

**THE REGIONAL MUNICIPALITY OF NIAGARA  
CORPORATE SERVICES COMMITTEE  
OPEN SESSION**

**CSC 04-2019  
Wednesday, April 17, 2019  
Council Chamber  
Niagara Region Headquarters, Campbell West  
1815 Sir Isaac Brock Way, Thorold, ON**

Committee: Bradley (Regional Chair), Butters, Campion, Diodati, Edgar, Fertich, Gale, Ip, Redekop, Rigby, Whalen (Committee Vice-Chair)

Absent/Regrets: Easton, Foster (Committee Chair), Heit

Staff: H. Chamberlain, Director, Financial Management & Planning/Deputy Treasurer, R. Fleming, Senior Tax and Revenue Analyst, D. Gibbs, Director, Legal & Court Services, T. Harrison, Commissioner/Treasurer, Enterprise Resource Management Services, B. Menage, Director, Procurement & Strategic Acquisitions, M. Murphy, Associate Director, Budget Planning & Strategy, A.-M. Norio, Regional Clerk, D. Pasto, Risk Management Program Manager, M. Trennum, Deputy Regional Clerk, R. Tripp, Acting Chief Administrative Officer

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**1. CALL TO ORDER**

Committee Vice-Chair Whalen called the meeting to order at 9:41 a.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 CSD 16-2019**

2019 Property Tax Policy, Ratios and Rates

Rob Fleming, Senior Tax & Revenue Analyst provided information respecting 2019 Property Tax Policy, Ratios and Rates. Topics of the presentation included:

- Tax Policy Background, Responsibility & Definitions
- Assessment Growth versus Reassessment Impacts
- Tax Policy Background
- 2019 Recommended Tax Policy
- 2019 Provincial Policy
- Next Steps

Moved by Councillor Diodati  
Seconded by Councillor Gale

That Report CSD 16-2019, dated April 17, 2019, respecting 2019 Property Tax Policy, Ratios and Rates, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Regional Council **APPROVE** the following tax ratios and sub-class reductions for the 2019 taxation year:

<u>Property Classification</u>	<u>Tax Ratio</u>	<u>Sub-Class Reduction</u>
Residential	1.000000	
New Multi-Residential	1.000000	
Multi-Residential	1.970000	
Commercial	1.734900	
Commercial – Excess Land	1.734900	30%
Commercial – Vacant Land	1.734900	30%
Industrial	2.630000	
Industrial – Excess Land	2.630000	30%
Industrial – Vacant Land	2.630000	30%
Pipeline	1.702100	
Farmland	0.250000	
Managed Forest	0.250000	
Farmland Awaiting Development 1	1.000000	25%
Farmland Awaiting Development 2	Class Ratio	
Landfill Sites	2.940261	

2. That by having no properties eligible for capping in the industrial class, Regional Council **OPT OUT** of the capping program for the industrial tax class for the 2019 and subsequent taxation years;
3. That the 2019 tax capping program for the commercial class reflecting the following criteria **BE APPROVED**:
  1. An annual cap **BE SET** at the greater of:
    2. An amount representing an increase of 10% of the previous year's annualized tax, or
    3. An amount representing an increase of 10% of the previous year's Current Value Assessment (CVA) tax;
  2. That, following the application of the capping program, all increasing properties within \$500 threshold and decreasing properties within \$50 threshold of the CVA taxes **BE MOVED** directly to CVA taxation;
  3. Properties at CVA tax in 2018 **BE EXCLUDED** from the capping program; and
  4. Properties that would cross over CVA tax in 2019 **BE EXCLUDED** from the capping program;
4. That the phase-out of the capping program over four years for the Commercial property class with 2019 being year three of the four years **BE ADOPTED**;
5. That the 2019 capping program **BE FUNDED** by claw back from within respective classes pursuant to section 330 of the *Municipal Act*;
6. That the Region **BE DIRECTED** to act as a banker, under section 330(6) of the *Municipal Act* for the 2019 municipal tax adjustments;
7. That the necessary by-laws **BE PREPARED** and **PRESENTED** to Council for consideration and **CIRCULATED** to the Councils of the local area municipalities for information; and
8. That this report **BE CIRCULATED** to the Councils of the local area municipalities for information.

**Carried**

**Councillor Information Request(s):**

Provide information respecting the effect that lowering the industrial tax ratio would have on the residential tax ratios. Councillor Rigby.

Provide information respecting the alignment of Niagara Region's tax policy respecting commercial and industrial vacancy rebate and subclass reduction phase-out with the Province of Ontario's policy. Councillor Diodati.

5.2 CSD 20-2019

Asset Management Policy

Moved by Councillor Diodati

Seconded by Councillor Gale

That Report CSD 20-2019, dated April 17, 2019, respecting Asset Management Policy **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That the Asset Management Policy, Appendix 2 of Report CSD 20-2019, **BE APPROVED**.

**Carried**

5.3 CSD 28-2019

Insurance and Risk Management Services Contract Extension for November 1, 2019 – November 1, 2020

Moved by Councillor Campion

Seconded by Councillor Rigby

That Report CSD 28-2019, dated April 17, 2019, respecting Insurance and Risk Management Services Contract Extension for November 1, 2019 – November 1, 2020, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That staff **BE AUTHORIZED** to exercise the option in favour of The Regional Municipality of Niagara ("Niagara Region") to extend the insurance and risk management services contract with Jardine Lloyd Thompson Canada Inc. ("JLT") on the same terms and conditions for an additional term of one year for the 2019-2020 policy term based upon an estimated annual cost of \$915,426 (including 8% PST) subject to renewal premium increases due to additional insured property and fleet values.

**Carried**

5.4 CSD 29-2019

Bill 142 – *Construction Lien Amendment Act, 2017*

Moved by Councillor Butters

Seconded by Councillor Ip

1. That Regional Council **ENDORSE** the recommendations made by the Association of Municipalities Ontario (AMO) to the Ministry of the Attorney General to consider the following additional changes to the recently amended *Construction Act*:
  - Owners should be provided more than 14 days to publish a notice of non-payment to ensure that due diligence is completed before payment of a proper invoice is required (e.g. 21 business days);
  - The time period between December 24th to January 2nd of each calendar year should be excluded from the calculation of time with respect to Prompt Payment and Adjudication;
  - The date for implementing the Prompt Payment and Adjudication regimes should be postponed from October 1, 2019 to one year following the establishment of the Authorized Nominating Authority (ANA); and
  - That the Ministry create and communicate practice guides, interpretation bulletins, and webinars in alignment with Recommendations 97 & 98 of the Expert Panel's Report to educate owners, contractors, and subcontractors of the new regimes;
2. That the Regional Chair **BE DIRECTED** to send a letter to the Ministry of the Attorney General to consider the recommendations made by AMO respecting the changes to the *Construction Act*; and
3. That Report CSD 29-2019 **BE CIRCULATED** to the local area municipalities.

**Carried**

6. **CONSENT ITEMS FOR INFORMATION**

There were no consent items for information.

**7. OTHER BUSINESS**

**7.1 Questions and Debate During Presentations**

Committee members requested staff provide clarity with respect to when discussion following a presentation to Committee is limited to questions and the Committee Chair's responsibility to manage questions to presenters. Staff advised that this matter will be brought to the Procedural By-law Review Committee for consideration.

**7.2 Confidentiality of Closed Session**

Committee members raised concerns respecting the unauthorized release of confidential information from closed session meetings. Staff advised that they take the unauthorized release of confidential information very seriously and reminded Committee of the letter from external legal counsel that was circulated at the Committee of the Whole meeting held on April 11, 2019, which reminded Councillors of their responsibilities under the Code of Conduct with respect to confidential information. Staff advised that the Integrity Commissioner would be invited to present at a future Council meeting on this matter. The Regional Chair further advised that he would reiterate to Council their obligations under the Code of Conduct with respect to confidential information.

**8. CLOSED SESSION**

Committee did not resolve into closed session.

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

**9.1 Confidential Report CSD 30-2019**

A Matter Respecting Litigation and A Matter of Advice that is Subject to Solicitor-Client privilege under s. 239 (2) of the *Municipal Act, 2001* – Kingdom Construction Limited re Niagara Falls Water Treatment Plant

Moved by Councillor Edgar  
Seconded by Councillor Fertich

That Confidential Report CSD 30-2019, dated April 17, 2019, respecting A Matter Respecting Litigation and A Matter of Advice that is Subject to Solicitor-Client privilege under s. 239 (2) of the *Municipal Act, 2001* – Kingdom Construction Limited re Niagara Falls Water Treatment Plant, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

**Carried**

**10. NEXT MEETING**

The next meeting will be held on Wednesday, May 8, 2019 at 9:30 a.m. in the Council Chamber, Regional Headquarters.

**11. ADJOURNMENT**

There being no further business, the meeting adjourned at 10:57 a.m.

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Councillor Whalen  
Committee Vice-Chair

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Matthew Trennum  
Deputy Regional Clerk

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Ann-Marie Norio  
Regional Clerk