



THE REGIONAL MUNICIPALITY OF NIAGARA
CORPORATE SERVICES COMMITTEE
AGENDA

CSC 10-2024

Wednesday, November 6, 2024

9:30 a.m.

Council Chamber - In Person and Electronic Meeting

Niagara Region Headquarters, Campbell West

1815 Sir Isaac Brock Way, Thorold, ON

To view live stream meeting proceedings visit: niagararegion.ca/government/council

| | Pages |
|--|---------|
| 1. <u>CALL TO ORDER</u> | |
| 2. <u>LAND ACKNOWLEDGEMENT STATEMENT</u> | |
| 3. <u>DISCLOSURES OF PECUNIARY INTEREST</u> | |
| 4. <u>PRESENTATIONS</u> | |
| 4.1 <u>Asset Management in Niagara: Understanding Your Role as a Regional Councillor</u> Pious Maposa, Director, Asset Management | 3 - 28 |
| 5. <u>DELEGATIONS</u> | |
| 6. <u>ITEMS FOR CONSIDERATION</u> | |
| 7. <u>CONSENT ITEMS FOR INFORMATION</u> | |
| 7.1 <u>CSD 51-2024</u> Graphic Images in the Public Right of Way Update | 29 - 35 |
| 8. <u>OTHER BUSINESS</u> | |

9. CLOSED SESSION

9.1 Confidential HR 7-2024

A Matter respecting Personal Matters about Identifiable Individuals and Labour Relations or Employee Negotiations under s. 239(2)(b) and (d) of the Municipal Act, 2001 - Non Union Compensation Review Phase Two Update

9.2 Confidential CSD 50-2024

A Matter of Advice that is Subject to Solicitor Client Privilege and Respecting Litigation under s. 239(2)(e) and (f) of the Municipal Act, 2001– Bi-Annual Litigation Claims Summary

9.3 Confidential CSD 52-2024

A Matter Respecting Litigation and a Matter of Advice that is Subject to Solicitor-Client Privilege under s. 239(2)(e) and (f) of the Municipal Act, 2001-Hatch Corporation and South Side Low Lift Sewage Pumping Station Upgrades, Chippawa (Niagara Falls) ("South Side SPS Upgrades Project" or "Project")

9.4 Confidential CSD 54-2024

A Matter Respecting Litigation and a Matter of Advice that is Subject to Solicitor-Client privilege under s.239(2)(e) and (f) of the Municipal Act, 2001 – MacLennan Jaunkalns Miller Architects Ltd. and Canada Games Park

10. BUSINESS ARISING FROM CLOSED SESSION ITEMS

11. NEXT MEETING

The next meeting will be held on Wednesday, December 4, 2024, 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 (email).

Asset Management in Niagara: Understanding Your Role as a Regional Councillor

Corporate Services Committee
November 6, 2024

Pious Maposa, Director Asset Management Office



Council Education
Asset Management in Niagara Region
Understanding Your Role as a Regional Councillor

November 2024

Council Strategic Priorities

Effective Region

Remaining an employer of choice by transforming service delivery in a way that is innovative, collaborative and fiscally-responsible.

Green and Resilient Region

Focusing on reducing our collective carbon footprint and preparing to adapt to climate change impacts by ensuring current and future infrastructure is resilient.

Equitable Region

Providing opportunities for a safe and inclusive Niagara by listening and responding to our current community needs and planning for future growth.

Prosperous Region

Advocating with senior governments for future growth and enhancing Niagara's transportation network to help support a diverse economy by creating a Region where new and existing businesses can thrive and grow locally, nationally and internationally.

Asset Management Legislation



Infrastructure for Jobs and Prosperity Act, 2015

Ontario Regulation 558/17: Asset Management Planning for Municipal Infrastructure



Safe Drinking Water Act



Clean Water Act



Environmental Protection Act



Development Charges Act, 1997



Keeping Canada's Economy and Jobs Growing Act, S.C. 2011, c. 24



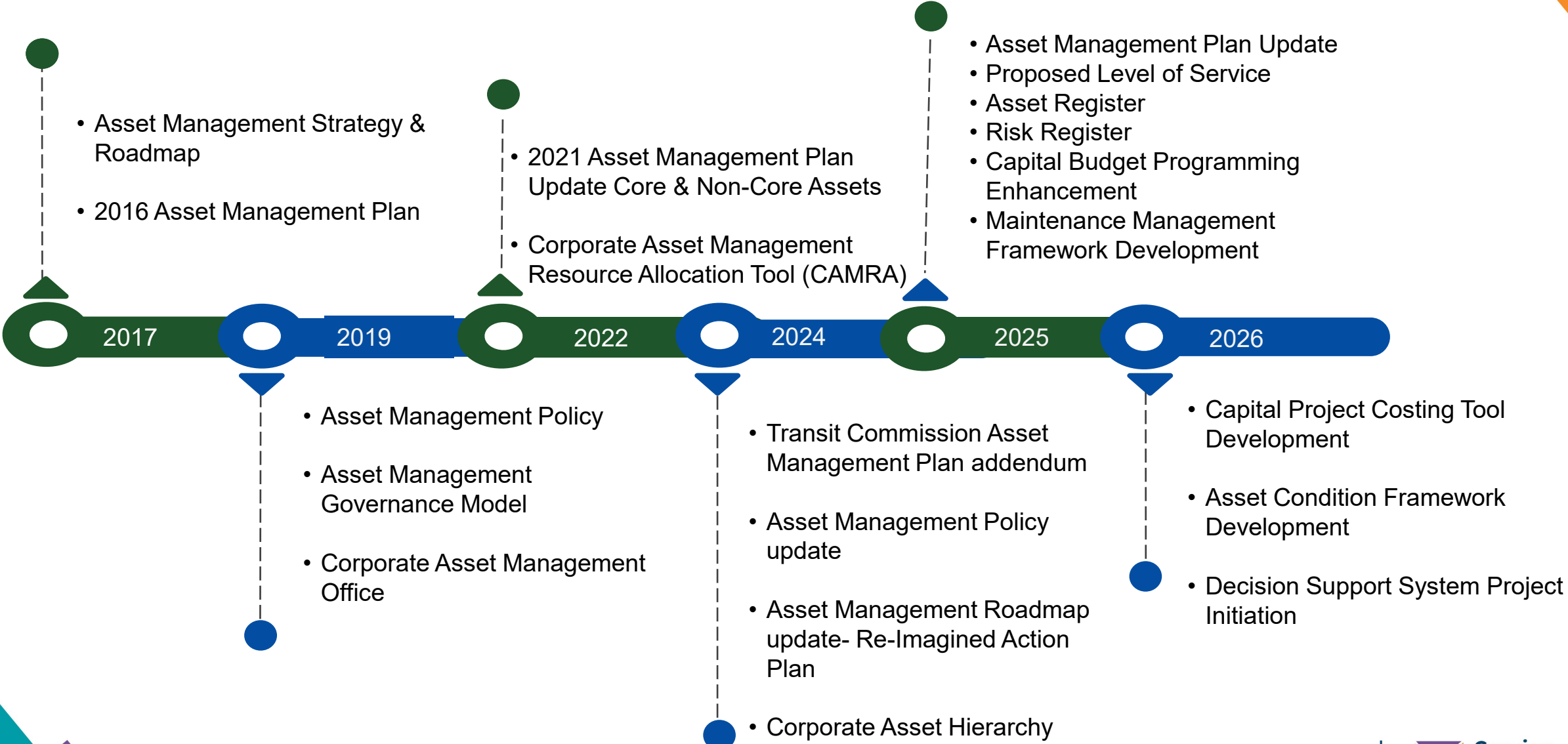
Provincial Planning Statement, 2024



Other legislative requirements

Canada Community Building Fund (aka Federal Gas Tax Fund)

Niagara Region's Asset Management



Value of Asset Management

Did you know?

- 60% of Canada's core public infrastructure is owned and maintained by municipal governments.
- One-third of municipal infrastructure is in fair, poor, or very poor condition.
- The Canadian Infrastructure Report Card found that "All communities, particularly smaller municipalities, would benefit from increased asset management capacity."

- CIRC 2019

Asset Management Focuses On

- The vision of Niagara Region and how assets support community goals
- Value, purpose, and long-term outcomes of assets
- Managing risks and understanding the context of risks
- Holistic approaches to budgeting
- Collaboration across municipal service areas and with service partners

Niagara Region Assets Overview

Corporate Asset Management

Core Municipal Infrastructure

Water/Wastewater/
Stormwater

Roads / Bridges and
Culverts

Non-core Assets

IT, Facilities, Equipment, Fleet, Police, Emergency Medical Services, Children, & Court, Senior Services, Public Health, Community Housing, Transit, Transportation, Waste Management, and Social Assistance & Employment Opportunities

Niagara Region Assets Value

What are our assets worth

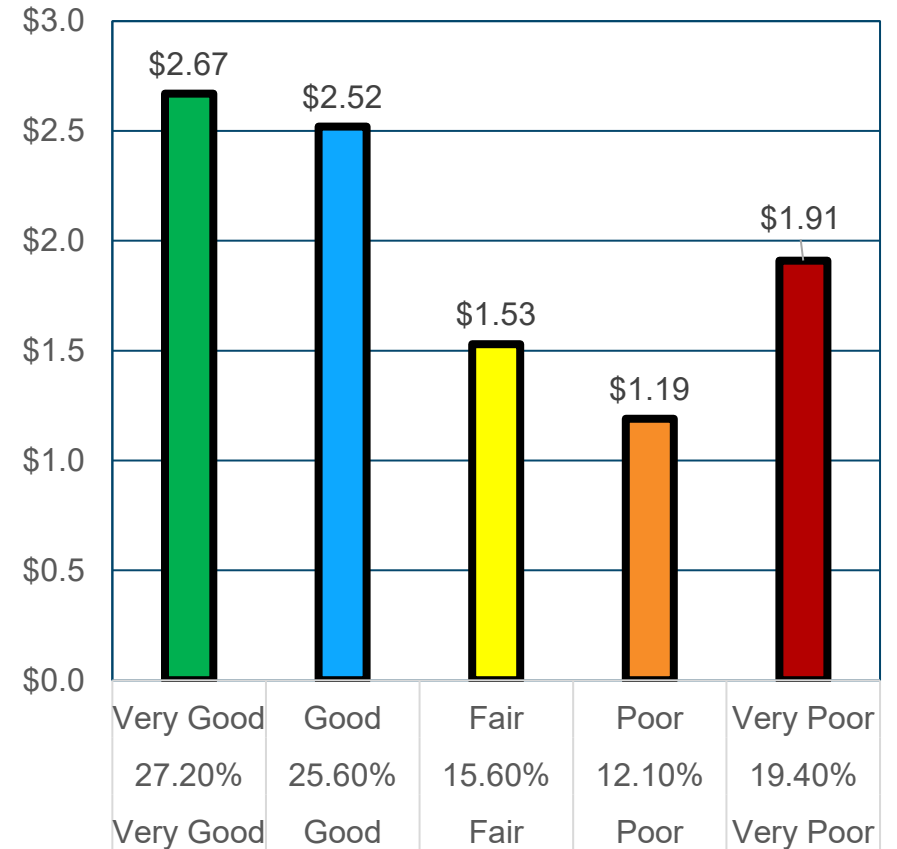
\$9.8B

As of Dec 31st, 2021

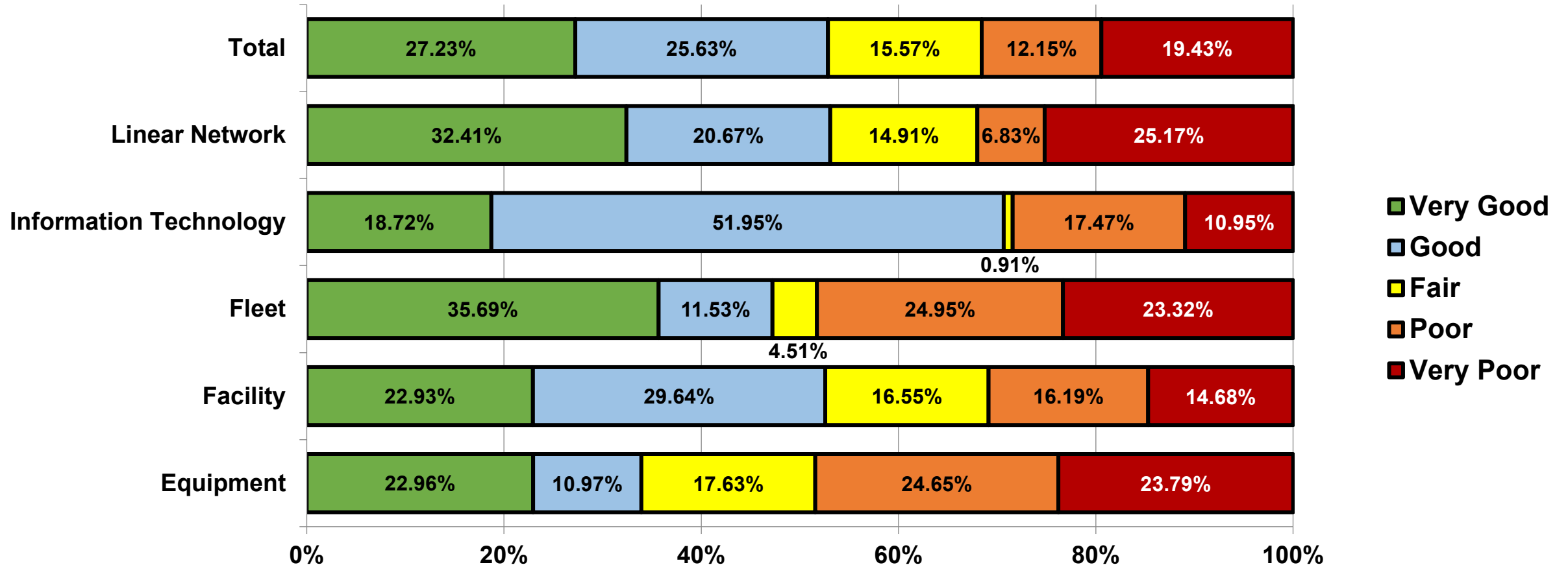
The Region owns and maintains a significant amount of assets. As of December 31, 2021, The 2021 Corporate Asset Management Plan (2021 CAMP) provides details of maintaining and managing the \$9.8 billion in assets replacement value that support the Region's services.

The **Replacement Value** of an asset (also Asset Replacement Cost & Current Replacement Cost) is the cost of replacing an existing asset with a substantially identical new asset or a modern equivalent.

Replacement Value \$ Billions



What condition are our assets in?



- Asset condition as % of value by asset category

Niagara Region Core Assets



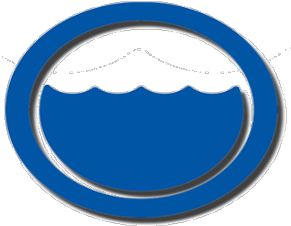
Niagara Region is responsible for the planning, delivering, maintaining and operating of the Region's core infrastructure, such as Water, Wastewater and Roads Assets.

These activities include:

- Maintaining and operating
- Monitoring asset conditions
- Developing and implementing infrastructure renewal plans through the Asset Management program
- Long Term Planning for growth
- Preparing capital budget by applying Asset Management principles, including CAMRA prioritization, level of service, risk, consequence of failure and optimized decision-making

Water & Wastewater Infrastructure

Public Works operates and maintains:



2 “Water Wagons” for the provision of potable water at community events.

Approximately **313+** km of Trunk mains

6 water treatment plants and associated facility assets.

31 outstations, including pump stations, treated water storage facilities, rechlorination facilities, sampling stations, and other facilities, and associated assets.



10 wastewater treatment plants

126 outstations and associated facility assets; outstations include sewage pumping stations, odour control facilities, combined sewer overflow tanks, and a stormwater pumping station.

Approximately **145** kilometres of sanitary gravity collection mains.

Approximately **161** kilometres of sanitary force mains.



5 wastewater treatment lagoons

1 biosolids treatment facility and associated facility assets.

Niagara Region Environmental Laboratory equipment.

Numbers represent quantities

Transportation and Fleet Assets

Public Works operates and maintains:



1,733 lane kilometres of arterial roads



89,085 square meters of bridges

1,785 cross culverts
6,720 driveway culverts



20,146 trees
1 Fleet Service Centre
585 vehicles



110 kilometres of storm-water sewers



241 km of on-road cycling facilities



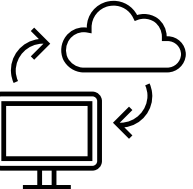
288 traffic signals
18,655 signs
6,295 luminaries



1,276 guide rails
713 retaining walls
13 barriers

Numbers represent quantities

Niagara's Region Non-Core Assets



Information Technology

- **7,515** IT devices, including computers, monitors and mobile devices.
- **579** IT Infrastructure devices and equipment.
- **333** software and applications.



Owned Corporate Facilities

- Niagara Region Headquarter
- The Environmental Centre
- Niagara Falls Public Health Satellite Office



Court Services

- **1** provincial offences court.

Public Health

- **1** Public Health Satellite Office

Emergency Medical Services

- **13** ambulance bases
- **82** vehicles
- **368** emergency medical equipment

12 Council Education

Police Services

- **98** pieces of equipment for patrol.
- **103** IT-related devices.
- **340** vehicles
- **1** Headquarter.
 - ✓ **6** divisional districts.
 - ✓ **1** tactical unit
 - ✓ **1** training centre.
 - ✓ **1** fleet service centre



Community Housing

- **9** high-rise residential buildings.
- **20** low-rise residential buildings.
- **12** townhouses.
- **20** single/semi houses.



Senior Services

- **9** Long-Term Care Facilities
- **2,043** equipment, including beds, resident care equipment and medical equipment.

Children Services

- **4** Region-owned daycare facilities.

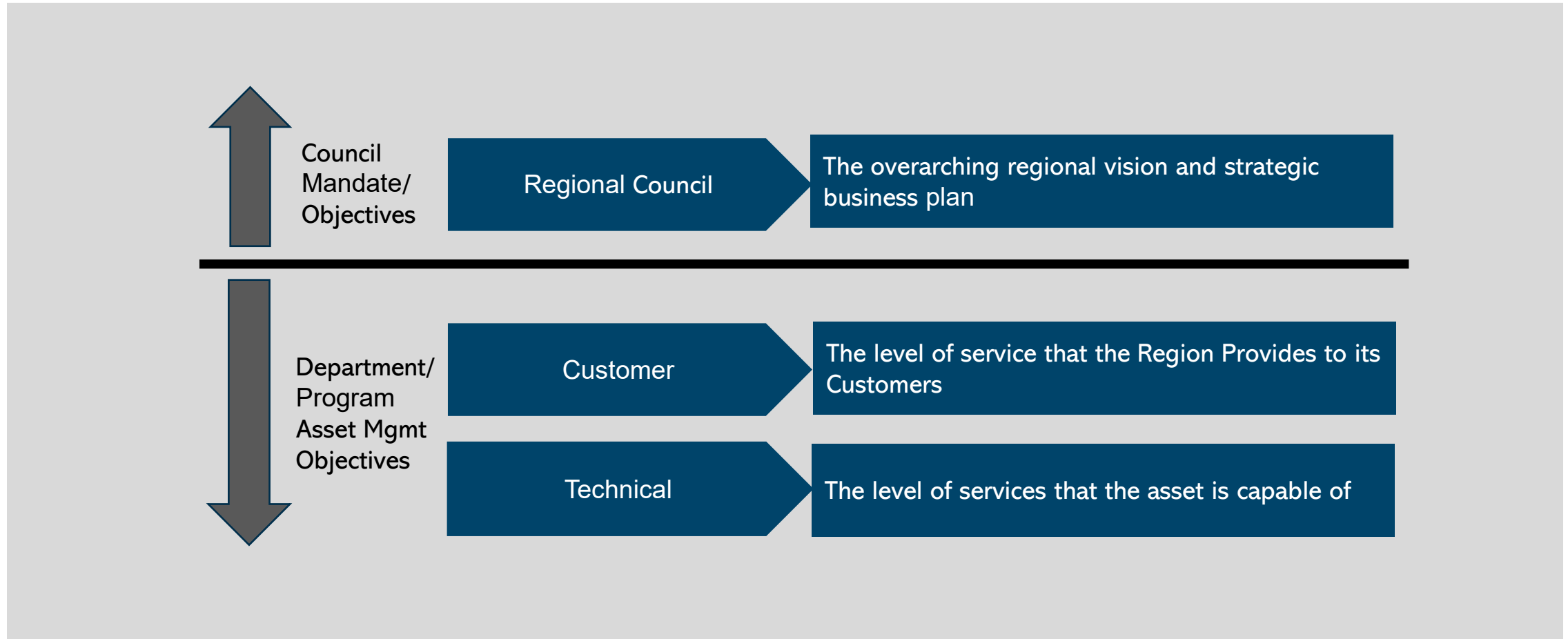
Social Assistance and Employment Opportunities (SAEO)

- **2** Social Assistance and Employment offices.



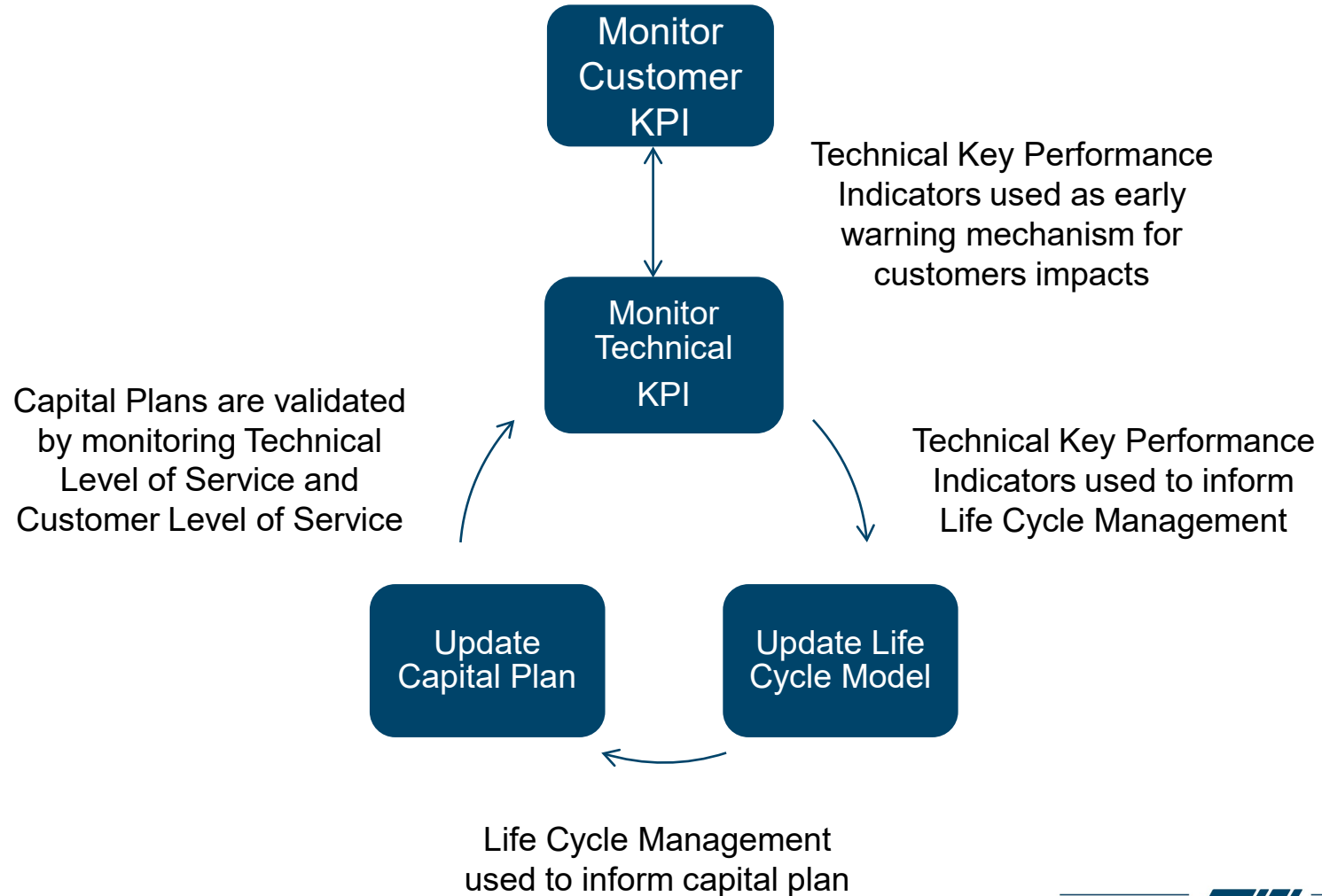
Numbers represent quantities

Customer Level of Service



Technical Level of Service

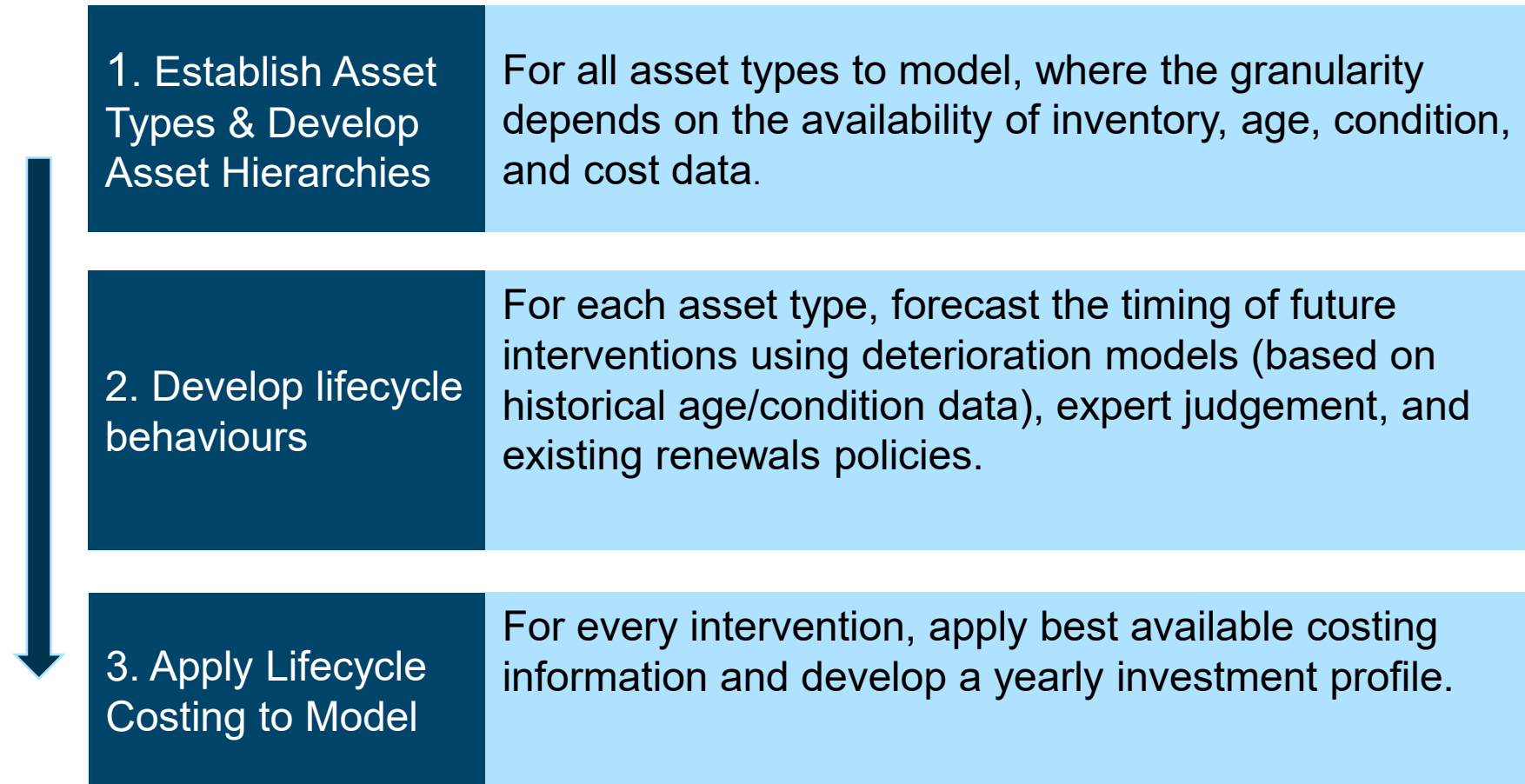
Key Performance Indicators



Typical Levels of Service and Key Performance Indicators Transportation Example

| Customer Level of Service | Program Customer Objective | Asset Class | Technical Level of Service | Key Performance Indicator |
|---------------------------|--|------------------|---|---|
| Safety & Reliability | Safe and efficient movement of people and goods into and within the Region and neighbouring municipalities | Road Network | For paved roads, average pavement condition index value | Average pavement condition index =68 |
| Safety & Reliability | All traffic is supported by regional bridges and culverts | Bridges/Culverts | The average bridge condition index | Average bridge condition index = 69 Average culvert condition index = 70 |

Lifecycle Modelling








Model Development Process

Risk Management

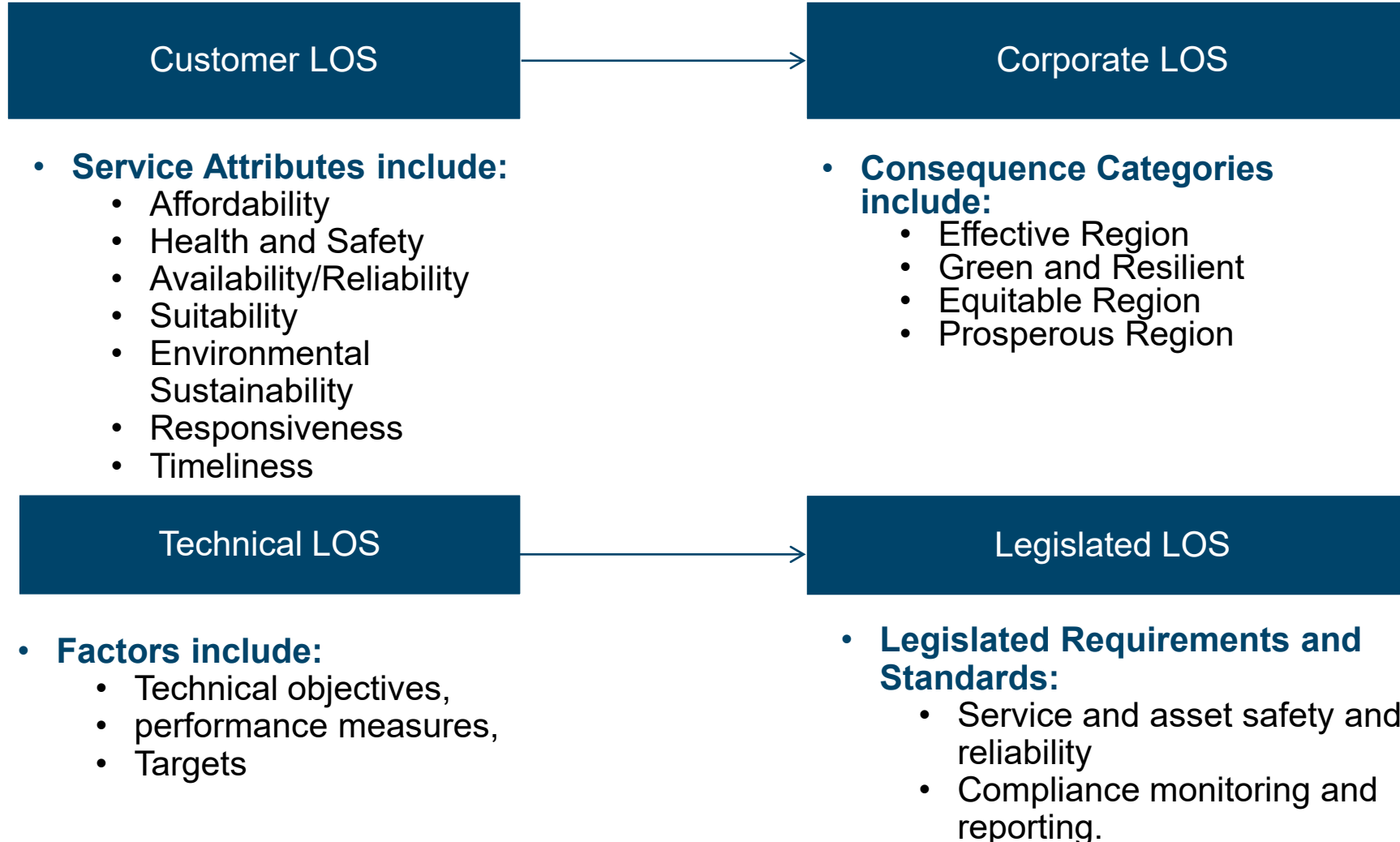
Risk Scoring Approach

| | | | | | | |
|------------|------|--------------------|--------|--------|--------|--------|
| Likelihood | 1.00 | Green | Yellow | Red | Red | Red |
| | 0.50 | Green | Yellow | Yellow | Red | Red |
| | 0.33 | Blue | Green | Yellow | Yellow | Red |
| | 0.20 | Blue | Blue | Green | Yellow | Yellow |
| | 0.10 | White | Blue | Blue | Green | Green |
| | | 10 | 20 | 40 | 80 | 160 |
| | | Consequence | | | | |

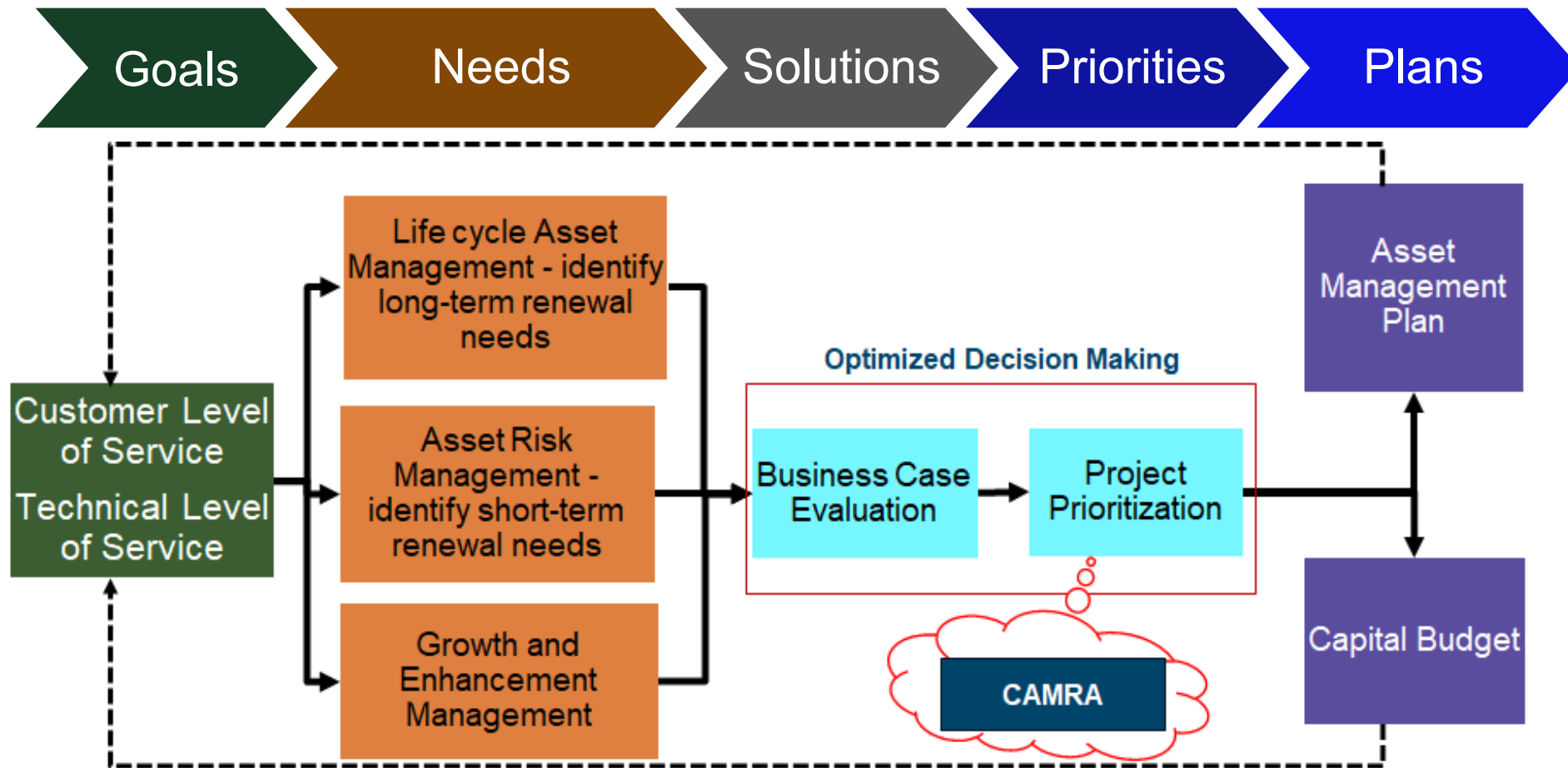
Risk Management Approach

| | |
|---|--|
|  Extreme Risks | Significant to the Region and therefore need to be actively managed (i.e. . identify capital renewal options, confirm spares strategy & available redundancy, & review monitoring programs). |
|  High Risks | Will also be actively managed depending on their nature. |
|  Moderate Risks | |
|  Low Risks | Generally acceptable without significant mitigation strategies being implemented, although monitoring may still occur in some form. |
|  Insignificant Risks | |

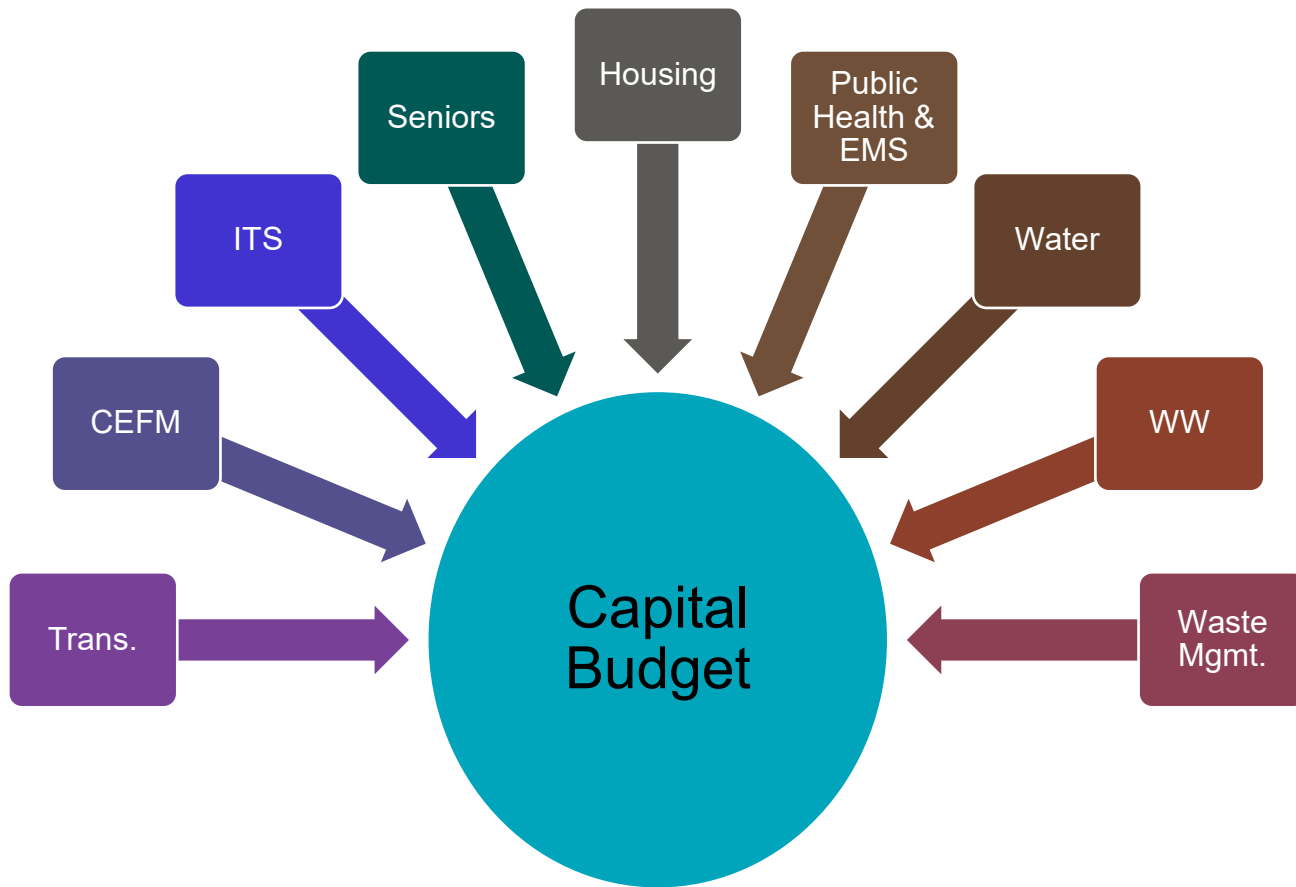
Relating Asset Risk to Level of Service



Optimized Decision Making within Asset Management Framework



Why CAMRA?



- Annual capital needs far surpass available funding
 - Funding gap (AARI shortfall) is growing
 - 2016 - \$73M
 - 2021 - \$193M
- Formalized method to prioritize spending required
- Data-supported decision making

Focus of CAMRA

CAMRA has 2 components

■ Risk

- Risk = PoF * CoF It is measured with 5 weighted criteria under the triple bottom line
- Risk ROI = Risk / Net project cost

■ Council Priority

- Projects alignment with Council Strategic Priorities
- Represents value to the Region from an opportunity (non-risk)

Applying results for prioritization

1

Risk return on investment (ROI) funded primarily through Base budget

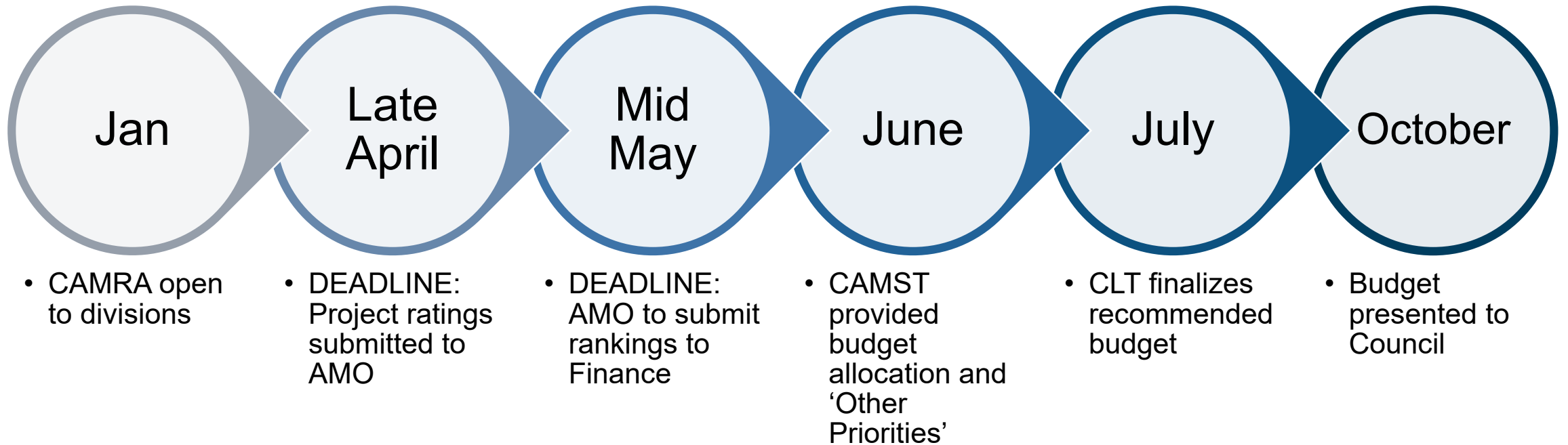
2

Council Priority, Other Priority and Risk ROI funded through Discretionary budget

3

CLT evaluates results and makes final budget recommendation to Council for approval

2025 Budget CAMRA Timelines



Finance's Capital Budget timelines direct remaining timelines

Keeping Council Informed

| Type of Communication | Frequency/Timing |
|---------------------------------|------------------|
| Budget | Annually |
| Asset Management Program Update | Annually |
| Asset Management Plan | 4 years |
| Asset Management Policy | 5 Years |
| Drinking Water Financial Plan | 8 Years |

Key Documents

Asset Management legislation, specifically Ontario Regulation 558/17, is available on the Ontario Government [e-Laws website](https://www.ontario.ca/laws) (<https://www.ontario.ca/laws>)



Asset Management Policy
C-F-024 -vine



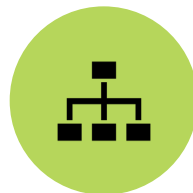
Capital Asset
Management Policy C-F-
003- vine.
CAMRA Process- vine



Capital Financing Policy -
vine



Asset Management Plan-
Niagara Region website



Asset Management
Governance embedded in
the Policy- vine



Asset Management
Steering Committee ToR-
embedded in the Policy-
vine

Contacts



For more information, please contact:

Pious Maposa

Director Asset Management Office

pious.maposa@niagararegion.ca

Subject: Graphic Images in the Public Right of Way Update

Report to: Corporate Services Committee

Report date: Wednesday, November 6, 2024

Recommendations

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

Key Facts

- On March 6, 2024, Corporate Services Committee (CSC) passed motion CSC-C 5-2024 directing the Office of the Deputy CAO to provide a report detailing options to govern the display of graphic images in the public right of way.
- On July 10, 2024, report CSD 35-2024 Graphic Images in the Public Right of Way was received by CSC and referred to the Women’s Advisory Committee for information.
- Report CSD 35-2024 outlined governance options currently available to Council, detailed legal considerations and provided a jurisdictional scan of by-laws implemented by other municipalities.
- While the jurisdictional scan, as attached in Appendix 1, found that no upper-tier municipality had a graphic images provision in their signage by-law, many single and lower-tier municipalities were actively exploring governance options.
- Given the emerging nature of the topic, report CSD 35-2024 confirmed staff would monitor by-law developments for the purposes of providing Council with an update.
- Since CSD 35-2024 was received, no upper-tier municipality has enacted a graphic images provision in their signage by-law. Additionally, some of the single and lower-tier municipalities that were exploring governance options have received updated direction from Council, as detailed in the analysis section.
- There have been no changes regarding provincial legislation governing the display and/or delivery of graphic images. A second reading for Bill 80, *Viewers Discretion Act* has not yet been scheduled. If passed, the Act would impose controls on mail delivery of graphic images showing an aborted or otherwise non-viable fetus.

Analysis

Jurisdictional Scan

The below chart details which municipalities have received updated Council direction regarding by-law development to restrict the display of graphic images in the public right of way since report CSD 35-2024 was received. While some single and lower-tier municipalities continue to explore options, others have repealed pre-existing by-laws or have ceased moving forward with by-law development. As reported in the CSD 35-2024 jurisdictional scan, attached as Appendix 1, currently no municipal government in Ontario has implemented a by-law specifically governing the display of graphic images in the public right of way.

Jurisdictional Scan: Status Update on Ontario Municipal By-laws Restricting the Display and/or Delivery of Graphic Images

Exploring By-law Options to Ban the Display of Graphic Signs

| Municipality | Update |
|------------------|---|
| City of Hamilton | <ul style="list-style-type: none"> • No updates from CSD 35-2024 |
| City of London | <p>July 15, 2024 – A draft by-law was brought to Community and Protective Services Committee (CPSC), which recommended enforcing general rules for any advocacy signage related to location (prohibited on sidewalks and within 3 metres of a cross walk) and size (no larger than 2.5 by 3 feet). CPSC recommended that public engagement take place for the proposed by-law.</p> <p>July 23, 2024 – Council directed staff to cease moving forward with developing a by-law to restrict advocacy messaging following a closed session report.</p> |
| Town of Oakville | <ul style="list-style-type: none"> • No updates from CSD 35-2024 |

By-laws Restricting Advocacy Messaging

| Municipality | Update |
|-----------------|---|
| City of Toronto | <p>April 30, 2024 – Economic and Community Development Committee passed a motion referring the item back to staff requesting that the matter of graphic images be decoupled from the placement of advocacy signs. The motion also requested that staff update the report to include a list of all cities that have passed by-laws related to graphic images, as well as those currently contemplating by-laws.</p> |

By-laws Restricting the Delivery of Graphic Images

| Municipality | Update |
|------------------------|--|
| City of St. Catharines | <p>August 12, 2024 - In response to a legal challenge raised by ARPA Canada, a motion was passed repealing By-law 2023-150 and directing staff to report back with empirical evidence, social science studies and statistics about the impacts of graphic images on residents to form the introduction of a revised by-law.</p> |
| City of London | <ul style="list-style-type: none"> • No updates from CSD 35-2024 |
| City of Woodstock | <ul style="list-style-type: none"> • No updates from CSD 35-2024 |
| City of Burlington | <ul style="list-style-type: none"> • No updates from CSD 35-2024 |
| Town of Ingersoll | <ul style="list-style-type: none"> • No updates from CSD 35-2024 |

Relationship to Council Strategic Priorities

Exploring best practices related to the display of graphic images in the public right of way is consistent with Council’s 2023-2026 strategic priority focus of creating an equitable Region. Specifically, it supports creating safe and inclusive communities.

Other Pertinent Reports

- [CSD 35-2024 Graphic Images in the Public Right of Way](https://pub-niagararegion.escribemeetings.com/Meeting.aspx?Id=14edeaeb-448c-43b0-ade1-9c40f80c15d1&Agenda=Agenda&lang=English&Item=16&Tab=attachments)

(<https://pub-niagararegion.escribemeetings.com/Meeting.aspx?Id=14edeaeb-448c-43b0-ade1-9c40f80c15d1&Agenda=Agenda&lang=English&Item=16&Tab=attachments>)

Prepared by:

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Ron Tripp, P. Eng
Chief Administrative Officer

This report was prepared in consultation with Donna Gibbs, Director of Legal Court Services and Angelo Apfelbaum, Manager of Business Licensing.

Appendices

Appendix 1 Jurisdictional Scan: Municipal By-laws Restricting the Display and/or Delivery of Graphic Images

Jurisdictional Scan: Municipal By-laws Restricting the Display and/or Delivery of Graphic Images

Municipalities Exploring By-law Options to Ban the Display of Graphic Signs

| Jurisdiction | Status |
|---------------------|---|
| City of Toronto | April 30, 2024 - The Economic and Community Development Committee received report EC12.7 for information. Staff recommended that residents prevent the unsolicited delivery of graphic flyers by using mechanisms already available to them, such as displaying a no flyer sign on mailboxes. Further, the City will amended their signage by-law to generally prohibit temporary signs with advocacy messaging in the public right of way. Signs may be placed on private property, encroaching only as necessary onto public property with limitations (no larger than 1.2 square meters with 2 sign faces, no more than 3 signs, cannot be within 0.60 metres of a sidewalk, distance restrictions regarding intersections and pedestrian crossovers on collector roads, arterial roads and local roads). |
| City of London | March 5, 2024 - Council directed staff to bring forward a by-law to the Community and Protective Services Committee that would ban graphic signs from public display by end of Q2 2024. |
| Town of Oakville | June 19, 2023 - Council directed staff to bring forward recommendations for placing restrictions on graphic flyers and public displays. |
| City of Hamilton | November 8, 2023 - Council directed staff to bring forward a report to the Planning Committee detailing the feasibility of adopting by-laws to regulate the display of graphic images in public spaces as well as the distribution of graphic flyers by the end of Q2 2024. |

Municipalities with By-laws Restricting the Display of Graphic Signs

| Jurisdiction | By-Law | Scope |
|-----------------|--|---|
| City of Calgary | Temporary Signs on Highways By-law (29M97) | <ul style="list-style-type: none"> • Restricts the placement of signs within playgrounds and school zones and restricts advocacy messaging on public property within 150 metres of a school (if larger than 3.5” by 5” in size) between the hours of 7:30am and 9:00pm during school days. • Advocacy messaging is defined as “messaging that publicly expresses an opinion on an issue or cause.” • Violation of the by-law can result in a fine up to \$1,000. |

Municipalities with By-laws Restricting the Delivery of Graphic Images

| Jurisdiction | By-Law | Scope |
|---------------------|--|--|
| City of Calgary, AB | Community Standards By-law (32M2023) | <ul style="list-style-type: none"> • Flyers delivered to residential homes that contain graphic images must be concealed in an opaque envelope, have a graphic content warning, and include the name and address of the sender. • Graphic images are defined as a visual image showing, or purporting to show, a fetus or any part of a fetus. • Violation of any of the three by-law requirements can carry a fine ranging from \$500 to \$1,000 each. |
| Town of Airdrie, AB | Community Standards By-law (B-09/2012) | <ul style="list-style-type: none"> • Same scope as the City of Calgary by-law. |

| | | |
|------------------------|---|---|
| Town of Strathmore, AB | Community Standards By-law (23-27) | <ul style="list-style-type: none"> • Same scope as the City of Calgary by-law, except the by-law does not apply to mail delivered by Canada Post or requested by the resident. |
| Town of Okotoks, AB | Community Standards By-law (31-23) | <ul style="list-style-type: none"> • Same scope as the City of Calgary by-law; except: <ul style="list-style-type: none"> Graphic images are defined as visual image showing, or purporting to show any subject matter that is not in compliance with the Canadian Code of Advertising Standards and offends the standards of public decency prevailing among a significant segment of the population. ○ Fines for each offence starts at \$500 and increases by \$250 for every subsequent offence conducted in the same calendar year, for a maximum of \$1,000 |
| City of London | Graphic Image Delivery By-law (PW-14) | <ul style="list-style-type: none"> • Same scope as the City of Calgary by-law; except: <ul style="list-style-type: none"> ○ Violation of the By-law can result in a maximum fine of \$5,000. ○ By-law does not apply to mail delivered by Canada Post or requested by the resident. |
| Town of Ingersoll | Graphic Image Delivery By-law (23-5268) | <ul style="list-style-type: none"> • Same scope as the City of London By-law. |
| City of Woodstock | Graphic Image Delivery By-law (9576-23) | <ul style="list-style-type: none"> • Same scope as the City of London By-law |
| City of St. Catharines | Graphic Image Delivery By-law (2023-150) | <ul style="list-style-type: none"> • Same scope as the City of London By-law, except minimum and maximum fees are not specified. |
| City of Burlington | Delivery of Graphic Images By-law (13-2024) | <ul style="list-style-type: none"> • Same scope as the City of London By-law, except minimum and maximum fees are not specified. |