



THE REGIONAL MUNICIPALITY OF NIAGARA  
CORPORATE SERVICES COMMITTEE  
FINAL AGENDA

CSC 5-2021

Wednesday, May 12, 2021

9:30 a.m.

Meeting will be held by electronic participation only

This electronic meeting can be viewed on Niagara Region's Website at:

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

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:  
[niagararegion.ca/government/council](https://www.niagararegion.ca/government/council/)

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Pages

1. CALL TO ORDER

2. DISCLOSURES OF PECUNIARY INTEREST

3. PUBLIC PARTICIPATION MEETING PURSUANT TO THE RETAIL BUSINESS HOLIDAYS ACT

Application for Tourism Exemption under the Retail Business Holidays Act -  
Lowe's Store, McLeod Road in the City of Niagara Falls

3.1. Registered Speakers

3.2. Report for Consideration

3.2.1. CLK 5-2021

Application for Tourism Exemption for Holiday Openings under  
the Retail Business Holidays Act - Lowe's Store - McLeod  
Road, City of Niagara Falls

3 - 24

3.3. Adjournment of the Public Participation Meeting under the Retail  
Business Holidays Act

4. PRESENTATIONS

**5. DELEGATIONS**

**6. ITEMS FOR CONSIDERATION**

- |      |   |         |
|------|---|---------|
| 6.1. | <u>CSD 27-2021</u><br>Niagara Regional Police Services (NRPS) 1 District – Amending Agreement with Merit Contractors Niagara Ltd. | 25 - 30 |
| 6.2. | <u>CLK 6-2021</u><br>Community Member Appointments to the Diversity, Equity, and Inclusion Advisory Committee                     | 31 - 34 |
| 6.3. | <u>CSC-C 17-2021</u><br>Referred Motion - Municipal Act Revisions for Code of Conduct Violations                                  | 35 - 45 |
| 6.4. | <u>CAO 7-2021</u><br>Communications Overview  | 46 - 86 |

**7. CONSENT ITEMS FOR INFORMATION**

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| 7.1. | <u>CSC-C 15-2021</u><br>COVID-19 Response and Business Continuity in Corporate Services   | 87 - 104  |
| 7.2. | <u>CLK 4-2021</u><br>Mandatory Lobbyist Registry  | 105 - 115 |
| 7.3. | <u>CSC-C 16-2021</u><br>Regional Municipality of Niagara Police Services Board Response to Councillor Information Request Respecting Report CSD 17-2021 - 2020 Year-End Results and Transfer Report | 116 - 121 |

**8. OTHER BUSINESS**

**9. CLOSED SESSION**

**10. BUSINESS ARISING FROM CLOSED SESSION ITEMS**

**11. NEXT MEETING**

The next meeting will be held on Wednesday, June 16, 2021 at 9:30 a.m. in the Council Chamber, Regional Headquarters.

**12. 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](mailto:accessibility@niagararegion.ca) (email).

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**Subject:** Application for Tourism Exemption for Holiday Openings under the *Retail Business Holidays Act* – Lowe’s – 7959 McLeod Road, City of Niagara Falls

**Report to:** Corporate Services Committee

**Report date:** Wednesday, May 12, 2021

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## Recommendations

1. That Report CLK 5-2021, respecting Application for Tourism Exemption for Holiday Openings under the *Retail Business Holidays Act* – Lowe’s – 7959 McLeod Road, City of Niagara Falls, **BE RECEIVED**;
2. That the application from Lowe’s store, requesting a tourism exemption under the *Retail Business Holidays Act*, to permit the store located at 7959 McLeod Road, in the City of Niagara Falls, to open on all statutory holidays, with the exception of Christmas Day, from 7:00 a.m. to 9:00 p.m., **BE APPROVED**; and
3. That the necessary by-law **BE PREPARED** and **PRESENTED** to Regional Council for consideration.

## Key Facts

- The purpose of this report is to seek Committee’s approval for the application for tourism exemption, under the *Retail Business Holidays Act*, to permit Lowe’s store located at 7959 McLeod Road in the City of Niagara Falls, to open on all statutory holidays, with the exception of Christmas Day, from 7:00 a.m. to 9:00 p.m.
- Documentation supporting this application, received from the City of Niagara Falls, in response to the Region’s request for comments, is attached as Appendix 2 to this report.

## Financial Considerations

There are no financial considerations.

## Analysis

An application received from Lowe's, 7959 McLeod Road, Niagara Falls, requests a tourism exemption under the *Retail Business Holidays Act* to permit the store to open on all statutory holidays, except Christmas Day, from 7:00 a.m. to 9:00 p.m.

This application has been processed in accordance with By-law No. 6728-92, being a by-law to establish procedures and fees for the processing of applications for holiday openings for tourism under the *Retail Business Holidays Act* and related Ontario Regulation 711/91. The application is available as Appendix 1 to this report.

By-law 6728-92 requires that a public meeting be held in order that any interested persons have the opportunity to comment on the application. A notice of the public meeting respecting this application was posted on the Region's website on April 9, 2021, and in the Niagara Falls Review on April 10, 2021.

On April 8, 2021, a letter was sent to the Clerk of the City of Niagara Falls requesting comments regarding this application. Correspondence dated April 22, 2021, received from the City of Niagara Falls, in support of this request for the tourism exemption for Lowe's, is attached to this report as Appendix 2.

The following two requirements of "Tourism Criteria" in O. Reg. 711/91. s. 2, must both be met by the applicant:

- a) The tourist attractions which the retail establishment must be "within 2 km" of are "natural", "outdoor recreational", "historical", "cultural, multi-cultural or educational" as defined in s. 2 of O. Reg. 711/91. The applicant has stated that Lundy's Lane historical district, and related shopping, hotel and recreational venues are located within two kilometres of the Lowe's store.
- b) The applicant may be exempted from closing on holidays if "it is directly associated with the tourist attraction or relies on tourists visiting the attraction for business on a holiday." The applicant has stated that Lowe's sells many items that are in demand for those travelling to Niagara Falls by automobile. Goods and services provided directly to tourists include recreational products, electric cords and chargers, cleaning supplies, gift items and garden items. In addition, Lowe's offers many products and services that assist the retail, recreation, accommodation and arts establishments that service tourism in Niagara Falls to meet the needs of the tourists who use their facilities.

## **Alternatives Reviewed**

Council could decide not to approve this application for a Tourism Exemption for Holiday Openings for this store.

## **Relationship to Council Strategic Priorities**

This report aligns with Council's Strategic Priority of Supporting Businesses and Economic Growth, specifically Economic Growth and Development (Strategic Objective 1.1).

## **Other Pertinent Reports**

None.

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### **Prepared and Recommended by:**

Ann-Marie Norio  
Regional Clerk

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### **Submitted by:**

Ron Tripp, P. Eng.  
Acting Chief Administrative Officer

## **Appendices**

Appendix 1	Application for Tourism Exemption
Appendix 2	Letter of Support from the City of Niagara Falls

Bill 6715, *as amended by By-law No. 19-2010*

THE REGIONAL MUNICIPALITY OF NIAGARA

APPLICATION FOR TOURISM EXEMPTION

RE HOLIDAY OPENINGS

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The undersigned hereby applies to the Council of the Regional Municipality of Niagara for an exempting by-law under subsection 4(1) of the Retail Business Holidays Act, R.S.O. 1990, Chapter R. 30.

If more than one person carrying on retail business is represented in this application, please list information for each on a separate page and attach to form.

Pursuant to the Regulations under the Act, an application relating to a retail business establishment that on days other than holidays normally uses a total area of 2,400 square feet or more for serving the public or normally has four or more employees serving the public shall be made only by that business establishment.

(PLEASE PRINT OR TYPE AND ADD EXTRA PAGES, IF NECESSARY)

**PART 1 – APPLICANT INFORMATION**

1. Type of applicant (please check one):

- ☒ one or more person carrying on retail business in the Regional Municipality of Niagara
- ☐ an association, whether or not incorporated, representing persons carrying on retail business in the Regional Municipality of Niagara
- ☐ a council of a local municipality

2. Name of Applicant: LOWE'S  
COMPANIES CANADA, ULC

Mailing Address of Applicant: 220, Chemin du Tremblay, Boucherville, Québec, J4B 8H7  
(Lowe's Canada Head Office)

Telephone No. of Applicant: (905) 374-5520 (Store Fax No.  
Manager)

Email Address of Applicant: avisjuridiques-  
legalnotices@lowes.ca

Bill 6715, *as amended by By-law No. 19-2010*

3. Applicant's Authorized Agent (to whom all correspondence will be sent) Mary Ellen Bench Counsel

Mailing Address of Applicant: Dentons Canada LLP  
77 King Street West  
Suite 400, TD Centre  
Toronto, Ontario  
M5K 0A1

Telephone No. of Applicant 416-863-4724 Fax No. 416-863-4592

Email Address of Applicant maryellen.bench@dentons.com

4. Location of Retail Business Establishment

Municipal Address	Street	Lowe's Niagara Falls
Number, Municipality		7959 McLeod Road
		Niagara Falls, Ontario
		L2H 0G5

5. If you wish the exemption to apply to one or more classes of retail business establishments, please define and specify the classes:

Total No. of Sq. Ft. normally used for serving the public: 103,995 square feet

Total No. of Employees normally serving the public: 175 employees



**PART II – TOURISM CRITERIA**

Tourist attractions are limited to:

- a) Natural attractions or outdoor recreational attractions;
- b) Historical attractions; and
- c) Cultural, multi-cultural or educational attractions.

The two (2) kilometre restriction set out in the Regulations to the Act does not apply to a retail business establishment located in a local municipality within the Regional of Niagara, having a population of less than 50,000.

1. Is business located within two kilometres of a tourist attraction? Yes ☒ No ☐

If yes, describe the nature of tourist attraction:

Lundy's Lane historical district, and related shopping, hotel and recreational venues.

2. Describe nature of direct association with the tourist attraction or reliance on tourists visiting the attraction for business on a holiday

Tourism is the most important business in the City of Niagara Falls, and a major source of employment in the Region. Lowes sells many items that are in demand for those travelling to Niagara Falls by automobile. In addition, Lowes offers many products and services that assist the retail, recreation, accommodation, and arts establishments that serve tourism in Niagara Falls to meet the needs of the tourists who use their facilities. In addition, Lowes plays an important role in assisting local residents who work in the tourism industry and who must work on statutory holidays, to acquire the goods and services they need for their homes conveniently, given the proximity of the store to the tourism areas of Niagara Falls, most notable Lundy's Lane and Stanley Avenue. The location of Lowes makes it convenient to access the broader tourism areas of Niagara Falls as well.

Bill 6715, *as amended by By-law No. 19-2010*

3. Where the application involves a business that one days other than holidays normally uses a total area of 2,400 square feet or more for serving the public, or normally has four or more employees serving the public, please outline the goods or services provided primarily to tourists.

*Goods and services provided directly to tourists include recreational products, electric cords and chargers, cleaning supplies, gift items, garden items, and almost everything in the store can be purchased for home delivery. Goods or services that primarily benefit tourists are also provided to restaurants, stores, inns, etc.*

This section relates only to applications to grant exemptions on an area basis.
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4. a) In what local municipality is it located?

- b) Describe subject area (in words):

(Please attach a map or sketch)

- c) How many businesses are included in this application?
- d) Are all the retail business establishments in the described area within two kilometres of the tourist attraction?
- e) Does the area exceed that necessary to encompass all of the retail business establishments for which an exemption is sought?
- If not, explain how it does not:
- f) How many of the businesses are directly associated with the tourist attraction or rely on tourists visiting the tourist attraction for business on a holiday? (Regulations to the Act require at least 25% of the businesses)
- g) If application is submitted by an association, describe briefly the purpose of the association, the area and type of businesses it represents.

Bill 6715, *as amended by By-law No. 19-2010*

**PART III – GENERAL**

1. Indicate which holidays, and which specific times or specific number of hours you wish to be open on those holidays:

7:00am to 9:00pm, on all holidays except Christmas

2. Is request seasonal in nature, e.g. summer months only?

If yes, what time period is sought?

N/A

3. What is the justification in relation to the seasonal nature, if any, of the tourist attraction, for the time period sought in the exemption?

4. Is request related to a special event?

NOTE: A retail business establishment may be exempted for up to five holidays a year during which a fair, festival or other special event (but not solely a parade) is being held in that municipality.

For what holidays is exemption being sought?

All holidays. The nature of the business means our goods and services are needed to support the tourism industry regardless of holidays. Our gardening supplies and nursery stock should also be available to the public regardless of holidays.

Describe special event, duration and time of year

5. Indicate how the exemption would, if granted, be for the maintenance or development of tourism and briefly identify other material submitted with this application that supports this conclusion:

Tourism is the most important economic generator for the City of Niagara Falls and the industry employs many from the whole of the Niagara Region, both directly and indirectly. Located close the Lundy's Land heritage district, the Lowes store provides goods that are in demand by tourists, but it also contributes significantly to providing for the goods and services needed to support and maintain the hotel, restaurant, recreational and restaurant industries. Their needs do not stop on statutory holidays, and having Lowes nearby allows the tourism businesses to meet their needs without delay. Also, the many who work in these businesses benefit from having the local Lowes store open to meet their needs on a day they are off work or by picking up an item on the way to or from work.

- 6 -

Approximately 20% of the store PRO sales can be attributed to maintenance items for restaurants, inns, stores that are part of the tourism industry, which is in excess of \$2 million annually in sales.

6. What justification is there for the opening of the retail business establishment(s) on holidays in light of the principle, stated in the Retail Business Holidays Act, that holidays should be maintained as common pause days?

Niagara Falls is unique as a world tourism site and has always been an exception to restrictions on store opening laws as a result. The needs of the tourism industry must be met regardless of whether a day is a statutory holiday.

On April 4, 2020 the Ontario government produced a list of essential service providers during the COVID-19 pandemic. Lowes meets the criteria as an essential service in multiple ways: as a store that sells hardware products and safety supplies, and as a business that supplies other essential businesses and services such as the hotel/motel industry, related to tourism. The important role played by Lowes in supplying goods and services is significant, as recognized by the Province. In addition, Lowes is a retailer of Gardening equipment and nursery stock, items that are meant to be available to the public, regardless of holidays.

#### EXECUTION BY APPLICANT

I, Antonio Cioffi, of the board of directors of Lowe's Compagnies Canada, ULC do solemnly declare that all of the statements contained in this application are true and I make this solemn declaration conscientiously, believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me

Manon Labelle

In the Province of Québec,

this 22 day of March, 2021

  
(Applicant)

Manon Labelle.  
Commissioner of oaths  
A Commissioner, etc.



Bill 6715, as amended by By-law No. 19-2010

**APPOINTMENT OF AUTHORIZED AGENT**

I, Antonio Cioffi, hereby appoint Mary Ellen Bench of Dentons Canada LLP to act as Lowe's Companies Canada, ULC authorized agent in this Application.

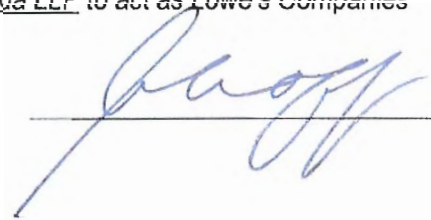
Witness:

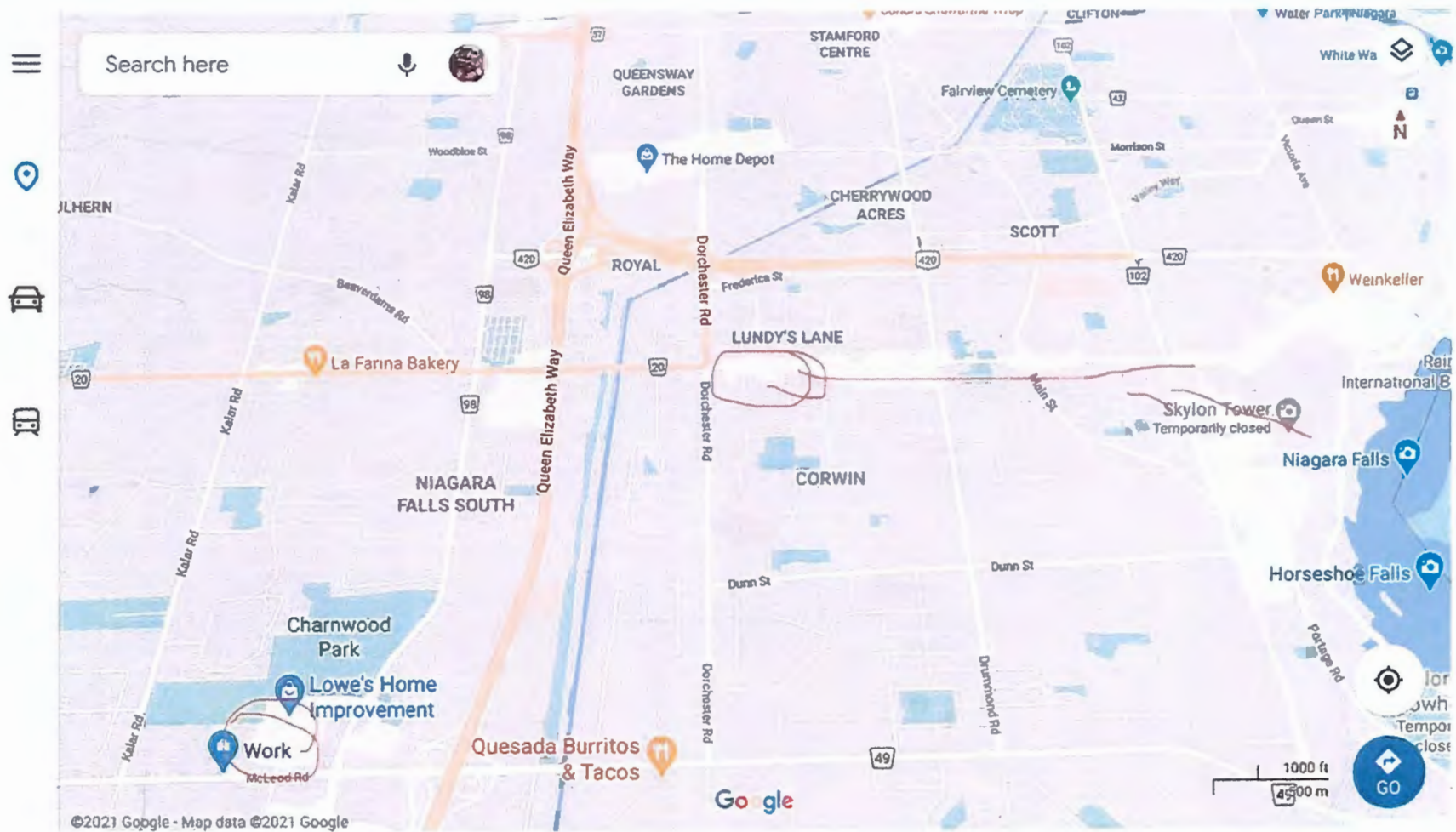
Sharon Weathe

Signed:

Date:

March 22, 2021

A handwritten signature in blue ink, appearing to read 'Antonio Cioffi', is written over a horizontal line.



**From:** Heather Ruzylo <hruzylo@niagarafalls.ca>  
**Sent:** Thursday, April 22, 2021 5:15 PM  
**To:** Norio, Ann-Marie <Ann-Marie.Norio@niagararegion.ca>  
**Cc:** Bill Matson <billmatson@niagarafalls.ca>; Heather Ruzylo <hruzylo@niagarafalls.ca>  
**Subject:** City of Niagara Falls' Council Approved: Support for Tourist Exemption for Retail Holiday Openings

Ann-Marie:

Please be guided by the following motion that was approved at the City of Niagara Falls' Council meeting on April 20, 2021:

**ORDERED on the motion of Councillor Wayne Thomson, Seconded by Councillor Victor Pietrangelo that Council support the Tourist Exemption for Retail Holiday Openings request.**

Regards,

**Heather Ruzylo** | Clerks & Council Services Coordinator | Clerks Services | City of Niagara Falls  
4310 Queen Street | Niagara Falls, ON L2E 6X5 | (905) 356-7521 ext 4203 | Fax 905-356-9083 | [hruzylo@niagarafalls.ca](mailto:hruzylo@niagarafalls.ca)



CLERKS DEPARTMENT

# Inter-Departmental Memo

**To:** Mayor James M. Diodati & Members of Council  
**From:** Bill Matson, City Clerk  
**Date:** April 20, 2021  
**Re:** Tourist Exemption for Retail Holiday Openings

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Whether a business is allowed to open on a statutory holiday is determined by Provincial Legislation known as *The Retail Business Holidays Act*.

The Act does not allow holiday openings except for certain exemptions, which are outlined in the Act.

There is a process to apply for a tourist exemption through the Clerks Office at the Region. There is a fee and the Region will hold a public meeting to be held before the Region's Corporate Services Committee on Wednesday May 12, 2021.

The regulations of the legislation state that a retail establishment looking to open on a statutory holiday has to be located within 2km of a tourist attraction and relies on tourists visiting the attraction for business on a holiday. Most applications for such an exemption in Niagara Falls have been approved on the basis that just about every location could be argued to be catering to Tourist in the City.

The Regional Clerks Office has asked the City for its comments on the attached application for Lowe's in Niagara Falls to be open on all holiday's, with the exception of Christmas Day.

As a tourist community, where many businesses are already open on statutory holidays, there seems to be less of a desire to maintain the former "pause" days under the legislation. Council has supported other similar requests of this nature.

**RECOMMENDATION:** That Council support the request.







**Administration**

Office of the Regional Clerk

1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7

Telephone: 905-685-4225 Toll-free: 1-800-263-7215 Fax: 905-687-4977

[www.niagararegion.ca](http://www.niagararegion.ca)

April 8, 2021

Mr. Bill Matson, City Clerk  
City of Niagara Falls  
City Hall, P.O. Box 1023  
4310 Queen St.  
Niagara Falls, ON  
L2E 6X5

***SENT ELECTRONICALLY***

Dear Mr. Matson:

***Re: Request for Comments on Application for Tourism Exemption for Holiday Openings – Lowe's, 7959 McLeod Road, Niagara Falls.***

Attached is an application received from the Lowe's store located at 7959 McLeod Road in the City of Niagara Falls, requesting a tourism exemption under the Retail Business Holidays Act to permit the store to open on all statutory holidays (with the exception of Christmas Day) from 7:00 a.m. to 9:00 p.m.

I kindly request that you arrange to provide me comments from the City of Niagara Falls regarding this application by Monday, April 26, 2021, for inclusion in the staff report for the Public Meeting to be held before the Region's Corporate Services Committee on Wednesday, May 12, 2021.

If you have any questions regarding this matter, please do not hesitate to contact me.

Yours truly,

A handwritten signature in black ink, appearing to read "Ann-Marie".

Ann-Marie Norio  
Regional Clerk  
:kl

CLK-C 2021-057

Bill 6715, *as amended by By-law No. 19-2010*

THE REGIONAL MUNICIPALITY OF NIAGARA

APPLICATION FOR TOURISM EXEMPTION

RE HOLIDAY OPENINGS

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(PLEASE PRINT OR TYPE AND ADD EXTRA PAGES, IF NECESSARY)

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- ☐ an association, whether or not incorporated, representing persons carrying on retail business in the Regional Municipality of Niagara
- ☐ a council of a local municipality

2. Name of Applicant: LOWE'S  
COMPANIES CANADA, ULC

Mailing Address of Applicant: 220, Chemin du Tremblay, Boucherville, Québec, J4B 8H7  
(Lowe's Canada Head Office)

Telephone No. of Applicant: (905) 374-5520 (Store Fax No.  
Manager)

Email Address of Applicant: avisjuridiques-  
legalnotices@lowes.ca



**PART II – TOURISM CRITERIA**

Tourist attractions are limited to:

- a) Natural attractions or outdoor recreational attractions;
- b) Historical attractions; and
- c) Cultural, multi-cultural or educational attractions.

The two (2) kilometre restriction set out in the Regulations to the Act does not apply to a retail business establishment located in a local municipality within the Regional of Niagara, having a population of less than 50,000.

1. Is business located within two kilometres of a tourist attraction? Yes ☒ No ☐

If yes, describe the nature of tourist attraction:

Lundy's Lane historical district, and related shopping, hotel and recreational venues.

2. Describe nature of direct association with the tourist attraction or reliance on tourists visiting the attraction for business on a holiday

Tourism is the most important business in the City of Niagara Falls, and a major source of employment in the Region. Lowes sells many items that are in demand for those travelling to Niagara Falls by automobile. In addition, Lowes offers many products and services that assist the retail, recreation, accommodation, and arts establishments that serve tourism in Niagara Falls to meet the needs of the tourists who use their facilities. In addition, Lowes plays an important role in assisting local residents who work in the tourism industry and who must work on statutory holidays, to acquire the goods and services they need for their homes conveniently, given the proximity of the store to the tourism areas of Niagara Falls, most notable Lundy's Lane and Stanley Avenue. The location of Lowes makes it convenient to access the broader tourism areas of Niagara Falls as well.

Bill 6715, *as amended by By-law No. 19-2010*

3. Where the application involves a business that one days other than holidays normally uses a total area of 2,400 square feet or more for serving the public, or normally has four or more employees serving the public, please outline the goods or services provided primarily to tourists.

*Goods and services provided directly to tourists include recreational products, electric cords and chargers, cleaning supplies, gift items, garden items, and almost everything in the store can be purchased for home delivery. Goods or services that primarily benefit tourists are also provided to restaurants, stores, inns, etc.*

This section relates only to applications to grant exemptions on an area basis.
---

4. a) In what local municipality is it located?

- b) Describe subject area (in words):

(Please attach a map or sketch)

- c) How many businesses are included in this application?
- d) Are all the retail business establishments in the described area within two kilometres of the tourist attraction?
- e) Does the area exceed that necessary to encompass all of the retail business establishments for which an exemption is sought?
- If not, explain how it does not:
- f) How many of the businesses are directly associated with the tourist attraction or rely on tourists visiting the tourist attraction for business on a holiday? (Regulations to the Act require at least 25% of the businesses)
- g) If application is submitted by an association, describe briefly the purpose of the association, the area and type of businesses it represents.

Bill 6715, *as amended by By-law No. 19-2010*

**PART III – GENERAL**

1. Indicate which holidays, and which specific times or specific number of hours you wish to be open on those holidays:

7:00am to 9:00pm, on all holidays except Christmas

2. Is request seasonal in nature, e.g. summer months only?

If yes, what time period is sought?

N/A

3. What is the justification in relation to the seasonal nature, if any, of the tourist attraction, for the time period sought in the exemption?

4. Is request related to a special event?

NOTE: A retail business establishment may be exempted for up to five holidays a year during which a fair, festival or other special event (but not solely a parade) is being held in that municipality.

For what holidays is exemption being sought?

All holidays. The nature of the business means our goods and services are needed to support the tourism industry regardless of holidays. Our gardening supplies and nursery stock should also be available to the public regardless of holidays.

Describe special event, duration and time of year

5. Indicate how the exemption would, if granted, be for the maintenance or development of tourism and briefly identify other material submitted with this application that supports this conclusion:

Tourism is the most important economic generator for the City of Niagara Falls and the industry employs many from the whole of the Niagara Region, both directly and indirectly. Located close the Lundy's Land heritage district, the Lowes store provides goods that are in demand by tourists, but it also contributes significantly to providing for the goods and services needed to support and maintain the hotel, restaurant, recreational and restaurant industries. Their needs do not stop on statutory holidays, and having Lowes nearby allows the tourism businesses to meet their needs without delay. Also, the many who work in these businesses benefit from having the local Lowes store open to meet their needs on a day they are off work or by picking up an item on the way to or from work.

- 6 -

Approximately 20% of the store PRO sales can be attributed to maintenance items for restaurants, inns, stores that are part of the tourism industry, which is in excess of \$2 million annually in sales.

6. What justification is there for the opening of the retail business establishment(s) on holidays in light of the principle, stated in the Retail Business Holidays Act, that holidays should be maintained as common pause days?

Niagara Falls is unique as a world tourism site and has always been an exception to restrictions on store opening laws as a result. The needs of the tourism industry must be met regardless of whether a day is a statutory holiday.

On April 4, 2020 the Ontario government produced a list of essential service providers during the COVID-19 pandemic. Lowes meets the criteria as an essential service in multiple ways: as a store that sells hardware products and safety supplies, and as a business that supplies other essential businesses and services such as the hotel/motel industry, related to tourism. The important role played by Lowes in supplying goods and services is significant, as recognized by the Province. In addition, Lowes is a retailer of Gardening equipment and nursery stock, items that are meant to be available to the public, regardless of holidays.

#### EXECUTION BY APPLICANT

I, Antonio Cioffi, of the board of directors of Lowe's Compagnies Canada, ULC do solemnly declare that all of the statements contained in this application are true and I make this solemn declaration conscientiously, believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me

Manon Labelle

In the Province of Québec,

this 22 day of March, 2021

(Applicant)

d. Labelle.  
Commissioner of oaths  
A Commissioner, etc.



Bill 6715, *as amended by By-law No. 19-2010*

**APPOINTMENT OF AUTHORIZED AGENT**

I, Antonio Cioffi, hereby appoint Mary Ellen Bench of Dentons Canada LLP to act as Lowe's Companies Canada, ULC authorized agent in this Application.

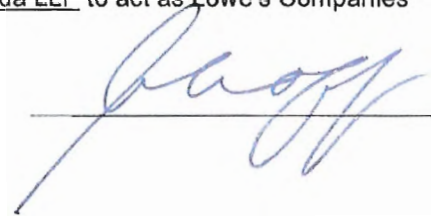
Witness:

Sharon Wodtke

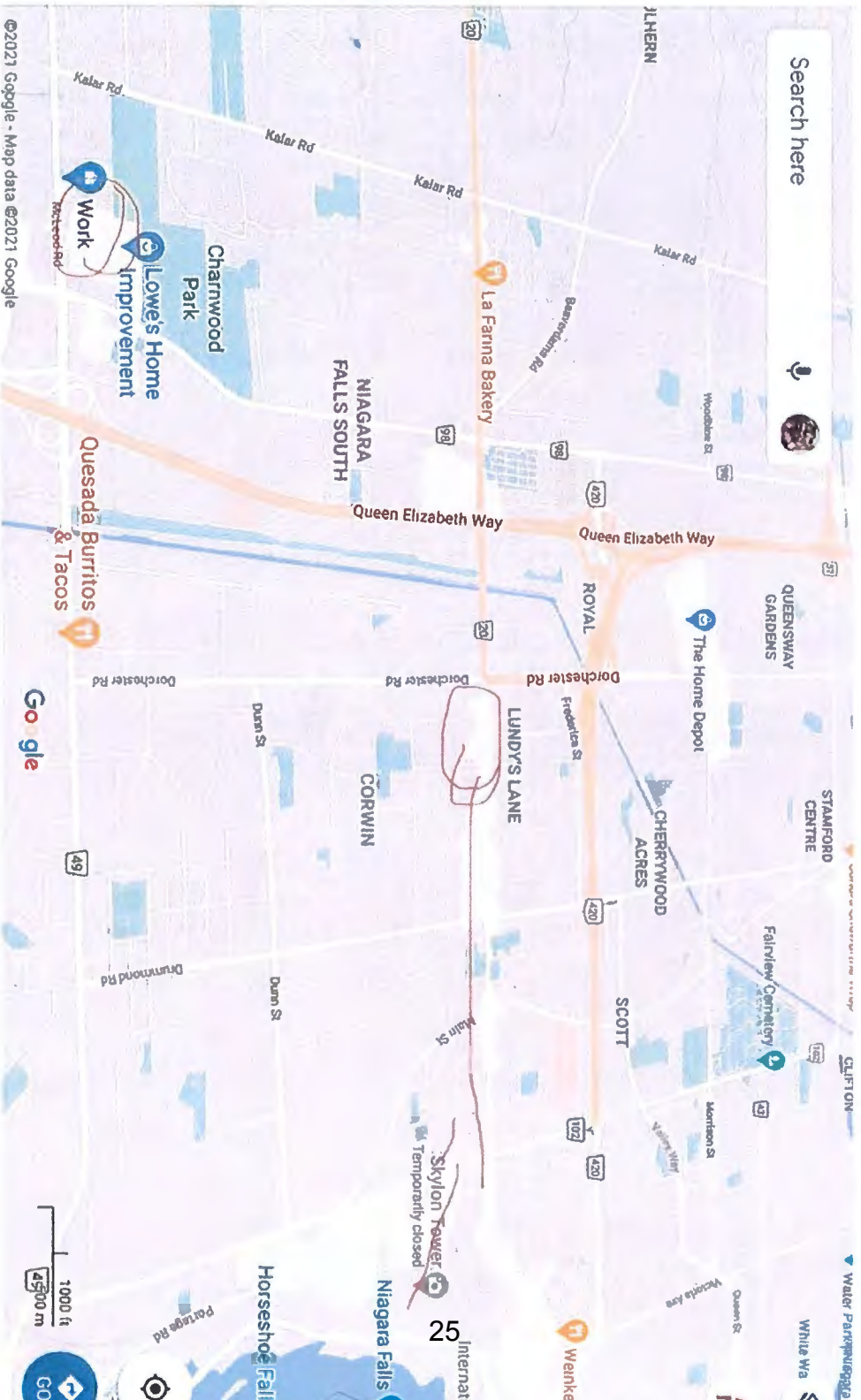
Signed:

Date:

March 22, 2021

A handwritten signature in blue ink, appearing to read 'A. Cioffi', written over a horizontal line.





©2021 Google - Map data ©2021 Google

1000 ft  
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**Subject:** Niagara Regional Police Services (NRPS) 1 District – Amending Agreement with Merit Contractors Niagara Ltd.

**Report to:** Corporate Services Committee

**Report date:** Wednesday, May 12, 2021

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## Recommendations

1. That the CCDC-2 Stipulated Price Contract of \$17,111,289 (including 13% HST) awarded to Merit Contractors Niagara Ltd. (“Merit”) **BE INCREASED** by \$53,221 (including 13% HST) for a total revised Contract of \$17,164,510 (including 13% HST) for the construction of the NRPS 1 District Facility in St. Catharines;
2. That the Gross Budget for Niagara Regional Police Service (NRPS) 1 District Facility in St. Catharines **BE INCREASED** by \$47,927 and that the increase **BE FUNDED** from the Capital Variance – Levy Project; and
3. That the Regional Chair and the Regional Clerk **BE AUTHORIZED** to execute an amendment to the CCDC-2 Stipulated Price Contract between Niagara Region and Merit as proposed in Recommendation 1 above.

## Key Facts

- On March 1, 2019 Niagara Region entered into a CCDC-2 Stipulated Price Contract with Merit, in the amount of \$16,761,290 (\$14,833,000 base contract plus 13% HST) for the construction of the new NRPS 1 District facility in St. Catharines.
- On December 9<sup>th</sup>, 2020 CSD 77- 2020 was approved to increase Merit’s contract by \$350,000 (including 13% HST), for a total revised Contract of \$17,111,290 (including 13% HST).
- On April 5<sup>th</sup>, 2021, Merit submitted a Change Notice entitled “Covid 19 Protocols Project Duration”, seeking compensation for additional costs incurred due to Covid-19.
- Last month, the NRPS 1 District facility achieved Substantial Completion and NRPS staff have moved in and are operating out of the new facility.
- The cumulative value of the CCDC-2 Stipulated Price Contract, inclusive of the proposed amendment, will exceed \$5,000,000 and therefore requires the authorization of Regional Council in accordance with Niagara Region’s procurement By-law 02-2016 as amended on February 28, 2019 pursuant to Section 18 (c) and Schedule B.

## Financial Considerations

Pursuant to CSD 13-2019, Council approved the award of Contract 2018-T-23 for the construction of the NRPS 1 District facility in St. Catharines to Merit Contractors Niagara Ltd. for \$15,094,090 (inclusive of non-refundable HST). Below is a schedule showing the history of increases on this contract.

<b>Contract</b>	<b>Inclusive of 1.76% Non-refundable HST</b>	<b>Inclusive of 13% HST</b>
Contract Award (2018-T-23)	\$15,094,090	\$16,761,290
Council Approved Contract Increase (CSD 77-2020)	\$315,187	\$349,999
<b>Revised Total Contract</b>	<b>\$15,409,277</b>	<b>\$17,111,289</b>
Pending Contract Increase	\$47,927	\$53,221
<b>Pending Revised Total Contract</b>	<b>\$15,457,204</b>	<b>\$17,164,510</b>

Region Staff confirms there are not sufficient funds in the project budget (20000805) to address the latest proposed increase to Merit's contract. The increase of \$47,927 will be used to address costs that have arisen outside of normal construction that are related to delays caused by COVID-19. The increase will be tracked as a COVID-19 related cost.

The proposed increase of \$47,927 will be funded from the Capital Variance – Levy Project. Staff confirms the current balance of uncommitted funds in the Capital Variance – Levy Project is \$2,685,871 as of April 8. The total funds added to this project via the Capital Variance – Levy Project prior to the current request was \$3,346,254. Council approval is required per the Budget Control By-Law for the \$47,927 increase due to the prior Capital Variance – Levy Project funding for this project exceeding \$250,000.

## Analysis

On April 3<sup>rd</sup>, 2020 the Province of Ontario announced a Province-wide shut down of all non-essential construction related projects, putting a stop to construction on the NRPS 1 District site from April 6<sup>th</sup>, 2020 to May 4<sup>th</sup>, 2020. Once the shutdown period ended,

the province mandated additional requirements for face coverings, hand washing, and physical distancing on construction sites in order to slow the spread of Covid-19.

As a result of the shut-down and mandated requirements, Merit submitted a request for extra for COVID related costs including: demobilizing / re-mobilizing and securing the site during the one month shut-down, additional cleaning facilities, extension of insurance and bonding requirements and equipment rentals. In addition, the pace of work was impacted due to additional cleaning requirements and social distance protocols restricting the number of trade staff allowed on the site at a given time.

### **Alternatives Reviewed**

Throughout the NRPS 1 District project, Region staff have worked diligently to mitigate extra costs and with the exception of the COVID related costs, the project will be delivered within budget.

In consultation with the Prime Consultant, Region staff reviewed the extra costs submitted by Merit and have deemed them to be reasonable and fair. In order to ensure safe working conditions on the site and due to provincial orders, Merit incurred additional costs that could not be avoided nor could they have been anticipated at the time of tender. As such, staff is recommending increasing the contract amount for Merit as per the financial section.

### **Relationship to Council Strategic Priorities**

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

- Promote a Healthy and Vibrant Community; and
- Reasonable Growth and Infrastructure Planning.

### **Other Pertinent Reports**

- |                 |                             |                                  |
|-----------------|-----------------------------|----------------------------------|
| • CSD 13 – 2019 | Corporate Service Committee | February 20 <sup>th</sup> , 2019 |
| • CSD 77 – 2020 | Corporate Service Committee | December 9 <sup>th</sup> , 2020  |

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**Prepared by:**

Nicole Menard  
Senior Project Manager  
Construction, Energy & Facilities  
Management

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**Recommended by:**

Todd Harrison, CPA, CMA  
Commissioner/Treasurer  
Corporate Services

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**Submitted by:**

Ron Tripp, P.Eng.  
Acting Chief Administrative Officer

*This report was prepared in consultation with Nicole Menard, Senior Project Manager; and reviewed by Bradley Ray, Associate Director, Facilities Projects, Assets & Energy Management; Adam Niece, Program Financial Specialist; and Nicole Wolfe, Director, Construction, Energy & Facilities Management.*

**Appendices**

Appendix 1 – NRPS 1 District Total Estimated Project Cost

Appendix 2 – NRPS 1 District Total Approved Budget

Total Estimated Project Cost (20000805 & 10PR1420)*	Revised Council Approved Budget (as per CSD 77-2020)	Budget Decrease/ Reallocation	Revised Council Approved Budget	Expended & Committed as of 04/08/21	Contract Award/ Forecast	Budget Remaining
	(A)	(B)	(C) = (A) + (B)	(D)	(E)	(F) = (C) - (D) - (E)
Construction (including Construction Contingency and 1.76% non-refundable HST) (a)	15,409,277	47,927	15,457,204	15,409,278	47,926	(0)
Project Contingency (b)	-	-	-	-	-	-
Property Acquisition ( c)	1,359,321	-	1,359,321	1,359,321	-	-
Consulting Services (d)	1,513,276	-	1,513,276	1,407,550	170,213	(64,488)
Permitting ( e)	54,369	-	54,369	54,369	-	-
Furniture, Fixtures and Equipment (f)	395,476	-	395,476	386,433	-	9,043
Project Management (In-House) and Operations (g)	220,405	-	220,405	132,763	32,197	55,445
Property Remediation (h)	1,653,991	-	1,653,991	1,653,991	-	-
<b>Total Estimated Project Cost</b>	<b>20,606,115</b>	<b>47,927</b>	<b>20,654,042</b>	<b>20,403,706</b>	<b>250,336</b>	<b>(0)</b>
<b>Project Funding Sources</b>						
Regional reserves & debt	(17,069,312)		(17,069,312)	(16,818,976)	(250,336)	0
NRPS Capital Levy	(189,870)		(189,870)	(189,870)		-
Capital Interest Closeout	(679)		(679)	(679)		-
Capital Variance Project - Levy	(3,346,254)	(47,927)	(3,394,181)	(3,394,181)		-
	<b>(20,606,115)</b>	<b>(47,927)</b>	<b>(20,654,042)</b>	<b>(20,403,706)</b>	<b>(250,336)</b>	<b>0</b>

\*All costs include 1.76% non-refundable HST  
\*\* Total Contract Award is equal to i) \$15,189,833 before tax; ii) \$15,457,204 including 1.76% non-refundable HST; iii) \$17,164,510 including 13% HST

Niagara Regional Police Service - 1 District  
Total Approved Budget

CSD 27- 2021  
May 12, 2021  
Appendix 2

Column1	Total Budget
<b><u>Total Budget (20000805 &amp; 10PR1420)</u></b>	
Approved Budget - 2009	14,736,000
CSD 2-2018 NRPS D1 Initiation	2,483,991
CSD 13-2019 Approved Capital Variance Request	3,346,254
Transfer from NRPS Capital Reserve	39,870
Revised Budget	20,606,115
CSD 27-2021 Capital Variance Request*	47,927
Final Revised Budget	<b>20,654,043</b>

\*Council approval required due to total capital variance requests for project exceeding \$250,000

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**Subject:** Community Member Appointments to the Diversity, Equity, and Inclusion Advisory Committee

**Report to:** Corporate Services Committee

**Report date:** Wednesday, May 12, 2021

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## Recommendations

1. That the recommended community member appointments for the Diversity, Equity, and Inclusion Advisory Committee, contained in Confidential Appendix 1 to Report CLK 06-2021, **BE APPROVED**.

## Key Facts

- On December 17, 2020, Council endorsed the establishment of a Diversity, Equity, and Inclusion Advisory Committee.
- Subsequently on February 25, 2021 (CLK 1-2021), Council endorsed the Diversity, Equity, and Inclusion Advisory Committee Terms of Reference, which confirmed the composition of the committee to include up to 10 citizen members and one (1) Regional Councillor.
- Staff utilized a selection process that was consistent with the approved Diversity, Equity, and Inclusion Advisory Committee Terms of Reference, which also included notifying the public in a manner consistent with other committees, including websites and social media channels, and collecting applications that included a series of relevant questions for interested community members.
- This report outlines the process followed to make the recommended selections from the pool of interested candidates for appointment to the Diversity, Equity, and Inclusion Advisory Committee

## Financial Considerations

There are no new financial considerations at this time.



## Analysis

According to the Terms of Reference, the goal of the Diversity, Equity, and Inclusion Advisory Committee (DEIAC) 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

To conduct the selection process, an application form to solicit interested citizens was posted on the Niagara Region website and communicated through social and print media. There was a three (3) week application period which ended on April 9, 2021 at 4pm. Eighty-three (83) applications in total were received during that time from interested community members.

The applications were scored by a three person panel, made up of the Director and a Program Manager from Corporate Strategy and Innovation, and a member of the Niagara Region Diversity, Equity, and Inclusion Working Group. The panel used a predetermined scoring matrix that directly correlated with the objectives of the DEIAC. The matrix consisted of points being allotted with relevant weightings in the following categories.

- Expressed motivation to be on the Committee (20)
- Understanding of diversity, equity and inclusion (10)
- Experience making a space or place more welcoming or inclusive (15)
- Community collaboration experience (15)

- Leadership abilities (15)
- Previous board/committee experience (10)

Candidates were also requested to share demographic information including municipality, gender, and if they identify with the following groups to ensure membership recommendations modeled a breadth of diversity for the committee.

- Ethnocultural or linguistic diversity
- Racialized communities or People of Colour
- Francophone
- New Immigrants
- Indigenous
- 2SLGBTQIA+
- Individuals with physical or mental disabilities
- Seniors or Older Adults
- People experiencing low income or homelessness
- Post-Secondary or Youth
- Faith or Religious Affiliation

The panel individually scored each candidate. The top scoring candidates were reviewed collectively by the panel and through consensus, eight (8) qualified candidates were identified that represent the diverse geography and characteristics of the community and provide a diverse lens and skill set with which to deliver the Committee's objectives. The additional two (2) community members will be representatives from the Women's Advisory Committee and the Accessibility Advisory Committee.

Based on the strong results of the scoring, staff are recommending the appointment of eight (8) community members to the Committee, the list of whom can be found in Confidential Appendix I of this report.

### **Alternatives Reviewed**

Not applicable

### **Relationship to Council Strategic Priorities**

The creation of the DEIAC 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 this committee 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 DEIAC 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)
- [CLK 1-2021](#) - Establishment of Diversity Related Advisory Committees

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#### Prepared by:

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

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#### Recommended by:

Natalie Early  
Director  
Corporate Strategy and Innovation

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#### Submitted by:

Ron Tripp, P.Eng.  
Acting Chief Administrative Officer

*This report was prepared in consultation with Mike Ogunlaja, Project Manager, Water Waste Water Engineering, and reviewed by Ann-Marie Norio, Regional Clerk.*

### Appendices

CLK 06-2021 Confidential Appendix 1: Recommended Community Member Appointments to the Diversity, Equity, and Inclusion Advisory Committee

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**MEMORANDUM**

**CSC-C 17-2021**

**Subject: Referred Motion - Municipal Act Revisions for Code of Conduct Violations**

**Date: May 12, 2021**

**To: Corporate Services Committee**

**From: Ann-Marie Norio, Regional Clerk**

---

At its Special meeting held on April 22, 2021, Regional Council referred the following motion to the Corporate Services Committee:

WHEREAS the City of Ottawa Integrity Commissioner found that a Member of Ottawa City Council engaged in “incomprehensible incidents of harassment” involving job candidates and staff;

WHEREAS the Municipal Act, 2001 does not provide a mechanism to have a Councillor vacated from their seat despite any acts of serious misconduct;

WHEREAS the City of Ottawa has sent correspondence to the Minister of Municipal Affairs and Housing requesting revisions to the Municipal Act, 2001, to address such acts of serious misconduct;

WHEREAS the Women’s Advisory Committee is supportive of requesting revisions to the Municipal Act, 2001 to address these matters;

WHEREAS the Province of Ontario has opened a formal consultation process to invite members of public and municipalities to provide comments on ways to strength codes of conduct; and

WHEREAS the Association of Municipalities of Ontario (AMO) has released a position statement regarding this consultation.

**NOW THEREFORE BE IT RESOLVED:**

1. That the Regional Chair **BE DIRECTED** to send a letter to the Minister of Municipal Affairs and Housing requesting revisions be made to the Municipal Act, 2001, that would provide for the vacating of the seat of a member of council who has been found on clear and convincing evidence to have committed serious misconduct;
2. That Regional Council **ENDORSE** AMO's position in regards to this matter; and
3. That the Regional Chair **BE DIRECTED** to actively participate, on behalf of Regional Council, in the ongoing provincial consultation on this matter.

Members will recall that a similar motion was previously considered by Council at its meeting held on March 25, 2021, and was also referred to the Corporate Services Committee. At that time, the Province had yet to release information on the provincial consultation process. CWCD 2021-91(attached), was provided to Regional Council on April 16, 2021, via the Council Weekly Correspondence Distribution and includes information respecting the consultation process on municipal codes of conduct. As part of that consultation, AMO has provided their position on the matter (attached as Appendix 1).

Respectfully submitted and signed by

---

Ann-Marie Norio  
Regional Clerk

Sent via email to: [minister.mah@ontario.ca](mailto:minister.mah@ontario.ca)

February 3, 2021

The Honourable Steve Clark  
Minister of Municipal Affairs and Housing  
College Park, 17th Floor,  
777 Bay St.  
Toronto, Ontario  
M7A 2J3

Dear Minister Clark,

**Re: Options for Enforcing Compliance by Council Members with Municipal Codes of Conduct**

I am writing to you in response to your inquiry at the December MOU meeting as to whether AMO might provide input into a potential council member recall mechanism. I appreciate being able to provide you with some input on behalf of the Association. To do so, I am taking the unusual step of attaching the motion approved recently by AMO's Board, expanded upon in the text of this letter to explain the rationale for our recommendations and the detailed legislative, regulatory, and municipal policy changes needed to put them in place.

As I know you are aware, the subject of enforcing Codes of Conduct for democratically elected members of a council or legislature is an important issue. It is also one in which striking the correct balance is both difficult and critical to preserving accountability and confidence in the electoral system. Since your inquiry, AMO has been working to examine options that improve accountability to the electorate with reasonable actions that can help to promote and ensure good behaviour amongst elected officials. Our staff have consulted with municipal legal experts and conferred with staff at your Ministry. Our Executive Committee and Board of Directors have also discussed the issue and potential recommendations. The input I am presenting you for consideration reflects development and refinement at each of those stages.

I can tell you that our Board had detailed discussions and informed opinions were voiced on all sides of this issue. With that said, our Board reached a general consensus that municipal Codes of Conduct and the system to enforce them are strong governance tools but that municipal governments needed a better ability to ensure compliance with these Codes that all elected officials agree to when they take office.

Ultimately, the Board strongly endorsed the need to create additional interim options to enforce council member behaviour as well as the ultimate ability to remove a council member in the most egregious breaches of a municipal Code of Conduct.

These options build on the current removal criteria for council members of criminal conviction or missing three consecutive council meetings.

## Guiding Principles

The AMO Board endorsed several principles to guide our conversations and analysis. We think they are relevant to any actions the Ministry may consider regarding changes to compliance mechanisms for council members. As a result, I am presenting them to you in this letter so that you can understand how our recommendations were formed and for your consideration as you work on any policy development in this area. AMO will weigh any policy changes in accordance with the principles. The most significant ideas behind these principles are respect for municipal government as a democratic institution including municipal electors, evolution of current mechanisms, practicality and acknowledgement that enforcing criminal law is a separate task from the Code of Conduct compliance matters being considered here.

The principles AMO believes most relevant are:

- **Subsidiarity and accountability to electorate** – decisions taken at the closest level of their impact and local electors must be consulted/decisions respected.
- **Mature municipal governments** – councils should decide and implement sanctions, not other orders of government.
- **Clear link to municipal governance** – process and actions encourage compliance with governance policies and insulated from vexatious claims and political grievances/reprisals.
- **Practicality** – can the outcome be achieved affordably in a term of office.
- **Respects other legal processes** – does not replace criminal conviction which results in forfeit of a council seat.

## Removal by Minister and Recall by Voters

As we applied these principles, AMO considered the two options that have been presented through recent public discussions in Ontario. They are: removal of a council member by the Minister of Municipal Affairs and Housing; and voter recall. As the Board considered these options, it became evident that they did not meet the principles of respect for municipal government institutions and voters, subsidiarity, and practicality. As a result, the Board elected not to recommend these as actions for policy development.

## Code of Conduct Enforcement and Integrity Commissioners

The Board preferred to recommend an alternative to the previous options that it felt enhanced the current mechanisms in place to incent compliance with behavioural

codes and also allow recommendation of suspension or removal in some circumstances, subject to process. AMO's Board felt that the introduction of municipal Integrity Commissioners, reporting as officers of council governance, offered the best option for enhanced compliance with Codes of Conduct, with new enhancements to powers and processes through regulation and municipal policy. The rationale for this is that the Board believes that these Codes are mutually agreed upon covenants that all members of council agree to uphold upon election and that it is fair to hold members accountable to each other and the public for their compliance with them.

In particular, the Board believes that the introduction of municipal Integrity Commissioners has been largely successful but that better education and standardization of the role, where appropriate, is needed to improve performance across the province. The Board also felt that the fact these officers are employed by councils and already empowered to investigate breaches in Codes of Conduct provided a useful foundation consistent with the need to respect local governments and our electors. Subsequent powers would render them even more useful to uphold principles agreed to by public office holders.

### **Administrative Monetary Penalties**

Despite their current relevance, some particular changes to legislation and regulations are needed to enhance the Integrity Commissioner's role to enforce Codes of Conduct to give it more tools to do so. The Board recommends that the *Municipal Act* be amended to allow Administrative Monetary Penalties to be applied to council members where violations of Codes of Conduct have been found through an Integrity Commissioner's report. To allow these penalties and create a framework for their application, regulations under the *Municipal Act* should also be filed to create a range of penalties that can be applied throughout the province.

The Board was keen to ensure that the differences in municipal governments were reflected and recommends that such a regulation should also require each municipal council to establish an Administrative Monetary Penalty Policy with respect to Code of Conduct violations that can account for such variances as council remuneration, local economic circumstances and institutional culture. These penalties should only be applied after the conclusion of a public report of an Integrity Commissioner has documented violations of Codes of Conduct and recommends the application of these consequences to council.

### **Suspension**

While Administrative Monetary Penalties were felt to have merit, AMO's Board also discussed the need to be able to suspend and, in some cases, remove a member of council in more specified and limited situations. The Board considered that suspensions of council members for a specified and limited time could be warranted in situations where that member's participation in certain council decisions could have deleterious consequences to public health or safety, such as during an emergency.



The current response to the pandemic is one such situation that such an action may be taken where public discourse and disagreement about the existence of COVID-19 and use of public health measures have been openly discussed. Once again, the members of AMO's Board believe that such an action should only be taken where a member's participation in a meeting or meetings is immediately or imminently likely to make response to an emergency situation or other health and safety threat very challenging or impossible.

### **Removal from Office**

In the most significant situations, the Board believes that there should be the ability to remove members of council when the most significant breaches of Codes of Conduct are found. This would need to be separate from any criminal proceedings that may otherwise arise. In such cases, it would be appropriate for a council to seek intervention by a member of the judiciary to remove a council member where a report of a municipal Integrity Commissioner recommends such action for serious, willful and/or repeated significant violations of a Code of Conduct adopted by the municipality and agreed to by council members. Removal of a councillor by a member of the bench would of course require a legal appeal mechanism and should not necessarily disqualify a person from running in a subsequent election.

### **Education and Standardization**

Finally, the Board recommended that better education and standardization, where appropriate, of the skillset of Integrity Commissioners should be pursued over time. To do so, the Board recommended that the Ministry of Municipal Affairs and Housing develop resources for current and prospective Integrity Commissioners to improve access for councils to quality and consistent resources across Ontario. To do so, the Ministry could begin to build a continuous improvement regime for qualifications/skill sets of a Commissioner that would be common to each office holder regardless of their location.

Additionally, the Board discussed the need to educate council members through on-boarding by municipal officials after an election. Municipal staff will need to update their materials for new and returning members to reflect any changes to the regime. Also, for prospective members of council AMO's educational offerings for candidates should be updated to ensure that they understand the roles of Integrity Commissioners, compliance with Codes of Conduct and other necessary knowledge before they submit their nominations. As well, we would ask that MMAH's Councillor Guide also be so updated.

### **Conclusion**

AMO's Board had a thorough and detailed discussion based on the research conducted by our organization and the experiences of our members. The Board is aware that it is recommending significant changes to the role played by Integrity

Commissioners as well as the conventions that have bound democratically elected municipal officials in Ontario for decades or more. While it was felt that recall and removal of council members by the voter or Minister respectively did not meet the test of the principles we agreed to, we believe that more can and must be done to help ensure municipal government continues to enjoy the confidence of our electors.

The recommendations put forward in this letter and the rationales for them have the potential to do so in a measured manner. We trust you will consider our thoughts and advice in this complex matter. We are happy to discuss them as you move forward with any action to improve Code of Conduct compliance.

Sincerely,



Graydon Smith  
AMO President  
Mayor of the Town of Bracebridge

cc: Kate Manson-Smith, Deputy Minister, Ministry of Municipal Affairs and Housing

## Options for Enforcing Compliance with Municipal Codes of Conduct Amongst Council Members

### Motion:

That the Board of Directors of the Association of Municipalities of Ontario endorse the provision of advice to the Minister of Municipal Affairs and Housing to consider the following options to enforce compliance with Municipal Codes of Conduct amongst members of municipal council.

That the Board direct the President to write to the Minister with the Board's advice for strengthening enforcement of municipal Codes of Conduct for council members, as follows:

That section 223.2 (3) of the *Municipal Act* be amended to allow Administrative Monetary Penalties to be levied in the event that breaches of a municipal Code of Conduct are found through an Integrity Commissioner's investigation and published in a report;

That the Ministry of Municipal Affairs and Housing issue regulations under the *Municipal Act* authorizing municipal governments to adopt a policy for Administrative Monetary Penalties specifying a financial range of penalties for application by Integrity Commissioners in Code of Conduct breaches;

That the regulation specifies a range of financial thresholds for these penalties and a range of suspension timeframes that municipal governments can choose from to suit their local circumstances;

That an Integrity Commissioner's report into a council member's conduct be disseminated to the electors of that office through publication or other means;

That the powers of Municipal Integrity Commissioners be expanded to enforce compliance with a Municipal Code of Conduct to include:

- The levying of an Administrative Monetary Penalty for a violation of a Code of Conduct provision, subject to a municipal policy adopted by a Council specifying penalty ranges;
- Suspension of a council member for a specified time where the council member's attendance at council is affecting the ability of council to make necessary decisions in the interest of the public such as during an emergency;
- Referral to a member of the judiciary with a recommendation to consider removing a councillor from office where continued and serious violations of the Code of Conduct have been documented; and

That MMAH provide funding and resources to improve the education and performance of Integrity Commissioners to create norms and standards in the office holders to improve councillor and public acceptance and trust.

**From:** Ontario News <[newsroom@ontario.ca](mailto:newsroom@ontario.ca)>

**Sent:** Wednesday, April 14, 2021 3:20 PM

**To:** Norio, Ann-Marie <[Ann-Marie.Norio@niagararegion.ca](mailto:Ann-Marie.Norio@niagararegion.ca)>

**Subject:** Ontario Now Accepting Public Feedback to Strengthen Municipal Codes of Conduct



## *News Release*

### **Ontario Now Accepting Public Feedback to Strengthen Municipal Codes of**

April 14, 2021

#### **Province launches online survey as it undertakes the consultation process**

TORONTO — The Ontario government has launched a [90-day consultation](#) to obtain feedback on how to strengthen municipal codes of conduct. With the support of the Association of Municipalities of Ontario (AMO), the province is working to better ensure that municipalities, councillors and heads of council maintain a safe and respectful workplace.

Jill Dunlop, the Associate Minister of Children and Women's Issues is holding roundtables with a variety of municipal stakeholders on how to strengthen accountability measures for members.

"Our government has been absolutely clear that we will not tolerate workplace harassment or discrimination of any kind," said Associate Minister Dunlop. "It's critical that everyone knows there are accountability measures in place for members who violate municipal codes of conduct. Our consultation will help determine what changes, if any, are required to ensure everyone can feel safe and respected in the workplace."

The government is also collecting feedback on AMO's recommendations for holding municipal councillors accountable, including increased financial penalties, suspension for certain violations, removal from office in certain circumstances, and better training and standards for integrity commissioners. This feedback is critical to ensuring effective accountability measures are put in place for members of council who violate their municipal code of conduct.

"Municipal councils are looking for new tools and new measures to address modern challenges in local government," said AMO President Graydon Smith. "Where there are serious code of conduct violations, municipal councils need the authority to take actions that are measured, appropriate and effective."

Comments for the consultation are welcome through the online survey by July 15, 2021. Anyone can participate in the online survey to provide feedback. Municipalities are also encouraged to provide official feedback through the online survey. This is another step the Ontario government is taking to hold members who violate codes of conduct accountable for creating unsafe work environments.

"I encourage every Ontarian to participate in this process and share their thoughts and comments on how to bring effective accountability to municipal governments," said Steve Clark, Minister of Municipal Affairs and Housing. "We must ensure that the right tools are available and that above all people feel safe and supported."

## **QUICK FACTS**

- Workers, supervisors and employers have rights and duties when dealing with workplace violence and harassment. Ontario has [a guide](#) that explains what every worker, supervisor, and employer needs to know about workplace violence and workplace harassment.
- Under the [Municipal Act, 2001](#), all municipalities are required to establish a code of conduct for councillors and certain local boards. They are also required to provide access to an integrity commissioner.

## **ADDITIONAL RESOURCES**

- [Consultation: Strengthening accountability for municipal council members.](#)
- [Municipal Councillor's Guide](#) for more information on codes of conduct.

## CONTACTS

Stephanie Bellotto

Minister's Office

[stephanie.bellotto@ontario.ca](mailto:stephanie.bellotto@ontario.ca)

Matt Carter

Communications Branch

[MMA.Media@ontario.ca](mailto:MMA.Media@ontario.ca)

Ministry of Municipal Affairs and Housing

<http://www.ontario.ca/municipalaffairsandhousing>

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# Niagara Region Communications Overview

Report CAO 7-2021

Corporate Services Committee

May 12, 2021

## Regional Council Motion – April 22, 2021

1. Provide a report to the Corporate Services Committee for its May 12, 2021, meeting on the potential reorganization of the core communication resources found in all departments of Niagara Region, including Public Health, with a view to creating a unified strategic communications entity; and
2. Determine what memorandums of understanding and/or service level agreements may be necessary to satisfy the needs of provincial funders in regard to any communications positions in Public Health paid for, wholly or partially, by the Ministry of Health.



## Frame for Analysis and Report Outline

- Role of communications in the municipal sector and core functions
- Current state – resources across the organization
- Operational needs and obligations
- Proposed guiding principles
- Options for further consideration
- Conditions for success
- Recommendations

## Municipal communications support business objectives related to...

- Build public trust
- Engage the community
- Provide information on programs and services
- Public safety during emergencies
- Change behaviours
- Attract business and investments
- Build employee engagement

# Core communications functions in municipal government

## Public Relations

Includes media relations, digital media, issues management, crisis communications, tracking, monitoring and reporting against KPIs.

## Client Advisory

Specialized support dedicated and tailored to specific needs of internal clients/ operating departments. Includes internal communications planning, advice and support.

## Creative Services

Includes visual identity and related standards, graphic design, web design, photography and videography. Accountable for effective, consistent and modern visual branding.

## Public Engagement

Strategies, guidelines and platforms for coordinated public engagement campaigns. Ensures all feedback is available on a corporate-wide basis.

## Current state:

## Core communications resources

### **Strategic Communications and Public Affairs**

- 8 permanent positions, 1 temporary position
- Funded through municipal levy

### **Public Health Communications and Public Engagement**

- 8 permanent positions, 2 temporary full-time, 1 temporary part-time
- Majority funded through 70/30 funding contributions from the province

### **Other Operating Departments**

- 2 positions in Public Works, funded through rate budgets for water/wastewater and waste management
- 1 position in Economic Development providing external marketing and promotion for Foreign Direct Investment (FDI) strategy

## Operating needs and obligations

### Public Health

- Medical Officer of Health has duty to speak out on public health concerns (per *Campbell Commission Report* and *Health Protection and Promotion Act*)
- Support requirements within *Ontario Public Health Standards 2018*
- In order to continue to receive 70% provincial funding, positions would need to be 100% dedicated to public health outcomes
- Specialized knowledge of foundational health promotion approaches

## Operating needs and obligations

other operating  
departments

- Support legislative requirements associated with relevant Acts and Regulations
- Close collaboration with operating departments and specialized knowledge of business requirements
- Support for internal communications
- In order to continue to use rate budgets, Public Works positions would need to be 100% dedicated to water/wastewater and waste management
- Economic Development position dedicated to external investment attraction, close alignment with Foreign Direct Investment (FDI) strategy
- Consideration of the development of the new communication master plan

## Proposed Guiding Principles

- Strive to be recognized as best in class in public sector communications
- Value for money
- Consistency from the corporation
- Independent voice for Medical Officer of Health
- Timely and dependable information
- Clear, consistent and reliable communication channels with Members of Council
- Enhance collaborative communication with partner organizations
- Comply with funding source requirements

## Potential Options

Further analysis  
required prior to  
selection

1. Central coordination with some decentralized resources
2. Reporting relationship change only
3. Integration of some core communications functions
4. Integration of all core communications resources



# Conditions for Success

Under any model

- Further analysis and due diligence – opportunity to link this work with the development of the communication masterplan
- Documented service agreements with internal clients
- Continuity in leadership philosophy
- Minimal service disruption during pandemic third wave and attention to employee morale
- Balance between strategy and tactics

# Questions?

Contact:

Natalie Early

Director, Corporate Strategy and Innovation

[natalie.early@niagararegion.ca](mailto:natalie.early@niagararegion.ca)

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**Subject:** Communications Overview

**Report to:** Corporate Services Committee

**Report date:** Wednesday, May 12, 2021

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### Recommendations

1. That the report from the Boulevard Strategy Group entitled “Communications Overview” attached as Appendix 1 to Report CAO 7-2021 **BE RECEIVED**;
2. That the principles articulated in Section 5.0 of Appendix 1 to Report CAO 7-2021 **BE ADOPTED** as a frame for considering options to reorganize the communication work of the Region;
3. That further analysis of the potential options proposed in Section of 6.0 **BE UNDERTAKEN** in the context of the development of a communication masterplan for the Region and against the principles articulated in Section 5.0 of Appendix 1 to Report CAO 7-2021;
4. That staff **BE DIRECTED** to report back to Council before the end of the year on the status of the development of the communication masterplan and on the analysis of potential options for consolidation of the communications functions of the Region;
5. That Council **APPROVE** the retention of consulting services to assist with the development of the communications masterplan and organizational options for communication functions within the Region with funding to be found within the current budget of the Office of the Chief Administrative Officer; and
6. That staff **BE DIRECTED** to continue to find opportunities in all communication portfolios to engage in new partnerships, improve communication strategic alignment as an enterprise, improve processes, procedures and services, and that progress be reported on as part of the report back noted in bullet 4 above.

### Key Facts

- The purpose of this report is to fulfill the direction of Regional Council’s April 24, 2021, Motion related to enhancing and supporting Niagara Region’s public facing communications.

- The information in this staff report, and the consultant report attached as Appendix 1 to Report CAO 7-2021, provide information on the current service delivery model and considerations for potential changes with a view to consolidation.
- The information provided in the consultant's report is an overview only and is not a comprehensive review.
- One of the priority projects in the Strategic Plan is the development of a communications masterplan. An RFP is planned to be released in August 2021. It is recommended that any changes to the organization of communication resources in the Region be informed by this masterplan.

### **Financial Considerations**

It is recommended that staff issue an RFP in support of the development of the communications masterplan and organizational options for communication resources. Funding for this initiative will be found from within the current budget allocation of the Office of the Chief Administrative Officer. No further funding is requested at this time.

### **Analysis**

At the April 24, 2021 Regional Council meeting, Regional Council directed the Chief Administrative Officer to provide a report to the Corporate Services Committee on a potential reorganization of the core communications resources found in all departments of Niagara Region, including Public Health, with a view to creating a unified strategic communications entity. This report was to be delivered to Corporate Services Committee for discussion at their May 12, 2021 meeting. A full version of the Regional Council motion is included in the report attached as Appendix 1 to Report CAO 7-2021.

Given the short timeframes associated with Regional Council's direction, staff engaged Boulevard Strategy Group to prepare a communications overview report that provides current context and considerations for potential changes to the Region's communications service delivery model. This report, attached under Appendix 1 to Report CAO 7-2021, outlines the following information:

- Role of communications in the municipal sector
- Core communications functions in municipal government
- Current state of communications resources across Niagara Region (centralized division, Public Health, other departments)
- Operational needs and obligations

- Proposed guiding principles
- Potential options for further consideration
- Conditions for success under any model

The report is a point in time snapshot and summary of considerations collected and reported over a six-day timeframe during the week of May 3.

In addition to the work completed by Boulevard Strategy Group, staff contacted colleagues in the following municipalities regarding their communications models: the Regions of Durham, Peel, Halton, Waterloo, York and the City of Hamilton. This research found that the Regions of Peel, Halton, and the City of Hamilton deliver communications through a completely centralized model. The Regions of Durham, Waterloo and York have both a centralized division and some decentralized resources, including decentralized resources in Public Health. See Appendix 2 to Report CAO 7-2021 for further details.

### **Alternatives Reviewed**

Staff have not conducted a comprehensive analysis of options. Potential options that would be considered as part of a thorough review, should Regional Council wish to proceed further, are included under Section 6.0 of the report attached as Appendix 1 to Report CAO 7-2021.

### **Conclusions**

One of the priority projects in the Strategic Plan is the development of a communications masterplan. To ensure the best alignment for the Region to achieve its communication objectives, it is recommended that any changes to the organization of communication resources in the Region be informed by this masterplan.

To ensure that Council sees progress on this file, it is further recommended that staff report back to Council before the end of the year on the status of the development of the communication masterplan and on the analysis of potential options for consolidation of the communications functions of the Region.

In the spirit of continuous improvement and in respect for Council's Motion on enhancing the Region's public facing communications, staff will continue to find opportunities in all communication portfolios to engage in new partnerships, improve

communication strategic alignment as an enterprise, improve processes, procedures and services, and will report on progress as part of the report back on the development of the communications masterplan.

### **Relationship to Council Strategic Priorities**

Research and analysis associated with the delivery of communications services relates to the fourth pillar of Regional Council's 2019-2022 Strategic Priorities, Sustainable and Engaging Government.

The development of a communications master plan is a priority project in the Implementation Plan of the 2019-2022 Strategic Plan

### **Other Pertinent Reports**

N/A

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#### **Prepared by:**

Natalie Early  
Director Corporate Strategy and Innovation

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#### **Submitted by:**

Ron Tripp, P. Eng  
Acting, Chief Administrative Officer

This report was prepared in consultation with the Corporate Leadership Team and the Medical Officer of Health.

### **Appendices**

Appendix 1	Boulevard Strategy Group Report, "Communications Overview"
Appendix 2	Environmental Scan of Communication Organizations In Other Municipal Jurisdictions



## Niagara Region

### Communications Overview

#### Information Report

May 9, 2021

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# 1.0 Introduction

On April 24, Regional Council directed the Chief Administrative Officer to provide a report to the Corporate Services Committee on a potential reorganization of the core communications resources found in all departments of Niagara Region, including Public Health, with a view to creating a unified strategic communications entity. This report is to be delivered to Corporate Services Committee for discussion at their May 12, 2021 meeting.

A full copy of the resolution is included under Appendix 1 of this report.

While comprehensive, in-depth analysis is not feasible within the short timelines between the resolution and report delivery, this report addresses Regional Council's direction by providing information and context including:

- Role of communications in the municipal sector.
- Core communications functions in municipal government.
- Current state of communications resources across Niagara Region (centralized division, Public Health, other departments).
- Operational needs and obligations.
- Proposed guiding principles.
- Potential options for further consideration.
- Conditions for success under any model.

This report shall not be interpreted as a comprehensive review, but a point-in-time snapshot and operational considerations, collected and reported over a six-day timeframe during the week of May 3, to assist Regional Council in determining whether they wish to proceed with further analysis.

## 2.0 The Role of Communications in the Municipal Sector

This section provides an overview of why communications are important in municipal government, and the functional responsibilities that are generally involved in executing communications at the municipal level.

### 2.1. Supporting Business Objectives

Communications resources exist to help the organization meet its business objectives. In the municipal sector, these business objectives generally related to the following:

#### 2.1.1. Build public trust

As public trust in government and the media decline, particularly over the past year,<sup>1</sup> strategic approaches to communications in the municipal sector are more important than ever to dispel misinformation and build credibility.

From a communications perspective, building trust includes both proactive strategies with consistent, reliable and credible information to advance an organization's image, and the ability to quickly mobilize and respond when an organization's reputation is at risk.

#### 2.1.2. Provide information on programs and services

Operating departments typically rely on communications teams to provide accurate, relevant, timely information to the public related to municipal services. Examples of public information requirements may include construction of major capital projects; road closures; service disruptions; service levels for winter maintenance; Council meetings and agendas; notice for public meetings; and budget information. It could also include communications related to community events or facility openings.

#### 2.1.3. Public safety during emergencies

Emergency communications relate to public information that is of an urgent or critical nature and typically pertain to public safety. Given recent public health emergencies associated with COVID-19, there are significant lessons to be leveraged by municipal governments related to what is working well and where there is room for continuous improvement.

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<sup>1</sup> Edelman Trust Barometer, 2021. Available at: <https://www.edelman.com/trust/2021-trust-barometer>

Beyond responding to single emergency events, emergency communications require significant preparation to ensure quick response when required, particularly for after hours or extended emergencies.

#### 2.1.4. Change behaviours

Communications professionals support changes in public behaviour, consistent with positive policy outcomes. Examples might include smoking cessation, waste diversion strategies and behavioural changes that contribute to sustainable transportation choices.

#### 2.1.5. Generate revenue and improve service utilization

Some operating functions, such as public transit operators, require support in the form of marketing to drive revenue generation or cost recovery for their operations and encourage service use.

These divisions require targeted and specific marketing support based on best practices within their industries to ensure programs and facilities are filled and revenue is maximized to the greatest extent possible to offset the operating costs associated with their services.

Depending on the specificity of their focus, operating departments that rely on revenue generation may draw either on centralized communications divisions or use their own departmental resources to drive marketing activities.

#### 2.1.6. Attract business and investment

Economic development divisions rely on communications within and outside the business community to support their work in business retention, expansion and attraction.

The extent to which economic development communications requirements draw from centralized corporate communications divisions varies across municipalities. Many economic development divisions have their own in-house or external consulting resources. Others rely on shared services with corporate communications.

#### 2.1.7. Build employee engagement

High employee engagement is a prerequisite for outstanding customer service, and internal communications is a major contributor to employee engagement. While employee engagement is sometimes viewed as a Human Resources or Chief Administrative Office function, to be truly effective employee engagement must be owned by every leader in the organization. As a result, departmental requests for internal communications support have the potential to draw significantly on communications resources.

### 2.1.8. Engage the community

Communications divisions are often involved when two-way communication is required with members of the public. Some common examples in the municipal sector include budget surveys, online engagement platforms, and innovative approaches to public engagement in the development of a range of policies including Official Plans, secondary plans, departmental master plans and overarching public engagement frameworks and online platforms.

Beyond supporting conversations on corporate issues, communications divisions are increasingly expected to stay engaged in community issues that celebrate civic pride.

## 2.2. Core Communications Functions in Municipal Government

To support the business objectives listed in section 2.1, municipal communications are often organized according to the following core communications functions.

### 2.2.1. Public relations

Public relations professionals are focused on building a strong, integrated, positive image for the corporation. Their role includes strategy, development and execution for tactics including:

- Media relations, including developing press releases, pitching stories, media monitoring, tracking and reporting on media coverage, and developing editorial forecasts and calendars based on internal and external opportunities.
- Digital media content, working closely with communications advisory services and creative services to ensure all content meets consistent standards for the organization.
- Digital media tracking and reporting, identifying trends and opportunities for the organization to strengthen its image.
- Issues management and crisis communication when risks involve enterprise-wide issues or span multiple departments.
- Leveraging corporate and community data to drive continuous improvement in public relations activities.

### 2.2.2. Communications advisory services

Communications advisory services professionals perform as internal consultants for operating departments. Their role is similar to those in the public relations function but tailored to the specific needs of the operating departments they support with less emphasis on overall corporate integration. The role of professionals in this function include:

- Providing advice and support that is tailored to the department or division they support, including issues management, promoting programs and services, and marketing and policy campaigns.
- Working with colleagues in other functions, proactively scan for emerging opportunities to improve departmental communication and develop recommendations for enhancement.
- Ensuring departmental or divisional content is current and up to date on all corporate communications channels including the municipal website.
- Ensuring compliance with internal client service standards and individual service level agreements.
- Ensuring overall high satisfaction for communications activities with internal clients.
- Internal communications – at a corporate level for advisors supporting the Corporate Leadership Team and Corporate Services, and at a departmental level for other advisors.

### 2.2.3. Creative services

Creative services professionals are accountable for effective visual identity for an organization. Their roles include:

- Ensuring consistent application for visual identity standards, including the corporate logo, across all collateral produced and distributed by the organization.
- Providing graphic design services that meet client needs, resonate with target audiences, are consistent with the corporate brand and consider modern industry best practices and trends.
- Providing or securing videography services.
- Providing or securing photography services.
- Overseeing digital design for web, social media and digital collateral (for example, digital newsletters).
- Developing service level expectations with internal and external printers, photographers and/or other vendors, to ensure design is effectively applied and translated in the production of promotional materials.

### 2.2.4. Public engagement

Public engagement professionals design strategies and provide tools, support and platforms for two-way communications with members of the public.

- Ensuring all public engagement campaigns and strategies are coordinated and executed according to consistent corporate standards and public participation best practices.
- Working collaboratively with communications advisors to advise internal clients on public engagement strategies to meet business needs and reach target audiences and stakeholders.

- Working collaboratively with creative services colleagues to elevate public engagement campaigns in a way that are appealing to targeted stakeholders.
- Working with business intelligence professionals to ensure all public feedback resulting from engagement campaigns are part of a centralized data source and available on a corporate-wide basis.
- It should be noted that tactical implementation of public engagement, including event management, speaking at public information centres, and attendance at community events, is normally considered an operational function in municipalities of comparable size to Niagara Region.

### 2.2.5. Leadership

In the municipal sector, the communications leader is accountable for the overall integration of the above functions, demonstrating positive progression on key performance indicators, engagement of a high performing communications team, keeping corporate leadership and Council apprised of issues and successes, and building trust and confidence with key stakeholders and partner organizations in the community.<sup>2</sup>

## 2.3. Adjacent services

While at times closely related to communications and engagement, the following adjacent services are not considered core communications and have been omitted from the analysis contained within this report:

- Customer service
- Intergovernmental relations and advocacy
- Political protocol
- Events management

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<sup>2</sup> At Niagara Region these stakeholders include, but are not limited to, the twelve Local Area Municipalities, Brock University, Niagara College, Niagara Health, and private sector partners.

## 3.0 Niagara Region Communications Resources – Current State

The previous sections have provided information and context related to the general business objectives and communications functions in municipal governments. This section outlines the current organization of communications resources at Niagara Region.

### 3.1. Centralized Strategic Communications and Public Affairs Division

#### 3.1.1. Mandate and Services

Strategic Communications and Public Affairs provides support and expertise in the areas of public relations, graphic design, web and social media.

The team plays a key role in how members of the public, staff and other levels of government perceive and interact with Niagara Region. Services to internal clients and the corporation include:

- Media relations; issues and reputation management.
- Website management, social media and digital communication tools.
- Advertising and digital analytics.
- Brand management and creative services, including graphic design.
- Strategic communications counsel and planning.
- Public relations research.
- Crisis communications.
- Internal communications.
- Marketing.
- Video production.

#### 3.1.2. Core Communications Positions

There are nine positions devoted to core communications functions within the central Strategic Communications and Public Affairs Division. Eight of these positions are permanent and one position is temporary. All positions are funded through the municipal tax levy.



## 3.2. Public Health Communications

### 3.2.1. Mandate and Services

The Public Health Communications and Engagement Team's mandate is to provide innovative, strategic communications services to colleagues in Public Health.

Services include:

- Strategic communications planning
- Graphic design
- Health communications planning
- Media relations
- Social marketing support
- Social media management
- Crisis and issues management
- Public relations
- Internal communications

The Communications and Engagement Team provides these services to support the Public Health department in fulfilling requirements associated with foundational and programmatic standards within the *Ontario Public Health Standards* and *Health Protection and Promotion Act*.

### 3.2.2. Core Communications Positions

The communications roles within Public Health were reviewed as part of this analysis. Each job description was reviewed against the core communications services described in section 2.2 of this report.

Based on this analysis, there are 11 positions (10 within the Public Health Communications and Engagement Team and 1 elsewhere in the department) where roles are more than 50 per cent related to core communications functions. Eight of these positions are permanent. Two of these positions are temporary full-time, and one is temporary part-time.

The majority of these positions are funded 70 per cent from the provincial government and 30 per cent from the municipal tax levy. This funding allocation requires these positions to be 100 per cent devoted to advancing public health outcomes. There are 1.75 temporary positions funded through 100 per cent provincial contributions.

It should be noted that, while core communications functions comprise at least 50 per cent of these roles, there should be consideration for other accountabilities and duties that are unrelated to core communications.

### 3.3. Communications Resources in Other Departments

The April 24, 2021 motion from Regional Council included consideration for communications resources across the corporation.

#### 3.3.1. Decentralized positions related to communications

As part of the research process, a scan for communications and engagement roles was undertaken across the corporation. Job descriptions for each of the roles were reviewed to determine the percentage of the role devoted to core communications functions. The results of this preliminary scan identified a limited number of roles in the following departments that are more than 50 per cent devoted to core communications functions:

- Community Services – 0 positions
- Corporate Services – 0 positions
- Public Works – 2 positions, funded through the rate budget
- Economic Development – 1 position, funded through the municipal tax levy

Operating needs and obligations associated with these positions are described in section 4.2.

### 3.4. Non-salary Resources

While not feasible within the timelines associated with this report, it is recommended that a more comprehensive review assess corporate-wide budget allocations to determine whether there are significant line items related to core communications functions such as advertising, design, production, photography, marketing and promotions.

## 4.0 Operational Needs and Obligations

The majority of service demands for municipal communications relates to the needs and objectives of operating departments. As such, speaking with internal clients and service delivery partners within operating departments is an important part of researching potential integration of communications resources.

The preparation of this report included consultation with the Medical Officer of Health and support staff, as well as a consultation with the Corporate Leadership Team on May 6, 2021.

Based on discussions and information resulting from these consultations, the following considerations merit careful analysis should Regional Council wish to pursue a centralized model.

### 4.1. Public Health

Communication and engagement play an important role in Public Health's obligations to the Ministry of Health, including the requirements associated with both Foundational Standards and Program Standards stated in the *Ontario Public Health Standards, 2018*.<sup>3</sup>

It should be noted that the *Ontario Public Health Standards* do not specifically mandate the structure or placement of communications resources within an organization and does not preclude the consolidation of resources into a centralized model. However, should communications resources be located outside the department, the following considerations would need to be recognized and addressed:

- In order to continue to receive 70 per cent provincial funding, positions would need to remain 100 per cent dedicated to the achievement of public health outcomes as prescribed in the *Health Protection and Promotion Act*, and requirements under the *Ontario Public Health Standards*.
- Public health would require communications support with specialized knowledge of foundational health promotion approaches.
- Communications support would continue to be required by Organizational and Foundational Standards Division, Health Promoters, Family Programs and leaders across the department, including support for internal communications.
- Models may need to be adapted pending completion of the current provincial *Public Health Modernization* initiative.

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<sup>3</sup> These Standards are available at:

[https://www.health.gov.on.ca/en/pro/programs/publichealth/oph\\_standards/docs/protocols\\_guidelines/Ontario\\_Public\\_Health\\_Standards\\_2018\\_en.pdf](https://www.health.gov.on.ca/en/pro/programs/publichealth/oph_standards/docs/protocols_guidelines/Ontario_Public_Health_Standards_2018_en.pdf).

- Consistent with the recommendations of the *Campbell Commission Report* (post SARS) and the *Health Protection and Promotion Act*, the Medical Officer of Health has a duty to speak out on public health concerns. Provisions for communications support and channels to support this duty would need to be considered as part of consolidation.

## 4.2. Other Operating Departments

In discussion with the Corporate Leadership Team, the following operational needs and considerations were raised with regard to potential consolidation of communications resources into a centralized division serving internal clients.

- Consistent with the considerations raised by Public Health, communications resources must work in close collaboration with operating departments, have strong, specialized knowledge of the business requirements of each functional area, and commitment to supporting employee engagement.
- Communications resources must support various legislative obligations including, but not limited to, communications and engagement requirements under the *Municipal Act*, *Planning Act*, *Accessibility for Ontarians with a Disability Act*, *Municipal Freedom of Information and Protection of Personal Privacy Act*, *Canada's Anti-Spam Legislation*, *Highway Traffic Act*, *Environmental Protection Act*, *Long-term Care Homes Act* and other applicable legislation.
- Positions in Public Works would need to continue to be devoted to water and wastewater and waste management if the corporation intends to continue to leverage the rate budget as a funding source.
- Positions in Economic Development would need to be devoted to continued external investment attraction marketing, and closely aligned with the Region's Foreign Direct Investment (FDI) Strategy to achieve mandates related to business attraction.

## 5.0 Proposed Guiding Principles

As stated in section 1.0, this report is not a comprehensive review and analysis of communications models. It is a point in time snapshot with operational considerations, collected and reported over a six-day time period. Should Regional Council wish to proceed with comprehensive review, guiding principles are recommended below as the basis for further analysis, recognizing that the preferred model, and its associated design, implementation processes and procedures, should be based on the following success factors:

### 5.1. Niagara Region as a Leader

The preferred model should be the model that provides the most opportunity to position Niagara Region as a recognized, best-in-class leader in public sector communications, contributing to the advancement of both corporate-wide and operational objectives.

### 5.2. Value for Money

The preferred model should maintain or enhance Niagara Region's ability to make efficient and effective use of communications resources across the corporation, demonstrating value for money consistent with each funding source. This principle also considers flexibility in allocating resources, particularly during emergencies.

### 5.3. Consistency from the Corporation

Communications collateral, products, campaigns and messaging issued by Niagara Region should be clearly identifiable as coming from the organization, aligned with and in support of the organization's strategic plan and visual identity. There may be exceptions in support of principle 5.4.

### 5.4. Independent Voice for Medical Officer of Health

Consistent with the *Health Protection and Promotion Act*, and the findings within the *Campbell Commission Report* following the SARS epidemic, it is important to ensure an independent voice for Medical Officer of Health as it pertains to maintaining and enhancing public health for the residents of Niagara. Regardless of the preferred model selected, or the location of communications in the corporation, processes, procedures, channels and support must be in place to maintain the capacity for the Medical Officer of Health to exercise this duty.

## 5.5. Timely and Dependable Information

Time is of the essence when it comes to providing the public with information, particularly when emergency communications, crisis communications and issues management are involved. The preferred model must facilitate quick distribution of communications products while maintaining the degree of quality control required for accurate and reliable government communications.

## 5.6. Notice to Regional Councillors

Elected officials are partners in providing accurate, reliable information to local residents and businesses. Niagara Region's communications model should facilitate clear, reliable, and consistent information channels with elected officials, providing advance notice and key messages on matters of high community interest. It should be noted that this principle does not provide for the ability of individual political officials to alter messages coming from the corporation, particularly those from the Medical Officer of Health.

## 5.7. External Partnership

Messages are most effective when they are consistent and coordinated across information sources. When there are matters of mutual interest with partner organizations, Niagara Region's communications model should maintain and/or enhance close collaboration with communications leads in partner organizations. Examples of Niagara Region's community partners include, but are not limited to, those outlined in Regional Council's April 24, 2021 motion: the 12 Local Area Municipalities, Niagara Health, Niagara College, Brock University, school boards, and private sector partners.

## 5.8. Honour Funding Sources

Many of the communications resources outlined in section 3.0 of this report are funded from sources other than the municipal tax levy and must be applied to work funded for those purposes. For example, in order to continue to receive 70 per cent contributions from the provincial government, public health resources must continue to be 100 per cent dedicated to the foundational and programmatic requirements within the *Ontario Public Health Standards*. Similarly, positions in Public Works funded through the rate budget must continue to be dedicated to those areas, namely, water and wastewater and waste management.

## 6.0 Potential Options

Should Regional Council wish to proceed with a detailed review the following potential options are suggested as a starting point for further analysis with a view to creating a unified strategic communications entity. A comprehensive review would research and assess each of the potential models below, and other options that may arise, against the guiding principles proposed in section 5.0 of this report.

### 6.1. Central Coordination with Some Decentralized Communications Resources

Under this model, there would be a centralized communications division with some decentralized roles across the corporation to assist with coordination, technical expertise and tactical implementation. A comprehensive analysis would assess this model against the guiding principles outlined in section 5.0, and investigate opportunities to support this model through processes, procedures and service levels.

### 6.2. Reporting Relationship Change Only

One option for structural consolidation of resources is to implement a change in reporting relationship for core communications resources, otherwise leaving roles, work locations, and teams (where communications teams exist), intact. A comprehensive review would assess the advantages and disadvantages of this model against the guiding principles.

### 6.3. Integration of Some Core Communications Roles into a Central Delivery Model

Niagara Region may wish to explore a model where some core communications roles are integrated while others are not included or considered at a later state. Examples of positions that could remain with the program areas they serve or be considered for integration in a future phase might include positions that are involved in programmatic community engagement for targeted audiences.

### 6.4. Integration of all Core Communications Roles into a Central Delivery Model

The final potential structural option is full integration of all roles involved in core communications functions into a centralized service delivery model.

## 7.0 Conditions for Success

Regardless of the model Niagara Region ultimately decides to pursue, success is contingent on the following assumptions and conditions:

1. **Further analysis and due diligence:** As stated in section 1.0, this report is not a comprehensive review. Further analysis is required to make evidence-based recommendations based on Niagara Region's specific context.
2. **Clear line of sight to funding obligations:** Communications leaders and client advisors must have an in-depth understanding of the funding obligations of operating departments, the role of communications and engagement in supporting these requirements, close and continuous contact with departmental staff involved in fulfilling these obligations, and specialized knowledge in the area to effectively support their success.
3. **Documented service agreements with internal clients:** Increased coordination and awareness of corporate initiatives, and greater integration of messages across the corporation is an important objective. However, coordination and integration cannot come at the expense of support for the programs and operational services that Niagara residents rely on every day. Written, agreed upon service agreements, clear access points and expectations are required to maintain operational support.
4. **Continuity in leadership philosophy:** Administrative leadership at Niagara Region is in transition. Should Niagara Region wish to pursue changes to the communications structure, the processes, procedures and commitments to support the guiding principles should remain in place regardless of any leadership changes that may occur.
5. **Minimize service disruption during third wave:** Structural changes often result in service reductions. With careful implementation strategies and change management practices, these service reductions can be temporary. Niagara Region will need to consider the potential for service level reductions, particular during the third wave and potential subsequent waves of the global COVID-19 pandemic.
6. **Careful attention to employee morale:** The effectiveness of a preferred model ultimately relies on communication staff who are engaged, empowered and feel valued in the workplace. Employee morale should be a priority throughout these discussions and any changes should involve intentional and considered change management processes to support employees through transition.



7. **Balance between strategy and implementation:** The preferred model should provide balance between strategic value-add and tactical resources required for implementation.

## 8.0 Appendix 1 – Regional Council Motion

### Motion to Enhance and Support Niagara Region's Public Facing Communications

WHEREAS timely, accurate and effective two-way communications with elected officials and the public are of vital importance at all times;

WHEREAS the importance of these communications had been heightened since the onset of the COVID-19 pandemic;

WHEREAS the provision of high-quality, exceptional communications between the Niagara Region and elected officials and members of public is dependent on internal coordination, information sharing and adherence to established strategies guiding all regional departments;

WHEREAS successful public communications are also dependent on strong relationships with external partners such as the Niagara Health, Brock University, Niagara College, the school boards, the provincial and federal government, the private sector and, most importantly, the 12 local area municipalities;

WHEREAS the Region's Strategic Communications and Public Affairs division provides a full suite of services to all Regional Departments (with the exception of Public Health) with a total staff compliment of 9 Full Time Equivalents (FTEs);

WHEREAS the Public Health Communications Team, whose services are limited to their department, has a current total staff compliment of 13 FTEs (with some of these positions being on contract for the duration of the pandemic);

WHEREAS a number of the communication positions in Public Health are funded all or in-part by provincial dollars;

WHEREAS Regional Council accepts the proposition that it is an important priority to ensure that communications with the public and other elected officials occur in the most efficient, effective and timely way possible;

WHEREAS Regional Council respects the need at times for all departments to be able to communicate in a confidential manner potentially sensitive information in the interest of the public's health, safety and general wellbeing;

WHEREAS it is critical during a time of pandemic that the messaging and communications emanating from all departments be aligned and respond to the need for the public and elected officials to receive timely, consistent, concise and comprehensible information;

WHEREAS the reporting structure of communications at Niagara Region can be rationalized without detrimentally affecting the ability of the Acting Medical Officer of Health to exercise his legislative authority under the Health Promotions and Protections Act; and

WHEREAS a reorganization of the Region's FTEs with a core public relations and communications responsibility into a consolidated department would enhance the objective of a strong communications team by allowing for a better sharing of resources, a reduction in silos within the organization thereby expediting the decision making process, a more streamlined interface for key stakeholders and partners, increased cooperation in regards to strategic planning and a strong potential for increased operational efficiency.

NOW THEREFORE BE IT RESOLVED:

1. That Niagara Regional Council/Board of Health DIRECTS the Acting Chief Administrative Officer and Acting Medical Officer of Health to ensure the immediate alignment of messaging and communications emanating from the Niagara Region Public Health Department and the Niagara Region on all matters related to the current COVID-19 pandemic and provide a progress report at the May 2021, Committee meetings; and
2. That Regional Council DIRECTS the Acting Chief Administrative Officer to:
  - a) Provide a report to the Corporate Services Committee for its May 12, 2021, meeting on the potential reorganization of the core communication resources found in all departments of Niagara Region, including Public Health, with a view to creating a unified strategic communications entity; and
  - b) Determine what memorandums of understanding and/or service level agreements may be necessary to satisfy the needs of provincial funders in regard to any communications positions in public Health paid for, wholly or partially, by the Ministry of Health.

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*Boulevard Strategy Group was pleased to work with  
Niagara Region  
to prepare this Communications Overview Report*

[www.boulevardstrategy.com](http://www.boulevardstrategy.com)  
[erin@boulevardstrategy.com](mailto:erin@boulevardstrategy.com)  
905.805.5601

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Municipality	How many staff are there on your corporate communications team? (FTEs temporary and permanent)  What is the model? i.e. centralized, decentralized or hybrid with departmentally embedded staff.	Does your Public Health Department have its own dedicated communication staff?	Other Notes
Durham	<p>22 full time staff on the Corporate Communications Office (CCO) team.</p> <p>A centralized model with each Communications Advisor assigned to a department as their "client".</p>	<p>The Public Health Unit has their own communications staff, separate from CCO. They have 3 communications specialists and 3 graphics designers as part of their team. They report directly to the MOH.</p>	<p>There was a major reorg of the entire CCO in 2020. The reorg focused on streamlining management and aligning communications advisors to clients and departments within the organization. The Transit communications team (a team of 3 that were working separate from the CCO) was also amalgamated with the CCO office.</p> <p>Amalgamation of Public Health communications will be considered as part of a further phase.</p>
Halton	<p>Halton Region has a centralized communications division. The division is part of the Strategic Transformation Department. The group is responsible for communications planning, media outreach, issues management, social and digital media, internal communications and branding. The Communications Division works with all departments to support strategic communications and support operational needs. The division also includes Access Halton the centralized call centre/311 call centre. Staff total:18 (Communications FTEs) and 25.5 (Call Centre FTEs)</p>	<p>Public Health does not have its own dedicated Communications staff. However during COVID there is an enhanced model of supports for Communication. Both Public Health and Medical Officer of Health are supported through our Corporate model. Each area of our organization is supported with Comms planning, implementation media supports etc.</p>	<p>Halton has had a centralized model for close to 20 years. Eight years ago the Communication Division went through a significant remodel to ensure that not only were comms services delivered across the organization but also in a coordinated way. The key focus of the change was to coordinate communications delivery to meet overall corporate standards and processes.</p>

Hamilton	<p>The City of Hamilton's corporate communications team operates on a distributed communications model (central planning and direction with 1/3 of staff embedded within departments, including Public Health). The City's corporate communications team has 22FTEs, with three contract positions (two that are COVID specific and one that is in Transit where the relationship is guided by a Service Level Agreement). The make up of the division includes:</p> <ul style="list-style-type: none"> <li>- 45% Communications (traditional communications that involves media relations, corporate communications, web materials, community engagement materials, proactive story telling, issues management)</li> <li>- 20% in Digital Communications (Management of the Corporate Communications Website and all content updates on the City's website and digital engagement platform)</li> <li>- 35% in Marketing, Social Media and Creative Services (all corporate social media channels, corporate marketing and all recreational marketing, advertising strategy and purchasing.</li> </ul>	<p>Central Communications operates on a distributed communications model where communications officers are embedded within Public Health. Currently there are three full time communications staff in the Communications Division assigned to Public Health, with support from the rest of the division. For Public Health and Pandemic Communications, the MOH is the approving authority on content (with advice from corporate communications) and communications oversees communications delivery</p>	<p>The organization has moved from a completely decentralized model to distributed, centralized model that has some communications officers embedded within departments. The practical application of this model is that departments have access to communications subject matter expertise and support. The process of centralization has taken a number of years and was aided through a variety of tools, including changes in reporting lines, service level agreements, and technology-assisted processes designed to encourage collaboration</p>
Peel	<p>The team is fully integrated. There are dedicated resources in Public Health however they report to the Director of Corporate Communications who is part of the Corporate Services department.</p>		

Waterloo	<p>Until last summer, most divisions had their own communications teams without linkages to Corporate Communications. All communication groups now have a dotted line reporting relationship to Corporate Communications including Public Health</p> <p>The model is a hybrid model with centralized strategy and leadership, and operations within the divisions.</p>	The Public Health communications team has dual reporting to corporate communications and their Public Health Director.	
York	<p>Prior to the pandemic, York Region's Corporate Communications team was a contingent of approximately 16 FTE/permanent staff. Prior to the pandemic, Corporate Communications was primarily responsible for the development and over-site of corporate-led governance initiatives and policies to help promote and raise awareness of the Region's programs and services. In addition, working in a predominately decentralized model, the Corporate Communications team worked alongside respective communications teams in the Region's six departments to ensure adherence to corporate policies in delivering communications to residents and Council.</p> <p>To support the pandemic efforts, the Region initiated a Crisis Communication Plan and redeployed staff from across the departmental communication units to help with the corporate response. This centralized approach helped to be responsive to the ever-changing situation.</p>	Public Health responsibilities are integrated within the Community & Health Services Department (CHS) that also includes housing, LTC, paramedic, childrens' and social services. There are approximately 11 FTE (15 including other CHS communicators) and permanent staff supporting public health. This approach has remained consistent before and during the COVID-19 response. Prior to the pandemic, communications strictly related to public health activities were managed by communications staff in public health and the Community and Health Services department, with guidance from Corporate Communications on broader, Region-wide and Regional Council initiatives (eg. social media issues, web development, branding). During the pandemic, communications has been heavily driven and executed through Corporate Communications, with subject matter expertise being provided through public health.	In 2013, Corporate Communications was restructured from the Office of the CAO to the Corporate Services department, reporting to the a Commissioner. This did not involve changes to the public health communications.

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**MEMORANDUM**

**CSC-C 15-2021**

**Subject:** COVID-19 Response and Business Continuity in Corporate Services  
**Date:** May 12, 2021  
**To:** Corporate Services Committee  
**From:** Todd Harrison, Commissioner, Corporate Services/Treasurer

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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:

- Continued redeployment of CE&FM staff to support REOC and facilities operations;
- Sourcing, procuring, receiving and distributing emergency supplies, PPE and other supplies critical to business continuity for essential services and other departments;
- Upgraded electrical and security equipment for dedicated and secure storage areas for LTC and PH pandemic and mass immunization program supply requirements;



- Established website on Region intranet for inventory control of critical PPE supplies;
- Developed lease agreement with Brock University to provide temporary quarantine housing as needed for essential staff;
- Procured additional cleaning and janitorial supplies/services including renegotiation of enhanced cleaning contract based on right sizing operations to meet PH guidelines and other department/division needs;
- Since the start of the pandemic have provided enhanced cleaning protocols at Region facilities to ensure safe working environment for staff not working from home;
- Modified building systems and room layouts for regional Dental Clinics in accordance with the College of Dentistry requirements for operations during COVID;
- Modified building systems and room layouts and added social distancing measures and protective screens to Court operations to meet Provincial Judiciary requirements;
- Reviewed and modified all region buildings for safe operations during COVID including signage, social distancing barriers, protective screens and changes to furniture layouts for social distancing;
- Upgrades to electrical, security and HVAC equipment to accommodate COVID vaccine storage, and;
- Supported the Public Health mass immunization plan and successfully outfitted 11 vaccine clinics across the Region. Provided logistics and operational support including clinic setup, supply chain management, facility planning, coordination of service contracts and security and distribution of COVID vaccines and immunization supplies for mass immunization clinics.

## **Operational Outlook**

### **1/3/6 months**

#### *Construction:*

- All capital projects at the Niagara Region are considered essential construction and were not affected by the Province's lockdown order. The Construction team continues to provide project management services and work with consultants and contractors to expedite capital projects deemed to be essential and critical for business continuity and in order to maintain services to the public;

- Continuing to upgrade facilities with social distancing barriers, protective screens and social distancing signage; and
- Responding to internal client needs for changes in normal operations, special moves and health & safety concerns.

*Facilities Management:*

- Continuing operations of facilities / leased space managed by CE&FM ( including EMS, GO/VIA, PW Patrol Yards, surplus properties, Courts, Community Services, Public Health, NRPS stations and Communications sites, Child Care, Regional HQ, PW Environmental Centre, and Business Licensing). Providing custodial, enhanced cleaning, security, contract management, preventative maintenance, repairs, utilities management and fire / life safety.
- Continuing enhanced cleaning protocols to ensure a safe working environment for Region staff;
- Continuing emergency workplace disinfection requests following positive COVID findings in the workplace;
- Continuing sourcing and procuring additional cleaning and janitorial supplies/services to meet divisional and client needs;
- Providing support for department and divisional requests for emergency procurement of PPE, hygiene and cleaning supplies and vaccination supplies;
- Maintaining inventory of critical PPE supplies for pandemic response;
- Continuing to monitor security and facility access control systems to meet program delivery needs;
- Continuing to screen all staff attending HQ for COVID safety;
- Implementing increased security for storing and distribution of vaccine supplies;
- Continuing with critical maintenance repair work and services and any other work required for efficient building operations, and;
- Continuing support of mass immunization clinics with set-up and logistics.

***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:

- Completion of the 2019 year end audit, submission to the Province of the Financial Information Return and publication of the Annual Report.
- Completion of the 2020 year end and reporting of the financial results to Corporate Services Committee and year end audit.
- Develop 2020 and 2021 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 operating and capital budget planning, preparation and approval.
- 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.
- 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.
- Creation of new Development Charge Policy regarding payment instalment options and related interest.
- Completion of a Financial Condition review and report as requested by Budget Review Committee.
- Completion of a HST commodity tax review.
- Execution of a banking agreement renewal.

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.
- Complying with the multiple and iterative reporting requirements to different Ministries for more than 24 new revenue streams for various Regional programs.

- 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 2020 pandemic pay.
- Extensive 2020 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.
- Successful in application to Provincial Safe Restart Phase 2 for \$9.2 million in COVID-19 funding for 2020 and 2021 and on-going applications for other funding programs.
- Development of the mass immunization program budget approved at PHSSC on April 13<sup>th</sup> and submitted to the Province for approval in the Annual Service Plan.

## **Operational Outlook**

### **1/3/6 months**

- Ongoing financial reporting submissions for COVID-19 extraordinary cost claims
- 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, Vision Zero, Hospice Funding request, affordable housing project with City of Niagara Falls
- 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.
- Completing 2020 financial information return and annual report.
- Planning and strategy for the 2022 Budget.

- Updates to Reserve and Reserve Fund Policy.
- Financial system upgrades and improvements.
- 2021 quarterly financial reporting including COVID-19 related revenue and expense updates.

## ***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:

- Significant enhanced reporting for COVID mass immunization clinics related to scheduling and administration.
- Developed the COVID Waitlist and modified the list accordingly based upon Provincial changes.
- Developed and implemented a fully data driven dashboard for COVID mass immunization clinics that allows Public Health resources to manage clinics, waitlists, dose administration and inventory in near real-time. This has been a game changer for Public Health allowing them to have foresight on inventory status before the end of the clinic day. This in turn allows staff to call wait listers sooner in the day, manage and accept walk-ins and more efficient/earlier clinic wrap ups. The reporting also allows for prediction of “no show” number based on cross referencing with bookings at other clinics and already administered vaccines.
- Published new version of web mapping application Niagara Navigator, built in our new Enterprise GIS Portal environment (late January).
- Made Enterprise GIS Portal environment available for self-serve use in the organization. This has empowered Planning and Economic Development resources to produce a mapping-centric Niagara Business Directory application for the public, scheduled to be released on [www.niagararegion.ca](http://www.niagararegion.ca) by early April.
- Devised a data solution for CoVax data collected during congregate living vaccination to Seniors and the impending mass immunization clinics and produced the corresponding PowerBI report changes for [www.niagararegion.ca](http://www.niagararegion.ca).
- PH Mass Immunization clinic planning and prep – Working with the PH Pandemic planning team to evaluate IT requirements of Mass Immunization sites and help coordinate Internet access at sites with the LAM's.
- Call Centre As A Service – collaborative effort with Customer Service team to pilot and procure a CaaS solution through Avaya to help with our Customer Service call centres.
- Implemented Spear Phishing and Ransomware eLearning modules for all staff, and non-staff – i.e. contractors, vendors, volunteers, students, etc.
- The conversion of 180+ SAEO staff over from Thin Client hardware to laptops to further enable Work from home on Niagara Region devices.
- 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).

- 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.
- 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 HR on the Talent Map Survey regarding work conditions in the COVID-19 Pandemic.

## **Operational Outlook**

### **1/3/6 months**

- Development and publication of a Community Dashboard tying to Council's strategic priorities.
- Initiate and facilitate the 2021 MBN Canada reporting for the organization.
- Work with transportation to develop a better process and workflow for dealing with name changes on Regional Roads.
- Building an EMS data warehouse to help support their evidence based, clinical response model.
- Building the mapping component of a situational awareness application for emergency management.
- Develop a visualized PowerBI report for WWW's Niagara Weather Information System.
- Continue 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.
- Implement and review technology and processes to accommodate electronic public participation in Council and Committee meetings.
- Automate Public Health EOC status report for daily briefing and Ministry submission as well as call center processes.
- Supporting Niagara Regional Transit and Canada Summer Games with technology planning and review.
- Provide support to Community Services in transitioning the services of 'Pro Kids' to the YMCA.
- Creating the ability for taxpayers to upload immunization records, which will increase efficiencies and accuracy of this PH data.
- Increased performance abilities in the application used to Permits, enabling efficiencies for Transportation staff.



## **LEGAL SERVICES**

### **Current Status of Operations**

As indicated for all of the Corporate Services divisions 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 and updated throughout the pandemic. Highlights of advice and legal support provided include:

- Advice and legal support for COVID-19- related time sensitive projects involving multiple divisions as well as Niagara Regional Housing that resulted in the addition of two buildings to Niagara Regional Housing's portfolio designated for use by Homelessness Services. For one of the projects staff had less than a two weeks to develop necessary documentation, coordinate and close a three plus million dollar purchase while meeting provincial guidelines necessary to acquire funding including drafting a Contribution Agreement, lease, and loan security as between Niagara Region and Niagara Regional Housing (as title holder to the properties);
- Advice and legal support related to the implementation of the Region's mass immunization plan (including the development of agreements required for the 11 sites across the Region being used as COVID-19 immunization clinics);
- Advice regarding the preparation, communication and enforcement 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 to help minimize pandemic-related project costs and disruptions;
- Legal support to facilitate access to provincial funding related to COVID-19; including agreement review and related advice for example to support increasing capacity for EMS to provide mobile integrated health services;
- 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. 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**

- Court Administration & Collections staff are working onsite to provide customer service in person, via telephone and email, as well as conduct remote court matters as scheduled. Prosecution Staff are largely able to work remotely, except where attendance at the Courthouse is necessary (e.g. to support remote court proceedings).
- Court Services is well equipped to deliver services remotely, based on extensive preparation for remote and virtual matters in addition to the modern technology available onsite at the courthouse facility.
- In-person Provincial Offences matters have begun to gradually resume across the province as of January 25, 2021, subject to compliance with standards established by the Ministry of the Attorney General (MAG). 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 successful site assessment by the Public Services Health & Safety Association (PSHSA) was completed on January 26, 2021, supporting the resumption of in-person court matters. Court Services is presently awaiting official communication from MAG regarding next steps in order for in-person matters to resume in Niagara.
- Continuously striving to be leaders in court services, Niagara is among the first municipalities in Ontario to receive approval to commence virtual Provincial Offences Court matters via Zoom video conferencing.

- Effective April 12, 2021, Court Services launched virtual Part I Trials via Zoom video (the video platform preferred by MAG). Part I trial matters are scheduled to the end of June 2021. Training and reference documents have been completed for Court Services staff, judiciary, enforcement agencies and paralegal agent groups to assist with preparation for Zoom trials, along with updated guidance on the Region's website for members of the public to support their participation in Zoom trials (<https://www.niagararegion.ca/living/provincial-offences/zoom-instructions.aspx>).
- 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.

## **Operational Outlook**

### **1/3/6 months**

- Continued facilitation of hybrid service delivery - court matters via audio, video and in-person (to the extent possible).
- Continue to conduct matters where eligible via audio and video conference while awaiting resumption of in-person court proceedings and/or Part III trials via video.
- Ongoing recovery planning in collaboration with MAG and the Recovery Secretariat for resumption of in-person matters.
- Ongoing site preparation for virtual matters via video – equipping the remaining courtroom to enable virtual proceedings in all 3 courtrooms.

## **ASSET MANAGEMENT OFFICE**

### **Current Status of Operations**

AMO staff continue to support core business functions during the pandemic. The immediate focus and resources commit to key activities as highlighted:

- Planning and leading the development and submission to the Province of the Asset Management Plan in accordance with Reg 588. The Province extended the submittal deadline to 2022. Modification to scope provides an interim report

to Council or Committee in June 2021. In plan preparation, gaps identified in data and practices inform improvement needs. Scheduling improvement projects is subject to the Asset Management System roadmap (see below).

- Planning for the 2022 prioritization process for the 2022 capital budget, which also includes integrating Health Equity impact screening with Public Health.
- Input to Development Charges update.
- Input to Master Plans for Water & Wastewater and Transportation.

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. This caused delay of projects in 2020. It is continuing to affect work in 2021.

The overall 5-year plan for asset management system (AMS) improvements is now out of date because of the delays caused by Covid-19. A new strategic planning process will finish in Q3 of 2021 with launch in Q4 of 2021.

## **Operational Outlook**

### **1/3/6 months**

The Asset Management System development projects that are underway are Priority 1. These projects directly relate to the requirements of the 2021 Asset Management Plan.

Those planned but delayed pending requirements of other projects are Priority 2. This only applies to Region AM delivery structure ID 112, which is meant to support the ITS Electronic Content Management System project.

Those planned, delayed and placed On Hold are Priority 3.

*Table 1: Asset Management System development projects*

Priority	Service availability by Phase	Current status	Project
2		Pending ECM project status	Region AM delivery structure ID 112
3	C	On hold	AM program foundations ID 430
0		Pilot completed	CAMRA - Risk Management Framework ID 248
1	PNM	Underway	CAMRA 2021 update for 2022 capital budget
2	C	On hold	Develop data analytics capabilities- Microsoft BI ID 530
2	C	On hold	Develop AM performance management KPIs ID 410
1	PNM	Inaugural meeting held	Niagara Region AM working group ID 512
1	PNM	Underway	Capital planning process ID 262
1	PNM	Scope revised for 2021 AMP	Enterprise Risk Management Framework ID 249
1	PNM	Scope revised for 2021 AMP	Develop Asset Registry - hierarchy and relationships ID 242
2	C	On hold	Project Resource Estimating - cost model ID 310
1	PNM	Initiated and on track	2021 AMP ID 630
1	PNM	Underway	Asset Management System Strategic Plan (preliminary planning phase)

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

C: Cancelled pending redeployed/ staff vacancies and resource evaluation

Other previously planned 2020 and 2021 projects not tabled above, and that have only an indirect bearing on the 2021 Asset Management Plan, or related to supporting

Niagara's local municipalities are also on hold until resourcing and Covid-19 related issues are 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.
- Implement an "on-line" licensing application process beginning with various driver licenses.
- 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.

- 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.
- On March 18 Tobacco Enforcement and Environmental Enforcement staff have been deployed to assist Licensing Enforcement staff at the Mass Immunization to provide clinic security. 6 temporary Licensing Enforcement Officers are being recruited and are expected to be in place the weeks of May 03 and May 10. These staff will augment COVID-19 regulatory enforcement and Mass Immunization clinic security.
- 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 Emergency Management and Civil Protection Act and 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 Emergency Management and Civil Protection Act and the Re-opening Ontario Act O.Reg.
- Provide support for changing O.Reg stages of Lock-Down and Stay at Home Orders.
- Work with Niagara Regional Police collecting evidence and issuing charges and summons for non-compliance.

### Mass Immunization Clinics and Vaccine Storage Security

- Beginning March 18<sup>th</sup>, staff from Business Licensing, Tobacco Enforcement and Environmental Enforcement were redeployed to provide vaccine escort to the clinics as well as security and customer service for the clinics.
- Recruitment for 6 Temporary Licensing Enforcement Officers began on March 15. Testing and interviews have taken place on April 13, 14 with further interviews on April 23. These staff will be deployed to assist with COVID-19 regulatory enforcement throughout the Region and augment vaccine escorts to the clinics and providing security and customer service at the clinics.
- Security measures were implemented on March 10<sup>th</sup> at Region HQ to provide 24/7 security protection of COVID-19 vaccines. This security includes contracted security, CCTV monitoring, and access control to the area.
- The Temporary Security Specialist candidate will be starting with the Region on April 26 and will provide assistance to the Manager of Business Licensing in providing security oversight and administration of staffing resources for security of vaccines and clinics.

### **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 is overseeing security measures surrounding COVID-19 vaccination clinics, delivery of vaccine to clinics and deployment of staff resources. The manager is working with an assigned NRPS liaison officer.
- The business license bylaw review is ongoing and will come before Council in June 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**

- Responding to questions regarding posted RFP for 2021 audits in IT – cyber security and penetration testing. Preparing all material related to these two audits including evaluation criteria, timing and client briefings.
- Working with IT staff to prepare for consultant evaluations and eventually audit commencement/fieldwork.
- Researching additional audit areas that will be issued later in 2021 including contract/consultant management audit and BioSolids Audit.
- Developing testing criteria for follow up audit on the Corporate PCard program.
- Drafted scope for fall commencement of Consultant/Contracting Audit.
- Preparing material to be presented at upcoming May Audit Committee meeting including Management Action Plan Update and reviewing and updating Audit Committee Terms of Reference.

### **Operational Outlook**

#### **1/3/6 months**

- Proponent selection for audit on penetration testing and cyber security. Support fieldwork and act as liaison during audit completion of cyber audit.
- Working with client groups to prepare response back to Management Action Plan, report expected at May Audit Committee meeting.

Respectfully submitted and signed by

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

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**Subject:** Considerations for a Mandatory Lobbyist Registry

**Report to:** Corporate Services Committee

**Report date:** Wednesday, May 12, 2021

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## Recommendations

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

## Key Facts

- The purpose of this report is to provide information respecting a mandatory lobbyist registry.
- At its meeting held on February 17, 2021, Corporate Services Committee deferred a motion respecting the implementation of a mandatory lobbyist registry to allow consultation with stakeholders.
- 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.

## Financial Considerations

As was noted in Report CLK 2-2021, 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 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.

## Analysis

At its meeting held on February 17, 2021, Corporate Services Committee considered Report CLK 2-2021 and subsequently considered the following motion:

1. *That staff **BE DIRECTED** to provide options, and a recommendation, for the retention of a Lobbyist Registrar and that considerations for the retention of a Lobbyist Registrar form part of the budget proposals for 2022;*
2. *That specific mechanisms for the establishment of a mandatory Lobbyist Registry with enforcement **BE DEVELOPED** for implementation in 2022;*
3. *That feedback about the establishment of a mandatory Lobbyist Registry with enforcement for Niagara Region **BE SOUGHT** from Public Affairs Association of Canada; Niagara's chambers of commerce; and other pertinent associations or organizations; and*
4. *That the report(s) indicated in the first three parts of this motion **BE PROVIDED** at the May 2021 Corporate Services Committee meeting.*

The motion was deferred to allow staff to undertake consultation. Staff was further requested to provide information respecting a mandatory registry. Feedback was sought from the local chambers of commerce and the Public Affairs Association of Canada. Only the Niagara Chamber Partnership responded and that feedback is attached as Appendix 1 to this report. The Chamber requested that should Council implement a lobbyist registry, it consider the following:

- That a clear definition of lobbying be established, aligning with definitions used in other jurisdictions
- That thresholds, participation requirements, and administrative requirements be established, facilitating transparency without stifling healthy civic engagement from local businesses
- That a phased implementation approach be taken, starting with a simple and straightforward process (an annual, one-time, online registration, for example) that can be expanded in successive years

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.

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 two options for consideration should Council wish to implement a mandatory lobbyist registry.

#### 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

#### 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

Should a mandatory registry with enforcement be established, a Lobbyist Registrar would need to be retained and processes would need to be formalized including the process for registering; 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.

## **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.

## **Alternatives Reviewed**

This report has been provided for information purposes only, as Council has the option to consider if it would like to implement a mandatory lobbyist registry. 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 mandatory lobbyist registry (mandatory – self enforcement or 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**

CLK 2-2021 Considerations for a Lobbyist Registry

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**Prepared by and Recommended by:**  
Ann-Marie Norio  
Regional Clerk

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

## **Appendices**

Appendix 1            Correspondence from Niagara Chamber Partnership

# NIAGARA CHAMBER PARTNERSHIP

*Unlocking the power of a Niagara-wide network*



April 29, 2021

Regional Clerk Ann-Marie Norio  
Regional Municipality of Niagara  
1815 Sir Isaac Brock Way  
Thorold ON L2V 4T7

**RE: CONSIDERATIONS FOR A LOBBYIST REGISTRY**  
**Recommendations from the Niagara Chamber Partnership**

Dear Ms. Norio,

On behalf of the Niagara Chamber Partnership (representing chambers/boards of trade in the municipalities of Fort Erie, Grimsby, Lincoln, Niagara Falls, Niagara-on-the-Lake, Pelham, Port Colborne, Thorold, Wainfleet, Welland, and West Lincoln), we are submitting the following recommendations for Regional Council's consideration:

- That a clear definition of lobbying be established, aligning with definitions used in other jurisdictions
- That thresholds, participation requirements, and administrative requirements be established, facilitating transparency without stifling healthy civic engagement from local businesses
- That a phased implementation approach be taken, starting with a simple and straight-forward process (an annual, one-time, online registration, for example) that can be expanded in successive years

Thank you for the opportunity to provide feedback and recommendations as Regional Council builds on initiatives that increase public accountability and transparency.

Sincerely,

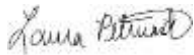




Fort Erie Chamber of Commerce



Grimsby Chamber of Commerce



Lincoln Chamber of Commerce



Niagara Falls Chamber of Commerce



Niagara-on-The-Lake Chamber of Commerce



Port Colborne-Wainfleet Chamber of Commerce



Niagara Board of Trade and Commerce



Welland/Pelham Chamber of Commerce



West Lincoln Chamber of Commerce



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**MEMORANDUM**

**CSC-C 16-2021**

**Subject: Regional Municipality of Niagara Police Services Board Response to Councillor Information Request Respecting Report CSD 17-2021 - 2020 Year-End Results and Transfer Report**

**Date: May 12, 2021**

**To: Corporate Services Committee**

**From: Ann-Marie Norio, Regional Clerk**

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The attached correspondence has been received from the Regional Municipality of Niagara Police Services Board in response to the following Councillor Information Request respecting Report CSD 17-2021 – 2020 Year-End Results and Transfer Report:

Provide information respecting the correlation between the Niagara Regional Police Services (NRPS) Casino Unit loss of revenue and NRPS staff funding and the status of NRPS project hiring from 2020/2021 and the budget impact. Councillor Redekop.

Respectfully submitted and signed by

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Ann-Marie Norio  
Regional Clerk



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](mailto:psb@niagarapolice.ca)

Website: [www.niagarapolice.ca](http://www.niagarapolice.ca)

April 26, 2021

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

**SENT BY EMAIL ONLY**

Dear Ms. Norio:

**RE: Corporate Services Committee (CSC) - Councillor Information Request Respecting  
Report CSD 17-2021 - Item 8.1 - 04.22.21**

At its Public Meeting held April 22, 2021, the Niagara Police Services Board considered Service report dated April 12, 2021 providing information requested at the Region's March 10, 2021 Corporate Services Committee meeting with respect to the PSB/NRPS Financial Variance Overview for the Year Ending December 31, 2020, that was included as Appendix 8 to Report CSD 17-2021, specifically the correlation between the NRPS Casino Unit loss of revenue and NRPS staff funding, and the status of NRPS project hiring from 2020/2021 and the budget impact.

The following motion was passed:

**'That the Board receives this report and forwards the report to the Region's Corporate Services Committee.**

**Carried.'**

Further to Board direction, I would ask that you take the necessary action. A copy of the report is enclosed for your reference.

Yours truly,

Deb Reid  
Executive Director

:dc

Encl.

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



# NIAGARA REGIONAL POLICE SERVICE

## Police Services Board Report

CSC-C 16-2021  
RECEIVED  
AOS MR  
APR 14 2021

### PUBLIC AGENDA

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**Subject:** Corporate Services Committee - Councillor Information Request  
Respecting Report CSD 17-2021

**Report To:** Chair and Members, Niagara Police Services Board

**Report Date:** 2021-04-12

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### Recommendation(s)

**That the Niagara Police Services Board receives this report and forwards the report to the Region's Corporate Services Committee.**

### Key Facts

- At the Corporate Services Committee meeting held on March 10, 2021, along with the Region consolidated December 31, 2020 year end financial results that included the Niagara Regional Police Service (NRPS) and Board Financial Variance Overview.
- Councillor Redekop requested information regarding whether there was a correlation between the staff savings from normal operations and the loss of the Casino revenue reported in the NRPS year end variance overview report. There is no correlation between the two offsetting variances.
- Further, the Councillor requested a status on the hiring of the 40 Officers approved within the 2020/21 budgets and its budget impact. In 2020, the NRPS had planned to hire 60 police constables; 40 to fill new positions and 20 to fill vacancies from normal attrition. By the end of December 2020, the NRPS had hired a total of 59 officers, 11 currently serving and 48 new recruits of which 14 attended the Ontario Police College training program in January 2021.
- The uniform savings net of overtime savings for the year 2020 was \$1.8M this includes the lag in the hiring of the 40 new officers and other uniform vacancies resulting from attrition.
- No financial information for the 2021 budget year is available. The NRPS reports its financial results quarterly beginning with the first quarter period ending March 31, 2021 anticipated reporting to Police Service Board at the May 2021 Board meeting.

### Financial Considerations

No financial implications resulting from the recommendation.

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## Analysis

At the Corporate Services Committee meeting held on March 10, 2021, the following information request was made with respect to the Niagara Regional Service and Board Financial Variance Overview for the Year Ending December 31, 2020, that was included as Appendix 8 to Report CSD 17-2021.

*"Provide information respecting **the correlation** between the Niagara Regional Police Services (NRPS) Casino Unit loss of revenue and NRPS staff funding and the status of NRPS project hiring from 2020/2021 and the budget impact"*

For the year ending December 31, 2021, the NRPS reported a net deficit of \$0.5M exclusive of the Board surplus. This is the result of net incremental costs related to COVID-19, totalling \$3.5M offset by a reported surplus from normal operations, totalling \$(3.0)M.

The majority of the net costs associated to COVID-19 was from loss of Casino revenue in the amount of \$3.15M due from the City of Niagara Fall. The NRPS was able to mitigate the impact of COVID-19 mainly from the savings in the compensation category. The main contributors to the favourable variance savings include a reduction to claims processed for health and dental benefits, the 2020 NRPA wage increase that was implemented incrementally over three periods within the year and savings to uniform salaries related to front-line uniform vacancies and lags experienced during the hiring process.

In response to the CSC question, there is no direct correlation between the loss of City of Niagara Falls Casino revenue and salary savings reported from normal operations.

In May 2020, the NRPS was notified by Region Corporate Services staff that it would not receive any further transfer payments from the City of Niagara Falls while Casinos remained closed due to COVID. During the pandemic, the NRPS did not reduce its deployment model for frontline response Region wide, including the areas around the casinos. As predicted, the NRPS did experience a minimal and temporary reduction of 'normal type' calls for service at the early phase of the pandemic. However, this experience was short-term and by the fall of 2020 the calls for service returned to pre-pandemic levels which included Officers responding to different types of calls related to Quarantine and Reopening Ontario Act matters that added a new complexity.

Included in the \$3.0M surplus from normal operations, is \$1.8M in uniform salary savings mainly the result of uniform vacancies and lags experienced in the hiring process from normal attrition and the hiring of 40 new officers effective July 1, 2020, approved in the 2020 Budget.

For the 2020 year, the NRPS planned to hire 60 uniform officers; 20 to replace vacant positions from retirements and other terminations and 40 for the new budget positions. By December 2020, the NRPS had hired 59 officers, 11 currently serving and 48 new



recruits with 14 planned to attend the January 2021 Ontario Police College training program. While there are lags in hiring uniform staff due to the lengthy recruiting process it is important to note that these savings to uniform regular wages are offset by overtime dollars incurred to meet staffing minimums.

In response to the second part of the question "*the status of NRPS project hiring from 2020/2021 and the budget impact*" as noted above the Service has hired the 40 new officers approved in the 2020 budget effective July 1, 2020 and the remaining half year compensation in the 2021 budget. Although, it is difficult to separate the net uniform savings realized between the lag in the hiring of the 40 new officers budgeted for July 1 effective date, from other vacancies nevertheless, the net savings to uniform salary for the 2020 year is estimated to be \$1.8M.

At the time of this report, no financial information for the 2021 budget year is available. The NRPS reports its financial results quarterly beginning with the first quarter period ending March 31, 2021, anticipated reporting to Police Service Board at the May 2021 Board meeting.

### **Alternatives Reviewed**

None

### **Relationship to Police Service/Board Strategic Priorities**

The Police Service Board is accountable to Regional Council for the Niagara Regional Police Budget and to provide quarterly financial reporting on any significant variances between actual and planned expenditures.

### **Relevant Policy Considerations**

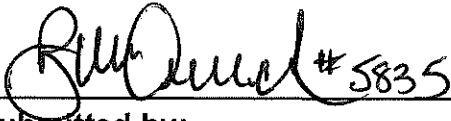
None

### **Other Pertinent Reports**

- Corporate Service Committee Meeting March 10, 2021 –CSD 17-2021 2020 Year-End Results and Transfer Report.
- Police Service Board Finance Committee February 11, 2021 – Niagara Regional Service and Board Financial Variance Overview for the Year Ending December 31, 2020

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*This report was prepared by Laura Rullo, Manager, Finance, reviewed by Richard Frayne, Superintendent, Corporate Services and recommended by Bill Fordy, Deputy Chief of Police, Support Services.*

**Submitted by:**

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

**Appendices**

None