



THE REGIONAL MUNICIPALITY OF NIAGARA
CORPORATE SERVICES COMMITTEE
FINAL AGENDA

CSC 2-2021

Wednesday, February 17, 2021

9:30 a.m.

Meeting will be held by electronic participation only

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Due to efforts to contain the spread of COVID-19 and to protect all individuals, the Council Chamber at Regional Headquarters will not be open to the public to attend Committee meetings until further notice. To view live stream meeting proceedings, visit:
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The next meeting will be held on Wednesday, March 10, 2021, at 9:30 a.m.

9. 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).

Subject: Optional Small Business Tax Subclass Overview

Report to: Corporate Services Committee

Report date: Wednesday, February 17, 2021

Recommendations

1. That staff **BE DIRECTED** to monitor the implementation of the Optional Small Business Tax Subclass for consideration in future taxation years starting in 2022; and
2. That a copy of Report CSD 12-2021 **BE CIRCULATED** to the Local Area Municipalities.

Key Facts

- The purpose of this report is to provide committee members an overview of the optional small business property tax subclass as announced in the 2020 Ontario Budget.
- Included in the 2020 Ontario Budget is the ability for upper-tier municipalities to create a new small business tax subclass. The Region would need to determine eligibility requirements and amount of reduction. Regulations guiding the implementation have yet to be created by the Province. The Ontario Budget is currently the only information currently available to municipalities.
- Relief provided under this optional program as a tax policy decision is made by the Region and applicable to all Niagara lower tiers and results in a redistribution of both Regional and Municipal property taxes onto other property owners (predominately residential which represents 80% of the Region's tax base). Relief as a grant program requires a budget to fund the program and administration on the part of the local area municipalities.
- Regional finance staff have had discussions with the Local Area Treasurers as well as Ontario Regional Treasurers regarding the optional subclass and there is general agreement of the many concerns noted below with the implementation that should be fully analysed in advance of adoption as this is intended as a long term tax policy decision and not a COVID-19 relief tool.
- Municipal Finance Officers' Association (MFOA) has also provided preliminary comments to the Province and has expressed the need for caution and due care to

ensure both the regulatory framework and subsequent implementation of any subclass supports long term strategic objectives in an efficient and effective manner.

- Staff will continue to review the implications of this program including the apparent effectiveness and report back to Council in Q2 of 2021.

Financial Considerations

There are no direct financial implications associated with this report as the Region will still collect the total tax levy. There will be an impact on other property owners not included in the optional subclass as a result of tax redistribution.

For modelling purposes, if 10% of the taxes from the existing commercial tax class are encompassed in a small business subclass and provided with a reduction of 22.5% (similar to vacant/excess land subclass discount) it would create an estimated \$1.5 million saving for eligible properties but increase the tax burden for residential property owners by an estimated \$1.2 million and the remaining impact is to other property classes including commercial properties not captured in the subclass. This results in approximately a 0.4% increase in annual taxes for the average household in Niagara.

Based on the above example using 10% of the taxation, which actually incorporates approximately 60% of all commercial properties in the Region, the eligible commercial properties in that sample would have a maximum assessment of 393,000. A 22.5% reduction would generate a maximum relief for these properties of approximately \$900 and an average relief of \$400 per property.

Analysis

On December 8, 2020 Provincial Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020 received Royal Assent. This omnibus budget bill introduced various amendments to existing property tax legislation for the 2021 taxation year. The more significant of these amendments is the optional small business tax subclass for which further discussion on implementation opportunities and challenges will follow.

Optional Small Business Tax Subclass Program Overview

- Upper-tier municipalities are able to adopt a new optional property subclass for small business properties starting 2021.
- Intended to target relief to small businesses.

- Municipalities will need to define small business eligibility.
- Province may consider matching any municipal property tax reductions adopted through this program.
- Any relief provided through the optional subclass using tax policy will shift added tax burden to other property owners (predominately residential owners which is 80% of the Regional tax base and other business properties that may not be eligible for the subclass).
- Any relief provided through an application based grant program for eligible properties would need to be funded through Regional and local budgets which would also be incorporated in the general levy distributed to all property classes.

Implementation Opportunities

- The ability to create the subclass gives municipalities a method to provide targeted relief to small businesses.
- The possibility of the Province providing equivalent matching relief by reducing education taxes for the new subclass would result in additional property tax relief for small businesses. This will likely be known with the release of the Provincial regulations and if not the Region would advocate for such relief.

Implementation Challenges

- Eligibility – The provincial government is proposing to allow the Region to define small business eligibility in a way that best meets local needs and priorities. The Region would need to consider how to define a “small business” in a way that can be captured in the MPAC assessment roll or through an application program. Although property classification is normally performed by MPAC, in this case municipalities may need to identify the roll numbers to be included in the small business class based on their chosen definition. Municipalities do not have broad experience in determining the eligibility of properties for a particular property class. Also, given the nature of small businesses eligible properties would need to be reviewed annually.

A small business can be defined in numerous ways including by number of employees, by property value, by a class of businesses, by businesses within a geographic area (e.g. located in a BIA), by sales revenue, etc. Most of this information is not part of the assessment roll. Input will be required from MPAC

as to how to define a small business and maintain the assessment roll in a practical manner.

- **Small Business Tenants** – It is not clear on how any tax benefit derived from the subclass may benefit the small businesses that rent building space for their operations. In many cases, small businesses are tenants in larger buildings and may not benefit from property tax savings directly or indirectly.
- **Inconsistency Across Municipalities** – Municipalities will need to determine eligibility criteria independently which will create a lack of consistency in application across the Province. Generally speaking, tax policy legislation is consistently applied for all 444 Ontario municipalities. The inconsistencies could create significant pressure for municipalities to adopt a subclass which may not align with long-term objectives or strategies.

It is also relevant to note that even the definition of a small business may be defined differently within Niagara municipalities. If a subclass were to be based on current value assessment, for example, this will create disparity across Niagara as a result of different assessment values. The average 2020 assessment for a commercial property in Niagara ranges from \$202,000 to \$1,452,000 depending on the municipality. Appendix 1 provides the average assessment range by municipality as well as the associated levy amounts.

The wide variation in assessment values for commercial properties in Niagara's municipalities would mean that in some cases, at a cap based on assessment of 393,000, approximate 70% of the existing commercial assessment base would be included in the new subclass for one municipality but only 4% for another. Therefore it would be challenging to create equity across Niagara municipalities and this has been expressed by Niagara's Area Treasurers as a priority principle for any tax relief program.

A preliminary review of the business types that would be captured in an assessment based program (used the property assessment of 393,000) shows that larger businesses that own multiple properties across the Region would likely benefit the most from the subclass. These larger business would include national telecommunication, energy, gas and larger real estate holding companies. Based on this, an assessment based approach may not be the most effective method of providing relief in comparison to a more targeted application based program which would require a greater implementation timeline and administration on the part of the local area municipalities.

- **Tax Shift to Other Property Tax Class** – The annual budget determines the amount of taxes to be levied and a variety of tax policies determines the property tax rates for each property class. Lowering the tax rate for a small business subclass shifts the tax burden onto other classes of property including residential, multi-residential, and other commercial/industrial properties that would not be eligible for the new subclass. The residential tax class represents 80% of the Region's assessment base. As such, based on the most recent BMA municipal study any shift in tax burden onto this class would further increase the relative tax burden as a percentage of household income for Niagara (Niagara = 5.2% compared to survey average of 4.8%).
- **Budget Implications** – Should the class be used for an application based relief program the funding requirement would be similar to that noted above regarding tax policy however it would require a budget funding source. For the Region and municipalities that have finalized their 2021 budgets this will require a change to approved budgets.
- **Timing/MPAC Support** – Staff do not believe that sufficient time is available in 2021 to properly implement such a subclass as the annual tax policy will need to be established by April. If implementation were to occur in 2021 there is a high risk that the program will not be successful in achieving desired outcomes. It may also result in in-year administrative complexities causing in-year budget impacts to municipalities in 2021 given that the MPAC assessment roll for 2021 has been finalized and delivered. It should also be noted that MPAC may not be supportive of adopting a subclass that has criteria based on anything other than assessed values or a common approach across all Ontario municipalities.
- **COVID-19 Impacts** – Some of the urgency of implementation may be tied to the impacts of COVID-19 on businesses. However, the financial impacts of COVID-19 are not just limited to small businesses but also effect larger business and residential households. This optional subclass would only address one subset of property owners at the expense of others.

Other Financial Programs Available to Businesses

While this new optional subclass represents another potential tool available for small business it will take time to implement. In the interim there are other supports for the business community that are currently being provided by the Province and Region specifically for COVID-19 assistance, including:

- Business Education Tax Reduction -
 - Addresses the wide range of business education tax (BET) rates across the Province by introducing a uniform rate for 2021.
 - Total annual business property tax saving across Province = \$450M
 - Niagara Commercial savings for 2021 = \$6.6M
 - Niagara Industrial savings for 2021 = \$2.8M
 - Total = \$9.4M
 - No action required for Region - provides property tax relief to non-residential properties without effecting Regional tax policy or other property classes.
- Ontario Personal Protective Equipment (PPE) Grant – provides small business with a one-time grant up to \$1,000 for PPE related expenditures.
- Ontario Property Tax and Energy Bill Rebates - Businesses that are, or were, required to shut down or significantly restrict services due to provincial public health measures can apply for rebates, provided in the form of grants, to help with their fixed costs including municipal/education property taxes and energy costs.
- Ontario Small Business Support Grant - Starting at \$10,000 for all eligible businesses, the grant will provide businesses with dollar for dollar funding to a maximum of \$20,000 to help cover decreased revenue expected as a result of the Province-wide Shutdown effective December 26, 2020.
- Tourism Adaption and Recovery Fund – will provide financial assistance ranging from \$2,500 to \$20,000 for tourism dependent businesses in Niagara to operate within Public Health protocols and thereby retain/create jobs.
- Canadian Emergency Business Account - The CEBA program offers interest-free credit of up to \$40,000 to eligible businesses through their financial institution. If the balance of the loan is repaid by the end of 2022, \$10,000 of the initial loan will be forgiven.
- Canadian Emergency Rent Subsidy - Canadian businesses, non-profit organizations, or charities who have seen a drop in revenue due to the COVID-19 pandemic may be eligible for a subsidy to cover part of their commercial rent or property expenses, starting on September 27, 2020, until June 2021.

Future Considerations

The decision to implement the optional subclass resides with Regional Council which is consistent with other tax policy decisions. The Treasurers from the Region and the Local Area Municipalities have had preliminary discussions on this item and will continue to do so during 2021. Preliminary discussions have also occurred between Regional finance and economic development staff. These preliminary discussions have focussed on both the opportunities and challenges outlined in this report, specifically the challenges that the redistribution of taxes from the subclass may have on other property owners and the disproportionate benefit by municipality that may occur if the subclass eligibility is based on assessed values only.

The Municipal Finance Officer' Association (MFOA) has also provided preliminary comments to the Province and has expressed the need for caution and due care to ensure both the regulatory framework and subsequent implementation of any subclass supports long term strategic objective. MFOA further has commented that municipalities will need time to understand the costs and benefits of the optional small business property subclass including the ongoing toll of administering this specialized class on already stretched resources. Further to this, MFOA notes the importance of ensuring that the solution matches the problem and that the implementation of the subclass is equitable, effective, and efficient.

The proposed changes affect businesses in the retail, food, and accommodation services industry. These businesses represent a significant part of Niagara's economy, and one that has been particularly hard hit by the COVID-19 pandemic. However, excluded from the proposed changes are businesses in the manufacturing, agriculture, and food processing sectors. As a result, the optional small business tax subclass change would favour one sector of the economy over another while at the same time shift the tax burden to residents, who are also being affected by the on-going pandemic.

Further reviews and recommendations may be developed once the Regulations have been published by the Provincial government.

Alternatives Reviewed

Council may provide direction to implement the subclass for the 2021 taxation year however this is not recommended due to the outstanding regulations and necessary analysis. Due to this delay, if implemented in 2021, could lead to delays in the tax rate by-laws for the Region and local area municipalities, tax billing and impact cash flow.

Alternatively, after tax rates are set, it would likely create a negative variance in the annual tax write-off budget as any change to be implemented after the 2021 roll return would cause in-year tax write-offs/adjustments.

Relationship to Council Strategic Priorities

This report addresses Council's priority of Businesses and Economic Growth.

Other Pertinent Reports

None.

Prepared by:

Helen Chamberlain, CPA, CA
Director, Financial Management &
Planning/Deputy Treasurer
Corporate Services

Recommended by:

Todd Harrison, CPA, CMA
Commissioner/Treasurer
Corporate Services

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Margaret Murphy, Associate Director, Budget Planning & Strategy, Rob Fleming, Senior Tax & Revenue Analyst and Ken Scholtens, Manager, Business Development & Expedited Services.

Appendices

Appendix 1 Average Commercial Property Assessment Values by Municipality

Reassessment Related CVA and CVA Tax Change: Typical Commercial Properties (CT and XT)

Municipality	Average CVA			2019 Municipal General Levy			2020 Municipal General Levy			Phase-In Related	
	2019	2020	Change	Region	Local	Combined	Region	Local	Combined	Tax Shift	
Fort Erie	349,990	358,440	2.41%	\$3,438	\$4,145	\$7,583	\$3,396	\$4,153	\$7,549	-\$34	-0.45%
Grimsby	947,280	1,018,496	7.52%	\$9,306	\$4,192	\$13,498	\$9,650	\$4,265	\$13,915	\$417	3.09%
Lincoln	569,426	590,933	3.78%	\$5,594	\$4,313	\$9,907	\$5,599	\$4,286	\$9,885	-\$22	-0.22%
Niagara Falls	1,393,877	1,451,965	4.17%	\$13,694	\$10,547	\$24,241	\$13,756	\$10,570	\$24,326	\$85	0.35%
Niagara-on-the-Lake	1,346,417	1,409,804	4.71%	\$13,227	\$4,844	\$18,071	\$13,357	\$4,858	\$18,215	\$144	0.80%
Pelham	429,196	443,616	3.36%	\$4,216	\$3,803	\$8,019	\$4,203	\$3,814	\$8,017	-\$2	-0.02%
Port Colborne	301,043	312,578	3.83%	\$2,957	\$4,499	\$7,456	\$2,961	\$4,548	\$7,509	\$53	0.71%
St. Catharines	712,610	744,095	4.42%	\$7,001	\$6,628	\$13,629	\$7,050	\$6,696	\$13,746	\$117	0.86%
Thorold	452,685	470,680	3.98%	\$4,447	\$4,605	\$9,052	\$4,459	\$4,653	\$9,112	\$60	0.66%
Wainfleet	190,810	202,738	6.25%	\$1,875	\$2,018	\$3,893	\$1,921	\$2,056	\$3,977	\$84	2.16%
Welland	453,009	468,759	3.48%	\$4,450	\$6,263	\$10,713	\$4,441	\$6,310	\$10,751	\$38	0.35%
West Lincoln	374,431	383,100	2.32%	\$3,678	\$2,245	\$5,923	\$3,630	\$2,192	\$5,822	-\$101	-1.71%
Region Average	780,590	814,152	4.30%	\$7,669	\$7,070	\$14,739	\$7,714	\$7,131	\$14,845	\$106	0.72%
Region Median	278,000	291,000	0.00%	\$2,731	\$2,518	\$5,249	\$2,757	\$2,549	\$5,306	\$57	1.09%

Subject: Establishment of Diversity Related Advisory Committees

Report to: Corporate Services Committee

Report date: Wednesday, February 17, 2021

Recommendations

1. That the Terms of Reference for the Diversity, Equity, and Inclusion Advisory Committee, attached as Appendix 1 to Report CLK 1-2021, **BE APPROVED**;
2. That one Regional Councillor **BE APPOINTED** to the Diversity, Equity, and Inclusion Advisory Committee;
3. That staff **BE DIRECTED** to advertise for interested residents to serve on the Diversity, Equity, and Inclusion Advisory Committee based on the criteria described in Report CLK 1-2021; and
4. That in consultation with the Diversity, Equity, and Inclusion Committee, staff **BE DIRECTED** to report back to Council on progress and any additional resources required to establish and launch an Anti-Racism Advisory Committee and a 2SLGBTQQIA+ Advisory Committee by September 30, 2021.

Key Facts

- Regional Council passed a motion to join the Coalition of Inclusive Municipalities (CIM) on September 19, 2019, and signed a joint declaration to join the CIM along with the 12 Local Area Municipalities on September 18, 2020
- At the Corporate Services Committee meeting held on October 14, 2020, staff were requested to provide a report 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
- At its meeting held on December 17, 2020, Regional Council endorsed the establishment of the Diversity, Equity, and Inclusion Advisory Committee and requested establishment of an Anti-Racism Advisory Committee and an 2SLGBTQQIA+ Advisory Committee
- The purpose of this report is to seek approval for a Terms of Reference for the DEI Advisory Committee, and provide membership requirements for consideration for an Anti-Racism Advisory Committee, and a 2SLGBTQQIA+ Advisory Committee

- The DEI Advisory Committee will provide support and guidance for the development of the DEI Action Plan to advance CIM commitments for the Region and 12 Local Area Municipalities
- Phasing the launch of the Anti-Racism Advisory Committee and the 2SLGBTQQIA+ Advisory Committee to occur after the establishment of the DEI Advisory Committee will provide time to establish clear governance, policies, procedures, and coordination between all diversity related Advisory Committees, including the Women's Advisory Committee and the Accessibility Advisory Committee, and to assess resource requirements to support these new committees

Financial Considerations

Costs associated with the creation and maintenance of the Committees include administrative resources and staff time. Additional resources may be required to support the new committees. Staff will report back on financial implications prior to the launch of the Anti-Racism Advisory Committee and the 2SLGBTQQIA+ Advisory Committee.

To remove barriers to participation, policy advice will be sought from the DEI Advisory Committee regarding reimbursement of expenses and/ or per diem support for Committee members with lived experience of marginalization and low income. It is not expected that all Committee members would meet the criteria for reimbursement. Should all members seek reimbursement the projected cost would be \$10,000 for all three Committees.

The estimated budget for the Committees is \$6,000 for 2021, including a provision for Committee member reimbursement. All of these potential costs have been contemplated and can be accommodated within the Council approved 2021 budget for the work associated with joining the Coalition of Inclusive Municipalities and will be included in future operating budgets.

Analysis

Background

On September 18, 2020, Niagara Region joined the Coalition of Inclusive Municipalities (CIM) and in doing so, has pledged to support the 10 common commitments to build respectful, inclusive, and diverse societies. In order to create a Diversity, Equity, and Inclusion (DEI) Action Plan to address these common commitments, Council endorsed

the hiring of a Diversity, Equity, and Inclusion Program Manager, who began work in late August 2020.

Progress to date has included establishing a corporate DEI Working Group, a corporate DEI Interest Group, a working group of Local Area Municipality representatives, and collaborating with a Diversity Group from Seniors Services. In addition to supporting the creation of the DEI Action Plan, these groups have identified some “quick start” areas to focus on for 2021 and are collaborating to:

- Develop a best practices guide for human resources recruitment, hiring, and promotion
- Compile a list of DEI related training opportunities
- Create opportunities for staff training
- Review current land acknowledgements

A number of training sessions have been launched. Leela MadhavaRau, the Director of Human Rights and Equity at Brock University, facilitated a Diversity & Inclusion Training for Regional Councillors at the end of 2020. An Indigenous Speakers Series for Regional staff will occur in February and March 2021. New leaders in Niagara Region’s Leader’s Edge program will participate in a two-part training called ‘Addressing Bias and Discrimination’, also in February and March 2021.

A Regional staff engagement survey conducted in November 2020, provided the opportunity to establish a baseline of staff demographics regarding race/ethnicity, gender, sexual orientation, religious affiliation, and disability. This preliminary data will be used to ensure diverse staff voices are heard in creating the DEI Action Plan, and will guide the measurements of success to be proposed in the DEI Action Plan.

Staff have begun to develop the DEI Action Plan based on the five-step Drivers Model: 1) assess the current state, 2) develop the vision, 3) identify barriers and critical success factors, 4) define goals, objectives, and strategies, and 5) develop a monitoring plan. It is proposed that the diversity related Advisory Committees participate in this process, which will in turn support the development of their work plans for future years.

At its meeting held on December 17, 2020, Regional Council approved a motion to endorse the establishment of a DEI Advisory Committee, and staff were directed to prepare a report respecting a draft Terms of Reference, including membership requirements for a DEI Advisory Committee, an Anti-Racism Advisory Committee, and a

2SLGBTQQIA Advisory Committee for consideration at the Corporate Services Committee being held on February 17, 2021.

Staff recommend that the DEI Advisory Committee be established immediately, and the Anti-Racism and 2SLGBTQQIA+ Advisory Committees have a phased launch date of September 2021 to allow time to establish clear governance, policies, and procedures, and coordination between all diversity related Advisory Committees, including the Women's Advisory Committee and the Accessibility Advisory Committee, and to assess resource requirements to support these new committees.

The Region does not currently have a policy providing for the reimbursement of expenses and compensation for Committee members. Advice will be sought from the DEI Advisory Committee on options to reimburse expenses and/or compensate Committee members, including people with lived experience of marginalization and low income to remove barriers to participation.

It is proposed that members be appointed to the inaugural committees for a period of two (2) years to coincide with the current term of Council. Membership shall be approved by Council in accordance with membership requirements in the Terms of Reference.

Advisory Committee Criteria and Size

Staff researched Diversity, Anti-Racism, and 2SLGBTQQIA+ Advisory Committees that have been established in other Canadian cities, including Hamilton, Vancouver, Windsor, St. Catharines, Peel, and London, and consulted with the Niagara Regional DEI Working Group, to develop the content of the Terms of Reference, the membership criteria, and committee size.

Staff recommend that the DEI Advisory Committee be established with a maximum of eleven (11) members, and the 2SLGBTQQIA+ and Anti-Racism Advisory Committees have between seven (7) and nine (9) members, each including one (1) member of Regional Council. The aim is for each committee to have sufficient diversity and representation while maintaining efficiency. One (1) designated staff member shall serve as staff liaison for each Committee. Other staff may be requested to join meetings or support the work of this committee as the need arises.

Diversity, Equity, and Inclusion Advisory Committee Mandate and Goal

Staff recommend that the mandate of the DEI Advisory Committee is to provide support to staff in the drafting and implementation of a Diversity, Equity, and Inclusion Action Plan and provide recommendations, advice, and information to Regional Council and Regional Staff on matters pertaining to diversity, equity, and inclusion.

The recommended goal of the DEI Committee is to address bias and discrimination and its negative impacts on quality of life, safety, health, and inclusion for the diverse communities in Niagara, providing a safe place for all people to voice their opinions in order to work together to promote and foster understanding and inclusion in Niagara.

Diversity, Equity, and Inclusion Advisory Committee Membership

The community members recommended for appointment to the DEI Advisory Committee should represent the diversity of the Region and broad cross-section of residents, including geographical and gender balance. An intersectional approach should be taken to ensure representation by community members with lived experience or service in agencies related to one or more of the following areas:

- Ethnocultural and linguistic diversity
- Francophone
- New immigrants
- Indigenous communities
- 2SLGBTQQIA+ individuals
- Individuals with disabilities, including mental health disabilities
- Seniors/older adults
- Individuals living with low income or experiencing homelessness
- Post-secondary students/youth
- Faith-based diversity

It is proposed that four (4) of the ten (10) resident members recommended for appointment to the Committee shall be members of the following other Advisory committees at Niagara Region. There shall be one member each from the Accessibility Advisory Committee, and Women's Advisory Committee. Once the Anti-Racism Committee and the 2SLGBTQQIA+ Committee are established, one representative from each committee would also join the DEI Advisory Committee.

2SLGBTQQIA+ Advisory Committee Membership

The community members recommended for appointment to the 2SLGBTQQIA+ Advisory Committee should come from diverse backgrounds. An intersectional approach should be taken to ensure representation by community members with:

- A history of working to advance equity for the 2SLGBTQQIA+ community
- Experience in considering broader and structural interests of the 2SLGBTQQIA+ community
- Representing vulnerable individuals who have experienced the impacts of discrimination on the basis of sex, gender, and/or sexual orientation

It is proposed that the majority of individuals on the 2SLGBTQQIA+ Advisory Committee should be individuals who identify as part of the 2SLGBTQQIA+ community. It is proposed that one (1) member of the 2SLGBTQQIA+ Advisory Committee, preferably the Chair or Vice Chair of the Committee, will also be a member of the DEI Advisory Committee. This member shall serve as a liaison between the diversity-related committees and facilitate interactions between them as required.

Anti-Racism Advisory Committee Membership

The community members recommended for appointment to the Anti-Racism Advisory Committee should come from diverse backgrounds. An intersectional approach should be taken to ensure representation by community members with:

- A history of working to advance equity for the Black and/or Indigenous community
- Experience in considering broader and structural interests of the Black and Indigenous community
- Representing vulnerable individuals who have experienced the impacts of racism and discrimination

The majority of individuals on the Anti-Racism Advisory Committee should be individuals who identify as Black, Indigenous, or People of Colour (BIPOC).

It is proposed that one (1) member of the Anti-Racism Advisory Committee, preferably the Chair or Vice Chair of the Committee, will also be a member of the DEI Advisory Committee. This member shall serve as a liaison between the diversity-related committees and facilitate interactions between the committees as required.

Considerations

An alternative option to the above recommendation is to establish all three Advisory Committees at the same time. Staff do not recommend this option based on the following considerations:

- A significant interest is expected for committee members for these three committees. Recruitment of the Women's Advisory Committee resulted in 60 applications. Phasing the start of two committees will allow staff sufficient time to properly review each submission to recommend the most suitable committee members.
- Additional time is required to establish clear governance, policies and procedures, and coordination between all diversity related Advisory Committees.
- At the moment, there is one contract staff and one temporary Intern assigned to the Diversity, Equity, and Inclusion portfolio, who are also supporting the Women's Advisory Committee, an internal staff working group, a Local Area Municipalities working group, and the development of the DEI Action Plan. Two staff in the clerks department currently support the agenda development and minutes for 14 committees, in addition to their other areas of responsibility.
 - To ensure the committees are supported and can function efficiently, establishing these new committees will require additional staff to provide the research, information, professional expertise, and collaboration required to support the committees. Further time is required to quantify these resource requirements.

Relationship to Council Strategic Priorities

The creation of the diversity-related advisory committees supports Regional Council's Strategic Priorities by **Supporting Business and Economic Growth**, as research indicates that culturally diverse regions are more innovative and economically prosperous. The recommendations, advice, and information provided by these committees will strengthen the Region's ability to create a safe and inclusive community for the increasingly diverse populations living in Niagara, which promotes a **Healthy and Vibrant Community**. The diversity-related advisory committees will help foster a more **Sustainable and Engaging Government** by enhancing Council's ability to provide innovative, and inclusive customer-focused services through reaching and maximizing the assets of Niagara's diverse community members.

Other Pertinent Reports

- [CAO 23-2020](#) – Diversity, Equity, and Inclusion Advisory Committee Recommendations
- [CAO 14-2019](#) - Actions & Resources to Join the Coalition of Inclusive Municipalities
- [COM 14-2019](#) - Canadian Coalition of Municipalities Against Racism and Discrimination (CCMARD)

Prepared by:

Cassandra Ogunniyi
Diversity, Equity and Inclusion Program
Manager
Corporate Strategy and Innovation

Recommended by:

Natalie Early
Director
Corporate Strategy and Innovation

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Jayzer Flores, Diversity, Equity and Inclusion Student, Matthew Trennum, Deputy Regional Clerk, and reviewed by Ann-Marie Norio, Regional Clerk, Jodie Middleton, Organizational Development & Talent Acquisition Manager, Andrew Korchok, Communications Consultant, Mike Ogunlaja, Project Manager, Pam Abeysekara, Policy Advisor, Steve Murphy, Accessibility Advisory, and Jacalyn Winger, Community Health Broker.

Appendices

Appendix 1 Diversity, Equity, and Inclusion Advisory Committee Terms of Reference

DIVERSITY, EQUITY, AND INCLUSION (DEI) ADVISORY COMMITTEE TERMS OF REFERENCE

Appendix to Report CLK 1-2021

**Recommended for Approval by the Corporate Services Committee on February
17, 2021**

Ratified by Regional Council on

Consolidated Version as of

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1. PREFACE

The Regional Municipality of Niagara and the 12 Local Area Municipalities affirmed their support for Diversity, Equity, and Inclusion (DEI) when they signed a joint declaration to join the Coalition of Inclusive Municipalities (CIM) on September 18, 2020. The objectives of the Coalition are to improve municipal practices for social inclusion, establish policies to eradicate racism and discrimination, and promote human rights and diversity. There are ten common commitments to guide municipalities in developing policies and programs, which focus on challenging racism and discrimination and providing opportunities for community members from all backgrounds to have a voice and participate in decision making in areas including housing, police, education, employment, and the labour market.

A glossary of terms to assist with understanding diversity, equity, and inclusion have been provided at the end of the Terms of Reference.

2. MANDATE

The Niagara Region Diversity, Equity, and Inclusion Advisory Committee (DEIAC) is an advisory body established by the Regional Municipality of Niagara in accordance with the following Terms of Reference. The Committee will provide support to staff in the drafting and implementation of a Diversity, Equity, and Inclusion Action Plan and shall provide recommendations, advice, and information to Regional Council and Regional Staff on matters pertaining to diversity, equity, and inclusion.

3. GOAL AND PURPOSE

The goal of the Committee is to address bias and discrimination and its negative impacts on quality of life, safety, health, and inclusion for the diverse communities in Niagara providing a safe place for all people to voice their opinions in order to work together to promote and foster understanding and inclusion in Niagara.

The purpose of the Committee is to:

- Advise and provide recommendations on the development and review of policies and procedures to ensure they reflect Niagara Region's commitment to fostering diversity and inclusion within the organization, and within the community
- Engage and facilitate discussions with community groups to achieve a greater understanding of the strengths and needs of residents of diverse backgrounds and abilities to identify opportunities for collaboration and support between groups, recognizing that each diverse group will require unique approaches and solutions

- Collaborate with other civic agencies and local community groups and partners including the initiation and development of relevant programs, services, events and projects identifying opportunities for education, collaboration, support, and engagement to promote equity, inclusion, and the elimination of discrimination

When matters benefit from input from more than one equity-seeking committee the DEIAC will be asked to provide input or may be asked to attend joint meetings with other Advisory Committees.

4. REPORTING STRUCTURE

The DEIAC will report to Regional Council through the Corporate Services Committee.

5. BUDGET

The DEIAC shall have an annual operating budget to be used for valid Committee purposes as detailed in the budget approved by Regional Council for the current year and aligned with the annual Committee work plan. Corporate Services and Innovation Division shall submit a budget request each year to Regional Council for consideration and approval.

6. MEMBERSHIP

a. Term

There shall be a maximum of eleven (11) members on the DEIAC. Membership for the DEIAC shall include:

- One (1) Regional Councillor
- The Chair or Vice Chair of the following Advisory Committees:
 - Accessibility Advisory Committee
 - Anti-Racism Advisory Committee
 - 2SLGBTQQIA+ Advisory Committee
 - Women's Advisory Committee
- Six (6) additional community members

One (1) designated staff member shall serve as staff liaison. Other staff may be requested to join meetings or support the work of this committee as need arises.

The members shall represent the diversity of the Region and broad cross-section of residents, including geographical and gender balance. An intersectional approach

should be taken to ensure representation by community members with lived experience or service in agencies related to one or more of the following areas:

- Ethnocultural and linguistic diversity
- Francophone
- New immigrants
- Indigenous communities
- LGBTQ2S+ individuals
- Individuals with disabilities, including mental health disabilities
- Seniors/older adults
- Individuals living with low income/homeless
- Post-secondary students/youth
- Faith-based diversity

All attempts will be made to stay within the guideline composition; however, if the applications received or the qualifications of applicants do not fully address the guideline composition criteria, the most capable and qualified applicants will be recommended for appointment to fulfill the membership composition.

b. Term

The term of membership shall be two years. Membership shall be approved by Council in accordance with membership requirements in the Terms of Reference.

7. ROLES & RESPONSIBILITIES

a. Chair & Vice Chair

A Chair and Vice Chair will be elected from Committee members on a biannual basis at the first meeting of the new year to preside over meetings and Committee business. The Chair and Vice Chair of the Committee shall be members of the public. Committee criteria considerations will be used during the selection of the Chair and Vice Chair.

It is the role of the Chair to preside over Committee meetings so that its business can be carried out efficiently and effectively, and to act as liaison between the Committee, Regional Council, and other committees. It is the role of the Vice Chair to preside over Committee meetings and act as a liaison in the absence of the Chair.

b. Committee Members

All DEIAC members, including the Chair and Vice Chair, have the responsibility to help achieve the Committee's Mandate and Purposes. Committee members are also responsible for:

- Reviewing meeting materials in advance of the meetings and arriving prepared to provide a broad perspective on the issues under consideration;
- Contributing to the creation of an annual work plan;
- Working diligently to complete assigned activities;
- Participating on working groups, as appropriate;
- Agreeing to describe, process, and resolve issues in a professional and respectful manner;
- Providing input to help identify future projects or strategic priorities for future years' work;
- Communicating activities of the Committee to groups represented or those who may have an interest and offer information back to the Committee

8. WORKING GROUPS

To fulfill its mandate and accomplish its goals, the DEIAC may establish working groups to deal with specific issues or projects. Working groups are considered to be time-limited, project specific sub-committees of the DEIAC in that they are convened to accomplish a specific task (or tasks) in a narrowly defined time period.

Working groups must be comprised of at least one member of the DEIAC and may include community members and other individuals with relevant knowledge and expertise.

Working groups shall be chaired where possible by a voting member of the DEIAC and shall provide regular updates to the DEIAC regarding recommendations on assigned projects. Minutes of the meetings of the working group shall be recorded and submitted to the DEIAC for proper directing through the approval process. Working groups may meet at a time and place as decided by the members of the working group.

9. RESOURCES

Corporate Strategy and Innovation is the designated lead department providing resource support for the Diversity, Equity, and Inclusion Advisory Committee.

The DEIAC also has access to the technical expertise of staff from other Regional departments and is encouraged to collaborate with specific internal departments to implement specific initiatives within the Region through the initiation of the Committee Chair in conjunction with the Staff Liaison.

The DEIAC is encouraged to collaborate with the Accessibility Advisory Committee, and Women's Advisory Committee, and any other relevant Advisory Committee.

The DEIAC shall receive administrative support from the Office of the Regional Clerk for meeting and agenda management.

10. MEETINGS

The DEIAC shall meet at least six times per year, and may meet more frequently if required. A meeting schedule should be set for the DEIAC and circulated to the members for approval each year. Should a time sensitive matter arise requiring immediate attention, the DEIAC may meet at the discretion of the Chair.

The DEIAC meetings will be held at Regional Headquarters or in a virtual format at a time as determined by the members. All meetings will be open to the public. The Region shall provide accommodations for those that have barriers to connecting to meetings virtually.

Meetings shall be governed by the Region's Procedural By-law, being a by-law to govern the calling, place and proceedings of the meetings of Council and its Committees, as may be amended from time-to-time.

A committee member who is unable to attend a meeting, shall forward their regrets to the Office of Regional Clerk as soon as possible. Should the Office of Regional Clerk not have confirmation of quorum 24 hours prior to the meeting, the meeting shall be cancelled.

11. ABSENTEEISM

Members who miss three unauthorized consecutive meetings shall be deemed to have resigned from the Committee and will be notified of this in writing by the Committee Chair.

12. AMENDMENTS TO THE TERMS OF REFERENCE

The Terms of Reference should be reviewed and refined at a minimum of every two years to ensure that they remain current and meaningful.

Proposals to amend the Terms of Reference shall require the approval of a majority of the members present. Proposed amendments to the Terms of Reference shall be submitted to Regional Council for Approval.

13. GLOSSARY OF TERMS

Discrimination: The treatment or consideration based on class or category rather than individual merit and that can be used to privilege (special treatment in favour of) as well as disadvantage (special treatment against) a particular group or individual.

Diversity: The presence of differences in the lived experiences and perspectives of people that may include race, ethnicity, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical ability, mental disability, sex, gender identity or expression, sexual orientation, age, class, education, and/or socio-economic situations. Individuals affiliate with multiple identities.

Equity: The fair treatment, access, opportunity, and advancement for all people. It involves striving to identify and eliminate unfair biases, stereotypes, or barriers that may limit the full participation of individuals or groups in society.

Inclusion: An active, intentional, and continuous process to address inequities in power and privilege, and build a respectful and diverse community that ensures welcoming spaces and opportunities for all to fully participate and flourish.



REGIONAL MUNICIPALITY OF NIAGARA
POLICE SERVICES BOARD

5700 VALLEY WAY, NIAGARA FALLS, ONTARIO L2E 1X8

Tel: (905) 688-4111 Fax: (289) 248-1011
E-mail: psb@niagarapolice.ca
Website: www.niagarapolice.ca

December 2, 2020

SENT BY EMAIL

Ann-Marie.Norio@niagararegion.ca

Todd.Harrison@niagararegion.ca

Ms. Ann-Marie Norio, Regional Clerk
Regional Municipality of Niagara
1815 Sir Isaac Brock Way
P.O. Box 1042
Thorold, ON
L2V 4T7

Dear Ms. Norio:

**Re: Special Duty Billable Rate Schedule - Effective Date December 1, 2020
Item 8.2 – 2020.11.26**

At its Public Meeting held November 26, 2020, the Regional Municipality of Niagara Police Services Board considered Service report dated November 10, 2020 requesting the Board approve a revision to the Special/Paid Duty Rates outlined in the proposed By-law 388-2020 to update the billing rate schedule for NRPS Constables and Sergeants that will come into effect on December 1, 2020 in accordance with the 2020 Arbitration Award. The following motion was passed:

'That subject to approval of Regional Council, the Board approve the revised Special Duty Rates for Constables and Sergeants;

And further, that the Board adopt By-law No. 388-2020 as appended to the report and authorize the Acting Chair to execute the required documentation;

And further, that By-law No. 388-2020 be forwarded to Regional Council for approval. Carried.

Further to Board direction, I would ask that you take the appropriate action. I have enclosed a copy of the executed By-law 388-2020 for Council approval and further for inclusion in a consolidated fees and charges by-law for all Regional departments, boards and agencies. A copy of the Service report is also enclosed for your reference.

I would request that notification of the resolution passed by Regional Council be provided to me when available.

Yours truly,

Deb Reid
Executive Director

:dc

Encl.

c. Chief of Police B. MacCulloch, Niagara Regional Police Service
Mr. T. Harrison, Commissioner/Treasurer, RMPN



NIAGARA REGIONAL POLICE SERVICE Police Services Board Report

PUBLIC AGENDA

Subject: Special Duty Billable Rate Schedule – Effective December 1, 2020
Report To: Chair and Members, Niagara Police Services Board
Report Date: 2020-11-10



Recommendation(s)

That the Niagara Police Services Board approve the revised Special/Paid Duty Rates schedule on By-Law 370-2017 effective for December 1, 2020; and direct staff to ensure that all documentation be revised accordingly.

Key Facts

- The purpose of this report is to update By-Law 370-2017 Special/Paid Duty Rates schedule effective December 1, 2020, based on the recently arbitrated Niagara Regional Police Association Burkett wage settlement for Uniform and Civilian positions.
- Special/Paid Duty billable rate schedules are established with the object of recovering the cost of providing the service.
- Special Duties are defined in the Niagara Region Police Association (NRPA) and Senior Officer Association (SOA) Collective agreements as *"duties assigned to members apart from their regular duties, resulting from the request of individuals, corporations or organizations for special services....Such duty is to be paid for at the rate fixed by the Niagara Regional Police Board..."*
- Special/Paid Duty billable rate schedule for By-Law 370-2017 as outlined in Appendix 1 has been updated with the recent December 1, 2020, arbitrated Burkett award for NRPA Uniform and Civilian wages.

Financial Considerations

The billable rate fees for Special/Paid Duties are established with the objective of recovering the cost of providing the service. The current published billable rates are based on salary rates as per the 2016-2019 Niagara Region Police Association (NRPA) Collective Agreement. By approving the recommendation to update the Special/Paid Duty billable rates to the recently arbitrated NRPA 2020 Burkett award will ensure the Service continues to recover the cost of providing the service.

Analysis

Special Duties are defined in the Collective Agreement as “...duties assigned to members apart from their regular duties, resulting from the request of individuals, corporations or organizations for special services... Such duty is to be paid for at the rate fixed by the Niagara Regional Police Board...” The rate applicable to a Special Duty Officer is specified as “... the overtime rate for a First Class Constable.”

The Performance Allowance provisions of the Collective Agreement stipulate that it is to be included in the calculation of Special Duty Pay. The payroll system is configured to capture a single rate of pay for each category of Special Duty participant. Consequently, the rate of pay with full Performance Allowance has been implemented (i.e. rate for 23 years of service). Also, an administrative fee equal to twenty percent of the total amount charged for officers has been included in the final fee. This is consistent with the methodology of establishing previous Special Duty fees and is intended to cover costs such as benefits, vehicle operations and administrative functions.

Appendix 1 outlines the Special/Paid Duty billable rate based on the contract rate of pay as at December 1, 2020, for Constables and Sergeants.

At this time, with the Senior Officers' collective agreement still outstanding, Inspector Special/Paid Duty rates remain based on the rate of pay effective January 1, 2019. A separate report to follow soon after the outstanding contract is settled.

Alternatives Reviewed

No alternatives are proposed.

Relationship to Police Service/Board Strategic Priorities

The Board determines the appropriate user fees in respect of certain services provided by the Niagara Regional Police Service.

Relevant Policy Considerations

- Financial Reporting, Control and Procurement of Goods and Services in the Niagara Regional Police Service By-Law 384-2019.
- By-Law 370-2017- Special/Paid Duty Rates 2017/2018/2019.
- By-Law 371-2017 User Fees and Charges for Services Provided by the NRPS - 371-2017.
- Niagara Regional Police Association Collective Agreement January 1, 2020 to December 31, 2020.

Other Pertinent Reports

- None

This report was prepared by Finance Manager, Laura Rullo, and recommended by Bill Fordy, Deputy Chief of Police, Support Services.



Submitted by:

Bryan MacCulloch, M.O.M. #5835
Chief of Police

Appendices

Appendix 1 Special Duty Billable Rate Table – Effective December 1, 2020



BY-LAW NO. 388-2020

**A BY-LAW TO AMEND CERTAIN CHARGES FOR POLICE SERVICES
SPECIAL/PAID DUTY RATES 2019/2020**

1. PREAMBLE

- 1.1 WHEREAS the Regional Municipality of Niagara Police Services Board is responsible for the provision of police services and for law enforcement and crime prevention in the Regional Municipality;
- 1.2 AND whereas the Board has determined that it is appropriate to charge user fees in respect of certain service provided to any person;
- 1.3 AND whereas section 391 of the *Municipal Act, 2001, S.O., c.25*, and amendments thereto, provides that a local board may pass by-laws imposing fees or charges on any class of persons for, inter alia, services or activities provided or done by or on behalf of it;
- 1.4 AND whereas section 396(1)(b) of the *Municipal Act, 2001, S.O., c.25*, and amendments thereto, provides that discounts and other benefits for early payment of fees and charges may be given;
- 1.5 AND whereas section 396(1)(c) of the *Municipal Act, 2001, S.O., c.25*, and amendments thereto, provides that variable fees are considered appropriate by the Board may be charged in respect of such services;
- 1.6 AND whereas the said section 397 of the *Municipal Act, 2001, S.O., c.25*, and amendments thereto, requires that the Regional Municipality must pass a resolution approving the said by-law before it comes into force.

NOW THEREFORE THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD ENACTS AS FOLLOWS:

2. DEFINITIONS

- 2.1 "Board" means the Regional Municipality of Niagara Police Services Board;
- 2.2 "Member" means a Member of the Niagara Regional Police Service;

- 2.3 "Person" means any member of the public and includes an individual, sole proprietorship, partnership, corporation, any other police service, and any other government body or agency;
- 2.4 "Police Service" means the Niagara Regional Police Service;
- 2.5 "Regional Municipality" means the Regional Municipality of Niagara.

3. CHARGES FOR SERVICE

- 3.1 Subsection 2.1 of By-law 178-1999, By-law 251-2001, By-law 266-2004, By-law 280-2006, By-law 303-2010, and subsection 3.1 of By-law 337-2013, By-law 339-2013, By-law 349-2014, By-law 351-2014, By-law 368-2017, and By-law 370-2017 are hereby amended by deleting the previously listed regular, overtime and holiday rates, and inserting the attached special duty rates for the ranks of Constable, Sergeant and Inspector.

4. REPEAL OF FORMER BY-LAW

- 4.1 The provisions of By-law No. 370-2017 and other By-laws, sections of By-laws and certain charges for special duty rates of the Police Service inconsistent with the provisions of this By-law are hereby repealed and replaced by this by-law.


5 ENACTMENT

- 5.1 This By-law shall come into force December 1, 2020, subject to approval by Council of the Regional Municipality of Niagara.

ENACTED AND PASSED this 26th day of November, 2020.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD

Chairperson



Executive Director



Attachments (2)

**NIAGARA REGIONAL POLICE SERVICE
SPECIAL DUTY RATES EFFECTIVE DECEMBER 1, 2020**

HOURS	CONSTABLE		SERGEANT	
	REGULAR RATE	HOLIDAY RATE	REGULAR RATE	HOLIDAY RATE
	CHARGE PER OFFICER	CHARGE PER OFFICER	CHARGE PER OFFICER	CHARGE PER OFFICER
3	\$291	\$388	\$329	\$438
3 1/4	\$316	\$421	\$356	\$475
3 1/2	\$340	\$453	\$383	\$511
3 3/4	\$364	\$485	\$411	\$548
4	\$388	\$518	\$438	\$584
4 1/4	\$413	\$550	\$466	\$621
4 1/2	\$437	\$582	\$493	\$657
4 3/4	\$461	\$615	\$520	\$694
5	\$485	\$647	\$548	\$730
5 1/4	\$510	\$680	\$575	\$767
5 1/2	\$534	\$712	\$603	\$803
5 3/4	\$558	\$744	\$630	\$840
6	\$582	\$777	\$657	\$876
6 1/4	\$607	\$809	\$685	\$913
6 1/2	\$631	\$841	\$712	\$949
6 3/4	\$655	\$874	\$739	\$986
7	\$680	\$906	\$767	\$1,022
7 1/4	\$704	\$938	\$794	\$1,059
7 1/2	\$728	\$971	\$822	\$1,095
7 3/4	\$752	\$1,003	\$849	\$1,132
8	\$777	\$1,036	\$876	\$1,169
8 1/4	\$801	\$1,068	\$904	\$1,205
8 1/2	\$825	\$1,100	\$931	\$1,242
8 3/4	\$849	\$1,133	\$959	\$1,278
9	\$874	\$1,165	\$986	\$1,315
9 1/4	\$898	\$1,197	\$1,013	\$1,351
9 1/2	\$922	\$1,230	\$1,041	\$1,388
9 3/4	\$947	\$1,262	\$1,068	\$1,424
10	\$971	\$1,294	\$1,095	\$1,461
10 1/4	\$995	\$1,327	\$1,123	\$1,497
10 1/2	\$1,019	\$1,359	\$1,150	\$1,534
10 3/4	\$1,044	\$1,391	\$1,178	\$1,570
11	\$1,068	\$1,424	\$1,205	\$1,607
11 1/4	\$1,092	\$1,456	\$1,232	\$1,643
11 1/2	\$1,116	\$1,489	\$1,260	\$1,680
11 3/4	\$1,141	\$1,521	\$1,287	\$1,716
12	\$1,165	\$1,553	\$1,315	\$1,753

**NIAGARA REGIONAL POLICE SERVICE
SPECIAL DUTY RATES - JANUARY 1, 2019**

			INSPECTOR	
			REGULAR RATE	HOLIDAY RATE
HOURS	OFFICER RECEIVES	SERVICE FEE	CHARGE PER OFFICER	CHARGE PER OFFICER
2	289.36	57.87	\$347	\$347
2 1/4	289.36	57.87	\$347	\$391
2 1/2	289.36	57.87	\$347	\$434
2 3/4	298.40	59.68	\$358	\$477
3	325.53	65.11	\$391	\$521
3 1/4	352.65	70.53	\$423	\$564
3 1/2	379.78	75.96	\$456	\$608
3 3/4	406.91	81.38	\$488	\$651
4	434.04	86.81	\$521	\$694
4 1/4	461.16	92.23	\$553	\$738
4 1/2	488.29	97.66	\$586	\$781
4 3/4	515.42	103.08	\$619	\$825
5	542.55	108.51	\$651	\$868
5 1/4	569.67	113.93	\$684	\$911
5 1/2	596.80	119.36	\$716	\$955
5 3/4	623.93	124.79	\$749	\$998
6	651.05	130.21	\$781	\$1,042
6 1/4	678.18	135.64	\$814	\$1,085
6 1/2	705.31	141.06	\$846	\$1,128
6 3/4	732.44	146.49	\$879	\$1,172
7	759.56	151.91	\$911	\$1,215
7 1/4	786.69	157.34	\$944	\$1,259
7 1/2	813.82	162.76	\$977	\$1,302
7 3/4	840.95	168.19	\$1,009	\$1,346
8	868.07	173.61	\$1,042	\$1,389

MEMORANDUM

CSC-C 7-2021

Subject: COVID-19 Response and Business Continuity in Corporate Services
Date: February 17, 2021
To: Corporate Services Committee
From: Todd Harrison, Commissioner, Corporate Services/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, Welland, St. Catharines, Fort Erie, and Port Colborne public waiting areas.
- Completed installation of glass barriers throughout POA courts building.
- Modified Campbell East entrance for temporary staff screening and additional security.
- 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. Catharines 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.
- Reconfiguration of Vaccine storage room and complete upgrades to electrical and HVAC to accommodate COVID vaccine.
- All capital projects at Niagara Region are considered essential construction and are not affected by the Province's lockdown order.

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 face shields, 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).
- Working with REOC and PHEOC to prepare for storage, security and distribution of COVID vaccines and immunization supplies.

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 Budget timetables and planning report for Council and establishing strategies for budget preparation; Budget Review Committee of the whole approval of the 2021 Water, Wastewater and Waste Management Operating Budget and 2021 Capital Budget.
- Reported to Council on the second and third quarter financial results and year end forecast;
- Completion of Service Sustainability Review project and reporting to Council;
- Update of Standard and Poor's credit rating, reaffirming the Region's AA stable credit rating; and
- Creation of new Development Charge Policy regarding payment instalment options and related interest.

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;
- Complying with reporting requirements for \$12.8 million in provincial Safe Restart Phase 1 funding along with the completion of additional COVID-19 extraordinary cost claims and reports to various Ministry; and
- Successful in application to Provincial Safe Restart Phase 2 for \$9.2 million in COVID-19 funding for 2020 and 2021.

Operational Outlook

1/3/6 months

- Ongoing financial reporting submissions for COVID-19 extraordinary cost claims including Safe Restart and Personal Support Worker Wage Enhancement.
- Supporting the 2021 Operating Budgets preparation.
- Supporting GO implementation, Niagara Regional Transit Governance, Canada Summer Games, Incentive Review, Airport Master Plan RFP, sponsorship revenue, Asset Management Planning, Niagara Regional Housing ASD.
- Beginning work on Development Charge Bylaw update with consultant and other teams involved in master plan updates.

- Evaluation of the HRIS RFP.
- Coordinating debenture issuances with infrastructure Ontario for Region and Area Municipalities.
- Supporting Procurement in actioning the recommendations from the non-competitive procurement audit.
- Analysis and reporting of 2021 tax policy decisions to set the 2021 tax rates.
- Finalizing 2020 year end reporting to Council and completing 2020 financial statement audit, financial information return and annual report.

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; and
- Sourcing critical PPE and supplies needed for the EOC response to the pandemic.

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)

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:

- Modifications to various web applications to support the AODA 2021 compliance regulations.
- Updated external COVID reporting on website to simplify information and added vaccination data.
- Provide support for Community Services in the onboarding of an online financial assistance application (OLAF).
- Creation of new reports to support the HR Redeployment tool- currently reactivated for use in the 2nd wave of COVID.
- Produced and/or iterated a variety of Power BI reports for Public Health as it relates to COVID, including:
 - PH and REOC dashboards;
 - The public COVID metrics on niagararegion.ca;
 - LAM specific report for public health to deliver weekly to each Mayor and CAO and other requested senior staff;
 - A repatriation report for HR and public health visualizing the COVID redeployment effort;
 - Outbreak COVID reporting;
 - Public COVID Info-Line and Online Chat Wait Times; and
 - Public Health COVID Response Tracking.
- Additional Power BI reports were produced for:
 - SAEO Intake – to assist in assessing the impact of CERB etc. to their call volume and intake load;
 - Customer Service Call Volume – to assess the impact on dispatch with forwarding all HQ call attendant calls to dispatch; and
 - CAMRA Reporting for capital project budget decision making.
- Produced a data solution for school outbreak COVID reporting in the EOC (both EOC's).
- Devised and are continuing to implement a long term data solution for public health COVID information and contact tracing, including integrating with the Provincial CCM application.

- Automation of the public daily COVID report publication which was manually completed 7 days a week for ~ 5 months.
- Provided the Homelessness Reporter suite of applications to Community Services for outreach workers to use with the homeless during COVID.
- Support for onboarding the 2 new WM collection contractors - modifications and enhancements to various applications were required to support this initiative.
- Implemented a public facing website with automation of the application process for qualification of Specialized Transit services offered by Niagara Region.
- Modifications to EMS Tools to adhere to recently revised Ministry of Health regulations for Incident reporting.
- Modifications to HSMS (Hauled Sewage Management System) for WWW to enable GIS/mapping services connectivity, data capture for Source locations, enhance search capabilities, enhance filtering capabilities and usability.
- Modifications to various web applications to support the AODA 2021 compliance regulations.
- Security enhancements to ChildCare EReg to further safeguard sensitive data.
- FOI Application upgrade to stay current with security and functionality offered by the vendor.
- Assisted the City of Thorold by producing economic development maps to be used with prospective clients/developers for the City. Five different maps were produced in total.
- Worked collaboratively with NH on rebuilding the application 'Transfer of Care' which will improve efficiencies and tracking in the life cycle of a patient beginning care with EMS up to the hand off (transfer) of care to NH.
- Support for Legal in looking for a new application for time tracking, case management and insurance management.
- Support for HR on the Talent Map Survey regarding work conditions in the Covid-19 Pandemic.
- User survey conducted on cyber readiness for all staff.
- Continued education on cyber training to staff and council through the Niagara Region phishing program and broader corporate communications.
- Continue to monitor and enable features of the Region's security access controls and invest in vulnerability software to safeguard the corporation's assets and data.

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 for all of the Corporate Services Departments Legal Services continues to deliver core services, while at the same time providing a significant level of support in response to the COVID-19 pandemic to the Region's EOC and all operating departments.

The Legal team performs a key role in the Region's EOC providing risk management and legal advice. The team provides ongoing legal support to the Region's EOC and operating departments 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 and legal support provided include:

- 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 procurement and construction to ensure the continuation of essential Regional capital projects and help minimize pandemic-related project costs and disruptions;
- Advice to Public Health to support the issuance of Orders under the Health Protection and Promotion Act;
- Legal support related to enforcement of and compliance with a broad range of regulatory requirements imposed in response to the pandemic;
- 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. Litigation and claims management have become increasingly active in the latter half of 2020 into 2021 as Courts and lawyers adapt to pandemic constraints and remote working alternatives. 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:

- In alignment with the Stay at Home Order, the Niagara Region's POA Courthouse building closed temporarily to the public with alternative services being offered effective Friday January 15, 2021.
- At this present time, Court Administration & Collections staff remain onsite to provide customer service via telephone and email, as well as conduct remote

court matters as scheduled to enable the public and stakeholders to continue to access court services during the lockdown.

- Court Services continued to accept the filing of charges and informations by enforcement agencies onsite 8:30am-4:30pm while the public entrance remains closed.
- Direction from the Ministry of the Attorney General (MAG) has been received indicating that all in-person Provincial Offences matters have been adjourned to at least January 25, 2021. There has been ongoing collaboration with Facilities and Corporate Health & Safety to prepare for resumption of in-person court matters, utilizing the initial Recovery Secretariat Guidelines provided by the MAG. A site assessment by the Public Services Health & Safety Association (PSHSA) is required to support the resumption of in-person court matters. Court Services is presently awaiting an assessment date in order to move forward with resumption.
- Since July 6, 2020 judicial pre-trial matters and early resolution guilty pleas have been conducted remotely where eligible, before a Justice of the Peace via audio conference.
- Since October 19, 2020 non-trial remote matters have been conducted remotely where eligible, before a Justice of the Peace via audio conference.
- Court services is well equipped to deliver these services remotely, and has begun to do so, based on extensive preparation for remote and virtual matters in addition to the modern technology available onsite at the courthouse facility. The Courthouse is now Zoom enabled (which is the video platform required by MAG), which will support Court Services in conducting trials by video when permitted.

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 via audio while awaiting resumption of in-person and commencement of virtual court proceedings by video

ASSET MANAGEMENT OFFICE

Current Status of Operations

AMO staff continue 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.
- Initiated development of a corporate Asset Registry focusing on the asset hierarchy to support the 2021 AMP.
- Continuing development of the Region's Enterprise Risk Management Framework.

Although redeployed staff have returned, they have now been seconded to assist with a priority ITS project. Backfilling of the position is underway and until complete, start-up of other projects is delayed. Only one of the positions will be backfilled to maintain cost efficiency for the Department. The position should be filled by February.

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.

The overall 5-year plan has been impacted and will be re-evaluated in Q2 2021 with short-term adjustments made over the next few months. A strategy to rework the 5-year plan has been developed and will be put into place in the next one to two months.

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		Pilot completed	CAMRA - Risk Management Framework ID 248
0	PNM	Delayed	Develop data analytics capabilities- Microsoft BI ID 530
0	PNM	Delayed	Develop AM performance management KPIs ID 410
1	PNM	Inaugural meeting held	Niagara Region AM working group ID 512
1	PNM	Completed	Process for preparing the AM Plan ID 210
0	PNM	Underway	Capital planning process ID 262
0	PNM	Scope revised	Enterprise Risk Management Framework ID 249
0	PNM	Scope revised	Develop Asset Registry - hierarchy and relationships ID 242
1	C	On hold pending resource evaluation	Project Resource Estimating - cost model ID 310
0	PNM	Initiated and on track	2021 AMP ID 630

Notes: PNM: No changes but delivered differently - e.g. working remotely

C: Cancelled pending redeployed/ staff vacancies and resource evaluation

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 department continues to operate with core service delivery as well as playing a role in the Region's EOC and response to Provincial O.Reg enforcement. These activities are identified separately.

Business Licensing

- Continue processing, and issuance of business licenses including fee payments and response to enforcement and inspection requirements.
- Developing office protocols for streamlined business licensing processes under COVID-19 restrictions including the issuance of licenses at set times in the lobby of the facility.
- Investigating permanent eCommerce licensing sales and software database updates. Currently using Region website ecommerce credit card payment options for license fee payments.
- Establishing industry specific contacts with various law enforcement agencies including NRPS, OPP, MTO, MOE and AGCO as well as local by-law enforcement agencies.
- Preparing for the procurement of a modernized licensing/incident/inspection/enforcement database with a projected Q3 2021 delivery.

Provincial Order Enforcement

The provincial government requires continued enforcement of provincial orders by municipalities. Business Licensing staff maintain availability for active enforcement and inspection measures for the orders and provide support to local municipalities and Niagara Regional Police. They provide both random inspections and complaint driven inspections 7 days a week.

- 3 staff from Business Licensing have been re-assigned to enforce the Provincial Orders and are providing 7 day a week coverage. Staff remain assigned to this until further notice or when the orders and state of emergency are lifted. Hours of operation and days of service are assessed weekly and are adjusted to meet demands and pressures.
- Beginning December 06, 2020, two staff Tobacco Enforcement have been assigned to augment Business Licensing staff assigned to provincial pandemic O.Reg. enforcement and inspection. These staff will be assigned to this detail until the end of January 2021 at which time their deployment will be re-assessed.
- Staff respond to Provincial Order and Regional Face Covering By-law complaints to assist the local response and also conduct random compliance inspections. Staff also continue to ensure Region licensed businesses are following order requirements and adherence to the Regional Licensing Bylaw.

- Provincial Order enforcement, including education, warnings, charges and summons for the Re-opening Ontario Act.
- Regional Face Covering By-law enforcement including education, warnings and summons.
- Provide Provincial O.Reg enforcement data to the Ministry of the Solicitor General and the local area municipalities weekly.
- Publically post general weekly inspection and enforcement statistics for O.Reg enforcement.
- Provide background justification for business closure orders that consistently fail to comply with Reopening Ontario Act O.Reg.
- Provide support for changing O.Reg stages of opening.

Operational Outlook

1/3/6 months

- The Business Licensing Manager will continue to work with local municipalities, NRPS and other Regional departments and external agencies in a coordinated approach to enforcement of Provincial Orders and the Regional Face Covering Bylaw until the pandemic eases.
- The Business Licensing Manager will be available to assist with security measures surrounding COVID-19 vaccinations and deployment.
- The business license bylaw review is ongoing and will come before Council in February of 2021.
- The Business Licensing Manager is reviewing COVID-19 pandemic impacts on licence holders licensed by the Region.
- The Business Licensing Manager will be developing a “return to normal operations” plan for implementation when the pandemic measures ease.

INTERNAL AUDIT

Current Status of Operations

Preparing detailed scoping documents for planned audits for 2021 including two audits in IT – cyber security and penetration testing, two follow up audits including the Corporate PCard program and several other Audit Committee approved audits.

Continuing to work with other clients on the development of an Enterprise Risk Management Plan.

Operational Outlook

1/3/6 months

RFP to be posted for an audit on cyber security. Scoping out a full audit plan for a continuation of testing sample POs that were part of the recently completed Non-Competitive Audit.

Finalizing 3 three year audit plan to be presented to Audit Committee at February 8, 2021 meeting. Audits will focus on current and future risks with coverage across all business lines. Following presentation to Audit Committee, council members will have an opportunity to introduce and/or discuss other areas for potential audits to be included in 3 year plan.

Respectfully submitted and signed by

Todd Harrison, CPA, CMA
Commissioner, Corporate Services/Treasurer

MEMORANDUM

CSC-C 2-2021

Subject: Committee Request for Information Re: Development Charge Calculation and Payment Policy

Date: February 17, 2021

To: Corporate Service Committee

From: Helen Chamberlain, Director, Financial Management & Planning/Deputy Treasurer

At the Corporate Services Committee on December 9, 2020, staff provided a draft policy for the timing of development charge calculation, installments and interest for Committee's consideration to address recent changes to the Development Charge Act. The purpose of this memo is to address questions that were expressed by committee members.

Q1. For the rate freeze, will there be retro-active rebates for applications received between January to December 2020?

Any institutional and rental housing development that met the Development Charge (DC) rate freeze requirements as per section 26.2 of the Development Charges Act (DCA) as of the legislation's effect date of January 1, 2020 would "lock in" the 2020 rates. This means, that if a developer submitted a complete application for an approval of development in a site plan control area under section 41 (4) of the Planning Act or an application for an amendment to a by-law passed under section 34 of the Planning Act on or after January 1, 2020 and was subsequently issued a permit in 2020 the developer would incur DCs payable at the 2020 rate regardless of whether or not section 26.2 of the DCA was in effect.

Q2. If there any front loaded development charge agreements, how are they impacted?

Any development that submitted a complete application for an approval of development in a site plan control area under section 41 (4) of the Planning Act or an application for an amendment to a by-law passed under section 34 of the

Planning Act that predate the date of the legislation are not eligible for the rate freeze or deferral arrangements

How will the interest be calculated for frozen rates and installment?

For the frozen rates, interest will be calculated on a non-compounding basis on the DC payable from the initial freeze date to when the building permit is issued. Developers have 2 years from the initial freeze to be issued a building permit to utilize the frozen rates. For Installments, interest will be calculated on a non-compounding basis from the date that the first building permit is issued to the date that the deferred DCs are paid in full at the conclusion of the installment period.

Q3. How does this policy impact properties eligible for installments but paid the amounts in full at permit issuance in 2020 (I.e., after legislation was in effective but before Regional policy approval)?

The DCA amendments that permit installments for certain development types under section 26.1 was effective January 1, 2020. As such, any eligible property that was issued a permit in 2020 would be eligible for instalment despite the Region policy not being effective until January 1, 2021. The only impact is the Region would forgo any interest that could have been generated for 2020 as a result of the installment.

If a developer was issued a permit for a development in 2020 that would have been eligible for installments but paid the DCs in full at time of permit issuance, then under the complaint procedure within the DCA, the developer would have 90 days from payment to file a complaint with the Region to rectify the issue. If the 90 days has lapsed then the developer has forgone their ability to file a complaint.

Additionally Region staff will review permits issued in 2020 to determine those that may have been eligible for installments under section 26.1 of the DCA. If any eligible developments were issued a permit and confirmation of eligibility for installment can be obtained, the Region will recalculate their DCs payable under the installment approach and provide the necessary payment schedule and interest calculation as per the legislative requirements.

Q4. If a developer triggers DC rate freeze in 2020 and is issued a permit in 2021, how does this impact the DC rate that the developer pays in 2021?

Since the Policy has an effective date of January 1, 2021, the Region will forgo any interest on the frozen DC rate from the date that the rate freeze occurred to December 31, 2020. The policy effective date does not impact the DC freeze date as per the DCA; the DC rates are frozen with or without a Regional Policy. Since the Region's Policy has a planned effective date of January 1, 2021, the Region would be able to charge interest on the frozen DC rates starting on this effective date.

Q5. The Regional policy is not in effect until 2021 with respect to the calculation date. Does that negatively effect developments of availing them of the options under the policy?

The legislation was effective January 1, 2020. As such, developers that met the DCA criteria would be eligible for the DC rate freeze despite the Region not having a Policy in place until January 1, 2021.

Q6. Risk of litigation since we have not implemented on January 1, 2020?

There is no risk of litigation as a result of the delay in the Region setting the policy as the legislation was effective January 1, 2020. As noted previously, if any eligible developments were issued a permit and confirmation of eligibility for installment can be obtained, the Region will recalculate their DCs payable under the installment approach and provide the necessary payment schedule and interest calculation as per the legislative requirements.

Q7. How does this impact outstanding litigation matter regarding Regional Development Charges?

There is no impact on any outstanding litigation matter regarding Regional Development Charges.

Respectfully submitted and signed by

Helen Chamberlain, CPA, CA
Director, Financial Management & Planning/Deputy Treasurer

MEMORANDUM

CSC-C 6-2021

Subject: Investing in Canada Infrastructure Program: COVID-19 Resilience Stream

Date: February 17, 2021

To: Corporate Services

From: Todd Harrison, Commissioner, Corporate Services/Treasurer

On November 17th, the Province of Ontario (province) opened the intake for the Investing in Canada Infrastructure Program: COVID-19 Resilience Stream (program) for capital projects that meet the program criteria. Under this program, municipalities will not be required to cost-share. The federal government will cover 80% of the total cost associated with any approved project and the province will cover 20%. Total costs for all projects cannot exceed the municipal allotment of \$2.56 million as determined by the province and the Region will not be cost sharing. In addition, projects must start by September 30, 2021 and be complete by December 31, 2021.

The Niagara Region has received a notice of allocation for 5 projects capped at \$2,561,025 in total from the program. Eligible projects under this program are as follows:

1. Retrofits, Repairs and Upgrades for municipal, provincial, territorial and indigenous buildings, health infrastructure and educational infrastructure;
2. COVID-19 Response Infrastructure, including measures to support physical distancing;
3. Active Transportation Infrastructure, including parks, trails, foot bridges, bike lanes and multi-use paths; and
4. Disaster Mitigation and Adaption, including natural infrastructure, flood and fire mitigation, tree planting and related infrastructure.

In total 16 projects totaling \$9,526,000 were screened. Due to the limitations of the program, projects were prioritized based on the following strategy:

- Maximize the funding to total our municipal allocation of \$2.56 million
- Relation to COVID-19 response
- Target multiple eligible categories as defined by the program

- Diversify funding to various departments
- Completion of a risk analysis as part of Corporate Asset Management Resource Allocation prioritization process

Utilizing the strategy, five projects totaling \$2,561,000 were approved by the Corporate Leadership team to have the following applications submitted to the province:

1. HVAC Replacement & Air purification for Regional buildings

Project cost: \$900,000

Scope of the project: The project aims to improve air quality, airflow, lower energy usage/energy related costs and reduce indoor pathogens for up to 50 regional administrative buildings and 3 long-term care facilities through the following:

- Ultra Violet air purifiers
- Increased filter sizes
- Upgraded energy recovery ventilators
- Replacement of make-up air units at the following long term care facilities Northland Pointe, Woodlands of Sunset and Rapelje Lodge

2. Social Housing Electrical Upgrade

Project cost: \$800,000

Scope of the project: The project aims to upgrade the electrical systems at various Niagara Regional Housing buildings to achieve the following:

- Safety of our tenants from fire prevention and security risks
- Reduction in the number of maintenance calls and the installation of energy efficient components to reduce operating cost

3. Mobile Dental Unit Replacement

Project cost: \$461,000

Scope of the project: The project will replace the current mobile dental unit, which is not operational and does not meet the requirements outlined by the dental regulatory bodies in Ontario, including infection prevention and control measures. The mobile dental units provides restorative & preventive oral health services to youth & low income seniors in the Niagara Region. The new unit will

provide two stations; which could potentially double the number of clients served compared to prior years while also meeting COVID-19 safety guidelines.

4. Implementation of Complete Streets

Project cost: \$300,000

Scope of the project: The project will support the operation and interaction between multiple transportation modes (walking, cycling, transit, driving, goods movement and micro-mobility), and local heritage and urban design objectives. Implementation of complete streets and spaces, particularly those with accessible and comfortable active transportation (eg. Region's Bikeways Master Plan), can encourage community members to make more trips using active modes, improving public health.

5. WIFI Expansion at Wastewater Facilities to support Social Distancing

Project cost: \$100,000

Scope of the project: The project will support wireless internet accessibility which is important to the health and safety of staff members and the communication functions within waste water treatment plants (WWTP). Additional corporate wireless access points are required at the WWTP's within the Niagara Region to allow operations and maintenance to access network resources throughout the facilities. The implementation of new WIFI access points supports social distancing.

The province will notify applicants in early spring. If successful, a report with the transfer payment agreement and authorizing by-law will be prepared for Council's approval.

Respectfully submitted and signed by

Todd Harrison, CPA, CMA
Commissioner/Treasurer Corporate Services

Subject: Considerations for a Lobbyist Registry

Report to: Corporate Services Committee

Report date: Wednesday, February 17, 2021

Recommendations

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

Key Facts

- The purpose of this report is to provide information respecting the creation and maintenance of a lobbyist registry.
- At its meeting held on December 17, 2020, Regional Council passed a resolution directing staff to research and report back with recommendations for the creation and maintenance of a lobbyist registry.
- A lobbyist registry is considered a publicly accessible accountability and transparency tool.
- Section 223.9(1) of the Municipal Act, 2001, provides authority for establishing and maintaining a lobbyist registry.
- Section 223.11(1) of the Act also permits a municipality to appoint a “registrar who is responsible for performing in an independent manner the functions assigned by the municipality with respect to the registry and the system of registration.”
- Niagara Region has other transparency and accountability measures in place that can address concerns regarding lobbying.
- There are a number of factors to consider in terms of the type of lobbyist registry model that Council may wish to implement including financial implications to initiating a lobbyist registry that were not considered as part of the 2021 budget process.

Financial Considerations

Should Council wish to proceed with establishing any model of Lobbyist Registry, there are initial start-up and annual operating costs that would be required for an online registry system. This would include information technology required, annual expenses required to maintain the registry and additional costs associated with appointing the Lobbyist Registrar and the hiring of additional administrative/policy support staff.

The costs would vary depending on the Lobbyist Registry model selected, the number of complaints and inquiries received as well as the enforcement model. The City of Vaughan, implemented a mandatory registry with enforcement and budgeted approximately \$250,000 which included the appointment of a Lobbyist Registrar and administrative staff to maintain the Lobbyist Registry.

In 2016 the Town of Caledon provided a report to their Council estimating initial costs for implementation of a registry between \$50,000 and \$100,000 with potential annual costs based on research of Ontario municipalities with active registries ranging from \$55,000 to \$130,000.

Analysis

At its meeting held on December 17, 2020, Regional Council passed the following motion:

- 1. That Council **DIRECT** staff to research and report back with recommendations for the creation and maintenance of a Lobbyist Registry, which should include a regular, transparent reporting process and contains a jurisdictional scan for best practices from other municipal governments in Ontario, such as Toronto, Ottawa, Hamilton, Brampton, Peel Region, Vaughan, and Collingwood; and*
- 2. That this motion **BE CIRCULATED** to Niagara's 12 local area municipalities.*

Section 223.9(1) of the Municipal Act, 2001, authorizes a municipality "to establish and maintain a registry in which shall be kept such returns as may be required by the municipality that are filed by persons who lobby public office holders".

A lobbyist registry provides a mechanism for public disclosure of lobbying activities. It is a tool that may lead to greater accountability and transparency for local government by allowing public office holders and members of the public to know who is attempting to influence local government.

The basic elements of lobbying legislation are similar across Canada; however, there are key elements that vary, such as, but not limited to, the definition of a "public office holder", the responsibility of the public office holder, the time limits for the registration, the amount of lobbying activity that will trigger registration requirements, and the penalties in case of a contravention of the by-law and code of conduct.

Lobbying occurs when an individual who represents a business or has a financial interest communicates with a public office holder, with the intent to influence a decision on governmental matters outside of the City's normal procedures and processes including but not limited to:

- arrangement of a meeting between a public office holder and any other person on any of the subject matters listed below;
- the outcome of a decision on any matter before Council, a Committee of Council or staff member, or a local board;
- development, introduction, passage, defeat, amendment or repeal of a Region by-law, motion or resolution;
- development, approval, amendment, application or termination of a Region policy, program, directive, guideline;
- purchase of goods, services or construction and the award of a contract by the Region;
- approval, approval with conditions, or refusal of an application for a service, grant, planning approval, permit or other licence or permission by the Region; and,
- transfer to or from the Region of any interest in or asset of any business, enterprise or institution.

The goal of any municipal lobbying registry is to ensure that lobbying is carried out transparently and in a manner that ensures accountability as outlined in Section 223.9 to Section 223.12 of the Municipal Act, 2001, S.O. 2001, c 25 (the "Act").

There are certain activities that, while they may seek to influence municipal behaviour, are not generally considered lobbying. These may include but are not limited to:

- Municipal staff, in their official capacity, discussing official business with Council members or other public officials;
- Individuals acting in their personal capacity to make representations before Council, Committees of Council or Local Boards;
- Providing information to a public official in response to a request;
- Members of other levels of government communicating with public officials while acting in their official capacity; and,
- Casual conversations with public officials that do not specifically pertain to municipal business.

Section 223.9 (1) of the Municipal Act, 2001, S.O. 2001, c 25 (the “Act”) authorizes a municipality to establish and maintain a registry in which shall be kept such returns as may be required by the municipality that are filed by persons who lobby public officer holders.

Although there is variation in the definition of “public office holder” between established Lobbyist Registry by-laws, generally, a public office holder is a member of Council; an officer or employee of the municipality; a member of a local board or a Committee established by Council and any person on his or her staff; an accountability officer appointed under the Municipal Act, 2001, such as Integrity Commissioner, Lobbyist Registrar, Ombudsman, etc.

Section 223.9 (2) of the Act also authorizes the municipality to provide for a system of registration of persons who lobby public office holders and to do the following things:

- Define lobby.
- Require persons who lobby public officer holders to file returns and give information to the municipalities.
- Specify the returns to be filed and the information to be given to the municipality by persons who lobby public officer holders and specify the time within which the returns must be filed and the information provided.
- Exempt persons from the requirement to file returns and provide information.
- Specify activities with respect to which the requirement to file returns and provide information that does not apply.
- Establish a code of conduct for persons who lobby public officer holders.
- Prohibit former public office holders from lobbying current public office holders for the period of time specified in the by-law.
- Prohibit a person from lobbying public office holders without being registered.
- Impose conditions for registration, continued registration or a renewal of registration.
- Refuse to register a person, and suspend or revoke a registration.
- Prohibit persons who lobby public office holders from receiving payment that is in whole or in part contingent on the successful outcome of any lobbying activities.

A review of the definition of “lobby” and “lobbying” from various lobbyist registries suggests a common view that lobbying is any communication with a public office holder about the following things:

- a by-law, bill or resolution that requires a decision by Council, a committee or other decision maker acting under municipal authority;

- the development, approval or termination of policies or programs;
- the purchase of goods and services, construction procurement, and the awarding of contracts;
- applications for planning approval, permits, service, grants and other licences or permissions;
- the award of financial contributions, grants or other financial benefits; and
- the transfer from the Region of any interest in or asset of an institution, enterprise or business.

Most Lobbyist Registry By-laws identify the following three types of lobbyists:

1. Consultant lobbyist: an individual who lobbies for payment on behalf of a client (another individual, company, partnership or organization). If the consultant arranges for a meeting between a public office holder and a third party, this is considered lobbying.
2. In-house lobbyist: an individual who is an employee, partner or sole proprietor who lobbies on behalf of their own employer, business or organization.
3. Voluntary unpaid lobbyist: an individual who lobbies without payment on behalf of an individual, business or organization for the benefit of the interests of the individual, business or other organization.

Examples of organizations that hire or retain Lobbyists include business, trade, industry, professional or voluntary organizations; a trade union or labour organization; a chamber of commerce or board of trade; and, an association, a charitable/not-for-profit organization, a coalition or an interest group.

A Lobbyist Registry is an accountability and transparency tool that involves the registration and regulation of lobbying activities. The Lobbyist Registry would apply to anyone who wishes to lobby a public office holder outside of a public forum and the Region's normal procedures and processes. Section 223.9 (3) of the Act states that the registry shall be available for public inspection in the manner and during the time that the municipality may determine.

There are three Lobbyist Registry models that could be considered for implementation:

1. Voluntary Registry – No Enforcement

- Develop a voluntary registry with no formal enforcement wherein lobbyists may choose to register with the Clerk who then posts the registrations online
- There is no complaint mechanism

2. Mandatory Registry – Self Enforcement (Self-Monitored)

- Develop a mandatory registry with no formal enforcement wherein anyone who wishes to undertake lobbying activities must register with the Clerk who then posts the registrations online
- Council members are responsible for enforcement i.e. the onus is on the member of Council not to meet with someone they consider to be a lobbyist, unless the individual has registered as a lobbyist
- Amend the Code of Conduct for Members of Council so that any interactions with un-registered lobbyists or acceptance of gifts from lobbyists can be breaches of the Code
- Any complaints regarding lobbying activity are reported to the Integrity Commissioner

3. Mandatory Registry – With Enforcement Measures

- Develop a mandatory registry with formal enforcement
- Develop a Code of Conduct for Lobbyists
- Amend the Code of Conduct for Members of Council to codify appropriate interactions with lobbyists
- A complaint regime is developed wherein individuals may file a complaint with the Registrar (could be the Integrity Commissioner) if they believe that a lobbyist is not following the Lobbyist Code of Conduct
- A by-law is enacted and offences and penalties for by-law contraventions are established

Considerations in establishing a registry would be who would be appointed as the Lobbyist Registrar; the process for registering; developing a process for reporting on lobbying activities after registering; creating and maintaining a web page with a searchable online registry; and, developing a Code of Conduct for lobbyists and a Registry by-law.

Review of Other Municipalities

Currently, municipalities in Ontario that have established a Lobbyist Registry include the Region of Peel, Toronto, Hamilton, Ottawa, Brampton, Vaughan and, more recently, Collingwood. Appendix 1 provides a comparison chart. The City of Vaughan implemented a phased-in approach for their Lobbyist Registry whereby it started as a Voluntary Registry in 2017 but transitioned to a mandatory registry with enforcement a year later in 2018.

The Town of Collingwood implemented a Lobbyist Registry in 2020; however, the first six months of the Lobbyist Registry program were considered educational and penalties for contraventions were not applied.

Municipalities who have investigated but chosen not to implement a Lobbyist Registry include the Region of Durham, Brantford, Caledon, Guelph, London, Milton and Mississauga.

For those municipalities that have chosen not to establish a Lobbyist Registry, reasons include, the costs associated with establishing and maintaining such a registry, as well as the existence of other accountability and transparency measures such as: legislation and organizational policies which address interactions between Members of Council, staff and various third parties, requirements of Purchasing by-laws, Codes of Conduct for Council and staff, Integrity Commissioner services, Declarations of Interest Registry, the Municipal Conflict of Interest Act, R.S.O. 1990, c. M. 50, and a Municipal Ombudsman/Closed Meetings Investigator.

Any mandatory registry would need to include an online registration process administered by a Lobbyist Registrar appointed by Council as well as a Code of Conduct for Lobbyists, Lobbyist By-law and would require each lobbyist to register their activity with the City prior to commencing lobbying activities or within a given timeframe after lobbying activities have taken place.

Lobbyist Registrar

Section 223.11 of the Act authorizes a municipality to appoint a registrar who is responsible for performing in an independent manner the functions assigned by the municipality with respect to the registry as described in Section 223.9 (1) and the system of registration and other matters described in Section 223.9 (2). Brampton,

Ottawa, Vaughan and Peel have appointed their Integrity Commissioners as their Lobbyist Registrar.

The Lobbyist Registrar is an independent person or body that performs duties as assigned by Council such as regulating lobbying activity by overseeing public disclosure of lobbying activity and ensuring adherence to a Lobbyist Code of Conduct. The Registrar may also enforce the by-law; review, verify and approve registrations; and, deliver information and training materials. Generally, the following are duties of a Lobbyist Registrar:

- Establish and maintain a registry of Lobbyists with a record of all returns and documents filed;
- Verify information contained in any documents filed;
- Refuse to accept a filing or document that does not comply with the Lobbyist Registry;
- Remove a filing if the person who filed does not comply with their duty to provide clarifying information;
- Issue interpretation bulletins and advisory opinions with respect to enforcement, interpretation or application of the by-law to Council;
- Investigate and report to Council on investigations and make recommendations to Council on punitive measures related to Code of Conduct violations or other applicable policies; and,
- Other duties and parameters to the position as assigned by Council.

There are many considerations regarding administering a Lobbyist Registry such as responsibility for maintaining the Registry, the registration process, the process for reporting lobbyist activities, and creation and maintenance of a searchable online registry for public access. Typically, the Lobbyist Registry would include information on individuals who lobby such as:

- name and business address;
- employer, organization or association;
- who the individual is lobbying on behalf of;
- the public office holders they are lobbying;
- the general nature of the subject matter of their lobbying; and,
- the dates on which their lobbying will start and finish.

One common component of online Lobbyist Registries is a 'Frequently Asked Questions' webpage to help determine if an activity is defined as lobbying. In addition to this feature, significant public education would need to take place to ensure the public is aware of what a Lobbyist Registry is and how it may affect them.

A mandatory registry would also include provisions for inquiries and significant sanctions and penalties for Lobbyists not in compliance. The Lobbyist Registrar may be given a range of enforcement powers including the ability to suspend or revoke a registration, impose conditions on the registration, and implement sanctions or penalties on a sliding scale dependent on the number of violations.

The Lobbyist Registrar may conduct an inquiry when requested to do so by Council as a whole, by a single member of Council or by a member of the public, and may provide a public report back to Council regarding any inquiry conducted. Provisions set out in the City of Toronto model provide that the Lobbyist Registrar may prosecute breaches of the by-law under the Provincial Offences Act with fines ranging from \$25,000 up to \$100,000. Any report from a Lobbyist Registrar must be made public.

There may also be a requirement for an administrative system to allow for management of registrations as well as staff to oversee the registry. It is helpful to note that in the City of Toronto, seven full-time staff make up the Office of the Lobbyist Registrar, not including the Lobbyist Registrar; however, the City of Toronto has a dynamic Lobbyist Registry office that has been in place over a decade.

There are a number of factors to consider when reviewing the options to establish a Lobbyist Registry, in particular, balancing the costs and benefits of such an approach. There are financial and staffing implications with respect to implementing and maintaining a Lobbyist Registry as the registry would require ongoing staff and financial resources including initial and annual operating costs, appointment of a Lobbyist Registrar, creation and maintenance of an online registration system, and potential hiring of staff to administer the registry.

Existing Accountability and Transparency Measures

Niagara Region has an Accountability and Transparency Policy as well as a contract with an Integrity Commissioner who can provide advice and conduct investigations related to breaches of the Code of Conduct for Members of Council or contraventions of the Municipal Conflict of Interest Act. In addition, there are accountability and

transparency measures that already exist and are well established for elected officials including:

- Code of Conduct for Members of Council
- Integrity Commissioner Services
- Municipal Conflict of Interest Act
- Declaration of Interest Registry
- Procurement By-law
- Council's Procedural By-law

In addition, the Region has a Code of Ethics/Conflict of Interest Policy for staff that was strengthened as a result of the recommendations from the Ontario Ombudsman report "Inside Job". Additionally, the Code of Conduct could be amended to include provisions specifically related to lobbying.

Alternatives Reviewed

This report has been provided for information purposes only, as Council has options to consider related to the type of lobbyist registry model that could be implemented. Council could:

- a) consider not establishing a Lobbyist Registry and instead rely on existing policies and legislation which address concerns regarding contracting and relations with third parties such as the Procurement By-law, Accountability and Transparency Policy, Code of Ethics/Conflict of Interest Policy, Municipal Conflict of Interest Act and the Code of Conduct for Members of Council to ensure accountability and transparency.
- b) if it wishes to implement a lobbyist registry, identify the preferred model (voluntary, mandatory – self enforcement, mandatory with enforcement) and direct staff to provide a report on the costs of the proposed model, including staffing, technology requirements, processes, necessary by-law and code of conduct and options for a Lobbyist Registrar.

Relationship to Council Strategic Priorities

This report aligns to Council's strategic priority of sustainable and engaging government including promoting an organizational culture that values continuous improvement, collaboration, and innovation and enhancing communication.

Other Pertinent Reports

None.

Prepared and Recommended by:

Ann-Marie Norio
Regional Clerk

Submitted by:

Ron Tripp, P. Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Donna Gibbs, Director, Legal and Court Services.

Appendices

Appendix 1 Municipal Comparison Chart

Municipality	Year Established	Integrity Commissioner Appointed as Lobbyist Registrar	Penalties
Brampton	2015	Yes	First contravention: may be prohibited from lobbying for 30 days Second contravention: may be prohibited from lobbying for 90 days Third or subsequent contravention: Lobbyist Registrar to determine appropriate penalty that is greater than a penalty for a second contravention
Hamilton	2015	No	First contravention: may be prohibited from lobbying for 30 days Second contravention: may be prohibited from lobbying for 60 days Third contravention or subsequent contravention: may be prohibited from lobbying for longer than 60 days as determined by the Lobbyist Registrar
Ottawa	2012	Yes	First breach: banned from communicating with public office holders for one month Second breach: banned from communicating with public office holders for three months Third breach: Integrity Commissioner determines appropriate sanction

Peel	2017	Yes	First breach: banned from communicating with public office holders for one month Second breach: banned from communicating with public office holders for three months Third breach: Integrity Commissioner determines appropriate sanction
Toronto	2008	No	First breach: the lobbyist is banned from communicating with public office holders for one month; Second breach: the lobbyist is banned from communicating with public office holders for three months; and Third breach: the Lobbyist Registrar may ban the lobbyist from communicating with public office holders for a period of not more than two years. The Lobbyist Registrar can also prosecute breaches of the Lobbying By-law under the Provincial Offences Act (POA). Every person convicted of an offence under the Lobbying By-law is liable on a first conviction to a fine of not more than \$25,000 and on each subsequent conviction to a fine of not more than \$100,000.
Vaughan	2017	No	First offence: prohibited from lobbying until completion of information and education meeting with Lobbyist Registrar Second offence: prohibited from lobbying for 3 months Third or subsequent offences: prohibition of lobbying activities as determined by the Lobbyist Registrar
Collingwood	2020	No	First contravention: ban on communication for 30 days Second contravention: ban on communication for 60 days Third or subsequent contravention: ban on communication for longer than 60 days as determined by the Lobbyist Registrar