



THE REGIONAL MUNICIPALITY OF NIAGARA
COUNCIL ORDER OF BUSINESS

CL 3-2020

Thursday, February 20, 2020

6:30 p.m.

Council Chamber

Niagara Region Headquarters, Campbell West

1815 Sir Isaac Brock Way, Thorold, ON

Pages

1. CALL TO ORDER

2. LAND ACKNOWLEDGMENT STATEMENT

Butters

3. MOMENT OF REFLECTION

Foster

4. SINGING OF 'O CANADA'

5. ADOPTION OF AGENDA

5.1 Addition of Items

5.2 Changes in Order of Items

6. DISCLOSURES OF PECUNIARY INTEREST

7. PRESENTATIONS

7.1 2020 Hockey Canada Foundation Gala

Larry Landon, Executive Director, Professional Hockey Players
Association

6 - 19

The delegation submission is attached to this agenda item as CL-C 3-
2020.

8. CHAIR'S REPORTS, ANNOUNCEMENTS, REMARKS

9. DELEGATIONS

10.	<u>ADOPTION OF MINUTES</u>	Insinna	
10.1	<u>Council Minutes CL 1-2020</u> Thursday, January 23, 2020 (Special Meeting)		20 - 25
10.2	<u>Council Minutes CL 2-2020</u> Thursday, January 23, 2020 (Regular Meeting)		26 - 32
11.	<u>CORRESPONDENCE</u>		
11.1	<u>Receive and/or Refer</u>		
11.1.1	CL-C 4-2020 A memorandum from A.-M. Norio, Regional Clerk, dated February 20, 2020 respecting Chief Administrative Officer Roles and Responsibilities By-law. Recommended Action: Receive.	Whalen	33 - 34
11.2	<u>For Consideration</u>		
11.2.1	CL-C 5-2020 Report HR 01-2020 Revised - Amendments to Procedure - Chief Administrative Officer - Recruitment, Selection, and Offer of Employment	Redekop	35 - 60
12.	<u>COMMITTEE REPORTS - OPEN SESSION</u>		
12.1	<u>Audit Committee</u> Minutes AC 1-2020, Monday, January 20, 2020	Rigby	61 - 146
12.2	<u>Public Works Committee</u> Minutes PWC 2-2020, Tuesday, February 11, 2020	Rigby	147 - 208
12.3	<u>Public Health and Social Services Committee</u> Minutes PHSSC 2-2020, Tuesday, February 11, 2020	Chiocchio	209 - 282
12.4	<u>Corporate Services Committee</u> Minutes CSC 2-2020, Wednesday, February 12, 2020	Foster	283 - 365
12.5	<u>Planning and Economic Development Committee</u> Minutes PEDC 2-2020, Wednesday, February 12, 2020	Huson	366 - 480

13. CHIEF ADMINISTRATIVE OFFICER'S REPORT(S)

- 13.1 CAO 4-2020 Steele 481 - 490
Update on Outstanding Recommendations from the Ontario
Ombudsman Report "Inside Job"
- 13.2 CAO 5-2020 Jordan 491 - 493
Final Update Ontario Ombudsman Report "Press Pause"

14. MOTIONS

- 14.1 Direct Election of the Regional Chair Ip 494
In accordance with the notice and submission deadline requirements of
Sections 18.1(b) and 11.3, respectively, of Niagara Region's Procedural
By-law, the Regional Clerk received from Councillor Ip a motion to be
brought forward for consideration at the February 20, 2020 Council
meeting respecting Direct Election of the Regional Chair.
- 14.2 Reconsideration of Minute Item 1.1 of Closed Session Nicholson 495
Minutes CL 1-2020 January 23, 2020 - Legal Advice
respecting litigation concerning Former Senior
Administration Officials Employment Contracts
In accordance with the notice and submission deadline requirements of
Sections 18.1 (b) and 11.3, respectively, of Niagara Region's Procedural
By-law, the Regional Clerk received from Councillor Nicholson a motion
to be brought forward for consideration at the February 20, 2020 Council
meeting requesting the reconsideration of Minute Item 1.1 of Closed
Session Minutes CL 1-2020 January 23, 2020 – A Matter of Advice that
is Subject to Solicitor-Client Privilege & A Matter of Litigation or Potential
Litigation under s. 239(2) of the Municipal Act, 2001 – Legal Advice
respecting litigation concerning Former Senior Administration Officials
Employment Contract

*In order to reconsider this item at this meeting, subsection 19.16 "Motion
to Reconsider" of the Procedural By-law will need to be suspended.*
- 14.3 New West Lincoln Memorial Hospital Easton 496 - 497
In accordance with the notice and submission deadline requirements of
Sections 18.1 (a) and 11.3, respectively, of Niagara Region's Procedural
By-law, the Regional Clerk received from Councillor Easton a motion to
be brought forward for consideration at the February 20, 2020 Council
meeting respecting a new West Lincoln Memorial Hospital.

15. NOTICES OF MOTION

16. OTHER BUSINESS

17. CLOSED SESSION

17.1 Council Minutes - Closed Session

- 17.1.1 Council Minutes CL 1-2020 Closed Session January 23, 2020
(Special Meeting)

17.2 Committee Reports - Closed Session

- 17.2.1 Public Works Committee Closed Session (Tuesday, February 11, 2020)
Closed Session Minutes PWC 2-2020, Tuesday, February 11, 2020

- 17.2.2 Corporate Services Committee Closed Session (Wednesday, February 12, 2020)
Closed Session Minutes CSC 2-2020, Wednesday, February 12, 2020

17.3 Confidential Reports Submitted Directly to Council

- 17.3.1 Reconsideration of Minute Item 4.1 of Closed Session Minutes CL 1-2020 January 23, 2020
A Matter of Advice that is Subject to Solicitor-Client Privilege & A Matter of Litigation or Potential Litigation under s. 239(2) of the Municipal Act, 2001 - Legal Advice respecting litigation concerning Former Senior Administration Officials Employment Contracts - Reconsideration of Minute Item 4.1 of Closed Session Minutes CL 1-2020 January 23, 2020

This item will only be considered if the motion to reconsider the matter is successful.

- 17.3.2 CL-C 6-2020
A Matter respecting Personal Matters about an Identifiable Individual under s. 239(2) of the Municipal Act, 2001 - Appointment of a Temporary Commissioner of Public Works

- 17.3.3 A Matter respecting Personal Matters about an Identifiable Individual under s. 239(2) of the Municipal Act, 2001 - Acting Chief Administrative Officer 2019 Performance Appraisal
This item will be provided at the meeting.

18. BUSINESS ARISING FROM CLOSED SESSION

19.	<u>BY-LAWS</u>	Disero
19.1	<u>Bill 2020-06</u> A by-law to accept, assume and dedicate part of lots 1852 - 1854 CP PL 2, in the City of St. Catharines as part of Regional Road No. 81 (St. Paul Street West).	498 - 499
19.2	<u>Bill 2020-07</u> A by-law to accept, assume and dedicate part of lot 11, plan 562, in the City of St. Catharines as part of Regional Road No. 89 (Glendale Avenue).	500 - 501
19.3	<u>Bill 2020-08</u> A by-law to permit 2664479 Ontario Limited operating as Sobeys Grocery Store at 450 Garrison Road in the Town of Fort Erie to be open on certain holidays for the maintenance or development of tourism.	502 - 503
19.4	<u>Bill 2020-09</u> A by-law to provide for the roles and responsibilities of the Chief Administrative Officer.	504 - 506
19.5	<u>Bill 2020-10</u> A by-law to adopt, ratify and confirm the actions of Regional Council at its meeting held on February 20, 2020.	507
20.	<u>ADJOURNMENT</u>	

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

From: [PF-Mailbox-01](#)
To: [Norio, Ann-Marie](#); [Trennum, Matthew](#)
Subject: FW: Online Form - Request to Speak at a Standing Committee
Date: Tuesday, February 04, 2020 4:16:17 PM

From: Niagara Region Website
Sent: Tuesday, 04 February 2020 16:16:11 (UTC-05:00) Eastern Time (US & Canada)
To: Clerks
Subject: Online Form - Request to Speak at a Standing Committee

Request to Speak at a Standing Committee

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

Name

Larry Landon

Address

3964 Portage Rd.

City

Niagara Falls

Postal

L2J 2K9

Phone

289-296-5561

Email

llandon@phpa.com

Organization

Hockey Canada Foundation

standing committee

Regional Council

Presentation Topic

2020 Hockey Canada Foundation Gala & Golf event

Presentation includes slides

No

Previously presented topic

No

Presentation Details

The City of Niagara Falls has been selected to host the prestigious 2020 Hockey Canada Foundation Gala and Golf event this June 15 & 16, a business formal event that recognizes Canada's rich hockey history and celebrates Hockey Canada's International successes from the past year, including Canada's Golf medal winning 2020 World Junior Championship team, who will be reunited at the event. Over 1,100 attendees including prominent Hockey Canada Alumni, corporate leaders, media, philanthropists, and key stakeholders will embark upon the Niagara Region for this event, broadcast Nationally on TSN. This event is Hockey Canada's largest annual fundraiser, where 50% of all proceeds will remain within the Niagara Region to fund Legacy projects. Last year's event in Edmonton, Alberta raised \$1.4M. We have secured Scotiabank Convention Center for the Gala (June 15th) and Legends on the Niagara (both courses) for June 16th. As Chair of the Niagara Falls Organizing Committee, along with Honourary Co-Chairs Marcel Dionne and Ralph Mellanby, we are seeking financial support from the Niagara Region towards the Legacy portion of this event (100% of the Legacy stays within the Niagara Region) to help fund the expansion and refurbishment of select Niagara arenas, the development of an outdoor para pad at Heartland Forest including sledge hockey equipment, as well as an endowment fund for both boys and girls towards the First Shift and Second Shift programs to help promote participation in minor hockey programs across the Region for at least the next five years. This event will shine a bright spotlight on the Niagara Region as we seek to raise the bar and ensure the Niagara Region is looked upon to host this tremendous event in future years as well. Thank you very much for your time and consideration.

Video Consent

Yes



2020

gala
and golf

COME CELEBRATE



ORDER OF HOCKEY IN CANADA
ORDRE DU HOCKEY AU CANADA



HOCKEY CANADA
FOUNDATION
FONDATION
HOCKEY CANADA



June 15-16, Niagara Falls, ON



Hockey Canada Foundation

The Hockey Canada Foundation is a public foundation whose work helps support Hockey Canada. It secures major gifts, promotes planned giving, and manages special fundraising events such as its annual Gala & Golf event.

Since 2009, the Gala and Golf event has raised more than \$8 million in net proceeds, assisting in the growth of grassroots hockey across Canada.

Proceeds from Hockey Canada Foundation events support initiatives with three priority areas:

Enable

Removing barriers to the game.

Educate

Providing resources and tools to better equip kids, parents and coaches.

Engage

Promoting nation-building, citizenship, mentorship, and community involvement.





Gala & Golf Event Overview

- **Annual platform for Hockey Canada to formally recognize the contributions of elite players and significant builders**
- **Gala event draws over 1000 participants per year**
- **Several current & former players + hockey personalities at event**
- **2020 Gala and Golf event will be hosted in Niagara Falls, ON**
- **Significant local and national media coverage to Niagara Region**
- **Gala event: Monday, June 15, 2020 at Scotiabank Convention Centre**
- **Golf Tournament: Tuesday, June 16, 2020 at Legends on the Niagara**
- **50% of net proceeds remain in each host community to fund various Legacy projects**
- **2019 event in Edmonton raised \$1.4M**



Gala Event

- Evening includes a cocktail reception, formal dinner, silent and live auction, presentation of Order of Hockey in Canada Awards
- Over 1,000 attendees including honoured guests, Hockey Canada Alumni, as well as corporate leaders, philanthropists, and media from Niagara, GTA, and Western New York.
- Portion of evening televised nationally on TSN





Gala Event

Recipients of the 2020 Order of Hockey in Canada will be inducted including Ken Dryden, Dr. Charles Tatar, and Sheldon Kennedy



- **Plus special appearances by high-profile celebrities TBD**



Gala Event

Team Canada's Gold Medal winning 2020 World Junior Championship team will be reunited for the first time since their historic victory over Russia to receive their Championship rings!





Golf Event

- **Hosted at Legends on the Niagara Golf Course including breakfast and lunch, utilizing both Ussher's Creek & Battlefield courses (Closed to the public)**



Legacy

- 50% of net proceeds from sponsorship sales and live / silent auction stay in Niagara Region to fund various Legacy projects.
- 100% of funding received from Federal, Provincial, and Regional Government directed towards Legacy fund





Legacy Initiatives

Expansion and refurbishment of Chippawa Willoughby Arena

- **Arena is currently underutilized, dressing rooms too small for youth hockey, girls must use a small utility room to change**
- **Update and expand dressing rooms used by the Niagara Falls Rapids Female Midget (U18) team and other female players**
- **Help attract the best female hockey players from across Niagara Region**
- **Arena renovations will benefit all hockey players and associations from across the Niagara Region**
- **Bigger change rooms, larger hallway space provides the opportunity to comfortably host tournaments, and enhance the minor hockey experience for all throughout the Niagara Region**

Legacy Initiatives

Development of a multi-use, all-season outdoor para pad at Heartland Forest for physically disabled participants including sledge hockey equipment

- Includes construction of pad, dasher boards, wider doors and benches, transparent bench boards, lighting, and nets





Legacy

Scholarships and bursaries to Niagara Regional minor hockey programs for boys and girls

- **First Shift endowment fund, managed by the Ontario Hockey Federation and Local Organizing Committee, that will focus on assisting families demonstrating financial need to pursue the game within their local minor hockey association**
- **Second Shift program available for players who need more time to develop**
- **Outfit 45 - 60 kids throughout Niagara Region with full set of brand new hockey equipment each year for minimum 5 years following event**



Legacy

- **Local Organizing Committee requesting \$125,000 from Niagara Regional Council**
- **100% of funding directed towards Legacy Fund**
- **Potential match from Provincial Government through Lisa MacLeod, Minister of Tourism, Culture, and Sport**

**THE REGIONAL MUNICIPALITY OF NIAGARA
PROCEEDINGS OF SPECIAL COUNCIL
OPEN SESSION**

CL 1-2020

Thursday, January 23, 2020

Council Chamber

**Niagara Region Headquarters, Campbell West
1815 Sir Isaac Brock Way, Thorold, ON**

Council: Bradley (Regional Chair), Butters, Bylsma, Chiocchio, Darte, Disero, Easton, Edgar, Fertich, Foster, Gale, Gibson, Insinna, Ip, Junkin, Nicholson, Redekop, Rigby, Steele, Ugulini, Whalen, Zalepa

Absent/Regrets: Bellows, Champion, Diodati, Greenwood, Heit, Huson, Jordan, Sendzik, Villella, Witteveen

Staff: D. Barnhart, Executive Officer to the Regional Chair, D. Gibbs, Director, Legal & Court Services, T. Harrison, Commissioner/Treasurer, Corporate Services, F. Meffe, Director, Human Resources, R. Mostacci, Commissioner, Planning & Development Services, A.-M. Norio, Regional Clerk, R. Tripp, Commissioner, Public Works/Acting Chief Administrative Officer

Others Present: R. Weir, Borden Ladner Gervais LLP, D. Jeffries, and D. Search, Rae Christen Jeffries LLP, External Legal Counsel

1. CALL TO ORDER

Regional Chair Bradley called the meeting to order at 4:04 p.m.

2. ADOPTION OF AGENDA

2.1 Changes in Order of Items

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

Moved by Councillor Easton

Seconded by Councillor Rigby

That Council Agenda CL 1-2020, **BE ADOPTED.**

Carried

Ron Tripp, Acting Chief Administrative Officer, advised Council that despite having read and signed Agenda Items 6.1 and 6.2, he would be excusing himself from the discussion on those items as they pertain to the recruitment of a permanent Chief Administrative Officer and he has not yet determined if he will compete for the position.

3. DISCLOSURES OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

4. CLOSED SESSION

Moved by Councillor Easton
Seconded by Councillor Rigby

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

Confidential Verbal Update - A Matter of Advice that is Subject to Solicitor-Client Privilege & A Matter of Litigation or Potential Litigation under s. 239(2) of the Municipal Act, 2001 - Legal Advice respecting litigation concerning Former Senior Administration Officials Employment Contracts

A Matter Respecting Litigation or Potential Litigation and A Matter of Advice that is Subject to Solicitor-Client Privilege under s. 239(2) of the Municipal Act, 2001 – Burgoyne Bridge Litigation Update

A Matter of Litigation or Potential Litigation under s. 239(2) of the Municipal Act, 2001 - Litigation concerning Former Senior Administration Officials Employment Contracts - Councillor Information Request – December 5, 2019

Carried

Council resolved into closed session at 4:06 p.m.

5. BUSINESS ARISING FROM CLOSED SESSION

Council reconvened in open session at 5:18 p.m. with the following individuals in attendance:

Council:	Bradley (Regional Chair), Butters, Bylsma, Chiocchio, Darte, Disero, Easton, Edgar, Fertich, Foster, Gale, Gibson, Insinna, Ip, Junkin, Nicholson, Redekop, Rigby, Steele, Ugulini, Whalen, Zalepa
Absent/Regrets:	Bellows, Champion, Diodati, Greenwood, Heit, Huson, Jordan, Sendzik, Villella, Witteveen
Staff:	D. Barnhart, Executive Officer to the Regional Chair, D. Gibbs, Director, Legal & Court Services, T. Harrison, Commissioner/Treasurer, Corporate Services, F. Meffe, Director, Human Resources, A.-M. Norio, Regional Clerk, R. Tripp, Commissioner, Public Works/Acting Chief Administrative Officer
Others Present:	R. Weir, Borden Ladner Gervais LLP, D. Jeffries, and D. Search, Rae Christen Jeffries LLP, External Legal Counsel

5.1 Confidential Verbal Update

Legal Advice respecting litigation concerning Former Senior Administration Officials Employment Contracts

Moved by Councillor Insinna
Seconded by Councillor Rigby

That the Confidential Verbal Update respecting A Matter of Advice that is Subject to Solicitor-Client Privilege & A Matter of Litigation or Potential Litigation under s. 239(2) of the Municipal Act, 2001 - Legal Advice respecting litigation concerning Former Senior Administration Officials Employment Contracts, **BE RECEIVED**; and

That staff **PROCEED** as directed in closed session.

Carried

5.2 Confidential Presentation - Burgoyne Bridge Litigation

Burgoyne Bridge Litigation

Moved by Councillor Nicholson

Seconded by Councillor Gibson

That the Confidential Presentation respecting A Matter of Advice that is Subject to Solicitor Client Privilege and A Matter of Litigation or Potential Litigation – Burgoyne Bridge Update, **BE RECEIVED**; and

That staff **PROCEED** as directed in closed session.

Carried

5.3 Confidential Memorandum CL-C 2-2020

Councillor Information Request – December 5, 2019

Moved by Councillor Ip

Seconded by Councillor Chiocchio

That Confidential Memorandum CL-C 2-2020, being a memorandum from F. Meffe, Director, Human Resources, dated January 23, 2020, respecting A Matter of Litigation or Potential Litigation under s. 239(2) of the Municipal Act, 2001 - Litigation concerning Former Senior Administration Officials Employment Contracts - Councillor Information Request – December 5, 2019, **BE RECEIVED** for information.

Carried

6. **ITEMS FOR CONSIDERATION**

At this point in the meeting, the Acting Chief Administrative Officer left the Council Chamber.

6.1 HR 1-2020

Chief Administrative Officer (CAO) Recruitment, Selection, Offer of Employment and Performance Management Policy and Procedures

Moved by Councillor Rigby
Seconded by Councillor Diodati

That Report HR 1-2020, dated January 23, 2020, respecting Chief Administrative Officer (CAO) Recruitment, Selection, Offer of Employment and Performance Management Policy and Procedures, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the Chief Administrative Officer Recruitment, Selection, Offer of Employment and Performance Management Policy, attached to Report HR 01-2020 as Appendix 1, **BE APPROVED**;
2. That the corresponding Procedure Chief Administrative Officer Recruitment, Selection, and Offer of Employment, attached to Report HR 01-2020 as Appendix 2, **BE APPROVED**;
3. That the Chief Administrative Performance Management Procedure, attached to Report HR 01-2020 as Appendix 3, **BE APPROVED**.

Moved by Councillor Chiocchio
Seconded by Councillor Redekop

That Report HR 01-2020 respecting Chief Administrative Officer (CAO) Recruitment, Selection, Offer of Employment and Performance Management Policy and Procedures, **BE REFERRED** to the Corporate Services Committee meeting being held on February 12, 2020 to allow staff to amend the policy with the suggested changes.

Carried

Councillor Information Request(s):

Council requested staff consider the inclusion of the following items in the CAO Recruitment, Selection, and Offer of Employment Policy and Procedures:

- have membership on the Recruitment Committee open to all members of Council, not just the Standing Committee Chairs
- provide regular, detailed updates to Council concerning the recruitment and selection process
- require the External Search Firm to provide detailed updates to Council on the recruitment process and short-listed candidates

- consider bringing two (2) or three (3) of the final candidates forward to Council for consideration
- include provisions regarding mandatory attendance at the meetings of the Recruitment Committee

6.2 CLK 1-2020

Chief Administrative Officer Roles and Responsibilities Draft By-law

Moved by Councillor Foster

Seconded by Councillor Nicholson

That Report CLK 1-2020, dated January 23, 2020, respecting Chief Administrative Officer Roles and Responsibilities Draft By-law **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the draft by-law respecting the Chief Administrative Officer Roles and Responsibilities attached as Appendix 1 to Report CLK 1-2020, **BE APPROVED**;
2. That the final by-law **BE PREPARED** and **PRESENTED** to Council for consideration.

Carried

7. BY-LAWS

7.1 Bill 2020-01

Moved by Councillor Insinna

Seconded by Councillor Butters

That Bill 2020-01 being a by-law to adopt, ratify and confirm the actions of Regional Council at its special meeting held on January 23, 2020, **BE NOW READ** and **DO PASS**.

Carried

8. ADJOURNMENT

There being no further business, the meeting adjourned at 6:00 p.m.

Jim Bradley
Regional Chair

Ann-Marie Norio
Regional Clerk

**THE REGIONAL MUNICIPALITY OF NIAGARA
PROCEEDINGS OF COUNCIL
OPEN SESSION**

CL 2-2020

Thursday, January 23, 2020

Council Chamber

Niagara Region Headquarters, Campbell West

1815 Sir Isaac Brock Way, Thorold, ON

Council: Bradley (Regional Chair), Butters, Bylsma, Campion, Chiocchio, Darte, Diodati, Disero, Easton, Edgar, Fertich, Foster, Gale, Gibson, Heit, Insinna, Ip, Jordan, Junkin, Nicholson, Redekop, Rigby, Steele, Ugulini, Whalen, Witteveen, Zalepa

Absent/Regrets: Bellows, Greenwood, Huson, Sendzik, Villella

Staff: D. Barnhart, Executive Officer to the Regional Chair, H. Chamberlain, Director, Financial Management & Planning/Deputy Treasurer, D. Gibbs, Director, Legal & Court Services, C. Habermehl, Director, Waste Management Services, T. Harrison, Commissioner/Treasurer, Corporate Services, Dr. M. M. Hirji, Acting Medical Officer of Health, A. Jugley, Commissioner, Community Services, V. Kuhns, Acting Director, Economic Development, P. Lambert, Director, Infrastructure Planning and Development Engineering, B. Menage, Director, Procurement & Strategic Acquisitions, A.-M. Norio, Regional Clerk, M. Trennum, Deputy Regional Clerk, R. Tripp, Commissioner, Public Works/Acting Chief Administrative Officer

1. CALL TO ORDER

Regional Chair Bradley called the meeting to order at 6:38 p.m.

2. LAND ACKNOWLEDGMENT STATEMENT

Councillor Insinna read the Land Acknowledgment Statement.

3. MOMENT OF REFLECTION

Councillor Edgar read the moment of reflection.

4. SINGING OF 'O CANADA'

Regional Chair Bradley asked all in attendance to stand for the singing of 'O Canada'.

5. **ADOPTION OF AGENDA**

Moved by Councillor Steele
Seconded by Councillor Chiocchio

That Council Agenda CL 2-2020, **BE ADOPTED.**

Carried

6. **DISCLOSURES OF PECUNIARY INTEREST**

There were no disclosures of pecuniary interest.

7. **PRESENTATIONS**

There were no presentations.

8. **CHAIR'S REPORTS, ANNOUNCEMENTS, REMARKS**

The Regional Chair made various announcements related to activities and events he attended throughout the Region.

Chair Bradley additionally offered his commendations to those groups who played a role in shining a light on the events detailed in the recent Ombudsman's report. The Chair formally commended the current and former members of Regional council and staff who worked diligently to not only maintain the integrity of this organization, but also admirably perform their duties on a daily basis. He stated that, in speaking on behalf of all of Council, it is remarkable that so many individuals were able to put the public first and continue to offer high quality programs and services.

The Chair also recognized those members of the public who held their elected officials, and the public servants they hired, to account. He acknowledged the many residents who took an active interest in the conduct of their local government and then took the necessary and appropriate steps to bring attention to the questionable behavior they witnessed. He specified it was these members of the public who held us all to a higher standard and he applauded their actions.

Finally, on behalf of all members of Regional Council, Chair Bradley thanked the journalists at Niagara's daily newspapers for their integrity and professionalism in reporting on the issues that led to the Ombudsman's report. He stated it was the work of these journalists who changed the face of politics in Niagara and that he believes our Region is better off for their efforts. He noted this situation provides evidence as to why we require a strong local media, with the freedom and independence to report on the actions of those who hold elected office. He thanked those journalists for their efforts and asked they continue to make Niagara a better community.

9. **DELEGATIONS**

There were no delegations.

10. **ADOPTION OF MINUTES**

10.1 **Council Minutes CL 23-2019**

Thursday, December 12, 2019

Moved by Councillor Ugolini

Seconded by Councillor Butters

That Minutes CL 23-2019 being the Open and Closed Session minutes of the Regional Council meeting held on Thursday, December 12, 2019, **BE ADOPTED.**

Carried

11. **CORRESPONDENCE**

11.1 **Receive and/or Refer**

There were no correspondence items to receive and/or refer.

11. **CORRESPONDENCE**

11.2 **For Consideration**

11.2.1 CL-C 1-2020

Regional Councillor Appointment to Niagara Regional Housing Affordable Housing Master Plan Team

Moved by Councillor Zalepa

Seconded by Councillor Bylsma

That Correspondence Item CL-C 1-2020, being a letter from A.-M. Norio, Regional Clerk, respecting Regional Councillor Appointment to Niagara Regional Housing Affordable Housing Master Plan Team **BE RECEIVED.**

Moved by Councillor Butters

Seconded by Councillor Chiocchio

That Councillor Ip **BE NOMINATED** for appointment to the Niagara Regional Housing Affordable Housing Master Plan Team.

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

That Correspondence Item CL-C 1-2020, being a memorandum from A.-M. Norio, Regional Clerk, respecting Regional Councillor Appointment to Niagara Regional Housing Affordable Housing Master Plan Team **BE RECEIVED**; and

That Councillor Ip **BE NOMINATED** for appointment to the Niagara Regional Housing Affordable Housing Master Plan Team.

Carried

12. COMMITTEE REPORTS - OPEN SESSION

12.1 Public Works Committee

Minutes PWC 1-2020, Tuesday, January 14, 2020

Moved by Councillor Rigby
Seconded by Councillor Edgar

That Report PWC 1-2020 being the Open and Closed Session minutes of the Public Works Committee meeting held on Tuesday, January 14, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

12.2 Public Health and Social Services Committee

Minutes PHSSC 1-2020, Tuesday, January 14, 2020

Moved by Councillor Gibson
Seconded by Councillor Steele

That Report PHSSC 1-2020 being the Open Session minutes of the Public Health & Social Services Committee meeting held on Tuesday, January 14, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

Further to the presentation respecting E-cigarettes provided at the Public Health and Social Services Committee meeting, Councillor Witteveen put to following motion forward:

Moved by Councillor Witteveen
Seconded by Councillor Foster

That the Regional Chair **BE DIRECTED** to send a letter to the Minister of Health respecting E-cigarettes thanking the Ministry for their actions to date including the promotional ban to help protect children and youth and urging the Province to address gaps in provincial legislation as well as urging the federal government, where jurisdictionally appropriate, to address gaps around sales to minors, banning flavoured products, maximum nicotine concentration, plain and standard packaging, public education, treatment for youth cessation, and sales in specialty stores only.

Carried

12.3 Corporate Services Committee

Minutes CSC 1-2020, Wednesday, January 15, 2020

Moved by Councillor Foster
Seconded by Councillor Whalen

That Report CSC 1-2020 being the Open Session minutes of the Corporate Services Committee meeting held on Wednesday, January 15, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

12.4 Planning and Economic Development Committee

Minutes PEDC 1-2020, Wednesday, January 15, 2020

Moved by Councillor Heit
Seconded by Councillor Redekop

That Report PEDC 1-2020 being the Open Session minutes of the Planning & Economic Development Committee meeting held on Wednesday, January 15, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

13. CHIEF ADMINISTRATIVE OFFICER'S REPORT(S)

There were no Chief Administrative Officer's Reports.

14. MOTIONS

There were no motions.

15. NOTICES OF MOTION

There were no notices of motion.

16. OTHER BUSINESS

Members made various announcements related to activities and events within the Region and area municipalities.

17. CLOSED SESSION

Council did not resolve into closed session.

18. BUSINESS ARISING FROM CLOSED SESSION

Council did not resolve into closed session.

19. BY-LAWS

Moved by Councillor Bylsma
Seconded by Councillor Zalepa

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

Bill 2020-02

A by-law to amend By-law No. 2018-75, being a bylaw to licence, regulate and govern vehicles for hire (taxicabs, transportation network company vehicles, specialty vehicles, auxiliary services vehicles, shuttle buses, sightseeing vehicles, caleche, tow trucks) and businesses (second-hand good stores and dealers, salvage yards, auto-wrecking yards and taxicab brokers).

Bill 2020-03

A by-law to amend By-law No. 2018-76, being a by-law to provide for the licencing, regulating and inspecting of adult entertainment parlours, owners and operators of adult entertainment parlours and entertainers at adult entertainment parlours.

Bill 2020-04

A by-law to authorize a 2020 Interim and waste management special upper-tier levy for The Regional Municipality of Niagara.

Bill 2020-05

A by-law to adopt, ratify and confirm the actions of Regional Council at its meeting held on January 23, 2020.

Carried

20. ADJOURNMENT

There being no further business, the meeting adjourned at 7:25 p.m.

Jim Bradley
Regional Chair

Matthew Trennum
Deputy Regional Clerk

Ann-Marie Norio
Regional Clerk

MEMORANDUM

CL-C 4-2020

Subject: Chief Administrative Officer Roles and Responsibilities By-law

Date: February 20, 2020

To: Regional Council

From: Ann-Marie Norio, Regional Clerk

At its Special Meeting held on January 23, 2020, Regional Council approved Report CLK 1-2020 which recommended the following:

That Report CLK 1-2020, dated January 23, 2020, respecting Chief Administrative Officer Roles and Responsibilities Draft By-law **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the draft by-law respecting the Chief Administrative Officer Roles and Responsibilities attached as Appendix 1 to Report CLK 1-2020, **BE APPROVED**; and
2. That the final by-law **BE PREPARED** and **PRESENTED** to Council for consideration.

Section 2 of the draft by-law stated the following:

That the Chief Administrative Officer is the head of the administrative branch of the Region and shall be responsible to Regional Council for coordinating, supervising, and ensuring the effective administration of all programs and policies initiated and adopted by Regional Council.

The *Health Protection and Promotion Act*, which governs Public Health, establishes in sections 67(1) and (3) that a medical officer of health is solely and directly responsible to the board of health (in our case, Regional Council) for the administration of public health. In order to ensure there is clarity within the by-law, staff have changed section 2 to read as follows:

*That the Chief Administrative Officer is the head of the administrative branch of the Region and shall be responsible to Regional Council for coordinating, supervising, and ensuring the effective administration of all programs and policies initiated and adopted by Council and of all projects and undertakings initiated by or under his or her own direction within the strategic policy framework adopted or endorsed by Regional Council, **subject to any restrictions or requirements in any statute, including but not limited to the legislated***

***reporting and accountability relationship of the Medical Officer of Health in
the Health Protection and Promotion Act.***

The final by-law is included for Council's consideration on the agenda for the February 20, 2020 meeting, as Bill 2020-09 (Agenda Item 19.4)

Respectfully submitted and signed by

Ann-Marie Norio
Regional Clerk

MEMORANDUM

CL-C 5-2020

Subject: Report HR 01-2020 Revised - Amendments to Procedure - Chief Administrative Officer - Recruitment, Selection, and Offer of Employment

Date: February 20, 2020

To: Regional Council

From: Franco Meffe, Director, Human Resources, and Ann-Marie Norio, Regional Clerk

At its meeting held on February 12, 2020, the Corporate Services Committee, approved the following recommendation:

That Report HR 1-2020 REVISED, dated February 12, 2020, respecting Chief Administrative Officer (CAO) Recruitment, Selection, Offer of Employment and Performance Management Policy and Procedures, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the Chief Administrative Officer Recruitment, Selection, Offer of Employment and Performance Management Policy, attached to Report HR 1-2020 REVISED as Appendix 1, **BE APPROVED**;
2. That the Chief Administrative Officer Recruitment, Selection, and Offer of Employment Procedure, attached to Report HR 1-2020 REVISED as Appendix 2, **BE APPROVED** to include the amendments brought forward by Committee; and
3. That the Chief Administrative Performance Management Procedure, attached to Report HR 1-2020 REVISED as Appendix 3, **BE APPROVED**.

Further to the direction from Committee to include the amendments requested at the February 12 meeting, staff have attached a revised Chief Administrative Officer Recruitment, Selection, and Offer of Employment Procedure. The revised procedure and this memo seek to address some of the suggestions made at Committee.

As suggested by Committee at the Corporate Services Committee meeting, staff revised the Procedure to include that the Regional Chair shall have the right to vote. In addition, staff included stricter provisions around attendance at meetings and differentiated between attendance at interviews and non-interview meetings. As such Committee members who are absent from any candidate interviews will be deemed to have resigned from the Committee and members shall only be allowed to miss two (2) non-interview meetings.

Committee raised concern with the language in the Procedure respecting re-appointments/appointing a new member to fill a vacancy. This was in light of the concern that should Council need to appoint a replacement member as a result of a vacancy there would be a need to get a new Committee member up to speed which may be challenging depending on the stage of the recruitment process reached at that point. In response to this concern, staff have proposed that instead of the procedure requiring that Council re-appoint/appoint a new member to the Committee, that Council instead be informed as to the resignation of one of the Recruitment Committee members at which time Council could consider how they would like to proceed going forward. Options could be appointing a new member or depending on how far along in the recruitment process the Committee is, perhaps continuing with the remaining members only.

Committee members brought forward suggestions regarding electronic participation in meetings. Section 238(3.1) of the *Municipal Act* does allow for electronic participation in meetings; however, staff have not included this option in the procedure as the legislation does not allow for electronic participation in closed session. In addition, members participating in the meeting electronically are not able to vote and do not count towards quorum. Based on the above and in light of the fact that many of the meetings of the Committee will contain closed session portions, staff would consider that being able to participate electronically would be of limited benefit to Committee members as it would not afford an opportunity for full participation.

It was suggested that those Regional Councillors who have previously participated in a Regional CAO recruitment be provided with an opportunity to attend a meeting to provide advice to the new Committee. Staff have taken this as direction and will ensure that those members are offered an opportunity to attend the first Committee meeting to address the new Committee.

A copy of HR 01-2020 Revised, including an amended Appendix 2 (above described changes in red), has been attached to this memo.

The following motion is before Council for consideration:

That Correspondence Item CL-C 5-2020, being a memorandum from F. Meffe, Director, Human Resources, and A.-M. Norio, Regional Clerk, dated February 20, 2020, respecting Report HR 01-2020 Revised - Amendments to Procedure - Chief Administrative Officer - Recruitment, Selection, and Offer of Employment, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Report HR 1-2020 REVISED, dated February 12, 2020, respecting Chief Administrative Officer (CAO) Recruitment, Selection, Offer of Employment and Performance Management Policy and Procedures, **BE RECEIVED**;

2. That the Chief Administrative Officer Recruitment, Selection, Offer of Employment and Performance Management Policy, attached to Report HR 1-2020 REVISED as Appendix 1, **BE APPROVED**;
3. That the amended Chief Administrative Officer Recruitment, Selection, and Offer of Employment Procedure, attached to Report HR 1-2020 REVISED as Appendix 2, **BE APPROVED**; and
4. That the Chief Administrative Performance Management Procedure, attached to Report HR 1-2020 REVISED as Appendix 3, **BE APPROVED**.

Respectfully submitted and signed by

Franco Meffe
Director, Human Resources

Ann-Marie Norio
Regional Clerk

Subject: Chief Administrative Officer (CAO) Recruitment, Selection, Offer of Employment and Performance Management Policy and Procedures

Report to: Corporate Services Committee

Report date: Wednesday, February 12, 2020

Recommendations

1. That the Chief Administrative Officer Recruitment, Selection, Offer of Employment and Performance Management, attached to Report HR 01-2020 REVISED as Appendix 1, **BE APPROVED**;
2. That the corresponding Procedure Chief Administrative Officer Recruitment, Selection, and Offer of Employment, attached to Report HR 01-2020 REVISED as Appendix 2, **BE APPROVED**;
3. That the Chief Administrative Performance Management Procedure, attached to Report HR 01-2020 REVISED as Appendix 3, **BE APPROVED**.

Key Facts

- The purpose of this report is to obtain Council's approval of the CAO Recruitment, Selection, Offer of Employment and Performance Management Policy and Procedures.
- The Chief Administrative Officer Recruitment, Selection, and Offer of Employment Procedure includes a Terms of Reference for a CAO Recruitment Committee made up of the Regional Chair, specific members of Council, and applicable staff as noted therein.
- Council approval of the attached Policy and Procedures will satisfy the previous direction given to staff in Report CAO 17-2019 to take the necessary steps to implement the corresponding recommendations provided in the Ontario Ombudsman Report "Inside Job" dated November 2019 related to the CAO Recruitment process.
- **The initial report was discussed at Special Council on January 23, 2020. Council provided input on changes within the policy and procedures pertaining to the CAO Recruitment, Selection, and Offer of Employment Policy and Procedures, and subsequently referred the report to Corporate Services Committee.**
- **This revised report captures a number of the suggestions made at Special Council as they pertain to the CAO Recruitment, Selection, and Offer of Employment Policy and Procedures, there were no suggested changes to the Performance Management Procedure, as a result no changes have been made.**

-
- The Policy and Procedures are newly created with research conducted of best practices and survey of other municipal partners; if approved these would come into effect immediately upon Council approval.
 - The approval of the Policy and associated Procedures will provide Council the mechanisms to move forward with the recruitment of a permanent CAO should they wish to do so, it will ensure any CAO Recruitment is undertaken in a way that will address the concerns raised as a result of the 2016 hiring process.

Financial Considerations

The recommendations, as a result of the Ombudsman Report, are primarily policy and procedure focused and do not have any direct financial implications, save and except staff time to undertake the work, members of Council time to sit on the noted Committees, and the future costs associated with the services of an external Executive Search Firm to undertake the CAO recruitment and selection process in the future.

Should Council wish to proceed with the recruitment of a permanent CAO, any costs related to CAO recruitment activities in 2020 will be funded through the existing, and Council approved, 2020 budget.

Analysis

On November 29, 2019, the Ontario Ombudsman released his report titled “Inside Job” respecting the investigation he conducted regarding the process Niagara Region undertook in the 2016 hiring of its Chief Administrative Officer (CAO); the administration of the CAO’s contract, including any extension and amendment; and Niagara Region’s response to concerns about the CAO’s hiring, including the municipal ombudsman’s investigation and the external governance auditor.

The Ombudsman put forward 15 recommendations within the report to address the issues that were identified as part of his investigation (and a 16th recommendation requiring Niagara Region to report back at six-month intervals on progress in implementation of the recommendations). This Report and the corresponding Appendices serve to directly address the following numbered recommendations from the Ontario Ombudsman Report:

- 3. The Regional Municipality of Niagara should require all officials and staff with access to confidential hiring process information to sign a specific confidentiality agreement at the outset of the process.*
- 4. The Regional Municipality of Niagara should ensure that the terms of reference it establishes for a recruitment committee provide for a complete list of the staff and officials permitted to access confidential information.*
- 6. The Regional Municipality of Niagara should adopt a policy clarifying that employees should not engage in any behaviour that provides an unfair*

advantage to a candidate during a hiring process, including assisting candidates by providing inside information such as interview questions and suggested answers.

9. *The Regional Municipality of Niagara should adopt a policy setting out the process for hiring a Chief Administrative Officer, including the appropriate roles of staff and their accountability to council or a committee of council charged with the hiring.*
12. *Before making changes to a contract affecting its legal interests, the Regional Municipality of Niagara should require staff to consult legal and human resources staff to ensure the terms are lawful and consistent with the municipality's interests.*
13. *The Regional Municipality of Niagara should adopt a policy governing the process for CAO performance appraisals.*

The attached CAO Recruitment, Selection, Offer of Employment and Performance Management Policy and corresponding Procedures are entirely new; they were drafted in response to the recommendations contained within the Ombudsman Report. In accordance with the recommendations of this report, staff have reviewed what is currently in place, researched best practices, considered tools and resources suggested in the Ombudsman Report, including reached out to a number of upper and lower tier municipalities to ensure that any Policy and Procedures that are put in place, subject to Council approval, would satisfy the recommendations of the Ombudsman.

Regarding the Terms of Reference for the CAO Recruitment Committee, staff ***have amended some of the provisions as outlined in the attached CAO Recruitment, Selection, and Offer of Employment Policy and Procedures, including the CAO Recruitment Committee Terms of Reference contained therein.*** ~~are recommending that this Committee be comprised of the 3 Chairs, and in the case of the Public Health and Social Services Committee 1 of the Co-Chairs, of each of the 4 Standing Committees (it also does include the process to select replacement members), plus the Regional Chair who will also assume the Chair of the CAO Recruitment Committee. The recommendation regarding the participation of the Chair's of the Standing Committee's is based primarily on how their respective roles work closely with the role of the CAO, and that their role as Chair of their respective Committee's are required to work within a mandate and make recommendations to be considered by Council.~~

Niagara Region currently has some other policies in place that are relevant to the aforementioned recommendations such as: Code of Ethics/Conflict of Interest, Accountability and Transparency, Delegation of Powers and Duties, Execution of Documents By-law, and Employment and Staffing. Staff will ensure, in light of the Ombudsman's recommendations, that those policies are strengthened and consistent with the attached Policy and Procedures and will be respectively brought back to Council at a future date.

The recruitment of a permanent CAO has been held in abeyance pending the completion of the Provincial governance review and the Ombudsman's Report into the 2016 CAO hiring process. Given that both of those matters have now been concluded, staff have created the Policy and Procedures as directed by Council in Report CAO 17-2019. The approval of these items will ensure that the corresponding Policy and Procedures, and the amended By-law that has been prepared under separate Report, are in place prior to a CAO recruitment process being initiated. As a result, should Council approve this Report, staff recommends proceeding with the recruitment of a permanent CAO done so in accordance with this Policy. Should Council **Approve this Policy**, a Report outlining next steps in the CAO recruitment process will be brought to the Corporate Services Committee meeting on **March 11, 2020 and will include direction to staff to proceed with the appointment of members to the Recruitment Committee at Regional Council.**

Alternatives Reviewed

Municipalities, both local and beyond, were contacted for information on their CAO recruitment practices, including requests for copies of any policies related to same. Although the existence of a policy specific to the recruitment of a CAO are not generally in place, there is a fairly consistent approach that Human Resources facilitate the engagement of an external executive search firm to guide any candidate search, and to form a committee of Council tasked to be a recruitment committee.

Consideration was given to have internal staff and resources from Human Resources conduct the CAO Recruitment process; this alternative is not recommended for a number of reasons; namely Human Resources currently reports to the CAO and the optics of hiring their own manager are not favourable to the corporation. The inclusion of an Executive Search Firm (ESF) as part of the Policy brings the objectivity, specialized skills, and ability to perform a broader search for optimal candidates, still allows the Region to set the scope of work any ESF would undertake in the CAO recruitment process.

Relationship to Council Strategic Priorities

This report is based on the recommendations of the Ontario Ombudsman and Council's prior confirmation of same; however, the implementation of this Policy and corresponding Procedures aligns with Council's Strategic Priority of Sustainable and Engaging Government.

Other Pertinent Reports

- CAO 17-2019 – Recommendations from the Ontario Ombudsman Report "Inside Job" November 2019

Prepared and Recommended by:

Franco Meffe

Director, Human Resources

Submitted by:

Ron Tripp, P.Eng.

Acting, Chief Administrative Officer

This report was prepared in consultation with Ann-Marie Norio, Regional Clerk, and Jodie Middleton, Manager Organizational Development and Talent Acquisition.

Appendices

Appendix 1 – **REVISED** Chief Administrative Officer Recruitment, Selection, Offer of Employment and Performance Management Policy

Appendix 2 – **REVISED** Chief Administrative Officer Recruitment, Selection, and Offer of Employment Procedure

Appendix 3 – DRAFT Chief Administrative Officer Performance Management Procedure

<i>Policy Category</i> <i>Human Resources</i>	<i>Name of Policy</i> <i>Chief Administrative Officer – Recruitment, Selection, Offer of Employment, and Performance Management</i>
------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------

Page 1 of 5

Policy Owner	Corporate Administration, Human Resources, Director Human Resources
Approval Body	Regional Council
Approval Date	
Effective Date	
Review by Date	

1. Policy

Regional Council is committed to engaging in good governance through approved policy and procedures for both the recruitment (attraction, selection and offer of employment) and performance management (performance appraisal, objective setting and development plan) for the position of Chief Administrative Officer (CAO).

2. Purpose

The CAO is the senior appointed official of the Regional Municipality and provides leadership in all operational areas, policy, government affairs, business/service delivery, and implementation of Council's strategic priorities. Ensuring the CAO is qualified for the role; that the terms and conditions of their employment are appropriate; that their annual performance is properly aligned to key priorities; and that the incumbent is functioning at an appropriate level, is a key accountability of Council.

3. Scope

This policy applies to the role of the CAO, Council, and key designated external vendors and staff roles accountable for execution of the policy.

There are to be no acts of favouritism or discrimination in the CAO recruitment process. Members of Council, staff, external vendors, and anyone else approved to be part of the recruitment process shall not attempt to influence the hiring of any applicant in a manner that is inconsistent with this policy. This includes that no one shall engage in any behaviour that provides an unfair advantage to a candidate during the CAO recruitment process to assist any candidates by providing inside information, such as but not necessarily limited to, interview questions and suggested answers, presentation materials, information about

<i>Policy Category</i>	<i>Name of Policy</i>
Human Resources	Chief Administrative Officer – Recruitment, Selection, Offer of Employment, and Performance Management

other candidates, or any information gathered in meetings, conversations, email or any other form of communication or discussion.

3.1. Roles and Responsibilities

3.1.1. CAO New Hire Recruitment, Selection and Offer of Employment

- Regional Chair: Serves as Chair of the **Recruitment Committee and oversees performance management process**; ensures the requirements of XXX Policy is fulfilled. Includes establishing **Council approved Recruitment Committee** membership, working with any external Executive Search Firm (**ESF**), enforcement of roles and responsibilities, **provide regular detailed updates in writing to Council concerning the recruitment and selection process including particulars of preferred candidate(s)**, along with integrity and confidentiality requirements. Oversees hiring process through Recruitment Committee and ESF selection, to **Council approval** of candidate offer of employment.
- Recruitment Committee Member: **Acts on behalf of members of Council in the recruitment and selection process**. Engages in all procedural elements as outlined in respective XXX Procedure. Includes mandatory attendance at all meetings and interviews, engaging in the development of selection criteria and position profile development as required, **collaborating with the Chair and ESF on providing regular detailed updates in writing to Council concerning the recruitment and selection process including particulars of preferred candidate(s)**. Requires alignment to all integrity and confidentiality requirements.
- Director, Human Resources: Facilitates the recruitment process on behalf of the Regional Chair and Recruitment Committee, **and the performance management process**. Serves as primary contact point for any ESF; provides guidance and advice to the Chair and Recruitment Committee members ensuring best practices and legal interests of the corporation are upheld, **supports the Chair and Recruitment Committee in the preparation of regular detailed written update(s) to Council**, leads the procurement of an ESF, facilitates Legal consultation and candidate offer of employment and/or offer letter creation, and any amendment to the employment contract; is required to attend all meetings with the Recruitment Committee and with Council, and any other meetings upon request of the Chair.
- Executive Search Firm (ESF): An external firm or specialized consultant who works with the Chair and Recruitment Committee to confirm the CAO profile, position

Policy Category	Name of Policy
Human Resources	Chief Administrative Officer – Recruitment, Selection, Offer of Employment, and Performance Management

competencies, and search, selection and offer strategy. **ESF** accountabilities will align with the **defined** scope of work, which may include but not necessarily limited to – attraction, screening of prospective candidates, development of short list of candidates to be interviewed by the Committee, including they may support the interview, reference **checking** and offer of employment process as required.

Required to attend meeting(s) of Council to provide detailed updates to members of Council concerning the recruitment and selection process, be prepared to present to Council on its processes to short list candidates, provide candid feedback on the recruitment process, provide observation(s) on any short listed candidates, along with responding to any inquiries made by members of Council.

- **Acting/Interim CAO:** A member of the Region's Corporate Leadership Team or an external person appointed by Council to fulfil the duties of the CAO on an acting or temporary basis. The appointment of the Acting CAO does not preclude their candidacy in the selection process for a permanent CAO. If they are not a candidate for the permanent role, they may participate as a member of the Recruitment Committee if approved by the Chair and Recruitment Committee. However, if they are a candidate for the position as permanent CAO, they are not permitted to participate or influence the recruitment process and must excuse themselves from all business associated with same.
- **Regional Clerk:** Ensures required governance related supports and advice to ensure effective completion of the process; provides agenda and meeting management functions; is required to attend all meetings with the Recruitment Committee and with Council, and any other meetings upon request of the Chair.
- **Regional Council:** Responsible for the hiring of the CAO and all associated approvals noted within this Policy and its Procedures. ***Attendance at any meeting of Council where matters pertaining to the CAO recruitment, selection, and offer of employment are being discussed.***

3.1.2. Performance Management

- **Regional Chair:** Ensures the mandate of the XXX Procedure is fulfilled annually. Includes development and execution of annual performance management schedule, providing feedback to CAO; enforcement of roles and responsibilities, annual rating selection, report creation to Council, annual objective and development plan setting with the CAO as well as integrity and confidentiality requirements.
- **Chief Administrative Officer:** Completing annual assessment; engaging in all aspects of the process as laid out in this XXX policy and the procedure document.

<i>Policy Category</i>	<i>Name of Policy</i>
<i>Human Resources</i>	<i>Chief Administrative Officer – Recruitment, Selection, Offer of Employment, and Performance Management</i>

Page 4 of 5

Engaging in the performance appraisal process, and development of annual objectives and development plan.

- Director, Human Resources: Initiates and facilitates the performance appraisal process and creation of annual objective and development plan on behalf of the Regional Chair in accordance with the Region's Non-Union Performance Management Program. Sources and serves as primary point of contact for additional resources or supports such as Legal or Consultants. Provides guidance and advice to the Chair as required, is required to attend all meetings with Council, and any other meetings upon request of the Chair.
- Regional Clerk: Ensures required governance related supports and advice to ensure effective completion of the process; provides agenda and meeting management functions; is required to attend all meetings with Council, and any other meetings upon request of the Chair.
- Regional Council: Responsible for the evaluation of the performance of the CAO and all associated approvals noted within this Policy and Procedures. ***Attendance at any meeting of Council where matters pertaining to CAO performance management are being discussed.***

4. References and Related Documents.

List related legislation, directives, By-laws and associated procedures

4.1. Legislation, By-Laws and/or Directives

- Municipal Act, 2001
- Employment Standards Act, 2000
- CAO By-law # XXX

4.2. Procedures

- XXX – Chief Administrative Officer Recruitment, Selection, Offer of Employment
- XXX – Chief Administrative Officer Performance Management

5. Related Policies

- Non-Union Compensation C-HR-001
- Employment and Staffing C-HR-010

6. Document Control

The electronic version of this document is recognized as the only valid version.

Approval History

<i>Policy Category</i>	<i>Name of Policy</i>
<i>Human Resources</i>	<i>Chief Administrative Officer – Recruitment, Selection, Offer of Employment, and Performance Management</i>

Page 5 of 5

Approver(s)	Approved Date	Effective Date

Revision History

Revision No.	Date	Summary of Change(s)	Changed by

<i>Procedure Category</i>	<i>Name of Procedure</i>
Human Resources	Chief Administrative Officer – Recruitment, Selection, and Offer of Employment

Page 1 of 8

Procedure Owner	Corporate Administration, Human Resources, Director Human Resources
Parent Policy	XXX – Chief Administrative Officer Recruitment, Selection, Offer of Employment, and Performance Management
Approval Body	Regional Council
Approval Date	
Effective Date	
Review by Date	

The following procedure outlines the Chief Administrative Officer (CAO) Recruitment, Selection, and Offer of Employment.

When a permanent vacancy for CAO occurs, the Regional Chair (**Chair**) notifies the Director, Human Resources (HR) to initiate the recruitment process to fill the permanent CAO vacancy **in accordance with** the XXX Policy and XXX Procedure.

The Director HR, in consultation with the Chair, will initiate the CAO selection process in accordance with the CAO Recruitment Committee Terms of Reference as follows:

Chief Administrative Officer Recruitment Committee Terms of Reference

Mandate / Scope

The mandate of the Chief Administrative Officer (CAO) Recruitment Committee is to facilitate the recruitment process for the CAO and recommend to Regional Council a preferred candidate for the role of CAO.

<i>Procedure Category</i>	<i>Name of Procedure</i>
<i>Human Resources</i>	<i>Chief Administrative Officer – Recruitment, Selection, and Offer of Employment</i>

Goals/Purpose

1. Formation of a CAO Recruitment Committee

- a. *The Committee will be comprised of the Regional Chair, who will serve as Committee Chair, and four (4) members of Regional Council to be appointed by Regional Council. Members must be able to commit to full and active participation over the course of the CAO recruitment, including mandatory attendance at all meetings, interviews, etc. **as noted herein.***
- b. *CAO Recruitment Committee will be governed by the Region's Procedural By-law.*

2. Engagement of an External Executive Search Firm (ESF)

- a. *CAO Recruitment Committee, in consultation with Director Human Resources, to determine scope of work and select ESF, as per the Niagara Region Procurement By-law.*
- b. *ESF to develop the key CAO character traits and competencies required, in consultation with the CAO Recruitment Committee, to drive results forward in Niagara.*
- c. *ESF to undertake CAO candidate search, with active engagement of the CAO Recruitment Committee.*
- d. *ESF, in consultation with the Recruitment Committee, to provide detailed updates to Council concerning the recruitment and selection process, be prepared to present to Council on its processes to short list candidates, provide candid feedback on the recruitment process, observation(s) on any short listed candidates, along with responding to any inquiries made by members of Council.*

3. CAO Recruitment Process

- a. *CAO Recruitment Committee members actively participate in a transparent, competitive, and comprehensive recruitment process, while holding in strict confidence all confidential information concerning matters dealt with by the Committee.*
- b. *CAO Recruitment Committee, with ESF, to provide detailed updates to members of Council concerning the recruitment and selection process.*

Procedure Category	Name of Procedure
Human Resources	Chief Administrative Officer – Recruitment, Selection, and Offer of Employment

- c. ***Upon completion of the recruitment process, the CAO Recruitment Committee to present up to three (3) preferred candidate(s) to Regional Council for approval of a preferred candidate and approval on presented associated terms and conditions of employment.***
- d. ***Upon Regional Council's approval of the preferred candidate, Council authorizes the Director, HR, to extend the approved terms of employment to the preferred candidate, in a form satisfactory to the Director Legal and Court Services, in consultation with any external legal counsel as required, ensuring all legal requirements are met.***

Recruitment Committee Membership

The membership structure of the CAO Recruitment Committee will be comprised of ***not more than five (5) members of Regional Council, including the Regional Chair, who will serve as Committee Chair. All members of the Recruitment Committee, including the Regional Chair, shall have the right to vote.***

Privacy Considerations

The CAO Recruitment Committee will comply with all open meeting provisions. Information provided to the CAO Recruitment Committee, specifically pertaining to applicants for the position of the CAO, will be held in strict confidence and managed in accordance with the principles of protection of personal information as defined by the *Municipal Freedom of Information and Protection of Personal Privacy Act (MFIPPA)*.

The CAO Recruitment Committee shall hold in strict confidence all confidential information concerning matters dealt with by the Committee, members of the Recruitment Committee, and any approved staff who support the recruitment process, will be required to execute a confidentiality agreement at the outset of the recruitment and selection process.

Attendance

A recruitment best practice is that all candidates are interviewed by a consistent interview panel, in support of a fair, transparent, and comprehensive recruitment process. It is mandatory that members of the CAO Recruitment Committee actively participate in all stages of the CAO recruitment process, with specific attention paid to attending all CAO candidate interviews, at any/all steps of the process, ***specifically as follows:***

Procedure Category	Name of Procedure
Human Resources	Chief Administrative Officer – Recruitment, Selection, and Offer of Employment

Page 4 of 8

(1) CAO Recruitment Committee member attendance at all candidate interview(s) is mandatory. A member of the Recruitment Committee who is absent for any candidate interview shall be deemed to have resigned from the committee and Regional Council will be notified.

(2) A member of the CAO **Recruitment** Committee who is absent for two (2) consecutive **non-interview** meetings shall be deemed to have resigned from the committee and Regional Council will be notified.

Upon notification of a vacancy on the Committee as a result of the above, Council may consider the appointment of a new member to the Committee or not replacing the member, depending on the stage the recruitment process has reached. The aforementioned does not preclude Council from re-appointing the Committee member in question.

Staff Support to Committee

The Director, HR, Director, Legal and Court Services, and the Regional Clerk, or their respective designates, will function in an advisory capacity to the CAO Recruitment Committee, and the selected ESF. Involvement of any staff not noted herein will require Recruitment Committee approval prior to being engaged to provide any support to the Committee or be in attendance at meetings. In any event, any staff engaged to support the Recruitment Committee shall hold in strict confidence all confidential information concerning matters dealt with by the Committee, including all such staff will be required to execute a confidentiality agreement prior to engaging in support of the Committee. The Director HR, and the Regional Clerk, or their respective designates, are required to attend all Recruitment Committee and Council meetings.

Financial Resources

The CAO Recruitment Committee will consult with the Director, HR, to secure the required financial resources to fulfill the direction of the committee to facilitate the CAO recruitment.

Frequency of Reporting

Regular, ***detailed written updates will be provided to Regional Council throughout the CAO recruitment and selection process up to and including particulars of preferred candidate(s) being presented to Regional Council. This will include participation of ESF representative, as defined in XXX Policy.***

<i>Procedure Category</i>	<i>Name of Procedure</i>
<i>Human Resources</i>	<i>Chief Administrative Officer – Recruitment, Selection, and Offer of Employment</i>

Termination of CAO Recruitment Committee

The CAO Recruitment Committee shall cease at the conclusion of a successful recruitment of a new CAO.

Meetings

Meetings shall be governed by Niagara Region's Procedural By-law as may be amended from time to time.

The following is intended to provide further clarity concerning the above Terms of Reference in support of the CAO recruitment process:

1. The Recruitment Committee will be orientated to By-laws, Policies, and Procedures relevant to the recruitment of a CAO. They will be educated on the roles, responsibilities and accountabilities of their role including confidentiality and ethics based expectations, along with executing a confidentiality agreement at the outset of the recruitment and selection process.
2. The Recruitment Committee, with the support of the Director HR and ESF, will engage in a thorough and comprehensive analysis of the position requirements of Senior Leader Competencies, skills, experience, knowledge and qualifications of the role. Due to the importance of this position, consultation with the Corporate Leadership Team, other **relevant** staff, and community stakeholders may be initiated and incorporated into the recruitment and selection process.
3. The recruitment methodology inclusive of any testing and/or evaluations will be determined by the Recruitment Committee through consultation with the ESF and Director HR, and will be aligned to Regional Policy. The position will be advertised both internally and externally.
4. In consultation with the Recruitment Committee and Director HR, the ESF will undertake CAO recruitment activities within the approved scope of work, which may include but not be limited to: posting the vacant position through appropriate channels, targeted recruitment, review of all applicant resumes and follow up to clarify applicant experience for short listing purposes, screen prospective candidates and develop a formal short list of candidates to be recommended to the Recruitment Committee, leadership assessment, reference checking, and preparation of a written summary of a specific number of candidates as agreed to with the Recruitment Committee for consideration for short listing.
5. The Recruitment Committee and the ESF will interview and assess selected candidates with the intent to identify preferred candidates.

Procedure Category	Name of Procedure
Human Resources	Chief Administrative Officer – Recruitment, Selection, and Offer of Employment

6. Based on the results of interview(s), any testing, evaluation, or assessment, reference checking, etc... the Recruitment Committee will make a recommendation on preferred candidate(s) **in a report to Regional Council for consideration.**
7. The Director, HR will be responsible for the preparation of **the Council approved terms of the** offer of employment to the preferred candidate, including the responsibility to engage the Director Legal and Court Services, and any external Legal Counsel when preparing the offer of employment, and negotiation with the preferred candidate, if any. The Offer of Employment documentation will align to corporate practice and meet all legal requirements, including ensuring compensation is aligned to the Non-Union Compensation Policy and Salary Administration Procedures.
8. Any report to Council as noted above will include a detailed summary of the recruitment and selection process undertaken by the Recruitment Committee.

Definitions

Regional Chair: Serves as Chair of the **Recruitment Committee**; ensures the requirements of XXX Policy is fulfilled. Includes establishing **Council approved** committee membership, working with Director HR and the ESF, enforcement of roles and responsibilities, **provides regular detailed updates in writing to Council during the recruitment and selection process including particulars of preferred candidate(s)**, along with integrity and confidentiality requirements. Oversees hiring process through Recruitment Committee and ESF selection, to **Council approval of preferred** candidate offer of employment.

Recruitment Committee Member: **Acts on behalf of members of Council in the recruitment and selection process.** Engages in all procedural elements as outlined in respective XXX Procedure. Includes mandatory attendance at all meetings and interviews, engaging in the development of selection criteria and position profile development as required, **collaborating with the Chair and ESF on providing regular detailed updates in writing to Council concerning the recruitment and selection process including particulars of preferred candidate(s).** Requires alignment to all integrity and confidentiality requirements.

Director, Human Resources: Facilitates the recruitment process on behalf of the Regional Chair and Recruitment Committee. Serves as primary contact point for any ESF; provides guidance and advice to the Chair and Recruitment Committee members ensuring best practices and legal interests of the corporation are upheld, **supports the Chair and Recruitment Committee in the preparation of regular detailed written update(s) to Council**, leads the procurement of an ESF, facilitates Legal consultation and candidate offer of employment and/or offer letter creation,

Procedure Category	Name of Procedure
Human Resources	Chief Administrative Officer – Recruitment, Selection, and Offer of Employment

and any amendment to the employment contract; is required to attend all meetings with the Recruitment Committee and with Council, and any other meetings upon request of the Chair.

Executive Search Firm (ESF): An external firm or specialized consultant who works with the Chair and Recruitment Committee to confirm the CAO profile, position competencies, and search, selection and offer strategy. **ESF** accountabilities will align with the **defined** scope of work, which may include but not necessarily limited to – attraction, screening of prospective candidates, development of short list of candidates to be interviewed by the Committee, including they may support the interview, reference **checking** and offer of employment process as required. **Required to attend meeting(s) of Council to provide detailed updates to members of Council concerning the recruitment and selection process, be prepared to present to Council on its processes to short list candidates, provide candid feedback on the recruitment process, provide observation(s) on any short listed candidates, along with responding to any inquiries made by members of Council.**

Regional Clerk: Ensures required governance related supports and advice to ensure effective completion of the process and provides agenda and meeting management functions; is required to attend all meetings with the Recruitment Committee and with Council, and any other meetings upon request of the Chair.

Regional Council: Responsible for the hiring of the CAO and all associated approvals noted within this Policy and its Procedures. **Attendance at any meeting of Council where matters pertaining to the CAO recruitment, selection, and offer of employment are being discussed.**

Competencies: In addition to high character traits, are the attitudes and behaviours required at a high level of performance for an individual to be successful in a role.

1. Appendices

None

2. Document Control

The electronic version of this document is recognized as the only valid version.

<i>Procedure Category</i>	<i>Name of Procedure</i>
<i>Human Resources</i>	<i>Chief Administrative Officer – Recruitment, Selection, and Offer of Employment</i>

Page 8 of 8

Approval History

Approver(s)	Approved Date	Effective Date

Revision History

Revision No.	Date	Summary of Change(s)	Changed by
.	.	.	.

<i>Procedure Category</i>	<i>Name of Procedure</i>
Human Resources	Chief Administrative Officer – Performance Management

Page 1 of 5

Procedure Owner	Corporate Administration, Human Resources, Director Human Resources
Parent Policy	XXX - Chief Administrative Officer Recruitment, Selection, Offer of Employment, and Performance Management
Approval Body	Regional Council
Approval Date	
Effective Date	
Review by Date	

The following procedure outlines the annual Chief Administrative Officer (CAO) Performance Management process:

1. On an annual basis, the Director Human Resources (HR) initiates the Performance Appraisal process in consultation with Regional Chair (Chair)
 - Director HR initiates with Chair within the same timelines as the Non-Union Performance Management Program cycle.
 - Director HR and Chair prepare Performance Appraisal documents for approval by Chair, and then completion by CAO.
 - Director HR and Chair prepare CAO Performance Evaluation Survey to be distributed to all members of Council for completion.
 - Director HR and Chair assume accountability for process to begin CAO consultation and preparation for the annual performance appraisal process.
2. CAO is issued Performance Appraisal documents
 - CAO provided Performance Appraisal documents to complete first part of assessment process; completion of their self-assessment based on senior leader competencies, their annual objectives and development plan.
 - CAO submits completed Performance Appraisal documents to Regional Chair by required submission date.

<i>Procedure Category</i>	<i>Name of Procedure</i>
<i>Human Resources</i>	<i>Chief Administrative Officer – Performance Management</i>

Page 2 of 5

3. Regional Council invited to participate in CAO Performance Appraisal
 - Chair distributes CAO Performance Evaluation Survey to all members of Council.
 - Members of Council complete CAO Performance Evaluation Survey and return to Chair by required submission date.
4. Chair reviews all documentation to determine final rating, and creates Performance Appraisal report to Council.
 - Reviews Council feedback provided in CAO Performance Evaluation Survey that contain aggregated results and comments summary.
 - Reviews CAO submission of Performance Appraisal documents.
 - In consideration of the above, completes the Leader section of the CAO Performance Appraisal form
 - Provides feedback to CAO taking into account Council CAO Performance Evaluation survey, the CAO self-appraisal, and any additional Chair feedback.
 - Determines final performance rating.
5. CAO Performance Appraisal Report for submission to Council prepared by the Chair.
 - Report based on Council CAO Performance Evaluation survey, the CAO self-appraisal, and any additional Chair feedback.
 - Report structured to answer questions, such as:
 1. How well did the CAO's performance align with Council's Strategic Priorities.
 2. How well did CAO's performance align with annual objectives.
 3. What themes or key discussion points emerged?
 4. Is there a recommendation for performance development planning for next cycle?
 5. What is the final performance rating?
6. Regional Chair meets with the CAO to review CAO Performance Appraisal Report
 - Chair and CAO engage in feedback discussion, discuss any revisions of the Report for consideration by the Chair.
 - Once discussion(s) are complete, sign off by the CAO and Chair will then occur.
7. Chair report out to Council for Performance Appraisal approval.
 - Chair presents Report to Council, which will include Performance Rating.
8. Council approval of CAO Performance Rating and CAO compensation
 - Council approves Chair Report on CAO Performance, and the Rating

<i>Procedure Category</i>	<i>Name of Procedure</i>
<i>Human Resources</i>	<i>Chief Administrative Officer – Performance Management</i>

Page 3 of 5

- Any improvement to CAO compensation aligns with Non-Union Compensation Policy and Salary Administration Procedure, unless approved otherwise by Regional Council.
 - Amendment of CAO employment contract, if any, is subject to Council approval.
9. CAO with Chair completes next year Performance Objectives and Development Plan draft within the same timelines and utilizing all documents of the Non-Union Performance Management Program.
- CAO and Chair complete the Objective and any Development plan for coming year.
10. Council approves Objectives and Development Plan
- CAO Objectives and Development Plan for the performance year are approved.

Definitions

Regional Chair: Ensures the mandate of this XXX Procedure is fulfilled annually in accordance with the Non-Union Performance Management program. Includes, development and execution of annual performance management schedule, providing feedback to CAO; Objective and Development Plan setting for the performance year, as well as integrity and confidentiality requirements.

Chief Administrative Officer: Completing annual performance appraisal; engaging in all aspects of the performance management process as laid out in XXX Policy. Engaging in development of annual Objectives and Development Plan. Report(s) provided to Chair and Council as required.

Director, Human Resources: Responsible for facilitating with the Chair and CAO the Performance Management Program process and all associated tools used to support same. Sources and serves as primary point of contact for additional resources or supports such as Legal or Consultants. Provides guidance and advice to Chair, CAO, and Council as required, is required to attend all meetings with Council, and any other meetings on request of the Chair.

Regional Clerk: Ensures required governance related supports and advice to ensure effective completion of the process and provides agenda and meeting management functions. Attends all meetings of Council.

Performance Appraisal: is a key performance indicator of the effectiveness of the CAO's strategic management decisions and actions. This is executed through a standardized set of documents prepared by Human Resources as part of the Performance Management Program that allows for both the CAO and Chair to document performance. A performance assessment and rating are attached to the appraisal. This performance appraisal and rating are then aligned to the Non-Union

<i>Procedure Category</i>	<i>Name of Procedure</i>
<i>Human Resources</i>	<i>Chief Administrative Officer – Performance Management</i>

Page 4 of 5

Compensation Policy and Salary Administration Procedure to determine any increase in annual compensation, or compensation as otherwise approved by Council.

Performance Appraisal process: Is the standardized and approved methodology used to ensure a quality, equitable performance process is conducted. It entails a standard timeline, series of steps and evaluation methodology and tools.

Performance Management Program: Is the complete set of documents, tools and instructions as well as pictorial workflow for the performance appraisal process. The program consists of performance appraisal documents; objective and development planning documents for the upcoming year; CAO competencies; instructions and workflow document as well as open appendices for any additional documentation deemed relevant by the CAO, Chair, or Council.

Competencies: Are the attitudes and behaviours required at a high level of performance for an individual to be successful in a role.

Council Performance Evaluation Survey: a qualitative and quantitative method based on a questionnaire to gather information and feedback on CAO impact and performance in the performance evaluation year.

CAO Performance Appraisal Report: A Report prepared by the Chair, which may include support of the Director HR, based on constructive feedback that summarizes findings from the assessment process as well as recommendations on a performance rating and performance objective and development planning.

1. Appendices

None

2. Document Control

The electronic version of this document is recognized as the only valid version.

Approval History

Approver(s)	Approved Date	Effective Date

<i>Procedure Category</i>	<i>Name of Procedure</i>
<i>Human Resources</i>	<i>Chief Administrative Officer – Performance Management</i>

Revision History

Revision No.	Date	Summary of Change(s)	Changed by

Minute Item No. 5.1
AC-C 1-2020
2020 Audit Committee Schedule

That the Audit Committee meetings **BE HELD** on Mondays at 1:00 p.m. on the following dates in 2020:

February 10, May 11, September 21 and December 7.

Minute Item No. 5.2
AC-C 2-2020 – Procurement Audit Report
AC-C 3-2020 – Non-competitive Procurement Audit Report

That Report AC-C 2-2020, dated January 20, 2020, respecting Procurement Audit Report, and Report AC-C 3-2020, dated January 20, 2020, respecting Non-competitive Procurement Audit Report **BE RECEIVED** for information; and

That staff **BE DIRECTED** to provide information on the status of the recommendations contained in appendix 1 of Report AC-C 2-2020 and appendix 1 of Report AC-C 3-2020.

Minute Item No. 6.0
Consent Items for Information

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

AC-C 31-2019
Approved Audited Statement of Revenues and Expenses for 527 Carlton Street,
Niagara Regional Housing Project

PHD 15-2019
Approval of the 2018 Healthy Babies, Healthy Children Program Schedule of Revenues
and Expenses

COM 34-2019
Approval of 2018 Child Care Services Schedule of Revenues and Expenses

Minute Item No. 7.1
Internal Audit Services

1. That the Audit Committee **RETAIN** the services of an external auditor to conduct a comprehensive and independent financial and process audit of all procurement matters referenced in Reports AC-C 2-2020 and AC-C 3-2020 including all procurements which occurred from January 2018 to the date the audit commences, and report back to the Audit Committee on their findings and recommendations.

**THE REGIONAL MUNICIPALITY OF NIAGARA
AUDIT COMMITTEE
OPEN SESSION**

AC 1-2020

Monday, January 20, 2020

Council Chamber

Niagara Region Headquarters, Campbell West

1815 Sir Isaac Brock Way, Thorold, ON

Committee: Bradley (Regional Chair), Foster, Gale, Redekop, Rigby (Committee Chair), Whalen (Committee Vice-Chair)

Other Councillors: Sendzik

Staff: E. Amirault, Associate Director, Finance, Operations & Systems, H. Chamberlain, Director, Financial Management & Planning/Deputy Treasurer, X. Gao, Internal Audit Analyst, T. Harrison, Commissioner, Corporate Services/Treasurer, F. Marcella, Manager, Internal Audit, B. Menage, Director, Procurement & Strategic Acquisitions, M. Murphy, Associate Director, Budget, Planning & Strategy, A.-M. Norio, Regional Clerk, C. Ryall, Director, Transportation Services, M. Trennum, Deputy Regional Clerk, R. Tripp, Acting Chief Administrative Officer/Commissioner, Public Works

1. CALL TO ORDER

Committee Chair Rigby called the meeting to order at 1:00 p.m.

2. DISCLOSURES OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

3. PRESENTATIONS

There were no presentations.

4. DELEGATIONS

There were no delegations.

5. ITEMS FOR CONSIDERATION

Todd Harrison, Commissioner, Corporate Services/Treasurer, provided information respecting Internal Controls and Organizational Performance divisional restructuring and outstanding audit reports. He advised that additional information respecting the restructuring would be of a confidential nature and Committee would need to move into closed session.

Moved by Councillor Whalen
Seconded by Councillor Foster

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

A Matter respecting personal matters about identifiable individuals and employee negotiations – Internal Controls and Organizational Performance Divisional Restructuring and Outstanding Audit Reports.

Carried

Committee resolved into closed session at 1:05 p.m.

Committee reconvened in open session at 1:22 p.m. with the following individuals in attendance:

Committee: Bradley (Regional Chair), Foster, Gale, Redekop, Rigby (Committee Chair), Whalen (Committee Vice-Chair)

Other Councillors: Sendzik

Staff: E. Amirault, Associate Director, Finance, Operations & Systems, H. Chamberlain, Director, Financial Management & Planning/Deputy Treasurer, X. Gao, Internal Audit Analyst, T. Harrison, Commissioner, Corporate Services/Treasurer, F. Marcella, Manager, Internal Audit, B. Menage, Director, Procurement & Strategic Acquisitions, M. Murphy, Associate Director, Budget, Planning & Strategy, A.-M. Norio, Regional Clerk, C. Ryall, Director, Transportation Services, M. Trennum, Deputy Regional Clerk, R. Tripp, Acting Chief Administrative Officer/Commissioner, Public Works

5. ITEMS FOR CONSIDERATION

5.1 AC-C 1-2020

2020 Audit Committee Schedule

Moved by Councillor Gale
Seconded by Councillor Redekop

That the Audit Committee meetings **BE HELD** on Mondays at 1:00 p.m. on the following dates in 2020:

February 10, May 11, September 21 and December 7.

Carried

5.2 AC-C 2-2020

Procurement Audit Report

Moved by Councillor Redekop
Seconded by Councillor Foster

That Report AC-C 2-2020, dated January 20, 2020, respecting Procurement Audit Report, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That staff **BE DIRECTED** to implement the recommendations contained in Appendix 1 of Report AC-C 2-2020.

Moved by Councillor Gale
Seconded by Councillor Whalen

That the motion **BE AMENDED** to include the following clauses:

1. That the Audit Committee **RETAIN** the services of Deloitte to conduct a comprehensive and independent financial and process audit of all single source procurements, which occurred from January 2018 to December 2019, and report back to the Audit Committee on their findings and recommendations; and
2. That the auditors **BE DIRECTED** to conduct an exit interview with the terminated Director of Internal Audit for his feedback; and
3. That the Manager of Internal Audit together with the Director of Procurement **REPORT BACK** to the Audit Committee, independent of senior staff, with cost and a plan associated with establishing an independent Audit Office at Niagara Region as envisioned by the *Municipal Act, 2001*.

Councillor Redekop spoke on a point of order stating the proposed amendment related to both Report AC-C 2-2020 (Agenda Item 5.2) and Report AC-C 3-2020 (Agenda Item 5.3).

Committee Chair Rigby advised that the motion could be considered under Other Business (Agenda Item 7.0); therefore, Councillor Gale withdrew his motion to amend.

The following friendly **amendment** was accepted by the Committee Chair, and the mover and seconder of the motion:

That Report AC-C 2-2020, dated January 20, 2020, respecting Procurement Audit Report, **and Report AC-C 3-2020, dated January 20, 2020, respecting Non-competitive Procurement Audit Report BE RECEIVED** for information; **and**

That staff **BE DIRECTED** to ~~implement the recommendations contained in Appendix 1 of Report AC-C 2-2020~~ **to provide information on the status of the recommendations contained in appendix 1 of Report AC-C 2-2020 and appendix 1 of Report AC-C 3-2020.**

The Committee Chair called the vote on the motion, as amended, as follows:

That Report AC-C 2-2020, dated January 20, 2020, respecting Procurement Audit Report, and Report AC-C 3-2020, dated January 20, 2020, respecting Non-competitive Procurement Audit Report **BE RECEIVED** for information; and

That staff **BE DIRECTED** to provide information on the status of the recommendations contained in appendix 1 of Report AC-C 2-2020 and appendix 1 of Report AC-C 3-2020.

Carried

Councillor Information Request(s):

Provide information respecting which departments or program areas reported the issues related to procurement as outlined in the appendices of Report AC-C 2-2020 and Report AC-C 3-2020. Councillor Redekop.

6. CONSENT ITEMS FOR INFORMATION

Moved by Councillor Foster
Seconded by Councillor Gale

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

AC-C 31-2019

Approved Audited Statement of Revenues and Expenses for 527 Carlton Street, Niagara Regional Housing Project

PHD 15-2019

Approval of the 2018 Healthy Babies, Healthy Children Program Schedule of Revenues and Expenses

COM 34-2019

Approval of 2018 Child Care Services Schedule of Revenues and Expenses

Carried

7. OTHER BUSINESS

7.1 Internal Audit Services

Moved by Councillor Gale

Seconded by Councillor Whalen

1. That the Audit Committee **RETAIN** the services of Deloitte to conduct a comprehensive and independent financial and process audit of all single source procurements, which occurred from January 2018 to December 2019, and report back to the Audit Committee on their findings and recommendations; and
2. That the auditors **BE DIRECTED** to conduct an exit interview with the terminated Director of Internal Audit for his feedback; and
3. That the Manager of Internal Audit together with the Director of Procurement, **REPORT BACK** to the Audit Committee, independent of senior staff, with cost and a plan associated with establishing an independent Audit Office at Niagara Region as envisioned by the *Municipal Act*.

The following friendly **amendment** was accepted by the Committee Chair, and the mover and seconder of the motion:

That clause 1 of the motion **BE AMENDED** as follows:

1. That the Audit Committee **RETAIN** the services of ~~Deloitte~~ **an external auditor** to conduct a comprehensive and independent financial and process audit of all ~~single source~~ **procurement matters reference in Reports AC-C 2-2020 and AC-C 3-2020 including all** procurements, which occurred from January 2018 to December 2019, and report back to the Audit Committee on their findings and recommendations.

The following friendly **amendment** was accepted by the Committee Chair, and the mover and seconder of the motion:

That the motion **BE AMENDED** to remove clause 3.

The following friendly **amendment** was accepted by the Committee Chair, and the mover and seconder of the motion:

That clause 1 of the motion **BE AMENDED** as follows:

1. That the Audit Committee **RETAIN** the services of an external auditor to conduct a comprehensive and independent financial and process audit of all procurement matters referenced in Reports AC-C 2-2020 and AC-C 3-2020 including all procurements which occurred from January 2018 to ~~December 2019~~ **the date the audit commences**, and report back to the Audit Committee on their findings and recommendations

The Committee Chair called the vote on the motion, as amended.

Clause 1 of the motion was considered separately as follows:

1. That the Audit Committee **RETAIN** the services of an external auditor to conduct a comprehensive and independent financial and process audit of all procurement matters referenced in Reports AC-C 2-2020 and AC-C 3-2020 including all procurements which occurred from January 2018 to the date the audit commences, and report back to the Audit Committee on their findings and recommendations.

Carried

Clause 2 of the motion was considered separately as follows:

2. That the auditors **BE DIRECTED** to conduct an exit interview with the terminated Director of Internal Audit for his feedback.

Defeated

Councillor Information Request(s):

Provide a report on the approval limitations put on the Region in comparison with other Municipalities of similar size, respecting what could change and not change. Councillor Whalen.

9. NEXT MEETING

The next meeting will be held on Monday, February 10, 2020 at 1:00 p.m. in the Council Chamber.

10. ADJOURNMENT

There being no further business, the meeting adjourned at 2:58 p.m.

Tim Rigby
Committee Chair

Matthew Trennum
Deputy Regional Clerk

Ann-Marie Norio
Regional Clerk

MEMORANDUM

AC-C 1-2020

Subject: 2020 Audit Committee Schedule
Date: January 20, 2020
To: Audit Committee
From: Frank Marcella, Manager, Internal Audit
Helen Chamberlain, Director, Financial Management & Planning

The following is a list of proposed dates in 2020 that have been identified to hold meetings of the Audit Committee:

February 10, 2020
May 11, 2020
September 21, 2020
December 7, 2020

Of particular note is the meeting scheduled for May 11 as it will ensure the timely approval of the 2019 Niagara Region's consolidated financial statements. Additional Audit Committee meetings may be called by the Chair as required, and changes to planned agenda items may occur depending on direction from Audit Committee.

A resolution of Committee is required to approve the meeting dates. Suggested wording is as follows:

That the Audit Committee meetings, **BE HELD** on Mondays at 1:00 p.m. on the following dates in 2020:

February 10, May 11, September 21 and December 7.

Respectfully submitted and signed by

Frank Marcella, Manager
Internal Audit

Helen Chamberlain, Director
Financial Management & Planning

MEMORANDUM

AC-C 2-2020

Subject: Procurement Audit Report

Report to: Audit Committee

Report date: Monday, January 20, 2020

Recommendations

1. That report AC-C 2-2020 **BE RECEIVED** for information; and
2. That staff **BE DIRECTED** to implement the recommendations in Appendix 1 of Report AC-C 2-2020, respecting Procurement Audit Report.

Key Facts

- The purpose of this report is to provide Audit Committee with a summary of findings noted during the Procurement Audit which focused on the control framework in place to support contracting and procurement activities.
- This report contains the findings, implications and recommendations for the observations discovered during the Audit in addition to a Management Action Plan (MAP) from program staff for each of the recommendations.
- Four observations with eleven total recommendations have been detailed in the audit report.

Financial Considerations

There are no immediate budgetary considerations associated with this report. It is anticipated that some of the recommendations may have an implementation cost associated to them. If management chooses to pursue the recommendations then all costs will be funded through the regular annual budget process.

Analysis

This audit project was identified in the 2018 Audit Plan approved by Audit Committee (see **AC-C 6-2017**). The purpose of the audit was to provide assurance to Management and Niagara Region's Audit Committee on the effectiveness of the management control framework to support contracting and procurement activities. The audit also tested whether all purchasing activities are processed in a manner that is compliant with current Regional purchasing and procurement by-laws. Finally, the audit attempted to determine the effectiveness of current procedures to ensure consistency, compliance, competitiveness and fairness/transparency.

Alternatives Reviewed

No other alternatives were reviewed at this time.

Relationship to Council Strategic Priorities

Value-for-money (VFM) audits were identified and approved as the previous term of Council's Strategic Priority – Advancing Organizational Excellence. The goal of this Strategic Priority was to "Build a strong internal foundation for Niagara Region to enable a more prosperous Niagara."

Following the completion of the 2015 and 2016 audits, Council approved a permanent Internal Audit function. The permanent internal audit function was named Internal Control and Organizational Performance division.

The 2018 Annual Audit Plan, which included an audit of procurement was approved by Audit Committee on October 31, 2017.

Other Pertinent Reports

AC-C 6-2017 - 2018 Internal Audit Plan

Prepared by:

Frank Marcella, MPA, BEd
Manager,
Internal Audit

Recommended by:

Todd Harrison, CPA, CMA
Commissioner/Treasurer
Enterprise Resource Management
Services

Submitted by:

Ron Tripp, P.Eng.
Acting, Chief Administrative Officer

Appendices

Appendix 1 Procurement Audit Report



Internal Audit

Procurement Audit

Operating Unit:	Niagara Region
Date of Audit:	September – December 2018
Auditors:	Frank Marcella, Manager, Internal Auditor Henrik (Xiang) Gao, Internal Audit Analyst Bart Gora, Internal Audit Co-op Student
Distributed To:	Niagara Region Audit Committee Ron Tripp, (Acting) Chief Administrative Officer Todd Harrison, Commissioner, ERMS Bart Menage, Director, Procurement and Strategic Acquisitions Tracie Byrne, Manager, Purchasing Services Jeffrey Mulligan, Manager, Strategic Sourcing
Date Issued:	December 20, 2018

EXECUTIVE SUMMARY

BACKGROUND

In accordance with the 2018 Audit Plan, Internal Audit performed a comprehensive review of the procurement process as well as the role of the Procurement division in supporting and monitoring purchasing activities. The audit was conducted within professional standards published by the Institute of Internal Auditors.

The purpose of the audit was to provide assurance to Management and Niagara Region's Audit Committee on the effectiveness of the management control framework to support contracting and procurement activities. The audit also tested whether all purchasing activities are processed in a manner that is compliant with current Regional purchasing and procurement by-laws. Finally, the audit attempted to determine the effectiveness of current procedures to ensure consistency, compliance, competitiveness and fairness/transparency.

The methodology used by Internal Audit included a review of relevant documentation, analysis of financial data, interviews with key individuals involved in the processes and re-performance of certain procedures. The period covered by the audit was from February 1, 2016 to October 31, 2018.

SCOPE

A risk based auditing approach was used to determine the scope of the audit. The following processes, procedures and items were considered in scope:

- Risk identification and assessment of procurement processes to determine areas of greatest exposure,
- Review of Regional purchasing and procurement bylaws and directives, including operating procedures, guidelines and training materials,
- Interviews with key staff and clients involved in the procurement process to determine their overall roles and responsibilities, oversight, and monitoring functions, and
- Review and test a sample of procurement documents/contracts to ensure compliance with procurement directives.

The following were considered out of scope:

- Purchasing Card transactions as these were audited in 2017,
- Single Source transactions which will be reviewed in 2019, and
- Procurements related to Niagara Regional Housing and Niagara Regional Police Service.

INTERNAL AUDIT FINDINGS

The report is broken into the following four separate sections:

- Informal Processes – those transactions below \$25,000 that can be executed by program areas without the direct support of the Procurement and Strategic Acquisitions Division (subsequently referred to as Procurement division),
- Formal Processes – those transactions that exceed \$25,000 and require the direct support of the Procurement division,
- Strategic Management – considering the role of advisory committees and strategic plans/initiatives to advance procurement processes, and
- Operational Management – the current structure of the Procurement division, as well as bylaws, operating procedures and IT systems in place to ensure the effective management and oversight of the procurement process

The audit focused on procurements following the implementation of PeopleSoft Financials, approximately February 2016. In some cases, capital projects were selected that started prior to 2016 but were ongoing after PeopleSoft implementation. Tables 1 and 2 display the volume and amount expended during the study periods by procurement type and departments, through the use of purchase orders only, not using purchasing cards.

Table 1: Procurement by Procurement Type						
	2016		2017		2018 (to Sept 30th)	
	# of PO	Amount	# of PO	Amount	# of PO	Amount
Formal	335	\$148,155,836	399	\$103,889,601	110	\$68,046,053
Informal	9786	\$55,226,323	12718	\$50,604,748	9625	\$44,862,999
Single Source	412	\$21,763,669	459	\$41,113,417	279	\$14,486,169
Other	799*	\$142,627,488	267	\$10,127,573	310	\$24,256,820
Total	11332	\$367,773,319	13843	\$205,735,340	10324	\$151,652,042

*Includes Converted POs, those started prior to PeopleSoft implementation but not completed until after implementation.

The Procurement Audit attempted to ensure that all procurement activity considered the four main pillars of the Procurement By-law: Consistency, Compliance, Competitiveness and Fairness/Transparency.

Prior to 2013, the overall procurement function was disbursed with procurement agents located within each department (a decentralized model). Following a study and report from Deloitte Consulting it was decided that the Procurement Office should be consolidated to develop a center-led approach. This business model would achieve greater efficiencies, improve corporate monitoring and reporting of procurement activity, utilize vendor data to pursue better discounts and category management procurement capabilities and increase oversight to ensure the four main procurement objectives are satisfied.

Overall the following positive observations were noted.

- The implementation of PeopleSoft in 2016 allows for greater data analysis of purchasing activities and trends,
- PeopleSoft has significantly improved controls by ensuring proper approvals are executed prior to money being spent, and

- PeopleSoft has created a platform for documentation, such as invoices, insurance, contracts, and staff notes to be uploaded to improve information access and auditability of transactions.

From our testing Internal Audit concluded that the direct support provided by the Procurement division with regard to preparing, posting, evaluating and awarding contracts is efficient and effective. Additionally, Procurement division has established a sound document retention system to ensure, that for formal tenders, the Region can demonstrate fairness, competitiveness and transparency. Finally, the Procurement division has updated and created several templates to be used for formal procurements that simplify and streamline the process while ensuring consistency across the corporation.

Our testing, as will be discussed in greater detail later in the report, found very few issues with the operational aspects of formal procurements. Specifically, the Procurement division provides a degree of support to ensure all bidders have equal access to information, evaluation criteria is established in advance and is defensible and the spirit of competition is achieved.

The following is a summary of findings for areas where opportunities for improvements were noted:

1. High degree of inconsistent procurement practices and non-compliances within Informal Purchases.
2. Procurement Division provides sound administrative and procedural support to program staff to execute Formal transactions, however, it can improve in the delivery of value added services.
3. Procurement Division has identified and is working towards implementing several strategic initiatives, yet has not benefited from the support of the Procurement Advisory Committee (PAC).
4. Procurement Division may not have the appropriate resources, team composition and is currently not fully utilizing the necessary skills to deliver value added, strategic services.

OBSERVATIONS AND RECOMMENDATIONS

The following are all the observations from the audit along with recommendations and Management's Action Plans to address these issues. See Appendix I for the risk ranking justification.

Observation #1 - High degree of inconsistent procurement practices and non-compliances within Informal Purchases.

Risk Ranking

HIGH

Table 3 details the number and the dollar value of the sample purchase orders (POs) included in the audit. The analysis looked at the following areas:

- Consistency in coding,
- Completeness of documentation,
- Compliance to bylaws,
- Oversight and monitoring, and
- Data/vendor analysis.

Table 3 – Informal Procurement Sample

Year	# of POs	Value of POs
2016	11	\$163,393
2017	13	\$126,567
2018	28	\$231,844
Total	52	\$521,804

A. Consistency in Coding

To reiterate, Online transactions have the following characteristics:

- Do not exceed \$25,000,
- Delegated responsibility to program management (not Procurement division),
- Program management is responsible for documentation review and approvals, and
- They may also include when a purchase order is applied to an existing contract, which may have been competitively tendered.

In early 2018, Procurement division produced a detailed report from PeopleSoft data and noted that over 92% of purchases are Online or Informal. The analysis conducted by Procurement staff only considered how a transaction was coded by program staff within PeopleSoft but did not review whether the transaction was coded correctly.

For transactions between \$10,000 and \$25,000, the audit tested for compliance requirements, most notably the existence of multiple bids to ensure competition. In 40 out of 52 sample POs reviewed the category of Online was selected yet staff did not pursue other bids. In Internal Audit's opinion other bids should have been pursued. Business units are expected to obtain three separate bids, if possible, and as a result, these can be considered single source purchases and should have been coded as such. Differences in results are presented in Table 4 below.

Table 4 – Differences in Coding (2017 Data)				
	Procurement Division Study*		Internal Audit Sample	
	Total # of POs	% of Transactions	Sample # of POs	% of Transactions
Online	16,908	92%	12	23%
Single Source	603	3%	40	77%

*Procurement Division study – January 2018 (includes NRH and NRPS)

PeopleSoft automatically notifies the appropriate approver based on the transaction category selected. For example, in most cases, transactions below \$25,000 are coded as Online prompting the responsible manager to be notified. In our study, there were five cases where the transaction was coded incorrectly leading to the incorrect approver being notified, in this case a Manager, not a Director. In addition, there were three transactions that should have been sent to the Commissioner for approval, yet due to coding within PeopleSoft went to the Director.

In analyzing vendor data, the audit found several cases where dozens of individual POs were created toward a similar vendor for similar services over the course of the year. In these cases ICOP was not provided with a contract or justification why these services were not competed. For example, we found one vendor, that although the transactions were coded as Informal, in reality they were single sourced. That same vendor provided service to the Region on 56 different occasions. While all transactions were classified as low dollar value the cumulative total exceeded \$195,000 for the period of January to September 2018.

B. Completeness of Documentation

Based on the Procurement Bylaw (2016), in most cases, Informal transactions require documentation such as contracts, certificate of insurance and WSIB certification. Internal Audit reviewed 52 POs and the results are shown in Table 5.

Table 5 – POs Missing Documentation				
Documentation	Required and Available	Required and Unavailable	Not Required	Total
Insurance/WSIB	33	7	12	52
Contract	33	11	8	52

Based on the table above, there were several instances of non-compliance to the bylaw. In discussion with program staff, many provided a lack of knowledge of the documentation requirements of the bylaw as the rationale. Training and education for PeopleSoft and other Procurement division material is available and accessible to all staff. The training is not mandatory nor tracked as to whether staff have reviewed the material.

C. Compliance to Bylaws

The current Procurement Bylaw provides four different options for purchases below \$25,000. Staff can select between PCard, Informal Quotations, Formal Process or Single Source. Depending on which option is selected different procedural, approval and documentation requirements present themselves. The majority of the sampled POs selected being Informal transactions require, in most cases, the creation of a requisition, at least three written quotations, contracts/agreements with vendors, the creation of a purchase order and the provision of insurance/WSIB documentation.

Through sample testing the following was observed:

- Several cases of POs being created to no contract or expired contract,
- One instance of purchase splitting and single source where a bid exceeded the \$25,000 threshold yet was broken down into four separate POs to allow the price to be considered low dollar value and not require bids or be considered Single Source, and
- In some cases, vendors POs were created low and then adjustments made to increase the total over the course of the year. Internal Audit noted that the Region historically procured amounts from those same vendors that exceeded the original PO amount and also eclipsed the \$25,000 Informal threshold.

D. Oversight and Monitoring

The oversight of procurement activity, specifically those transactions below \$25,000 resides with program management. PeopleSoft electronically notifies the appropriate manager for approval based on the procurement amount. The accountable manager would then be required to ensure that all procedures have been followed and documentation is available to verify compliance.

Currently, due to staffing capacity in the Procurement division, there is no central monitoring of Informal transactions to ensure consistency and compliance. With the volume of Informal transactions at approximately 17,000, accountability and responsibility is delegated to program management. The audit tested for automated controls to determine if there are prompts within PeopleSoft to request the uploading of documentation or staff justifications as a compensating control to manual reviews. While PeopleSoft has this capacity it would require customized add-ons that may not be cost effective at this point.

E. Data/Vendor Analysis

Audit testing determined that some of the vendors hired by the Region conduct business beyond their original PO amount and in some cases for several departments simultaneously. Our vendor data analysis discovered several vendors that provide services to many different department IDs with little coordination or communication between these departments. For example, one vendor provides medical supplies to EMS under a contract, yet we found two other areas in the organization that do business with the same vendor but not under the umbrella of that contract.

Part of the rationale for the center-led model proposed by Deloitte and accepted by the Region in 2013 was to conduct greater data/vendor analysis and identify potential economic opportunities. Procurement activities are not being sufficiently monitored or assessed to ensure that economic opportunities and value are maximized, most notably within the Informal transactions. While the data is available, the resources to undertake or coordinate negotiations at a corporate level – in other words the benefits of the center-led approach, has not been realized.

Implication

Improper coding of transactions results in non-compliance to the objectives of the Procurement By-law, most notably, a lack of competition. In addition, improper coding also results in PeopleSoft directing the approval to the wrong accountable person.

Lack of insurance or WSIB documentation puts the Region at financial/liability risk in the event of an injury or negligence from a contractor/consultant.

Lack of central oversight and monitoring and inconsistent local management controls may create non-compliance to the current by-law, specifically, fairness and competition.

Lack of resources prevents Procurement division from conducting thorough data/vendor analysis to facilitate program areas in their purchasing decisions and improve the overall procurement control framework.

Recommendation

1. Procurement division should consult with client groups to ensure procurement processes have strong controls and are effective and efficient while not impacting business needs.
2. Procurement division should study the cost benefit analysis of implementing automated controls within PeopleSoft to improve the overall procurement control framework and minimize management inconsistency and discretion. Automated controls can reduce coding errors, missing documentation and create notifications of expired contracts.
3. Procurement division should capitalize on available data and regularly conduct data/vendor analysis to ensure strategic purchasing opportunities are realized, such as vendor discounts, larger cross-corporation contracts and enhanced category management strategies.

Management Action Plan

Person(s) Responsible	Director, Procurement and Strategic Acquisitions	Completion Date	July 2020
1. With the acknowledgement that strong controls are achieved via tools and training, Procurement will undertake an informal benchmarking process to determine best in class processes for informal procurement related training. Procurement will develop training/tools which will establish control which are effective and efficient while not impacting business needs Once developed, Procurement will consult with Regional groups to schedule times to deliver training which reinforces the principles of fair and transparent public procurements ensure continued adherence to the By-law.			

2. With support from the ERP Support Team, Procurement will explore, consider and where feasible implement currently available options within the PeopleSoft Financials system which have the potential to further automated controls. Additionally, Procurement (with the support of the ERP Support Team) will assess the feasibility of any additional system improvements which currently do not reside within PeopleSoft Financials to determine (via cost benefit analysis) whether the implementation of these will further strengthen the overall procurement control framework whilst minimizing management inconsistency and discretion.
3. The Procurement Division will continue efforts to review and assess analytical data related to Regional spend to ensure that potential opportunities to leverage corporate Regional acquisitions are effectively acted upon Procurement will consult with client groups to identify opportunities to facilitate procurements which leverage spend across the whole Corporation and report finding via the Procurement Advisory Committee.

Observation #2 – Procurement Division can improve in the delivery of value added services with regard to formal transactions.

Risk Ranking

MEDIUM

The Procurement Audit reviewed over 40 formal POs valued at over \$6 Million. The audit looked at three distinct phases of a procurement:

1. Project Planning - Those activities or components that are considered inputs to the procurement and occur after budget has been approved, such as development of business specifications, scoping documents, previous studies, approval reports and project estimates, if required.
2. Project Advertising and Awarding - The preparation and posting of tender documents, development of evaluation criteria, and awarding/communication of successful bids to all proponents,
3. Contract Management and Support - Supporting contract management including monitoring budgets, timelines, consultant/contractor evaluations and project close out reports.

Procurement division provides direct support to the business units in Phase 2 above, while phase 1 and 3 are considered the value-added services.

A. Project Planning

In advance of a project coming to the Procurement division for advertising and eventual awarding, the program staff would prepare some type of asset or business analysis. Program staff may also decide on the most appropriate contracting method, evaluation criteria, project scoping, as well as prepare estimates and a project requisition. The majority of the project planning happens in isolation of Procurement staff.

Sample testing revealed two capital projects from the same business area that decided to bundle several projects together to capitalize on the efficiencies of their consultants. One project commenced in 2012 and after several delays, issues and a consultant termination has yet to be completed. The project is currently being managed as two separate projects.

Table 6 – Bundled Project #1

	Original Combined Bid	Separate Project 1	Separate Project 2 (to date)	Total of Separate Projects	Difference
Design	\$283,585	\$118,857	\$227,271	\$346,129	(\$62,604)
Construction CA	\$146,828	\$254,393	nil	\$254,392	(\$107,564)
Total	\$430,413	\$373,250	\$227,271	\$600,521	(\$170,108)

While separated project #1 is nearing construction completion, the design component of separated project #2 was recently retendered. The costs have already exceeded the original bid by over \$170,000 and one of the projects is still at a very early stage. Due to the staff turnover, time delays, etc, the program area was not able to provide any business cases or risk assessments to determine the risks and benefits of bundling projects. In addition, the Procurement division had little to offer except for the preparation of procurement documents.

Approximately three years later, in 2015 the same program area bundled another two projects into one larger project. There was no business analysis, financial analysis or a risk assessment completed by either the program staff or Procurement division to contemplate the rationale for this type of contracting method. Within nine months the projects were separated again and are now being managed as two separate projects.

Table 7 – Bundled Project #2

	Original Combined Bid	Separate Project 1 (to date)	Separate Project 2 (to date)	Total of Separate Projects	Difference
Design	\$171,351	\$139,491	\$90,000	\$229,491	(\$58,140)
Construction CA	\$185,525	\$158,547	\$126,177	\$284,724	(\$99,199)
Total	\$357,876	\$298,038	\$216,177	\$514,215	(\$156,339)

In both cases, the audit did not see any evaluation of innovative contracting methods to ensure potential risks are considered and proactively mitigated. It was expected that a cost benefit analysis, business case, jurisdictional scan or stakeholder consultation would have been completed to determine the benefits of bundling projects. Program staff were not able to produce a post-mortem report of project #1 before project #2 was started.

For project planning it is expected that staff from the Procurement division would be viewed as business partners in the development of business cases researching the benefits and risks of innovative contracting methods. In addition, procurement staff should have participated in discussions with stakeholders and industry associations to determine the benefits, risks and trends in various contracting methodologies to evaluate the most applicable for the Region. Neither of those or other value added supports were provided in preparation of both projects being put out for tender.

B. Project Advertising and Awarding

The samples POs reviewed demonstrated a very streamlined and efficient process in getting jobs documented and ready for the market. Documentation was readily available and organized in a manner to support a sound audit trail. In all cases, the documentation was prepared and work completed in compliance to by-law and procedural requirements.

Since the implementation of PeopleSoft, controls over capital projects have improved. Specifically, the separation of contingencies from overall project costs allows for better tracking of project deliverables against potential cost overruns. On the other hand, for many of the projects sampled, various project components had POs attached. For example, we found many cases where the design, contract administration, geotechnical and construction activities had different POs. This affects the ability to track all subcomponent costs into an overall project cost for comparisons to original estimates, timelines, etc.

Finally the audit was able to determine that all templates and documents available through the Procurement division effectively support staff. For example, auditors reviewed the Bid Document Input forms and, while quite lengthy and thorough, ensured that all factors are considered and the appropriate procurement method is selected, evaluation criteria reflect industry realities and business needs. For those areas where Procurement division staff provide direct operational and administrative support to program areas can be considered sound and effective.

C. Contract Management and Support

Through the sample of POs, the audit tested the following contract management components:

- Are consultants and contractors being formally evaluated,
- How rigorous is the evaluation process,
- Where is the data stored to reference for future projects, and
- Is the cumulative scoring summary of individual vendors used for evaluating future tenders?

In addition, the audit requested project closure reports to determine if project experiences are being captured to provide learning opportunities for future staff.

Internal Audit was able to determine that there is no formal contractor/consultant evaluation process or continuous improvement cycle. With the recent creation of the Project Management Office (PMO), and potential Asset Management Office, Procurement division has the opportunity to actively lead the development and ongoing monitoring of project execution/completion data as they will be the only function that can view all different types of transactions across the entire corporation. Project data needs to be analyzed and best practices continually mined and communicated as ICOP noted several cases of different departments using similar vendors without cross-corporate knowledge-sharing or communicating each other's experiences.

PeopleSoft has the capability to support data analytics and reporting on project timelines and budgets. The Region currently does not have a strategy or central repository to capture project close out reports or capture key project/contract related data. These reports should contain information relative to time, budget and an evaluation of the contractor/consultant. This data repository is necessary for internal improvements but also to support Procurement division when discussing trends or issues with industry associations or bidders.

Finally, the audit requested data analysis on Formal projects looking at such things as trends in number of bids, quality of our estimating processes, number of addenda, number and value of change orders, and actual to final comparisons of budget and project timelines. This analysis is not done at a corporate level to be able to support future contract or consultant business models.

Implication

Lack of a formalized project execution planning strategy including direct input from Procurement division, especially for non-traditional contracting methods, may result in procurement and contracting risks not being identified and appropriately mitigated.

Lack of post-contract closure reports and consultant/contractor evaluation processes may impact future procurement activity due to a lack of continuous improvement opportunities.

Recommendation

1. Procurement Division should be involved during the development of a project execution strategy or project scoping to ensure that business-related risks are researched and addressed.
2. Procurement Division should develop a framework to capture the post project reports, consultant/contractor evaluations and then implement that data into future projects.

Management Action Plan

Person(s) Responsible	Director of Procurement and Strategic Acquisitions	Completion Date	Ongoing
<ol style="list-style-type: none">1. Procurement agrees with the concept that our involvement in preliminary discussions related to the development of a project procurement strategy is essential to ensuring the project's success. While Procurement has and will continue to regularly schedule planning meetings with client groups, we would equally look to Regional Department to seek Procurement input early in the discussions on the prioritization of their projects to develop strategies/processes which when enacting upon would mitigate these risks.2. The Procurement By-law places the responsibility to monitor, report and communicate (to Procurement) instances where Supplier Performance is not acceptable with the individual Departments, Procurement will present a work plan item to develop a framework for Supplier Performance to the Procurement Advisory Committee (In March 2020) for their consideration among other work plan items including eBidding, By-law amendments and Standard Operating Procedures. <p>With regards to vendor performance captured by Departments in post project reports, these records could be duly considered to disqualify a supplier from bidding or reject a bid from a supplier in accordance with By-law Section 29 (b) (iii) if they have previously provided Goods and/or Services to the Corporation in an unsatisfactory manner. Once the framework is established, Procurement would view their role as one of support to the Department through ensuring compliance with contract terms and conditions and communicating instances where bidder performance is not satisfactory.</p>			

Observation #3 – Procurement Division has identified and is working towards implementing several strategic initiatives, yet has not benefited from the support of the Procurement Advisory Committee (PAC).

Risk Ranking

MEDIUM

In February 2016, the Procurement Division had formally approved an update to the Procurement By-law to reflect the implementation of PeopleSoft. The division is currently working on further updates that consider some of economic, organizational and technological changes. It is anticipated that the latest Procurement Bylaw will be presented to Council in 2019 and approved for 2020 implementation.

A. Strategic Work Plan and Procurement Advisory Committee

As part of the bylaw update, Procurement division developed a workplan that was presented to PAC in 2017. Some of the major short term initiatives include e-Bidding, negotiated Request for Proposals (RFPs), trade agreement updates and changes to reporting requirements. Once completed, these initiatives would be incorporated in the 2020 Procurement By-law. Other longer term initiatives include reviewing the following:

- Rationalization of Single Source and Negotiated RFPs,
- Conflict of Interest Definition,
- Procurement Limits and Procurement Types, and
- ‘Schedule A’ items (specialized services that can be single sourced).

Procurement Advisory Committee is a sub-committee of Corporate Services Committee comprised of a minimum of three to a maximum of eight Council members. In addition, several staff members participated including representation from Public Works, Corporate Services, Procurement and Legal. The main objectives of the committee are to review and recommend changes to the Procurement By-law and provide feedback for improvement to various processes and procedures.

During the last term of Council PAC met only three times (once in 2015 and twice in 2017) with a fourth meeting cancelled in 2018 due to lack of quorum. Again, while Procurement staff has developed and presented a detailed short and long term workplan that will incorporate procurement improvements over the next few years, the ongoing monitoring and support that a Council Sub-Committee can provide was relatively non-existent.

B. Strategic Support Services

Since 1991 Niagara Region has participated in the Niagara Public Purchasing Committee to achieve greater value in purchasing decisions through the acquisition of common commodities. The committee goes beyond municipalities to include other agencies, such as school boards, university, college, police services and other local agencies. Since inception, the operational and strategic plans are updated frequently.

From February 2016 to October 2018, the Region participated in 99 cooperative purchases, totaling over \$9.2 Million. Audit’s research was not able to view a report that demonstrated the value of the cooperative and estimates of potential savings. Several summaries have been prepared that list the types of commodities but it is also unknown if the Region or cooperative can expand the number of commodities to also include services and other common purchases. With the introduction of the negotiated RFPs, the Region has not determined if it can have open

ended contracts to allow other partners to join current Regional contracts at various timeframes. As an example, Niagara Region was able to opt into the Rogers cellular contract the Province of Ontario negotiated to capitalize on significant savings.

Implication

Without an effective oversight committee, the workplan developed by the Procurement division may not meet Council expectations or be completed in a timely and effective manner.

Procurement division may not be fully capitalizing on procurement opportunities through insufficient data analysis or market research and increasing the volume of cooperative purchases with local partners.

Recommendation

1. Procurement Advisory Committee should meet regularly to ensure that procurement trends and issues are reported with appropriate strategies attached. Procurement Advisory Committee should provide effective input, oversight and monitoring of the Procurement division workplan to ensure industry, business and Regional needs are satisfied.
2. Procurement division needs to continuously research market and procurement trends and report on these trends and innovations to Procurement Advisory Committee.
3. Procurement division needs to research the benefits of expanding the catchment number of goods and services within the Niagara Public Purchasing Committee and negotiate with its partners to capitalize on potential procurement opportunities.

Management Action Plan

Person Responsible	Director, Procurement and Strategic Acquisitions	Completion Date	Ongoing
<ol style="list-style-type: none"> 1. On March 11, 2019 the Procurement Advisory Committee (PAC) approved Staff proposed amendments to the Terms of Reference some of which broadened the Committees responsibilities to include due consideration to procurement related trends, challenges and opportunities for innovation in Public Sector Procurement including but not limited to legislative changes. Additionally, the Committee is interested in hearing from Niagara Region staff or external delegates on public procurement matters, initiatives and trends. The new Terms of Reference have also increased the frequency of PAC meetings to Quarterly. 2. Procurement is committed to remaining continually informed on current trends in public procurement via active participation with industry groups including Procurement for Local Prosperity, Niagara Construction Association, Niagara Public Procurement Committee and Public Works Officials meetings (as required). Additionally, via ongoing subscriptions to and participation in email trend updates and webinars from the Procurement Office, a 			

law firm in Toronto that specializes in public procurement. Ongoing memberships with the Supply Chain Canada and the Ontario Public Buyers Association for all Management and some staff ensure that the requisite skill sets are in place for Procurement. Any developments via our interactions with the aforementioned serve as the basis from which topics of interest and relevance for future PAC agenda items are identified for review, discussion and implementation where approved by PAC.

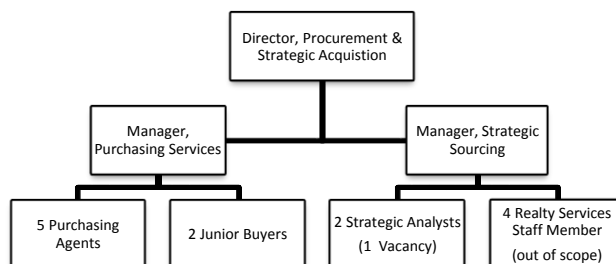
3. Niagara Region Procurement Division remains supportive of the Niagara Public Purchasing Committee (NPPC) provided it continues to employ a cooperative procurement strategy which seeks to continually modernize this group via the procurements which are undertaken. This is the only viable solution to ensure the groups continued relevancy; the progressive and broadening pursuit of new and innovative approaches to cooperative procurement and the goods/services which provide the potential to secure even greater value via the leveraged collective spend for all Agencies served.

Observation #4 – Procurement Division may not have the appropriate resources, team composition and is currently not fully utilizing the necessary skills to deliver value added, strategic services.

Risk Ranking

MEDIUM

Procurement and Strategic Acquisitions is divided into two main functions – Purchasing Services and Strategic Sourcing. Purchasing Services, through the direct support of Purchasing Agents and Junior Buyers support clients through all the phases of the tendering process. Currently there are five Purchasing Agents, two Junior Buyers and the Manager, Purchasing Services. Strategic Sourcing consists currently of one Strategic Sourcing Analyst and a Manager, Strategic Sourcing (a second Strategic Sourcing Analyst position is vacant). The Manager, Strategic Sourcing is also responsible for Realty Services, which is approximately four staff members.



Based on interviews and workload analysis, staff within Purchasing Services spend the majority of their time directly supporting clients. Work is assigned by the Manager based on timing and volumes and not necessarily technical specialty. As a result, Purchasing Agents are not assigned to a client department to become specialists in that area. There are no standards or efficiency performance measures in place to determine the quality of support provided, but audit testing did determine, through our sample POs, that almost all assignments were posted, closed, evaluated and awarded within established client timelines.

By the time Purchasing Services gets involved in Formal assignments many of the technical and scoping decisions have been made. This leaves Procurement staff with the responsibility of shepherding assignments through the administrative portion of the tendering process. In reviewing job descriptions it was difficult to determine how the Purchasing Agents completed three of the specific responsibilities:

- Continuously source and evaluate market for competitive pricing
- Conduct reference checks on bidders on behalf of departments as requested, and
- Manage the purchase or contract to ensure that all terms and conditions are met; many times complex and sometimes highly technical or confidential for items, materials or services.

The job description of the Strategic Sourcing Analyst revolves around two main functions:

- Optimize strategic sourcing practices and supplier relationships, and
- Detailed research and analysis to enhance procurement operations.

Some of the detailed responsibilities include leading cross-functional teams to resolve procurement issues, conducting procurement analysis and metrics, and developing performance indicators for stakeholder groups. The reality is that the majority of this position's time is consumed supporting clients with updates or issues around PeopleSoft, mostly PO adjustments.

It was noted that none of the job descriptions or detailed responsibilities focused upon contractor/consultant evaluations, evaluation of contracting methods or research into innovative or alternative procurement activities. In addition, the following skill sets were not actively being employed: change management, risk assessment/management or project management. Research and analysis, whether on industries, vendor groups or current Regional trends was not being reported. However, the Procurement division regularly provided updates to Council on Procurement activity, i.e. volume of tenders, etc but rarely identifies trends, issues or potential innovative procurement opportunities.

Implication

Procurement division may not be viewed as a value added partner by client groups prompting program areas to conduct inconsistent procurement practices and not achieve the overall objectives of the Procurement By-law.

Recommendation

1. Procurement division should review its overall mandate and staff accordingly based on resources and skill sets to ensure that operational and value added services are provided. Some of value added services include:
 - a. Data analysis and purchasing trends to capitalize on purchasing opportunities,
 - b. Develop a consultant/contractor evaluation methodology and repository to capture the quality of contract execution and use for future reference across the corporation, and
 - c. In conjunction with program areas, interact with industry associations to identify tendering issues and proactively mitigate potential procurement risks.
2. Ensure job descriptions meet the expected functional duties, client needs or future procurement work expectations.
3. Ensure that Procurement division is organizationally structured based on best practices and future operational needs to ensure long term work/strategic plans can be accomplished.

Management Action Plan

Person Responsible	Director, Procurement and Strategic Acquisitions	Completion Date	Ongoing
1. Procurement remains committed to lead this publicly funded agency in obtaining optimum value through sustainable, innovative and progressive procurement in an ethical, transparent and professional manner. Procurement continues to support despite an identified resourcing shortfall and to mitigate this, In August 2019, Procurement completed and submitted a full Divisional Business Case with recommendation some of			

which have been enacted to restructure its Division to address and support the immediate operational needs of the Region. Procurement acknowledges that as part of the due diligence of that decision, consideration was given to the impact to the strategic side of the Division and as such recognizes that it has fallen short on value added items identified in items 1a and 1b. With regards, to value add item 1c, as previously stated in an earlier response, Procurement remains engaged and current with professional and industry associations.

2. Noting that with the exception of the Director, Managers, Realty Staff and Analysts, the remainder of the Procurement team is unionized. Procurement will complete a thorough review of all applicable Job Descriptions to ensure that the roles and responsibilities of all positions align with Management's expectations for each position both in the present and more importantly, for the future.
3. Procurement acknowledges how crucial its divisional structure is to not only effecting a positive impact on operational requirements but equally to investing in a strong foundational team which can add value and support corporately via client consultation, procurement planning, training programs, corporate initiatives, data analytics and leveraged spend etc.

Procurement is confident that it's recently proposed Divisional re-structuring plan if accepted, will in the short term address the current volume of work. Additionally, Procurement will undertake an investigative process to determine if the current structure and staffing levels of our Division is equally positioned for future success in all areas identified herein including value added services and current/future capital/operational projects.

APPENDIX I - RATING SCALE

Rating	Definition
CRITICAL	Requires immediate action by Senior Management to avert a severe/disastrous risk event in the near-term. Internal controls are deemed to be ineffective, absent or poorly designed. Management Actions Plans (MAP's) are to be implemented immediately to mitigate risk of substantial financial losses, business interruption, loss of reputation and/or environmental, public health & safety risk.
HIGH	Requires prompt action by Management to avert, reduce or transfer a major risk event. Internal controls are deemed to be ineffective, absent or poorly designed. MAP's should be implemented to mitigate the risk of financial losses, loss of reputation, address fraud issues or legal/regulatory non-compliance.
MEDIUM	Requires timely actions by Management to reduce risks to a low level. Internal controls are deemed to be ineffective or poorly designed. Management action is required, but is not immediate. Moderate financial losses, temporary/minor reputational impairment, lesser potential for fraud or regulatory non-compliance may occur without timely MAP's.
LOW	Management actions are recommended to address the weaknesses identified. Internal controls are operating effectively or partially address the control objective; however they may be poorly designed and/or operational inefficiencies exist which may result in an opportunity for improvement. Low risk events may cause operational inconvenience or minor financial losses.

APPENDIX II – MATURITY MODEL

The following table provides is an update to the Procurement Maturity Model developed by Deloitte Consulting in 2013. The 2013 assessment was completed by Deloitte based on the current practices and procedures employed at Niagara Region. The Target Maturity was also Deloitte's determination of where a typical organization of the Region's size and complexity should reside. The final column was Internal Audit's determination, based on the Deloitte criteria of where Niagara Region currently resides.

Implementation of Deloitte Purchasing Review Report Recommendations				
Assessment Framework	Recommendations	Maturity Assessment (2013) ¹	Target Maturity ²	Current Maturity (2018) ³
Category Strategy and Governance	<ul style="list-style-type: none"> Develop category expertise within purchasing services group Assess movement of non-core, non strategic categories Assess opportunities to align to a Center-led procurement model 	Level 1 Maturity	Level 3 Maturity	Level 2 Maturity
Sourcing and Supplier Management	<ul style="list-style-type: none"> Rationalize vendor details, develop vendor master Joint development of spend category strategies Develop formalized supplier performance program 	Level 2 Maturity	Level 3 Maturity	Level 2 Maturity
Contract Management & Procure-to-Pay	<ul style="list-style-type: none"> Implement 'No PO, No Pay' Policy Create central contract management solution Implement best-of-breed contract management tools 	Level 1 Maturity	Level 3 Maturity	Level 2 Maturity
Financials	<ul style="list-style-type: none"> Implement standardized savings tracking methodology Validate savings with Finance and incorporate into budget process Utilize center-led spend analysis and reporting 	Level 1 Maturity	Level 3 Maturity	Level 2 Maturity

¹ The initial maturity rating of Niagara Region provided by Deloitte within their 2013 Purchasing Review Assessment.

² The recommended target maturity for Niagara Region provided by Deloitte within their 2013 Purchasing Review Assessment.

³ ICOP's current maturity assessment based on the findings and results from sample testing conducted throughout the Procurement Audit.

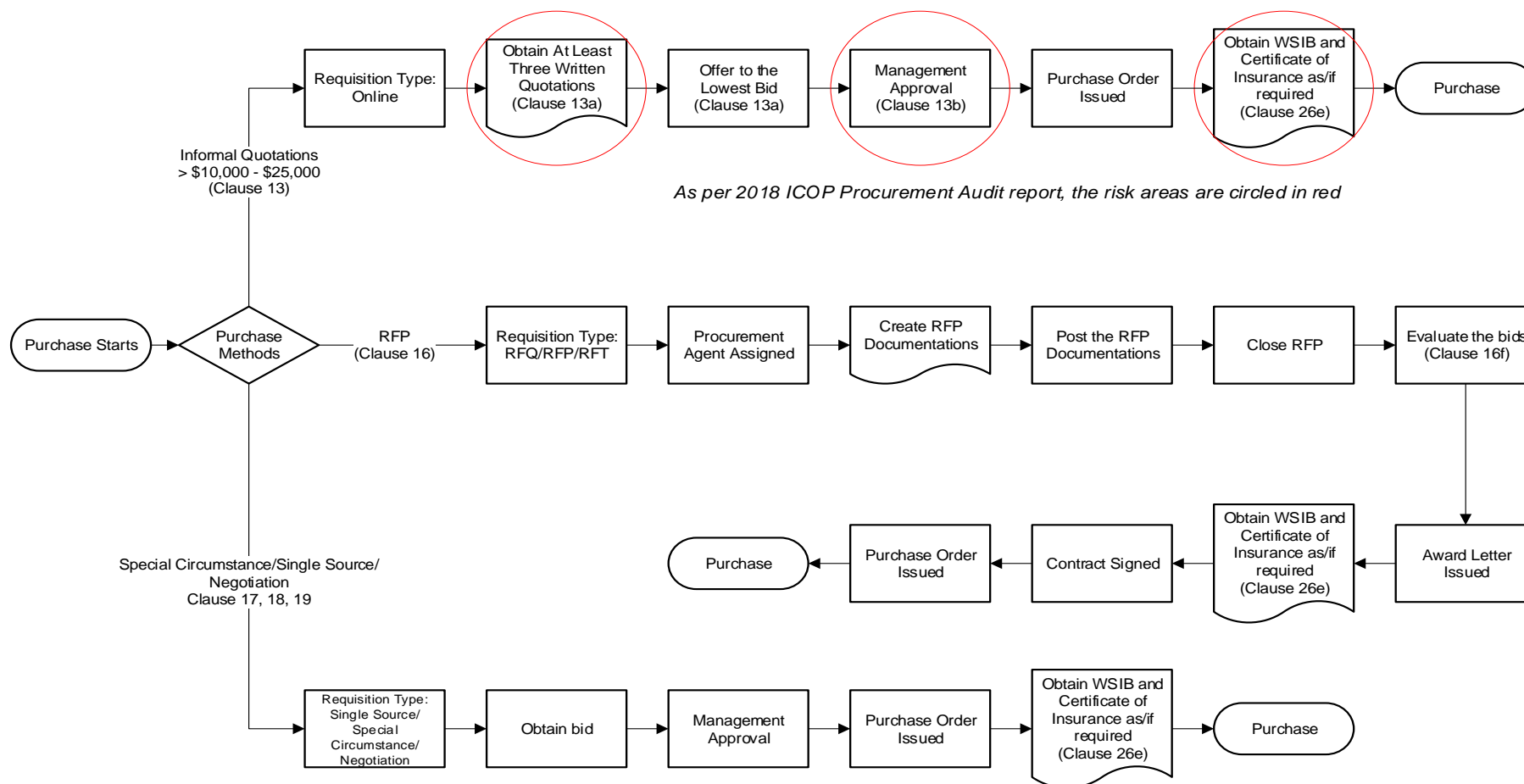
This table details the four main phases of a formal procurement including the pre-planning (or scoping), budget and project approval, tendering, evaluating and awarding and, finally, contract management. While the first and final phase are the responsibility of program areas, best practice procurement offices would support those functions by identifying potential risks, providing market analysis and finally ensuring project management is captured and used for future reference.

Internal Audit testing determined that Niagara Region's Procurement division provides highly effective support in the middle two phases (Project Approval & Budgeting and Tendering, Evaluating and Awarding) while in the Project Pre-Planning and Contract Management phases, program areas do not receive effective business support.

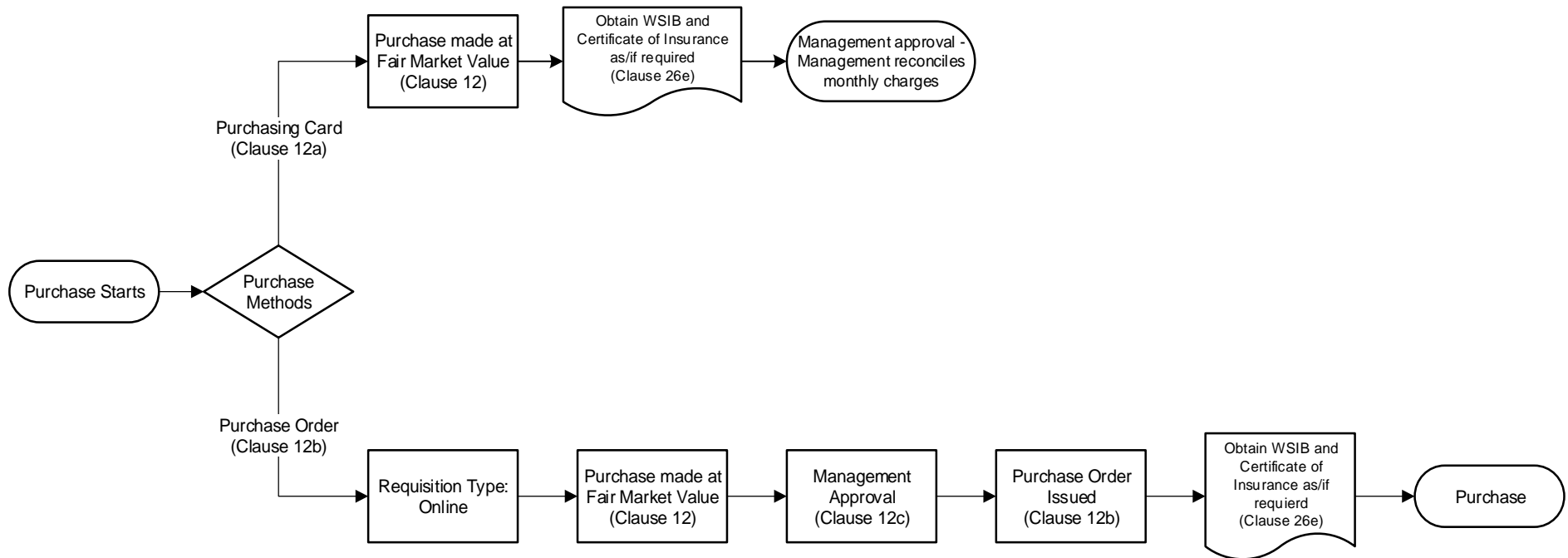
Formal Transactions - Effectiveness of Support Provided by Procurement				
	Project Pre-Planning	Project Approval & Budgeting	Tendering, Evaluating, Awarding	Contract Management
Description	<ul style="list-style-type: none"> • Participation with other groups in demand planning. • Analysis on industry, competitors or suppliers. 	<ul style="list-style-type: none"> • Effectiveness and utilization of approval thresholds based on delegated authority levels. • Selection of appropriate requisitions for goods or outsourced services. 	<ul style="list-style-type: none"> • Ability to efficiently streamline necessary job documentation for the market. • Reliable, automated, and defined PO process. 	<ul style="list-style-type: none"> • Effective performance measurement tracking. • Effective performance reviews for future projects • Ability with forward visibility regarding contract renewals.
Effectiveness	LOW	HIGH	HIGH	LOW

APPENDIX III – PROCUREMENT BYLAW PROCESS

Procurement By-Law Processes (Greater than \$10,000)



Procurement By-Law Processes (Up to \$10,000)



MEMORANDUM

AC-C 3-2020

Subject: Non-competitive Procurement Audit Report

Report to: Audit Committee

Report date: Monday, January 20, 2020

Recommendations

1. That report AC-C 3-2020 **BE RECEIVED** for information; and
2. That staff **BE DIRECTED** to implement the recommendations in Appendix 1 of Report AC-C 3-2020, respecting Non-competitive Procurement Audit Report.

Key Facts

3. The purpose of this report is to provide Audit Committee with a summary of findings noted during the Non-competitive Procurement Audit which focused on the control framework in place to support contracting and procurement activities.
4. This report contains the findings, implications and recommendations for the observations discovered during the Audit in addition to a Management Action Plan (MAP) from program staff for each of the recommendations.
5. Three observations with nine total recommendations have been detailed in the audit report.

Financial Considerations

There are no immediate budgetary considerations associated with this report. It is anticipated that some of the recommendations may have an implementation cost associated to them. If management chooses to pursue the recommendations then all costs will be funded through the regular annual budget process.

Analysis

This audit project was identified in the 2018 Audit Plan approved by Audit Committee (see **AC-C 6-2017**). The purpose of the audit was to provide assurance to Management and Niagara Region's Audit Committee on the effectiveness of the management control framework to support contracting and procurement activities. The audit also tested whether all purchasing activities are processed in a manner that is compliant with current Regional purchasing and procurement by-laws. Finally, the audit attempted to

determine the effectiveness of current procedures to ensure consistency, compliance, competitiveness and fairness/transparency.

Alternatives Reviewed

No other alternatives were reviewed at this time.

Relationship to Council Strategic Priorities

Value-for-money (VFM) audits were identified and approved as the previous term of Council's Strategic Priority – Advancing Organizational Excellence. The goal of this Strategic Priority was to "Build a strong internal foundation for Niagara Region to enable a more prosperous Niagara."

Following the completion of the 2015 and 2016 audits, Council approved a permanent Internal Audit function. The permanent internal audit function was named Internal Control and Organizational Performance division.

The 2018 Annual Audit Plan, which included an audit of procurement was approved by Audit Committee on October 31, 2017.

Other Pertinent Reports

AC-C 6-2017 - 2018 Internal Audit Plan

Prepared by:

Frank Marcella, MPA, BEd
Manager,
Internal Audit

Recommended by:

Todd Harrison, CPA, CMA
Commissioner/Treasurer
Enterprise Resource Management
Services

Submitted by:

Ron Tripp, P.Eng.
Acting, Chief Administrative Officer

Appendices

Appendix 1 Non-competitive Procurement Audit Report



Internal Audit

Non-Competitive Procurement Audit

Operating Unit:	Niagara Region
Date of Audit:	July – October 2019
Auditors:	Frank Marcella, Manager, Internal Audit Henrik (Xiang) Gao, Internal Audit Analyst Katie Mamede, Internal Audit Co-op Student
Distributed To:	Niagara Region Audit Committee Ron Tripp, (Acting) Chief Administrative Officer Todd Harrison, Commissioner, Corporate Services Helen Chamberlain, Director, Financial Management and Planning Bart Menage, Director, Procurement and Strategic Acquisitions Tracie Byrne, Manager, Purchasing Services Jeffrey Mulligan, Manager, Strategic Sourcing
Date Issued:	November 15, 2019

EXECUTIVE SUMMARY

BACKGROUND

In accordance with the 2019 Audit Plan, Internal Audit performed a comprehensive review of the non-competitive procurement process, as well as the role of the Procurement and Strategic Acquisitions Division in supporting and monitoring non-competitive purchasing activities.

Niagara Region strives to competitively procure all goods and services. However, in specific circumstances a non-competitive approach is permitted as referenced in Niagara Region's Procurement By-law. The specific sections of the by-law are referenced on the next page, but fall under sections 16-19 of the Procurement By-law. The purpose of the audit was to provide assurance to Management and Niagara Region's Audit Committee on the effectiveness and efficiency of the management control framework to support non-competitive procurement activities. The audit tested whether non-competitive purchasing activities are processed in a manner that is compliant with the Regional Procurement Bylaw. Finally, the audit evaluated the effectiveness of current procedures to ensure openness, accountability, transparency and fairness.

The methodology used by Internal Audit included a review of relevant documentation, analysis of financial data, interviews with key individuals involved in the procurement process and a study of procurement bylaws and operating procedures in six other Ontario jurisdictions. The period covered by the audit was from July 1, 2017 to July 1, 2019.

SCOPE

A risk based auditing approach was used to determine the scope of the audit. The following processes, procedures and items were considered in scope:

- Risk identification and assessment of procurement processes to determine areas of greatest exposure,
- Review of Regional Procurement Bylaw and directives, including operating procedures, guidelines and training materials,
- Comparison of the Bylaw sections and operating process related to non-competitive procurement in Niagara Region with six Ontario municipalities,
- Interviews with key staff and clients involved in the procurement process to determine their overall roles and responsibilities, oversight, and monitoring functions, and
- Review and test a sample of non-competitive procurement documents to ensure compliance with procurement directives.

The following were considered out of scope:

- Purchasing Card transactions as these were audited in 2017,
- Informal and Formal procurement transactions which were reviewed in 2018, and
- Procurements related to Niagara Regional Housing and Niagara Regional Police Service.

INTERNAL AUDIT FINDINGS

Non-competitive purchasing activities are defined as purchases created under the following requisition types in PeopleSoft Financials and referenced in the Procurement By-law:

- S. 18 - Single Source (SNG): acquiring goods or services from a particular supplier even though there may be other suppliers that are capable of delivering the same good or service, (i.e. compatibility of existing equipment),
- S. 19 - Negotiation (NGN): negotiating directly with one or more suppliers with the intent to award a contract, (i.e. a contract extension),
- S. 17 - Special Circumstance (SPE): acquiring an essential good or service to immediately address a situation that may cause harm or pose a threat, (i.e. an emergency), and
- Schedule 'A' (SCA): specific goods or services listed in Schedule A of the Procurement By-law are exempt from engaging in a competitive procurement, (i.e. a grant).

The purchase should satisfy specified conditions as detailed in the Regional Procurement By-law (By-law No. 2019-06). For our study period, the following table details the total and sample populations.

Table 1 – Comparison of Total and Sample Non-competitive Purchases				
Req Type	Population \$ PO	Population # PO	Sample \$ PO	Sample # PO
SNG	\$54,941,059	993	\$3,990,036	108
NGN	\$23,858,721	209	\$10,064,057	37
SPE	\$3,394,749	58	\$2,142,585	38
SCA	\$22,960,423	372	\$2,201,625	50
Grand Total	\$105,154,952	1632	\$18,398,303	233

Overall, the following positive observations were noted:

- The implementation of PeopleSoft in 2016 allows for greater data analysis of purchasing activities and trends,
- Schedule 'A' purchases are compliant with the current bylaw, and
- Schedule 'A' exemptions in the Procurement By-law are similar to other comparable jurisdictions.

Under the current Procurement Bylaw, local managers are responsible for understanding their obligations to procure goods and services within compliance of the by-law. As budget owners, local managers have a responsibility to ensure they and their staff are in compliance with all procurement processes. With regard to non-competitive purchases, Procurement Division is notified and involved in purchases above \$25,000.

Overall, the management control framework for non-competitive purchases requires improvement. The following is a summary of findings for areas where opportunities for improvements were noted:

1. High volume of purchases (goods or services) occur prior to the creation and approval of a requisition or purchase order.
2. The justification process for non-competitive purchases needs to be improved and standardized to ensure consistency and accuracy of reporting.
3. The current procurement process minimizes effective strategic involvement from Procurement and Strategic Acquisitions Division and Regional Council.

Internal Audit appreciates the assistance of management and staff from the Procurement & Strategic Acquisition Division, as well as selected program staff from multiple other departments who responded to our audit requests.

OBSERVATIONS AND RECOMMENDATIONS

The following are all the observations from the audit along with recommendations and Management's Action Plans to address these issues. See Appendix I for the risk ranking justification.

Observation #1 – High volume of purchases (goods or services) occur prior to the creation and approval of a requisition or purchase order

Risk Ranking

HIGH

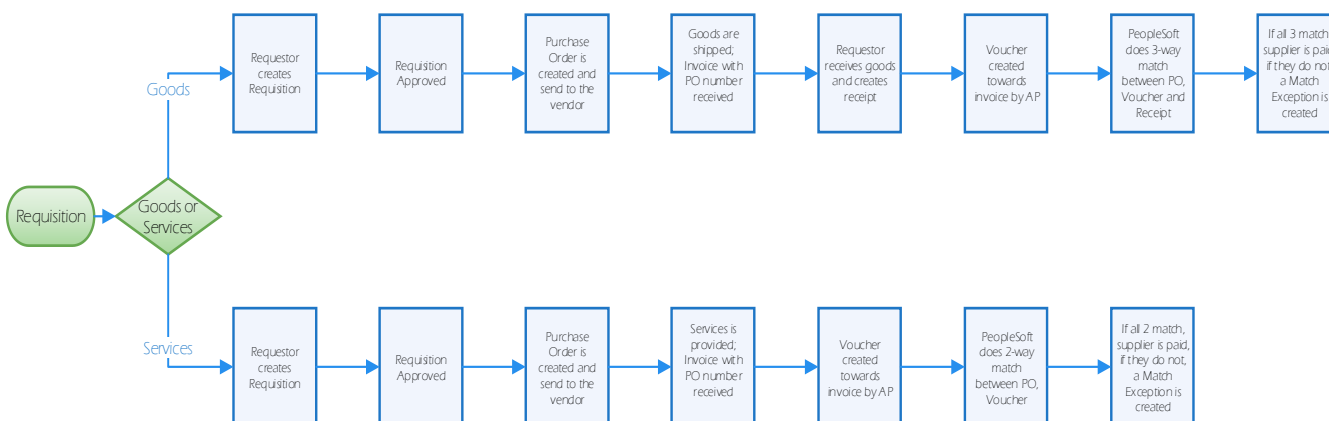
The analysis below details the number and dollar value of the sample purchase orders (POs) included in the audit. The analysis looked at the following areas:

- Timing and accuracy of the purchasing process, focusing upon:
 - Creation of requisition,
 - Approval of purchase order,
 - Actual purchase of goods or services
 - Compliance to By-law,
- Potential liability of procurement decisions, and
- The volume of purchase orders and oversight practices.

As stated previously, Niagara Region's policies, procedures, training materials and job descriptions require budget owners to be compliant with all procurement processes.

A. Purchase Timing

Following the implementation of PeopleSoft in early 2016, training was provided to all staff involved in purchasing activities with material readily available for future reference. As part of the training module entitled, "Requisitioning and Receiving Goods in PeopleSoft Financials", staff were instructed to ensure that a requisition was created and a purchase order approved prior to committing funds or formally acquiring goods and/or services. The training package included the following flow chart that visually depicts the purchasing scenario:



As depicted in the flow chart above, staff are required to create a requisition and a PO and have both approved prior to purchasing a good or service. This process ensures the following:

- Budget is secured and committed,
- Appropriate approver is aware and has approved the purchasing activity, and
- 2-way or 3-way matching is accomplished which includes segregation of duties.

Internal Audit sample testing identified that in 45% of non-competitive purchases reviewed, specifically single source, special circumstance and negotiation, purchases were completed prior to the requisition or purchase order being created or approved. With regard to Table 3, Schedule A purchases are less risky as have pre-specified justifications or payees, for example, payments to utilities, grant payments to local municipalities and provincial entities.

In the case of services, work was completed and invoices were received prior to the purchasing work steps occurring in PeopleSoft in numerous samples. While this was approximately 45% of the purchases in our sample, it represents \$1,970,095 or 12% of the dollar value sampled. The majority of transactions that have requisitions or purchases created following the delivery of goods or service(s) being provided are below \$25,000.

Table 2 – Purchases Prior to Requisition

Type	ICOP Sample		Requisition BEFORE Purchase		Requisition AFTER Purchase		% Non-compliance (volume)	% Non-compliance (\$)
SNG	108	\$3,990,035	72	\$3,027,364	36	\$962,671	33%	24%
SPE	38	\$2,142,585	18	\$1,280,341	20	\$862,244	53%	40%
NGN	37	\$10,064,057	11	\$9,918,877	26	\$145,180	70%	1%
Total	183	\$16,196,677	101	\$14,226,582	82	\$1,970,095	45%	12%

Table 3 - Purchases Prior to Requisition

Type	ICOP Sample		Requisition BEFORE Purchase		Requisition AFTER Purchase		% Non-compliance (volume)	% Non-compliance (\$)
SCA	50	\$2,201,625	18	\$388,085	32	\$1,813,540	64%	82%

B. Liability Due to Lack of Purchase Orders

As was demonstrated in Table 2, many of the purchases being made, either goods or services, are done prior to the creation of purchase orders. In fact, in many cases it was determined that the work being purchased was actually completed prior to the purchase order being created or approved.

The purchase order created prior to acquiring goods or services acts as a contract with vendors. The absence of a PO transfers the risk and liability exposure back to the Region in the event of injuries or damages. Niagara Region may be at fault in the event of a claim by the contractor or third parties in the event of injury or property damage. Without the PO, the Region cannot refer to the vendor's certificate of insurance, which is typically received by the Region after a contract or PO is completed with a vendor.

The terms within a PO also details the expected quality of work from vendors. In the absence of a PO, the vendor may provide inadequate work with little ability for recourse from the Region. This could include nullifying warranties or requiring the vendor to correct deficiencies. It should be noted that an email or phone call to a vendor is not a legal substitute for a PO.

C. Purchase Order Volumes & other issues

- Further testing on the sample POs that preceded requisitions revealed that many of the POs were to the same vendor performing similar work and created within a very short period of time. In many cases, staff are creating separate POs for individual invoices received, rather than bundling them together based on vendor and type of work. This is administratively time-consuming and inefficient.
- By separating POs it creates lower dollar value purchases and changes the approval path. For example, single source, special circumstance and negotiated purchase orders below \$10,000 need Manager approval while those between \$10,000 and \$25,000 require Director approval. This approval path does not include Procurement Division management.
- There were instances where program managers acquired services, had their administrative staff create the requisitions and POs after the invoices were received and then the same manager was approving the invoices for payment in PeopleSoft, thereby, effectively eliminating the appropriate segregation of duties.

Implication

For non-competitive purchases, the audit revealed a high proportion of goods and service transactions completed prior to the creation of a requisition and/or PO. This increases the likelihood of the following:

- Reduction or elimination of segregation of duties,
- Justification demonstrating need to acquire non-competitively is not available or completed afterwards, contravening the Procurement By-law,
- Reduction or elimination of 2-way or 3-way matching conditions, and
- Does not ensure requisition is approved before the purchase is made

The high volume of POs created for same vendors conducting similar work alters the approval path and creates inefficiencies due to the time and effort required to fully process a PO.

The acquisition of services prior to the creation of a PO increases potential liability to the Region as there is no formal agreement between the Region and vendors for work being completed.

Recommendations

1. The CAO should add a regular discussion item to the Corporate Leadership Team (CLT) meeting agenda to receive and discuss reporting from the Procurement Division regarding non-compliant procurement behaviour. CLT Members should subsequently follow-up with their direct reports on a timely basis to obtain explanations or correct exceptions identified in the reporting.
2. Procurement and Strategic Acquisitions Division should conduct and distribute regular data analytical reports while leveraging existing reports such as the Monthly Incomplete

Voucher Report and Match Exception Report to improve corporate compliance to the requisition process:

- a. Procurement and Strategic Acquisitions Division should analyze trends for non-compliant behaviour and report results to Corporate Leadership Team (CLT) on a quarterly basis to improve overall financial stewardship of local budget owners.
 - b. Procurement Division should generate regular transaction exception reports summarizing non-compliant activities and submit these reports to accountable Directors and Commissioners,
 - c. Findings should also be sent along with a communication plan to the Program Financial Specialists to improve transaction support at a departmental level, and
 - d. Based on the ongoing analytics, Procurement Division should develop and deliver regular communication/training to program areas and corporate-wide to ensure purchasing best practices are understood and complied with.
3. Program Financial Specialist within the Financial Management & Planning Division, should continue to liaise with the Procurement and Strategic Acquisitions Division by providing functional and procedural procurement guidance to their client areas. This should include receiving procurement trending reports from Procurement and Strategic Acquisitions Division, then following up with the client area to address reported issues.

Management Action Plan

Person(s) Responsible	Chief Administrative Officer (response 1)	Completion Date	2 a): March 2020 2 b), c) and d): July 2020
	Director, Procurement & Strategic Acquisitions (response 2)		
	Director, Financial Management & Planning/Deputy Treasurer Corporate Services (response 3)		

1. CLT agrees with the recommendation and will ensure that non-compliance reports are brought to our attention on a regular and recurring basis. In addition, as CAO I will instruct all CLT members to communicate the analysis from the non-compliance reports to their staff to ensure all future transactions, regardless of dollar value, are compliant to the Procurement Bylaw.
2. a) Procurement Advisory Committee (PAC) approved 2019/2020 Work Plan which considered the development of quarterly spend analytical reports for all acquisition types, to identify opportunities to leverage spend, thereby driving cost savings. In March 2020, Procurement will bring the first of these quarterly reports forward to PAC and findings will also be share/reported to CLT. Future reporting can certainly give due consideration to reporting instance on non-compliance with the By-law.

2b) Procurement and Strategic Acquisitions Division will consider the feasibility (preparation/planning/resourcing) of broadening our analytical reporting to include an analysis of trends for non-compliant procurement activity for all requisition types.

2c) and 2d) Procurement and Strategic Acquisitions will report any ensuing results to Corporate Leadership Team (CLT) and PFS Group quarterly (in alignment with PAC meetings). Additionally, a reporting format will be developed and ensuing communication plan which provides training derived from our assessment of trends emanating from data being analysed and/or best in class procurement practice.

3. Program Financial Specialists (PFS) will continue to invite the Procurement Division leadership to the PFS team meetings to facilitate information sharing between Procurement Division and the client groups and to assist with the dissemination of Procurement initiatives and improvement to the client groups. Additionally the PFS will use this opportunity to engage the Procurement Division with feedback from the client groups regarding opportunities, risk etc

Observation #2 – The justification process for non-competitive purchases needs to be improved and standardized to ensure consistency and accuracy of reporting

Risk Ranking

MEDIUM

This audit reviewed 183 Single Source, Negotiation and Special Circumstance POs valued at over \$16 Million to test for compliance to the Procurement By-law with a focus on the justification reports and documentation available, (i.e. invoices, scope of work, etc.). As referenced in the background section of this report, non-competitive purchases fall under four related categories as per the Procurement By-law.

While the approval path varies based on the dollar value of the transaction, the necessity for justifying a non-competitive purchase are mandatory regardless of purchase value. The table below depicts some of the staff requirements and approvals for transactions. Schedule A transactions are excluded from Tables 4, 5 and 6 as their approval and justification requirement differ from other non-competitive purchases.

Table 4 – Procurement Bylaw Purchasing Authority

Method of Purchasing	Dollar Value	Purchasing Authority
Special Circumstance, Single Source and Negotiation	Up to \$10,000	Department Manager
	> \$10,000 to \$25,000	Department Director
	> \$25,000 to \$100,000	Department Director and the Manager of Procurement and Department Commissioner
	> \$100,000 to \$250,000	Department Director and the Manager of Procurement and Department Commissioner
	>\$250,000 to \$1,000,000	Department Commissioner and the Director of Procurement and Strategic Acquisitions and Commissioner of Enterprise Resource Management Services/Treasurer
	>\$1,000,000	Council

All non-competitive purchases should require a justification being inputted into PeopleSoft at the time of the purchase order creation. This allows the approver to make an informed decision as to why a competitive purchasing approach was not used. As per Procurement By-law, staff can code low dollar value transactions under \$10,000 as 'ONLINE', with no requirement to demonstrate competition or provide a justification.

Audit testing broke down transactions for Single Source, Negotiation, and Special Circumstance purchases and also isolated those above \$10,000.

Table 5 – Justification Breakdown for ALL Non-competitive Purchases

Audit Sample			No Justification		Bylaw Reference Only		Sufficient Justification	
Up to \$10k	\$249,173	50	\$138,002	35	\$63,809	9	\$47,362	6
\$10k - \$25k	\$1,495,763	81	\$533,665	30	\$313,099	16	\$648,999	35
\$25k - \$250k	\$3,321,200	46	\$492,242	8	\$513,900	11	\$2,315,058	27
\$250k+	\$11,129,305	6	\$0	0	\$0	0	\$11,129,305	6
Total	\$16,195,441	183	\$1,163,909	73	\$890,808	36	\$14,140,724	74

Table 6 – Justification Breakdown for Non-competitive Purchases Over \$10,000

Audit Sample			No Justification		Bylaw Reference Only		Sufficient Justification	
SNG	\$3,884,330	93	\$900,482	31	\$694,890	23	\$2,288,958	39
SPE	\$2,088,733	29	\$785,561	7	\$0	0	\$1,303,172	22
NGN	\$9,973,205	11	\$11,909	1	\$0	0	\$9,961,296	10
Total	\$15,946,268	133	\$1,697,952	39	\$694,890	23	\$13,553,426	71

Overall, approximately 40% (73 out of 183 POs) of transactions coded as one of the non-competitive categories had no justification to demonstrate why a competitive purchasing option could not have been chosen. Another 36 transactions or approximately 20% referenced a by-law section but did not elaborate as to why competition was bypassed. In total, 40% (74 out of 183 POs) of transactions coded as non-competitive, regardless of dollar value, had sufficient justification demonstrating the necessity to forego a competitive process.

The audit then looked at transactions over \$10,000 as the approval paths vary based on dollar value. For transactions between \$10,000 and \$25,000, staff have the option of coding the purchase as ONLINE but competition must be demonstrated. Given that the approval for non-competitive purchases may be elevated to department Director, Commissioner and/or Procurement and Strategic Acquisitions Division management, it can be expected that the quantity and quality of justifications would improve. The number of transactions over \$10,000 that had vague or no justification was about 30% (39 out of 133 POs), a slight improvement from the overall total. When combined with transactions that only reference a by-law section, the total is just under 50% (62 out of 133 POs), again a slight improvement from the overall picture. It should be noted that as the transaction amount increases, the justifications are more readily available while the quality of justification also improves for managers to view and use in their decision making.

Implication

Based on the quality and inconsistent nature of non-competitive purchase justifications:

- Approvers may not be receiving sufficient or consistent justification information to support effective purchasing decisions,
- Prevents Procurement and Strategic Acquisitions Division from monitoring or analyzing transactions for compliance, and
- May not demonstrate compliance to the Procurement By-law

Recommendations

1. Procurement and Strategic Acquisitions Division should develop a formal justification document that must be uploaded into PeopleSoft to create more consistent and improved justification reporting.
2. Procurement and Strategic Acquisitions Division should develop and provide training for all budget owners to improve the quality of non-competitive procurement justifications.

3. Program Financial Specialists within the Financial Management & Planning Division, should support the Procurement and Strategic Acquisitions Division in the execution of the non-competitive procurement justification training to their respective client areas.
4. Financial Management & Planning Division should investigate eliminating the requisition types of Single Source (SNG), Special Circumstance (SPE) and Negotiation (NGN) for transactions below \$10,000 to reflect the Procurement By-law.

Management Action Plan

Person(s) Responsible	Director, Procurement & Strategic Acquisitions (responses 1 and 2) Director, Financial Management & Planning/Deputy Treasurer Corporate Services (response 3 and 4)	Completion Date	1, 2: June 2020 4: March 2020
<ol style="list-style-type: none"> 1. While the implementation of PeopleSoft Financial negated the need for the continued use of the Region's external formal justification form, Procurement is supportive of the development of a solution which introduces more rigour and consistency in reporting of justifications. Procurement will continue discussions to improve, strengthen and implement a preferred solution with within the first two quarters of 2020. 2. As a supplement to the outcome proposed in our response to recommendation #1, Procurement and Strategic Acquisitions will develop training and guidance documents to accompany and support the justification document/process identified as the preferred option. 3. Program Financial Specialists (PFS) will continue to invite the Procurement Division leadership to the PFS team meetings to facilitate information sharing between Procurement Division and the client groups and to assist with the dissemination of Procurement initiatives and improvement to the client groups. Additionally the PFS will use this opportunity to engage the Procurement Division with feedback from the client groups regarding opportunities, risk etc. 4. ERP Support will add this as an enhancement request to our item log to review in Q1 2020. Although we do not believe that PeopleSoft Financials can accommodate this within the existing requisition process or workflow, we believe we may be able to configure what is called an event mapping to provide a pop-up message to users that an incorrect requisition type was chosen and prevent them from submitting the requisition until it is changed. 			

Observation #3 – The current procurement process minimizes effective strategic involvement from Procurement Division and Regional Council.

Risk Ranking

MEDIUM

The audit compared the various approval paths based on dollar value ranges to comparable municipalities to determine best practices in oversight and overall management framework. At Niagara Region, specifically for purchases below \$25,000, Procurement and Strategic Acquisitions Division has no involvement as the approval resides entirely with local management. While the threshold for involvement varies in the other municipalities, three jurisdictions have created a mandatory, standardized justification form that is uploaded into their financial system to allow procurement staff to view and analyze all non-competitive purchases regardless of the dollar value. Currently, Niagara has no justification form. The lack of a standardized justification form creates opportunity for the requestor to provide an insufficient or blank justification. Whereas in jurisdictions where a justification form is mandatory, the requestor is required to fill out the fields that are listed (e.g. bylaw reference, dollar amount, reason for not going competitive, etc.) to ensure the approver receives all required information to make an informed decision. In addition, all of the municipalities, except Toronto, have procurement staff directly involved in transactions beyond what is classified as a 'low dollar value' purchase. As a compensating control though, Toronto requires the completion of a justification form for any purchase greater than \$3,000. Niagara does not have a justification form nor is Procurement and Strategic Acquisitions Division involved in any non-competitive purchase less than \$25,000.

Among the comparator municipalities, Niagara Region has the highest threshold limit at \$1,000,000 whereby a non-competitive transaction requires Council approval. Three of the municipalities have regular reporting of all non-competitive purchases to Council – Hamilton reports quarterly, which is the most frequent.

Table 7 – Approval Limits Comparison

	Niagara	Toronto	Ottawa	Hamilton	Halton	Durham	Windsor
Low Value Purchase Maximum	\$10,000	\$3,000	\$2,500 for goods & \$15,000 for professional services	\$10,000	\$10,000	\$5,000	\$5,000
Justification Form Required	✗	✓	✓	✓	✗	✗	✗
Procurement Office Approval/Involvement	Over \$25,000	\$50,000 to \$500,000	Over \$2,500 for goods & over \$15,000 for professional services	\$10,000 to \$250,000	\$10,000 to \$100,000	\$5,000 to \$125,000	\$5,000 to \$150,000
Council Approval	Over \$1,000,000	Over \$500,000	✗	Over \$250,000	Over \$100,000	Over \$125,000	Over \$150,000
Non-competitive Purchases Report to Council	✗	Annually	Semi-annually	Quarterly	Annually	✗	✗

Implications

Absence of regular council reports on non-competitive purchasing activities may limit the Niagara Region's ability to ensure transparency. In addition, the current limit at \$1,000,000 for Council approval causes very few non-competitive transactions to be presented to Niagara Region Council compared to other jurisdictions.

Lack of formal and standardized justification form, as well as involvement or oversight by Procurement and Strategic Acquisitions Division for transactions below \$25,000 results in potentially non-compliant purchasing patterns. For example, a number of POs starting out as non-competitive below \$25,000, are thereafter increased over the course of a project through PO changes.

Recommendation

1. Procurement and Strategic Acquisitions Division in consultation with program areas, should report to Council regularly on non-competitive and non-compliant purchasing activities.
 - a. Council reports should stipulate the business rationale and/or justification for selecting a non-competitive transaction method.
2. Procurement and Strategic Acquisitions Division should recommend to Council, through its Procurement Advisory Committee to further research the merits of the current \$1,000,000 approval limit to improve Council awareness of non-competitive transactions and public transparency.

Management Action Plan

Person Responsible	Director, Procurement & Strategic Acquisitions	Completion Date	March 2020
<ol style="list-style-type: none">1. Procurement Advisory Committee approved 2019/2020 Work Plan Item #5 for the development of quarterly spend analytical reports for all acquisition types to identify opportunities, drive savings and compliance is in development. In March 2020, Procurement will bring the first of these quarterly reports forward to PAC.2. Procurement's preference would be to not treat this as a standalone recommendation but rather, consider it as part of fulsome ongoing discussions with the PAC/Regional Council which would include a review of the forthcoming amendments to the Procurement By-law anticipated for 2020.			

APPENDIX I - RATING SCALE

Rating	Definition
CRITICAL	Requires immediate action by Senior Management to avert a severe/disastrous risk event in the near-term. Internal controls are deemed to be ineffective, absent or poorly designed. Management Actions Plans (MAP's) are to be implemented immediately to mitigate risk of substantial financial losses, business interruption, loss of reputation and/or environmental, public health & safety risk.
HIGH	Requires prompt action by Management to avert, reduce or transfer a major risk event. Internal controls are deemed to be ineffective, absent or poorly designed. MAP's should be implemented to mitigate the risk of financial losses, loss of reputation, address fraud issues or legal/regulatory non-compliance.
MEDIUM	Requires timely actions by Management to reduce risks to a low level. Internal controls are deemed to be ineffective or poorly designed. Management action is required, but is not immediate. Moderate financial losses, temporary/minor reputational impairment, lesser potential for fraud or regulatory non-compliance may occur without timely MAP's.
LOW	Management actions are recommended to address the weaknesses identified. Internal controls are operating effectively or partially address the control objective; however they may be poorly designed and/or operational inefficiencies exist which may result in an opportunity for improvement. Low risk events may cause operational inconvenience or minor financial losses.



Mailing Address:
P.O. Box 344
Thorold ON L2V 3Z3

Street Address:
Campbell East
1815 Sir Isaac Brock Way
Thorold ON

Phone: 905-682-9201
Toll Free: 1-800-232-3292
(from Grimsby and beyond Niagara region only)

Main Fax: 905-687-4844
Fax – Applications: 905-935-0476
Fax – Contractors: 905-682-8301
Web site: www.nrh.ca

October 18, 2019

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

Dear Ms. Norio:

At their October 18, 2019 meeting, the Niagara Regional Housing Board of Directors, passed the following motion:

1. That the draft audited statement of revenues and expenses for 527 Carlton Street Project at July 31, 2019 (Appendix 1), **BE APPROVED**;
2. That staff **BE DIRECTED** to co-ordinate with the auditor to finalize the statement as presented; and
3. That this report **BE FORWARDED** to the Region's Audit Committee for information

Your assistance is requested in providing the attached report, NRH 13-2019, to the Audit Committee.

Sincerely,

Mayor Walter Sendzik
Chair



REPORT TO: Board of Directors of Niagara Regional Housing

SUBJECT: Approval of Draft Audited Statement of Revenues and Expenses for 527 Carlton Street Project

Recommendation

That the Niagara Regional Housing (NRH) Board of Directors **APPROVE** the following recommendations:

1. That the draft audited statement of revenues and expenses for 527 Carlton Street Project at July 31, 2019 (Appendix 1), **BE APPROVED**;
2. That staff **BE DIRECTED** to co-ordinate with the auditor to finalize the statement as presented; and
3. That this report **BE FORWARDED** to the Region's Audit Committee for information.

Key Facts

- The purpose of the report is to obtain approval of the audited statement in order to satisfy the provincial funding requirements and release the remaining 10% portion of the agreed funding.
- The audited statement is in accordance to the provisions of the Service Manager Administration Agreements for Investment in Affordable Housing for Ontario-2014 Extension (IAH-E) and Social Infrastructure Fund (SIF) between the Ministry of Municipal Affairs and Housing (MMAH) and the Region, along with the Contribution Agreements for IAH-E and SIF between the Region and NRH.
- Approval of the audited statement by the governing Board of the Agency, Board and Commission (ABC) and referral to the Audit Committee for information is in accordance with C-F-020 Financial Reporting & Forecasting policy dated July 26, 2018.

Financial Considerations

The statement of revenues & expenses for the 527 Carlton Street Project has been prepared in accordance with the financial reporting provisions of the Service Manager Administration Agreements for Investment in Affordable Housing for Ontario-2014 Extension (IAH-E) and Social Infrastructure Fund (SIF) between the Ministry of Municipal Affairs and Housing (MMAH) and the Region, along with the Contribution Agreements for IAH-E and SIF between the Region and NRH.

Provincial and federal funding in the amount of \$11,081,817 was approved for the project. Of the total funding, \$9,973,635.30 has been received to date. The remaining 10% portion of \$1,108,181.70 will be received upon submission of this audited statement.

A draft copy of the financial statement from the project start date to July 31, 2019 is attached as Appendix 1.

The Statement is prepared to assist NRH and the Region to comply with the financial reporting provisions of the funding agreements. The audit report indicates that the statement may not be suitable for another purpose.

Analysis

The audit of the 527 Carlton Street Project was completed by the Region's auditors, Deloitte. The auditors have indicated that, based on their review, nothing has come to their attention that causes them to believe that this information is not, in all material respects, in accordance with the requirements identified.

Upon approval by the NRH Board of Directors, the statement will be submitted to the MMAH in accordance with funding agreement requirements and timelines and will be referred to Audit Committee for information.

The 527 Carlton Street Project commenced as part of the approval of the 2016 Capital Budget. At July 31, 2019, the project has expenses of \$14,928,079 resulting in a current project surplus of \$842,798 which will be returned to the NRH Owned Units Reserve. The expenses at July 31, 2019 maximize the agreed funding from MMAH and thus no funds are required to be returned.

The statement is subject to minor wording changes once the statement is finalized.

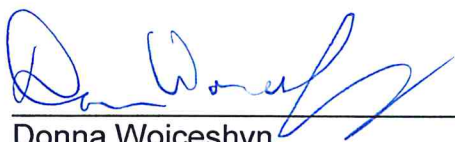
Alternatives Reviewed

The audited schedules are a funding agreement requirement and therefore no alternatives are available.

Other Pertinent Reports

N/A

Submitted by:


Donna Woiceshyn
CEO

Approved by:


Walter Sendzik
Chair

This report was prepared by Stephanie Muhic, Program Financial Specialist, in consultation with Donna Woiceshyn, CEO.

Appendices

Appendix 1 Draft Audited Statement of Revenues and Expenses – 527 Carlton Street

Statement of revenues and expenses

The Regional Municipality of Niagara
Niagara Regional Housing – 527 Carlton Street Project

July 31, 2019

The Regional Municipality of Niagara
Niagara Regional Housing – 527 Carlton Street Project
July 31, 2019

Table of contents

Independent Auditor's Report	1-2
Statement of revenues and expenses.....	3
Notes to the statement of revenues and expenses.....	4



Deloitte LLP
25 Corporate Park Drive
Suite 301
St. Catharines ON L2S 3W2
Canada

Tel: 905-323-6000
Fax: 905-323-6001
www.deloitte.ca

Independent Auditor's Report

To the Ministry of Municipal Affairs and Housing and the Regional Municipality of Niagara

Opinion

We have audited the Niagara Regional Housing – 527 Carlton Street Project statement of revenues and expenses of the Regional Municipality of Niagara (the "Region") from the project start date to July 31, 2019, including a summary of significant accounting policies (collectively referred to as the "Statement").

In our opinion, the accompanying Statement of the Region from the project start date to July 31, 2019 is prepared, in all material respects, in accordance with the financial reporting provisions of the Service Manager Administration Agreements for Investment in Affordable Housing for Ontario (2014 Extension) – Rental Housing Component Year 3 and Year 4 dated September 29, 2014 ("IAH-E") and 2016 Social Infrastructure Fund – Rental Housing Component Year 1 ("SIF") dated August 16, 2016, between the Ministry of Municipal Affairs and Housing (the "Ministry") and the Region, along with the Contribution Agreements for IAH-E dated February 9, 2017 and April 1, 2017 and SIF dated February 9, 2017, between the Region and Niagara Regional Housing (the "Financial Reporting Framework").

Basis for Opinion

We conducted our audit in accordance with Canadian generally accepted auditing standards ("Canadian GAAS"). Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Statement* section of our report. We are independent of the Region in accordance with the ethical requirements that are relevant to our audit of the Statement in Canada, and we have fulfilled our other ethical responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Emphasis of Matter - Basis of Accounting

We draw attention to Note 1 to the Statement, which describes the basis of accounting. The Statement is prepared to assist the Region to comply with the financial reporting provisions of the above noted agreements. As a result, the Statement may not be suitable for another purpose. Our opinion is not modified in respect of this matter.

Responsibilities of Management and Those Charged with Governance for the Statement

Management is responsible for the preparation of the Statement in accordance with the Financial Reporting Framework, and for such internal control as management determines is necessary to enable the preparation of the Statement that is free from material misstatement, whether due to fraud or error.

Those charged with governance are responsible for overseeing the Region's financial reporting process.

Auditor's Responsibilities for the Audit of the Statement

Our objectives are to obtain reasonable assurance about whether the Statement as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian GAAS will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this Statement.

As part of an audit in accordance with Canadian GAAS, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the Statement, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Region's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates, if any, and related disclosures made by management.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.



Chartered Professional Accountants
 Licensed Public Accountants
 October 18, 2019

The Regional Municipality of Niagara
Niagara Regional Housing - 527 Carlton Street Project
Statement of revenues and expenses
Project start date to July 31, 2019

	Budget	Actual
	\$	\$
Revenues		
Niagara Regional Housing reserves	4,689,060	3,846,262
Federal/Provincial funding:		
SIF Year 1 funding	2,387,817	2,387,817
IAH-E Year 3 funding	5,806,000	5,806,000
IAH-E Year 4 funding	2,888,000	2,888,000
	15,770,877	14,928,079
Expenses		
Construction:	12,021,312	7,883,953
Sprinklers	-	117,500
Mechanical	-	2,312,995
Electrical	-	1,080,000
Landcaping, paving, outdoor amenities	20,000	958,236
Land	1,050,000	1,068,153
Design	363,500	469,096
Site remediation and soil stabilization	312,000	289,332
Other	123,392	225,184
Non-recoverable HST	248,360	213,345
Kitchen appliances	127,500	120,884
Environmental and geotechnical	60,000	78,091
Legal	2,000	34,610
Property tax	-	26,895
Furnishings and equipment	20,000	22,265
Land registration and land transfer tax	-	14,743
Topographic surveying	8,675	9,744
Audit	3,000	3,053
Contingency	1,411,138	-
	15,770,877	14,928,079
Net revenues over expenses	-	-

The accompanying notes to the financial statement are an integral part of this financial statement.

The Regional Municipality of Niagara

Niagara Regional Housing – 527 Carlton Street Project

Notes to the statement of revenues and expenses

July 31, 2019

1. Significant accounting policies

The Statement is prepared for the Regional Municipality of Niagara (the "Region") and the Ministry of Municipal Affairs and Housing (the "Ministry") in accordance with the financial reporting provisions of the Service Manager Administration Agreements for IAH-E and SIF, between the Ministry and the Region, along with the Contribution Agreements for IAH-E and SIF, between the Region and Niagara Regional Housing. It is prepared in accordance with Canadian public sector accounting standards, except that it does not provide for employee future benefits and does not capitalize and amortize tangible capital assets.

Significant accounting policies are as follows:

Revenues and expenses

Revenues and expenses are reported on the accrual basis of accounting.

The accrual basis of accounting recognizes revenues as they become available and measureable, expenses are recognized as they are incurred and measurable as a result of receipt of goods or services and the creation of a legal liability to pay.

Tangible capital assets

This historical cost and accumulated depreciation of tangible capital assets are not recorded. Tangible capital assets acquired are reported as an expenditure and amortization is not recorded on the Statement.

2. Budget data

The budget data presented in the Statement is based on the budget data submitted to the Regional Municipality of Niagara.

Subject: Approval of the 2018 Healthy Babies, Healthy Children Program Schedule of Revenues and Expenses

Report to: Public Health and Social Services Committee

Report date: Tuesday, September 10, 2019

Recommendations

1. That the draft audited schedule of revenues and expenses for the Healthy Babies, Healthy Children Program for the calendar year ended December 31, 2018 (Appendix 1 to Report PHD 15-2019), **BE APPROVED**;
2. That staff **BE DIRECTED** to co-ordinate with the auditor to finalize the statements as presented; and
3. That Report PHD 15-2019 **BE FORWARDED** to the Region's Audit Committee for information.

Key Facts

- The purpose of this report is to obtain approval of the audited schedule in accordance with the provincial funding requirements.
- The annual Healthy Babies, Healthy Children Program questionnaire along with a draft copy of the audited schedule were submitted to the Ministry before the July 31, 2019 deadline.
- Once approved and finalized, the audited schedule for the year ended December 31, 2018 will be submitted to the Ministry.
- In accordance with report AC-C 32-2018 dated June 18, 2018, respecting the Audit Committee Terms of Reference, "other audited financial statements, to include special purpose and compliance-based schedules, are approved by the standing committee with oversight of the program and then referred to Audit Committee for information".

Financial Considerations

The schedule has been prepared in compliance with legislation and in accordance with the requirements and policies stipulated by the Ministry.

A draft copy of the audited schedule for the year ended December 31, 2018 is attached as Appendix 1.

The schedule is prepared specifically for the purpose of meeting the requirements outlined in the service agreement with the Ministry.

The schedule for Healthy Babies, Healthy Children Program is a provincial requirement as noted in the audit report:

“The schedule is prepared to assist the Program in complying with the financial reporting provisions of the agreement dated January 1, 2018 between the Ontario Ministry of Children and Youth Services and the Regional Municipality of Niagara. As a result, the schedule may not be suitable for another purpose.”

Analysis

The audited schedule was completed by the Region's external auditors, Deloitte. The auditors have indicated that, based on their review, nothing has come to their attention that causes them to believe that this information is not, in all material respects, in accordance with the Ministry requirements identified.

The approval of the audited schedule rests with the Committee to which the department responsible for the funding reports. In this case, approval by Committee and Council satisfies the Ministry requirement of having approval from the Niagara Region's Board of Health. Upon approval by the Committee, these schedules are referred to Audit Committee for information. Then the department's Commissioner and Treasurer will be authorized to sign the auditor's representation letter to obtain the auditors signed report.

As of December 31, 2018 the Healthy Babies, Healthy Children Program was not in a grant repayable position as all of the funding from the Ministry was spent during 2018.

The schedule is subject to minor wording changes once schedules are finalized.

Alternatives Reviewed

The audited schedule is a Ministry requirement and therefore no alternative is available.

Relationship to Council Strategic Priorities

Not applicable (pending the development of Council Strategic Priorities).

Other Pertinent Reports

None.

Prepared by:

Beth Brens, CPA, CA
Acting Associate Director, Reporting &
Analysis
Corporate Services

Recommended by:

M. Mustafa Hirji, MD MPH FRCPC
Medical Officer of Health &
Commissioner (Acting)
Public Health

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Noah Bruce, Program Financial Specialist.

Appendices

Appendix 1 Healthy Babies, Healthy Children – Audited Schedule of Revenues and
Expenses

Schedule of revenue and expenses

**The Regional Municipality of
Niagara Public Health Department**
Healthy Babies, Healthy Children Program

December 31, 2018

DRAFT

The Regional Municipality of Niagara
Public Health Department
Healthy Babies, Healthy Children Program

December 31, 2018

Table of contents

Independent Auditor's Report	1-2
Schedule of revenue and expenses	3
Notes to the schedule of revenue and expenses	4-5

DRAFT

Independent Auditor's Report

To the Members of Council of the Regional Municipality of Niagara and Ontario Ministry of Children and Youth Services

Opinion

We have audited the accompanying schedule of revenue and expenses of the Regional Municipality of Niagara Public Health Department – Healthy Babies, Healthy Children Program (the “Program”) for the year ended December 31, 2018 notes to the schedule (collectively referred to as the “schedule”).

In our opinion, the accompanying schedule of the Program for the year-ended December 31, 2018 is prepared, in all material respects, in accordance with the financial reporting provisions of the agreement dated January 1, 2018 between the Ontario Ministry of Children and Youth Services and the Regional Municipality of Niagara.

Basis for Opinion

We conducted our audit in accordance with Canadian generally accepted auditing standards (“Canadian GAAS”). Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Schedule* section of our report. We are independent of the Program in accordance with the ethical requirements that are relevant to our audit of the schedule in Canada, and we have fulfilled our other ethical responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Emphasis of Matter - Basis of Accounting

We draw attention to Note 1 to the schedule, which describes the basis of accounting. The schedule is prepared to assist the Program in complying with the financial reporting provisions of the agreement dated January 1, 2018 between the Ontario Ministry of Children and Youth Services and the Regional Municipality of Niagara. As a result, the schedule may not be suitable for another purpose. Our opinion is not modified in respect of this matter.

Responsibilities of Management and Those Charged with Governance for the Schedule

Management is responsible for the preparation of the schedule in accordance with the Guidelines, and for such internal control as management determines is necessary to enable the preparation of the schedule that is free from material misstatement, whether due to fraud or error.

In preparing the schedule, management is responsible for assessing the Program's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Program or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Program's financial reporting process.

Auditor's Responsibilities for the Audit of the Schedule

Our objectives are to obtain reasonable assurance about whether the schedule as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian GAAS will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this schedule.

As part of an audit in accordance with Canadian GAAS, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the schedule, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Program's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates, if any, and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Program's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the schedule or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Program to cease to continue as a going concern.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Chartered Professional Accountants
Licensed Public Accountants
May 16, 2019

The Regional Municipality of Niagara

Public Health Department

Healthy Babies, Healthy Children Program

Schedule of revenue and expenses
year ended December 31, 2018

	2018 Budget	2018 Actual	2017 Actual
	\$	\$	\$
Revenue			
Ministry of Youth and Child Services funding	2,365,130	2,365,130	2,402,555
Other revenue	-	388	-
	2,365,130	2,365,518	2,402,555
Expenses			
Salaries and wages: unionized			
Public health nurses	1,189,394	1,118,187	1,117,703
Employee benefits	388,273	357,011	383,435
Lay home visitors	294,714	319,076	315,456
Clerical	96,785	99,946	104,839
WSIB	-	417	7,432
Health promoter	-	-	22,859
Salaries and wages: non-unionized			
Management	202,748	210,352	203,301
Administration ISCIS	57,637	60,764	53,499
Employee benefits	58,721	58,737	56,491
	2,288,272	2,224,490	2,265,015
Operating costs			
Administration costs (Note 3)	168,170	151,290	128,702
Travel - mileage	50,000	57,863	58,843
Professional development	6,985	39,835	18,010
Program supplies/resources	3,375	18,325	40,770
Telephone and communication	8,000	11,431	8,418
Office supplies	2,300	7,289	2,435
Audit fees	5,698	5,795	8,614
Cleaning allowance	500	490	450
	245,028	292,318	266,242
Total expenses	2,533,300	2,516,808	2,531,257
Deficiency of revenue over eligible expenses	(168,170)	(151,290)	(128,702)

The accompanying notes to the financial statements are an integral part of this financial statement.

The Regional Municipality of Niagara

Public Health Department

Healthy Babies, Healthy Children Program

Notes to the schedule of revenue and expenses

December 31, 2018

1. Summary of significant accounting policies

Basis of accounting

This schedule has been prepared for the Ontario Ministry of Children and Youth Services. The agreement requires the schedule to be prepared in a manner consistent with generally accepted accounting principles ("GAAP"). Management of The Regional Municipality of Niagara has interpreted GAAP to be recognition and measurement principles in accordance with Canadian Public Sector Accounting Standards, except that it does not provide for employee future benefits and does not capitalize and amortize tangible capital assets. Management has further interpreted that GAAP does not include the presentation principles or the presentation of all financial statements and note disclosures required by GAAP for a complete set of financial statements.

Revenue and expenses

Revenue is reported on the accrual basis of accounting.

Expenses are recorded if they are eligible for the program and incurred in the period except for employee future benefits.

Capital assets

Tangible capital assets acquired are reported as expenses and amortization is not recorded.

Employee future benefits

Employee future benefits are provided which will require funding in future periods. These benefits include sick leave, benefits under the Workplace Safety and Insurance Board ("WSIB") Act, and life insurance, extended health and dental benefits for early retirees. These benefits are recorded on a cash basis.

Use of estimates

Since precise determination of many assets and liabilities is dependent upon future events, the preparation of a periodic schedule involves the use of estimates and approximations. These have been made using careful judgments.

Certain administrative expenses are allocated to the program based on usage drivers specific to each type of expenditure.

2. Grant receivable/repayable

The grant receivable/repayable to the Province of Ontario is subject to audit verification by the Ontario Ministry of Children and Youth Services. The grant receivable/repayable is non-interest bearing and is normally recovered in the subsequent year. The surplus repayable to the Province of Ontario for the year ended December 31, 2018 is \$nil (2017 - \$nil).

	2018	2017
	\$	\$
Grant receivable, beginning of year	-	-
Deficiency of revenue over eligible expenses	151,290	128,702
Expenses not recoverable	(151,290)	(128,702)
Grant receivable, end of year	-	-

The Regional Municipality of Niagara

Public Health Department

Healthy Babies, Healthy Children Program

Notes to the schedule of revenue and expenses

December 31, 2018

3. Administration costs

	2018 Budget	2018 Actual	2017 Actual
	\$	\$	\$
Accounting services	4,378	2,644	2,605
Payroll services	39,156	42,599	32,748
Human resources services	24,928	16,592	21,214
IT program support services	71,877	61,034	60,765
Legal services	-	-	256
Insurance costs	1,182	1,126	1,110
Printing costs	2,524	3,569	2,578
Capital financing allocation	24,125	23,726	7,426
	168,170	151,290	128,702

4. Budget data

The budget data presented in the schedule is based on the budget data submitted to the Ontario Ministry of Children and Youth Services.

DRAFT

Subject: Approval of 2018 Child Care Services Schedule of Revenues and Expenses

Report to: Public Health and Social Services Committee

Report date: Tuesday, September 10, 2019

Recommendations

1. That the 2018 Child Care Services draft schedule of revenues and expenses for the year ended December 31, 2018 (Appendix 1) **BE APPROVED**;
2. That staff **BE DIRECTED** to co-ordinate with the auditors to finalize the statements as presented;
3. That this report **BE FORWARDED** to the Region's Audit Committee for information

Key Facts

- The purpose of the report is to obtain approval of the audited schedule of revenues and expenses ("schedule") for Child Care Services in accordance with the provincial requirements
- The Ministry submission deadlines for Child Care Services Program is July 31, 2019. Draft schedules have been submitted to the Ontario Ministry of Education ("the Ministry") and the final schedules will be submitted upon Council approval.
- In accordance with report AC-C 32-2018 dated June 18, 2018, respecting the Audit Committee Terms of Reference, which refers to "other audited financial statements, to include special purpose and compliance based schedules, are approved by the standing committee with oversight of the program and then referred to Audit Committee for information.

Financial Considerations

The schedules have been prepared in compliance with the legislation and in accordance with the requirements and policies stipulated by the Ministry.

A draft copy of the schedule has been attached as Appendix 1.

The financial schedules are prepared specifically for the purposes of meeting the requirements outlined in the agreements with the funding Ministry.

The schedule for Child Care Services is a provincial requirement as noted in the audit report:

“The Schedules are prepared to assist the Regional Municipality of Niagara to comply with the financial reporting provisions of the above noted agreements. As a result, the Schedules may not be suitable for another purpose.”

Analysis

The audited schedule was completed by the Region’s external auditors, Deloitte. The auditors have indicated that, based on their review, nothing has come to their attention that causes them to believe that this information is not, in all material respects, in accordance with the Ministry requirements identified.

The approval of the audited schedule rests with the Committee to which the department is responsible for the funding reports. Upon approval by Council, the schedule will be submitted to the Ministry in accordance with the funding agreement and also referred to Audit Committee for information.

As of December 31, 2018 Child Care Services has a returnable of \$490,030 reflected in the Region’s 2018 consolidated financial statements. This returnable is a result of the difference of actual Wage Enhancement Grant applications received compared to the Ministry estimate of applications when funding was advanced.

The schedule is subject to minor wording changes once schedules are finalized.

Alternatives Reviewed

The audited schedule is a Ministry requirement and therefore no alternatives are available.

Relationship to Council Strategic Priorities

Not applicable (pending the development of Council Strategic Priorities).

Other Pertinent Reports

None

Prepared by:

Beth Brens, CPA, CA
Acting Associate Director, Reporting &
Analysis
Corporate Services

Recommended by:

Adrienne Jugley
Commissioner
Community Services

Submitted by:

Ron Tripp, P.Eng.
Acting, Chief Administrative Officer

This report was prepared in consultation with John Pickles, Program Financial Specialist.

Appendices

Appendix 1 Child Care Services – Schedule of Revenues and Expenses

Schedules of revenue and expenses

The Regional Municipality of Niagara Child Care Services

December 31, 2018

DRAFT

The Regional Municipality of Niagara Child Care Services

December 31, 2018

Table of contents

Independent Practitioner's Review Engagement Report	1
Schedules of revenue and expenses	2-9
Note to the schedules of revenue and expenses	10

DRAFT

Independent Practitioner's Review Engagement Report

To the Members of Council of the Regional Municipality of Niagara and the Ministry of Education

We have reviewed the accompanying schedules of revenue and expenses – Child Care Services of the Regional Municipality of Niagara for the year ended December 31, 2018 (the "Schedules"), which have been prepared in accordance with the financial reporting requirements in the Child Care Transfer Payment Agreement dated January 1, 2018 and the 2018-2019 Ontario Early Years Child and Family Centre Amending Agreement dated March 29, 2018, between the Ontario Ministry of Education ("the Ministry") and the Regional Municipality of Niagara (the "agreements").

Management's Responsibility for the Schedule

Management is responsible for the preparation and fair presentation of the Schedules in accordance with the agreements, and for such internal control as management determines is necessary to enable the preparation of the Schedules that are free from material misstatement, whether due to fraud or error.

Practitioner's Responsibility

Our responsibility is to express a conclusion on the accompanying Schedules based on our review. We conducted our review in accordance with Canadian generally accepted standards for review engagements, which require us to comply with relevant ethical requirements.

A review of the Schedules in accordance with Canadian generally accepted standards for review engagements is a limited assurance engagement. The practitioner performs procedures, primarily consisting of making inquiries of management and others within the entity, as appropriate, and applying analytical procedures, and evaluates the evidence obtained.

The procedures performed in a review are substantially less in extent than, and vary in nature from, those performed in an audit conducted in accordance with Canadian generally accepted auditing standards. Accordingly, we do not express an audit opinion on the Schedules.

Conclusion

Based on our review, nothing has come to our attention that causes us to believe that the Schedules do not present fairly, in all material respects, the results of the operations of Child Care Services of the Regional Municipality of Niagara for the year ended December 31, 2018, in accordance with the agreements.

Basis of Accounting

Without modifying our conclusion, we draw attention to Note 1 to the Schedules, which describes the basis of accounting. The Schedules are prepared to assist the Regional Municipality of Niagara to comply with the financial reporting provisions of the above noted agreements. As a result, the Schedules may not be suitable for another purpose. Our conclusion is not modified in respect of this matter.

Chartered Professional Accountants
Licensed Public Accountants
September 19, 2019

Niagara Region
Schedule of Revenues and Expenditures – Child Care Services
For the year ended December 31, 2018
(Unaudited)

	REVENUES				
	Ministry of Education	Legislated Cost Share		Expansion Plan Year 2	Total
		%	(\$-Calculated)		(Calculated)
Core Services Delivery Operating Allocation					
Core Services Delivery (100% provincial)	7,753,769	0%	0	420,216	
Core Services Delivery - Cost Shared Requirement 80/20	15,796,412	20%	3,949,103	N/A	
Core Service Delivery - Cost Shared Requirement 50/50 - Administration	483,226	50%	483,226	N/A	
Total Core Services Delivery	24,033,407		4,432,329	420,216	28,885,952
Special Purpose Operating Allocation					
Language	707,704	0%	0	12,412	
Indigenous	159,250	0%	0	2,793	
Cost of Living	904,208	0%	0	15,858	
Rural and Remote	13,860	0%	0	243	
Capacity Building	180,546	0%	0	3,075	
Repairs and Maintenance	66,196	0%	0	1,197	
Utilization Adjustment	2,562,485	0%	0	N/A	
Capping Adjustment	(144,184)	0%	0	N/A	
Licensed Home Child Care (LHCC)	419,175	0%	0	N/A	
Total Special Purpose Operating Allocation	4,869,240		0	35,578	4,904,818
Other Allocations					
Small Water Works	538	0%	0	N/A	
TWOMO Reimbursement - Child Care		0%	0	N/A	
Wage Enhancement/HCEG	4,561,185	0%	0	N/A	
Wage Enhancement Administration	250,340	0%	0	N/A	
Fee Stabilization Support	1,195,069	0%	0	N/A	
Journey Together - Operating	250,212	0%	0	N/A	
Journey Together - Capital	1,777,500	0%	0	N/A	
Expansion Plan Year 1	5,049,356	0%	0	N/A	
Operating Funding for Expansion Plan Capital Spaces				23,948	
ELCC Allocation	2,526,240	0%	0	N/A	
Total Other Allocations	15,610,440		0	23,948	15,634,388
TOTAL CHILD CARE ALLOCATION	44,513,087		4,432,329	479,742	49,425,158

EXPENDITURES BY AGE GROUP															
	0-4 (Infant, Toddler, and Preschooler)			4-6 (Kindergarten)			6-12 (School Aged)			Unspecified Age Group			Total Expenditures		
	Gross Expenditures	Offsetting Revenues (Parent contribution/other offsetting)	Adjusted Gross Expenditures	Gross Expenditures	Offsetting Revenues (Parent contribution/other offsetting)	Adjusted Gross Expenditures	Gross Expenditures	Offsetting Revenues (Parent contribution/Parental full fee/other offsetting)	Adjusted Gross Expenditures	Gross Expenditures	Offsetting Revenues (Parent contribution/other offsetting)	Adjusted Gross Expenditures	Gross Expenditures	Offsetting Revenues (Parent contribution/other offsetting)	Adjusted Gross Expenditures
			Calculated			Calculated			Calculated			Calculated	Calculated	Calculated	Calculated
Full Flexibility (Schedule 2.3)															
General Operating	6,897,228		6,897,228	1,423,238		1,423,238	2,627,516		2,627,516				10,947,982	0	10,947,982
Fee Subsidy - Regular	11,626,035	(1,514,675)	10,111,360	2,399,023	(312,552)	2,086,471	4,428,967	(577,019)	3,851,948				18,454,024	(2,404,246)	16,028,756
Fee Subsidy - Camps and Authorized Recreation						0	1,058,436	(77,950)	980,486				1,058,436	(77,950)	980,486
Ontario Works and LEAP - Formal	1,672,075		1,672,075	345,031		345,031	636,981		636,981				2,654,087	0	2,654,087
Ontario Works and LEAP - Informal	0		0			0	0		0				0	0	0
Pay Equity Memorandum of Settlement										338,161		338,161	338,161	0	338,161
Special Needs Resourcing	1,742,610		1,742,610	359,586		359,586	663,851		663,851				2,766,047	0	2,766,047
Administration										2,814,979	(6,009)	2,808,970	2,814,979	(6,009)	2,808,970
Repairs and Maintenance	246,585		246,585	50,882		50,882	93,938		93,938				391,405	0	391,405
Play-based Material and Equipment	0		0			0			0				0	0	0
Transformation	0		0			0			0				0	0	0
									0						
Total (full flexibility)	22,184,532	(1,514,675)	20,669,858	4,577,760	(312,552)	4,265,208	9,509,688	(654,969)	8,854,720	3,153,140	(6,009)	3,147,131	39,425,121	(2,488,205)	36,936,916
Limited Flexibility (Schedule 2.3)															
Capacity Building	297,128		297,128	61,312		61,312	113,192		113,192				471,632	0	471,632
Small Water Works										1,089		1,089	1,089	0	1,089
Total (limited flexibility)	297,128	0	297,128	61,312	0	61,312	113,192	0	113,192	1,089	0	1,089	472,721	0	472,721
No Flexibility															
TWOMO Reimbursement (Schedule 2.7)												0	0		0
Wage Enhancement/HCEG (Schedule 4.3)										4,201,204		4,201,204	4,201,204		4,201,204
Wage Enhancement Administration (Schedule 4.3)										210,011		210,011	210,011		210,011
Total (no flexibility)	0	0	0	0	0	0	0	0	0	4,411,215	0	4,411,215	4,411,215	0	4,411,215
TOTAL	22,481,660	(1,514,675)	20,966,986	4,639,072	(312,552)	4,326,520	9,622,880	(654,969)	8,967,912	7,565,444	(6,009)	7,559,435	44,309,057	(2,488,205)	41,820,852

EXPENDITURES BY AUSPICE					
	Non - Profit Operations	Profit Operations	Direct Operations	Other Auspice	Auspice Consolidated
Adjusted Gross Expenditures	28,738,507	6,234,824	4,038,551	2,808,970	41,820,852

EXPENDITURES BY SETTING					
	Centre Based	Home Based	Other Setting		Total
Adjusted Gross Expenditures	37,996,252	1,015,630	2,808,970		41,820,852

Niagara Region
Schedule of Revenues and Expenditures – Child Care Services - Expansion Plan Funding
For the year ended December 31, 2018
(Unaudited)

EXPENDITURES BY AGE GROUP									
	0-4 (Infant, Toddler, and Preschooler)			Unspecified Age Group			Total Expenditures		
	Gross Expenditures	Offsetting Revenues (Parent contribution/other offsetting)	Adjusted Gross Expenditures	Gross Expenditures	Offsetting Revenues (Parent contribution/other offsetting)	Adjusted Gross Expenditures	Gross Expenditures	Offsetting Revenues (Parent contribution/other offsetting)	Adjusted Gross Expenditures
			Calculated			Calculated	Calculated	Calculated	Calculated
Full Flexibility (Schedule 2.3A)									
General Operating	4,712,828		4,712,828				4,712,828	0	4,712,828
Fee Subsidy - Regular			0				0	0	0
Ontario Works and LEAP - Formal			0				0	0	0
Ontario Works and LEAP - Informal			0				0	0	0
Special Needs Resourcing	226,693		226,693				226,693	0	226,693
Administration				552,910		552,910	552,910	0	552,910
Repairs and Maintenance			0				0	0	0
Play-based Material and Equipment			0				0	0	0
Transformation			0				0	0	0
Total (full flexibility)	4,939,521	0	4,939,521	552,910	0	552,910	5,492,431	0	5,492,431
Limited Flexibility (Schedule 2.3A)									
Capacity Building	36,667		36,667				36,667	0	36,667
Total (limited flexibility)	36,667	0	36,667				36,667	0	36,667
TOTAL	4,976,188	0	4,976,188	552,910	0	552,910	5,529,098	0	5,529,098

EXPENDITURES BY Auspice					
	Non - Profit Operations	Profit Operations	Direct Operations	Other Auspice	Auspice Consolidated
Adjusted Gross Expenditures	4,179,998	796,190	0	552,910	5,529,098

EXPENDITURES BY Setting					
	Centre Based	Home Based	Other		Total
Adjusted Gross Expenditures	4,976,188	0	552,910		5,529,098

EXPENDITURES BY AGE GROUP															
	0-4 (Infant, Toddler, and Preschooler)			4-6 (Kindergarten)			6-12 (School Aged)			Unspecified Age Group			Total Expenditures		
	Gross Expenditures	Offsetting Revenues (Parent contribution/other offsetting)	Adjusted Gross Expenditures	Gross Expenditures	Offsetting Revenues (Parent contribution/other offsetting)	Adjusted Gross Expenditures	Gross Expenditures	Offsetting Revenues (Parent contribution/Parental full fee/other offsetting)	Adjusted Gross Expenditures	Gross Expenditures	Offsetting Revenues (Parent contribution/other offsetting)	Adjusted Gross Expenditures	Gross Expenditures	Offsetting Revenues (Parent contribution/other offsetting)	Adjusted Gross Expenditures
			Calculated			Calculated			Calculated			Calculated	Calculated	Calculated	Calculated
Full Flexibility (Schedule 2.3B)															
General Operating	1,372,908		1,372,908	301,460		301,460	478,822		478,822				2,153,190	0	2,153,190
Fee Subsidy - Regular			0			0			0				0	0	0
Fee Subsidy - Camps and Authorized Rec			0			0			0				0	0	0
Ontario Works and LEAP - Formal			0			0			0				0	0	0
Ontario Works and LEAP - Informal			0			0			0				0	0	0
Special Needs Resourcing	65,252		65,252	14,501		14,501	23,823		23,823				103,576	0	103,576
Administration										252,624		252,624	252,624	0	252,624
Repairs and Maintenance			0			0			0				0	0	0
Play-based Material and Equipment			0			0			0				0	0	0
Transformation			0			0			0				0	0	0
Community Based Capital Projects			0			0							0	0	0
Total (full flexibility)	1,438,160	0	1,438,160	315,961	0	315,961	502,645	0	502,645	252,624	0	252,624	2,509,390	0	2,509,390
Limited Flexibility (Schedule 2.3B)															
Capacity Building	10,652		10,652	2,345		2,345	3,853		3,853				16,850	0	16,850
Total (limited flexibility)	10,652	0	10,652	2,345	0	2,345	3,853	0	3,853				16,850	0	16,850
TOTAL	1,448,812	0	1,448,812	318,306	0	318,306	506,498	0	506,498	252,624	0	252,624	2,526,240	0	2,526,240

EXPENDITURES BY Auspice					
	Non - Profit Operations	Profit Operations	Direct Operations	Other Auspice	Auspice Consolidated
Adjusted Gross Expenditures - Community based Capital Projects					0
Adjusted Gross Expenditures - All Operating Expenditures	1,909,837	363,779		252,624	2,526,240
Total Adjusted Gross Expenditures	1,909,837	363,779	0	252,624	2,526,240

EXPENDITURES BY Setting				
	Centre Based	Home Based	Other	Auspice Consolidated
Adjusted Gross Expenditures	2,273,616	0	252,624	2,526,240

Niagara Region
Schedule of Revenues and Expenditures – Child Care Services - Fee Stabilization
For the year ended December 31, 2018
(Unaudited)

	Fee Stabilization Support
Total adjusted gross expenditures excluding administration expenditures	1,075,562
Total adjusted administration expenditures	119,507

DRAFT

Niagara Region
Schedule of Revenues and Expenditures – Child Care Services - Journey Together
For the year ended December 31, 2018
(Unaudited)

	Community Based Capital	Journey Together	Adjusted Operating Expenses One Time	Adjusted Operating Expenses Ongoing	Total Adjusted administration expenditures	Adjusted Community Based Capital expenditures
	Project Name	Project Type				
Journey Together Project 1	FENFC Early Years Program	Joint / Conjoint	79,232			1,117,500
Journey Together Project 2	Niagara Indigenous Child and Family Centre	Joint / Conjoint	170,980			660,000
Journey Together Project 3						
Journey Together Project 4						
Journey Together Project 5						
Journey Together Project 6						
Journey Together Project 7						
Journey Together Project 8						
Journey Together Project 9						
Journey Together Project 10						
Total			250,212	0	0	1,777,500

Niagara Region
Schedule of Revenues and Expenditures – EarlyON
For the year ended December 31, 2018
(Unaudited)

	Description	Expenditures
Operating		
Salaries and Benefits - Program Staff		
Salaries and Benefits - Non Program Staff		
Lease and Utilities - Operational		10,452
Other Expenses - Operational		3,364,758
Subtotal Operational Expenses		3,375,210
Professional Learning and Capacity Building		681,043
Child Care & Early Years Planning (CCYEP) and Data Analysis Services (DAS)		
Salaries and Benefits		154,531
Other Expenses		14,099
Subtotal		168,630
Administration		
Salaries and Benefits		
Other Expenses		43,665
Offsetting Revenue		
Subtotal		43,665
Offsetting Revenues		
Offsetting Revenue 1		
Offsetting Revenue 2		
Offsetting Revenue 3		
Subtotal		0
EarlyON Total Adjusted Gross Expenditures		4,268,548

Niagara Region
Schedule of Revenues and Expenditures – EarlyON Journey Together
For the year ended December 31, 2018
(Unaudited)

				Adjusted Gross Expenditure							
		Operating Ongoing	Operating One Time	Capital	Operating Ongoing	Operating One Time	Offsetting Revenues Operating	Administration	Offsetting Revenues Administration	Capital One Time	Offsetting Revenues Capital
	Description	Allocation	Allocation	Allocation							
Journey Together Project 1 Journey Together Project 2 Journey Together Project 3 Journey Together Project 4 Journey Together Project 5 Journey Together Project 6 Journey Together Project 7 Journey Together Project 8 Journey Together Project 9 Journey Together Project 10											
Total		0	0	0	0	0	0	0	0	0	0

The Regional Municipality of Niagara

Child Care Services

Note to the schedules of revenue and expenses
December 31, 2018

1. Significant accounting policies

The Schedules include the revenue and eligible expenses in relation to the Regional Municipality of Niagara's Child Care Services Program for the year ended December 31, 2018. The Schedules have been prepared in accordance with the financial reporting requirements in the Child Care Transfer Payment Agreement dated January 1, 2018 and the 2018-2019 Ontario Early Years Child and Family Centre Amending Agreement dated March 29, 2018 between Ontario Ministry of Education ("the Ministry") and the Regional Municipality of Niagara.

Revenue recognition

Revenue is reported on the accrual basis of accounting.

Government transfers are recognized in revenue in the Schedules when the transfer is authorized, any eligibility criteria are met, and a reasonable estimate of the amount can be made except when and to the extent that stipulations by the transferor give rise to an obligation that meet the definition of a liability. Government transfers that meet the definition of a liability are recognized as revenue as the liability is extinguished.

Expenses

Expenses are recorded if they are eligible for the program and incurred in the period.

Gross expenses are reported on the Schedules in order to understand the full cost of the program. Expenses in excess of base funding, as per the funding agreements, have been removed for the purpose of determining the grant repayable.

Certain administrative expenses are allocated to the program based on usage drivers specific to each type of expense.

DRAFT

Minute Item No. 6.1

PWC-C 9-2020

Niagara Region Liquid Biosolids Management Program Renewal of Contract Agreement with Thomas Nutrient Solutions - Additional Information re: Procurement Process

That Report PWC-C 9-2020, dated February 11, 2020, respecting Niagara Region Liquid Biosolids Management Program Renewal of Contract Agreement with Thomas Nutrient Solutions - Additional Information re: Procurement Process, **BE RECEIVED** for information; and

That the agreement with Thomas Nutrient Solutions for biosolids management services (within the existing contract scope) **BE EXTENDED** until August 31, 2020.

Minute Item No. 6.2

PWC-C 3-2020

Combined Sewer Overflow Reporting

That Correspondence Item PWC-C 3-2020, being a memorandum from J. Oatley, Manager, Wastewater Quality and Compliance, dated February 11, 2020, respecting Combined Sewer Overflow Reporting, **BE RECEIVED** for information.

Minute Item No. 6.4

PWC-C 5-2020

Linking Niagara Transit Committee Endorsement of Niagara Specialized Transit Study Report

That Correspondence Item PWC-C 5-2020, being a memorandum from A.-M. Norio, Regional Clerk, dated February 11, 2020, respecting Linking Niagara Transit Committee Endorsement of Niagara Specialized Transit Study Report, **BE RECEIVED** for information.

Minute Item No. 9.1

Confidential PW 11-2020

A Matter of a Proposed or Pending Acquisition or Disposition of Land by the Municipality and a Position, Plan, Procedure, Criteria or Instruction to be Applied to any Negotiations Carried on or to be Carried on by or on Behalf of the Municipality - Update on Niagara's GO Station Development Strategy

That Confidential Report PW 11-2020, dated February 11, 2020, respecting A Matter of a Proposed or Pending Acquisition or Disposition of Land by the Municipality and a Position, Plan, Procedure, Criteria or Instruction to be Applied to any Negotiations Carried on or to be Carried on by or on Behalf of the Municipality - Update on Niagara's GO Station Development Strategy, **BE RECEIVED** for information

**THE REGIONAL MUNICIPALITY OF NIAGARA
PUBLIC WORKS COMMITTEE
MINUTES**

**PWC 2-2020
Tuesday, February 11, 2020
Council Chamber
Niagara Region Headquarters, Campbell West
1815 Sir Isaac Brock Way, Thorold, ON**

Committee: Bradley (Regional Chair), Chiocchio, Diodati, Disero, Edgar (Committee Vice-Chair), Foster, Gale, Heit, Insinna, Ip, Junkin, Nicholson, Rigby (Committee Chair), Sendzik, Steele, Ugolini, Witteveen

Other Councillors: Jordan

Absent/Regrets: Fertich, Zalepa

Staff: D. Ane, Manager, Program Financial Support, D. Barnhart, Executive Officer to the Regional Chair, M. Evelyn, Legislative Coordinator, W. Foebel, Program Manager, Biosolids, D. Gibbs, Director, Legal & Court Services, C. Habermebl, Director, Waste Management Services, P. Hamilton, Program Financial Specialist, T. Harrison, Commissioner/Treasurer, Corporate Services, D. Johnson, Associate Director, Wastewater Operations and Maintenance Lab Services, B. Menage, Director, Procurement and Strategic Acquisition, A.-M. Norio, Regional Clerk, M. Robinson, Director, GO Implementation Office, C. Ryall, Director, Transportation Services, J. Tonellato, Director, Water & Wastewater Services, M. Trennum, Deputy Regional Clerk, R. Tripp, Commissioner, Public Works/Acting Chief Administrative Officer, S. Wood, Legal Counsel

1. CALL TO ORDER

Committee Chair Rigby called the meeting to order at 9:30 a.m.

2. DISCLOSURES OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

3. PRESENTATIONS

There were no presentations.

4. DELEGATIONS

4.1 Liquid Biosolids and Residuals Management Program Contract with Thomas Nutrient Solutions

4.1.1 Greg Marotta, President, Thomas Nutrient Solutions

Greg Marotta, President, and Phil Sidwha, Vice President, Thomas Nutrient Solutions, appeared before Committee to provide information respecting the Liquid Biosolids and Residuals Management Program Contract with Niagara Region. Mr. Marotta advised that he wanted to clarify some items that were brought forward at the Public Works Committee meeting on January 14, 2020. He requested that Committee revisit all the facts regarding this matter and consider the recommendation contained in Report PW 3-2020.

5. ITEMS FOR CONSIDERATION

There were no items for consideration.

6. CONSENT ITEMS FOR INFORMATION

6.1 PWC-C 9-2020

Niagara Region Liquid Biosolids Management Program Renewal of Contract Agreement with Thomas Nutrient Solutions - Additional Information re: Procurement Process

Moved by Councillor Edgar
Seconded by Councillor Foster

That Correspondence Item PWC-C 9-2020, being a memorandum from R. Tripp, Acting Chief Administrative Officer/Commissioner, Public Works, dated February 11, 2020, respecting Niagara Region Liquid Biosolids Management Program Renewal of Contract Agreement with Thomas Nutrient Solutions – Additional Information re: Procurement Process, **BE RECEIVED** for information.

Councillor Steele requested additional information respecting Niagara Region Liquid Biosolids Management Program Renewal of Contract Agreement with Thomas Nutrient Solutions. Staff advised that the information would need to be provided in closed session. Therefore it was:

Moved by Councillor Disero
Seconded by Councillor Ugulini

That Report PWC-C 9-2020, dated February 11, 2020, respecting Niagara Region Liquid Biosolids Management Program Renewal of Contract Agreement with Thomas Nutrient Solutions – Additional Information re: Procurement Process, **BE REFERRED** to after the closed session portion of the meeting.

Carried

Moved by Councillor Steele
Seconded by Councillor Junkin

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

A Matter of Advice that is Subject to Solicitor-Client Privilege - Legal Advice respecting Niagara Region Liquid Biosolids Management Program Renewal of Contract Agreement with Thomas Nutrient Solutions

Carried

Committee resolved into closed session at 10:40 a.m.

Committee reconvened in open session at 11:18 a.m. with the following individuals in attendance:

Committee: Bradley (Regional Chair), Chiocchio, Diodati, Disero, Edgar (Committee Vice-Chair), Foster, Gale, Heit, Insinna, Ip, Junkin, Nicholson, Rigby (Committee Chair), Sendzik, Steele, Ugulini, Witteveen

Other Councillors: Jordan

Absent/Regrets: Fertich, Zalepa

Staff: D. Ane, Manager, Program Financial Support, M. Evely, Legislative Coordinator, W. Foebel, Program Manager, Biosolids, D. Gibbs, Director, Legal & Court Services, C. Habermebl, Director, Waste Management Services, P. Hamilton, Program Financial Specialist, T. Harrison, Commissioner/Treasurer, Corporate Services, D. Johnson, Associate Director, Wastewater Operations and Maintenance Lab Services, B. Menage, Director, Procurement and Strategic Acquisition, A.-M. Norio, Regional Clerk, M. Robinson, Director, GO Implementation Office, C. Ryall, Director, Transportation Services, J. Tonellato, Director, Water & Wastewater Services, M. Trennum, Deputy Regional Clerk, R. Tripp, Commissioner, Public Works/Acting Chief Administrative Officer, S. Wood, Legal Counsel

Correspondence Item PWC-C 9-2020 was considered as follows:

That Correspondence Item PWC-C 9-2020, being a memorandum from R. Tripp, Acting Chief Administrative Officer/Commissioner, Public Works, dated February 11, 2020, respecting Niagara Region Liquid Biosolids Management Program Renewal of Contract Agreement with Thomas Nutrient Solutions – Additional Information re: Procurement Process, **BE RECEIVED** for information.

The following friendly **amendment** was accepted by the Committee Chair, and the mover and seconder of the motion:

That Report PWC-C 9-2020, dated February 11, 2020, respecting Niagara Region Liquid Biosolids Management Program Renewal of Contract Agreement with Thomas Nutrient Solutions - Additional Information re: Procurement Process, **BE RECEIVED** for information; and

That the agreement with Thomas Nutrient Solutions for biosolids management services (within the existing contract scope) BE EXTENDED until August 31, 2020.

The Committee Chair called the vote on the motion, as amended, and declared it,

Carried

The following information was requested:

1. Provide copies of the service agreements between Niagara Region and Thomas Nutrient Solutions from 2013 and 2017. Councillor Gale.
2. Provide an independent report from Procurement staff outlining why the RFPQ was not successful. Councillor Gale.
3. Procurement staff meet with the two unsuccessful proponents to explain why they were unsuccessful. Councillor Gale.
4. That Procurement staff issue a formal RFP on this matter, to be received, reviewed, evaluated and awarded by Council no later than the end of August 2020. Councillor Gale.
5. That a tendered fairness advisor be used for the process and that Procurement staff invite specialists from the City of Hamilton and Halton Region to assist in the evaluation. Councillor Gale.

Staff confirmed the following with respect to the previous itemized requests:

1. Copies will be circulated no later than February 13, 2020.
2. Copies will be circulated no later than February 13, 2020.
3. Meetings will be set up with the vendors immediately.
4. Updates respecting the RFP will be provided at the Public Works Committee meeting on April 7, 2020.
5. Staff will leverage both the Provincial Vendor of Record and the Niagara Region's Public Works Roster to solicit quotations for both a Fairness Advisory Commissioner and subject matter expert to assist Niagara Region through this RFP process.

6.2 PWC-C 3-2020

Combined Sewer Overflow Reporting

Jason Oatley, Manager, Wastewater Quality and Compliance, provided information respecting Combined Sewer Overflow Reporting. Topics of the presentation included:

- Definitions
- Impact of Precipitation on By-passes
- Raw and Combined Sewage Characteristics
- Monitoring of Combined Sewer Overflows
- Compliance with Legislation
- Combined Sewer Overflow Tanks and Volumes

Moved by Councillor Ugulini

Seconded by Councillor Witteveen

That Correspondence Item PWC-C 3-2020, being a memorandum from J. Oatley, Manager, Wastewater Quality and Compliance, dated February 11, 2020, respecting Combined Sewer Overflow Reporting, **BE RECEIVED** for information.

Carried

Councillor Information Request(s):

Provide information respecting cost-sharing opportunities for Niagara Region and the Local Area Municipalities for water and wastewater operational upgrades. Councillor Steele.

6.3 PWC-C 6-2020

Update on Provincial Initiatives for Extended Producer Responsibility

In consideration of the time, the Committee Chair advised that this report would be brought to the Public Works Committee meeting being held on March 10, 2020.

6.4 PWC-C 5-2020

Linking Niagara Transit Committee Endorsement of Niagara Specialized Transit Study Report

Moved by Councillor Foster
Seconded by Councillor Ip

That Correspondence Item PWC-C 5-2020, being a memorandum from A.-M. Norio, Regional Clerk, dated February 11, 2020, respecting Linking Niagara Transit Committee Endorsement of Niagara Specialized Transit Study Report, **BE RECEIVED** for information.

Carried

7. **OTHER BUSINESS**

7.1 Weekly Diaper Collection

Councillor Disero requested staff provide a report respecting weekly diaper collection for families regardless of the number of children. R. Tripp, Commissioner, Public Works/Acting Chief Administrative Officer, advised staff would provide a report at the Public Works Committee meeting being held on April 7, 2020.

7.2 Pedestrian Crosswalk on Regional Road 116 (Gorham Road)

Councillor Insinna requested staff review the Friendship Trail crosswalk on Regional Road 116 (Gorham Road) in the Town of Fort Erie, due to safety concerns associated with increased traffic. C. Ryall, Director, Transportation Services, advised that staff will consult with staff from the Town of Fort Erie to further understand the history of the crosswalk.

8. **CLOSED SESSION**

Moved by Councillor Insinna
Seconded by Councillor Nicholson

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

A Matter of a Proposed or Pending Acquisition or Disposition of Land by the Municipality and a Position, Plan, Procedure, Criteria or Instruction to be Applied to any Negotiations Carried on or to be Carried on by or on Behalf of the Municipality - Update on Niagara's GO Station Development Strategy

Carried

Committee resolved into closed session at 12:19 p.m.

9. BUSINESS ARISING FROM CLOSED SESSION ITEMS

Committee reconvened in open session at 12:34 p.m. with the following individuals in attendance:

Committee: Bradley (Regional Chair), Chiocchio, Disero, Edgar (Committee Vice-Chair), Foster, Ip, Junkin, Nicholson, Rigby (Committee Chair), Sendzik, Witteveen

Other Councillors: Jordan

Absent/Regrets: Diodati, Fertich, Gale, Heit, Insinna, Steele, Ugulini, Zalepa

Staff: D. Ane, Manager, Program Financial Support, M. Evely, Legislative Coordinator, C. Habermebl, Director, Waste Management Services, T. Harrison, Commissioner/Treasurer, Corporate Services, A.-M. Norio, Regional Clerk, M. Robinson, Director, GO Implementation Office, C. Ryall, Director, Transportation Services, C. Selig, Planning Lead, GO Implementation Project, J. Tonellato, Director, Water & Wastewater Services, M. Trennum, Deputy Regional Clerk, R. Tripp, Commissioner, Public Works/Acting Chief Administrative Officer

9.1 Confidential PW 11-2020

A Matter of a Proposed or Pending Acquisition or Disposition of Land by the Municipality and a Position, Plan, Procedure, Criteria or Instruction to be Applied to any Negotiations Carried on or to be Carried on by or on Behalf of the Municipality - Update on Niagara's GO Station Development Strategy

Moved by Councillor Nicholson
Seconded by Councillor Ip

That Confidential Report PW 11-2020, dated February 11, 2020, respecting A Matter of a Proposed or Pending Acquisition or Disposition of Land by the Municipality and a Position, Plan, Procedure, Criteria or Instruction to be Applied to any Negotiations Carried on or to be Carried on by or on Behalf of the Municipality - Update on Niagara's GO Station Development Strategy, **BE RECEIVED** for information.

Carried

10. NEXT MEETING

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

11. ADJOURNMENT

There being no further business, the meeting adjourned at 12:35 p.m.

Councillor Rigby
Committee Chair

Mark Evely
Legislative Coordinator

Ann-Marie Norio
Regional Clerk

From: [PF-Mailbox-01](#)
To: [Norio, Ann-Marie](#); [Trennum, Matthew](#)
Subject: FW: Online Form - Request to Speak at a Standing Committee
Date: Thursday, February 06, 2020 8:46:04 AM

From: Niagara Region Website
Sent: Thursday, 06 February 2020 08:45:56 (UTC-05:00) Eastern Time (US & Canada)
To: Clerks
Subject: Online Form - Request to Speak at a Standing Committee

Request to Speak at a Standing Committee

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

Name

Greg Marotta

Address

8800 Chippawa Creek Rd

City

Niagara Falls

Postal

L2E 6S5

Phone

905-531-9964

Email

gmarotta@thomassolutions.ca

Organization

Thomas Nutrient Solutions

standing committee

Public Works Committee

Presentation Topic

Niagara Liquid Biosolids Contract

Presentation includes slides

No

Previously presented topic

No

Presentation Details

Request to speak at the Feb 11 PW meeting about the January 14 Committee Meeting to clarify about Liquid Biosolids Program item. Attachment to follow for distribution to committee. Thank you, Greg Marotta.

Video Consent

Yes



Regional Clerk

February 4, 2020

Regional Municipality of Niagara
1815 Sir Isaac Brock Way
Thorold, Ontario, L2V 4T7

Dear Chairman and Members of Council,

Re: January 14 Niagara Region Public Works Committee Meeting clarification

Thomas Nutrient Solutions is writing in response to the PW Committee meeting of January 14 for clarification of certain items. We have also included an appendix as an introduction to Thomas Nutrient Solutions.

1. The current contract, which is an agreement already approved and passed by council has language which allows for the 3 years extension that staff were bringing forward. Thomas only agreed to a 3-month extension while approvals and agreement details were to be finalized.
2. The Thomas contract unit price between 2014 and 2019 increased very moderately. In fact, over that time it actually increased less than the CPI. It is noteworthy that in two of the six years of the contract, the Thomas price actually decreased compared to the previous year and Niagara actually paid less.
3. The contractor does not control the volume that is generated and controlled by the Niagara plants. Thomas only gets paid for the volume generated by Niagara on a unit price basis.
4. We have an impeccable record in dealing with Niagara's sophisticated agricultural community and have developed a huge support system with them. We are proud of the many achievements in our work together with Niagara staff over the years, and have focussed on delivering excellent quality service in an environmentally compliant manner to ensure that the storage site is emptied each year and Niagara's Wastewater Treatment Plants operate efficiently and unimpeded in the public interest.

Appendix: Introduction to the Qualifications of Thomas Nutrient Solutions:

Thomas is the incumbent contractor having performed these specific specialized services for Niagara Region for the past six years, since January 2014.

As our base of operations is local and our President, supervisors and staff live in Niagara, we can respond quickly to emergencies. We have worked on a 24/7 basis and responded appropriately several times to emergency call-outs in the middle of the night during sewer and water system failures in Niagara.

Thomas has exceeded all expectations and past results with an objective to provide a final land bank well in excess of the Master Plan requirements. We have created the most successful land bank through relations and improved/innovative performance. Thomas has established a successful program in Niagara whereby often the demand for biosolids far exceeds the supply at certain times of the year. Records will show that we have annually spread more biosolids than have ever been spread before in the history of the program. We have ample lands already licensed in Niagara under the provincial Nutrient Management Act (NMA) Legislation. These relationships have taken a long time to develop with our skilled and professional staff that are closely associated with the local agricultural community. The program is at an historical level, performing like never before for the taxpayers of Niagara.

Extensions to contracts, upon solid performance by the contractor, enable the biosolids management program to continue seamlessly with the multitude of stakeholders required to ensure success. It will minimize disruption in the system, with a new contractor having to develop brand new relationships with farmers, learning about Niagara's intricate operational and safety systems, hiring and teaching new staff, learning strict Standard Operating Procedures (SOPs), understanding the nuances of this technical and sophisticated program and having to rebuild and rebrand all the relationships.

Thomas has a 10+ year history of serving municipalities specifically pertaining to Water, Wastewater, biosolids management and land application. This includes liquid biosolids, dewatered cake and tank cleanouts, site management, site maintenance (snow removal and salt), property maintenance, equipment (farm and transportation), equipment procurement, maintenance and management as well as managing 150+ employees in a safe, efficient and respectful manner.

Thomas has dedicated equipment and multiple systems for Niagara. We are focused on Niagara with staff who live in Niagara, operating equipment specifically designed for Niagara and not used in other programs. We have redundancy in tankers and many spare highway

tractors available for pulling them. We have a large amount of duplicate farm and lagoon equipment. We employ many mechanics and have multiple 24/7 service shops, parts management systems and staff in support of the Niagara Region to do in-field repairs immediately. Thomas has a great service delivery product with extensive *other resources* to service Niagara and achieve continued success in Niagara.

Thomas has an environmentally friendly philosophy throughout our organization. From recycling programs in our shops for oil, tires, contaminants, rags and gloves to our offices' Eco-Team which ensures all paper, cardboard, cans, bottles, etc. are recycled. And of course, the business we are in, biosolids land application is all about returning nutrients to the earth and reducing the effects of climate change by preventing the loss of methane to the atmosphere through our specially designed injection systems that incorporate biosolids into the soil immediately. We have aggressively campaigned and educated Niagara residents in and out of the farming community, achieving high results on this contract. All trucks operated by us in Niagara are proudly Canadian, local and are "green" by recycling all oils and fluids.

Biosolids Liquid Haulage: We are experts in the transportation, handling, storage and logistics planning of not only biosolids but also of key by-products and materials of similar high importance. Under our philosophy we deliver added value to the Niagara taxpayers by providing the following:

Increased capital expenditure – We have committed to invest capital in the program, in excess of \$600,000 immediately.

Dedicated equipment for Niagara - Thomas has dedicated equipment exclusively to Niagara. Niagara will always be first in line for service!

Dedicated people for Niagara – We have people that are assigned only to Niagara Region. We have exceeded expectations by opening transportation to regular Saturday service for the first time in Niagara. It is a non-unionized workforce and are available 24/7. Our site manager only focuses on the Region's Garner Road facility. There will be no competing demands.

Expertise in transportation – Thomas has extensive expertise in transportation. As we manage a vast fleet of trucks, pick-ups and vehicles, logistics, operations, safety, maintenance and timely service delivery are second nature to us. All daily circle checks are attended to immediately.

Niagara is #1 –Our equipment and people only work on the Niagara biosolids contract. The product within the tankers will always remain as Niagara's so will not be cross-contaminated with other biosolids on the fields.



Service facilities & mobile response – Our repair and maintenance shop for Niagara is right around the corner, just 6 minutes from the Niagara storage site. Our local presence gives us the capacity to provide service excellence and reliability to Niagara in the biosolids business.

Thomas has worked diligently in a cooperative manner with the agricultural community, Niagara Region staff and the Ontario Ministries of, Agriculture, Food and Rural Affairs as well as Environment, Conservation and Parks. We have modified our specialized equipment and procedures to meet the needs of all stakeholders including the public, with whom we liaise at every site and have developed strong support and confidence within the program. Such investments were made to ensure the long-term sustainability of Niagara's program.

Respectfully Submitted,

Greg Marotta
President,
Thomas Nutrient Solutions
905-545-8808, ext. 7231
905-531-9964

MEMORANDUM

PWC-C 9-2020

Subject: Niagara Region Liquid Biosolids Management Program Renewal of Contract Agreement with Thomas Nutrient Solutions - Additional Information re: Procurement Process

Date: February 11, 2020

To: Public Works Committee

From: Ron Tripp, P.Eng., Acting CAO / Commissioner of Public Works

This memorandum has been prepared in response to questions raised at the January 14, 2020 Public Works Committee meeting through the consideration of Report PW 3-2020. The following motion was carried at that meeting:

*That staff **BE DIRECTED** to initiate a Request for Proposal (RFP) process respecting the loading, haulage/transportation, lagoon management and land application of liquid biosolids and residual solids generated from Niagara Region water and wastewater treatment facilities; and*

*That staff **BE DIRECTED** to extend the agreement with Thomas Nutrient Solutions for biosolids management services (within the existing contract scope) for up to nine months; and*

*That staff **BE DIRECTED** to provide a report to Public Works Committee at the meeting being held on Tuesday, February 11, 2020 respecting the contract with Thomas Nutrient Solutions and the RFP process.*

Recommendation to Negotiate

Staff confirm that the recommendation to negotiate with the current vendor was not improper. The term of the existing three (3) year contractual agreement with Thomas Nutrient Solutions for liquid biosolids and residual solids management services ended on December 31, 2019. This agreement provided a negotiated renewal opportunity for an additional term of one to three years, subject to Council approval. A very important clarification should be made based on the discussion at the January 14 Public Works Committee (PWC) meeting. The referenced agreement did not include an explicit "right to renewal", nor did staff intend to suggest that this was the case to PWC. The following is the clause from the agreement:

"10.2 The Parties may renew this Agreement for an additional term of one (1) to three (3) years upon mutually agreeable terms. At least sixty (60) days prior to

the expiration of the Term of this Agreement, either Party may advise the other Party of its desire to renew this Agreement upon termination and, if the other Party agrees, the Parties shall forthwith commence negotiations. No such negotiations shall be binding upon the Parties until the execution of a separate written agreement between the Parties, duly approved by the authorizing board of both Parties”.

While there was some discussion regarding the source of authority for the opportunity to negotiate, the discussion included interchanged references “right” and “opportunity”. These two terms have very different meanings with respect to a contractual agreement and only opportunity to negotiate is appropriate in the context of this agreement. It was not explicitly clear in the authorizing Report PW 17-2017 if there was an expectation in 2017 to extend beyond 2019. Staff can only confirm that the extension of the original 2013 agreement included the same term that allowed for an opportunity to negotiate a further extension. Ultimately, a decision to extend the agreement for even one year required the approval of Council. It is acknowledged by staff that due to the unsuccessful Request for Pre-Qualification (RFPQ) process, and the timing of the report to Council, Council had no practical choice in January 2020 but to extend the current agreement for a period of time sufficient to undertake a subsequent procurement process.

Timing of Report

The Committee raised questions and concerns regarding the timing of the report and recommendation to PWC. Specifically, the recommendation regarding the agreement for services was being considered after the end of the term of the existing agreement, December 31, 2019. Staff acknowledge that this timing was not desirable and was not what was intended when a procurement process was initiated earlier in 2019. The RFPQ process was not described in PW 3-2020. However, questions arose and there was some discussion regarding the RFPQ during the Committee. It appeared as though there was not a clear and consistent understanding of that RFPQ process and its results based on that discussion. Staff can confirm the following steps were taken:

- May-July 2019 – Public Works and procurement staff worked on the development of a RFPQ document and evaluation process
- August 7, 2019 – 2019-RFPQ-232 issued
- September 5, 2019 – 2019-RFPQ-232 submission deadline, three submissions received

- September 2019 – Public Works staff developed a Request for Tender (RFT) document
- September 2019 – Public Works staff undertook an evaluation process of the RFPQ overseen by Procurement staff for the three proposal submissions
- October 25, 2019 – the RFPQ process was formally cancelled prior to the completion and communicated to all vendors with no evaluation results

There appeared to be confusion with respect to the result of the RFPQ Evaluation process based on the PWC discussion. While the RFPQ was formally cancelled and communicated on October 25, a previous notification was sent to all of the vendors on October 4 indicating that they did not meet the requirements of the prequalification and were not successful. This first notification was sent in error and was later corrected/clarified in the October 25 notification. Notwithstanding the “formal/technical” outcome of the RFPQ, staff can confirm that the evaluation work undertaken through September was anticipated to result in the prequalification of only one vendor for RFT process. As this result would not likely have provided for a competitive RFT bid process, staff cancelled the RFPQ process and initiated steps to negotiate the extension of the existing service agreement. The timing of this outcome was unfortunate as the end of term of that agreement was now within two months. A decision was made to extend the existing agreement for three months in order to undertake discussions with the current vendor and allow for the presentation of a recommendation to PWC/Council. Ultimately, it was the intention of staff to extend the term of the current agreement a sufficient amount of time in order to allow for the analysis of the unsuccessful RFPQ process, the development of a new comprehensive procurement process and the successful completion of a competitive bidding process.

Procurement Next Steps

Further to the direction of PWC at the January 14 meeting, Public Works, procurement and legal staff have conducted a series of meetings in order to debrief the previously unsuccessful RFPQ process, evaluate options for a new process and determine next steps. While this work is on-going, staff have determined that due to both the outcome of the previous process and the need to ensure that there is no risk of potential perceived bias by a vendor, a fairness advisor will be retained to oversee the development and execution of the process. As a matter of practicality, this is the first step in the process and has been recently initiated. Staff have also considered and continue to evaluate the inclusion of industry expertise, in the form of a consultant

and/or municipal peers, to assist in the development and execution of the procurement process.

Extension of Current Contract Term

It was noted in PW 3-2020 that the term of the current agreement was extended by three months to March 31, 2020 within the authority of the CAO. PWC approved an extension of the current agreement for nine months. The recommendation does not indicate whether this nine-month extension commenced January 1, 2020 or April 1, 2020. It should be noted that should the term expire at the end of September, the transition to a new vendor, should that be the outcome, may involve business continuity and operational risks. September and October have historically been the busiest months for land application of biosolids. Additionally, based on the result of 2019 procurement process and in the interest of a successful competitive bid process, staff recommend nine months plus the three previously authorized resulting in a term ending December 31, 2020. Staff seek clarity with respect to PWC's intention and direction on this matter.

Respectfully submitted and signed by,

Ron Tripp, P.Eng.
Acting Chief Administrative Officer /
Commissioner of Public Works

Combined Sewer Overflows

Presentation to Niagara Region Public Works Committee
February 11, 2019

Presentation outline

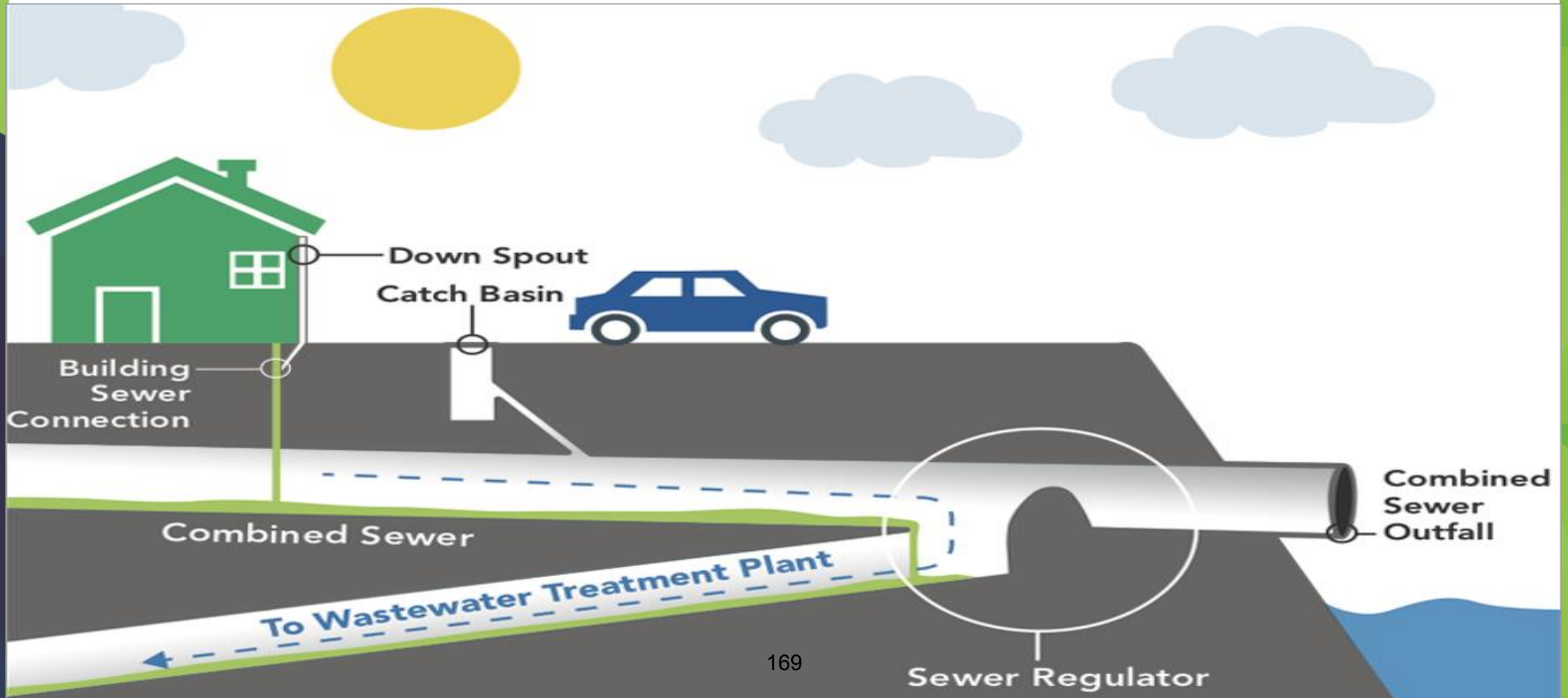
- Definitions
- Combined Sewers
- Impact of Precipitation on overflows and bypasses in Niagara
- Treatment of dry weather and wet weather
- Characteristics of Sewage and Combined Sewage
- Locations of overflows in the WW collection system
- Monitoring of Overflows and Bypasses
- Regulatory Compliance
- Prevention and mitigation strategies (CSO Tanks / High Rate Treatment)
- Questions

Definitions

- Sanitary sewers convey black water and grey water (toilet wastes and domestic wastewater from laundry, showering etc) to our wastewater treatment plants (WWTPs)
- Storm sewers contain stormwater, road drainage etc and convey drainage to water bodies like the canal, Welland and Niagara River, Lake Erie and Lake Ontario etc. No treatment occurs at the end of the pipe.
- Combined Sewer systems were designed to carry both toilet wastes and storm water in a single pipe. When it rains, the stormwater and sanitary sewage in these sewers is called Combined Sewage. Combined sewers are connected to WWTPs.
- CSO-Combined Sewer Overflow-The overflow from a combined sewer during rainfall events.
- CSO Tank – A tank, usually large and underground, designed to hold the volume from a combined sewer during rainfall events.

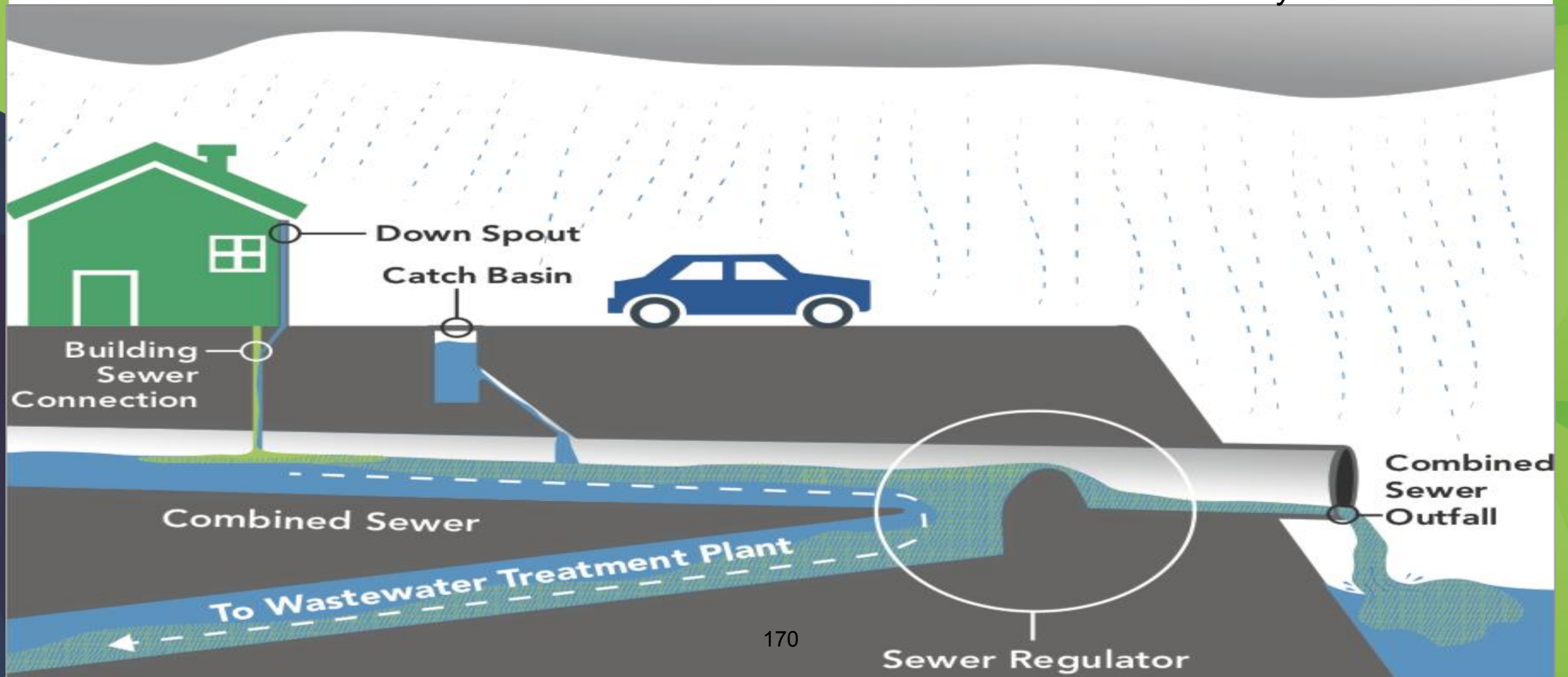
Combined Sewer on a Dry Weather Day

Courtesy NYC-DEP



Combined Sewer – Wet Day- Overflow occurring during rainfall

Courtesy NYC-DEP



Impact of precipitation on bypasses

WWTP	ML Treated		Total ML Bypassed (System and Plant)		Total Precipitation (mm)		Number of Precip Events	
	2016	2017	2016	2017	2016	2017	2016	2017
Queenston	83	86	0	0	519	876	68	46
Stevensville Lagoon	482	597	0	0	768	1,170	83	58
N.O.T.L.	1,445	1,665	0	0	525	851	69	47
Crystal Beach	1,676	2,159	0	1	710	1,009	74	61
Seaway	3,412	4,410	0	18	632	956	77	44
Anger Avenue (Fort Erie)	4,630	5,475	1	72	768	1,170	83	58
Baker Road (Grimsby)	6,238	7,627	21	141	488	871	72	53
Port Weller	10,874	11,713	69	723	492	840	68	46
Port Dalhousie	10,939	12,710	86	572	510	840	68	46
Welland	10,949	12,924	432	1,235	609	1,048	83	52
Niagara Falls	13,444	16,310	107	834	521	876	68	46
Totals	64,171	75,675	716	3,597				
Average / Day	175.81	207.33						

Overflows and Bypasses

WWTP	ML Treated				Total ML Bypassed (System and Plant)				% Flow Bypassed			
	2016	2017	2018	2019	2016	2017	2018	2019	2016	2017	2018	2019
Queenston	83	86	72	77	0	0	0	0	0%	0%	0%	0%
Stevensville Lagoon	482	597	610	630	0	0	0	0	0%	0%	0%	0.00%
N.O.T.L.	1,445	1,665	1,711	2,287	0	0	57	61	0%	0%	3.20%	2.60%
Crystal Beach	1,676	2,159	2,144	2,287	0	1	3	0	0%	0.10%	0.10%	0.00%
Seaway	3,412	4,410	4,592	4,909	0	18	38	0	0%	0.40%	0.80%	0.00%
Anger Avenue (Fort Erie)	4,630	5,475	5,338	5,519	1	72	45	34	0%	1.30%	0.80%	0.60%
Baker Road (Grimsby)	6,238	7,627	7,291	7,620	21	141	88	56	0.30%	1.80%	1.20%	0.70%
Port Weller	10,874	11,713	13,462	14,291	69	723	372	321	0.60%	5.80%	2.70%	2.20%
Port Dalhousie	10,939	12,710	12,810	13,367	86	572	403	272	0.80%	4.30%	3.10%	1.90%
Welland	10,949	12,924	12,645	13,531	432	1,235	1,422	1,206	3.80%	8.70%	10.10%	8.20%
Niagara Falls	13,444	16,310	15,144	15,072	107	834	488	373	0.80%	4.90%	3.10%	2.40%
Totals	64,171	75,675	75,816	79,589	716	3,597	2,915	2,323	1.10%	4.50%	3.70%	2.80%

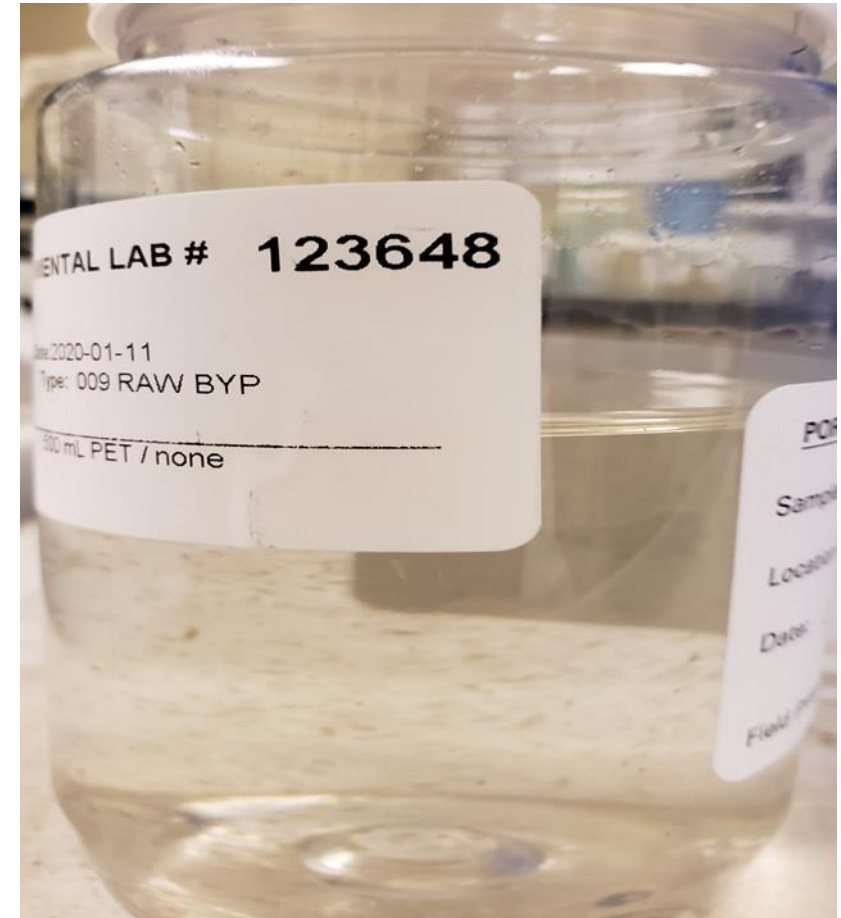
Raw Sewage Characteristics

- Suspended Solids 100 mg/L
- Biochemical Oxygen Demand 100 mg/L



Combined Sewage Characteristics

- Suspended Solids <50 mg/L
- Biochemical Oxygen Demand <25 mg/L

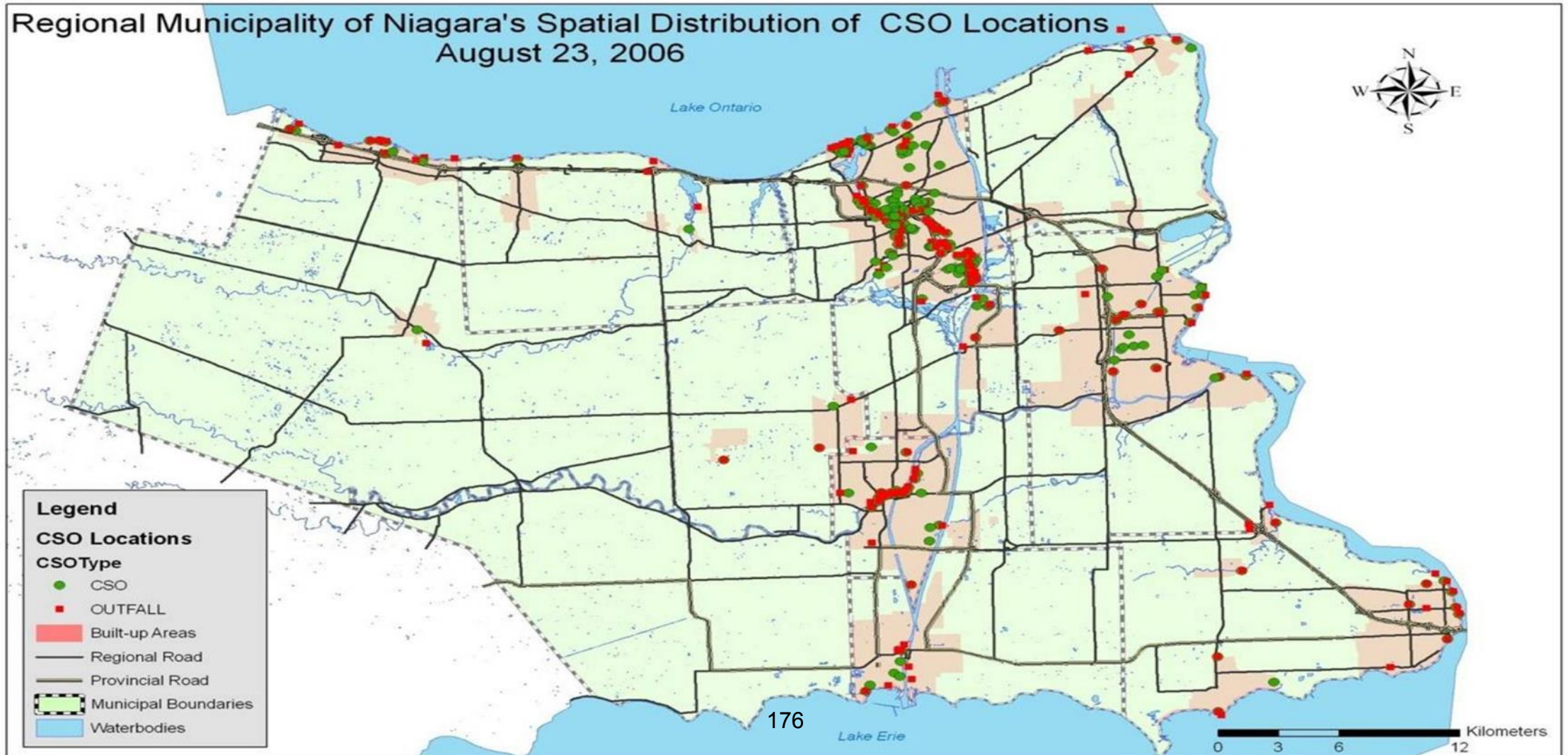


Overflow Locations

Location	Niagara Region	Municipal	Total
Wainfleet	0	0	0
West Lincoln	1	0	1
Pelham	1	1	2
Lincoln	3	0	3
Niagara-on-the-Lake	5	1	6
Port Colborne	7	1	8
Fort Erie	8	4	12
Grimsby	7	5	12
Niagara Falls	10	19	29
Thorold	7	25	32
Welland	2	30	32
St. Catharines	11	121	132
Totals	62	207	269

CSO Locations

Regional Municipality of Niagara's Spatial Distribution of CSO Locations
August 23, 2006



Monitoring of CSOs

- There are approximately 35 locations that routinely bypass and are monitored and sampled by the Region.
- All bypasses at the WWTPs are measured and samples are collected. MECP is contacted at the beginning and end of each bypass event.
- Overflows that occur at Niagara Region sewage pumpstations are also monitored and sampled but in many cases there is no metering equipment available to measure the volume of combined sewage that is bypassed.
- In cases where there is no measuring equipment, the events are reported to the MECP without the volume data. Estimates are made and reported later.

ECA Conditions for bypass

5. BY-PASSES

(1) Any By-pass of sewage from any portion of the Works is prohibited, except where:

(a) it is necessary to avoid loss of life, personal injury, **danger to public health or severe property damage;**

(b) the District Manager agrees that it is necessary for the purpose of carrying out essential maintenance and the District Manager has given prior written acknowledgment of the by-pass ; or

(c) the Regional Director has given prior written acknowledgment of the By-pass .

(2) The Owner shall collect at least one (1) grab sample of the By-pass and have it analyzed for the parameters outlined in Condition 7 using the protocols in Condition 9.

(3) The Owner shall maintain a logbook of all By-pass events which shall include, at a minimum, the time, location, duration, quantity of By-pass , the authority for By-pass pursuant to subsection (1), and the reasons for the occurrence.

(4) The Owner shall, in the event of a By-pass event pursuant to subsection (1), disinfect the by-passed effluent during the disinfection period of April 01 to October 31 prior to reaching the receiver such that the receiver is not negatively impacted.

Compliance with Legislation

- Environmental Compliance Approvals (ECA) for each facility contain conditions when a bypass or overflow is permitted
- Requirements to report to MECP, Environment Canada, Medical Officer of Health
- Publicly reported on Niagara Region Website
- MECP F-5-5 requirements during design of sewage works
- Between April 1 and October 31st, treat all the dry weather flow and 90% of the wet weather flow.
- Niagara meets this requirement all year.

CSO Tanks provide storage during wet weather



CSO Tanks and Volumes

Name	Owner	WW System	Municipality	Volume (m3)
Kelly St CSO Tank	Niagara Region	Welland WWTP	Thorold	200
Biggar Lagoon CSO Tank	Niagara Region	Baker Road WWTP	Grimsby	400
Cole Farm CSO Tank	City of St. Catharines	Port Dalhousie WWTP	St. Catharines	450
Grimsby Works Yard CSO Tank	Niagara Region	Baker Road WWTP	Grimsby	600
Peel St CSO Tank	City of Thorold	Port Weller WWTP	St. Catharines	600
Smithville CSO Tank	Niagara Region	Baker Road WWTP	West Lincoln	665
Eastside SPS	Niagara Region	Seaway WWTP	Port Colborne	700
Lakeside CSO Tank	City of St. Catharines	Port Dalhousie WWTP	St. Catharines	700
Beaver Street CSO Tank	City of Thorold	Port Weller WWTP	Thorold	750
William St CSO Tank	Town of N-O-T-L	NOTL WWTP	NOTL	900
Dain City CSO Tank	Niagara Region	Welland WWTP	Welland	1200
Central High Rate Treatment	City of Niagara Falls	Niagara Falls WWTP	Niagara Falls	1500
Baker Road WWTP	Niagara Region	Baker Road WWTP	Grimsby	2300
Port Dalhousie WWTP	Niagara Region	Port Dalhousie WWTP	St. Catharines	2500
Lockview CSO Tank	City of St. Catharines	Port Weller WWTP	St. Catharines	2750
Anger Avenue WWTP	Niagara Region	Anger Avenue WWTP	Fort Erie	4100
South Side Low Lift CSO Tank	City of Niagara Falls	Niagara Falls WWTP	Niagara Falls	4300
Seaway WWTP	Niagara Region	Seaway WWTP	Port Colborne	5701
Total				30,316

Central SPS & High Rate Treatment Facility in Niagara Falls



Niagara Falls –Central SPS / High Rate Treatment Facility

- Dry Weather Operation



Niagara Falls Central SPS / High Rate Treatment Facility

- During Wet Weather



Niagara Falls Central SPS / High Rate Treatment Facility

- Vortex Units in Operation



Questions??

MEMORANDUM

PWC-C 3-2020

Subject: Combined Sewer Overflow Reporting

Date: February 11, 2020

To: Public Works Committee

From: Jason Oatley, Manager, Quality and Compliance Wastewater

This memo has been prepared in response to the following Councillor Information Request made at Public Works Committee held on December 3, 2019:

Provide information respecting the number of overflows and bypasses which occurred in Regional wastewater systems in 2019. Chair Bradley.

Key Facts:

- Overflows and bypasses occur when the wastewater collection, conveyance and treatment systems capacity is exceeded by wet weather flow and extraneous flow, entering the system during significant rainfall and thaw events.
- Sources of extraneous flow are understood to be originating from both public and private property sources.
- Overflows and bypasses were intentionally designed into the system to protect against sewer backups, basement flooding and to prevent impacts to treatment plant chemistry which can alter the quality of the effluent released to the environment
- Regional and Municipal wastewater systems are, and were, designed to balance affordability of construction and maintenance versus dry and wet weather performance
- Niagara Region operates and maintains 11 Wastewater Treatment Plants (WWTPs), 112 Sewage Pumping stations and 300 km of gravity trunk sewer main and forcemain
- There are approximately 269 locations where overflow and bypasses can occur within the Regional and Municipal wastewater systems
- In 2019, approximately 2,323 million litres of combined sewage was discharged to the environment during significant wet weather and thaw events. This represents approximately 3% of the total wastewater treated. 79,589 million litres, at wastewater treatment plants for 2019.
- The bypass/overflow volumes outlined in this report pertain to those associated with Regional infrastructure. Total overflow volumes for local municipal infrastructure,

typically located at points remote to the WWTP and pump stations within the sanitary collection system, are not readily measurable nor quantifiable. These volumes are not included within the totals in this report.

- The largest volumes of overflow occur as bypasses at Regional treatment plants. The majority of overflow discharged on an annual basis from these facilities receives disinfection prior to release to the environment.
- Niagara Region's latest Water and Wastewater Master Plan Update has specific policies, guidelines and funding directed at the reduction of wet weather flow to the wastewater system to reduce overflows to the environment and basement flooding.
- Niagara Region is working cooperatively to develop, implement and fund strategies to reduce wet weather flow in both municipal and regional wastewater systems.

Background:

Niagara Region operates 11 wastewater treatment plants (WWTPs) in seven municipalities. These plants receive sewage flows from the municipal and regional gravity trunk sewer system and over 112 sewage pumping stations (SPS). The local municipalities own and operated the majority of the sanitary sewer systems.

In general, excess flows that cannot be treated at a WWTP are called "bypasses" while excess flows that escape the collection system are termed "overflows". A sewer designed to convey both stormwater and wastewater is a combined sewer. Sewers that convey only sanitary sewage are considered sanitary sewers. Sanitary systems that receive increased flow during rainfall events but are otherwise separated are considered "partially or nominally separated".

Number of locations where overflows can occur:

Table 1 below is a listing of the number of known bypass and overflow locations by municipality. Generally speaking, overflows can occur at these location under significant rainfall and/or thaw events. The Regional locations in Table 1 include both the WWTPs and pump station overflows whilst the municipal locations are generally associated with the municipal wastewater collection system.

Location	Regional	Municipal	Total
Fort Erie	8	4	12
Grimsby	7	5	12
Lincoln	3	0	3
Niagara Falls	10	19	29
Niagara	5	1	6
Pelham	1	1	2
Port Colborne	7	1	8
St. Catharines	11	121	132
Thorold	7	25	32
Wainfleet	0	0	0
Welland	2	30	32
West Lincoln	1	0	1
Totals	62	207	269

Table 1-CSO and Bypass Locations

What causes the overflows?

Almost all wastewater treatment facilities in Ontario are designed to overflow when their operational capacity is exceeded due to wet weather flow. The primary causes of overflows and bypasses are the introduction of excessive peak wet weather extraneous flows to the systems. Extraneous flows are those flows due to significant wet weather events and /or seasonal high groundwater that exceed the capacity of the collection systems and facilities. WWTP bypasses/overflows are designed to protect the sensitive internal biological and chemical processes that are used to treat the sewage properly. The amount of precipitation, surface run-off and snow thaw has a great impact on the flow within the sanitary sewer system.

For example, the Niagara Falls WWTP is designed to provide both full primary and secondary wastewater treatment for flows up to 135 million litres per day. In addition, the WWTP can provide primary treatment up to approximately 205 million litres per day when needed. Flows higher than 205 million litres per day do not receive any treatment. For this facility, the normal dry-weather flow is typically 35 million litres per day or approximately 25% of the total capacity of the plant. During rain and thaw events, the Niagara Falls WWTP can receive flows up to 5 times that amount due to the rainwater that enters the sanitary sewer system.

Preliminary treatment removes debris and grit from the wastewater entering the WWTP (objects typically greater than 8-10 mm). Primary treatment removes between 40-50% of the suspended solids from the incoming sewage. Secondary treatment removes the organic matter and phosphorus while disinfection reduces the amount of coliform bacteria present in the discharge to the environment.

Review of overflows and bypasses for 2019

Table 2, attached as Appendix 1, shows the overflows and bypasses that have occurred at Regional WWTPs in 2019. The volume of overflows and bypasses added together is 2,323 million litres. The volume of sewage treated at the Region's WWTPs was 79,589 million. Essentially, more than 97% of the flow was treated at our WWTPs while less than 3% escaped full treatment.

Precipitation and rainfall events are given in Table 3, attached as Appendix 2. From the table, 2019 was roughly similar in precipitation to 2018. The volume of bypasses at the plants were also similar.

Why is this problem still occurring?

- Excess flow entering sewers: New developments are built with separate storm and sanitary sewers which collect stormwater and wastewater respectively. When constructed properly the extraneous flow from new infrastructure is minimal. Developments constructed between approximately 1960 to the late 1980's typically have partially separated systems with road drainage being directed to storm sewers. Partially separated systems can however contribute significant extraneous flow to sanitary sewers via private property connections from foundation drains, sump pumps and other sources.
- In older areas, pre 1960's, municipal sewer systems are combined, meaning that stormwater and wastewater are collected by a single sewer. These sewers are most prevalent in St. Catharines, Niagara Falls and Welland and contribute significantly to both bypasses and overflows.
- Aging Infrastructure: Sewers at the Regional and local municipal level are aging and may allow increasing amounts of rainfall and groundwater to enter normally separated sanitary systems. Niagara Region and local municipalities are proactively monitoring and remediating or replacing sanitary sewers to increase their resiliency to these rainfall extremes.
- Unusual Weather / Climate Change: Extreme precipitation events and high lake levels in recent years have increased the load on the sewer systems. These

increased lake levels translate into higher groundwater levels and the ingress of stormwater into systems adjacent to bodies of water and further compounding the problem by further reducing capacity in these systems that results in more frequent overflow events.

What are the Region and local municipalities to do about reduce sewer overflows?

- Planning Infrastructure: Niagara Region in conjunction with our local municipal partners have recently completed Niagara Region's Water and Wastewater Master Servicing Plan Update. This document provides strategic and tactical guidance to both Regional and Local Municipal staff in the management of capacity within water and wastewater systems at both jurisdictional levels. A key driver of the most recent plan is the reduction of overflows to current Ministry of the Environment, Conservation and Parks (MECP) Guidelines and the eventual elimination of overflow of untreated wastewater to the environment.
- Niagara Region's Water and Wastewater Master Servicing Plan Update speaks specifically to the need for the Region and Local Municipalities to work as a team to address wet weather flow and overflows/bypasses. This is addressed within the plan with policy, guidelines and funding aimed at identifying, measuring, prioritizing and removal of these sources in a collaborative manner.
- Several Pollution Prevention and Control Plan (PPCP) studies have been completed, are underway or are scheduled to be completed for most local area municipalities. These studies are aimed specifically at the reduction of overflow/bypasses via the detailed examination of both local municipal and regional wastewater systems in each municipality. The resulting recommendations from these studies form the basis of capital budgets items both at a regional and municipal level.
- Building combined sewer overflow (CSO) tanks and Infrastructure: Niagara Region and local municipalities have constructed CSO tanks that capture over 30 million litres of combined sewage and direct that volume to treatment at the Region's WWTPs.
- A high rate treatment (HRT) facility in Niagara Falls that has given primary treatment to between 40 and 180 million litres per year to combined sewage that formerly was discharged directly to the Niagara River just downstream of the Falls.
- Developing and using hydraulic models for all wastewater systems region-wide to more effectively manage capacity and overflow reduction,

- Creation of dedicated fund for municipalities to address extraneous flows to the wastewater system to improve capacity and reduce overflows.

In addition to the works outlined in the plan at the Regional level our municipal partners are making significant commitments to projects aimed at reducing overflows. Our municipal partners have various programs and policies to identify and remediate private property sources of extraneous flow. Furthermore, the Region and Local Municipalities have planning policies in place to ensure that new subdivisions are properly designed and constructed to minimize the introduction of new sources of wet weather.

CSO tanks and inline storage have been constructed in Niagara Falls, Thorold, St. Catharines, Niagara-on-the-Lake, West Lincoln, Fort Erie, Grimsby and Welland.

In the case of Niagara Falls the Region has awarded over \$16 million to assist in reducing CSO impacts to residents, business and the environment. This commitment by the Region to Niagara Falls is the largest provided to any municipality. For instance, in the village of Chippawa, Niagara Region worked with the City of Niagara Falls to construct a 4,300,000 litre CSO tank to help contain some of the wet weather that comes from the village. This tank has drastically reduced the volume of combined sewage that used to be discharged to the Welland River, and ultimately to the Niagara River and Lake Ontario, during wet weather. Also, another project in Niagara Falls involved the construction of a high rate treatment (HRT) facility that provides partial treatment to thousands of litres of combined sewage instead of allowing this combined sewage to simply spill to the environment

In addition to the works listed above, our municipal partners are making significant commitments to projects aimed at reducing overflows through master servicing plans and pollution prevention and control plans (PPCPs)

Respectfully submitted and signed by,

Jason Oatley, B.Sc., C.Chem.
Manager, Quality and Compliance, Wastewater

Appendix 1 – Table 2: 2016 to 2019 WWTP Overflows
Appendix 2 – Table 3: Precipitation and rainfall events

Appendix 1

WWTP	ML Treated				Total ML Bypassed (System and Plant)				% Flow Bypassed			
	2016	2017	2018	2019	2016	2017	2018	2019	2016	2017	2018	2019
Queenston	83	86	72	77	0	0	0	0	0%	0%	0%	0%
Stevensville Lagoon	482	597	610	630	0	0	0	0	0%	0%	0%	0.0%
N.O.T.L.	1,445	1,665	1,711	2,287	0	0	57	61	0%	0%	3.2%	2.6%
Crystal Beach	1,676	2,159	2,144	2,287	0	1	3	0	0%	0.1%	0.1%	0.0%
Seaway	3,412	4,410	4,592	4,909	0	18	38	0	0%	0.4%	0.8%	0.0%
Anger Avenue (Fort Erie)	4,630	5,475	5,338	5,519	1	72	45	34	0%	1.3%	0.8%	0.6%
Baker Road (Grimsby)	6,238	7,627	7,291	7,620	21	141	88	56	0.3%	1.8%	1.2%	0.7%
Port Weller	10,874	11,713	13,462	14,291	69	723	372	321	0.6%	5.8%	2.7%	2.2%
Port Dalhousie	10,939	12,710	12,810	13,367	86	572	403	272	0.8%	4.3%	3.1%	1.9%
Welland	10,949	12,924	12,645	13,531	432	1,235	1,422	1,206	3.8%	8.7%	10.1%	8.2%
Niagara Falls	13,444	16,310	15,144	15,072	107	834	488	373	0.8%	4.9%	3.1%	2.4%
Total	64,171	75,675	75,816	79,589	716	3,597	2,915	2,323	1.1%	4.5%	3.7%	2.8%

Table 2-2016 to 2019 WWTP Overflows

Appendix 2

WWTP	Total Precipitation (mm)				Number of Precip Events			
	2016	2017	2018	2019	2016	2017	2018	2019
Queenston	519	876	670	748	68	46	52	50
Stevensville Lagoon	768	1,170	1,015	943	83	58	57	64
N.O.T.L.	525	851	790	765	69	47	49	45
Crystal Beach	710	1,009	991	808	74	61	61	61
Seaway	632	956	970	917	77	44	58	60
Anger Avenue (Fort Erie)	768	1,170	1,015	943	83	58	57	64
Baker Road (Grimsby)	488	871	722	747	72	53	45	49
Port Weller	492	840	713	758	68	46	49	54
Port Dalhousie	510	840	713	758	68	46	49	54
Welland	609	1,048	802	882	83	52	54	59
Niagara Falls	521	876	670	748	68	46	52	50

Table 3-Precipitation and rainfall events

MEMORANDUM

PWC-C 5-2020

Subject: Linking Niagara Transit Committee Endorsement of Niagara Specialized Transit Study Report

Date: February 11, 2020

To: Public Works Committee

From: Ann-Marie Norio, Regional Clerk

The *Niagara Transit Governance and Service Strategy, 2017* by Dillon Consulting (Dillon Report) identified the need to undertake a further study to develop a strategy on specialized transit services within the larger governance framework of consolidated Regional transit services. The results of the Niagara Specialized Transit Study will serve as an input to the Transit Governance Study currently underway.

At its meeting held on January 29, 2020, the Linking Niagara Transit Committee considered the Niagara Specialized Transit Study Report (LNTC-C 2-2020) and subsequently endorsed the study. The motion is provided below for your information.

Minute Item 5.1

LNTC-C 2-2020

Specialized Transit Study Report

That Report LNTC-C 2-2020, dated January 29, 2020, respecting Specialized Transit Study Report, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the recommendations of the Specialized Transit in Niagara Region study, as described in Report LNTC-C 2-2020, **BE ENDORSED**; and
2. That a copy of Report LNTC-C 2-2020 **BE CIRCULATED** to the Local Area Municipalities.

A copy of Report LNTC-C 2-2020 and the minutes of the Linking Niagara Transit Committee meeting held on Wednesday, January 29, 2020, are attached to this memorandum.

Respectfully submitted and signed by

Ann-Marie Norio
Regional Clerk

Subject: Specialized Transit Study Report

Report to: Linking Niagara Transit Committee

Report date: Wednesday, January 29, 2020

Recommendations

1. That the recommendations of the Specialized Transit in Niagara Region study **BE ENDORSED**; and
2. That a copy of this report **BE CIRCULATED** to the local area municipalities.

Key Facts

- The purpose of this report is to provide the results of the Specialized Transit in Niagara Region study (IBI Group, 2020).
- The *Niagara Transit Governance and Service Strategy, 2017* by Dillon Consulting (Dillon Report) identified the need to undertake a further study to develop a strategy on specialized transit services within the larger governance framework of consolidated Regional transit services.
- The Inter-Municipal Transit (IMT) Service Implementation Strategy (LNTC 21-2018) endorsed this study as a key workplan item.
- This Study has been headed by a project team consisting of staff from the Inter-municipal Transit Working Group (IMTWG).
- The results of this study will serve as an input to the Transit Governance Study currently underway.

Financial Considerations

There are no financial impacts arising out of this report, however there will be financial impacts in carrying forward these recommendations. Staff will bring forward an update report once the recommendations contained in this report are resolved for further direction from LNTC.

Analysis

Study Team

The team was composed of staff members from St. Catharines, Niagara Falls, Welland, Niagara Region, and Fort Erie transit systems.

Stakeholder Consultation

Extensive stakeholder consultation was carried out as part of this Study including:

- Public Information Centres (PICs) – Two rounds of PICs, each involving two separate PICs were held. Round 1 was held upon completion of the exiting conditions and the common industry practices. Round 2 was held to get public feedback on the recommended approach. In total over 50 people attended these events.
- Surveys – Surveys were carried out using online and paper based methods. The paper-based survey was distributed to riders in specialized transit vehicles operated by Niagara Region and area municipalities. Additionally, off-board survey forms were distributed to the attendees of the Round 1 PICs, and through the area municipalities. In total 250 surveys were returned.
- Focus Group Meetings were held with Niagara Health and Community Organizations, Niagara Region's Accessibility Advisory Committee (AAC), the IMTWG, the LNTC, Niagara Region Seniors Services, and First Nations.

The public and stakeholder consultation, plus the review of peer transit systems and a review of specialized transit in Niagara informed the key recommendations of the study. In late 2019, it was identified that there was a need for additional consultation with the AAC. Staff completed this consultation on January 7th, 2020 and the AAC approved the recommendations of the report. Niagara Region staff have committed to ongoing consultation with the AAC on the implementation of the recommendations contained in the study.

The goals of this Study were to:

1. Review the specialized transit systems in Niagara;
2. Project ridership demand;
3. Develop financial forecasts; and,
4. Recommend service enhancements for specialized transit.

These goals were achieved through the following research, data collection and interpretation, and community consultation.

Baseline information on existing municipal specialized transit services was developed using: the operating data trends for Niagara Specialized Transit, Niagara Falls Chair-A-Van, St. Catharines Para Transit, WellTrans, Fort Erie Accessible Transit (FAST), Pelham Specialized Transit, and Niagara-on-the-Lake Accessible Transit Service; and a scan of the private and not-for-profit service providers.

Future specialized transit ridership demand was developed using a comprehensive demand forecast. Projected ridership was then used to estimate the future operating and capital costs.

A review of Niagara Specialized Transit operations was conducted to identify the current challenges with the system and provide recommendations on how to improve existing service. The key findings of this review are:

- Riders have a favourable view of drivers and staff
- Difficulty booking trips—including need to call multiple agencies (municipal & regional travel)
- Poor on-time performance or rides do not show up
- Excessive travel times
- Inconsistent eligibility criteria and processes
- Residents of communities without specialized transit (i.e. West Niagara) feel disadvantaged in terms of equity and access

These key findings as well as a review of the specialized transit systems for peer systems (Durham Region Transit, Grand River Transit, and York Region Transit) and technological trends in specialized transit inform the recommendations outlined below.

The project team established guiding principles to help develop the key recommendations. These principles were:

- **Preserve the integrity** of the Region's specialized transit services for those with no alternative
- **Maximize the benefits from investments** made in accessible fixed route transit and provide flexible mobility options
- **Compliance with the Accessibility for Ontarians with Disabilities Act (AODA)** and principles of universal design
- **Be fiscally responsible and accountable**

The guiding principles were coupled with the objectives of maximizing use of existing resources, increasing efficiency in service delivery, enhancing the customer experience,

and leveraging use of technology to improve future services to create recommendations for change that do not compromise service to the ridership.

Key Recommendations

The key recommendations are grouped into six areas and are as follows:

1. Eligibility & Certification of Riders

- Process be centralized under a single entity
- A single application form be used by all specialized transit operators in the region
- Digital application form available to applicants with the ability to complete and submit on-line
- Remove the requirement for validation by a health care professional and in-person assessments be introduced as part of this process
- Applicant's certification reflect categories of: *unconditional, temporary, and conditional (trip-by-trip)*
- Re-certification every five years for all applicants

2. Trip Reservation & Scheduling

- The reservations/trip request and scheduling functions be centralized under a single entity
- Enable registrants to make reservations/trip requests by telephone, mobile app and/or web-portal (*One-Call/One-Click* capability)
- Scheduling (route optimization, allocation of resources) to use state-of-the-art, commercially available software with a robust scheduling algorithm

3. Development of Policies, Procedures, and Performance Metrics

- Governing entity develops a robust set of policies, procedures and performance metrics. Policies and procedures to include but not be restricted to:
 - Advance booking requirements
 - Scheduling windows
 - Cancellations and no-shows
 - Fare policy
- Performance metrics to reflect industry norms regarding key performance indicators (KPIs) including requirements for service monitoring, contract compliance and CUTA reporting

4. Service Delivery (Dispatch and Trip Management)

- Core specialized transit services to be provided by, and to a level of service as currently provided by the aggregate of the municipal and regional specialized transit providers
- Supplement existing core services by the use of taxis and/or transportation network companies (TNCs) to accommodate trip requests during times of day, days of week, or areas of service, when the deployment of hourly service would not meet prescribed performance metrics or to provide 'overflow' capability
- Use supplemental services, as described above, to accommodate future travel demand/expansion of specialized transit services

5. Greater Link/Integration with Fixed-Route Transit Services

Recognizing that specialized transit is shared ride public transit for those unable to use accessible fixed route transit, and with an eye on a greater link or integration with accessible fixed-route transit, the following are recommendations:

- Apply conditional/trip-by-trip eligibility whereby for specialized transit registrants categorized as 'conditional' and where conditions can be determined (e.g. seasonal, climate/weather, topography, accessible paths of travel, proximity of trip origin/destination to fixed-route service, etc.)
- Develop incentives and policies to address travel/mobility demand management strategies that may include but not be restricted to: travel/mobility training, fare policy, trip discovery/planning capabilities, etc.

6. Next-Generation Mobility

The following next-generation mobility (operations, service delivery, and technology) strategies be advanced:

- Introduce a Specialized Transit Same-Day Pilot Program through partnerships with taxi and/or transportation network companies (TNCs)
- Technology enhancement that include:
 - Real-time passenger information including the broadcast (text message or telephone call) of vehicle arrivals
 - Self-service capabilities through an app and/or web portal to address registration, trip planning, reservations, confirmations and cancellations
 - Introduction of mobile (cashless) payment

Recommendations have been outlined under short-term (0 to 2 years), and medium-term (2 to 5 years).

Short-Term (0 to 2 years)	Medium-Term (2 to 5 years)
<ul style="list-style-type: none"> • Harmonized application form • Centralized eligibility & certification process • Development of policies, procedures, and performance metrics • Centralized scheduling • Expanded use of supplemental services • Same-Day Pilot Program 	<ul style="list-style-type: none"> • Technology – real-time information, self-serve capabilities, cashless payment • Greater integration with fixed-route transit

It is worth noting that the Specialized Transit in Niagara Region report (IBI 2020) and its recommendations will serve as an input to the Transit Governance Study currently being undertaken by Optimus SBR under the direction of a CAO Working Group consisting of municipal CAO's.

Alternatives Reviewed

The specialized transit travel demand forecast was developed to inform the future operating and capital needs with the growth projected under the Business as Usual (BAU), and High Growth scenarios. These forecasts project specialized transit clients and trips for the two scenarios for the years 2018 (Base), 2021, 2026, and 2031.

Order of Magnitude financial impacts were assessed under the same two service delivery scenarios:

BAU Scenario	Business as Usual—No change in how service is delivered
Intervention Scenario	Interventions/ Alternate Delivery Framework <ul style="list-style-type: none"> • accommodating an increasing number of trips on accessible fixed-route transit services • greater use of supplemental (taxis or transportation network company) services to accommodate trip requests when the deployment of regular service would not meet prescribed performance metrics or to provide 'overflow' capability • accommodating future service expansion with the use of supplemental service providers

Table 1 and Table 2 demonstrate the order of magnitude with respect to operating cost impacts under the two scenarios described above.

As shown in Table 1 under a BAU scenario, the ridership grows by 20% to 2031 however, the operating cost grows by 38%. In the event of high growth scenario the ridership grows by 40% but operating cost increases by 61%. The exponential growth in operating cost under a high growth scenario could be unsustainable, therefore, alternatives should be examined to determine if there are solutions for containing operating costs while ridership increases.

Table 1: Operating Costs – BAU Scenario					
	Base Year		Medium Growth		High Growth
	2018	2021	2026	2031	2031
Specialized Transit Trips	124,700	129,900	139,200	149,500	174,100
Growth over Base		4%	12%	20%	40%
Net Operating Cost	\$5,667,000	\$6,082,000	\$7,012,000	\$7,811,000	\$9,142,000
Variance over Base		7%	24%	38%	61%

Table 2 shows how specific interventions can result in a reduction in the net operating cost due to increasing number of trips being delivered through alternative methods such as increased integration with conventional transit and use of technology enabled Transportation network companies (TNCs) and taxi-cabs. Under the Intervention Scenario, the actual impact to Specialized Transit is reduced. Ridership growth to 2031 only increases by 8% and net operating costs are partially offset resulting in a lower variance over base by 2031 because ridership is shifted to conventional transit in the range of 4%-12% and 30-40% of the ridership also shifts to TNCs or taxis.

Table 2: Operating Costs – Intervention Scenario				
	Base Year	Medium Growth		
	2018	2021	2026	2031
Specialized Transit Trips Alternative Delivery¹		4,400	9,900	15,300
Specialized Transit Trips	124,700	126,600	132,100	136,700
Growth over Base		1%	6%	10%
Net Operating Cost	\$5,667,000	\$5,348,000	\$5,769,000	\$5,953,000
Variance over Base		(6%)	2%	5%
1 Estimated trips to be delivered through alternative means (Taxis & TNCs)				

Table 3 shows the aggregated 10 Year Capital Forecasts based on their fleet replacement and expansion projections by major municipal transit service providers (St. Catharines Transit, Niagara Falls Transit, and Welland Transit) under the BAU Scenario. It is assumed the fleet requirements would still apply under the Intervention Scenario to form part of the core operations with the growth in demand handled through an alternative delivery framework. Specialized transit scheduling software was identified as a short term need under the Intervention Scenario and included in the forecasts.

Table 3: Specialized Transit Capital Costs				
	Short Term	Medium Term	Long Term	10 Year Total
	2020-2021	2022-2024	2025-2028	
# Vehicles	9	8	8	25
Vehicle Cost	\$1,620,000	\$1,325,000	\$1,610,000	\$4,555,000
Technology Costs (Scheduling Software)	\$400,000			\$400,000
Total	\$2,020,000	\$1,325,000	\$1,610,000	\$4,955,000

Continuing with business as usual was considered as an alternative, however this would result in a missed opportunity to optimize the current specialized transit services in light of jurisdictional barriers and recent technological changes. Additionally, the service cost increases due to the future ridership demand would not be sustainable.

Relationship to Council Strategic Priorities

- Responsible Growth and Infrastructure Planning

Objective 3.1: Advancing Regional Transit and GO Rail Services

Advance and advocate for Niagara's effort towards integrated and efficient conventional, specialized and higher order transit, enabling seamless and connective travel for all people throughout Niagara, the Hamilton area and the Greater Toronto area.

Other Pertinent Reports

LNTC-C 5-2019	Specialized Transit Study Update
LNTC-C 12-2019	Transit Governance Study Update
LNTC-C 9-2018	Niagara Specialized Transit Review Terms of Reference

Prepared by:

Robert Salewysch
Program Manager Transit Services
Public Works

Recommended and Submitted by:

Ron Tripp, P.Eng.
Acting, Chief Administrative Officer /
Commissioner of Public Works

This report was prepared in consultation with Adam Arbour - St. Catharines Transit Commission, Sue Wheeler and Carla Stout - Niagara Falls Transit, Alicia Moore - Welland Transit, Jennifer Pennell-Ajie - Fort Erie Transit, Steve Murphy, Accessibility Coordinator, and reviewed by Heather Talbot - Corporate Services Finance, and Matt Robinson – Director GO Implementation.

**THE REGIONAL MUNICIPALITY OF NIAGARA
LINKING NIAGARA TRANSIT COMMITTEE
MINUTES**

**LNTC 1-2020
Wednesday, January 29, 2020
Council Chamber
Niagara Region Headquarters, Campbell West
1815 Sir Isaac Brock Way, Thorold, ON**

Committee: Campion (Mayor - Welland), Redekop (Mayor - Fort Erie), Sendzik (Mayor - St. Catharines), Fertich (Regional Councillor), Ip (Regional Councillor); M. Siscoe (Municipal Councillor - St. Catharines) (Committee Chair), L. Van Vliet (Municipal Councillor - Welland) (Committee Vice-Chair); S. Chemnitz, Chief Administrative Officer (St. Catharines), G. Long, Chief Administrative Officer (City of Welland) M. Robinson, Director, GO Implementation Office (Niagara Region), , K. Todd, Chief Administrative Officer (City of Niagara Falls)

Absent/Regrets: C. Dabrowski (Municipal Councillor – Niagara Falls), G. Miller (Municipal Councillor – St. Catharines), R. Tripp, Acting Chief Administrative Officer (Niagara Region)

Other Councillors: Bradley (Regional Chair)

Staff: M. Evely, Legislative Coordinator, C. Lam, Program Financial Analyst, R. Salewytch, Program Manager, Transit Services, H. Talbot, Financial & Special Projects Consultant, L. Tracey, Project Coordinator, GO Implementation, M. Trennum, Deputy Regional Clerk

Others Present: T. Luey, St. Catharines Transit, S. McGean, Township of West Lincoln, G. Morrison, St. Catharines Transit

1. CALL TO ORDER

Committee Chair Siscoe called the meeting to order at 2:03 p.m.

2. DISCLOSURES OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

3. **PRESENTATIONS**

3.1 **Specialized Transit Study - Final Report and Recommendations**

Steve Wilkes, Project Manager, IBI Group, provided information respecting Specialized Transit Study - Final Report and Recommendations. Topics of the presentation included:

- Guiding Principles
- Recommendations
 - Eligibility and Certification
 - Reservations & Scheduling
 - Policies, Procedures, and Performance Metrics
 - Service Delivery
 - Greater Link/Integration Fixed Route Transit Services
 - Same-Day Pilot Program
 - Technology
- Growth Strategy/Financial Plan
- Implementation Plan

4. **DELEGATIONS**

There were no delegations.

5. **ITEMS FOR CONSIDERATION**

5.1 **LNTC-C 2-2020**

Specialized Transit Study Report

Moved by Councillor Ip

Seconded by L. Van Vliet

That Report LNTC-C 2-2020, dated January 29, 2020, respecting Specialized Transit Study Report, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the recommendations of the Specialized Transit in Niagara Region study, as described in Report LNTC-C 2-2020, **BE ENDORSED**; and
2. That a copy of Report LNTC-C 2-2020 **BE CIRCULATED** to the Local Area Municipalities.

Carried

6. CONSENT ITEMS FOR INFORMATION

Moved by Councillor Redekop
Seconded by Councillor Campion

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

LNTC-C 1-2020
Fare Technology Update

LNTC-C 3-2020
Accessibility Advisory Committee Endorsement of Niagara Specialized Transit
Draft Report

Carried

7. OTHER BUSINESS

7.1 Additional Linking Niagara Transit Committee Meetings

Committee Chair M. Siscoe advised committee that an additional meeting of the Linking Niagara Transit Committee will be held on March 4, 2020. He advised that, the Linking Niagara Transit Committee meeting to be held on April 4, 2020 would be rescheduled to April 22, 2020. He noted this revised schedule allows for alignment with key project milestones of the governance review and the Inter-Municipal Transit West deployment.

7.2 Transit Fares for Niagara College Students

Councillor Sendzik requested an update respecting the renegotiation of student transit fares with Niagara College. Matt Robinson, Director, GO Implementation Project, advised that staff from the Niagara Region and Niagara College have had on-going discussions respecting student transit fares and there is a draft agreement in place.

7.3 Availability of Niagara Specialized Transit

Councillor Sendzik brought forward a concern from the Alzheimer's Society of Niagara respecting the technology issues being experienced by Niagara Specialized Transit, such as lost bookings. Rob Salewysch, Program Manager, Transit Services, stated that staff have not been advised of any concerns from the Alzheimer's Society of Niagara; however, there are on-going discussions with the service operator to find solutions to any system error and service users experiencing any issues are encouraged to contact staff.

8. NEXT MEETING

The next meeting will be held on Wednesday, March 4, 2020 at 2:00 p.m. in the Council Chamber.

9. ADJOURNMENT

There being no further business, the meeting adjourned at 2:41 p.m.

Mat Siscoe
Committee Chair

Mark Evely
Legislative Coordinator

Matthew Trennum
Deputy Regional Clerk

Ann-Marie Norio
Regional Clerk

Minute Item No. 5.1

PHD 2-2020

Public Health 2020 Annual Service Plan and Budget Submission

That Report PHD 2-2020, dated February 11, 2020, respecting the Public Health 2020 Annual Service Plan and Budget Submission, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That the Board of Health (BOH)/Regional Council **APPROVE** the Public Health 2020 Annual Service Plan (ASP) and Budget Submission to the Ministry of Health.

Minute Item No. 6

Consent Items for Information

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

COM 2-2020

Niagara Prosperity Initiative

COM-C 3-2020

Activities related to Niagara's 10-Year Housing and Homelessness Action Plan for January 2020

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

**PHSSC 2-2020
Tuesday, February 11, 2020
Council Chamber
Niagara Region Headquarters, Campbell West
1815 Sir Isaac Brock Way, Thorold, ON**

Committee: Bellows, Bradley (Regional Chair), Butters, Chiocchio (Committee Co-Chair), Darte, Foster, Greenwood (Committee Co-Chair), Heit, Insinna, Ip, Jordan, Nicholson, Rigby, Sendzik, Villella, Whalen, Witteveen

Councillors: Easton

Absent/Regrets: Gibson

Staff: A. Alfieri-Maiolo, Director, Clinical Services, A. Biscaro, Director, Family Health, D. Edgar, Director, Children's Services, Dr. A. Feller, Associate Medical Officer of Health, Dr. M. M. Hirji, Acting Medical Officer of Health, G. Hovannisyan, Acting Associate Medical Officer of Health, A. Jugley, Commissioner, Community Services, S. Kearns, Director, Environmental Health, K. Lotimer, Legislative Coordinator, A.-M. Norio, Regional Clerk, M. Trennum, Deputy Regional Clerk, R. Tripp, Acting Chief Administrative Officer

1. CALL TO ORDER

Co-Chair Chiocchio called the meeting to order at 1:04 p.m.

2. DISCLOSURES OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

3. PRESENTATIONS

3.1 Early Development Instrument 2018 Results for Niagara Region

Amy Romagnoli, Data Analyst, Community Services and Shailee Tanna, Epidemiologist, Public Health and Emergency Services provided information respecting Early Development Instrument 2018 Results for Niagara Region. Topics of the presentation included:

- What is the Early Development Instrument (EDI)?
- Niagara's Results

- Qualitative Data Collection
- Community Impact: Who Uses the Data and How
- EDI Date: Next Steps

4. **DELEGATIONS**

There were no delegations.

5. **ITEMS FOR CONSIDERATION**

5.1 **PHD 2-2020**

Public Health 2020 Annual Service Plan and Budget Submission

Dr. Hirji, Acting Medical Officer of Health, and Diane Vanecko, Director, Organizational and Foundational Standards, provided information respecting the Public Health 2020 Annual Service Plan and Budget Submission. Topics of the presentation included:

- Public Health Accountability Framework
- Annual Service Plan (ASP)
- Development of ASP
- Highlights of Proposed ASP Submission
- 2020 Budget Request

Moved by Councillor Nicholson
Seconded by Councillor Ip

That Report PHD 2-2020, dated February 11, 2020, respecting the Public Health 2020 Annual Service Plan and Budget Submission, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That the Board of Health (BOH)/Regional Council **APPROVE** the Public Health 2020 Annual Service Plan (ASP) and Budget Submission to the Ministry of Health.

Carried

6. CONSENT ITEMS FOR INFORMATION

Moved by Councillor Bellows
Seconded by Councillor Jordan

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

COM 2-2020
Niagara Prosperity Initiative

COM-C 3-2020
Activities related to Niagara's 10-Year Housing and Homelessness Action Plan
for January 2020

Carried

7. OTHER BUSINESS

There were no items of other business.

8. CLOSED SESSION

There were no closed session items.

9. NEXT MEETING

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

10. ADJOURNMENT

There being no further business, the meeting adjourned at 2:52 p.m.

Councillor Chiocchio
Committee Co-Chair

Councillor Greenwood
Committee Co-Chair

Kelly Lotimer
Legislative Coordinator

Ann-Marie Norio
Regional Clerk



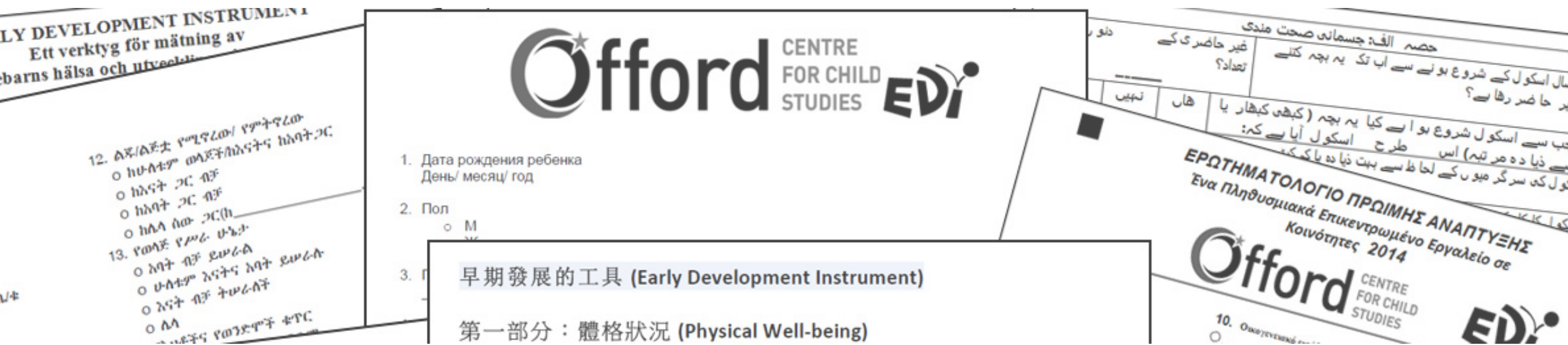
Early Development Instrument 2018 Results for Niagara Region

Amy Romagnoli, Data Analyst, Children's Services

Shailee Tanna, Epidemiologist, Public Health and Emergency Services

What is the Early Development Instrument (EDI)?

- Validated tool that measures developmental health and wellbeing of children in year 2 of kindergarten
- Mandated and funded by Ministry of Education
- 103 questions/child



What is the Early Development Instrument (EDI)?

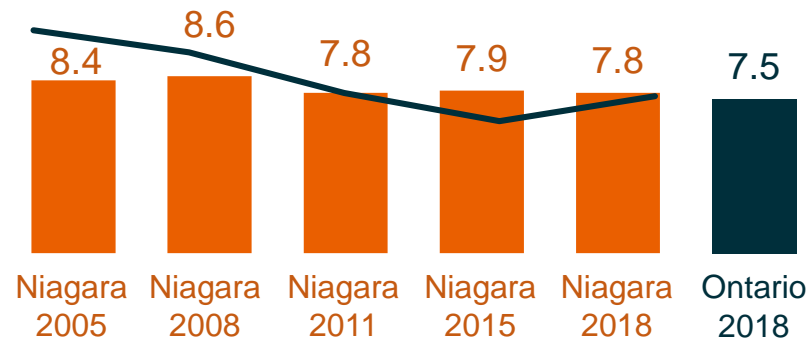
5 domains of child development:

- Physical Health and Wellbeing
- Social Competence
- Emotional Maturity
- Language and Cognitive Development
- Communication and General Knowledge

Niagara's Results

Language and Cognitive Development

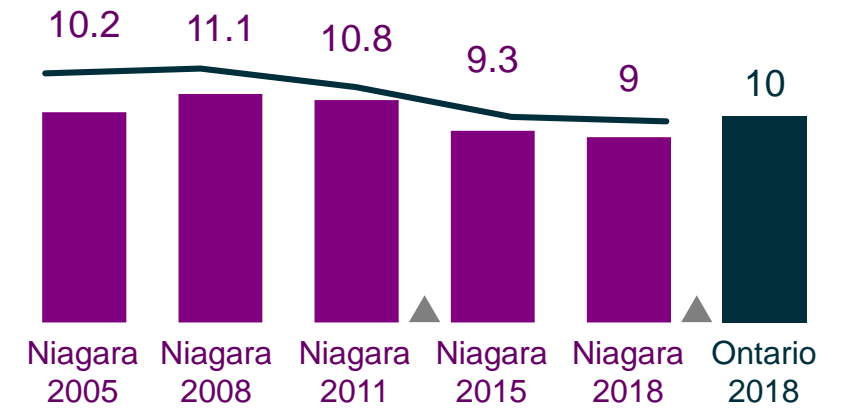
% vulnerable



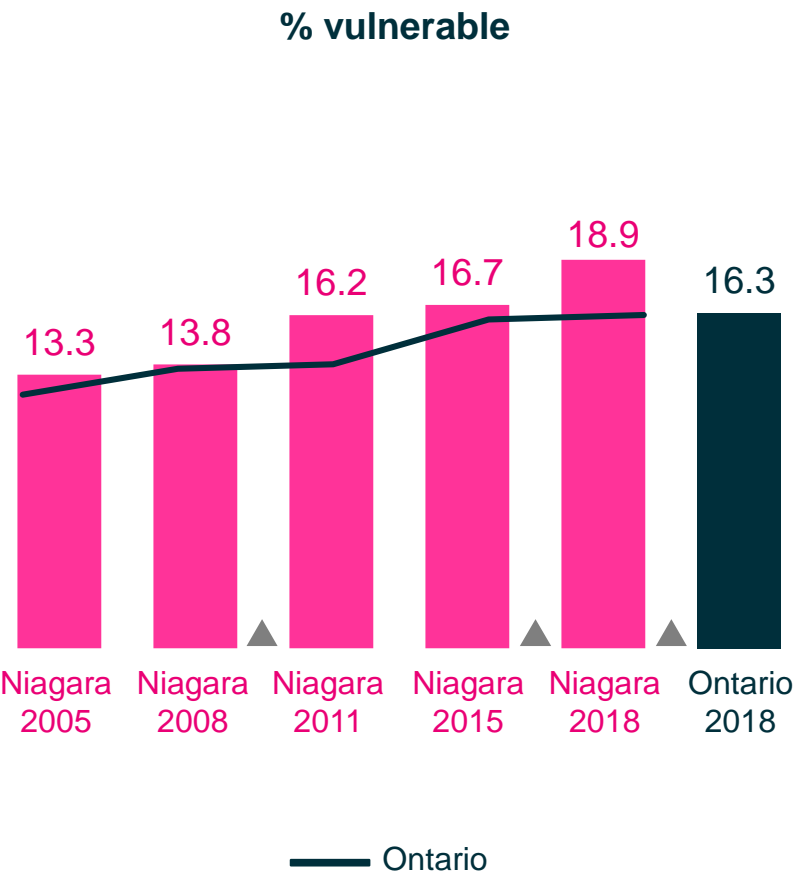
— Ontario

Communication and General Knowledge

% vulnerable

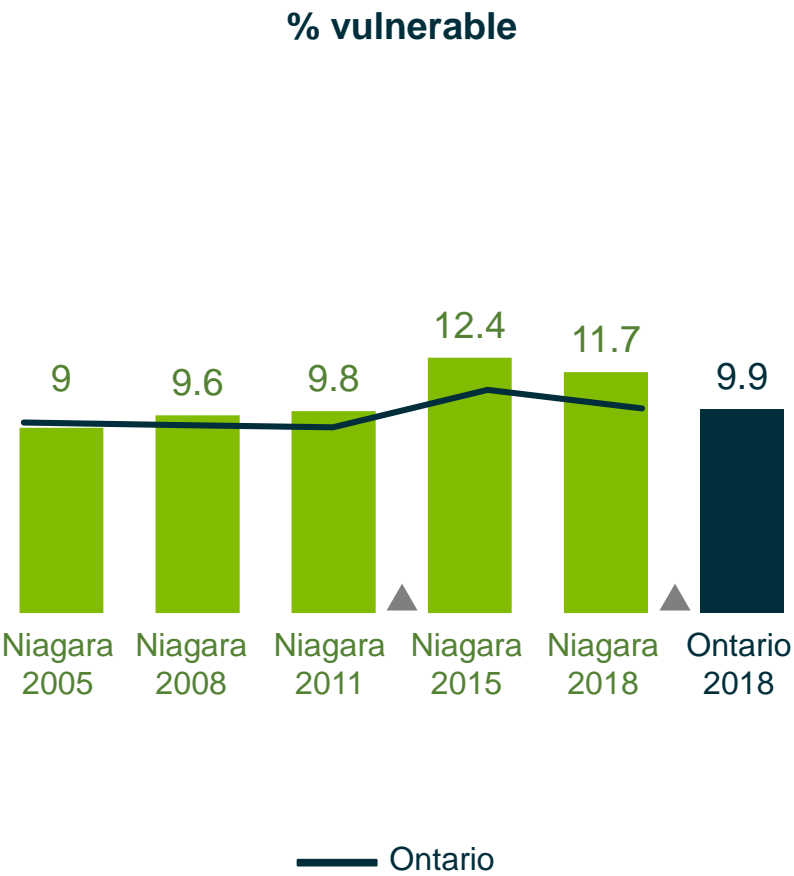


Physical Health and Wellbeing



Subdomains	Change between 2015 and 2018	Difference between provincial average
Physical readiness for the school day		
Physical independence	None	
Gross and fine motor skills	None	None

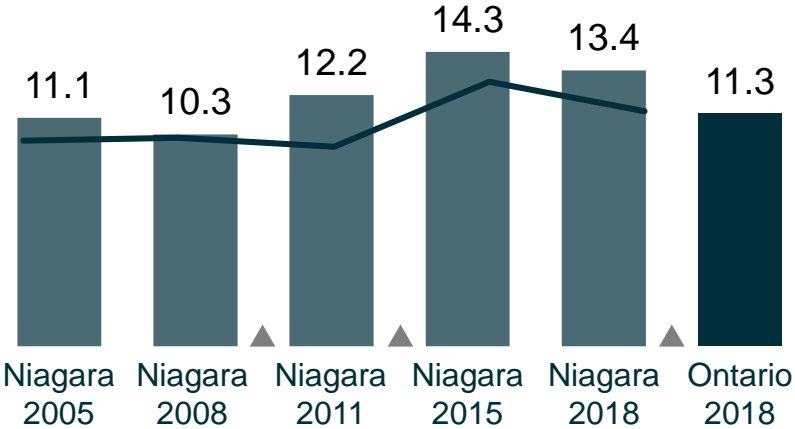
Social Competence



Subdomains	Change between 2015 and 2018	Difference between provincial average
Overall social competence with peers	None	
Responsibility and respect	None	
Approaches to learning	None	None
Readiness to explore new things	None	None

Emotional Maturity

% vulnerable



— Ontario

Subdomains

Change between 2015 and 2018

Difference between provincial average

Prosocial and helping behaviour



None

Anxious and fearful behaviour

None



Aggressive behaviour

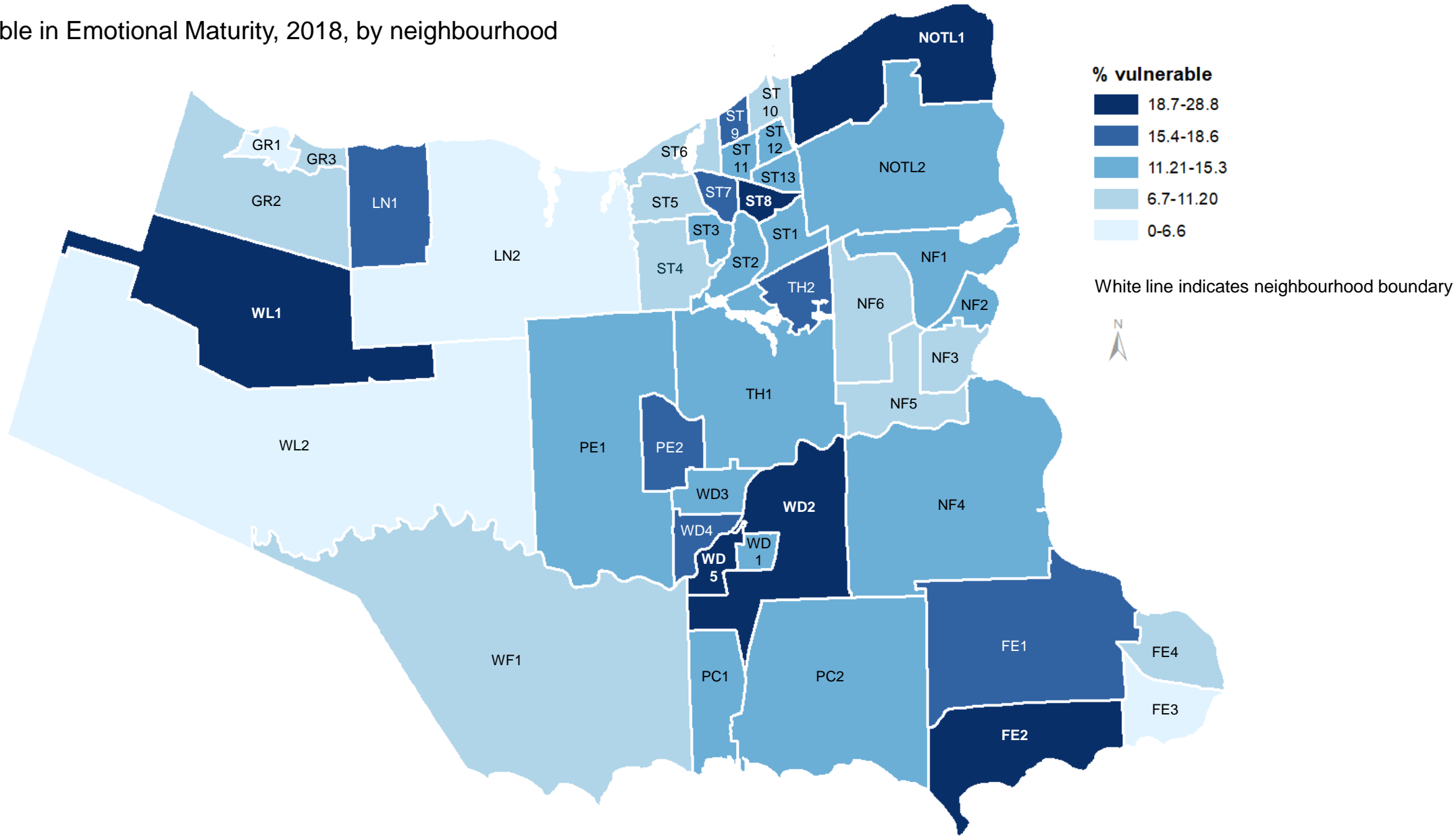
None



Hyperactive and inattentive behaviour



% vulnerable in Emotional Maturity, 2018, by neighbourhood



Qualitative Data Collection

- EDI cannot be used to determine causation
- Pilot: Teachers provided additional relevant information in the comment section
- Themes can provide context, to allow our discussions about “why?” to be data-driven

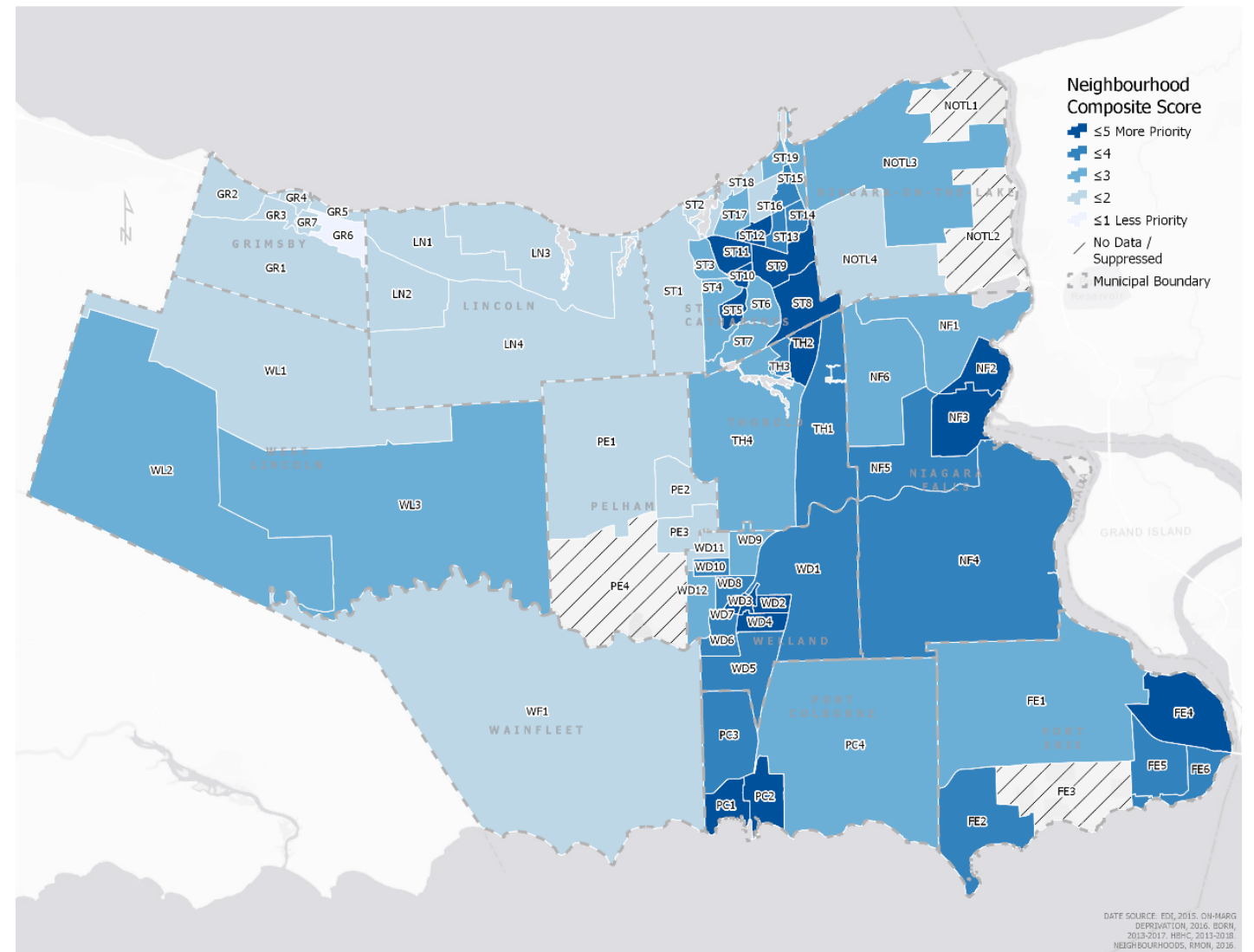
Community Impact: Who Uses the Data and How

Community impact: Who uses the data and how?

Public Health

- Objective of Parenting Strategy (Family Health Division): To identify and understand the needs of priority populations
- A geographical approach was taken, at a neighborhood level
- 4 population-level data sources were used:
 - Percentage of Children scoring as vulnerable on two or more domains (EDI, 2015)
 - Percentage of mothers exclusively breast feeding (BORN, 2013-2017)
 - Percentage of Healthy Babies Healthy Children screens classified as medium to high risk (HBHC, 2013-2018)
 - Derived neighbourhood material deprivation, (ON-MARG, Census 2016)

$(EDI * w1) + (BORN * w2) + (HBHC * w3) + (ONMARG - DEP * w4) =$
Neighbourhood Score



Public Health: Parenting Strategy

Priority Areas & Population Identification



Community impact: Who uses the data and how?

- Niagara Children's Planning Council (40+ agencies)
- Publicly funded School Boards
- Niagara Region
 - Innovation and Business Excellence: Council Strategic Dashboard
 - Children's Services
 - Public Health



Many community partners

EDI Data: Next Steps

- Deeper analysis of qualitative data to identify themes
- Analysis by EarlyON Child and Family Centre service delivery zone
- Collection of Middle Years Development Instrument data (grades 4 & 7)

Thank you

Amy.Romagnoli@niagararegion.ca

Public Health Annual Service Plan and Budget Submission 2020

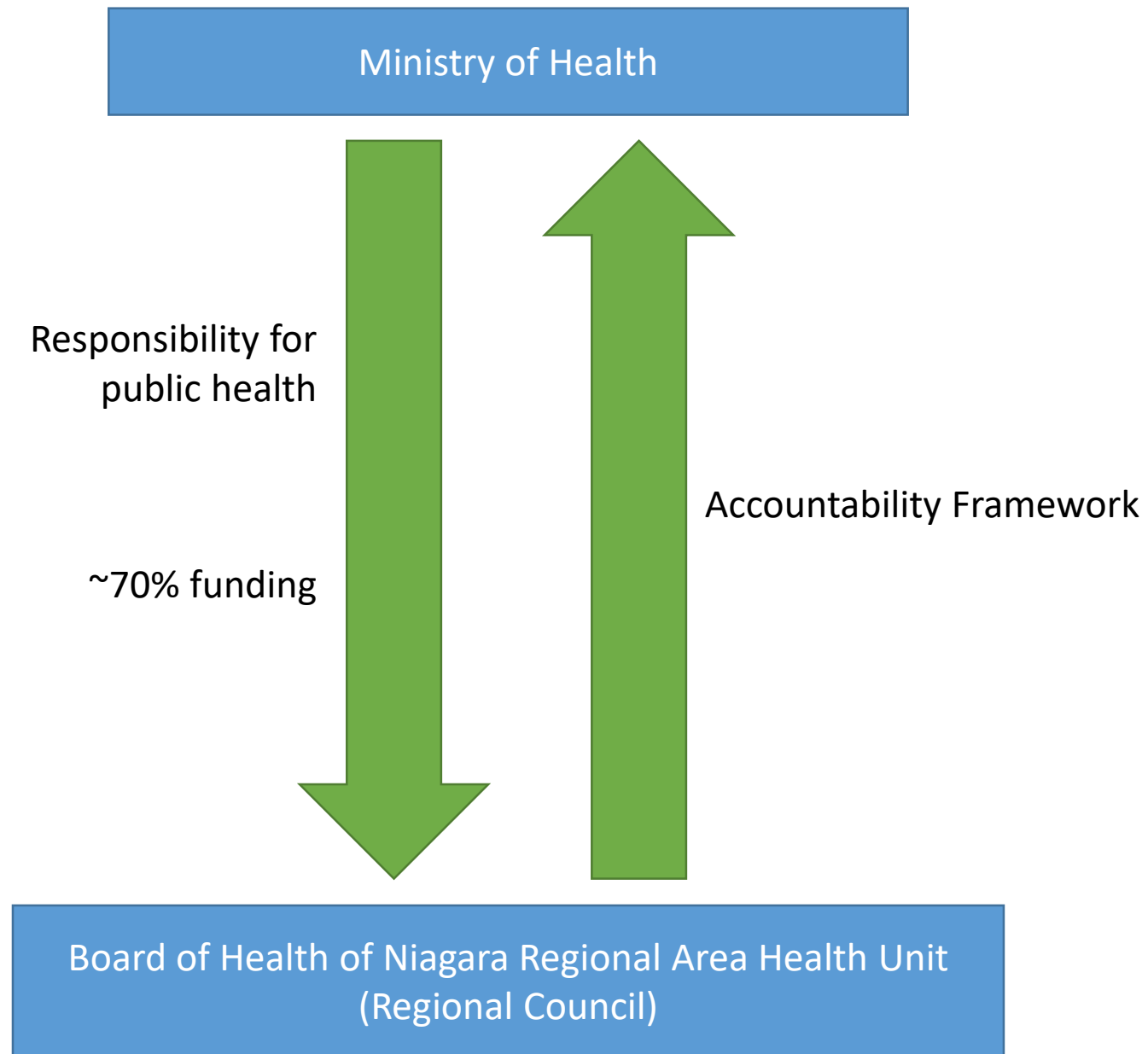
February 11, 2020

M. Mustafa Hirji
Medical Officer of Health & Commissioner (Acting)

Diane Vanecko
Director, Organizational & Foundational Standards

Contents

- Public Health Accountability Framework
- Annual Service Plan (ASP)
- Development of ASP
- Highlights of Proposed ASP Submission
- 2020 Budget Request



Accountability Requirements

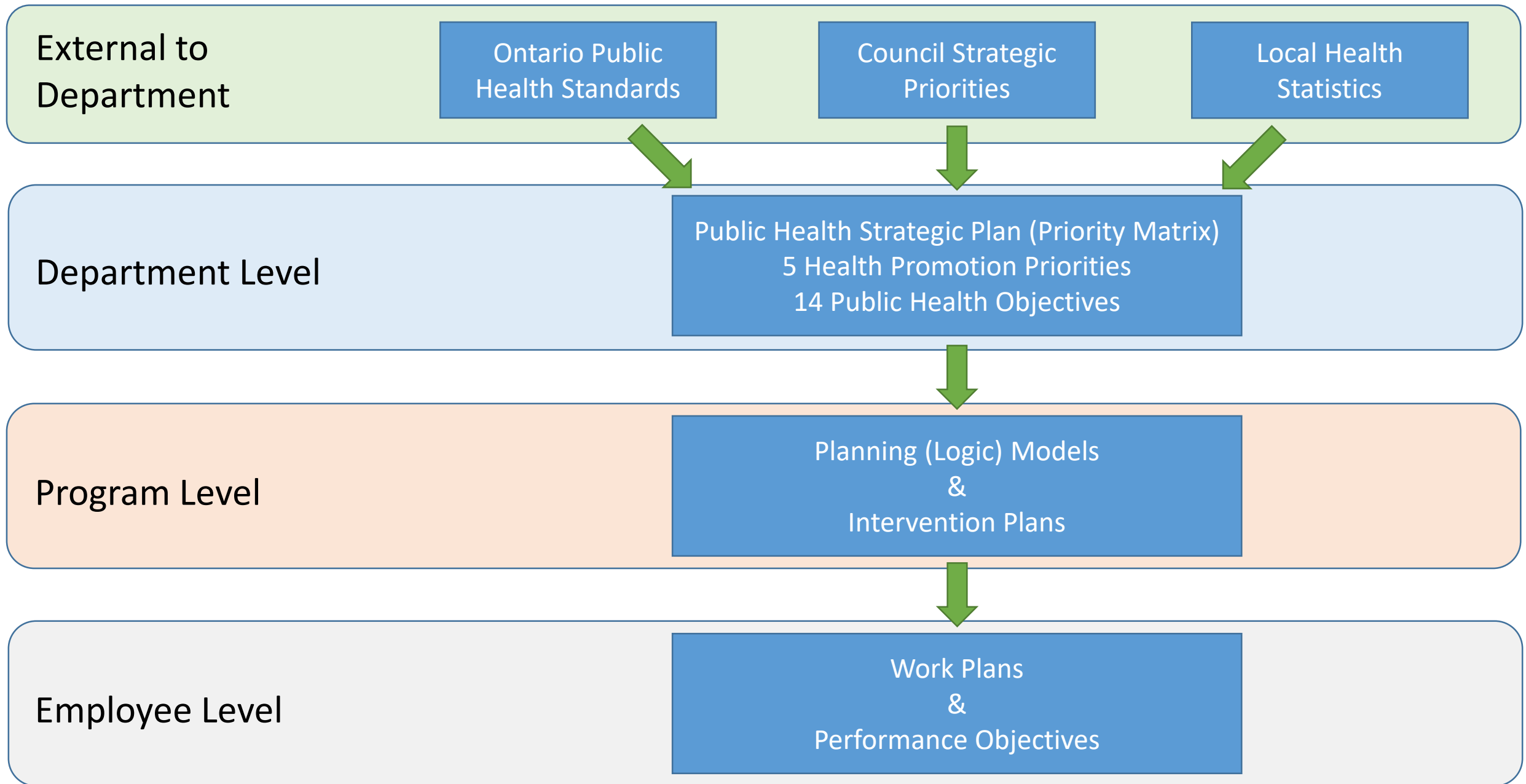
- Organizational Requirements
- Accountability Agreement

Plans to Fulfill

- Strategic Plan
- Annual Service Plan & Budget

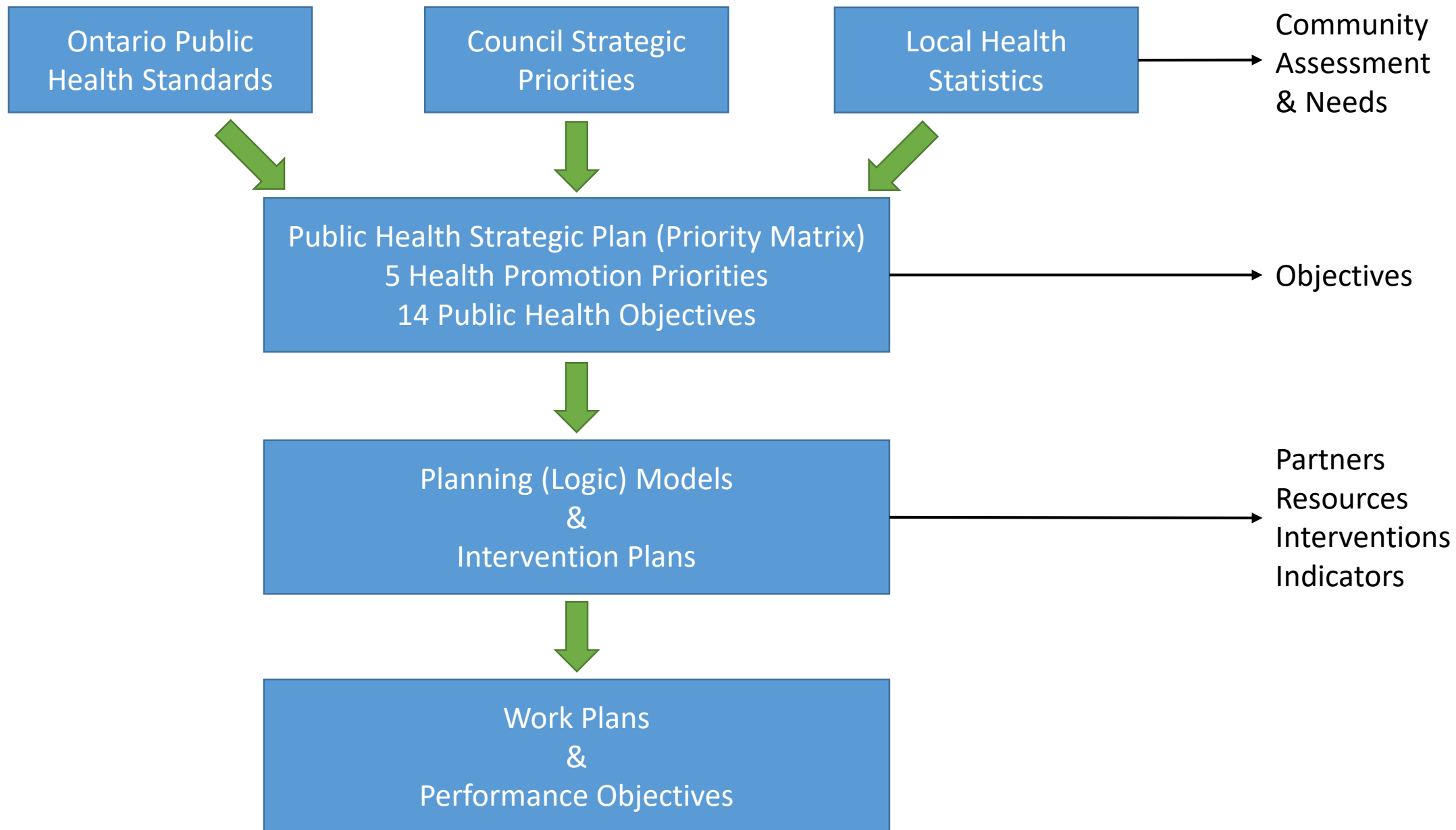
Performance & Funding Reports

- Quarterly Reports
- Annual Report



Annual Service Plan Template

- Community assessment
- Program plans, including
 - Community needs and priorities
 - Key partners and stakeholders
 - Program description
 - Program objectives
 - Intervention descriptions
- Budget allocations and summaries for each Standard and program
- One-time funding requests
- BOH membership



Annual Service Plan Template

- Community assessment ✓
- Program plans, including
 - Community needs and priorities ✓
 - Key partners and stakeholders ✓
 - Program description ✓
 - Program objectives ✓
 - Intervention descriptions ✓
- Budget allocations and summaries for each Standard and program
- One-time funding requests
- BOH membership

Public Health Objectives

1. Reduce the risk of **preventable cancers** among Niagara Region residents
2. Reduce the number of **intentional and accidental injuries** and deaths
3. Decrease the misuse and abuse of prevalent **substances**
4. Increase the number of children who meet their **developmental milestones** from conception to school age
5. Increase the number of **school age children** who maintain positive **physical and mental health**
6. Increase the number of **parents/caregivers** who maintain positive **physical and mental health**
7. Increase the proportion of **parents** that **trust NRPH** for parenting programs and information
8. Reduce the reported instances of infection caused by **microbial contamination**
9. Reduce the reported instances of **enteric pathogen** related disease
10. Reduce the reported instances of **vector borne disease**
11. Decrease the rate of **chlamydia** in males 15-29 years of age
12. Decrease **respiratory infection hospitalizations** among children aged 6 months to 13 years
13. Improve our **Quality Improvement maturity** from Progressing to Achieving
14. All internal and external health related **data is of good quality** and easily accessible to inform decision making

Example: Infectious and Communicable Diseases Prevention and Control

Infectious and Communicable Diseases Prevention and Control

A. Community Needs and Priorities

Please provide a short summary of the following:

a) The key data and information which demonstrates your communities' needs for public health interventions to address infectious and communicable diseases.

Under the Health Protection and Promotion Act, Ontario Regulation 559/91, NRPD provides critical and time sensitive follow up and surveillance of 60 plus reportable diseases to the Medical Officer of Health in order to prevent further spread of communicable disease.

In 2018, the top five reportable diseases in Niagara included chlamydia, influenza, gonorrhea, hepatitis C, and campylobacter enteritis. All of these diseases other than Hepatitis C saw increases in the number of cases compared to 2017.

In 2019, the following reportable diseases increased or continued to demonstrate increased prevalence:

1. Preventable diseases by recommended vaccination:

- Invasive Streptococcus Pneumonia (increase of cases from 29 in 2017 to 52 in 2019)

2. Diseases transmitted by direct contact and respiratory routes:

- Invasive Haemophilus Influenza [all types] (increase in cases from 10 in 2018 to 15 in 2019)
- Influenza A (increase in cases from 404 in 2017 to 697 in 2019)
- Influenza B (decrease in cases from 114 in 2017 to 66 cases in 2019)
- Invasive Group A Streptococcus (increase in cases from 34 in 2017 to 54 in 2019)

3. Enteric, foodborne, and waterborne diseases:

- Campylobacter Enteritis (increase in cases from 95 in 2017 to 125 in 2019)
- Cryptosporidiosis (increase in cases from 7 in 2017 to 32 in 2019)
- Cyclosporiasis (increase in cases from 4 in 2017 to 19 in 2019)
- Salmonellosis (decrease in cases from 91 in 2017 to 66 in 2019)
- Verotoxin-producing E. coli (including HUS) (increase in cases from 2 in 2017 to 15 in 2019)
- Yersiniosis (increase in cases from 8 in 2017 to 11 in 2019)

4. Sexually transmitted and blood borne infections:

- Chlamydia (increase in cases from 1551 in 2017 to 1713 in 2019)

b) Your board of health's determination of the local priorities for a program of public health interventions that addresses infectious and communicable diseases.

NRPD completed a life course analysis to determine the most common diseases by age and sex resulting in emergency department visits, hospitalizations, and deaths. This analysis also looked at the most common reportable diseases by age and sex. Two main priorities were identified related to infectious diseases.

First, it was identified that the number one reason children 9 years of age and under go to the emergency department is respiratory infections. In addition, one of the top reasons that children under 9 years of age are hospitalized is related to influenza and pneumonia. As a result, one of the priorities is to reduce hospitalizations related to respiratory infections in children. In 2018, 38.7% of all acute upper respiratory infection emergency department visits occurred in children under 10 (4,639 visits) and 19.3% of influenza and pneumonia emergency department visits occurred in children under 10 (797 visits). Emergency department data is only available from January to June for 2019; however, it shows that similar patterns are still occurring. In 2019, 34.6% of all acute upper respiratory infection emergency department visits occurred in children under 10 (1,907 visits) and 20.6% of influenza and pneumonia emergency department visits occurred in children under 10 (498 cases). In addition, 66.7% of all hospitalizations due to acute upper respiratory infections occurred in children under 10 (132 visits) and 15.7% of influenza and pneumonia hospitalizations occurred in children under 10 (186 visits). In the first half of 2019, children under 10 were responsible for 57.1% of acute upper respiratory infection hospitalizations (68 visits) as well as 20.3% of influenza and pneumonia hospitalizations (129 visits). In 2020, NRPD will continue to address this priority through health promotion and protection initiatives, as well as by collaborating with community stakeholders.

Second, it was identified that chlamydia infection rates continue to rise, specifically in those aged 15 to 29 years. As a result, the second priority is to reduce chlamydia infection and re-infection rates in Niagara. Overall, chlamydia rates have increased in Niagara from 253.3 per 100,000 population in 2013 to 354.1 per 100,000 population in 2018. In 2018, over 80% of cases occurred in those aged 15 to 29. This trend continues to be seen in 2019. In addition, ON-Marg-stratified analyses have shown where inequities exist in Niagara related to chlamydia infection rates. In 2020, NRPD will continue to address this priority through health promotion initiatives, as well as through health protection initiatives (e.g., clinics).

B. Key Partners/Stakeholders

Please provide a high level summary of the specific key internal and external partners you will collaborate with to deliver on this Standard. Include a description of the contribution/role of these partners in program and service delivery, the mechanism for engagement (e.g., data sharing agreements, committee tables, working groups, etc.), and frequency of engagement. Please also describe any situations where the programming provided by external partners is sufficient so that you have not had to deliver similar programming under this Standard.

Internal partners: Infectious Disease Program, Sexual Health and Environmental Health work collaboratively to support many cross divisional activities and in partnership with other internal divisions and/or disciplines such as the Medical Division, Organizational and Foundational Standards Division, Emergency Medical Services, Family Health (Dental Program), Corporate and Public Health Communications/Web Communications, Information Technology (IT) and Public Works. Internal collaboration and communication occurs on a regular basis via internal committee/working groups, such as: IPAC committee, Outbreak Management, Vector Borne and our Respiratory Reduction committee. Membership may include representation from other divisions such as epidemiologist, data coordinator, legal, communications and other disciplines across the department when applicable.

External partners: NRPH&ES works closely with acute care centres, long-term care homes and retirement homes by attending monthly IPAC meetings and outbreak management meetings when required. In addition, an annual in-service is provided to support these institutions regarding IPAC best practices.

Inspections where applicable, presentations, and PH consultation are available to support community partners such as schools, child care, health professionals or other social service agencies as requested.

OMAFRA, Ministry of Natural Resources and Forestry, SPCA, CFIA, MOECC, PHO, Ministry of Education, Canadian Wildlife Health Centre, Municipalities, PHOL, Municipal Fire Services, Niagara Regional Police, Other Public Health Units (PHUs); Ministry of Health and Long-Term Care (MOHLTC); Regulated Colleges in Ontario including the College of Physician and Surgeons of Ontario (CPSO) and Royal College of Dental Surgeons of Ontario (RCDSO); Niagara's Municipalities (e.g. By-Law and Licensing); FARMS; Employment and Social Development Canada (ESDC); Service Canada are consulted as needed as a result of investigations, inspections or the need for consultation.

Outreach nurses work with many community partners/organizations on a weekly basis to support marginalized clients who access social service agencies. Examples include Start Me Up Niagara, Southridge, CASTLE, Sex Trade on My Terms, Niagara Detention Centre.

P 1) Vector-Borne Diseases Program

Program Description:

Describe the program including the population(s) to be served. If a priority population has been identified for this program, please provide data and informational details that informed your decision, unless previously reported. Please identify the specific requirements under the Standards that the program will address, describe how a health equity lens has been incorporated, how barriers will be removed or addressed for priority populations, and include a linkage to identified community needs and priorities

The vector-borne program serves to protect residents and visitors from vector-borne diseases and rabies throughout Niagara, working with key stakeholders and community partners to address the following components:

- Vector-borne monitoring and surveillance
- Vector-borne promotion, prevention, and education
- Rabies control activities

Program Objective:

Describe the expected objectives of the program and what you expect to achieve, within specific timelines.

- Reduce the rate of illness related to vector-borne disease

Intervention Descriptions:

Briefly describe the following public health intervention(s).

i 1) Surveillance

Surveillance of vector-borne disease presence through several means. For mosquito borne infections such as West Nile and Eastern Equine Encephalitis, NRPH sets up traps in all municipalities to determine the number, species and level of mosquito infectivity. All positive pools are followed up with more in-depth investigation of mitigation options including enhanced standing water monitoring. Other sources of information will include vector borne disease reports from other susceptible animal populations such as birds and horses.

For tick-borne surveillance, NRPH invites the public and health professionals to provide tick specimens for identification by our staff. If a black legged tick is identified, this is followed-up with the client in order to assess for risk of transmission, health teaching on prevention strategies and referral to their health care provider when appropriate. Active tick drags are also carried out to enhance

i 2) Disease and health event investigation

The rabies control program involves the commencement of the investigation of all reported animal biting reports within a 24 hour period. The program also involves the surveillance of rabies activity in the animal populations utilizing data from Ministry of Natural Resources and Forestry and the Canadian Food Inspection Agency to determine possible future interventions. The health unit also enforces the mandatory rabies vaccination of dogs, cats, ferrets and certain classes of wildlife. In situations where the individual is unable to afford the cost of rabies vaccination, the health unit will issue a voucher to reduce the cost of the vaccination to the pet owner. The individual, to be eligible, must self-identify financial hardship to the investigating officer why their finances are in a difficult state (persons on a fixed income, persons of racial/ethnic origin, students or full-time caregivers).

i 3) Health Teaching

Niagara has consistently been identified as a risk area for black legged ticks and there has been much confusion related to Lyme disease at various interaction points with Niagara physicians. As a result, NRPH is planning a continuing medical education event "Embedding Knowledge of Lyme Disease" for Primary Care in 2020. Dr. Eva Piessens, Division of Infectious Diseases, HHS Juravinski Hospital and Dr. Samir Patel, Clinical Microbiologist, Deputy Chief, have been secured to provide their clinical infectious disease expertise at an upcoming CME event in May of 2020.

P 2) Communicable Disease

Program Description:

Describe the program including the population(s) to be served. If a priority population has been identified for this program, please provide data and informational details that informed your decision, unless previously reported. Please identify the specific requirements under the Standards that the program will address, describe how a health equity lens has been incorporated, how barriers will be removed or addressed for priority populations, and include a linkage to identified community needs and priorities

The communicable diseases program serves to reduce or eliminate the burden of communicable diseases related to infection prevention and control practices in a variety of settings. This is achieved by working with key stakeholders and community partners to address the following components:

- Outbreak control in institutions and the community
- Promotion/prevention
- Routine personal service setting inspections
- Case management of diseases of public health significance and surveillance to monitor local disease trends

Program Objective:

Describe the expected objectives of the program and what you expect to achieve, within specific timelines.

- Decrease respiratory infection hospitalizations by 5% among children aged 6 month to 13 years by 2020
- Prevent further transmission of diseases of public health significance through infection prevention and control measures and disease surveillance
- By 2023, reduce the number of reported potential infections caused by microbial contamination by 2%
- Reduce the rate of microbial contamination in facilities providing client/residents services

Intervention Descriptions:

Briefly describe the following public health intervention(s).

i 1) Policy Enforcement

The focus of this intervention is to assist institutional facilities in managing and controlling declared outbreaks. Early recognition of cases signalling outbreaks and swift actions are essential for effective outbreak management. Timely specimen collection, communication and the appropriate infection prevention and control measures have the potential to make a significant impact in the course of an outbreak. In 2019, NRPH provided outbreak management support to 58 respiratory and 34 enteric outbreaks. The outbreak performance dashboard now includes LTCF and retirement homes. This data is analyzed annually and informs our practice. Public disclosure of outbreaks includes LTCF and retirement homes and has been well received by the stakeholders.

In addition, NRPH intends on maintaining its 100% inspection completion rate connected to its 815 personal service setting (PSS) premises in 2020, with a continued focus on educating owners/operators on all applicable IPAC best practices. With the Ministry standard set as a minimum of one routine compliance inspection per annum, Niagara will continue to risk assess each premise on an on-going basis, adjusting when necessary, the need to perform additional routine inspections in excess of the minimum requirement. These routine inspections will also be supplemented by the need to perform follow-up inspections, complaint-triggered inspections and site visits prompted by owners and operators, all with the intention to achieve and maintain continued compliance with Ontario Regulation 136/18.

All IPAC complaints (or concerns identified through referral/surveillance) connected to PSSs, regulated healthcare providers, or non-regulated facilities will be risk assessed and investigated for IPAC best practice compliance. The same approach applies to complaints received during 24/7 on-call period, with a risk assessment used to determine appropriate follow-up action and timelines. NRPH follows up with each type of facility implicated in an IPAC complaint until full IPAC compliance is achieved. Furthermore, for investigations involving regulated healthcare providers and PSS, subsequent visits are completed at predetermined timelines in order to verify continued IPAC best practice adherence. Each investigative response will be initiated within 24 hours to minimize the potential risk of exposure to both clients and staff. Notification of the investigation will be made to all relevant stakeholders, both internal and external to the organization. Investigative findings will be disclosed to the public in an effort to promote informed decision-making prior to visiting one of these facilities for a client service. In 2019, 53 PSS, 14 regulated healthcare provider, and 19 IPAC investigations involving non-regulated facilities were initiated. Working in partnership with local municipalities, NRPH is committed to build on past successes centred on the early detection, assessment, and inspection of all previously uninspected PSS facilities (including those that are home-based) in an effort to mitigate and/or eliminate potential IPAC deficiencies. This collaborative approach is also of benefit when dealing with chronically non-compliant owners/operators in the community, particularly in municipalities that require business licensing.

In 2020, NRPH will be launching a new medi-spa initiative that will aim to determine services and the necessity to routinely inspect these previously uninspected settings for IPAC best practice compliance tied to their provision of medical aesthetics. Additionally, upon request, NRPH will continue to provide regulated healthcare professionals with the opportunity for onsite IPAC education.

i 2) Surveillance

In 2019, NRPH&ES released a business intelligence disease reporting dashboard to allow for near real time reporting of diseases of public health significance. Such timely surveillance will support the detection of increasing disease trends at a local level. In addition, all DOPHS will be entered into our electronic medical record database, which allows for granular risk factor data collection and reporting. This additional data collection method will enhance reporting functionality and complement our existing provincial IPHIS database.

As a result of surveillance and risk factor analysis, NRPH&ES is conducting research on the prevalence of group A streptococcus in the persons who use drugs and underhoused population. Surveys will be completed on approximately 300 participants and swabs collected on throat and wound. Emm typing and whole genome sequencing will be completed by NML.

i 3) Consultation

NRPH acts as an IPAC consultative resource to owners/operators, both informally and formally. Informally, through in-person consultations provided during the course of routine PSS inspections and IPAC investigations, and more formally through the development or adaptation of available resources/tools to which are distributed to targeted audiences. Additionally, through the provision of training sessions, NRPH educates attendees on current IPAC best practice documents and all applicable legislated requirements. NRPH utilizes strategic opportunities available through health promotion campaigns and initiatives to continue to create further public awareness (e.g. use of social media, billboard(s), and primary care screens in physician waiting rooms). Public disclosure allows for transparency and public awareness regarding routine inspections, complaints, investigations, and potential legal action tied to improper IPAC practices. NRPH will risk assess all identified lapses in IPAC, and attempt to influence operational/behavioural changes towards compliance through education, with the potential for enforcement when educative approaches fail to yield expected results. The appropriateness of legal action through use of health protection and promotion orders, or Part I or III provincial offences will be balanced and representative of the IPAC issues identified.

NRPH&ES will continue to provide expertise and support to educate primary care, long term care homes, child care and other community partners related infection prevention and control best practices, disease transmission, outbreak control measures and exclusion to prevent further transmission of disease.

i 4) Case Management

Public Health Nurses follow up and provide case and contact management as per Appendix A: Disease Specific Chapters and Appendix B Provincial Case Definitions.

i 5) Collaboration

Building on 2019 interventions where Public Health provided physician detailing to over 100 health care providers and protected 563 children 13 and under with the flu vaccine (2018/2019 flu season), our efforts in 2020 will focus on:

- Continuing to improve access and increase coverage in children and their families through the strategic placement and targeted advertising of Public Health influenza vaccination clinics (as of Jan. 7/2020 Public Health has protected 654 children)
- Calling on local immunizers to give a strong recommendation for children to get the influenza vaccine in order to prevent disease transmission
- Providing on-going support to primary care offices with patient resources for influenza (e.g. digital files for screens in waiting rooms, parent infographic, office signage, practice reminders)
- Liaising with external partners to explore opportunities to infiltrate flu messaging and infection prevent and control best practices into their daily programming (e.g. child care providers, school boards, pharmacies)

i 6) Health Teaching

With limited resources in Niagara and an increase in LTBI and medical surveillance cases, NRPH&ES will continue to explore the provision and operationalization of a TB clinic to alleviate unnecessary respirologists referrals and decrease local LTBI and MS pressures. Academic detailing to primary care will also be a strategy to support the knowledge gap in family practices/walk-in-clinics in order to address unnecessary referrals to respirologists for LTBI treatment and MS completion.

Related to other infectious diseases, NRPH supports 121 long-term care facilities and 192 childcare facilities. Examples of interventions planned in 2020 are educational in-services to LTCF, child care and home care on best practice infection prevention and control in order to prevent occurrence of outbreaks in such institutions.

In 2020, NRPH will continue to leverage previously established relationships with local post-secondary institutions to promote IPAC best practise through educational sessions with dental hygienists, dental assistants and dental office admin students. Furthermore, NRPH will continue to engage health care professionals by promoting IPAC best practices through quarterly dental newsletter submissions and monthly physician newsletter contributions. For 2020, presentations/meetings will occur within acute care settings, with additional attention focused on IPAC practices performed by OBGYN's as this was identified as a need in 2019.

i 7) Social Marketing

Annually, NRPH utilizes various social media streams to increase awareness of infection prevention and control best practices such as hand hygiene, cough etiquette and staying home if ill. Messaging is targeted to the time of year such as outbreak season or audience based on the circulating pathogen and awareness/education required.

In 2020, our ongoing respiratory reduction strategy will build upon prior year activities including ongoing physician engagement. Promotional materials, social media and resources for parents and kids will increase awareness/knowledge on respiratory etiquette and importance of vaccination

P 3) Sexual Health

Program Description:

Describe the program including the population(s) to be served. If a priority population has been identified for this program, please provide data and informational details that informed your decision, unless previously reported. Please identify the specific requirements under the Standards that the program will address, describe how a health equity lens has been incorporated, how barriers will be removed or addressed for priority populations, and include a linkage to identified community needs and priorities

As per Requirement # 8 of the OPHS, the Sexual Health Program serves to reduce or eliminate the burden of sexually transmitted and blood borne infections (STI/BBIs) to Niagara residents. 52% of all chlamydia cases and 54% of all gonorrhea cases were diagnosed at the NRPH's Sexual Health Clinics. (SHC). SHC and Outreach Nurses provide STI/BBIs testing, STI treatment, venipuncture, point of care testing, immunizations, dispensing and administration of medication (oral and injection), low cost contraception, and pregnancy tests.

Sexual Health Program provides every client equal opportunity to reach optimal health and potential regardless of their social position or other socially determined circumstances. Sexual Health Clinics provide non-judgemental and free STI testing and treatment for clients diagnosed with a sexually transmitted infection or have been named as a contact of an infection. No health card is required for testing and treatment.

The outreach nurses provide a suitable alternate to clients that may be socially isolated, have mental health or addictions issues, are homeless, have limited transportation, or lack an Ontario Health card. Outreach reduce barriers to accessing service by bringing service to them. Outreach nurses work with many community partners/organizations, assisting clients with STI testing, treatment,

Program Objective:

Describe the expected objectives of the program and what you expect to achieve, within specific timelines.

- Decrease the rate of chlamydia infections and repeat infections in youth and young adults 15-29 years of age by 10% by 2023
- Increase the access to copper IUDs for emergency contraception through insertion at our SHC, to young females < 25 years of age or outreach clients up to the age of 40 in order to decrease the rate of unplanned pregnancies in Niagara by 2023
- Increase the access to IUD/IUSs through insertion at our SHC, to young females < 25 years of age or outreach clients up to the age of 40 in order to decrease the rate of unplanned pregnancies in Niagara by 2023

Intervention Descriptions:

Briefly describe the following public health intervention(s).

i 1) Outreach

Three outreach nurses work within the Sexual Health Program. One of the outreach nurses is designated as a Social Determinant of Health nurse working primarily with the IV drug use population and sex

i 2) Delegated Functions

SHC is nursing led clinic, functioning with use of Medical Directives under the AMOH/MOH. The AMOH/MOH are able to delegate controlled acts to the PHNs at the clinic in order to provide STI/BBIs testing, dispensing of medications including STI treatment, emergency contraception, contraception and referrals to other health care providers.

i 3) Health Teaching

One on one counselling/health teaching regarding sexual health, birth control and STI/BBIs is provided to clients accessing services provided at the SHC. Also, outreach nurses and health promoter provide educational presentations regarding sexual health, birth control, and STIs/BBIs to community agencies and groups.

i 4) Social Marketing

Social media and targeted health promotion campaigns have been identified as strategies to increase screening and testing in order to prevent further spread of disease. Some of the recent social media campaigns used include:

- o Create on-going tweets to advertise the Sexual Health Centre
- o Share campaign message through social media (Twitter, Facebook, Instagram, YouTube) and dating sites/apps
- o Promote all opportunistic testing events on Twitter and Facebook
- o HIV awareness week and AIDS day posts for Twitter
- o Currently working with REACT to promote STI testing on their Instagram
- o Currently working on posting "Niagara Fall SHC New Location" promotion on Facebook/Twitter in the next few weeks

Summary: Infectious and Communicable Diseases Prevention and Control

- Community Needs & Priorities

- Follow up and surveillance of 60+ reportable diseases in order to prevent further spread of communicable disease
- Top reason children nine years or age or younger are hospitalized is for respiratory infections (influenza and pneumonia)
- Chlamydia infection rates continue to rise in 15 to 29 year olds
- Increase in enteric, foodborne, and waterborne diseases since 2017

- Key Partners/Stakeholders

- Acute care centres
- Long term care & retirement homes
- Ministries (Natural Resources and Forestry, Education, Health)
- Public Health Ontario
- Primary care
- Local Area Municipalities
- Niagara Regional Police
- Employment and Social Development Canada
- Start Me Up Niagara
- Detention centres
- School boards
- Child care

Program and Interventions

- Vector-Borne Diseases
 - Surveillance
 - Disease and health event investigation
 - Health teaching
- Sexual Health
 - Outreach
 - Delegated Functions
 - Health teaching
 - Social marketing

- Communicable Disease
 - Policy enforcement
 - Surveillance
 - Consultation
 - Case management
 - Collaboration
 - Health teaching
 - Social marketing

Budget Request

Cost shared program-based funding (70%/30%)	\$33,589,821
Program-based funding (100% funded)	\$ 2,477,000

One-Time Funding Requests

Project Title	Base Funding Request
Capital: Mobile Dental Clinic	\$575,455
Capital: Time and Attendance Software Upgrade to “Software as a Service”	\$310,000
Capital: Smoke-Free Fleet Replacement	\$139,710
Capital: Energy Efficient Lighting Upgrade (200 Division Street, Welland)	\$120,000
Public Health Inspector Practicum Program	\$ 20,000
Total One-Time Funding Request	\$1,165,165

Recommendation

- That the Board of Health (BOH)/Regional Council **APPROVE** the 2020 Annual Service Plan (ASP) and Budget Submission to the Ministry of Health.

Subject: Public Health 2020 Annual Service Plan and Budget Submission**Report to:** Public Health and Social Services Committee**Report date:** Tuesday, February 11, 2020

Recommendations

That the Board of Health (BOH)/Regional Council **APPROVE** the Public Health 2020 Annual Service Plan (ASP) and Budget Submission to the Ministry of Health.

Key Facts

- BOH/Regional Council is responsible for implementing the Ontario Public Health Standards: Requirements for Programs, Services, and Accountability (the Standards). The Standards communicate the Ministry's requirements for local public health and establish an accountability relationship between BOH and the Ministry.
- The ASP and budget submission is a Ministry requirement for BOHs to communicate the program plans and budgeted expenditures for a given year in fulfillment of the Standards.
- Public Health has a comprehensive planning process which includes developing SMART objectives (Specific, Measureable, Attainable, Realistic, Time-limited), defined indicators, and interventions in a logic model format, and using this to align resources and to determine which operations will improve the public's health. These objectives, indicators, and resource allocations are documented as part of the ASP.
- The 2020 ASP and budget submission must be submitted electronically on or before March 2, 2020. If this deadline is not met, the Ministry may not approve Niagara Region's grant request for 70% of the approved levy base operating budget of Public Health.
- The ASP includes the opportunity to apply for additional one-time funding grants from the province; these requests, if granted, would enable enhanced service and action on public health priorities and support capital improvements.

Financial Considerations

The Ministry provides cost shared funding to BOHs, and has instituted the ASP and budget submission process as a major accountability mechanism towards provisioning of funding for mandatory and related public health programs and services. The budget figures included in the ASP are the formal request to the Ministry for provincial funding accounted for within the Regional Municipality of Niagara 2020 Levy Operating Budget that was approved by the BOH/Regional Council on December 5, 2019.

This year, the Ministry is not permitting any base funding requests. This precludes application for any new, ongoing initiatives nor to establish sustainability to ongoing work. The Public Health portion of the 2020 Levy Operating Budget was based on an assumption of no new provincial funding (a reduction in “real funding” when accounting for inflation). This assumption appears to be validated by the Ministry disallowing requests for base funding increases.

There is an opportunity to submit up to five one-time budget requests as part of the ASP. The requests have significant restrictions and must fit in one of the following four categories: capital, extraordinary costs, new purpose built-in vaccine fridges, or Public Health Inspector practicum. These requests were not included in the 2020 BOH/Regional Council Levy Operating Budget as it is unknown which of any might be granted by the Province.

The Public Health base budget is mostly cost shared between the Ministry (70%) and the Regional Municipality of Niagara (30%). A couple of the programs are 100% funded by the Ministry. The Public Health 2020 annual funding request to the Ministry is for \$27,155,040 and is based on gross budget expenditures of \$37,231,986, which includes the following:

- \$33,589,821 Council-approved cost shared program-based funding (70%/30%);
- \$ 2,477,000 program-based funding (100% Ministry funded);
- \$ 1,165,165 in one-time funding for five separate requests.

One-Time Funding Requests:

Project Title	One-Time Funding Request
Capital: Mobile Dental Clinic	\$575,455
Capital: Time and Attendance Software Upgrade to “Software as a Service”	\$310,000
Capital: Smoke-Free Fleet Replacement	\$139,710
Capital: Energy Efficient Lighting Upgrade (200 Division Street, Welland)	\$120,000
Public Health Inspector Practicum Program	\$ 20,000
Total One-Time Funding Request	\$1,165,165

Analysis

The Ministry Ontario Public Health Standards: Requirements for Programs, Services, and Accountability (Jan. 1, 2018) is created under section 7 of the Health Protection and Promotion Act to specify mandatory public health programs and services provided by the BOH. The Public Health Accountability Framework articulates the requirements upon the BOH to be accountable and transparent for the implementation of the Standards. Accountability across the domains is supported by three measures:

1. Accountability documents that define accountability requirements. This includes the Ministry-BOH accountability agreement;
2. Planning documents which outline what a BOH will deliver under the Standards. These documents include the BOH strategic plan and BOH annual service plan and budget submission; and
3. Reporting documents on performance against the Standards and plans. These include quarterly performance reports and an annual report defining delivery and compliance with various legislative requirements.

This report outlines the second of two requirements for the Planning documents, the ASP and budget submission which operationalizes the strategic directions and priorities in the strategic plan in accordance with the Standards. The strategic plan was approved by the BOH/Regional Council on Feb. 8, 2018 (MOH-01-2018).

The ASP and budget submission describes the programs and services delivered by BOHs within the context of the Standards, demonstrates alignment with the priorities in Niagara as identified in the population health assessment, and demonstrates accountability for planning and use of funding per program and service to meet all the requirements. The ASP includes the following:

- Community assessment – high-level description of the health and risks of communities within the public health unit; these are expected to inform program and service delivery decisions
- Program plans – description of the programs and services that will be delivered under each standard
- Budget allocations and summaries to allocate staffing and other expenditures for each standard
- One-time funding requests; and
- BOH membership.

Niagara Region Public Health (NRPH) uses a comprehensive process to plan its business, and the elements above to be reported in the ASP come naturally from this process. To maximize impact on local community health, NRPH grounds its business on Niagara's greatest health needs and challenges. "What Causes Ill Health in Niagara" (PHSSC Presentation May 7, 2019) outlines the main reasons in Niagara for EMS

transport, admission to emergency departments, admission to hospitals, and death as well as health-related behaviours underlying most health problems; all analyzed by age cohort and sex. This data informs where public health efforts should be targeted, as well as which programs and services should be offered to what age groups in order to maximize impact on health outcomes across the lifespan. These analyses have been updated (Q3 2019) and new indicators linked to the biggest health issues are being finalized to measure and track progress in improving health on these health issues over time.

Incorporating these priority health issues, NRPH has also prioritized operational capabilities, enablers, and resources in a Priority Matrix (MOH 01-2018 Strategic Plan). The Priority Matrix provides overall strategic direction for the department and brings a common understanding of our mission of making an impact on health and health equity.

In late 2019, NRPH also used the Mobilizing for Action through Planning and Partnership (MAPP) framework to further prioritize health promotion efforts (proactive efforts to enable people to make healthier choices). MAPP is a strategic planning process that is community driven and applies strategic thinking to prioritize public health issues. There are four key MAPP assessments: community health status assessment, forces of change assessment, community themes and strengths assessment, and local public health system assessment that helps develop priorities from the analysis of the four assessments.

As a result, five health promotion priorities were identified:

- Healthy Eating/Physical Activity
- Substance use and Addictions
- Mental Health Promotion
- Healthy Child Development
- Sexually Transmitted Infections.

In early 2020, NRPH will be identifying key performance indicators for each health promotion priority and developing plans to address each issue. In addition to reporting annually to the Ministry on a number of indicators, NRPH has previously developed a number of SMART objectives which frame both our health promotion, but also our health protection (elimination/mitigation of health threats) work and overarching organizational improvement efforts. These objectives are

- Reduce the risk of preventable cancers among Niagara Region residents
- Reduce the number of intentional and accidental injuries and deaths
- Decrease the misuse and abuse of prevalent substances
- Increase the number of children who meet their developmental milestones from conception to school age
- Increase the number of school age children who maintain positive physical and mental health

- Increase the number of parents/caregivers who maintain positive physical and mental health
- Increase the proportion of parents that trust NRPH for parenting programs and information
- Reduce the reported instances of infection caused by microbial contamination
- Reduce the reported instances of enteric pathogen related disease
- Reduce the reported instances of vector borne disease
- Decrease the rate of chlamydia in males 15-29 years of age
- Decrease respiratory infection hospitalizations among children aged 6 months to 13 years
- Improve our Quality Improvement maturity from Progressing to Achieving
- All internal and external health related data is of good quality and easily accessible to inform decision making

Throughout 2020, NRPH will review and refine these objectives with the data contained within the MAPP framework, the top ten health issues, and the Priority Matrix.

The ASP has not been included as an appendix with this report, as it is a very lengthy document (over 100 pages) and not printer friendly. Regional councillors may review the document in full by contacting the Office of the Medical Officer of Health to make an appointment.

Alternatives Reviewed

Submitting the ASP and budget submission is a requirement to receive Ministry funding as outlined in the Ontario Public Health Standards: Requirements for Programs, Services, and Accountability. The alternative to not submitting the ASP would be loss of provincial funding which would impose an untenable burden onto the Regional levy.

The service plans outlined within the ASP are based on data regarding ill health in Niagara, research and practice evidence around impact to health, priorities that have been endorsed by the BOH, and assessments that incorporate the input of community partners. The alternative of using other inputs to service planning would be contrary to best practice and exclude critical inputs. Public Health refines service plans annually to incrementally improve Public Health's impact in spite of declining resources.

NRPH is not required to submit additional one-time funding requests. A total of five one-time funding requests totalling \$1,165,165 have been identified to be included in the ASP and budget submission after consultation with colleagues across Niagara Region to identify options that would be most beneficial to Niagara residents and improve their health. These requests are not mandatory, nor guaranteed, however, NRPH aims to maximize revenue to Niagara Region in order to bring a greater benefit to Niagara residents.

Relationship to Council Strategic Priorities

The ASP is based on NRPH's operational planning that aligns with Council's strategic priority #2 Healthy and Vibrant Community which aims to foster a high quality of life through safe, inclusive neighbourhoods and delivery of quality, affordable and accessible human services.

Other Pertinent Reports

- PHD 05-2019 2019 Public Health Annual Service Plan and Budget Submission, Feb. 19, 2019
- MOH 02-2018 Public Health Annual Service Plan & Budget Submission, Feb. 20, 2018
- MOH 01-2018 Strategic Plan, Jan. 20, 2018
- MOH 03-2017 Program Budgeting and Marginal Analysis in Public Health, Oct. 17, 2017
- PHD 01-2017 Key Health Issues in Niagara, Jan. 31, 2017
- PHD 06-2016 MOH 2016 Program Based Grants Budget Submission, Feb. 16, 2016
- PH 04-2015 Levy Operating Budget, Jan. 29, 2015

Prepared by:

Diane Vanecko, RN, BScN, MBA
Director, Organizational and
Foundational Standards Division

Recommended by:

M. Mustafa Hirji, MD, MPH, FRCPH
Medical Office of Health &
Commissioner (Acting)
Public Health & Emergency Services

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Noah Bruce, Program Financial Specialist, Enterprise Resource Management Services and Beth Brens, Manager, Program Financial Support, Enterprise Resource Management Services.

Subject: Niagara Prosperity Initiative Update
Report to: Public Health and Social Services Committee
Report date: Tuesday, February 11, 2020

Recommendations

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

Key Facts

- This report provides information on the evaluation of 2017 Niagara Prosperity Initiatives (NPI) funded projects, the dates for the 2020 NPI Request for Proposals (RFP), an update on Brock University's research study on NPI and the Ontario Poverty Reduction survey.
- Funded by Niagara Region since 2008, NPI focuses on neighbourhood-based interventions to help build capacity and improve the quality of life for residents living in poverty.

Financial Considerations

Between 2008 and 2019, Niagara Region has provided \$1.5 million in annual funding to the Niagara Prosperity Initiative. Of this amount, \$150,000 is allocated each year to the Convener (Niagara Community Foundation) and Secretariat (United Way Niagara) functions to support administration and stakeholder engagement associated with this initiative. For 2020, responding to a number of critical budget pressures, Council approved a one-year \$250,000 reduction of the funding for NPI, with \$1.25 million allocated for 2020 NPI projects.

Analysis

Evaluation of the 2017 NPI Funded Projects

NPI focuses on neighbourhood-based interventions and development to increase prosperity for Niagara residents living in poverty. In 2017, 21 projects were funded at a total of \$1,459,105. Funded projects are required to submit quarterly and final reports that include:

- Number of children, youth, adults and/or seniors served
- Outcomes achieved and measured
- Lessons learned and recommendations for future initiatives
- Specific examples of impact to neighbourhood/community
- Testimonials from project participants.

The NPI Secretariat completed site visits/program reviews throughout the funding period to ensure contractual obligations were being met. All the 2017 funded projects stayed within their approved budgets, provided reports and passed their site visits/program reviews. Individual project review details are provided in Appendix A.

Project testimonials are required from agencies and 542 testimonials were provided. The following are some examples:

- **Mental Health and Addictions Coaching program** – *“I feel more empowered in a very positive way. I have really grown and flourished as a human being in the short time we have been working together.”*
- **Manufacturing Supply Chain Project** – *“I am currently involved with handling projects in the warehouse, helping deliver to clients and picking up donations. I became more active and have more enjoyment in my life because of having more money and stability in my life. I haven't been involved in employment for some time and this was the perfect opportunity to start back up. I have been hired on by the furniture bank.”*
- **Housing Stability Program** – *“Prevented my utilities from being shut-off and provided my family with food. I had somewhere to turn to for help when I was in desperate need, especially with food and medical assistance. People of low income need programs that help when they are in desperate need.”*
- **Urban Indigenous Homeward Bound** – *“My whole lifestyle has changed being involved in something, getting a schedule. Because it changed my life for the better. Getting a home, being stable and starting a career path.”*

2020 NPI Request for Proposals (RFP)

The 2020 RFP was issued by United Way Niagara on February 3rd and will close on February 28th. NPI projects can be funded for one or two years. Consistent with past practice, an independent review committee will be formed to review proposals, and decisions on funding for 2020 will be announced at the beginning of April.

Research Study of NPI

In 2018, Niagara Region was awarded funding of \$476,763 from the province's Local Poverty Reduction Fund (LPRF) for a three-year research project, to examine the state of poverty in Niagara using data from the 2016 census, provide analysis on the impacts, outcomes, and efficacy of NPI, and offer recommendations on best practices moving forward. The final product will be an assessment of poverty reduction strategies with recommendations that will be beneficial for Niagara and for the province's poverty reduction strategy.

Brock University is on track to complete the project on time, within scope and on budget. Activities to date include literature reviews, interviews with over 50 NPI funded

project leads and analysis of NPI service users' testimonials. Brock has completed interviews with administrators of other Canadian regional poverty reduction programs. In addition, the team has developed and administered a life satisfaction survey to previous NPI project participants and low-income Niagara residents. A Community Advisory Committee has been formed, along with a [Brock website](#) developed to solicit feedback. The next two phases of the review include:

Impact Evaluation:

- Quantitative and qualitative comparison of expected and actual project outputs
- Quasi-experimental subjective well-being study
- Qualitative evaluation of literacy programs
- Reporting Evaluation
- RFP and Funding Process Evaluation

Needs Assessment:

- Review and assess existing poverty reduction strategies
- Evaluation of Niagara Region poverty reduction strategy

Brock University will be hosting focus groups and feedback sessions with various groups including the Niagara Poverty Reduction Network, NPI funded agencies and people with lived / living experience in poverty to validate preliminary findings and develop further recommendations.

The final report will outline the state and the cost of poverty in Niagara, provide analysis on the impacts, outcomes, and efficacy of NPI, and offer recommendations moving forward on best practices to address the issues of poverty in Niagara. The report will be completed in December 2020 and presentations will be available in January 2021.

Preliminary research findings suggest there are immediate opportunities to improve reporting practices. As a result, 2020 NPI reporting practices will be augmented to better demonstrate project outcomes and make reporting less onerous for service providers. These changes will provide better insight into poverty reduction efforts across Niagara and will inform the ongoing systematic optimization of NPI.

Ontario's Poverty Reduction Strategy

The Ontario government is in the process of developing their new five-year strategy in accordance with the Poverty Reduction Act, 2009. In December 2019, they launched province-wide consultation "to help drive actions to reduce poverty by setting a specific and realistic target, as well as prioritizing actions and initiatives across sectors and at all government levels to help lift Ontarians out of poverty."¹ An online survey is to be

¹ <https://news.ontario.ca/mcys/en/2019/12/ontario-looking-for-innovative-ideas-on-how-to-help-reduce-poverty.html>

posted on [Ontario.ca](https://www.ontario.ca) in January 2020 and will be open for 60 days. Anticipating that Regional Council may wish to make a written submission, staff are preparing a written report for committee consideration for the March PHSSC meeting.

Alternatives Reviewed

Not applicable.

Relationship to Council Strategic Priorities

Healthy and Vibrant Community. Foster a high quality of life through safe, inclusive neighbourhoods and delivery of quality, affordable and accessible human services

Other Pertinent Reports

COM 04-2008	A Legacy of Poverty? Addressing Cycles of Poverty and the Impact on Child Health in Niagara Region
COM 44-2011	Niagara Prosperity Initiative Update (<i>Building a New Legacy: Building Prosperity by Improving the Quality of Neighbourhood Life</i>)
COM C 6-2017	Local Poverty Reduction Fund Application
COM 04-2019	Niagara Prosperity Initiative Update and Request for Review Committee Members

Prepared by:
Lori Watson
Director
Community Services

Recommended by:
Adrienne Jugley, MSW, RSW, CHE
Commissioner
Community Services

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

This report was prepared in consultation with Marc Todd, Manager Community Services.

Appendices

Appendix A 2017 Individual NPI Project Evaluations

Appendix A – 2017 Individual NPI Project Evaluations

Project		Description			
Mental Health & Addictions Coach		Full-time Mental Health & Addiction Coaches hired to support the YWCA Niagara region shelters. They worked with individuals who are experiencing mental health and addiction issues to help them find and maintain housing and employment, and develop connections in their community.			
Agency					
CMHA Niagara					
Municipality					
All Niagara					
Contract Requirements		Number Served			Result - Coaches provided warm linkages and advocacy to access supports such as primary care providers, Community Health Centres, outpatient supports and supportive groups. Coaches referred guests to housing help programs, and helped guests identify and address previous barriers to safe and stable housing options to help maintain housing. Coaches provided support in filling out ODSP and CPP disability applications to increase income. They provided linkages to medical and legal supports if any applications were denied.
Contract Amount	\$171,703.44	Expected		Actual	
Amount Spent	\$165,823.60	Children			
Contract Length	2 years	0-12	0	0	
Jobs Expected	24	Youth 13-18	3	2	
Jobs Created	15	Adult 19-64	108	277	
Revenue Expected	\$0.00	Seniors 65+	9	11	
Revenue Generated	\$0.00	TOTAL	120	290	

Project		Description		
A Clean Start Laundry Program		Individuals were able to access vouchers from the Housing Help Centre to use at a partnering laundromat to do a load(s) of laundry. The laundromat provided change to the client upon arrival to do their load. Community Care also provided a bus ticket and laundry soap if required.		
Agency				
Community Care St. Catharines & Thorold				
Municipality				
St. Catharines				
Contract Requirements		Number Served		Result - Outcomes were positive with individuals stating that monies allowed other needs to be met throughout the entire month versus half a month. For example, ample food to stretch throughout the month or healthier food options, additional funds for utilities. Clients expressed an increase in dignity and self worth due to having accessibility to clean laundry. Clients stated sleeping better in part due to having clean sheets. Clients with the opportunity to have clean clothes felt empowered to take steps towards applying for employment and/or attend interviews, and a higher level of motivation and engagement to succeed.
Contract Amount	\$12,288.21	Expected	Actual	
Amount Spent	\$12,160.37	Children		
Contract Length	2 years	0-12	45	
Jobs Expected	0	Youth 13-18		
Jobs Created	0		10	
Revenue	\$0.00	Adult 19-64		
Expected			235	
Revenue	\$0.00	Seniors		
Generated		65+	5	
		TOTAL	295	555

Project		Description			
Niagara Region ID Clinic		ID clinics were available throughout the Niagara region. Staff facilitated the acquisition of ID for individuals and made referrals to shelters, food resources, health care, legal services, case management and crisis support. A secure safe was available for people needing a secure place to store their ID.			
Agency					
Community Care St. Catharines & Thorold					
Municipality					
All Niagara					
Contract Requirements		Number Served			Result - Consistent positive feedback from individuals who received assistance from this project expressing that they were able to open bank accounts, get their children enrolled in school, apply for student loans, obtain a drivers license, and apply for social assistance if needed. Individuals were able to obtain their SIN card and other pieces of ID, have their citizenship cards replaced, obtain a Provincial health card, apply for social housing, and get a YMCA membership.
Contract Amount	\$71,739.80	Expected		Actual	
Amount Spent	\$71,739.80	Children			
Contract Length	1 year	0-12	67	157	
Jobs Expected	0	Youth			
Jobs Created	0	13-18	60	62	
Revenue	\$0.00	Adult 19-64	650	829	
Expected Revenue	\$0.00	Seniors 65 +	22	9	
Generated		TOTAL	799	1,057	

Project		Description		
Moving on Up		We needed a wheelchair mobility van to get developmentally disabled people to their job programs and support services. There is no transportation infrastructure in West Niagara. The van could not be a modified van but needed to be a commercially licensed van, as individualized wheelchairs do not fit into regular wheelchair vans. The van needed to have a rear load, which protects our drivers from injury. People who will use the van are in receipt of monthly disability support payments and are more than \$6,000 below the poverty level.		
Agency				
Community Living Grimsby, Lincoln & West Lincoln				
Municipality				
Grimsby, Lincoln, West Lincoln				
Contract Requirements		Number Served		Result - The van allowed us to continue to offer our programs and services and because of its size, it freed up other vans to transport people to and from jobs (increasing their income and addressing the unemployment and underemployment of this sector of the population). The van has created opportunities for social inclusion in the community, and has provided transportation to training opportunities at our main location.
Contract Amount	\$76,868.57	Expected	Actual	
Amount Spent	\$76,868.57	Children		
Contract Length	1 year	0-12	0	
Jobs Expected	31	Youth		
Jobs Created	29	13-18	11	
Revenue	\$0.00	Adult 19-64	420	
Expected Revenue	\$0.00	Seniors 65 +	4	
Generated		TOTAL	150	435

Project		Description		
Niagara West Hire Attire		The Hire Attire program provided gently used appropriate work clothing and accessories to individuals identified as possessing an income level which falls at or below the low-income cut-offs for their community. This project was a collaborative effort with partnering organizations, donations by citizens and the delivery of workshop sessions. This service was provided within the three Employment Help Centre locations.		
Agency				
Employment Help Centre				
Municipality				
Grimsby, Lincoln, West Lincoln				
Contract Requirements		Number Served		Result - This project assisted clients by reducing, if not eliminating the cost associated with the purchase of work appropriate outfits required to present themselves professionally to employers. Over 60 clients who accessed this service and/or participated in the First Impressions Workshop overcame barriers and secured employment. Clients also had access to a clothing rack on site from which to select additional items to supplement their wardrobe as the seasons changed.
Contract Amount	\$44,299.65	Expected	Actual	
Amount Spent	\$44,013.67	Children		
Contract Length	1 year	0-12	0	
Jobs Expected	48	Youth 13-18	4	
Jobs Created	63	Adult 19-64	78	
Revenue Expected	\$1,200.00	Seniors 65+	3	
Revenue Generated	\$1,203.76	TOTAL	85	
			92	

Project		Description		
Gateway of Niagara Outreach Worker		This project allowed the hiring of a Street Outreach Worker to provide mobile services and supports to our communities' most vulnerable and disadvantaged citizens. The Outreach Worker role was to establish a presence and a rapport with persons who are at urgent risk of becoming homeless and those who are chronically or persistently homeless. The needs of the consumers were assessed and they were assisted in acquiring housing and addressing secondary concerns where required.		
Agency				
Gateway				
Municipality				
Fort Erie, Niagara Falls, Port Colborne, Welland				
Contract Requirements		Number Served		Result - There is a need for affordable housing in Niagara. The number of people served is higher than expected because the outreach worker worked directly with people to find housing after buildings closed. The outreach worker connected people with the services they needed to move forward in their lives.
Contract Amount	\$129,434.15	Expected	Actual	
Amount Spent	\$129,434.15	Children		
Contract Length	2 years	0-12	0	
Jobs Expected	0	Youth 13-18		
Jobs Created	1		0	
Revenue	\$0.00	Adult 19-64	30	
Expected			82	
Revenue	\$0.00	Seniors		
Generated		65 +	5	
		TOTAL	35	87

Project		Description		
Rental Assistance Service		The Rental Assistance Service provided eligible, low-income households with assistance to help with their monthly rent payments in the private market. The program is currently funded by the Grimsby Benevolent Fund. This program was established in 2016 as the client households being serviced through the Food Bank indicated a significant need for additional low-cost housing opportunities. The program reimbursed part of the difference between 30% of the individual's total income and their rent.		
Agency				
Grimsby Benevolent Fund				
Municipality				
Grimsby				
Contract Requirements		Number Served		Result - We saw a reduction in requests for utility supplements for those who were enrolled in the program. We also saw less eviction notices. There was a significant change in the wellbeing of individuals, who seemed less stressed. Individuals were able to focus on job searching due to being less stressed about their housing costs. Because of the interest from our community to provide this type of service, our Board of Directors increased our budget for 2018 in housing support to help more households.
Contract Amount	\$50,000.00	Expected	Actual	
Amount Spent	\$50,000.00	Children		
Contract Length	2 years	0-12	6	
Jobs Expected	0	Youth 13-18	8	
Jobs Created	0	Adult 19-64	18	
Revenue	\$0.00	Seniors 65+	2	
Expected Revenue	\$0.00	TOTAL	34	
Generated			49	

Project		Description		
Home Made		Home Made was a 21-week life skills program facilitated by Hannah House staff and collaborative community agencies twice a year, taught to ten young, pregnant, and parenting women under the age of 24 experiencing homelessness or at risk of homelessness. Home Made addressed the skills necessary to reduce the risks associated with homelessness and associated levels of poverty, such as education, employability, health, income and shelter.		
Agency				
Hannah House Maternity Home				
Municipality				
Niagara Falls				
Contract Requirements		Number Served		Result - Hannah House transitioned in December 2017 and could not complete the two-year commitment. One cohort of the Home Made project was completed. All residents who competed the program have been successfully housed independently in the community. One of the participants who completed the Ready to Rent portion of the training was able to address a landlord/tenant issue she faced after moving out. Many participants stated that they gained confidence in their parenting, boosted their self-esteem, ability to trust others, and learned to navigate what is a healthy boundary in a relationship.
Contract Amount	\$11,483.91	Expected	Actual	
Amount Spent	\$2,870.13	Children		
Contract Length	Originally 2 but changed to 1 year	0-12	20	
		Youth 13-18	10	
Jobs Expected	0	Adult 19-64	10	
Jobs Created	0	Seniors 65+	0	
Revenue				
Expected Revenue	\$0.00	TOTAL	40	
Generated	\$0.00		12	

Project		Description			
Inclusive Adventure Camps		Children living in poverty with identified disabilities were to participate in a free week of summer, winter or March Break camp activities. The camp experience expanded the campers' social views, enhanced skills, both physical and learning, increased self-esteem and provided them with hope.			
Agency					
Heartland Forest Nature Experience					
Municipality					
Niagara Falls					
Contract Requirements		Number Served			Result - The children learned new recreational, social and behavioural skills; trust was gained and friendships were built. Parents shared that the adversities many of the children faced at home in addition to poverty, included broken homes, disabilities, mental health struggles, as well as stories of abuse in the recent past and the trauma it left behind. This project helped make lifelong memories for these children, and gave them a real summer vacation they would not otherwise have been able to experience.
Contract Amount	\$44,055.00	Expected		Actual	
Amount Spent	\$43,872.11	Children			
Contract Length	1 year	0-12	100	95	
Jobs Expected	1	Youth			
Jobs Created	1	13-18	0	0	
Revenue	\$0.00	Adult 19-64	0	0	
Expected		Seniors			
Revenue	\$0.00	65 +	0	0	
Generated		TOTAL	100	95	

Project		Description		
Work Experience Program for Adults with Disabilities		This project was a structured and goal-oriented work experience program for adults with intellectual and developmental disabilities. This initiative removed barriers and increased equitable access to participation in community life and workplace opportunities through the development of knowledge and skills.		
Agency				
Heartland Forest Nature Experience				
Municipality				
All Niagara				
Contract Requirements		Number Served		Result - The Work Experience Program provided participants with customized training individualized to meet their specific needs and provided inclusion and self-awareness. Individuals were able to practice and build on their skills and confidence in a safe learning environment, were able to demonstrate a variety of tasks, and ultimately having hands on work experience on their resume, some were able to secure employment.
Contract Amount	\$49,494.50	Expected	Actual	
Amount Spent	\$49,479.20	Children		
Contract Length	1 year	0-12	0	
Jobs Expected	7	Youth 13-18	0	
Jobs Created	9	Adult 19-64	32	
Revenue Expected	\$0.00	Seniors 65+	44	
Revenue Generated	\$0.00	TOTAL	65	

Project		Description			
Strengthening Families for the Future		A family-focused program for the prevention of multiple developmental problems including mental health issues and early age substance misuse among high-risk children of all ages.			
Agency					
John Howard Society of Niagara					
Municipality					
Fort Erie, Niagara Falls, Pelham, Welland St. Catharines					
Contract Requirements		Number Served		Result - Participants who have been in the program have begun to use the strategies and the tools that they learned in the sessions. This is evident in the change in how individuals speak, act, and react to their children and spouses from the beginning of the program to the end of the program. We can measure the impact of the program by the positive comments that we receive. We also have people who either want to come back and do the program again or refer the program to friends and family members.	
Contract Amount	\$77,391.11	Expected			Actual
Amount Spent	\$77,391.11	Children			
Contract Length	1 year	0-12	70		66
Jobs Expected	2	Youth 13-18	13		10
Jobs Created	0	Adult 19-64	40		
Revenue Expected	\$0.00	Seniors 65+	5		128
Revenue Generated	\$0.00	TOTAL	128		54
				258	

Project		Description			
Summer Family Literacy Program		A research based summer literacy program for families in low-income households with children who were identified as at-risk for developing foundational literacy skills. Families were selected from 10 different schools from both school boards in the Welland area.			
Agency					
Niagara Children’s Centre					
Municipality					
Welland					
Contract Requirements		Number Served		Result - Over the course of the program, clinicians observed increased confidence in the parents'/grandparents'/caregivers' responses and positive interactions with their children. Parents reported feeling more knowledgeable, aware, capable and happier over all with how their children responded to the strategies and were thrilled with the progress in their children's literacy development. These outcomes will have a direct impact on the life long literacy skills for the children, their siblings and parents/caregivers themselves.	
Contract Amount	\$9,134.22	Expected			Actual
Amount Spent	\$9,134.22	Children			
Contract Length	1 year	0-12	25		41
Jobs Expected	0	Youth 13-18	0		0
Jobs Created	0	Adult 19-64	18		30
Revenue Expected	\$0.00	Seniors 65 +	0		2
Revenue Generated	\$0.00	TOTAL	43		73

Project		Description		
Urban Indigenous Homeward Bound		This program is an integrated, innovative wrap-around model of support to help inadequately housed or homeless Indigenous mother-led families earn college diplomas, start careers and achieve economic self-sufficiency.		
Agency				
Niagara Regional Native Centre				
Municipality				
Niagara Falls, St. Catharines				
Contract Requirements		Number Served		Result - The following are primary outcomes that have taken place. Housing did not just become four walls for our families; it brought families that had been separated back together under one roof. Educational achievements have helped build self-esteem. Workshops provided through this project focused on cultural teachings and have been a huge success in bringing back cultural roots and breaking the colonization cycle. Families are on their way to maintaining permanent housing and economic independence.
Contract Amount	\$104,610.00	Expected	Actual	
Amount Spent	\$97,861.03	Children		
Contract Length	2 years	0-12	8	
Jobs Expected	0	Youth 13-18	4	
Jobs Created	1	Adult 19-64	5	
Revenue Expected	\$0.00	Seniors 65 +	0	
Revenue Generated	\$0.00	TOTAL	17	

Project		Description		
Housing Stability and Life-Skills Coach		This initiative provided intensive case management services to newly housed participants in order to increase housing stability and prevent eviction. A Life Skills & Housing Coach helped clients access support programs such as employment, addiction and mental health services, etc.		
Agency				
Port Cares				
Municipality				
Port Colborne, Wainfleet				
Contract Requirements		Number Served		Result - Success was demonstrated through the increased awareness and access to resources such as food and utilities supports. The one-on-one supports provided to individuals residing in the Housing Support Program units had some individuals take steps to upgrade their literacy or computer skills; while others revisited interests or needs they otherwise believed to be unachievable. Outcomes included increased attendances/connections and access to various agencies/ services.
Contract Amount	\$68,643.30	Expected	Actual	
Amount Spent	\$56,486.25	Children		
Contract Length	1 year	0-12	0	
Jobs Expected	0	Youth 13-18	10	
Jobs Created	0	Adult 19-64	10	
Revenue Expected	\$0.00		0	
Revenue Generated	\$0.00	Seniors 65+	10	
		TOTAL	120	184

Project		Description		
Housing Stability Program		This project has allowed Project SHARE to provide new and expanded services including; annual dental cleanings, laundromat services, emergency prescriptions for those with no coverage, transportation assistance, boots or shoes to people in need and feminine hygiene products. These services collectively helped to maintain and stabilize housing, as well as improving the general health of those living in poverty.		
Agency				
Project SHARE of Niagara Falls Inc.				
Municipality				
Niagara Falls				
Contract Requirements		Number Served		Result - Assisted clients with 503 dental cleanings (some more than once); provided 347 laundry vouchers and detergent; more than 70 individuals with a prescription; 200 boot/shoe vouchers and hundreds of clients with housing help, transportation assistance, and feminine hygiene products. People in deep poverty receiving these additional services helps them to put their limited income towards rent, thus stabilizing their housing.
Contract Amount	\$117,612.00	Expected	Actual	
Amount Spent	\$109,249.05	Children		
Contract Length	2 years	0-12	40	
Jobs Expected	0	Youth 13-18	30	
Jobs Created	0	Adult 19-64	30	
Revenue	\$0.00		0	
Expected Revenue	\$0.00	Seniors 65+	25	
Generated		TOTAL	395	481

Project		Description		
Water – A Basic Need		Homeless prevention workers provided financial assistance for individuals living in poverty with late and unpaid water bills which has resulted in disconnection of service. To ensure bills continue to be paid a negotiation process occurred, empowering people to pay a portion of the outstanding bill with budgeting and financial literacy support provided.		
Agency				
Project SHARE of Niagara Falls Inc.				
Municipality				
Niagara Falls				
Contract Requirements		Number Served		Result - The number of clients served, including youth and children, was higher than anticipated. More and more families on low incomes are struggling to pay rent, utilities, food, clothing and other expenses due to the rising costs of everything including housing. Very few rentals are all inclusive leaving clients to pay rent plus utilities making it more difficult to keep up with their expenses. This project made a difference for many of our clients and their families. Without this type of assistance, many more people would be dealing with homelessness.
Contract Amount	\$43,999.00	Expected	Actual	
Amount Spent	\$37,793.28	Children		
Contract Length	2 years	0-12	35	
Jobs Expected	0	Youth 13-18	40	
Jobs Created	0	Adult 19-64	120	
Revenue	\$0.00	Seniors 65+	20	
Expected Revenue	\$0.00			
Generated		TOTAL	215	470

Project		Description			
Art Me Up		Art Me Up provided opportunities to marginalized people in visual arts, drama, poetry, music, film production and storytelling. Led by an artist-facilitator, Art Me Up participants were provided an outlet to use creativity to tell stories about their lived reality.			
Agency					
Start Me Up Niagara					
Municipality					
St. Catharines					
Contract Requirements		Number Served			Result - This project has exceeded our expectations in the number of participants and in the revenue generated. Mediums have included visual and performing arts. The relationships with neighbours at the Art Garage are changing into partnerships. This program has had a positive impact to our participants' mental well-being, sense of inclusion and community. We are proud to have had their work featured throughout the community, and at City Hall in the 'Songs of the City', and in various galleries and local cafes.
Contract Amount	\$34,386.00	Expected		Actual	
Amount Spent	\$34,386.00	Children			
Contract Length	1 year	0-12	0	0	
Jobs Expected	1	Youth 13-18	0	0	
Jobs Created	1	Adult 19-64	45	77	
Revenue	\$2,000.00	Seniors 65+	15	5	
Expected Revenue	\$2,824.00	TOTAL	60	82	

Project		Description			
Home at Last, Home to Stay		This project provided support and outreach to newly housed or precariously housed individuals by assisting them in retaining housing and maintaining a home. A coach worked on issues that negatively affected their ability to remain housed. The work included in-home supports, coaching, and individual counseling and life skills training.			
Agency					
Start Me Up Niagara					
Municipality					
St. Catharines					
Contract Requirements		Number Served			Result - Beyond finding housing and providing in house support, breaking the loneliness and isolation of many of our clients was very important. Results include supporting clients to reconnect with family, encouraging them to attend meetings, encouraging them to volunteer, signing them up to the YMCA, connecting them to the CMHA case manager who works at the SMUN drop in centre, and helping them find appropriate medical care.
Contract Amount	\$89,030.00	Expected		Actual	
Amount Spent	\$89,030.00	Children			
Contract Length	2 years	0-12	0	0	
Jobs Expected	1	Youth 13-18	0	1	
Jobs Created	1	Adult 19-64	35	75	
Revenue Expected	\$0.00	Seniors 65+	10	19	
Revenue Generated	\$0.00	TOTAL	45	95	

Project		Description		
Manufacturing Supply Chain Services Training Program		Start Me Up Niagara collaborated with WP Warehousing on this project to provide clients with a variety of training options in the manufacturing supply chain sector. This included logistics, warehousing, inventory control, shipping, exporting, building / truck maintenance, bottle washing and involvement in circular economy projects.		
Agency				
Start Me Up Niagara				
Municipality				
St. Catharines				
Contract Requirements		Number Served		Result - The project provided 37 paid employment opportunities for 35 people living on Ontario Works and the Ontario Disability Support Program (two people received two jobs). Participants received training, employment opportunities, work experience, and improved confidence and aspirations. Income from employment was the biggest example of change: between July 2017 and March 2018, over \$65,000 has been paid to SMUN participants in the program, leading to better health outcomes for many participants.
Contract Amount	\$126,477.12	Expected	Actual	
Amount Spent	\$126,477.12	Children		
Contract Length	2 years	0-12	0	
Jobs Expected	32	Youth 13-18	4	
Jobs Created	37	Adult 19-64	40	
Revenue Expected	\$0.00	Seniors 65+	4	
Revenue Generated	\$0.00	TOTAL	48	
			35	

Project		Description		
Laundry Services		This program provided laundering classes, transportation, and childcare. Laundry facilities have an industrial thermal disinfection system that guarantees to kill bedbugs and lice, which is not offered in regular laundromats.		
Agency				
Westview Christian Fellowship				
Municipality				
St. Catharines				
Contract Requirements		Number Served		Result - Women are doing their laundry at the centre and are saving money, which can be spent on food etc. This project is a service that is not offered anywhere else in the area and is much needed. The cost of laundry and the cost of dealing with bedbugs, and fleas is so expensive that often people just live with it or move and just spread the problem. This funding helped create a permanent solution with children going to school cleaner and with fewer issues.
Contract Amount	\$22,603.53	Expected	Actual	
Amount Spent	\$22,528.10	Children		
Contract Length	1 year	0-12	70	
Jobs Expected	2	Youth		
Jobs Created	5	13-18	35	
Revenue	\$0.00	Adult 19-64	150	
Expected Revenue	\$0.00	Seniors 65+	50	
Generated		TOTAL	305	328

Project		Description		
Westview Centre4Women		This project provided workshops and supplies to women living in poverty to create a better quality of life. Access to meals, pantry services, daycare, literacy, transportation, education, employment and housing assistance was made available through this funding.		
Agency				
Westview Christian Fellowship				
Municipality				
St. Catharines				
Contract Requirements		Number Served		Result - We watched women grow in a way that is not possible without the tools required. Women have gained full time work; some have gone back to school. We worked with public health to provide the most nutritious meals we can for breakfast and lunches as well as teaching workshops around this issue. We feel like every time we have an event the women take ownership of that event and we are building leaders in our community
Contract Amount	\$103,851.00	Expected	Actual	
Amount Spent	\$103,851.00	Children		
Contract Length	2 years	0-12	200	
Jobs Expected	175	Youth		
Jobs Created	108	13-18	75	
Revenue	\$0.00	Adult		
Expected		19-64	2,000	In addition to achieving the expected number of people served, many other people experienced benefits from this program as part of developing the support system of individual participants.
Revenue	\$0.00	Seniors		
Generated		65+	200	
		TOTAL	2,475	

MEMORANDUM

COM C 3-2020

Subject: Activities related to Niagara's 10-Year Housing and Homelessness Action Plan for January 2020

Date: February 11, 2020

To: Public Health and Social Services Committee

From: Jeff Sinclair, Homelessness Action Plan Advisor and Adrienne Jugley, Commissioner, Community Services

Further to council direction in October (COM 40-2019), staff will provide regular updates about activities, local targets, outcomes and challenges related to Niagara's 10-Year Housing and Homelessness Action Plan (HHAP), as new information is available.

The following highlights activities related to the HHAP in January 2020:

- The Steering Committee for the 2020 homelessness enumeration (Point in Time Count) launched. The enumeration will occur in March 2020 and build on the successful 2016 and 2018 enumerations.
- Niagara Regional Housing (NRH) continues to grow in its 'in-situ' Rent Supplement Program, which engaged 12 new landlords in Q4 2019. The program offers applicants on the Centralized Waiting List an opportunity to receive rent-geared-to-income assistance where they currently live, assisting with housing affordability. Other outcomes include removing the need for moving related expenses and broadening the network of landlords in business with NRH.
- An NRH project manager has engaged non-profit housing providers that have received seed funding through the Canadian Mortgage and Housing Corporation (CMHC) to provide guidance on leveraging the seed funds with land, capital or other resources to develop new affordable housing.
- The new Stamford Kiwanis rental apartment build in Niagara Falls was occupied in January. This includes 30 net new rental units of housing, including 17 'below market' priced units provided with NRH funding.

Respectfully submitted and signed by:

Jeffrey Sinclair, BBA
Homelessness Action Plan Advisor

Adrienne Jugley, MSW, RSW, CHE
Commissioner

Minute Item No. 3.2.1

CLK 2-2020

Application for Tourism Exemption for Holiday Openings under the *Retail Business Holidays Act* – 2664479 Ontario Limited operating as Sobeys Grocery Store - 450 Garrison Road in the Town of Fort Erie

That Report CLK 2–2019, dated February 12, 2020, respecting Application for Tourism Exemption for Holiday Openings under the *Retail Business Holidays Act* - 2664479 Ontario Limited, operating as Sobeys grocery store, 450 Garrison Road in the Town of Fort Erie, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the application from 2664479 Ontario Limited, requesting a tourism exemption under the *Retail Business Holidays Act*, to permit the Sobeys grocery store, located at 450 Garrison Road, in the Town of Fort Erie, to open on Family Day, Victoria Day, Canada Day, Labour Day and Thanksgiving Day from 7:00 a.m. to 11:00 p.m., Good Friday from 7:00 a.m. to 7:00 p.m. and any other public holiday declared by proclamation of the Lieutenant Governor to be a holiday for the purposes of the *Retail Business Holidays Act*, **BE APPROVED**; and
2. That the necessary by-law **BE PREPARED** and **PRESENTED** to Regional Council for consideration.

Minute Item No. 6.1

HR 1-2020 REVISED

Chief Administrative Officer (CAO) Recruitment, Selection, Offer of Employment and Performance Management Policy and Procedures

That Report HR 1-2020 REVISED, dated February 12, 2020, respecting Chief Administrative Officer (CAO) Recruitment, Selection, Offer of Employment and Performance Management Policy and Procedures, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the Chief Administrative Officer Recruitment, Selection, Offer of Employment and Performance Management Policy, attached to Report HR 1-2020 REVISED as Appendix 1, **BE APPROVED**;
2. That the Chief Administrative Officer Recruitment, Selection, and Offer of Employment Procedure, attached to Report HR 1-2020 REVISED as Appendix 2, **BE APPROVED** to include the amendments brought forward by Committee; and
3. That the Chief Administrative Performance Management Procedure, attached to Report HR 1-2020 REVISED as Appendix 3, **BE APPROVED**.

Minute Item No. 6.2

HR 2-2020

Citizen Appointments to Women's Advisory Committee

That Report HR 2-2020, dated February 12, 2020, respecting Citizen Appointments to Women's Advisory Committee, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That the recommendation confirming the citizen appointments for the Women's Advisory Committee, contained in Confidential Appendix I to Report HR 2-2020, **BE APPROVED**.

Minute Item No. 7

Consent Items for Information

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

CSD 13-2020

Disposition Strategy for Lands Previously Declared Surplus

CSC-C 4-2020

Update on Recommendations from Report CAO 17-2019 - Recommendations from the Ontario Ombudsman Report "Inside Job" November 2019

Minute Item No 10.1

CSD 4-2020 REVISED

Appointments to the Licensing Appeals Committee

That Report CSD 4-2020 REVISED, dated February 12, 2020, respecting Appointments to the Licensing Appeals Committee, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the recommendation contained in Confidential Appendix 1 to Report CSD 4-2020 REVISED, **BE APPROVED** confirming the citizen appointments to the Licensing Appeals Committee; and
2. That the Licensing Appeals Committee Terms of Reference (Appendix 2 of Report CSD 4-2020 REVISED), **BE APPROVED**.

Minute Item No. 10.2

Confidential CSC-C 3-2020

A Matter of a Proposed or Pending Acquisition or Disposition of Land by Niagara Region - Disposition Strategy for Lands Previously Declared Surplus

That Confidential Correspondence Item CSC-C 3-2020, being a memorandum from B. Menage, Director, Procurement & Strategic Acquisitions, dated February 12, 2020, respecting A Matter Respecting a Proposed or Pending Acquisition of Land by Niagara Region – Disposition Strategy for Lands Previously Declared Surplus, **BE RECEIVED** for information.

Minute Item No. 10.3

Confidential CSD 12-2020

A Matter Respecting a Proposed Acquisition of Land by the Municipality - Public Health Lease Extension, 3550 Schmon Parkway, Thorold

That Confidential Report CSD 12-2020, dated February 12, 2020, respecting A Matter Respecting a Proposed Acquisition of Land by the Municipality - Public Health Lease Extension, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

**THE REGIONAL MUNICIPALITY OF NIAGARA
CORPORATE SERVICES COMMITTEE
OPEN SESSION**

**CSC 2-2020
Wednesday, February 12, 2020
Council Chamber
Niagara Region Headquarters, Campbell West
1815 Sir Isaac Brock Way, Thorold, ON**

Committee: Bradley (Regional Chair), Butters, Campion, Diodati, Easton, Edgar, Foster (Committee Chair), Gale, Heit, Ip, Redekop, Rigby, Whalen (Committee Vice-Chair)

Absent/Regrets: Fertich

Staff: A. Apfelbaum, Manager, Business Licensing, D. Barnhart, Executive Officer to the Regional Chair, H. Chamberlain, Director, Financial Management & Planning/Deputy Treasurer, D. Gibbs, Director, Legal & Court Services, T. Harrison, Commissioner/Treasurer, Corporate Services, K. Lotimer, Legislative Coordinator, F. Meffe, Director, Human Resources, B. Menage, Director, Procurement & Strategic Acquisitions, A.-M. Norio, Regional Clerk, K. Scholtens, Manager, Business Development Expedited Services, M. Trennum, Deputy Regional Clerk, R. Tripp, Acting Chief Administrative Officer

1. CALL TO ORDER

Committee Chair Foster called the meeting to order at 9:35 a.m.

2. DISCLOSURES OF PECUNIARY INTEREST

There were no 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* - 2664479 Ontario Limited, operating as Sobeys Grocery Store - 450 Garrison Road in the Town of Fort Erie

At 9:36 a.m., Committee Chair Foster called the public participation meeting pursuant to the *Retail Business Holidays Act* to order.

The Committee Chair advised that the purpose of the meeting was to receive comments and answer questions from the public regarding the application for tourism exemption under the *Retail Business Holidays Act* from 2664479 Ontario Limited operating as Sobeys grocery store - 450 Garrison Road in the Town of Fort Erie, and for the consideration of Report CLK 2-2020 and its recommendations.

The Committee Chair stated that in accordance with the Regional Policy, public notice of the meeting was advertised on January 3, 2020, in accordance with the notice provisions on the Region's website (At least 10 days prior to this meeting - Corporate Policy - Public Notice C-RC-005).

3.1 Registered Speakers

The Committee Chair advised that there were no registered speakers for today's meeting; however, any person present who wished to make a representation on the matter would be given an opportunity to do so. The Chair stated that members of the public were welcome to provide their input and concerns to Committee members and staff either orally today or in writing to the Regional Clerk.

The Committee Chair asked if there were any persons in attendance who wished to speak to the matter. There was no one in attendance wishing to speak to the matter.

3.2 Report for Consideration

3.2.1 CLK 2-2020

Application for Tourism Exemption for Holiday Openings under the *Retail Business Holidays Act* – 2664479 Ontario Limited operating as Sobeys Grocery Store - 450 Garrison Road in the Town of Fort Erie

Moved by Councillor Edgar
Seconded by Councillor Champion

That Report CLK 2–2019, dated February 12, 2020, respecting Application for Tourism Exemption for Holiday Openings under the *Retail Business Holidays Act* - 2664479 Ontario Limited, operating as Sobeys grocery store, 450 Garrison Road in the Town of Fort Erie, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the application from 2664479 Ontario Limited, requesting a tourism exemption under the *Retail Business Holidays Act*, to permit the Sobeys grocery store, located at 450 Garrison Road, in the Town of Fort Erie, to open on Family Day, Victoria Day, Canada Day, Labour Day and Thanksgiving Day from 7:00 a.m. to 11:00 p.m., Good Friday from 7:00 a.m. to 7:00 p.m. and any other public holiday declared by proclamation of the Lieutenant Governor to be a holiday for the purposes of the *Retail Business Holidays Act*, **BE APPROVED**; and
2. That the necessary by-law **BE PREPARED** and **PRESENTED** to Regional Council for consideration.

Carried

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

The Committee Chair declared the public participation meeting pursuant to the *Retail Business Holidays Act* adjourned at 9:40 a.m.

4. **PRESENTATIONS**

There were no presentations.

5. **DELEGATIONS**

There were no delegations.

6. **ITEMS FOR CONSIDERATION**

6.1 **HR 1-2020 REVISED**

Chief Administrative Officer (CAO) Recruitment, Selection, Offer of Employment and Performance Management Policy and Procedures

Moved by Councillor Whalen

Seconded by Councillor Rigby

That Report HR 1-2020 REVISED, dated February 12, 2020, respecting Chief Administrative Officer (CAO) Recruitment, Selection, Offer of Employment and Performance Management Policy and Procedures, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the Chief Administrative Officer Recruitment, Selection, Offer of Employment and Performance Management Policy, attached to Report HR 1-2020 REVISED as Appendix 1, **BE APPROVED**;

2. That the Chief Administrative Officer Recruitment, Selection, and Offer of Employment Procedure, attached to Report HR 1-2020 REVISED as Appendix 2, **BE APPROVED**; and
3. That the Chief Administrative Performance Management Procedure, attached to Report HR 1-2020 REVISED as Appendix 3, **BE APPROVED**.

Committee Chair Foster advised he wanted to provide comments on the matter; therefore, Committee Vice-Chair Whalen assumed the chair for the remainder of the discussion on this item.

The following friendly amendment to clause 2 of the motion was accepted by the Committee Vice-Chair and the mover and seconder of the motion as follows:

2. That the Chief Administrative Officer Recruitment, Selection, and Offer of Employment Procedure, attached to Report HR 1-2020 REVISED as Appendix 2, **BE APPROVED to include the amendments brought forward by Committee**;

The Committee Vice-Chair called the vote on the motion, as amended, as follows:

That Report HR 1-2020 REVISED, dated February 12, 2020, respecting Chief Administrative Officer (CAO) Recruitment, Selection, Offer of Employment and Performance Management Policy and Procedures, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the Chief Administrative Officer Recruitment, Selection, Offer of Employment and Performance Management Policy, attached to Report HR 1-2020 REVISED as Appendix 1, **BE APPROVED**;
2. That the Chief Administrative Officer Recruitment, Selection, and Offer of Employment Procedure, attached to Report HR 1-2020 REVISED as Appendix 2, **BE APPROVED** to include the amendments brought forward by Committee; and
3. That the Chief Administrative Performance Management Procedure, attached to Report HR 1-2020 REVISED as Appendix 3, **BE APPROVED**.

Carried

Councillor Information Request(s):

Committee suggested the following amendments to the procedure:

- attendance at meetings, in particular mandatory attendance at interviews
- the possibility of electronic participation in some format
- the opportunity for members of previous recruitment committees to provide advice to the new committee

6.2 HR 2-2020

Citizen Appointments to Women's Advisory Committee

Moved by Councillor Butters

Seconded by Councillor Diodati

That Report HR 2-2020, dated February 12, 2020, respecting Citizen Appointments to Women's Advisory Committee, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That the recommendation confirming the citizen appointments for the Women's Advisory Committee, contained in Confidential Appendix I to Report HR 2-2020, **BE APPROVED**.

Carried

6.3 CSD 4-2020 REVISED

Appointments to the Licensing Appeals Committee

Angelo Apfelbaum, Manager, Business Licensing, provided information respecting Citizen Appointments to the Licensing Appeals Committee. Topics of the presentation included:

- Why Citizen Appointments?
- Eligibility for Appointment
- Reporting Structure for Decisions

Committee members had requested information respecting Confidential Appendix 1 to Report CSD 4-2020 REVISED, therefore, the consideration of this item was moved to follow closed session (Agenda Item 9.0).

7. CONSENT ITEMS FOR INFORMATION

Moved by Councillor Diodati
Seconded by Councillor Heit

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

CSD 13-2020

Disposition Strategy for Lands Previously Declared Surplus

CSC-C 4-2020

Update on Recommendations from Report CAO 17-2019 - Recommendations from the Ontario Ombudsman Report "Inside Job" November 2019

Carried

8. OTHER BUSINESS

8.1 Canadian Coalition of Inclusive Municipalities

Councillor Ip requested an update on the status of Niagara Region joining the Canadian Coalition of Inclusive Municipalities. Ann-Marie Norio, Regional Clerk, advised that staff are finalizing the necessary documentation to complete the membership process.

9. CLOSED SESSION

Moved by Councillor Redekop
Seconded by Councillor Easton

That the Corporate Services Committee **DO NOW MOVE** into closed session to receive confidential information respecting:

A Matter Respecting Personal Matters About Identifiable Individuals –
Recommended Citizen Appointments to the Licensing Appeals Committee

Carried

Committee resolved into closed session at 10:39 a.m.

10. BUSINESS ARISING FROM CLOSED SESSION ITEMS

Committee reconvened in open session at 10:42 a.m. with the following individuals in attendance:

Committee: Bradley (Regional Chair), Butters, Campion, Diodati, Easton, Edgar, Foster (Committee Chair), Gale, Heit, Ip, Redekop, Rigby, Whalen (Committee Vice-Chair)

Absent/Regrets: Fertich

Staff: A. Apfelbaum, Manager, Business Licensing, H. Chamberlain, Director, Financial Management & Planning/Deputy Treasurer, T. Harrison, Commissioner/Treasurer, Corporate Services, K. Lotimer, Legislative Coordinator, A.-M. Norio, Regional Clerk

10.1 CSD 4-2020 REVISED

Appointments to the Licensing Appeals Committee

Moved by Councillor Redekop
Seconded by Councillor Whalen

That Report CSD 4-2020 REVISED, dated February 12, 2020, respecting Appointments to the Licensing Appeals Committee, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the recommendation contained in Confidential Appendix 1 to Report CSD 4-2020 REVISED, **BE APPROVED** confirming the citizen appointments to the Licensing Appeals Committee; and
2. That the Licensing Appeals Committee Terms of Reference (Appendix 2 of Report CSD 4-2020 REVISED), **BE APPROVED**.

Carried

10.2 Confidential CSC-C 3-2020

A Matter of a Proposed or Pending Acquisition or Disposition of Land by Niagara Region - Disposition Strategy for Lands Previously Declared Surplus

Moved by Councillor Rigby
Seconded by Councillor Edgar

That Confidential Correspondence Item CSC-C 3-2020, being a memorandum from B. Menage, Director, Procurement & Strategic Acquisitions, dated February 12, 2020, respecting A Matter Respecting a Proposed or Pending Acquisition of Land by Niagara Region – Disposition Strategy for Lands Previously Declared Surplus, **BE RECEIVED** for information.

Carried

10.3 Confidential CSD 12-2020

A Matter Respecting a Proposed Acquisition of Land by the Municipality - Public Health Lease Extension, 3550 Schmon Parkway, Thorold

Moved by Councillor Redekop
Seconded by Councillor Diodati

That Confidential Report CSD 12-2020, dated February 12, 2020, respecting A Matter Respecting a Proposed Acquisition of Land by the Municipality - Public Health Lease Extension, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

11. **NEXT MEETING**

The next meeting will be held on Wednesday, March 11, 2020 at 9:30 a.m. in the Council Chamber, Regional Headquarters.

12. **ADJOURNMENT**

There being no further business, the meeting adjourned at 10:46 a.m.

Councillor Foster
Committee Chair

Kelly Lotimer
Legislative Coordinator

Ann-Marie Norio
Regional Clerk

Subject: Application for Tourism Exemption for Holiday Openings under the *Retail Business Holiday Act* – 2664479 Ontario Limited operating as Sobeys Grocery Store - 450 Garrison Road in the Town of Fort Erie

Report to: Corporate Services Committee

Report date: Wednesday, February 12, 2020

Recommendations

1. That Report CLK 2-2020, Application for Tourism Exemption for Holiday Openings under the *Retail Business Holidays Act*, 2664479 Ontario Limited operating as Sobeys Grocery Store - 450 Garrison Road in the Town of Fort Erie, **BE RECEIVED**;
2. That the application from 2664479 Ontario Limited, requesting a tourism exemption under the *Retail Business Holidays Act*, to permit the Sobeys grocery store, located at 450 Garrison Road, in the Town of Fort Erie, to open on Family Day, Victoria Day, Canada Day, Labour Day and Thanksgiving Day from 7:00 a.m. to 11:00 p.m., Good Friday from 7:00 a.m. to 7:00 p.m. and any other public holiday declared by proclamation of the Lieutenant Governor to be a holiday for the purposes of the *Retail Business Holiday Act*, **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 the Sobeys grocery store located at 450 Garrison Road in the Town of Fort Erie to open on Family Day, Victoria Day, Canada Day, Labour Day and Thanksgiving Day from 7:00 a.m. to 11:00 p.m, Good Friday from 7:00 a.m. to 7:00 p.m. and any other public holiday declared by proclamation of the Lieutenant Governor to be a holiday for the purposes of this Act.
- By-law No. 7396-93, granted a tourism exemption to the IGA Grocery store located at 200 Garrison Road, in the Town of Fort Erie to open on New Year's Day, Victoria Day, Canada Day, Labour Day, Thanksgiving Day and the 26th day of December.
- A letter supporting this application, received from the Town of Fort Erie 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

The application received from 2664479 Ontario Limited, operating as Sobeys grocery store, 450 Garrison Road, Fort Erie, requests a tourism exemption under the *Retail Business Holidays Act* to permit the store to open on Family Day, Victoria Day, Canada Day, Labour Day and Thanksgiving Day from 7:00 a.m. to 11:00 p.m., Good Friday from 7:00 a.m. to 7:00 p.m. and any other public holiday that may be declared by proclamation of the Lieutenant Governor to be a holiday for the purposes of the *Retail Business Holidays Act*.

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 January 3, 2020 and in the Fort Erie Observer on January 9, 2020.

On November 28, 2019, a letter was sent to the Clerk of the Town of Fort Erie requesting comments regarding this application. Correspondence dated January 6, 2020, received from the Town of Fort Erie in support of this request for the tourism exemption for Sobeys grocery store 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 Mathers Park is 1.7 km from the 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 refers to Regional By-law 7396-93 in the application. This by-law, passed by Regional Council on November 18, 1993, grants permission for the IGA grocery store located at 79 Courtwright Steet ("soon to be located at 200 Garrison Road") in the Town of Fort Erie to open on New Year's Day, Victoria Day, Canada Day, Labour Day, Thanksgiving Day and the 26th day of December for the "maintenance of development

of tourism.” The applicant has stated that the IGA grocery store located at 200 Garrison Road was later moved to 450 Garrison Road, the banner name of the store changed to Sobeys and as such, the store has continued to remain open on the days granted under this by-law as they were unaware that the by-law was for a specific location only.

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.

Prepared and Recommended by:

Ann-Marie Norio
Regional Clerk

Submitted by:

Ron Tripp, P. Eng.
Acting Chief Administrative Officer

Appendices

Appendix 1	Application for Tourism Exemption
Appendix 2	Letter of Support from the Town of Fort Erie

THE REGIONAL MUNICIPALITY OF NIAGARA
APPLICATION FOR TOURISM EXEMPTION
RE HOLIDAY OPENINGS

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:

2664479 ONTARIO LTD. (SOBEYS FONT ERIE)

Mailing Address of Applicant:

450 GARRISON ROAD

FONT ERIE, ONTARIO

L2A 1N2

Telephone No. of Applicant: 905-871-0463

Fax No.: 905-871-1555

Email Address of Applicant

mike.barnes@sobeys.com

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

MICHAEL BARNES

Mailing Address of Applicant:

450 GARRISON ROAD

Font Enie, ONTARIO

L2A 1N2

Telephone No. of Applicant:

289-696-1605

Fax No.:

905-871-1555

Email Address of Applicant

mike.barnes@sobeys.com

4. Location of Retail Business Establishment

Municipal Address

Street Number, Municipality

450 GARRISON ROAD

Font Enie, ONTARIO

L2A 1N2

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

SUPERMARKET

Total No. of Sq. Ft. normally used for serving the public:

35,272 (TOTAL STORE)

Total No. of Employees normally serving the public:

100 TOTAL 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:

MATHEUS PARK (Arch) 1.7 km

Old Fort Erie 2.1 km

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

Provide Food & BEVERAGES TO Purchase
For TOURISTS & LOCALS

3. Where the application involves a business 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, please outline the goods or services provided primarily to tourists.

DELI PREPARED MEALS, GROCERIES
AND BEVERAGES

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

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

Font Erie

- b) Describe subject area (in words):

GOOGLE MAPS ATTACHED.

(Please attach a map or sketch)

- c) How many businesses are included in this application?

1

- d) Are all the retail business establishments in the described area within two kilometres of the tourist attraction?

YES

- e) Does the area exceed that necessary to encompass all of the retail business establishments for which an exemption is sought?

YES

If not, explain how it does not:

BUSINESS IS LARGER THAN

2,400 SQUARE FEET WITH MORE THAN

4 EMPLOYEES

- 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)

0

Google Maps

Mather Arch, Niagara Pkwy, Fort Erie, ON to Sobeys Fort Erie

Walk 1.4 km, 19 min



Map data ©2019 Google 200 m

	via Garrison Rd/Niagara 3	4 min
	Fastest route, despite the usual traffic	1.7 km
	via Lakeshore Rd and Concession Rd	5 min
		2.6 km
	via Garrison Rd/Niagara 3	19 min
	Mostly flat	1.4 km

Google Maps Old Fort Erie to Sobeys Fort Erie

Drive 2.1 km, 4 min



Map data ©2019 Google 200 m

Old Fort Erie

350 Lakeshore Rd, Fort Erie, ON L2A 1B1

↑ 1. Head north on Lakeshore Rd toward Dominion Rd
5 s (62 m)

↶ 2. Turn left onto Dominion Rd/Niagara 1
20 s (170 m)

Take Concession Rd to Niagara 3

↗ 3. Turn right at the 1st cross street onto Radford St
400 m

↗ 4. Turn right onto Albany St
300 m

↶ 5. Turn left onto Concession Rd
800 m

↶ 6. Turn left onto Niagara 3
41 s (350 m)

Drive to your destination

18 s (58 m)

➤ 7. Turn right

28 m

➤ 8. Turn right

 Destination will be on the left

30 m

Sobeys Fort Erie

450 Garrison Rd, Fort Erie, ON L2A 1N2

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

- g) If application is submitted by an association, describe briefly the purpose of the association, the area and type of businesses it represents.

PART III - GENERAL

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

FAMILY DAY 7AM-11PM, GOOD FRIDAY 7AM-7PM,

VICTORIA DAY 7AM-11PM, CANADA DAY 7AM-11PM,

LABOUR DAY 7AM-11PM + THANKSGIVING DAY 7AM-11PM

ANY OTHER PUBLIC HOLIDAYS DECLARED BY PROCLAMATION OF THE LIEUTENANT GOVERNOR TO BE A HOLIDAY FOR THE PURPOSE OF THIS ACT

2. Is request seasonal in nature, e.g. summer months only? If yes, what time period is sought?

NO

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?

NONE

4. Is request related to a special event?

No

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?

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:

BY-LAW NO. 7396-93 WAS GRANTED TO IGA

WHICH WAS LOCATED AT 200 GARRISON ROAD WHICH LATER

MOVED TO 450 GARRISON ROAD AND SWITCHED BRANDS NAMES

TO SOBEY. SOBEYS HAS CONTINUED TO OPEN ON HOLIDAYS NO
REALIZING THE BY-LAW DIDN'T MOVE WITH THE STORE.

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?

WITH THE INFORMATION ABOVE I FEEL

NOT HAVING A SUPERMARKET OPEN IN FORT

THAT WOULD HAVE A NEGATIVE IMPACT ON THE COMMUNITY

AND THE TOURIST WHO CAMP AND COTTAGE IN
THE AREA.

Bill 7390

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 7396-93

A BY-LAW TO PERMIT IGA CURRENTLY LOCATED
AT 79 COURTWRIGHT STREET AND SOON TO BE
LOCATED AT 200 GARRISON ROAD IN THE TOWN
OF FORT ERIE, TO BE OPEN ON CERTAIN HOLIDAYS
FOR THE MAINTENANCE OR DEVELOPMENT OF TOURISM

WHEREAS pursuant to section 4(1) of the Retail Business Holidays Act, R.S.O. 1990, Chapter R.30, as amended, the Council of the Region may by by-law permit retail business establishments in the Region to be open on holidays for the maintenance or development of tourism;

AND WHEREAS Regional Council has taken into account the principle that holidays should be maintained as common pause days;

AND WHEREAS there is compliance with the tourism criteria set out in the regulations made under section 4 of the Retail Business Holidays Act;

AND WHEREAS application has been made by certain persons carrying on retail business in the Region and by the Corporation of the Town of Fort Erie;

AND WHEREAS Regional Council has considered the written material submitted in support of the application;

AND WHEREAS Regional Council has held a public meeting in respect of this by-law;

AND WHEREAS Regional Council has published notice of the public meeting in a newspaper having general circulation in the Municipality at least thirty days before the meeting was held;

THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

1. The following retail business establishment in the Town of Fort Erie may be open on New Year's Day, Victoria Day, Canada Day, Labour Day, Thanksgiving Day and the 26th day of December:

IGA, currently 79 Courtwright Street, and soon to be 200 Garrison Road.

Bill 7390

- 2 -

2. This by-law shall come into force and take effect, subject to an appeal under section 4.3 of the Retail Business Holidays Act, on the thirty-first day after it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA



(Brian E. Merrett, Regional Chair)



(Sandra McDougall, Acting Regional Clerk)

Passed: November 18, 1993

NOTES:

1. It is required that the original application be filed with the Regional Clerk, together with appropriate documentation, accompanied by a cheque in the amount of \$750, made payable to:

THE REGIONAL MUNICIPALITY OF NIAGARA

This fee will cover the following:

- publication costs
 - legal costs to review applications
 - administrative costs i.e. printing, mailing
2. Applications are to be filed at the Clerk's Department, the Regional Municipality of Niagara, 2201 St. David's Road, Thorold, Ontario, L2V 4T7 to the attention of the Regional Clerk (685-1571).
 3. This application and any by-law passed by the Region are subject to the provisions of the Retail Business Holidays Act. It is strongly suggested that Applicants contact their solicitor with respect to the provisions of the Act.
 4. It is preferred where possible that applicants submit a proposed exemption by-law with their applications.
 5. Each application must be accompanied by a scaled plan or map of the area covered by the proposed by-law showing:
 - (a) the retail business establishment(s);
 - (b) the tourist attraction; and
 - (c) the scale of the plan or map enabling the distances to be measured.

EXECUTION BY APPLICANT

I, MICHAEL BARNES, of the Town of Font Enfant in the
(Name of Applicant) (City, Town, or Township) (Name of Municipality)

Niagara Region do solemnly declare that all of the statements contained in this
(Region, County, District, Single Tier)
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 at the

Region of Niagara
(city, town, or municipality)

of the City of Thorold

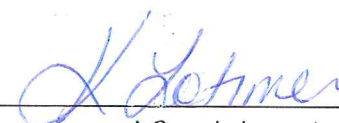
in the Province of Ontario,


(Applicant)

this 26th day of

November, 20 19th

Deputy Clerk
Regional Municipality of Niagara


A Commissioner, etc.

APPOINTMENT OF AUTHORIZED AGENT

I/We, [Click here to enter text.](#) hereby appoint [Click here to enter text.](#) of [Click here to enter text.](#) to act as my/our authorized agent in this application.

Witness:

Signed:

Date:



Community Services

Legislative Services

January 6, 2020
File No. 110301

Sent via Email: "Norio, Ann-Marie" <Ann-Marie.Norio@niagararegion.ca>

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

Dear Ms. Norio:

**Re: Request for Comments on Application for Tourism Exemption for Holiday
Openings – Sobeys, 450 Garrison Road, Fort Erie**

Further to your letter dated November 28, 2019 regarding the above-referenced matter, please be advised that I circulated your enquiry to the relevant parties and their comments are as follows:

Mr. Al Stouffer, Coordinator – Community Liaison and Business Licencing advised that Sobeys have two licences:

1. New Business Licence issued on July 2, 2019, only expires when ownership changes or location changes. The licence number is 2019-45.
2. Restaurant/Fresh Food Licence issued on July 2, 2019 is an annual licence expiring on December 31 of the current year. Licence number is 2019-44.

No other pertinent information.

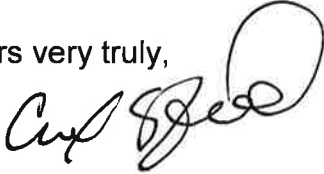
Ms. Ann-Marie Norio
Regional Clerk

Page 2

Ms. Caralee Grummett, Ec.D., Manager, Economic Development & Tourism Services advised that from an economic development and tourism perspective, there is no objection to Sobey's application for a tourism exemption under the *Retail Business Holiday Act*.

Trusting this information is of assistance to you.

Yours very truly,



Carol Schofield, Dipl. M.A.
Manager, Legislative Services/Clerk
cschofield@forterie.ca

CS/cw

Subject: Chief Administrative Officer (CAO) Recruitment, Selection, Offer of Employment and Performance Management Policy and Procedures

Report to: Corporate Services Committee

Report date: Wednesday, February 12, 2020

Recommendations

1. That the Chief Administrative Officer Recruitment, Selection, Offer of Employment and Performance Management, attached to Report HR 01-2020 REVISED as Appendix 1, **BE APPROVED**;
2. That the corresponding Procedure Chief Administrative Officer Recruitment, Selection, and Offer of Employment, attached to Report HR 01-2020 REVISED as Appendix 2, **BE APPROVED**;
3. That the Chief Administrative Performance Management Procedure, attached to Report HR 01-2020 REVISED as Appendix 3, **BE APPROVED**.

Key Facts

- The purpose of this report is to obtain Council's approval of the CAO Recruitment, Selection, Offer of Employment and Performance Management Policy and Procedures.
- The Chief Administrative Officer Recruitment, Selection, and Offer of Employment Procedure includes a Terms of Reference for a CAO Recruitment Committee made up of the Regional Chair, specific members of Council, and applicable staff as noted therein.
- Council approval of the attached Policy and Procedures will satisfy the previous direction given to staff in Report CAO 17-2019 to take the necessary steps to implement the corresponding recommendations provided in the Ontario Ombudsman Report "Inside Job" dated November 2019 related to the CAO Recruitment process.
- **The initial report was discussed at Special Council on January 23, 2020. Council provided input on changes within the policy and procedures pertaining to the CAO Recruitment, Selection, and Offer of Employment Policy and Procedures, and subsequently referred the report to Corporate Services Committee.**
- **This revised report captures a number of the suggestions made at Special Council as they pertain to the CAO Recruitment, Selection, and Offer of Employment Policy and Procedures, there were no suggested changes to the Performance Management Procedure, as a result no changes have been made.**

-
- The Policy and Procedures are newly created with research conducted of best practices and survey of other municipal partners; if approved these would come into effect immediately upon Council approval.
 - The approval of the Policy and associated Procedures will provide Council the mechanisms to move forward with the recruitment of a permanent CAO should they wish to do so, it will ensure any CAO Recruitment is undertaken in a way that will address the concerns raised as a result of the 2016 hiring process.

Financial Considerations

The recommendations, as a result of the Ombudsman Report, are primarily policy and procedure focused and do not have any direct financial implications, save and except staff time to undertake the work, members of Council time to sit on the noted Committees, and the future costs associated with the services of an external Executive Search Firm to undertake the CAO recruitment and selection process in the future.

Should Council wish to proceed with the recruitment of a permanent CAO, any costs related to CAO recruitment activities in 2020 will be funded through the existing, and Council approved, 2020 budget.

Analysis

On November 29, 2019, the Ontario Ombudsman released his report titled “Inside Job” respecting the investigation he conducted regarding the process Niagara Region undertook in the 2016 hiring of its Chief Administrative Officer (CAO); the administration of the CAO’s contract, including any extension and amendment; and Niagara Region’s response to concerns about the CAO’s hiring, including the municipal ombudsman’s investigation and the external governance auditor.

The Ombudsman put forward 15 recommendations within the report to address the issues that were identified as part of his investigation (and a 16th recommendation requiring Niagara Region to report back at six-month intervals on progress in implementation of the recommendations). This Report and the corresponding Appendices serve to directly address the following numbered recommendations from the Ontario Ombudsman Report:

- 3. The Regional Municipality of Niagara should require all officials and staff with access to confidential hiring process information to sign a specific confidentiality agreement at the outset of the process.*
- 4. The Regional Municipality of Niagara should ensure that the terms of reference it establishes for a recruitment committee provide for a complete list of the staff and officials permitted to access confidential information.*
- 6. The Regional Municipality of Niagara should adopt a policy clarifying that employees should not engage in any behaviour that provides an unfair*

advantage to a candidate during a hiring process, including assisting candidates by providing inside information such as interview questions and suggested answers.

9. *The Regional Municipality of Niagara should adopt a policy setting out the process for hiring a Chief Administrative Officer, including the appropriate roles of staff and their accountability to council or a committee of council charged with the hiring.*
12. *Before making changes to a contract affecting its legal interests, the Regional Municipality of Niagara should require staff to consult legal and human resources staff to ensure the terms are lawful and consistent with the municipality's interests.*
13. *The Regional Municipality of Niagara should adopt a policy governing the process for CAO performance appraisals.*

The attached CAO Recruitment, Selection, Offer of Employment and Performance Management Policy and corresponding Procedures are entirely new; they were drafted in response to the recommendations contained within the Ombudsman Report. In accordance with the recommendations of this report, staff have reviewed what is currently in place, researched best practices, considered tools and resources suggested in the Ombudsman Report, including reached out to a number of upper and lower tier municipalities to ensure that any Policy and Procedures that are put in place, subject to Council approval, would satisfy the recommendations of the Ombudsman.

Regarding the Terms of Reference for the CAO Recruitment Committee, staff ***have amended some of the provisions as outlined in the attached CAO Recruitment, Selection, and Offer of Employment Policy and Procedures, including the CAO Recruitment Committee Terms of Reference contained therein.*** ~~are recommending that this Committee be comprised of the 3 Chairs, and in the case of the Public Health and Social Services Committee 1 of the Co-Chairs, of each of the 4 Standing Committees (it also does include the process to select replacement members), plus the Regional Chair who will also assume the Chair of the CAO Recruitment Committee. The recommendation regarding the participation of the Chair's of the Standing Committee's is based primarily on how their respective roles work closely with the role of the CAO, and that their role as Chair of their respective Committee's are required to work within a mandate and make recommendations to be considered by Council.~~

Niagara Region currently has some other policies in place that are relevant to the aforementioned recommendations such as: Code of Ethics/Conflict of Interest, Accountability and Transparency, Delegation of Powers and Duties, Execution of Documents By-law, and Employment and Staffing. Staff will ensure, in light of the Ombudsman's recommendations, that those policies are strengthened and consistent with the attached Policy and Procedures and will be respectively brought back to Council at a future date.

The recruitment of a permanent CAO has been held in abeyance pending the completion of the Provincial governance review and the Ombudsman's Report into the 2016 CAO hiring process. Given that both of those matters have now been concluded, staff have created the Policy and Procedures as directed by Council in Report CAO 17-2019. The approval of these items will ensure that the corresponding Policy and Procedures, and the amended By-law that has been prepared under separate Report, are in place prior to a CAO recruitment process being initiated. As a result, should Council approve this Report, staff recommends proceeding with the recruitment of a permanent CAO done so in accordance with this Policy. Should Council **Approve this Policy**, a Report outlining next steps in the CAO recruitment process will be brought to the Corporate Services Committee meeting on **March 11, 2020 and will include direction to staff to proceed with the appointment of members to the Recruitment Committee at Regional Council.**

Alternatives Reviewed

Municipalities, both local and beyond, were contacted for information on their CAO recruitment practices, including requests for copies of any policies related to same. Although the existence of a policy specific to the recruitment of a CAO are not generally in place, there is a fairly consistent approach that Human Resources facilitate the engagement of an external executive search firm to guide any candidate search, and to form a committee of Council tasked to be a recruitment committee.

Consideration was given to have internal staff and resources from Human Resources conduct the CAO Recruitment process; this alternative is not recommended for a number of reasons; namely Human Resources currently reports to the CAO and the optics of hiring their own manager are not favourable to the corporation. The inclusion of an Executive Search Firm (ESF) as part of the Policy brings the objectivity, specialized skills, and ability to perform a broader search for optimal candidates, still allows the Region to set the scope of work any ESF would undertake in the CAO recruitment process.

Relationship to Council Strategic Priorities

This report is based on the recommendations of the Ontario Ombudsman and Council's prior confirmation of same; however, the implementation of this Policy and corresponding Procedures aligns with Council's Strategic Priority of Sustainable and Engaging Government.

Other Pertinent Reports

- CAO 17-2019 – Recommendations from the Ontario Ombudsman Report "Inside Job" November 2019

Prepared and Recommended by:

Franco Meffe

Director, Human Resources

Submitted by:

Ron Tripp, P.Eng.

Acting, Chief Administrative Officer

This report was prepared in consultation with Ann-Marie Norio, Regional Clerk, and Jodie Middleton, Manager Organizational Development and Talent Acquisition.

Appendices

Appendix 1 – **REVISED** Chief Administrative Officer Recruitment, Selection, Offer of Employment and Performance Management Policy

Appendix 2 – **REVISED** Chief Administrative Officer Recruitment, Selection, and Offer of Employment Procedure

Appendix 3 – DRAFT Chief Administrative Officer Performance Management Procedure

<i>Policy Category</i>	<i>Name of Policy</i>
Human Resources	Chief Administrative Officer – Recruitment, Selection, Offer of Employment, and Performance Management

Page 1 of 5

Policy Owner	Corporate Administration, Human Resources, Director Human Resources
Approval Body	Regional Council
Approval Date	
Effective Date	
Review by Date	

1. Policy

Regional Council is committed to engaging in good governance through approved policy and procedures for both the recruitment (attraction, selection and offer of employment) and performance management (performance appraisal, objective setting and development plan) for the position of Chief Administrative Officer (CAO).

2. Purpose

The CAO is the senior appointed official of the Regional Municipality and provides leadership in all operational areas, policy, government affairs, business/service delivery, and implementation of Council's strategic priorities. Ensuring the CAO is qualified for the role; that the terms and conditions of their employment are appropriate; that their annual performance is properly aligned to key priorities; and that the incumbent is functioning at an appropriate level, is a key accountability of Council.

3. Scope

This policy applies to the role of the CAO, Council, and key designated external vendors and staff roles accountable for execution of the policy.

There are to be no acts of favouritism or discrimination in the CAO recruitment process. Members of Council, staff, external vendors, and anyone else approved to be part of the recruitment process shall not attempt to influence the hiring of any applicant in a manner that is inconsistent with this policy. This includes that no one shall engage in any behaviour that provides an unfair advantage to a candidate during the CAO recruitment process to assist any candidates by providing inside information, such as but not necessarily limited to, interview questions and suggested answers, presentation materials, information about other candidates, or any information gathered in meetings, conversations, email or any other form of communication or discussion.

<i>Policy Category</i>	<i>Name of Policy</i>
Human Resources	Chief Administrative Officer – Recruitment, Selection, Offer of Employment, and Performance Management

3.1. Roles and Responsibilities

3.1.1. CAO New Hire Recruitment, Selection and Offer of Employment

- Regional Chair: Serves as Chair of the **Recruitment Committee and oversees performance management process**; ensures the requirements of XXX Policy is fulfilled. Includes establishing **Council approved Recruitment Committee** membership, working with any external Executive Search Firm (**ESF**), enforcement of roles and responsibilities, **provide regular detailed updates in writing to Council concerning the recruitment and selection process including particulars of preferred candidate(s)**, along with integrity and confidentiality requirements. Oversees hiring process through Recruitment Committee and ESF selection, to **Council approval** of candidate offer of employment.
- Recruitment Committee Member: **Acts on behalf of members of Council in the recruitment and selection process**. Engages in all procedural elements as outlined in respective XXX Procedure. Includes mandatory attendance at all meetings and interviews, engaging in the development of selection criteria and position profile development as required, **collaborating with the Chair and ESF on providing regular detailed updates in writing to Council concerning the recruitment and selection process including particulars of preferred candidate(s)**. Requires alignment to all integrity and confidentiality requirements.
- Director, Human Resources: Facilitates the recruitment process on behalf of the Regional Chair and Recruitment Committee, **and the performance management process**. Serves as primary contact point for any ESF; provides guidance and advice to the Chair and Recruitment Committee members ensuring best practices and legal interests of the corporation are upheld, **supports the Chair and Recruitment Committee in the preparation of regular detailed written update(s) to Council**, leads the procurement of an ESF, facilitates Legal consultation and candidate offer of employment and/or offer letter creation, and any amendment to the employment contract; is required to attend all meetings with the Recruitment Committee and with Council, and any other meetings upon request of the Chair.
- Executive Search Firm (ESF): An external firm or specialized consultant who works with the Chair and Recruitment Committee to confirm the CAO profile, position competencies, and search, selection and offer strategy. **ESF** accountabilities will align with the **defined** scope of work, which may include but not necessarily limited to – attraction, screening of prospective candidates, development of short list of candidates to be interviewed by the Committee, including they may support the interview, reference **checking** and offer of employment process as required. **Required to attend meeting(s) of Council to provide detailed updates to members of Council concerning the recruitment and selection process, be**

<i>Policy Category</i>	<i>Name of Policy</i>
Human Resources	Chief Administrative Officer – Recruitment, Selection, Offer of Employment, and Performance Management

prepared to present to Council on its processes to short list candidates, provide candid feedback on the recruitment process, provide observation(s) on any short listed candidates, along with responding to any inquiries made by members of Council.

- Acting/Interim CAO: A member of the Region's Corporate Leadership Team or an external person appointed by Council to fulfil the duties of the CAO on an acting or temporary basis. The appointment of the Acting CAO does not preclude their candidacy in the selection process for a permanent CAO. If they are not a candidate for the permanent role, they may participate as a member of the Recruitment Committee if approved by the Chair and Recruitment Committee. However, if they are a candidate for the position as permanent CAO, they are not permitted to participate or influence the recruitment process and must excuse themselves from all business associated with same.
- Regional Clerk: Ensures required governance related supports and advice to ensure effective completion of the process; provides agenda and meeting management functions; is required to attend all meetings with the Recruitment Committee and with Council, and any other meetings upon request of the Chair.
- Regional Council: Responsible for the hiring of the CAO and all associated approvals noted within this Policy and its Procedures. ***Attendance at any meeting of Council where matters pertaining to the CAO recruitment, selection, and offer of employment are being discussed.***

3.1.2. Performance Management

- Regional Chair: Ensures the mandate of the XXX Procedure is fulfilled annually. Includes development and execution of annual performance management schedule, providing feedback to CAO; enforcement of roles and responsibilities, annual rating selection, report creation to Council, annual objective and development plan setting with the CAO as well as integrity and confidentiality requirements.
- Chief Administrative Officer: Completing annual assessment; engaging in all aspects of the process as laid out in this XXX policy and the procedure document. Engaging in the performance appraisal process, and development of annual objectives and development plan.
- Director, Human Resources: Initiates and facilitates the performance appraisal process and creation of annual objective and development plan on behalf of the Regional Chair in accordance with the Region's Non-Union Performance Management Program. Sources and serves as primary point of contact for additional resources or supports such as Legal or Consultants. Provides guidance and advice to the Chair as required, is required to attend all meetings with Council, and any other meetings upon request of the Chair.

<i>Policy Category</i>	<i>Name of Policy</i>
Human Resources	Chief Administrative Officer – Recruitment, Selection, Offer of Employment, and Performance Management

Page 4 of 5

- Regional Clerk: Ensures required governance related supports and advice to ensure effective completion of the process; provides agenda and meeting management functions; is required to attend all meetings with Council, and any other meetings upon request of the Chair.
- Regional Council: Responsible for the evaluation of the performance of the CAO and all associated approvals noted within this Policy and Procedures. ***Attendance at any meeting of Council where matters pertaining to CAO performance management are being discussed.***

4. References and Related Documents.

List related legislation, directives, By-laws and associated procedures

4.1. Legislation, By-Laws and/or Directives

- Municipal Act, 2001
- Employment Standards Act, 2000
- CAO By-law # XXX

4.2. Procedures

- XXX – Chief Administrative Officer Recruitment, Selection, Offer of Employment
- XXX – Chief Administrative Officer Performance Management

5. Related Policies

- Non-Union Compensation C-HR-001
- Employment and Staffing C-HR-010

6. Document Control

The electronic version of this document is recognized as the only valid version.

Approval History

Approver(s)	Approved Date	Effective Date

Revision History

Revision No.	Date	Summary of Change(s)	Changed by
		320	

<i>Policy Category</i>	<i>Name of Policy</i>
<i>Human Resources</i>	<i>Chief Administrative Officer – Recruitment, Selection, Offer of Employment, and Performance Management</i>

<i>Procedure Category</i>	<i>Name of Procedure</i>
Human Resources	Chief Administrative Officer – Recruitment, Selection, and Offer of Employment

Procedure Owner	Corporate Administration, Human Resources, Director Human Resources
Parent Policy	XXX – Chief Administrative Officer Recruitment, Selection, Offer of Employment, and Performance Management
Approval Body	Regional Council
Approval Date	
Effective Date	
Review by Date	

The following procedure outlines the Chief Administrative Officer (CAO) Recruitment, Selection, and Offer of Employment.

When a permanent vacancy for CAO occurs, the Regional Chair (**Chair**) notifies the Director, Human Resources (HR) to initiate the recruitment process to fill the permanent CAO vacancy **in accordance with** the XXX Policy and XXX Procedure.

The Director HR, *in consultation with the Chair*, will initiate the CAO selection process in accordance with the CAO Recruitment Committee Terms of Reference as follows:

Chief Administrative Officer Recruitment Committee Terms of Reference

Mandate / Scope

The mandate of the Chief Administrative Officer (CAO) Recruitment Committee is to facilitate the recruitment process for the CAO and recommend to Regional Council a preferred candidate for the role of CAO.

<i>Procedure Category</i>	<i>Name of Procedure</i>
<i>Human Resources</i>	<i>Chief Administrative Officer – Recruitment, Selection, and Offer of Employment</i>

Goals/Purpose

1. Formation of a CAO Recruitment Committee

- a. *The Committee will be comprised of the Regional Chair, who will serve as Committee Chair, and four (4) members of Regional Council to be appointed by Regional Council. Members must be able to commit to full and active participation over the course of the CAO recruitment, including mandatory attendance at all meetings, interviews, etc.*
- b. *CAO Recruitment Committee will be governed by the Region's Procedural By-law.*

2. Engagement of an External Executive Search Firm (ESF)

- a. *CAO Recruitment Committee, in consultation with Director Human Resources, to determine scope of work and select ESF, as per the Niagara Region Procurement By-law.*
- b. *ESF to develop the key CAO character traits and competencies required, in consultation with the CAO Recruitment Committee, to drive results forward in Niagara.*
- c. *ESF to undertake CAO candidate search, with active engagement of the CAO Recruitment Committee.*
- d. *ESF, in consultation with the Recruitment Committee, to provide detailed updates to Council concerning the recruitment and selection process, be prepared to present to Council on its processes to short list candidates, provide candid feedback on the recruitment process, observation(s) on any short listed candidates, along with responding to any inquiries made by members of Council.*

3. CAO Recruitment Process

- a. *CAO Recruitment Committee members actively participate in a transparent, competitive, and comprehensive recruitment process, while holding in strict*

<i>Procedure Category</i>	<i>Name of Procedure</i>
<i>Human Resources</i>	<i>Chief Administrative Officer – Recruitment, Selection, and Offer of Employment</i>

confidence all confidential information concerning matters dealt with by the Committee.

- b. CAO Recruitment Committee, with ESF, to provide detailed updates to members of Council concerning the recruitment and selection process.***
- c. Upon completion of the recruitment process, the CAO Recruitment Committee to present up to three (3) preferred candidate(s) to Regional Council for approval of a preferred candidate and approval on presented associated terms and conditions of employment.***
- d. Upon Regional Council's approval of the preferred candidate, Council authorizes the Director, HR, to extend the approved terms of employment to the preferred candidate, in a form satisfactory to the Director Legal and Court Services, in consultation with any external legal counsel as required, ensuring all legal requirements are met.***

Recruitment Committee Membership

The membership structure of the CAO Recruitment Committee will be comprised of ***five (5) members of Regional Council, including the Regional Chair, who will serve as Committee Chair.***

Privacy Considerations

The CAO Recruitment Committee will comply with all open meeting provisions. Information provided to the CAO Recruitment Committee, specifically pertaining to applicants for the position of the CAO, will be held in strict confidence and managed in accordance with the principles of protection of personal information as defined by the *Municipal Freedom of Information and Protection of Personal Privacy Act (MFIPPA)*.

The CAO Recruitment Committee shall hold in strict confidence all confidential information concerning matters dealt with by the Committee, members of the Recruitment Committee, and any approved staff who support the recruitment process, will be required to execute a confidentiality agreement at the outset of the recruitment and selection process.

<i>Procedure Category</i>	<i>Name of Procedure</i>
<i>Human Resources</i>	<i>Chief Administrative Officer – Recruitment, Selection, and Offer of Employment</i>

Attendance

A recruitment best practice is that all candidates are interviewed by a consistent interview panel, in support of a fair, transparent, and comprehensive recruitment process. It is mandatory that members of the CAO Recruitment Committee actively participate in all stages of the CAO recruitment process, with specific attention paid to attending all CAO candidate interviews, at any/all steps of the process.

A member of the CAO **Recruitment** Committee who is absent for two (2) consecutive meetings shall be deemed to have resigned from the committee and Regional Council will be notified that a re-appointment is necessary.

The aforementioned does not preclude Council from re-appointing the Committee member in question.

Staff Support to Committee

The Director, HR, Director, Legal and Court Services, and the Regional Clerk, or their respective designates, will function in an advisory capacity to the CAO Recruitment Committee, and the selected ESF. Involvement of any staff not noted herein will require Recruitment Committee approval prior to being engaged to provide any support to the Committee or be in attendance at meetings. In any event, any staff engaged to support the Recruitment Committee shall hold in strict confidence all confidential information concerning matters dealt with by the Committee, including all such staff will be required to execute a confidentiality agreement prior to engaging in support of the Committee. The Director HR, and the Regional Clerk, or their respective designates, are required to attend all Recruitment Committee and Council meetings.

Financial Resources

The CAO Recruitment Committee will consult with the Director, HR, to secure the required financial resources to fulfill the direction of the committee to facilitate the CAO recruitment.

Frequency of Reporting

Regular, ***detailed written updates will be provided to Regional Council throughout the CAO recruitment and selection process up to and including particulars of preferred candidate(s)***

<i>Procedure Category</i>	<i>Name of Procedure</i>
<i>Human Resources</i>	<i>Chief Administrative Officer – Recruitment, Selection, and Offer of Employment</i>

being presented to Regional Council. ***This will include participation of ESF representative, as defined in XXX Policy.***

Termination of CAO Recruitment Committee

The CAO Recruitment Committee shall cease at the conclusion of a successful recruitment of a new CAO.

Meetings

Meetings shall be governed by Niagara Region's Procedural By-law as may be amended from time to time.

The following is intended to provide further clarity concerning the above Terms of Reference in support of the CAO recruitment process:

1. The Recruitment Committee will be orientated to By-laws, Policies, and Procedures relevant to the recruitment of a CAO. They will be educated on the roles, responsibilities and accountabilities of their role including confidentiality and ethics based expectations, along with executing a confidentiality agreement at the outset of the recruitment and selection process.
2. The Recruitment Committee, with the support of the Director HR and ESF, will engage in a thorough and comprehensive analysis of the position requirements of Senior Leader Competencies, skills, experience, knowledge and qualifications of the role. Due to the importance of this position, consultation with the Corporate Leadership Team, other ***relevant*** staff, and community stakeholders may be initiated and incorporated into the recruitment and selection process.
3. The recruitment methodology inclusive of any testing and/or evaluations will be determined by the Recruitment Committee through consultation with the ESF and Director HR, and will be aligned to Regional Policy. The position will be advertised both internally and externally.
4. In consultation with the Recruitment Committee and Director HR, the ESF will undertake CAO recruitment activities within the approved scope of work, which may include but not be limited to: posting the vacant position through appropriate channels, targeted recruitment, review of all applicant resumes and follow up to clarify applicant experience for short listing purposes,

<i>Procedure Category</i>	<i>Name of Procedure</i>
<i>Human Resources</i>	<i>Chief Administrative Officer – Recruitment, Selection, and Offer of Employment</i>

screen prospective candidates and develop a formal short list of candidates to be recommended to the Recruitment Committee, leadership assessment, reference checking, and preparation of a written summary of a specific number of candidates as agreed to with the Recruitment Committee for consideration for short listing.

5. The Recruitment Committee and the ESF will interview and assess selected candidates with the intent to identify preferred candidates.
6. Based on the results of interview(s), any testing, evaluation, or assessment, reference checking, etc... the Recruitment Committee will make a recommendation on preferred candidates ***in a report to Regional Council for consideration.***
7. The Director, HR will be responsible for the preparation of ***the Council approved terms of the*** offer of employment to the preferred candidate, including the responsibility to engage the Director Legal and Court Services, and any external Legal Counsel when preparing the offer of employment, and negotiation with the preferred candidate, if any. The Offer of Employment documentation will align to corporate practice and meet all legal requirements, including ensuring compensation is aligned to the Non-Union Compensation Policy and Salary Administration Procedures.
8. Any report to Council as noted above will include a detailed summary of the recruitment and selection process undertaken by the Recruitment Committee.

Definitions

Regional Chair: Serves as Chair of the ***Recruitment*** Committee; ensures the requirements of XXX Policy is fulfilled. Includes establishing ***Council approved*** committee membership, working with Director HR and the ESF, enforcement of roles and responsibilities, ***provides regular detailed updates in writing to Council during the recruitment and selection process including particulars of preferred candidate(s),*** along with integrity and confidentiality requirements. Oversees hiring process through Recruitment Committee and ESF selection, to ***Council approval of preferred*** candidate offer of employment.

Recruitment Committee Member: ***Acts on behalf of members of Council in the recruitment and selection process.*** Engages in all procedural elements as outlined in respective XXX Procedure. Includes mandatory attendance at all meetings and interviews, engaging in the

<i>Procedure Category</i>	<i>Name of Procedure</i>
<i>Human Resources</i>	<i>Chief Administrative Officer – Recruitment, Selection, and Offer of Employment</i>

development of selection criteria and position profile development as required, ***collaborating with the Chair and ESF on providing regular detailed updates in writing to Council concerning the recruitment and selection process including particulars of preferred candidate(s)***. Requires alignment to all integrity and confidentiality requirements.

Director, Human Resources: Facilitates the recruitment process on behalf of the Regional Chair and Recruitment Committee. Serves as primary contact point for any ESF; provides guidance and advice to the Chair and Recruitment Committee members ensuring best practices and legal interests of the corporation are upheld, ***supports the Chair and Recruitment Committee in the preparation of regular detailed written update(s) to Council***, leads the procurement of an ESF, facilitates Legal consultation and candidate offer of employment and/or offer letter creation, and any amendment to the employment contract; is required to attend all meetings with the Recruitment Committee and with Council, and any other meetings upon request of the Chair.

Executive Search Firm (ESF): An external firm or specialized consultant who works with the Chair and Recruitment Committee to confirm the CAO profile, position competencies, and search, selection and offer strategy. ***ESF*** accountabilities will align with the ***defined*** scope of work, which may include but not necessarily limited to – attraction, screening of prospective candidates, development of short list of candidates to be interviewed by the Committee, including they may support the interview, reference ***checking*** and offer of employment process as required. ***Required to attend meeting(s) of Council to provide detailed updates to members of Council concerning the recruitment and selection process, be prepared to present to Council on its processes to short list candidates, provide candid feedback on the recruitment process, provide observation(s) on any short listed candidates, along with responding to any inquiries made by members of Council.***

Regional Clerk: Ensures required governance related supports and advice to ensure effective completion of the process and provides agenda and meeting management functions; is required to attend all meetings with the Recruitment Committee and with Council, and any other meetings upon request of the Chair.

Regional Council: Responsible for the hiring of the CAO and all associated approvals noted within this Policy and its Procedures. ***Attendance at any meeting of Council where matters pertaining to the CAO recruitment, selection, and offer of employment are being discussed.***

<i>Procedure Category</i>	<i>Name of Procedure</i>
<i>Human Resources</i>	<i>Chief Administrative Officer – Recruitment, Selection, and Offer of Employment</i>

Competencies: In addition to high character traits, are the attitudes and behaviours required at a high level of performance for an individual to be successful in a role.

1. Appendices

None

2. Document Control

The electronic version of this document is recognized as the only valid version.

Approval History

Approver(s)	Approved Date	Effective Date

Revision History

Revision No.	Date	Summary of Change(s)	Changed by
.	.	.	.

<i>Procedure Category</i>	<i>Name of Procedure</i>
Human Resources	Chief Administrative Officer – Performance Management

Page 1 of 4

Procedure Owner	Corporate Administration, Human Resources, Director Human Resources
Parent Policy	XXX - Chief Administrative Officer Recruitment, Selection, Offer of Employment, and Performance Management
Approval Body	Regional Council
Approval Date	
Effective Date	
Review by Date	

The following procedure outlines the annual Chief Administrative Officer (CAO) Performance Management process:

1. On an annual basis, the Director Human Resources (HR) initiates the Performance Appraisal process in consultation with Regional Chair (Chair)
 - Director HR initiates with Chair within the same timelines as the Non-Union Performance Management Program cycle.
 - Director HR and Chair prepare Performance Appraisal documents for approval by Chair, and then completion by CAO.
 - Director HR and Chair prepare CAO Performance Evaluation Survey to be distributed to all members of Council for completion.
 - Director HR and Chair assume accountability for process to begin CAO consultation and preparation for the annual performance appraisal process.
2. CAO is issued Performance Appraisal documents
 - CAO provided Performance Appraisal documents to complete first part of assessment process; completion of their self-assessment based on senior leader competencies, their annual objectives and development plan.
 - CAO submits completed Performance Appraisal documents to Regional Chair by required submission date.
3. Regional Council invited to participate in CAO Performance Appraisal
 - Chair distributes CAO Performance Evaluation Survey to all members of Council.

<i>Procedure Category</i>	<i>Name of Procedure</i>
<i>Human Resources</i>	<i>Chief Administrative Officer – Performance Management</i>

Page 2 of 4

- Members of Council complete CAO Performance Evaluation Survey and return to Chair by required submission date.
4. Chair reviews all documentation to determine final rating, and creates Performance Appraisal report to Council.
 - Reviews Council feedback provided in CAO Performance Evaluation Survey that contain aggregated results and comments summary.
 - Reviews CAO submission of Performance Appraisal documents.
 - In consideration of the above, completes the Leader section of the CAO Performance Appraisal form
 - Provides feedback to CAO taking into account Council CAO Performance Evaluation survey, the CAO self-appraisal, and any additional Chair feedback.
 - Determines final performance rating.
 5. CAO Performance Appraisal Report for submission to Council prepared by the Chair.
 - Report based on Council CAO Performance Evaluation survey, the CAO self-appraisal, and any additional Chair feedback.
 - Report structured to answer questions, such as:
 1. How well did the CAO's performance align with Council's Strategic Priorities.
 2. How well did CAO's performance align with annual objectives.
 3. What themes or key discussion points emerged?
 4. Is there a recommendation for performance development planning for next cycle?
 5. What is the final performance rating?
 6. Regional Chair meets with the CAO to review CAO Performance Appraisal Report
 - Chair and CAO engage in feedback discussion, discuss any revisions of the Report for consideration by the Chair.
 - Once discussion(s) are complete, sign off by the CAO and Chair will then occur.
 7. Chair report out to Council for Performance Appraisal approval.
 - Chair presents Report to Council, which will include Performance Rating.
 8. Council approval of CAO Performance Rating and CAO compensation
 - Council approves Chair Report on CAO Performance, and the Rating
 - Any improvement to CAO compensation aligns with Non-Union Compensation Policy and Salary Administration Procedure, unless approved otherwise by Regional Council.
 - Amendment of CAO employment contract, if any, is subject to Council approval.

<i>Procedure Category</i>	<i>Name of Procedure</i>
<i>Human Resources</i>	<i>Chief Administrative Officer – Performance Management</i>

Page 3 of 4

9. CAO with Chair completes next year Performance Objectives and Development Plan draft within the same timelines and utilizing all documents of the Non-Union Performance Management Program.
 - CAO and Chair complete the Objective and any Development plan for coming year.
10. Council approves Objectives and Development Plan
 - CAO Objectives and Development Plan for the performance year are approved.

Definitions

Regional Chair: Ensures the mandate of this XXX Procedure is fulfilled annually in accordance with the Non-Union Performance Management program. Includes, development and execution of annual performance management schedule, providing feedback to CAO; Objective and Development Plan setting for the performance year, as well as integrity and confidentiality requirements.

Chief Administrative Officer: Completing annual performance appraisal; engaging in all aspects of the performance management process as laid out in XXX Policy. Engaging in development of annual Objectives and Development Plan. Report(s) provided to Chair and Council as required.

Director, Human Resources: Responsible for facilitating with the Chair and CAO the Performance Management Program process and all associated tools used to support same. Sources and serves as primary point of contact for additional resources or supports such as Legal or Consultants. Provides guidance and advice to Chair, CAO, and Council as required, is required to attend all meetings with Council, and any other meetings on request of the Chair.

Regional Clerk: Ensures required governance related supports and advice to ensure effective completion of the process and provides agenda and meeting management functions. Attends all meetings of Council.

Performance Appraisal: is a key performance indicator of the effectiveness of the CAO's strategic management decisions and actions. This is executed through a standardized set of documents prepared by Human Resources as part of the Performance Management Program that allows for both the CAO and Chair to document performance. A performance assessment and rating are attached to the appraisal. This performance appraisal and rating are then aligned to the Non-Union Compensation Policy and Salary Administration Procedure to determine any increase in annual compensation, or compensation as otherwise approved by Council.

Performance Appraisal process: Is the standardized and approved methodology used to ensure a quality, equitable performance process is conducted. It entails a standard timeline, series of steps and evaluation methodology and tools.

<i>Procedure Category</i>	<i>Name of Procedure</i>
<i>Human Resources</i>	<i>Chief Administrative Officer – Performance Management</i>

Page 4 of 4

Performance Management Program: Is the complete set of documents, tools and instructions as well as pictorial workflow for the performance appraisal process. The program consists of performance appraisal documents; objective and development planning documents for the upcoming year; CAO competencies; instructions and workflow document as well as open appendices for any additional documentation deemed relevant by the CAO, Chair, or Council.

Competencies: Are the attitudes and behaviours required at a high level of performance for an individual to be successful in a role.

Council Performance Evaluation Survey: a qualitative and quantitative method based on a questionnaire to gather information and feedback on CAO impact and performance in the performance evaluation year.

CAO Performance Appraisal Report: A Report prepared by the Chair, which may include support of the Director HR, based on constructive feedback that summarizes findings from the assessment process as well as recommendations on a performance rating and performance objective and development planning.

1. Appendices

None

2. Document Control

The electronic version of this document is recognized as the only valid version.

Approval History

Approver(s)	Approved Date	Effective Date

Revision History

Revision No.	Date	Summary of Change(s)	Changed by

Subject: Citizen Appointments to Women's Advisory Committee

Report to: Corporate Services Committee

Report date: Wednesday, February 12, 2020

Recommendations

That the recommendation confirming the citizen appointments for the Women's Advisory Committee, contained in Confidential Appendix I to Report HR 02-2020, **BE APPROVED.**

Key Facts

- On September 19, 2019, Council endorsed the establishment of a Women's Advisory Committee.
- Subsequently on November 14, 2019 (CLK 15-2019), Council endorsed the Women's Advisory Committee Terms of Reference, which confirmed the composition of the committee to include up to 11 citizen members and four (4) Regional Councillors.
- Staff were committed to a selection process that was consistent with the approved Women's 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 citizens.
- This report outlines the process followed to make the recommended selections from the pool of interested candidates for appointment to the Women's Advisory Committee.

Financial Considerations

The financial implications relating to the appointment process of committee members include the use of administrative resources and staff time required to review applications for consideration and include the use of administrative resources and staff time required to prepare for and conduct meetings. These costs can be accommodated within the approved 2020 budget.

Analysis

In accordance with Council's direction, the Committee will undertake the following:

- Advocate for gender-based issue resolutions and opportunities related to Regional policies, priorities and decisions;
- Promote leadership development that empowers women in Niagara to fully participate in civic life;
- Research and provide information and resources about women's gender-based issues to Niagara.

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 December 20, 2019 at 4pm. Sixty-two (62) applications in total were received during that time from interested citizens.

The applications were scored by a three person panel, made up of Human Resources staff, using a scoring matrix that directly correlated with the objectives of the Women's Advisory Committee. The matrix consisted of points being allotted with relevant weightings for expressed motivation to be on the Committee, previous board/committee experience, advocacy for gender based issues, demonstrated leadership, communication and research ability, experience with governance, and a demonstrated commitment to building community and mentorship. The panel individually scored each candidate. The top scoring candidates were reviewed collectively by the panel and through consensus scoring identified 11 qualified candidates, who also provide a diverse lens and skill set with which to deliver the Committee's objectives.

Based on the strong results of the scoring, staff are recommending the appointment of eleven (11) citizens to the Committee. The *Recommended Citizen Appointments to the Women's Advisory Committee* can be found in Confidential Appendix I of this report.

Alternatives Reviewed

N/A

Relationship to Council Strategic Priorities

This report aligns with Council's Strategic Priority of Sustainable and Engaging Government.

Other Pertinent Reports

- CLK 15-2019 Establishment of Women's Advisory Committee

Prepared by:

Linda Gigliotti
Associate Director Employee Services

Recommended by:

Franco Meffe
Director Human Resources

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was reviewed by Julie Smith, Human Resources Consultant; Ann-Marie Norio, Regional Clerk

Appendix

HR 02-2020 Confidential Appendix 1

– Recommended Citizen Appointments to the Women's Advisory Committee

Citizen Appointments to the Licensing Appeals Committee

Corporate Services Committee

February 12, 2020

Angelo Apfelbaum

Why Citizen Appointments?

- Original objectives of the Business Licensing Transition project included the creation of a Civilian Committee of Adjustment
- As the project moved forward, it was determined that this committee would be termed a Licensing Appeals Committee
- Reduces the risk of conflict of interest with elected officials where decisions can be made to impact business license holders
 - It is an inherent responsibility of an elected official to represent the interests of local businesses
- Council retains full authority over the Licensing Officer and Business Licensing by-laws

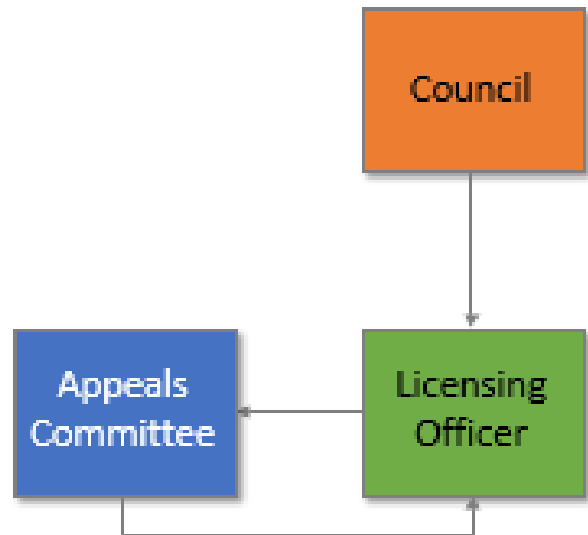
Eligibility for Appointment

- Background in law, academics, enforcement, and/or industry stakeholder
- Knowledge of the Municipal Act
- Ability to interpret legislation
- Proven analytical and decision making skills
- Experience in working on or with a committee, administrative tribunal, taskforce or similar regulatory hearings body

Reporting Structure for Decisions

Council:

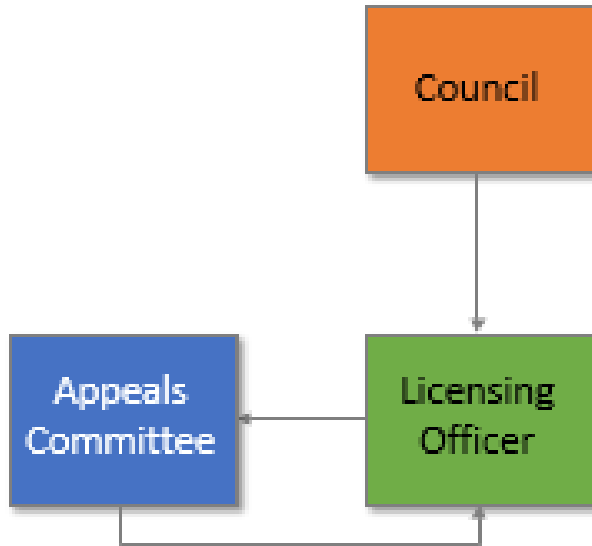
- Approve by-laws containing eligibility and compliance criteria for licenses in Niagara
- Delegate authority to the Licensing Officer
- Only Council can give direction to the Licensing Officer



Licensing Officer:

- Provide industry governance through Council Approved by-laws using Council's delegated authority
- Responsible for defending decisions by providing evidence at the Licensing Appeals Committee
- Reports to Regional Council on the outcomes of all decisions made by the Licensing Appeals Committee

Reporting Structure for Decisions



Licensing Appeals Committee:

- Decide whether to uphold the decisions of the Region's Licensing Officer to;
 - Refuse to issue a license
 - Suspend a license
 - Revoke a license
 - Add conditions to a business license

Subject: Disposition Strategy for Lands Previously Declared Surplus

Report to: Corporate Services Committee

Report date: Wednesday, February 12, 2020

Recommendations

That Report CSD 13-2020 **BE RECEIVED** for information.

Key Facts

- This report informs Council on the current status of the 22.26 acres of vacant Niagara Region owned industrial lands located at 401A Lakeshore Road and 14 Broadway Avenue in St. Catharines which were declared surplus in the October 18, 2017 Report CSD 66-2017 (Appendix '1')
- The Lands identified in Appendix 1 are three individual parcels under the following PIN's which are currently zoned as E2 – General Employment.
 - Parcel 'A' – PIN #463010393 (18.472 ac)
 - Parcel 'B' - PIN# 463010391 (1.84 ac)
 - Parcel 'C' - PIN # 463010210 (1.95 ac)
- Council authorized Staff to proceed with the disposal of the property in accordance with both report CSD 66-2017 (Appendix '1') and Planning and Economic Development Committee Confidential Report ED 13-2017 the latter of which also considered the sale of a portion (10.75 acres) of Parcel 'A' to a named Development Proponent. (Confidential Memo CSC-C 3-2020 – Appendix '1')
- Despite the concerted effort of Regional Staff to facilitate the sale of this portion of parcel 'A', an Agreement of Purchase and Sale was never finalized due to the unresponsiveness of named Development Proponent and as such, the sale of this portion of the Lands is no longer a viable alternative.
- With due consideration of alternative options for the disposal or retention of the Lands, Staff will proceed with the disposal in accordance with Disposal of Land By-law 26-2011 Section 23(d) which seeks to engage "a Real Estate Multiple Listing Service where the Land will be listed with a local Real Estate Board or Broker."
- In a separate unrelated matter pertaining to the properties, on November 11, 2019 Niagara Region was contacted by the Ministry of Economic Development Job Creation and Trade's FDI Services Branch with a confidential Request for Information and

these lands have been identified to the Province for Foreign Direct Investment (FDI) opportunity. (ref: Alternative Section)

Financial Considerations

The Finance Section (32 and 33) of the Disposal of Land By-law 26-2011 requires that once the land is no longer being utilized for the purpose for which it was acquired, the Land will be declared surplus, sold or otherwise utilized by the Region.

The Appraisal Section (9) of the Disposition of Land By-law requires that where the surplus Land has an estimated Market Value in excess of \$50,000, at least one independent appraisal of the Market Value shall be obtained. On July 27, 2019, Niagara Region received Antec Appraisal Group's appraisal of the vacant Niagara Regional industrial land located at 401A Lakeshore Road and 14 Broadway Avenue in St. Catharines. Fair Market Value based on highest and best use are depicted in Table 1.

FAIR MARKET VALUE (Table 1)

Parcel	PIN	Acreage	Fair Market Value
A	463010393	18.472	\$2,760,000
B	463010391	1.84	\$460,000
C	463010210	1.95	\$490,000
Total appraised value of all parcels			\$3,710,000

The dispositioning (sale) of the subject property by Niagara Region in accordance with By-law 26-2011 could generate revenue, at aforementioned Fair Market Rates.

Table 2 depicts the costs incurred by Niagara Region in 2017 which were directly related to facilitating the due diligence requirements associated with the portion (10.75 acres) of Parcel 'A' to a named Development Proponent. While Staff acknowledge and endorse these measures and their associated costs on any property being considered for disposal, it should be noted that these expenses came at the request of the Named Development Proponent during their initial discussions with Regional Staff. Regrettably, given the time which has passed coupled with the sale never being completed; the reports produced are now stale dated and their costs are essentially non-recoverable.

REGIONAL EXPENSES INCURRED SINCE 2017 (Table 2)

Time	Expense	Cost
July 2017	Appraisal Report	\$9,100.00
November 2017	Due Diligence	\$35,137.00
November 2017	GPR Investigation	\$3,413.00
April 2019	R-Plan preparation	\$3,000.00
Aug 2019	Appraisal Report	\$3,800.00
Total Expenses Incurred Since 2017		\$54,450.00

The Finance Section (35) of the Disposition of Land By-law requires that in any instance where the Land is being sold; pursuant to the execution of any ensuing Agreement for Purchase and Sale (APS) and the closing date for the sale, the net proceeds less of costs associated with the disposal of the Surplus Property shall be credited to the designated capital reserve account.

Analysis

The Lands as further described in Report CSD 66-2017 (Appendix '1'), consists of three Vacant Industrial parcels totalling approximately 22.26 acres which are currently zoned as E2-General Employment. The report also provides additional context of any encumbrances which are currently in effect on the property including a .296 acre area easement being granted in favour of St. Lawrence Seaway Commission

On Oct 18, 2017, Council ratified a motion declaring this property surplus and authorized Staff to proceed with its disposal in accordance with both report CSD 66-2017 (Appendix '1') and Planning and Economic Development Committee Confidential Report ED 13-2017 the latter of which also considered the sale of a portion (10.75 acres) of Parcel 'A' to a named Development Proponent. (Confidential Memo CSC-C 3-2020 – Appendix '1')

Staff (with Council approval – recommendation #3 of CSD 66-2017) were also provided the autonomy to undertake a divestiture approach to the public that considered factors other than price, specifically the sale process should consider economic development factors such as employment and investment.

Pursuant to Council ratification, Niagara Region scheduled and participated in multiple meetings with the named Development Proponent, however an Agreement of Purchase and Sale was never finalized due to their unresponsiveness. On March 29, 2019, Niagara Region issued correspondence requesting that the named Development Proponent provide written affirmation of their intention to acquire that portion of the property by no later than April 26, 2019. On June 21, 2019 Niagara Region issued a 2nd notification to the named Development Proponent advising that to date, Niagara Region had not

received any such written correspondence confirming their intention to acquire the property. As stated in the March 29th letter, Niagara Region would now move forward with consideration of alternative options for the disposal or retention of the properties at 401A Lakeshore Road and that the disposition of Lands would be undertaken in accordance with the Region's Disposal of Land By-law 26-2011.

Staff are providing this report both to inform Council that the proposed sale of a Portion (10.75 acres) of Parcel 'A' to a named Development Proponent is no longer a viable alternative and to outline the Disposition Strategy which will be followed going forward. In accordance with the Method of Sale Section (23) of the Disposition of Land By-law 26-2011, the Director, Procurement & Strategic Acquisitions (Manager) has determined that the most appropriate method for the sale of surplus property by way of engaging a Real Estate Multiple Listing Service to list the land with local Real Estate Board or Broker {Section 23(d)}. Staff intend to proceed with an open and formal procurement process to solicit bids from Realty Services Providers culminating in an award to Lowest Commissioned compliant bid Real Estate Broker who will be contractually engaged via a listing agreement to undertake and oversee the marketing and facilitation of the sale of all subject lands.

Noting that the Commissioner of Corporate Services has been authorized to negotiate the terms and execute Agreements of Purchase and Sale, conditional upon final approval by Regional Council; and Staff will report back to Corporate Services Committee and Council for approval of the sale, once an acceptable Agreement of Purchase of Sale has been received for the Surplus Property.

Alternatives Reviewed

With reference to recommendation #3 of CSD 66-2017 Council provided Staff with the autonomy to undertake a divestiture approach to the public that considered factors other than price, specifically that the sale process should consider economic development factors such as employment and investment.

Additionally with reference to the Financial Feasibility and Maximum Profitability sections of the appraisal which stated:

- "The subject has significant road frontage and could easily be subdivided into smaller parcels via a Plan of Subdivision."
- "The parcel at 401A Lakeshore Road could easily be divided into multiple 1 to 3 acre parcels."
- "Based on the previous criteria, the maximum return to the land would be generated by developing the properties with industrial use."
- The appraisal report identifies the maximum return to the land would be generated by developing the properties with an industrial use."

Niagara Region could (with Council approval) endeavour to undertaking a formal procurement process to solicit bids from potential Development Proponents who could would solicit market interest in potentially maximize the value of the land and long term benefits of employment and economic development.

On November 11, 2018 the Niagara Region was contacted by the Ministry of Economic Development Job Creation and Trade's FDI Services Branch with a confidential Request for Information. (Confidential Memo CSC-C 3-2020 – Appendix '2') The FDI Services Branch had been contacted by a foreign company that that was in the initial phases of the site selection process to find a suitable site for a bio manufacturing investment. Niagara Economic Development was requested to share the site selection criteria with the local area municipalities and other community partners in order to generate a shortlist of properties that would be provided to the FDI Services Branch. At this time Niagara Economic Development was informed that Niagara was in competition with other jurisdictions across Canada and the United States.

During the site review process the Regionally-owned property located 401A Lakeshore Road was identified as meeting the Ministry's requested criteria. After a meeting with Corporate Services it was determined that Niagara Economic Development would submit 401A Lakeshore, along with other short-listed properties, in response to the Ministry's RFI request. This process will help staff have a better understanding of what investors are looking for in terms of employment lands and the processes required to successfully divest the property.

Relationship to Council Strategic Priorities

While Procurement & Strategic Acquisitions and its related activities align with many of Council's 2019-2022 Strategic Priorities, this Report best aligns with Sustainable and Engaging Government, specifically objective 4.1: High Quality, Efficient and Coordinate Core Services which promote an organizational culture that values continuous improvement, collaboration, and innovation.

Other Pertinent Reports

- Corporate Services Committee Report CSD 66-2017
- Confidential Planning and Economic Development Committee Report ED 13-2017
- Confidential Memo CSC-C 3-2020

Prepared by:

Bart Menage, CSCMP, CRM
Director, Procurement & SA
Corporate Services

Recommended by:

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

Submitted by:

Ron Tripp, P.Eng.
Acting, Chief Administrative Officer

*This report was prepared in consultation with Frank Fucile, Real Estate Officer and
Ken Scholtens, Manager, Business Development & Expedited Services*

Appendices

Appendix 1

CSD 66-2017 Proposed Disposition of Land
in the City of St. Catharines

Page 7

Subject: CSD 66-2017 - Proposed Disposition of Lands in the City of St. Catharines

Report to: Corporate Services Committee

Report date: Wednesday, October 18, 2017

Recommendations

1. That the Regional owned lands legally described as Lots 31, 32 & 34, Corporation Plan 5 more particularly described as Part 6 on Reference plan 30R-7563 in the City of St. Catharines (the “Surplus Property”) and shown on Appendix ‘I’ attached hereto, **BE DECLARED** surplus to the Region’s needs;
2. That staff **BE AUTHORIZED** to proceed with the disposal of the Surplus Property in accordance with the Region’s Disposal of Land By-law 26-2011;
3. Council **APPROVES** that staff undertake a divestiture approach to the public that considers factors other than price, specifically the sales process should consider economic development factors such as employment and investment.
4. That staff **BE AUTHORIZED** to create a development plan for the property to ensure that the property can attract further investment in order to maximize economic development.
5. That the Acting Commissioner of Enterprise Resource Management Services **BE AUTHORIZED** to negotiate the terms and execute Agreements of Purchase and Sale, conditional upon final approval by Regional Council; and
6. That staff **BE DIRECTED** to report back to Corporate Services Committee and Council for approval of the sale, once an acceptable Agreement of Purchase and Sale has been received for the Surplus Property.

Key Facts

- The subject land shown on Appendix ‘I’ are three parcels of land which total approximately 22.26 acres and are currently zoned E2 – General Employment. The land was initially acquired in 2003 & 2005 for the intended use of wastewater treatment facility. The lands are identified as three individual properties under the following PIN’s;

- Parcel 'A' – 463010393 (18.472 ac)
 - Parcel 'B' - 463010391 (1.84 ac)
 - Parcel 'C' - 463010210 (1.95 ac)
7. The land represents a significant portion of the City of St. Catharines remaining developable employment land.
8. The property is subject to a previously Council approved sale of approximately 10.75 acres. This previous instruction was outlined in the Planning and Economic Development Committee Confidential report ED 13-2017.
- The severance of would therefore be considered and disposed of as described;
 - 10.75 acres to be disposed of as per the Planning and Economic Development Committee Confidential report ED 13-2017. The exact nature and location of this land is currently still subject to negotiation.
 - 7.72 acres to be declared surplus and disposed of in accordance with the Region's Disposal of Land By-law 26-2011,
 - The actual location of the severance on Parcel 'A' will be in accordance to allow existing facilities (Water/Waste Water) within the area of Seaway Haulage Road to service the subject lands after severance has occurred.
 - The whole of Parcel 'A' is currently under a lease agreement – File (08) L.04.087 with Meyers Fruit Farms Inc.
 - The current lease term is March 1, 2016 to February 28, 2021
 - The annual compensation is \$5,720+HST
 - Section 12.2 (Rights to Termination) – “...the Landlord or the Tenant may terminate this lease without cause by giving six (6) months written notice of such termination to the other.”
 - Staff will provide appropriate notice to the tenant prior to the sales process, and will work with the tenant to assist in mitigation efforts.
 - Parcel 'B' (14 Broadway Ave) is currently vacant land
 - Parcel 'C' is currently vacant land.
 - This report is seeking approval to declare all of the property surplus and dispose of the Surplus Property, all in accordance with the Region's Disposal of Surplus Land By-law 26-2011. As noted a portion of the land was directed to be disposed previously by Council.
 - Staff have circulated the property to departments of the region and no internal requirement was identified.
 - Staff have also circulated the property to Boards and Agencies, the City of St. Catharines, School Boards and the Provincial and Federal governments and no interest has been expressed;

Financial Considerations

- In accordance with the Region's Disposal of Land By-law 26-2011 (section 9), the subject lands have undergone a Fair Market Value Appraisal to determine the highest and best use of the property.
- The costs associated with the disposal of the Surplus Property will be offset by the proceeds of the sale of the property. The lands have been appraised by D.J. Penwarden Appraisals Ltd., and the Fair Market Value are identified as;
 - Parcel 'A' – 463010393 (18.472 ac) = \$2,450,000 (\$132,633/acre)
 - Parcel 'B' - 463010391 (1.84 ac) = \$ 455,000 (\$247,956/acre)
 - Parcel 'C' - 463010210 (1.95 ac) = \$ 490,000 (\$251,540/acre)
- The above appraisal had some scope limitations, as more investigation is made into the land and its conditions certain aspects of the valuation may require adjustment.
- A portion of Parcel 'A' to be considered and disposed of in accordance with Planning and Economic Development Committee Confidential Report ED 13-2017.
- The sale and disposition of all remaining subject lands will be in accordance with section 23 of the Region's Disposal of Land By-law 26-2011 to determine the most appropriate method of Sale of surplus Land to the public.
- With the approval of Council as required by section 21 of the Region's Disposal of Land By-law 26-2011, staff will undertake a process that will consider net proceeds along with economic development criteria.

The Net Sales Proceeds will be credited to Surplus Properties.

Analysis

The Surplus Property consists of three Vacant Industrial land properties further identified in Appendix 'I'. The three parcels of land total approximately 22.26 acres and are currently zoned E2 – General Employment. In accordance with the Region's Disposal of Land By-law 26-2011, the subject lands have undergone a Fair Market Value Appraisal to determine the highest and best use of the property.

Planning and Economic Development Committee Confidential Report ED 13-2017 outlines a proposed investment for 10.75 acres of Parcel 'A'.

The sale and disposition of all remaining subject lands will be in accordance with section 23 of the Region's Disposal of Land By-law 26-2011 which will allow the Region to maximize the value of the land and long term benefits of employment and economic development.

During the circulation process in accordance with the Region's Disposal of Land By-law 26-2011 no interest was expressed in the purchase of Surplus lands from the Provincial or Federal governments, however the St. Lawrence Seaway will be granted an Easement for an existing Dry Dock Discharge Culvert which occupies the south west portion of Parcel 'A' (Appendix '2'). The encumbrance could pose land development concerns pending an encroachment agreement from SLS to the property owner and/or any further site plan requirements from the City of St. Catharines. Parcel 'A' (Appendix '2') is also currently encumbered by an easement registered for Gas in 1960.

No interest was expressed in the Surplus lands from the Public and/or Service Users

Notice of the Region's intent to declare the property as Surplus Land and the intention to dispose of the Surplus Land will have been posted on the Region's website no less than 14 days prior to the meeting in which the Corporate Services Committee considers this report.

It is proposed that the lands be declared surplus by the Region and disposed of in accordance with the Region's Disposal of Land By-law 26-2011.

Due to the size and nature of the property and the previous direction to sell 10.75 acres, staff is required to undertake a plan in order to ensure that the property as a whole can be properly serviced and developed. Initial review has identified certain limitations related to water, sewer, and gas servicing.

Staff will report back to Corporate Services Committee and Council for approval of the sale, once an acceptable Agreement of Purchase of Sale has been received for the Surplus Property.

Alternatives Reviewed

The alternative of not declaring the property surplus would not align with the strategic goals of encouraging investment and growth in the Region.

Relationship to Council Strategic Priorities

This supports Council's strategic priority of "Investment, Innovation and Entrepreneurship".

Other Pertinent Reports

Planning and Economic Development Committee Report ED 13-2017

Prepared by:

Bart Menage
Director, Procurement & Strategic
Acquisitions
Enterprise Resource Management
Services

Recommended by:

Jason Burgess
Acting Commissioner of Enterprise
Resource Management Services
Enterprise Resource Management
Services

Submitted by:

Carmelo D'Angelo, BSc, MPA
Chief Administrative Officer

This report was prepared in consultation with Frank Fucile, Real Estate Officer.

Appendices

Appendix I – Surplus Property
Appendix 2 – Property Encumbrances

Appendix 'I' – Surplus Property



Appendix '2' – Property Encumbrances



- Approximate location of the St. Lawrence Seaway Dry Dock Discharge Culvert
- Approximate dimensions:
 - Width (2.44m) x Height (2.9m) chamber
 - Depth (approximately 40' - to be verified by survey)
- SLS has verified this culvert is active and is an important part of the dry dock operations
- Culvert chamber is pending survey to determine actual location on Parcel 'A'

- Property location subject to Gas Easement from 1960

MEMORANDUM

CSC-C 4-2020

**Subject: Update on Recommendations from Report CAO 17-2019 –
Recommendations from the Ontario Ombudsman Report “Inside Job” November
2019**

Date: February 12, 2020

To: Corporate Services Committee

**From: Franco Meffe, Director, Human Resources, and Ann-Marie Norio, Regional
Clerk**

At its special meeting held on December 5, 2019, Regional Council approved the recommendations from Report CAO 17-2019 respecting Recommendations from the Ontario Ombudsman Report “Inside Job” November 2019. Some of those recommendations directed staff to provide information at the Corporate Services Committee meeting being held on February 12, 2020.

This memo provides an update on those items for Committee’s information.

Recommendation 2:

*That staff **BE DIRECTED** to prepare a policy respecting employee code of conduct or ethics that includes for the protection of confidential information, pursuant to Recommendation 1 of the Ombudsman’s Report for the Corporate Services Committee meeting being held on February 12, 2020.*

Staff are undertaking revisions to the current Code of Ethics/Conflict of Interest Policy. At its meeting held on December 12, 2019, Regional Council approved a motion directing staff to prepare a Whistleblower Policy to be considered by the Corporate Services Committee. Given that these two policies will closely align, they will both be brought forward for consideration at the Corporate Services Committee meeting being held on March 11, 2020. As part of its review, staff have reached out to other municipalities to obtain best practices concerning both policies.

Recommendation 3:

*That staff **BE DIRECTED** to include clauses in all employment contracts respecting the protection of confidential information pursuant to Recommendation 2 of the Ombudsman’s Report and provide an update at the Corporate Services Committee meeting being held on February 12, 2020.*

Staff are undertaking work to include clauses in all employment contracts respecting the protection of confidential information, including seeking advice of external legal counsel concerning the inclusion of such wording in all union and non-union contracts of employment.

Recommendation 4:

*That staff **BE DIRECTED** to ensure specific confidentiality agreements are signed at the start of a hiring process by all officials and staff with access to confidential hiring process information pursuant to Recommendation 3 of the Ombudsman's Report and provide an update at the Corporate Services Committee meeting being held on February 12, 2020.*

At its special meeting held on January 23, 2020, Council considered Report HR 01-2020 – Chief Administrative Officer (CAO) Recruitment, Selection, Offer of Employment and Performance Management Policy and Procedures. Council subsequently referred the report to the Corporate Services Committee meeting being held on February 12, 2020 to allow staff to provide additional options. This report addresses the confidentiality agreements with respect to a CAO hiring process. Staff are currently investigating options to ensure compliance with this Ombudsman Recommendation.

Recommendation 6:

*That staff **BE DIRECTED** to review and update the Employment and Staffing Policy (C-HR-010) to ensure it contains provisions to clarify that employees should not engage in any behaviour that provides an unfair advantage to a candidate during a hiring process including assisting candidates by providing inside information such as interview questions and suggested answers pursuant to Recommendation 6 of the Ombudsman's Report for the Corporate Services Committee meeting being held on February 12, 2020.*

Staff are currently reviewing the Employment and Staffing Policy to include provisions related to employees engaging in behaviour that provides an unfair advantage to a candidate during a hiring process. As part of its review, staff have reached out to other municipalities to obtain best practices. An updated policy will be provided to the Corporate Services Committee at its meeting being held on March 11, 2020.

Respectfully submitted and signed by

Franco Meffe
Director, Human Resources

Ann-Marie Norio
Regional Clerk

Subject: Recommendations from the Ontario Ombudsman Report “Inside Job”
November 2019

Report to: Regional Council

Report date: Thursday, December 5, 2019

Recommendations

1. That Regional Council **CONFIRMS** their agreement with the recommendations of the Ontario Ombudsman Report “Inside Job” (dated November 2019) respecting the investigation into matters relating to the Regional Municipality of Niagara’s hiring of its Chief Administrative Officer, and its administration of his contract;
2. That staff **BE DIRECTED** to prepare a policy respecting employee code of conduct or ethics that includes for the protection of confidential information, pursuant to Recommendation 1 of the Ombudsman’s Report for the Corporate Services Committee meeting being held on February 12, 2020;
3. That staff **BE DIRECTED** to include clauses in all employment contracts respecting the protection of confidential information pursuant to Recommendation 2 of the Ombudsman’s Report and provide an update at the Corporate Services Committee meeting being held on February 12, 2020;
4. That staff **BE DIRECTED** to ensure specific confidentiality agreements are signed at the start of a hiring process by all officials and staff with access to confidential hiring process information pursuant to Recommendation 3 of the Ombudsman’s Report and provide an update at the Corporate Services Committee meeting being held on February 12, 2020;
5. That staff **BE DIRECTED** to prepare a draft Terms of Reference for a Chief Administrative Officer Recruitment Committee taking into consideration Recommendation 4 of the Ombudsman’s Report for the Regional Council meeting held on January 23, 2020;
6. That staff **BE DIRECTED** to review and update the Employment and Staffing Policy (C-HR-010) to ensure it contains provisions to clarify that employees should not engage in any behaviour that provides an unfair advantage to a candidate during a hiring process including assisting candidates by providing inside information such as interview questions and suggested answers pursuant to Recommendation 6 of the Ombudsman’s Report for the Corporate Services Committee meeting being held on February 12, 2020;

7. That staff **BE DIRECTED** to prepare a policy respecting the hiring process for a Chief Administrative Officer including the appropriate roles of staff and their accountability to Council or a committee of Council charged with the hiring, pursuant to Recommendation 9 of the Ombudsman's Report for the Regional Council meeting held on January 23, 2020;
8. That staff **BE DIRECTED** to prepare a by-law setting the parameters of the relationship between Council and the Chief Administrative Officer including the role of Council with respect to amending the Chief Administrative Officer's contract and salary, pursuant to Recommendation 11 of the Ombudsman's Report for the Regional Council meeting held on January 23, 2020;
9. That staff **BE DIRECTED** to prepare a policy governing the process for Chief Administrative Officer performance appraisals pursuant to Recommendation 13 of the Ombudsman's Report for the Regional Council meeting held on January 23, 2020;
10. That staff **BE DIRECTED** to report to Regional Council regarding the implementation of Recommendations 4 (as it relates to recruitment committees apart from the CAO) 5, 7, 8, 10, 12, 14 and 15 for the Regional Council meeting being held on February 20, 2020; and
11. That Staff **BE DIRECTED** to report to Regional Council in six months' time on progress in implementing the recommendations of the Ontario Ombudsman Report "Inside Job" in accordance with Recommendation 16 of the Ombudsman's Report.

Key Facts

- The purpose of this report is to seek Council's approval for staff to take the necessary steps to implement the 15 recommendations provided in the Ontario Ombudsman Report "Inside Job" dated November 2019, and proposed timelines.
- Niagara Region currently has policies and practices related to some of the recommendations; however, staff are committed to reviewing and updating these items to ensure the Ombudsman's recommendations are satisfied.

Financial Considerations

The recommendations contained within the Ombudsman Report are primarily policy focused and do not have any direct financial implications apart from staff time to undertake the work.

Analysis

On November 29, 2019, the Ontario Ombudsman released his report titled “Inside Job” (attached as Appendix 1) respecting the investigation he conducted regarding the process Niagara Region undertook in the hiring of its Chief Administrative Officer (CAO); the administration of the CAO’s contract, including any extension and amendment; and Niagara Region’s response to concerns about the CAO’s hiring, including the municipal ombudsman’s investigation and the external governance auditor.

The Ombudsman put forward 15 recommendations within the report to address the issues that were identified as part of his investigation (and a 16th recommendation requiring Niagara Region to report back at six month intervals on progress in implementation of the recommendations).

Niagara Region currently has some policies in place that are relevant to some of the recommendations such as: Code of Ethics/Conflict of Interest, Accountability and Transparency, Delegation of Powers and Duties, Execution of Documents By-law, Records and Information Management Policy, Employment and Staffing Policy, and Information Access and Privacy Protection Policy. Staff will ensure, in light of the Ombudsman’s recommendations, that those policies are strengthened, supplemented and supported by training for consistent application.

In accordance with the recommendations of this report, staff will review what is currently in place and research best practices to ensure that new/updated policies, by-laws and practices are put in place, subject to Council approval, that satisfy the recommendations of the Ombudsman..

Pending the completion of the Provincial governance review and the Ombudsman’s Report into the 2016 CAO hiring process, the recruitment of a permanent CAO has been held in abeyance. Given that both of those matters have now been concluded Staff have proposed an expedited timeline to provide the policies and by-laws that the Ombudsman recommended be implemented that relate specifically to the CAO recruitment/role in order to allow those policies and by-laws to be approved by Council prior to a CAO recruitment process being initiated.

Alternatives Reviewed

No alternatives were reviewed.

Relationship to Council Strategic Priorities

This report is based on the recommendations of the Ontario Ombudsman; however, the implementation of policies and procedures aligns with Council's Strategic Priority of Sustainable and Engaging Government.

Other Pertinent Reports

There are no other pertinent reports.

Prepared and Recommended by:

Ann-Marie Norio
Regional Clerk
Administration

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Donna Gibbs, Director, Legal and Court Services, and Franco Meffe, Acting Director, Human Resources.

Appendices

Appendix 1

Ontario Ombudsman Report "Inside Job"

Page 5

Subject: Appointments to the Licensing Appeals Committee

Report to: Corporate Services Committee

Report date: Wednesday, February 12, 2020

Recommendations

1. That the recommendation contained in **Confidential Appendix 1** to Report CSD 4-2020 **REVISED**, **BE APPROVED** confirming the citizen appointments to the Licensing Appeals Committee; and
2. That the Licensing Appeals Committee Terms of Reference (Appendix 2 of Report CSD 4-2020 **REVISED**), **BE APPROVED**.

Key Facts

- The purpose of this report is to seek Council's approval to appoint citizen members to the Licensing Appeals Committee.
- On June 1, 2019 the Region took over licensing responsibilities from Niagara Regional Police, part of the on-boarding was to establish a Licensing Appeals Committee.
- Pursuant to the Business licensing by-laws No. 2018-75 and 2018-76 passed by Regional Council the "appeal tribunal" was defined as the all citizen tribunal appointed by Council to conduct hearings under the by-laws.
- Advertising for members of the Licensing Appeals Committee was done on Niagara Region's website and on social media with a final closing date of September 6, 2019.

Financial Considerations

Costs associated with the appointment process and the stipend for committee members are contained within the existing 2020 operating budget approved on December 12, 2019. Additional funding resources are not required.

Analysis

On June 1, 2019, business licensing responsibility was transferred from Niagara Regional Police to Niagara Region and the operation was on-boarded "as-is". The Niagara Regional Police Services Board would no longer be providing appeals review and the Region needed to establish their own appeals committee with defined terms of reference.

An advertisement calling for applications from interested citizens was placed on the Niagara Region website on June 10, 2019 with a closing date of July 5, 2019. Advertising was also placed on Facebook and LinkedIn from July 8, 2019 to September 6, 2019.

A total of 40 citizens submitted applications for the 7 available positions on the Licensing Appeals Committee. As part of the process applicants had to provide information in 4 areas of assessment:

- ***How their knowledge and skills would benefit the Committee***
- ***How their experience relates to the Committee***
- ***Why they are interested in working on the Committee***
- ***Their past experience in working with Committees***

The criteria established for the positions are:

- ***Background in law, academics, enforcement and/or industry stakeholder***
- ***Knowledge of the Municipal Act***
- ***Ability to interpret legislation***
- ***Proven analytical and decision making skills***
- ***Experience in working on or with a committee, administrative tribunal, task force or similar regulator hearings body***

Business Licensing and Clerks staff reviewed the submitted applications and their recommended appointments are included in ***Confidential Appendix 1*** to this report for consideration. ***Confidential Appendix 1 has been revised to include the bios of the recommended candidates.***

The citizen appointed Licensing Appeals Committee will only conduct hearings to decide whether or not to uphold the decision of the Licensing Officer with respect to the refusal, revocation, suspension or the addition of conditions on a business licence.

All decisions of the citizen appointed Licensing Appeals Committee shall be reported back to the Corporate Services Committee by the Region's Licensing Officer.

The Licensing Appeals Committee cannot make recommendations or provide direction to the Licensing Officer. Only the Corporate Services Committee or Regional Council may make recommendations or direct the Licensing Officer.

Alternatives Reviewed

Not Applicable

Relationship to Council Strategic Priorities

The Licensing Appeals Committee members will provide fact and evidence based decisions based on information presented to them at an appeal with respect to:

- Suspended Licences
- Revoked Licences
- Suspended Licences
- Conditions placed on a business licence

This Licensing Appeals Committee supports the following two Regional Council Strategic Priorities

- Healthy and Vibrant Community
- Sustainable and Engaging Government

Other Pertinent Reports

Not Applicable

Prepared by:

Angelo Apfelbaum
Manager, Business Licensing
Corporate Services

Recommended by:

Todd Harrison, CPA, CMA
Commissioner/Treasurer
Corporate Services

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Jeanette Bax, Business Improvement Program Manager and reviewed by Ann-Marie Norio, Regional Clerk.

Appendices

Confidential Appendix 1 Recommended Citizen Appointments to the Licensing Appeals Committee ***including Bios of recommended appointees*** (Distributed under separate cover to members of Council only)

Appendix 2 Terms of Reference Licensing Appeals Committee

Licensing Appeals Committee

Terms of Reference

1. PREAMBLE

The Licensing Appeals Committee is an all-citizens Committee appointed by Council to conduct hearings of appeals under The Regional Municipality of Niagara Business Licensing By-laws.

2. MANDATE

The Licensing Appeals Committee conducts hearings to decide whether or not to uphold the decision of the Licensing Officer with respect to the refusal, revocation, suspension, or the addition of conditions on a business licence.

3. MEMBERSHIP

3.1 Composition

The Committee shall be composed of a minimum of three (3) and a maximum of seven (7) members with membership preference given to those with backgrounds in law, academics, enforcement and/or industry stakeholders.

In addition, members should have knowledge and understanding of the *Municipal Act* and interpretation of legislation, proven analytical and decision-making skills, and experience working on a committee, administrative tribunal, task force or similar setting.

The Committee shall not include any individual who is a current business licence holder.

When an appeal has been filed only three (3) of the seven (7) members of the Committee shall comprise the Committee for the purposes of reviewing and considering the appeal.

The Clerk shall determine the selection of the three (3) sitting members of the Committee from the pool of members based on availability.

3.2 Term

The term of the Committee shall be concurrent with the term of Council.

3.3 Privacy

The meetings of the Licensing Appeals Committee are public. Members should be aware that their names will be in the public realm and a list of membership may be provided when requested. Member information, other than name or

municipality, will be kept confidential in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*.

4. COMMITTEE CHAIR

The Committee members shall select a Chair from amongst its three (3) sitting members at the first meeting.

5. STAFF SUPPORT

Clerk's Office staff will provide administrative support to the Committee.

6. COMPENSATION

Members shall receive an honorarium of \$50.00 for meetings held to consider licence appeal applications. Members will be paid mileage from their place of residence to the meeting location for any other meetings.

7. MEETINGS

The Appeals Committee shall conduct its meetings on an as-required basis and in public.

The Committee shall conduct its meetings in accordance with the Rules of Practice and Procedure for the Licensing Appeals Committee and the *Statutory Powers Procedures Act*, with modifications as deemed necessary.

8. CONFLICTS

Committee members shall comply with the *Municipal Conflict of Interest Act* and shall disclose a pecuniary interest in advance of any meeting, where possible or absent him/herself from meetings for the duration of the consideration of the appeal, discussion and voting with respect to the matter.

In the event a member discloses a pecuniary interest respecting the appeal in advance of the meeting, the Clerk shall select another member to replace him/her on the Committee.

9. PRACTICES AND PROCEDURES

The Clerk shall establish administrative practices and procedures for the Committee.

Minute Item No. 5.2
ED 2-2020
Brock University LINC

That Report ED 2-2020, dated February 12, 2020, respecting Brock University LINC, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That Council **APPROVE IN PRINCIPLE** the Brock University LINC (Learning, Innovation, Networking, and Collaborations) funding request subject to 2023 Levy Budget deliberations and in accordance with the terms described in this report.

Minute Item No. 6
Consent Items for Information

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

PDS-C 1-2020

Public Realm Investment Program 2020 Launch

PDS 6-2020

City of Welland Application for Regional Official Plan Amendment

Minute Item No. 6.2
PDS 3-2020
Ecological Land Classification Mapping Update

That Report PDS 3-2020, dated February 12, 2020, respecting Ecological Land Classification Mapping Update, **BE RECEIVED** and **BE CIRCULATED** to the Area Municipalities and the Niagara Peninsula Conservation Authority (NPCA).

**THE REGIONAL MUNICIPALITY OF NIAGARA
PLANNING & ECONOMIC DEVELOPMENT COMMITTEE
MINUTES**

**PEDC 2-2020
Wednesday, February 12, 2020
Council Chamber
Niagara Region Headquarters, Campbell West
1815 Sir Isaac Brock Way, Thorold, ON**

Committee: Bradley (Regional Chair), Butters, Bylsma, Campion, Darté (Committee Vice-Chair), Easton, Foster, Greenwood, Heit, Huson (Committee Chair), Junkin, Redekop, Rigby, Sendzik, Ugulini, Witteveen, Zalepa

Absent/Regrets: Bellows, Fertich

Staff: E. Acs, Manager, Community Planning, I. Banach, Manager, Long Range Planning, P. Busnello, Manager, Development Planning, M. Evelyn, Legislative Coordinator, D. Giles, Director, Community & Long Range Planning, D. Heyworth, Official Plan Policy Consultant, V. Kuhns, Acting Director, Economic Development, P. Lambert, Director, Infrastructure Planning & Development Engineering, D. Morreale, Director, Development Approvals, R. Mostacci, Commissioner, Planning & Development Services, S. Norman, Senior Planner, A.-M. Norio, Regional Clerk, H. Talbot, Consultant, Financial and Special Projects, M. Trennum, Deputy Regional Clerk, J. Whittard, Manager, Environmental Planning

1. CALL TO ORDER

Committee Chair Huson called the meeting to order at 1:00 p.m.

2. DISCLOSURES OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

3. PRESENTATIONS

There were no presentations.

4. DELEGATIONS

There were no delegations.

5. ITEMS FOR CONSIDERATION

5.1 PDS 2-2020

Value Added and Winery Policies in the Niagara Escarpment Plan

Graham Hendren and Dana Anderson, Planner, MHBC Planning, provided information respecting Value Added and Winery Policies in the Niagara Escarpment Plan. Topics of the presentation included:

- Regional Economic Context
- Legislative and Policy Context
 - Evolution of Niagara Escarpment Plan (NEP) Policy Scope
 - Difference Among Policies
- Case Study Review
 - Comparison of Permitted Uses
- Best Practices Review
- Analysis
 - Recommendations

Moved by Councillor Bylsma

Seconded by Councillor Witteveen

That Report PDS 2-2020, dated February 12, 2020, respecting Value Added and Winery Policies in the Niagara Escarpment Plan, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That staff **BE DIRECTED** to initiate the amendment process to the Niagara Escarpment Plan, aimed at creating a consistent provincial policy and regulatory regime for agricultural based businesses in Niagara; and
2. That Report PDS 2-2020 **BE CIRCULATED** to the Ontario Federation of Agriculture, Ontario Craft Wineries/Wine Council of Ontario, Grape Growers of Ontario, Town of Grimsby, Town of Lincoln, Town of Niagara on the Lake, Town of Pelham, City of St. Catharines, City of Thorold and the City of Niagara Falls.

Moved by Councillor Butters

Seconded by Councillor Ugolini

That Report PDS 2-2020 **BE REFERRED** to staff to further address and clarify the concerns raised with the proposed policies.

Carried

Councillor Information Request(s):

Provide Committee members with a copy of Report PDS 1-2018 respecting Niagara Escarpment Plan Agriculture Policies. Councillor Darte.

Scheduled a roundtable discussion with stakeholders to provide input on the proposed policies. Councillor Darte.

5.2 ED 2-2020

Brock University LINC

Moved by Councillor Ugolini

Seconded by Councillor Campion

That Report ED 2-2020, dated February 12, 2020, respecting Brock University LINC, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That Council **APPROVE IN PRINCIPLE** the Brock University LINC (Learning, Innovation, Networking, and Collaborations) funding request subject to 2023 Levy Budget deliberations and in accordance with the terms described in this report.

Carried

6. **CONSENT ITEMS FOR INFORMATION**

Moved by Councillor Campion

Seconded by Councillor Bylsma

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

PDS-C 1-2020

Public Realm Investment Program 2020 Launch

PDS 6-2020

City of Welland Application for Regional Official Plan Amendment

Carried

Report PDS 3-2020 was considered separately.

6.2 PDS 3-2020
Ecological Land Classification Mapping Update

Moved by Councillor Zalepa
Seconded by Councillor Easton

That Report PDS 3-2020, dated February 12, 2020, respecting Ecological Land Classification Mapping Update, **BE RECEIVED** and **BE CIRCULATED** to the Area Municipalities and the Niagara Peninsula Conservation Authority (NPCA).

Carried

7. **OTHER BUSINESS**

7.1 Riverfront Community Plan

Regional Chair Bradley requested information regarding Niagara Region's role with respect to City of Niagara Falls Official Plan Amendment (OPA)128 (Riverfront Community Plan) due to the number of emails that have been received by Regional Councillors. Diana Morreale, Director, Development Approvals, advised that the matter was addressed by way of an appeal to the Local Planning Appeals Tribunal (LPAT). The LPAT turned down the appeal. The LPAT was asked to undertake a further review of their decision based on allegations that Niagara Region did not see or address a letter from the Ministry of Natural Resources and Forestry respecting this development. Ms. Morreale noted that staff did address the letter and there were discussions between the Ministry, the Region and the City of Niagara Falls. She noted that some policies have been included in the Regional Official Plan Amendment that included putting holding zones on parts of this development. She advised that it was important to note that anyone can make an appeal to the LPAT when an Official Plan Amendment is approved, including government agencies, and the Ministry was aware of the City of Niagara Falls decision and did not appeal it.

8. NEXT MEETING

The next meeting will be held on Wednesday, March 11, 2020 at 1:00 p.m. in the Council Chamber, Regional Headquarters.

9. ADJOURNMENT

There being no further business, the meeting adjourned at 3:12 p.m.

Councillor Huson
Committee Chair

Mark Evely
Legislative Coordinator

Ann-Marie Norio
Regional Clerk



POLICIES, REGULATIONS AND PROCESSES

Wineries in Niagara Region

MHBC Planning
Niagara Region Council Meeting 372
February 12, 2020

OUTLINE

- 1 Regional and Economic Context
- 2 Legislative and Policy Context
- 3 Case Study Review
- 4 Best Practice Research
- 5 Analysis and Recommendations

1. Regional Economic Context

The Canadian wine and grape industry is a significant contributor to the Canadian economy in terms of employment, revenue and tourism. Ontario is the largest producer of wine grapes and wine in Canada with the most vineyards (90%) being located in the Niagara Peninsula.¹

The economic impact of the the Agri-Food Industry in Niagara includes:²

93% of
Ontario's
Grapes

\$1.4 Billion
Annually

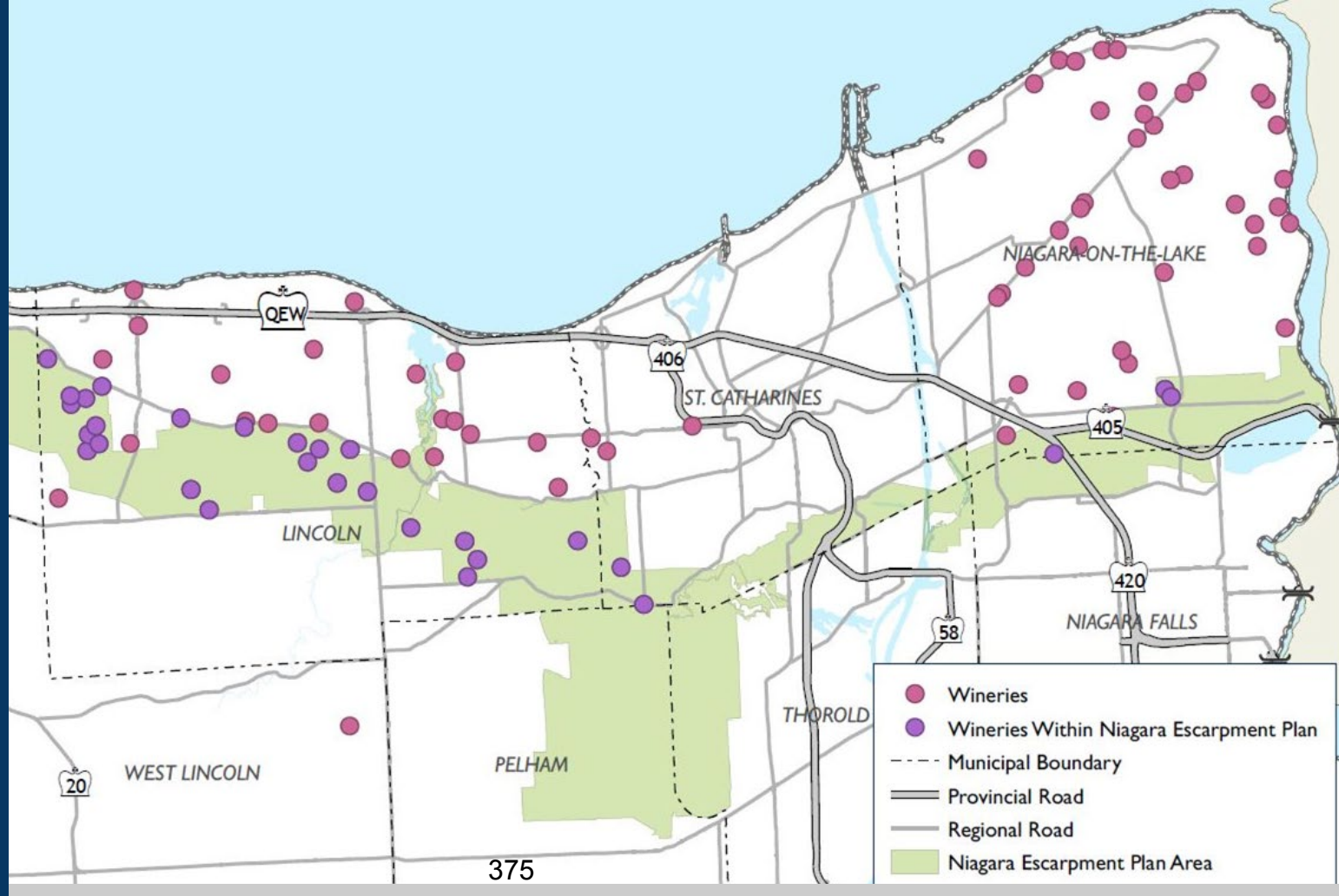
20,000
Associated
Jobs

3.7 Million
Visitors
Annually

1. A. Franke, Rimerman + Co. LLP Report, March 2017.
2. Canadian Vintners, Canada Economic Impact Report, 2015.

Map of Niagara Region wineries within and outside of the Niagara Escarpment Plan area (PDS 1-2018).

Source: Niagara Region, 2017.



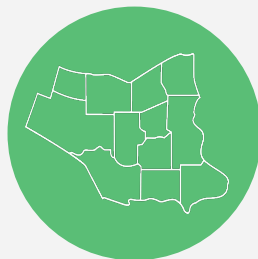
2. Legislative and Policy Context

Wineries and Related Economic Development



PROVINCIAL POLICY

- PPS
- Growth Plan
- Green Belt Plan
- Niagara Escarpment Plan
- OMAFRA Guidelines



REGIONAL POLICY

- Regional Official Plan



LOCAL POLICY

- Local Official Plans
- Zoning By-laws



DEVELOPMENT CONTROLS

- Niagara Escarpment Commission

Evolution of NEP Policy Scope

Agricultural uses

*Small scale comm. uses
accessory to agriculture*

*Small scale comm. and
industrial development
servicing agriculture*

Wineries and cideries

Winery incidental facilities

Winery events

On-farm diversified uses

Agriculture related uses

1985 NEP								
1994 NEP								
2005 NEP								
2017 NEP								

Niagara Escarpment Plan

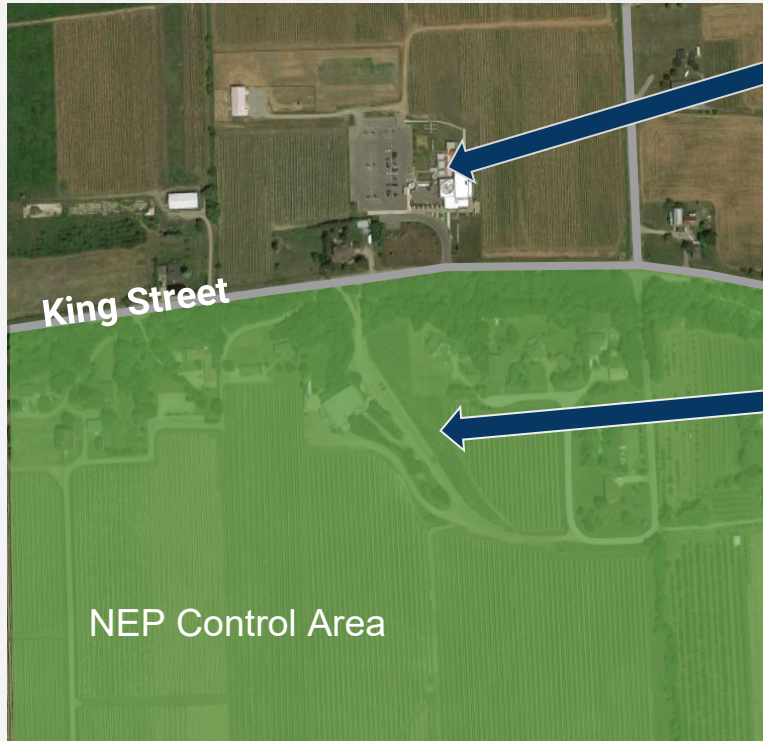
Accessory Agricultural Designations

Agricultural -Related Uses	On-farm Diversified Uses	Wineries
<ul style="list-style-type: none"> • Compatible with surrounding agricultural operations • Appropriate to available rural services • Use existing buildings, structures and facilities • Buildings compatible with open landscape character • The gross floor area shall not exceed 3,200 square metres 	<ul style="list-style-type: none"> • Located on an active farm • Limited impact in prime agricultural areas • Limited to up to 2% of a farm lot to a max. of 10,000 square metres • GFA limited to 20% of the maximum area allowed for on-farm diversified uses • Land shall not be severed from the farm lot 	<ul style="list-style-type: none"> • May be agriculture-related use or on-farm diversified use • Single accessory facility to sell wine with limited food service within winery building (no expansions to parking or vehicle access) • Permitted uses accessory to winery include retail sales and tasting area and sale of gift/promotional products

Difference Among Policies

	OMAFRA Guidelines	Niagara Escarpment Plan
Agriculture-related Use Size Limits	No limits on size	Maximum 3200 sq. m. GFA
On-Farm Diversified Use Size Limits	2% up to 10,000 sq. m. total site area	2% up to 10,000 sq. m.
	20% up to 2000 sq. m. (of 2%) of total floor area.	20% up to 2000 sq. m. (of 2%) of total floor area.
	50% discount on footprint for existing building (built prior to 2014).	No discount for existing buildings.
Winery Use Type	Winery is considered agriculture-related use when using grapes from the local area	No clear criteria to determine winery classification
	Winery is considered on-farm diversified use when using either local or imported grapes	

3. Case Study Review



Redstone Winery, 4245 King Street, Beamsville

Lot Area:	14.7 ha
Building GFA:	1,498m ²
Retail/Hospitality GFA:	645m ²

Malivore Winery, 4260 King Street, Beamsville

Lot Area:	15.3 ha
Building GFA:	413m ²
Retail/Hospitality GFA:	129m ²

Comparison of Permitted Uses

Outside of NEP

- Agriculture
- Agricultural conservation use
- Agriculture produce processing accessory to an agricultural use
- Agriculture produce stand accessory to an agricultural use
- Agriculture produce warehouse and/or shipping accessory to a greenhouse
- Agricultural research accessory to an agricultural use
- Conservation use, save and except any buildings
- Equestrian facility
- Farm winery accessory to an agricultural use
- Estate winery
- Accessory amphitheater
- Greenhouse
- Hobby farm
- Kennel accessory to an agricultural use or residential use
- Large animal veterinary clinic
- Private grain storage and drying facility accessory to an agricultural use
- Single detached dwelling
- Bed and breakfast establishment
- Farm help house
- Group home
- Home occupation
- Private home daycare

Within NEP

- Agricultural uses
- Agriculture-related uses and on-farm diversified uses, in prime agricultural areas.
- Existing uses.
- Single dwellings.
- Mobile or portable dwelling unit(s) accessory to agriculture.
- Forest, wildlife and fisheries management.
- Licensed archaeological fieldwork.
- Infrastructure.
- Accessory uses (e.g., a garage, swimming pool, tennis court, ponds or signs).
- Home occupations and home industries.
- Recycling depots for paper, glass and cans etc., serving the local community.
- Bed and breakfast.
- Nature preserves owned and managed by an approved conservation organization.

4. Best Practice Review

Approaching Wineries in Other Jurisdictions

	Prince Edward County	Napa County	Okanagan Valley	Niagara Region (within the NEP)
Maximum GFA for retail and tastings	Lesser of 75m ² or 25 % of the total winery floor area (Farm) 400 m ² (Estate)	No regulations	5% of total parcel area	0.004% of total parcel area (NEP)
Food service facilities	No regulations	No regulations	No regulations	Limited food service facilities only (NEP)
Development of new buildings	No regulations	No regulations	No regulations	Existing buildings should be used where possible (NEP)

Best Practice Review

Approaching Wineries in Other Jurisdictions

	Prince Edward County	Napa County	Okanagan Valley	Niagara Region (within the NEP)
Maximum GFA for retail and tastings	Lesser of 75m ² or 25 % of the total winery floor area (Farm) 400 m ² (Estate)	No regulations	5% of total parcel area	0.004% of total parcel area (NEP)
Food service facilities	No regulations	No regulations	No regulations	Limited food service facilities only (NEP)
Development of new buildings	No regulations	No regulations	No regulations	Existing buildings should be used where possible (NEP)

5. Analysis

Key Findings on Impact of NEP Policies and Regulation

1. Harmonize definitions of agricultural -related uses and on-farm diversified uses with the PPS, 2014.
2. Remove winery-specific policies.
3. Remove policies regulating the size, scale and operation of accessory retail and restaurant uses on wineries.
4. Remove limitations on the size of all accessory uses on wineries in the NEP.
5. Limit conditions of NEC permits to those which address land use and not operational matters outside of the NEC's jurisdiction .

Recommendations

Harmonizing NEP Policies to Support Economic Development

1. Harmonize definitions of agricultural -related uses and on-farm diversified uses with the PPS, 2014.
2. Remove winery-specific policies.
3. Remove policies regulating the size, scale and operation of accessory retail and restaurant uses on wineries.
4. Remove limitations on the size of all accessory uses on wineries in the NEP.
5. Limit conditions of NEC permits to those which address land use and not operational matters outside of the NEC's jurisdiction.



THANK YOU



MHBC
P L A N N I N G
U R B A N D E S I G N
& L A N D S C A P E
A R C H I T E C T U R E



MHBC
P L A N N I N G
U R B A N D E S I G N
& L A N D S C A P E
A R C H I T E C T U R E

CONTACT

Dana Anderson

Partner, MHBC Planning

danderson@mhbcplan.com

Graham Hendren

Planner, MHBC Planning

ghendren@mhbcplan.com

Subject: Value Added & Winery Policies in the Niagara Escarpment Plan

Report to: Planning and Economic Development Committee

Report date: Wednesday, February 12, 2020

Recommendations

1. That Council **DIRECT** Regional Planning Staff to initiate the amendment process to the Niagara Escarpment Plan, aimed at creating a consistent provincial policy and regulatory regime for agricultural based businesses in Niagara; and
2. That Report PDS 2-2020 **BE CIRCULATED** to the Ontario Federation of Agriculture, Ontario Craft Wineries/Wine Council of Ontario, Grape Growers of Ontario, Town of Grimsby, Town of Lincoln, Town of Niagara on the Lake, Town of Pelham, City of St. Catharines, City of Thorold and the City of Niagara Falls.

Key Facts

- The purpose of this report is to seek the support of Council to undertake an amendment to the Niagara Escarpment Plan, continuing with efforts to streamline Provincial regulations for agricultural based businesses;
- When the Niagara Escarpment Plan was updated in 2017, Regional Council requested that the Province align the policies of the Plan with other Provincial plans in Niagara, such as the Greenbelt Plan.
- Policies associated with agricultural-related uses, on-farm diversified uses, and wineries in the Niagara Escarpment Plan area are more restrictive than the Province's Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas, which are intended to implement the Provincial Policy Statement;
- As the Region continues to develop the new Niagara Official Plan, one component is related to implementing the 2014 Provincial Policy Statement which permits agri-tourism, agriculture related and on-farm diversified uses; and
- These inconsistencies place agricultural based businesses in the NEP area at a disadvantage, with smaller maximum building sizes, and restricted building and site uses;

Financial Considerations

There are no direct financial implications for the organization. There is no application fee for an application to amend the Niagara Escarpment Plan (NEP).

Background

In January of 2018, Regional staff were directed by Council (PDS 1-2018) to initiate discussions with the Province and Niagara Escarpment Commission (NEC) with respect to interpretations of the winery policies in the NEP. Prior to this report, staff and Council had been actively engaged with the Province through consultations on the development of the 2017 NEP.

As the Region proceeds with work on the new Niagara Official Plan, one of the matters Planning Staff wish to resolve is the discrepancy in value-added policies. MHBC Consulting was retained to undertake an assessment of the Niagara Escarpment Plan winery policies to inform the Official Plan work and further discussions with the Province (appendix 3).

After sharing MHBC's findings with senior Provincial Officials, the path outlined to move forward involves the Region proposing an amendment to the NEP, to resolve the policies of the NEP affecting Niagara that do not align with Provincial guidelines.

Economic Development

Agri-business is a priority sector in Niagara both culturally and economically with an employment impact of approximately 20,000 jobs and a GDP impact of \$1.4B. In recent years, Niagara's farms continue to diversify and produce higher value agricultural outputs. In order to support a viable future for this sector, there is a need for consistently applied policies and regulations that allow these businesses to evolve and adapt to progressive industry changes and opportunities. The impact of growth in value-added and on-farm diversified will be realized in more than just the agri-business sector. It will have impact that reaches across our tourism sector, our primary producers, and our labour market.

Analysis

The Niagara Escarpment is home to a diverse range of agricultural operations many having on-farm diversified uses¹, including 29 of Niagara's approximate 100 wineries

¹ On-farm diversified uses: means uses that are secondary to the principal agricultural use of the property, and are limited in area. On-Farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that provide value added products. (PPS 2014)

(see Appendix I). Creating and maintaining a hospitable environment for the agricultural sector is important for the local economy and long term preservation of agricultural lands. The Region's Official Plan contains objectives (Objective 5.A.7) aimed at supporting uses that enable farming and farmers to:

- a) *Become more competitive, sustainable and environmentally friendly;*
- b) *Adapt to new and changing markets;*
- c) *Diversify into and take advantage of new agricultural opportunities;*
- d) *Improve the understanding of agriculture by the general public; and*
- e) *Broaden operations to diversify economic activity and add value to their primary products.*

Additionally, Objective 5.A.8 aims *"to encourage a wide range of farm diversification uses in appropriate locations and at a scale suitable to the farm and the agricultural area where they contribute to profitable and economically sustainable agriculture."*

Niagara Region was the first municipality in the Province to create value-added agricultural policies, influencing what became a new Provincial direction allowing the diversification of agriculture to allow on farm processing and sales. In 2017, when the Greenbelt Plan and Growth Plan were updated, they adopted the Province's approach to *agriculture-related uses*² and *on-farm diversified uses* as outlined in section 2.3.3.1 of the Provincial Policy Statement (PPS). The proposed 2019 PPS does not suggest changes to this policy.

Despite the clear Provincial direction, further outlined in the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) document titled *Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas*, under the current Provincial policy regime, agriculture operators in the NEP area face stricter regulations and additional operational oversight compared to operators in the Greenbelt Plan and Growth Plan areas.

When the Ministry of Natural Resources and Forestry (MNRF) circulated the draft version of the 2017 NEP for comment, the Region responded to the Province and stated:

"While the draft NEP winery policies have been simplified compared to the existing NEP, having separate winery policies is no longer necessary. The new policies for agriculture-related and on-farm diversified uses should be re-written to consider wineries, making the plan more consistent with other provincial planning documents."

² Agriculture-related uses: means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity. (PPS 2014)

The PPS, and draft on-farm diversified guidance documents, recognize wineries as a value-added agricultural use, the NEP should be consistent. Further, references to the operations of a facility, such as the hours of operation or the number of events that might be held, should be removed as the focus is on the land use. (PDS 29-2016, October 19, 2016)”

- In response to ongoing agricultural community concerns, report PDS 1-2018 (*Niagara Escarpment Plan Agriculture Policies*, January 10, 2018) was brought to Regional Council seeking direction for staff to initiate discussions with the Niagara Escarpment Commission (NEC) to resolve multiple agriculture policy items.
- The NEC responded with an April 18th report titled *The Niagara Escarpment Plan and Provincial Agricultural Policy* where they concluded that in NEC staff’s view, policies aimed at promoting additional rural development through the spread of commercial and tourist (other than outdoor/eco-tourism) uses would not be in keeping with the purpose and objectives of the NEP.
- Due to the NEC’s staff response, and difficulties experienced when dealing with the Commission, Staff and Council raised the issue with OMAFRA at the Association of Municipalities of Ontario (AMO) Conference in 2018, and met subsequently with OMAFRA, MNRF and the Ministry of Municipal Affairs and Housing (MMAH).
- In January of 2019, the Ontario Federation of Agriculture (OFA) wrote a letter of support for the Region’s request (Appendix II), stating: “*OFA supports Niagara Region’s proposal for changes regarding how agriculture-related uses, on-farm diversified uses, and wineries are permitted in the Niagara Escarpment Plan*”. Further stating: “*The Niagara agri-food sector has an annual total economic impact of \$3 billion and employs 17,500 people with untapped economic potential to create new jobs and expand. OFA fully endorses Niagara Region’s proposal and encourages these changes to the Niagara Escarpment Plan and Niagara Escarpment Commission to reduce red tape and support the thriving agri-food economic powerhouse in the Niagara Region*”.

Niagara Escarpment Plan Amendment Process

The NEP derives its authority from the *Niagara Escarpment Planning and Development Act (NEPDA)*, 1990. Under the NEPDA, any person or public body can request an amendment to the Plan through an application to the Niagara Escarpment Commission (NEC). There is no cost to make an application.

While the application is made via the NEC, ultimately, the final decision is made by the Minister of Natural Resources and Forestry or Cabinet.

Next Steps

Upon Council’s direction, Regional Planning Staff will initiate the amendment process to the NEP including the preparation of the requisite material and justification to support

the review and consideration of the application. Staff will provide updates at key milestones to ensure Council and stakeholders are aware of the progress of the application.

Alternatives Reviewed

NA.

Relationship to Council Strategic Priorities

This initiative is aligned with Council's priority to support businesses and economic growth. Specifically objective 1.1 which aims to provide supports and improve interactions with businesses to expedite and navigate development processes.

Other Pertinent Reports

PDS 31-2015: 2015 Coordinated Policy Review Comment Submission

PDS 29-2016: Province of Ontario Coordinated Plan Review Submission on the Draft Plans Appendix 1

PDS 1-2018: Niagara Escarpment Plan Agriculture Policies

Prepared by:

Erik Acs, MCIP, RPP
Manager of Community Planning
Planning and Development Services

Recommended by:

Rino Mostacci, MCIP, RPP
Commissioner
Planning and Development Services

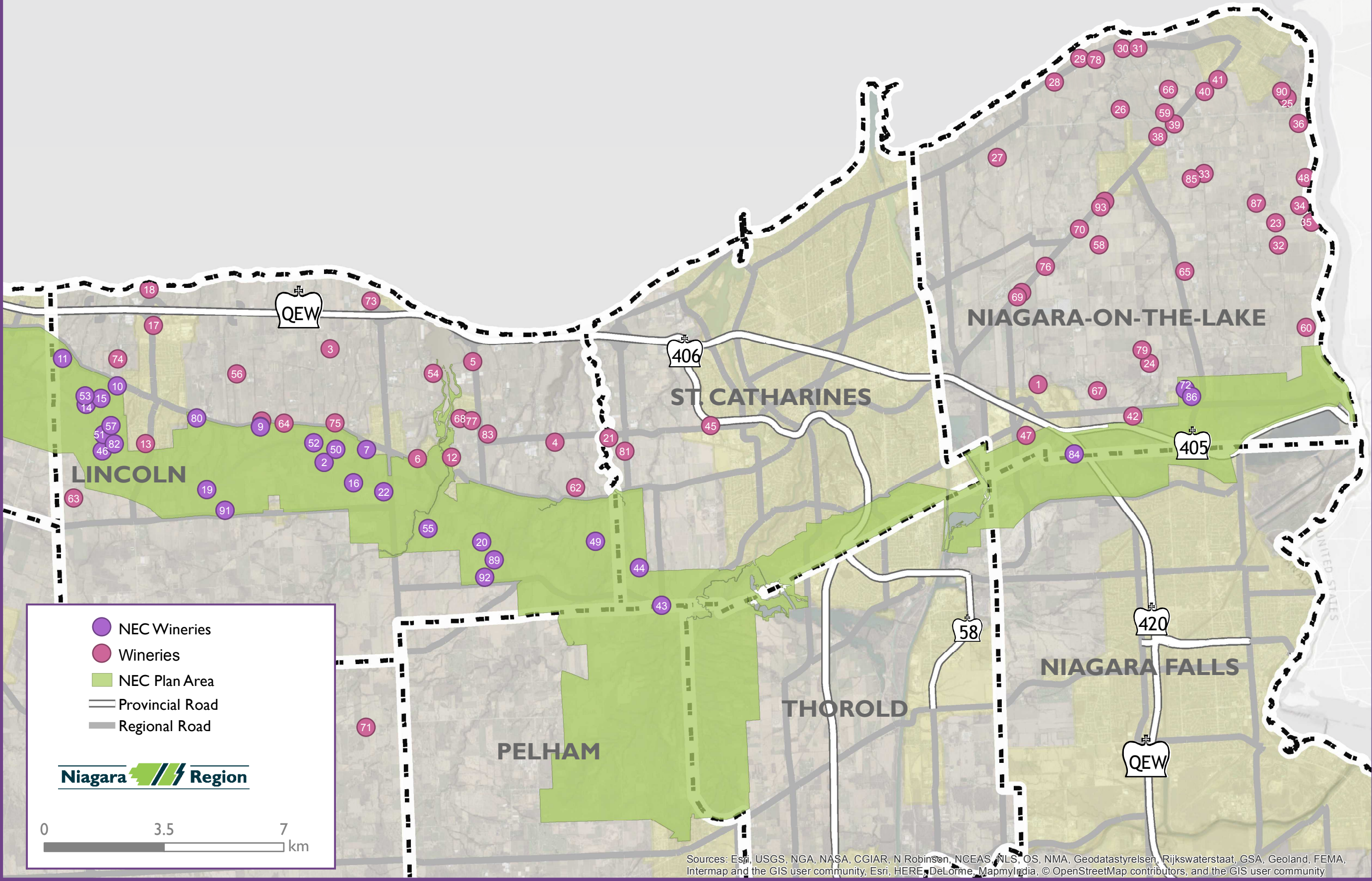
Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Katie Young, Planner, Aimee Alderman, MCIP, RPP. Planner, with input from Kelly Provost, Economic Development Officer, and reviewed by Doug Giles, Manager of Community & Long Range Planning.

Appendices

Appendix I	Map Showing Wineries in Niagara	Page 6
Appendix II	Letter from Ontario Federation of Agriculture	Page 7
Appendix III	MHBC Report on NEC Policies	Page 9



LABEL #	WINERY NAME
1	Maleta Estate Winery
2	Ridgepoint Wines
3	Royal Demaria Wines
4	Creeside Estate Winery
5	Harbour Estates Winery
6	Stoney Ridge Cellars
7	Kacaba Vineyards
8	Red Stone Winery
9	Malivoire Wine Company
10	Daniel Lenko Estate Winery
11	Peninsula Ridge Estates Winery Ltd.
12	Cave Spring Cellars
13	Mountain Road Wine Company
14	Angels Gate Winery
15	Thirty Bench Vineyards
16	Vineland Estates Winery
17	Magnotta Winery Estates Ltd.
18	Legends Estate Winery
19	De Sousa Wine Cellars
20	Flat Rock Cellars
21	13th Street Winery
22	Featherstone Estate Winery
23	Marynissen Estates
24	Coyote's Run Estate Winery
25	Peller Estates
26	Domaine Vagners Winery
27	Small Talk Vineyards
28	Palatine Hills Estate
29	Konzelmann Estate Winery
30	Strewn Winery
31	Sunnybrook Farm Estate Winery
32	Frogpond Farm Organic Winery
33	Caroline Cellars
34	Inniskillin Wines Inc.
35	Riverview Cellars
36	Lailey Winery
37	Truis Winery
38	Pillitteri Estates Winery
39	Joseph's Estate Wines
40	Stratus Winery
41	Jackson-Triggs Niagara Estate
42	Chateau des Charmes
43	Henry of Pelham Family Estate Winery
44	Hemder Estate Wines
45	Harvest Estate Wines
46	Fielding Wines Ltd.
47	Niagara College Teaching Winery
48	Reif Estate Winery
49	Rockway Glen Estate Winery
50	Tawse Winery
51	The Organized Crime Winery
52	Megalomaniac John Howard Cellars of Distinction
53	Rosewood Estates Winery and Meadery
54	Alvento Winery
55	Calamus Estate Winery
56	Cornerstone Estate Winery
57	Hidden Bench Vineyards and Winery
58	Cattail Creek Family Estate Winery
59	Rancourt Winery
60	The Ice House Winery
61	Southbrook Vineyards
62	16 Mile Cellar
63	Aure Wines
64	Back 10 Cellars
65	Between the Lines
66	Big Head Wines
67	Colaneri Estate Winery
68	DiProffio Wines
69	The De Moura Winery Way
70	Diamond Estates Winery
71	Domaine Queylus
72	Five Rows Craft Wine
73	The Foreign Affair Winery
74	The Good Earth Food and Wine Co.
75	GreenLane Estate Winery
76	The Hare Wine Co.
77	Honsberger Estate Winery
78	NOMAD at Hinterbrook Winery
79	Icellars Estate Winery Inc.
80	Kew Vineyards
81	King's Court Estate Winery
82	Mike Weir Winery
83	Pearl Morissette
84	Perridiso Estate Winery
85	Pondview Estate Winery
86	Ravine Vineyard Estate Winery
87	Reimer Vineyards
88	Rennie Estate Winery
89	Sue-Ann Staff Estate Winery
90	Two Sisters Vineyards
91	Vieni Estates Inc.
92	Westcott Vineyards
93	Wayne Gretzky Estates

March 14, 2019

The Honourable John Yakabuski
Ministry of Natural Resources and Forestry
99 Wellesley St. W, 6th Floor
Toronto, ON
M7A 1W3

The Honourable Steve Clark
Ministry of Municipal Affairs and Housing
777 Bay St., 17th Floor
Toronto, ON
M5G 2E5

Dear Minister Yakabuski and Minister Clark,

RE: Niagara Region Recommendations for Niagara Escarpment Plan Agricultural Policies

The Ontario Federation of Agriculture (OFA) is Canada's largest voluntary general farm organization, representing more than 38,000 farm family businesses across Ontario. These farm businesses form the backbone of a robust food system and rural communities with the potential to drive the Ontario economy forward.

OFA supports Niagara Region's proposal for changes regarding how agriculture-related uses, on-farm diversified uses, and wineries are permitted in the Niagara Escarpment Plan (NEP, 2017). As indicated in their submission, grape and associated wine production is the biggest driver behind Niagara's agri-food sector. The local economy depends on creating and maintaining a hospitable environment for this sector and long-term preservation of agricultural lands. Policies that hinder farm and agri-food business viability and the ability to fully use their land for agricultural uses are to be condemned. Policies that actively deter agricultural uses, agriculture-related uses, agritourism uses and on-farm diversified uses have no place in the Niagara Escarpment Plan or its companion plans.

OFA supports Niagara Region's request that all winery-specific policies in the NEP be removed. While all of Ontario's other land-use planning documents recognize wineries as an equal use to other agriculture-related on-farm diversified uses, the NEP continues to place wineries under a different policy framework. These inconsistencies create additional red tape and stifle business growth and innovation. In particular, the 29 wineries operating under the jurisdiction of the NEP must operate under a *different* set of regulations than the 67 outside of the NEP area in the Niagara Region, not to mention those in the rest of Ontario. It is unnecessary and puts wineries in the NEP area at competitive disadvantage.

OFA's position aligns with Niagara Region's recommendations and urges the NEP to address the inconsistencies in language between the NEP and the Guidelines on Permitted Uses for Ontario's Prime Agricultural Areas as mentioned in the Report (p. 5-6). In 2016, the Province released the *Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas*. This document, which outlines guidelines for agriculture-related and on-farm diversified uses, is not reflected in the 2017 Niagara Escarpment Plan, despite significant changes to the other provincial plans.

OFA supports Niagara Region's recommendation that beyond permitting the agriculture-related or on-farm diversified use, size and placement of buildings, additional uses of buildings, and activities on the site should be at the discretion of the local municipality. OFA also believes that guidelines for events and event spaces inside the NEP should mirror those applicable outside of the NEP, including: appropriate land use designations, frequency of use, and servicing requirements.

OFA supports Niagara Region's proposal. In addition, we also believe that the Niagara Escarpment Commission's role in development approval is unnecessary in 2019, and simply serves to add red tape, costs and delays to development applications, particularly agriculture-related development applications. Municipalities throughout the area covered by the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan (ORMCP) and the Growth Plan for the Greater Golden Horseshoe (Growth Plan) are all the sole approval agency for development, based on conformity with either the 2014 Provincial Policy Statement (PPS) or specific policies in Greenbelt Plan, the ORMCP or the Growth Plan. Treating lands and development decisions within the Niagara Escarpment Plan area differently than in the Greenbelt Plan, the ORMCP or Growth Plan areas is a carryover from the time when many municipalities had no Official Plan, and therefore had no ability to direct where development should go, and where it should not go. This is no longer the case. Every upper-tier, single-tier and lower-tier municipality is obligated to have an up to date and approved Official Plan, which fully conforms to either the 2014 Provincial Policy Statement or one of Ontario's geographically-specific land use plans. OFA therefore recommends that the Niagara Escarpment Commission cease to exercise any role in development approval.

OFA also recommends that ministerial oversight for the Niagara Escarpment Plan be transferred from the Ministry of Natural Resources and Forestry to the Ministry of Municipal Affairs and Housing. Currently, ministerial oversight for the Greenbelt Plan, the Growth Plan for the Greater Golden Horseshoe and the Oak Ridges Moraine Conservation Plan, along with the overarching Provincial Policy Statement all lie with the Ministry of Municipal Affairs and Housing. Businesses should not need to contact multiple ministries and multiple governing bodies for similar provincial plans and should not have to sift through varying definitions across the plans. These inconsistencies result in ambiguity and misinterpretation, causing costly delays and stifling business development. The OFA emphatically recommends that ministerial oversight for the Niagara Escarpment Plan be transferred from the Ministry of Natural Resources and Forestry to the Ministry of Municipal Affairs.

The Niagara agri-food sector has an annual total economic impact of \$3 billion and employs 17,500 people with untapped economic potential to create new jobs and expand. OFA fully endorses Niagara Region's proposal and encourages these changes to the Niagara Escarpment Plan and Niagara Escarpment Commission to reduce red tape and support the thriving agri-food economic powerhouse in the Niagara Region.

Sincerely,

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

Keith Currie
President

cc: OFA Board of Directors
 Hon. Ernie Hardeman, Minister of Agriculture, Food and Rural Affairs
 Niagara North Federation of Agriculture
 Niagara South Federation of Agriculture
 Grape Growers of Ontario
 Wine Council of Ontario

MEMO

KITCHENER
WOODBRIDGE
LONDON
KINGSTON
BARRIE
BURLINGTON

To:	Niagara Region
From:	Dana Anderson and Graham Hendren
Date:	February 24, 2019
File:	1593C
Subject:	Assessment and Opinion on Niagara Escarpment Plan Policies, Regulations and Niagara Escarpment Commission Implementation of Controls Related to Wineries in Niagara Region

EXECUTIVE SUMMARY

We understand the Region is preparing a submission to the Province of Ontario to identify the issues related to how the Niagara Escarpment Plan (NEP) policies and the Niagara Escarpment Commission (NEC) processes address agricultural-related uses, on-farm diversified uses and wineries in the Region. The intent of the report is to identify any issues with respect to the policies and processes of the NEC in relation to agriculture-related uses and on-farm diversified uses including wineries based on research and analysis of the policies and regulations currently in place and how those policies are implemented.

In order to assist the Region, this memorandum provides an independent and objective planning opinion on the NEP policies and NEC processes related to agricultural-related uses, on-farm diversified uses and wineries in Niagara Region. In order to formulate our planning opinion, a comprehensive review and analysis was undertaken which included:

- (i) An assessment of Provincial, Regional and local planning policies related to agricultural-related uses, on-farm diversified uses and wineries;
- (ii) An assessment of the history of the NEP and changes to the agricultural policies within the broader context of emerging provincial policies;
- (iii) An interjurisdictional scan of land use policies and regulations related to wineries in other wine-producing regions including Prince Edward County, Napa Valley County (California) and the Okanagan Valley (British Columbia);
- (iv) A case study comparison of land use regulations applied to wineries within and outside of the NEP area throughout Niagara Region;
- (v) An assessment of the development controls imposed by the NEC through conditions of development permits; and,
- (vi) An assessment of the legislative authority under the Niagara Escarpment Planning and Development Act.

The key findings from our review and analysis are as follows:

- Agricultural-related uses, on-farm diversified uses and wineries are governed by a complex planning policy framework in Ontario. In Niagara Region such uses, depending on their geographic location, may also subject the Niagara Escarpment Plan. While certain policies related to agricultural-related uses, on-farm diversified uses and wineries have evolved over time, and have become slightly less restrictive, there still exist land use controls which are more restrictive than the Province's Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas. Additionally, there is a misalignment and inconsistency in how wineries are defined within agricultural-related uses and on-farm diversified uses, as defined by the Provincial Policy Statement (PPS).
- Inconsistencies place landowners in the NEP area at a disadvantage, with smaller maximum building sizes permitted, as well as additional restrictions on building and site uses (e.g. limits on retail sales, limits on restaurant sizes) implemented through permits.
- Unlike other provincial policy documents, the NEP does not provide definitions to classify wineries as either agricultural-related uses or on-farm diversified uses. Further, wineries exist within a different policy framework that places additional land use restrictions on them that are not applied to other agricultural uses.
- A review of land use regulations in selected wine producing regions across North America illustrates the ability to maintain and protect agricultural areas without the placement of overly restrictive regulations that limit winery operations and growth of the agri-food sector. Even within jurisdictions that contain environmental preservation areas, land use policies for wineries within these areas are clearly defined and more adaptable to the physical and economic context.
- Comparing land use policies applied to wineries within the NEP area to those located outside the NEP area within Niagara Region itself, demonstrates the impacts of over regulation and the inequity of the NEP policies. The comparison demonstrates the inequities between policies, given that soil classification, landscape, drainage and other physical and contextual factors are identical on both sites.
- A review of the additional permitting conditions for wineries identifies the unreasonable and unjustified application of conditions that restrict how an operation is undertaken. Such conditions are, in our opinion, not reasonable and extend beyond land use policy authority and implementation.

We understand the Region is updating its Official Plan as part of its Municipal Comprehensive Review. Section 5 which addresses rural and agriculture land uses is being updated as part of this process. This memorandum provides recommendations for the Region to extend to the Province to ensure a more appropriate and equitable policy and regulatory framework is provided within the Region for those properties located within the NEP area. While the focus of the recommendations relates to wineries, it is equally applicable to other alcohol production facilities associated with agricultural lands.

The recommendations from our review and analysis include:

- Harmonizing the definitions and regulations of agricultural-related uses and on-farm diversified uses within the NEP with those of the PPS and the Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas;
- Removing the winery definition and/or modify the definition to remove limits on building types (e.g. implement building used to house farm machinery) within the NEP;
- Remove winery specific regulations from the NEP. We understand the Province has requested the NEC review its Development Control process to reduce red tape and delay. If consideration is given to urban and recreational areas being removed, perhaps the removal of wineries from the added process should also be considered;

- Remove limitations on the size of accessory uses on wineries from the NEP. Ultimately, the size and placement of buildings, additional buildings and activities should be at the discretion of the local municipality; and,
- Limit conditions on NEC permits to those which address land use and not detailed operational matters.

1. BACKGROUND

This memorandum has been prepared to assess the current policy framework related to agriculture-related uses and on-farm diversified uses including wineries within the Region of Niagara with a focus on the NEP policies and NEC processes related to agricultural-related uses, on-farm diversified uses and wineries in Niagara Region. In undertaking this review, it was also important to understand the economic and physical context related to the wine industry in Niagara Region, in addition to the legislative and policy context.

Economic and Physical Context

The Canadian wine and grape industry is a significant contributor to the Canadian economy generating employment and significant business revenue in many regions across the country. Ontario is the largest producer of wine grapes and wine in Canada with the most vineyards (90%) being located in the Niagara Peninsula¹. Tourism related to the wine industry is also a significant factor in revenue generation and economic prosperity for the Region. With the known importance of the employment and economic benefits provided by the wine industry, the land use policy and regulatory framework which controls and guides agricultural land uses and activities related to wineries should provide for a changing industry.

Niagara Region has an expanding agri-food sector which generates an estimated \$3 billion annually and employs approximately 18,000 associated jobs.² The Region plays a leading role both provincially and nationally as a key wine producing region. Grape growing and processing in Niagara Region is estimated at 65,000 tonnes per year, representing 93% of Ontario's and 65-75% of Canada's total grape production. Wine-related tourism attracts 3.7 million visitors each year, generating \$1.5 billion in tourism revenue³.

There are approximately 96 wineries within Niagara Region, 29 of which are located within the NEP area **(Figure 1)**. Encouraging the continued growth of the wine producing sector in Niagara Region is an important economic objective. The value of winemaking, and agri-food in general, to the regional and provincial economy, its contribution to the viability of local agriculture and sustainability of agricultural lands needs to be understood by all decision makers in relation to development associated with the industry.

¹ A. Frank, Rimerman + Co. LLP Report, March 2017. Retrieved from: <http://www.canadianvintners.com/wp-content/uploads/2017/06/Canada-Economic-Impact-Report-2015.pdf>.

² Ibid.

³ Ibid.

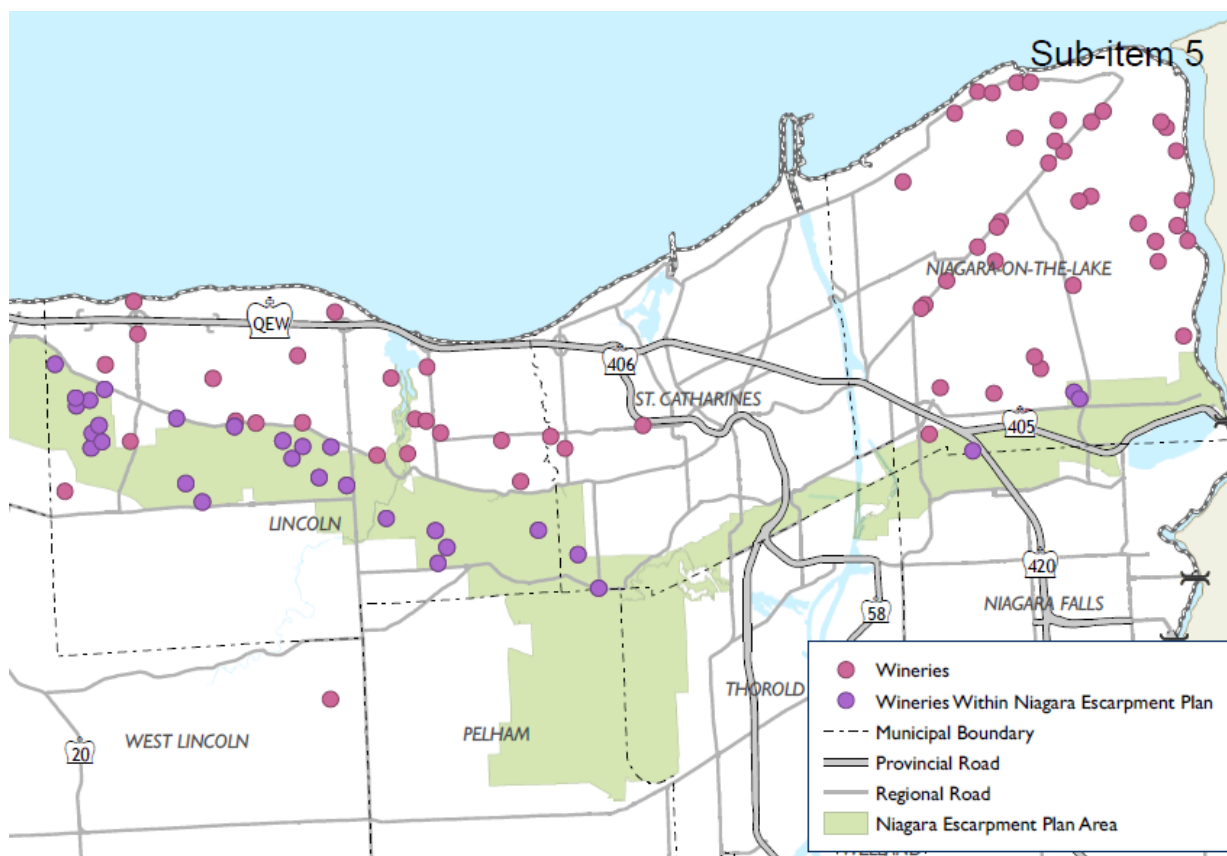


Figure 1: Map of Niagara Region wineries within and outside of the Niagara Escarpment Plan area.

Legislative and Policy Context

Current agricultural uses and activities including wineries in the Niagara Region are regulated within a complex, policy led planning framework which includes the Greenbelt Plan, NEP, Growth Plan for the Greater Golden Horseshoe (Growth Plan), PPS and the Planning Act. All of this legislation and provincial policy is further implemented by the Region of Niagara Official Plan and local Official Plans and Zoning By-laws. The Ontario Ministry of Agriculture, Food and Rural Affairs also has guidelines on Agriculture Uses.

In order to formulate our planning opinion, a comprehensive review and analysis was undertaken which includes:

- (i) An assessment of Provincial, Regional and local planning policies related to agricultural-related uses, on-farm diversified uses and wineries;
- (ii) An assessment of the history of the NEP and changes to the agricultural policies within the broader context of emerging provincial policies;
- (iii) An interjurisdictional scan of land use policies and regulations related to wineries in other wine-producing regions including Prince Edward County, Napa Valley County (California) and the Okanagan Valley (British Columbia);
- (iv) A case study comparison of land use regulations applied to wineries within and outside of the NEP area throughout Niagara Region;

- (v) An assessment of the development controls imposed by the NEC through conditions of development permits; and,
- (vi) An assessment of the legislative authority under the Niagara Escarpment Planning and Development Act.

The memorandum provides a summary of each assessment as well as a series of recommendations for consideration by the Region in its preparation of its report to the Province on how to address the implementation of agricultural policies.

2. LEGISLATIVE AND PLANNING POLICY FRAMEWORK

The Planning Act

The Planning Act establishes the broad policy framework for land use planning in Ontario and sets out land use control measures and who may control them. Matters of provincial interests are identified in Section 2 of the Act, and include, among others, the protection of ecological systems, areas, features and functions, the protection of agricultural resources, and the appropriate location of growth and development. There is no implied order of importance or priorities in how provincial interests are listed and applied.

Provincial Policy Statement (2014)

The Provincial Policy Statement (PPS) is the guiding policy document for land use planning in Ontario. Policies in the PPS are intended to be read together, and it is expected that land use decisions will vary from location to location and in different situation. It is the responsibility of local land use planning authorities to use all available information to make a decision that best respects all provincial interests under the PPS.

The majority of lands within Niagara Region within the NEP area are considered by the PPS as 'rural areas', and more specifically, prime agricultural areas. Rural areas are a system of lands that include rural settlement areas, rural lands, prime agricultural areas, natural heritage areas, and other resource areas. The PPS establishes the broad policy direction to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy.

Section 1.1.4.1 of the PPS sets out the policy directive supporting healthy, integrated and viable rural areas, as follows:

- a) building upon rural character, and leveraging rural amenities and assets;
- b) promoting regeneration, including the redevelopment of brownfield sites;
- c) accommodating an appropriate range and mix of housing in rural settlement areas;
- d) encouraging the conservation and redevelopment of existing rural housing stock on rural lands;
- e) using rural infrastructure and public service facilities efficiently;
- f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;
- g) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;
- h) conserving biodiversity and considering the ecological benefits provided by nature; and
- i) providing opportunities for economic activities in prime agricultural areas.

Section 2.3 of the PPS speaks directly to how agricultural lands should be planned for throughout the province. Prime agricultural areas shall be protected for long-term agricultural use. Recognizing the importance of expanding the economic vitality of agricultural areas, the PPS permits agricultural-related uses and on-farm diversification uses in addition to agricultural uses within prime agricultural areas. Definitions of these uses are provided below:

Agriculture-related uses: means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close

proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

On-farm diversified uses: *means uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products.*

Proposed agricultural-related uses and on-farm diversified uses shall be compatible with, and not hinder, surrounding agricultural operations. The PPS provides that criteria for these uses based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve similar objectives.

Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas

In 2016, OMAFRA released guidelines on permitted uses in Ontario's Prime Agricultural Areas to help municipalities, decision-makers and farmers interpret PPS policies on permitted uses. These guidelines are intended to support the implementation of the PPS agricultural policies while explaining the intent behind specific policies. While considering these guidelines, it is important to remain aware of the precedence of the NEP policies, which may supersede broad-based provincial agricultural policies and guidelines. When compared to the NEP policies, the OMAFRA guidelines provide some restrictions on associated land uses but these are balanced with the other objectives including diversified tourism and economic activities (Table 1).

Table 1: Comparison of winery-related policies between OMAFRA Permitted Use Guidelines and Niagara Escarpment Plan

	Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas	Niagara Escarpment Plan
Agriculture-related Use Size Limits	No limits on size.	Maximum 3200 sq. m gross floor area limited.
On-Farm Diversified Use Size Limits	2% up to 10,000 sq. m. total site area	2% up to 10,000 sq. m.
	20% up to 2000 sq. m. (of 2%) of total floor area.	20% up to 2000 sq. m. (of 2%) of total floor area.
	50% discount on footprint for existing building (built prior to 2014).	No discount for existing buildings.
Winery Use Type	Winery is considered agriculture-related when using grapes from the local area. This use includes tasting rooms and retail space (no size limits).	No clear criteria to determine if a winery is considered agriculture-related use or on-farm diversified use (but there are different size limits on these uses)
	Winery is considered on-farm diversified use when using either local or imported grapes. All winery uses (production and retail) are limited in size.	n/a

Growth Plan for the Greater Golden Horseshoe (2017)

The Growth Plan provides a long term framework for growth in the Greater Golden Horseshoe by setting targets for both population and employment growth. The Growth Plan also provides objectives and policies to promote economic growth, reduce congestion, provide residents easy access to businesses and services, and build communities that maximize infrastructure investments while balancing local needs.

The Growth Plan includes guiding principles that include the support and enhancement for the long-term viability and productivity of agriculture by protecting prime agricultural areas and the agri-food network. The Growth Plan policies encourage municipalities to implement regional agri-food strategies and approaches to sustain and enhance the Agricultural System. It also includes policies to protect the long-term economic prosperity and viability of the agri-food sector, including the maintenance and improvement of the network by providing opportunities to support and promote the sustainability of agricultural, agri-food and agri-product businesses while protecting agricultural resources and minimizing land use conflicts.

The Growth Plan utilizes the same definitions for agri-food and diversified on-farm land uses as the PPS.

Greenbelt Plan (2017)

The Greenbelt Plan identifies prime agricultural areas and specialty crop areas. The majority of the Protected Countryside in Niagara Region is designated as Niagara Peninsula Tender Fruit and Grape Area. In both prime agricultural areas and specialty crop areas, all types, sizes and intensities of agricultural uses and normal farm practices are promoted and protected. Agricultural uses, agriculture-related uses and on-farm diversified uses are permitted based on the provincial Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas.

Section 3.1.2 of the Greenbelt Plan sets out policies related to specialty crop areas. All types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected and a full range of agricultural uses, agriculture-related uses and on-farm diversified uses are permitted based on the provincial Guidelines on Permitted Uses in Ontario's prime agricultural areas. Wineries are permitted as agriculture-related uses or on-farm diversified uses, and are not defined as a specific agricultural land use within the Greenbelt Plan.

Niagara Escarpment Plan (2017)

The NEP was updated in 2017 following the Province's Co-ordinated Land Use Planning Review. The objective of the NEP is to encourage agricultural uses in agricultural areas, especially in prime agricultural areas, to permit uses that are compatible with farming and to encourage accessory uses that directly support continued agricultural uses. Prime agricultural areas shall be protected for long-term agricultural use.

The objectives of the NEP are:

- To protect unique ecologic and historic areas;
- To maintain and enhance the quality and character of natural streams and water supplies;
- To provide adequate opportunities for outdoor recreation;
- To maintain and enhance the open landscape character of the Niagara Escarpment in so far as possible, by such means as compatible farming or forestry and by preserving the natural scenery;
- To ensure that new development is compatible with the purpose of this Act;
- To provide for adequate public access to the Niagara Escarpment; and

- To support municipalities within the Niagara Escarpment Planning Area in their exercise of the planning functions conferred upon them by the Planning Act

The NEP sets out specific policies regarding agriculture-related uses, on-farm diversified uses and wineries. These policies are summarized below in **Table 2**.

Table 2: Comparison of Accessory Agricultural Designations within the Niagara Escarpment Plan

Agricultural-related Uses	On-farm Diversified Uses	Wineries
<ul style="list-style-type: none"> • Shall be compatible with and not shall not hinder surrounding agricultural operations and other land uses • Appropriate to available rural services • Existing buildings, structures and facilities on the property, that are no longer needed to support agricultural uses, should be used where possible • All buildings shall be designed and located to be compatible with the Escarpment's open landscape character • The gross floor area of any building used for agriculture-related uses shall not exceed 3,200 square metres, unless it can be demonstrated that a larger size is compatible with the site and surrounding landscape 	<ul style="list-style-type: none"> • Located on a farm that is actively in agricultural use • Use is secondary to the principal agricultural uses of the farm • Use shall be compatible with and shall not hinder surrounding agriculture operations and other land uses • Use is appropriate to available rural services and <i>infrastructure</i> • Maintains agricultural/rural character of the area • Impact of multiple uses in prime agricultural areas is limited and does not undermine agricultural nature of the area • Impact of multiple uses in prime agricultural areas is limited • Use is limited to up to 2% of a farm lot to a max. of 10,000 square metres • GFA is limited to 20% of the maximum area allowed for on-farm diversified use as set out above • Existing buildings to be used where possible • All buildings, structures and facilities including parking areas associated with the use shall be designed and located to have minimal impact on agricultural uses • The land supporting the use shall not be severed from the farm lot exclusively for the on-farm diversified use 	<ul style="list-style-type: none"> • May be agriculture-related use or on-farm diversified use • A single, accessory facility to sell wine with limited food service may be permitted at a winery, provided the following criteria are met: <ul style="list-style-type: none"> ○ Accessory facility is located within the winery building and/or decks/patios attached to the winery building or utilizes an existing building or structure ○ No new or expansions to parking facilities or vehicle access infrastructure will be permitted unless justified to the satisfaction of the implementing authority • Uses that may be permitted as accessory to winery include: <ul style="list-style-type: none"> ○ Retail sales and tasting area within the winery building ○ The sale of gift and promotional products within the retail sales and tasting area related to the wine and grape industry, or other local agricultural products

Legislative Authority within Land Use Planning

The NEP derives its authority from the Niagara Escarpment Planning and Development Act. The purpose of the Act is to provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment, and to ensure only such development occurs as is compatible with that natural environment. The NEC is established as an advisory committee and the approval authority for the Development Permit applications where staff approval is not delegated. The NEC members are appointed by the Minister, consisting of stakeholders of the NEP Area. The NEC advises and makes recommendations to the Minister in respect of the amendment and implementation of the NEP.

The purpose of the Act is to provide for the maintenance of the natural heritage system of the Niagara Escarpment as a continuous natural environment, and to ensure only such development occurs as is compatible with that natural environment. It should also be noted that the NEP's main goal is to protect the escarpment. Agriculture is a compatible use within the escarpment's environment.

The Act permits the NEP to contain policies for the economic, social and physical development of the NEP Area with respect to the management of land and land uses. It may also include policies to co-ordinate planning and development among municipalities within the NEP area and policies designed to ensure compatibility of development. Development is defined under the Act as "a change in the use of any land, building or structure".

There is a clear difference between regulating land use and development under the Act versus regulating how the use of land is specifically operated once developed. The policies enabled by the Act draw a distinction between government oversight and control over private operations. Imposing conditions on how a business operates through conditions (e.g. what it can include on its restaurant menu) is not, in our opinion, within the purview of the Act and is not within the defined purpose. By extending policy implementation beyond development and into business operations, an inequity between business interests and economic opportunity, based on geographic location is created.

Rationale from the Provincial Perspective

A major principle of the Ontario government's approach to land use regulation has always been equity among businesses, subject to a broader regulatory framework – taxation, assessment, operational requirements, corporate reporting. Within the regulatory framework the principles of equity, certainty and competitiveness are to be upheld:

- **Equity** – businesses should be subject to the same government regulation and tax regimes so they can compete equally;
- **Certainty** – enables investment in people, property and machinery, and relates directly to the land use planning system; and,
- **Competitiveness** – ensure Ontario regulatory framework maintains competitiveness with other Canadian and foreign business sectors to foster investment and contribute to job creation.

The NEP is the only provincial plan through which local decision making is removed. The Commission oversees land use regulations that are otherwise dealt with by local municipalities. Other provincial plans that address landform features and protection, the Greenbelt Plan and the Oak Ridges Moraine Conservation Plan, require local municipalities to conform to their policies through local implementation.

Local implementation allows for consideration of the local context and local objectives of municipalities. It also provides for equity within the process.

Ninety-six wineries are located in Niagara Region. Sixty seven are subject to local municipal zoning and business regulations. Twenty-nine are located within the NEP area (**Figure 1**) and subject to significantly different, and more restrictive, land use controls and operational requirements. It should be a priority of the government to foster economic development of agricultural resources in Ontario in the most equitable manner. This could be done by amending the Act to ensure the wine and other like industries can compete on a global basis by investing in agricultural and related uses. The confusing mix of provincial and local regulations should be simplified to ensure the wine industry can invest with certainty and compete on an equitable basis.

Evolution of Niagara Escarpment Plan Agriculture and Wineries Policies

Niagara Escarpment Plan, 1985

When first introduced in 1985, the Niagara Escarpment Plan contained two policies related to agriculture, one which dealt with lot creation and the second which dealt with second dwellings for farm help. The objective of the Plan at the time was “to protect land with high agricultural capability”.

Niagara Escarpment Plan, 1994

For the first time, the Niagara Escarpment Plan, 1994 introduced an agricultural policy subset related to “small-scale commercial uses accessory to agriculture”. Small-scale commercial accessory uses were permitted provided they were subordinate, incidental and exclusively devoted to the principal agricultural uses carried out on the farm property by the owner. No size restrictions were introduced at this time.

Further, the NEP, 1994 contained policies related to retail sales and limited the sale of produce grown on the property or produced on the property from the produce grown on the property. Incidental uses associated with the accessory uses were permitted provided that it did not result in an intensification of the use.

Niagara Escarpment Plan, 2005

Beginning with the update of the Niagara Escarpment Plan in 2005, and up until 2014, several policies specific to wineries, winery incidental uses, visual landscape development at wineries and winery events were introduced into the Plan. All previous policy sections were also retained. Wineries were identified as a permitted use separate from other accessory small-scale commercial uses, provided the winery farm parcel upon which the winery was proposed was a minimum of 4 hectares.

Policies related to wineries in the NEP, 2005 are the most expansive to-date. A maximum size for wineries of 1.5% of the farm parcel (up to 2,323 square metres) was established along with maximum size for retail and tasting areas of 25% of the total size of the winery above ground. Additionally, the maximum size for sale of gift, promotional and non-local produce was limited to 20% of the retail sales and tasting areas.

Policies related to winery incidental facilities limited restaurant operations—limited food service that does not exceed light meals—to a maximum of 50 patrons and counts towards the maximum permitted size of the winery and retail sales and tasting areas, including outdoor seating. Additionally, policies related to winery events were introduced to ensure that event use does not result in the loss of agricultural land and create land use conflicts.

A policy comparison chart of Niagara Escarpment Plan policies is attached in **Table 3**.

Evolution of Winery Policies and the Coordinated Land Use Planning Review

When changes were introduced to the PPS, 2014, to allow for more permitted uses on prime agricultural land, these new policies were integrated into the Greenbelt Plan, Oak Ridges Moraine Conservation Plan, and the Niagara Escarpment Plan as a result of the Co-ordinated Land Use Planning Review.

Submissions received by the NEC from the Wine Council of Ontario (WCO) recommending greater flexibility for winemakers operating in the NEP area, including more flexibility in size for winery buildings, and a greater range of permitted uses to enhance tourism-related opportunities in the NEP area. The NEC responded to these comments by increasing the gross floor area of any one building for an agriculture-related use, with the potential for multiple buildings dedicated to such uses. In addition, policies requiring a minimum vineyard lot size were removed from the NEP.

While several policies related to wineries in the NEP were removed, the remaining policies continue to limit wineries. To align with the PPS, 2014, the NEP, 2017 introduced policies related to agriculture-related uses and on-farm diversified uses. However, unlike the PPS, 2014 and other provincial plans, wineries are subject to additional regulations. Specifically, restaurants on wineries continue to be constrained to a single facility with "limited food service".

For agriculture-related uses, the gross floor area of any building shall not exceed 3,200 square metres. On-farm diversified uses may occupy two percent of the farm lot, to a maximum of 10,000 square metres; the gross floor area of buildings may not exceed 20 percent of this area. It is unclear how different wineries may fit the criteria of agriculture-related uses or on-farm diversified uses. Additionally, area calculations in the NEP, 2017 continue to be more restrictive than those contained in the Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas. In the Guidelines, existing buildings or structures, built prior to April 30, 2014, occupied by on-farm diversified uses are discounted (50%). No such discounting applies to existing buildings under the NEP, 2017, which further restricts wineries.

The policies contained in the NEP, 2017 are not fully aligned with the PPS, 2014 and continue to hold wineries to a different standard. Even when incorporating policies related to agriculture-related uses and on-farm diversified uses, the NEP 2017 does not provide adequate guidance on how wineries fit into either of the definitions.

We understand the Province has requested the NEC to further review its Development Control process to reduce red tape and delay. If consideration is given to urban and recreational areas being removed from this process, perhaps the removal of wineries should also be considered.

Table 3: Evolution of Niagara Escarpment Plan agricultural policies

	Agricultural Uses	Small scale commercial uses accessory to agriculture	Small scale commercial and industrial dev. Servicing agriculture	Wineries and cideries	Winery incidental facilities	Winery events	On-farm diversified uses	Agriculture-related uses
1985 NEP	Permitted No size restrictions	n/a	n/a	n/a	n/a	n/a	n/a	n/a
1994 NEP	Permitted No size restrictions	Permitted No size restrictions	n/a	n/a	n/a	n/a	n/a	n/a
2005 NEP	Permitted No size restrictions	Limited to 465 m ²	Limited to 465 m ²	Limited to a total of 2,323 m ² (above grade) Minimum 4 ha parcel size	Single facility to sell wine with limited food service (light meals) Limited to 50 people Limited to 25% of the above-grade floor area Can only operate when the winery is open for public tours or events	Indoor and outdoor events, subject to the approval of an application	n/a	n/a
2017 NEP	Permitted No size restrictions	n/a	n/a	Any building limited to 3,200 m ² No minimum parcel size	Retail sales and tasting area within the winery building The sale of gift and promotional products within the retail sales and tasting area, related to wine and grape industry, or other local agricultural products	Policies addressing winery events were removed	Limited to 2% of a lot area, to a maximum of 10,000 m ² Buildings limited to 20% of the 2%	Any one building limited to 3,200 m ²

3. INTERJURISDICTIONAL POLICY REVIEW

A comparative review of agricultural policies related to wineries from selected jurisdictions was undertaken to understand how they compare to policies contained within the NEP. The selected jurisdictions are: Prince Edward County, Ontario; Napa Valley, California; and Okanagan Valley, British Columbia.

The policies examined are examples of jurisdictions that have successfully coupled protection of agriculture areas while also supporting the economic vitality of the agri-food sector including wine production. While it is important to remain aware of the unique political contexts and scales at which these policies are implemented, they provide a useful overview of alternative policy approaches. A comparison of policies is displayed in **Table 4**.

Prince Edward County, Ontario

Prince Edward County is a rural, island-like municipality in eastern Ontario, approximately 200 kilometres east of Toronto. With over 40 wineries, Prince Edward County is an emerging wine producing region within Ontario. In addition to the PPS, wineries in Prince Edward County are regulated by the County's Official Plan and Zoning By-law. Prince Edward County's Official Plan permits farm and estate wineries in Rural and Prime Agricultural designated areas. The following are definitions of wineries within the Official Plan:

Farm Winery (Agricultural Use) means a building or structure or part thereof, associated with agricultural use(s) on the same farm lot, where wines are produced and may include storage, display, processing, wine tasting, a tied-house licensed by the Alcohol and Gaming Commission of Ontario, and retail, administrative facilities and outdoor patio area, but shall not include a restaurant, banquet facility, or on-site commercial kitchen. Wine tasting and the offering or sale of locally-grown product samples is considered part of the farm winery activity.

Estate Winery (Agricultural-Related Use) means a building or structure or part thereof, where wines are produced and may include storage, display, processing, wine tasting, storage, hospitality room, administrative facilities, outdoor patio area, an onsite restaurant, dining facility, commercial kitchen, banquet hall, retail facility or other commonly commercially-zoned amenity.

Legally existing and operating wineries as of June 17, 2009, continue to be permitted under the same conditions of approval granted by the County of Prince Edward, and winery license(s) issued by the Province of Ontario, as of June 17, 2009. If these existing wineries wish to expand the scope and/or scale of their operations to include uses which require additional municipal planning approvals or Provincial licenses, they will become subject to the County policy and by-law requirements in effect at that time.

Official Plan policies related to wineries are as follows:

Farm Winery Regulations:

- Farm wineries are permitted as part of the farm operation
- A minimum 2 hectares (5 acres) must be planted with a minimum of 4,000 vines on-site.
- Minimum lot sizes referred to in this section of the Plan apply to existing lots and not to the creation of a new lot
- The fruit used in the annual production of wine at a Farm Winery shall consist predominately of fruit grown in the County of Prince Edward by that Farm Winery Operation. This may be reduced in any on year due to crop failure or damage resulting from causes beyond the control of the winery, such as climate and precipitation abnormalities, with the balance being from Ontario fruit.
- The retail sale of wine produced on-site shall be permitted. Provided that it does not conflict with any minimum floor area requirement for licensing approval, on-site tasting room and retail floor

space shall not exceed the lesser of 75 square metres or 25 percent of the total winery floor area (excluding any below ground floor area). The on-site retail floor space for non-agricultural and/or non-Prince Edward County agricultural products, shall not exceed 5% of the total retail floor space.

Estate Winery Regulations:

- A minimum 8 hectares (20 acres) must be planted with a minimum of 16,000 vines on-site.
- Minimum lot sizes referred to in this section of the Plan apply to existing lots and not to the creation of a new lot.
- All Estate Wineries shall be subject to a site-specific zoning by-law amendment.
- The retail sale of wine and wine related products, and a hospitality room where food and wine is prepared and served, will be permitted when such uses are accessory to and complement the Estate Winery.
- The maximum total floor area for retail and hospitality uses shall be 400 square metres so as not to detract from the main use of the land and not adversely affect other uses permitted in the area.
 - f) Estate Wineries shall be required to locate with direct access and frontage onto an improved public roadway maintained year round with sufficient capacity to accommodate the anticipated traffic.
 - g) Estate Wineries shall be subject to Site Plan and Site Plan Agreement Approval by the municipality. The following matters must be addressed to the satisfaction of the municipality.

Land use policies for wineries in Prince Edward County are implemented by Comprehensive Zoning By-law 1816-2006. Under the Zoning By-law, a range of uses are permitted on wineries. In addition to wine production, designated uses on Estate Wineries may include storage, display, processing, wine tasting, storage, hospitality room, administrative facilities, outdoor patio area, an on-site restaurant, dining facility, commercial kitchen, banquet hall, retail facility or other commonly commercially-zoned amenity. Apart from the PPS, 2014 and the County's Official Plan, zoning is the primary tool regulating land use on wineries.

Napa Valley, California

Napa County is located north of the Bay Area in California, and contains Napa Valley, one of the California's premier wine-producing regions. Vineyards make up 9% of Napa County's land base, totally approximately 45,000 acres. Regional land use patterns in Napa County include dense urban centres along highway corridors to open space, natural resources, and agricultural activities with vineyard development as one of the most visually prominent activity. In California, there are strong economic incentives to clear undeveloped land for new vineyards and few regulations to protect native plant and animal communities. There is no state agency that oversees or regulates vineyards or other agricultural land conversion in California.⁴

California Government Code Section 65300 et seq. establishes the obligation of cities and counties to adopt and implement general plans. The general plan—comparable to an official plan—is a comprehensive, long-term, and general document that describes plans for the physical development of a city/county and of any land outside its boundaries that, in the city's/county's judgement, impacts its planning. The Farmland Mapping and Monitoring Program (FMMP) of the California Resources Agency designates portions of the state landscape as "prime farmland", "unique farmland", "farmland of statewide

⁴ University of California, Berkeley. Retrieved from: <https://clas.berkeley.edu/research/chile-and-california-wine-land>.

importance", or "other land." The significant portions of wine producing areas are designated as prime farmland.⁵

The Napa County General Plan "protects agriculture and agricultural watershed and open space lands by maintaining 40- and 160-acre minimum parcel sizes, limiting uses allowed in agricultural areas, and designated agriculture as a primary land use." In 1990, Napa County adopted a Winery Definition Ordinance ("WDO") which imposed a minimum parcel size of 10 acres for a winery (except for wineries that pre-dated the WDO, which have a one-acre minimum). This ordinance also requires that wines produced in Napa County use at least 75% Napa grown grapes, allows the County to set production limits and limits marketing activities. Legally existing wineries prior to the introduction of the WDO are exempt from these regulations.

Title 18 of the Napa County Code contains three agricultural zoning designations: Agricultural Watershed (AW), Agricultural Preserve (AP), and the Agricultural Commination (:A) district. The majority of the Napa Valley is zoned Agricultural Preserve (AP)⁶. The Agricultural Preserve is a protective land use zone first introduced in 1968 to preserve agricultural land in perpetuity. Covering 37,100 acres of land, the Agricultural Preserve bears several similarities to the Niagara Escarpment Plan area. The Agricultural Preserve does not limit gross floor area of buildings or specific commercial uses occurring on wineries. The Agricultural Preserve is considered one of the most successful agricultural preservation areas in the world, and it has achieved this recognition while supporting, not hindering, key contributors of the region's agri-food sector.

Okanagan Valley, British Columbia

The Provincial Agricultural Land Commission (ALC) is an independent administrative tribunal dedicated to preserving land and encouraging farming in British Columbia. The ALC is responsible for regulating provincially-significant agricultural lands and has specific permitted uses and exceptions for most agricultural sectors. Specifically, wineries and ancillary uses are designated as farm uses under the Agriculture Land Commission Act.

Within the Agriculture Land Reserve, a variety of winery-related uses are permitted, including agri-tourism⁷. An alcohol production facility, and ancillary uses are permitted as a designated farm use if at least 50% of the primary farm product used to make the alcohol product produced each year is grown on the farm on which the alcohol production facility is located. The farm on which the alcohol production facility is located on is also required to be more than two hectares in area and at least 50% of the primary farm product used to make the alcohol produced each year is required to be grown on the farm, or both on the farm and on another farm located in British Columbia that provides that primary farm product to the alcohol production facility under a contract having a term of at least three years.

Under the Agriculture Land Commission Act, a variety of non-farm uses are permitted, including accommodation for agri-tourism on a farm. A maximum of 10 sleeping units is permitted on a short term and seasonal basis. The total area used for agri-tourism accommodation must not be greater than five percent of the total area of the parcel on which the accommodation is located.

⁵ Napa County Important Farm Land. Retrieved from: <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2016/nap16.pdf>.

⁶ Napa County Zoning Map. Retrieved from: <https://www.countyofnapa.org/DocumentCenter/View/8436/Napa-County-Zoning-Map?bidId=>.

⁷ ALC Act. Retrieved from: http://www.bclaws.ca/civix/document/id/complete/statreg/171_2002.

While different in their legislative context, the following chart shows the comparative policies respecting the land use controls related to wineries.

Table 4: Comparison of winery-related policies from wine producing regions

	Prince Edward County	Napa County	Okanagan Valley	Niagara Region (within the NEP)
Governing documents	PPS, 2014 PEC Official Plan PEC Zoning By-law	Napa County Code and General Plan Napa Agricultural Preserve Winery Definition Ordinance	 Agricultural Land Commission Act	PPS, 2014 Growth Plan, 2017 Niagara Escarpment Plan
Minimum parcel size	8 hectares (Estate) 2 hectares (Farm)	4 hectares	2 hectares	2 hectares ⁸
Required use of local agricultural product	n/a	75% local grapes	75% local grapes	Agriculture-related and on-farm diversified winery must use local grapes (NEP)
Maximum GFA for retail and tastings	Lesser of 75m ² or 25 % of the total winery floor area (Farm) 400 m ² (Estate)	No regulations	5% of total parcel area	0.004% of total parcel area (NEP)
Food service facilities	No regulations	No regulations	No regulations	Limited food service facilities only (NEP)
Development of new buildings	No regulations	No regulations	No regulations	Existing buildings should be used where possible (NEP)

⁸ Alcohol and Gaming Commission of Ontario requirement. OMAFRA, 2016. Retrieved from: <http://www.omafra.gov.on.ca/english/busdev/facts/startingawinery.pdf>

4. COMPARISON OF WINERIES WITHIN NIAGARA REGION IN AND OUT OF THE NEP AREA

To demonstrate the impacts of the policies set forth in the current NEP on the same land use, a comparative review of land use policies applied to wineries within and outside of the NEP area was conducted. Here, the land use regulations that apply to two wineries located in the Town of Lincoln are examined. In this particular case, the two wineries are located across the street from one another, separated by less than 100 metres. Both properties are similar in size and contain similar soil types and major hydrogeological features.

Winery 1 – Redstone Winery, 4245 King Street, Beamsville ON – outside the Niagara Escarpment Plan (within the Greenbelt).

Winery 2 – Malivoire Wine Company, 4260 King Street, Beamsville ON – within the Niagara Escarpment Plan (Escarpment Protection Area).

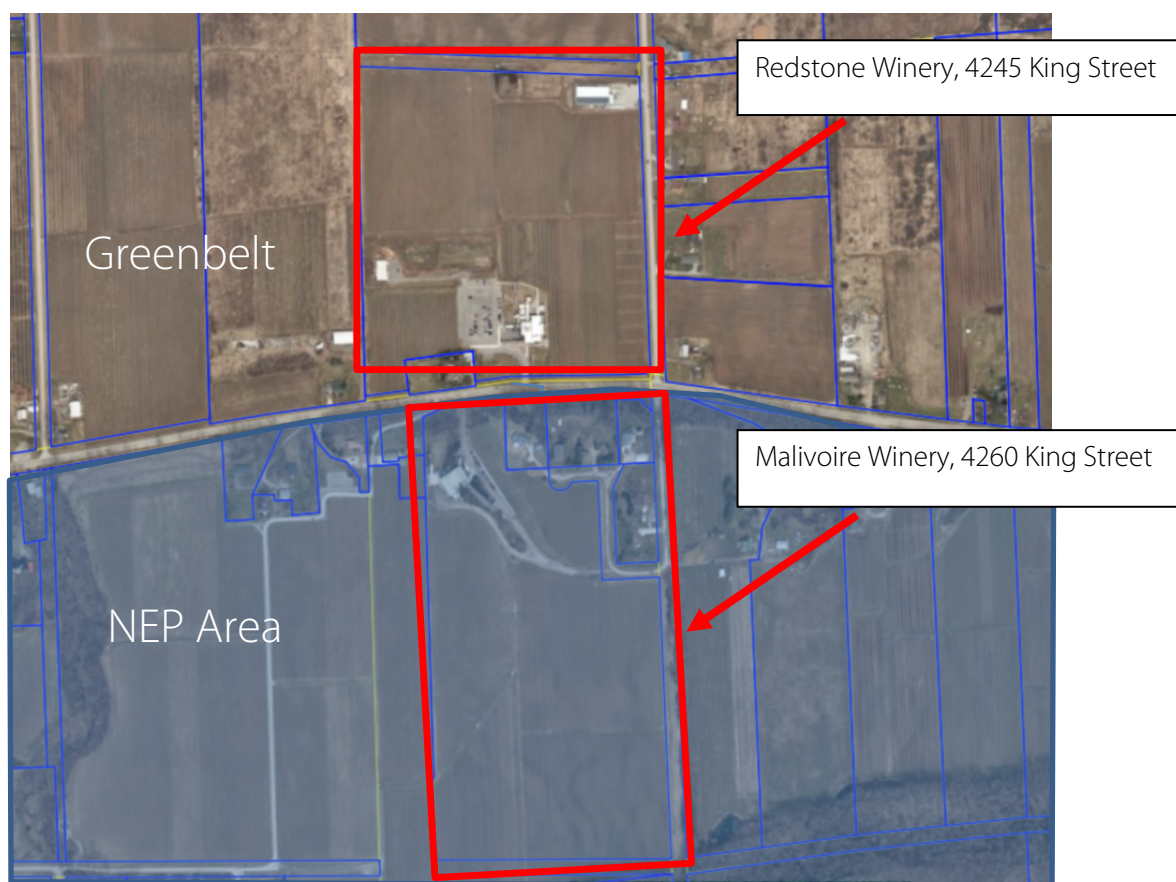


Figure 2: Aerial map of Malivoire and Redstone wineries, Town of Lincoln

A comparison of land use regulations that apply to the aforementioned wineries is displayed in **Table 5**.

Table 5: Comparison of Estate Winery Zoning Provisions, Town of Lincoln

	Winery 1 (outside NEP)	Winery 2 (within NEP)
Lot area	147,590 m ²	153,415 m ²
Maximum Gross Floor Building Area	1,498 m ²	645 m ² (assuming winery is defined as an on-farm diversified use)
Maximum Floor Area for retail and hospitality uses	413 m ²	129 m ² (based on 20% of total floor area)
Permitted uses	<ul style="list-style-type: none"> • Agriculture • Agricultural conservation use • Agriculture produce processing accessory to an agricultural use • Agricultural produce stand accessory to an agricultural use • Agricultural produce warehouse and/or shipping accessory to a greenhouse • Agricultural research accessory to an agricultural use • Conservation use, save and except any buildings • Equestrian facility • Farm winery accessory to an agricultural use • Estate winery • Accessory amphitheater • Greenhouse • Hobby farm • Kennel accessory to an agricultural use or residential use • Large animal veterinary clinic • Private grain storage and drying facility accessory to an agricultural use 	<ul style="list-style-type: none"> • Agricultural uses. • Agriculture-related uses and on-farm diversified uses, in prime agricultural areas. • Existing uses. • Single dwellings. • Mobile or portable dwelling unit(s) accessory to agriculture. • Forest, wildlife and fisheries management. • Licensed archaeological fieldwork. • Infrastructure. • Accessory uses (e.g., a garage, swimming pool, tennis court, ponds or signs). • Home occupations and home industries. • Recycling depots for paper, glass and cans etc., serving the local community. • Bed and breakfast. • Nature preserves owned and managed by an approved conservation organization.

	<ul style="list-style-type: none">• Single detached dwelling• Bed and breakfast establishment• Farm help house• Group home• Home occupation• Private home daycare	
--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

The above policy comparison demonstrates the inequities and discrepancies placed on landowners within and outside of the NEP area. In particular, the maximum gross floor area and maximum gross floor area for retail is significantly limited within the Niagara Escarpment Plan area, despite both properties being roughly equal in size. This case demonstrates the impact of overregulation stemming from blanket policies applied to diverse geographic areas. Without having regard for local conditions and providing flexibility to align policies with local municipalities, the policies related to wineries in the NEP can create unintended consequences. Having local municipalities regulate building size and retail uses on wineries contributes to sound planning outcomes that protects agricultural uses while also allowing the reasonable development of economic opportunities on wineries through value-added activities.

5. ASSESSMENT OF NEC DEVELOPMENT CONDITIONS

A review of development permits issued by the NEC was also undertaken to better understand site-specific regulations applied to wineries within the NEP Area. Upon review of development permits for wineries within Niagara Region, it is apparent that while certain winery-specific policies have been removed from the NEP, the policies are still being applied as conditions of development approval on wineries, and, as a result, place undue restrictions on the operation of these facilities.

The conditions of development involve a range of limitations in respect to the normal operation of wineries that in our opinion is outside the scope and mandate of the NEP. These conditions include limiting the licenses permitted by other organizations. For example, one condition of development states that no license issued by the Alcohol and Gaming Commission of Ontario shall permit the use of any outdoor premises of the subject property for any hospitality functions with the exception of winery related outdoor barbecue and picnic events. Policies related to winery events were removed from the NEP during the Co-Ordinated Land Use Plan Review, yet are still being applied to the operations upon wineries.

Other conditions impose limitations on wineries to only allow limited complimentary food services, and prohibit a restaurant as a permitted use. Again, policies related to food services on wineries were removed in the NEP yet continue to be applied through permit conditions. In this case, the conditions of development approval imposed by the NEC reach beyond the policies laid out in the Plan, and unnecessarily limit the economic opportunities and growth potential of wineries. This example demonstrates the need for local municipalities to be granted the authority to regulate specific uses and operations on wineries. Transferring this authority to local municipalities allows for sound planning outcomes that are more localized and responsive to the geographic diversity throughout the NEP Area where wineries operate.

6. SUMMARY OF KEY FINDINGS

The key findings from our review and analysis are as follows:

- Agricultural-related uses, on-farm diversified uses and wineries are governed by a complex planning policy framework in Ontario. In Niagara Region such uses, depending on their geographic location, may also subject the Niagara Escarpment Plan. While certain policies related to agricultural-related uses, on-farm diversified uses and wineries have evolved over time, and have become slightly less restrictive, there still exist land use controls which are more restrictive than the Province's Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas. Additionally, there is a misalignment and inconsistency in how wineries are defined within agricultural-related uses and on-farm diversified uses, as defined by the Provincial Policy Statement (PPS).

- Inconsistencies place landowners in the NEP area at a disadvantage, with smaller maximum building sizes permitted, as well as additional restrictions on building and site uses (e.g. limits on retail sales, limits on restaurant sizes) implemented through permits.
- Unlike other provincial policy documents, the NEP does not provide definitions to classify wineries as either agricultural-related uses or on-farm diversified uses. Further, wineries exist within a different policy framework that places additional land use restrictions on them that are not applied to other agricultural uses.
- A review of land use regulations in selected wine producing regions across North America illustrates the ability to maintain and protect agricultural areas without the placement of overly restrictive regulations that limit winery operations and growth of the agri-food sector. Even within jurisdictions that contain environmental preservation areas, land use policies for wineries within these areas are clearly defined and more adaptable to the physical and economic context.
- Comparing land use policies applied to wineries within the NEP area to those located outside the NEP area within Niagara Region itself, demonstrates the impacts of over regulation and the inequity of the NEP policies. The comparison demonstrates the inequities between policies, given that soil classification, landscape, drainage and other physical and contextual factors are identical on both sites.
- A review of the additional permitting conditions for wineries identifies the unreasonable and unjustified application of conditions that restrict how an operation is undertaken. Such conditions are, in our opinion, not reasonable and extend beyond land use policy authority and implementation.

7. RECOMMENDATIONS

In updating its Official Plan through the Municipal Comprehensive Review process, the Region of Niagara has reviewed its agricultural policies which address agricultural-related uses, on-farm diversification, and wineries. It is through this process that it has identified that the NEP policies are not aligned with other provincial policies that the Region is required to implement creating inconsistencies and an uneven application of regulation among wineries. We concur with this assessment and based on our research, analysis and findings, believe there is a need to revise the NEP to ensure agricultural-related uses, on-farm diversification, and wineries are treated equitably within the policy framework for the Region. The land use policy and implementation framework should not impede operations and opportunities for the wine industry with over regulation or inequitable barriers.

The following are recommendations for consideration by the Region to provide to the Province:

- The NEP should at a minimum harmonize its definitions of agricultural-related uses and on-farm diversified uses with the PPS, 2014. Many definitions in the NEP now reference the 2014 PPS, however, several definitions that are common across other provincial plans such as the Growth Plan and Greenbelt Plan remain out of alignment. Further, the NEP does not define terms important to land-use planning or the achievement of objectives and goals in the Growth Plan and Greenbelt Plan.
- All winery specific policies in the Niagara Escarpment Plan should be removed. Given that wineries may be considered either agricultural-related uses or on-farm diversified uses, having separate winery policies is not necessary. Placing wineries under a different policy framework does not align with the PPS and other provincial land-use planning documents which recognize wineries as an equal use to all other agriculture-related on-farm diversified uses.
- Policies regulating that size, scale and operation of accessory retail and restaurant uses on wineries should be removed. Area calculations for accessory uses on wineries should be aligned with the

Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas, which discounts buildings existing prior to April 30, 2014 by 50%. These commercial uses are important value-added amenities that contribute to thriving agri-food and agri-tourism sectors. Furthermore, removing these limitations improves implementation as wineries within Niagara Region will not be held to two different standards depending on their location.

- Remove limitations on the size of all accessory uses on wineries from the NEP. Ultimately, the size and placement of buildings, additional buildings and activities should be at the discretion of the local municipality; and,
- Limit conditions on NEC permits to those which address land use and not operational matters outside the scope the NEC's jurisdiction.

Subject: Brock University LINC

Report to: Planning and Economic Development Committee

Report date: Wednesday, February 12, 2020

Recommendations

1. That this report **BE RECEIVED** by the Planning and Economic Development Committee (PEDC) for information; and
2. That Council **APPROVE IN PRINCIPLE** the Brock University LINC (Learning, Innovation, Networking, and Collaborations) funding request subject to 2023 Levy Budget deliberations and in accordance with the terms described in this report.

Key Facts

- The purpose of this report is to seek Council's consideration to provide \$1.5 million to Brock University to fund the makerspace within the new Brock LINC.
- Niagara Region has an opportunity to support a core feature of the Brock LINC that will drive economic growth and generate benefits in Niagara for years to come. The LINC will create and grow start-ups and businesses that will eventually spin-off into the community creating jobs and driving economic growth and diversification in the region.
- The LINC will be a collaborative hub that offers a full range of support, including access to physical space, state-of the-art technologies, business development services, and importantly linkages to Brock's research faculty and resources, to help innovative entrepreneurial individuals grow and transform ideas into successful start-ups, businesses, and new products and services that will grow and diversify the Niagara economy.
- The Makerspace will be a core feature of the Brock LINC that will be an important pillar for entrepreneurship and innovation. It will be a collaborative space that is designed to bring together people from across the community including local business owners, entrepreneurs, community members as well as Brock faculty, researchers, and students.
- In total, the Rankin Family Pavilion will add 41,000 additional square feet of space dedicated to research, innovation and commercialization, and entrepreneurship through programming offered by the LINC.

Financial Considerations – Brock University

Project costs for the Rankin Family Pavilion, which includes construction, furniture, equipment, and technology total \$19,723,866.02.

Brock has received the following funding for this project:

Source	Amount
Donations	\$2,000,000
Federal Government	\$8,470,000

While Brock has received generous support from the federal government and donors for the Brock LINC, the project still needs financial support to complete the construction of this legacy project and make it a reality.

Financial Considerations – Niagara Region

Brock is requesting a \$1.5 million contribution from Niagara Region to support the Brock LINC. Funding from the Region will be directed to costs associated with the construction and completion of the makerspace, a core feature of the Brock LINC that will support business and economic development. Funding will ensure that the full vision of the LINC is realized for the benefit of Niagara for years to come.

Due to budget pressures in the 2020 budget, the request from Brock University was deferred to 2023. Niagara Region currently has a funding agreement of \$1.4 million with Niagara College for five years to support the Agri-Food Research and Training Facility. The final payment will be made in 2022. Subject to budget approval, the funds would then be re-allocated to support the Brock University's LINC, starting in 2023.

Analysis

General Description

Brock's newest facility, the Rankin Family Pavilion will house the Brock LINC (Learning, Innovation, Networking and Collaboration). This facility will add 41,000 additional square feet to the main campus dedicated to research, innovation and commercialization, and entrepreneurship.

Objectives

The LINC has been designed to leverage Brock's research strengths to advance the prosperity and growth of the Niagara community. The objectives of the LINC are:

- Support research across different disciplines and sectors as well as innovative projects that bring together faculty, students, partners, and businesses to develop new solutions to complex real-world problems. An early venture from Brock that reflects this type of initiative was the establishment of the Cool Climate Oenology and Viticulture Institute (CCOVI), which brought together expertise from different fields including biological sciences, chemistry and business to examine all aspects of the wine industry and solve industry challenges.
- Extend the University's capacity to support commercialization and the application of new technologies.
- Incubate start-ups and accelerate small and medium enterprises (SMEs).
- Develop skilled workers with the research, entrepreneurial, intrapreneurial, and practical skills demanded for economic growth in Niagara.

These objectives will be achieved through services and offerings of the LINC. Some key features include:

Makerspace

The makerspace will be a flexible space with reconfigurable physical furniture that supports business and community-based applied research and development. This lab will include idea boards, multi-touch interactive screens and will also include state-of-the-art technologies, such as 3D printers with technical support and a range of turnkey support services provided by professionals and students. For example, designers will be able to 3D print prototypes of products, allowing them to test model and concept designs.

The Makerspace will be a place where innovative individuals and/or companies can begin in the early stages of product development, test ideas, design prototypes, and explore technology. Designed to be a hotbed of innovation, it is where individuals and groups will be able to explore ideas and develop them into prototypes and potential products. It is expected that they will then transform these ideas into either new businesses or offerings from existing businesses in the Niagara community. The Makerspace will be a foundation for idea exploration within the LINC.

The Augmented Reality, Virtual Reality and Sensory Reality Consumer Lab (R3CL)

Many of Brock's departments and research hubs have existing relationships with local industry. For example, the Cool Climate Oenology and Viticulture Institute (CCOVI) works with local grape growers and wineries to provide research, support, and educational programs that support the local industry. CCOVI's existing impact to the region is significant, generating \$58 million annually in local economic impact and \$91 million to the Ontario economy.

While significant, CCOVI's capabilities have been limited due to space restraints and outdated technology. This first of its kind lab will provide CCOVI, and others, with over \$1 million in new state-of-the-art technologies that will drive their impact even further. Using advanced AR/VR technology, Brock will make research and technology accessible to regional companies seeking to develop and launch products. The lab will be flexible enough to support a range of product and service testing – from digital to winetasting – using a range of approaches from research and observation to digital tracking.

Ready/Sett/Grow & Business Consulting

Embodying a play on the name for a badger's den, the Ready/Sett/Grow space provides early stage start-ups with physical space and access to resources they need to start and grow their businesses. Moreover, it will provide entrepreneurship development, executive education, and consulting services to support the economic development and success of businesses in the Niagara Region.

In sum, access to state-of-the-art technologies, physical space, and resources to test, design and explore ideas in combination with business development services will provide a full suite of support to assist individuals and entrepreneurs with starting and expanding businesses that will grow and create jobs in the broader community.

Outcomes and Benefits to the Community

Building off a history of success working with businesses in Niagara, Brock through the LINC will further enhance economic development in the region providing start-ups, for-profit, small and medium sized companies with space, technology, and partnership opportunities to expand and grow their businesses in a range of sectors including, but not exclusively, agriculture, food and beverage products, health services, and digital technologies. It will provide physical space in combination with access to Brock's researchers and resources to facilitate the development and commercialization of new products and processes for new and existing Niagara companies enabling them to scale and grow. Furthermore, when applying for federal funding, the LINC received previous letters of support from Niagara Region, The City of St. Catharines, The City of Thorold, The Town of Lincoln, and from the local Chambers of Commerce as a means to support regional economic growth and development.

Specific outcomes of the Brock LINC include:

Further leverage Brock's research capabilities and resources for the benefit of community economic development and vitality.

Brock researchers' already partner with industry to bring innovations to market, contributing to the economic growth of the local region. For example, in 2018, Brock researchers engaged with nearly 50 external companies. Since 2012, approximately 100 of Brock faculty members have engaged with external partners and the University has seen over 125 new commercialization partnerships, two-thirds of which are with companies, SMEs, or community partners located in Niagara, Hamilton or the GTA.

Through the LINC, Brock will be able to further expand on existing research partnerships as well as create new ones, with even greater potential. Providing access to new technologies and innovation space, as well as potential partnership opportunities with Brock, researchers will provide businesses with greater opportunities to commercialize new products or processes that will drive economic growth locally. The makerspace will be a core part of this process by providing a space for Brock researchers, innovative entrepreneurs, and businesses to explore ideas that could be expanded into prototypes, products, or processes.

As Niagara's economy continues to diversify and transition into a knowledge-based economy, the LINC will be an important hub for contributing to economic growth in the region. Leveraging Brock's research and resources will be increasingly important as part of supporting this transition to a diversified economy, retaining talent, and ensuring the long-term prosperity of Niagara.

Support existing businesses and incubate/scale new ones through access to space and state-of-the-art equipment.

The LINC will provide start-ups, for-profit, small and medium sized companies in Niagara with incubation space, access to innovative technologies, and partnership opportunities to expand and grow their businesses. It will provide new and existing businesses with space to facilitate the development and commercialization of new products and processes. Start-up businesses will grow out into the Niagara community generating long-term economic benefits for years to come.

The makerspace specifically will provide additional space to explore and test ideas with new state-of-the-art technologies. Brock will be re-locating its current makerspace into the LINC expanding its capacity ten-fold. The makerspace will also house a wide-range of new and innovative technologies allowing entrepreneurs and businesses to explore their uses for early stage research and development. While these technologies may exist in other parts of Niagara, the advantage of the Brock LINC makerspace is that they will all be housed in a single space for full idea exploration and testing alongside Brock

researchers and students. The makerspace will act as an on-ramp to innovation for business growth and development in Niagara.

Moreover, the R3CL will be unique in the global landscape through its offering of AR/VR equipment for the purpose of consumer testing. Established by CCOVI, this lab will be the world's first mediated-reality wine laboratory, where researchers can combine sights, smells, and sounds to help study the science of consumer choice in the wine industry. With applications applicable to many industries, others interested in consumer research and innovation will benefit from learning how a wide-range of consumer choices impact purchasing decisions.

The LINC will be supporting local industry by providing access to innovative equipment and opportunities to team students and researchers with local industry and community partners to create and/or grow their businesses. Local innovators, entrepreneurs, and companies can utilize, through partnership with Brock, the technologies and resources available in the LINC to explore and test ideas, develop new products and services, and grow their businesses. By supporting the LINC, Niagara Region will be instrumental to the foundation of a critical organization that builds existing and future companies for Niagara.

Job creation, skills development, and increased prosperity for the local region.

Through its support for start-ups and business development, the LINC will create new businesses and ultimately jobs in the Niagara community. The LINC will also support the expansion of existing businesses that explore new product and service development through LINC services. The makerspace will be critical to early stage research and development of ideas that will be the foundation for new businesses, products, and services. By creating new jobs and businesses in Niagara, the LINC will contribute to a larger, more prosperous and diversified tax base to support public services and community vitality. The LINC will also support the retention of talent and youth in the community through increased job and business development opportunities. Overall, the LINC will be a key asset to the long-term prosperity and economic growth of Niagara.

The students, entrepreneurs, researchers and companies who utilize the LINC will live, work, and start businesses in Niagara, while helping with the growth of Niagara's skilled workforce. The makerspace will also more specifically support digital skills development and training. Providing hands-on access to new and emerging technologies will allow individuals to explore their uses and potential applications developing their digital skills. These skills will be increasingly important to competitiveness in the modern digital economy.

Conclusion

The LINC will benefit Brock and Niagara Region together by supporting research, innovation, entrepreneurship and business growth that creates local jobs, drives economic development, and builds a prosperous and diverse Niagara for the future. The LINC will be a doorway to opportunities for entrepreneurs and businesses to access space, state-of-the-art technologies, and Brock's researchers and resources that will help them grow and succeed in the region.

The LINC will serve as an important bridge between Brock and the local community. Those who access the LINC will benefit from the research expertise and technology available at Brock that can help their company grow and succeed. Local industry will benefit from access to Brock's state-of-the-art technology available in the LINC's unique facilities, including the makerspace that can be used for research, testing, prototyping, and exploring ideas and technology.

By funding the makerspace, thus supporting the LINC overall, Niagara Region will be supporting those at the early stages of the innovation process who have the potential to succeed and become job creators in the community. This funding will be an investment in a legacy project for Niagara's future that will benefit the community for years to come, through economic growth, job creation, skills development, and innovation support for local businesses and industries. Niagara Region has an opportunity to contribute to building this important institution that will be at the heart of a prosperous, competitive, and modern Niagara economy.

Alternatives Reviewed

None applicable.

Relationship to Council Strategic Priorities

This recommendation will enforce one of Council's 2019-2022 Strategic Priorities, Supporting Businesses and Economic Growth.

Other Pertinent Reports

ED 10-2017 Innovation Partnerships
ED 2-2019 Economic Development Strategy
ED 9-2019 Brock University LINC

Prepared by:
Valerie Kuhns
Acting, Director
Economic Development

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

MEMORANDUM

PDS-C 1-2020

Subject: Public Realm Investment Program 2020 Launch

Date: February 12, 2020

To: Planning and Economic Development Committee

From: Vanessa Aykroyd, Landscape Architect

The purpose of this memorandum is to inform the Planning and Economic Development Committee that on January 27th, 2020, staff launched the “**2020 Public Realm Investment Program (PRIP)**.” At this time, local area municipalities are invited to submit applications for funding requests to the 2020 PRIP program.

Each year, the PRIP awards up to \$250,000 of funding to local area municipalities for public realm enhancement projects along regional roads. The 2020 PRIP builds on the program success of the past four years by delivering impactful and transformative projects across the region. Through the program, funding for 20 public realm enhancement projects has been committed in nine of Niagara’s communities. In all, close to \$1,000,000 of funding has been committed that is leveraging \$5,275,282 in capital investment.

Highlights of the 2020 Program

- Minimum funding request has been established at \$25,000;
- Maximum funding per project is limited at \$100,000;
- Matching municipal funding is still required;
- Eligible projects must have a local funding commitment and be in an advanced stage of design;
- Three new types of projects are being introduced this year:
 1. Locally endorsed temporary projects - also known as “Tactical Urbanism” (defined as low cost temporary changes to the built environment intended improve the built form/streetscape).
 2. Niagara 2021 Canada Summer Games related enhancement projects.
 3. Shade structures.
- Website launched – Visit <http://www.niagararegion.ca/culture-and-environment/public-realm-investment-program/default.aspx> to view a summary of the program and to view information on completed projects.

To guide municipalities through the preparation of submissions, a 2020 PRIP Application Package was provided to local area municipalities. The program package covers: eligibility requirements, a table of eligible capital improvements, updated evaluation criteria, and payment process. The package also includes a reference glossary of capital improvement items and streetscape treatments that can be covered through the program.

Submissions for funding through the program must include a completed application form and maintenance commitment by the municipality, and relevant detailed information such as design drawings and technical specifications of a proposed enhancement.

In order to ensure that the work meets applicable operational and technical criteria, a team of Regional staff experts in urban design, landscape architecture, transportation engineering, and operations will review and evaluate eligible projects in accordance with the evaluation criteria provided in the application and Regional policies.

Key Dates:

January 27, 2020	Call for applications
March 27, 2020	Application deadline
April 27, 2020	Funding notifications to applicants issued (subject to change based on quantity and quality of applications)
June 17, 2020	Funding Commitment update Memorandum to PEDC

Staff will report to the Planning and Economic Development Committee in the fall of 2020 with an update showcasing the PRIP projects.

Respectfully submitted and signed by

Vanessa Aykroyd, OALA, CSLA
Landscape Architect



Public Realm Investment Program 2020 Application Guide



Urban Design and Landscape Architecture
Planning and Development Services

Niagara  Region

PROGRAM PACKAGE CONTENTS

PART A	PROGRAM OVERVIEW.....3 <ul style="list-style-type: none">• Program Overview• Purpose• Funding• Eligibility
PART B	APPLICATION OVERVIEW.....7 <ul style="list-style-type: none">• Procedures• Submission Requirements
PART C	EVALUATION PROCESS.....9 <ul style="list-style-type: none">• Documentation• Criteria• Funding Limits
PART D	PROJECT IMPLEMENTATION.....13 <ul style="list-style-type: none">• Regional Coordination/Approvals• Design Collaboration• Project Construction• Project Completion
PART E	GLOSSARY OF STREETSCAPE ELEMENTS.....14
Appendix 1	Application Form
Appendix 2	Project Completion Report

PUBLIC REALM INVESTMENT PROGRAM

PROGRAM OVERVIEW

Established in 2016, the Public Realm Investment Program (PRIP) is a value-added program that allows the Region to partner with local municipalities on capital projects that provide public realm enhancements on over 250 kms of Regional Roads in urban and core areas.

Public realm enhancements attract investment and help to create vibrant and enlivened public realms that sustain businesses, improve all modes of transportation, and celebrate community. People seek out and enjoy well-designed places that are inclusive and accessible, where they enjoy personal comfort, safety, happiness and well-being. These attractive and vibrant places offer a higher quality of life to residents and visitors.

To encourage investment in great public places for people, the Region is offering this incentive program to all of our local municipalities. Investing in with local municipal partners to complete our streets with enhanced boulevards, sidewalks, and spaces in the public realm across Niagara helps our region attract new residents, promote tourism, grow the economy, beautify our communities, and is key to building strong and resilient communities in Niagara.



PART A PROGRAM OVERVIEW

“The street is the river of life of the city, the place where we come together, the pathway to the center.”

- WILLIAM H. WHYTE

222 Hennepin St, Minneapolis
Downtown Improvement District
Award Winner – Best Street Tree
Canopy, 2013

(Image courtesy www.mplsddid.com)

PUBLIC REALM INVESTMENT PROGRAM

PROGRAM PURPOSE

The purpose of the program is to encourage investment in the urban and core area public realms along Regional roads by providing matching funding to local municipal partners for upgrades to existing capital projects.

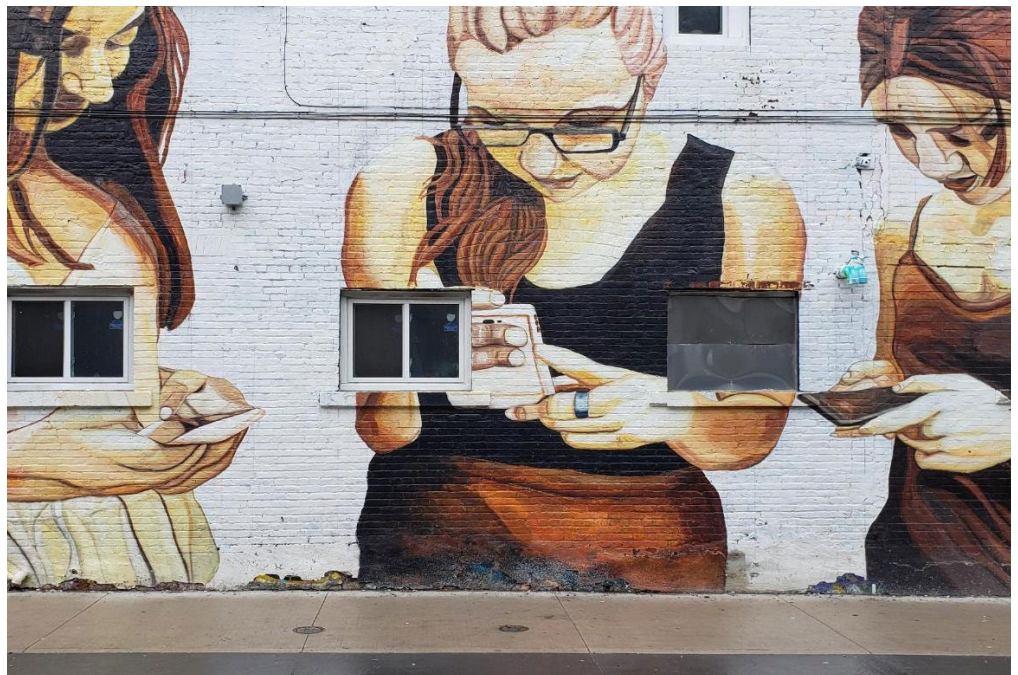
This contributes to attractive public realms that enrich and enliven Niagara's communities by:

- Creating a sense of place by integrating architectural features, public art, street furniture, enhanced paving, and generous planting design through the inclusion of enhanced elements in their projects, beyond the standard products and treatments;
- Leveraging regional and municipal capital funding to achieve design excellence and provide a funding option that promotes community pride and contributes to community identity projects;
- Responding to the unique challenges within our local municipalities with innovative and unique design solutions that will address the diverse needs and character of the Region's built environments;
- Supporting treatments and measures along Regional roads that include design for optimal tree health, sustainable storm water management strategies, and resilient and beautiful landscapes; and,
- Prioritizing universal accessibility with a focus on pedestrian comfort and safety by clearly defining sidewalks, crosswalks, bicycle lanes and roadways to effectively support walking, cycling, and alternative means of transportation.

“Cities have the capability for providing something for everybody, only because, and only when, they are created by everybody.”

- JANE JACOBS

Mural by Barcelona-based artist Jupiterfab located across from the St Catharines Performing Arts Centre, on Garden Park.



PUBLIC REALM INVESTMENT PROGRAM

PROGRAM FUNDING

The Public Realm Investment Program provides *matching* funding to *eligible* local municipal projects that are initiated and constructed by either the local municipality or Niagara Region in consultation or collaboration with the local municipality. Minimum funding requests of at least **\$25,000** will be considered. The maximum Regional funding contribution is limited to an amount of **\$100,000**.

Partnerships with local associations and community groups are encouraged, however the Region will only match the contribution made by the municipality.

Through the PRIP, municipalities may apply for funding that may be applied to a wide variety of streetscape enhancements and upgrades to project standards or typical installations, including (but not limited to):

- **HARDSCAPING:** Sidewalks, decorative boulevard treatments, street furniture (benches, bike racks, litter receptacles), decorative lighting, etc.
- **LANDSCAPING:** Native trees, planting beds, pollinator gardens, rain gardens or bioswales, roundabouts, etc.
- **COMMUNITY IDENTITY:** Gateway features, public art (sculpture, publicly accessible murals, etc), seasonal decoration, as well as basket arms and wayfinding.



“Great cities know streets are places to linger & enjoy, not just move through.”

- BRENT TODERIAN

Forest Hill Village North Gateway,
Toronto, ON

(Image courtesy PLANT Architect)

PUBLIC REALM INVESTMENT PROGRAM

ELIGIBILITY

This program is available to all of Niagara's local municipalities and the Niagara Peninsula Conservation Authority (NPCA).

- Projects must be within or directly adjacent to a Regional Road right-of-way.
- Projects must be completed by the end of the year following the award. For example, projects receiving funding in 2020 must be completed prior to the end of 2021.
- Projects relating to the Niagara 2021 Canada Summer Games must be complete prior to the start of the Games.
- Projects must have committed budgets in place.
- Maintenance agreements are required.

Applications for funding will be reviewed by Regional staff using the eligibility criteria listed as (Part C) of this package.

Municipalities are encouraged to submit projects that deliver the greatest value for their communities (i.e. social, economic, and environmental). The Region specifically encourages the submission of projects located: within downtowns, employment areas or community gateways; close to public buildings or public parks; along the Regional bicycle network, transit routes, tourist areas, the wine route, and multi-use paths.

Municipalities must provide at minimum, a matching funding amount equal to the requested Regional contribution. Municipalities are invited to apply by completing the Application Submission Form provided as (Appendix 1) of this package.



Bioswale and raingardens at
Niagara Region Headquarters
Thorold, ON

PUBLIC REALM INVESTMENT PROGRAM

APPLICATION PROCESS

Applications to the Program will be processed in the following manner:

Step 1 Submission (Deadline: March 27, 2020)

Applications are received by the Region and checked for completeness (additional information may be requested)

Step 2 Submission Evaluation Region Staff (As received - April 10, 2020)

Complete Applications are evaluated by the Region's Program Selection Team and prioritized.

Step 3 Meetings with Local Municipalities (Week of April 13, 2020)

Meetings with municipalities to formalize scope, scheduling, and funding.

Step 4 Award (April 27, 2020)

Funding awarded to prioritized projects (date is subject to complexity and quantity of applications)

Step 5 Implementation (2020/2021)

Region or local municipality constructs approved works.

Step 6 Completion (Prior to end of 2021)

Project Completion Report submitted with invoice.



PART B APPLICATION OVERVIEW

**SUBMISSION
DEADLINE:**



PUBLIC REALM INVESTMENT PROGRAM

SUBMISSION REQUIREMENTS

Project submissions must demonstrate the public benefits of the investment for the local municipality and to the Region. Submissions must include a completed application form (Appendix 1), and the following supporting information:

1. Digital photographs showing the current condition of the project site;
2. Detailed itemized costs of the work;
3. Technical drawings of the project such as plans, and details;
4. Key project milestones; and,
5. Maintenance commitment (included on application form).

Municipalities wishing to submit more than one project must make separate submissions. Project submissions will be reviewed to ensure compliance with program requirements and alignment with Regional objectives.

Submit applications to:

Program Coordinator: Vanessa Aykroyd, OALA, CSLA
Email: vanessa.aykroyd@niagararegion.ca
Mail: Public Realm Investment Program
c/o Vanessa Aykroyd, Landscape Architect
Urban Design and Landscape Architecture Section
Planning and Development Services Department
Niagara Regional Headquarters, Campbell West
1815 Sir Isaac Brock Way, PO Box 1042
Thorold, Ontario L2V 4TZ

WITHDRAWAL OF APPLICATION

If a municipality must withdraw from an approved PRIP funding commitment, a letter to that effect must be submitted to Region's PRIP Coordinator as soon as possible via email or regular mail.

Depending on the amount of the forfeited funding commitment, and if a withdrawal occurs before October 1st of the same PRIP year, the funding may be reassigned to another municipality through a new call for PRIP applications. At such time, municipalities, will be informed of the available funding and will be encouraged to submit a PRIP application. Applications will be evaluated and available funding assigned through a process that is similar to that of the initial (PART C) process.

PUBLIC REALM INVESTMENT PROGRAM

EVALUATING THE APPLICATION

All applications will be reviewed and evaluated by the Region to ensure the proposed works align with the objectives of the program.

The evaluation process is divided into 3 steps:

Step 1 Review of the application and supporting documentation for completeness

Step 2 Evaluate the application against the Evaluation Criteria (Pg. 9)

Step 3 Determine Regional funding contribution

APPLICATION and SUPPORTING DOCUMENT CHECKLIST

*ensure this information is included either on the application or is attached

Yes

1.0 Application

Completed PRIP Application (Appendix 1)

Required plans, drawings and images provided for review

Current Condition Photos (.jpg or .tif)

Other required supporting studies/documentation

Functional, operational, safety requirements have been addressed by the local municipality (provide supporting documentation from a P. Eng or other qualified professional where required)

2.0 Aligns and Supports Niagara Region's Policies and Practices

Regional Official Plan

Model Urban Design Guidelines

Transportation Master Plan and Complete Streets Model Policies

Relates to an Environmental Assessment (if yes then specify)

Relates to the 10 Year Regional Capital Forecast (if yes, then which project and year)

3.0 Support of Local Area Councils

Local Council Resolution to submit application (If applicable)

Demonstrated compliance with local planning documents or master plans (if applicable)

When all have been addressed, proceed to Step 2:

PART C EVALUATION PROCESS

STEP 1: APPLICATION AND SUPPORTING DOCUMENTATION CHECKLIST

The complete application requirements listed below are for information purposes and should be consulted when preparing an application. Niagara Region will use this chart to determine the eligibility and completeness of the application.

PUBLIC REALM INVESTMENT PROGRAM

STEP 2: EVALUATION CRITERIA

The Evaluation Criteria below is used by the Region to evaluate the merits of the project and prioritize projects requiring a funding contribution by the Region. Projects must score above 80 points to receive funding priority. Criteria are worth multiple points and should be addressed to ensure the benefit of projects is well-presented.

* Points of interest include, but are not limited to tourist destinations, employment areas, transit hubs and stops, public buildings, schools, colleges, universities, parks, other publicly accessible spaces and locations that are culturally and/or naturally significant.

APPLICATION EVALUATION CRITERIA

1.0 Timing	
Construction to commence within current program year (projects may extend into the next program year for completion)	5
2.0 Location	
Within 500m of an urban core area	4
Within 500m of 5 <i>points of interest</i> *	4
Within a Community Improvement Area / Business Improvement Area / Secondary or District Plan Area	4
Along or adjacent to a public transit route	3
Along a bicycle route, multi-use path, or the wine route	3
Within 1km walking distance to a tourism point of interest	3
Within visual proximity to a landmark (gateway, heritage site, public building)	3
3.0 Community Benefit	
Promotes higher use of the Regional Road and connectivity with other networks	5
Incorporates Heritage and Artistic Elements (e.g. Public Art)	5
Promotes Transit and/or Active Transportation	5
Promotes an inclusive streetscape (i.e. all ages and abilities)	3
Attracts people and promotes opportunities for social interaction	3
4.0 Design Goals	
Addresses a prevalent negative condition or issue	5
Recognizes and leverages local character	4
Contributes to planned improvements/developments in the vicinity	4
Durability and attractiveness of the materials/elements	3
5.0 Environmental Resiliency	
Grows the Urban Forest (Tree planting at least at a 3:1 planted:removed ratio)	5
Includes 60% or greater native plant species (no invasive species permitted)	5
Includes Low Impact Development stormwater management infrastructure	5
Includes other innovative materials, products, or practices	4
Includes recycled or sustainable products (e.g. Recycled plastic or FSC Certified wood products)	3
6.0 Community Partnerships	
Partnership with a Local BIA or local community group or organization	5
Partnership with post-secondary institutions for skills training or innovation development	4
Uses finished products manufactured or created in Niagara	3
Greater than 80 Receives Funding Priority	Total 100

PUBLIC REALM INVESTMENT

PROGRAM

REGIONAL CONTRIBUTION FUNDING LIMITS

1.0 Hardscape Materials and Treatments

Strategic sidewalk connections or sidewalk widening (to a minimum 2.0m)	\$30,000
Decorative concrete paving, banding, and unit paving	
Decorative crosswalks (also refer to Section 3.0)	
Decorative on-road pavement (non-asphalt)	
Off-road trail connection areas connecting to Regional Road or Bikeway	
Off-road multi-use trails and associated treatments	

2.0 Complete Streets Infrastructure

Cycling facilities (funding possible in collaboration with Bicycle Facilities Grants for Regional Bikeways)	\$25,000
Traffic Calming Measures (including curb extensions, bump outs, and medians not associated with pedestrian crossings)*	
Line painting associated with traffic calming and pedestrian crossing facilities	
Decorative lighting (to includeg banner/basket arms and seasonal decoration electrical outlets, where proposed)	\$50,000
Burial of overhead utilities (<i>The Regional contribution by this program will be determined on a case-by-case basis with cost estimates prepared by the public utilities.</i>)	

3.0 Road Crossing Facilities

Sidewalk extensions or bump-outs at intersections	\$15,000
Decorative concrete crosswalks	\$20,000
Decorative painted pedestrians crosswalks	\$8,000
Parklets (Reusable sidewalk extensions where on-street parking is located)	\$10,000

4.0 Site Furniture

Benches	\$12,000
Bicycle parking (rings, racks, shelters)	\$10,000
Decorative Bollards	\$5,000
Low seat walls and planters	\$12,000
Pedestrian shade structures	\$10,000
Litter and Recycling Receptacles (funding limit increased for streams that include organics, accompanied by a plan for collection)	\$5,000 - \$10,000
Drinking fountains/Bottle fillers/Pet watering stations	\$5,000
Transit Shelters and Shade Structures	\$10,000

5.0 Landscaping

Tree Planting (including irrigation bags)	\$25,000
Innovative planting technologies (e.g. structural soil cells)	\$30,000
Hanging baskets and/or planters (installed cost)	\$15,000
Planting beds	\$10,000
Rain gardens/bioswales (funding increased if features address 5 year storm)	\$20,000 - \$30,000
Plants - Native, drought and salt tolerant species	\$5,000

STEP 3: REGIONAL FUNDING CONTRIBUTION LIMITS

*Traffic calming measures on Regional Roads or installations that affect Regional Infrastructure require coordination and approval by the Regional Commissioner of Public Works.

* LID bioswales and rain gardens must capture and infiltrate the 25ml design storm to qualify for specific funding.

PUBLIC REALM INVESTMENT PROGRAM

STEP 3: REGIONAL FUNDING CONTRIBUTION LIMITS ...continued

6.0 Community Identity Features

Banners and Banner arms	\$5,000
Basket arms	\$5,000
Gateway features	\$50,000
Seasonal decorations	\$8,000
Decorative street name blades	\$6,000
Information kiosks	\$15,000
Public art	\$25,000
Interpretive panels/signs	\$7,000
School related Active Transportation initiatives	\$4,000
Wayfinding initiatives	\$10,000
Anti-graffiti wraps and coatings	\$5,000

7.0 Niagara 2021 Canada Summer Games

Niagara 2021 Placemaking Projects	\$25,000
*Projects that meet other program location and category requirements may also be awarded funding from those categories.	



PUBLIC REALM INVESTMENT PROGRAM

REGIONAL COORDINATION/APPROVALS

After the project has received an initial funding approval, Municipal and Regional staff will work together to determine construction and installation details as they pertain to Regional infrastructure.

To ensure clarity and continuity for the project and involved staff, the point of contact at the Region for the project will be the PRIP Program Coordinator. The PRIP Program Coordinator will provide collective comments, and approvals from the required Regional staff, and ensure consistency throughout the project.

DESIGN COLLABORATION

Regional staff are pleased to provide assistance and guidance at various stages of the project. The local municipality may not have staff resources that could influence the success of the project. The services of the Regional Landscape Architect and Urban Designer are available as needed.

PROJECT CONSTRUCTION

Once construction and installation details affecting Regional infrastructure are confirmed, a final sign-off from key stakeholders will be communicated through the PRIP Program Coordinator. As construction begins, brief project updates should be shared with the PRIP Program Coordinator at project milestones, or as deemed necessary.

PROJECT COMPLETION

Once the construction and/or installation of the works defined in the submission has been completed, payment can be requested. Municipalities must inform the PRIP Program Coordinator and provide the following:

- Project Completion Report (See Appendix 2)
- Digital photographs of the built condition; and
- Other supporting documents as required

The Project Completion Report requires the municipality to summarize the project, provide important details, and review project successes. The PRIP Program Coordinator will review the Project Completion documents, and advise that an invoice from the municipality can be issued to the Region. A PO# will be provided and the invoice will be paid Net 30.

PART D PROJECT IMPLEMENTATION

PUBLIC REALM INVESTMENT PROGRAM

PART E GLOSSARY OF STREETSCAPE ELEMENTS

HARDSCAPES

GLOSSARY OF STREETSCAPE ELEMENTS

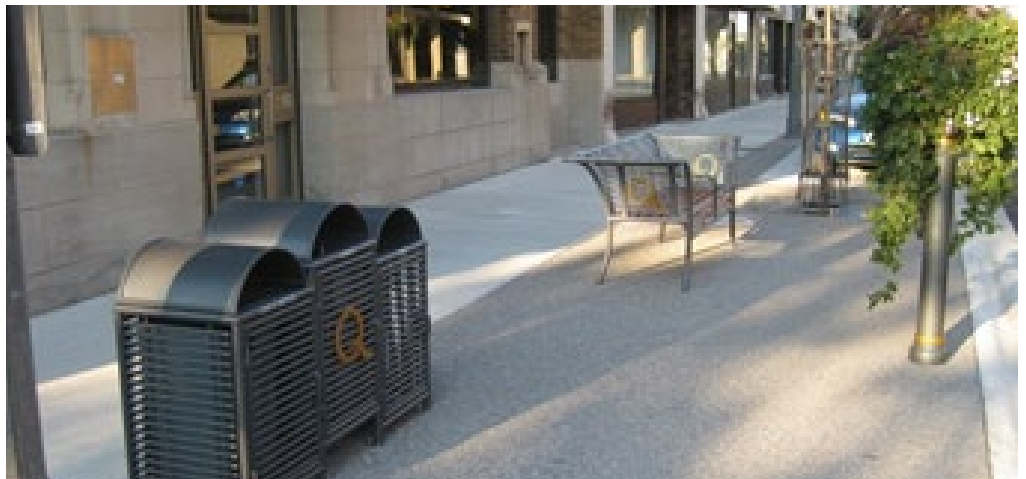
Standard Surface Treatments

Surfacing can include brushed concrete sidewalks, or asphalt pathway paving.



Upgraded Surface Treatments

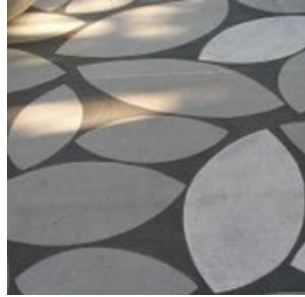
Upgraded surfacing can include materials such as stone, concrete unit pavers, coloured concrete, impressed concrete, and exposed aggregate concrete, etc.



PUBLIC REALM INVESTMENT PROGRAM

Decorative Surface Treatments

Decorative surfacing can include concrete etching, grinding, sandblasting, acid staining, metallic tinting, decorative stamping, decorative unit paving. .



HARDSCAPES

PUBLIC REALM INVESTMENT PROGRAM

Cycling Facilities

Cycling facilities and surface treatments may be funded in collaboration with the Bicycle Facilities Grants for Regional Bikeways.



COMPLETE STREETS



Traffic Calming Measures

Curb extensions, bump outs, and medians provide visual cues to slow traffic.



PUBLIC REALM INVESTMENT PROGRAM

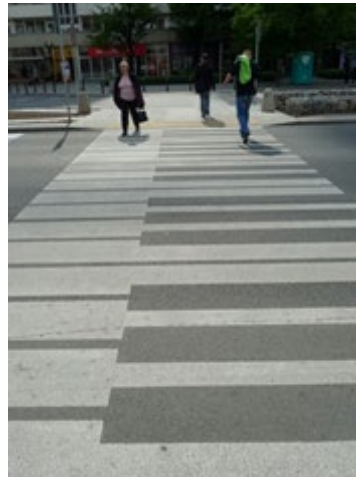
Sidewalk Extensions and Bump Outs

Used to reduce the pedestrian crossing distances of roads, bump-outs can provide additional room for street enhancements, such as, seating or public art.



Decorative Crosswalks

Limited to high tonal contrast and pavers, decorative crosswalks can be used to visually indicate a crossing to motorists and pedestrians alike.



COMPLETE STREETS

PUBLIC REALM INVESTMENT PROGRAM

Pedestrian Crossing Islands

Pedestrian crossing islands provide refuge from traffic in wide crossing situations.



COMPLETE STREETS

Parklets/Pop-Up Patios

These are temporary commercial patios or landscape/park installations located in on-street parking spaces, and range from practical to whimsical.



PUBLIC REALM INVESTMENT PROGRAM

Trees and Installation Infrastructure

Grow the urban forest in a sustainable way by providing opportunities for proper soil volumes, drainage, and irrigation as necessary, using traditional or innovative measures, such as structural soil cells.



LANDSCAPES

PUBLIC REALM INVESTMENT PROGRAM

LANDSCAPES

Hanging Baskets and Planters

Add seasonal colour to the streetscape using hanging baskets and planters.



Planting Beds

Both flush and raised planting beds can add colour and curb appeal to the street.



PUBLIC REALM INVESTMENT PROGRAM

Bioswales and Rain Gardens

Bioswales and rain gardens serve dual purposes - they enhance the aesthetic of the streetscape, while treating quantity and quality of stormwater. This increases the resiliency of the streetscape and relieves pressure on grey infrastructure.



LANDSCAPES

PUBLIC REALM INVESTMENT PROGRAM

Seating Options

The style and design of seating should positively contribute to the aesthetic value of the streetscape, and respond appropriately to the installation location and expected user of the seating.



Seating and Retaining Walls

Retaining walls provide valuable functions, but can also serve dual purpose along pedestrian walkways.



SITE FURNITURE

PUBLIC REALM INVESTMENT PROGRAM

Litter and Recycling Receptacles

Refuse containers for handling single and multiple streams can include automated systems such as Big Belly Solar Compactors or similar. Three stream (waste, plastic, organics) receptacles are encouraged where possible.



Bicycle Parking

Encouraging active transportation via bicycle requires space to park. Bike racks can be open or covered, and range from purely functional to public art.



SITE FURNITURE

PUBLIC REALM INVESTMENT PROGRAM

SITE FURNITURE

Bollards

Bollards provide protection for pedestrians and can be purely functional, or serve a dual purpose as public art.



Bus Shelters and Shade Structures

Protecting pedestrians and transit riders from the sun and elements.



PUBLIC REALM INVESTMENT PROGRAM

Decorative Fencing

When fencing is required, an upgrade to the standard can create a statement.



Drinking Fountains/Bottle Fillers

Classic or whimsical, making clean water readily to pedestrians and their pets available helps to reduce plastic waste from landfills and oceans.



SITE FURNITURE

PUBLIC REALM INVESTMENT PROGRAM

COMMUNITY IDENTITY

Banners and Banner Arms

Banners (and banner arms) with a demonstrated community benefit are an safe and easy way to create a 'Main Street' identity, and can be tailored year after year.



Gateway or Prominent Place Features

These features can help to create community identity, and establish a sense of arrival at a community or landmark.



Seasonal or Festive Decorations

This includes pole mounted wreaths, lights, bows, etc, as well as string lights, accent lighting, or audio and visual projection.



PUBLIC REALM INVESTMENT PROGRAM

Decorative Street Name Blade and Plates

Create community or neighbourhood identity with decorative blades and plates.



COMMUNITY IDENTITY

Information Kiosks, Wayfinding, and Interpretive Signs

Connect your community with kiosks that allow citizens to stay up to date with activities and events, or share history or information with interpretive signs



PUBLIC REALM INVESTMENT PROGRAM

COMMUNITY IDENTITY

School Active Transportation Initiatives

This includes walking audits, walking promotion, wayfinding, and the addressing of immediate barriers to walking or cycling to and from school.



Anti-Graffiti Wraps and Coatings

Encourage less 'tagging' on municipal infrastructure. Wraps may be used on infrastructure, and coatings can be used to protect surfaces or permitted artwork..



Tactical Urbanism Initiatives

Enabling change through endorsed temporary installations of elements not mentioned in other categories.



PUBLIC REALM INVESTMENT PROGRAM

Public Art

Create community or neighbourhood identity with decorative blades and plates.



Niagara 2021 Canada Summer Games

Creating memorable places across Niagara for athletes and spectators takes collaboration. Eligible projects can be temporary, and based around the time frame of the games specifically, or can be permanent projects that will ensure the legacy of the games endures. Eligible projects should be located so as to directly impact the Niagara 2021 Canada Summer Games experience in close proximity to participating venues (including the torch route).



NIAGARA 2021 CANADA SUMMER GAMES

2020 PUBLIC REALM INVESTMENT PROGRAM APPLICATION

Municipality:		Project Location or Address:	
Project Name:			Submission Date:
Estimated Total Project Value:	Requested Regional Contribution Amount:	Estimated Construction Start Date:	Estimated Construction Completion Date:

Project Description

*Describe the project, and how it contributes to the enhancement of the public realm.
See Part C - Evaluation Criteria (Step2) to aid in demonstrating the value of this project.*

Application Check List

Attach additional documentation to the application form separately

Itemized Cost Breakdown	Project Dates and/or Milestones	Detailed/Tender Ready Drawings	Current Condition Photos (.jpg or .tif)
We acknowledge that if this application is approved, the municipality will be responsible for ongoing maintenance of the works under the application.			
We acknowledge that if this application is approved, the Regional Funding Contribution commitment expires at the end of the year following the approval*			
We commit to provide a <u>Project Completion Report</u> which is to include a final project cost, project date of completion, copies of invoices paid with funding of this program, digital photographs of completed work.			

Municipal Project Lead	Municipal Head of Public Works
Name:	Name:
Signature:	Signature:

**If the project cannot be completed prior to the end of the prescribed time frame, please contact the PRIP Program Coordinator*

2020 PRIP PROJECT COMPLETION REPORT

Municipality:	Project Location or Address:	
Project Name:		Date Submitted:
Original Project Cost:	Actual Project Cost:	
Regional Funding Contribution:	Municipal Funding Contribution:	
Identify other Funding Sources and Amounts:		
Project Construction Start Date:	Substantial Completion Date:	

Project Performance:

Describe the final project and items included (refer to Part C - Regional Contribution Funding (Step 3) to aid in completing this section).

Hardscape Materials and Treatments; Facilities that Promote Complete Streets; Road Crossing Facilities; Street Furniture; Landscaping; Community Identity, etc.

Supporting Documentation:

Attach additional documentation to the Project Completion form separately

Itemized Cost Breakdown	Project Dates and/or Milestones	Tender/As Built Drawings	Post-Construction Photos (.jpg or .tif)
-------------------------	---------------------------------	--------------------------	-----------------------------------------

Qualitative Feedback from Project Stakeholders (property owners, businesses, visitors, tourists, patrons):

Municipal Project Lead:	Municipal Head of Public Works:
Name:	Name:
Signature:	Signature:

Subject: City of Welland Application for Regional Official Plan Amendment

Report to: Planning and Economic Development Committee

Report date: Wednesday, February 12, 2020

Recommendations

1. That this report **BE RECEIVED** by the Planning and Economic Development Committee (PEDC); and
2. That this report **BE CIRCULATED** to the City of Welland for information.

Key Facts

- The purpose of this report is to advise Council that the City of Welland has submitted an application for a Regional Official Plan Amendment for the expansion of the City's urban boundary known as the northwest expansion (NWE) area. This report also provides information on the local Official Plan Amendment 24 adopted by the City in relation to the same matter.
- The Region has directly supported Welland's work program to consider the northwest expansion (NWE) and secondary plan process since 2017.
- As a result of changes to the *Growth Plan, 2019* Welland advanced its request to expand the City's urban boundary for the NWE area, by submitting a Regional Official Plan Amendment (ROPA) and adopting a Local Official Plan Amendment (OPA 24).
- The Region met with the City on several occasions in September and October, 2019, and January 2020, to discuss the ROPA requirements for the NWE area expansion under the new *Growth Plan, 2019* policies.
- The NWE ROPA application was submitted to the Region on November 12, 2019. The Region responded to this application on November 21, 2019 to advise the City that it was incomplete. Since then, the City and Region have been working to complete the ROPA application.
- Welland adopted OPA 24 on December 17, 2019 and sent it to the Region on January 16, 2020. This local amendment relates to the expansion of the urban boundary and amends the City's Official Plan policy related to boundary expansions. OPA 24 relies on the approval of the ROPA in order to demonstrate conformity with Regional and Provincial policy.

- The Region is the approval authority for OPA 24. The Region will process the ROPA and OPA 24 concurrently and will bring both amendments forward for Council's consideration at the same time.
- The Region, the City, and the City's planning consultant, most recently met on January 9, 2020 to discuss the NWE area expansion. The City indicated it will pursue the expansion for the entire NWE area either through multiple 40 hectare expansions or a combination of an expansion and a boundary adjustment. The City's consultants are working on the additional information required to complete the ROPA application with a targeted for a full submission in February/March of this year.

Financial Considerations

There are no direct financial implications arising from this report.

The cost to process and circulate amendments of this nature is accommodated within the Planning and Development Services base Operating Budget.

The Region has committed \$125,000 in financial support for the Northwest Welland project via the Smarter Niagara Incentive Program (SNIP) planning grant.

Analysis

Background

The NWE study area is approximately 190 hectares. It is bordered by the City's municipal boundary to the north, Niagara Street (Regional Road No. 50) to the east, the existing urban boundary to the south and Clare Avenue to the west. Rice Road, First Avenue and Quaker Road all traverse the study area (a map is provided in Appendix 1).

The Region has directly supported Welland's work program to consider the NWE expansion and secondary plan process since 2017. Regional staff participated in establishing the Terms of Reference for the project, the selection of the successful consultant, participated on a steering committee and committed to provide financial assistance via the SNIP planning grant.

When the work plan started in 2017, the *Growth Plan for the Greater Golden Horseshoe (Growth Plan)* only permitted municipalities to consider urban boundary expansions as part of the Region's municipal comprehensive review (MCR). In Niagara's case, the MCR is the new Regional Official Plan (ROP) which is targeting a 2021 completion. The Region agreed to the City's NWE work program on the basis that the required

supporting information to justify a boundary expansion and secondary plan would feed in to the Region's MCR and new ROP in 2021.

The *Growth Plan* was amended in May, 2019 to include new policies which allow for consideration of urban boundary expansions of 40 ha in advance of a municipal comprehensive review, subject to specific criteria. The Province later clarified through a November 12, 2019 letter that an upper-tier municipality may consider multiple 40 ha expansions so long as the proposal meets the applicable policies of the *Growth Plan*. The Province also confirmed that 40 ha boundary expansion applications would be considered by the Region as the approval authority in accordance with Section 17 of the *Planning Act, 1990*.

As a result of the above-noted *Growth Plan* changes, Welland reconsidered their work program to advance the request to expand the boundary for the NWE area ahead of the completion of the ROP.

The Region met with the City on several occasions in September and October 2019 to discuss the process and identify the requirements to support an application for a ROPA for the expansion of the NWE. At that time, the City indicated that it sought a single 40 ha boundary expansion. In November, the Province clarified that multiple 40 ha expansions may be permitted so long as the proposal meets the applicable policies of the *Growth Plan*. After that, the City indicated that it would seek multiple 40 ha expansions, or boundary adjustments, described further below.

Region's Mandate

Since the Province introduced the 40 ha expansion and adjustment policies in May 2019, the Region has been carefully considering how these policies should be implemented. The application of these policies will impact other local municipalities and landowners outside of Welland.

For example, a key *Growth Plan, 2019* policy of Regional interest is one which requires that the additional lands and associated forecasted growth of the 40 ha expansion area(s) to be fully accounted for in the Region's next Municipal Comprehensive Review (MCR). In other words, if land is added now, but it is over and above the local municipal land need pursuant to Provincial methodology, there could be an oversupply of designated urban land at the time of the new ROP. This affects the Region's land supply and may impact requests for expansion elsewhere. For this and other reasons, it is important to ensure complete application information and a sustainable planning justification is provided for 40 ha expansions.

The Region recently finalized guidance material for the required supporting studies for 40 ha expansions, and several other changes made in the *Growth Plan*, which the Region references as "pre-MCR processes." This information will be circulated in

February 2020 and will provide a consistent approach to reviewing applications subject to the new policies of the *Growth Plan, 2019*.

Expansion ROPA and OPA 24

The City of Welland submitted a ROPA application on November 12, 2019. This application was determined incomplete by Regional Planning Staff on November 21, 2019 in accordance with Policy 14.G of the Region's Official Plan (see Appendix 3).

Outstanding information includes:

- Planning Justification Report outlining how the proposal meets the applicable policies of the *Growth Plan, 2019*;
- Concept Plan;
- Financial Impact Assessment;
- Revised Stormwater Management Report; and,
- Draft ROPA policy framework.

The City has been informed of above application requirements on several occasions. Most recently, Regional staff met with City staff and their planning consultants, SGL Planning and Design, on January 9, 2020. At that meeting, the City confirmed it will pursue the application to expand its boundary for the entire NWE area (approximately 190 ha).

The City advised that it seeks to do so in one of two ways - the first option is to proceed with multiple 40 ha expansions for the entire NWE area, or alternatively, to seek a boundary adjustment by removing urban lands east of Highway 58 (which are also the subject of an *Official Plan Deferral* known as ROPA 7) in exchange for part of the NWE area, with the balance of the NWE area added through two 40 ha expansions.

The meeting participants agreed to the additional ROPA requirements noted above and the City is targeting a complete ROPA application for February/March of this year. The Region will continue to work expeditiously and collaboratively with the City on processing the ROPA.

In addition to the ROPA, Welland adopted Official Plan Amendment 24 on December 17, 2019 (see Appendix 2). It was delivered to the Region on January 16, 2020. This amendment relates to the expansion of the City's urban boundary and amends the City's Official Plan policy relating to same.

The Region is the approval authority for OPA 24. OPA 24 relies on the approval of the ROPA in order to demonstrate conformity with Regional and Provincial policy. The Region will process OPA 24 concurrently with the ROPA application once that is

complete. Staff will bring both amendments forward for Council's consideration at the same time.

Secondary Plan Process

Concurrent with processing ROPA and OPA 24, the City and Region will continue its work on the Secondary Plan for the NWE area. The City indicated a Preferred Option Report and draft secondary plan may be available as early as March. The secondary plan can be considered for approval once the ROPA and OPA 24 have received final approval.

Alternatives Reviewed

The Region is required to review, process and respond to a complete application under the requirements of the *Planning Act, 1990*.

Relationship to Council Strategic Priorities

This proposal has the potential to support the following Council strategic priorities:

- Healthy and Vibrant Communities
- Responsible Growth and Infrastructure Planning

Additional information on how the ROPA application will advance these priorities will be included in a future report once all information has been submitted and reviewed by staff.

Other Pertinent Reports

None.

Prepared by:

Kirsten McCauley, MCIP, RPP
Senior Planner, Secondary Plans
Planning and Development Services

Recommended by:

Rino Mostacci, MCIP, RPP
Commissioner
Planning and Development Services

Submitted by:

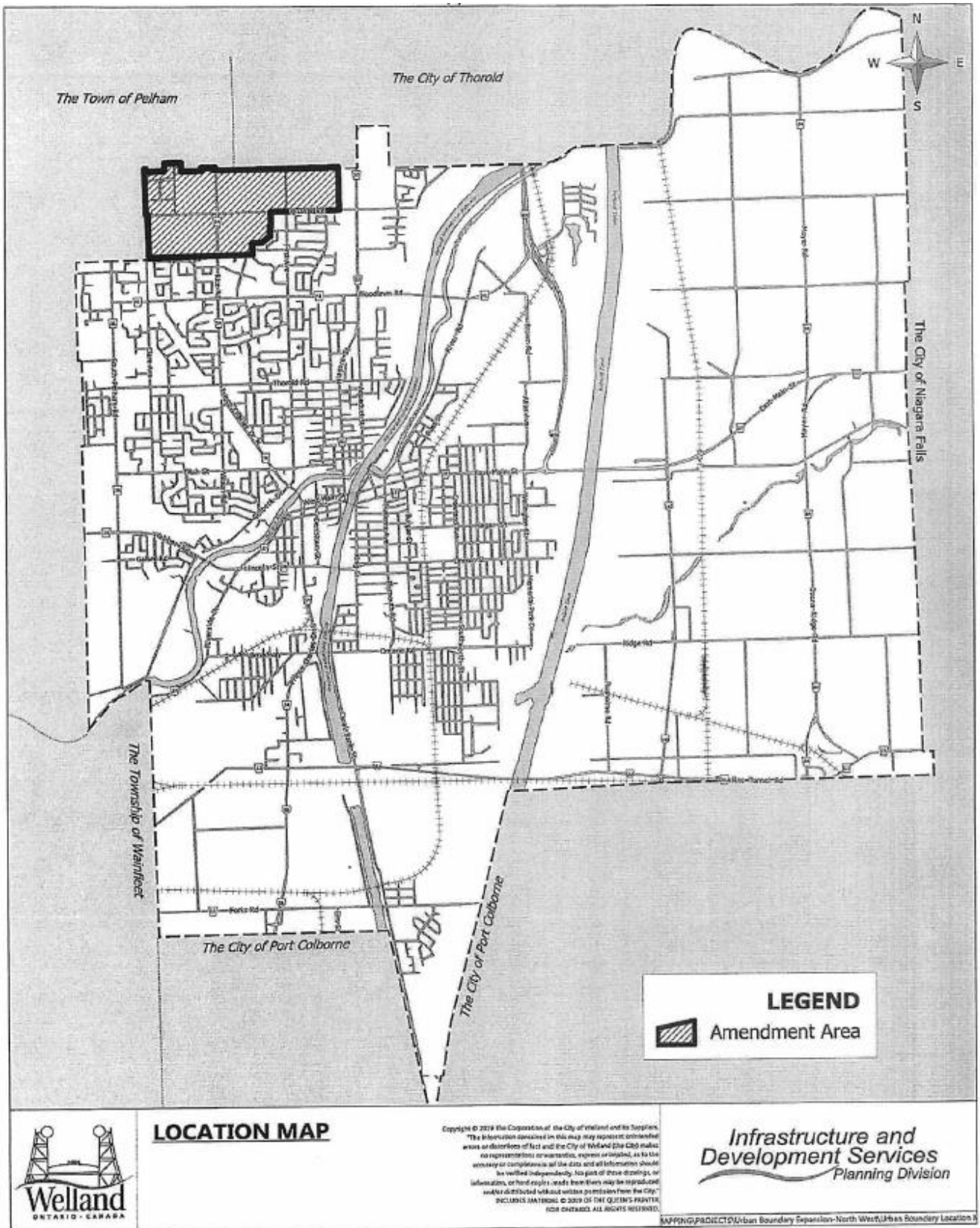
Ron Tripp, P.Eng.

Acting Chief Administrative Officer

This report was prepared in consultation with Isaiah Banach, Manager of Long Range Planning, and reviewed by Doug Giles, Director of Community and Long Range Planning.

Appendices

Appendix 1	Study Area Map	Page 7
Appendix 2	Notice of Adoption OPA 24	Page 8
Appendix 3	Region's November 21, 2019 letter to the City	Page 9





**CITY OF WELLAND
NOTICE OF ADOPTION OF
AMENDMENT NO. 24 TO THE
OFFICIAL PLAN OF THE CORPORATION OF THE CITY OF WELLAND**

Take notice that the Council of the Corporation of the City of Welland passed By-law 2019-163, being a By-law to adopt Amendment No. 24 to the Official Plan on December 17, 2019 under Sections 17 and 26 of the Planning Act, as amended.

The Purpose of Amendment No. 24 is to include the City's Northwest Area (lands known as the Northwest Expansion Area) to within its Urban Area Boundary and to provide text amendments to the City's Official Plan to reflect Provincial Policies pertaining to urban boundary expansions.

The Effect of the Amendment is to expand the City's Urban Area Boundary to include lands currently outside the City's Urban Area (Northwest Area) and to update the City's Official Plan to include policies regarding urban boundary expansions in conformity with Provincial Policies.

Pursuant to Section 17(23.1)(a) of the Planning Act, as amended, City Council took into consideration all written and oral presentations made to it before rendering a decision.

Official Plan Amendment No. 24 requires approval of the Regional Municipality of Niagara (approval authority) under subsection 17(22) of the Planning Act. Any person or public body will be entitled to receive notice of the decision of the approval authority if a written request to be notified of the decision (including address, fax number or e-mail address) is made to the approval authority.

Any written request to be notified of the decision should be directed to:

The Regional Clerk
Regional Municipality of Niagara
1815 Sir Isaac Brock Way,
Thorold, Ontario
L2V 4T7

Amendment No. 24 and By-law 2019-163 are available for inspection at Infrastructure and Development Services - Planning Division, 60 East Main Street, Welland during regular office hours as well as on the City's website (www.welland.ca).

Dated at the City of Welland this 26th day of December, 2019.

**ROSE DI FELICE, M.P.I., M.Sc., MCIP, RPP
MANAGER OF POLICY PLANNING
INFRASTRUCTURE AND DEVELOPMENT SERVICES
OF THE CORPORATION OF THE CITY OF WELLAND**

November 21, 2019

By E-mail Only to *travers.fitzpatrick@welland.ca*

Travers Fitzpatrick
General Manager of Infrastructure and Development Services
City of Welland
Planning and Building Division
60 East Main Street, Welland, ON L3B 3X4

Dear Mr. Fitzpatrick:

**Re: NorthWest Welland Urban Boundary Expansion Application
City of Welland Local Official Plan Amendment No. 24 and
Proposed Regional Official Plan Amendment
Notice of Incomplete Application**

On November 12, 2019, the Region received the City of Welland's Application to Amend the Regional Official Plan ("NW ROPA") requesting an urban boundary expansion for the area known as Northwest Welland (the "NW Expansion").

We have also been made aware of the City's application for a local official plan amendment for same.

This letter relates to both matters.

The Region has directly supported the work program to consider the NW Expansion. The Region and City have been partnered since that started in 2017, including the Region matching City funding for the background work. Region and City staff have worked proactively to advance the City's application.

The explicit purpose of the NW Expansion work program is to justify a boundary expansion and complete a Secondary Plan, for consideration at the time the Region completes its new Official Plan in 2021.

This is important because, in 2017, at the time the NW Expansion work program was set, urban boundary expansions could only be done concurrently with Region's new Official Plan, in 2021. A boundary expansion could not occur before that.

In May 2019, the *Growth Plan for the Greater Golden Horseshoe, 2019*, was amended to allow expansions of up to 40 ha in advance of a new Official Plan (policies 2.2.8.5 and 2.2.8.6) and to allow adjustments to urban boundaries in certain cases (policy 2.2.8.4). Specific rules were set out for how these new policies could be applied.

In September 2019, the Region was made aware that the City may seek a single 40 ha boundary expansion for the NW Expansion area. As previously noted, this is a new process which did not exist at the time the NW Expansion program started in 2017; therefore, none of the materials refer to this process.

In September and October 2019, City and Regional staff had several successful meetings to discuss a 40 ha expansion for the NW Expansion. A scoped work program was identified for a 40 ha expansion application, which was set out in a draft Pre-Consultation Form provided by the Region to the City.

At these meetings, the Region recommended that City and Region staff meet with the City's land use planning consultant to discuss the 40 ha expansion work program. That meeting has not yet occurred – the Region would like to do so as soon as possible.

On November 15, 2019, at a meeting with City staff and others, and after receipt of the NW ROPA, the Region was made aware that the City may seek an adjustment to its boundaries for the NW Expansion area, in addition to the 40 ha expansion.

The City's application form for the NW ROPA refers to the 40 ha boundary expansion policies (*Growth Plan, 2019*, s. 2.2.8.5 and 2.2.8.6). The application form makes no mention of the boundary adjustment policies (s. 2.2.8.4) or mapping to identify what lands are proposed for boundary adjustment.

The NW ROPA application does not include the study materials discussed at the meetings held in September and October 2019. In other words, the NW ROPA contains materials based on the 2017 work program and not materials that address the *Growth Plan, 2019* 40 ha expansion and boundary adjustment policies now sought for approval.

As discussed with City staff, a significant amount of the work completed under the 2017 work program can be used for a 40 ha boundary expansion application. There is no need to revisit most of the technical work in order to have a complete ROPA application. However, certain scoped materials remain outstanding and are needed to complete the application. Those materials were discussed with City staff at the September and October 2019 meetings, and are summarized as follows:

- A *scoped* Planning Justification Report that:
 - Justifies a 40 ha boundary expansion and adjustment and how that conforms with the *Growth Plan* policies on same. Amongst other things, this includes satisfying land needs requirements consistent with the Province's September 19, 2017 letter.
 - Provides a draft Official Plan Amendment, with mapping showing the lands proposed for expansion and adjustment in exchange for the NW Expansion area.

- A Phasing Plan to demonstrate how the expansion will be integrated and built-out with the remaining lands.
- A Financial Impact Assessment that analyzes the financial impact of the boundary expansion to the City and Region and provides input and recommendations for the prioritization of local and Regional infrastructure. This was part of the 2017 work program terms and has not been provided.
- *If the City seeks only a portion of NW Expansion lands to be added to the urban boundary before the Region's new Official Plan, a scoped Transportation Assessment and Infrastructure Review to demonstrate that the location of a 40 ha expansion can be logically serviced and connected to the existing urban area and remainder of expansion lands (future phases).*

For the reasons set out above, the Region does not currently view the NW ROPA application as complete. The Region is keen to assist the City in completing its application in accordance with section 14.G of its Official Plan.

The best path forward is to set a meeting as soon as possible with the City's consultant, City staff and Regional staff to address the outstanding items.

We are available to meet any time. Please reach out to Isaiah Banach or Kirsten McCauley directly to set the meeting.

Region approval will be required for the NW Expansion local official plan amendment. The Region cannot provide comments on the local official plan amendment until such time as the above-noted matters are addressed. This can be discussed further at the meeting or through separate correspondence.

We look forward to your response.

Kind Regards,

A handwritten signature in black ink, appearing to read 'R Mostacci'.

Rino Mostacci, MCIP, RPP
Commissioner, Planning and Development Services, Region of Niagara

cc: Ms. Tara Stephens, City Clerk, City of Welland
Ms. Rose DiFelice, Manager of Policy Planning, City of Welland
Mr. Doug Giles, Director Community and Long Range Planning, Region of Niagara
Mr. Isaiah Banach, Manager of Long Range Planning, Region of Niagara

Ms. Kirsten McCauley, Senior Planner, Region of Niagara
Ms. Lindsay Earl, Senior Planner, Region of Niagara

Subject: Ecological Land Classification Mapping Update

Report to: Planning and Economic Development Committee

Report date: Wednesday, February 12, 2020

Recommendations

1. That Report PDS 3-2020 **BE RECEIVED** for information; and,
2. That Report PDS 3-2020 **BE CIRCULATED** to the Area Municipalities and the Niagara Peninsula Conservation Authority (NPCA).

Key Facts

- The purpose of this report is to provide additional details on a project to update the Region-wide Environmental Land Classification (ELC) mapping - which is being undertaken in support of the Natural Environment Work Program for the new Niagara Official Plan.
- PDS 32-2019 (November 6, 2019) recommended that a new ELC mapping dataset was the preferred option as it would have a range of benefits associated with natural environment planning.
- A work plan, in consultation with NPCA staff, has been prepared. A procurement process for consulting support is underway. It is expected that a consultant will be retained by March 1, 2020.
- After a successful grant application, the project was approved for partial funding by the Greenbelt Foundation.

Financial Considerations

The ongoing costs associated with the Natural Environment Work Program, including the Environmental Land Classification (ELC) mapping, will be accommodated within the Council approved Regional Official Plan project budget.

Analysis

Ecological Land Classification (ELC) Methodology

The ELC program was established as a comprehensive and consistent province-wide approach for ecosystem description, inventory, and interpretation. The industry-accepted ELC methodology is documented in the guide entitled *“Ecological Land*

Classification for Southern Ontario". ELC is a hierarchical and nested methodology that can be applied from scales ranging from province-wide to site-specific. The appropriate scale for Region-wide mapping and informing a Regional Official Plan is 'community series'. ELC mapping is required to be completed by a certified ecologist or other practitioner.

Background

Starting in 2006, the NPCA, in coordination with the Region, local naturalist clubs, and area municipalities, initiated the "Natural Areas Inventory" (NAI) project. A major element of the project was the completion of comprehensive ELC 'community-series' level mapping of natural areas, which represented the first dataset of its kind for the entirety of the Region.

The NAI ELC mapping was completed using 2006 aerial imagery. Field crew's ground-truthed some natural areas where access was permitted by landowners. The ELC dataset was continuously refined through a QA/QC process by staff at the NPCA until 2012, when it was subsequently used as a data input for a follow-up natural heritage project.

The NAI ELC dataset remains the most comprehensive data of its type for the extent of the Region, however, the information has decreased value and accuracy owing to the fact that it is approximately ten years old and does not consider landscape changes from recent developments and continued vegetation growth. An update is required to ensure that natural environment mapping to be included as part of the new Niagara Official Plan is accurate and reliable.

Dataset Update

The exiting ELC dataset will be updated using new 2018 aerial imagery and large-scale mapping specifications as prescribed by the Region. Vegetated areas will be identified and interpreted using a standard methodology, resulting in a polygon-based vegetated area inventory. ELC coding is then applied to each polygon in the GIS environment. Provincially identified wetland boundaries will be incorporated directly into the dataset to avoid duplications. The dataset will consider vegetated areas in both rural and urban area. A QA/QC program for the dataset has been included in the work plan.

Field Verification Component

The ELC methodology permits mapping to be completed at the 'community-series' level to be completed as a desktop exercise only. However it is the intention of this project to go beyond this minimum requirement and to include a field verification component.

The goal of the field verification exercise is to ensure a higher degree of confidence in the data and will include representative sites across all 12 area municipalities. The field verification exercise will involve publically owned lands and areas viewable from public roads or other public locations.

Regional and local planning staff will be invited to attend the field verification sessions. The purpose of this is to foster an education of the ELC methodology and to ensure a higher-level of confidence in the project. Local planning staff will be asked for input on the sites to be visited in their municipality to ensure local knowledge is being maximized. A report will be prepared documenting the field verification exercise.

Project Funding

In late 2019, planning staff submitted the ELC project to the Greenbelt Foundation for consideration under the Resilient Greenbelt funding stream. The application was made in partnership with the NPCA and was successful in attaining a \$25,000 grant contribution to supplement the total cost of this project.

The balance of the project is being completed under the Council approved budget and work plan for the new Niagara Official Plan.

Alternatives Reviewed

Council could choose not to receive or circulate this report. This is not recommended.

Relationship to Council Strategic Priorities

This report is being brought forward as part of the ongoing reporting on the new Niagara Official Plan. The Natural Environment Work Program aligns with Objective 3.2 Environmental Sustainability and Stewardship:

“A holistic and flexible approach to environmental stewardship and consideration of the natural environment, such as in infrastructure, planning and development, aligned with a renewed Official Plan.”

Other Pertinent Reports

- PDS 40-2016 – Regional Official Plan Update
- PDS 41-2017 – New Official Plan Structure and Framework
- PDS 3-2018 – New Official Plan Update
- PDS 6-2018 – Natural Environment Project Initiation Report
- PDS 18-2018 – Natural Environment – Project Framework
- PDS 9-2019 – New Official Plan Consultation Timeline Framework

- PDS 10-2019 – Update on Natural Environment Work Program – New Regional Official Plan
- CWCD 122-2019 – Agricultural and Environmental Groups – Draft Stakeholder Lists
- CWCD 150-2019 – Update on Official Plan Consultations – Spring 2019
- CWCD 179-2019 – Notice of Public Information Centres – Natural Environment Work Program, New Regional Official Plan
- CWCD 271-2019 – Update on Consultation for New Official Plan
- PDS 32-2019 – Natural Environment Work Program – Phases 2 & 3: Mapping and Watershed Planning Discussion Papers and Comprehensive Background Study
- PDS 1-2020 – New Niagara Official Plan – Public Consultation Summary

Prepared by:

Sean Norman, PMP, MCIP, RPP
Senior Planner
Planning and Development Services

Recommended by:

Rino Mostacci, MCIP, RPP
Commissioner
Planning and Development Services

Submitted by:

Ron Tripp, P.Eng.
Acting, Chief Administrative Officer

This report was prepared in consultation with Karen Costantini, Planning Analyst – Regional Official Plan, and reviewed by Erik Acs, MCIP, RPP, Manager, Community Planning, and Doug Giles, Director, Community and Long Range Planning.

Subject: Update on Outstanding Recommendations from the Ontario Ombudsman Report “Inside Job”

Report to: Regional Council

Report date: Thursday, February 20, 2020

Recommendations

That Report CAO 4-2020 respecting Update on Outstanding Recommendations from the Ontario Ombudsman Report “Inside Job”, **BE RECEIVED** for information.

Key Facts

- The purpose of this report to provide Council with an update respecting the outstanding recommendations made by the Ontario Ombudsman in his report “Inside Job”.
- At its special meeting held on December 5, 2019, Regional Council considered Report CAO 17-2019 which directed staff to proceed with a number of actions related to some of the recommendations of the Ombudsman, most specifically those related to a Chief Administrative Officer recruitment.
- The report further directed staff to provide an update on the recommendations of the Ombudsman Report that did not require immediate action by staff.

Financial Considerations

The recommendations contained within the Ombudsman Report are primarily policy focused and do not have any direct financial implications apart from staff time to undertake the work.

Analysis

On November 29, 2019, the Ontario Ombudsman released his report titled “Inside Job” respecting the investigation he conducted regarding the process Niagara Region undertook in the 2016 hiring of its Chief Administrative Officer (CAO); the administration of the CAO’s contract, including any extension and amendment; and Niagara Region’s response to concerns about the CAO’s hiring, including the municipal ombudsman investigation and the external governance auditor.

The Ombudsman put forward 15 recommendations within the report to address the issues that were identified as part of his investigation (and a 16th recommendation requiring Niagara Region to report back at six month intervals on progress made in implementation of the recommendations).

Report CAO 17-2019, provided direction to staff to undertake work regarding the Ombudsman Report recommendations, specifically recommendations 1, 2, 3, 4, 6, 9, 11, and 13. As such, staff have already put forward reports respecting the above recommendations.

The remaining recommendations from the Ombudsman's report are listed below including proposed actions to be taken to address them.

Recommendation 4

The Regional Municipality of Niagara should ensure that the terms of reference it establishes for a recruitment committee provide for a complete list of the staff and officials permitted to access confidential information.

Action to be taken:

The above recommendation as it relates specifically to a CAO recruitment committee, has been addressed in a policy that was an appendix to Report HR 1-2020. A revised version of this report was considered by the Corporate Services Committee at its meeting being held on February 12, 2020, with a further revised draft to be considered by Council at its meeting of February 20, 2020.

Staff are cognizant of the fact that a recruitment committee could be struck for a position other than that of the CAO. In order to ensure that the concerns brought forward by the Ombudsman are addressed, Human Resources staff will be responsible to ensure that any terms of reference established for a recruitment committee will specify what staff and officials are permitted access to confidential information, will include the requirement for a signed confidentiality agreement and that anyone else requiring involvement in the process will need to be approved by the committee prior to being able to attend meetings or access meeting materials.

Recommendation 5

The Regional Municipality of Niagara should ensure that all officials and employees with access to personal information understand their obligations under the *Municipal Freedom of Information and Protection of Privacy Act*.

Action to be taken:

Staff will be bringing two new policies forward for consideration that deal with access to personal information in the coming months. These new policies will provide additional direction to staff with respect to what they are required to do to remain in compliance with the legislation. Additionally, to ensure the understanding of these expectations,

following approval of the policies, Clerk's Office staff will lead an education campaign targeted to take place throughout the Spring of 2020, to ensure all staff are aware of the policy changes and their individual obligations as defined therein. In addition, staff are considering the inclusion of the policies as part of the orientation/onboarding for all new staff.

Recommendation 7

The Regional Municipality of Niagara should ensure that staff and officials act in accordance with the direction of council and committees of council.

Action to be taken:

Staff are currently working on a revised Code of Ethics policy in accordance with Recommendation 1 of the Ombudsman Report. As indicated in Correspondence Item CSC-C 4-2020, this policy will be brought forward for consideration at the March 11, 2020 Corporate Services Committee meeting. It would be appropriate that this policy would also include language around staff acting in accordance with the direction of Council and committees of Council. There are further educational opportunities that can be utilized to ensure that staff are aware of their role and the role of Council as well as the legal authority by which they are bound such as during orientation/onboarding of new staff and through the Region's intranet.

Recommendation 8

The Regional Municipality of Niagara should ensure that staff in the Chair's office do not usurp or undermine the role of professional staff, especially when those roles have been set by council or a committee.

Action to be taken:

As this recommendation relates specifically to those staff in the Regional Chair's office, staff are committed to including standard language in future employment contracts that provide greater clarity and guidance regarding the role of the staff in the Chair's office, responsive to the Ombudsman recommendation in this regard.

Recommendation 10

The Regional Municipality of Niagara should ensure that all staff and officials receive training on the proper use of corporate email and retention of corporate documents.

Action to be taken:

Staff are currently working on options to provide education on the proper use of corporate email and retention of corporate documents for both new and current staff and are considering the inclusion of provisions regarding this in either new or existing policies/procedures. Training for new staff will be undertaken as part of the onboarding process. Staff are currently examining options to provide refresher training to current staff.

Recommendation 12

Before making changes to a contract affecting its legal interests, the Regional Municipality of Niagara should require staff to consult legal and human resources staff to ensure the terms are lawful and consistent with the municipality's interests.

Action to be taken:

This recommendation has been addressed as part of the policy included as an appendix to HR 1-2020 Revised with respect to the CAO employment contract. Legal Services staff are also currently in the process of reviewing the execution of documents by-law (that provides authority for staff to execute specified documents on behalf of the Region, subject to certain requirements) with proposed amendments to be brought forward to Council for approval in 2020 that will include proposed wording responsive to this recommendation.

Recommendation 14

The Regional Municipality of Niagara should ensure that it establishes comprehensive terms of reference when appointing a municipal ombudsman, including reference to requirements for:

- **Scope of issues to be investigated;**
- **Evidence collection;**
- **Confidentiality, including of witnesses; and**
- **Preliminary reporting.**

Action to be taken:

In order to ensure that any future appointments of a municipal ombudsman address the requirements noted by the Ombudsman, staff will begin researching best practices to implement a policy with standard terms of reference respecting the appointment of a municipal ombudsman. The implementation of a policy will ensure that when a

municipal ombudsman is hired there are specific requirements that must be considered including those identified by the Ombudsman.

Recommendation 15

Before appointing or retaining external investigators, the Regional Municipality of Niagara should obtain information about their skills, experience, and availability, so that council can make an informed decision about their qualifications for the position.

Action to be taken:

This recommendation of the Ombudsman should be addressed by the preparation and submission to Council of a staff report upon the receipt of direction from Council that an external investigator be retained, prior to the appointment of an investigator by Council. The need for a staff report in this regard may be directed by Council or identified by staff as necessary.

Alternatives Reviewed

No alternatives were reviewed as these actions are being undertaken as a result of the Ombudsman recommendations.

Relationship to Council Strategic Priorities

This report is based on the recommendations of the Ontario Ombudsman; however, the implementation of practices, policies and procedures aligns with Council's Strategic Priority of Sustainable and Engaging Government.

Other Pertinent Reports

CAO 17-2019	Recommendations from the Ontario Ombudsman Report "Inside Job" November 2019
-------------	------------------------------------------------------------------------------

Prepared and Recommended by:
Ann-Marie Norio
Regional Clerk

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

This report was prepared in consultation with D. Gibbs, Director, Legal and Court Services and F. Meffe, Director, Human Resources.

Appendices

Appendix 1

CAO 17-2019

page 7

Subject: Recommendations from the Ontario Ombudsman Report “Inside Job”
November 2019

Report to: Regional Council

Report date: Thursday, December 5, 2019

Recommendations

1. That Regional Council **CONFIRMS** their agreement with the recommendations of the Ontario Ombudsman Report “Inside Job” (dated November 2019) respecting the investigation into matters relating to the Regional Municipality of Niagara’s hiring of its Chief Administrative Officer, and its administration of his contract;
2. That staff **BE DIRECTED** to prepare a policy respecting employee code of conduct or ethics that includes for the protection of confidential information, pursuant to Recommendation 1 of the Ombudsman’s Report for the Corporate Services Committee meeting being held on February 12, 2020;
3. That staff **BE DIRECTED** to include clauses in all employment contracts respecting the protection of confidential information pursuant to Recommendation 2 of the Ombudsman’s Report and provide an update at the Corporate Services Committee meeting being held on February 12, 2020;
4. That staff **BE DIRECTED** to ensure specific confidentiality agreements are signed at the start of a hiring process by all officials and staff with access to confidential hiring process information pursuant to Recommendation 3 of the Ombudsman’s Report and provide an update at the Corporate Services Committee meeting being held on February 12, 2020;
5. That staff **BE DIRECTED** to prepare a draft Terms of Reference for a Chief Administrative Officer Recruitment Committee taking into consideration Recommendation 4 of the Ombudsman’s Report for the Regional Council meeting held on January 23, 2020;
6. That staff **BE DIRECTED** to review and update the Employment and Staffing Policy (C-HR-010) to ensure it contains provisions to clarify that employees should not engage in any behaviour that provides an unfair advantage to a candidate during a hiring process including assisting candidates by providing inside information such as interview questions and suggested answers pursuant to Recommendation 6 of the Ombudsman’s Report for the Corporate Services Committee meeting being held on February 12, 2020;

-
7. That staff **BE DIRECTED** to prepare a policy respecting the hiring process for a Chief Administrative Officer including the appropriate roles of staff and their accountability to Council or a committee of Council charged with the hiring, pursuant to Recommendation 9 of the Ombudsman's Report for the Regional Council meeting held on January 23, 2020;
 8. That staff **BE DIRECTED** to prepare a by-law setting the parameters of the relationship between Council and the Chief Administrative Officer including the role of Council with respect to amending the Chief Administrative Officer's contract and salary, pursuant to Recommendation 11 of the Ombudsman's Report for the Regional Council meeting held on January 23, 2020;
 9. That staff **BE DIRECTED** to prepare a policy governing the process for Chief Administrative Officer performance appraisals pursuant to Recommendation 13 of the Ombudsman's Report for the Regional Council meeting held on January 23, 2020;
 10. That staff **BE DIRECTED** to report to Regional Council regarding the implementation of Recommendations 4 (as it relates to recruitment committees apart from the CAO) 5, 7, 8, 10, 12, 14 and 15 for the Regional Council meeting being held on February 20, 2020; and
 11. That Staff **BE DIRECTED** to report to Regional Council in six months' time on progress in implementing the recommendations of the Ontario Ombudsman Report "Inside Job" in accordance with Recommendation 16 of the Ombudsman's Report.

Key Facts

- The purpose of this report is to seek Council's approval for staff to take the necessary steps to implement the 15 recommendations provided in the Ontario Ombudsman Report "Inside Job" dated November 2019, and proposed timelines.
- Niagara Region currently has policies and practices related to some of the recommendations; however, staff are committed to reviewing and updating these items to ensure the Ombudsman's recommendations are satisfied.

Financial Considerations

The recommendations contained within the Ombudsman Report are primarily policy focused and do not have any direct financial implications apart from staff time to undertake the work.

Analysis

On November 29, 2019, the Ontario Ombudsman released his report titled “Inside Job” (attached as Appendix 1) respecting the investigation he conducted regarding the process Niagara Region undertook in the hiring of its Chief Administrative Officer (CAO); the administration of the CAO’s contract, including any extension and amendment; and Niagara Region’s response to concerns about the CAO’s hiring, including the municipal ombudsman’s investigation and the external governance auditor.

The Ombudsman put forward 15 recommendations within the report to address the issues that were identified as part of his investigation (and a 16th recommendation requiring Niagara Region to report back at six month intervals on progress in implementation of the recommendations).

Niagara Region currently has some policies in place that are relevant to some of the recommendations such as: Code of Ethics/Conflict of Interest, Accountability and Transparency, Delegation of Powers and Duties, Execution of Documents By-law, Records and Information Management Policy, Employment and Staffing Policy, and Information Access and Privacy Protection Policy. Staff will ensure, in light of the Ombudsman’s recommendations, that those policies are strengthened, supplemented and supported by training for consistent application.

In accordance with the recommendations of this report, staff will review what is currently in place and research best practices to ensure that new/updated policies, by-laws and practices are put in place, subject to Council approval, that satisfy the recommendations of the Ombudsman..

Pending the completion of the Provincial governance review and the Ombudsman’s Report into the 2016 CAO hiring process, the recruitment of a permanent CAO has been held in abeyance. Given that both of those matters have now been concluded Staff have proposed an expedited timeline to provide the policies and by-laws that the Ombudsman recommended be implemented that relate specifically to the CAO recruitment/role in order to allow those policies and by-laws to be approved by Council prior to a CAO recruitment process being initiated.

Alternatives Reviewed

No alternatives were reviewed.

Relationship to Council Strategic Priorities

This report is based on the recommendations of the Ontario Ombudsman; however, the implementation of policies and procedures aligns with Council's Strategic Priority of Sustainable and Engaging Government.

Other Pertinent Reports

There are no other pertinent reports.

Prepared and Recommended by:

Ann-Marie Norio
Regional Clerk
Administration

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Donna Gibbs, Director, Legal and Court Services, and Franco Meffe, Acting Director, Human Resources.

Appendices

Appendix 1

Ontario Ombudsman Report "Inside Job"

Page 5

Subject: Final Update – Ontario Ombudsman Report “Press Pause”

Report to: Regional Council

Report date: Thursday, February 20, 2020

Recommendations

That Report CAO 5-2020 **BE RECEIVED** and **CIRCULATED** to the Ontario Ombudsman for information.

Key Facts

- The purpose of this report is to provide a final update respecting the implementation of the recommendations from the Ontario Ombudsman.
- Recommendation 14 of the Ombudsman Report “Press Pause” was for Niagara Region to report publicly, and to the Ombudsman Office, in six months’ time on its progress in implementing the recommendations, and at six-month intervals thereafter until such time as the Ombudsman was satisfied that adequate steps have been taken to address the recommendations.
- The Ombudsman’s Office has notified staff that they no longer require updates respecting the implementation of the report recommendations from the “Press Pause” report.

Financial Considerations

There are no financial considerations associated with this report.

Analysis

At its meeting held on July 18, 2019, Council received Report CLK 11-2019 which provided an update on the actions undertaken to date with respect to the Ontario Ombudsman Report “Press Pause”.

In December 2019, staff from the Ombudsman Office advised that they no longer required any further reports respecting the implementation of the recommendations from the “Press Pause” report.

In order to close the loop on the outstanding recommendations, staff are providing a brief outline of the outstanding items, many of which are to be considered by the Procedural By-law Review Committee. Staff are working on a draft of the new Procedural By-law and will include the recommendations from the Ombudsman Report as part of the consideration of the draft by-law. It is expected that the draft by-law will

be provided to the Procedural By-law Review Committee to begin its review in the coming months. The items to be considered further by the Committee include:

- Possible refinements of Policy C-RC-007 Management of Personal Items, Equipment and Disruptive Behaviour Prior to a Closed Session of a Committee or Council and Policy C-A-025 Managing Public Spaces in a Safe and Welcoming Environment
- A definition of “improper conduct” to be included in the above policies
- Expulsion from meetings and recording the reasons for any expulsions in the meeting minutes
- Council’s authority to exercise discretion to hold a closed session outside of the set agenda order

The following outstanding recommendations are under review by the Security Taskforce:

- Policies respecting *Trespass to Property Act*, improper and unreasonable conduct
- Policies respecting access to municipal property during meetings

Alternatives Reviewed

No alternatives were reviewed.

Relationship to Council Strategic Priorities

This report is based on the recommendations of the Ontario Ombudsman; however, the implementation of policies and procedures aligns with Council’s Strategic Priority of Sustainable and Engaging Government.

Other Pertinent Reports

CLK 01-2018	Recommendations from the Ontario Ombudsman Report
GM 20-2018	Update on the Implementation of Recommendations from the Ombudsman Report “Press Pause” respecting the Regional Council meeting held on December 7, 2017
CLK 01-2019	Progress Report respecting Implementation of Recommendations from the Ontario Ombudsman Report “Press Pause”

CLK 11-2019 Second Progress Report respecting Implementation of
Recommendations from the Ontario Ombudsman Report "Press
Pause"

Prepared and Recommended by:

Ann-Marie Norio
Regional Clerk

Submitted by:

Ron Tripp, P. Eng.
Acting Chief Administrative Officer

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

Appendices

None.

In accordance with the notice and submission deadline requirements of Sections 18.1(b) and 11.3, respectively, of Niagara Region's Procedural By-law, the Regional Clerk received from Councillor Ip a motion to be brought forward for consideration at the February 20, 2020 Council meeting respecting Direct Election of the Regional Chair.

WHEREAS the Province has completed its governance review and decided to leave governance reform in the purview of each municipality;

WHEREAS section 218.2 of the *Municipal Act, 2001*, provides a municipality the power to change the method of selecting its head of Council under section 218 of the Act for any regular election after 2018;

WHEREAS the upper tier municipalities of Durham Region, Halton Region, and Region of Waterloo directly elect their Regional Chair;

WHEREAS upper tier and single-tier municipalities in Ontario with larger populations and/or larger geographic areas than Niagara have directly elected Heads of Council;

WHEREAS Niagara is a progressive municipality with diverse interests; and

WHEREAS all of the voting citizens of Niagara deserve to have a direct say in who shall represent them as Regional Chair.

NOW THEREFORE BE IT RESOLVED:

1. That The Regional Municipality of Niagara **EXERCISE** its power and follow the necessary process under section 218 of the *Municipal Act, 2001*, to change the method of selecting the Head of Council so that beginning with the 2022 municipal election and for all future municipal elections the Regional Chair is elected by general vote by the voting citizens of all 12 local area municipalities in the Niagara region in accordance with the *Municipal Elections Act, 1996*.

In accordance with the notice and submission deadline requirements of Sections 18.1 (b) and 11.3, respectively, of Niagara Region's Procedural By-law, the Regional Clerk received from Councillor Nicholson a motion to be brought forward for consideration at the February 20, 2020 Council meeting requesting the reconsideration of Minute Item 1.1 of Closed Session Minutes CL 1-2020 January 23, 2020 – A Matter of Advice that is Subject to Solicitor-Client Privilege & A Matter of Litigation or Potential Litigation under s. 239(2) of the Municipal Act, 2001 – Legal Advice respecting litigation concerning Former Senior Administration Officials Employment Contract

1. That Minute Item 1.1 of Closed Session Minutes CL 1-2020 respecting Legal Advice respecting litigation concerning Former Senior Administration Officials Employment Contract, **BE RECONSIDERED** at this time.

In accordance with the notice and submission deadline requirements of Sections 18.1 (a) and 11.3, respectively, of Niagara Region's Procedural By-law, the Regional Clerk received from Councillor Easton a motion to be brought forward for consideration at the February 20, 2020 Council meeting respecting a new West Lincoln Memorial Hospital.

WHEREAS West Lincoln Memorial Hospital (WLMH) has a critical and urgent need to rebuild its facilities in order to continue providing safe, high-quality hospital services for all residents of West Niagara;

WHEREAS Hamilton Health Sciences, the oversight system for WLMH, received approval from the Ontario government on December 19, 2019, to proceed to Stage 2 of the government's capital planning process for a new hospital in order to rebuild West Lincoln Memorial Hospital;

WHEREAS the Province of Ontario's cost share policy for hospital capital projects provides a provincial investment of 90% of the capital construction costs, conditional upon commitment from local fundraising partners to contribute both a 10% local share of financing for the capital construction cost, plus a 100% share of financing for the cost of all furniture, fixtures and equipment (FF&E) and any required parking infrastructure;

WHEREAS approval from the Ontario government to proceed with Stage 3 planning for the rebuilding of West Lincoln Memorial Hospital requires the timely submission by Hamilton Health Sciences of a financial plan in Stage 2 outlining the contributors to the local share of financing for the new hospital;

WHEREAS Hamilton Health Sciences is engaged in a dialogue with three west Niagara municipalities to determine how the local area municipalities may assist with fulfilling the needed commitment to the local share of financing, and provide a commitment by June 1, 2020, in order to satisfy the Province of Ontario's requirements to proceed with the next stage of planning for a new West Lincoln Memorial Hospital;

WHEREAS part of the required local funding could include a potential ask to Niagara Region;

WHEREAS the respective Chief Administrative Officers from Lincoln, West Lincoln and Grimsby, together with the Regional Chief Administrative Officer have had preliminary conversations on past practices of the Region in supporting hospital redevelopment projects;

WHEREAS there requires more formal conversations to take place between the local area municipalities and Regional staff to investigate potential funding options;

NOW THEREFORE BE IT RESOLVED:

That staff from Niagara Region **BE DIRECTED** to begin to formally discuss and engage in exploratory conversations with staff from all three West Niagara municipalities respecting a new West Lincoln Memorial Hospital to determine next steps and any potential options for consideration pertaining to funding opportunities from Niagara Region.

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. <>

A BY-LAW TO ACCEPT, ASSUME AND DEDICATE
PART OF LOTS 1852 - 1854 CP PI 2, IN THE CITY OF ST. CATHARINES
AS PART OF REGIONAL ROAD NO. 81 (ST. PAUL STREET WEST)

WHEREAS it is in the interest of Council for The Regional Municipality of Niagara to accept a road widening from 2595543 Ontario Inc.;

WHEREAS it is deemed expedient to accept, assume and dedicate the lands hereinafter described as part of the public highway being Regional Road No. 81 (St. Paul Street West).

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

1. That the following land be and the same is hereby accepted, assumed and dedicated as public highway forming part of the said Regional Road No. 81 (St. Paul Street West):

Part Lots 1852, 1853 and 1854, Corporation Plan 2, former Township of Grantham, now City of St. Catharines, Regional Municipality of Niagara designated as Part 1 on Reference Plan 30R-15372.

2. That this by-law shall come into force and effect on the day upon which it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA

James Bradley, Regional Chair

Ann-Marie Norio, Regional Clerk

Passed: < >



**ILLUSTRATION SHOWING APPROXIMATE LOCATION OF ROAD WIDENING
ALONG REGIONAL ROAD 81 (ST. PAUL STREET WEST)
CITY OF ST. CATHARINES**

LEGEND:

- DENOTES TERANET MAPPING
- DENOTES SUBJECT PROPERTY

CAUTION:

- This is not a Plan of Survey



DISCLAIMER
This map was compiled from various sources and is current as of December 9, 2019.
The Region of Niagara makes no representations or warranties whatsoever, either expressed or implied,
as to the accuracy, completeness, reliability, and currency or otherwise of the information shown on this map.
© 2015 Niagara Region and its suppliers. Projection is UTM, NAD 83, Zone 17. Airphoto (Spring 2018)

SCALE = 1:700
499 0 5 10 20 Metres

**Transportation Services
Surveys & Property Information
IR-19-356 Date: 2019-12-09**

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. <>

A BY-LAW TO ACCEPT, ASSUME AND DEDICATE
PART OF LOT 11, PLAN 562, IN THE CITY OF ST. CATHARINES
AS PART OF REGIONAL ROAD NO. 89 (GLENDALE AVENUE)

WHEREAS it is in the interest of Council for The Regional Municipality of Niagara to accept a road widening from 1162740 Ontario Limited;

WHEREAS it is deemed expedient to accept, assume and dedicate the lands hereinafter described as part of the public highway being Regional Road No. 89 (Glendale Avenue).

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

1. That the following land be and the same is hereby accepted, assumed and dedicated as public highway forming part of the said Regional Road No. 89 (Glendale Avenue):

Part Lot 11, Plan 562, in the City of St. Catharines, Regional Municipality of Niagara designated as Part 1 on Plan NR122951

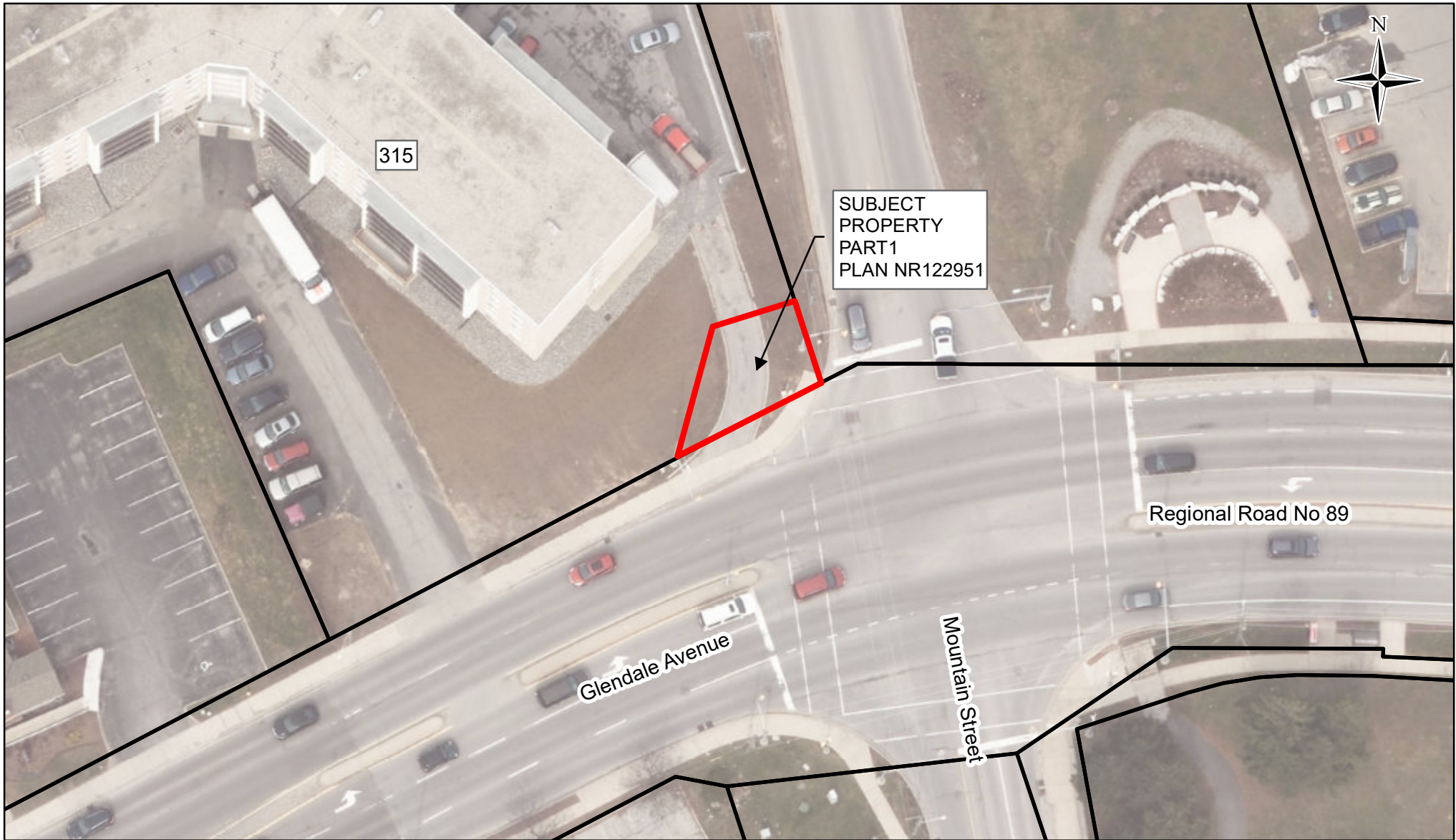
2. That this by-law shall come into force and effect on the day upon which it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA

James Bradley, Regional Chair

Ann-Marie Norio, Regional Clerk

Passed:



**ILLUSTRATION SHOWING APPROXIMATE LOCATION OF ROAD WIDENING
ALONG REGIONAL ROAD 89 (GLENDALE AVENUE)
CITY OF ST. CATHARINES**

LEGEND:

CAUTION:

- DENOTES TERANET MAPPING
- DENOTES SUBJECT PROPERTY

- This is not a Plan of Survey

DISCLAIMER
This map was compiled from various sources and is current as of January 8, 2020.
The Region of Niagara makes no representations or warranties whatsoever, either expressed or implied,
as to the accuracy, completeness, reliability, and currency or otherwise of the information shown on this map.
© 2020 Niagara Region and its suppliers. Projection is UTM, NAD 83, Zone 17. Airphoto (Spring 2018)



THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. < >

A BY-LAW TO PERMIT 2664479 ONTARIO LIMITED
OPERATING AS SOBEYS GROCERY STORE AT 450
GARRISON ROAD IN THE TOWN OF FORT ERIE TO
BE OPEN ON CERTAIN HOLIDAYS FOR THE
MAINTENANCE OR DEVELOPMENT OF TOURISM

WHEREAS subsection 4(1) of the *Retail Business Holidays Act*, R.S.O. 1990, Chapter R.30 (the “Act”), as amended, authorizes Regional Council to pass by-laws to permit retail business establishments in the Regional Municipality to be open on holidays for the maintenance or development of tourism;

WHEREAS 2664479 Ontario Limited has applied for such exemptions for the business known locally as Sobeys Grocery Store, located at 450 Garrison Road in the Town of Fort Erie;

WHEREAS the application from 2664479 Ontario Limited is in compliance with the Act and regulations, including the Tourism Criteria as set out in Ontario Regulation 711/91;

WHEREAS Regional Council has considered the written material submitted in support of the application; and

WHEREAS a public meeting was held, and the appropriate notice as required under the Act was given.

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

1. That the business known locally as Sobeys Grocery Store located at 450 Garrison Road in the Town of Fort Erie is permitted to be open from 7:00 a.m. to 11:00 p.m. on Family Day, Victoria Day, Canada Day, Labour Day and Thanksgiving Day, and from 7:00 a.m. to 7:00 p.m. on Good Friday and on any other public holiday declared by proclamation of the Lieutenant Governor to be a holiday for the purposes of the *Retail Business Holidays Act*;

2. That this by-law shall come into force and take effect, subject to an appeal under subsection 4(3) of the *Retail Business Holidays Act*, on the thirty-first day after it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA

James Bradley, Regional Chair

Ann-Marie Norio, Regional Clerk

Passed: < >

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. <>

A BY-LAW TO PROVIDE FOR THE ROLES AND
RESPONSIBILITIES OF THE CHIEF ADMINISTRATIVE
OFFICER

WHEREAS section 229 of the *Municipal Act, 2001*, S.O. 2001, C. 25, as amended, provides that a municipality may appoint a chief administrative officer who shall be responsible for exercising general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality and performing such other duties as are assigned by the municipality; and

WHEREAS Council desires to determine the general roles and responsibilities of the Chief Administrative Officer.

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

1. That the Chief Administrative Officer shall be directly responsible to Regional Council acting in its corporate capacity and nothing contained in Regional by-laws shall be deemed to empower the Chief Administrative Officer to perform, do or direct any act which shall in any manner encroach upon the legislative powers of Council.
2. That the Chief Administrative Officer is the head of the administrative branch of the Region and shall be responsible to Regional Council for coordinating, supervising, and ensuring the effective administration of all programs and policies initiated and adopted by Council and of all projects and undertakings initiated by or under his or her own direction within the strategic policy framework adopted or endorsed by Regional Council, subject to any restrictions or requirements in any statute, including but not limited to the legislated reporting and accountability relationship of the Medical Officer of Health in the *Health Protection and Promotion Act*.
3. Council will establish the terms and conditions of the appointment of the Chief Administrative Officer including the term of the appointment and the salary and benefits to be paid or provided to the Chief Administrative Officer, which may be varied from time to time, with the understanding that any amendments to such terms and conditions of employment of the Chief Administrative Officer must receive the approval of Council.

4. General Roles and Responsibilities

- (a) The Chief Administrative Officer shall administer the business affairs of the Region and, to that end, lead and direct the members of the Corporate Leadership Team in carrying out the responsibilities of the Region, in accordance with the policies and plans approved and established by Council;
- (b) The Chief Administrative Officer shall recommend to Council the appointment, suspension or dismissal of Commissioners;
- (c) The Chief Administrative Officer (or a designate of the Chief Administrative Officer) shall attend all meetings of Council and its Committees as required, with the right to speak when recognized by the Regional Chair or presiding Officer;
- (d) The Chief Administrative Officer shall establish, liaise and maintain relationships with the Federal and Provincial governments, the Region's local municipalities, other government agencies, and the residents of the Region in general;
- (e) The Chief Administrative Officer shall act as a spokesperson and representative of the Region to ensure the best interests of The Regional Municipality of Niagara are met;
- (f) The Chief Administrative Officer shall have the right to represent and speak on behalf of the Corporation, in documents and meetings, in a manner consistent with the policies of Council;
- (g) The Chief Administrative Officer shall ensure that Council is provided with complete, impartial and accurate information for the purposes of decision-making and by-law approvals;
- (h) The Chief Administrative Officer shall carry out such additional duties and exercising such additional responsibilities as may be required in the interests of the Region and as Regional Council may assign;
- (i) The Chief Administrative Officer shall have the authority to designate a member of the Corporate Leadership Team to act on the Chief Administrative Officer's behalf during any absence of the Chief Administrative Officer due to illness, vacation or otherwise;
- (j) The Chief Administrative Officer shall meet annually, and as requested, with Council to review and assess his or her performance during the past year and review and discuss salary and benefits provisions as well as determining priorities to be pursued during the following year; and

- (k) The Chief Administrative Officer will hold office at the pleasure of Council for the agreed upon term. Council may in its sole discretion, suspend or dismiss the CAO, subject to compliance with any statutory requirements or contractual agreements.
- 5. The provisions of this by-law apply with the necessary modifications to a person designated under section 4 (i) of this by-law or, where the office of Chief Administrative Officer is vacant, to an appointed official designated by or under the authority of a by-law or resolution of Council to act as Chief Administrative Officer.
- 6. That this by-law shall come into force and effect on the day upon which it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA

James Bradley, Regional Chair

Ann-Marie Norio, Regional Clerk

Passed: <date>

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. < >

A BY-LAW TO ADOPT, RATIFY AND CONFIRM THE ACTIONS OF
REGIONAL COUNCIL AT ITS MEETING
HELD FEBRUARY 20, 2020

WHEREAS subsection 5 (3) of the Municipal Act, S.O. 2001, Ch. 25, as amended, provides that, except if otherwise authorized, the powers of Regional Council shall be exercised by by-law; and,

WHEREAS it is deemed desirable and expedient that the actions of Regional Council as herein set forth be adopted, ratified and confirmed by by-law.

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

1. That the actions of the Regional Council at its meeting held February 20, 2020, including all resolutions or motions approved, are hereby adopted, ratified and confirmed as if they were expressly embodied in this by-law.
2. That the above-mentioned actions shall not include:
 - a) Any actions required by law to be taken by resolution; or
 - b) Any actions for which prior Local Planning Appeal Tribunal approval is required, until such approval is obtained.
3. That the Chair and proper officials of The Regional Municipality of Niagara are hereby authorized and directed to do all things necessary to give effect to the above-mentioned actions and to obtain approvals where required.
4. That unless otherwise provided, the Chair and Clerk are hereby authorized and directed to execute and the Clerk to affix the seal of The Regional Municipality of Niagara to all documents necessary to give effect to the above-mentioned actions.
5. That this by-law shall come into force and effect on the day upon which it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA

James Bradley, Regional Chair

Ann-Marie Norio, Regional Clerk

Passed: < >