thereof and shall be so dated and shall bear the same maturity date and, subject to the provisions of this By-law, shall be subject to the same terms and conditions as the Debentures in respect of which the transfer, exchange or substitution is effected.

15. That the cost of all transfers and exchanges, including the printing of authorized denominations of the new Debentures, shall be borne by the Upper-tier Municipality. When any of the Debentures are surrendered for transfer or exchange the Regional Treasurer of the Upper-tier Municipality shall: (a) in the case of an exchange, cancel and destroy the Debentures surrendered for exchange; (b) in the case of an exchange, certify the cancellation and destruction in the registry; (c) enter in the registry particulars of the new Debenture or Debentures issued in exchange; and (d) in the case of a transfer, enter in the registry particulars of the registered holder as directed by the transferor.

16. That reasonable fees in respect of the Debentures, in the normal course of business, other than reasonable fees for the substitution of a new Debenture or new Debentures for any of the Debentures that are mutilated, defaced, lost, mysteriously or unexplainably missing, stolen or destroyed and for the replacement of any of the principal and interest cheques (if any) that are mutilated, defaced, lost, mysteriously or unexplainably missing, stolen or destroyed may be imposed by the Upper-tier Municipality. When new Debentures are issued in substitution in these circumstances the Upper-tier Municipality shall: (a) treat as cancelled and destroyed the Debentures in respect of which new Debentures will be issued in substitution; (b) certify the deemed cancellation and destruction in the registry; (c) enter in the registry particulars of the new Debentures issued in substitution; and (d) make a notation of any indemnities provided.

17. That except as otherwise expressly provided herein, any notice required to be given to a registered holder of one or more of the Debentures will be sufficiently given if a copy of such notice is mailed or otherwise delivered to the registered address of such registered holder.

18. That the Regional Chair and the Regional Treasurer are hereby authorized to cause the Debentures to be issued, one or more of the Regional Clerk and Regional Treasurer are hereby authorized to generally do all things and to execute

all other documents and other papers in the name of the Upper-tier Municipality in order to carry out the issue of the Debentures and the Regional Treasurer is authorized to affix the Upper-tier Municipality's municipal seal to any of such documents and papers.

19. That the money received by the Upper-tier Municipality from the sale of the Debentures to OILC, including any premium, and any earnings derived from the investment of that money, after providing for the expenses related to their issue, if any, shall be delivered to the Municipality on the basis that the Municipality shall apportion and apply such money to the Capital Works, and to no other purpose except as permitted by the Act.

20. That subject to the Upper-tier Municipality's investment policies and goals, the applicable legislation and the terms and conditions of the Debentures, the Upper-tier Municipality may, if not in default under the Debentures, at any time purchase any of the Debentures in the open market or by tender or by private contract at any price and on such terms and conditions (including, without limitation, the manner by which any tender offer may be communicated or accepted and the persons to whom it may be addressed) as the Upper-tier Municipality may in its discretion determine.

21. That this by-law shall come into force and take effect on the day upon which it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA

_____
James Bradley, Regional Chair

_____
Ann-Marie Norio, Regional Clerk

Passed: <>

Schedule "A"

Item No.	(1) Description	(2) Account No.	(3) Authorizing By-law	(4) MOE File No.	(5) MOE Date	(6) Debentures Authorized by Council $	(7) Debentures Previously Issued $	(8) Debentures Now Being Issued $	(9) Debentures Available for Future Use $
	The Corporation of the Town of Lincoln								
	Term 1-20 Year Serial Debenture								
	Capital costs in connection with the:								
1	Fleming Centre generator upgrade project		2016-88			250,000.00	Nil	250,000.00	-
2	Charles Street storm water upgrade project		2017-111			102,000.00	Nil	102,000.00	-
3.	Fire Station 2 Campden upgrade project		2015-78 2019-23			1,404,100.00	Nil	1,404,100.00	-
						1,756,100.00	**Nil**	**1,756,100.00**	**-**
	Total – Town of Lincoln					1,756,100.00	**Nil**	**1,756,100.00**	**-**

THE REGIONAL MUNICIPALITY OF NIAGARA

No. OILC-20-03

$1,756,100.00

C A N A D A
Province of Ontario
THE REGIONAL MUNICIPALITY OF NIAGARA

FULLY REGISTERED 1.96% SERIAL DEBENTURE

THE REGIONAL MUNICIPALITY OF NIAGARA (the "Upper-tier Municipality"), for value received, hereby promises to pay to

ONTARIO INFRASTRUCTURE AND LANDS CORPORATION ("OILC")

or registered assigns, subject to the Conditions attached hereto which form part hereof (the "Conditions"), upon presentation and surrender of this debenture (or as otherwise agreed to by the Upper-tier Municipality and OILC) by the maturity date of this debenture (November 2, 2040), the principal amount of

ONE MILLION, SEVEN HUNDRED FIFTY-SIX THOUSAND, ONE HUNDRED DOLLARS
---------- ($1,756,100.00) ----------

by semi-annual instalments of combined equal principal and diminishing interest amounts on the 2nd day of May and on the 2nd day of November in each of the years 2021 to 2040, both inclusive, in the amounts set forth in the attached Loan Amortization Schedule (the "Amortization Schedule") and subject to late payment interest charges pursuant to the Conditions, in lawful money of Canada. Subject to the Conditions: interest shall be paid until the maturity date of this debenture, in like money in semi-annual payments from the closing date (November 2, 2020), or from the last date on which interest has been paid on this debenture, whichever is later, at the rate of 1.96% per annum, in arrears, on the specified dates, as set forth in the Amortization Schedule; and interest shall be paid on default at the applicable rate set out in the Amortization Schedule both before and after default and judgment. The payments of principal and interest and the outstanding amount of principal in each year are shown in the Amortization Schedule.

The Upper-tier Municipality, pursuant to section 25 of the *Ontario Infrastructure and Lands Corporation Act, 2011* (the "OILC Act, 2011") hereby irrevocably agrees that the Minister of Finance is entitled, without notice to the Upper-tier Municipality, to deduct from money appropriated by the Legislative Assembly of Ontario for payment to the Upper-tier Municipality, amounts not exceeding any amounts that the Upper-tier Municipality fails to pay OILC on account of any unpaid indebtedness under this debenture, and to pay such amounts to OILC from the Consolidated Revenue Fund.

This debenture is subject to the Conditions.

DATED at the Regional Municipality of Niagara as at the 2nd day of November, 2020.

IN TESTIMONY WHEREOF and under the authority of By-law No. 2020-78 the Upper-tier Municipality duly passed on the 22nd day of October, 2020 (the "By-law"), this debenture is sealed with the municipal seal of the Upper-tier Municipality and signed by the Regional Chair and by the Regional Treasurer thereof.

Date of Registration: November 2, 2020

_____ (seal) _____
James Bradley, Regional Chair Todd Harrison, Regional Treasurer

This global debenture is also signed by the Regional Clerk pursuant to the Issuer's internal requirements.

_____
Ann-Marie Norio, Regional Clerk

OILC hereby agrees that the Minister of Finance is entitled to exercise certain rights of deduction pursuant to section 25 of the OILC Act, 2011 as described in this debenture.

Ontario Infrastructure and Lands Corporation

by: _____ by:_____
Authorized Signing Officer Authorized Signing Officer

AMORTIZATION SCHEDULE

Name.....: The Regional Municipality of Niagara
Principal: $1,756,100.00
Rate.....: 01.960%
Term.....: 240 months
Matures..: 11/02/2040

Pay #	Date	Amount Due $	Principal Due $	Interest Due $	Rem. Principal $
1	05/02/2021	60,970.83	43,902.50	17,068.33	1,712,197.50
2	11/02/2021	60,819.95	43,902.50	16,917.45	1,668,295.00
3	05/02/2022	60,117.41	43,902.50	16,214.91	1,624,392.50
4	11/02/2022	59,952.39	43,902.50	16,049.89	1,580,490.00
5	05/02/2023	59,264.00	43,902.50	15,361.50	1,536,587.50
6	11/02/2023	59,084.83	43,902.50	15,182.33	1,492,685.00
7	05/02/2024	58,490.74	43,902.50	14,588.24	1,448,782.50
8	11/02/2024	58,217.26	43,902.50	14,314.76	1,404,880.00
9	05/02/2025	57,557.16	43,902.50	13,654.66	1,360,977.50
10	11/02/2025	57,349.70	43,902.50	13,447.20	1,317,075.00
11	05/02/2026	56,703.75	43,902.50	12,801.25	1,273,172.50
12	11/02/2026	56,482.14	43,902.50	12,579.64	1,229,270.00
13	05/02/2027	55,850.33	43,902.50	11,947.83	1,185,367.50
14	11/02/2027	55,614.58	43,902.50	11,712.08	1,141,465.00
15	05/02/2028	55,058.21	43,902.50	11,155.71	1,097,562.50
16	11/02/2028	54,747.02	43,902.50	10,844.52	1,053,660.00
17	05/02/2029	54,143.50	43,902.50	10,241.00	1,009,757.50
18	11/02/2029	53,879.46	43,902.50	9,976.96	965,855.00
19	05/02/2030	53,290.08	43,902.50	9,387.58	921,952.50
20	11/02/2030	53,011.90	43,902.50	9,109.40	878,050.00
21	05/02/2031	52,436.66	43,902.50	8,534.16	834,147.50
22	11/02/2031	52,144.33	43,902.50	8,241.83	790,245.00
23	05/02/2032	51,625.68	43,902.50	7,723.18	746,342.50
24	11/02/2032	51,276.77	43,902.50	7,374.27	702,440.00
25	05/02/2033	50,729.83	43,902.50	6,827.33	658,537.50
26	11/02/2033	50,409.21	43,902.50	6,506.71	614,635.00
27	05/02/2034	49,876.42	43,902.50	5,973.92	570,732.50
28	11/02/2034	49,541.65	43,902.50	5,639.15	526,830.00
29	05/02/2035	49,023.00	43,902.50	5,120.50	482,927.50
30	11/02/2035	48,674.09	43,902.50	4,771.59	439,025.00
31	05/02/2036	48,193.16	43,902.50	4,290.66	395,122.50
32	11/02/2036	47,806.53	43,902.50	3,904.03	351,220.00
33	05/02/2037	47,316.17	43,902.50	3,413.67	307,317.50
34	11/02/2037	46,938.97	43,902.50	3,036.47	263,415.00
35	05/02/2038	46,462.75	43,902.50	2,560.25	219,512.50
36	11/02/2038	46,071.40	43,902.50	2,168.90	175,610.00

37 05/02/2039	45,609.33	43,902.50	1,706.83	131,707.50
38 11/02/2039	45,203.84	43,902.50	1,301.34	87,805.00
39 05/02/2040	44,760.63	43,902.50	858.13	43,902.50
40 11/02/2040	44,336.28	43,902.50	433.78	0.00
	2,109,041.94	1,756,100.00	352,941.94	

LEGAL OPINION

We have examined the By-law of the Upper-tier Municipality authorizing the issue of serial debentures in the aggregate principal amount of $1,756,100.00 dated November 2, 2020 and maturing on November 2, 2040 payable in semi-annual instalments of combined equal principal and diminishing interest amounts on the 2nd day of May and on the 2nd day of November in each of the years 2021 to 2040, both inclusive, as set out in Schedule "C" to the By-law.

In our opinion, the By-law has been properly passed and is within the legal powers of the Upper-tier Municipality. The debenture issued under the By-law in the within form (the "Debenture") is the direct, general, unsecured, unsubordinated, joint and several obligation of the Upper-tier Municipality and of its lower-tier municipalities (the "Lower-tier Municipalities"). The Debenture is enforceable against the Upper-tier Municipality and the Lower-tier Municipalities subject to the special jurisdiction and powers of the Local Planning Appeal Tribunal over defaulting municipalities under the *Municipal Affairs Act*. This opinion is subject to and incorporates all the assumptions, qualifications and limitations set out in our opinion letter.

November 2, 2020 WeirFoulds LLP

CONDITIONS OF THE DEBENTURE

Form, Denomination, and Ranking of the Debenture

1. The debentures issued pursuant to the By-law (collectively the "Debentures" and individually a "Debenture") are issuable as fully registered Debentures without coupons.

2. The Debentures are direct, general, unsecured, unsubordinated, joint and several obligations of the Upper-tier Municipality and of its Lower-tier Municipalities. The Debentures rank concurrently and equally in respect of payment of principal and interest with all other debentures of the Upper-tier Municipality except for the availability of money in a sinking or retirement fund for a particular issue of debentures.

3. This Debenture is one fully registered Debenture registered in the name of OILC and held by OILC.

Registration

4. The Upper-tier Municipality shall maintain at its designated office a registry in respect of the Debentures in which shall be recorded the names and the addresses of the registered holders and particulars of the Debentures held by them respectively and in which particulars of cancellations, exchanges, substitutions and transfers of Debentures, may be recorded and the Upper-tier Municipality is authorized to use electronic, magnetic or other media for records of or related to the Debentures or for copies of them.

Title

5. The Upper-tier Municipality shall not be bound to see to the execution of any trust affecting the ownership of any Debenture or be affected by notice of any equity that may be subsisting in respect thereof. The Upper-tier Municipality shall deem and treat registered holders of Debentures, including this Debenture, as the absolute owners thereof for all purposes whatsoever notwithstanding any notice to the contrary and all payments to or to the order of registered holders shall be valid and effectual to discharge the liability of the Upper-tier Municipality on the Debentures to the extent of the amount or amounts so paid. Where a Debenture is registered in more than one name, the principal of and interest from time to time payable on such Debenture shall be paid to or to the order of all the joint registered holders thereof, failing written instructions to the contrary from all such joint registered holders, and such payment shall constitute a valid discharge to the Upper-tier Municipality. In the case of the death of one or more joint registered holders, despite the foregoing provisions of this section, the principal of and interest on any Debentures registered in their names may be paid to the survivor or survivors of such holders and such payment shall constitute a valid discharge to the Upper-tier Municipality.

Payments of Principal and Interest

6. The record date for purposes of payment of principal of and interest on the Debentures is as of 5:00 p.m. on the sixteenth calendar day preceding any Payment Date including the maturity date. Principal of and interest on the Debentures are payable by the Upper-tier Municipality to the persons registered as holders in the registry on the relevant record date. The Upper-tier Municipality shall not be required to register any transfer, exchange or substitution of Debentures during the period from any record date to the corresponding Payment Date.

7. The Upper-tier Municipality shall make all payments in respect of semi-annual instalments of combined equal principal and diminishing interest amounts on the Debentures on the 2nd day of May and on the 2nd day of November in each of the years 2021 to 2040, both inclusive, as set out in Schedule "C" to the By-law, by pre-authorized debit in respect of such interest and principal to the credit of the registered holder on such terms as the Upper-tier Municipality and the registered holder may agree.

8. The Upper-tier Municipality shall pay to the registered holder interest on any overdue amount of principal or interest in respect of any Debenture, both before and after default and judgment, at a rate per annum equal to the greater of the rate specified on the Schedule as attached to and forming part of the Debenture for such amount plus 200 basis points or Prime Rate (as defined below) plus 200 basis points, calculated on a daily basis from the date such amount becomes overdue for so long as such amount remains overdue and the Upper-tier Municipality shall pay to the registered holder any and all costs incurred by the registered holder as a result of the overdue payment.

9. Whenever it is necessary to compute any amount of interest in respect of the Debentures for a period of less than one full year, other than with respect to regular semi-annual interest payments, such interest shall be calculated on the basis of the actual number of days in the period and a year of 365 days or 366 days as appropriate.

10. Payments in respect of principal of and interest on the Debentures shall be made only on a day, other than Saturday or Sunday, on which banking institutions in Toronto, Ontario, Canada and the Upper-tier Municipality are not authorized or obligated by law or executive order to be closed (a "**Business Day**"), and if any date for payment is not a Business Day, payment shall be made on the next following Business Day as noted on the Amortization Schedule.

11. The Debentures are transferable or exchangeable at the office of the Regional Treasurer of the Upper-tier Municipality upon presentation for such purpose accompanied by an instrument of transfer or exchange in a form approved by the Upper-tier Municipality and which form is in accordance with the prevailing Canadian transfer legislation and practices, executed by the registered holder thereof or such holder's duly authorized attorney or legal personal representative, whereupon and upon registration of such transfer or exchange and cancellation of the Debenture or Debentures presented, a new Debenture or Debentures of an equal aggregate principal amount in any authorized denomination or denominations will be delivered as directed by the transferor, in the case of a transfer or as directed by the registered holder in the case of an exchange.

12. The Upper-tier Municipality shall issue and deliver Debentures in exchange for or in substitution for Debentures outstanding on the registry with the same maturity and of like form in the event of a mutilation, defacement, loss, mysterious or unexplainable disappearance, theft or destruction, provided that the applicant therefor shall have: (a) paid such costs as may have been incurred in connection therewith; (b) (in the case of a mutilated, defaced, lost, mysteriously or unexplainably missing, stolen or destroyed Debenture) furnished the Upper-tier Municipality with such evidence (including evidence as to the certificate number of the Debenture in question) and an indemnity in respect thereof satisfactory to the Upper-tier Municipality in its discretion; and (c) surrendered to the Upper-tier Municipality any mutilated or defaced Debentures in respect of which new Debentures are to be issued in substitution.

13. The Debentures issued upon any registration of transfer or exchange or in substitution for any Debentures or part thereof shall carry all the rights to interest if any, accrued and unpaid which were carried by such Debentures or part thereof and shall be so dated and shall bear the same maturity date and, subject to the provisions of the By-law, shall be subject to the same terms and conditions as the Debentures in respect of which the transfer, exchange or substitution is effected.

14. The cost of all transfers and exchanges, including the printing of authorized denominations of the new Debentures, shall be borne by the Upper-tier Municipality. When any of the Debentures are surrendered for transfer or exchange the Treasurer of the Upper-tier Municipality shall: (a) in the case of an exchange, cancel and destroy the Debentures surrendered for exchange; (b) in the case of an exchange, certify the cancellation and destruction in the registry; (c) enter in the registry particulars of the new Debenture or Debentures issued in exchange; and (d) in the case of a transfer, enter in the registry particulars of the registered holder as directed by the transferor.

15. Reasonable fees for the substitution of a new Debenture or new Debentures for any of the Debentures that are mutilated, defaced, lost, mysteriously or unexplainably missing, stolen or destroyed and for the replacement of mutilated, defaced, lost, mysteriously or unexplainably missing, stolen or destroyed principal and interest cheques (if any) may be imposed by the Upper-tier Municipality. When new Debentures are issued in substitution in these circumstances the Upper-tier Municipality shall: (a) treat as cancelled and destroyed the Debentures in respect of which new Debentures will be issued in substitution; (b) certify the deemed cancellation and destruction in the registry; (c) enter in the registry particulars of the new Debentures issued in substitution; and (d) make a notation of any indemnities provided.

16. If OILC elects to terminate its obligations under the rate offer letter agreement entered into between the Upper-tier Municipality and OILC, pursuant to which the Debentures are issued, at OILC's discretion, the Upper-tier Municipality shall pay to OILC the Make-Whole Amount on account of the losses that OILC will incur as a result of the early repayment or early termination.

Notices

17. Except as otherwise expressly provided herein, any notice required to be given to a registered holder of one or more of the Debentures will be sufficiently given if a copy of such notice is mailed or otherwise delivered to the registered address of such registered holder. If the Upper-tier Municipality or any registered holder is required to give any notice in connection with the Debentures on or before any day and that day is not a Business Day (as defined in section 10 of these Conditions) then such notice may be given on the next following Business Day.

Time

18. Unless otherwise expressly provided herein, any reference herein to a time shall be considered to be a reference to Toronto time.

Governing Law

19. The Debentures are governed by and shall be construed in accordance with the laws of the Province of Ontario and the federal laws of Canada applicable in Ontario.

Definitions:

(a) “**Prime Rate”** means, on any day, the annual rate of interest which is the arithmetic mean of the prime rates announced from time to time by the following five major Canadian Schedule I banks, as of the issue date of this Debenture: Royal Bank of Canada; Canadian Imperial Bank of Commerce; The Bank of Nova Scotia; Bank of Montreal; and The Toronto-Dominion Bank (the “**Reference Banks**”) as their reference rates in effect on such day for Canadian dollar commercial loans made in Canada. If fewer than five of the Reference Banks quote a prime rate on such days, the “Prime Rate” shall be the arithmetic mean of the rates quoted by those Reference Banks.

(b) "**Make-Whole Amount**" means the amount determined by OILC as of the date of prepayment of the Debenture, by which (i) the present value of the remaining future scheduled payments of principal and interest under the Debenture to be repaid from the prepayment date until maturity of the Debenture discounted at the Ontario Yield exceeds (ii) the principal amount under the Debenture being repaid provided that the Make-Whole Amount shall never be less than zero.

(c) “**Ontario Yield**" means the yield to maturity on the date of prepayment of the Debenture, assuming semi-annual compounding, which a non-prepayable term loan made by the Province of Ontario would have if advanced on the date of prepayment of the Debenture, assuming the same principal amount as the Debenture and with a maturity date which is the same as the remaining term to maturity of the Debenture to be repaid minus 100 basis points.

Schedule "C"

AMORTIZATION SCHEDULE

Name.....: The Regional Municipality of Niagara
Principal: $1,756,100.00
Rate.....: 01.960%
Term.....: 240 months
Matures..: 11/02/2040

Pay #	Date	Amount Due $	Principal Due $	Interest Due $	Rem. Principal $
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27	05/02/2034	49,876.42	43,902.50	5,973.92	570,732.50
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30	11/02/2035	48,674.09	43,902.50	4,771.59	439,025.00
31	05/02/2036	48,193.16	43,902.50	4,290.66	395,122.50
32	11/02/2036	47,806.53	43,902.50	3,904.03	351,220.00
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Schedule “C”

34 11/02/2037	46,938.97	43,902.50	3,036.47	263,415.00
35 05/02/2038	46,462.75	43,902.50	2,560.25	219,512.50
36 11/02/2038	46,071.40	43,902.50	2,168.90	175,610.00
37 05/02/2039	45,609.33	43,902.50	1,706.83	131,707.50
38 11/02/2039	45,203.84	43,902.50	1,301.34	87,805.00
39 05/02/2040	44,760.63	43,902.50	858.13	43,902.50
40 11/02/2040	44,336.28	43,902.50	433.78	0.00
	2,109,041.94	1,756,100.00	352,941.94	

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. <>

A BY-LAW TO PROHIBIT OR REGULATE THE DESTRUCTION OR INJURING OF TREES IN WOODLANDS IN THE REGIONAL MUNICIPALITY OF NIAGARA

WHEREAS Section 135(2) of the *Municipal Act*, *2001,* S.O. 2001, c. 25, (the "Act"), as amended, provides that Regional Council may by bylaw prohibit or regulate the destruction or injuring of trees in woodlands designated in the by-law;

WHEREAS Section 135(7) of the *Municipal Act* provides that the by-law may require that a permit be obtained to injure or destroy trees in woodlands as designated in the by-law and impose conditions on a permit, including conditions relating to the manner in which destruction occurs and the qualification of persons authorized to injure or destroy trees;

WHEREAS the Council for The Regional Municipality of Niagara ("Regional Council") deems it desirable to enact such a by-law for the purposes of:

- conserving and improving the Woodlands in the Regional Municipality of Niagara (the "Region") through Good Forestry Practices;
- promoting Good Forestry Practices that sustain healthy Woodlands and related natural habitats and environments;
- helping to achieve the objectives of the Regional Official Plan to ensure the long-term health and productivity of woodlands;
- regulating and controlling the removal, maintenance and protection of trees in Woodlands;
- protecting, promoting and enhancing the values of Woodlands;
- contributing to human health, recreation, enjoyment and quality of life through the maintenance of Woodland cover;
- enhancing biodiversity and forest resilience to help our communities adapt to climate change;
- supporting the objective of the Regional Official Plan to maintain, restore and, enhance the ecological health, integrity and biodiversity of the Core Natural Heritage System and its contributions to a Healthy Landscape as defined in the Regional Official Plan; and, supporting the objective of the Regional Official Plan to maintain, restore and, enhance the ecological health, integrity and biodiversity

of the Core Natural Heritage System and its contributions to a Healthy Landscape as defined in the Regional Official Plan; and,

WHEREAS on April 10, 2008 By-law No. 30-2008 was passed by Regional Council and this by-law has been in place to prohibit or regulate the destruction or injuring of trees in Woodlands in the Region;

AND WHEREAS Regional Council wishes to repeal By-law No. 30-2008 and replace same with an updated By-law regulating the destruction or injuring of trees in Woodlands in the Region;

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

1. DEFINITIONS

In this By-law:

1.1 "Agricultural Use" means the commercial production of crops and/or raising of livestock for human use and includes ploughing, seeding, Harvesting, leaving land fallow as part of a conventional rotational cycle, production of tree fruits and grapes, grazing, animal husbandry, and buildings and structures associated with these activities;

1.2 "Area Municipality" means any one of the municipalities of the Town of Fort Erie, Town of Grimsby, Town of Lincoln, City of Niagara Falls, Town of Niagara-on-the-Lake, Town of Pelham, City of Port Colborne, City of St. Catharines, City of Thorold, Township of Wainfleet, City of Welland, and the Township of West Lincoln;

1.3 “Building Permit” means a building permit issued by an Area Municipality under the *Building Code Act, 1992,* S.O. 1992, c.23, as amended;

1.4 “Bumper Tree” means a poor quality, low value tree that grows in close proximity to higher value trees and is located along skid roads to protect residual trees from damage during logging and skidding operations;

1.5 “Coppice growth” means clump growth where more than one tree stem grows from a single tree stump and the point of measurement for such growth means that point on each stem measured immediately above the point of fusion, provided such point of fusion is less than 1.37 metres above the highest point of undisturbed ground at the base of the coppice or clump growth;

1.6 “DBH” or “Diameter at Breast Height” means the diameter of the stem of a tree measured at a point that is 1.37 metres above the ground;

1.7 "Diameter" means the diameter of the stem of a tree measured at a specified Point of Measurement with such measurement including the bark of the stem;

1.8 “Farmer” means a person who has a current and valid farm registration number under the *Farm Registration and Farm Organizations Funding Act, 1993,* S.O. 1993, c. 21, as amended;

1.9 “Forest Management Plan” means a course of forest management action prescribed for a particular woodland area after specific assessments and evaluations have been made by a Qualified OPFA Member in accordance with the Ministry of Natural Resources document “A Silvicultural Guide to Managing Southern Ontario Forests”, as amended from time to time;

1.10 “Good Forestry Practices" means:

1.10.a the proper implementation of harvest, renewal and maintenance activities known to be appropriate for the forest and environmental conditions under which they are being applied and that minimize detriments to forest values, including: significant ecosystems; important fish and Wildlife Habitat; soil and water quality and quantity; forest productivity and health; and the aesthetic and recreational opportunities of the landscape;

1.10.b the cutting and removal of hazardous, severely damaged, diseased and insect-infested trees which must be removed in order to prevent contamination or infestation of other trees or because they no longer contribute to the achievement of forest values;

1.10.c in the case of hazardous, damaged, diseased or insect-infested trees, the maintenance of a Woodland after the cutting and removal is completed unless it is determined through a report prepared by Qualified OPFA Member that trees must be removed and a Woodland would not be maintained; and,

1.10.d the forestry management practices as set out in the Ministry of Natural Resources document “A Silvicultural Guide to Managing Southern Ontario Forests”;

1.11 “Harvesting” means the Injury or Destruction of a Tree through cutting or other mechanized means. The term “Harvested” shall have a corresponding meaning;

1.12 “Heritage Tree” means a Tree identified and designated by the Council of an Area Municipality as having heritage significance;

1.13 “Injury” or “Destruction” means lasting damage to a Tree, that has the effect of inhibiting or terminating growth and which may include, but is not limited to:

1.13. a broken branches in the crown of a Tree;

1.13. b the breaking off or splitting of the stem of any Tree and the noticeable tipping of any Tree;

1.13. c the splitting of, removal of or damage to the bark of a Tree; or

1.13. d damage to the root structure of a Tree;

but does not include damage to Bumper Trees, or pruning or removing branches for maintenance purposes. The terms “Injury”, “Injured”, “Injuring”, “Destroy”, “Destroying” or “Destroyed” shall have a corresponding meaning.

1.14 “Normal Farm Practice” means a practice that is recognized by the Normal Farm Practices Board which is conducted in a manner consistent with proper and acceptable customs and standards, as established and followed by similar agricultural operations under similar circumstances, or makes use of innovative technology in a manner consistent with proper advanced farm management practices;

1.15 "Officer" means an individual appointed by Regional Council for the administration and enforcement of this By-law;

1.16 “Owner” means any Person having control over any portion of land that contains Woodland or Woodlands and specifically includes any Person having any right, title, interest or equity in the land and any Person lawfully permitted on the land;

1.17 “Own Use” means use that does not include a commercial sale, exchange or other disposition of trees Injured or Destroyed;

1.18 “Permit” means a permit to Injure or Destroy Trees issued under this By-law;

1.19 “Person” means an individual or a corporation and their respective heirs, executors, administrators or other duly appointed representatives;

1.20 "Point of Measurement" means the point on a tree trunk measured above the highest point at which the ground meets the tree. For Coppice Growth the Point of Measurement shall be at the point on the tree trunk where the tree stems separate provided that such point of separation is less than 1.37 metres from where the ground meets the tree;

1.21 “Qualified OPFA Member” means a Registered Professional Forester or Associate Member of the Ontario Professional Foresters Association under the *Professional Foresters Act* 2000, c.18, as amended, certified to practice professional forestry, unless a suspension, term, condition or limitation of certification applies which would restrict the Member from carrying out responsibilities under this By-law;

1.22 “Qualified Tree Marker” means:

1.22.a An individual who is currently certified through the Ontario Ministry of Natural Resources Certified Tree Marker Program; or

1.22.b A Qualified OPFA Member qualified to do tree marking.

1.23 “Region” means The Regional Municipality of Niagara;

1.24 “Regional Council” means the Council of The Regional Municipality of Niagara;

1.25 “Regional Official Plan” means the Official Plan of The Regional Municipality of Niagara;

1.26 "Sensitive Natural Area" means lands that are in a Woodland and:

1.26.a within the Environmental Protection Area designation of the Natural Heritage System and adjacent lands, as defined in the Regional Official Plan; or

1.26.b within a Natural Area as designated in the Niagara Escarpment Plan.

1.27 “Significant Community Tree” means a Tree identified and designated by the Council of an Area Municipality as having community signifcance;

1.28 “Silviculture” means the theory and practice of controlling forest establishment, and the composition, growth and quality of forests to achieve the objectives of forest management. The term “Silvicultural” shall have a corresponding meaning;

1.29 “Silvicultural Prescription” means the site specific operational plan, signed and sealed by a Qualified OPFA Member (unless otherwise exempted under the *Professional Foresters Act*), that describes the existing forest conditions and the forest management objectives for an area, and which prescribes the methods for Harvesting the existing forest stand and a series of silvicultural treatments that will be carried out to establish a free-growing stand in a manner that accommodates other resource values as identified;

1.30 "Tree" or “Trees” means any living species of woody perennial plant, including its root system, which has reached or can reach a height of at least 4.5 meters at physiological maturity;

1.31 “Tree Preservation Plan” means a plan, prepared by a Qualified OPFA Member or Certified Arborist, for the purpose of protecting and preserving trees on properties where development or disturbance of the natural forest cover is to occur;

1.32 “Wildlife Habitat” means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species;

1.33 "Woodland" or “Woodlands” means land on one or more properties with a density of at least:

1.33.a 1,000 Trees, of any size, per hectare;

1.33.b 750 Trees, measuring over five (5) centimetres in Diameter at DBH, per hectare;

1.33.c 500 Trees, measuring over twelve (12) centimetres, in Diameter at DBH, per hectare; or

1.33.d 250 Trees, measuring over twenty (20) centimetres, in Diameter at DBH, per hectare;

but does not include:

1.33.f a cultivated fruit or nut orchard;

1.33.g a plantation established for the purpose of producing Christmas trees and which is being actively managed and Harvested for the purposes for which it was planted, except that this does not refer to plantations that have ceased being managed or Harvested for their intended purpose for a period of 15 years or more; or

1.33.h a bona fide tree nursery that is being actively managed and harvested for the purposes for which it was planted;

1.33.i a hedgerow or windrow less than 20 meters in width.

2. APPLICATION OF THE BY-LAW

This By-law shall apply to:

2.1 all Woodlands having an area of one (1) hectare or more;

2.2 all Woodlands having an area of less than one (1) hectare upon delegation of such authority by an Area Municipality to the Region; and

2.3 Heritage Trees and Significant Community Trees identified and designated by the Council of an Area Municipality, upon delegation of such authority by an Area Municipality to the Region.

3. GENERAL PROHIBITIONS

3.1 No Person through their own actions or through any other Persons shall Injure or Destroy any Tree located in Woodlands:

3.1.a Unless exempted under Section 4 of this By-law; or

3.1.b Unless in possession of a valid Permit issued under this By-law and in accordance with its terms or conditions.

3.2 No Person through their own actions or through any other Person shall:

3.2.a Contravene the terms or conditions of a Permit issued under this By-law;

3.2.b Fail to comply with an Order issued under this By-law; or

3.2.c Remove or deface any Order that has been posted pursuant to this By-law.

3.3 No Person through their own actions or through any other Person shall Injure or Destroy any Tree that has been designated by the Council of an Area Municipality as a Heritage Tree or a Significant Community Tree, provided that the authority to regulate such Trees has been delegated to the Region by the Area Municipality.

3.4 An Owner is deemed to have knowledge of, to have permitted, and to be liable for actions that violate this By-law that occur on the portion of land over which the Owner has control.

3.5 A Person is not liable under Section 3.4 of this By-law if such Person establishes, on a balance of probabilities, that the actions that violate this By-law occurred before or after such Person was an Owner.

4. EXEMPTIONS

Despite Section 3 of this By-law, this By-law does not apply to:

4.1 Activities or matters undertaken by a municipality or a local board of a municipality;

4.2 Activities or matters undertaken under a licence issued under the *Crown Forest Sustainability Act, 1994*, S.O. 1994, c.25, as amended;

4.3 The Injuring or Destruction of Trees by a Person licensed under the *Surveyors Act,* R.S.O. 1990, c. S.29, as amended, to engage in the practice of cadastral surveying or his or her agent, while making a survey;

4.4 The Injuring or Destruction of Trees imposed after December 31, 2002:

4.4.a as part of a Tree Preservation Plan required as a condition of approval in a plan of subdivision that has received draft approval under Section 51 of the *Planning Act;*

4.4.b as part of a Tree Preservation Plan required as a condition on a consent approved under Section 53 of the *Planning Act;*

4.4.c as a condition to the approval of a site plan or a plan of subdivision under Sections 41 and 51, respectively, of the *Planning Act* or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;

4.4.d in a development agreement between an Owner and an Area Municipality;

4.4.e as a condition to a development permit authorized by regulation made under Section 23(b) of the *Niagara Escarpment Planning and Development Act*, R.S.O 1990, c. N.2, as amended; or

4.4.f as a condition to a development permit authorized by regulation made under Section 70.2 of the *Planning Act* or as a requirement of an agreement entered into under the regulation.

4.5 The Injuring or Destruction of Trees by a transmitter or distributor, as those terms are defined in Section 2 of the *Electricity Act*, *1998*, S.O. 1998, c.15, Sched. A, as amended, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;

4.6 The Injuring or Destruction of Trees undertaken on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*; R.S.O 1990, c. A.8, as amended;

4.7 The Injuring or Destruction of Trees undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land:

4.7.a that has not been designated under the *Aggregate Resources Act* or a predecessor of that Act; and

4.7.b on which a pit or quarry is a permitted land use under a by-law passed under Section 34 of the *Planning Act*.

4.8 The Injuring or Destruction of Trees that is required in order to erect any building, structure or thing, including yard areas, in respect of which a Building Permit has been issued and has taken into consideration the protection of Trees surrounding the structure or work within the building envelope, provided that no Tree is removed that is located more than 15 metres from the outer edge of the building, structure or thing, and that only those Trees necessary to accommodate the building structure or thing, including yard areas, are removed;

4.9 The Injuring or Destruction of Trees that is reasonably required in order to install and provide utilities, including a private waste disposal system, to the construction or use of the building, structure or thing in respect of which a Building Permit has been issued;

4.10 The Injuring or Destruction of Trees that is required in order to install, provide or maintain a driveway of sufficient width for vehicular access to the building, structure or thing in respect of which a Building Permit has been issued;

4.11 The Injuring or Destruction of Trees on lands, including buffer lands, used for the purpose of a licenced waste disposal site that has been approved, where applicable, under the *Environmental Protection Act*, R.S.O. 1990, c. E.19, as amended, the *Ontario Water Resources Act,* R.S.O. 1990, c. O.40, as amended, the *Environmental Assessment Act*, R.S.O. 1990, c. E.18, as amended, the *Planning Act*, and/or the *Niagara Escarpment Planning and Development Act;*

4.12 The Injuring or Destruction of Trees for the construction of drainage works under the *Drainage Act*, R.S.O. 1990, c. D.17, as amended;

4.13 The Injuring or Destruction of Trees that:

4.13.a are dead;

4.13.b are diseased, as identified in a Silvicultural Prescription or Forest Management Plan; or

4.13.c pose a hazard to human safety or property.

4.14 The Injuring or Destruction of Trees by an Owner of a Woodland who may Harvest, Destroy or Injure Trees for his or her Own Use on his or her property provided that:

4.14.a Good Forestry Practices are employed in accordance with the Ministry of Natural Resources document “A Silvicultural Guide to Managing Southern Ontario Forests”; and

4.14.b the Injuring or Destruction, in that part of the Woodland where Trees have been Injured or Destroyed, does not reduce the number of Trees per hectare below that necessary to constitute a Woodland.

4.15 The Harvesting, Injuring or Destruction of Trees by a Farmer that involves the clearing of all or part of a Woodland for Agricultural Use on land that is owned by the Farmer doing the clearing and is part of a farm operation or farm corporation that has existed for at least three (3) years prior to such clearing.

The clearing shall be carried out in accordance with Normal Farm Practices as defined in the *Farming and Food Production Protection Act, 1998*, S.O. 1998, c. 1, as amended, provided that:

4.15.a the land that is cleared is put into Agricultural Use within three (3) years of the date on which such clearing commences;

4.15.b prior to the clearing, the Farmer advises the Officer of the proposed clearing. For the purposes of this section the marking of Trees, a Forest Management Plan or a Silvicultural Prescription, a fee and a Permit are not required; and

4.15.c the land being cleared for Agricultural Use is outside the Urban Areas as defined in the Regional Official Plan, and is designated and zoned for Agricultural Use in the Official Plan and Zoning By-law of the Area Municipality and, where applicable, in the Niagara Escarpment Plan;

except where the Injuring or Destruction of Trees involves a Sensitive Natural Area, in which case a Permit is required pursuant to the provisions of this By-law, but no fee shall be required.

4.16 The Harvesting, Injuring or Destruction of non-native/invasive Trees in a Woodland for the purpose of restoring the tree cover to native species as per an approved Forest Management Plan or Silvicultural Prescription.

4.17 The Injuring or Destruction of Trees in a Woodland for the purpose of conducting site rehabilitation activities to remove and/or treat contaminated soils. A reforestation plan must be prepared and approved by the Officer prior to Tree removal.

5. GOOD FORESTRY PRACTICES PERMITS

5.1 The Niagara Region hereby delegates to an Officer the authority to issue a Good Forestry Practices Permit under this By-law, and to impose such terms and conditions in accordance with Good Forestry Practices.

5.2 An application for a Good Forestry Practices Permit shall be submitted at least four (4) weeks prior to the commencement date of Harvesting and shall include the following:

5.2.a a complete signed application form as provided by the Region;

5.2.b a copy of the Silvicultural Prescription sealed by a Qualified OPFA Member; and,

5.2.c A signature from a Qualified OPFA Member confirming proof that the marking of the Trees to be cut has been carried out by a Qualified Tree Marker in accordance with a Silvicultural Prescription or Forest Management Plan. Tree marking must include clean, legible paint marks at breast height, visible from any direction,and 40 centimetre stump marks that are in crevices (if available) and run right to the ground.

5.3 A Good Forestry Practices Permit issued under this By-law shall be subject to the following terms and conditions:

5.3.a Trees which are to be harvested are cut in accordance with Good Forestry Practices, and as described in a Silvicultural Prescription sealed by a Qualified OPFA Member;

5.3.b the Harvesting, Injuring or Destruction of Trees will not reduce the number of Trees per hectare below the minimum number of Trees per hectare required to be considered a Woodland;

5.3.c The Permit-holder must notify the Officer at least 48 hours before start of cutting and again upon resumption of activities after any four (4) week period of inactivity; and

5.3.d Any other terms and conditions deemed appropriate and imposed by the Officer.

5.4 Notwithstanding Sections 5.2 and 5.3, a Good Forestry Practices Permit may be issued where an exclusion provision under the *Professional Foresters Act* applies and a qualified member of the Ontario Professional Foresters Association provides an opinion that the Harvesting of Trees is consistent with Good Forestry Practices.

6. PERMIT APPLICATION PROCESS

6.1 Every Person who intends to Injure or Destroy Trees personally or through another Person, where a Permit to do so is required under this By-law, shall first complete and submit an application for a Permit in the form approved by the Region from time to time.

6.2 Applications for Permits will be processed only if:

6.2.a the appropriate application form, approved by the Region from time to time, has been completed in full, duly signed and submitted to the Officer;

6.2.b the requirements that must be submitted with an application have been included; and

6.2.c applications are in keeping with the general purpose and intent of this By-law.

6.3 A Permit application that does not meet the requirements of clauses 6.2.a, 6.2.b and 6.2.c will be returned to the applicant within 30 days.

6.4 A Permit may be:

6.4.a issued by the Officer to the Owner for a term of up to one (1) year from the date of issue and shall not be transferable; and,

6.4.b may be renewed by the Officer for up to two (2) additional one (1) year terms contiguous with the expiry date of the original Permit and after a written request from the Owner for renewal is made to the Officer, who must be satisfied that there are reasonable grounds for the renewal.

6.5 In addition to those terms and conditions listed in section 5.3, the Officer may impose conditions to a Permit that relate to, but which are not restricted to:

6.5.a the manner and timing in which Harvesting, Injuring or Destruction is to occur;

6.5.b the species, size, number and location of Trees to be Injured or Destroyed, or to be planted;

6.5.c the marking of Trees to be cut with paint;

6.5.d the qualifications of Persons authorized to Injure or Destroy Trees;

6.5.e the submission of additional information required before the Permit becomes effective;

6.5.f measures to be implemented to mitigate the direct and indirect effects of the Injuring or Destruction on Sensitive Natural Areas; and

6.5.g a follow-up fuelwood (firewood) harvest.

6.7 When denying a Permit, the Officer will notify the applicant in writing by registered mail. The Officer shall provide written reasons for their decision to the applicant.

6.8 A Permit issued under the By-law does not relieve the Owner of any other applicable property boundary, municipal, provincial, or federal by-laws, regulations or requirements.

7. APPEALS TO REGIONAL COUNCIL

7.1 An applicant for a Permit under this By-law may be appealed to Regional Council if:

7.1.a the Officer refuses to issue a Permit; such an appeal must be made within 30 days after the refusal; or

7.1.b if the applicant objects to a condition in the Permit; such an appeal must be made within 30 days after the issuance of the Permit.

7.2 A request by an applicant for a hearing shall be made in writing and filed with the Regional Clerk.

7.3 Regional Council shall hold a hearing on the issue and shall give the applicant an opportunity to make representations at the hearing. The Regional Clerk shall mail a notice of hearing to the applicant at least seven (7) days before the hearing.

7.4 Regional Council may:

7.3.a Uphold the decision of the Officer;

7.3.b Vary any condition on a Permit; or

7.3.c Issue a Permit with conditions as Regional Council considers appropriate.

7.5 Regional Council will provide reasons for its decision. The decision of the Regional Council is final.

8. ORDERS TO DISCONTINUE ACTIVITY

8.1 Where an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an Order requiring the Person who contravened the By-law or who caused or permitted the Injuring or Destruction of Trees in contravention of the By-law to stop the Injuring or Destruction of Trees. The Order shall set out:

8.1.a the municipal address or the legal description of the land;

8.1.b reasonable particulars of the contravention; and

8.1.c the period within which there must be compliance with the Order.

8.2 An Order issued under this By-law may be served personally or by registered mail to the last known address of:

8.2.a the Owner of the Woodland; and

8.2.b the person identified as Injuring or Destroying Trees.

8.3 Where service of an Order is made by registered mail, service shall be deemed to have been served on the fifth day after the date the Order is mailed.

8.4 Where service cannot be carried out under subsection 8.2, the Officer shall place a placard containing the terms of the Order in a conspicuous place on the affected lands. The placing of the placard shall be deemed to be sufficient service of the Order on the Person to whom the Order is directed. The placard shall not be removed without the approval of the Officer.

9. WORK ORDERS

9.1 Where an Officer believes that a contravention of this By-law has occurred, the Officer may issue an Order requiring the Person to rehabilitate the land or Woodlands, or to plant or replant Trees.

9.2 The Order shall set out:

9.2.a the name and the Owner and the municipal address or the legal description of the land;

9.2.b reasonable particulars of the contravention;

9.2.c the work to be done and the date by which the work must be done;

9.2.d a statement that if the work is not done in compliance with the Order within a specified time period, the Region may have the work done at the expense of the Owner; and,

9.2.e contact information of the Officer.

9.3 The Order may be served in accordance with the service provisions contained in section 8.

9.4 If a Person fails to comply with an Order issued pursuant to this section, the Region may enter the lands at any reasonable time for the purposes of doing the things described in the Order at the Person's expense.

9.5 If the Region enters onto the lands and completes the work, the Region may recover its costs to complete the work for the Person named in the Order by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

10. PENALTY

10.1 Any Person who contravenes any provision of this By-law, or an Order issued under this By-law is guilty of an offence and is liable:

10.1.a on first conviction, to a fine of not more than $10,000 or $1,000 per Tree, whichever is greater;

10.1.b on any subsequent conviction for the same offence, to a fine of not more than $25,000 or $2,500 per Tree, whichever is greater; and,

10.1.c on conviction for a continuing offence, to a fine of not less than $100 and not more than $10,000 for each day or part of a day that the offence continues. The total of the daily fines may exceed $100,000.

10.2 Despite subsection 10.1, where the Person convicted is a corporation:

10.2.a the maximum fines in clause 10.1.a are $50,000 or $5,000 per Tree; and

10.2.b the maximum fines in clause 10.1.b are $100,000 or $10,000 per Tree.

10.3 If a Person is convicted of an offence for contravening this By-law or an Order is issued under this By-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may order the Person to rehabilitate the land or to plant or replant Trees in such a manner and within such period as the court considers appropriate, including any silvicultural treatment necessary to re-establish the Trees.

10.4 If an Order has been issued under this bylaw or by the court, and the order has not been complied with, the contravention of the Order shall be deemed to be a continuing offence for each day or part of the day that the Order is not complied with.

10.5 The destruction of two or more Trees without or in contravention of a Permit shall be deemed to be a “multiple offence” as provided in the *Municipal Act* and shall be subject to the per tree penalties prescribed in section 10.1 and 10.2.

11. ENFORCEMENT

11.1 The provisions of this By-law may be enforced by an Officer.

11.2 An Officer or any person authorized by an Officer may, at any reasonable time, enter upon and inspect any land for the purposes of enforcing this By-law, determining compliance with this By-law, determining compliance with terms and conditions of a Permit issued under this By-law, determining compliance with an Order issued under this By-law or laying charges under this By-law.

11.3 An Officer exercising a power may be accompanied by a Person under his or her direction.

11.4 Any Person who obstructs or interferes with an Officer, or any Person or agent authorized by an Officer, in the discharge of his or her duties under this By-law, shall be considered in violation of this By-law.

11.5 Any Person who provides false information to an Officer shall be deemed to have obstructed or interfered with the Officer in the execution of their duties.

12. ADMINISTRATION

12.1 If any section or part of this By-law is found by any court of competent jurisdiction to be illegal or beyond the power of Regional Council to enact, such section or part shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom and to be enacted as such.

12.2 The short title of this By-law is the “Woodland Conservation By-law”.

12.3 By-law 30-2008 of the Regional Municipality of Niagara and all amendments thereto, are hereby repealed.

12.4 Despite subsection 12.3, By-law 30-2008, as amended, shall continue to apply to:

12.4.a proceedings in respect of offences that occurred before its repeal; and,

12.4.b permits in compliance with Bylaw 30-2008, which were approved prior to its repeal.

12.5 That this by-law shall come into force and effect on January 31, 2021.

THE REGIONAL MUNICIPALITY OF NIAGARA

_____
James Bradley, Regional Chair

_____
Ann-Marie Norio, Regional Clerk

Passed: <date>

THE REGIONAL MUNICIPALITY OF NIAGARA

A BY-LAW TO AMEND BY-LAW 2020-46 BEING A BY-LAW TO REQUIRE MANDATORY FACE COVERINGS IN ENCLOSED PUBLIC PLACES DURING THE COVID-19 PANDEMIC

WHEREAS the declaration of emergency made jointly on April 3, 2020 by The Regional Municipality of Niagara and Niagara's 12 local area municipalities under s 7.0.1 (1) of the Emergency Management and Civil Protection Act remains in effect;

WHEREAS public health authorities at the Federal and Provincial level have recommended that persons where face coverings in public where physical distancing cannot be maintained;

WHEREAS subsection 8(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority to enable it to govern its affairs as it considers appropriate and to enhance its ability to respond to municipal issues;

WHEREAS The Regional Municipality of Niagara has the authority to enact by-laws for the health, safety and well-being of persons pursuant to section 11 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended; and

WHEREAS By-law 2020-46 being a temporary by-law to require mandatory face coverings in enclosed public places during the COVID-19 pandemic was passed on July 23, 2020, and remains in effect, to protect the health, safety, and well-being of residents and visitors to Niagara Region as the Province reopens to require individuals to wear a face covering while in certain enclosed public spaces to assist in reducing the spread of COVID-19 in the Region.

WHEREAS the Council of The Regional Municipality of Niagara wishes to amend By-law 2020-46 to provide that an enclosed public place shall include common areas of residential apartment buildings and condominiums as COVID-19 continues to be a significant public health concern that can be mitigated by the proper wearing of face coverings in enclosed public places.

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

1. That Section 6(f) of By-law 2020-46 be amended to read as follows:

   Common areas of hotels**,** ~~and~~ motels, other short term accommodations, **and residential apartment buildings and condominiums,** such as lobbies, elevators, meeting rooms or other common use facilities ~~but does not include the common areas of residential apartment buildings or condominiums.~~

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: <date>

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. < >

A BY-LAW TO ADOPT, RATIFY AND CONFIRM THE ACTIONS OF REGIONAL COUNCIL AT ITS MEETING HELD OCTOBER 22, 2020

WHEREAS subsection 5 (3) of the Municipal Act, S.O. 2001, Ch. 25, as amended, provides that, except if otherwise authorized, the powers of Regional Council shall be exercised by by-law; and,

WHEREAS it is deemed desirable and expedient that the actions of Regional Council as herein set forth be adopted, ratified and confirmed by by-law.

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

1. That the actions of the Regional Council at its meeting held October 22, 2020, including all resolutions or motions approved, are hereby adopted, ratified and confirmed as if they were expressly embodied in this by-law.

2. That the above-mentioned actions shall not include:
   a) Any actions required by law to be taken by resolution; or
   b) Any actions for which prior Local Planning Appeal Tribunal approval is required, until such approval is obtained.

3. That the Chair and proper officials of The Regional Municipality of Niagara are hereby authorized and directed to do all things necessary to give effect to the above-mentioned actions and to obtain approvals where required.

4. That unless otherwise provided, the Chair and Clerk are hereby authorized and directed to execute and the Clerk to affix the seal of The Regional Municipality of Niagara to all documents necessary to give effect to the above-mentioned actions.

5. 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: < >