



**City of Port Colborne
Regular Meeting of Council 32-20
Monday, November 9, 2020 – 6:30 p.m.
Council Chambers, 3rd Floor, 66 Charlotte Street**

Agenda

Notice: Council will meet through electronic participation in accordance with Bill 137, the Municipal Emergency Act in order to keep the health and safety of our community as a priority. If you wish to provide public comments regarding an item on the agenda please submit to deputyclerk@portcolborne.ca by noon on Monday, November 9, 2020.

Watch the Council Meeting streaming live on our [YouTube Channel](#).

1. **Call to Order:** Mayor William C. Steele
2. **Introduction of Addendum Items:**
3. **Confirmation of Agenda:**
4. **Disclosures of Interest:**
5. **Adoption of Minutes:**
 - (a) Regular meeting of Council 28-20, held on October 26, 2020.
6. **Determination of Items Requiring Separate Discussion:**
7. **Approval of Items Not Requiring Separate Discussion:**
8. **Delegations/Presentations:**
 - (a) Christine Clark Lafleur, Executive Director, Port Cares will be providing a presentation regarding Port Cares. (Page No. 8)
9. **Councillors' Items:**
 - (a) Staff Responses to Previous Councillors' Enquiries
 - (b) Councillors' Issues/Enquiries
10. **Consideration of Items Requiring Separate Discussion:**
11. **Proclamations:**
 - (a) January 2021 Crime Stoppers Awareness Month

12. Minutes of Boards, Commissions & Committees:

- (a) Minutes of the Environmental Advisory Committee Meeting of August 12, 2020.

13. Consideration of By-laws:

14. Adjournment:

Council Items:

Notes	Item	Description / Recommendation	Page
WCS MB EB RB GB FD AD DK HW	1.	<p><u>Corporate Services Department, Report 2020-173, Subject: KPMG Service Delivery Review Final Report</u></p> <p>That Corporate Services Department Report 2020-173, Subject: KPMG Service Delivery Review Final Report, be received for information.</p> <p>Note: Bruce Peever, Partner, Public Sector Advisory, KPMG Canada will be providing a presentation with regard to the above report.</p>	28
WCS MB EB RB GB FD AD DK HW	2.	<p><u>Corporate Services Department, Financial Services Division, Report 2020-158, Subject: Approval of the 2019 Consolidated Financial Statements</u></p> <p>That Council approve the Consolidated Financial Statements for the year ended December 31, 2019.</p>	85
WCS MB EB RB GB FD AD DK HW	3.	<p><u>Corporate Services Department, Financial Services Division, Report 2020-154, Subject: Cancellation, Reduction or Refund of Realty Tax</u></p> <p>That the applications pursuant to Section 357/358 of the <i>Municipal Act, 2001</i>, as amended, numbered 2020-01, 2020-04, 2020-05 and 2020-200 be approved to cancel or reduce taxes in the total amount of \$6,631.21.</p>	174
WCS MB EB RB GB FD AD DK HW	4.	<p><u>Planning and Development Department, Report No. 2020-167, Subject: Development Charges By-law Amendment</u></p> <p>That Council approve the amendment to clause 3.11(b) of the Development Charge By-law 6733/97/19 as attached as Appendix A to Planning and Development Department Report No. 2020-167, Subject: Development Charges By-law Amendment.</p>	177

<p>WCS MB EB RB GB FD AD DK HW</p>	<p>5.</p>	<p><u>Planning and Development Department, Report 2020-166, Subject: Recommendation Report for Zoning By-law Amendment, Nyon Oil Inc. File D14-05-20</u></p> <p>That Council approve the Zoning By-law Amendment, attached hereto as Appendix “B” to allow the technical refinement to the HI-46-H zone;</p> <p>That the City Clerk is hereby authorized and directed to proceed with the giving of notice of passing of the By-laws, in accordance with the Planning Act; and</p> <p>That pursuant to the provisions of Section 34(17) of the Planning Act, no further notice of public meeting be required.</p>	<p>180</p>
<p>WCS MB EB RB GB FD AD DK HW</p>	<p>6.</p>	<p><u>Engineering and Operations Department, Engineering Division, Report 2020-159, Subject: By-law Revision – Speed Limit Change on Killaly Street East</u></p> <p>That Council direct staff to amend Traffic and parking By-law 89-2000 Schedule “W” to revert the speed limit on Killaly Street East, between James Street and Snider Road, to 50 km/h, with the speed limit being reduced to 40 km/h when the lights on the “Flashing 40” signs are flashing.</p>	<p>235</p>
<p>WCS MB EB RB GB FD AD DK HW</p>	<p>7.</p>	<p><u>Engineering and Operations Department, Engineering Division, Report 2020-136, Subject: Update and Recommendation to Complete Engineering and Construction Drawings for City Hall</u></p> <p>That Engineering and Operations Department, Engineering Division Report 2020-136 be received;</p> <p>That Council approve the sole source of the complete engineering and construction drawings package for City Hall; and</p> <p>That staff be directed to retain Lex Parker Consultants to complete the engineering and construction drawings for the amount of \$47,500 excluding taxes.</p>	<p>238</p>

Miscellaneous Correspondence					
WCS	MB	EB	8.	<u>Memorandum from Nancy Giles, EA to CAO and Mayor and Staff Liaison to the Grant Policy Committee Re: Recommendations of Grant Policy Committee</u>	241
RB	GB	FD			
AD	DK	HW			
				<p>That the following donation/sponsorship request be approved for a total of \$4,000</p> <p>Port Cares – \$4000 - to assist in providing services at the Reach Out Centre.</p>	
WCS	MB	EB	9.	<u>Crime Stoppers of Niagara Re: Request for Proclamation of January 2021 as Crime Stoppers Month</u>	242
RB	GB	FD			
AD	DK	HW			
				<p>That the month of January 2021 be proclaimed as “Crime Stoppers Awareness Month” in the City of Port Colborne in accordance with the request received from Barry Diamond, Chair, Crime Stoppers of Niagara.</p>	
Outside Resolutions – Requests for Endorsement					
WCS	MB	EB	10.	<u>Township of Asphodel–Norwood, Township of Blandford-Blenheim, Town of Lincoln, Norfolk County, Northumberland County, Re: Cannabis Grow Operations</u>	244
RB	GB	FD			
AD	DK	HW			
				<p>That the resolutions received from various municipalities Re: Cannabis Production, be received for information.</p>	
WCS	MB	EB	11.	<u>City of Clarence-Rockland Re: Cannabis Retail Stores</u>	258
RB	GB	FD			
AD	DK	HW			
				<p>That the resolution received from the City of Clarence-Rockland Re: Cannabis Retail Stores, be received for information.</p>	
WCS	MB	EB	12.	<u>County of Wellington, Northumberland County, Township of Wellington-North, Township of South-West Oxford, Re: Fair and Accurate Assessment of Aggregate Resource Properties</u>	263
RB	GB	FD			
AD	DK	HW			
				<p>That the resolutions received from various municipalities Re: Fair and Accurate Assessment of Aggregate Resource Properties, be received for information.</p>	

WCS	MB	EB	13.	<p><u>Township of Lake of Bays Re: Reform to Municipal Insurance Policy</u></p> <p>That the resolution received from the Township of Lake of Bays, Re: Reform to Municipal Insurance Policy, be received for information.</p>	271
RB	GB	FD			
AD	DK	HW			
Responses to City of Port Colborne Resolutions					
WCS	MB	EB	14.	<p><u>Niagara Health in response to City of Port Colborne’s resolution regarding Request for Rehabilitation of Helicopter Pad at the Urgent Care Centre</u></p> <p>That the correspondence received from Allison Campbell, Executive Coordinator to the President’s Office, Niagara Health, in response to the City of Port Colborne’s resolution regarding the rehabilitation of Helicopter pad at the Urgent Care Centre, be received for information.</p>	273
RB	GB	FD			
AD	DK	HW			

**Consideration of By-laws
(Council Agenda Item 13)**

By-law No.	Title
6835/85/20	Being a By-law to Amend By-law 6733/97/19, Being a By-law to Impose Development Charges for the City of Port Colborne
6836/86/20	Being a by-law to amend Zoning By-law 6575/30/18 respecting lands legally described as Part of Lots 16, 17, 18 and 19, part of the road allowance between Lots 16 and 17, part of the road allowance between Lots 18 and 19, in the City of Port Colborne, Regional Municipality of Niagara. The property is municipally known as the Nyon Oil lands generally south of the CN Rail lane, west of Highway 140 and east of Canal Road in the City of Port Colborne.
6837/87/20	Being a By-Law to Amend By-Law No. 89-2000, Being a By-Law Regulating Traffic and Parking on Killaly Street East
6838/88/20	Being a By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne at its Regular Meeting of November 9, 2020

**PROVIDING
HELP,
HOPE AND
OPPORTUNITY**



PortCares

BACKGROUND

ABOUT PORT CARES TODAY

THE REALITY

PORT CARES IMPACT IN THE COMMUNITY

ACCOUNTABILITY, STEWARDSHIP & SUSTAINABILITY



Late 1970s and Early 1980s in Port Colborne ...

- Massive job loss in the industrial sector – thousands of jobs lost in the industrial sector
- Population plummets with homes and businesses abandoned
- Unemployment is rampant
- No social or support services in the area
- No internet
- Rapid rise in teenage pregnancy
- Rapid rise in domestic violence
- Poverty becomes prevalent





Port Cares today 34 years later in 2020

- A registered charitable and not for profit corporation
- Governed by a skills based volunteer board of directors
- Operate as a Comprehensive Community Social Service Hub
- Major Employer in Port Colborne @ approx. 50 employees
- Approx. \$3.6 million annual budget comprised of employment, housing, homelessness prevention, youth justice, child development and charity based services

Our Mission



Our mission is to help those in our community with social and economic needs improve their quality of life.

Our Vision

Help, Hope and Opportunity

For all members of our community to
achieve their potential.

Our Values



We provide **help**,
without judgment.



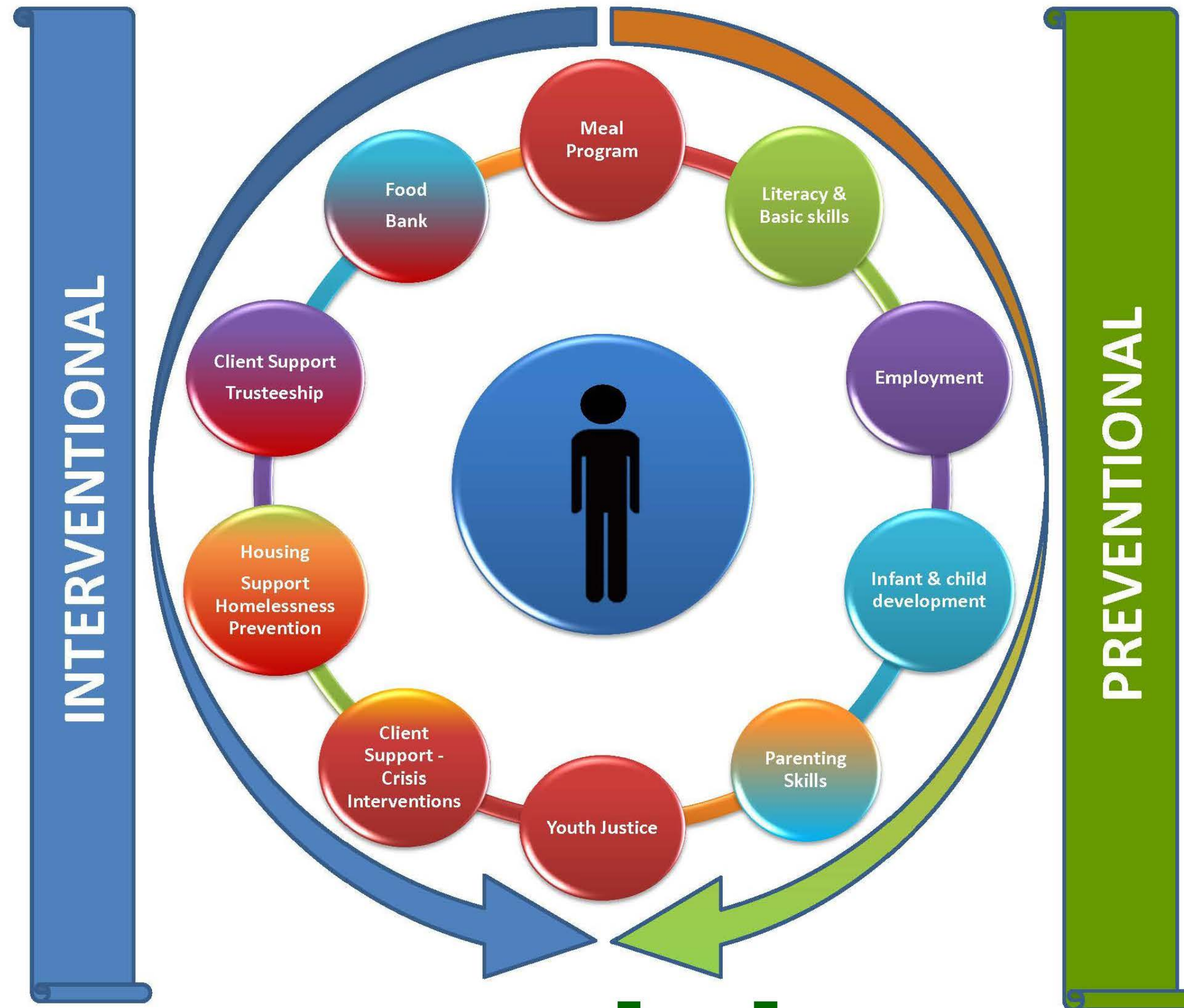
We are all **accountable** to
one another.



We treat everyone
with **respect.**



We work
collaboratively.



Operating Model

SERVICES PROVIDED

EMPLOYMENT & TRAINING

- Employment Services – Employment Counselling, Job Search, Work Placement, Recruitment and Funding for Employers
- Youth Employment – specialized service for 15 to 29 year olds
- COJG – funding for training and skills development for employers
- Literacy & Basic Skills Training – individualized

YOUTH JUSTICE

- Restorative justice program for youth ages 12 to 17 who commit low risk criminal offences
- Serve all of Niagara – police and court referrals

SERVICES PROVIDED

EARLYON Child Development & Parenting Support

- Facilitated 30,000 visits last year
- In-person drop in play based service
- Largest provider in Niagara with centres located in
 - Port Colborne
 - Welland – Seaway Mall
 - Pelham
 - Fort Erie
 - West Lincoln
 - Lincoln
 - Grimsby



SERVICES PROVIDED

Client Services

- Homelessness Prevention
- Transitional Housing
- Assertive Street Outreach

- Foodbank
- Meal Program
- Childrens School Lunch Program
- Crisis intervention
- PortAL



Charitable Services

- Funded through grants, donations, fundraising
- Reach Out Centre – Food Bank, Meal Program, Interventions and Family Supports
- Community Navigation
- Seasonal Family Support Programs



About Reach Out Centre

- 1,616 LOW INCOME verified registered users
- Foodbank distributing 20,000 to 24,000 pounds of food a month
- 516 people registered to receive meals three nights a week
- ONE THIRD are children under the age of 14

- WE RELY ON DONATIONS, FUNDRAISING AND GRANTS – NO GOVERNMENT MONEY FOR THIS



Community Socio-Economic Demographics

- Low levels of higher education
- Highest level of education attained – high school
- Highest reliance on government as sole source of income
 - OAS, ODSP, OW
- Lower wage earnings – lower household income
- Older population – higher proportion of older individuals than the rest of Niagara
- Higher high risk behaviours for pregnant women
- Highest % of individuals living in low income (15.7%) vs 14.5 % in Niagara and 9% in Ontario - 2018 DATA

RESERVES – STEWARDSHIP, ACCOUNTABILITY

PROGRAM RESERVE

- All our contracts are annual or three year and are performance based
- We compete through RFP competitive means for the contract work we do
- Should we not get the contract or the government cancels program we need to be able to pay severance and wind-down costs
- A RESTRICTED FUND – held only for this reason – A VERY REAL REASON
- Legal recommends 6 months of operating /payroll costs be held in the PROGRAM RESERVE – Target is \$700,000

RESERVES – STEWARDSHIP, ACCOUNTABILITY

CAPTIAL RESERVE

- Port Cares has emerged out of a period of long-term debt taken on in the purchase and ongoing repair of the buildings at 92 Charlotte and 61 Nickel
- There was no capital reserve until 2014
- Comprehensive asset replacement schedule created in 2018 – mapped out to 2031
- Not for profits and charities are advised to create capital reserves that can cover replacement costs
- Our Capital Reserve Target therefore is \$1.5 million



**RESERVES + STEWARDSHIP=
SUSTAINABILITY**

**Question: What would the community do
without Port Cares**



Crime / Canada

Mystery surrounds Port Colborne pedophile cabal

Brad Hunter
Dec 16, 2018 • Last Updated 1 year ago • 3 minute read

LOCAL CANADA POLITICS WORLD OPINION LIFE SPORTS ENTERTAINMENT BUSIN
Crime Council Cannabis And You Readers' Choice Awards Marketplace

NIAGARA REGION

Port Cares holding online 50/50 raffle to raise much-needed funds

Crime Council Cannabis And You Readers' Choice Awards Marketplace

NIAGARA REGION

Pop-up toy store helps Port Cares

By Port Colborne Leader
Tue., Dec. 11, 2018 | 1 min. read

Article was updated Jun. 02, 2020

CHCH NEWS WEATHER TRAFFIC SHOW
Shop Local Support a Local Business!

Police make sixth arrest in Port Colborne Assault Case

By Spencer Halliday - July 31, 2018, 3:23 pm

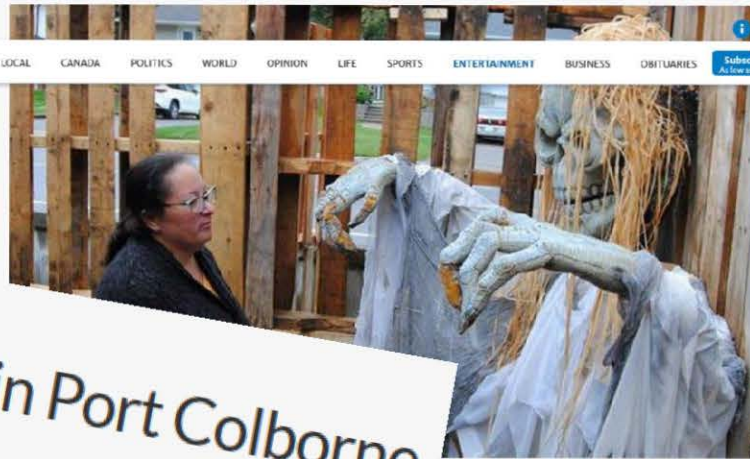


Events Television Music Movies Books Restaurant Reviews Arts

ENTERTAINMENT

Haunted maze raising funds, food and frights for Port Cares

By James Culic Port Colborne Leader
Wed., Oct. 21, 2020 | 1 min. read

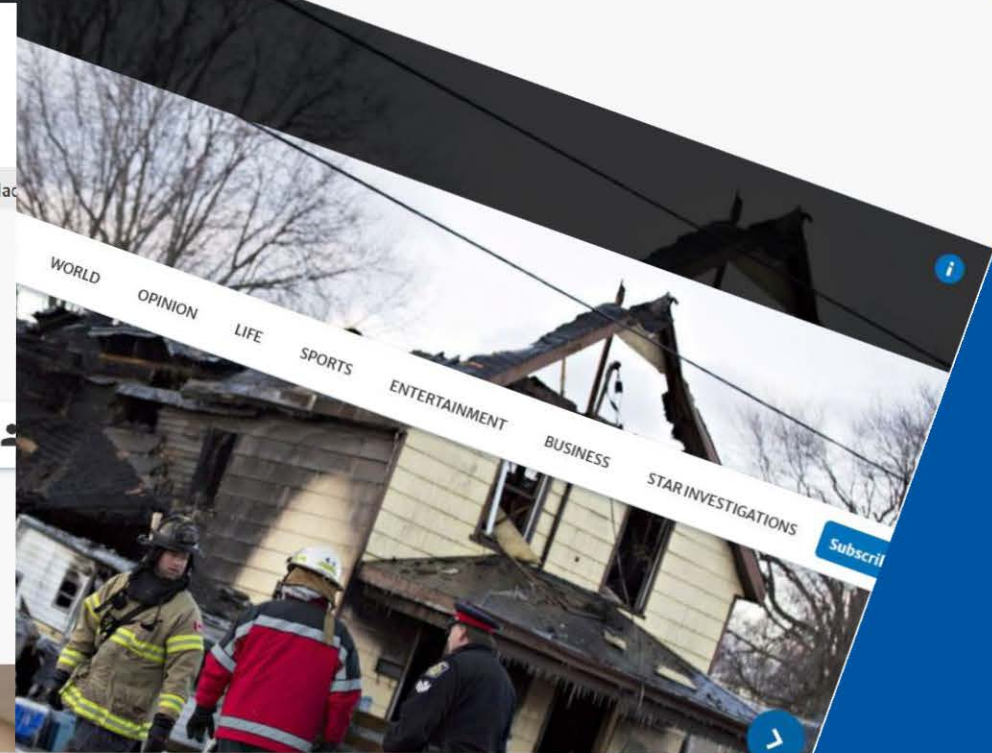


TORONTO STAR

Ontario British Columbia Alberta Quebec Nova Scotia
LIVE Prime Minister Justin Trudeau provides update on federal response to COVID-19

Two children, mother, great-grandmother dead in Port Colborne, Ont., fire

By Jesse Winter Staff Reporter
Wed., Dec. 14, 2016 | 4 min. read



6 men arrested on child sex charges in Port Colborne case to stand trial in 2020

The Niagara Falls Review
Tuesday, April 23, 2019



A trial for six men arrested by Niagara Regional Police in 2018 following a lengthy investigation into child sex allegations in Port Colborne will not be held until next year.
The defendants, ranging in age from 50 to 78, appeared in court in Welland on Tuesday.

SHOWS NEWS BUY LOCAL PODCASTS CONTESTS EVENTS

ANONYMOUS DONOR ISSUES CHALLENGE TO SUPPORT PORT CARES

SHELBY KNOX
Wednesday, April 8th 2020 - 7:04 am



If poverty is a disease that infects the entire community in the form of unemployment and violence, failing schools and broken homes, then we can't just treat those symptoms in isolation. We have to heal that entire community.

Barack Obama

44th President of the United States of America

Humanitarian, Visionary



Report Number: 2020-173

Date: November 9, 2020

Subject: KPMG Service Delivery Review Final Report

1) PURPOSE:

This report is being provided to Council to give a summary of events leading up to the presentation and publication of the 2020 Service Delivery Review conducted by the audit firm KPMG.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

On February 24, 2020, the Province replied to the City of Port Colborne's submission to the Modernization Program Intake 1, advising that the City was approved for funding of up to \$86,496 to be used towards conducting a Service Delivery Review (SDR).

One of the eligibility requirements for this provincial grant program was to undertake an independent third-party review. The scope of this review would include a detailed analysis of all programs and services, consultation with staff, management and Council, leading practice research, trend analysis of revenues and expenditures and a review of service levels and service standards.

The result of the third-party review was the creation of a report to be published by the independent third-party reviewer that must provide specific and actionable recommendations for cost savings and improved efficiencies.

Quotes for service on this project were gathered by four firms. Approval to move forward with KPMG as the vendor on this project was made by CAO Scott Luey on February 27, 2020 at the recommendation of staff.

As part of the City of Port Colborne service delivery review, senior leadership and managers were interviewed to obtain an understanding of the services provided by the City, to identify challenges, to identify opportunities for financial and operational efficiencies, and to utilize key measurements for continuous improvement.

The Office of the CAO and management of each of the City departments were interviewed in confidential one-on-one discussions. In addition, three focus groups of front-line municipal staff were held.

Prior to the completion of the Service Delivery Review, Council was provided a status update of this project in the Customer Relationship Management Project Update presentation made to council August 10, 2020.

This third-party review was 100% grant funded from the Municipal Modernization Program.

3) STAFF COMMENTS AND DISCUSSIONS

An initial determination was made by staff to apply for the Municipal Modernization Program Intake 1 as a strategic opportunity. Staff identified that there are currently gaps in available data, established key performance indicators (KPIs) and other benchmarking metrics that could aid the City in modernizing its service delivery.

The opportunity to conduct a review of this nature would formalize and document not only these opportunities to modernize service delivery but highlight other strategic opportunities as well. The information and feedback gathered from this Service Delivery Review can be tied into future budget plans and can be used to support the City's strategic plan.

This report will be utilized by staff in the upcoming year to help assess departmental goals and support work plans. The report will also be used to help identify projects, support budget requests, and set goals that ultimately aid in helping the City of Port Colborne run more efficient operations.

This Service Delivery Review was a successful first step in assisting the collection of data and staff will continue to identify opportunities to establish KPIs and use metrics to benchmark future performance.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

No action is required at this time.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Not Applicable.

6) ATTACHMENTS

Appendix A – Presentation Slides

Appendix B – Service Delivery Review Final Report

7) RECOMMENDATION

That Corporate Services Department Report 2020-173 KPMG Service Delivery Review Final Report be received for information.

8) SIGNATURES

Prepared on November 2, 2020 and respectfully submitted by:



Bill Myers
Supervisor, Customer Service and Strategic Projects
Reviewed and Respectfully Submitted:



Amber LaPointe
Manager, Legislative Services/City Clerk



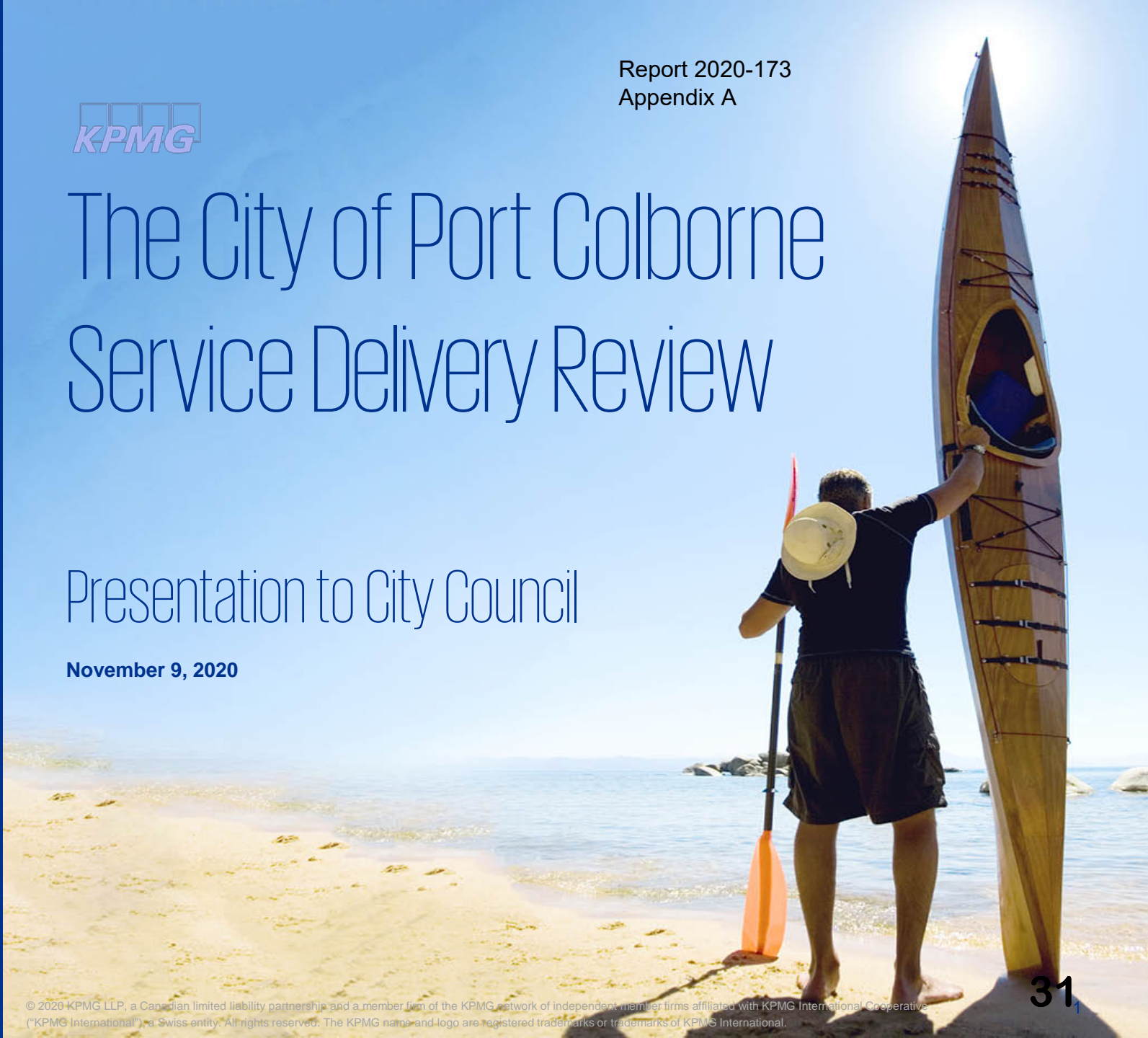
C. Scott Luey
Chief Administrative Officer



The City of Port Colborne Service Delivery Review

Presentation to City Council

November 9, 2020



Disclaimer

This report is subject to the terms and conditions in our engagement letter March 5th, 2020. This report is intended solely to assist the City of Port Colborne (“the City”) with a service delivery review. The comments and observations in our report are not intended, nor should they be interpreted, to be legal advice or legal opinion. This report is based on information and documentation that was made available to KPMG at the date of this report. KPMG has not audited nor otherwise attempted to independently verify the information provided unless otherwise indicated.

We had access to information up to August 10th, 2020 in order to arrive at our observations but, should additional documentation or other information become available which impacts upon the observations reached in our report, we will reserve the right, if we consider it necessary, to amend our report accordingly. This report and the observations expressed herein are valid only in the context of the whole report. Selected observations should not be examined outside of the context of the report in its entirety.

Our observations and full report are confidential and are intended for the use of the City. Our review was limited to the procedures conducted. The scope of our engagement was, by design, limited and therefore the observations should be considered in the context of the procedures performed. In this capacity, we are not acting as external auditors nor value for money auditors and, accordingly, our work does not constitute an audit, examination, value for money, attestation, or specified procedures engagement in the nature of that conducted by external auditors on financial statements or other information and does not result in the expression of an opinion.

Pursuant to the terms of our engagement, it is understood and agreed that all decisions in connection with the implementation of advice and recommendations as provided by KPMG during the course of this engagement shall be the responsibility of, and made by, the City. KPMG has not and will not perform management functions or make management decisions for the City.

KPMG has no present or contemplated interest in the City. Accordingly, we believe we are independent of the City and are acting objectively.

This report is not intended for general use, circulation or publication and any use of KPMG's report for any purpose other than circulation within the City without KPMG's prior written permission in each specific instance is prohibited. KPMG assumes no responsibility or liability for any costs, damages, losses, liability or expenses incurred by anyone as a result of the circulation, reproduction or use of or reliance upon KPMG's reports, contrary to this paragraph.

Project Objectives

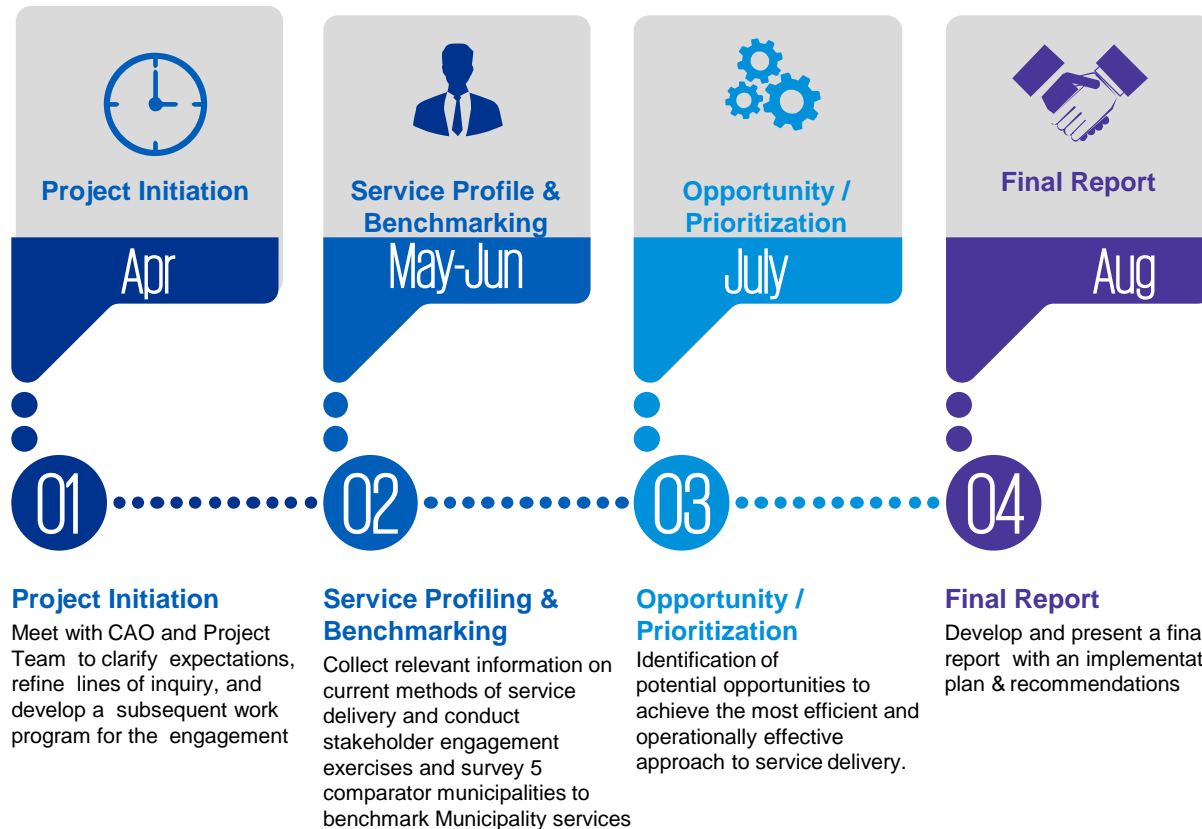
KPMG was engaged by the City of Port Colborne to undertake a service review. The overall goal of the service review was to better understand the current suite of services, and identify opportunities for improvements, and efficiencies. Specific project objectives included:

- **Inventory Municipal Services** – Conduct a comprehensive review and detailed analysis of the relevance, efficiency and effectiveness of the City’s services including a review of leading municipal organizations. As part of this we considered all aspects of the City’s services including delivery methods, service expenditure and revenue streams.
- **Identify Opportunities** – Explore opportunities based on global leading practices (public, private, not-for-profit) and define options for greater cost efficiency in service delivery and levels.
- **Advise on Implementation** – Evaluate and categorize opportunities to develop recommendations for short-term, mid-term, and long-term priorities. Provide strategic guidance to leadership on implementation and prioritization of new, innovative and/or leading service delivery models that improve upon organizational efficiency while balancing citizen expectations. In addition, highlight the risks associated with each proposed change/option to inform management of the key factors and risks which should be considered during the decision making process.

Introduction and Context

Work Plan and Progress Report

This engagement commenced on April 3, 2020, and was completed on November 9, 2020 when KPMG delivered the final report to the City. The diagram below depicts the key phases as outlined in the Project Charter.



Strategic Opportunities

Ref No.	Opportunity	Observation	Leading Practice	Improvement Type	Estimated Impact*
1	Establish Service Levels for Municipal Services	The City recognizes the need for defined service levels for each of its services and to date has been inconsistent in establishing and adhering to them. Staff identified the need for clear direction and less ambiguity or mixed messaging as a result of not having established service levels.	Established service levels manage citizen expectations and provide clear direction to staff. They also allow for appropriate planning for resourcing (people and assets) and the appropriate budget allocations.	Modernizing Bureaucracy	Tax/rate benefit <\$100k/year
2	Revise and Update Strategic Plan with Departmental Mandates and KPIs	The City recognizes the need to revise and update the Strategic Plan. The Strategic Plan needs to include departmental mandates and KPIs for each department. Staff identified the inconsistency and lack of understanding of these mandates and KPIs.	Strategic Plans are for 3-5 years and viewed and updated on a regular basis. They also align the community with Council and City staff. Department Mandates and KPIs manage expectations, provide clear direction and allow for individual and City growth to meet or exceed said KPIs.	Modernizing Bureaucracy	Tax/rate benefit <\$100k/year
3	Integrate Culture Strategic Plans	The City recognizes the opportunity to integrate various culture-related initiatives and strategic plans. Staff identified the opportunity to review resourcing (people, assets and funding) for planning and hosting various cultural events.	The integration of strategic planning for culture-related initiatives will lead to cost effectiveness, innovation, and modernization of multiple cultural events. The City will be able to build on its foundation of initiatives such as the Marine Museum, the Roselawn Centre, and Canal Days etc.	Modernizing Bureaucracy	Tax/rate benefit <\$100k/year

* Estimated impacts are preliminary assessments of the potential impact to the organization. Further study and analysis is needed.

Top 10 Opportunities

Ref No.	Opportunity	Observation	Leading Practice	Improvement Type	Estimated Impact*
1	Conduct Fleet Utilization Study and Re-Finance the Fleet	The City operates and maintains a wide variety of fleet vehicles and equipment to deliver municipal services across the municipality. Maintenance has become increasingly complex with pressure of upcoming replacement needs. A fleet strategy and utilization study would assist the City in better understanding its current operations, improve asset management practices, and enhance planning for short-term and long-term financing needs.	Municipalities are increasingly reviewing their fleet operations to understand the current utilization, develop standards for right-sizing the fleet and for future vehicle selection, and leverage possible efficiencies from “green” vehicles and shared economy business models.	Modernizing Bureaucracy	Tax/rate benefit <\$100k/year
2	Develop a Facility Condition Assessment and Financial Plan	The City maintains multiple older facilities that are well taken care of. With older buildings there are opportunities for efficiencies and accessibility improvements. There is significant overtime and use of contract resources. The City may benefit from additional full-time trade resources to offset overtime and contracts. With the recent onset of COVID-19, the City is further challenged to implement additional enhancements.	Municipalities are leveraging Lifecycle Management approaches with energy-efficient programs to enhance the long-term maintenance of their facilities.	Modernizing Bureaucracy	Tax/rate benefit >\$100k/year
3	Review Service Delivery of GIS Services	The demand for GIS services is required across multiple departments in the City. There is a need for current and updated data that is readily accessible by multiple staff. This would entail mapping all City-owned and managed assets.	Municipalities can benefit from third-party delivery of GIS services across the City. Outsourcing allows the City to focus on the delivery of City services and benefit from the expertise of a third party provider.	Modernizing Bureaucracy	Tax/rate benefit >\$100k/year

* Estimated impacts are preliminary assessments of the potential impact to the organization. Further study and analysis is needed.

Top 10 Opportunities

Ref No.	Opportunity	Observation	Leading Practice	Improvement Type	Estimated Impact*
4	Conduct Lean Six Sigma Process Review and Modernize Business Processes	Many departments within the City identified the need to standardize and define processes to deliver City services. Many of the existing processes have not been reviewed in recent years and newer areas do not have well-documented processes.	Municipalities are looking to best practices such as Lean Six Sigma Process Reviews to modernize their business processes. These reviews lead to streamlined and enhanced service delivery.	Modernizing Bureaucracy	Tax/rate benefit >\$100k/year
5	Review Seasonal Staffing Model	There are multiple seasonal positions across the City. There is an opportunity to consolidate into full-time positions which will lead to retention of staff, cost savings and overall better delivery of services.	Municipalities are conducting reviews to reduce the use of contract employees, improve retention, retain intellectual capital, and find potential cost-savings.	Modernizing Bureaucracy	Tax/rate benefit <\$100k/year
6	Continually review Job Classifications for Outside Workers and the CBA	Continually reviewing job descriptions will ensure efficient operations that are in line with the City's objectives. This opportunity could also provide more flexibility for the City and opportunity for the individuals.	Municipalities are revising CBAs to build in the necessary flexibility across roles.	Modernizing Bureaucracy	Tax/rate benefit >\$100k/year

* Estimated impacts are preliminary assessments of the potential impact to the organization. Further study and analysis is needed.

Top 10 Opportunities

Ref No.	Opportunity	Observation	Leading Practice	Improvement Type	Estimated Impact*
7	Review Data Management and Identify Business Intelligence Opportunities	The City identified a lack of understanding of data available and accessibility for data to be shared across departments with a result of duplicate data being retained in various ways across the City.	Having well-defined data management practices will allow for increased efficiency, more reliable and quality data, better business intelligence and analysis, and improved communications across the City.	Modernizing Bureaucracy	Tax/rate benefit <\$100k/year
8	Undertake a Review of Overtime and Resource Utilization Including the Back-Filling with Vacancies and Timelines	Many departments are experiencing the need for overtime suggesting it is time for a review to look at root cause to develop the appropriate recruitment and retention strategy.	Reducing overtime with the potential for additional full-time resources improves delivery of services and overall staff morale.	Modernizing Bureaucracy	Tax/rate benefit <\$100k/year
9	Transition to Single Plow Operator and review Grass Cutting and Snow Removal Service Delivery Model	The City identified a cost-savings opportunity to shift from tandem to single plow operator. In addition, the City identified an opportunity for Operations and the Parks Departments to work in tandem on the consolidation of seasonal roles into full-time positions, providing job security and cost efficiency.	Many municipalities have transitioned to single plow operators to realize cost savings. Municipalities are continually striving to deliver the best service for the best cost which may entail insourcing or outsourcing services or utilizing a combination of contract/full-time resources.	Modernizing Bureaucracy	Tax/rate benefit <\$100k/year

* Estimated impacts are preliminary assessments of the potential impact to the organization. Further study and analysis is needed.

Top 10 Opportunities

Ref No.	Opportunity	Observation	Leading Practice	Improvement Type	Estimated Impact*
10	Delivery of Health Services/ Physician Recruitment Program	The city has identified an opportunity to re-evaluate mandate, role and function of Health Services/ Physician Recruitment Program.	Evaluate ongoing programs for physician recruitment. Consider redefining/ narrowing the scope of the program and outsourcing administration to the Niagara Physician Recruitment and Retention Program to eliminate duplication of services.	Modernizing Bureaucracy	Tax/rate benefit <\$100k/year

* Estimated impacts are preliminary assessments of the potential impact to the organization. Further study and analysis is needed.



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The information contained herein is of a general nature and is not intended to address the circumstances of any particular individual or entity. Although we endeavour to provide accurate and timely information, there can be no guarantee that such information is accurate as of the date it is received or that it will continue to be accurate in the future. No one should act on such information without appropriate professional advice after a thorough examination of the particular situation.



The City of Port Colborne Service Delivery Review

Final Report

September 8, 2020



Disclaimer

This report is subject to the terms and conditions in our engagement letter March 5th, 2020. This report is intended solely to assist the City of Port Colborne (“the City”) with a service delivery review. The comments and observations in our report are not intended, nor should they be interpreted, to be legal advice or legal opinion. This report is based on information and documentation that was made available to KPMG at the date of this report. KPMG has not audited nor otherwise attempted to independently verify the information provided unless otherwise indicated.

We had access to information up to August 10th, 2020 in order to arrive at our observations but, should additional documentation or other information become available which impacts upon the observations reached in our report, we will reserve the right, if we consider it necessary, to amend our report accordingly. This report and the observations expressed herein are valid only in the context of the whole report. Selected observations should not be examined outside of the context of the report in its entirety.

Our observations and full report are confidential and are intended for the use of the City. Our review was limited to the procedures conducted. The scope of our engagement was, by design, limited and therefore the observations should be considered in the context of the procedures performed. In this capacity, we are not acting as external auditors nor value for money auditors and, accordingly, our work does not constitute an audit, examination, value for money, attestation, or specified procedures engagement in the nature of that conducted by external auditors on financial statements or other information and does not result in the expression of an opinion.

Pursuant to the terms of our engagement, it is understood and agreed that all decisions in connection with the implementation of advice and recommendations as provided by KPMG during the course of this engagement shall be the responsibility of, and made by, the City. KPMG has not and will not perform management functions or make management decisions for the City.

KPMG has no present or contemplated interest in the City. Accordingly, we believe we are independent of the City and are acting objectively.

This report is not intended for general use, circulation or publication and any use of KPMG's report for any purpose other than circulation within the City without KPMG's prior written permission in each specific instance is prohibited. KPMG assumes no responsibility or liability for any costs, damages, losses, liability or expenses incurred by anyone as a result of the circulation, reproduction or use of or reliance upon KPMG's reports, contrary to this paragraph.

Table of Contents

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Chapter	Page
Disclaimer	2
Project Overview	4
Opportunities and Prioritization	11
Conclusion	27
Appendix A: Summary of Findings from Consultations	28
Appendix B: Benchmarking & Performance Perspectives	36



Project Overview

City of Port Colborne
Service Review
Final Report

Introduction

The opportunities and prioritization was prepared to present a roadmap to improve the overall effectiveness and efficiency of the City's current service delivery model. The opportunities reflect the observations and findings from multiple stakeholder engagements with management and staff including a survey that was open to all staff for their input. In addition to the three strategic and top ten opportunities, many more were identified and have been categorized and ranked for future review and consideration.

Setting the Stage

Port Colborne is a dynamic city of 19,000 people on the shores of Lake Erie. A part of the Niagara Region, this community offers the best of small and large city infrastructure and activities. While sharing similarities with other municipalities that have distinct urban and rural areas, Port Colborne's history and vision for the future is unique and makes it special.

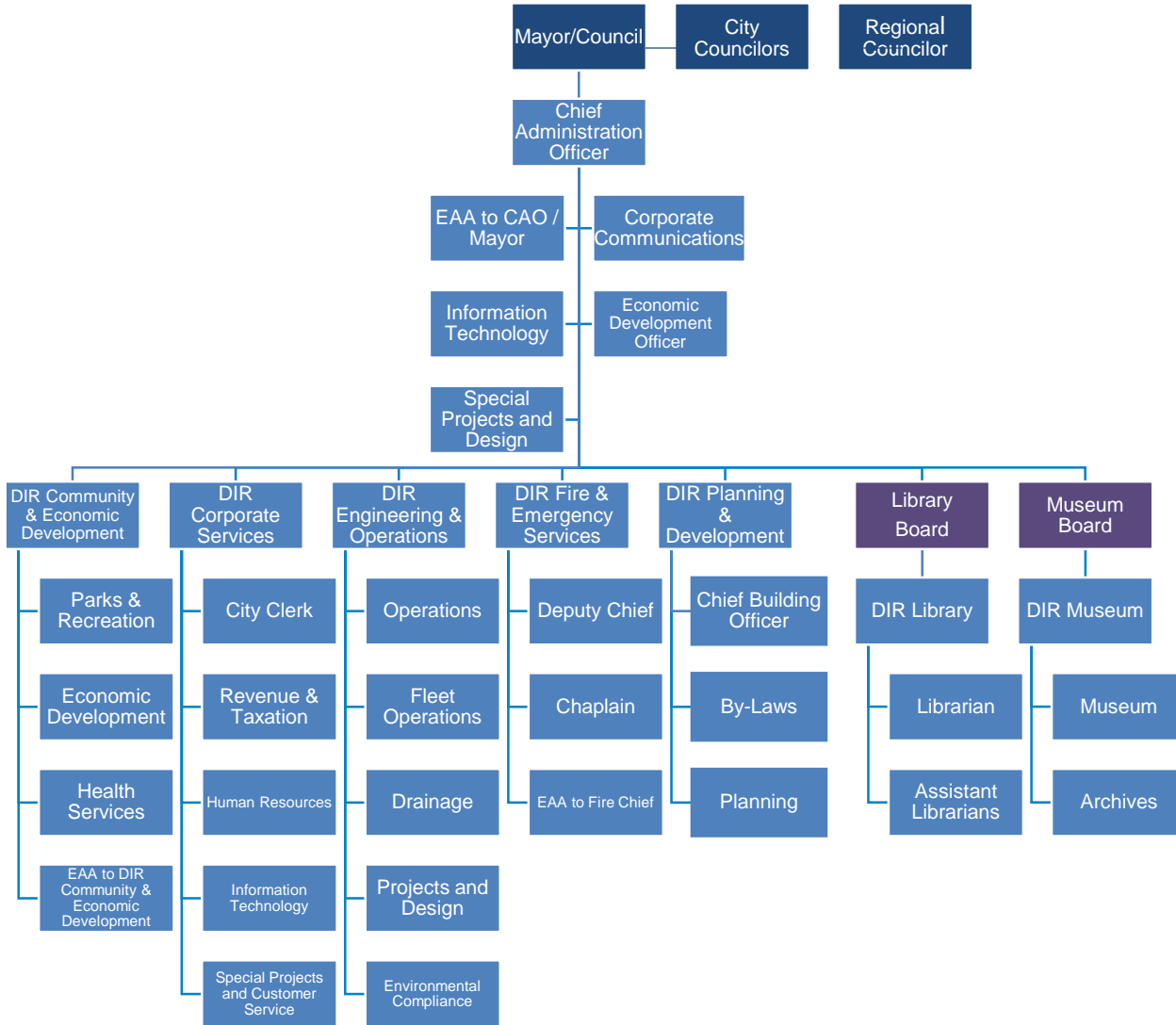
Port Colborne is situated on the north shore of Lake Erie, at the mouth of the Welland Canal. It shares its boundaries with the Township of Wainfleet to the west, the Town of Fort Erie to the east, and the Cities of Welland and Niagara Falls to the north.

The urban area of Port Colborne is located at the southern end of the municipality, centered on the Welland Canal, and consists of a variety of residential neighbourhoods, a downtown/historic core area, as well as various commercial and industrial areas. The urban area makes up less than one-quarter of the municipality's geographic area. The Welland Canal has provided an impetus for industrial development along the waterfront. A number of major industries are located on or close to the waterfront, occupied by residential development (primarily cottages) that have deeded access to the beaches and in many cases, access rights that extend into Lake Erie.

The City government is comprised of the Mayor, 8 City Councillors representing four community wards and a Regional Councillor. The Mayor also represents the City on Regional Council. The City currently has 6 main departments: Office of the CAO, Corporate Services, Planning and Development, Community and Economic Development, Engineering and Operations and Fire and Emergency Services plus the Library and Museum. The City oversees a gross operating budget of ~\$25M and employs over 200 staff (full-time, part-time and casual).

As with all municipalities and other levels of government, the City is balancing community and stakeholder expectations and financial constraints. With the growth it is experiencing, City Council has determined that it is necessary for Port Colborne to consider how municipal services will be delivered sustainably over the long term. Accordingly, it has engaged KPMG to assist with a review of its current service delivery model and identify opportunities for greater efficiency and effectiveness and ensure value for money for its residents.

City of Port Colborne 2020 Organizational Chart



Project Objectives

KPMG was engaged by the City of Port Colborne to undertake a service review. The overall goal of the service review was to better understand the current suite of services, and identify opportunities for improvements, and efficiencies. Specific project objectives included:

- **Inventory Municipal Services** – Conduct a comprehensive review and detailed analysis of the relevance, efficiency and effectiveness of the City’s services including a review of leading municipal organizations. As part of this we considered all aspects of the City’s services including delivery methods, service expenditure and revenue streams.
- **Identify Opportunities** – Explore opportunities based on global leading practices (public, private, not-for-profit) and define options for greater cost efficiency in service delivery and levels.
- **Advise on Implementation** – Evaluate and categorize opportunities to develop recommendations for short-term, mid-term, and long-term priorities. Provide strategic guidance to leadership on implementation and prioritization of new, innovative and/or leading service delivery models that improve upon organizational efficiency while balancing citizen expectations. In addition, highlight the risks associated with each proposed change/option to inform management of the key factors and risks which should be considered during the decision making process.

Project Principles

- The knowledge and expertise of City employees was fully engaged, building upon their knowledge and expertise to arrive at recommended actions through a transparent, participative and inclusive process facilitated by the consultant.
- The service review process was conducted in a way that engaged City employees.
- The aim was to, wherever possible, transfer knowledge and necessary “tools” to City staff to enable them to better develop their own solutions to operational and process issues and challenges over time.
- The framework and approach was based on leading practice from municipal or other levels of government experience and/or private sector.
- Lastly, this was not an audit nor a deeper-dive operational review. This was a review to build on successes and identify opportunities to improve the efficiency and effectiveness of how the City delivers services to the community and citizens of Port Colborne.
- *COVID-19: The intent was to assess the regular service delivery model while taking into account business continuity or COVID-19 specific responses where possible, or to distinguish between them.

Project Scope

• **Phase One: Project Initiation**

- Kick Off Meeting with Project Team
- Project Charter
- Project Schedule

• **Phase Two: Environmental Scan**

- Documentation review to provide insight into the City's operations, financials, and services levels
- Interviews and Focus Groups (24 interviews & 3 focus groups)
- Current State Summary (interviews/focus groups' findings)
- Benchmarking of Port Colborne against 5 comparator Municipalities.
- Online survey for employees

• **Phase Three: Review of Current Service Delivery Model**

- Service Profiles for all of the City's programs and services as per the Municipal Reference Model
- Individual meetings with the City Senior Management Team to confirm service profile data
- Presentation of Interim Report to Project Team & Council

• **Phase Four: Opportunity Identification**

- Three half day working sessions with the Project Team to identify, rank and confirm opportunities
- Identification of potential opportunities to achieve the most efficient and operationally effective service delivery model
- Draft recommendations on changes to services, programs, resources, and responsibilities, including whether specific services should be expanded, reduced, discontinued or delivered in an alternative manner
- Draft recommendations on the prioritization of services

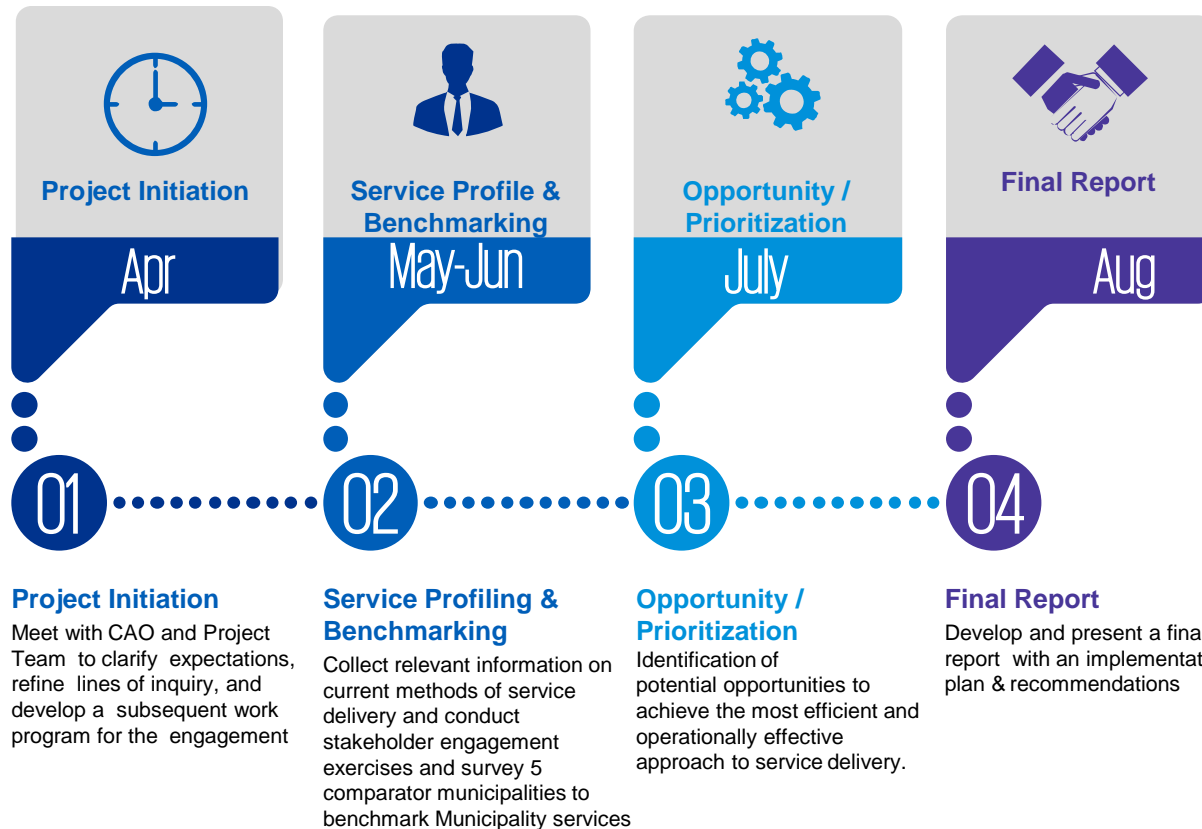
• **Phase Five: Final Report and Presentation**

- Finalize service profiles inventorying current services and delivery approaches
- Specific recommendations with regards to changes in services, programs, resources, and responsibilities, including whether specific services should be expanded, reduced, discontinued or delivered in an alternate manner
- Quantification of financial implications of opportunities identified during the Project
- A Final Report (in PowerPoint format) consolidating the different phases of the Service Delivery Review
- Final Report and presentation to Council and Project Team

Introduction and Context

Work Plan and Progress Report

This engagement commenced on April 3, 2020, and was completed on xxx when KPMG delivered the final report to the City. The diagram below depicts the key phases as outlined in the Project Charter.





Opportunities and Prioritization

City of Port Colborne
Service Review
Final Report

Methodology

KPMG’s experience has shown that most jurisdictions are pursuing the transformation of their public services using traditional approaches such as rapid cost reduction or across the board cuts. We believe that there is an opportunity for municipalities to look beyond doing a little bit less with slightly fewer staff. Instead, municipalities should look at their need to reduce spending as an opportunity to capitalize on new technologies, governance models and financing mechanisms that can help re-shape government. KPMG, in partnership with the University of Toronto, developed a framework (shown adjacent) that captures new public sector delivery models. The framework was developed based on the key insights from leading practices reports and consultations with industry leaders throughout the globe.

The Service Review Project Team used this framework to analyze possible opportunities for change in the City of Port Colborne’s service delivery models. Each of the opportunities were categorized according to the framework so that the Project Team could fully understand the changes being proposed for the City’s service delivery.

Few students of public administration believe that the footprint of government, how government is organized or its relationship with the public will look the same ten years from now as it does today. Governments are having change forced upon them by fiscal challenges on the one hand and technological and social evolutions on the other. These new public service delivery models will help local governments manage this change and ensure that they are not only effective and efficient, but also sustainable into the future.



Methodology

The development of opportunities and their subsequent prioritization involved the following major work steps:

1. Service Profiles

The first major step in developing the list of opportunities was the development of an inventory of programs and services provided by the City of Port Colborne commonly called Service Profiles. The basic elements of a service profile includes a description of the service and sub-service, a comparative analysis, a service level justification and a financial overview. The many different services of the City were categorized using KPMG's Municipal Reference Model.

For the past ten years, KPMG has been actively involved in the profiling of all citizen-facing and internal services using the Municipal Reference Model for Canadian municipalities. The Municipal Reference Model describes the business of local government from the outside-in, in terms of the programs and services that municipalities provide and how these contribute to achieving defined policy outcomes. This can be contrasted with an inside-out view, which focuses on how local governments are organized and the activities that they undertake. Focusing on outcomes, and how governments are achieving those outcomes through their programs and services, supports the fundamental question of whether they are *delivering the right services, for the right reasons and in the right way*.

A series of working sessions with the City's project team covering all departments were conducted over the course of the project timeline.

These working sessions considered the nature of the department's work, its position within the municipal reference model and the results of the benchmarking review. Data necessary for the completion of the service profiles was discussed and collected. This included the following:

- Budget information, including a breakdown of cost streams
- Capital – includes debt payments and current contributions to capital projects
- Definitive service descriptions
- Rationale on service level assessments and types
- Data on the number of staff delivering the service in “Full Time Equivalents” (FTEs)

Based upon this collected data, the different services of the City were analyzed by the following elements described on the next page:

Methodology

1. Service Profiles (Continued)

a. Service Level

Each service was analyzed to determine its service level. Service was determined to be above standard, at standard, or below standard. Service level standards are defined through a variety of legislation, industry standards, business case analysis justifications, service levels in other municipalities or reasonable expectations.

b. Service Type

Service Reviews typically involve an assessment of a collection of services defined under the Municipal Reference Model to understand to what degree they are core. KPMG, with validation by our municipal clients, has developed a customized continuum for assessing core versus discretionary services. Along the continuum, there are four descriptive categories, which, when applied to a service formed the “Core Ranking” for that service. The “core continuum” categories are Mandatory, Essential, Traditional, and Discretionary.

c. Service Level Source

Finally, to understand and justify the service level analysis, KPMG identified the origin of a service level standard and the role that the City of Port Colborne plays in delivering a service or sub-service. In each service profile, KPMG reviewed the degree to which the standard was prescribed by legislation or set by the Council, management, or funding agreement. KPMG also reviewed the appropriateness of the standard with respect to industry benchmarks or traditional practice, in cases where information was available.

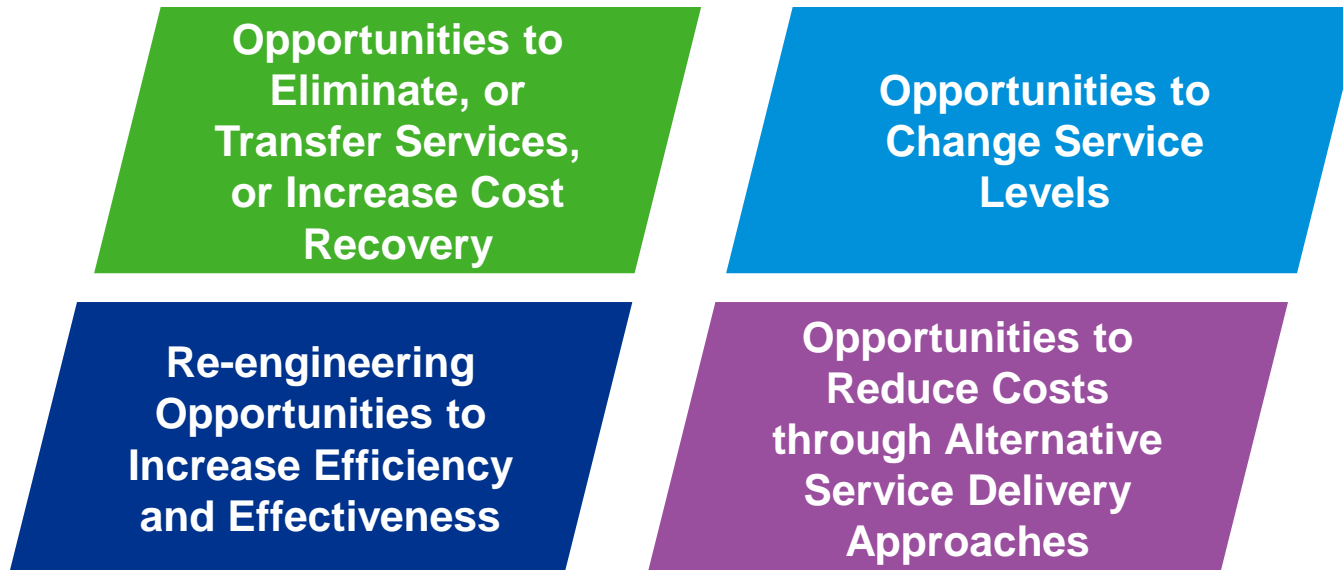
Methodology

2. Opportunity Identification

The second step in the Service Review was the identification of potential opportunities to improve operations through the following:

a. Types of Opportunities

- Elimination or transfer services, or increased cost recovery
- Alternative service delivery approaches
- Re-engineered services to increase efficiency and effectiveness
- Changed service levels



Methodology

b. Opportunities Ranking

In a series of working sessions, KPMG and the Project Team identified opportunities for improved efficiency and effectiveness in the delivery of City services. The opportunities were then assigned an improvement type. Five different improvement types were used and opportunities could be assigned multiple improvement types. The improvement types were:

- Modernizing bureaucratic processes
- Reassignment of roles between levels of government
- Digitization
- Devolution
- Alternative financing and procurement

Methodology

b. Opportunities Ranking (Continued)

Opportunities were evaluated using the criteria below and then grouped into categories of Strategic Opportunities, Top 10 Opportunities and Opportunities Requiring Further Study. The following pages present the opportunities by group, our analysis summary, and the type of improvement based upon the New Public Sector Delivery Model.

Assessment Criteria	Description
Operating \$ Impact	Estimated impact on operating budget.
Capital \$ Impact	Estimated impact on capital requirements.
Barriers To Implementation	Barriers, issues or obstacles to implementing the opportunity: <ul style="list-style-type: none"> • Political • Legal • Labour and Contractual Obligations • Capital Costs
Recent Reviews	Recent reviews or studies conducted that provide insights on the opportunity.
Comparator Analysis	An assessment of service performance against comparable competitors, industry standards or leading practices.
Strategic Program Alignment	The opportunity aligns with the objectives and values of the City, the service, the Official Plan and/or Council priorities.
Client/Customer Impact	The impact of the opportunity on the number of clients, customers and/or people and the extent of the impact.

Strategic Opportunities

Ref No.	Opportunity	Observation	Leading Practice	Improvement Type	Estimated Impact*
1	Establish Service Levels for Municipal Services	The City recognizes the need for defined service levels for each of its services and to date has been inconsistent in establishing and adhering to them. Staff identified the need for clear direction and less ambiguity or mixed messaging as a result of not having established service levels.	Established service levels manage citizen expectations and provide clear direction to staff. They also allow for appropriate planning for resourcing (people and assets) and the appropriate budget allocations.	Modernizing Bureaucracy	Tax/rate benefit <\$100k/year
2	Revise and Update Strategic Plan with Departmental Mandates and KPIs	The City recognizes the need to revise and update the Strategic Plan. The Strategic Plan needs to include departmental mandates and KPIs for each department. Staff identified the inconsistency and lack of understanding of these mandates and KPIs.	Strategic Plans are for 3-5 years and viewed and updated on a regular basis. They also align the community with Council and City staff. Department Mandates and KPIs manage expectations, provide clear direction and allow for individual and City growth to meet or exceed said KPIs.	Modernizing Bureaucracy	Tax/rate benefit <\$100k/year
3	Integrate Culture Strategic Plans	The City recognizes the opportunity to integrate various culture-related initiatives and strategic plans. Staff identified the opportunity to review resourcing (people, assets and funding) for planning and hosting various cultural events.	The integration of strategic planning for culture-related initiatives will lead to cost effectiveness, innovation, and modernization of multiple cultural events. The City will be able to build on its foundation of initiatives such as the Marine Museum, the Roselawn Centre, and Canal Days etc.	Modernizing Bureaucracy	Tax/rate benefit <\$100k/year

* Estimated impacts are preliminary assessments of the potential impact to the organization. Further study and analysis is needed.

Top 10 Opportunities

Ref No.	Opportunity	Observation	Leading Practice	Improvement Type	Estimated Impact*
1	Conduct Fleet Utilization Study and Re-Finance the Fleet	The City operates and maintains a wide variety of fleet vehicles and equipment to deliver municipal services across the municipality. Maintenance has become increasingly complex with pressure of upcoming replacement needs. A fleet strategy and utilization study would assist the City in better understanding its current operations, improve asset management practices, and enhance planning for short-term and long-term financing needs.	Municipalities are increasingly reviewing their fleet operations to understand the current utilization, develop standards for right-sizing the fleet and for future vehicle selection, and leverage possible efficiencies from “green” vehicles and shared economy business models.	Modernizing Bureaucracy	Tax/rate benefit <\$100k/year
2	Develop a Facility Condition Assessment and Financial Plan	The City maintains multiple older facilities that are well taken care of. With older buildings there are opportunities for efficiencies and accessibility improvements. There is significant overtime and use of contract resources. The City may benefit from additional full-time trade resources to offset overtime and contracts. With the recent onset of COVID-19, the City is further challenged to implement additional enhancements.	Municipalities are leveraging Lifecycle Management approaches with energy-efficient programs to enhance the long-term maintenance of their facilities.	Modernizing Bureaucracy	Tax/rate benefit >\$100k/year
3	Review Service Delivery of GIS Services	The demand for GIS services is required across multiple departments in the City. There is a need for current and updated data that is readily accessible by multiple staff. This would entail mapping all City-owned and managed assets.	Municipalities can benefit from third-party delivery of GIS services across the City. Outsourcing allows the City to focus on the delivery of City services and benefit from the expertise of a third party provider.	Modernizing Bureaucracy	Tax/rate benefit >\$100k/year

* Estimated impacts are preliminary assessments of the potential impact to the organization. Further study and analysis is needed.

Top 10 Opportunities

Ref No.	Opportunity	Observation	Leading Practice	Improvement Type	Estimated Impact*
4	Conduct Lean Six Sigma Process Review and Modernize Business Processes	Many departments within the City identified the need to standardize and define processes to deliver City services. Many of the existing processes have not been reviewed in recent years and newer areas do not have well-documented processes.	Municipalities are looking to best practices such as Lean Six Sigma Process Reviews to modernize their business processes. These reviews lead to streamlined and enhanced service delivery.	Modernizing Bureaucracy	Tax/rate benefit >\$100k/year
5	Review Seasonal Staffing Model	There are multiple seasonal positions across the City. There is an opportunity to consolidate into full-time positions which will lead to retention of staff, cost savings and overall better delivery of services.	Municipalities are conducting reviews to reduce the use of contract employees, improve retention, retain intellectual capital, and find potential cost-savings.	Modernizing Bureaucracy	Tax/rate benefit <\$100k/year
6	Continually review Job Classifications for Outside Workers and the CBA	Continually reviewing job descriptions will ensure efficient operations that are in line with the City's objectives. This opportunity could also provide more flexibility for the City and opportunity for the individuals.	Municipalities are revising CBAs to build in the necessary flexibility across roles.	Modernizing Bureaucracy	Tax/rate benefit >\$100k/year

* Estimated impacts are preliminary assessments of the potential impact to the organization. Further study and analysis is needed.

Top 10 Opportunities

Ref No.	Opportunity	Observation	Leading Practice	Improvement Type	Estimated Impact*
7	Review Data Management and Identify Business Intelligence Opportunities	The City identified a lack of understanding of data available and accessibility for data to be shared across departments with a result of duplicate data being retained in various ways across the City.	Having well-defined data management practices will allow for increased efficiency, more reliable and quality data, better business intelligence and analysis, and improved communications across the City.	Modernizing Bureaucracy	Tax/rate benefit <\$100k/year
8	Undertake a Review of Overtime and Resource Utilization Including the Back-Filling with Vacancies and Timelines	Many departments are experiencing the need for overtime suggesting it is time for a review to look at root cause to develop the appropriate recruitment and retention strategy.	Reducing overtime with the potential for additional full-time resources improves delivery of services and overall staff morale.	Modernizing Bureaucracy	Tax/rate benefit <\$100k/year
9	Transition to Single Plow Operator and review Grass Cutting and Snow Removal Service Delivery Model	The City identified a cost-savings opportunity to shift from tandem to single plow operator. In addition, the City identified an opportunity for Operations and the Parks Departments to work in tandem on the consolidation of seasonal roles into full-time positions, providing job security and cost efficiency.	Many municipalities have transitioned to single plow operators to realize cost savings. Municipalities are continually striving to deliver the best service for the best cost which may entail insourcing or outsourcing services or utilizing a combination of contract/full-time resources.	Modernizing Bureaucracy	Tax/rate benefit <\$100k/year

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Top 10 Opportunities

Ref No.	Opportunity	Observation	Leading Practice	Improvement Type	Estimated Impact*
10	Delivery of Health Services/ Physician Recruitment Program	The city has identified an opportunity to re-evaluate mandate, role and function of Health Services/ Physician Recruitment Program.	Evaluate ongoing programs for physician recruitment. Consider redefining/ narrowing the scope of the program and outsourcing administration to the Niagara Physician Recruitment and Retention Program to eliminate duplication of services.	Modernizing Bureaucracy	Tax/rate benefit <\$100k/year

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Opportunities Requiring Further Study

Opportunity
Develop Long-Term Financial Plan with Lifecycle Costing
Develop a Financial Reporting Process for Council and Management
Review Resourcing for Roles That Require Ongoing 24/7 Support Roles (E.G. IT, Comms, Emergency Management)
Create a People Development, Retention and Succession Plan
Conduct a Corporate Security and Privacy Review
Implement Adopt-A-Road Program
Create Backups for Critical Positions with Cross-Training
Review Economic Development Service Delivery Model
Review Telecommunications Backbone to Ensure Consistent Service Delivery Across All City Facilities and Sites
Establish User Group to Focus On Cost Recoveries
Implement Performance Management and Goal Setting
Implement Open Data for the City
Develop Infrastructure Needs Study for All Linear Assets
Review Communication Policies (Social Media, Communications Etc.)
Conduct Road Needs Study

Opportunity
Consistent Technology Training Program for Staff
Conduct Review of Job Descriptions and Compensation
Conduct a Review of Municipal Standards and Operational Guidelines
Review Revenue Agreements
Conduct User Fee Review
Review 3P for Infrastructure Financing
Further Refine Organizational Structure
Develop Risk Management Plan
Develop Policies and Procedures for Data Management and Retention
Improve the Development Application Process
Streamline the Procurement Process
Review and Update Technology Policies and Procedures including Remote etc.
Implement a Formal Project Management Process
Implement Activity-Based Budgeting
Identify and Promote Citizen Volunteer Opportunities

Opportunities Requiring Further Study (continued)

Opportunity
Review Opportunities for Potential Devolvement of Business Units Into Corporations
Invest in IT Software for Business Processes
Review Multiple Payment Sites
Review Municipal Services for Alternative Service Delivery
Reduce Parkettes and Reinvest In Community Parks

City Building & Regional Opportunities

Opportunity
Evaluate CRM Partnership Opportunities with Neighbouring Municipalities
Partner with Niagara Libraries for Shared Service Delivery
Review Shared Service Delivery Models with Niagara Municipalities
Consolidate CEMC Services with Neighbouring Municipalities
Separate Storm Sewer and Sanitary Waste Treatment
Build a Permanent Farmer's Market
Establish City Land Management Framework Review City Land Ownings and Identify Surplus Land
Build a Discovery Centre for Culture and Recreation

Projects Underway

Opportunity
Marina Operations Alternative Service Delivery
Develop a Customer Service Intake Process
Conduct Employee Surveys On a Regular Basis
Review Business Continuity Planning to Include Longer-Term Events In Light of COVID-19

Summary and Next Steps

Summary

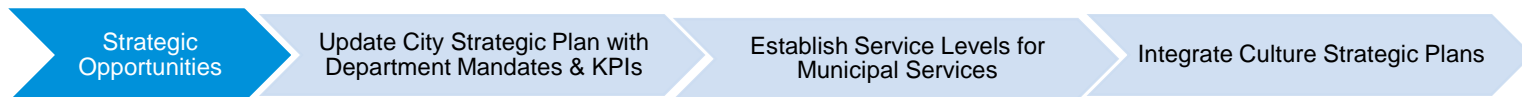
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In a series of working sessions, KPMG with the Project Team identified opportunities for improved efficiency and effectiveness in the delivery of City services. The opportunities and prioritization provide a roadmap to improve the overall effectiveness and efficiency of the City’s current service delivery model. The opportunities reflect the observations and findings from multiple stakeholder engagements with management and staff including a survey that was open to all staff for their input. In addition to the three strategic and top ten opportunities, many more were identified and have been categorized for future review and consideration.

Next Steps

The Senior Leadership will determine the approach, timing and resources to implement the strategic and top ten opportunities.

Updating the City Strategic Plan and Service Levels can commence simultaneously and the Service Levels should align to the Strategic Plan. The integration of the Culture Strategic Plans should commence following the update of the City Strategic Plan.



The Top Ten Opportunities could be broken up into Quick Wins, Internal and External.

- Quick wins as the name implies can easily and quickly be implemented such as #10 Transition to Single Snow Plow Operator.
- Internal and External refer to the resourcing.
 - Internal opportunities may be completed entirely by City resources such as #9 Review Grass Cutting and Snow Removal Service Delivery Model.
 - External opportunities may require the assistance of external expertise such as #4 Lean Six Sigma Process Review and Modernize Business Processes or to augment internal resources. .



Appendix A Summary of Findings from Consultations

City of Port Colborne
Service Review
Final Report

The Engagement Process

As part of the City of Port Colborne service review, senior leadership and managers were interviewed to obtain an understanding of the services provided by the City, to identify challenges, to identify opportunities for financial and operational efficiencies, and to utilize key measurements for continuous improvement.

The Office of the CAO and management of each of the City's five (5) Commissions were interviewed in confidential one-on-one discussions. In addition, three focus groups of front-line municipal staff were held.

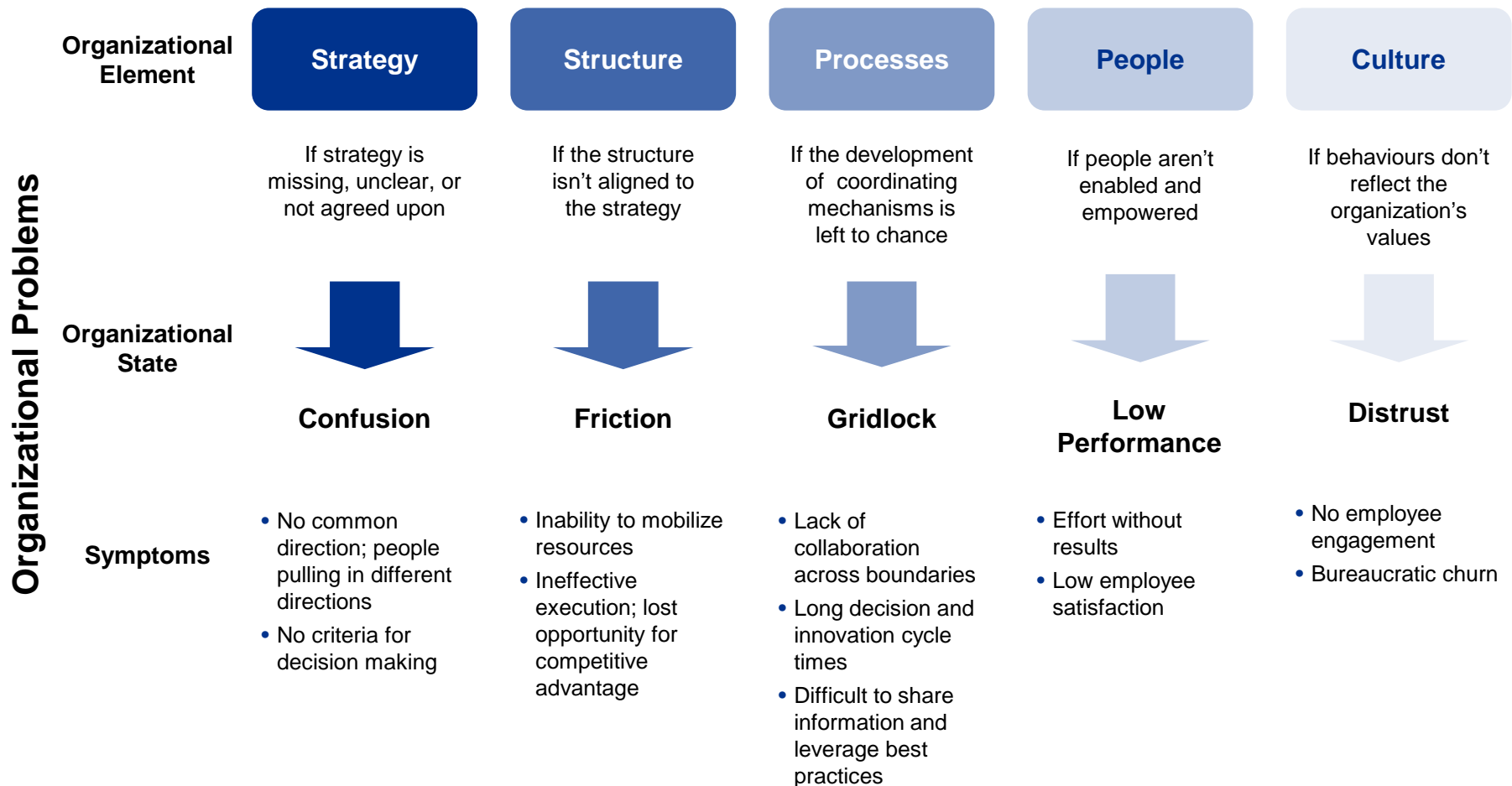
Interviews

Chief Administrative Officer
Director, Community and Economic Development
Director, Engineering and Operations
Director, Fire and Emergency Services
Director, Planning and Development
Manager, Revenue and Taxation
Director, Library Services
Director/Curator, Museum

Chief Building Official
Deputy Fire Chief
City Clerk
Manager, Information Technology
Manager, Parks and Recreation
Manager, Facilities
Manager, Operations
Manager, By-Law Services
Supervisor, Roads
Supervisor, Design and Construction
Supervisor, Development and Asset Inventory
Supervisor, Utilities
Superintendent, Drainage
Coordinator, Human Resources
Officer, Communications

A Model for Analyzing Organizational Performance

KPMG used the following model as a means of analyzing and understanding organizational performance and problems. Note: this is a model, and does not describe results for the City of Port Colborne.



Summary of Top Themes from Consultations

Key themes have emerged from the interviews and focus group discussions, which are summarized below. The information in this document is **preliminary** and should be treated accordingly. It may be refined in subsequent deliverables to reflect additional feedback and further analysis.

Theme	
Strategy	<ul style="list-style-type: none"> ▪ We understand the City currently does not have an updated Strategic Plan. During our consultation, staff consistently identified an overall intention to be strategic and at the same time there was nothing substantial to support the intent. Staff shared they are starting to get excited about the possibilities. Senior leadership acknowledged an updated Strategic Plan needs to be completed and is a priority for the CAO. ▪ Staff expressed some frustration at the lack of a Strategic Plan which results in conflicting priorities from Council and senior leadership. Staff believe they are not functioning as efficiently as they could be and which reduces overall customer service. ▪ Staff noted a desire for the clear communication of priorities. Staff believe this will enable departments to develop and monitor key performance indicators (KPIs) and objectives. Staff view there is an opportunity for better alignment with existing metrics that are currently captured across the organization. ▪ Without strategic direction, staff acknowledged customer service is more reactive and complaint-driven. Staff did note that the organization is shifting to a more proactive approach. ▪ Interviewed staff noted that there is limited succession planning within the organization. Staff across the City shared that the City is undergoing a significant transition with multiple retirements and more on the horizon. Staff identified a need for improved knowledge transfer, cross-training and leadership development to ensure the transfer of local knowledge. ▪ Respondents noted that the combination of a workforce in transition, substantial new initiatives, and limitations in financial capabilities has resulted in significant overtime and a stretched workforce. In particular, a number of new initiatives underway (Marina, Cemetery, Roselawn etc.) are being layered on top of existing municipal service delivery. ▪ Staff observed that they do not have the time or tools to support and deliver current service levels as well as Council's new initiatives. We understand the organization also has limited capacity to understand the potential budget/taxation implications associated with the new initiatives.

Summary of Top Themes from Consultations

Key themes have emerged from the interviews and focus group discussions, which are summarized below. The information in this document is **preliminary** and should be treated accordingly. It may be refined in subsequent deliverables to reflect additional feedback and further analysis.

Theme	
Structure	<ul style="list-style-type: none"> ▪ The City currently has 6 main departments: Office of the CAO, Corporate Services, Planning & Development, Community & Economic Development, Engineering & Operations and Fire & Emergency Services plus the Library and Museum. The City underwent a significant re-organization in 2017. Staff noted that regardless of the implementation challenges, the re-organization has been well received by staff. ▪ Respondents noted there is an opportunity to consolidate the number of departments with 1 or 2 individuals. We understand there is minimal cross-training or a formal backup in-place, which leads to multiple single points of failure across the City. This reduces the City's overall service level standard to its citizens. ▪ Staff noted Councillors and senior leadership are reaching down into day-to-day operations with individual requests creating both overlaps and gaps and resulting in confusion for staff. We understand that staff believes this behaviour reflects an inability to delegate, the lack of horizontal integration across the organizational structure and poor communication. Staff noted it would be beneficial to the organization for senior leadership and Council to better understand their strategic roles and allow front-line staff to deliver. ▪ We understand that staff are aware of the potential for shared services with other municipalities. They expressed the need for these shared service opportunities to be clearly defined and understood with criteria to effectively determine what combination of services are in the best interest of the City. Staff shared examples of collaboration with other municipalities to enhance service delivery, improve efficiency and are contribute to cost reduction. ▪ Staff also identified service areas where replacing contractors with City employees could be more efficient and effective. Staff noted that the bringing of grass cutting services in-house has achieved positive results.

Summary of Top Themes from Consultations

Key themes have emerged from the interviews and focus group discussions, which are summarized below. The information in this document is **preliminary** and should be treated accordingly. It may be refined in subsequent deliverables to reflect additional feedback and further analysis.

Theme	
Processes	<ul style="list-style-type: none"> ▪ City staff expressed a common belief in the need for improved systems and processes to allow for more streamlined service delivery. ▪ Respondents acknowledged that the City’s technology is outdated. They noted that the City has started to modernize it, most notably with the introduction of Office 365 and Teams leveraged for the recent response to COVID-19. Staff were unified in identifying the need for a centralized customer relationship management system to allow the sharing of information across the organization. Other areas identified by staff included the City’s GIS system, the work order system and financial reporting. Staff also noted that telecommunications is not consistent across the City. Staff shared examples of how this negatively impacts customer service and staff at the Sugarloaf Marina. ▪ Staff observed that the financial system replacement project has been underway for almost three years and has caused significant challenges for both the IT and Finance teams. Staff across the City are seeking a better understanding of the budget and financial reporting processes and how they align with strategic initiatives such as customer service, Canal Days, and the recently approved Parks and Recreation Master Plan. ▪ Staff expressed a need for the development and review of work processes and their communication across the organization both internally and externally. In particular, respondents indicated a need to educate staff, Council and citizens on the City’s work processes. Staff understand there must be metrics associated with all processes and procedures. They acknowledged there are different levels of maturity across the city in this area. Some less mature service areas include building inspection and financial reporting, specifically monthly variance reporting by department. ▪ We understand there was a recent initiative to develop a new internal process to fund new projects or resources. Key to the new process was ensuring that Council has the appropriate information to make informed decisions recognizing their decision ultimately impacts taxation and the overall budget. ▪ Respondents commonly remarked on the importance of communications. Staff indicated they are not always aware of what is happening across the City and the potential direct or indirect impact to their service area. Staff would like to see a process for sharing good results and wins with the public or communicating results from the past year. They also felt there is an opportunity to share future planned projects and their status with the public.

Summary of Top Themes from Consultations

Key themes have emerged from the interviews and focus group discussions, which are summarized below. The information in this document is **preliminary** and should be treated accordingly. It may be refined in subsequent deliverables to reflect additional feedback and further analysis.

Theme	
People	<ul style="list-style-type: none">• Staff across the City noted that they feel supported by their immediate and upper management. Despite feeling overwhelmed at times and with increased overtime, respondents noted that the overall moral of the staff is good and they are fully engaged. They love working for the City and take pride in serving the citizens of Port Colborne.• We understand that performance reviews are not consistently conducted across the organization because of capacity issues and the recent re-organization.• All service areas identified a need for more timely recruitment for vacancies since each vacancy directly impacts customer service. Respondents observed that for retirements, there needs to be an overlap period to allow for knowledge transfer. For example, the Human Resource Manager left the City on April 24th with no identified replacement.• Staff noted that compensation levels need to be reviewed to ensure the City can continue to attract and retain employees with the skills and knowledge necessary for moving the City forward. Despite this, the City has recently attracted several highly skilled candidates who were seeking a work-life balance.• We understand that there is minimal staff development, particularly in the area of leadership development for existing or up and coming managers. Where certification and licensing are required, we heard that the City needs to ensure staff receive the appropriate training to maintain their designations.• Respondents observed that for some areas, there is an immediate need to establish cross-training for backup purposes and for other areas to more efficiently utilize staff across multiple service areas and activities. Staff noted that some managers are being innovative and are leveraging vendors to keep staff abreast of new products and available technologies.

Summary of Top Themes from Consultations

Key themes have emerged from the interviews and focus group discussions, which are summarized below. The information in this document is **preliminary** and should be treated accordingly. It may be refined in subsequent deliverables to reflect additional feedback and further analysis.

Theme	
Culture	<ul style="list-style-type: none">• Across the organization, there was genuine respect for the CAO and his vision for the City. Although, both staff and the CAO observed that he can be a little too <i>into the weeds</i> on certain issues.• Staff expressed widespread enjoyment with their employment at the City. Staff consistently shared their mindset of service, the importance of making a positive social impact for the City and wanting to <i>do what's right</i>. There was an overall sense of pride, responsibility and service in how staff spoke about the City and their roles. Overall, respondents expressed a belief that staff share a culture of hard work with minimal ego.• One staff member noted that <i>old timers are loving the new kids who have passion and innovative ideas. The City is recruiting people who see the big picture, problem solvers, right attitude, visionaries – and old timers are coming along board because they see the efficiencies to be had etc.. New staff are bringing in a lot of energy and capabilities and old staff are open and yes, at times there is some conflict.</i>• Staff observed that the City's culture is evolving to one of empowerment with leadership willing to hear from staff and implement their ideas.• One respondent noted the City is not a <i>risk aware</i> organization with little or no understanding of risk management. There is a realization by staff that they need to stretch dollars (fiscally aware) and be innovative/creative in service delivery.



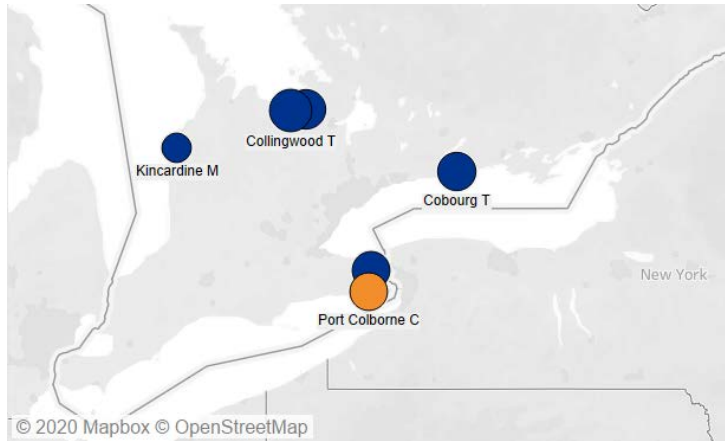
Appendix B Benchmarking & Performance Perspectives

City of Port Colborne
Service Review
Final Report

Benchmarking & Performance Perspectives

Comparative Analysis – Why Compare to Other Communities?

For the purposes of the project, five comparator communities were selected as municipal comparators based on population growth, urban/ rural characteristics and geography:



Municipality	Population ¹	Households ¹	Area Square KM ²
1. Port Colborne	18,300	10,303	122
2. Thorold	18,801	8,498	83
3. Collingwood	23,815	11,522	34
4. Wasaga Beach	20,675	13,225	59
5. Cobourg	19,440	8,958	22
6. Kincardine	11,390	6,187	538
Average	18,737	9,782	143

¹ Source - Financial Information Returns, Schedule 2

² Source - Statistics Canada census profile, 2016 census data

The primary purpose of the comparative analysis was to understand the performance of comparator municipalities and to identify opportunities to change how the City's organization is aligned to deliver municipal services.

- Communities with similar financial benchmarks/service levels – insight into operating efficiencies
- Communities with different financial benchmarks/service levels – opportunities to change existing organizational structure/processes to reflect common service levels

Comparing financial performance and taxation levels has both benefits and risks:

- Provides insight into affordability issues; what a peer municipality can achieve with the same resources
- Assumes that all variables are the same (assessment base, non-taxation revenues)
- Assumes that taxation and service levels in other communities are 'right'

Note: We obtained the information summarized in the following pages from financial information returns (FIRs) submitted to the Province of Ontario. We have not reviewed a draft of this data summary with the benchmarked comparators for the purpose of confirming the factual accuracy of the information presented.

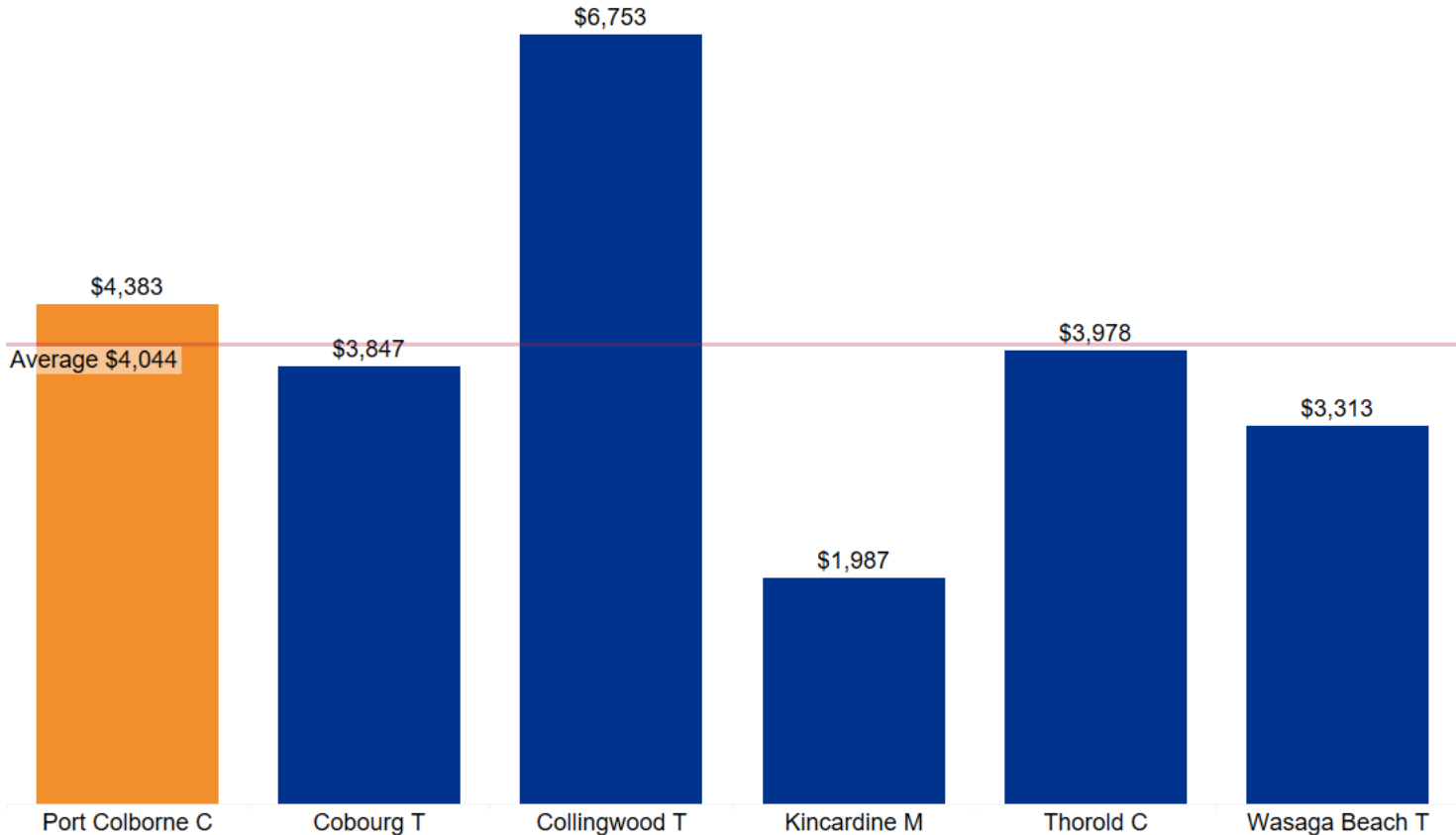
Municipal Debt per Household (2018)

This financial indicator provides an assessment of the City's ability to issue more debt by considering the existing debt load on a per household basis. High debt levels per household may preclude the issuance of additional debt.

The City of Port Colborne has the second highest level of debt per household at \$4,383. The average debt per household of the comparator group is \$4,040, with Collingwood having the most debt per household at \$6,753.

A higher debt per household level indicates the City has reduced flexibility in the use of debt as a financing tool for future large capital projects.

Municipal debt per household (2018)



Source – KPMG analysis of annual Financial Information Returns, Schedule 2 & Schedule 70

Discretionary Reserves per Household (2018)

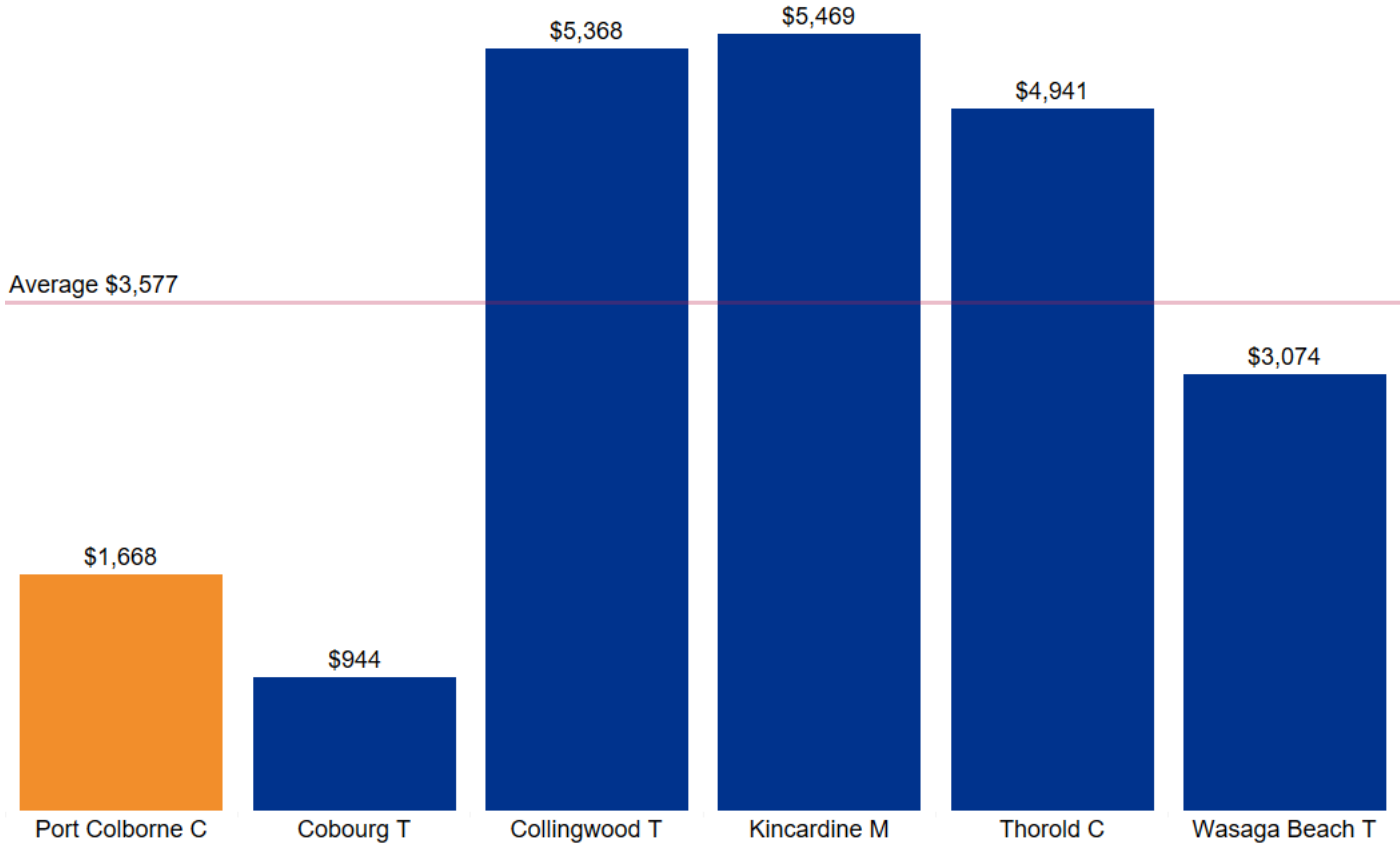
The City of Port Colborne holds the second lowest amount of discretionary reserves per household among the comparator group.

It is below the comparator group average by \$1,912 per household.

The discretionary reserve position illustrated in this graph does not include development charges, gas tax, and park land reserves.

In practical terms, a strong discretionary reserve position allows for greater flexibility in financing options for new infrastructure.

Discretionary reserves per household (2018)



Source – KPMG analysis of annual Financial Information Returns, Schedule 2 & Schedule 60

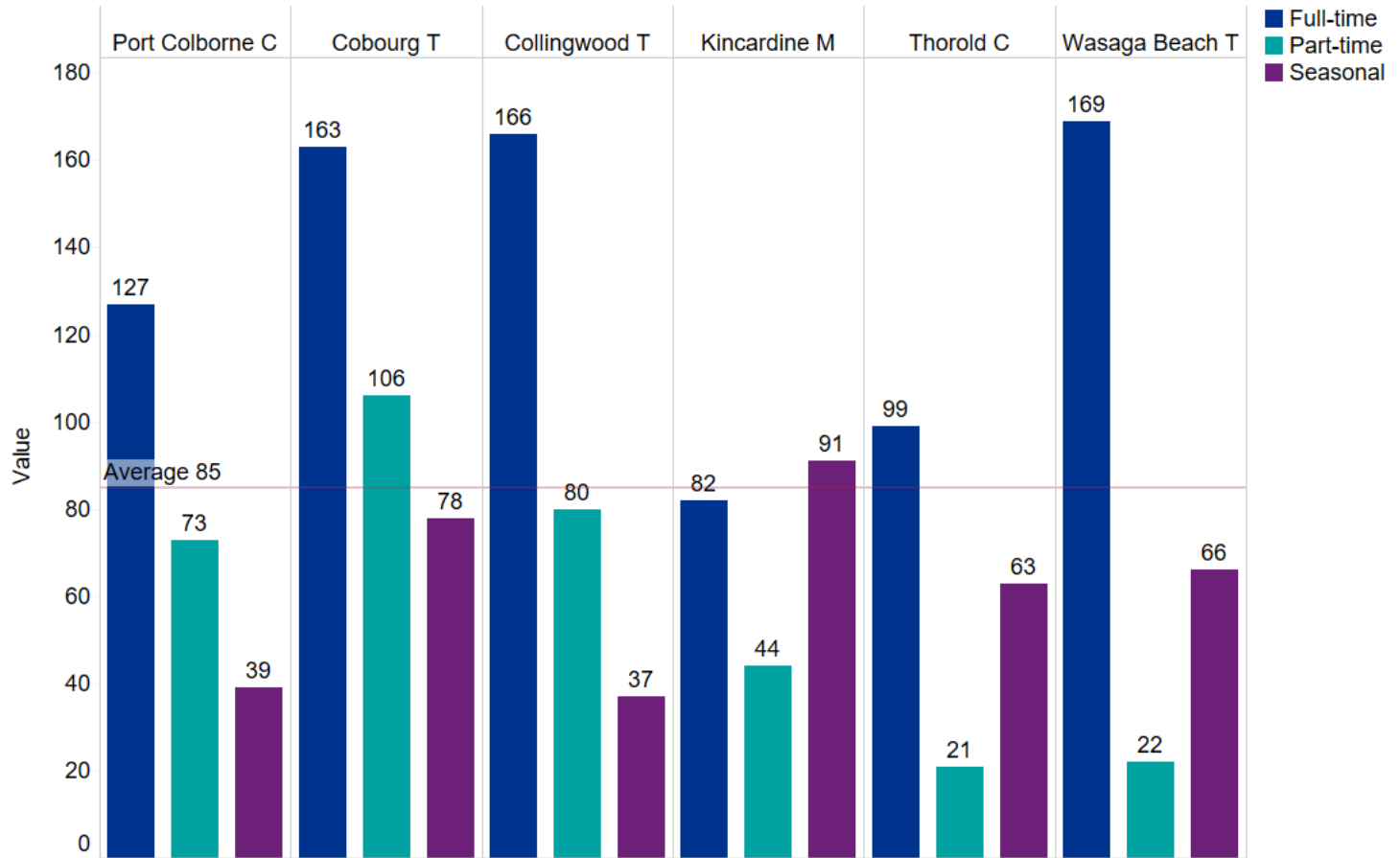
Historical Staffing Levels By Type 2014 - 2018

When viewed over the past five years, staffing levels for full-time, part-time and seasonal employees have seen little variation .

There is, however, modest growth in the number of full-time employees in 2017 and 2018.

The last year in which additional part-time resources were added to the City was in 2015.

Staffing levels by comparator (2018)



Source – KPMG analysis of annual Financial Information Returns, Schedule 80A

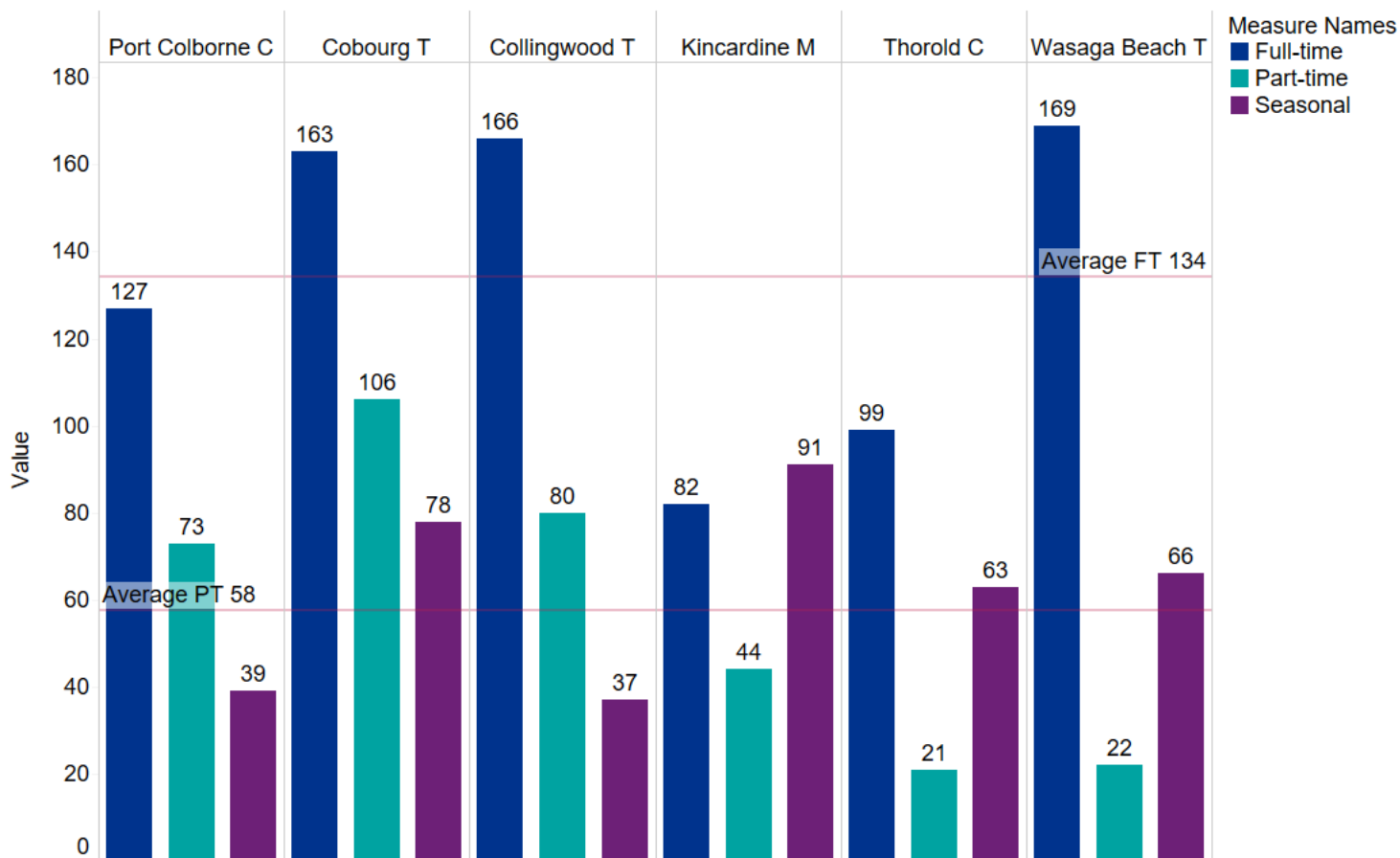
Source – KPMG analysis of annual Financial Information Returns, Schedule 80A

2018 Full-Time and Part-Time Staffing by Comparator

When staffing levels are compared across the comparator group, Port Colborne is below the comparator average in real terms for full-time positions.

The ratio of full-time to part-time positions for Port Colborne is consistent with two of its comparators (Cobourg and Collingwood).

Staffing levels by comparator (2018)

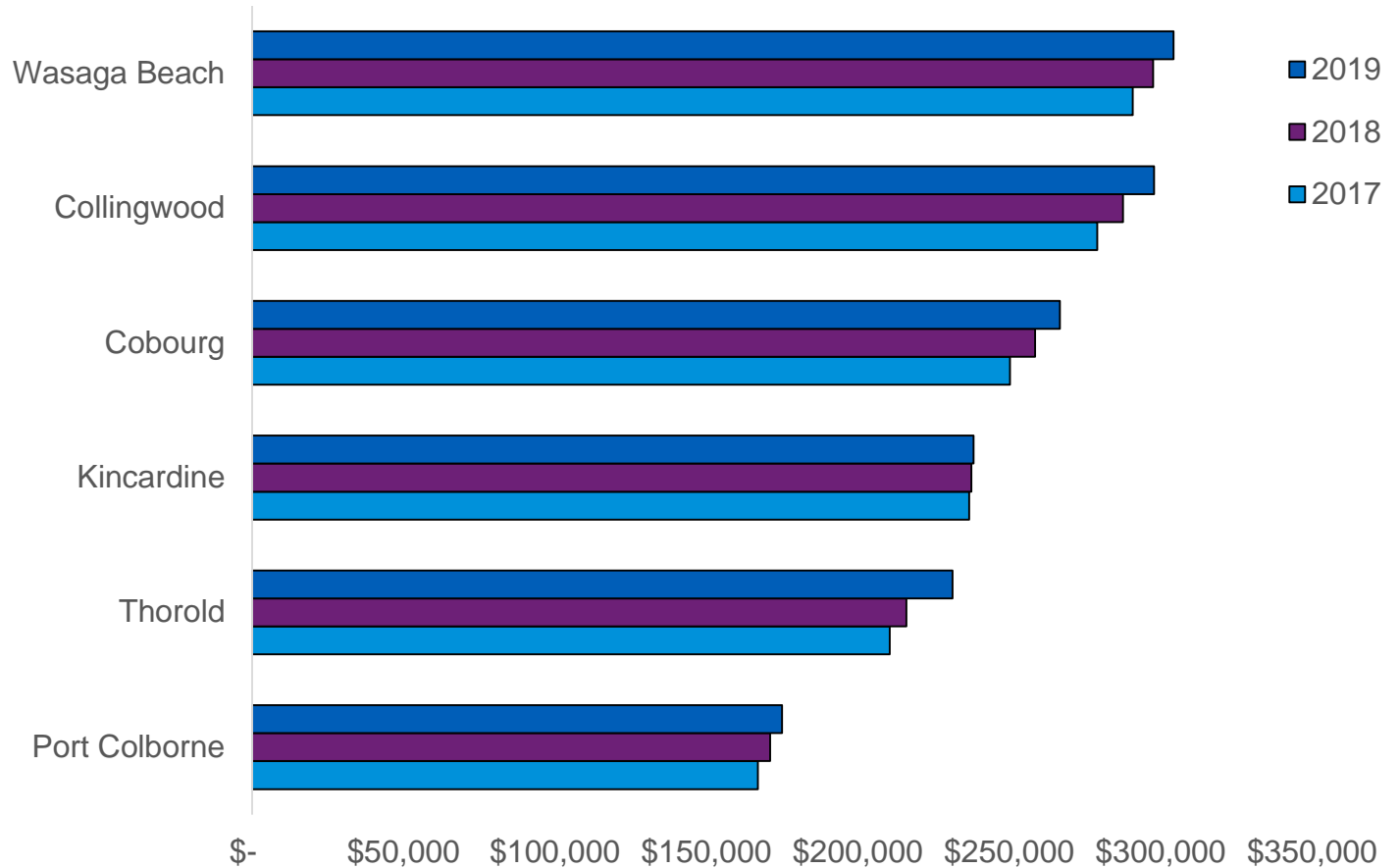


Source – KPMG analysis of annual Financial Information Returns, Schedule 80A

Residential Median Current Value Assessment

Residential median looks at the median price of residential property within the municipality, not the average.

Port Colborne holds the lowest median residential property value among its comparator group.

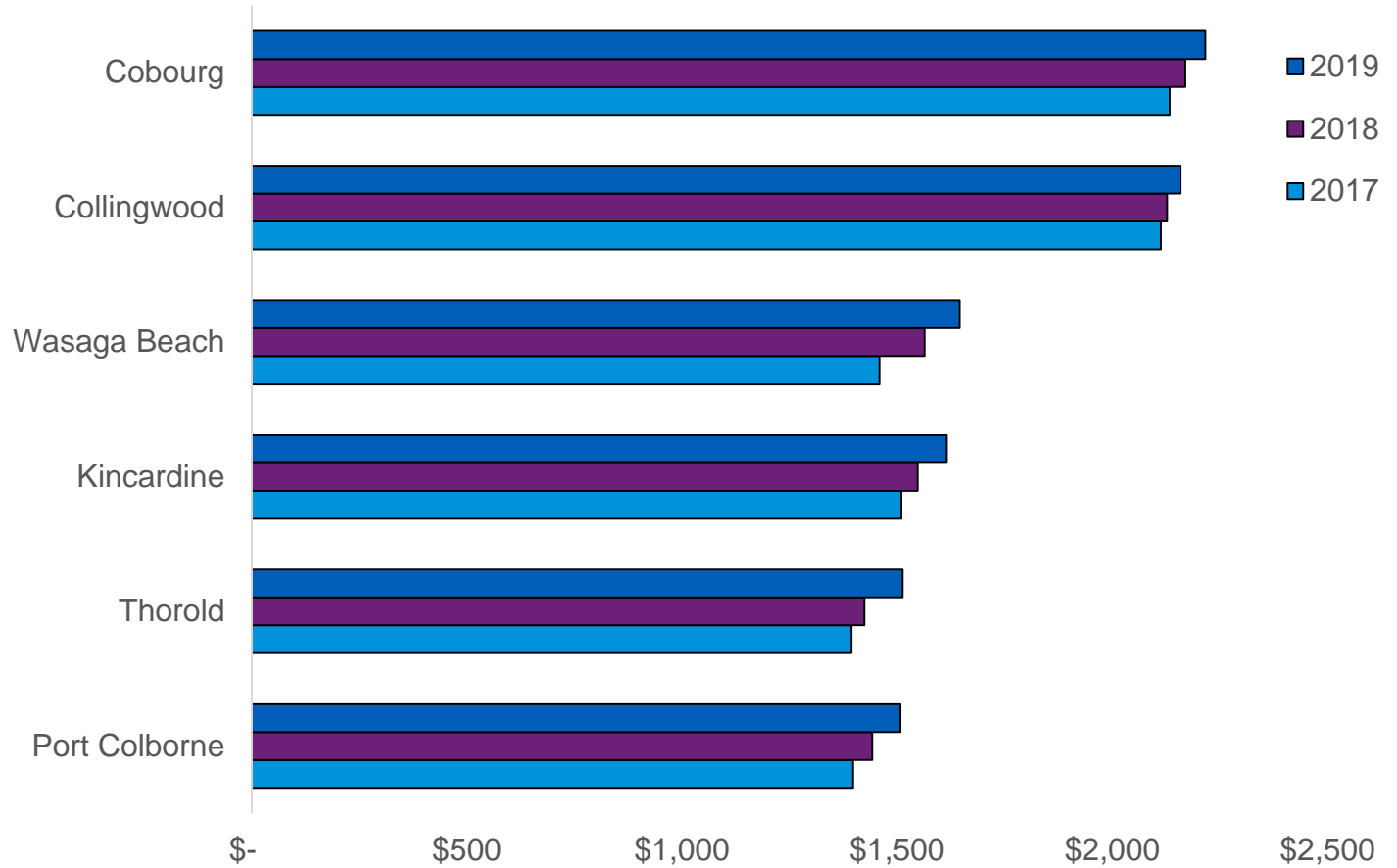


Source: KPMG analysis of OPTA data

Residential Taxes per Household (Average/Typical Property)

Residential taxes per household looks at the average property tax per household paid by citizens for lower tier municipal services.

Port Colborne has the lowest average residential taxes per household among the comparator group.



Source: KPMG analysis of OPTA data

Summary of General Themes

The benchmarking and financial analysis highlights that relative to the comparator group, Port Colborne delivers municipal services at a cost consistent with the average of its peers.

General Themes

Municipal Debt

- Port Colborne's debt position when considered on a per household basis is above the average of the comparator group. A high debt position denies flexibility to the City in managing the capital demands related to growth. This reflects the City's large capital commitments in the past several years.

Discretionary Reserve Balances

- The City holds the lowest amount of discretionary reserves per household among the comparator group. Decreasing discretionary reserves over time is an indicator that the City's flexibility for financing from reserves is becoming more restricted thereby increasing the reliance on debt.

Staffing Levels

- There has been little change in the staffing level of the City's full-time complement over the past five years. The City's full-time complement is lower than the average of the comparator group. The ratio of part-time employees to full-time employees is higher than most of the comparator group.

Taxation Levels

- Among the comparator municipalities, residential taxes per household is at the bottom of the comparator group. Port Colborne has the lowest residential median current value assessment of the comparator group.

Overall

- The benchmarking and financial analysis highlights that Port Colborne is experiencing some financial challenges that will need to be addressed to ensure financial sustainability over the long term. Consideration will need to be given to the City's service levels and wide range of delivered municipal services.



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**Corporate Services Department
Financial Services Division**

Report Number: 2020-158

Date: November 9, 2020

SUBJECT: Approval of the 2019 Consolidated Financial Statements

1) PURPOSE:

The purpose of this report is to seek Council's approval for the consolidated financial statements for the year ended December 31, 2019 for the Corporation of the City of Port Colborne.

2) BACKGROUND:

The *Municipal Act, 2001*, states that a municipality shall prepare financial statements for each fiscal year. Management in accordance with Canadian public sector accounting standards (PSAS) as recommended by the Public Sector Accounting Board (PSAB) prepares the consolidated financial statements for the City. PSAB serves the public interest by establishing standards and other guidance for financial reporting by all Canadian entities in the public sector and by contributing to the development of internationally accepted public sector financial reporting standards.

The consolidated statement of financial position; the consolidated statement of operations; the consolidated statement of changes in debt; the consolidated statement of cash flows; and notes to the consolidated financial statements, comprising a summary of significant accounting policies, have been audited by the City's auditor, Grant Thornton.

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

The Auditor's responsibility is to express an opinion on the consolidated financial statements based on their audit fieldwork. Following completion of the audit fieldwork, Grant Thornton stated, in their opinion, that "the accompanying consolidated financial statements present fairly in all material respects, the financial position of the Corporation of the City of Port Colborne as at December 31, 2018, and its results of operations, its changes in its net financial assets, and its cash flows for the year ended in accordance with Canadian public sector accounting standards".

3) STAFF COMMENTS AND DISCUSSIONS:

A draft copy of the consolidated financial statements for the year ended December 31, 2019, is attached to this report as Appendix A – 2019 Consolidated Financial Statements.

Financial Services, in preparing the financial statements, has historically and in the current year utilized Grant Thornton to balance reserve transaction accounting, record

post-employment benefits and sick leave liability as well as consolidated certain boards and committees. The summation of these entries is recorded on page 7 of Appendix B – Audit Strategy and Results. Page 8 of the same appendix identifies an uncorrected misstatement for \$111,000 for uncollectible taxes receivable. The auditors have identified the allowance for uncollectible taxes may be too high. While the City maintains all taxes are collectible if by no other means than through a tax sale of the property, there are situations where the amount outstanding on the tax roll could be less than the value of the property. The complexity with the Auditor's assessment that the allowance may be overstated is the fact that quantifying the unknown is difficult at best. Recognizing the balance suggested by the auditors is not significant to the point it impacts the unqualified audit opinion management maintains, for the purpose of being conservative in a situation where future results are not known, that the allowance remains and has not been corrected.

Financial Services extends its appreciation to Peter Senese, the City's now retired Director, Corporate Services/Treasurer, for closing the books on the 2019 year and his leadership in preparing the required working papers for the Auditors.

Staff highlight Appendix B – Audit Strategy and Results, also provides Council with:

- the auditors' approach to the audit and how they tackled certain risks;
- the current engagement letter;
- a draft independence letter;
- the management representation letter that staff are required to sign upon approval of the consolidated financial statements;
- a letter of internal control with managements plan to address them going into fiscal 2021; and
- upcoming audit and accounting developments.

The Financial Information Return (FIR) is being prepared at the time of writing this report. The FIR is the main data collection tool used by the Ministry of Municipal Affairs to collect financial and statistical information from municipalities. The FIR is a standard document comprised of a number of schedules that are updated each year to comply with current legislation and reporting requirements. It is possible when completing the FIR that certain account groupings may change and, because the financial statements and FIR need to match, the account groupings of revenue and expense on the financial statements may change. There will be no change in the net financial results of the City should any adjustment be required.

Looking forward, Financial Services will be making the following changes to the year-end process:

- The accounts for 2020 will be closed effective January 22, 2021.
- Financial Services will prepare the consolidated financial statements by March 2, 2021 subject to entities such as the Airport and Business Improvement Area (BIA) organizations doing the same. Financial Services will support these

organizations, if necessary, to achieve this timeline.

- A year end surplus/deficit report will be prepared and provided to Council in March 2021.
- The audit will follow thereafter depending on the schedule of the Auditors. The goal will be to have the 2021 consolidated financial statements to Council in May 2021 with the FIR being filed at the same time.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Approve the Consolidated Financial Statements

Council can approve the Consolidated Financial Statements report.

b) Not approve the Consolidated Financial Statements

Council may choose not to approve the Consolidated Financial Statements and request that Grant Thornton review the financial results again. Council will need to provide clear expectations for the additional review of the City's finances and internal controls.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES:

An annual financial audit supports the City of Port Colborne in ensuring a transparent and accountable financial reporting environment.

6) ATTACHMENTS:

Appendix A – Consolidated Financial Statements
Appendix B – Audit Strategy and Results

7) RECOMMENDATION:

That Council approve the Consolidated Financial Statements for the year ended December 31, 2019.

8) SIGNATURES:

Prepared on October 30, 2020 by:



Bryan Boles, MBA, CA, CPA
Director of Corporate Services /
Treasurer

Reviewed and respectfully submitted by:



C. Scott Luey
Chief Administrative Officer

Financial Report

City of Port Colborne

December 31, 2019

Draft - October 15, 2020

Contents

	Page
City of Port Colborne	
Independent Auditor's Report	1-2
Consolidated Statement of Financial Position	3
Consolidated Statement of Operations	4
Consolidated Statement of Changes in Net Debt	5
Consolidated Statement of Cash Flows	6
Notes to the Consolidated Financial Statements	7-27
Consolidated Schedule of Tangible Capital Assets	28-29
Consolidated Schedule of Segment Disclosure	30
Consolidated Schedule of Segment Disclosure with Budget Information	31-34
Trust Funds	
Independent Auditor's Report	35-36
Statement of Financial Position	37
Statement of Operations and Changes in Net Assets	38
Statement of Cash Flows	39
Notes to the Financial Statements	40-41

City of Port Colborne
Consolidated Statement of Financial Position

As at December 31, 2019

	<u>2019</u>	<u>2018</u>
Financial assets		
Cash and cash equivalents (Note 2)	\$ 1,204,986	\$ 1,875,920
Portfolio investments (Note 3)	11,078,101	10,862,711
Taxes receivable	3,513,508	2,892,409
User charges receivable	2,024,256	2,051,944
Other receivables	<u>3,568,442</u>	<u>2,275,109</u>
	<u>21,389,293</u>	<u>19,958,093</u>
Liabilities		
Payables and accruals	6,535,178	5,663,370
Other liabilities	1,492,806	1,241,039
Deferred revenue (Note 5)	1,998,845	868,226
Long term debt (Note 6)	27,385,177	28,878,592
Employee benefit obligations (Notes 7 and 16)	<u>9,125,300</u>	<u>8,514,300</u>
	<u>46,537,306</u>	<u>45,165,527</u>
Net debt	<u>(25,148,013)</u>	<u>(25,207,434)</u>
Non-financial assets		
Tangible capital assets (Note 8 and Pages 28 and 29)	138,865,725	138,935,792
Prepaid expenses	<u>1,100,795</u>	<u>783,510</u>
	<u>139,966,520</u>	<u>139,719,302</u>
Accumulated surplus (Note 9)	<u>\$ 114,818,507</u>	<u>\$ 114,511,868</u>

Contingencies (Notes 20 and 21)
 Commitments (Note 22)
 Impacts of COVID-19 and subsequent events (Note 25)

Approved by

 Director of Corporate Services

 Chief Administrative Officer

See accompanying notes to the consolidated financial statements

City of Port Colborne Consolidated Statement of Operations

For the Year Ended December 31, 2019

	Budget 2019 (Note 24)	Actual 2019	Actual 2018
Revenues other than revenues related to tangible capital assets			
Taxation (Note 11)	\$ 18,630,708	\$ 18,668,245	\$ 17,736,188
User charges (Note 13)	14,109,670	13,534,165	12,245,372
Government transfers (Note 14)	3,140,405	4,074,813	3,389,742
Other (Note 15)	959,980	1,717,620	2,434,486
	<u>36,840,763</u>	<u>37,994,843</u>	<u>35,805,788</u>
Expenses			
General government	4,432,927	5,391,159	4,478,820
Protection to persons and property	4,307,043	4,500,462	4,442,598
Transportation services	6,716,316	7,528,261	6,849,152
Environmental services	10,951,877	10,802,676	9,973,533
Health services	159,877	187,866	196,944
Social and family services	50,000	47,635	40,970
Recreation and culture services	8,411,278	8,941,897	8,842,724
Planning and development	2,055,921	2,007,789	1,997,418
	<u>37,085,239</u>	<u>39,407,745</u>	<u>36,822,159</u>
Annual deficit before revenues related to tangible capital assets	<u>(244,476)</u>	<u>(1,412,902)</u>	<u>(1,016,371)</u>
Revenues related to tangible capital assets			
Government transfers (Note 14)	2,289,435	1,201,388	1,919,773
Other (Note 15)	302,900	402,359	252,571
Gain on disposal of tangible capital assets	-	115,794	39,943
	<u>2,592,335</u>	<u>1,719,541</u>	<u>2,212,287</u>
Annual surplus	2,347,859	306,639	1,195,916
Accumulated surplus (Note 9)			
Beginning of year	<u>114,511,868</u>	<u>114,511,868</u>	<u>113,315,952</u>
End of year	<u>\$ 116,859,727</u>	<u>\$ 114,818,507</u>	<u>\$ 114,511,868</u>

See accompanying notes to the consolidated financial statements.

City of Port Colborne
Consolidated Statement of Changes in Net Debt

For the Year Ended December 31, 2019

	Budget 2019 (Note 24)	Actual 2019	Actual 2018
Annual surplus	\$ 2,347,859	\$ 306,639	\$ 1,195,916
Amortization of tangible capital assets	5,509,019	5,510,987	5,380,357
Write-down of tangible capital assets	-	-	14,598
Acquisition of tangible capital assets	(7,146,232)	(5,597,476)	(4,971,439)
Proceeds on sale of tangible capital assets	-	272,350	75,842
Gain on disposal of tangible capital assets	-	(115,794)	(39,943)
	710,646	376,706	1,655,331
Acquisition of prepaid expenses	-	(317,285)	(167,778)
Decrease in net debt	710,646	59,421	1,487,553
Net debt			
Beginning of year	(25,207,434)	(25,207,434)	(26,694,987)
End of year	\$ (24,496,788)	\$ (25,148,013)	\$ (25,207,434)

See accompanying notes to the consolidated financial statements.

City of Port Colborne Consolidated Statement of Cash Flows

For the Year Ended December 31, 2019

	<u>2019</u>	<u>2018</u>
Increase (decrease) in cash and cash equivalents		
Operating activities		
Annual surplus	\$ 306,639	\$ 1,195,916
Non-cash items:		
Amortization of tangible capital assets	5,510,987	5,380,357
Write-down of tangible capital assets	-	14,598
Gain on disposal of tangible capital assets	(115,794)	(39,943)
Increase in taxes receivable	(621,099)	(381,316)
Decrease (increase) in user charges receivable	27,688	(194,782)
(Increase) decrease in other receivables	(1,293,333)	1,110,757
Increase (decrease) in payables and accruals	871,808	(3,426,277)
Increase in other liabilities	251,767	199,463
Increase in deferred revenue	1,130,619	444,307
Increase in prepaid expenses	(317,285)	(167,778)
	<u>5,751,997</u>	<u>4,135,302</u>
Capital activities		
Proceeds from disposal of tangible capital assets	272,350	75,842
Acquisition of tangible capital assets	(5,597,476)	(4,971,439)
	<u>(5,325,126)</u>	<u>(4,895,597)</u>
Financing activities		
Repayment of construction loan	-	(5,245,000)
Issue of long term debt	-	6,145,000
Repayment of long term debt	(1,503,637)	(1,821,667)
Issue of capital lease obligation	94,443	140,657
Repayment of capital lease obligation	(84,221)	(26,843)
Increase in employee benefit obligation	611,000	249,600
	<u>(882,415)</u>	<u>(558,253)</u>
Investing activities		
(Purchase) disposal of portfolio investments, net	(215,390)	1,370,010
Net (decrease) increase in cash and cash equivalents	(670,934)	51,462
Cash and cash equivalents (Note 2)		
Beginning of year	<u>1,875,920</u>	<u>1,824,458</u>
End of year	<u>\$ 1,204,986</u>	<u>\$ 1,875,920</u>

See accompanying notes to the consolidated financial statements.

City of Port Colborne

Notes to the Consolidated Financial Statements

For the Year Ended December 31, 2019

1. Significant accounting policies

Management responsibility

The consolidated financial statements of the City of Port Colborne ("Municipality") are the responsibility of and prepared by management in accordance with Canadian public sector accounting standards. The preparation of the consolidated financial statements necessarily involves the use of estimates based on management's judgment, particularly when transactions affecting the current accounting period cannot be finalized with certainty until future periods.

The significant accounting policies used are as follows:

(a) Reporting entity

The consolidated financial statements reflect the financial assets, liabilities, non-financial assets, revenues, expenses and changes in accumulated surplus of the reporting entity. The reporting entity is comprised of all organizations and enterprises accountable for the administration of their affairs and resources to the Municipality and which are owned or controlled by the Municipality. In addition to general government tax-supported operations, they include the following:

Port Colborne Public Library Board
Port Colborne Downtown Development Board
Port Colborne Main Street Business Improvement Area

Interdepartmental and organizational transactions and balances are eliminated.

The following joint local board is proportionally consolidated:

Niagara Central Airport Commission (Joint Board)

Related party transactions are eliminated (Note 17).

The statements exclude trust assets that are administered for the benefit of external parties (Note 18).

(b) Basis of accounting

Sources of revenue and expenses are reported on the accrual basis of accounting. The accrual basis of accounting records revenues in the period they are earned and measurable and expenses in the period the goods and services are acquired and a liability is incurred.

(c) Cash and cash equivalents

Cash and temporary investments include cash on hand, balances with banks and guaranteed investment certificates that mature within one year.

(d) Portfolio investments

Portfolio investments are valued at the lower of cost and market value. Interest income is reported as revenue in the period earned.

City of Port Colborne

Notes to the Consolidated Financial Statements

For the Year Ended December 31, 2019

1. Significant accounting policies (continued)

(e) Deferred revenue

Resources restricted by agreement with an external party are recognized as revenue in the entity's financial statements in the period in which the resources are used for the purpose or purposes specified. An externally restricted inflow received before this criterion has been met is recorded as a liability until the resources are used for the purpose or purposes specified.

(f) Employee future benefits

The present value of the cost of providing employees with future benefit programs is expensed as employees earn these entitlements through service.

(g) Contaminated sites liability

Contaminated sites are a result of contamination being introduced into air, soil, water or sediment of a chemical, organic or radioactive material or live organism that exceeds an environmental standard. The liability is recorded net of any expected recoveries. A liability for remediation of contaminated sites is recognized when a site is not in productive use and all the following criteria are met:

- an environmental standard exists;
- contamination exceeds the environmental standard;
- the Municipality:
 - is directly responsible; or
 - accepts responsibility;
- it is expected that future economic benefits will be given up; and
- a reasonable estimate of the amount can be made.

The liability is recognized as management's estimate of the cost of post-remediation including operation, maintenance and monitoring that are an integral part of the remediation strategy for a contaminated site.

(h) Tangible capital assets

Tangible capital assets are recorded at cost. Cost includes all directly attributable expenses in the acquisition, construction, development and/or betterment of the asset required to install the asset at the location and in the condition necessary for its intended use. Contributed tangible capital assets are capitalized at their estimated fair value upon acquisition. The Municipality does not capitalize interest as part of the costs of its capital assets.

Works of art for display in municipal property are not included as capital assets. The works of art are held for exhibition, educational and historical interest. Such assets are deemed worthy of preservation because of the social rather than financial benefits they provide to the community. The cost of art is not determinable or relevant to their significance. No valuation of the collection has been conducted or disclosed in the consolidated financial statements.

City of Port Colborne

Notes to the Consolidated Financial Statements

For the Year Ended December 31, 2019

1. Significant accounting policies (continued)

(h) Tangible capital assets (continued)

Leases are classified as capital or operating leases. Leases that transfer substantially all benefits incidental to ownership are accounted for as capital leases. All other leases are accounted for as operating leases and the related lease payments are charged to expenses as incurred.

Amortization is calculated on a straight-line basis to write-off the net cost of each asset over its estimated useful life for all classes except land. Land is considered to have an infinite life without amortization. Residual values of assets are assumed to be zero with any net gain or loss arising from the disposal of assets recognized in the consolidated statement of operations as "other revenue". Half-year amortization is charged in the year of acquisition and disposal. Assets under construction are not amortized until the asset is available for productive use.

Amortization is based on the following classifications and useful lives:

<u>Classification</u>	<u>Useful Life</u>
Land improvements	10-100 years
Buildings	20-50 years
Leasehold improvements	20-50 years
Vehicles	10-20 years
Office equipment and furniture and fixtures	5-10 years
Machinery and equipment	3-30 years
Infrastructure	10-100 years

(i) Subdivision infrastructure

Subdivision streets, lighting, sidewalks, drainage and other infrastructure are required to be provided by subdivision developers. Upon completion they are turned over to the Municipality and recorded as tangible capital assets. The Municipality is not involved in the construction.

(j) Revenue recognition

i) Taxation

Property tax billings are prepared by the Municipality based on assessment rolls issued by the Municipal Property Assessment Corporation ("MPAC"). Tax rates are established annually by Council, incorporating amounts to be raised for local services and amounts the Municipality is required to collect on behalf of the Province of Ontario in respect of education taxes. Realty taxes are billed based on the assessment rolls provided by MPAC. Taxation revenues are recorded at the time tax billings are issued.

A normal part of the assessment process is the issue of supplementary assessment rolls which provide updated information with respect to changes in property assessment.

City of Port Colborne

Notes to the Consolidated Financial Statements

For the Year Ended December 31, 2019

1. Significant accounting policies (continued)

(j) Revenue recognition (continued)

i) Taxation (continued)

Once a supplementary roll is received, the Municipality determines the taxes applicable and renders supplementary tax billings. Assessments of the related property taxes are subject to appeal. Any supplementary billing adjustments made necessary by the determination of such changes will be recognized in the fiscal year they are determined and the effect shared with the school boards, as appropriate.

ii) User charges

User charges are recognized when the services are performed or goods are delivered and there is reasonable assurance of collection.

iii) Government transfers

Government transfers received are recognized in the financial statements as revenue when the transfers are authorized and all eligibility criteria have been met except when there is a stipulation that gives rise to an obligation that meets the definition of a liability. In that case, the transfer is recorded as a liability and recognized as revenue as the stipulations are met. Government transfers to individuals and other entities are recognized as an expense when the transfers are authorized and all eligibility criteria have been met.

iv) Other

Other revenue is recorded when it is earned and collection is reasonably assured.

(k) Reserves for future expenses

Certain amounts, as approved by Municipal Council, are set aside in reserves and reserve funds for future operating and capital expenses.

(l) Local improvements

The Municipality records capital expenses funded by local improvement agreements as they are incurred. Revenues are recognized in the year they become payable.

(m) Region and school board transactions

The taxation, other revenues, expenses, assets and liabilities with respect to the operations of the school boards and the Region of Niagara are not reflected in the accumulated surplus of these consolidated financial statements.

(n) Use of estimates

The preparation of financial statements in accordance with Canadian public sector accounting standards requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates. Two areas in which management make estimates are with regards to an allowance for uncollectible taxes receivable and obligations for employee benefits.

City of Port Colborne

Notes to the Consolidated Financial Statements

For the Year Ended December 31, 2019

2. Cash and cash equivalents	<u>2019</u>	<u>2018</u>
Cash on hand	\$ 3,950	\$ 3,950
Bank balances	<u>1,201,036</u>	<u>1,871,970</u>
	<u>\$ 1,204,986</u>	<u>\$ 1,875,920</u>

3. Portfolio investments

Guaranteed investment certificates carry an effective interest rate from 1.90% to 3.15% and maturity dates ranging from June, 2020 to June, 2021. Interest is receivable on maturity. Carrying value approximates market value.

4. Bank indebtedness

An operating line of credit of \$ 4,000,000 has been established with the CIBC, of which \$ Nil (2018 - \$ Nil) was used at December 31, 2019. An executed borrowing by-law in form and content satisfactory to CIBC is in effect to a limit of \$ 4,000,000. Interest is calculated at prime minus 0.50%. Overdrafts outstanding under the line of credit are converted to a promissory note at the CIBC's request which has not been enacted.

5. Deferred revenue	<u>2019</u>	<u>2018</u>
Development Charges Act	\$ 171,705	\$ 214,962
Parkland	259,104	159,078
Federal gas tax	1,192,893	430,871
Ontario Community Infrastructure Fund	<u>375,143</u>	<u>63,315</u>
	<u>\$ 1,998,845</u>	<u>\$ 868,226</u>

City of Port Colborne
Notes to the Consolidated Financial Statements

For the Year Ended December 31, 2019

5. Deferred revenue (continued)

The continuity of deferred revenue is made up of the following:

	<u>2019</u>	<u>2018</u>
Balance, beginning of year	\$ 868,226	\$ 423,919
Contributions from		
Parkland	169,046	60,345
Interest earned	25,244	8,650
Government transfers received		
Federal	1,153,086	586,822
Provincial	404,300	61,600
	<u>1,751,676</u>	<u>717,417</u>
Utilized for		
Tangible capital asset acquisitions	(476,944)	(265,000)
Operations	(144,113)	(8,110)
	<u>(621,057)</u>	<u>(273,110)</u>
Balance, end of year	<u>\$ 1,998,845</u>	<u>\$ 868,226</u>

6. Long term debt

- (a) The balance of net long term debt reported on the consolidated statement of financial position is made up of the following:

The Municipality has assumed responsibility for the payment of principal and interest charges on certain long term debt issued by the Region of Niagara. At the end of the year, the outstanding principal amount of this debt is

	\$ 27,245,627	\$ 28,749,264
Capital lease obligations	<u>139,550</u>	<u>129,328</u>
Net long term debt	<u>\$ 27,385,177</u>	<u>\$ 28,878,592</u>

City of Port Colborne

Notes to the Consolidated Financial Statements

For the Year Ended December 31, 2019

6. Long term debt (continued)

(b) The net long term debt is made up of the following:

Debenture Number	Purpose	Interest Rates	Maturity Dates	2019	2018
67-2009	Vehicles and Equipment	1.15 to 4.80%	2019	\$ -	\$ 54,000
73-2010	City Hall, Marina, Main St. CIP and Fire Vehicle	1.60 to 4.65%	2020	690,040	888,794
46-2013	Health & Wellness Centre	2.67%	2023	1,141,588	1,448,760
47-2013	Roads and Fire Dept.	3.37%	2033	596,290	630,665
48-2013	Skatepark, Fuel Tanks and Op. Centre Design	3.70%	2043	1,639,212	1,682,383
75-2015	LED Street Lights and Water Meters	1.15 to 2.80%	2025	1,711,000	1,977,000
94-2015	Fire Tanker and Watermains	3.46%	2035	1,794,876	1,877,645
35-2016	Fire Truck				
64-2017	Operations Centre East Side	1.20 to 1.60%	2021	120,651	179,730
65-2017	Employment Lands	3.22%	2037	416,805	433,668
11-2018	Operations Centre Nickel St Storm Sewer	3.43%	2047	13,233,254	13,511,275
12-2018	Marina Lift and Water Meters	3.56%	2048	5,341,178	5,447,991
	Leased Vehicles and Equipment	3.18%	2028	560,733	617,353
		Various	2020-2023	139,550	129,328
				\$ 27,385,177	\$ 28,878,592

(c) Principal repayments in each of the next five years are due as follows:

2020	\$ 2,049,292
2021	1,353,380
2022	1,323,744
2023	1,166,372
2024	1,028,794

(d) The Municipality paid \$ 961,298 (2018 - \$ 919,299) interest on long term debt during the year.

City of Port Colborne

Notes to the Consolidated Financial Statements

For the Year Ended December 31, 2019

7. Employee benefit obligations	<u>2019</u>	<u>2018</u>
Workplace Safety and Insurance Board future benefits	\$ 2,272,200	\$ 1,899,500
Vested sick leave benefits	306,200	264,400
Retirement benefits	<u>6,546,900</u>	<u>6,350,400</u>
	<u>9,125,300</u>	8,514,300
Less: Sick leave funded by reserve	<u>(20,439)</u>	<u>(20,225)</u>
	<u>\$ 9,104,861</u>	<u>\$ 8,494,075</u>

(a) Workplace Safety and Insurance Board future benefits

The City of Port Colborne is a Workplace Safety and Insurance Board ("WSIB") Schedule 2 employer.

In 2019, an actuarial estimate of future liabilities has been completed and forms the basis for the estimated liability reported in these financial statements. During the year \$ 35,459 (2018 - \$ 35,916) was paid by the City to the WSIB in relation to these benefits.

The accrued benefit obligation at December 31, 2019 of \$ 2,272,200 (2018 - \$ 1,899,500) was determined by an actuarial valuation using a discount rate of 2.90% (2018 - 3.30%).

The most recent actuarial valuation was prepared at December 31, 2019.

The main actuarial assumptions employed above are as follows (where applicable):

(i) Interest (discount) rate

The obligations as at December 31, 2019 of the present value of future liabilities were determined using a discount rate of 2.90% (2018 - 3.30%).

(ii) Future benefit indexing rate

The rates used for loss of earnings benefits and pension and survivors benefits are assumed to be 2.00% per annum. The rate for health benefits is assumed to be 4.00% per annum.

City of Port Colborne
Notes to the Consolidated Financial Statements

For the Year Ended December 31, 2019

7. Employee benefit obligations (continued)

(a) Workplace Safety and Insurance Board future benefits (continued)

	<u>2019</u>	<u>2018</u>
Accrued benefit obligation		
Beginning of year	\$ 1,899,500	\$ 1,874,000
Benefit payments	(378,200)	(88,900)
Current service cost	706,500	87,500
Interest cost	72,400	54,900
Amortization of actuarial gain	(28,000)	(28,000)
	<u>\$ 2,272,200</u>	<u>\$ 1,899,500</u>
Funded status		
Deficit	\$ 2,363,900	\$ 1,675,100
Unamortized actuarial (loss) gain	(91,700)	224,400
	<u>\$ 2,272,200</u>	<u>\$ 1,899,500</u>
The net benefit expense is as follows:		
Current service cost	\$ 706,500	\$ 87,500
Interest cost	72,400	54,900
Amortization of actuarial gain	(28,000)	(28,000)
	<u>\$ 750,900</u>	<u>\$ 114,400</u>

(b) Vested sick leave benefits

Under the sick leave benefit plan for employees of the Port Colborne Firefighters' Association, sick leave can accumulate and employees may become entitled to a cash payment upon leaving the Municipality's employment.

The accrued benefit obligation at December 31, 2019 of \$ 306,200 (2018 - \$ 264,400) was determined by an actuarial valuation using a discount rate of 2.90% (2018 - 3.40%).

The most recent actuarial valuation for the vested sick leave was prepared at December 31, 2019.

The main actuarial assumptions employed for the vested sick leave and retirement benefits valuations above are as follows (where applicable):

- (i) Interest (discount) rate

The obligations as at December 31, 2019 of the present value of future liabilities were determined using a discount rate of 2.90% (2018 - 3.40%).

- (ii) Salary increase rate

The rate used to increase salaries is assumed to be 3.00% per annum. This rate reflects management's best estimate of future salary increases.

City of Port Colborne

Notes to the Consolidated Financial Statements

For the Year Ended December 31, 2019

7. Employee benefit obligations (continued)

(b) Vested sick leave benefits (continued)

	<u>2019</u>	<u>2018</u>
Accrued benefit obligation		
Beginning of year	\$ 264,400	\$ 253,500
Benefit payments	(18,300)	(22,700)
Current service cost	28,700	26,400
Interest cost	10,800	8,800
Plan amendment	18,300	-
Amortization of actuarial loss (gain)	2,300	(1,600)
	<u>\$ 306,200</u>	<u>\$ 264,400</u>
Funded status		
Deficit	\$ 342,900	\$ 255,300
Unamortized actuarial (loss) gain	(36,700)	9,100
	<u>\$ 306,200</u>	<u>\$ 264,400</u>
The net benefit expense is as follows:		
Current service cost	\$ 28,700	\$ 26,400
Interest cost	10,800	8,800
Plan amendment	18,300	-
Amortization of actuarial loss (gain)	2,300	(1,600)
	<u>\$ 60,100</u>	<u>\$ 33,600</u>

During the year \$ Nil (2018 - \$ Nil) was paid to employees who left the Municipality's employment. The Municipality has set aside \$ 20,439 (2018 - \$ 20,225) in a reserve.

(c) Retirement benefits

The City of Port Colborne pays certain retirement benefits on behalf of its retired employees. The City of Port Colborne recognizes these retirement costs in the period in which the employees rendered the services. The plan is substantially unfunded and requires no contributions from employees.

The accrued benefit obligation at December 31, 2019 of \$ 6,546,900 (2018 - \$ 6,350,400) was determined by an actuarial valuation using a discount rate of 2.90% (2018 - 3.40%).

The City's obligation under the retirement provision of employment agreements will be funded out of current revenue. During the year benefit payments of \$ 362,000 (2018 - \$ 344,900) were paid to retirees.

Actuarial valuations for accounting purposes are performed every three years using the projected benefit method, pro-rated on service. Under this method, the projected retirement benefits are deemed to be earned on a pro-rata basis over the employee's years of service.

The most recent actuarial valuation for the retirement benefits was prepared at December 31, 2019.

City of Port Colborne

Notes to the Consolidated Financial Statements

For the Year Ended December 31, 2019

7. Employee benefit obligations (continued)

(c) Retirement benefits (continued)

The main actuarial assumptions employed for retirement benefits valuation above are as follows (where applicable):

(i) Interest (discount) rate

The obligations as at December 31, 2019 of the present value of future liabilities were determined using a discount rate of 2.90% (2018 - 3.40%).

(ii) Medical costs

Drug costs were assumed to be 7.48% in 2019 and decrease 0.175% per year until 2036 when the rate will be 4.50% and continue thereafter.

Vision costs were assumed to be 1.75% in 2019 and decrease 0.25% per year until 2026 when the rate will be 0% and continue thereafter.

Other health costs were assumed to be 4.50% in 2019 and continue thereafter.

(iii) Dental costs

Dental costs were assumed to be 5.44% in 2019 and decrease 0.1875% per year until 2024 when the rate will be 4.50% and continue thereafter.

	<u>2019</u>	<u>2018</u>
Accrued benefit obligation		
Beginning of year	\$ 6,350,400	\$ 6,137,200
Benefit payments	(362,000)	(344,900)
Current service cost	329,100	319,600
Interest cost	216,800	217,800
Amortization of actuarial loss	<u>12,600</u>	<u>20,700</u>
	<u>\$ 6,546,900</u>	<u>\$ 6,350,400</u>
Funded status		
Deficit	\$ 6,915,600	\$ 6,450,800
Unamortized actuarial loss	<u>(368,700)</u>	<u>(100,400)</u>
	<u>\$ 6,546,900</u>	<u>\$ 6,350,400</u>

The net benefit expense is as follows:

Current service cost	\$ 329,100	\$ 319,600
Interest cost	216,800	217,800
Amortization of actuarial loss	<u>12,600</u>	<u>20,700</u>
	<u>\$ 558,500</u>	<u>\$ 558,100</u>

City of Port Colborne

Notes to the Consolidated Financial Statements

For the Year Ended December 31, 2019

8. Tangible capital assets	<u>2019</u>	<u>2018</u>
Net book value		
Land	\$ 5,617,498	\$ 5,628,931
Land improvements	9,775,740	10,001,091
Buildings	43,367,263	44,815,132
Leasehold improvements	321,492	297,708
Vehicles	2,255,872	2,484,188
Office equipment and furniture and fixtures	1,128,314	1,158,646
Machinery and equipment	2,809,474	2,828,723
Infrastructure	<u>72,347,407</u>	<u>58,850,553</u>
	137,623,060	126,064,972
Assets under construction	<u>1,242,665</u>	<u>12,870,820</u>
	<u>\$ 138,865,725</u>	<u>\$ 138,935,792</u>

9. Accumulated surplus	<u>2019</u>	<u>2018</u>
Consists of:		
Surpluses (deficits)		
Operating	\$ (5,342,748)	\$ (4,248,793)
Port Colborne Public Library Board	40,872	35,440
Port Colborne Downtown Development Board	44,708	35,324
Port Colborne Main Street Business Improvement Area	29,777	23,927
Niagara Central Airport Commission (Note 17)	<u>(33,273)</u>	<u>(59,786)</u>
	<u>(5,260,664)</u>	<u>(4,213,888)</u>
Investment in tangible capital assets	<u>138,865,725</u>	<u>138,935,792</u>
Unfunded liabilities		
Long term debt	(27,385,177)	(28,878,592)
Employee benefit obligations	<u>(9,125,300)</u>	<u>(8,514,300)</u>
	<u>(36,510,477)</u>	<u>(37,392,892)</u>
Reserves and reserves funds (Note 10)	<u>17,723,923</u>	<u>17,182,856</u>
	<u>\$ 114,818,507</u>	<u>\$ 114,511,868</u>

City of Port Colborne

Notes to the Consolidated Financial Statements

For the Year Ended December 31, 2019

10. Reserves and reserve funds	<u>2019</u>	<u>2018</u>
Reserves set aside for specific purposes by Council		
Working capital	\$ 692,322	\$ 703,010
Recreation programs and facilities	393,363	529,682
Acquisition of capital assets	2,299,087	2,559,310
Library	27,497	15,298
Museum	27,149	25,220
Transit	29,578	53,504
Election expense	37,582	31,235
Administration costs	2,609,873	1,431,747
Airport	48,661	48,499
Cemetery	40,579	16,978
Wastewater operations	685,796	873,527
Water operations	611,981	824,571
Total reserves	<u>7,503,468</u>	<u>7,112,581</u>
Reserve funds set aside for specific purposes by Council or agreement		
Acquisition of fixed assets	7,920,321	7,665,122
Accumulated sick leave and disability	20,439	20,225
Administration costs	885,700	1,147,059
Grain elevator property	1,090,289	990,513
Community centre	170,330	139,423
Library	113,288	88,055
Transit	20,088	19,878
Total reserve funds	<u>10,220,455</u>	<u>10,070,275</u>
Total reserves and reserve funds	<u>\$ 17,723,923</u>	<u>\$ 17,182,856</u>

City of Port Colborne

Notes to the Consolidated Financial Statements

For the Year Ended December 31, 2019

11. Taxation	Budget <u>2019</u>	Actual <u>2019</u>	Actual <u>2018</u>
Real property		\$ 37,582,759	\$ 36,082,522
From other governments			
Payments in lieu of taxes		<u>447,461</u>	<u>539,556</u>
		<u>38,030,220</u>	<u>36,622,078</u>
Less: taxation collected on behalf of (Note 12):			
Region of Niagara		14,107,998	13,654,742
School boards		<u>5,253,977</u>	<u>5,231,148</u>
		<u>19,361,975</u>	<u>18,885,890</u>
Net taxes available for municipal purposes		<u>\$ 18,668,245</u>	<u>\$ 17,736,188</u>
Residential, multi-residential and farm	\$ 14,346,539	\$ 14,396,190	\$ 13,631,446
Commercial and industrial	<u>4,284,169</u>	<u>4,272,055</u>	<u>4,104,742</u>
Net taxes available for municipal purposes	<u>\$ 18,630,708</u>	<u>\$ 18,668,245</u>	<u>\$ 17,736,188</u>

12. Collections for the Region of Niagara and school boards

Total taxation and development charges received or receivable on behalf of the Region of Niagara and the school boards were as follows:

	<u>2019</u>	<u>2018</u>
Region of Niagara	\$ 14,107,998	\$ 13,654,742
School boards	<u>5,253,977</u>	<u>5,231,148</u>
	<u>\$ 19,361,975</u>	<u>\$ 18,885,890</u>

The Municipality is required to levy and collect taxes on behalf of the Region of Niagara and the school boards. The taxes levied over (under) the amounts requisitioned are recorded as accounts payable (receivable).

City of Port Colborne
Notes to the Consolidated Financial Statements

For the Year Ended December 31, 2019

13. User charges	Budget <u>2019</u>	Actual <u>2019</u>	Actual <u>2018</u>
Operating			
Fees and service charges	\$ 3,593,957	\$ 3,921,157	\$ 3,068,685
Direct water billings	5,028,220	4,636,417	4,625,607
Wastewater surcharges	<u>5,487,493</u>	<u>4,976,591</u>	<u>4,551,080</u>
	<u>\$ 14,109,670</u>	<u>\$ 13,534,165</u>	<u>\$ 12,245,372</u>

14. Government transfers	Budget <u>2019</u>	Actual <u>2019</u>	Actual <u>2018</u>
Operating			
Government of Canada	\$ 90,684	\$ 148,101	\$ 14,351
Province of Ontario	3,049,721	3,921,712	3,375,391
Municipal	<u>-</u>	<u>5,000</u>	<u>-</u>
	<u>3,140,405</u>	<u>4,074,813</u>	<u>3,389,742</u>
Capital			
Government of Canada	714,595	951,671	265,000
Province of Ontario	1,574,840	249,717	766,614
Municipal	<u>-</u>	<u>-</u>	<u>888,159</u>
	<u>2,289,435</u>	<u>1,201,388</u>	<u>1,919,773</u>
	<u>\$ 5,429,840</u>	<u>\$ 5,276,201</u>	<u>\$ 5,309,515</u>

City of Port Colborne
Notes to the Consolidated Financial Statements

For the Year Ended December 31, 2019

15. Other revenue	Budget <u>2019</u>	Actual <u>2019</u>	Actual <u>2018</u>
Operating			
Penalties and interest on taxes	\$ 410,000	\$ 506,320	\$ 456,253
Fines	18,000	46,685	17,870
Interest income	26,000	47,437	36,598
Licences and permits	267,570	346,632	296,227
Rental income	64,910	65,010	61,054
Investment income – reserves and reserve funds	-	259,919	215,757
Contributions from developers	-	47,833	8,110
Transfer from trust funds	4,000	5,443	3,928
Donations	105,200	124,420	117,789
Proceeds from sale of road allowances	-	-	564,023
Other	64,300	267,921	656,877
	<u>959,980</u>	<u>1,717,620</u>	<u>2,434,486</u>
Capital			
Donations	10,000	183,751	212,801
Other	292,900	218,608	39,770
	<u>302,900</u>	<u>402,359</u>	<u>252,571</u>
	<u>\$ 1,262,880</u>	<u>\$ 2,119,979</u>	<u>\$ 2,687,057</u>

16. Pension agreements

The Municipality makes contributions to the Ontario Municipal Employees Retirement System ("OMERS"), which is a multi-employer plan, on behalf of the members of its staff. The plan is a defined benefit plan that specifies the amount of the retirement benefit to be received by the employees based on the length of service and rates of pay. Employees and employers contribute jointly to the plan.

Since OMERS is a multi-employer pension plan, the Municipality does not recognize any share of the pension plan surplus of \$ 1.5 billion (2018 - \$ 2.8 billion deficit) based on the fair market value of the plan's assets, as this is a joint responsibility of all Ontario municipal entities and their employees. Contributions were made in the 2019 calendar year at rates ranging from 9.0% to 15.8% depending on the member's designated retirement age and level of earnings. Employer contributions for current and past service are included as an expense in the consolidated statement of operations. Employer contributions to OMERS for 2019 current and past service was \$ 933,094 (2018 - \$ 862,723) and were matched by employee contributions in a similar amount.

City of Port Colborne

Notes to the Consolidated Financial Statements

For the Year Ended December 31, 2019

17. Niagara Central Airport Commission

The Niagara Central Airport Commission operates a two runway airport offering a year round fixed base operation. The Commission is funded by the four nearby municipalities, City of Welland, City of Port Colborne, Town of Pelham and the Township of Wainfleet. The City of Port Colborne has a non-controlling interest in the airport of 19% (2018 - 19%) based on population.

The following table provides condensed supplementary financial information for the Niagara Central Airport Commission:

	<u>2019</u>	<u>2018</u>
Financial assets		
Cash and cash equivalents	\$ 228,562	\$ 284,481
Receivables	43,073	46,129
	<u>271,635</u>	<u>330,610</u>
Liabilities		
Accounts payable and accrued liabilities	44,734	223,722
Loans payable	365,423	399,790
Capital lease obligation	47,473	54,222
	<u>457,630</u>	<u>677,734</u>
Net debt	<u>(185,995)</u>	<u>(347,124)</u>
Non-financial assets		
Prepaid expenses	1,354	1,354
Fuel inventory	25,685	47,272
Tangible capital assets	1,492,862	1,636,642
	<u>1,519,901</u>	<u>1,685,268</u>
Accumulated surplus	<u>\$ 1,333,906</u>	<u>\$ 1,338,144</u>
Accumulated surplus consists of:		
Operating deficit	\$ (175,120)	\$ (314,662)
Reserves	16,164	16,164
Investment in tangible capital assets	1,492,862	1,636,642
	<u>\$ 1,333,906</u>	<u>\$ 1,338,144</u>
Revenues		
Grants	\$ 167,510	\$ 115,761
Fuel, rentals and other	120,047	91,981
Interest	571	1,138
Expenses	<u>(292,366)</u>	<u>(220,757)</u>
Annual deficit	<u>\$ (4,238)</u>	<u>\$ (11,877)</u>

City of Port Colborne

Notes to the Consolidated Financial Statements

For the Year Ended December 31, 2019

17. Niagara Central Airport Commission (continued)

The financial position information is as reported by the Niagara Central Airport Commission as at December 31, 2019 and the results of operations are as reported for the year ended December 31, 2019. The comparative financial position and results of operations figures are as reported by the Niagara Central Airport Commission at December 31, 2018.

The Municipality has recorded in the financial statements its 19% (2018 - 19%) share of the Niagara Central Airport Commissions' assets, liabilities, accumulated surplus, revenues, expenses, and annual surplus.

The following summarizes the Municipality's related party transactions with the Niagara Central Airport Commission for the year. All transactions are in the normal course of operations, and are recorded at the exchange value based on normal commercial rates, or as agreed to by the parties.

	<u>2019</u>	<u>2018</u>
Government transfers	\$ 31,827	\$ 21,995
Interest	3,014	1,750
Loan, bearing interest of 3.5% per annum repayable in annual instalments of \$ 6,012, commencing June 15, 2018	\$ 41,327	\$ 45,738
Loan, bearing interest of 4.3% per annum repayable in annual instalments of \$ 4,113, commencing August 24, 2019	<u>30,170</u>	<u>32,870</u>
	<u>\$ 71,497</u>	<u>\$ 78,608</u>

18. Trust funds

Trust funds administered by the Municipality amounting to \$ 447,832 (2018 - \$ 430,858) have not been included in the consolidated statement of financial position nor have these operations been included in the consolidated statement of operations.

19. Subdividers' deposits

The Municipality holds bank letters of credit as security to ensure the provision of subdivision services and the completion of contracts.

	<u>2019</u>	<u>2018</u>
Letters of credit, beginning of year	\$ 1,448,750	\$ 1,637,354
Net deletions	<u>(290,654)</u>	<u>(188,604)</u>
Letters of credit, end of year	<u>\$ 1,158,096</u>	<u>\$ 1,448,750</u>

These letters of credit are not reflected in the accounts.

City of Port Colborne

Notes to the Consolidated Financial Statements

For the Year Ended December 31, 2019

20. Contingencies

The Municipality is involved from time to time in litigation, which arises in the normal course of business. In respect of any outstanding claims, the Municipality believes that insurance coverage is adequate and that no material exposure exists on the eventual settlement of such litigation, therefore no provision has been made in the accompanying financial statements.

21. Liabilities for contaminated sites

The Municipality reports environmental liabilities related to the management and remediation of any contaminated sites where the Municipality is obligated or likely obligated to incur such costs. The Municipality has identified one property where environmental assessments have indicated soil contamination exceeds environmental standards. A reasonable estimate of any liability cannot be made as the Municipality has not determined how the property will be used, therefore, no liability has been recognized.

The Municipality's ongoing efforts to assess contaminated sites may result in future environmental remediation liabilities related to newly identified sites, or changes in the assessments or intended use of existing sites. Any changes to the Municipality's liabilities for contaminated sites will be accrued in the year in which they are assessed as likely and reasonably estimable.

22. Commitments

Tax increment based grants

The Municipality has commitments for tax increment based grants with various expiry dates up to 2024. There are currently five signed agreements with a term spanning ten years each. At December 31, 2019, the total amount remaining to be paid from these agreements is \$ 103,571 with the total commitment for each of the next five years as follows:

2020	\$	33,722
2021		33,722
2022		32,520
2023		2,405
2024		1,202

23. Comparative figures

Certain of the comparative figures have been reclassified to conform with the consolidated financial statement presentation adopted for the current year.

City of Port Colborne

Notes to the Consolidated Financial Statements

For the Year Ended December 31, 2019

24. Budget

The budget bylaw adopted by Council January 21, 2019 was not prepared on a basis consistent with that used to report actual results in accordance with Canadian public sector accounting standards. The budget was prepared on a modified accrual basis while Canadian public sector accounting standards require a full accrual basis. As a result, the budget figures presented in the consolidated statement of operations and consolidated statement of changes in net debt represent the budget adopted by Council with the following adjustments:

Budgeted annual surplus	\$	7,515
Add:		
Acquisition of tangible capital assets		7,146,232
Repayment of long term debt		1,422,546
Less:		
Transfers (to) from reserves, net		(719,415)
Amortization of tangible capital assets		<u>(5,509,019)</u>
Budgeted surplus per consolidated statement of operations	\$	<u>2,347,859</u>

25. Impacts of COVID-19 and subsequent events

Since December 31, 2019, the spread of COVID-19 has severely impacted many local economies around the globe. In many countries, including Canada, businesses are being forced to cease or limit operations for long or indefinite periods of time. Measures taken to contain the spread of the virus, including travel bans, quarantines, social distancing, and closures of non-essential services have triggered significant disruptions to businesses worldwide, resulting in an economic slowdown. Global stock markets have also experienced great volatility and a significant weakening. Governments and central banks have responded with monetary and fiscal interventions to stabilize economic conditions. The Municipality's management is anticipating that the pandemic will not have a significant impact on its operations.

The Municipality has not identified any events related to the COVID-19 pandemic which were determined to be subsequent events, and therefore there has been no impact on the financial position and results of operations as of and for the year ended December 31, 2019.

The duration and impact of the COVID-19 pandemic, as well as the effectiveness of government and central bank responses, remains unclear at this time. It is not possible to reliably estimate the duration and severity of these consequences, as well as their impact on the financial position and results of the Municipality for future periods.

City of Port Colborne

Notes to the Consolidated Financial Statements

For the Year Ended December 31, 2019

26. Segmented reporting

The Municipality is a diverse municipal government that provides a wide range of services to its citizens. Segmented information has been identified for the service lines that reflect the way in which the operations are managed and resource needs are identified and budgeted. Municipal activities are reported by function in the body of the financial statements.

Certain departments that have been separately disclosed in the segmented information, along with the services they provide, are as follows:

General

The general provision of municipal services includes general government, fire services, transportation services, storm sewer services, planning and development, facilities, parks and cemeteries.

Water

The water operations install and maintain water capital infrastructure to ensure the safe supply, metering and cost recovery for all treated water to serviced areas within all urban and settlement areas of the Municipality.

Wastewater

The wastewater operations install and maintain wastewater capital infrastructure and recover costs of providing this service within all urban and settlement areas of the Municipality.

Port Colborne Public Library Board

The Port Colborne Public Library Board provides library services, materials and facilities. The Municipality controls the board and consolidates the financial activities.

For each reported segment, revenues and expenses represent both amounts that are directly attributable to the segment and amounts that are allocated on a reasonable basis.

The accounting policies used in these segments are consistent with those followed in the preparation of the consolidated financial statements as disclosed in Note 1. The consolidated schedule of segment disclosure and the schedules of segment disclosure with budget information follow the notes.

City of Port Colborne
Consolidated Schedule of Tangible Capital Assets

For the Year Ended December 31, 2019

	<u>Land</u>	<u>Land Improvements</u>	<u>Buildings and Leaseholds</u>	<u>Vehicles</u>	<u>Furniture and Equipment</u>	<u>Infrastructure</u>	<u>Construction in Process</u>	<u>2019</u>
Cost								
Beginning of year	\$ 5,628,931	\$ 18,282,161	\$ 59,644,455	\$ 5,115,983	\$ 8,687,275	\$ 111,837,553	\$ 12,870,820	\$ 222,067,178
Additions	-	350,749	267,621	91,484	654,810	15,860,967	1,249,103	18,474,734
Disposals	(11,433)	(7,747)	(9,465)	(162,309)	(228,975)	(626,993)	(12,877,258)	(13,924,180)
End of year	<u>5,617,498</u>	<u>18,625,163</u>	<u>59,902,611</u>	<u>5,045,158</u>	<u>9,113,110</u>	<u>127,071,527</u>	<u>1,242,665</u>	<u>226,617,732</u>
Accumulated amortization								
Beginning of year	-	8,281,070	14,531,615	2,631,795	4,699,906	52,987,000	-	83,131,386
Amortization	-	576,100	1,691,637	319,801	673,516	2,249,933	-	5,510,987
Amortization on disposals	-	(7,747)	(9,396)	(162,310)	(198,100)	(512,813)	-	(890,366)
End of year	<u>-</u>	<u>8,849,423</u>	<u>16,213,856</u>	<u>2,789,286</u>	<u>5,175,322</u>	<u>54,724,120</u>	<u>-</u>	<u>87,752,007</u>
Net book value	<u>\$ 5,617,498</u>	<u>\$ 9,775,740</u>	<u>\$ 43,688,755</u>	<u>\$ 2,255,872</u>	<u>\$ 3,937,788</u>	<u>\$ 72,347,407</u>	<u>\$ 1,242,665</u>	<u>\$ 138,865,725</u>

City of Port Colborne
Consolidated Schedule of Tangible Capital Assets

For the Year Ended December 31, 2018

	<u>Land</u>	<u>Land Improvements</u>	<u>Buildings and Leaseholds</u>	<u>Vehicles</u>	<u>Furniture and Equipment</u>	<u>Infrastructure</u>	<u>Construction in Process</u>	<u>2018</u>
Cost								
Beginning of year	\$ 5,639,417	\$ 17,906,419	\$ 58,853,654	\$ 4,992,958	\$ 8,105,080	\$ 111,084,592	\$ 11,240,742	\$ 217,822,862
Additions	-	375,742	796,279	290,648	1,055,823	822,869	1,880,168	5,221,529
Disposals	(10,486)	-	(5,478)	(167,623)	(473,628)	(69,908)	(250,090)	(977,213)
End of year	<u>5,628,931</u>	<u>18,282,161</u>	<u>59,644,455</u>	<u>5,115,983</u>	<u>8,687,275</u>	<u>111,837,553</u>	<u>12,870,820</u>	<u>222,067,178</u>
Accumulated amortization								
Beginning of year	-	7,724,020	12,814,381	2,480,601	4,505,703	50,902,950	-	78,427,655
Amortization	-	557,050	1,721,248	318,817	635,859	2,147,383	-	5,380,357
Amortization on disposals	-	-	(4,014)	(167,623)	(441,656)	(63,333)	-	(676,626)
End of year	<u>-</u>	<u>8,281,070</u>	<u>14,531,615</u>	<u>2,631,795</u>	<u>4,699,906</u>	<u>52,987,000</u>	<u>-</u>	<u>83,131,386</u>
Net book value	\$ 5,628,931	\$ 10,001,091	\$ 45,112,840	\$ 2,484,188	\$ 3,987,369	\$ 58,850,553	\$ 12,870,820	\$ 138,935,792

City of Port Colborne
Consolidated Schedule of Segment Disclosure

For the Year Ended December 31, 2019

	<u>General</u>	<u>Water</u>	<u>Wastewater</u>	<u>Library</u>	<u>Eliminations</u>	<u>2019</u>
Revenues						
Taxation	\$ 18,668,245	\$ -	\$ -	\$ -	\$ -	\$ 18,668,245
User charges	3,870,308	4,660,259	4,981,948	21,650	-	13,534,165
Government transfers	5,206,095	-	-	836,538	(766,432)	5,276,201
Other revenue	2,074,302	38,808	-	6,869	-	2,119,979
Gain (loss) on disposal of tangible capital assets	136,465	(15,445)	(4,633)	(593)	-	115,794
	<u>29,955,415</u>	<u>4,683,622</u>	<u>4,977,315</u>	<u>864,464</u>	<u>(766,432)</u>	<u>39,714,384</u>
Expenses						
Salaries and benefits	13,954,438	735,049	49,809	574,489	-	15,313,785
Materials	7,081,757	354,940	89,549	111,996	-	7,638,242
Contract services	2,246,944	2,472,044	4,616,384	32,674	-	9,368,046
Rents and financial expenses	327,163	1,179	102	115	-	328,559
External transfers to others	86,488	-	-	-	-	86,488
Long term debt interest	848,417	91,502	-	-	-	939,919
Tax write-offs	221,774	-	-	-	-	221,774
Amortization	4,446,672	620,272	367,171	76,817	-	5,510,932
Inter-functional transfers	416,554	241,549	108,329	-	(766,432)	-
	<u>29,630,207</u>	<u>4,516,535</u>	<u>5,231,344</u>	<u>796,091</u>	<u>(766,432)</u>	<u>39,407,745</u>
Annual surplus (deficit)	<u>\$ 325,208</u>	<u>\$ 167,087</u>	<u>\$ (254,029)</u>	<u>\$ 68,373</u>	<u>\$ -</u>	<u>\$ 306,639</u>

**City of Port Colborne
Consolidated Schedule of Segment Disclosure
with Budget Information**

For the Year Ended December 31, 2019

	Budget 2019	Actual 2019
General		
Revenue		
Taxation	\$ 18,630,708	\$ 18,668,245
User charges	3,541,807	3,870,308
Government transfers	5,391,507	5,206,095
Other	1,256,880	2,074,302
Gain on disposal of tangible capital assets	-	136,465
	<u>28,820,902</u>	<u>29,955,415</u>
Expenses		
Salaries and wages	12,499,783	13,954,438
Materials	6,472,774	7,081,757
Contracted services	2,112,233	2,246,944
Rents and financial expenses	145,099	327,163
External transfers to others	103,574	86,488
Long term debt interest	859,174	848,417
Tax write-offs	253,500	221,774
Amortization	4,444,759	4,446,672
Inter-functional transfers	286,186	416,554
	<u>27,177,082</u>	<u>29,630,207</u>
Annual surplus	<u>\$ 1,643,820</u>	<u>\$ 325,208</u>

City of Port Colborne
Consolidated Schedule of Segment Disclosure
with Budget Information

For the Year Ended December 31, 2019

	Budget 2019	Actual 2019
Water		
Revenue		
User charges	\$ 5,052,820	\$ 4,660,259
Other	6,000	38,808
Loss on disposal of tangible capital assets	-	(15,445)
	<u>5,058,820</u>	<u>4,683,622</u>
Expenses		
Salaries and wages	746,829	735,049
Materials	294,746	354,940
Contracted services	2,529,069	2,472,044
Rents and financial expenses	6,486	1,179
Long term debt interest	93,311	91,502
Amortization	620,272	620,272
Inter-functional transfers	264,060	241,549
	<u>4,554,773</u>	<u>4,516,535</u>
Annual surplus	<u>\$ 504,047</u>	<u>\$ 167,087</u>

City of Port Colborne
Consolidated Schedule of Segment Disclosure
with Budget Information

For the Year Ended December 31, 2019

	Budget 2019	Actual 2019
Wastewater		
Revenue		
User charges	\$ 5,491,493	\$ 4,981,948
Loss on disposal of tangible capital assets	-	(4,633)
	<u>5,491,493</u>	<u>4,977,315</u>
Expenses		
Salaries and wages	326,369	49,809
Materials	152,022	89,549
Contracted services	4,242,405	4,616,384
Rents and financial expenses	2,109	102
Amortization	367,171	367,171
Inter-functional transfers	216,658	108,329
	<u>5,306,734</u>	<u>5,231,344</u>
Annual (deficit) surplus	<u>\$ 184,759</u>	<u>\$ (254,029)</u>

Draft - October 15, 2020

**City of Port Colborne
Consolidated Schedule of Segment Disclosure
with Budget Information**

For the Year Ended December 31, 2019

	Budget 2019	Actual 2019
Library		
Revenue		
User charges	\$ 23,550	\$ 21,650
Government transfers	804,765	836,538
Other	-	6,869
Loss on disposal of tangible capital assets	-	(593)
	<u>828,315</u>	<u>864,464</u>
Expenses		
Salaries and wages	579,708	574,489
Materials	135,061	111,996
Contracted services	21,496	32,674
Rents and financial expenses	-	115
Amortization	76,817	76,817
	<u>813,082</u>	<u>796,091</u>
Annual surplus	<u>\$ 15,233</u>	<u>\$ 68,373</u>

**City of Port Colborne
Trust Funds
Statement of Financial Position**
As at December 31, 2019

	<u>Local Improvements</u>	<u>Julia Yager Trust</u>	<u>Fulton Trust</u>	<u>Sherkston Trust</u>	<u>Overholt Cemetery</u>	<u>Roselawn Centre</u>	<u>2019</u>	<u>2018</u>
Assets								
Cash and cash equivalents	\$ 23,267	\$ 7,399	\$ 1,047	\$ 5,910	\$ -	\$ 52,724	\$ 90,347	\$ 88,816
Due from City of Port Colborne	-	-	-	-	3,849	-	3,849	6,996
Investments	-	-	-	5,728	347,779	-	353,507	334,919
Accrued interest	39	-	-	-	-	90	129	127
Net assets	\$ 23,306	\$ 7,399	\$ 1,047	\$ 11,638	\$ 351,628	\$ 52,814	\$ 447,832	\$ 430,858

Impacts of COVID-19 and subsequent events (Note 3)

See accompanying notes to the financial statements

City of Port Colborne
Trust Funds
Statement of Operations and Changes in Net Assets
For the Year Ended December 31, 2019

	Local Improvements	Julia Yager Trust	Fulton Trust	Sherkston Trust	Overholt Cemetery	Roselawn Centre	2019	2018
Revenues								
Interest	\$ 467	\$ 3	\$ 1	\$ 37	\$ 5,443	\$ 1,059	\$ 7,010	\$ 6,873
Perpetual trust contributions	-	-	-	-	15,407	-	15,407	9,342
Donations	-	-	-	-	-	-	-	12,690
	467	3	1	37	20,850	1,059	22,417	28,905
Expenses								
Transfers to revenue fund	-	-	-	-	5,443	-	5,443	3,928
Excess of revenue over expenses	467	3	1	37	15,407	1,059	16,974	24,977
Net assets								
Beginning of year	22,839	7,396	1,046	11,601	336,221	51,755	430,858	405,881
End of year	\$ 23,306	\$ 7,399	\$ 1,047	\$ 11,638	\$ 351,628	\$ 52,814	\$ 447,832	\$ 430,858

See accompanying notes to the financial statements

**City of Port Colborne
Trust Funds
Statement of Cash Flows**
For the Year Ended December 31, 2019

	<u>2019</u>	<u>2018</u>
Net increase (decrease) in cash and cash equivalents		
Operating activities		
Excess of revenues over expenses	\$ 16,974	\$ 24,977
Decrease (increase) in due from City of Port Colborne	3,147	(6,996)
Increase in accrued interest	(2)	(64)
	<u>20,119</u>	<u>17,917</u>
Investing activities		
(Increase) decrease in investments - net	<u>(18,588)</u>	<u>7,285</u>
Net increase in cash and cash equivalents	1,531	25,202
Cash and cash equivalents		
Beginning of year	<u>88,816</u>	<u>63,614</u>
End of year	<u>\$ 90,347</u>	<u>\$ 88,816</u>

See accompanying notes to the financial statements

**City of Port Colborne
Trust Funds
Notes to the Financial Statements**

For the Year Ended December 31, 2019

1. Summary of significant accounting policies

Management responsibility

The financial statements are the responsibility of and prepared by management in accordance with Canadian accounting standards for not-for-profit organizations.

The significant accounting policies used are as follows:

(a) Basis of accounting

Sources of revenue and expenses are reported on the accrual basis of accounting. The accrual basis of accounting records revenues in the period they are earned and measurable and expenses in the period the goods and services are acquired and a liability is incurred.

(b) Cash and cash equivalents

Cash and cash equivalents are represented by cash on hand, cash on deposit in chartered banks and investments that mature within three months.

(c) Portfolio investments

Portfolio investments are valued at the lower of cost and market value. Interest income is reported as revenue in the period earned.

(d) Financial instruments

Initial measurement

The Trust Funds financial instruments are measured at fair value when issued or acquired. For financial instruments subsequently measured at cost or amortized cost, fair value is adjusted by the amount of the related financing fees and transaction costs. Transaction costs and financing fees relating to financial instruments that are measured subsequently at fair value are recognized in operations in the year in which they are incurred.

Subsequent measurement

At each reporting date, the Trust Funds measure their financial assets and liabilities at cost. The financial instruments measured at cost are cash investments, interest receivable and due from revenue fund.

For financial assets measured at cost, the Trust Funds regularly assesses whether there are any indications of impairment. If there is an indication of impairment, and the Trust Funds determine that there is a significant adverse change in the expected timing or amount of future cash flows from the financial asset, it recognizes an impairment loss in the statement of operations. Any reversals of previously recognized impairment losses are recognized in operations in the year the reversal occurs.

City of Port Colborne

Trust Funds

Notes to the Financial Statements

For the Year Ended December 31, 2019

2. Portfolio investments

Portfolio investments consist of money market, bond and equity funds with annual interest rates ranging from 1.60% to 3.40% and a guaranteed investment certificate with an annual interest rate of 1.30% maturing December, 2020. Portfolio investments have an estimated market value of \$ 409,715 (2018 - \$ 362,507).

3. Impacts of COVID-19 and subsequent events

Since December 31, 2019, the spread of COVID-19 has severely impacted many local economies around the globe. In many countries, including Canada, businesses are being forced to cease or limit operations for long or indefinite periods of time. Measures taken to contain the spread of the virus, including travel bans, quarantines, social distancing, and closures of non-essential services have triggered significant disruptions to businesses worldwide, resulting in an economic slowdown. Global stock markets have also experienced great volatility and a significant weakening. Governments and central banks have responded with monetary and fiscal interventions to stabilize economic conditions. The Trust Funds' management is anticipating that the pandemic will not have a significant impact on its operations.

The Trust Funds have not identified any events related to the COVID-19 pandemic which were determined to be subsequent events, and therefore there has been no impact on the financial position and results of operations as of and for the year ended December 31, 2019.

The duration and impact of the COVID-19 pandemic, as well as the effectiveness of government and central bank responses, remains unclear at this time. It is not possible to reliably estimate the duration and severity of these consequences, as well as their impact on the financial position and results of the Trust Funds for future periods.

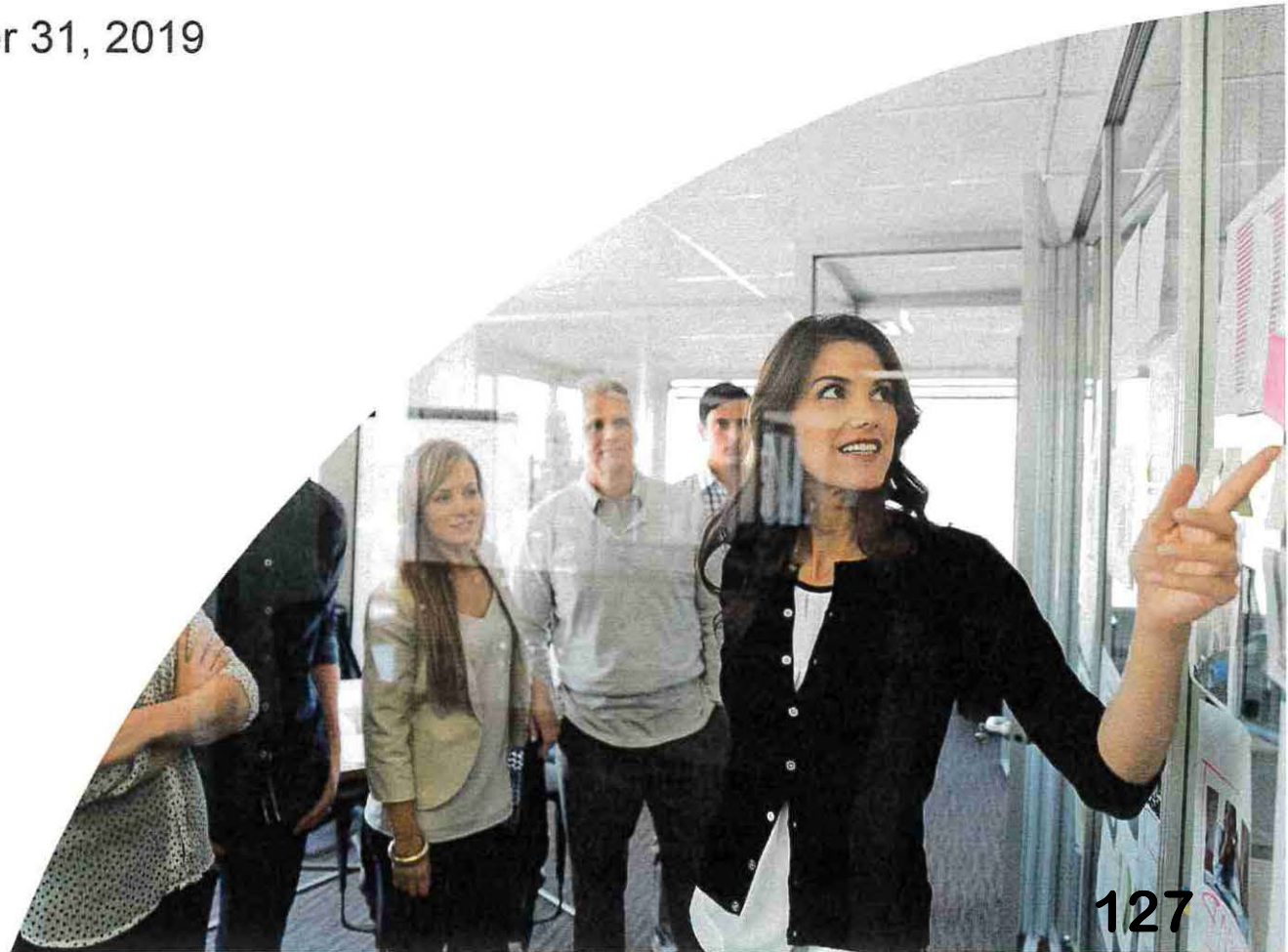
Corporation of the City of Port Colborne

For the year ended December 31, 2019

Report to the Members of Council
Audit strategy and results

November 9, 2020

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Principal
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Contents

Executive summary	1
Audit risks and results	2
Adjustments and uncorrected misstatements	7
Other reportable matters	9
Technical updates – highlights	10

Appendices

Appendix A – Overview and approach
Appendix B – Audit plan and risk assessment
Appendix C – Engagement letter
Appendix D – Draft independent auditor's report
Appendix E – Draft management representation letter
Appendix F – Internal control letter
Appendix G – PSAS accounting developments
Appendix H – Auditing developments

Executive summary

Purpose of report and scope

The purpose of this report is to engage in an open dialogue with you regarding our audit of the consolidated financial statements of the Corporation of the City of Port Colborne (the "entity") for the year ended December 31, 2019. This communication will assist the Members of Council and management in understanding the results of audit procedures and includes comments on misstatements, significant accounting policies, sensitive estimates and other matters.

The information in this document is intended solely for the information and use of the Corporate and Community Services Sub-Committee, Council and management. It is not intended to be distributed or used by anyone other than these specified parties.

We were engaged to provide the following deliverables:

Deliverable	Timing
Report on the December 31, 2019 consolidated financial statements	November 9, 2020
Communication of audit results	November 9, 2020

Status of our audit

We have substantially completed our audit of the consolidated financial statements of the entity and the results of that audit are included in this report.

We will finalize our report upon resolution of the following items that were outstanding as at November 9, 2020:

- Receipt of signed management representation letter (a draft has been attached in Appendix E)
- Approval of the consolidated financial statements by Council
- Procedures regarding subsequent events
- Responses from legal inquiries

We have successfully executed our audit strategy in accordance with the plan as presented in this report.

Auditor's report

A copy of our draft auditor's opinion is included in Appendix D.

Approach

Our audit approach requires that we establish an overall strategy that focuses on risk areas. We identify and assess risks of material misstatement of the consolidated financial statements, whether due to fraud or error. The greater the risk of material misstatement associated with an area of the consolidated financial statements, including disclosures, the greater the audit emphasis placed on it in terms of audit verification and analysis. Where the nature of a risk of material misstatement is such that it requires special audit consideration, it is classified as a significant risk.

Our approach is discussed further in the Appendix A

Audit risks and results

We have executed our audit in accordance with our approach summarized in Appendices A and B. We highlight our significant findings in respect of transactions, risks, accounting practices and other areas of focus.

COVID-19 impact on audit risks and responses

Area of focus	Matter	Our response and findings
Subsequent events and COVID-19	The COVID-19 virus became widespread in January, 2020 and the magnitude of its impact increased thereafter. Management determined there were no significant impacts resulting from COVID-19 and identified no significant related subsequent events. This has been disclosed in Note 25 to the financial statements.	<ul style="list-style-type: none">Reviewed the financial statement disclosure provided by management We have no finding to note in connection with the subsequent events disclosure

Areas of focus

The following is a summary of areas of focus, and the related matters and findings we would like to communicate to the Members of Council and management.

Area of focus	Matter	Our response and findings
Fraud risk from revenue recognition	<p>There is a presumed risk of fraud in revenue.</p> <ul style="list-style-type: none"> The risk primarily relates to revenue recognized under water and sewer and other revenue 	<ul style="list-style-type: none"> Recalculation of the net tax revenues based on verified assessment rolls and approved tax rates Analytical assessment of revenues based on budgeted expectations Subsequent receipts testing of receivables as at December 31, 2019 (statistical sample) Assessed the adequacy of allowances for doubtful accounts by testing subsequent receipts, reviewing management estimates and examining supporting documentation <p>There were no significant findings as a result of these procedures.</p>
Fraud risk from management override / segregation of duties	<p>This is a presumed fraud risk.</p> <ul style="list-style-type: none"> The risk primarily relates to limited segregation of duties, administrative access to accounting system and the senior finance management's ability to post journal entries 	<ul style="list-style-type: none"> Tested the appropriateness of journal entries recorded in the general ledger and other adjustments made in the preparation of the financial statements Reviewed accounting estimates for biases Evaluated the business rationale for significant transactions that are or appear to be outside the normal course of business <p>There were no significant findings as a result of these procedures.</p>
Taxation revenue and receivables	<p>The taxes receivable balances may be invalid and the allowance for uncollectible taxes understated</p>	<ul style="list-style-type: none"> Recalculation of the net tax revenues based on verified assessment rolls and approved tax rates Subsequent receipts testing of taxes receivable as at December 31, 2019 (statistical sample) Assessed the adequacy of the allowance for doubtful accounts by testing subsequent receipts, reviewing management estimates and examining support for the value of underlying property <p>There were no significant findings as a result of these procedures.</p>

Area of focus	Matter	Our response and findings
Purchases and payables	Payables may be understated or not recorded in the correct period.	<ul style="list-style-type: none"> • Analytical assessment of expenses based on budgeted expectations • Reviewed supporting documentation and management estimates with respect to the completeness and accuracy of significant year end accruals • Performed a search for unrecorded liabilities <p>There were no significant findings as a result of these procedures.</p>
Provisions for employee benefits	Provision and related expense may be understated.	<ul style="list-style-type: none"> • Reviewed actuarial reports, method and assumptions used • Tested supporting calculations relating to the various amounts and disclosures <p>There were no significant findings as a result of these procedures.</p>
Provisions for contaminated sites liability	Provision and related expense may be understated.	<ul style="list-style-type: none"> • Reviewed assumptions used by management • Tested supporting calculations relating to the various amounts and disclosures <p>There were no significant findings as a result of these procedures.</p>
Commitments and contingencies	There is uncertainty regarding contingent liabilities.	<ul style="list-style-type: none"> • Verified the accuracy and reasonableness of amounts and disclosures, with reference to correspondence with lawyers, examination of supporting documentation, and discussions with management <p>There were no significant findings as a result of these procedures.</p>

Sensitive accounting estimates and disclosures

Area of focus	Matter	Our response and findings
Sensitive accounting estimates and disclosures	The provision for vested sick leave of approximately \$ 306,000 and retirement benefits of approximately \$ 6,547,000.	<ul style="list-style-type: none"> • Management engaged an actuary to calculate the liabilities for vested sick leave and for employees who have taken early retirement based on the current annual benefits and the number of years until the employees turn 65. • Liabilities have been recognized in the financial statements for vested sick leave and employee retirement benefits. The objective is to recognize a liability in the reporting period in which employees have provided the services that give rise to the benefits. Management's estimate is based on the actuary's valuation report and is reasonable in the context of the consolidated financial statements taken as a whole. The actuary's valuation was performed in accordance with the standards of the Canadian Institute of Actuaries. <p>Management's estimate is reasonable in the context of the consolidated financial statements taken as a whole.</p>
Sensitive accounting estimates and disclosures	The provision for the Workplace Safety and Insurance Board future benefits of approximately \$ 2,272,000.	<ul style="list-style-type: none"> • The Municipality is a Workplace Safety and Insurance Board ("WSIB") Schedule II employer under the Workplace Safety & Insurance Act and follows a policy of self-insurance for all its employees. • An actuarial estimate of future liabilities has been completed and forms the basis for the estimated liability reported in these financial statements. The Municipality remits payments to the WSIB as required to fund disability payments. <p>Management's estimate is reasonable in the context of the consolidated financial statements taken as a whole.</p>

Area of focus	Matter	Our response and findings														
Factors affecting disclosure values	The provision for uncollectible taxes of approximately \$ 241,000.	<ul style="list-style-type: none"> • Management reviews previous year's rebates to determine the current years. Management also reviews accounts which are significantly in arrears and determines if it is likely that they will be collected either through the land owner or through tax sale. • For tax revenue amounts billed but may not be collected as of December 31, 2019. For uncollected accounts, management estimates the collectability of these receivables based on their age and their knowledge of the specific properties. As part of our audit, we review the age of the receivables and search for any subsequent receipts or relevant communications to assess whether management's allowance for uncollectable receivables is reasonable. <p>Management's estimate is reasonable in the context of the consolidated financial statements taken as a whole.</p>														
Factors affecting disclosure values	Useful life estimates of tangible capital assets	<p>The estimated useful lives assigned to tangible assets are as follows:</p> <table border="0"> <tr> <td data-bbox="1363 738 1549 759">Land improvements</td> <td data-bbox="1777 738 1902 759">10-100 years</td> </tr> <tr> <td data-bbox="1363 762 1452 783">Buildings</td> <td data-bbox="1777 762 1887 783">20-50 years</td> </tr> <tr> <td data-bbox="1363 786 1587 807">Leasehold improvement</td> <td data-bbox="1777 786 1887 807">20-50 years</td> </tr> <tr> <td data-bbox="1363 810 1446 831">Vehicles</td> <td data-bbox="1777 810 1887 831">10-20 years</td> </tr> <tr> <td data-bbox="1363 834 1757 855">Office equipment and furniture and fixtures</td> <td data-bbox="1777 834 1881 855">5-10 years</td> </tr> <tr> <td data-bbox="1363 858 1603 879">Machinery and equipment</td> <td data-bbox="1777 858 1881 879">3-30 years</td> </tr> <tr> <td data-bbox="1363 882 1487 903">Infrastructure</td> <td data-bbox="1777 882 1902 903">10-100 years</td> </tr> </table>	Land improvements	10-100 years	Buildings	20-50 years	Leasehold improvement	20-50 years	Vehicles	10-20 years	Office equipment and furniture and fixtures	5-10 years	Machinery and equipment	3-30 years	Infrastructure	10-100 years
Land improvements	10-100 years															
Buildings	20-50 years															
Leasehold improvement	20-50 years															
Vehicles	10-20 years															
Office equipment and furniture and fixtures	5-10 years															
Machinery and equipment	3-30 years															
Infrastructure	10-100 years															

Adjustments and uncorrected misstatements

Adjustments

We have the following adjusted misstatements to report.

Description	Statement of Financial Position			Statement of Operations Effect
	Assets	Liabilities	Accumulated surplus	Annual surplus
To balance surplus and transfers	\$ -	\$ (184,560)	\$ (356,227)	\$ 540,787
To record changes to post employment benefits and sick leave liability	-	611,000	(611,000)	-
To consolidate the Main Street BIA and the Downtown Development Board accounts into the City's consolidated financial statements	15,081	2,665	-	12,416
To adjust existing account balances for the proportionate consolidation of the Niagara Central Airport	(42,601)	(41,525)	-	(1,076)
Total other adjustments	\$ (27,520)	\$ 387,580	\$ (967,227)	\$ 552,127

Uncorrected misstatements

Non-trivial misstatements noted during the course of our audit but not adjusted in the consolidated financial statements were as follows:

Description	Increase (Decrease)	Statement of Financial Position			Statement of Operations Effect
		Assets	Liabilities	Accumulated surplus	Annual surplus
To reduce the allowance for uncollectible taxes receivable		\$ 111,000			\$ 111,000
Total adjustments		\$ 111,000			\$ 111,000

Other adjustments

We have no other adjustments to report.

Summary of disclosure matters

Our audit did not identify any unadjusted non-trivial misstatements of disclosure matters.

Other reportable matters

Internal control

The audit is designed to express an opinion on the consolidated financial statements. We obtain an understanding of internal control over financial reporting to the extent necessary to plan the audit and to determine the nature, timing and extent of our work. Accordingly, we do not express an opinion on the effectiveness of internal control.

If we become aware of a deficiency in your internal control over financial reporting, the auditing standards require us to communicate to the Members of Council and management those deficiencies we consider significant. However, a financial statement audit is not designed to provide assurance on internal control.

Please refer to Appendix F for a detailed explanation of the internal control observations noted during our audit.

Fees

The following is a schedule of our current year fees and prior year fees.

Service	Current year fees	Prior year fees
Annual audit	\$ 40,400	\$ 39,600
Additional audit work	-	8,500
Total*	\$ 40,400	\$ 48,100

*before applicable taxes

Independence

We have a rigorous process where we continually monitor and maintain our independence. The process of maintaining our independence includes, but is not limited to:

- Identification of threats to our independence and putting into place safeguards to mitigate those threats. For example, we evaluate the independence threat of any non-audit services provided to the entity
- Confirming the independence of our engagement team members

No matters to communicate – We have identified no information regarding our independence that in our judgment should be brought to your attention.

Technical updates – highlights

Accounting

Accounting standards issued by the Accounting Standards Board that may affect the entity in future years are included in Appendix G. If you have any questions about these changes we will be pleased to address your concerns.

Assurance

Auditing standards issued by the AASB that may change the nature, timing and extent of our audit procedures on the entity and our communication with the Members of Council and management, are included in Appendix H. If you have any questions about these changes we will be pleased to address your concerns.

Appendix A – Overview and approach

Our audit is planned with the objective of obtaining reasonable assurance about whether the consolidated financial statements as a whole are free from material misstatement, so that we are able to express an opinion on whether the consolidated financial statements are prepared, in all material respects, in accordance with Public Sector Accounting Standards. The following outlines key concepts that are applicable to the audit, including [tailor as appropriate - the responsibilities of parties involved, our general audit approach and other considerations].

Roles and responsibilities

Role of Council

- Help set the tone for the organization by emphasizing honesty, ethical behaviour and fraud prevention
- Oversee management, including ensuring that management establishes and maintains internal controls to provide reasonable assurance regarding reliability of financial reporting
- Recommend the nomination and compensation of external auditors to the board
- Oversees the work of the external auditors including reviewing and discussing the audit plan

Role of management

- Prepare financial statements in accordance with Public Sector Accounting Standards
- Design, implement and maintain effective internal controls over financial reporting processes, including controls to prevent and detect fraud
- Exercise sound judgment in selecting and applying accounting policies
- Prevent, detect and correct errors, including those caused by fraud
- Provide representations to external auditors
- Assess quantitative and qualitative impact of misstatements discovered during the audit on fair presentation of the financial statements

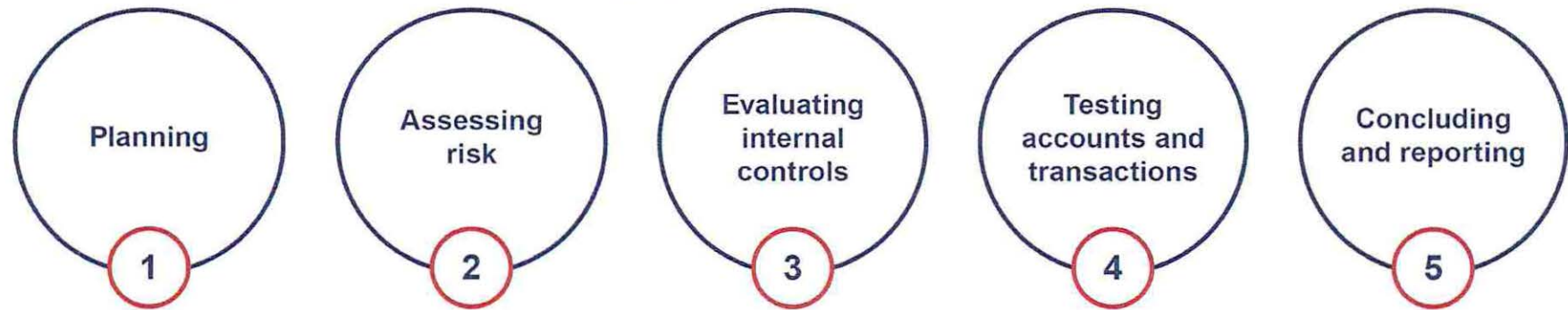
Role of Grant Thornton LLP

- Provide an audit opinion that the financial statements are in accordance with Public Sector Accounting Standards
 - Conduct our audit in accordance with Canadian Generally Accepted Auditing Standards (GAAS)
 - Maintain independence and objectivity
 - Be a resource to management and to those charged with governance
 - Communicate matters of interest to those charged with governance
 - Establish an effective two-way communication with those charged with governance, to report matters of interest to them and obtain their comments on audit risk matters
-

Audit approach

Our understanding of the entity and its operations drives our audit approach, which is risk based and specifically tailored to Corporation of the City of Port Colborne.

The five key phases of our audit approach



Phase	Our approach
1. Planning	We obtain our understanding of your operations, internal controls and information systems We plan the audit timetable together
2. Assessing risk	We use our knowledge gained from the planning phase to assess financial reporting risks We customize our audit approach to focus our efforts on key areas
3. Evaluating internal controls	We evaluate the design of controls you have implemented over financial reporting risks We identify areas where our audit could be more effective or efficient by taking an approach that includes testing the controls We provide you with information about the areas where you could potentially improve your controls
4. Testing accounts and transactions	We perform tests of balances and transactions We use technology and tools, including data interrogation tools, to perform this process in a way that enhances effectiveness and efficiency
5. Concluding and reporting	We conclude on the sufficiency and appropriateness of our testing We finalize our report and provide you with our observations and recommendations

Our tailored audit approach results in procedures designed to respond to an identified risk. The greater the risk of material misstatement associated with the account, class of transactions or balance, the greater the audit emphasis placed on it in terms of audit verification and analysis.

Throughout the execution of our audit approach, we maintained our professional skepticism, recognizing the possibility that a material misstatement due to fraud could exist notwithstanding our past experiences with the entity and our beliefs about management's honesty and integrity.

Materiality

The purpose of our audit is to provide an opinion as to whether the consolidated financial statements are prepared, in all material respects, in accordance with Public Sector Accounting Standards as at December 31, 2019. Therefore, materiality is a critical auditing concept and as such we apply it in all stages of our engagement.

The concept of materiality recognizes that an auditor cannot verify every balance, transaction or judgment made in the financial reporting process. During audit planning, we made a preliminary assessment of materiality for the purpose of developing our audit strategy, including the determination of the extent of our audit procedures. During the completion stage, we consider not only the quantitative assessment of materiality, but also qualitative factors, in assessing the impact on the consolidated financial statements, our audit opinion and whether the matters should be brought to your attention.

Fraud risk factor considerations

We are responsible for planning and performing the audit to obtain reasonable assurance as to whether the consolidated financial statements are free of material misstatement caused by error or by fraud. Our responsibility includes:

The identification and assessment of the risks of material misstatement of the consolidated financial statements due to fraud through procedures including discussions amongst the audit team and specific inquiries of management

Obtaining sufficient appropriate audit evidence to respond to the fraud risks noted

Responding appropriately to any fraud or suspected fraud identified during the audit

Due to the inherent limitations of an audit, there is an unavoidable risk that some material misstatements may not be detected and this is particularly true in relation to fraud.

The primary responsibility for the prevention and detection of fraud rests with those charged with governance and management.

We are required to communicate with you on fraud-related matters, including:

Obtaining an understanding of how you exercise oversight of management's processes for identifying and responding to the risks of fraud in the entity and the internal control that management has established to mitigate these risks

Inquiring as to whether you have knowledge of any actual, suspected or alleged fraud affecting the entity

The following provides a summary of some of the fraud related procedures that are performed during the audit:

Testing the appropriateness of journal entries recorded in the general ledger and other adjustments made in the preparation of the consolidated financial statements

Reviewing accounting estimates for biases

Evaluating the business rationale (or the lack thereof) for significant transactions that are or appear to be outside the normal course of operations

Quality control

We have a robust quality control program that forms a core part of our client service. We combine internationally developed audit methodology, advanced audit technology, rigorous review procedures, mandatory professional development requirements, and the use of specialists to deliver high quality audit services to our clients. In addition to our internal processes, we are subject to inspection and oversight by standard setting and regulatory bodies. We are proud of our firm's approach to quality control and would be pleased to discuss any aspect with you at your convenience.

IDEA Data Analysis Software

We apply our audit methodology using advanced software tools. IDEA Data Analysis Software is a powerful analysis tool that allows audit teams to read, display, analyze, manipulate, sample and extract data from almost any electronic source. The tool has the advantages of enabling the audit team to perform data analytics on very large data sets in a very short space of time, while providing the checks, balances and audit trail necessary to ensure that the data is not corrupted and that the work can be easily reviewed. SmartAnalyzer, an add-on to IDEA, further improves the efficiency and effectiveness of the audit by providing automated routines for certain common analytical tasks, such as identifying unusual and potentially fraudulent journal entries. Grant Thornton continues to invest in developing industry-leading audit data analytical tools.

Appendix B – Audit plan and risk assessment

Considerations

The following is a summary of matters that relate to changes to the entity and its business environment that were considered in preparing our audit plan.

Matter	Discussion and impact
Laws and regulations	During the course of the audit, we will perform specified audit procedures to help identify instances of non-compliance with laws and regulations that may have a material effect on the consolidated financial statements. An audit of financial statements is not designed to detect all instances of non-compliance with laws and regulations and does not represent an audit of the entity's compliance with applicable laws and regulations.
Fraud	We are responsible for obtaining reasonable assurance that the consolidated financial statements taken as a whole are free from material misstatement, whether caused by fraud or error. However, owing to the inherent limitations of an audit, there is an unavoidable risk that some material misstatements may not be detected and this is particularly true in relation to fraud. The primary responsibility for the prevention and detection of fraud rests with those charged with governance and management. During our audit planning, we enquired of management as to their views on the risks of fraud and their processes for identifying and assessing fraud risks.
Accounting and auditing standards	In addition to the information in the Technical Highlights section, we have highlighted certain new standards and interpretations that are likely to have an impact on the financial reporting for the Corporation of the City of Port Colborne in the current year. An overview of these particular standards and interpretations is included in the appendices.

Significant risks

We identified the following significant risks on which we plan to focus our attention:

Area of risk	Why there is a risk	Planned audit response
Fraud risk from revenue recognition	There is a presumed risk of fraud in revenue. <ul style="list-style-type: none"> • The risk primarily relates to revenue recognized under water and sewer, grants and other revenue 	<ul style="list-style-type: none"> • Analytical assessment of revenues based on budgeted expectations • Subsequent receipts testing of receivables as at December 31, 2019 (statistical sample) • Assessing the adequacy of allowances for doubtful accounts by testing subsequent receipts, reviewing management estimates and examining supporting documentation
Fraud risk from management override / segregation of duties	This is a presumed fraud risk. <ul style="list-style-type: none"> • The risk primarily relates to limited segregation of duties, administrative access to accounting system and the senior finance management's ability to post journal entries 	<ul style="list-style-type: none"> • Test the appropriateness of journal entries recorded in the general ledger and other adjustments made in the preparation of the financial statements • Review accounting estimates for biases • Evaluate the business rationale for significant transactions that are or appear to be outside the normal course of business

Other audit risks

Other areas we have identified where we plan to focus our attention are as follows:

Area of risk	Why there is a risk	Planned audit response
Taxation revenue and receivables	The taxes receivable balances may be invalid and the allowance for uncollectible taxes understated.	<ul style="list-style-type: none"> Recalculation of the net tax revenues based on verified assessment rolls and approved tax rates Subsequent receipts testing of taxes receivable as at December 31, 2019 (statistical sample) Assessing the adequacy of the allowance for doubtful accounts by testing subsequent receipts, reviewing management estimates and examining support for the value of underlying property
Purchases and payables	Payables may be understated or not recorded in the correct period.	<ul style="list-style-type: none"> Analytical assessment of expenses based on budgeted expectations Reviewing supporting documentation and management estimates with respect to the completeness and accuracy of significant year end accruals Perform a search for unrecorded liabilities
Provisions for employee benefits	Provision and related expense may be understated.	<ul style="list-style-type: none"> Reviewing actuarial reports, method and assumptions used Testing supporting calculations relating to the various amounts and disclosures
Provisions for contaminated sites liability	Provision and related expense may be understated.	<ul style="list-style-type: none"> Reviewing assumptions used by management Testing supporting calculations relating to the various amounts and disclosures
Commitments and contingencies	There is uncertainty regarding contingent liabilities.	<ul style="list-style-type: none"> Verifying the accuracy and reasonableness of amounts and disclosures, with reference to correspondence with lawyers, examination of supporting documentation, and discussions with management

Appendix C - Engagement letter

October 19, 2016

City of Port Colborne
66 Charlotte Street
Port Colborne, ON
L3K 3C8

Attention: Mr. Peter Senese, Treasurer

Dear Mr. Senese:

Thank you for reappointing Grant Thornton LLP (“Grant Thornton”, “we”, “us” “our”) as auditors of the City of Port Colborne (“the Municipality”, “you” or “your”) for the years ending December 31, 2016, 2017, 2018, 2019 and 2020 (the “Services”). The purpose of this letter and the attached Schedule A (the “Engagement”) is to outline the mutual understanding of the terms of the Engagement.

Objective, scope and limitations

You have requested that we audit the consolidated financial statements of the City of Port Colborne, which comprise the consolidated statement of financial position as at December 31, 2016, 2017, 2018, 2019 and 2020, and the consolidated statements of operations, changes in net financial assets and cash flows for the years then ended, and a summary of significant accounting policies and other explanatory information. We are pleased to confirm our acceptance and our understanding of this Engagement by means of this letter agreement. Our audit will be conducted with the objective of our expressing an opinion on the consolidated financial statements.

The audit will not be planned or conducted in contemplation of reliance by any third party or with respect to any specific transaction. Therefore, items of possible interest to a third party will not be specifically addressed and matters may exist that would be assessed differently by a third party, possibly in connection with a specific transaction.

Our responsibilities

We will conduct our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the consolidated financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the consolidated financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the consolidated financial statements, whether due to fraud or error. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the consolidated financial statements.

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, there is an unavoidable risk that some material misstatements may not be detected, even though the audit is properly planned and performed in accordance with Canadian generally accepted auditing standards.

In making our risk assessments, we consider internal control relevant to the Municipality's preparation of the consolidated financial statements 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 Municipality's internal control. However, we will communicate to you in writing concerning any significant deficiencies in internal control relevant to the audit of the consolidated financial statements that we have identified during the audit.

Management's responsibilities and identification of applicable financial reporting framework

Our audit will be conducted on the basis that the Municipality's management and, where appropriate, those charged with governance acknowledge and understand that they have responsibility:

- a) for the preparation and fair presentation of the consolidated financial statements in accordance with Canadian Public Sector Accounting Standards;
- b) for such internal control as management determines is necessary to enable the preparation of consolidated financial statements that are free from material misstatement, whether due to fraud or error; and
- c) to provide us with:
 - i. Access to all information of which the Municipality's management is aware, that is relevant to the preparation of the consolidated financial statements such as records, documentation and other matters;
 - ii. Additional information that we may request from the Municipality's management for the purpose of the audit; and
 - iii. Unrestricted access to persons within the Municipality from whom we determine it necessary to obtain audit evidence.

As part of our audit process, we will request from the Municipality's management and, where appropriate, those charged with governance, written confirmation concerning representations made to us in connection with the audit. Those representations may include:

Consolidated financial statements

- a communicating that all responsibilities, as set out in the terms of this Engagement, for the preparation of the consolidated financial statements in accordance with Canadian Public Sector Accounting Standards, in particular, the consolidated financial statements are fairly presented;
- b communicating its belief that significant assumptions used in making accounting estimates, including those measured at fair value are reasonable;
- c acknowledging that all events subsequent to the date of the consolidated financial statements and for which Canadian Public Sector Accounting Standards require adjustment or disclosure have been adjusted or disclosed;

Completeness of information

- d providing us with and making available complete financial records and related data, and copies of all minutes of meetings of Members of Council and committees;
- e acknowledging that all transactions have been recorded and are reflected in the consolidated financial statements;
- f providing us with information relating to any known or probable instances of non-compliance with legislative or regulatory requirements, including financial reporting requirements;
- g providing us with information relating to any illegal or possibly illegal acts, and all facts related thereto;

- h acknowledging that all related party relationships and related party transactions have been appropriately accounted for and disclosed in accordance with the requirements of Canadian Public Sector Accounting Standards;

Fraud and error

- i the design and implementation of internal controls to prevent and detect fraud and error;
- j an assessment of the risk that the consolidated financial statements may be materially misstated as a result of fraud;
- k providing us with information relating to fraud or suspected fraud affecting the Municipality involving:
 - i. management;
 - ii. employees who have significant roles in internal control; or
 - iii. others, where the fraud could have a material effect on the consolidated financial statements;
- l providing us with information relating to any allegations of fraud or suspected fraud affecting the Municipality's consolidated financial statements communicated by employees, former employees, analysts, regulators, or others;
- m communicating its belief that the effects of any uncorrected consolidated financial statement misstatements aggregated during the audit are immaterial, both individually and in the aggregate, to the consolidated financial statements taken as a whole. A list of the uncorrected misstatements will be attached to the representation letter;

Recognition, measurement and disclosure

- n providing us with its assessment of the reasonableness of significant assumptions underlying fair value measurements and disclosures in the consolidated financial statements;
- o providing us with any plans or intentions that may affect the carrying value or classification of assets or liabilities;
- p providing us with an assessment of all areas of measurement uncertainty known to management that are required to be disclosed in accordance with MEASUREMENT UNCERTAINTY, PSA HANDBOOK – ACCOUNTING Section 2130;
- q acknowledging that no subsequent events occurred that require adjustment to the accounting estimates and disclosures included in the consolidated financial statements.
- r providing us with information relating to claims and possible claims, whether or not they have been discussed with the Municipality's legal counsel;
- s providing us with information relating to other liabilities and contingent gains or losses, including those associated with guarantees, whether written or oral, under which the Municipality is contingently liable;
- t providing us with information on whether or not the Municipality has satisfactory title to assets, liens or encumbrances on assets, and assets pledged as collateral;
- u providing us with information relating to compliance with aspects of contractual agreements that may affect the consolidated financial statements;
- v providing us with information concerning subsequent events; and

Written confirmation of significant representations

- w providing us with written confirmation of significant representations provided to us during the Engagement on matters that are:
 - i directly related to items that are material, either individually or in the aggregate, to the consolidated financial statements; and
 - ii not directly related to items that are material to the consolidated financial statements but are significant, either individually or in the aggregate, to the Engagement.

The Municipality's management agrees to make available draft consolidated financial statements, including appropriate note disclosures and any accompanying other information in time to allow for the audit to be completed within the proposed timeframe. In addition, the Municipality's management agrees to inform us of any factors or circumstances that come to their attention during the period from the date of the auditor's report to the date consolidated financial statements are issued that may impact the consolidated financial statements; including their disclosures.

It is agreed that for any electronic distribution of your consolidated financial statements and our report thereon, management is solely responsible for the accurate and complete reproduction of the consolidated financial statements and our report thereon.

While the report may be sent to the Municipality electronically by us for your convenience, only the signed (electronically or manually) report constitutes the Municipality's record copy.

If the management intends to publish or otherwise reproduce our report (or otherwise make reference to Grant Thornton LLP) in a document(s) that contains other information (including in a document(s) that will be used in connection with a public offering of securities), the Municipality's management agrees to (a) provide Grant Thornton with a draft of such document(s) to read, and (b) obtain our approval for inclusion of our report in such document(s), before the document(s) are finalized and distributed. The Municipality's management also agrees that if our name is to be used in connection with the consolidated financial statements, it will attach our auditors' report when distributing the consolidated financial statements to any third parties. The Municipality's management agrees to provide us with adequate notice of the preparation of such document(s).

We look forward to full cooperation from your staff during our audit.

Non-audit services directly related to the audit

We will assist the Municipality's management in preparation of the consolidated financial statements. However, the Municipality's management remains at all times responsible for the preparation and fair presentation of the Municipality's consolidated financial statements in accordance with Canadian Public Sector Accounting Standards.

Reporting

Unless unanticipated difficulties are encountered, our report will be substantially in the following form:

INDEPENDENT AUDITOR'S REPORT

To the Members of Council, Inhabitants and Taxpayers of the
Corporation of the City of Port Colborne

We have audited the accompanying consolidated financial statements of the Corporation of the City of Port Colborne, which comprise the consolidated statement of financial position as at December 31, 2016, and the consolidated statements of operations, changes in net financial assets and cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

Management's responsibility for the financial statements

Management is responsible for the preparation and fair presentation of these consolidated financial statements in accordance with Canadian public sector accounting standards, and for such internal control as management determines is necessary to enable the preparation of consolidated financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's responsibility

Our responsibility is to express an opinion on these consolidated financial statements based on our audit. We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that

we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the consolidated financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the consolidated financial statements. The procedures selected depend on the auditor’s judgment, including the assessment of the risks of material misstatement of the consolidated financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity’s preparation and fair presentation of the consolidated financial statements 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 entity’s internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the consolidated financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the consolidated financial statements present fairly, in all material respects, the consolidated financial position of the Corporation of the City of Port Colborne as at December 31, 2016, and the results of its operations, changes in net financial assets and cash flows for the year then ended in accordance with Canadian public sector accounting standards.

[Auditor’s signature]
 [Date of the auditor’s report]
 [Auditor’s address]

The form and content of our report may need to be amended in the light of our audit findings.

Fees

Fees are based on the time required by the individuals assigned to perform the Services defined herein. Individual hourly rates vary according to the degree of responsibility involved and experience and skill required.

Any fee estimates by Grant Thornton take into account i) the agreed-upon level of preparation and assistance from your personnel; and ii) the hourly rates for our professionals that will be providing the Services. Grant Thornton undertakes to advise the Municipality’s management on a timely basis should this preparation and assistance not be provided or should any other circumstances arise which cause actual time to exceed that estimate. We will provide the services outlined in this letter for fees not to exceed the following:

Report	2016 Fees	2017 Fees	2018 Fees	2019 Fees	2020 Fees
Audit of the City of Port Colborne consolidated financial statements including the preparation of the consolidated financial statements	\$ 38,000	\$ 38,800	\$ 39,600	\$ 40,400	\$ 41,200

Other services

Any additional services that the Municipality may request and we agree to provide will be covered by a separate written engagement letter.

Municipality consent to production

The Municipality hereby acknowledges that we may from time to time receive requests or orders from professional (provincial institutes) or other regulatory or governmental authorities (including the Canada Revenue Agency) to provide them with information and copies of documents in our files including working papers and other work-product relating to the Municipality's affairs. The Municipality consents to us providing or producing, as applicable, these documents and information without further reference to, or authority from, you.

When a regulatory authority requests access to our working papers and other work-product relating to the Municipality's affairs, we will, on a reasonable efforts basis, refuse access to any document over which the Municipality has expressly informed us at the time of delivery that the Municipality asserts privilege, except where disclosure of documents is required by law or requested by a provincial Institute/Order of Canadian Chartered Professional Accountants pursuant to its statutory authority. The Municipality must mark any document over which it asserts privilege as privileged and inform us of the grounds for the Municipality's assertion of privilege (such as whether it claims solicitor-client privilege or litigation privilege).

We may also be required to provide information relating to the fees that we collect from the Municipality for the provision of audit services, other accounting services and non-audit services, and the Municipality consents to the disclosure of that information as may be required by the regulatory authority.

The Municipality agrees to reimburse us, upon request, at our standard billing rates for our professional time and expenses, including reasonable legal fees, incurred in dealing with the matters described above.

Release and indemnification

You agree to release, indemnify and hold harmless Grant Thornton, its affiliates and their respective directors, officers, partners, principals, employees, consultants and contractors from any and all claims, liabilities, costs and expenses (including any and all legal expenses incurred by Grant Thornton) arising out of or based upon: (a) any misstatement or omission in any material, information or representation supplied or approved by you; or (b) any other matter related to or arising out of this Engagement, except to the extent finally determined to have resulted from the negligence, wilful misconduct or fraudulent behaviour of Grant Thornton.

Limitation of liability

In any action, claim, loss or damage arising out of the Engagement, you agree that Grant Thornton's liability will be several, and not joint and several, and you may only claim payment from Grant Thornton of its proportionate share of the total liability based on degree of fault as finally determined. Any action against us must be commenced on or before the date which is the earlier of i) eighteen months from the completion of the Services; and ii) the date by which an action must be commenced under any applicable legislation other than limitation legislation.

The total liability assumed by Grant Thornton for any claim, loss or damage arising out of or in connection with the Engagement, regardless of the form of action, claim, loss or damage be it tort, contract or otherwise, shall in no event exceed the aggregate of the professional fees paid to Grant Thornton for that portion of the Services that has given rise to the claim. In addition, Grant Thornton shall not under any circumstances be liable for any special, indirect or consequential damages, including without limitation, lost profit or revenue, or similar damages.

Standard terms and conditions

This letter and our standard terms and conditions attached as **Schedule A**, shall form the basis of the Engagement.

Survival of terms

This engagement letter will continue in force for subsequent audits unless terminated by either party by written notice prior to the commencement of the subsequent audit.

Acceptance of engagement letter

Please confirm your acceptance of this Engagement by signing below and returning this letter to us.

We are proud to serve you and we appreciate your confidence in our work.

Yours sincerely,

Grant Thornton LLP



James D. Brennan, CPA, CA
Principal

JDB/jf

The services and terms as set forth in this letter are agreed to.

City of Port Colborne

By:

“Signed” “Peter Senese”

“Director of Corporate Services/Treasurer”
(Title)

“October 24, 2016”
(Date)

Schedule A

Terms and conditions

Except as otherwise specifically stated in the Engagement, the following general terms and conditions apply to and shall form part of the Engagement.

Responsibilities – Grant Thornton shall use all reasonable efforts to complete the Services within the time-frame, if any, stipulated in the Engagement. Grant Thornton shall not be liable for failures or delays in performance of the Services that arise from causes beyond its control, including the untimely performance by the Municipality of the Municipality's obligations and responsibilities as set out in the Engagement.

Information and announcements - The Municipality shall cause to be provided or provide Grant Thornton with all material information in its possession or control or to which it has access and such other information as Grant Thornton deems relevant for the purposes of completing the Services contemplated by the Engagement. The Municipality shall also provide where applicable, access to its directors, officers or professional advisers as required by Grant Thornton in order for it to complete the Services. The Municipality undertakes that if anything occurs after the supply of any such information or documents which would render same inaccurate, untrue, unfair or misleading it will promptly notify Grant Thornton and shall take all such steps as Grant Thornton may require to correct such information or documents.

Unless otherwise contemplated or permitted by the Engagement, any advice, reports (including the audit report), compiled or reviewed financial statements, information or opinions, whether written or oral, rendered or provided by Grant Thornton to the Municipality (and/or its affiliates) ("Deliverables"), or any communications between Grant Thornton and the Municipality (and/or its affiliates) in connection with the Engagement may not be disclosed to any third party without the prior written consent of Grant Thornton with the exception of, any applicable taxing authorities and the Municipality's financial institution. Any Deliverables shall be solely for the benefit of the Municipality and not for the benefit of any third party and may be relied upon only for the purpose for which the Deliverable is intended as contemplated and/or defined within the Engagement. Grant Thornton recognizes no responsibility whatsoever, other than that owed to the Municipality as at the date on which the Deliverable is given to the Municipality by Grant Thornton, for any unauthorized use of or reliance on any Deliverables.

Independent contractor – Grant Thornton shall provide all services as an independent contractor and nothing in this Engagement shall be construed as to create a partnership, joint venture or other similar relationship with the Municipality or any other party. Neither the Municipality nor Grant Thornton shall have the right, power or authority to obligate or bind the other in any manner.

Subcontracting – The Municipality agrees that Grant Thornton may authorize, allow or require its affiliates and contractors to assist in the performance of the Services and to share in Grant Thornton's rights under the Engagement, including any protections available hereunder, provided that such party(ies) shall commit (as applicable) to be bound by the obligations set forth in the Engagement.

Grant Thornton International Ltd - Grant Thornton is a Canadian member of Grant Thornton International Ltd., a global organization of member firms in over 100 countries. Member firms are not members of one international partnership or otherwise legal partners with each other. There is no common ownership, control, governance, or agency relationship between member firms.

Assisting firms – Unless otherwise stipulated within the Engagement, this Engagement is with Grant Thornton. In the course of providing the Services, we may at our sole discretion, draw upon the resources of or subcontract a portion of the Services to another entity (including a partnership) which may carry on business under the name which may include within its name "Grant Thornton" or be another member firm of the worldwide network of Grant Thornton International Ltd. member firms (hereinafter "GT Affiliates").

Unless a GT Affiliate is contracted by you to provide any of the Services which are subject to this Engagement, the provision of those Services remain the responsibility of Grant Thornton and the Municipality agrees that it will not bring any claim, whether in contract, tort (including negligence) or otherwise against any GT Affiliate in respect of this Engagement or the Services defined herein. In these circumstances, any GT Affiliate that deals with you for the purpose of completing the Services does so on behalf of Grant Thornton. The provisions of this clause have been stipulated for the benefit of GT Affiliates. GT Affiliates will have the right to rely on this clause as if they were parties to the Engagement and will have the right (subject to the discretion of the courts) to a stay in proceedings if you bring any claim against any GT Affiliates in breach of this clause.

Non-solicitation – In addition to any further non-solicitation rights as may be defined within the Engagement, the Municipality agrees that it shall not solicit for employment or hire any of the partners, principals, employees or consultants of Grant Thornton or GT Affiliates who are involved in the performance of the Services during the term of the Engagement and for a period of twelve (12) months thereafter, without our express written consent.

Confidentiality – Subject to any further rights of disclosure so defined within the Engagement, all information which Grant Thornton receives from the Municipality or the Municipality's directors, officers, agents, advisors or counsel in connection with the performance of the Services and which is for the time being confidential ("Confidential Information"), will be held in strict confidence, provided that Grant Thornton shall be free to, without the requirement to seek any further consent or authorization from the Municipality, make disclosures (a) as a result of any applicable law, court or other order binding upon it, under the laws of, or pursuant to any governmental action (including requests and orders), regulatory requirement, or professional standard obligations (including disclosure to a provincial institute of Canadian chartered professional accountants); (b) make disclosures of such information to any professional advisers, consultants and/or contractors, including GT Affiliates it may consult in connection with the Engagement and the performance of the Services; (c) to other GT Affiliates for the sole and express purpose of adhering to Grant Thornton International Ltd annual compliance review and (d) make disclosures with the Municipality's consent.

Notwithstanding anything to the contrary contained within the Engagement, Grant Thornton shall not be obligated to treat as confidential, or otherwise be subject to any restrictions on use, disclosure or treatment as contained within the Engagement, of any information disclosed by the Municipality which, (i) is rightfully known by Grant Thornton on a non-confidential basis prior to its disclosure by the Municipality; (ii) is independently developed by Grant Thornton without reference to or use of the Municipality's Confidential Information; (iii) is or later becomes publicly available without violation of the Engagement; or (iv) is lawfully obtained by Grant Thornton from another party.

Working papers/reports – The advice or opinions of Grant Thornton, including all materials, reports, information, data, and work created, developed or performed by Grant Thornton during the course of the Engagement ("the Grant Thornton Materials") shall belong to Grant Thornton, with the exception of final tax returns (if applicable), original contracts, other documents of title held to the Municipality's order and any documents the return of which the Municipality has stipulated, on or prior to their release to Grant Thornton (the "Municipality Materials"). Notwithstanding the foregoing, Grant Thornton may retain a copy of any or all of the Municipality Materials (including Confidential Information) as required by Grant Thornton, in its sole discretion, to meet any obligations imposed by professional standards.

Conflict of interest – Grant Thornton, its associated entities and GT Affiliates are involved in a wide range of financial advisory activities out of which conflicting interests or duties may arise. Within Grant Thornton, its associated entities and GT Affiliates, practices and procedures are maintained to restrict the flow of information and thereby manage or assist in managing such conflicts in a proper manner. Nothing within this Engagement will be interpreted to preclude Grant Thornton, its associated entities or GT Affiliates from engaging in any transaction or representing any other party at any time or in any capacity, provided that Grant Thornton shall not, knowingly provide services to another party under circumstances which would place Grant Thornton in a direct conflict of interest during the term of the Engagement without the Municipality's prior written consent. In the event Grant Thornton becomes conflicted, as determined in its discretion, Grant Thornton shall be permitted, but not obligated to, terminate this Engagement without any additional liability to the Municipality, upon fourteen

(14) days prior written notice.

Independence – In the event the Municipality is (i) an entity that is registered with the United States Securities and Exchange Commission; or (ii) an affiliate of a registrant, and a provision(s) contained within the Engagement would be prohibited by, or impair the independence of, any member firm of Grant Thornton International Ltd (“Grant Thornton International”) under any law or regulation applying to the Client, such provision(s) shall not apply to the Engagement to the extent that is necessary to avoid the prohibition against or impairment of the referenced independence of the respective Grant Thornton International member firm.

Access to and disclosure of information – Grant Thornton is committed to the protection of personal information. During the course of planning, performing and reporting the result of the Services or as otherwise permitted under this Engagement, Grant Thornton, its employees, partners, contractors, consultants, and GT Affiliates may need to obtain, use and disclose Municipality information (including Confidential Information and personal information) in the possession of, or under the control of the Municipality. The Municipality acknowledges this potential use and/or disclosure and agrees that it is responsible for obtaining, where required under applicable law or regulation, a court order or consent from any party (including third parties) in order to permit Grant Thornton, its employees, partners, contractors, consultants, and/or GT Affiliates, to access, obtain, use and/or disclose Municipality information (including Confidential Information and personal information) accessed by us or provided to us by the Municipality or a party authorized by the Municipality for the purposes of completing the Services, other disclosure so defined within the Engagement or for those additional purposes as more fully explained within Grant Thornton’s privacy policy, as it may be amended from time to time and available at www.grantthornton.ca.

Electronic communication – Grant Thornton and the Municipality may need to electronically transmit confidential information to each other and to other entities engaged by either party during the Engagement. Electronic methods include, but are not limited to telephones, cellular telephones external hard drives, electronic mail and facsimiles. These technologies provide for a fast and convenient way to communicate. However, all forms of communications have inherent security weaknesses and the risks of compromised confidentiality cannot be eliminated. Notwithstanding the inherent risks, the Municipality agrees to the use of such electronic methods to transmit and receive information (including confidential information), between Grant Thornton and the Municipality and between Grant Thornton and outside specialists, contractors or other entities engaged by either Grant Thornton or the Municipality. The Municipality further agrees that Grant Thornton shall not be liable for any loss, damage, expense, inconvenience or harm resulting from the loss, delay, interception, corruption or alteration of any electronic communication due to any reason whatsoever.

The Municipality also agrees that Grant Thornton professionals shall be authorized to connect their computers to the Municipality’s IT network, subject to any specific restrictions the Municipality provides to Grant Thornton. Connecting to the Municipality’s IT network or the internet via this network, while at the Municipality’s premises, will be primarily for the purpose of conducting normal business activities, and those relating to the completion of the Services.

Expenses – If applicable, the Municipality will reimburse Grant Thornton for all reasonable out-of-pocket expenses incurred by Grant Thornton in entering into and performing the Services, whether or not it is completed, including but not limited to, travel, telecommunications costs, fees and disbursements of other professional advisers, and other disbursements customary in engagements of this nature. All other out-of-pocket expenses will be charged at cost as incurred by Grant Thornton.

Taxes – All fees and other charges payable to Grant Thornton do not include any applicable federal, provincial, or other goods and services tax or sales tax, or any other taxes or duties whether presently in force or imposed in the future. All sums payable to Grant Thornton hereunder shall be paid in full without withholding or deduction.

Billing – All invoices issued by Grant Thornton hereunder are due within 30 days of the invoice date. Interest will be charged on all overdue accounts at a rate of 1.5% per month (18% per annum) until paid. Fees paid or payable to Grant Thornton under this Engagement are non-refundable and shall not be subject to set-off. Unless otherwise directed by Grant Thornton, all fees, expenses and other sums will be billed and payable in Canadian Dollars.

Termination – Either the Municipality or Grant Thornton may terminate the Engagement upon fourteen (14) days prior written notice to the other party. In addition to the foregoing, Grant Thornton may also terminate the Engagement in the event of a breach of any term of the Engagement by the Municipality which is not cured by the Municipality within ten (10) days of receipt of written notice as to the breach. Upon termination for any reason, the parties shall return each other’s confidential information, except that Grant Thornton may retain one copy for its working papers and one copy of the Municipality Materials even if same may contain confidential information of the Municipality. In addition to its rights of termination provided herein and notwithstanding anything to the contrary in the Engagement, Grant Thornton shall also have the right upon five (5) days prior written notice to the Municipality to (i) suspend or terminate its Services in the event the Municipality fails to pay Grant Thornton any amount due to it under the terms of the Engagement; or (ii) terminate its Services in the event Grant Thornton discovers any information which Grant Thornton determines, in its sole discretion, may affect its reputation, integrity, or independence. In the event of termination, the Municipality agrees to compensate Grant Thornton for all time expended and costs incurred up to and including the date of termination.

In the event neither the Municipality or Grant Thornton exercise any of their respective rights regarding termination of the Engagement, the Engagement will continue in full force and effect for the year ending noted within the Engagement and until such time as the Engagement is superseded or replaced by another Engagement.

Severability – Each provision of this Engagement is severable and if any provision (in whole or in part) is or becomes invalid or unenforceable or contravenes any applicable regulations or laws, the remaining provisions and the remainder of the affected provision (if any) will not be affected.

Assignment – No assignment shall be made by either party of their respective obligations under this Engagement without the prior written consent of the other party.

Publication – Unless otherwise permitted by the engagement, under no circumstances without the express prior written consent of Grant Thornton, shall the Municipality disclose, release, use, make reference to, or quote Grant Thornton’s name, logo or any Deliverable (whether written or verbal) within any press release, press conference, website update, media release or any other form of public disclosure (“Disclosure Document”) other than for litigation purposes, but only to the extent and in the manner that such use is contemplated by the Engagement. In the event the Municipality wishes to seek Grant Thornton’s consent as required by the Engagement, the Municipality shall provide to Grant Thornton a copy of such Disclosure Document for prior approval, which approval may be unreasonably withheld.

Municipality representations, warranties and covenants - The Municipality represents, warrants and covenants to Grant Thornton that:

- a. the execution, delivery and performance of the Engagement has been duly authorized and does not conflict with or violate any contractual, statutory, common law, legal, regulatory or other obligation by which the Municipality is bound; and
- b. the Engagement is the legal, valid and binding obligation of the Municipality, enforceable in accordance with its terms.

Grant Thornton representations, warranties and covenants - Grant Thornton represents, warrant and covenants to the Municipality that Grant Thornton will provide the Services described within the Engagement in a professional and competent manner. Grant Thornton makes no other representation or warranties and explicitly disclaims all other warranties and representations whether expressed or implied by law, usage of trade, course of dealing or otherwise.

Surviving provisions – The Municipality's obligations in respect of confidentiality, payment of fees and expenses, Municipality consent to production, release and indemnification, and limitation of liability as outlined within the Engagement shall survive termination of the Engagement.

Governing law and forum – The Engagement, including these terms and conditions shall be governed by and construed in accordance with the laws of the Province in which the Engagement was signed by Grant Thornton.

Other matters – The failure of either party to insist on strict performance of the Engagement, or to exercise any option herein, shall not act as a waiver of any right, promise or option, but the same shall be in full force and effect. No waiver of any term or provision or of any breach or default shall be valid unless in writing and signed by the party giving such waiver, and no such waiver shall be deemed a waiver of any other term or provision or any subsequent breach or default of the same or similar nature.

Complete agreement - This Engagement, including these terms and conditions and any schedules, sets forth the entire understanding of the parties relating to the subject matter hereof and supersedes and cancels any prior communications, understandings, and agreements between the parties. This Engagement may not be amended or modified except in writing between the parties and shall inure to the benefit of and be binding upon the parties and their respective successors.

Appendix D – Draft independent auditor’s report

To the Members of Council, Inhabitants and Taxpayers of the Corporation of the City of Port Colborne

Opinion

We have audited the consolidated financial statements of the Corporation of the City of Port Colborne (“the Municipality”), which comprise the consolidated statement of financial position as at December 31, 2019, and the consolidated statements of operations, changes in net debt and cash flows for the year then ended, and notes to the consolidated financial statements, including a summary of significant accounting policies.

In our opinion, the accompanying consolidated financial statements present fairly in all material respects, the financial position of the Corporation of the City of Port Colborne as at December 31, 2019, and its results of operations, its changes in its net debt, and its cash flows for the year then ended in accordance with Canadian public sector accounting standards.

Basis for Opinion

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the *Auditor’s Responsibilities for the Audit of the Consolidated Financial Statements* section of our report. We are independent of the Municipality in accordance with the ethical requirements that are relevant to our audit of the consolidated financial statements 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.

Responsibilities of Management and Those Charged with Governance for the Consolidated Financial Statements

Management is responsible for the preparation and fair presentation of these consolidated financial statements in accordance with Canadian public sector accounting standards, and for such internal control as management determines is necessary to enable the preparation of consolidated financial statements that are free from material misstatement, whether due to fraud or error.

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

Those charged with governance are responsible for overseeing the Municipality’s financial reporting process.

Auditor's Responsibilities for the Audit of the Consolidated Financial Statements

Our objectives are to obtain reasonable assurance about whether the consolidated financial statements as a whole are 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 generally accepted auditing standards 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 these consolidated financial statements.

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

- Identify and assess the risks of material misstatement of the consolidated financial statements, 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 Municipality's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates 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 Municipality'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 consolidated financial statements 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 Municipality to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the consolidated financial statements, including the disclosures, and whether the consolidated financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Obtain sufficient appropriate audit evidence regarding the financial information of the entities or business activities within the Municipality and the organizations it controls to express an opinion on the consolidated financial statements. We are responsible for the direction, supervision and performance of the group audit. We remain solely responsible for our audit opinion.

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.

Port Colborne, Canada

Chartered Professional Accountants
Licensed Public Accountants

Appendix E – Draft management representation letter

November 9, 2020

Grant Thornton LLP
Chartered Professional Accountants
PO Box 336
Port Colborne, ON
L3K 5W1

Dear Sirs:

We are providing this letter in connection with your audit of the consolidated financial statements of the Corporation of the City of Port Colborne as of December 31, 2019, and for the year then ended, for the purpose of expressing an opinion as to whether the consolidated financial statements present fairly, in all material respects, the financial position, results of operations, and cash flows of the Corporation of the City of Port Colborne in accordance with Canadian public sector accounting standards.

We acknowledge that we have fulfilled our responsibilities for the preparation of the consolidated financial statements in accordance with Canadian public sector accounting standards and for the design and implementation of internal controls to prevent and detect fraud and error. We have assessed the risk that the consolidated financial statements may be materially misstated as a result of fraud, and have determined such risk to be low. Further, we acknowledge that your examination was planned and conducted in accordance with Canadian generally accepted auditing standards (GAAS) so as to enable you to express an opinion on the consolidated financial statements. We understand that while your work includes an examination of the accounting system, internal controls and related data to the extent you considered necessary in the circumstances, it is not designed to identify, nor can it necessarily be expected to disclose, fraud, shortages, errors and other irregularities, should any exist.

Certain representations in this letter are described as being limited to matters that are material. An item is considered material, regardless of its monetary value, if it is probable that its omission from or misstatement in the consolidated financial statements would influence the decision of a reasonable person relying on the consolidated financial statements.

We confirm, to the best of our knowledge and belief, as of November 9, 2020, the following representations made to you during your audit.

Financial statements

- 1 The consolidated financial statements referred to above present fairly, in all material respects, the financial position of the municipality as at December 31, 2019 and the results of its operations and its cash flows for the year then ended in accordance with Canadian public sector accounting standards, as agreed to in the terms of the audit engagement.

Completeness of information

- 2 We have made available to you all financial records and related data and all minutes of the meetings of Council and committees of Council, as agreed in the terms of the audit engagement. Summaries of actions of recent meetings for which minutes have not yet been prepared have been provided to you. All significant Council and committee actions are included in the summaries.
- 3 We have provided you with unrestricted access to persons within the municipality from whom you determined it necessary to obtain audit evidence.
- 4 There are no material transactions that have not been properly recorded in the accounting records underlying the consolidated financial statements. The adjusting journal entries which have been proposed by you are approved by us and will be recorded on the books of the municipality.
- 5 We are unaware of any known or probable instances of non-compliance with the requirements of regulatory or governmental authorities, including their financial reporting requirements.
- 6 We are unaware of any violations or possible violations of laws or regulations the effects of which should be considered for disclosure in the consolidated financial statements or as the basis of recording a contingent loss.
- 7 We have disclosed to you all known deficiencies in the design or operation of internal control over financial reporting of which we are aware.
- 8 We have identified to you all known related parties and related party transactions, including sales, purchases, loans, transfers of assets, liabilities and services, leasing arrangements guarantees, non-monetary transactions and transactions for no consideration.
- 9 You provided a non-attest service by assisting us with drafting the consolidated financial statements and related notes. In connection with this non-attest service, we confirm that we have made all management decisions and performed all management functions, have the knowledge to evaluate the accuracy and completeness of the consolidated financial statements, and accept responsibility for such consolidated financial statements.

Fraud and error

- 10 We have no knowledge of fraud or suspected fraud affecting the municipality involving management; employees who have significant roles in internal control; or others, where the fraud could have a non-trivial effect on the consolidated financial statements.
- 11 We have no knowledge of any allegations of fraud or suspected fraud affecting the municipality's financial statements communicated by employees, former employees, analysts, regulators or others.
- 12 We acknowledge our responsibility for the design, implementation and maintenance of internal control to prevent and detect fraud.
- 13 We believe that the effects of the uncorrected financial statement misstatements summarized in the accompanying schedule are immaterial, both individually and in the aggregate, to the consolidated financial statements taken as a whole.

Recognition, measurement and disclosure

- 14 We believe that the significant assumptions used by us in making accounting estimates, including those used in arriving at the fair values of financial instruments as measured and disclosed in the consolidated financial statements, are reasonable and appropriate in the circumstances.
- 15 We have no plans or intentions that may materially affect the carrying value or classification of assets and liabilities, both financial and non-financial, reflected in the consolidated financial statements.
- 16 All related party transactions have been appropriately measured and disclosed in the consolidated financial statements.
- 17 The nature of all material measurement uncertainties has been appropriately disclosed in the consolidated financial statements, including all estimates where it is reasonably possible that the estimate will change in the near term and the effect of the change could be material to the consolidated financial statements.
- 18 All outstanding and possible claims, whether or not they have been discussed with legal counsel, have been disclosed to you and are appropriately reflected in the consolidated financial statements.
- 19 All liabilities and contingencies, including those associated with guarantees, whether written or oral, have been disclosed to you and are appropriately reflected in the consolidated financial statements.
- 20 With respect to environmental matters:
 - a) at year end, there were no liabilities or contingencies that have not already been disclosed to you;
 - b) liabilities or contingencies have been recognized, measured and disclosed, as appropriate, in the consolidated financial statements; and
 - c) commitments have been measured and disclosed, as appropriate, in the consolidated financial statements.
- 21 The municipality has satisfactory title to (or lease interest in) all assets, and there are no liens or encumbrances on the municipality's assets nor has any been pledged as collateral.
- 22 We have disclosed to you, and the municipality has complied with, all aspects of contractual agreements that could have a material effect on the consolidated financial statements in the event of non-compliance, including all covenants, conditions or other requirements of all outstanding debt.
- 23 The Harmonized Sales Tax (HST) transactions recorded by the municipality are in accordance with the federal and provincial regulations. The HST liability/receivable amounts recorded by the municipality are considered complete.
- 24 Employee future benefit costs, assets, and obligations have been determined, accounted for and disclosed in accordance with the requirements of Section 3250 *Retirement Benefits* and Section 3255 *Post-Employment Benefits, Compensated Absences and Terminations Benefits* of the Canadian Institute of Chartered Accountants (CICA) Public Sector – Accounting.
- 25 Events subsequent to the statement of financial position date up to the date hereof have been recognized or disclosed in the financial statements. Further, there have been no events subsequent to the date of the comparative financial statements that would require adjustment of those financial statements and related notes.

- 26 We have provided sufficient and appropriate disclosure of the impact of COVID-19 on the municipality in Note 25 to the financial statements. The representations made therein accurately reflect the impact to the municipality and its continued operations.

Other

- 27 We have considered whether or not events have occurred or conditions exist which may cast significant doubt on the municipality's ability to continue as a going concern and have concluded that no such events or conditions are evident.

Yours very truly,

Chief Administrative Officer

Director of Corporate Services/Treasurer

Draft

Uncorrected misstatements

Non-trivial misstatements noted during the course of our audit but not adjusted in the consolidated financial statements were as follows:

Increase (Decrease)	Statement of Financial Position			Statement of Operations Effect
	Assets	Liabilities	Accumulated surplus	Annual surplus
Description				
To reduce the allowance for uncollectible taxes receivable	\$ 111,000			\$ 111,000
Total adjustments	\$ 111,000			\$ 111,000

Draft

Appendix F – Internal control letter

November 9, 2020

Corporation of the City of Port Colborne
66 Charlotte Street
Port Colborne, ON
L3K 3C8

Attention: Members of Management:

Dear Members of Management:

In connection with our audit of the City of Port Colborne consolidated financial statements as of December 31, 2019 and for the year then ended, the Canadian Auditing Standards require that we advise management and Council (hereinafter referred to as "those charged with governance") of the following internal control matters identified during our audit.

Our responsibilities

Our responsibility, as prescribed by the Canadian Auditing Standards, is to plan and perform our audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether caused by error or fraud. An audit includes consideration of internal control over financial reporting (hereinafter referred to as "internal control") as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of identifying deficiencies in internal control or expressing an opinion on the effectiveness of the City's internal control. Accordingly, we express no such opinion on internal control effectiveness.

Identified deficiencies in internal control

We identified the following internal control matters as of the date of this letter that are of sufficient importance to merit your attention.

Significant deficiencies

Our consideration of internal control would not necessarily identify all deficiencies in internal control that, individually or in combination, may be material weaknesses or significant deficiencies.

A deficiency in internal control ("control deficiency") exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies, in internal control over financial reporting, such that there is a reasonable possibility that a material misstatement of the City's annual or interim financial statements will not be prevented or detected on a timely basis. A significant deficiency is a deficiency, or a combination of deficiencies, in internal control over financial reporting that is less severe than a material weakness, yet important enough to merit attention

by those responsible for oversight of the City's financial reporting (also referred to as those charged with governance).

We consider the following identified control deficiencies to be significant deficiencies.

Information Technology

Segregation of duties and assignment of administrator rights

The following weaknesses have been identified in the information technology system, specifically relating to the assignment of responsibilities and network administrator rights:

The Director of Corporate Services and the Manager of Accounting and Revenue have been assigned administrator rights in the financial reporting application. This allows them unrestricted access to all modules of the system, and results in a lack of segregation of duties as they are responsible for the City's financial reporting. Although our audit procedures did not identify any unauthorized or unusual transactions recorded in the financial application by these individuals, the potential exists for unauthorized transactions to be recorded by the administrators and go undetected.

Management response

The Director of Corporate Services and the Manager of Revenue and Taxation's network administrator rights have been removed effective October 15, 2019. The Information Technology Manager will assign responsibilities in the financial reporting application effective October 15, 2019. Only the Information Technology Manager sets up new employees and assigns roles and accesses.

Review of user access rights

There is currently no formal process in place for management to regularly review and approve user access rights on the network and financial reporting applications. Given the segregation of duties issues that have been identified in the assignment of administrator rights, the regular review by department supervisors or other management of user access rights will ensure that only appropriate and currently employed staff have user ID's on the network and in the applications. As well, this review will ensure that the users have access appropriate for their roles and responsibilities within the organization.

Management response

The Director of Corporate Services, the Manager of Revenue and Taxation, and the Information Technology Manager will review and approve user access on the network and financial reporting applications quarterly beginning October 15, 2019. With the new Director, we will resume this practice in 2020.

Financial Reporting

Journal entry controls

The Director of Corporate Services and the Manager of Accounting and Revenue have the ability to post journal entries into the financial reporting application. Duties of senior financial reporting personnel should not include the ability to make journal entries as it is important to have an appropriate level of review and authorization over journal entries. Staff members who have responsibility for authorization and approval of journal entries should not have the ability to post entries into the system.

Management response

The journal entry controls suggested will require three different individuals to prepare, approve and then post a journal entry into the financial reporting application. This control is excessive. Senior financial personnel at the City are working managers and at times are required to prepare journal entries. Currently, Corporate Services staff prepare journal entries. Once prepared, either the Manager of Revenue and Taxation or the Director of Corporate Services perform a thorough review, approve and then post the journal entry to the financial reporting application.

Financial Activities

Segregation of duties

During the course of our planning procedures it came to our attention that segregation of duties remains an issue in the accounting cycles of your operations. When duties are not segregated in the control environment, the City is more susceptible to fraud and errors that may not be identified during our audit procedures.

When one person performs most duties in an accounting cycle, such as revenue, collusion is not required to commit fraudulent activities, since there is less likelihood that such an activity will be detected. For example, a staff member responsible for billing and accounts receivable posting should not be handling cash receipts. The potential is there for a misappropriated payment to be not posted to a receivable account and the receivable reconciliation to the general ledger to be altered so that the fraud is not exposed. If the cash receipts duty is given to another staff member, such a potential fraudulent activity could be prevented, the two employees must work together to commit the fraudulent act.

Management response

Billing and accounts receivable posting will be segregated effective January 1, 2020.

Currently, the CSR/accounts receivable clerk has the ability to enter and post cash receipts. Although this role is a back-up to the CSR/cashier, she does on occasion perform cashier duties. In 2021, there are plans to hire an additional part-time CSR/cashier. This will alleviate the need to use the CSR/accounts receivable clerk to perform cashier duties. The Manager of Revenue and Taxation needs to approve all credits (not including payments) issued against accounts receivable invoices.

Management responses

The Management's written responses to the internal control matters identified herein have not been subjected to our audit procedures and accordingly, we express no opinion on them.

This communication is intended solely for the information and use of management, those charged with governance, and others within the City and is not intended to be and should not be used by anyone other than these specified parties.

Yours sincerely,
Grant Thornton LLP

James D. Brennan, CPA, CA
Principal

JDB/jf

Appendix G – PSAS

Accounting developments

Public Sector Accounting Standards [updated June 30, 2020]	Effective date
<p>Section PS 3400 <i>Revenues</i></p> <p>New Section PS 3400 <i>Revenue</i> establishes standards on how to account for and report on revenue. It does not apply to revenues for which specific standards already exist, such as government transfers, tax revenue or restricted revenues. The Section distinguishes between revenue that arises from transactions that include performance obligations (i.e., exchange transactions) and transactions that do not have performance obligations (i.e., non-exchange transactions). The main features of the new Section are:</p> <ul style="list-style-type: none"> • Performance obligations are defined as enforceable promises to provide specific goods or services to a specific payer • Revenue from transactions with performance obligations will be recognized when (or as) the performance obligation is satisfied by providing the promised goods or services to the payer • Revenue from transactions with no performance obligations will be recognized when a public sector entity has the authority to claim or retain the revenue and identifies a past transaction or event that gives rise to an asset 	<p>***NEW***</p> <p>Fiscal years beginning on or after April 1, 2023.</p> <p>Earlier adoption is permitted.</p> <p>The effective date was previously April 1, 2022, but as a result of the COVID-19 pandemic, the Public Sector Accounting Board (PSAB) has deferred the effective date by one year.</p>
<p>Section PS 3280 <i>Asset retirement obligations</i></p> <p>New Section PS 3280 <i>Asset Retirement Obligations</i> establishes standards on how to account for and report a liability for asset retirement obligations. An asset retirement obligation is a legal obligation associated with the retirement of a tangible capital asset.</p> <p>Asset retirement costs associated with a tangible capital asset increase the carrying amount of the related tangible capital asset and are expensed in a rational and systematic manner, while asset retirement costs associated with an asset no longer in productive use are expensed. Measurement of the liability for an asset retirement obligation should result in the best estimate of the amount required to retire a tangible capital asset at the financial statement date. A present value technique is often the best method to estimate the liability. Subsequent measurement of the liability can result in either a change in the carrying amount of the related tangible capital asset, or an expense, depending on the nature of the remeasurement or whether the asset remains in productive use.</p> <p>As a result of the issuance of Section PS 3280, the Public Sector Accounting Board (PSAB) approved the withdrawal of Section PS 3270 <i>Solid waste landfill closure and post-closure liability</i> as asset retirement obligations associated with landfills will be within the scope of PS 3280. PS 3280 does not address costs related to remediation of contaminated sites, which will continue to be addressed in Section PS 3260 <i>Liability for contaminated sites</i>. Some consequential amendments have been made to PS 3260 to conform with PS 3280 and further clarify the scope of each standard.</p>	<p>***NEW***</p> <p>Fiscal years beginning on or after April 1, 2022.</p> <p>Earlier adoption is permitted.</p> <p>The effective date was previously April 1, 2021, but as a result of the COVID-19 pandemic, the PSAB has deferred the effective date by one year.</p>

Section PS 3450 *Financial instruments*, Section PS 2601 *Foreign currency translation*, Section PS 1201 *Financial statement presentation*, and PS 3041 *Portfolio investments*

PS 3450 *Financial instruments* is a new Section that establishes standards for recognizing and measuring financial assets, financial liabilities and non-financial derivatives. Some highlights of the requirements include:

- a public sector entity should recognize a financial asset or a financial liability on its statement of financial position when it becomes a party to the contractual provisions of the instrument
- financial instruments within the scope of the Section are assigned to one of two measurement categories: fair value, or cost / amortized cost
- almost all derivatives are measured at fair value
- fair value measurement is required for portfolio investments in equity instruments that are quoted in an active market
- other financial assets and financial liabilities are generally measured at cost or amortized cost
- until an item is derecognized, gains and losses arising due to fair value remeasurement are reported in the statement of remeasurement gains and losses when the public sector entity defines and implements a risk management or investment strategy to manage and evaluate the performance of a group of financial assets, financial liabilities or both on a fair value basis, the entity may elect to include these items in the fair value category
- additional disclosures with respect to financial instruments will be required, including the nature and extent of risks arising from a public sector entity's financial instruments

PS 2601 *Foreign currency translation* revises and replaces Section PS 2600 *Foreign currency translation*. Some highlights of the requirements include:

- the deferral and amortization of foreign exchange gains and losses relating to long-term foreign currency denominated monetary items is discontinued
- until the period of settlement, foreign exchange gains and losses are recognized in the statement of remeasurement gains and losses rather than the statement of operations

PS 1201 *Financial statement presentation* revises and replaces Section PS 1200 *Financial statement presentation*. The main amendment to this Section is the addition of the statement of remeasurement gains and losses.

PS 3041 *Portfolio investments* revises and replaces Section PS 3040 *Portfolio investments*.

The issuance of these new sections also includes consequential amendments to:

- *Introduction to accounting standards that apply only to government not-for-profit organizations*
 - PS 1000 *Financial statement concepts*
 - PS 1100 *Financial statement objectives*
 - PS 2125 *First-time adoption by government organizations*
 - PS 2500 *Basic principles of consolidation*
 - PS 2510 *Additional areas of consolidation*
 - PS 3050 *Loans receivable*
 - PS 3060 *Government partnerships*
 - PS 3070 *Investments in government business enterprises*
 - PS 3230 *Long-term debt*
 - PS 3310 *Loan guarantees*
 - PS 4200 *Financial statement presentation by not-for-profit organizations*
-

*****NEW*****

The new requirements are all required to be applied at the same time.

For governments - Fiscal years beginning on or after April 1, 2022.

For government organizations that applied the CPA Canada Handbook – Accounting prior to their adoption of the CPA Canada Public Sector Accounting Handbook - Fiscal years beginning on or after April 1, 2012.

For all other government organizations - Fiscal years beginning on or after April 1, 2022.

Earlier adoption is permitted.

For public sector entities other than government organizations that applied the CPA Canada Handbook – Accounting prior to adopting the CPA Canada Public Sector Accounting Handbook, the effective date was previously April 1, 2021, but as a result of the COVID-19 pandemic, the PSAB has deferred the effective date by one year.

PSG-6 *Including results of organizations and partnerships applying fair value measurement* was withdrawn as a result of the issuance of these sections.

In April 2020, the PSAB issued amendments to clarify aspects of the Section's application and add new guidance to the transitional provisions of Section PS 3450.

The amendments introduce changes to the accounting treatment for bond repurchase transactions. Specifically, the amendments no longer require bond repurchase transactions to be treated as extinguishments, unless they are discharged or legally released from the obligation or the transactions meet certain criteria to be considered an exchange of debt.

The amendments also provide clarification on the application of certain areas of Section PS 3450, these include:

- Section PS 3450 does not apply unless a contractual right or a contractual obligation underlies a receivable or payable
- how a transfer of collateral pursuant to a credit risk management mechanism in a derivative contract is accounted for and
- derecognition of a financial asset does not occur if the transferor retains substantially all the risks and benefits of ownership

Finally, the amendments have added new guidance to the transitional provisions as follows:

- controlling governments should use the carrying values of the financial assets and liabilities in the records of its government organizations when consolidating a government organization
 - any unamortized discounts, premiums, or transaction costs associated with a financial asset or financial liability in the cost/amortized cost category should be included in the item's opening carrying value and
 - in cases where derivatives were not recognized or were not measured at fair value prior to adopting PS 3450, any difference between the previous carrying value and fair value should be recognized in the opening balance of accumulated remeasurement gains and losses.
-

Strategic plan for not-for-profit organizations in the public sector

Since 2012, government not-for-profit organizations (GNPOs) have been required to adopt PSAS but were given the option of applying the specific GNPO accounting standards in PSAS. Some GNPOs have utilized those standards, while others have not. The PSAB recognized that a "one-size-fits-all" approach may not be appropriate for all stakeholders. As a result, the PSAB's 2017-2020 Strategic Plan included plans to assess the specific needs of public sector NPO stakeholders. PSAB's 2018-2019 Annual Plan includes the following specific objectives for implementing its strategy:

- developing a GNPO strategy that meets the public interest; and
- enhancing engagement with users of GNPO financial statements.

In 2018, PSAB consulted with over 100 GNPO stakeholders to understand their fiscal and regulatory environment, their financial reporting needs, and their financial reporting perspectives. Diversity in the financial reporting framework, presentation of net debt and fund accounting, the impact of balanced budget requirements and endowments were some of the items stakeholders raised.

In May 2019, the PSAB issued a Consultation Paper, [Government Not-for-Profit](#), which articulated the results of their consultations and sought stakeholder input in developing a strategy for GNPOs. The comment period for the Consultation Paper ended on September 30, 2019 and PSAB is currently deliberating the responses. As part of their strategic plan for 2020 to 2021, the PSAB plans to issue a second consultation paper in the third quarter of 2020 proposing an accounting and reporting framework for GNPOs. They also expect to approve the final GNPO strategy, based on responses to the two consultation papers, outreach, and its international strategy decision.

International strategy

The PSAB has reviewed its current approach towards International Public Sector Accounting Standards (IPSAS) with the intent of developing options for its International Strategy. In May 2019, it issued a second Consultation Paper [Reviewing PSAB's Approach to International Public Sector Accounting Standards](#) that considered 4 options. At its May 2020 meeting, following deliberation of stakeholder feedback to the Consultation Paper, PSAB decided on the option that will adapt IPSAS principles when developing future Canadian Public Sector Accounting Standards for the Public Sector Accounting Handbook. In tandem with that decision, PSAB issued a brief document summarizing its decision and what it means, entitled: [In Brief – A plain and simple overview of PSAB's 2020 decision to adapt IPSAS principles when developing future standards](#). This decision will apply to all projects beginning on or after April 1, 2021.

Concepts underlying financial performance

In response to feedback from stakeholders, the PSAB is proposing changes to its conceptual framework and its reporting model with a focus on measuring the financial performance of public sector entities. The changes will be made through the following actions:

1. Issuing a revised conceptual framework to replace two Sections in the PSA Handbook:
 - PS 1000 *Financial statement concepts*
 - PS 1100 *Financial statement objectives*
2. Issuing a revised financial statement presentation standard that would replace Section PS 1201 *Financial statement presentation*.

In May 2018, PSAB released two documents for comment related to this project:

Statement of Concepts, *A Revised Conceptual Framework for the Canadian Public Sector*

A conceptual framework is a clear set of related concepts that act as the foundation for the development of standards and the application of professional judgment. The Statement of Concepts presented and explained key concepts that the PSAB expects to include in a future exposure draft. The components of the PSAB's proposed conceptual framework were as follows:

- characteristics of public sector entities
- financial reporting objectives
- role of financial statements
- financial statement foundations
- financial statement objectives
- qualitative characteristics of information and related considerations
- elements of financial statements
- recognition and measurement
- presentation concepts

The Statement of Concepts also set the foundation for the revised reporting model in the PSAB's concurrently issued Statement of Principles below.

Statement of Principles, *A Revised Reporting Model for the Canadian Public Sector*

The PSAB is proposing a revised reporting model that builds on the existing reporting model in Section PS 1201 *Financial statement presentation*. The Statement of Principles presented and explained key principles that the PSAB expects to include in a future exposure draft. Some of the main features of the proposals in the Statement of Principles included:

- In the statement of financial position:
 - The net debt indicator would be removed and instead a revised net debt calculation would be moved to its own statement: the statement of net debt or net financial assets
 - The accumulated surplus (deficit) indicator would be relabelled as net assets (net liabilities)
 - A new third component, accumulated other, would be added to net assets or net liabilities (existing Section PS 1201 includes two components of accumulated surplus: accumulated operating surplus or deficit and accumulated remeasurement gains and losses)
 - The structure would be amended to present financial assets, then non-financial assets, followed by liabilities, to arrive at the net assets or net liabilities position
- The statement of operations would be renamed as the statement of surplus or deficit;
- The statement of remeasurement gains and losses would be expanded to reconcile the balances of and changes in all the components of net assets or net liabilities and it would be renamed as the statement of changes in net assets or net liabilities;
- Financing activities would be isolated in the statement of cash flows;
- The statement of changes in net debt would be removed; and
- The budget amounts on the financial statements would be presented using the same basis of accounting, following the same accounting principles, for the same scope of activities, and using the same classifications as the actual amounts.

In March 2019, the PSAB received a high-level summary of the comments received from stakeholders on the Statement of Concepts and the Statement of Principles. As it deliberates the feedback, PSAB is developing two exposure drafts (one for a revised conceptual framework and one for a revised reporting model), which it expects to issue in 2020.

Appendix H – Auditing developments

Canadian Auditing Standards (CASs) and other Canadian Standards issued by the AASB	Effective date
<p>Amendments to CAS 701, <i>Communicating Key Audit Matters in the Independent Auditor's Report</i></p> <p>New reporting standards were required to be applied for audits of entities with periods ending on or after December 15, 2018. One of the updated standards, CAS 701, dealt with the requirements when the auditor would be communicating matters judged to be most significant to the audit in the audit report, either because the auditor had chosen to do so or because law or regulation required key audit matters to be described in the auditor's report.</p> <p>In late 2019, the AASB finalized further amendments to the auditor reporting standards such that auditors would be required to communicate key audit matters in the auditor's report for complete sets of general purpose financial statements of entities listed on the Toronto Stock Exchange (TSX) and other listed entities, excluding entities required to comply with National Instrument 81-106 <i>Investment Fund Continuous Disclosure</i> ("NI 81-106").</p>	<p>The communication of key audit matters in the auditor's report is required for audits of entities listed on the TSX, other than entities required to comply with NI 81-106, for periods ending on or after December 15, 2020 and for other listed entities, other than entities required to comply with NI 81-106, for periods ending on or after December 15, 2022.</p>
<p>CSAE 3530 - <i>Special Considerations - Attestation Engagements to Report on Compliance</i> and CSAE 3531 - <i>Special Considerations - Direct Engagements to Report on Compliance</i></p> <p>These standards set out specific requirements and application material applicable when applying CSAE 3000 or CSAE 3001 (discussed above), as appropriate, to engagements to report on compliance.</p> <p>CSAE 3530 and CSAE 3531 will replace the following sections:</p> <ul style="list-style-type: none">• Section 5800 - <i>Special Reports - Introduction</i>• Section 5815 - <i>Auditor's Reports on Compliance with Agreements, Statutes and Regulations</i>• Section 8600 - <i>Reviews of Compliance with Agreements and Regulations</i>• Paragraphs PS 5300.11-13 of <i>Auditing for Compliance with Legislative and Related Authorities in the Public Sector</i> <p>The public interest considerations behind this project are to improve consistency in how practitioners perform these types of engagements and to require more transparency and clarity in reporting.</p>	<p>CSAE 3530 and CSAE 3531 are effective for compliance reports dated on or after April 1, 2019, with early adoption permitted.</p>

Canadian Auditing Standards (CASs) and other Canadian Standards approved by the AASB but not issued	Effective date
<p data-bbox="339 252 1079 272">Revisions to CAS 315 <i>Identifying and Assessing Risks of Material Misstatement</i></p> <p data-bbox="339 285 1390 392">In July 2018, the IAASB issued an Exposure Draft proposing changes to ISA 315 that could drive more consistent and effective identification and assessment of the risks of material misstatement by auditors. The AASB published an Exposure Draft of the equivalent Canadian standard, which included the same proposed revisions as the ISA with no Canada-specific amendments. The revised CAS 315 has been approved and is expected to be issued in the May 2020 CPA Canada handbook update. Key amendments to the standard include the following:</p> <ul data-bbox="339 405 1379 660" style="list-style-type: none"> <li data-bbox="339 405 1355 426">• Focusing on the applicable financial reporting framework in identifying and assessing risks of material misstatement <li data-bbox="339 438 1379 501">• Updating the understanding of the system of internal control, including clarifying the work effort for understanding each of the components of internal control and "controls relevant to the audit", as well as the relationship between this understanding and the assessment of control risk <li data-bbox="339 513 1379 555">• Updating aspects relating to IT, in particular to the IT environment, the applications relevant to the audit and general IT controls relevant to the audit <li data-bbox="339 568 1365 609">• Introducing the new concepts of inherent risk factors, relevant assertions, significant classes of transactions, account balances and disclosures, and the spectrum of inherent risk <li data-bbox="339 622 1379 660">• Separating the inherent risk and control risk assessments for assertion level risks, enhancing the requirements relating to financial statement level risks, and updating the definition of "significant risks" 	<p data-bbox="1417 252 1665 293">Periods beginning on or after December 15, 2021.</p>

Non-authoritative Guides, Practice Notes, Bulletins and Risk Alerts

Non-authoritative Guidance issued during the year	Issued
None.	



**Corporate Services Department
Financial Services Division**

Report Number: 2020-154

Date: November 9, 2020

SUBJECT: Cancellation, Reduction or Refund of Realty Tax

1) PURPOSE

The purpose of this report is to seek approval of Council in order to cancel, reduce or refund realty tax of the applicant in accordance with the recommendations of the Municipal Property Assessment Corporation (MPAC) Assessor.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

Under section 357/358 of the *Municipal Act, 2001*, as amended, an application to Council may be made by the taxpayer for the cancellation, reduction or refund of tax levied in the current and previous year for specific purposes. In some cases, a review may increase the property assessment and increase a property's tax levied.

Once an application is received from a taxpayer under Section 357/358 and processed by staff, the application is forwarded to MPAC for a revised assessment recommendation. These applications are then returned to the municipality for staff to calculate the amount of cancellation or adjustment of taxes.

Section 357 Application Numbers 2020-01, 2020-04, 2020-05 and 2020-200 were received and are in the Treasurer's possession.

3) STAFF COMMENTS AND DISCUSSIONS

The attached summary report encompasses the applications received to date for submission to Council for approval.

Staff recommends Council approval of the recommendation of the MPAC assessor for the Section 357 applications. It is a rarity that the taxpayer challenges any recommendation, however, if such did occur, staff would request MPAC to attend the committee meeting to defend or amend the recommendation. Staff have received no objections from the taxpayers.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

Application numbers 2020-01, 2020-04, 2020-05 and 2020-200 under Section 357/358 require Council's approval. The total amount of reduction or cancellation of taxes is \$6,631.21, of which \$2,720.52 is the municipal portion.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Not applicable.

6) ATTACHMENTS

Appendix A – Calculation of adjustments based on the Assessor’s reports and comments

7) RECOMMENDATION

That the applications pursuant to Section 357/358 of the Municipal Act, 2001, as amended, numbered 2020-01, 2020-04, 2020-05 and 2020-200 be approved to cancel or reduce taxes in the total amount of \$6,631.21.

8) SIGNATURES

Prepared on October 16, 2020 by:



Andrea Hawkins
Tax Clerk

Reviewed by:



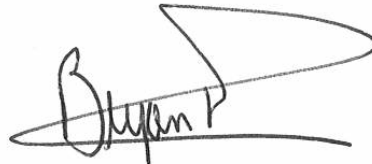
Stephen Corr
Manager of Revenue & Taxation

Reviewed and respectfully submitted by:



C. Scott Luey
Chief Administrative Officer

Reviewed by:



Bryan Boles
Director of Corporate Services

SUBJECT: Development Charges By-law Amendment

1) PURPOSE:

The purpose of this report is to provide a requested consideration to amend the existing Development Charges By-law (“DCB”).

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES:

At the October 26, 2020 Council meeting, Councillor Bruno brought forward a request to amend the residential component of the DCB for single detached dwellings to align with the Niagara Region’s DCB indexing date.

The Niagara Region’s DCB indexing date begins January 1 of each year and includes their annual increase under the by-law. The City’s DCB coincides with the date of its approval and dates when a percentage waiver decreases.

3) STAFF COMMENTS AND DISCUSSIONS:

Clause 3.11(b) of the DCB provides the following dates on what percentage of charges are to be collected on Building Permits for single detached dwellings:

All Residential Services	Year 1 October 7, 2019 – October 6, 2020	Year 2 October 7, 2020 – October 6, 2021	Year 3 October 7, 2021 – October 6, 2022	Year 4 October 7, 2022 – October 6, 2023	Year 5 October 7, 2023 – October 6, 2024
	20%	40%	60%	80%	100%

Staff has proposed the following amendments to the DCB:

All Residential Services	Year 1 October 7, 2019 – December 31, 2020	Year 2 January 1, 2021 – December 31, 2021	Year 3 January 1, 2021 – December 31, 2022	Year 4 January 1, 2022 – December 31, 2023	Year 5 January 1, 2023 – October 6, 2024
	20%	40%	60%	80%	100%

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

Council can choose to make other changes to the DCB.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES:

Not applicable.

6) ATTACHMENTS:

Appendix A - Proposed Amendment to the Development Charge By-law

7) RECOMMENDATION:

That Council approve the amendment to clause 3.11(b) of the Development Charge By-law 6733/97/19 as attached as Appendix A to Planning and Development Department Report No. 2020-167, Subject: Development Charges By-law Amendment.

8) SIGNATURES:

Prepared on October 29, 2020 by:



Dan Aquilina, MCIP, RPP, CPT
Director of Planning and Development

Reviewed and Respectfully Submitted:



Scott Luey
Chief Administrative Officer

The Corporation of the City of Port Colborne

By-Law No. _____

Being a By-law to Amend By-law 6733/97/19, Being a By-law to Impose Development Charges for the City of Port Colborne

Whereas the Council of the City of Port Colborne passed By-law 6733/97/19 on November 12, 2019; and

Whereas Council wishes to further amend By-law 6733/97/19; and

Whereas the *Development Charges Act*, S.O. 1997, c.27, as amended, (the “Act”) provides that the Council of a municipality may amend a by-law imposing development charges;

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. That Section 3.11(b), is hereby amended by replacing the existing residential percentage charge periods for single detached dwellings with the following:

All Residential Services	Year 1 October 7, 2019 – December 31, 2020	Year 2 January 1, 2021 – December 31, 2021	Year 3 January 1, 2021 – December 31, 2022	Year 4 January 1, 2022 – December 31, 2023	Year 5 January 1, 2023 – October 6, 2024
	20%	40%	60%	80%	100%

Enacted and passed this 9th day of November, 2020.

William C Steele
Mayor

Amber LaPointe
City Clerk



Report Number: 2020-166

Date: November 9, 2020

SUBJECT: Recommendation Report for Zoning By-law Amendment, Nyon Oil Inc., File D14-05-20

1) PURPOSE:

The purpose of the report is to provide Council with a recommendation regarding a Zoning By-law Amendment application submitted by Nyon Oil Inc. (Nyon).

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

In 2013, the then Ontario Municipal Board (OMB), now known as the Local Planning Appeal Tribunal (LPAT), approved the development of a 56-tank petroleum facility together with dry industrial development on adjoining lands. The approval was subject to a site-specific zoning which has been carried forward through the passing of the City of Port Colborne Zoning By-law 6575/30/18 on April 23, 2018.

On November 2, 2020, Council received Planning and Development Report 2020-164, a Public Meeting Report for a proposed amendment to Zoning By-law 6575/30/18 for lands owned by Nyon. Nyon's application was submitted by Niagara Planning Group along with a planning justification report.

Nyon's application proposes to alter the provisions of the HI-46-H zone to remove wording that requires the applicant to enter into a Site Plan Agreement and obtain approval for private servicing prior to the removal of the Holding provision (H) on the property. The Zoning By-law Amendment is being sought to allow the development process to continue with the Site Plan Agreement and private servicing being required after the H has been removed from the property.

Prior to approval of the current HI-46-H zoning, the property was site specifically zoned "HI-X-HSP" on July 11, 2013, following a decision made by the Ontario Municipal Board (OMB) after holding an appeal hearing. The site-specific HI-46-H zoning matches the HI-X-HSP zoning when a new zoning by-law was approved by the City in 2018:

"Notwithstanding the provisions of the Heavy Industrial (HI) Zone, the following shall apply:

- a) The provisions in Section 23 (HI – Heavy Industrial) of the City of Port Colborne former Zoning By-law 1150/97/81 will continue to apply to the lands zoned HI-46-H (Heavy Industrial - Holding). The permitted uses will be restricted to a 56-tank petrochemical storage facility.

- b) The uses permitted in this By-law shall not occur until the Holding Symbol (H) on the HI-46-H (Heavy Industrial – Holding) zone is removed through an amending By-law enacted by the City of Port Colborne. The Holding Provision will be administered to provide Council with the authority to ensure a Phase 2 Archaeological Study, a Geotechnical Study, a Noise Study, an Air Quality Study, Site Access and Traffic Study, a Vibration Study, a Tree Preservation Plan, an Environmental Impact Statement, and a Risk Assessment Report have been undertaken to the satisfaction of the City and appropriate approval authorities. Removal of the Holding Symbol (H) may only occur when:
 - i) The Owner enters into and registers on title a Site Plan Agreement with the City of Port Colborne which will include recommendations made in the supporting technical studies conducted in association with the development application;
 - ii) The above-mentioned technical studies and their recommendations are satisfactory to the City of Port Colborne,
 - iii) Prior to the City entering to the Site Plan Agreement, approval shall be obtained from the applicable approval authority which identifies an appropriate location and design for a private sewage disposal system and private water supply system to adequately and appropriately service the proposed use; and,
 - iv) Meet Species at Risk requirements to the satisfaction of Ministry of Natural Resources.”

At the November 2, 2020, public meeting, comments from the Region of Niagara and from Wendy Bover (no address provided) were presented as well as a virtual delegation from Bonnie Fokkens, 13 Crescent Drive, Welland. Minutes of the meeting are attached hereto as Appendix A and answers to the public questions are provided under Staff Comments and Discussions below.

3) STAFF COMMENTS AND DISCUSSIONS

The application for Zoning By-law Amendment, accompanied by a planning justification report, proposes to alter the provisions of the HI-46-H zone to remove wording that requires the applicant to enter into a Site Plan Agreement, and obtain approval for private servicing prior to the removal of the Holding provision (H) on the property. The Zoning By-law Amendment is being sought to allow the development process to continue with the Site Plan Agreement and private servicing being required after the H has been removed from the property.

Nyon has worked with City staff since the OMB decision was released in 2013. Presently, Nyon is in the process of completing the required studies to satisfy the holding provision in place on their lands and are nearing completion to be peer reviewed by applicable agencies. Through the peer review process, it has become apparent that the only way the City/Applicant can implement the recommendations of the studies and peer reviewers

is through the Site Plan Agreement. The servicing implementation is a process that is undertaken through the Site Plan Control application.

Nyon's application for a Zoning By-law Amendment proposes a technical refinement to change the HI-46-H zone by removing the following clauses:

- b) i) The Owner enters into and registers on title a Site Plan Agreement with the City of Port Colborne which will include recommendations made in the supporting technical studies conducted in association with the development application;

and;

- iii) Prior to the City entering to the Site Plan Agreement, approval shall be obtained from the applicable approval authority which identifies an appropriate location and design for a private sewage disposal system and private water supply system to adequately and appropriately service the proposed use;

Presently, Nyon is in the process of completing the technical studies to the City's satisfaction in order to support development of the 56-tank petroleum facility.

A Planning Justification Report on the application was previously submitted by the Niagara Planning Group and they appeared on behalf of Nyon at the public meeting. Niagara Planning Group provided a planning overview on the complexity of Nyon's plans for development and approvals that are in place to be met before development can begin.

The Official Plan designation of Rural Employment supports the eventual development of the 56-tank petroleum storage and the current HI-46-H zoning permits this use. There is no land use conflict in supporting the technical zoning amendment.

Niagara Planning Group also provided a policy review of the Provincial Policy Statement, the Growth Plan, Niagara Region Official Plan and the City of Port Colborne Official Plan

Niagara Planning Group also opined that the proposed application should be approved as it represents good land use planning, is in the public interest, and should be supported for approval for the following reasons:

- The proposed development is consistent with the Provincial Policy Statement, and conforms with the Growth Plan, the Niagara Region Official Plan and the City of Port Colborne Official Plan;
- The technical rezoning is appropriate as the City of Port Colborne has Site Plan Control authority and will implement the study recommendations and the peer review recommendations through the Site Plan Agreement;
- The study recommendations and the peer review recommendations can only be implemented through the Site Plan and Site Plan Agreement. The specific provision in the "HI-46-Site-Specific Zoning" (Clause b)i) is no longer appropriate or necessary as the Site Plan process is the instrument to achieve the intent of the Zoning for the subject lands. The "H" Holding removal tied to the Site Plan Agreement is no longer necessary given the policies of the Regional Official Plan,

the City Official Plan, and the City's Site Plan administration process.

- The removal of clause b)iii) is appropriate at this time as the private servicing solutions can only be finalized within the Site Plan/Agreement and implemented through a permit under the *Building Code*, consistent with the Site Plan/Agreement. Clause b) iii) should be deleted as it is not appropriate to confirm the servicing outside of the Site Plan/Agreement process. As Niagara Region, in accordance with its Official Plan policies, is part of the Site Plan process, there are normal and customary decision-making processes that address clause

Nyon's Response to Public Comments and City staff comments to questions 6 and 7 from Bonnie Fokkens:

Bonnie Fokkens:

1. When is the anticipated start date?

Answer: *6-18 months*

2. What are the thoughts of the St Lawrence Seaway and Transport Canada?

Answer: *Nyon has been dealing with the St. Lawrence Seaway Authority for more than a decade. They are aware of the project and have communicated that they are looking forward to the economic benefits that will arise due to the increased shipping traffic. They've also advised that the St. Lawrence Seaway service road can be used for emergency access and they are supportive of drawing water from the canal for emergency services. We would note that in 2017, 8,938,000 metric tons of petroleum products were moved through the Great Lakes, St. Lawrence Seaway system, having a cargo value of \$4,605,000,000 according to the Economic Impact of Marine Shipping.*

3. What is the mode of transportation - rail – road – water – or any combination of both?

Answer: *The project will be using rail, truck and ship.*

- a. If it is water – what are the designs along the Welland Canal for safe transportation and will the Welland Canal be modified to suit the transport of goods.

Answer: *The Welland Canal is regulated by the St. Lawrence Seaway Management Authority and they are responsible for the regulation and safe transport of all shipping of goods through the Canal.*

4. Can you confirm the product(s) that will be transported?

Answer: *Refined petroleum products and crude oil.*

5. Is there a report on the Blast Radius around the development?

Answer: *There is not a Blast Radius Report at this time. At the present time, the project lifecycle is between Phase I – Conceptual Design and Phase II – Feasibility and Detailed Specification stages. Upon completion of those steps, the team will enter into*

Phase III, which is the preliminary design where additional risk review will be completed using ‘What If’ analysis ‘HAZOP’ and ‘LOPA’. Upon completion of the preliminary design, the team will enter into Phase IV – Detailed Design where all of the risk reviews will be reviewed, revalidated and augmented, or added to, including Quantitative Risk Analysis to assess high consequence scenarios and/or high risk scenarios with the generation of risk contours for specific areas of concern (i.e. blast overpressure, heat generation, and toxic impact, if applicable). Based on the current status of the project, there is not sufficient details to the team to do semi-quantitative or fully-quantitative analyses.

Nyon has prepared a thorough ‘Risk Assessment Plan – Process Hazard Analysis – What-If Report’, which has been completed by a qualified industry expert. This report has been peer reviewed by Associated Engineering on behalf of the City and is the highest level of analysis with respect to risk that can be prepared at this juncture. Nyon will continue to comply with all laws and regulations imposed by authorities having jurisdiction and established industry best practices going forward.

- a. Has it been made public to the residents?

Answer: *If a Blast Radius Report is required, it will be completed and made available to the public.*

- b. Has it been made public to neighboring Municipalities?

Answer: *If a Blast Radius Report is required, it will be completed and made available to the public.*

6. Have you received any comments from neighboring Municipalities? – What were they?

City to Answer City staff can advise that there no comments from neighbouring municipalities.

7. Is this meeting legal? The Planning Act requires 20 days’ notice to the public and affected municipalities.

- a. The City of Welland received the notice on Oct 20, 2020 (as per Welland Staff). That is in contravention of the Planning Act.
- b. Signs were posted Oct 19th regarding the public Meeting on the City of Port Colborne’s web site.
- c. To meet the Planning Act requirements – notice should have been given and posted by Oct 14, 2020.

Answer: *NPG staff posted the sign on the property as required by the City on October 13, 2020. Photographs of the sign posting were taken on the day of posting and sent to the City. It is our understanding that the City sent the notice as required; the City’s notice is dated October 7, 2020. It is further our understanding that the City provided notice in accordance with the Planning Act.*

City staff in consultation with the City solicitor advises that Notices to members of the public and the posting of signage was done 21 days prior to the public meeting. The notice to the City of Welland was provided on October 20, 2020. While this notice arguably falls short of the 20-day requirement, Welland staff acknowledged receipt of the notice and a member of Council appeared at the public meeting and made submissions. Therefore, there is no prejudice as a result of late notice.

Wendy Bover:

- I. To avoid possible future legal issues should I be asking that the terms of the site plan agreement and private servicing be locked in place before allowing the development to proceed?

Answer: *The Planning Act in Ontario requires the Site Plan Agreement be executed by the City and Nyon prior to any construction taking place. The Site Plan and Site Plan Agreement will also stipulate the servicing (where it goes). A permit for the servicing to be constructed is required and that permit can only be issued if the servicing plans are the same as the Site Plan/Site Plan Agreement.*

- II. If I vote yes to proceed with the development without locking the agreement and servicing in place until a later date will it leave the city liable for the cost of any development that was done and does not meet the original agreement and servicing if it is decided to keep it as is at that later date?

Answer: *The development cannot proceed until the Site Plan Agreement is signed by the City and Nyon. As part of a Site Plan Agreement, the City will hold financial securities so that if the work is not done, the City will pay others using these financial securities to complete the work.*

- III. Should I be asking all of the companies using this property to define exactly what is going to be stored and transported to and from this location, their explosive qualities, and the risks of shipping these products throughout the Great Lakes and St Lawrence Seaway?

Answer: *Nyon will follow the Canadian Society for Chemical Engineering Process Safety Management Guidelines and Best Practices to confirm all of the different components that will be stored on site, and their inventory levels, including key process safety information parameters, such as explosive limits, as determined by shippers, compliance with safety data sheets, and workplace health and management information systems (WHMIS) that will then be inputted into a thorough risk review. Nyon will comply with all laws and regulations imposed by jurisdictions have authority with respect to any products stored at the facility.*

Planning staff is in a position after having reviewed all comments, the application, the planning justification report, planning policies and all by-laws (Site Plan Control & Zoning) to recommend approval of Nyon's technical amendment.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Do nothing

Doing nothing is not a suggested option when considering an application made under the Planning Act.

b) Other Options

Not applicable.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Not applicable.

6) ATTACHMENTS

- Appendix A - Draft Minutes of the Special Council Meeting 29-20 – Public Hearing
- Appendix B - Draft Zoning By-law Amendment
- Appendix C - Nyon Planning Justification Report
- Appendix D - Niagara Region comments

7) RECOMMENDATION

That Council approve the Zoning By-law Amendment, attached hereto as Appendix “B” to allow the technical refinement to the HI-46-H zone;

That the City Clerk is hereby authorized and directed to proceed with the giving of notice of passing of the By-laws, in accordance with the Planning Act; and

That pursuant to the provisions of Section 34(17) of the Planning Act, no further notice of public meeting be required.

8) SIGNATURES:

Prepared on November 3, 2020 by:



Dan Aquilina, MCIP, RPP, CPT
Director of Planning and Development

Reviewed & submitted by:



C. Scott Luey
Chief Administrative Officer

**City of Port Colborne
Special Council Meeting 29-20 – Public Hearing
Minutes**

- Date:** November 2, 2020
- Time:** 6:30 p.m.
- Place:** Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne
- Members Present:** M. Bagu, Councillor (via Zoom)
E. Beauregard, Councillor (via Zoom)
G. Bruno, Councillor (via Zoom)
R. Bodner, Councillor
F. Danch, Councillor (via Zoom)
A. Desmarais, Councillor
D. Kalailieff, Councillor
W. Steele, Mayor (presiding officer)
H. Wells, Councillor
- Staff Present:** D. Aquilina, Director of Planning & Development (via Zoom)
A. LaPointe, Manager of Legislative Services/City Clerk
S. Luey, Chief Administrative Officer
C. Madden, Deputy Clerk
C. Roome, Planning Technician (via Zoom)
D. Schulz, Planner

Also in attendance was one member of WeeStream.

1. Call to Order:

Mayor Steele called the meeting to order.

2. Confirmation of Agenda:

No. 229 Moved by Councillor R. Bodner
Seconded by Councillor H. Wells

That the agenda dated November 2, 2020 be confirmed, as
circulated or as amended.

CARRIED

3. Disclosures of Interest:

Councillor Beauregard declared an indirect pecuniary interest with regard to Planning and Development Department, Planning Division, Report No. 2020-164, Subject: Public Meeting Report for Zoning By-law Amendment D14-05-20, Nyon Oil Inc. as he is employed by Sullivan Mahoney and the firm has provided legal advice with respect to this item. Councillor Beauregard refrained from discussing or voting on this item.

4. Public Hearing Under the Planning Act:

Application for Zoning By-law Amendment Planning and Development Department, Planning Division, Report No. 2020-164, Subject: Public Meeting Report for Zoning By-law Amendment D14-05-20, Nyon Oil Inc.

(i) Purpose of Meeting:

David Schulz advised that the purpose of this meeting, pursuant to Section 34 of the Planning Act, is to consider an application submitted by the agent, Niagara Planning Group, on behalf of the owner Nyon Oil Inc for the lands legally know as part of lots 16,17,18 and 19, part of the road allowance between lots 16 and 17, part of the road allowance between lots 18 and 19 in the City of Port Colborne, Regional Municipality of Niagara. The property is municipally known as the Nyon Oil Lands, south of the CN rail line, West of highway 140 and East of Canal Road in the City of Port Colborne.

(ii) Method of Notice:

Notice of the Public Meeting was administered in accordance with Section 34 of the Planning Act, as amended, and Section 5 of Ontario Regulation 545/06.

The Notice of Public Hearing was mailed to property owners within 120m of the property on October 13th. A sign was also posted on the property on October 13th and was also posted on the City's website and social media accounts

Notice was circulated to required agencies including the Regional Municipality of Niagara. The Region states that this proposal is technical in nature and requested to allow the development approvals process to continue in a manner that will allow implementation of the recommendations of the required technical studies. The Region supported the proposed technical amendment.

(iii) Explanation of Procedure to be Followed:

Mr. Schulz advised that the procedure to be followed this evening will be to present Department of Planning & Development Report No. 2020-164, to hear any comments from the applicant, to receive questions of clarification from Council to the applicant or Planning Staff, to open the meeting to the public for comments and questions, to

announce the requirements under the Planning Act for written notice of passage of the proposed zoning by-law amendment, and to provide a brief explanation of future meetings regarding the application

(iv) Presentation of Application for Zoning By-law Amendment:

At this time, Mr. Schulz presented highlights from the Planning and Development Public Hearing Report No. 2020-164.

Mr. Schulz advised that the subject property is located south of the CN rail line, West of Highway 140 east of the Welland Canal and North of Forks Road. The property is currently vacant. The surrounding lands are industrial in nature however most remain undeveloped. The Official Plan designates the lands Rural Employment and the Zoning By-law designates the property as H-146-H.

Prior to the Holding Provision removal, a number of requirements are needed from the applicant including the completion of several studies.

The application for Zoning By-law Amendment proposes to alter the provisions of the H-146-H zone to remove wording that requires the applicant to enter into a site plan agreement and obtain approval for private servicing prior to the removal of the holding provision on the property. The Zoning By-law Amendment is being sought to allow the development process to continue with the site plan agreement and private servicing being required after the H has been removed from the property.

(v) Comments of Applicant:

Mr. Schulz invited the applicant to comment.

Mary Lou Tanner proceeded to state that Nyon is not proposing to make any changes to the Zoning By-law, only to remove some of the clauses around lifting the Holding provision on the property. The applicant cannot register the Site Plan agreement as long as the H is on the site. As a result the applicant is asking for removal of clauses one and three.

(vi) Questions of Clarification to Applicant/Planning Staff:

Councillor Bruno questioned whether there is role in this process for our legal counsel.

Mr. Schulz advised that legal staff has been engaged in the process since the beginning of the approval.

Councillor Bruno then asked about the current status of the peer review process.

Mr. Schulz responded that studies are being submitted as they are being completed.

Councillor Kalailieff questioned if the legal team has had any concerns so far.

Mr. Schulz responded that this time the legal staff had no concerns but will be more involved with the Holding provision removal.

Before opening the meeting to the public Mr. Schulz read the following cautionary statements:

“If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Port Colborne before a decision on the proposed Zoning By-law Amendment is passed by Council, the person or public body is not entitled to appeal the decision of the City of Port Colborne Council to Local Planning Appeal Tribunal.”

And;

“If a person or public body does not make oral submissions at a public meeting, or make written submission to the City of Port Colborne before a decision on the proposed Zoning By-law Amendments is passed by Council, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there is reasonable grounds to do so.”

Mr. Schulz also advised that for any interested members of the public there is a sign-in sheet to request future notices regarding this application.

(vii) Oral Presentations and/or Questions from the Public:

At this time, Mr. Schulz invited any members of the public who wish to speak to the application to do so.

Bonnie Folkens addressed Council.

Ms. Folkens asked if a blast radius report would be included and if it would be available to the public. Mr. Schulz responded he was unsure if it had been submitted at that time but that it will be addressed in the recommendation report.

Ms. Folkens asked what the start date would be of the operations of the property. Mr. Schulz advised that there was no exact time, but the applicant looks to lift the Holding provision in the near future which will provide a timeline.

Ms. Folkens asked about what the main method of transport will be for the facility and asked for Mr. Schulz's thoughts on the St. Lawrence Seaway. Mr. Schulz responded that the methods of transportation are believed to be rail, water and transport but that it will be confirmed in the recommendation report and that the St. Lawrence Seaway will become more involved in the process when the Holding provision is removed.

Ms. Folken’s inquired about whether the shore bank along the canal would be modified. Mr. Schulz stated that he did not have an answer at that time and that it will be addressed to the recommendation report.

Ms. Fokkens questioned the Notice requirements of the application. Mr. Schulz provided a response regarding the Notice and that it was circulated in accordance with the Planning Act and Ontario Regulation.

(viii) Announcement Respecting Written Notice of Passage of Zoning By-law Amendment:

Mr. Schulz advised that if anyone wishes “to be notified of the approval of the zoning by-law amendment they must make a written request to the clerk. Only those persons and public bodies that give the clerk a written request for the notice of the adoption and passing of a zoning by-law amendment will be given notice.”

(ix) Explanation of Future Meetings:

Mr. Schulz advised that this concludes the Public Hearing Under The Planning Act. The proposed Zoning By-law Amendment will be placed on Council’s agenda at a future date.

No. 230 Moved by Councillor D. Kalailieff
Seconded by Councillor A. Desmarais

That Development Department, Planning Division, Report No. 2020-164, Subject: Public Meeting Report for Zoning By-law Amendment D14-05-20, Nyon Oil Inc, be received for information.

CARRIED

(x) Adjournment:

Mayor Steele adjourned the meeting at approximately 7:00 p.m.

William C. Steele
Mayor

Amber LaPointe
City Clerk

Minutes prepared by the Department of Planning and Development.

The Corporation of the City of Port Colborne

By-law no. _____

Being a by-law to amend Zoning By-law 6575/30/18 respecting lands legally described as Part of Lots 16, 17, 18 and 19, part of the road allowance between Lots 16 and 17, part of the road allowance between Lots 18 and 19, in the City of Port Colborne, Regional Municipality of Niagara. The property is municipally known as the Nyon Oil lands generally south of the CN Rail lane, west of Highway 140 and east of Canal Road in the City of Port Colborne.

Whereas By-law 6575/30/18 is a by-law of The Corporation of the City of Port Colborne restricting the use of land and the location and use of buildings and structures; and

Whereas, the Council of The Corporation of the City of Port Colborne desires to amend the said by-law.

Now therefore, and pursuant to the provisions of Section 34 of the *Planning Act, R.S.O. 1990*, The Corporation of the City of Port Colborne enacts as follows:

1. This amendment shall apply to those lands described on Schedule "A" attached to and forming part of this by-law.
2. The Special Provision: HI-46-H of Section 37.2 entitled Special Provisions of Zoning By-law 6575/30/18, as amended, is hereby further amended by removing provision b) i) and b) iii) which read:
 - i) The Owner enters into and registers on title a Site Plan Agreement with the City of Port Colborne which will include recommendations made in the supporting technical studies conducted in association with the development application;
 - ii) Prior to the City entering to the Site Plan Agreement, approval shall be obtained from the applicable approval authority which identifies an appropriate location and design for a private sewage disposal system and private water supply system to adequately and appropriately service the proposed use;
3. That this by-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of the *Planning Act*.

4. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with the *Planning Act*.

Enacted and passed this ____ day of _____, _____.

William C. Steele
Mayor

Amber LaPointe
City Clerk

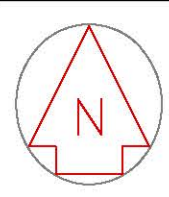


THIS IS SCHEDULE "A" TO BY-LAW NO. _____ PASSED THE 2nd DAY OF NOVEMBER 9, 2020.

 TECHNICAL REFINEMENT TO HI-46-H
Removing provision b) i) and b) iii)

MAYOR

CLERK



NOT TO SCALE
NOVEMBER 9, 2020

FILE NO. D14-05-20
DRAWN BY: _____
PLANNING & DEVELOPMENT



Planning Justification Report

Zoning By-law Amendment Application

Lands generally south of the CN Rail Line, west of Highway 140, and east of the Welland Canal, City of Port Colborne

For: Nyon Oil Inc.
By: Niagara Planning Group (NPG) Inc.
4999 Victoria Avenue
Niagara Falls, ON
L2E 4C9
October 2020

Table of Contents

1.	Introduction	1
2.	Description of the Subject Lands and Surrounding Area	2
3.	Proposed Development and Zoning By-law Amendment Application.....	5
3.1	Proposed Development	5
3.2	Proposed Rezoning Application.....	8
4.	Planning Policy Framework	10
4.1	Provincial Policy Statement (2020).....	10
4.2	Growth Plan for the Greater Golden Horseshoe (2019).....	12
4.3	Niagara Region Official Plan (2014)	14
4.4	City of Port Colborne Official Plan (Office Consolidation 2017).....	16
5.	Zoning	18
6.	Zoning By-law Amendment Application	19
7.	Summary of Planning Analysis	21
8.	Conclusion.....	23
9.	Appendices	24

Appendix A – Sketch of Proposed Development 24

Appendix B – Regional Official Plan Schedules..... 25

Appendix C – City of Port Colborne Official Plan Schedules 26

Appendix D – City of Port Colborne Zoning By-law 27

Appendix E – Status of Supporting Studies 29

Appendix F – Draft Zoning By-law 31

1. Introduction

Niagara Planning Group (NPG) Inc. are planning consultants to Nyon Oil Inc., owners of the Subject Lands which are approximately 76.8 hectares of land generally south of the CN Rail line, west of Highway 140 and east of Canal Road in the City of Port Colborne. The lands are legally described as Part of Lot 16, Part of Lot 17, Part of Lot 18, Part of Lot 19, part of the Road Allowance Between Lots 16 and 17 (closed by by-law 3412/143/196; Inst. No. R0719834) Part of the Road Allowance Between Lots 18 & 19 (closed by by-law 34 12/143/196: inst. No. R0719834), City of Port Colborne; Regional Municipality of Niagara.

The Subject Lands are currently zoned “HI-46-H” in the City of Port Colborne’s Comprehensive Zoning By-law 6575-30-18 (the City’s Zoning By-law) which permits the development of a 56-tank petroleum storage facility. NPG has been retained to provide professional planning advice on this application.

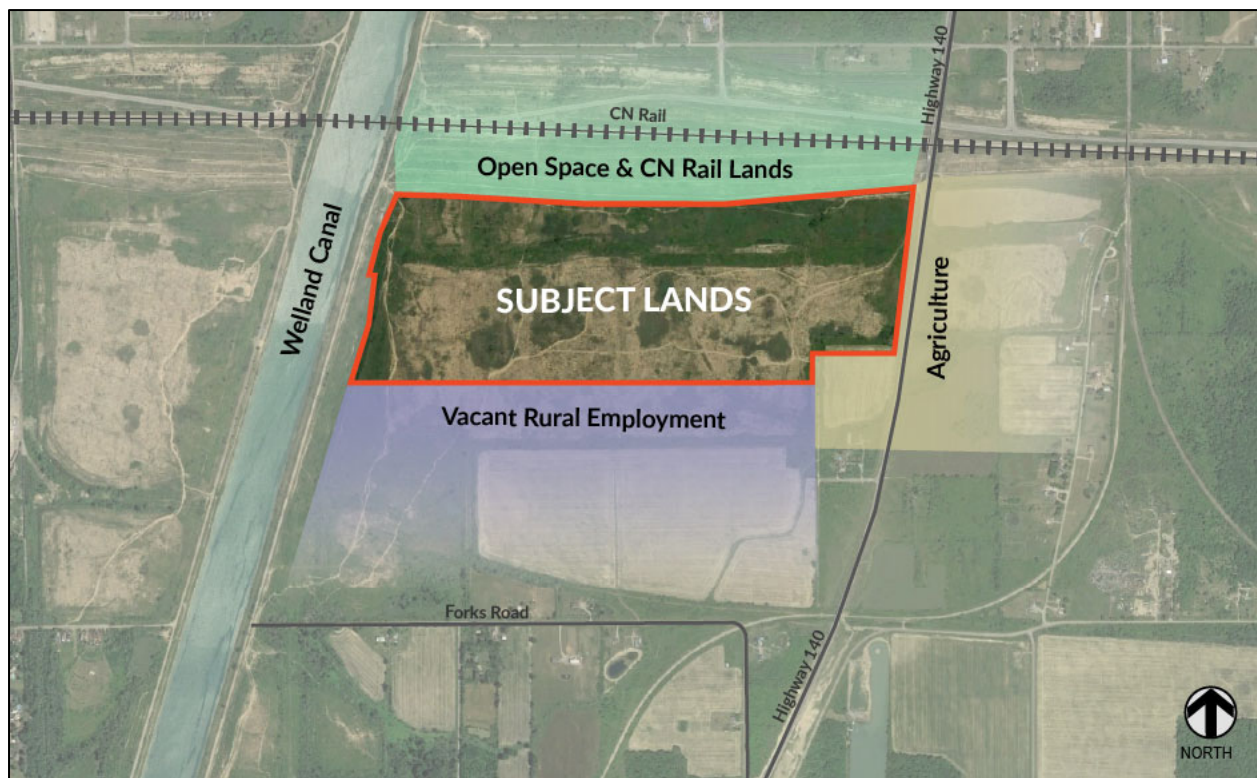
The application is a technical rezoning to remove two clauses from the existing zoning provisions. This technical rezoning allows the required studies and the Site Plan Agreement to proceed independently and as contemplated in the Ontario Municipal Board decision approving this development. The technical rezoning further implements the private servicing through the normal and customary processes for the City of Port Colborne and Niagara Region.

2. Description of the Subject Lands and Surrounding Area

As shown in “Figure 1 - Aerial Context”, the Subject Lands are located on the east side of the Welland Canal south of the CN Railway Line. The Subject Lands have frontage of approximately 464 metres on Highway 140 and a total area of approximately 76.8 hectares.

Nyon Oil Inc. owns the Subject Lands which are currently zoned as “HI-46-H” and a related company owns the adjoining land which is zoned “ID-47-H” in the City’s Zoning by-law. Only the lands zoned “HI-46-H” are the subject of this rezoning application and are referred to as the “Subject Lands”.

Figure 1 – Aerial Context & Surrounding Land Uses



The subject lands are currently vacant. The surrounding uses are as follow:

- North: Open Space and CN Railway Line**
- South: Vacant Rural Employment and Environmental Protection**
- East: Agriculture**
- West: Welland Canal**

Photo 1 – Subject Lands viewed from Highway 140 with the CN Rail line on the right.



Photo 2 – Subject Lands viewed from further south of Highway 140.



Photo 3 – Agricultural land east of the Subject Lands and across Highway 140.



3. Proposed Development and Zoning By-law Amendment Application

3.1 Proposed Development

Nyon Oil Inc. has received Ontario Municipal Board approval to develop a 56-tank petroleum storage facility on approximately 76.8 hectares of the Subject Lands as shown in Figure 1. A portion of the Subject Lands, measuring approximately 19.8 hectares, falls within the Species At Risk habitat and is not proposed for development at this time. This area shown as Species At Risk will be identified and confirmed through the future Site Plan and Site Plan Agreement upon approval of the Environmental Impact Statement for the Subject Lands. There will be no development on lands identified as Species At Risk inside the developable lands until alternative habitat has been established and approved by the Ministry of Environment Conservation and Parks, in accordance with the Ministry's requirements. Please see the enclosed Site Layout diagram regarding Species At Risk area within the Subject Lands.

To implement the approved development, Nyon Oil Inc. is proposing a technical rezoning for the lands which are currently zoned "HI-46-H" in the City's Zoning By-law. This technical rezoning will allow implementation of the development of the Subject Lands through the future Site Plan and Site Plan Agreement. It is important to note that there are no changes proposed to the permitted uses in the "HI-H-46" zoned lands. The proposed 56-tank petroleum facility is a permitted land use and conforms to the Zoning By-law as approved by the Ontario Municipal Board decision of July 2013.

The purpose of the technical rezoning application is two-fold:

- i. A technical amendment to remove Clause b)i) of the Site-Specific Zoning "HI-46-H" to remove the requirement for the Site Plan Agreement to be finalized and registered on title prior to the "H" Holding provision being removed by the City; and,
- ii. A second technical amendment to remove Clause b)iii) which requires approval prior to the Site Plan Agreement for private servicing of the subject lands.

This technical rezoning is being sought as the City of Port Colborne Zoning By-law currently has four conditions for removal of the "H" Holding provision. The two conditions identified above are no longer necessary. The zoning for the Subject Lands will be implemented through a series of inter-related actions that are within the jurisdiction of the Site Plan and Site Plan Agreement:

- The technical studies as required in the zoning for the Subject Lands are part of the Site Plan process. The City is undertaking an independent peer review of the supporting studies to confirm the completeness of the work and any additional recommendations which may be required.
- The applicable agencies have been identified either through their own Official Plan (Niagara Region) as being part of the Site Plan process and the jurisdiction of the NPCA and MNR (now MECP) regarding their areas of authority. The text of paragraph b) of the Site-Specific Zoning for the Subject Lands clearly ties the studies to decisions by the approval authorities.
- As a result of the above, the implementation of the approved Zoning for the Subject Lands will occur through the studies, the recommendations, the peer review results, and agency approval. It is the process of the study approval that is the critical component of implementing the approved land use and development of the Subject Lands.
- The recommendations from the studies and the peer review can only be implemented through the Site Plan and Site Plan Agreement. Given the submission of the studies to the City for the peer review, the ongoing peer review, and the agency participation in the Site Plan process, requiring the Site Plan and Site Plan Agreement to be registered on title prior to removal of the “H” Holding provision is no longer necessary. Development can only occur when the Site Plan is finalized as the entire City of Port Colborne is a Site Plan Control Area per the City’s Official Plan.
- The private servicing of the subject lands can only be determined through the Site Plan process and finalization of the Site Plan Agreement. The location and servicing solution is an integrated decision as part of the review of the studies, the site design, and implementation of the recommendations from the studies. Approval of the servicing can only be finalized once the Site Plan Agreement is concluded yet the wording of the specific clause requires approval prior to the Site Plan Agreement being finalized. It will not be possible to fulfill this requirement as currently worded. More importantly, there are existing processes and requirements that achieve the same outcome of the required servicing approval (Site Plan/Agreement and *Building Code* permit) and it is appropriate to use those existing processes.

Thus, the technical rezoning is sought as the studies and their recommendations will be addressed within the Site Plan process and the normal and customary processes will be used for the servicing. The intent of the Zoning By-law is still met as the City of Port Colborne and appropriate approval authorities retain the ability to ensure the required

supporting studies and their recommendations have been satisfactorily undertaken and the Site Plan Agreement will achieve this.

The Region of Niagara Official Plan designates the Subject Lands as Rural Area in Schedule A – Regional Structure and Rural Employment Lands in Schedule G2 – Niagara Economic Gateway Employment Lands (See “Appendix B – Regional Official Plan Schedules”). Section 3.B.2.6 of the Regional Official Plan specifically addresses how the Rural Employment Lands are to be developed with specific policies for the Rural Employment Lands in the City of Port Colborne.

The City of Port Colborne Official Plan designates the Subject Lands as Rural Employment in the “Schedule A – City Wide General Land Use Plan” (“Appendix C – City of Port Colborne Official Plan Schedules”). Section 3.12 of the City’s Official Plan includes policies that address the development of Rural Employment Lands.

The City of Port Colborne Zoning By-law 6575/30/18 zones the Subject Lands as a “HI-H-46” Zone (See “Appendix D – City of Port Colborne Zoning By-law Map”). This Site-Specific zone permits the 56-tank petroleum facility with requirements for several studies to be completed and a Site Plan approved by the City of Port Colborne. An “H” (Holding) provision is included in the Zoning By-law which includes conditions that must be fulfilled prior to the removal of it. The By-law reads as follows:

Notwithstanding the provisions of the Heavy Industrial (HI) Zone, the following shall apply:

a) The provisions in Section 23 (HI – Heavy Industrial) of the City of Port Colborne former Zoning By-law 1150/97/81 will continue to apply to the lands zoned HI-46-H (Heavy Industrial - Holding). The permitted uses will be restricted to a 56-tank petrochemical¹ storage facility.

b) The uses permitted in this By-law shall not occur until the Holding Symbol (H) on the HI-46-H (Heavy Industrial – Holding) zone is removed through an amending By-law enacted by the City of Port Colborne. The Holding Provision will be administered to provide Council with the authority to ensure a Phase 2 Archaeological Study, a Geotechnical Study, a Noise Study, an Air Quality Study, Site Access and Traffic Study, a Vibration Study, a Tree Preservation Plan, an Environmental Impact Statement, and a Risk Assessment Report have been undertaken to the satisfaction of the City and appropriate approval authorities. Removal of the Holding Symbol (H) may only occur when:

¹ Petrochemical is commonly known as petroleum.

- i) *The Owner enters into and registers on title a Site Plan Agreement with the City of Port Colborne which will include recommendations made in the supporting technical studies conducted in association with the development application;*
- ii) *The above mentioned technical studies and their recommendations are satisfactory to the City of Port Colborne,*
- iii) *Prior to the City entering to the Site Plan Agreement, approval shall be obtained from the applicable approval authority which identifies an appropriate location and design for a private sewage disposal system and private water supply system to adequately and appropriately service the proposed use; and,*
- iv) *Meet Species at Risk requirements to the satisfaction of Ministry of Natural Resources.²*

In 2013 the proposal for the 56-tank petroleum facility together with Dry Industrial development on adjoining lands owned by Nyon Oil was the subject of an Ontario Municipal Board hearing. The Board approved the development subject to the Site-Specific zoning which has been carried forward into the City's Zoning By-law and is quoted above.

3.2 Proposed Rezoning Application

Nyon Oil Inc. has worked with the City of Port Colborne to implement the requirements of the Ontario Municipal Board decision and the Zoning By-law for the Heavy Industrial Zoned Lands ("HI-46-H"). The required studies have been underway since the Ontario Municipal Board decision and have been submitted to the City for the peer review process. Appendix E to this report provides a summary of the required supporting studies' status. The studies have been submitted to the City of Port Colborne; the City has engaged Associated Engineering (AE) to peer review the studies on behalf of the City. Through the work of completing the various studies, it has become clear that the only mechanism to implement the study recommendations, together with any peer review recommendations, is through the Site Plan and the Site Plan Agreement.

With the understanding now that the study recommendations will be implemented through the Site Plan and Site Plan Agreement, the component of the current zoning provisions for the Subject Lands is no longer required – tying removal of the "H" Holding symbol to the completion and registration of the Site Plan Agreement and servicing approval prior

² It is noted that the applicable Ministry of the Ontario government is now the Ministry of Environment, Conservation, and Parks.

and the wording of the zoning for the Subject Lands support implementing the studies through the approval authorities and the City of Port Colborne. There is no longer a need to require the Site Plan and Site Plan Agreement to be finalized prior to removing the “H” Holding provision as contemplated in clause b)i) above as other provisions of the Zoning for the Subject Lands will achieve the development and implementation of the recommendations of the studies and peer review. Further, as the Site Plan Agreement is the process to finalize and authorize the private servicing solution, approval of the servicing can only occur within the Site Plan and Site Plan Agreement. A servicing permit from the Region of Niagara, on behalf of the City of Port Colborne, under the *Building Code*, is the appropriate sequencing of the approval process and is the normal and customary process for these approvals.

This rezoning application is submitted with two components requested for approval in the order listed below:

1. Removal of clause b)i) from the Site -Specific Zoning By-law for the Subject Lands;
2. Removal of clause b)iii) from the Site-Specific Zoning By-law for the Subject Lands.

4. Planning Policy Framework

NOTE: This rezoning application is a technical rezoning only; as stated above there is no change in land use permissions for the subject lands. However, as the *Planning Act* requires conformity for applications submitted under the Act, the following analysis addresses the Planning Policy Framework, the Rural Employment designations and how the technical rezoning is consistent with and conform to the Planning Policy Framework. The Ontario Municipal Board decision for the subject lands was issued under the 2005 Provincial Policy Statement. Thus, a review of the 2020 Provincial Policy Statement is required in accordance with the *Planning Act*.

4.1 Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides overall policy direction on matters of provincial interest related to land and development within the province of Ontario. It supports improved land use planning and management, contributing to a more efficient land use planning system, which seeks to ultimately protect resources of provincial interest, public health and safety, and to preserve and maintain the natural environment.

Relevant Policies and Analysis

1.1.4 Rural Areas in Municipalities

Rural areas are important to the economic success of the Province and our quality of life. Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. Rural areas and urban areas are interdependent in terms of markets, resources and amenities. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy.

1.1.4.1 Healthy, integrated and viable rural areas should be supported by:

- 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;*
- h) conserving biodiversity and considering the ecological benefits provided by nature;*

The PPS identifies that a diversified economic base in Rural Areas is important for a sustainable economy. The Subject Lands are designated Rural Employment in the Niagara Region Official Plan and the City of Port Colborne Official Plan. The Rural

Employment designation and policies in both Official Plans supports rural economic development and the specific uses implemented through the City's Zoning of the Subject Lands.

Through an Environmental Impact Study which will be implemented through the Site Plan and Site Plan Agreement, the study has identified an area of land as Species At Risk habitat where the proposed development does not occur until alternative habitat has been established to the satisfaction of MECP. Therefore, the proposed development has taken steps to conserve the biodiversity and protected the ecological benefits provided by nature which will be implemented through the Site Plan and Site Plan Agreement.

1.1.5 Rural Lands in Municipalities

1.1.5.1 When directing development on rural lands, a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

1.1.5.6 Opportunities should be retained to locate new or expanding land uses that require separation from other uses.

1.1.5.7 Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.

The proposed 56-tank petroleum use is a use of land that requires separation from other land uses. The Subject Lands are located on the east side of the Welland Canal, separated from the City's Settlement Area. This property provides a separation from other uses and is appropriate for the land use approved by the Ontario Municipal Board. The Subject Lands are currently vacant and the nearest agricultural land is across Highway 140 east of the subject lands. As such, the proposal does not remove agricultural uses and does minimize potential constraints on nearby agricultural uses.

In terms of **Section 1** of the PPS, the following is confirmed:

- i. The lands implement Section 1.2.6 – Land Use Compatibility through providing separation from the City's settlement area by locating the use in the Rural Employment Area, east of the Welland Canal;
- ii. Implementing the policies of Section 1.3 – Employment – through creating economic diversity in Port Colborne and Niagara Region;

- iii. The proposal also conforms with Section 1.6.8 – Transportation and Infrastructure Corridors as the proposed petroleum storage facility is highly compatible with and supportive of the long-term viability of the CN rail line to the north. The proposed development relies on the rail corridor for its supply-chain needs via a proposed spur line as well as rail off-loading infrastructure.
- iv. Conforming with Section 1.7 – Long Term Economic Prosperity through the lands being designated Rural Employment and being brought to development for economic prosperity.

In terms of **Section 2** of the PPS, the following is noted:

- i. For Natural Heritage, the Zoning for the Subject Lands, approved by the Ontario Municipal Board, requires an Environmental Impact Statement to be completed. The EIS has been completed and a 2020 update was also prepared. The EIS is the subject of one of the peer reviews by AE on behalf of the City of Port Colborne. Appropriate review will occur and the recommendations will be implemented through the Site Plan and Site Plan Agreement.
- ii. For Culture and Archaeology, Stage 1 and Stage 2 Archaeological Studies were completed. The Ministry of Heritage, Sport, Tourism and Culture Industries has confirmed in writing that the studies are sufficient for the subject lands.

In terms of **Section 3** of the PPS, the following is noted: there are no Natural Hazards or Man-Made Hazards on the subject lands. This section of the PPS is not related to the development of the Subject Lands. The subject lands

Based on the foregoing, the proposed development, as approved by the Ontario Municipal Board, is consistent with the general intent and policies of the PPS. The technical rezoning supports implementation of the proposed development on the subject lands and is an administrative change. As such, the rezoning application conforms to the PPS by supporting the approved development, which is in conformity to the PPS (2020).

4.2 Growth Plan for the Greater Golden Horseshoe (2019)

The Growth Plan for the Greater Horseshoe, 2019 (The Growth Plan), builds on the policies set out in the Provincial Policy Statement, emphasizing well-designed development and supporting economic development and job growth. The intent of the Growth Plan is to promote economic growth, increase housing supply, create jobs and

building communities that are healthy and affordable for people of all ages. The Growth Plan supports the achievement of complete communities that are “compact, transit-supportive, and make efficient use of investments in infrastructure and public service facilities”.

Relevant Policies and Analysis

2.2.5 Employment

1. *Economic development and competitiveness in the GGH will be promoted by:*
 - a. *making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities;*
 - b. *integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment.*

2.2.9 Rural areas

5. *Subject to the policies in Section 4, development outside of settlement areas may be permitted on rural lands for:*
 - a. *the management or use of resources;*
 - b. *resource-based recreational uses; and*
 - c. *other rural land uses that are not appropriate in settlement areas provided they:*
 - i. *are compatible with the rural landscape and surrounding local land uses;*
 - ii. *will be sustained by rural service levels; and*
 - iii. *will not adversely affect the protection of agricultural uses and other resource-based uses such as mineral aggregate operations.*

The subject lands are designated Rural Employment in both the Niagara Region and the City Official Plans. The use of the lands for the 56-tank petroleum facility is consistent with the policies of A Place to Grow supporting development outside of the City’s settlement area as the uses are consistent with a resource focus, are compatible with the rural landscape, and will be sustained by rural service levels.

Based on the foregoing, the development, as approved by the Ontario Municipal Board, is consistent with the general intent and policies of A Place to Grow. The technical rezoning supports implementation of the proposed development on the subject lands and is an administrative change. As such, the rezoning application conforms to A Place to Grow by supporting the approved development, which is in conformity to A Place to Grow.

4.3 Niagara Region Official Plan (2014)

The Niagara Region Official Plan (Regional Official Plan), designates the Subject Lands as Rural Employment Lands – Gateway Special Policy Area according to “Schedule G2 – Niagara Economic Gateway Employment Lands” (refer to Appendix B).

Relevant Policies and Analysis

3.B.2.2 Rural employment lands shall be considered “dry industrial” and are to be serviced through sustainable private servicing only.

3.B.2.3 Detailed land uses shall be identified in the Local Official Plan by way of amendment to the Local Official Plan. In all cases, uses shall be compatible with adjacent agricultural uses, planned agricultural uses and shall not negatively impact normal farm operations.

3.B.2.6 The lands designated in the City of Port Colborne as “Rural Employment Lands - Gateway Special Policy Area” on Schedule G2 are subject to the following policies:

- a) The transportation infrastructure of Highway 140 is a unique characteristic of transportation service for these lands;*
- b) Uses shall be only those which are considered to have minimal water and wastewater requirements. The lands may be eligible for future municipally provided water and wastewater services subject to the completion of the ongoing Environmental Assessment for the Welland Canal Green Manufacturing Zone area;*
- c) Functional servicing reports and hydrogeological reports, at a minimum, shall be required to support these uses. Additional studies, as outlined in the Complete application policies of this Plan, shall also be required;*
- d) The lands shall be subject to Site Plan Control and the Niagara Region will be circulated all Site Plan Control applications;*
- e) The lands are in the vicinity of the Dain City area in the City of Welland and the applicable portions of Chapter 3.A regarding land use compatibility requirements shall apply;*
- f) Lands that comprise the Babion Woodlot will be subject to an Environmental Impact Statement which will confirm the boundaries of the Woodlot and the Provincially Significant Wetland. Upon approval of the Environmental Impact*

Statement, the Woodlot and Wetland will be designated as “Environmental Protection Area” in this Plan without further amendment to this Plan. The balance of lands shall be designated “Rural Employment Lands – Gateway Special Policy Area” without further amendment to this Plan.

- g) Should the land budget completed as part of the Regional Comprehensive Review, at a future five year review of the Regional Official Plan, establish the need for additional urban employment land in the Gateway, priority will be given to the Gateway Special Policy area lands that are physically contiguous to urban employment lands in the Gateway to be included in the urban are and to be eligible for urban servicing.*
- h) Should the lands immediately west of the Rural Employment Lands, in the vicinity of the Welland Canal, cease to be owned by the Government of Canada, the designation of “Rural Employment Lands” shall apply.*

Chapter 14 – Implementation of the Regional Official Plan, includes the following in the pre-amble:

The Region, Local Municipalities, and the Niagara Peninsula Conservation Authority are committed to an integrated and seamless planning system which is characterized by:

5. Streamlined processes and elimination of duplication

The 56-tank petroleum facility is a permitted use in the Official Plan in accordance with Policy 3.B.2.3 and is a dry industrial use. The approved land use also implements the specific policies for the Rural Employment Lands – Gateway Special Policy Area. Based on the foregoing, the development, as approved by the Ontario Municipal Board and being implemented through the Site Plan and Site Plan Agreement, is consistent with the general intent and policies of the Niagara Region Official Plan, including the specific policy that requires Niagara Region to be part of the Site Plan process. Servicing policies require private servicing and minimal water/wastewater requirements. The Site Plan Agreement will finalize these details.

The technical rezoning addresses implementation of the proposed development on the subject lands and is an administrative change only. This is consistent with the Regional Official Plan provisions that support a streamlined development process to remove duplication. As such, the rezoning application conforms to Niagara Region Official Plan by supporting the approved development, which is in conformity to Niagara Region Official Plan.

4.4 City of Port Colborne Official Plan (Office Consolidation 2017)

The Subject Lands are designated “Rural Employment” on Schedule A – City Wide Land Use Plan (Appendix C – “City of Port Colborne Official Plan Schedules”) of the City of Port Colborne Official Plan (Office Consolidation – September 2017) (City’s Official Plan).

Relevant Policies and Analysis

Section 3.12 – Rural Employment of the City’s Official Plan includes the following policies:

The predominant uses of lands designated Rural Employment shall include, but not be limited to uses that are of a dry industrial nature, in that they are considered to have minimal water and wastewater requirements, and should be serviced through sustainable private servicing only. All new or expanding rural development shall demonstrate that the use cannot be located within the urban area due to land use compatibility issues and/or specific locational requirements, including proximity to key transportation infrastructure or the proposed use is related to the management or use of a resource and is required to be in close proximity to it.

3.12.1 General Policies

n) *Notwithstanding the policies of this Section, the uses and policies permitted on and applicable to the lands legally described as Part Lots 16,17,18 and 19, Concession 5, and part of the Road Allowance between Lots 16 and 17 in Concession 5 and part of the Road Allowance between Lots 18 and 19 in Concession 5, formerly Township of Humberstone, now City of Port Colborne, Regional Municipality of Niagara, being Parts 1,2,3,4 and 5 of Reference Plan 59R-8816; Part of Lots 23,24 and 25, Concession 4, and Part of the Road Allowance between Lots 24 and 25, Concession 4, (formerly Township of Humberstone), designated as Parts 1 and 2 on Reference Plan 59R-12468, Part lots 16,17,18 and 19, Concession 5, and Part of the Road Allowance between Lots 16 and 17 in Concession 5 and Part of the Road Allowance between Lots 18 and 19 in Concession 5, Formerly Township of Humberstone, County of Welland, Now City of Port Colborne, Regional Municipality of Niagara, being Parts 1,2, and 3 on Reference Plan 59R-12469 are as determined by the decision of Member J.V. Zuidema in Ontario Municipal Board (OMB) Case No. PL090828 as set forth in the Order of the OMB dated July 11, 2013 and attached as Appendix ‘A’ to this Plan.*

The proposed 56-tank petroleum facility is of a dry industrial nature and was approved in the order of the Ontario Municipal Board dated July 11, 2013. The use complies with the

policies and order of the OMB. The technical rezoning is an administrative matter that supports the implementation of the development that has been approved.

Policy 11.3.2j) – Site Plan Control - of the City’s Official Plan states the following:

“j) Except where in conflict with the Policies contained herein, development proposals shall be consistent with the policies of the City’s Official Plan.”

Policy 11.3.1 of the City’s Official Plan establishes the entire City of Port Colborne as a Site Plan Control Area. The proposed development will be subject to Site Plan Control.

The City’s Official Plan requires development proposals to conform to the Official Plan and this is administered through Site Plan Control. Site Plans must also conform to the Zoning By-law in accordance with the *Planning Act*. The technical rezoning implements what the City has designed in its policies, zoning, and administrative processes to regulate development proposals. Further, the technical rezoning means the approved development can proceed in accordance with the City’s policies, the zoning for the Subject Lands, and the City’s Site Plan process. It is no longer necessary to link the Site Plan and Site Plan Agreement to removal of the “H” Holding provision as the Site Plan process will address all the requirements of the City and the approval authorities. The technical rezoning conforms to and implements the City’s Official Plan.

5. Zoning

The City of Port Colborne By-Law 6575/30/18 zones the Subject Lands as “HI-46-H (Heavy Industrial – Holding)” with Special Provision 46. The Zoning By-law states the following:

Notwithstanding the provisions of the Heavy Industrial (HI) Zone, the following shall apply:

- a) *The provisions in Section 23 (HI – Heavy Industrial) of the City of Port Colborne former Zoning By-law 1150/97/81 will continue to apply to the lands zoned HI-46-H (Heavy Industrial - Holding). The permitted uses will be restricted to a 56 tank petrochemical³ storage facility.*

- b) *The uses permitted in this By-law shall not occur until the Holding Symbol (H) on the HI-46-H (Heavy Industrial – Holding) zone is removed through an amending By-law enacted by the City of Port Colborne. The Holding Provision will be administered to provide Council with the authority to ensure a Phase 2 Archaeological Study, a Geotechnical Study, a Noise Study, an Air Quality Study, Site Access and Traffic Study, a Vibration Study, a Tree Preservation Plan, an Environmental Impact Statement, and a Risk Assessment Report have been undertaken to the satisfaction of the City and appropriate approval authorities. Removal of the Holding Symbol (H) may only occur when:*
 - i) *The Owner enters into and registers on title a Site Plan Agreement with the City of Port Colborne which will include recommendations made in the supporting technical studies conducted in association with the development application;*
 - ii) *The above mentioned technical studies and their recommendations are satisfactory to the City of Port Colborne,*
 - iii) *Prior to the City entering to the Site Plan Agreement, approval shall be obtained from the applicable approval authority which identifies an appropriate location and design for a private sewage disposal system and private water supply system to adequately and appropriately service the proposed use; and,*
 - iv) *Meet Species at Risk requirements to the satisfaction of Ministry of Natural Resources.⁴*

³ Petrochemical is commonly known as petroleum.

⁴ It is noted that the applicable Ministry of the Ontario government is now the Ministry of Environment, Conservation, and Parks.

6. Zoning By-law Amendment Application

The Zoning By-law Amendment application is submitted with two specific requests as outlined below. A draft Zoning By-law is in Appendix F to this Report. .

The technical rezoning is to remove two components of the existing Zoning for the subject lands. First is the requirement for the Site Plan Agreement to be completed and registered on title prior to removal of the “H” Holding Provision. This rezoning is appropriate at this time as the studies required in the Zoning By-law for the Subject Lands have been submitted to the City for their peer review; the recommendations, including those of the City’s peer review consultant will be implemented through the Site Plan and the Site Plan Agreement. It is only through the Site Plan process and Site Plan Agreement that the study recommendations can be implemented. The applicable agencies – the City of Port Colborne, Niagara Region, Niagara Peninsula Conservation Authority – will be part of the Site Plan process including review of the studies, access to the City’s peer review, and providing comments on the studies, the Site Plan, and the Site Plan agreement. For the Species at Risk, the Zoning Provisions to meet the requirements of the provincial Ministry⁵ continue and will be addressed through the Environmental Impact Statement and implemented through the Site Plan and Site Plan Agreement, as well as the requirements of the Ministry of Natural Resources⁶.

The second component of the technical rezoning is the removal of clause b)iii) which requires approval of the private servicing plan prior to the Site Plan Agreement. This clause is appropriate to be removed as:

- The servicing on the site will be a septic system and a cistern for potable water.
- The location of the septic system and the cistern can only be established through the Site Plan process which includes implementing the recommendations/peer review recommendations of all studies, the design of the 56-tank petroleum facility and the servicing. This is an integrated decision-making process. The servicing approval should not proceed independently of the integrated decision-making process.
- The Site Plan and Site Plan Agreement will be the means to finalize the servicing solution and location on the site.
- The Site Plan and Site Plan Agreement will be the basis on which a servicing permit can be issued in accordance with the *Building Code*.

⁵ As per footnote above.

⁶ It is noted that the applicable Ministry of the Ontario government is now the Ministry of Environment, Conservation, and Parks.

- Consequently, the wording of clause b)iii) is no longer appropriate to fulfill as approval prior to the Site Plan Agreement cannot generally occur.
- The decision on servicing is implemented through the approved Site Plan/Agreement. Permitting for the servicing is required and is implemented under the *Building Code* once the Site Plan Agreement is executed. A permit application would be required separately from the Site Plan Agreement.

The provisions of the Zoning By-law established in 2013 were done at a time when the independent planning opinion confirmed that the development application was at the point, for the 56-tank petroleum facility, that the principle of this land use could be supported. It was noted in 2013 that further detailed studies would be necessary, and these further detailed studies would be implemented through the Site Plan process. The development is now at the point with the more detailed studies having been completed and submitted to the City, and the only mechanism to move forward with the recommendations of the studies is the Site Plan and Site Plan Agreement. Consequently, clause b) i) is now an impediment to fulfilling the conditions in the Zoning By-law. More specifically, the “H” Holding provision cannot be removed until the studies, the peer review, and the recommendations of the studies are to the City’s satisfaction (with related decisions by the approval authorities). The lands are subject to Site Plan Control in accordance with the City’s Official Plan and Site Plan Control By-law. The Region’s Official Plan requires the Region to be engaged in the Site Plan process for the Subject Lands so approval authorities are appropriately engaged through the Site Plan process.

The technical rezoning is to remove Clauses b)i) and b)iii) from the Site-Specific Zoning for this site. The study recommendations, together with the peer review recommendations, and the private servicing of the subject lands will be incorporated into the Site Plan and Site Plan Agreement. This process will occur given the City’s Official Plan policies, the Site-Specific Zoning Provisions, the Regional Official Plan policies regarding the Region’s involvement in the Site Plan and the NPCA jurisdiction on elements of the proposal. Consequently, the technical rezoning is appropriate as the public interest is protected through the remaining parts of the Site-Specific Zoning and the policies and administrative practices of the City of Port Colborne and the approval authorities. As the City of Port Colborne is the approval authority for the Site Plan and the Site Plan Agreement, it is no longer necessary to require the Site Plan Agreement be concluded and registered on title as a condition of removing the “H” Holding Provision. The City’s decision-making authority remains and the City’s administrative processes will lead to the appropriate Site Plan Agreement to implement the approved development, including the location and sizing of the private servicing.

7. Summary of Planning Analysis

The proposed development was approved by the Ontario Municipal Board in its decision of July, 2013. The principle of use for the 56-tank petroleum facility has been approved on the Subject Lands.

The zoning established at the time of the Ontario Municipal Board decision placed an “H” (Holding) provision on the Subject Lands to establish the preparation of more detailed studies on specific matters as identified in the Zoning By-law. The studies have been completed, and a peer review is being undertaken by Associated Engineering who are representing the City of Port Colborne.

The application is being submitted with two components to allow the orderly progression of development of the Subject Lands. The recommendations within the specified studies, and the corresponding peer review, are to be implemented through the Site Plan and the Site Plan Agreement. In order to facilitate the studies being implemented through the Site Plan Agreement, the technical rezoning is required to remove the provision for the studies and their recommendations to be in the Site Plan and Site Plan Agreement and pre-approval of the servicing (Clauses b)i) and b)iii)) prior to removal of the “H” Holding provision.

This is a technical rezoning that is appropriate as the recommendations from the studies, the peer review, and the development of the lands can only be implemented via Site Plan Control and the Site Plan Agreement. However, to continue to require the Site Plan Agreement be finalized prior to removal of the “H” Holding provision is no longer necessary as the City of Port Colborne has decision making authority on the Site Plan, the Site Plan Agreement, and the inclusion of the recommendations from the studies in the Site Plan Agreement. Further requirements, including provisions in the Regional Official Plan, stipulate the Region’s engagement on the Site Plan. The NPCA is part of the Site Plan process because of its jurisdiction on issues that will be implemented through the Site Plan.

The City’s Official Plan contemplates a process for Site Plan approval that includes outside agency engagement. The development proposal and its administration has evolved to the point where the specific clause tying the Site Plan and Site Plan Agreement to removal of the “H” Holding provision is no longer appropriate nor necessary. Indeed, it is only through the Site Plan and Site Plan Agreement that the specific requirements of the studies, the agencies, and the City can be implemented. Development cannot proceed in advance of the Site Plan being approved by the City.

The second component of this technical rezoning is to remove clause b)iii) from the Site-Specific Zoning. This clause requires approval of private servicing prior to the Site Plan Agreement. The clause is no longer necessary as the servicing decisions will be part of the Site Plan Agreement. Further, the implementation of the servicing will be done through the normal and customary process of Site Plan and Site Plan Agreement and then a permit under the *Building Code*. As the servicing decision can only be finalized within the Site Plan/Agreement and there is a further permitting process for the servicing, clause b)iii) is no longer necessary.

8. Conclusion

It is our opinion that the proposed application should be approved as it represents good land use planning, is in the public interest, and should be supported by the approval authority for the following reasons:

- The proposed development is consistent with the Provincial Policy Statement, and conforms with the Growth Plan, the Niagara Region Official Plan and the City of Port Colborne Official Plan;
- The technical rezoning is appropriate as the City of Port Colborne has Site Plan Control authority and will implement the study recommendations and the peer review recommendations through the Site Plan Agreement;
- The study recommendations and the peer review recommendations can only be implemented through the Site Plan and Site Plan Agreement. The specific provision in the “HI-46-“ Site-Specific Zoning (Clause b)i)) is no longer appropriate or necessary as the Site Plan process is the instrument to achieve the intent of the Zoning for the subject lands. The “H” Holding removal tied to the Site Plan Agreement is no longer necessary given the policies of the Regional Official Plan, the City Official Plan, and the City’s Site Plan administration process.
- The removal of clause b)iii) is appropriate at this time as the private servicing solutions can only be finalized within the Site Plan/Agreement and implemented through a permit under the *Building Code*, consistent with the Site Plan/Agreement. Clause b) iii) should be deleted as it is not appropriate to confirm the servicing outside of the Site Plan/Agreement process. As Niagara Region, in accordance with its Official Plan policies, is part of the Site Plan process, there are normal and customary decision-making processes that address clause b)iii) in a manner that allows the servicing to be finalized and implemented.

Report prepared by:



**Jeremy Tran, MPlan
Planner
Niagara Planning Group (NPG) Inc.**

Report Reviewed by:



**Mary Lou Tanner, FCIP, RPP
Principal Planner
Niagara Planning Group (NPG) Inc.**

9. Appendices

Appendix A – Sketch of Proposed Development



MATCHLINE C.O.D. 10-D102

98.000
TOWNLINE
TUNNEL RD.

AG PIPE
TO/FROM
DOCK 10
PUMP HOUSE

BOUNDARY OF SPECIES AT RISK HABITAT
FOR EASTERN MEADOWLARK AND BOBLINK
CONFIRMED IN 2020. SEE WSP REPORT
FOR DETAILS.

GASOLINE
PUMP STN
SEE DETAIL-1

THIS AREA IS PART OF THE SPECIES AT RISK HABITAT FOR EASTERN MEADOWLARK
AND BOBLINK CONFIRMED IN 2020, AND IS PROTECTED UNDER THE ENDANGERED
SPECIES ACT (ESA, 2007). WITHOUT AUTHORIZATION UNDER THE ESA OR
CONFIRMATION BY A WILDLIFE ECOLOGIST THAT SPECIES AT RISK ARE NO LONGER
PRESENT FOLLOWING ACCEPTED SURVEY PROTOCOLS, NO ACTIVITIES THAT COULD
KILL, HARM OR HARASS SAU BIRDS OR DAMAGE NESTS OR HABITAT SHALL OCCUR IN
THIS AREA, INCLUDING GRADING OR CONSTRUCTION DURING ANY TIME OF THE
YEAR, AND NO DISTURBANCE (EXAMPLES INCLUDE MOWING, VEGETATION
REMOVAL, BLOWING, DRILLING, DRIVING VEHICLES/EQUIPMENT) DURING THE
BREEDING BIRD SEASON (GENERALLY APRIL 1 - AUGUST 30).

FOAM/F.W.
PUMP HOUSE
ELEC. RM.

ETHANOL
PUMP STN

ADDITIVE
TANKS
PUMP
STN

FUTURE TANK
FARM

TRUCK
LOADING
AREA

VAPOR
RECOVERY
UNIT

TRUCK STAGING
AREA (FUTURE)
ELEC. RM.

OPERATIONS
BLDG.

CHANGE
RM.

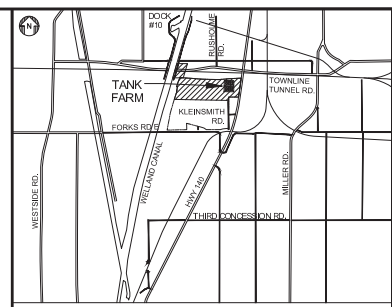
ELEC.
SUB-
STATION

843.57
(1763.37)
PROPERTY LINE
C/FENCE

1486.99
(4878.58')

403.98
(1322.84')

400.000
TO KLENSMITH RD.



KEY PLAN
N.T.S.

PROPERTY:
PART OF LOTS 16, 17, 18, 19, CONCESSION 5, CITY
OF PORT COLBORNE, REGIONAL MUNICIPALITY
OF NIAGARA

LEGEND:
--- PROPERTY LINE
--- FENCE LINE

BM ▲ BENCHMARK PER RASCH & HYDE LTD. DRAWING
13F034-TOPD DATED 08 NOV. 2013
CUT CROSS ON CONCRETE BASE OF HYDRO
TOWER.

BM No.	ELEVATION	NORTH	EAST
BM-1	177.90	4757660.142	644637.032
BM-2	177.91	4757641.253	644637.030
BM-3	178.16	4757654.648	644910.309
BM-4	178.16	4757645.080	644910.193

NOTES:

- DIMENSIONS ARE IN METERS, UNLESS OTHERWISE NOTED.
- ZONING DESIGNATION IS "H-46-H".
- TOTAL PROJECT AREA 76,838 HECTARES
PROJECT AREA DEVELOPED 57,006 HECTARES
PROJECT AREA NOT DEVELOPED 19,832 HECTARES
DUE TO SAR CONSIDERATIONS

REV.	REVISION DESCRIPTION	DATE	BY	CHK	APPR.
E		2020-09-22	CFC	JC	
D	RISK HABITAT FOR EASTERN MEADOWLARK AND BOBLINK ADDED	2020-08-28	CFC	DL	JC
C	FOR ESTIMATE	2015/09/14	HL	DL	
B	NOTE 2 & DIL/WATER SEPARATOR ADDED	2014/07/07	CFC	DL	
A	FOR TSSA APPLICATION	2014/04/23	CFC	DL	

ENGR.	D. LAW	DRAWN	CFC	CHKD.	DL	APPR.
ISSUED FOR DESIGN/FAB.	DATE	ISSUED FOR CONSTRUCTION	DATE	SCALE	1:3000	U. N. D.

MCL MILEY COMPANY LIMITED

NYON OIL INC.
TORONTO, ONTARIO

PORT COLBORNE TERMINAL

TANK FARM
SITE LAYOUT

ITEM & CLASS	AREA	JOB NUMBER	DRAWING NUMBER	REV.
A	-	E3208-20	10-D101	E

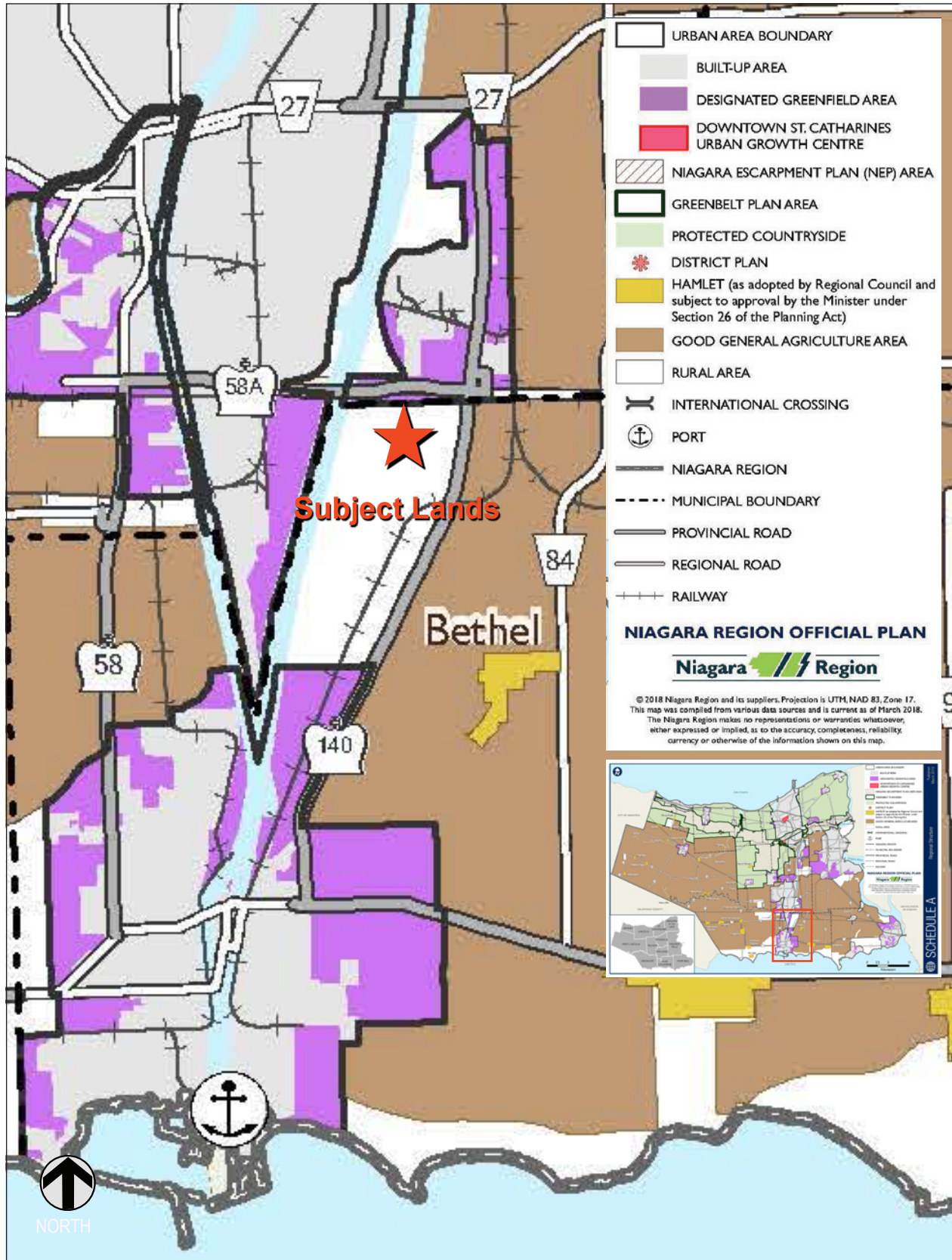
CLIENT DWG. NO.



PL01001-0101R-A PLOT SCALE: 3000

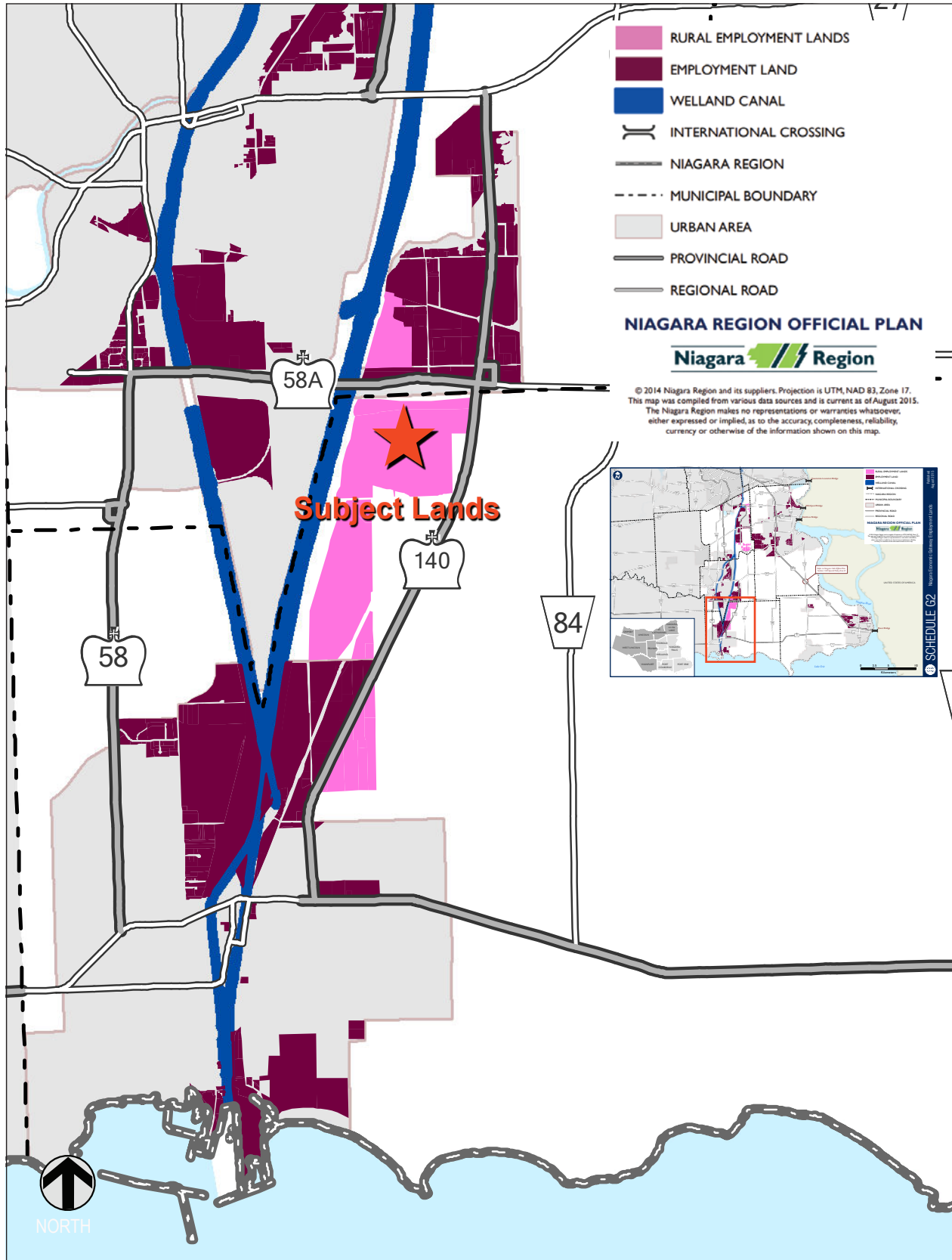
Appendix B - Regional Official Plan Schedules

Schedule A: Regional Structure



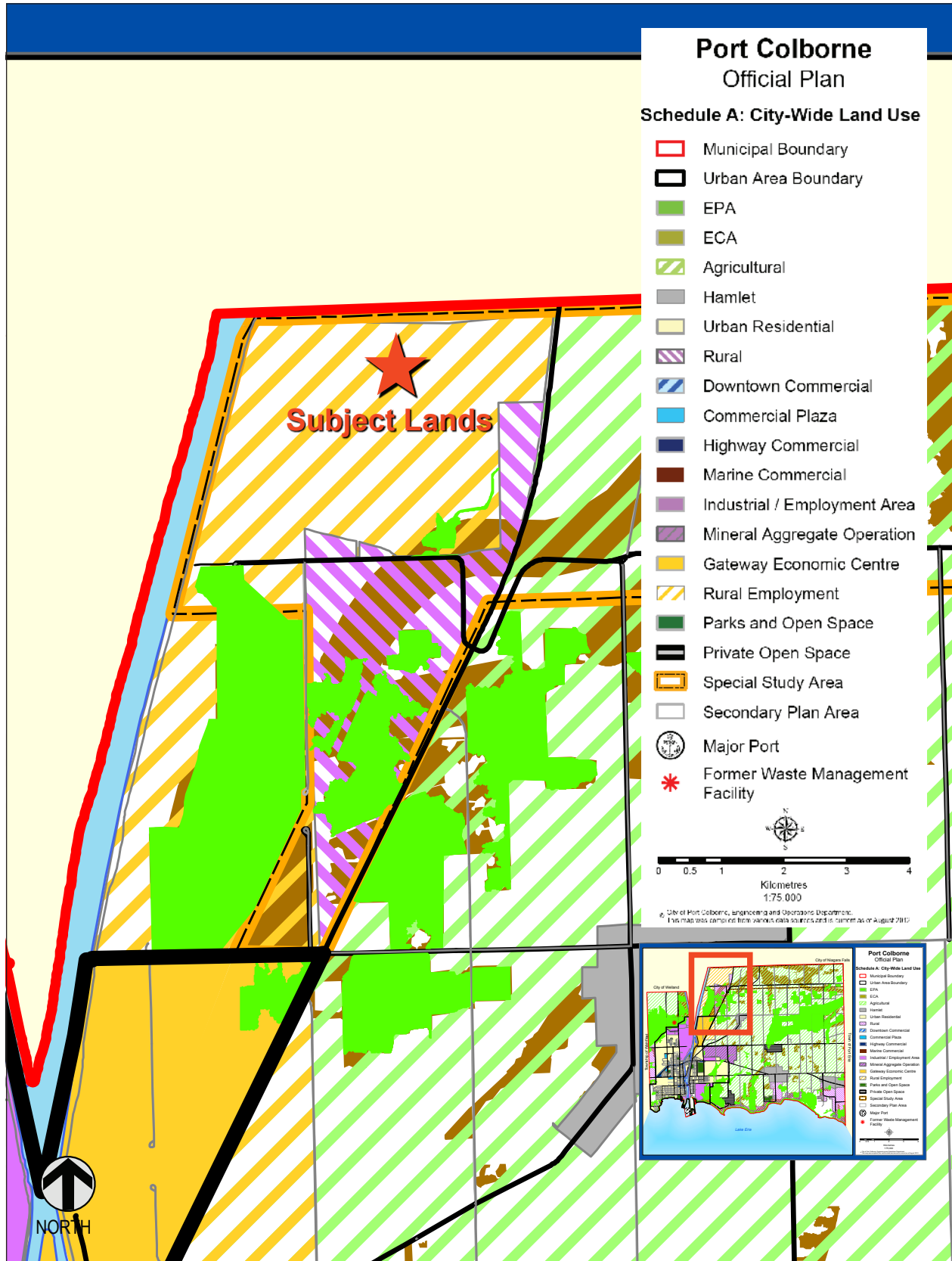
Appendix B - Regional Official Plan Schedules

Schedule G2: Niagara Economic Gateway Employment Lands



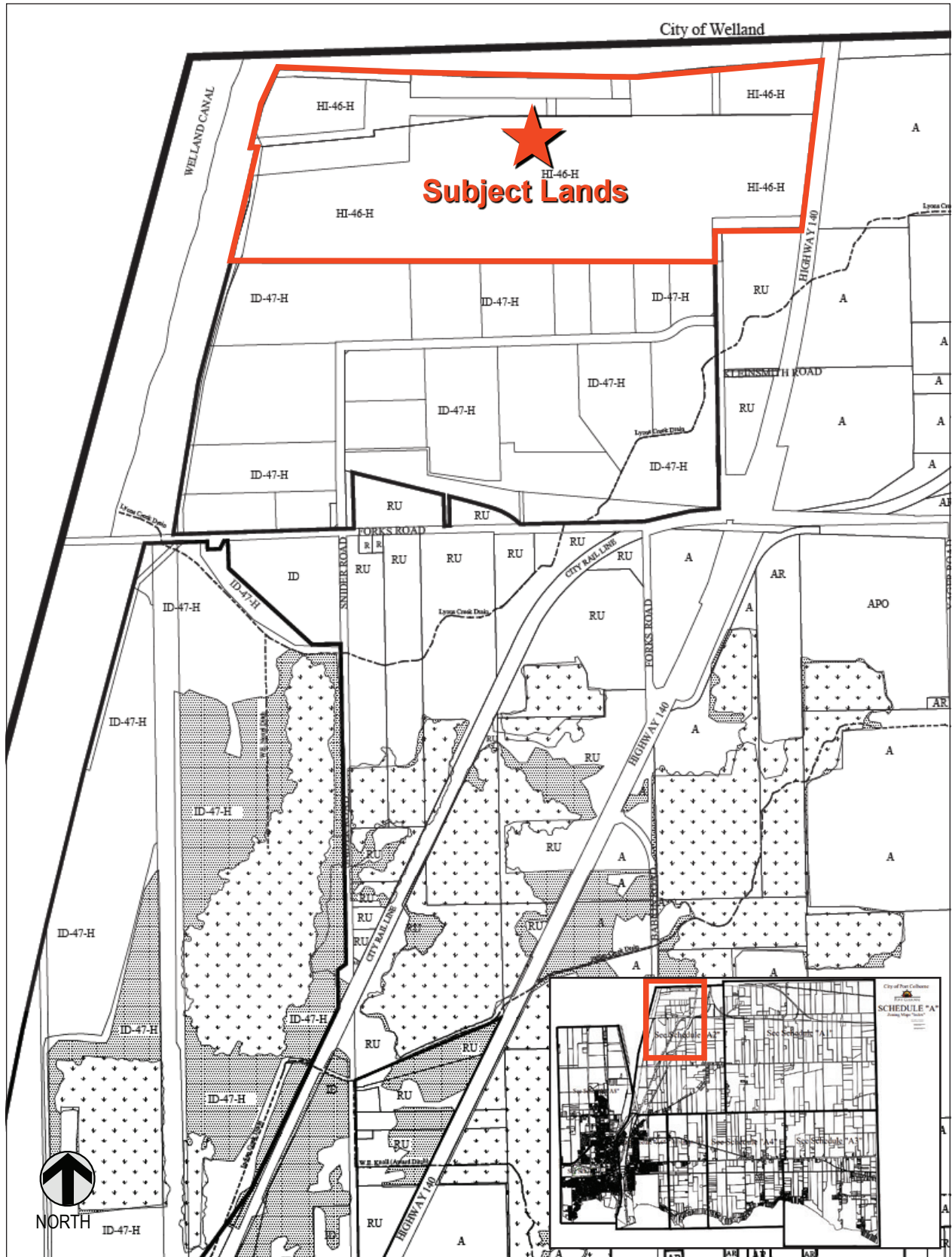
Appendix C - City of Port Colborne Official Plan Schedules

Schedule A: City Wide General Land Use Plan



Appendix D - City of Port Colborne Zoning By-law Map

Schedule A2



Appendix E – Status of Supporting Studies

No.	Supporting Study	Consultant	Status
1	Phase 2 Archaeological Study	Golder Associates	The Ministry of Heritage, Sport, Tourism, and Culture Industries is satisfied that the Stage 2 Archaeological Assessment is not required with respect to the Subject Lands.
2	Geotechnical Study	-	No further geotechnical is required by the City of Port Colborne until the Site Plan stage.
3	Noise Study	GHD	The noise report prepared by GHD, dated August 31, 2020 concludes the Petroleum Storage Facility is feasible with respect to the noise requirements of NPC-300.
4	Air Quality Study	GHD	The Land-use compatibility air quality study report prepared by GHD, dated September 3 concludes the proposed development is feasible if the impacts are mitigated with the required and recommended controls, the implementation of best practices, and the regulatory and design requirements are adhered to.
5	Site Access and Traffic Study	Paradigm Traffic Solutions	Submitted and subject to peer review by the City of Port Colborne.
6	Vibration Study	N/A	Not required by the City of Port Colborne with respect to the Subject Lands.
7	Tree Preservation Plan	N/A	Not required by City of Port Colborne with respect to the Subject Lands.

No.	Supporting Study	Consultant	Status
8	Environmental Impact Statement	WSP	The Environmental Impact Study Update Memo prepared by WSP dated September 3, 2020 stated an ESA registration is required for the proposed development as less than 30 hectares of protected SAR is impacted. The memo also provided recommendations for the proposed development going forward.
9	Risk Assessment Report	-	Submitted and subject to peer review by the City of Port Colborne

Appendix F – Draft Zoning By-law

THE CORPORATION OF THE CITY OF PORT COLBORNE

BY-LAW NO. _____

**BEING A BY-LAW TO AMEND ZONING BY-LAW 6575/30/18, AND AS AMENDED,
RESPECTING PARTS OF LOT 16, LOT 17, LOT 18 AND LOT 19, CONCESSION 5 IN
THE CITY OF PORT COLBORNE, LOCATED ON THE EAST SIDE OF THE
WELLAND CANAL, SOUTH OF THE RAILWAY LANDS
AND WEST OF HIGHWAY 140**

WHEREAS By-law 6575/30/18, as amended, is a by-law of the Corporation of the City of Port Colborne regulating the use of lands and the character, location and use of buildings and structures within the City of Port Colborne;

AND WHEREAS, the Council of the Corporation of the City of Port Colborne desires to amend the said by-law;

NOW THEREFORE, and pursuant to the provisions of Section 34 of The Planning Act, R.S.O. 1990, the CORPORATION OF THE CITY OF PORT COLBORNE ENACTS AS FOLLOWS:

1. This amendment shall apply to those lands described on Schedule "A" attached to and forming part of this by-law.
2. That the Special Provision: HI-46-H of Section 37.2 entitled LIST OF SPECIAL PROVISIONS of Zoning By-law 6575/30/18, as amended, is hereby further amended by removing provision b) i) and b) iii) which read:
 - i) The Owner enters into and registers on title a Site Plan Agreement with the City of Port Colborne which will include recommendations made in the supporting technical studies conducted in association with the development application;
 - iii) Prior to the City entering to the Site Plan Agreement, approval shall be obtained from the applicable approval authority which identifies an appropriate location and design for a private sewage disposal system and private water supply system to adequately and appropriately service the proposed use; and,

3. That this By-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of The Planning Act, R.S.O 1990.
4. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with The Planning Act.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS XXTH
DAY OF XXX, 2020**

William C. Steele
Mayor

Peter M. Senese
Deputy Clerk



THIS IS SCHEDULE "A" TO BY-LAW NO. _____
 PASSED THE _____, 2020
 CITY OF PORT COLBORNE

File No:
 Date:
 Scale: NTS

 MAYOR

 CLERK

Via Email Only

November 2, 2020

File No.: D.18.07.ZA-20-0068

David Schulz
Planner
City of Port Colborne
66 Charlotte Street
Port Colborne, ON L3K 3C8

Dear Mr. Schultz:

**Re: Provincial and Regional Comments
Zoning By-law Amendment Application
Owner: Nyon Oil Inc.
Applicant/Agent: Niagara Planning Group
Legal Description: Part of Lots 16, 17, 18 and 19, part of the road allowance
between Lots 16 and 17, part of the road allowance between Lots 18 and 19
Location: South of the CN Rail lane, West of Highway 140 and East of Canal
Road, Port Colborne
City File No.: D14-05-19**

Regional Development Planning staff has reviewed the information circulated with the application for Zoning By-law Amendment, which proposes to alter the HI-46-H zone to remove wording that requires the applicant to enter into a Site Plan Agreement, and obtain approval for private servicing prior to the removal of the Holding provision on the property. The Zoning By-law Amendment is being sought to allow the development to proceed with the Site Plan Agreement and private servicing being required later.

A virtual pre-consultation meeting was held on September 10, 2020, with City and Regional staff, as well as the agent and owner in attendance. Regional staff received the application by email on October 13, 2020, and fees were received October 15, 2020. Regional staff provides the following comments to assist the City in their consideration of the application from a Provincial and Regional perspective.

History

In 2013, the (then) Ontario Municipal Board (OMB), now known as the Local Planning Appeal Tribunal (LPAT), approved the development of a 56-tank petroleum facility

together with dry industrial development on adjoining lands. The approval was subject to a site-specific zoning, which has been carried forward through the passing of the City of Port Colborne Zoning By-law 6575/30/18 on April 23, 2018.

The current site-specific zoning includes a Holding provisions that requires, amongst other things:

- The owner to enter into and register on title a Site Plan Agreement with the City of Port Colborne, which will include recommendations made in the supporting technical studies completed in association with the development application; and
- Prior to the City entering into the Site Plan Agreement, approval being obtained from the Region (or Ministry) for the private sewage disposal system and private water supply.

Proposal

The proposed amendment is technical in nature and requested to allow the development approvals process to continue in a manner that will allow implementation of the recommendations of the required technical studies. The technical studies will be reviewed and implemented through the site plan control process. The entire City of Port Colborne is subject to site plan control pursuant to the City's Official Plan and Site Plan Control By-law; therefore, the Holding provision duplicates this requirement. Further, the site plan agreement cannot be registered until the zoning is in place, including removal of any Holding provisions. Therefore, the Region supports the proposed technical amendment, and will address review of the required technical studies and private servicing through the site plan control process.

Private Sewage System

Private Sewage System staff has reviewed the Zoning Application for the noted properties. No septic record was found for the listed vacant lots. Further review by our Department for the proposed septic will be conducted through the future site plan application. Private Sewage System (PSS) staff require that the applicant submit a detailed sewage system design by a qualified designer with the future site plan application. Note that if the proposed sewage flows exceeds 10,000 L/day, sewage system approval will be required from the Ministry of the Environment, Conservation and Parks (MOECP). Therefore, PSS staff have no objections to the application provided that the applicant submit a detailed sewage system design by a qualified designer, meeting Ontario Building Code requirements, with the future site plan application.

Conclusion

In conclusion, Regional staff has no objection to the proposed Zoning By-law Amendment from a Provincial and Regional prospective, subject to the requirements being addressed to the Region's satisfaction through the future site plan application. The proposal is consistent with the PPS and conforms to Provincial Plans and the Regional Official Plan.

Should you have any questions related to the above comments, please feel free to contact me at 905-980-600 ext. 3432 or britney.fricke@niagararegion.ca.

Please send a copy of the staff report from the City and notice of Council's decision on this application when available.

Kind regards,

A handwritten signature in black ink, appearing to read "Britney Fricke". The signature is written in a cursive, flowing style.

Britney Fricke, MCIP, RPP
Senior Development Planner

Report Number: 2020-159

Date: November 9, 2020

SUBJECT: By-Law Revision – Speed limit change on Killaly Street East

1) PURPOSE:

This report is prepared in response to the Council-approved 2020 budget request (OPS-03) to procure flashing speed limit signs for the purpose of altering the speed limit on Killaly Street East. The proposed changes would revert the existing 40 km/h zone in the vicinity of St. Therese School back to a 50 km/h zone, with the speed limit being reduced to 40 km/h when the lights on the sign are flashing. The times will be coordinated with the school, typically flashing will occur during start, lunch, and end of the school day.

2) HISTORY, BACKGROUND, COUNCIL POLICY, AND PRACTICES:

Speed limits on Killaly Street East from Welland Street to Snider Road were previously reviewed in Council Report 2012-29. At that time, two recommendations were made to Council:

1. Change the speed limit between Welland Street and James Street from 40 km/h to 50 km/h, while leaving the area in front of St. Therese School at 40 km/h.
2. Change the speed limit between Welland Street and Snider Road from 40 km/h to 50 km/h and install flashing 40 km/h signs 150 m east and west of St. Therese School.

Ultimately, option 1 was approved.

3) STAFF COMMENTS AND DISCUSSIONS:

Engineering staff believe that altering Killaly Street East to have temporarily reduced speeds from 50 km/h to 40 km/h in the area 150 m both east and west of St. Therese School will be an effective way to encourage drivers to reduce their speed at the most critical times of day.

Studies have indicated that the majority of drivers do not alter their speed to conform to speed limits that they perceive to be unreasonable for the prevailing conditions. Factors that affect the speed of vehicles are driveway density, presence of lane and edge marking, vertical and horizontal alignment, pedestrian and bicycle activity, on-street parking and road widths. Urban arterial roads such as Killaly Street East should be designed to move traffic unimpeded between areas at reasonable speeds.

Due to the surrounding conditions of St. Therese School, the 40km/h limit is often ignored and traffic will continue at the existing speed, whether it be 60 km/h when travelling from the east or 50 km/h when travelling from the west. Additionally, the longer a 40 km/h zone is, the less likely traffic will maintain the reduced speed, especially if drivers feel that the reduction is unwarranted, such as when school is not in session.

Similar to signage that displays a driver's current speed, flashing speed signs have been proven to be effective at reducing traffic speed when activated. The goal of installing these signs is to have the speed of traffic reduced during the most critical times; when a high volume of pedestrian traffic, especially children, is present. Additionally, permitting speeds of 50 km/h in this area during off-peak times coincides with what drivers feel is an appropriate speed for the conditions of this area.

Council had also suggested an option to revert the changes made in report 2012-29 and have Killaly Street East from Welland Street to Snider Road be 40 km/h the entire way through, however, as mentioned previously having a reduced speed zone for extended lengths often leads to drivers ignoring the reduction after a period of time and returning to the speed that they feel is appropriate.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Do nothing

Council could decide not to alter the speed limit on Killaly Street East. The "Flashing 40" signs procured for this purpose would remain in stock and could be used at an alternate location. **(Not recommended)**

b) Other Options

Alter the speed limit on Killaly Street East by amending Traffic and Parking By-Law 89-2000. **(Recommended)**

Council could direct staff to amend Traffic and Parking By-Law 89-2000 Schedule "W" to revert the speed limit on Killaly Street East, between James Street and Snider Road, to 50 km/h, with the speed limit being reduced to 40 km/h when the lights on the "Flashing 40" signs are flashing.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES:

This section is not applicable.

6) ATTACHMENTS:

None.

7) RECOMMENDATION:

That Council direct staff to amend Traffic and Parking By-Law 89-2000 Schedule "W" to revert the speed limit on Killaly Street East, between James Street and Snider Road, to 50 km/h, with the speed limit being reduced to 40 km/h when the lights on the "Flashing 40" signs are flashing.

8) SIGNATURES:

Prepared on October 30, 2020, by:



Mat Pilon
Construction Inspector

Reviewed by:



Steve Shypowskyj
Manager of Projects & Design
Acting Director of Engineering &
Operations

Reviewed by:



Sherry Hanson, C.P.S.O.
Manager of By-law Services

Reviewed and Respectfully Submitted by:



Scott Luey
Chief Administrative Officer

Report Number: 2020-136

Date: November 9, 2020

SUBJECT: Update and Recommendation to Complete Engineering and Construction Drawings for City Hall

1) PURPOSE

This report was prepared by Mason Thomas, Facilities Supervisor, Engineering and Operations under the direction of Steve Shypowskyj, Acting Director of Engineering & Operations and Manager of Projects and Design. The purpose of this report is to advise Council on the proposed continued utilization of design services from Lex Parker Design Consultants to complete the engineering and construction drawings for City Hall renovations.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

In January of 2020, the City solicited quotations for conceptual and floor planning design services relating to proposed renovations at City Hall, as part of the City's Customer Relationship Management initiative. The intent was to enlist the services of a suitable design consultant to work with City staff toward a conceptual rendering and floor plan, to update the lobby, front counter, as well as office space for customer service and administrative staff.

After careful consideration, as per the City's procurement policy for Requests for Quotation, Lex Parker Design Consultants ('Lex Parker') was selected for best value of services provided and was subsequently awarded the contract for the initial phase of the design project. This was to provide direction regarding spatial floor planning, visual and conceptual plans and renderings for the redesign and to work with City staff to devise a plan to improve the overall aesthetics and customer service at City Hall.

Since the award early in 2020, City staff has been working continuously with the consultants at Lex Parker to finalize the design, layout and material finishes for the proposed renovations on the first floor. As an extension of the original agreement, conceptual plans for the second and third floors of City Hall, washrooms and lunch room, as well as an alternative Covid-19 floor plan to accommodate the City's new health and safety regulations, were added to the scope of the services provided.

3) STAFF COMMENTS AND DISCUSSIONS

As the first phase of the City Hall renovation project, the conceptual design, nears completion staff are seeking approval to move forward with engineering and construction drawings including HVAC, plumbing, electrical, structural, fire, and other mechanical systems to ensure there is a complete and constructable plan should the coming application to the Investing in Canada Infrastructure Program (ICIP) be successful.

In July 2020, staff presented “Report 2020-96 COVID-19: Infrastructure & Recovery Opportunity” to Council outlining a potential funding opportunity through the Investing in Canada Infrastructure Program. The report recommended that if possible, the City should submit two applications, one surrounding the needs of City owned facilities and the second containing a full City waterfront plan. The City Hall Renovation project will be submitted within the City owned facilities application. Recent advancements in this program have indicated that applications could be open as early as November 16, 2020. With the announcement of the applications for the ICIP opening staff are recommending that the City move forward with retaining Lex Parker Consultants to complete the next phase of this project, being the engineering and construction drawings. During the conceptual design phase, City staff have collaborated well with Lex Parker and their consultants to establish the aesthetics, functionality and layout necessary to improve customer service and accessibility at City Hall. Staff are very pleased with the conceptual product and value they have provided and recognize the benefit of Lex Parker’s involvement throughout the remainder of the project.

A quotation for all required engineering and construction drawings was requested of Lex Parker Consultants. This quotation includes the coordination and continued involvement of Lex Parker throughout the next phase (of creating engineering and construction drawings). The City’s Procurement policy states that at a tier of \$20,000-\$50,000, the City is to solicit competitive formal quotations or proposals, unless justification for sole sourcing can be made. Compatibility with, and continuation of, the existing services and material already purchased and provided is of paramount consideration for this expenditure. Under the procurement directive, continued involvement from Lex Parker is beneficial to the City with respect to best value of past expenditures as well as providing the most efficient and timely manner to proceed with the overall project.

Lex Parker has provided a quotation to have a group of engineering firms provide the City with all required drawings. This quotation includes and assumes Lex Parker’s continued involvement, coordination and direction based on their conceptual plans, finishes and layout, as well as providing the drawings to the City over an approximate 20-week period. The amount quoted for this service including all drawings is \$47,500 and therefore would require up to and including CAO approval. However, due to the magnitude and visibility of the overall project, additionally, staff are also requesting Council approval to proceed as recommended.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

This project is being undertaken within the Customer Relationship Management project and funded by the Provincial modernization grant. Staff intend to apply for additional funding to complete the expanded renovation work through the ICIP Grant application.

a) Approval of Recommendation to Sole Source (Recommended)

If approved, the City’s Engineering staff will enter into an agreement with Lex Parker to provide all engineering and construction drawings and related services necessary to continue and expedite the City Hall redesign and renovation project.

b) Other Options - Solicitation of competitive formal quotations

Council could instruct staff to conduct a formal request for quotation with the understanding that the City would have to spend additional time (approximately 8-12 weeks) soliciting and reviewing design proposals, working with new design firms to ensure they are fully aware of the City's needs, and likely requiring additional expenditures such as significant fees for conceptual design services of their own, similar and comparable to what Lex Parker Design has already completed and provided to the City. An additional time of several weeks or months may be needed for a selected competitive firm to start from scratch, create and present their design, and then provide a competitive proposal for the construction drawings. The extended timelines required for this will also push back staff's ability to construct should approval be received from the ICIP, now open for applications in November 2020. Staff feel this would be an ineffective and inefficient use of City resources at this time and likely negate much of the work already completed.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

This initiative is in alignment with the City's customer service modernization initiative.

6) ATTACHMENTS

None.

7) RECOMMENDATION

That Engineering & Operations Department, Engineering Division Report 2020-136 be received;

That Council approve the sole source of the complete engineering and construction drawings package for City Hall; and

That staff be directed to retain Lex Parker Consultants to complete the engineering and construction drawings for the amount of \$47,500 excluding applicable taxes.

8) SIGNATURES

Prepared on October 28, 2020 by:



Mason Thomas
Facilities Supervisor

Reviewed by:



Amber Lapointe
City Clerk

Reviewed and Respectfully Submitted:



C. Scott Luey
Chief Administrative Officer

Reviewed by:



Steve Shypowskyj
Acting Director of Engineer & Operations
Manager of Projects and Design



City of Port Colborne
RECEIVED
SEP 08 2020
CORPORATE SERVICES
DEPARTMENT

MEMORANDUM

MAYOR'S OFFICE

905-835-2900 Ext. 301

TO: Members of Port Colborne City Council

FROM: Nancy Giles, EA to CAO and Mayor and Staff Liaison to the Grant Policy Committee

DATE: August 24, 2020

RE: Recommendations of Grant Policy Committee

The Grant Policy Committee met to review applications for the second intake of 2020. In accordance with Section 4.3(e) – “During a regular meeting of the Corporation, Council will approve all final recommendations,” we bring forward the following recommendations for consideration by Council.

Moved by B. Haymes
Seconded by G. Bruno

That donation/sponsorship requests be approved for a total of \$6,750 for the second allocation for the year 2020 as follows:

Port Colborne Lions Club – to assist with the installation of bathroom vents and kitchen renovations - **\$2,750**

Note: in the first intake the Port Colborne Lions Club was approved for \$5,000 for the remediation of mould in their centre. They determined it was not mould and these funds were never released. This request replaces the request approved in the first intake.

Port Cares - to assist in providing services at the Reach Out Centre - **\$4,000**

Additionally, the committee discussed the potential in the coming years for an increase in applications due to unforeseen circumstances. This year we received minimal applications in the second take and the total amount of grants approved for 2020 was \$17,750.

The committee would like to see the following recommendation considered by council:

Moved by B. Steele
Seconded by B. Haymes

That council be requested to set up a reserve fund for grant monies and any unspent amount of the \$30,000 annual allocation be placed in this fund for future use and that this process continue yearly hereafter.

CARRIED.

Respectfully submitted.

DEFERRED

**APPROVED BY
COUNCIL**

SEP 14 2020

CITY CLERK
CITY OF PORT COLBORNE



October 14th, 2020

Mayor Steele,
City of Port Colborne, Office of the Mayor,
66 Charlotte Street
Port Colborne, Ontario, L3K 3C8

Dear Mayor Steele,

I am writing on behalf of the board of Crime Stoppers of Niagara to request the City of Port Colborne prepare a proclamation or letter of acknowledgement to recognize January 2021 as Crime Stoppers Month. This is in addition to our traditional flag raising event and will be used to promote Crime Stoppers Month throughout the community.

January has been endorsed around the world as Crime Stoppers Month since 1986 and provides the opportunity for all Crime Stoppers programs to highlight their success.

Crime Stoppers of Niagara has been extremely effective since 1985 in helping the Niagara Regional Police Service solve crimes and working with various organizations to make communities safer for residents of the Niagara Region.

Apart from taking tips on unsolved crimes, Crime Stoppers of Niagara has worked to increase the awareness of concerns in the region, including illegal dumping, elder abuse, improving the safety and security of students, guarding against human trafficking and combating illegal drugs.

The concept of Crime Stoppers was originated by a detective in Albuquerque, New Mexico in 1976 and today there are more than 1,000 programs operating in countries worldwide.

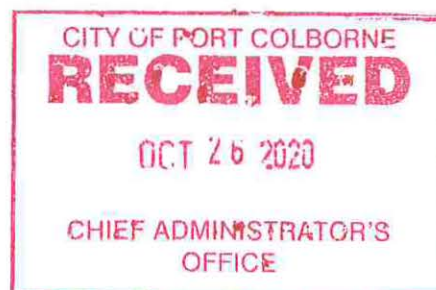
Of significance this year, Crime Stoppers of Niagara is working toward being a key organization for reporting elder abuse and delivering awareness and capacity building by establishing strong partnerships with agencies that work with older adults in the Niagara Region. We have also implemented an elder abuse program under provincial and federal grants to move forward in creating safer communities for our older adults.

We would greatly appreciate if this recognition could be presented in your office or another convenient location sometime in December or January to give local media the opportunity to promote Crime Stoppers Month. Should you have any questions or require further information, please contact Crime Stoppers of Niagara at 905 938 5463.

Sincerely,

A handwritten signature in black ink, appearing to be "Barry Diamond", written over a light blue circular stamp.

Barry Diamond
Chair, Crime Stoppers of Niagara





PORT COLBORNE

November 9, 2020

Moved by Councillor
Seconded by Councillor

Whereas January has been endorsed around the world as Crime Stoppers Month since 1986 and provides the opportunity for all Crime Stoppers programs to highlight their success; and

Whereas Since 1985 Crime Stoppers of Niagara have been extremely effective in helping the Niagara Regional Police Service solve crimes and work with various organizations to make communities safer for residents of the Niagara Region; and

Whereas Crime Stoppers of Niagara has worked to increase the awareness of concerns in the region, including illegal dumping, elder abuse, improving the safety and security for students, guarding against human trafficking and combating illegal drugs; and

Whereas Crime Stoppers of Niagara is working toward being a key organization for reporting elder abuse, delivering awareness and forming strong partnerships with agencies working with older adults and have implemented an elder abuse program under provincial and federal grants to move forward by creating safer communities for our older adults;

NOW THEREFORE, I, Mayor William C. Steele, proclaim the month of January 2021 as "**Crime Stoppers Awareness Month**" in the City of Port Colborne.

William C. Steele
Mayor

Office of the Mayor
Rodger Bonneau

October 7, 2020

Sent via E-mail

Re: Cannabis Production

Dear Ministers, Members of Parliament, and Members of Provincial Parliament,

Please be advised that the Council for the Corporation of the Township of Asphodel-Norwood passed the following resolution at its regular meeting of September 22, 2020:

Motion No. 239/20 | Moved by: Councillor Walsh | Seconded by: Deputy Mayor Burt

WHEREAS the Ontario Federation of Agriculture has adopted the position that licenced cannabis production for medical and/or recreational-use purposes should be considered a farming activity;

AND WHEREAS the Government of Canada introduced Bill C-45 (the Cannabis Act) to create the foundation for a comprehensive national framework to provide restricted access to regulated cannabis, and to control its production, distribution, sale, importation, exportation, and possession;

AND WHEREAS Section 7 of the Cannabis Act requires that any person who intends to submit an application for a licence for cultivation, a licence for processing, or a licence for sale that authorizes the possession of cannabis must provide written notice to: a) The local government, b) The local fire authority, and c) The local police force or the Royal Canadian Mounted Police detachment responsible for providing policing services to the area in which the site is referred to in the application;

AND WHEREAS Section 35(1) of the Act requires a holder of a licence for cultivation, a licence for processing, or a licence for sale that authorizes the possession of cannabis to provide a written notice to the local authorities within 30 days of issuance, amendment, suspension, reinstatement or revocation of a licence and provide a copy of said notice to the Minister; and

FURTHER BE IT RESOLVED THAT the Township of Asphodel-Norwood requests a governing body in cannabis production that:

1. Takes a unified approach to land use planning restrictions;
2. Enforces the regulations under the Cannabis Act on behalf of the licencing agency and ensures local authorities are in fact provided with notification of any licence issuance, amendment, suspension, reinstatement, or revocation within their region;
3. Communicates more readily with local governments; and
4. Provides local governments with more support.

AND FURTHER BE IT RESOLVED THAT the Township of Asphodel-Norwood will forward this motion to the following partners: All municipalities in Ontario, the MP and MPP of Northumberland-Peterborough South, the MP and MPP of Peterborough-Kawartha, the Minister of Agriculture, Food and Rural Affairs, and the Minister of Agriculture and Agri-Food with the request that they enact legislation to support local governments with land use management and enforcement issues.

Thank you for your time and consideration.

Sincerely,



Rodger Bonneau, Mayor
Township of Asphodel-Norwood

- c. E. Hardeman, Minister of Agriculture, Food and Rural Affairs
M. Bibeau, Minister of Agriculture and Agri-Food
D. Piccini, MPP Northumberland-Petrborough South
P. Lawrence, MP Northumberland-Petrborough South
D. Smith, MPP Peterborough –Kawartha
M. Monsef, MP Peterborough-Kawartha
All municipalities in Ontario



Township of Blandford-Blenheim

47 Wilmot Street South
Drumbo, Ontario N0J 1G0

Phone: 519-463-5347
Fax: 519-463-5881
Web: www.blandfordblenheim.ca

October 13, 2020

Emailed to the Federal Minister of Health, Federal Minister of Justice and Attorney General, Federal Minister of Public Safety and Emergency Preparedness, Oxford MP, Oxford MPP, the Association of Municipalities of Ontario and all municipalities in Ontario.

Re: Unlicensed and unmonitored cannabis grow operations

Please be advised that at the Regular Meeting of Council on October 7th, 2020, the Council of the Township of Blandford-Blenheim passed the following resolution:

Resolution Number: 2020-14

Moved by: Councillor Nancy Demarest

Seconded by: Councill Bruce Banbury

“That Whereas unlicensed and unmonitored cannabis grow operations have increasingly become a problem in communities in Ontario as well as across the Country; and,

Whereas these operations are allowed to establish with little or no consultation with the local community and municipalities are often only made aware of their existence after conflicts arise with neighboring land owners; and,

Whereas loopholes in existing Federal legislation allow these large scale grow op’s to establish and operate without any of the regulations or protocols that licensed and monitored operations need to adhere to,

BE IT RESOLVED that the Council of the Township of Blandford-Blenheim urges the Federal Government to amend the legislation under which these facilities operate to ensure the safety and rights of the local communities in which they are situated are respected; and,

That this resolution be forwarded to the Federal Minister of Health, Federal Minister of Justice and Attorney General, Federal Minister of Public Safety and Emergency Preparedness, Oxford MP, Oxford MPP, the Association of Municipalities of Ontario and all municipalities in Ontario.”

Regards,

Sarah Matheson
Deputy Clerk
Township of Blandford-Blenheim

October 27, 2020

Municipality of Tweed
(Sent via email)
clerk@tweed.ca

RE: SUPPORT RESOLUTION FROM THE MUNICIPALITY OF TWEED, CANNABIS PRODUCTION FACILITIES, THE CANNABIS ACT AND HEALTH CANADA GUIDELINES

Please be advised that Council for the Corporation of the Town of Lincoln at Special Council Meeting held on October 26, 2020, endorsed and passed the following motion in support of the Municipality of Tweed's motion (attached) regarding Cannabis Production Facilities, the Cannabis Act and Health Canada Guidelines that was passed on August 25, 2020.

Moved by: Councillor J.D. Pachereva; Seconded by: Councillor Paul MacPherson

THAT Council support the correspondence item as attached from the Municipality of Tweed regarding Cannabis Production.

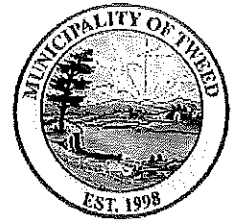
CARRIED

Sincerely,

Julie Kirkelos
Town Clerk
jkirkelos@lincoln.ca

cc: Prime Minister of Canada
Health Canada
Premier of the Province of Ontario
Minister of Municipal Affairs and Housing
Ontario Provincial Police
Association of Municipalities of Ontario
All municipalities within the Province of Ontario

Municipality of Tweed Council Meeting



Resolution No.

343.

Title:

County of Hastings and County of Lennox & Addington

Date:

Tuesday, August 25, 2020

Moved by

J. Flieler

Seconded by

J. Palmateer

WHEREAS the Government of Canada passed the *Cannabis Act S.C. 2018, c. 16* legislation legalizing properties to grow a maximum of 4 plants without a licence; and

WHEREAS Health Canada issues licences for medicinal cannabis production that are specific to set properties without municipal consultation and regardless of land use zoning by-laws; and

WHEREAS pharmaceutical companies and industries are required to follow strict regulations and governing legislation to produce medicinal products including *Narcotic Control Regulations C.R.C., c 1041* and *Controlled Drugs and Substances Act (Police Enforcement) Regulations SOR/9-234*; and

WHEREAS Municipalities are authorized under the *Planning Act, R.S.O. 1990, C. P 13* to pass a comprehensive zoning by-law that is in compliance with the appropriate County Official Plan which must be in compliance with the Provincial Policy Statement, Under *The Planning Act, 2020*; and

WHEREAS the Provincial Policy Statement, Official Plan and Zoning By-Law in effect for each area is designed to secure the long-term safety and best use of the land, water and other natural resources found in that area's natural landscape; and

WHEREAS the Municipality of Tweed has passed *Comprehensive Zoning By-Law 2012-30* and further amended it by the *Cannabis Production By-Law 2018-42*, limiting cannabis production facilities to rural industrial zoned lands with required setbacks from residential zoned properties; and

WHEREAS the Municipality of Tweed has not been consulted by Health Canada prior to the issuance of licences for properties not in compliance with the Municipal zoning by-laws for a cannabis production facility; and

WHEREAS the Province needs to amend legislation to establish a new Provincial Offence Act fine regime that creates an offence(s) when unlicensed cannabis operations break planning and environmental regulations, ignore Building Code requirements and build without a permit at a fine of at least \$100,000 per offence;

NOW THEREFORE BE IT RESOLVED THAT the Municipality of Tweed requests that immediate action be taken by all levels of government for medical cannabis licencing to follow similar regulations and guidelines as all other pharmaceutical industries;

AND FURTHER, that the Association of Municipalities of Ontario advocate with the Federation of Canadian Municipalities for advocacy to the Government of Canada for similar regulations and guidelines for medical cannabis licencing in alignment with other pharmaceutical industries;

AND FURTHER, that the distribution of medical cannabis be controlled through pharmacies in consistency of all other medications;

AND FURTHER, that Health Canada withhold licencing until the potential licence holder can provide evidence of acceptable zoning of the intended property in question;

AND FURTHER, that licenced locations be disclosed in advance to the municipalities hosting the licenced locations; and

AND FURTHER, that this resolution be circulated to the Prime Minister of Canada, Health Canada, the Premier of the Province of Ontario, the Minister of Municipal Affairs and Housing, the Ontario Provincial Police, the Association of Municipalities of Ontario, and all upper, lower and single tier municipalities within the Province of Ontario.

Carried

Defeated by a Tie

Defeated

Mayor

Jo Anne Allard

October 26, 2020

The Right Honourable Justin Trudeau
Office of the Prime Minister
80 Wellington Street
Ottawa, ON K1A 0A2

Health Canada
Address Locator 0900C2
Ottawa, Ontario
K1A 0K9

The Honourable Doug Ford
Premier of Ontario
Legislative Building
Toronto ON M7A 1A1

Ontario Provincial Police
General Headquarters
Lincoln M. Alexander Queen's Park Building
777 Memorial Avenue
Orillia, ON
L3V 7V3

Dear Right Honourable Prime Minister Trudeau and Premier Ford,

Re: Illicit Cannabis Operations

At their meeting of October 20, 2020 Norfolk County Council approved Resolution No. 6 of the Council-In-Committee meeting of October 13, 2020 which reads as follows:

Res. 6

WHEREAS illicit cannabis grow operations are a significant issue in many municipalities in Ontario;

AND WHEREAS there are often significant negative impacts from illicit cannabis operations upon surrounding communities and residents;

AND WHEREAS the intent of legalizing cannabis was to eliminate the 'black market' not allow it to expand with relative impunity;

AND WHEREAS Norfolk County estimates that there are approximately 70 cannabis operations in our municipality;

THEREFORE BE IT RESOLVED,

THAT the Mayor issue a letter to the Prime Minister of Canada, Premier of Ontario, Health Canada and the Ontario Provincial Police;

AND THAT Norfolk County Council request that solutions to the current crisis which may include but are not limited to; better regulation and tracking of the prescription of cannabis in Canada by doctors, increased regulatory and enforcement presence by Health Canada, increased OPP resources, increased funding to municipalities to deal with complaints and By-Law issues generated by illicit cannabis grow operations;

AND FURTHER THAT a copy of the submission by Debbie France be attached to the Mayor's letter.

Your attention to this important issue is appreciated.

Yours Truly,

A handwritten signature in black ink that reads "Kristal Chopp". The signature is written in a cursive, flowing style.

Mayor Kristal Chopp
Norfolk County

cc. Toby Barrett- MPP Haldimand-Norfolk
Diane Finley – MP Haldimand-Norfolk
All Ontario Municipalities

Cannabis Reference Material

Table of contents

- 1) General knowledge
- 2) Cannabis land use reports
- 3) Municipalities not permitting Cannabis grow ops on Agricultural lands
- 4) Municipal Panel & Roundtable Discussion with Local & Provincial Law Enforcement
- 5) Police Intervention - Massive illegal cannabis operation shut down
- 6) Police Intervention - Cannabis production allegedly fueling synthetic drug production labs
- 7) Police Intervention – raids involving production exceeding limits
- 8) Police Intervention - raids at the US/Canada border
- 9) Federal MP's who are actively requesting Health Canada to solve Cannabis issue
- 10) Municipal guide to Cannabis legislation (by FCM)
- 11) The final report of the task force on Cannabis legalization and regulation
- 12) Municipalities who have refused requests for exceptions to bylaws
- 13) Court cases - Bylaw violation
- 14) Nuisance bylaw amendment - Cannabis Odour
- 15) Municipalities that have requested assistance from Province

Note: The list of links in this document is a small representation of information mostly connected to news articles that show there are significant issues connected to Marijuana Cultivation in Agricultural areas throughout the Province of Ontario. We encourage anyone viewing this document to search and reach out in their municipality to discover how the issues are unfolding in the Municipality they call home. Further investigation is likely to uncover similar issues in areas throughout the Province of Ontario and across the Country. We expect that further investigation is likely to uncover other elected officials who have been actively trying to find solutions for the constituents they were elected to serve. We encourage anyone viewing this information to connect with the author of the letter that accompanies this list or they can email their contact information and concerns to debbiefance@live.ca and a representative of this group will reply to help address their concerns.

Cannabis Articles

1) *General knowledge*

Article: Gaping hole in pot legislation is hitting Norfolk hard (Ontario Farmer Jan 24, 2020)
(Perhaps best article to understand entire issue)

<https://www.ontariofarmer.com/features/gaping-hole-in-pot-legislation-is-hitting-norfolk-hard/>

Article: Change is in the wind (Ontario Planners June 1, 2018)
(Outlines challenges for Municipalities from a planning perspective)

<https://ontarioplanners.ca/blog/planning-exchange/june-2018/change-is-in-the-wind>

Cannabis Reference Material

Article: Stench among concerns as Bradford council hears about cannabis cultivation in Holland Marsh (Barrie Today Jun 14, 2020)

(Outlines common complaints amongst those living nearby grow ops)

<https://www.barrietoday.com/local-news/bradford-council-hears-from-public-about-cannabis-cultivation-in-holland-marsh-2433271>

Article: County council concerned by marijuana licences (Belleville Intelligencer June 25, 2020)

<https://www.intelligencer.ca/news/local-news/county-council-concerned-by-marijuana-licences>

2) Cannabis land use reports

Article: Final Land Use Study on Cannabis Production in The Town of Pelham

(Explains potential issues between Municipal By-laws & Farm & Food Protection Act relating to Cannabis) Review sections... 3.1, 3.2, 3.3, 3.5, 3.7 to understand potential issues

<https://pelham-pub.escribemeetings.com/filestream.ashx?DocumentId=21743>

3) Municipalities not permitting Cannabis grow ops on agricultural lands

Article: Brighton sets limits on where cannabis production facilities can locate (Northumberland news Apr 9, 2019)

<https://www.northumberlandnews.com/news-story/9274359-brighton-sets-limits-on-where-cannabis-production-facilities-can-locate/>

Article: Prime agricultural land no place for cannabis, Oro-Medonte coalition says (Simcoe May 31, 2020)

<https://www.simcoe.com/news-story/10001301-prime-agricultural-land-no-place-for-cannabis-oro-medonte-coalition-says/>

4) Municipal Panel & Roundtable Discussion with Local & Provincial Law Enforcement

Article: East Gwillimbury Cannabis Production Facilities Panel Discussion OPP & YRP discuss organized crime's active involvement in Cannabis production and the risks that it poses to residents (YouTube video)

<https://youtu.be/Oisv7MEIV14>

Article: Hastings-Lennox & Addington Roundtable on Illicit Cannabis Operations – Fed MP Derek Sloan

<https://www.facebook.com/watch/?v=3216967588368948&extid=jTObBPn7swAbfxrz>

5) Police Intervention - Police shut down massive illegal cannabis operation, seize more than 100k plants (CBC News Aug 21, 2020)

Article: <https://www.cbc.ca/news/canada/hamilton/project-woolwich-cannabis-niagara-1.5695691>

Cannabis Reference Material

6) Police Intervention - Cannabis production allegedly fueling synthetic drug production labs (Project Moon)

Article: More than \$45m in drugs and cash seized as twin drug gangs dismantled in York Region
(CP24 Aug 8, 2019)

<https://www.cp24.com/news/more-than-45m-in-drugs-and-cash-seized-as-twin-drug-gangs-dismantled-in-york-region-1.4541063>

7) Police Intervention – raids involving production exceeding limits

St. Catharines

Article: Niagara police bust \$34m illegal cannabis operation (Global News July 1, 2020)

<https://globalnews.ca/news/7128873/niagara-illegal-cannabis-grow-op/>

King Township

Article: Police seize \$4.7m in illegal drugs after search of former Joe’s Garden property in King
(York Region Oct 7, 2019)

<https://www.yorkregion.com/news-story/9633352-police-seize-4-7m-in-illegal-drugs-after-search-of-former-joe-s-garden-property-in-king/>

Article: 8 charged after \$400k worth of ‘excess cannabis’ found on King Township grow-op
(CBC News Oct 2, 2018)

<https://www.cbc.ca/news/canada/toronto/eight-charged-marijuana-trafficking-cannabis-farms-york-region-1.4847114>

Article: Police bust marijuana grow op in King Township worth \$6.5m, seize 4,000 plants
(CTV News Aug 3, 2018)

<https://toronto.ctvnews.ca/police-bust-marijuana-grow-op-in-king-township-worth-6-5m-seize-4-000-plants-1.4039863>

Stouffville

Article: Police bust cannabis grow op in excess of licence limits near Aurora
(YorkRegion Jan 29, 2019)

<https://www.yorkregion.com/news-story/9148816-police-bust-cannabis-grow-op-in-excess-of-licence-limits-near-aurora/>

8) Police Intervention - Cannabis busts at US/Canada border

Article: Canadian resident arrested in relation to massive cannabis bust at U.S. border
(Global News June 16, 2020)

<https://globalnews.ca/news/7070697/canadian-involved-significant-drug-seizure-u-s-border/>

Cannabis Reference Material

9) Federal MP's mentioned in articles who are actively requesting Health Canada to solve Cannabis issue

Article: MP Finley brings the issue of unlicensed large-scale marijuana producers to Parliament (Norfolk Today July 27, 2020) - **Fed MP Diane Finley**
<https://www.norfolktoday.ca/2020/07/27/96986/>

Article: Stomp out cannabis criminality: Sloan (Quinte News July 2, 2020) - **Fed MP Derek Sloan**
<https://www.quintenews.com/2020/07/02/stomp-out-cannabis-criminality-sloan/>

Article: 'Stinks like 10000 skunks': Tottenham residents want more potent restrictions for medical-marijuana growers (Simcoe Feb 11, 2020) - **Fed MP Terry Dowdall**
<https://www.simcoe.com/news-story/9844540--stinks-like-10-000-skunks-tottenham-residents-want-more-potent-restrictions-for-medical-marijuana-growers/>

10) Municipal guide to Cannabis legislation (by FCM)

<https://fcm.ca/en/resources/municipal-guide-cannabis-legalization>

11) The final report of the task force on Cannabis legalization and regulation

<https://hoban.law/2017/01/the-final-report-of-the-task-force-on-cannabis-legalization-and-regulation/>

12) Municipalities who have refused requests for exceptions to bylaws

Article: Marijuana setback relief denied (Simcoe Reformer May 29, 2019)
<https://www.simcoereformer.ca/news/local-news/marijuana-setback-relief-denied>

Article: Council officially denies the marijuana micro-cultivation facility (NewTecTimes March 6, 2020)
<http://newtectimes.com/?p=24388>

13) Court cases - Bylaw/Zoning violations

Article: Cannabis producer pleads guilty to violating bylaw (Simcoe Reformer Feb 20, 2020)
<https://www.simcoereformer.ca/news/local-news/cannabis-producer-enters-guilty-plea>

Article: East Gwillimbury takes medical marijuana facility to court (York Region Aug 12, 2020)
<https://www.yorkregion.com/news-story/10134439-east-gwillimbury-takes-medical-marijuana-facility-to-court/>

Cannabis Reference Material

14) Nuisance bylaw amendment - Cannabis odour

Article: Council enacts nuisance by-law addressing cannabis odour concerns
(Bradford Today Jun 19, 2020)

<https://www.bradfordtoday.ca/local-news/council-enacts-nuisance-by-law-addressing-cannabis-odour-concerns-2441245>

Article: Hamilton targets large-scale personal grow operations with nuisance bylaw amendment
(Global News Apr 23, 2020)

<https://globalnews.ca/news/6857506/city-of-hamilton-nuisance-bylaw-amendments-personal-grow-operations-cannabis/>

Article: Nuisance bylaw to deal with cannabis odour coming soon to Lincoln
(Niagara This Week Aug 3, 2020)

<https://www.niagarathisweek.com/news-story/10128119-nuisance-bylaw-to-deal-with-cannabis-odour-coming-soon-to-lincoln/>

Article: Pelham gives stamp of approval on odour bylaw to deal with cannabis operations
(Niagara This Week Mar 27, 2020)

<https://www.niagarathisweek.com/news-story/9918340-pelham-gives-stamp-of-approval-on-odour-bylaw-to-deal-with-cannabis-operations/>

Article: Niagara area town buys \$5,000 device to measure weed smell after repeated complaints from residents (Timmins Today Jul 7, 2020)

<https://www.timminstoday.com/around-ontario/ontario-niagara-area-town-buys-5000-device-to-measure-weed-smell-after-repeated-complaints-from-residents-2545977>

15) Municipalities that have requested assistance from Province

Article: Council supports request for more control over cannabis production in municipalities
(Bradford Today May 22, 2020)

<https://www.bradfordtoday.ca/local-news/council-supports-request-for-more-control-over-cannabis-production-in-municipalities-2366228>



Resolution

Moved By _____

Agenda
Item 8a

Resolution No.
2020-10-21-321

Last Name Printed Cane

Seconded By _____

Council Date: October 21, 2020

Last Name Printed Henderson.

"Now Therefore Be It Resolved That Northumberland County Council provide support for the resolution adopted by the Township of Asphodel Norwood regarding their request that:

- a governing body be created to regulate cannabis production; and
- the governing body take a unified approach be taken to land use planning restrictions; and
- the governing body enforce the regulations under the Cannabis Act on behalf of the licencing agency and ensures local authorities are in fact provided with notification of any licence issuance, amendment, suspension, reinstatement, or revocation within their region; and
- the governing body communicates more readily with local governments; and
- the governing body provides local government with more support; and

Further Be It Resolved That Northumberland Council forward this resolution to all municipalities in Ontario, MP Philip Lawrence and MPP David Piccini (Northumberland-Peterborough South), the Minister of Agriculture, Food and Rural Affairs, requesting that legislation be enacted to support local governments with cannabis land use management and enforcement issues."

Recorded Vote
Requested by _____

Councillor's Name

Carried


Warden's Signature

Deferred _____

Warden's Signature

Defeated _____

Warden's Signature



October 22, 2020

The Honourable Rod Phillips
Ministry of Finance
Frost Building South
7th Floor
7 Queen's Park Cres.
Toronto, Ontario M7A 1Y7
rod.phillips@pc.ola.org

The Honourable Doug Downey
Ministry of the Attorney General
11th Floor
720 Bay St.
Toronto, ON M7A 2S9
doug.downey@pc.ola.org

Subject : Cannabis retail stores

Dear Ministers,

On behalf of the City of Clarence-Rockland, I am hereby requesting that the regulations governing the establishment of cannabis retail stores be amended in order to instruct the Alcohol and Gaming Commission to consider over-concentration as an evaluation criterion, and provide added weight to the comments of a municipality concerning matters in the public interest when considering the application of new stores.

Please find attached a certified true copy of Resolution #2020-191 adopted by the Council of the City of Clarence-Rockland on October 19, 2020, requesting a modification to the regulations governing the establishment of cannabis retail stores.

We trust that this request will be given serious consideration.

Sincerely,

Guy Desjardins, Mayor

CC: All Ontario Municipalities

Encl.



RESOLUTION

Resolution: 2020-191
Title: Member's resolution presented by Councillor Mario Zanth and seconded by Councillor Samuel Cardarelli regarding cannabis stores
Date: October 19, 2020

Moved by Mario Zanth
Seconded by Samuel Cardarelli

WHEREAS as the regulator for private cannabis retail in Ontario, the Alcohol and Gaming Commission of Ontario (AGCO) has the authority to license, regulate and enforce the sale of recreational cannabis in privately run stores in Ontario; and

WHEREAS on December 17, 2018, Council agreed to 'opt-in' to the Provincial direction to allow Cannabis Retail to occur in the City of Clarence-Rockland; and

WHEREAS Council considers a matter of public interest to include a 150 metre distance separation from other Licensed Cannabis Stores, as the Board of Health has noted concerns that excessive clustering and geographic concentration of cannabis retail outlets may encourage undesirable health outcomes, and Economic Development and Planning are concerned that over-concentration may cause undesirable impacts on the economic diversity of a retail streetscape including the distortion of lease rates, economic speculation, and the removal of opportunity for other commercial businesses; and

WHEREAS cannabis retail is a new and unproven market, and no studies or precedent exists to determine the number or distribution of stores that can reasonably be supported by the local economy, and it is therefore prudent to establish the means by which the AGCO, with input from a municipality, can regulate over-concentration as the cannabis retail market evolves; therefore

BE IT RESOLVED THAT Council directs the Mayor, on behalf of City Council, to write the Honourable Rod Phillips, Minister of Finance of Ontario, and the Honourable Doug Downey, Attorney General of Ontario, requesting the Ministry to modify the regulations governing the establishment of cannabis retail stores to instruct the Alcohol and Gaming Commission to consider over-concentration as an evaluation criteria, and provide added weight to the comments of a municipality concerning matters in the public

interest when considering the application of new stores; and

BE IT RESOLVED THAT a copy of this resolution be forwarded to the other municipalities in Ontario.

CARRIED

Maryse St-Pierre
Deputy Clerk



Résolution: 2020-191
Titre: Résolution de membre présentée par le conseiller Mario Zanth et appuyée par le conseiller Samuel Cardarelli concernant les commerces de vente de cannabis
Date: le 19 octobre 2020

Proposée par Mario Zanth
Appuyée par Samuel Cardarelli

ATTENDU QU'en tant qu'organisme de réglementation de vente privée de cannabis en Ontario, la Commission des alcools et des jeux de l'Ontario (CAJO) a le pouvoir d'octroyer des licences, de réglementer et de faire respecter la vente de cannabis à des fins récréatives dans les magasins privés de l'Ontario

ATTENDU QUE le 17 décembre 2018, le Conseil a accepté de se conformer à la directive provinciale afin de permettre la vente au détail de cannabis dans la Cité de Clarence-Rockland ; et

ATTENDU QUE le Conseil considère qu'il est d'intérêt public d'inclure une distance de 150 mètres de séparation par rapport aux autres magasins de cannabis agréés, étant donné que le Conseil de la santé a pris note des préoccupations selon lesquelles le regroupement et la concentration géographique excessifs des points de vente de cannabis au détail peuvent encourager des résultats indésirables pour la santé, et que le ministère du développement économique et de la planification craint qu'une concentration excessive ne provoque des effets indésirables sur la diversité économique d'un paysage de rue de vente au détail, notamment la distorsion des taux de location, la spéculation économique et la suppression de possibilités pour d'autres entreprises commerciales

ATTENDU QUE la vente au détail de cannabis est un marché nouveau et non éprouvé, et qu'il n'existe aucune étude ni aucun précédent pour déterminer le nombre ou la répartition des magasins qui peuvent raisonnablement être soutenus par l'économie locale, et qu'il est donc prudent d'établir les moyens par lesquels l'AGCO, avec l'aide d'une municipalité, peut réguler la surconcentration au fur et à mesure de l'évolution du marché de la vente au détail de cannabis; par conséquent

QU'IL SOIT RÉSOLU QUE le conseil municipal demande au maire, au nom du conseil municipal,

d'écrire à l'honorable Rod Phillips, ministre des Finances de l'Ontario, et à l'honorable Doug Downey, procureur général de l'Ontario, pour demander au ministère de modifier les règlements régissant l'établissement de magasins de vente au détail de cannabis afin de donner instruction à la Commission des alcools et des jeux de considérer la surconcentration comme un critère d'évaluation, et de donner plus de poids aux commentaires d'une municipalité concernant les questions d'intérêt public lorsqu'elle examine la demande de nouveaux magasins; et

QU'IL SOIT RÉSOLU QU'une copie de cette résolution soit acheminée aux autres municipalités de l'Ontario.

ADOPTÉE

Maryse St-Pierre
Greffière adjointe

October 2, 2020

Sent via email to all Ontario Municipal Clerks

Dear Municipal Clerks,

At its meeting held September 24, 2020, Wellington County Council approved the following recommendation from the Administration, Finance and Human Resources Committee:

WHEREAS previous assessment methodologies for aggregate resource properties valued areas that were used for aggregate resources or gravel pits at industrial land rates on a per acre basis of the total site and such properties were formally classified and taxed as industrial lands; and

WHEREAS Wellington County Council supports a fair and equitable assessment system for all aggregate resource properties; and

WHEREAS the Municipal Property Assessment Corporation determined, with the participation only of the Ontario Stone, Sand and Gravel Association, revised criteria for assessing aggregate resource properties; and

WHEREAS Wellington County Council has concerns that the revised criteria does not fairly assess the current value of the aggregate resource properties.

NOW THEREFORE BE IT RESOLVED:

(a) That Wellington County Council does not consider the revised criteria for assessment of aggregate resource properties as a fair method of valuation for these properties; and

(b) That Wellington County Council believes there is a need to review the current assessment scheme for aggregate resource properties to address the inequity of property values; and

(c) That Wellington County Council hereby calls upon the Province to work with the Municipal Property Assessment Corporation to address the assessment issue so that aggregate resource properties are assessed for their industrial value; and

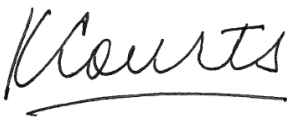
(d) That Wellington County Council direct the Clerk to provide a copy of this motion to the Ministers of Finance; Municipal Affairs and Housing; and Natural Resources and Forestry; and to AMO, ROMA, and all Ontario municipalities and local MPP(s).

Please find the Aggregate Resource Property Valuation and Advocacy report and Municipal Resolution enclosed.

Wellington County Council is requesting that all Ontario municipalities adopt the Municipal Resolution and forward to Donna Bryce, Wellington County Clerk at donnab@wellington.ca upon passing.

Should you have any questions please contact Ken DeHart, County Treasurer, at kend@wellington.ca or call 519.837.2600 ext 2920.

Sincerely,

A handwritten signature in black ink that reads "Kim Courts". The signature is written in a cursive style and is underlined with a single horizontal line.

Kim Courts
Deputy Clerk



COUNTY OF WELLINGTON

COMMITTEE REPORT

To: Chair and Members of the Administration, Finance and Human Resources Committee
From: Ken DeHart, County Treasurer
Date: Tuesday, September 15, 2020
Subject: **Aggregate Resource Property Valuation and Advocacy Report**

Background:

Through the County's Assessment Base Management Policy and Programme approved in 2016; Wellington County has made significant efforts to maintain, protect and enhance the quality of the assessment roll. This includes reviewing the accuracy of individual assessments and ensuring the equitable distribution of the tax burden. The County remains a strong advocate for the accurate and equitable valuation and property tax treatment of all properties, including gravel pit and aggregate resource properties in the County and throughout Ontario.

The County has been actively pursuing fair and accurate assessment valuations for gravel pits through two streams:

1. Assessment appeals heard by the Assessment Review Board
2. Advocacy through the province on a permanent policy solution

Assessment Appeals

The County has filed assessment appeals on all aggregate producing properties in its three southern-most municipalities, being Puslinch, Erin and Guelph/Eramosa for the 2017 to 2020 taxation years. The purpose of these appeals is to ensure that the current value assessment of these properties is captured through the existing legislation, and to deal with how those properties are classified for taxation purposes.

The effect of the current property tax valuation structure by the Municipal Property Assessment Corporation ("MPAC") unfairly sees active gravel pits incurring less property tax than many single-family homes and small businesses as a result of unduly low and inaccurate current value assessments. It also leads to properties that are located in the same areas and are similar to gravel pits receiving vastly different property valuations, which contradicts the principle of fairness and transparency underpinning our taxation system that similar properties should be treated and taxed equally. Arbitrarily classifying gravel pits as among the lowest form of farmland (Class 5) sets an artificial cap on these producers' property assessments and keeps their property taxes well below what they should be paying. In turn, residents and businesses are subsidizing the break that gravel producers are receiving.

In terms of next steps for these appeals, a settlement conference is scheduled to take place on September 16 and hearings are scheduled for the weeks of November 16 and 23.

Advocacy for a Permanent Policy Solution

The County has been working with its colleagues through the Top Aggregate Producing Municipalities of Ontario (TAPMO) to raise awareness of the assessments and the inequitable treatment of these properties and ask the government to review how these properties are assessed and treated from a property tax policy perspective through the MPAC review that is currently taking place.

Through this work, TAPMO endorsed the attached municipal resolution to be shared with TAPMO municipalities for consideration at local Councils. The resolution formally asks the province to review how these properties are assessed in light of the inequitable treatment in comparison to other residential and business properties in the municipality. Several municipalities across the province have approved and forwarded this resolution to the province and local MPPs.

To be clear, the County believes MPAC's property valuation is incorrect even within the current legislation, however, the County is looking for further direction and possible legislative or regulatory changes that will eliminate future disputes. This kind of permanent policy change is in everyone's best interest to resolve this issue once and for all.

Staff recommend that the Administration, Finance and Human Resources Committee support the resolution and pass it along to County Council for approval. This is also an opportunity for the County to remind its member municipalities to review and give consideration to this resolution as well.

AMO Delegation Meeting

On August 18, 2020, in collaboration with the Top Aggregate Producing Municipalities of Ontario (TAPMO), County representatives met with Stan Cho, Parliamentary Assistant to the Minister of Finance, to discuss the need to improve how aggregate properties are assessed across Ontario under an equitable valuation system. The meeting was held during the Association of Municipalities of Ontario (AMO) conference. This is where municipal and provincial policymakers come together to discuss pressing issues facing both levels of government.

Wellington County and other TAPMO members presented several policy-driven solutions to Mr. Cho that would make MPAC's property tax valuations accurate and equitable. There are many possible legislative, regulatory or policy changes that can achieve a permanent solution. These include:

- Creating a separate class for aggregate producing properties (as was done for landfills in 2015);
- Directive (or regulation) from the Minister to MPAC regarding how to assess these types of properties to reflect their true market or industrial value;
- Remove the aggregate exemption from the *Assessment Act* (as was the situation prior to 2008).

This would enable municipalities to maintain stability in local taxation levels and meet the needs of their communities. Directing MPAC on how to assess these properties based on their true market value makes common sense and will result in stability and accuracy in the assessment process. The solution to remove the exemption of aggregate in the *Assessment Act* would allow MPAC to assess the full value of the property.

Summary

Aggregate sites are important job creators and an increasingly critical element of public works that help to fuel steady economic growth across Ontario, especially as part of municipalities' post-pandemic recovery. Yet, under the current MPAC valuation formula, their current value assessment is inaccurate such that these sites generate significantly less revenue for municipalities and the Province than other possible uses for the same land. This costs Ontario municipalities millions of dollars in lost tax revenue every year and negatively impacts their abilities to deliver more fulsome services and programmes to residents. The current system also generates less Education property taxes which shifts even more tax burden onto homeowners and small businesses. Municipalities are therefore eager to find a solution that is fair for all involved: the municipality, taxpayers, and aggregate producers.

COVID-19 has highlighted the urgency for a policy-driven, equitable approach. Municipalities across Ontario are fighting to continue providing a high standard of services to our families and businesses who need them now more than ever. The lost tax revenue undermines our ability to enhance those services and make key infrastructure investments at a time when our residents are suffering. The County wants to be fair to aggregate producers while recognizing that they should be part of the solution in terms of helping families and businesses get back on their feet – the very people who are carrying the burden of the current MPAC system.

Recommendation:

That the Aggregate Resource Property Valuation and Advocacy Update Report be received for information; and

That the attached resolution be supported by County Council and sent to the Ministry of Finance.

Respectfully submitted,



Ken DeHart, CPA, CGA
County Treasurer

SCHEDULE A – MUNICIPAL RESOLUTION

WHEREAS previous assessment methodologies for aggregate resource properties valued areas that were used for aggregate resources or gravel pits at industrial land rates on a per acre basis of the total site and such properties were formally classified and taxed as industrial lands; and

WHEREAS Wellington County Council supports a fair and equitable assessment system for all aggregate resource properties; and

WHEREAS the Municipal Property Assessment Corporation determined, with the participation only of the Ontario Stone, Sand and Gravel Association, revised criteria for assessing aggregate resource properties; and

WHEREAS Wellington County Council has concerns that the revised criteria does not fairly assess the current value of the aggregate resource properties;

NOW THEREFORE BE IT RESOLVED:

- (a) That Wellington County Council does not consider the revised criteria for assessment of aggregate resource properties as a fair method of valuation for these properties; and
- (b) That Wellington County Council believes there is a need to review the current assessment scheme for aggregate resource properties to address the inequity of property values; and
- (c) That Wellington County Council hereby calls upon the Province to work with the Municipal Property Assessment Corporation to address the assessment issue so that aggregate resource properties are assessed for their industrial value; and
- (d) That Wellington County Council direct the Clerk to provide a copy of this motion to the Ministers of Finance; Municipal Affairs and Housing; and Natural Resources and Forestry; and to AMO, ROMA, and all Ontario municipalities and local MPP(s).



Northumberland
County

Resolution

Moved By _____

Agenda
Item 8b

Resolution No.
2020-10-21-322

Last Name Printed Martin

Seconded By _____

Council Date: October 21, 2020

Last Name Printed Ostander

"Now Therefore Be It Resolved That Northumberland County Council provide support for the resolution adopted by Wellington County regarding Aggregate Resource Property Valuation including that;

- Northumberland County does not consider the revised criteria for assessment of aggregate resource properties as a fair method of valuation for these properties; and
- Northumberland County believes there is a need to review the current assessment process for aggregate resource properties to address the inequity of property values; and
- Northumberland County calls upon the Province to work with the Municipal Property Assessment Corporation (MPAC) to address the assessment issue so that aggregate resource properties are assessed for their industrial value; and

Further Be It Resolved That Council provides a copy of this resolution to the Minister of Finance, the Minister of Municipal Affairs and Housing; the Minister of Natural Resources and Forestry; MPP David Piccini (Northumberland Peterborough South), the Association of Municipalities of Ontario (AMO), and the Rural Ontario Municipal Association (ROMA), all Ontario municipalities."

Recorded Vote
Requested by _____

Councillor's Name

Carried


Warden's Signature

Deferred _____

Warden's Signature

Defeated

Warden's Signature

From: Karren Wallace <KWallace@wellington-north.com>
Sent: October 15, 2020 2:31 PM
To: donnab@wellington.ca
Subject: FW: Ontario-Wide Request to Pass County of Wellington Aggregate Resolution

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please be advised this was passed at our October 13, 2020 meeting of Council

RESOLUTION: 2020-299
Moved: Councillor Burke
Seconded: Councillor McCabe

WHEREAS previous assessment methodologies for aggregate resource properties valued areas that were used for aggregate resources or gravel pits at industrial land rates on a per acre basis of the total site and such properties were formally classified and taxed as industrial lands; and

WHEREAS Council of the Corporation of the Township of Wellington North supports a fair and equitable assessment system for all aggregate resource properties; and

WHEREAS the Municipal Property Assessment Corporation (MPAC) determined, with the participation only of the Ontario Stone, Sand and Gravel Association, revised criteria for assessing aggregate resource properties; and

WHEREAS Council has concerns that the revised criteria does not fairly assess the current value of the aggregate resource properties;

NOW THEREFORE BE IT RESOLVED:

THAT Council of the Corporation of the Township of Wellington North does not consider the revised criteria for assessment of aggregate resource properties as a fair method of valuation for these properties; and

AND FURTHER THAT Council believes there is a need to review the current assessment scheme for aggregate resource properties to address the inequity of property values; and

AND FURTHER THAT Council hereby calls upon the Province to work with the Municipal Property Assessment Corporation to address the assessment issue so that aggregate resource properties are assessed for their industrial value; and

AND FURTHER THAT Council direct the Clerk to provide a copy of this motion to the Ministers of Finance; Municipal Affairs and Housing; and Natural Resources and Forestry; and to AMO, ROMA, and all Ontario municipalities and local MPP(s).

Karren Wallace, Director Legislative Services/Clerk
Phone) 519-848-3620 ext 4227
Email) kwallace@wellington-north.com

October 22nd, 2020

The Right Honourable Rod Phillips
Minister of Finance
Frost Bldg S 7th Floor
7 Queen's Park Cres, Toronto M7A 1Y7

Dear Mr. Phillips:

Re: Assessing Aggregate Resource Properties

This letter will confirm support of the Council of the Township of South-West Oxford of County of Wellington Resolution dated September 24th, 2020 from the Administration, Finance and Human Resources Committee including that:

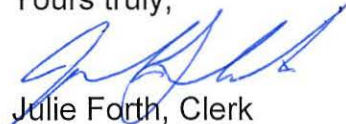
That South-West Oxford Council does not consider the revised criteria for assessment of aggregate resource properties as a fair method of valuation for these properties; and

That South-West Oxford Council believes there is a need to review the current assessment scheme for aggregate resource properties to address the inequity of property values; and

That South-West Oxford Council hereby calls upon the Province to work with the Municipal Property Assessment Corporation to address the assessment issue so that aggregate resource properties are assessed for their industrial value; and

That South-West Oxford Council direct the Clerk to provide a copy of this motion to the Ministers of Finance; Municipal Affairs and Housing; and Natural Resources and Forestry; and to AMO, ROMA, and all Ontario municipalities and local MPP(s).

Yours truly,

A handwritten signature in blue ink, appearing to read 'Julie Forth'.

Julie Forth, Clerk
Township of South-West Oxford

cc. Ministry of Municipal Affairs and Housing;
Ministry of Natural Resources and Forestry;
Association of Municipalities of Ontario;
Rural Ontario Municipal Association;
all Ontario municipalities;
MPP Ernie Hardeman

October 9, 2020

Via Email

Honourable Doug Ford
Premier of Ontario
Legislative Building
Queen's Park
Toronto, ON 1A1

Dear Honourable Premier Doug Ford:

RE: Reform to the Municipal Insurance Policy

On behalf of the Council of the Corporation of the Township of Lake of Bays, please be advised that Council would like to express their concern and request a reform to the Municipal Insurance Policy.

As outlined in the Association of Municipalities of Ontario (AMO) report entitled, "[Towards a Reasonable Balance: Addressing Growing Municipal Liability and Insurance Costs](#)", dated October 1, 2019, joint and several liability creates a higher insurance cost for municipalities. Local municipalities within Muskoka have experienced a 20% increase in municipal liability for 2019 and are expecting at least 20% increase for 2020.

Throughout the Township of Lake of Bays, the area of concern is the Errors and Omissions for building code claims. There is a much higher value of newly built cottages/seasonal residences within Lake of Bays and it is populated by a commanding number of ratepayers who possess the financial means to sue and will endure the protracted legal process. The Township has a lower than average number of building claims, however a higher than average payout.

Please consider an amendment to Bill 124 to make it a requirement that the building contractor name be disclosed and that the contractor must provide proof of insurance, thus providing greater accountability and responsibility and ensuring that municipalities will not bear the burden alone.

...2

Page 2

Kindly review and consider the recommendations as outlined in the above-noted AMO report. Should you have any questions or concerns, please do not hesitate to contact the Municipal Office at 705-635-2272.

Sincerely,



Carrie Sykes, *Dipl. M.A., CMO, AOMC,*
Director of Corporate Services/Clerk.

CS/cw

Copy to: MP, Scott Aitchison
MPP, Norm Miller
Association of Municipalities of Ontario
Municipalities in Ontario

From: "Campbell, Allison" <Allison.Campbell@niagarahealth.on.ca>
To: "charlottesmadden@portcolborne.ca" <charlottesmadden@portcolborne.ca>
Date: 2020-10-23 01:14 PM
Subject: RE: Resolution Request for Rehabilitation of Helicopter Pad at Port Colborne Urgent Care Centre

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good Afternoon Charlotte,

To follow up to my email on Wednesday, Attached to this email you will find a two page Ornge overview, customized to Niagara. This provides a general overview of Ornge's dispatch and asset selection methodology, with some other points specific to your region. It also includes an email where you can get more information.

I hope this meets your needs.

Thank-you,
Allison

Allison Campbell

Executive Coordinator to the President's Office

Allison.Campbell@niagarahealth.on.ca

905-378-4647 x43110

1200 Fourth Ave, St. Catharines, ON L2S 0A9



From: Campbell,Allison

Sent: 21-Oct-2020 15:47

To: 'charlottesmadden@portcolborne.ca' <charlottesmadden@portcolborne.ca>

Subject: RE: Resolution - Request for Rehabilitation of Helicopter Pad at Port Colborne Urgent Care Centre

Good Afternoon Charlotte,

I am sending this response on behalf Lynn Guerriero.

In addition and I am also attaching a response we received today from NEMS Chief Kevin Smith. Once we receive an update from ORNGE I will also send that to you.

Thank you for your letter sent on October 2nd, 2020, referencing a motion at Port Colborne City Council about the former helicopter pad located at the Port Colborne Site of Niagara Health. We appreciate the opportunity to provide a response in follow up to your discussion regarding emergency medical care in the city.

The helipad in question was decommissioned in 2009 when the Emergency Department at the Port Colborne Site was converted into an Urgent Care Centre. The land was subsequently transferred to the Regional Municipality of Niagara.

Niagara Health works with regional and provincial partners, guided by standardized procedures, to ensure safe and timely access to emergency care for patients in Niagara. Given the nature of your request, we have shared your inquiry with our partners Niagara Emergency Medical Services (NEMS) and Ornge, and they will be providing further information about the services they provide in our region. These services include the transport by land or air of patients who are critically ill or injured.

We share your commitment to ensuring Niagara residents receive safe, quality care, and we will continue to work with our communities on behalf of our patients and families. Please do not hesitate to reach out if you would like further information about Niagara Health's emergency medicine program and the services we provide

Thank-you

Allison Campbell

Executive Coordinator to the President's Office

Allison.Campbell@niagarahealth.on.ca

905-378-4647 x43110

1200 Fourth Ave, St. Catharines, ON L2S 0A9

ORNGE INFORMATION SHEET - NIAGARA

Ornge is Ontario's provider of air ambulance and critical care medical transport services. As requested, we are pleased to provide a brief overview of how we provide these services to the Niagara Region and across the province.

Ornge performs more than 20,000 patient-related transports across Ontario each year. More than 90 per cent of these are *inter-facility* – typically from one hospital to another in order to increase the level of care. Approximately 7 to 8 per cent are *scene calls* – where Ornge lands at the scene of a traumatic injury (available during daylight hours).

Ornge Bases:

Ornge has 12 bases across the province. Depending on the location, these bases may be equipped with helicopters, airplanes, land ambulances or a combination of these. The Niagara peninsula is most frequently served by:

- Toronto base – 2 helicopters staffed 24/7
- London base – 1 helicopter staffed 24/7
- GTA base* – 2 Critical Care Land Ambulances (CCLA) staffed 12/7

**As part of Ornge's COVID response, one of the GTA crews is being forward-deployed to the Hamilton/Halton area on a daily basis for the duration of its 12/7 shift. This provides enhanced coverage for the area south and west the GTA, and allows for COVID patients from that area to be transported by land rather than air (part of Ornge's COVID mitigation strategy).*

The vehicle used to respond to a call will depend on a number of criteria. See *Asset Selection* below.

Dispatch Process:

Ornge is not part of the 911 system. Hospitals, paramedic services, Central Ambulance Communications Centres and CriteCall Ontario directly request Ornge service.

- Dispatch decisions are made within Ornge's Operations Control Centre.
- Communications Officers gather medical information, assess the patient's level of care requirements, dispatch the most appropriate asset, and coordinate logistics with the sending and receiving hospitals and, as needed, with the local paramedic service.
- A Transport Medicine Physician triages, discusses the patient's medical status with the sending hospital, provides advice on preparing the patient for transport, and gives medical orders to Ornge paramedics.

Asset Selection:

Ornge strives to ensure the closest most appropriate asset (helicopter, airplane, land ambulance) is matched with the right patient. The selection of asset is based on a number of considerations:

1. Type of Request
 - a. Highest priority is given to emergent requests (e.g. scene calls, inter-facility Life or Limb transfers)
2. Medical needs of the patient
 - a. Patient's level of care required
 - b. Time to definitive care
3. Vehicle considerations
 - a. Range, speed
 - b. Crew's level of care (advanced or critical)
4. Unique local circumstances, e.g.
 - a. Location of airport
 - b. Hospital with/without helipad
 - c. Local EMS deployment plan

Landing Infrastructure

Landing sites are the responsibility of local stakeholders. The Niagara Region has a number of landing sites which are available to Ornge for air transports and selected depending on the criteria above. These landing sites include:

- Welland Central Airport
- Niagara Health – Welland Site Helipad
- Niagara Health – St. Catharines Site Helipad
- Niagara Falls Fire Hall Helipad
- Niagara Central Dorothy Rungeling Airport
- Grimsby Airpark

Ornge helicopters are also able to land on scene during daylight hours, so long as the pilot in command is able to locate a safe and suitable landing zone. At night, Ornge helicopters will meet land Paramedics at an approved aerodrome (such as the landing sites listed above).

Note: For shorter distance transport from the scene to a trauma centre where land transport is faster than air response, and for inter-facility transports requiring a primary level of care, the local paramedic service would be the preferred option. For inter-facility transports over a medium distance requiring a higher level of care, Ornge's Critical Care Land Ambulance would be the preferred option. The helicopter is generally used for calls in which it brings a clinical time benefit. For example, a helicopter is appropriate for patient transport to a trauma centre when transport by helicopter is faster than land transport. Similarly, a helicopter is appropriate for inter-facility transfer when the patient requires a higher level of care en route and definitive care (e.g. a time sensitive specialized treatment) at the receiving hospital.

If you have any questions about Ornge service, feel free to contact us at info@ornge.ca.

The Corporation of the City of Port Colborne

By-Law No. 6835/35/20

Being a By-law to Amend By-law 6733/97/19, Being a By-law to Impose Development Charges for the City of Port Colborne

Whereas the Council of the City of Port Colborne passed By-law 6733/97/19 on November 12, 2019; and

Whereas Council wishes to further amend By-law 6733/97/19; and

Whereas the *Development Charges Act*, S.O. 1997, c.27, as amended, (the "Act") provides that the Council of a municipality may amend a by-law imposing development charges;

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. That Section 3.11(b), is hereby amended by replacing the existing residential percentage charge periods for single detached dwellings with the following:

All Residential Services	Year 1 October 7, 2019 – December 31, 2020	Year 2 January 1, 2021 – December 31, 2021	Year 3 January 1, 2021 – December 31, 2022	Year 4 January 1, 2022 – December 31, 2023	Year 5 January 1, 2023 – October 6, 2024
	20%	40%	60%	80%	100%

Enacted and passed this 9th day of November, 2020.

William C Steele
Mayor

Amber LaPointe
City Clerk

The Corporation of the City of Port Colborne

By-law no. 6836/36/20

Being a by-law to amend Zoning By-law 6575/30/18 respecting lands legally described as Part of Lots 16, 17, 18 and 19, part of the road allowance between Lots 16 and 17, part of the road allowance between Lots 18 and 19, in the City of Port Colborne, Regional Municipality of Niagara. The property is municipally known as the Nyon Oil lands generally south of the CN Rail lane, west of Highway 140 and east of Canal Road in the City of Port Colborne.

Whereas By-law 6575/30/18 is a by-law of The Corporation of the City of Port Colborne restricting the use of land and the location and use of buildings and structures; and

Whereas, the Council of The Corporation of the City of Port Colborne desires to amend the said by-law.

Now therefore, and pursuant to the provisions of Section 34 of the *Planning Act, R.S.O. 1990*, The Corporation of the City of Port Colborne enacts as follows:

1. This amendment shall apply to those lands described on Schedule "A" attached to and forming part of this by-law.
2. The Special Provision: HI-46-H of Section 37.2 entitled Special Provisions of Zoning By-law 6575/30/18, as amended, is hereby further amended by removing provision b) i) and b) iii) which read:
 - i) The Owner enters into and registers on title a Site Plan Agreement with the City of Port Colborne which will include recommendations made in the supporting technical studies conducted in association with the development application;
 - iii) Prior to the City entering to the Site Plan Agreement, approval shall be obtained from the applicable approval authority which identifies an appropriate location and design for a private sewage disposal system and private water supply system to adequately and appropriately service the proposed use;
3. That this by-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of the *Planning Act*.
4. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with the *Planning Act*.

Enacted and passed this 9th day of November, 2020.

William C. Steele
Mayor

Amber LaPointe
City Clerk

The Corporation of the City of Port Colborne

By-Law No. 6837/37/20

Being a By-Law to Amend By-Law No. 89-2000,
Being a By-Law Regulating Traffic and Parking on
Killaly Street East

Whereas at its meeting of November 9, 2020 the Council of The Corporation of the City of Port Colborne ("Council") approved the recommendation of Engineering and Operations Department, Engineering Division, Report No. 2020-159, Subject: By-law Revision – Speed Limit change on Killaly Street East; and

Whereas Council is desirous of amending the provisions of By-law 89-2000, Being a By-law Regulating Traffic and Parking on City Roads, as amended, in accordance with the recommendations outlined in the above referenced report;

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. That Schedule 'W' Speed Limits to By-law 89-2000, as amended be further amended to delete the following therefrom:

Column 1	Column 2		Column 3
Highway	From	To	Max. Speed
Killaly Street East	James Street	350 m west of Snider Road	40

2. That Schedule 'W' Speed Limits to By-law 89-2000, as amended be further amended by adding thereto the following:

Column 1	Column 2		Column 3
Highway	From	To	Max. Speed
Killaly Street East	James Street	Snider Road	40 when flashing

3. That this by-law shall come into force and take effect on the passing, subject to the display of official signs.

Enacted and passed this 9th day of November 2020.

William C. Steele
Mayor

Amber LaPointe
City Clerk

The Corporation of the City of Port Colborne

By-Law No. 6838/38/20

Being a by-law to adopt, ratify and confirm
the proceedings of the Council of The
Corporation of the City of Port Colborne at
its Regular Meeting of November 9, 2020

Whereas Section 5(1) of the *Municipal Act, 2001*, provides that the powers of a municipality shall be exercised by its council; and

Whereas Section 5(3) of the *Municipal Act, 2001*, provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

Whereas it is deemed expedient that the proceedings of the Council of The Corporation of the City of Port Colborne be confirmed and adopted by by-law;

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. Every action of the Council of The Corporation of the City of Port Colborne taken at its Regular Meeting of November 9, 2020 upon which a vote was taken and passed whether a resolution, recommendations, adoption by reference, or other means, is hereby enacted as a by-law of the City to take effect upon the passing hereof; and further
2. That the Mayor and Clerk are authorized to execute any documents required on behalf of the City and affix the corporate seal of the City and the Mayor and Clerk, and such other persons as the action directs, are authorized and directed to take the necessary steps to implement the action.

Enacted and passed this 9th day of November, 2020.

William C. Steele
Mayor

Amber LaPointe
City Clerk

**City of Port Colborne
Regular Council Meeting 28-20
Minutes**

- Date:** October 26, 2020
- Time:** 6:30 p.m.
- Place:** Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne
- Members Present:** M. Bagu, Councillor
E. Beauregard, Councillor (via Zoom)
R. Bodner, Councillor (via Zoom)
G. Bruno, Councillor
F. Danch, Councillor (via Zoom)
A. Desmarais, Councillor (via Zoom)
D. Kalailieff, Councillor
W. Steele, Mayor (presiding officer)
H. Wells, Councillor
- Staff Present:** D. Aquilina, Director of Planning and Development Department (via Zoom)
B. Boles, Director of Corporate Services/Treasurer (via Zoom)
A. Grigg, Director of Community and Economic Development (via Zoom)
A. LaPointe, Manager of Legislative Services/City Clerk
G. Long, Manager of Strategic Initiatives
S. Luey, Chief Administrative Officer (via Zoom)
C. Madden, Deputy Clerk (minutes)
S. Shypowskyj, Acting Director of Engineering and Operations (via Zoom)
A. Vander Veen, Drainage Superintendent (via Zoom)

Also in attendance was one member of WeeStream.

1. Call to Order:

Mayor Steele called the meeting to order.

Mayor Steele delivered his Mayor's Report, a copy of which is attached.

Regional Councillor Butters informed Council that the Niagara Region received a AA credit rating. She proceeded to report that the Niagara Region's Mask By-law now extends to common areas in condominium/apartment buildings and reminded residents to be kind to those who cannot wear a mask for health reasons. Councillor

Butters concluded her report by encouraging residents to stay safe this Halloween and congratulated all the recent retirees at the City of Port Colborne.

2. Introduction of Addendum Items:

None.

3. Confirmation of Agenda:

No. 215 Moved by Councillor F. Danch
Seconded by Councillor M. Bagu

That the agenda dated October 26, 2020 be confirmed, as circulated.

CARRIED

4. Disclosures of Interest:

Councillor Bagu declared a pecuniary interest regarding item 2 (Planning and Development Department, By-law Enforcement Division, Report 2020-106, Subject: Fence Variance – 128 McCain Street) as the property owners immediately south of 128 McCain Street share the same granddaughter as the Councillor. Councillor Bagu refrained from discussing and voting on item 2.

Councillor Beauregard declared a pecuniary interest regarding item 6 (Memorandum from Councillor Harry Wells Re: Designating the Vulnerable Aquifer Schedule B of Official Plan as a Source Water for Rural Residents of port Colborne), as he is employed by Sullivan Mahoney the solicitor for Rankin companies. Councillor Beauregard refrained from discussing and voting on item 6.

5. Adoption of Minutes:

No. 216 Moved by Councillor H. Wells
Seconded by Councillor R. Bodner

(a) That the minutes of the regular meeting of Council 27-20, held on October 13, 2020, be approved as presented.

CARRIED

6. Determination of Items Requiring Separate Discussion:

The following items were identified for separate discussion:

Items 1, 2, 3, 4, and 6.

7. Approval of Items Not Requiring Separate Discussion:

- No. 217** Moved by Councillor R. Bodner
 Seconded by Councillor E. Beauregard

That Items 1 to 13 on the agenda be approved, with the exception of items that have been deferred, deleted or listed for separate discussion, and the recommendation contained therein adopted.

Items:

- 5. Corporate Services Department, Financial Services Division, Report 2020-156, Subject: Provincial COVID-19 Safe Restart Funding**

Council Resolved:

That Council direct staff to apply for Phase 2 funding under the Safe Restart Agreement – Municipal Operating Fund.

- 7. Niagara Region Re: Solid Waste Management By-law Update**

Council Resolved:

That the correspondence received from Niagara Region Re: Solid Waste Management By-law Update, be received for information.

- 8. Niagara Region Musicians Associations Re: The Establishment of a Sub Class of Property Taxes for Venues that Engage Live Entertainment – Economic Challenges brought on by COVID**

Council Resolved:

That the correspondence received from Steve Kostyk, President, NRMA, regarding the Establishment of a Sub Class of Property Taxes for Venues that Engage Live Entertainment – Economic Challenges brought on by COVID, be received for information.

- 9. City of St. Catharines Re: Development Approval Requirements for Landfills – (Bill 197)**

Council Resolved:

That the resolution received from the City of St. Catharines Re: Development Approval Requirements for Landfills, be received for information.

10. City of Thorold Re: Amendments to Bill 197 Being Amendments to the Environmental Assessment Act, relating to Landfill Sites

Council Resolved:

That the resolution received from the City of Thorold Re: Amendments to the Environmental Assessment Act, relating to Landfill Sites, be received for information.

11. Township of Enniskillen Re: Funding and Inspections for Long Term Care Homes due to COVID 19 and Endorsement of Bill 164

Council Resolved:

That the resolution received from the Township of Enniskillen in support of the City of Port Colborne's resolution Re: Funding and Inspections for Long Term Care Homes due to COVID 19 and Endorsement of Bill 164, be received for information.

12. City of Vaughan Re: Funding and Inspection for Long Term Care Homes due to COVID 19 Pandemic

Council Resolved:

That the correspondence received from the City of Vaughan Re: Funding and Inspection for Long Term Care Homes due to COVID 19 Pandemic, be received for information.

13. City of Port Colborne's Resolution Re: Request for Endorsement of Bill 164 Protecting Vulnerable Persons in Supportive Living Accommodation Act, 2019

Council Resolved:

That the resolutions received from the Municipality of Brooke-Alvinston, Coleman Township, Municipality of Dutton Dunwich, Municipality of Huron East, Township of O'Connor, Town of Rainy River, City of St. Catharines, City of Vaughan, Township of Warwick and City of Welland regarding City of Port Colborne's request for endorsement, be received for information.

CARRIED

8. Delegations/Presentations

- (a) Carol Nagy, Executive Director, Hospice Niagara Re: Community Funding Grant Request for Expansion of Hospice Residential and Community Services Across the Region

Carol Nagy, Executive Director, Hospice Niagara, provided a presentation with respect to a Community Funding Grant Request for the expansion of Hospice Residential and Community Services across the Region and responded to questions received from Council. A copy of her presentation is attached.

- (b) Scott Luey, Chief Administrative Officer and Gary Long, Manager of Strategic Initiatives Re: Strategic Plan 2020-2025

Scott Luey, Chief Administrative Officer and Gary Long, Manager of Strategic Initiatives provided a presentation with respect to the 2020-2025 Strategic Plan and responded to questions received from Council. A copy of their presentation is attached.

9. Councillors' Items:**Staff Responses to Previous Councillors' Enquiries**

- (a) Access Gates at the Lake Road Ends (Shypowskyj)**

The Acting Director of Engineering and Operations provided Council with an update on the issue of off-roading vehicles maneuvering around the access gates on lake road ends. The Acting Director of Engineering and Operations informed Council that staff have investigated the issue and confirmed that there are sections of these road ends that require blockage. He further reported that staff is currently conducting a review to improve all road ends with work to be implemented in the near future and that temporary solutions will be put in place for the interim.

- (b) Audible Pedestrian Signal Crossings (Shypowskyj)**

The Acting Director of Engineering and Operations provided an update to Council with respect to the audible pedestrian signal crossings in the City. He informed Council that there are 19 crossings in the City and out of those crossings, there are 7 using audible signals. He further reported that an audible signal installation is approximately \$12,000 which is dependant upon existing infrastructure. He indicated that in order to achieve AODA compliance, a tactile pad installation would be required within 1.5 metres of the crossing, thereby adding an additional cost in the event that the poles needed to be relocated.

Councillors' Issues/Enquiries

(a) Nyon Public Meeting (Wells)

In response to Councillor Wells' inquiry regarding what the precise request is that is being brought forward during the upcoming Planning Public Hearing, the Director of Planning and Development informed Council that on November 2, Council and the public will hear the technical amendment being proposed by Nyon Oil Inc., which is to change the wording in the Zoning By-law to not require a site plan agreement or private servicing before the holding provision on that property be removed.

(b) Public Hearing Signs Removed (Wells)

Councillor Wells informed Council and staff that the Public Hearing Notice signs had gone missing from the Nyon Oil Inc. property and queried as to what could have possibly happened to them. The Director of Planning and Development suggested to Council that the signs could have inadvertently been destroyed by the MTO and confirmed that Nyon Oil Inc. re-posted the signs in a better area to avoid being destroyed in the future.

(c) Local Development Charges (Bruno)

In response to Councillor Bruno's inquiry regarding whether the City could amend the residential component of the Development Charges By-law for single detached dwellings to align with the Niagara Region's Development Charges By-law indexing date, the Director of Planning and Development confirmed that this could be accomplished by way of a By-law amendment which he would bring forward for Council's consideration at the November 9, 2020 Council meeting.

(d) Barrick Road Truck Traffic (Bruno)

In response to Councillor Bruno's inquiry regarding whether staff could reach out to companies in the area of Barrick Road and Elm Street to request that they notify their trucking companies to use Stonebridge Drive instead of Barrick Road, the Manager of By-law Services confirmed that she can arrange for staff to do this. Further, in response to Councillor Bruno's request that signage be put up on Highway 58 notifying truck drivers to use Stonebridge Drive, the Acting Director of Engineering and Operations informed Council that he will bring this request forward at the upcoming meeting with the MTO and update Council on this matter at the next meeting.

(e) Commercial Signs around the City (Bruno)

Councillor Bruno expressed appreciation towards the Roads Supervisor for actively monitoring and removing commercial signs that continue to be installed without permission along the City's roads and hydro poles. The Chief Administrative Officer confirmed that he will communicate with all City staff to monitor commercial signs along the City roads, remove them if possible or report to dispatch so that a Roads employee can remove. Councillor Bruno encouraged residents to report to the City if they see a commercial sign located along a City road.

(f) Community Centre Entranceway Signs (Bagu)

Councillor Bagu reported to Council that he reached out to the Acting Director of Engineering and Operations concerning whether new community centre entranceway signs to the City could be installed. The Acting Director of Engineering and Operations confirmed to Councillor Bagu that he would investigate this matter and bring forward an update at the next Council meeting.

(g) Status of Vale Centre Walking Track (Bagu)

In response to Councillor Bagu's request for a status update on the walking track at the Vale Health and Wellness Centre and whether the operating hours could be expanded to the evening, the Director of Community and Economic Development informed Council that since reopening, there have been 225 walkers who have used the walking track with an average of 15 walkers per day. She further reported that the up take at the beginning of reopening was slow but that it has steadily increased as the weather has gotten colder. The Director of Community and Economic Development indicated that staff are actively reviewing the ability to increase services and that as the weather continues to get cooler and the demand is increased, staff will look to implement evening hours.

(h) Recycling Bins on West Street (Bagu)

Councillor Bagu informed Council and staff that the City's recycling bins on West Street hadn't been emptied in the last two weeks. In response to Councillor Bagu's inquiry with respect to how often the City's recycling bins along West Street get emptied and whether it's the Region's responsibility to do the collection in that area, the Director of Community and Economic Development informed Council that there is a decreased off season schedule whereby staff collect the recycling twice a week. The Director of Community and Economic Development further reported that she will follow-up with staff on this issue and provide an update at the next Council meeting.

(i) Homelessness in Downtown Port Colborne (Bagu)

In response to Councillor Bagu's inquiries regarding the City's process when encountering or witnessing a person who may be homeless in City Hall's atrium after hours and what the cleaning procedure is after these circumstances have occurred, the Chief Administrative Officer informed Council that City Hall has stepped up its cleaning schedule to twice per day including the atrium and further reported that if anyone witnesses this happening, to notify the City's Customer Service Representatives who will provide contact information of an employee at the Region's Homeless Outreach that can assist the individual with housing. The Manager of By-law Services reported that the Niagara Regional Police Services are aware of this matter and can also be contacted.

(j) Parking Signage on West Street (Kalailieff)

In response to Councillor Kalailieff's inquiry regarding when the signage will be installed with respect to the new hours of parking on West Street, the Manager of By-law Services informed Council that a high priority Service Request has been inputted, however, due to the COVID-19 pandemic, there is a delay from the contractors. The Acting Director of Engineering and Operations confirmed that he will investigate the delay and provide an update at the next Council meeting.

(k) Coloured markings on the Street and Sidewalks (Kalailieff)

In response to Councillor Kalailieff's inquiry regarding what the coloured markings on the streets and sidewalks are for, the Acting Director of Engineering and Operations informed Council that every year, staff complete a sidewalk review where they mark out all the tripping hazards in pink paint and those markings formulate the repair list for the following year. He further confirmed that he will coordinate with the Corporate Communications Officer in posting this information on the City's social media.

(l) Portable Washroom (Kalailieff)

Councillor Kalailieff expressed gratitude towards the Mayor and Chief Administrative Officer for arranging for the installment of the portable washroom by the canal.

(m) Lights for the Downtown and Main Street BIAs (Danch)

Councillor Danch informed Council that the Downtown and Main Street BIAs are looking to purchase new year-round decorative lights. He further reported that the BIAs are going to pay a portion, a grant could be applied for with the

assistance of City staff before December 1st and they are seeking support from Council for the remaining balance.

No. 218 Moved by Councillor F. Danch
Seconded by Councillor G. Bruno

That the rules respecting notice of motion, as outlined under Section 15 of the Procedural By-law, be waived in order to dispense with notice.

CARRIED

No. 219 Moved by Councillor F. Danch
Seconded by Councillor D. Kalailieff

That Council approves up to \$22,000-\$25,000 to be spent on new decorative year-round lights for the Downtown and Main Street BIAs; and

That the Manager of Strategic Initiatives coordinate with the Downtown and Main Street BIAs in order to apply for a grant to help purchase new decorative year-round lights.

CARRIED

(n) Niagara Leadership Summit for Women (Desmarais)

Councillor Desmarais reported to Council that she recently attended the Niagara Leadership Summit for Women where there was a panel discussion on the rising challenge of the online world.

(o) Trucks Driving on Mitchell Street (Desmarais)

Councillor Desmarais reported to Council and staff that there has been an ongoing issue of trucks driving off the truck route and onto Mitchell Street. She further requested that the Manager of By-law Services contact the businesses in the area to request their trucking companies to stay on the truck route.

(p) Construction on Lincoln Avenue and Christmas Street (Desmarais)

Councillor Desmarais informed Council that due to a home construction in the area of Lincoln Avenue and Christmas Street, cuts were made in the road for servicing requirements and those cuts were improperly resurfaced which has caused big bumps in the road. The Acting Director of Engineering and Operations confirmed that asphalt patch repair is planned to be completed in that area in the near future.

(q) Speeding in School Zones (Desmarais)

Councillor Desmarais reported to Council that there have been issues with speeding on Janet Street which is a School Zone. She informed Council that when the construction was happening on Janet Street, the School Zone signs were taken down and now that the construction is completed, those signs should be reinstalled so as to prevent people from speeding. The Mayor informed Council that he will notify the Niagara Regional Police Staff Sergeant of this issue.

(r) Social Determinants of Health Committee Meetings (Desmarais)

Councillor Desmarais requested that the Social Determinants of Health Committee resume their meeting schedule since the weather is changing and the City will see a lot of challenges with respect to homelessness.

10. Consideration of Items Requiring Separate Discussion:**1. Engineering and Operations Department, Engineering Division, Report 2020-146, Subject: Michener Municipal Drain Meeting to Consider**

Alana Vander Veen, Drainage Superintendent and Paul Marsh, P.Eng of EWA Engineering Inc., provided a presentation and responded to questions received from Council and the public. A copy of their presentation is attached.

No. 220 Moved by Councillor H. Wells
Seconded by Councillor M. Bagu

That the Mayor and Clerk be directed to execute a by-law to provisionally adopt the Michener Municipal Drain Engineer's Report, dated May 7, 2020, prepared by Paul Marsh, P. Eng. of EWA Engineering Inc., under Section 78, Chapter D.17 of the *Drainage Act R.S.O. 1990*;

That staff be directed to advance the Michener Municipal Drain Engineer's Report to that of the Court of Revision, as per Section 46(1), Chapter D.17 of the *Drainage Act R.S.O. 1990*; and

That Councillor Wells, Councillor Bagu and Councillor Bodner be appointed as members of the Michener Municipal Drain Court of Revision and Councillor Danch be appointed as an alternate to be tentatively scheduled for December 9, 2020.

CARRIED

2. Planning and Development Department, By-law Enforcement Division, Report No. 2020-106, Subject: Fence Variance – 128 McCain Street

No. 221 Moved by Councillor H. Wells
Seconded by Councillor G. Bruno

That Planning and Development Department, By-law Enforcement Division, Report 2020-106, Subject: Fence Variance – 128 McCain Street, be received for information; and

That the fence variance request for 128 McCain Street not be approved, and that the property be brought into compliance with the Fence By-law.

LOST

No. 222 Moved by Councillor E. Beauregard
Seconded by Councillor G. Bruno

That Planning and Development Department, By-law Enforcement Division, Report 2020-106, Subject: Fence Variance – 128 McCain Street, be received for information; and

That the applicant of the fence variance request for 128 McCain Street be directed to remove all evergreen trees along the fence line parallel to Steele Street, and that a 2 feet wide portion of the south fence that is abutting the neighbouring property on Steele Street and a 2 feet wide portion of the west fence that is adjacent to Steele Street be lowered to 3 feet in height.

CARRIED

3. Engineering and Operations Department, Engineering Division, Report 2020-160, Subject: Project No.: 2020-02, Elm Street Bulk Water Station Replacement

No. 223 Moved by Councillor G. Bruno
Seconded by Councillor F. Danch

That the Council of the City of Port Colborne award Tender 2020-02 Bulk Water Station Installation to V. Gibbons Contracting LTD., of Stevensville, Ontario, for the total tendered price of \$117,990.00, plus applicable taxes;

13. Consideration of By-laws:

No. 226 Moved by Councillor E. Beauregard
 Seconded by Councillor A. Desmarais

That the following by-laws be enacted and passed:

6827/77/20	Being a By-law to Provide for a Section 4 and Section 78 Engineer's Report for a Drainage Works in the City of Port Colborne in the Regional Municipality of Niagara Known as the Michener Municipal Drain
6828/78/20	Being a By-law to Authorize Entering into a Contract Agreement with V. Gibbons Contracting Ltd. For Project 2020-02, Elm Street Bulk Water Station Replacement
6829/79/20	Being a By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne at its Regular Meeting of October 26, 2020

CARRIED

14. Council in Closed Session:

Motion to go into Closed Session – 10:21 p.m.:

No. 227 Moved by Councillor F. Danch
 Seconded by Councillor G. Bruno

That Council do now proceed into closed session in order to address the following matter(s):

- (a) Minutes of the Closed Session portions of July 15, 2020, September 2, 2020 and September 17, 2020.
- (b) Department of the Chief Administrative Officer, Project Management Office, Presentation concerning the potential disposition of City owned land, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board.

CARRIED

Motion to Rise With Report:

No. 228 Moved by Councillor M. Bagu

Seconded by Councillor H. Wells

That Council do now rise from closed session with report at approximately 11.32 p.m.

CARRIED

15. Disclosures of Interest Arising From Closed Session:

None.

16. Report/Motions Arising From Closed Session:

- (a) **Department of the Chief Administrative Officer, Project Management Office, Presentation concerning the potential disposition of City owned land, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board.**

The City Clerk reported that direction was provided to staff during closed session in accordance with the *Municipal Act, 2001*.

17. Adjournment:

Mayor Steele adjourned the meeting at approximately 11:35 p.m.

William C. Steele
Mayor

Amber LaPointe
City Clerk

AL/cm



MAYOR'S REPORT
OCTOBER 26, 2020 COUNCIL MEETING

COVID-19 UPDATE

Good evening and welcome to our virtual council meeting.

Tonight we are welcoming Councillors Bagu, Bruno, Kalailieff and Wells into the council chambers. Also joining us are our CAO Scott Luey, Clerk Amber LaPointe, Deputy Clerk Charlotte Madden, and a member of Wee Stream who are live streaming this meeting for us.

Our other four city councillors and various city directors are each attending from home.

Niagara remains in Stage 3 of the COVID-19 recovery process. There have been staggering numbers of new cases across the province over the past several days. We have seen the province roll back several regions to a modified Stage 2. We need to continue to work hard so Niagara does not get rolled back as well.

We emphasize the need for social distancing, hand washing and face coverings where social distancing can't be maintained or where required by the Region's face covering by-law.

We ask that you continue to support our local businesses, including restaurants as patio season has come to an end and these businesses still need our support.

Lion's Club Food Drive

This past weekend was the Lion's Club Food Drive supporting Port Cares.

I would like to thank everyone who donated and participated as a volunteer. We had a great turn out.

Staff Retirements

Over the past 6 months we have had several staff members decide to retire.

Normally we would have them out to the council meeting to recognize their years of service, but these are not normal times.

I would like to publicly recognize the following for their combined 227 years of service to the City of Port Colborne and congratulate them as they enter the next stage of their lives:

- Heather Mahon 29 years
- Joanne Benson 27 years
- Terry Czerlau 17 years
- Sylvie Beaudoin 31 years
- Pete Leavere 34 years
- Mark Stead 30 years
- Jim Brown 34 years
- Brent Eden 25 years

Public Washrooms

With the winter season approaching, our Parks Department has installed a portable washroom near the Harbour Master's Building on West Street at Charlotte Street for use by the public.

This washroom will remain available to the public until further notice as our facilities at H.H. Knoll Lakeview Park and Lock 8 Park are closed for the season.

Garbage Collection

Our new garbage collection schedule has started and residents are reminded they can put out up to 2 bags of garbage this week along side their green, blue and grey bins.

It was troubling today that I learned that our municipal roadside garbage containers, meant for small amounts of garbage when walking past, are being filling with household garbage.

We need everyone to do their part to manage their own garbage by using your green bin for food and pet waste and putting this to the curb each week. If your household requires a second bin, they are available for \$17 here at City Hall. Give our Customer Service Representatives a call and arrange a time to pick one up.

I know this change is new for everyone, but let's each do our part to keep our city neat and tidy.

Museum Tours

The Port Colborne Historical and Marine Museum is currently offering socially-distanced guided tours of this year's exhibits.

And as a long time supporter of the Museum, I would like to thank Lower Lakes Towing Ltd. who have sponsored the cost of all guided tours for the season.

Call the Museum at 905-834-7604 to book your private tour.

Hallowe'en

Hallowe'en is coming up this weekend and Public Health has released some guidelines if you are planning to take your children trick or treating:

- Stay home if feeling ill or if you have mild symptoms.
- Only go out with members of your direct household.
- Only trick or treat outside.
- Both trick or treaters and people handing out candy should wear a face covering:
 - A costume mask is not a substitute for a face covering and should not be worn over a face covering as it may make it difficult to breathe.
 - Consider building your face covering into your, or your child's, costume.
- Do not congregate or linger at doorsteps. Line up two metres apart if waiting. Avoid high-touch surfaces and objects.
- Whether collecting or handing out treats, wash your hands often and thoroughly or use hand sanitizer:
- Do not leave treats in a bucket or bowl for children to grab.
- Consider using tongs, or other similar tools to hand out treats.

Parents will need to make a personal decision about participating this year. If you do PORTicipate, please do it safely.

Remembrance Day and Poppy Week

The Royal Canadian Legion will have poppies available for purchase starting on Friday.

Legion volunteers will not be canvassing outside of stores this year, but rather poppy boxes will be placed in 65 locations such as stores and schools from Wainfleet to Gasline.

Please support their efforts.

The Remembrance Day Ceremony will also be different this year. The public ceremony at the Cenotaph at H.H. Knoll Lakeview Park has been replaced by a private ceremony for Legion members only to be held inside the branch.

The Legion is hoping to be able to live stream the event and details about this will be available on social media closer to November 11th.

The Legion has asked members of the public to please observe 2 minutes of silence at 11:00 a.m. on November 11th in lieu of attending a ceremony.

Closing

In closing, we ask for your patience while we all work together and remain vigilant in fighting this virus.

Our number one priority is the health and safety of our staff and citizens.

Please stay safe.



City of Port Colborne – October 26, 2020

To be heard under Section 8 “Delegations/Presentations”:

Delegation:

1. Carol Nagy, Executive Director, Hospice Niagara Re: Community Funding Grant Request for Expansion of Hospice Residential and Community Services Across the Region
 - Note: Ms. Nagy will be in attendance and speaking in our Zoom Virtual Council Meeting.

Presentation:

2. Scott Luey, Chief Administrative Officer and Gary Long, Manager of Strategic Initiatives Re: Strategic Plan 2020-2025

To be heard under Section 10 – “Items Requiring Separate Discussion” (during consideration of the associated report/correspondence, as identified below):

Item 1.

Engineering and Operations Department, Engineering Division, Report No. 2020-146, Subject: Michener Municipal Drain Meeting to Consider

1. Alana Vander Veen, Drainage Superintendent providing a verbal report and Paul Marsh, P. Eng., Water Resources Engineer, EWA Engineering Inc.
 - Note: Mr. Marsh will be providing a presentation with regard to the above report in our Zoom Virtual Council Meeting.

Written Submissions

2. Peter Mason and Martha Mason, 902 Lakeshore Road, East
3. Lou Nieuwland and Maribeth Nieuwland, Owners, Whisky Run Golf Club Ltd.
4. Laurie Pye and Brian Pye, Owners, Maple Meadows Farms

Item 2.

Planning and Development Department, By-law Enforcement Division, Report No. 2020-106, Subject: Fence Variance – 128 McCain Street

1. Rachel MacPherson – owner of 128 McCain Street.
 - Written submission of August 24, 2020
 - Written submission of October 26, 2020
- Note: Ms. MacPherson will be speaking to the above report in our Zoom Virtual Council Meeting.

Written Submission

2. Rob and Tracie Maude, 601 Steele Street

Briefing Note: Hospice Palliative Care Expansion in Niagara Region

Hospice Niagara is currently in the planning phase with the Ministry of Health for expansion of 20 new hospice beds within Centers of Excellence in Hospice Palliative Care. These centres, located in Fort Erie and Welland, will provide exceptional end-of-life care for which Hospice Niagara has become known, along with expansion of in-home hospice care, education and volunteer support across the region.

Why it's important for Municipalities to Invest Now in Hospice Palliative Care

This expansion will provide residents of Port Colborne increased care within their home and choice of hospice care, closer to home (other hospice beds are currently located in St. Catharines). It is important to invest in this expansion now, given this region's aging demographic, and the uncertainty surrounding the existing palliative care services provided at Port Colborne, Fort Erie and Welland hospitals. We must work together to secure these resources that provide expert care exactly when they are needed.

Currently, the hospice residence bed count in Niagara is 3 beds per 100,000 residents. The Auditor General has recommended 7-10 beds per 100,000. The Ministry of Health agrees that the first step to addressing the issue of hallway medicine is to build effective community solutions, rather than locate more beds within hospitals. As such, the ministry has approved operational funding for 20 additional Hospice residence beds; 10 in Fort Erie and 10 in Welland. This will better address patient/family centered care and decisions, since 80% of people in Canada prefer to die at home or in a community hospice.

Hospice Niagara has maximized its current hospice residence capacity. Each year, the 10-bed residence in St. Catharines accommodates only half of those who choose hospice care. And the requests continue to increase by at least 15% each year.

Hospice care is delivered at a fraction of the cost of hospital care. The average cost of a hospice bed is \$465 per day, while a hospital bed costs over \$1,100 per day, saving our health care system millions of dollars each year. While dying in hospital may be some people's preference, or due to necessity, hospices provide people and their families with individual care, input into all care decisions and maintains dignity at end-of-life.

Economical Planning

The typical cost of building a stand-alone hospice residence falls within the range of \$10M - \$14M. Building alongside the expansion of two larger not-for-profit long-term care homes decreases the build cost by half, as the hospice 10-bed portion advantages economies of scale.

If approved, the Ministry of Health will provide Hospice Niagara with \$2M capital grant for each site, to offset the total capital build cost.

Once approved, opening for both sites will occur in 2023.

The Stabler Centre

403 Ontario Street, Unit 2, St. Catharines, ON L2N 1L5
T: 905-984-8766 | F: 905-984-8242

Welland Office

555 Prince Charles Drive, 2nd Floor, Welland, ON L3C 6B5
T: 905-984-8766 | F: 905-735-1703

info@hospiceniagara.ca | hospiceniagara.ca | Charitable Registration # 899716294RR0001

Sustainable Growth

Hospice Niagara plans to manage increased operating costs of these two new facilities by integrating and/or contracting most of its infrastructure and back-end operating costs through its long-term care partners. In this way, the organization is ensuring that the services it provides today will be available to future generations.

Integration planning between Hospice Niagara and long-term care operators will provide:

- Opportunity for shared use amenities and services (where possible);
- Potential for shared services (laundry, housekeeping, grounds keeping, parking, utilities, building maintenance, etc.);
- Opportunity for back-end integration of administrative functions, such as Information Technology (IT), maintenance, payroll, communications, etc.

Capital Campaign Contributions

Hospice Niagara's capital campaign has launched, with a target of raising \$14M toward the build costs for the Fort Erie and Welland sites. Hospice Niagara is working to secure contributions from every municipality, along with the Region, not only because this expansion benefits all of Niagara, but this broad-based commitment will send a very strong message to the Province, as it considers the allocation of the provincial grant funding (\$4M in total).

Improved Care for South Niagara

Niagara's much needed Hospice expansion is important to every community. This expansion model creates a template for other communities in Niagara to plan alongside Hospice Niagara for future hospice resource expansions.

Most importantly, for people living in Port Colborne, expansion means:

- Increased local access to weekly hospice wellness programs, caregiver and bereavement support;
- Influx of palliative care professionals working in south communities;
- Two south-Niagara facilities that serve this geographic area, which has one of the highest proportions of aging population (in all age categories over 65 years old), with complex health issues (i.e. underserved communities);
- The expansion of francophone programs and services;
- Onsite expert consultations to help people living in southern LTC homes avoid hospital admissions due to pain crisis and complex end-of-life care and;
- Better planning, transitions and improved quality of life for patients and families, who will have local access to vital hospice and community palliative care services.

These projects are community and provincial investments that will maintain Hospice Niagara's proven record in providing exceptional care according to best practice standards, while ensuring sustainable expansion through partnerships and integration.

The Stabler Centre 403 Ontario Street, Unit 2, St. Catharines, ON L2N 1L5 T: 905-984-8766 F: 905-984-8242	Welland Office 555 Prince Charles Drive, 2 nd Floor, Welland, ON L3C 6B5 T: 905-984-8766 F: 905-735-1703
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info@hospiceniagara.ca | hospiceniagara.ca | Charitable Registration # 899716294RR0001

We rely on your donations to provide our programs and services throughout Niagara.
Official income tax receipts are provided for donations of \$20 or more.

October 8, 2020

Mayor William C. Steele
Port Colborne City Hall
66 Charlotte Street
Port Colborne, ON
L3K 3C8

Request: Community Funding Grant Request for expansion of Hospice Residential and Community Services Across the Region

Dear Mayor Steele,

Please accept this letter as a formal request submitted by Hospice Niagara, a not-for profit organization that has served Niagara Region including Port Colborne for the past 27 years. The attached brief supplements this letter, requesting \$90,000 to be paid over a 3-year period, beginning in 2021 as Port Colborne's contribution toward two new Hospice Palliative Care facilities in Fort Erie and Welland.

All Municipalities in Niagara are being asked to support this capital project as one strong voice of support to the province, as we advocate for expansion of these critical hospice and in-home services in our region. The Towns of Fort Erie and Wainfleet, along with the cities of Welland, Pelham and Thorold are in the process of working with their respective Council to support the same per capita request, as part of the 2021 budget process.

I would be available to present at the Port Colborne City Council Monday, October 26, 2020, to provide further information and answer any questions, if you determine this request is within the financial ability of Port Colborne's budget.

Port Colborne's commitment will add strength to Niagara's unified voice as we advocate for a provincial grant of \$4 million to support this expansion and for compassionate care for everyone.

In closing, on behalf of Hospice Niagara Board of Directors, Staff and Volunteers, thank you you're your time in championing this request.

Sincerely,



Carol Nagy,
Executive Director
Hospice Niagara
CC Amber LaPointe, City Clerk

The Stabler Centre

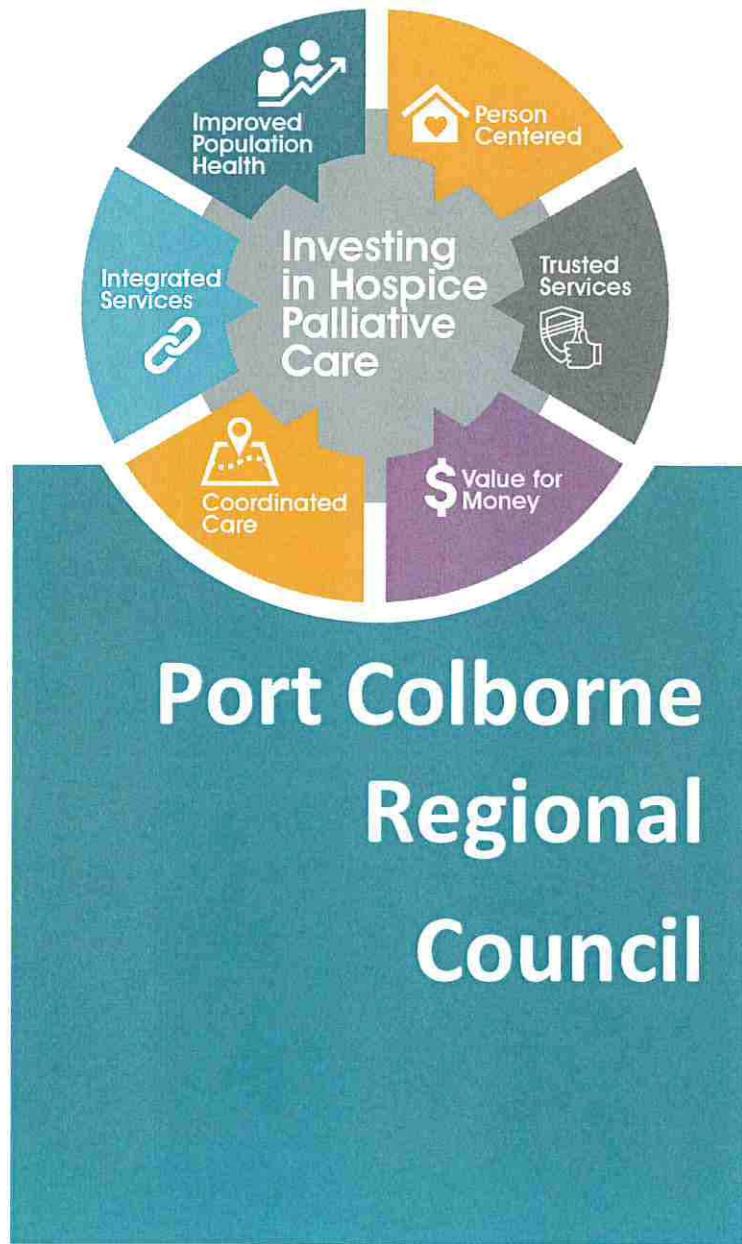
403 Ontario Street, Unit 2, St. Catharines, ON L2N 1L5
T: 905-984-8766 | F: 905-984-8242

Welland Office

555 Prince Charles Drive, 2nd Floor, Welland, ON L3C 6B5
T: 905-984-8766 | F: 905-735-1703

info@hospiceniagara.ca | hospiceniagara.ca | Charitable Registration # 899716294RR0001

We rely on your donations to provide our programs and services throughout Niagara.
Official income tax receipts are provided for donations of \$20 or more.



Date: October 26, 2020

Presented by: Carol Nagy

Executive Director, Hospice Niagara

The Problem:

Hospices and Community Palliative Care play an important role in ending hallway medicine.

Right now, too many people are spending their last hours, days, and weeks, in hospital beds or hallways, simply because there is not enough hospice bed capacity and community palliative care to support them at home.

Hospital end-of-life care is limited, with existing local services at risk of closing when hospital services transfer to Niagara Falls.

The need for hospice palliative care services in underserved communities, particularly in South Niagara, are increasing due to an aging population and the high burden of life-limiting progressive disease experienced by people.

Providing equitable, safe access to health services for everyone in Niagara is a compelling social obligation that includes developing accessible hospice palliative care programs across the Region.

Dying is not just a medical event. It is a physical, social, spiritual, psychological life event affecting the patient and their family members.

The number of people dying is about to spike

Hospice Palliative care plays an important role in ending hallway medicine.



In Niagara:

- 4th largest average of hallway bed conditions in Ontario
- 4th largest emergency department provider in Ontario with approximately 200,000 ED and UCC visits annually
- 20% of ALC beds are, at any given time, occupied by patients waiting for transfer out of hospital
- 2nd highest hospital cost in 1997: Acute Palliative Care at \$118M
- The hospice bed count in Niagara is 3 beds per 100,000 people, well below the Auditor General's recommended of 7-10 beds per 100,000
- Niagara Health's only four designated end-of-life beds are closing in 2026
- Niagara has a high percentage of seniors living with chronic illness. Predicted 72% increase in chronic condition prevalence rates by 2036. These projections point to increased pressure on Niagara's healthcare system.

Hospice Palliative Care:

Community-based hospice palliative care happens in people's homes and in hospice residences at a fraction of the cost of hospitals.

Hospital end-of-life care = \$1,100 per day

Hospice at Home is coordinated care by a team of trained staff and volunteers who provide practical help and support the success of home care for people living and dying with chronic illnesses. Bereavement support continues to help adults and children cope with their loss. Expand these services into the Fort Erie community will reach more people living at home and ensure they have choices regarding their end-of-life care.

Hospice at Home = \$100/day

Hospice Residences are for people who need more care than home can provide but do not require the high cost of hospital care, and for those who choose to die at hospice.

Hospice Care = \$465/day hospice care

What people say:

Clients and caregivers give very high ratings to the quality of care provided by Hospice Niagara

- 98% ranked the care of their loved-one as excellent
- 94% felt overall, all physical pain was addressed
- 100% felt they received respect and dignity
- 100% felt they were included in care planning and decisions
- 100% feel volunteers and staff met their needs

In Niagara: Hospice at Home

Current State



Up to 1,800 people receive in home palliative care /yr
73% of these people die at home
\$7.2M savings in hospital acute care /yr

1,400 /yr palliative care specialist consultations to primary care

In Niagara: Hospice at Home



Up to 250 people die in hospice /yr
\$1.3M savings on hospital acute care

30% direct transfer from hospital to hospice \$500,000 savings in hospital acute care /yr

Current State

In Niagara, the pressure to fund new hospice beds builds has never been more real – and provided such an opportunity. The redevelopment of two Long-term Care Homes (LTC) in Niagara presents a unique opportunity to co-locate and integrate the full spectrum of hospice-based programs within these Homes making this important care a more affordable option.

- ✓ **By partnering with LTC, we will be able to provide more hospice care, for people living in South Niagara, in both English and French.**
- ✓ **Integration with LTC and with other health partner(s) provides a model for future builds in smaller communities.**
- ✓ **By building in South Niagara, we are maintaining existing end-of-life services at risk of closing.**
- ✓ **By co-designing our programs and services with Indigenous health and social care providers, we will better meet the wellness, cultural, spiritual needs and preferences and achieve better end-of-life outcomes for Indigenous people in Niagara. This will benefit everyone.**
- ✓ **The Ministry of Health has endorsed this plan moving forward with operational funding commitment. They have yet to endorse the \$4M capital grant outlined in Ministry policy.**

Increasing capacity in hospice palliative care throughout our region moves Niagara toward a truly modern, connected health care system that nurtures close partnerships between Long-term Care, community, hospitals, home and hospice, and ensures that every person receives the high quality of care they expect and deserve.

HOSPICE'S
proven record in
PARTNERSHIPS and
exceptional care will
provide vital health care
COST SAVINGS



This innovative solution will:



REDUCE
capital build
costs of hospice
organizations

IMPROVE
sustainability
through
integration
opportunities



ADDRESS
hospice and
hospital bed
shortages



ADDRESS
the needs of
people, caregivers,
and every
community

In Conclusion:

We all experience dying, death and bereavement. It touches each and every person multiple times. Supporting people to live well until last breath is a measure of our humanity and our society.



Investing
in Hospice
Palliative Care

Improved
Population
Health

Trusted
Services

Value for
Money

Together, we are in a unique position to develop a new economical expansion model for Hospice Palliative Care in Ontario that better addresses the needs within our community.

This forward-thinking solution that maintains globally recognized palliative standards of care, while leveraging strategic growth opportunities to create positive social impacts, will significantly reduce hospital costs and contribute to ending hallway medicine.

Hospice Palliative Care is the most cost effective way to ease health care costs in our congested hospitals. Helping families stay well through bereavement is compassionate and keeps our society functioning well.

City of Port Colborne

Strategic Plan 2020-2025

Framework for Discussion

Presentation to Council
October 26, 2020

Scott Luey
Chief Administrative Officer

Gary Long
Manager of Strategic Initiatives

Strategic Plan 2020-2025

Process to Date:

- Facilitated roundtable discussions with Council and staff were held in spring 2019
- Further discussions were held with staff in 2019 and early 2020
- Project/progress postponed due to COVID-19

Strategic Plan 2020-2025

Goal:

- finalize a strategic plan that will take effect December 2020
- have a guiding document to assist Council and staff in priority setting, resource allocation, and decision-making for the remainder of this Council term and into the next term
- provide strategic focus and ensure organizational alignment to deliver on Council priorities

Strategic Plan 2020-2025

Structure of the Strategic Plan

- mission and vision statement
- guiding principles
- strategic pillars
- action items to support each pillar
- implementation plan

Strategic Plan 2020-2025

6 Strategic Pillars

- Quality and Innovative Delivery of Public Services
- Strong Financial Management to Achieve Financial Sustainability
- City Building Infrastructure Investments
- Attracting Business Investment and Tourists to Port
- Supporting and Investing in Human Capital
- Building Trust and Confidence Through Good Governance

Strategic Plan 2020-2025

Key points/Comments

- strategic planning vs. operational planning
- a living document and an ongoing process
- many projects and initiatives underway
- line of sight
- quarterly progress reports to Council
- leadership/management oversight of plan

Strategic Plan 2020-2025

Next steps/timelines

- October 26th - review framework with Council
- 1st and 2nd week of November - finalize draft plan, review with Directors and broader management team
- Nov. 23rd or Dec. 14 - Council review/approval
- Late November or early December - implementation corporate wide, presentations by CAO and Manager of SI, corporate communications and news release to key contacts

Strategic Plan 2020-2025

Questions/Comments?

Michener Drain

1979 to 2020

Paul C. Marsh, P.Eng.
Water Resources Engineer
EWA Engineering Inc.

Alana Vander Veen
Drainage Superintendent
City of Port Colborne



EWA Engineering Inc.
647.400.2824 www.ewamrp.com

1

Why am I here?

- Paul C. Marsh, P.Eng. EWA Engineering Inc.
 - Council Appointment, 2018
- AMEC,
 - August 29, 2011, appointment of a Drainage Engineer, Paul Smeltzer AMEC Environment & Infrastructure under Sections 78(1) and 8(1), to prepare a Section 4 & 78 Engineer’s Report for Wignell/Michener and Beaver Dam Municipal Drains, including an assessment of water quality issues, in accordance with the Ontario Drainage Act, R.S.O. 1990.
- Wiebe Engineering Group
 - Appointed in 2001

2

Agenda

- Drainage Engineering Approach
- Michener Drain
 - Baseline Report
 - Design Basis
 - Final Solution
- Drain work costs
 - Construction Estimates
 - Allowances
- Apportioning Drain costs
 - Michener Main Drain
 - Branch #1
 - Branch #2

3

Approach

- Drainage Act = Agriculture
- What do we want?



4

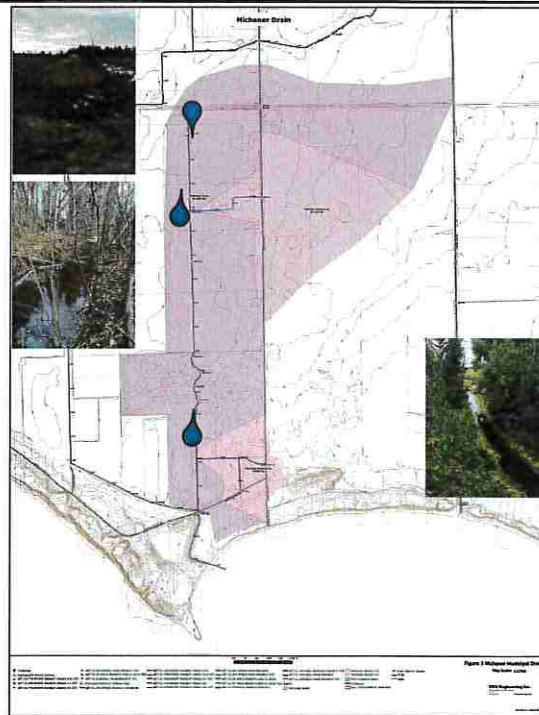
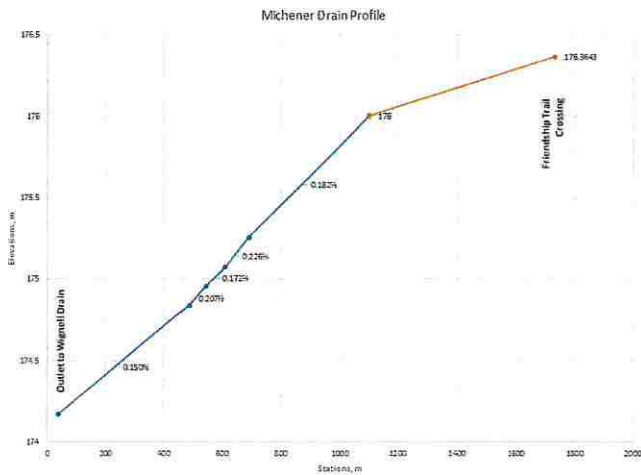
Drainage obstructions and maintenance



- Basic Principles of low cost Maintenance
 - Machine work not manual
 - Easy access, agreed documented rights of access.
 - Note Drainage Act <> easement
- Trees are as important as drainage.
- Good trees
 - Those shown in green circle
 - Adjacent to the drain
 - Spread, accommodates machine work arounds

5

Michener Baseline map



6

Michener Drain – current conditions



7

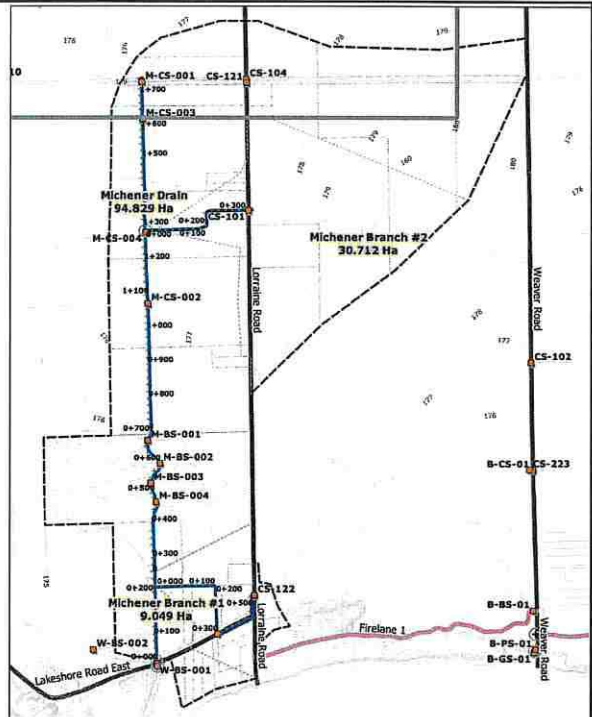
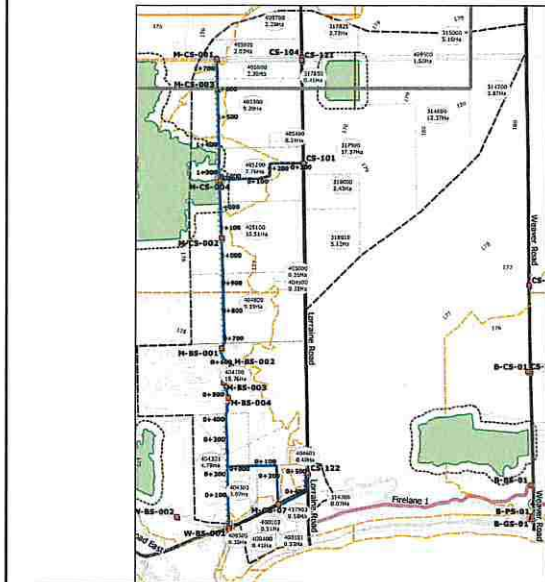
Michener Drain Status

- WIGNELL / MICHENER AND BEAVER DAM MUNICIPAL DRAINS WATER QUALITY ASSESSMENT
 - February, 2014 (updated November, 2016)
- The purpose of this Report is to determine possible ecological restoration works to improve water quality in these drains, in an attempt to address the near shore water quality issues in Lorraine Bay and to determine financing options/models, in order to assess the cost of these works to watershed property owners, in accordance with the Drainage Act, R.S.O. 1990. The investigation included a field review of the existing conditions and establishment of potential restoration works.
- A summary of proposed works are as follows:
 - Planting buffers along the channels.
 - Creation of wetlands in fallow areas.
 - Modification of drain channels.
 - Use of existing wetlands during high water events.

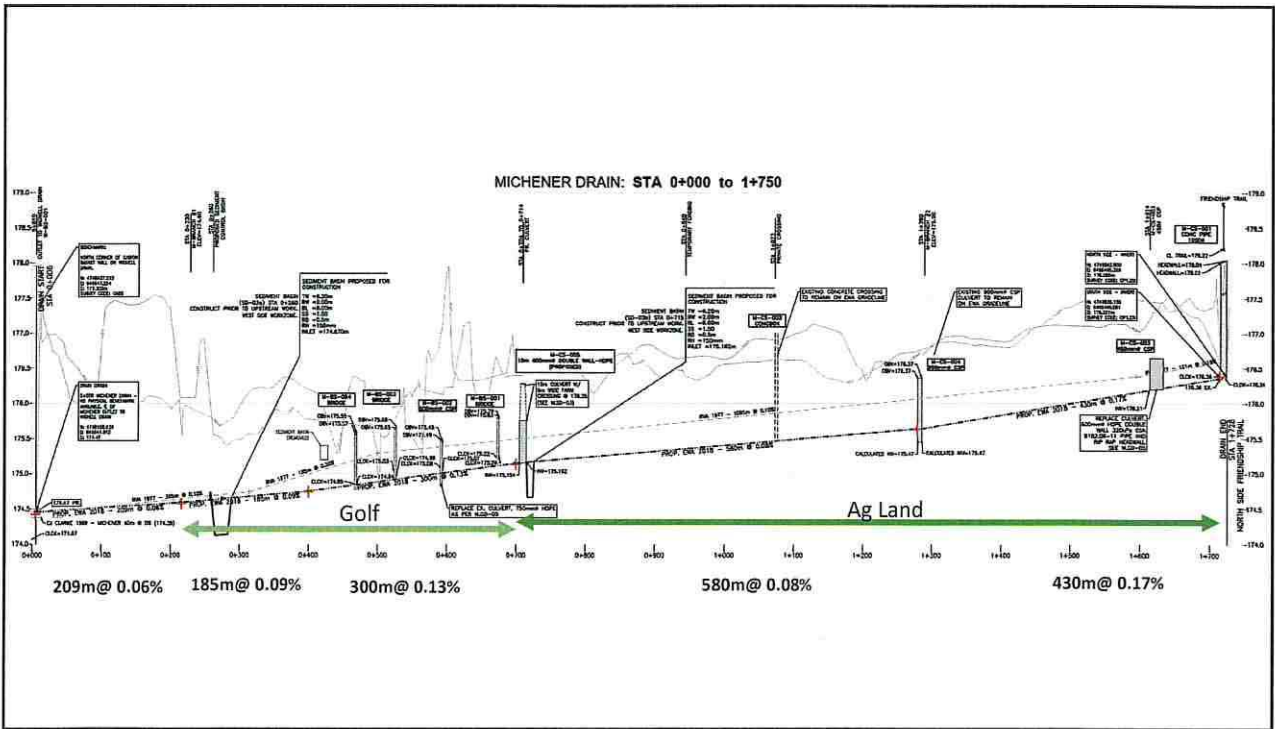


8

Michener Drain Elements



9



10

Branch Drains

- Branch #1

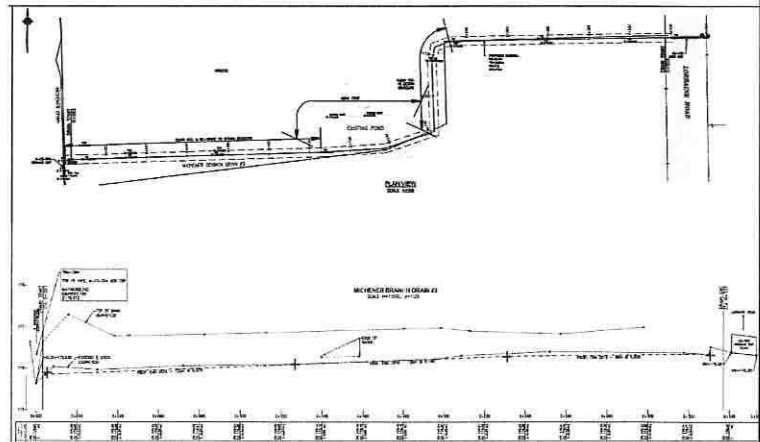
- Petition 4 Road Authority for Outlet – Two Culverts
 - Lakeshore Rd. East
 - Lorraine Rd.

- Branch #2

- Petition 4 Road Authority for Outlet
 - Lorraine Rd.

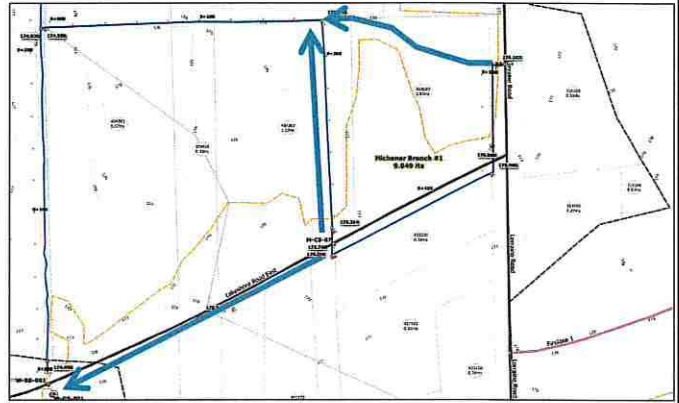
Branch Drain #2

- Existing grade line
 - Equals proposed grade line
- Brushing to remove growth
- Spot removal of fallen tree

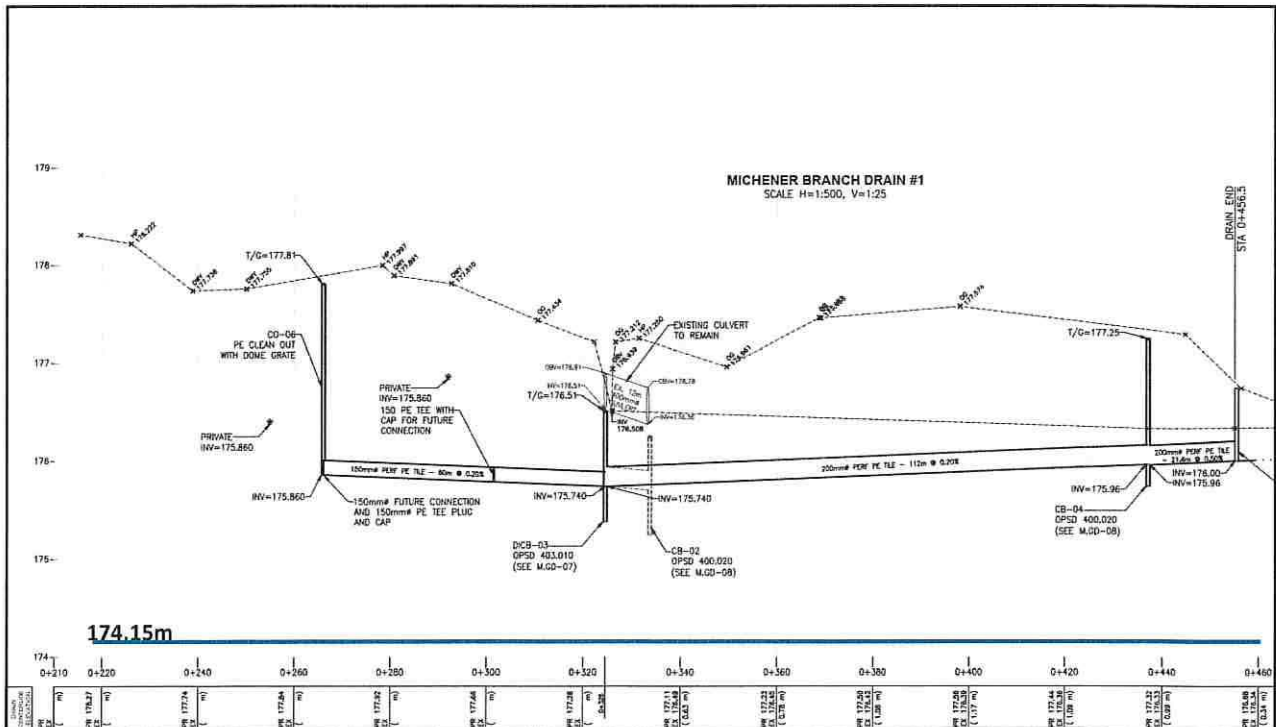


Branch Drain #1

- 5 Design options considered
- 3 Options assessment tables prepared and design drawings
 - Option 1; channel + tile
 - Option 2; closed conduit
 - Option 3; channel + tile extending to Lakeshore Rd. E and Lorraine Rd. intersection
- Several meetings with residents
- Optimal Design?



13



14

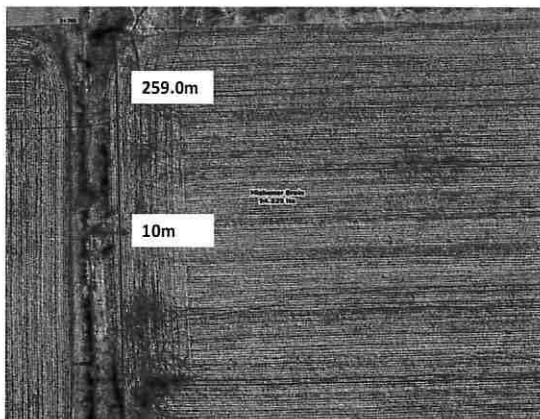
Drainage Act Allowances

- Section 29; Land and Rights of way
 - Existing ROW or new acquisitions
 - All land valued the same, Agricultural for Niagara, \$10,000 per acre.
- Section 30; Damages
 - Commercial crops, compensation for loss of revenue
 - Not used for Trees, Ornamental trees, grass and gardens (can be used)
 - Trees removed for the drain but not in the drain are eligible for 2 for 1 re-plant program.
- Section 31; existing drain, (channel / conduit) converted to a municipal drain
- Section 32; Insufficient outlet
- Section 33; Loss of access

15

Calculating Section 30 Damage Allowances

- 10m Work Zone – East of Michener Drain Channel Top of Bank
- Distance to edge of worked field
 - 5.88m
- Section 30 allowance for damages
 - Based on \$ 10,000/ Ha Agricultural land value.
 - Assigned a 10 year cycle for annualized Ag. Revenue



16

Michener Drain Assessments

- See attached appendix C – page 1
 - Estimated Costs of Works:
\$199,021
 - \$93,860 construction
 - \$87,990 Admin
 - \$17,169 Allowances
- Note: Special Benefit, Sect. 24
- Michener – WRGC in recognition of original sediment trap
 - Intended to be a payment in kind.

17

Questions?

18

October 24, 2020

City of Port Colborne

Engineering and Operations Municipal Office

Re: Engineer's Report Under the Drainage Act R.S.O 1990-Michener Municipal Drain

Thank you for considering our concerns and desired outcomes per the Engineers report of Michener Municipal Drain Report published May 7, 2020.

Our land at 902 Lakeshore Rd. E., is central to this document, and as such we have the following comments and concerns.

The Michener Drain including the proposed Michener Drain Branch 1 which bisects east to west, our property, were originally created by private landowners to facilitate the draining of land for purely agricultural purposes. As such, the owners of the then productive land, shared the cost of the maintenance of the drains. This was an important function of having productive farm fields. As the land is no longer being used for agricultural use, the question must be raised, why are the drains being restored? And why are the landowners on whose land the drains cross responsible for the cost of the restoration if the land is no longer being farmed?

The area has been wetland, low land and flood plain for millennia. The intent of our parents, and now we as owners was and is to restore our piece of land to its natural state. Thousands of indigenous trees chosen for their suitability to the terrain were planted in the early 1970's by our parents aided by the Ministry of Natural Resources. When our parents built a structure on the land, the fact that the land was low and a flood plan was taken into account, thus there is no basement and it is built on pilings. Rather than fighting the lands natural tendencies, we have worked with the land. Our wish has been to provide a natural habitat for organisms that are affected by wetland being drained everywhere.

We note that there are a lot of high run-off surfaces in the area i.e. Golf course with turf, large turf lawns, tennis courts. If the purpose of the drains is now to facilitate a for-profit enterprise or the success of inappropriate and cosmetic land use, then we must state that we do not wish to participate in any way in this project. We submit that if this is the case, landowners must invest in their own private infrastructure projects.

We also note that, there is no environmental assessment. Wetlands are extremely sensitive environments, and to disturb the land by bringing in heavy equipment to excavate the drains is counter to our collective obligation to protect sensitive areas. There are many species at risk in the area including but not limited to the Fowler's Toad. We note that there has been a recent and critical leadership change at the Niagara Peninsula Conservation Authority and so we would ask that an updated opinion on whether or not an environmental assessment is required is necessary.

In summary, here is our position:

1. We will abandon the proposed Michener Drain Branch 1 that bisects our land. Our intent has been and will be for the land to go back to its original state. To facilitate this, we will block both ends of this drain on our property.
2. We request an environmental assessment to be conducted on this project which takes into consideration the loss of wetland in Niagara and the species that are at risk and/or endangered because of this. Note that wetland is provincially significant and that this area falls below the recommended percentage of wetland.
3. If the Michener drain restoration is to go ahead, recognition that this is a municipal infrastructure project and not a private agricultural project and as such the cost of the project should be covered by the City of Port Colborne. At the very least, the cost should be borne by those landowners who wish to have the project done and who will benefit from it. In this case, we do not want to participate. Until this is agreed to we do not wish to allow clearance for the material from the drain to be moved onto our land.

Thank you again for your considering our position.

Yours sincerely,

Peter Mason

Pjmb.mason@gmail.com

289-219-0106

Martha Mason

martha.mason@sympatico.ca

416-433-0396

902 Lakeshore Rd. E.

Port Colborne Ontario

From: "Lou Nieuwland" <lou@whiskyrun.com>
To: ronbodner@portcolborne.ca, harrywells@portcolborne.ca, cityclerk@portcolborne.ca
Date: 2020-10-24 01:53 PM
Subject: Mitchener Drain Report

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Ron and Harry,

As I stated at the public meetings, the Michener Drain is not a problem for us and Whisky Run Golf Club.

Our problem is the Wignell Drain which overflows its banks and floods several holes at the back of our Serpent nine hole golf course. In the last several years we have had to close this nine hole course; west of Lorraine Road, for about 2 weeks each year during the golfing season because of this flooding.

Our share of the costs for the proposed work on the Michener is almost \$42,000.00. The repair and improvement on the Michener does nothing to solve our issue. IT IS THE WIGNELL DRAIN THAT NEEDS REPAIR AND IMPROVEMENT. The Michener flows into the Wignell Drain, and unless the Wignell can handle the water from the Michener; which will flow into it even faster, it will likely make the flooding from the Wignell Drain even worse.

If the Report is adopted by Council, we will be appealing the decision.

Lou & Maribeth Nieuwland
Owners, 570466 Ontario Ltd.
Whisky Run Golf Club Ltd
lou@whiskyrun.com
W: 905.835.6864
C: 905.714.6846

From: "Brian Pye" <brianpyemaplemeadows@gmail.com>
To: cityclerk@portcolborne.ca
Date: 2020-10-26 11:16 AM
Subject: Michener Municipal Drain

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I am writing this response to the engineer's report regarding the Michener drain, although the report is extensive and detailed, Brian and I have some concerns.

1) the 12 hectare parcel of agricultural land shown on the report and topographic maps assumes that the surface runoff flows toward south west and to the Michener drain. However the surface runoff and tile drains flow north to the friendship trail ditch and does not enter the Michener drain. The ditch along the friendship trail has not been maintained by the town and has filled in with trees and other types of vegetation. This drainage problem is not addressed in this report. The property has been in the family for 40 years and this issued has never been resolved and this report will not solve this problem. The report indicates that we are to pay \$16,000 and we will see no benefit.

The land south of Killay St. to the lake affected by this drain contains farmland that struggles to be more productive because of the geography of the land. The report makes it clear that the poor slope of the land makes farming a challenge to farmers despite all their efforts to improve drainage. Since the farmland and drain have very little slope this will continue in the future and will not be solved by work outlined in this report. We will continue to see water laying in the fields even after the work is done.

Invasive species of of vegetation such as phragmites have made it impossible to keep the drains from functioning properly regardless of all efforts and spraying cancer causing chemicals to control the problem is not an option. The town cleaned a ditch north of Killaly St approximately six years ago and it has filled in with invasive vegetation and no longer functions properly and was a waste of money.

The land south of Killaly affected by this drain is critical to the well being of our environment. This land is poorly drained, and is just above the lake level and as a result for thousands of years contained wetlands, carolinian forests and the cranberry marsh. This unique geographic area also contains many animal species that are endangered and are critical for a healthy ecosystem. It is ironic that the NPCA and all levels of government are spending money to restore wetlands, help endangered species, and educate us on how important this unique geographic area is to our well being. Many municipalities have recognized that just building a drain was an 19th century answer and not what is needed in the 21st century. I suggest council put the report on hold and take a look at what other municipalities(Huron) are doing with their watershed problems. These municipalities are leading in regards to watershed programs that educate and help all landowners and give tours to drainage superintendents and councillors.

I understand the pressure that councillors are under when water affects a person's livelihood or personal property and are asked to solve the problem. However this report does not solve anybody's problems and should be rejected and will be appealed.

On a personal note we have started working with the NPCA to establish a wetland on our property, our first pond has been dug and will hopefully dig our second pond next year. We truly believe that our environment is unique and that it needs to be protected.

Laurie and Brian Pye
Maple Meadows Farm

Hello Charlotte,

I would like this passed along to members of council please.

My name is Rachel MacPherson and I am emailing with regards to the variance to 128 McCain street. I have had the chance to review the report Sherry Hanson composed and I have some further viewpoints to provide. As previously mentioned in my application for the variance the fence has been up for 20 years with no voiced concerns. I noticed Sherry added photos of the transition of the fence over the past 13 years. The fence that is separating my lot to the neighbours lot, changed in 2009. If I am not mistaken, the by law at that time allowed the change. The current by-law wasn't changed until 2010. I have attached the previous by-law. The fence should be grandfathered in.

If the trees that are being considered a fence based on how they've been planted are an issue I am willing to replant them elsewhere. In the 2020 photo taken, it shows the visibility from the neighbours view. There is no obstruction to view, in fact if I had been parked in my driveway the time of the photo, you would see that my truck sticks out further than the fence. I can provide photographic evidence of this.

Currently the neighbour who is voicing concern regarding the fence has been harassing me, and vandalizing/defacing the fence in place. The fence is 4 inches onto my yard. I can provide photographic proof if need be.

Thank you for your time,

Rachel MacPherson

**THE CORPORATION OF THE CITY OF PORT COLBORNE**BY-LAW NO. 4245/81/02**BEING A BY-LAW TO AMEND BY-LAW 1170/117/81, AS AMENDED,
BEING A BY-LAW TO PRESCRIBE THE HEIGHT
AND DESCRIPTION OF LAWFUL FENCES
IN THE CITY OF PORT COLBORNE**

WHEREAS the Council of the Corporation of the City of Port Colborne enacted By-law 1170/117/81, being a by-law to prescribe the height and description of lawful fences in the City of Port Colborne and to repeal by-law 989/60/80, on the 23rd day of November 1981.

AND WHEREAS By-law 1170/117/81 has been amended from time to time;

AND WHEREAS the Council of the Corporation of the City of Port Colborne approved OPDS-Operational Services Division-Director's Report No. 2002-38, Fence By-law Review, as amended, on the 27th day of May, 2002;

**NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF
THE CITY PORT COLBORNE ENACTS AS FOLLOWS:**

- 1 That By-law 1170/117/81, being a by-law to prescribe the height and description of lawful fences and repeal by-law 989/60/80, as amended, be further amended by adding to Section 1 "Definitions" the following:

"Side Yard - Interior" - means a side yard other than an exterior side yard

"Side Yard - Exterior" - means a side yard immediately adjoining a public street

- 2 That By-law 1170/117/81, being a by-law to prescribe the height and description of lawful fences and to repeal by-law 989/60/80, as amended, be further amended by adding to Section 6 "Fences & Hedges at Intersections & Corner Lots" the following:

6(d) "Notwithstanding subsection 6(c) no person shall construct or permit to be erected or maintained any fence or hedge greater than 2m in any exterior side yard except where the said fence is set back a minimum of 3m from the exterior side lot line or, where a sidewalk exists parallel to the fence line, a minimum of 3m from the near side of the sidewalk".

**READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS
10TH DAY OF JUNE, 2002.**

From: "Rachel MacPherson" [REDACTED]
To: charlottemadden@portcolborne.ca
Date: 2020-10-26 09:06 AM
Subject: 128 McCain fence variance

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning Charlotte,

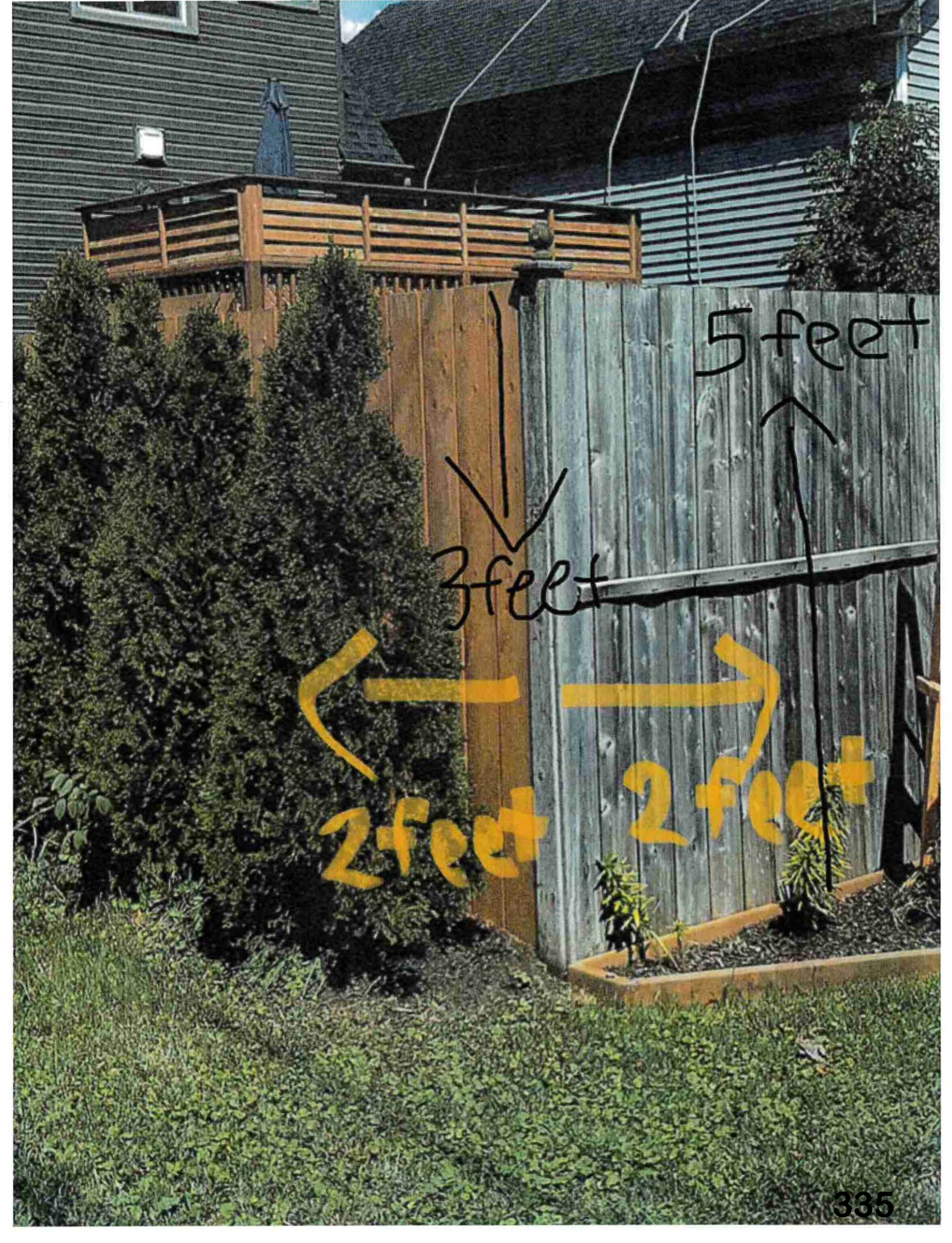
I would like for this to be shared with council for tonight's meeting.

During this time I have been in contact with ward councilmen Frank Danch and Gary Bruno, and both have been by to see the fence and hedge line in person. I have come up with a new purposed plan that both Gary and Frank are aware of. We would be willing to adjust the fence as follows:
Corner off the fence closest to the neighbour 2 feet in on both sides and remove three of the cider trees. The fence would be brought down to 3 feet in height from the 5 feet it is currently. This would make a clear view in any vehicle. I know that this can be difficult to picture and explain so I have a rough diagram below.

Thank you
Rachel MacPherson



image0.jpeg



5 feet

3 feet

2 feet

2 feet

To: Chairperson and
all city counselors involved

OCT, 10, 2020

Pg 1

In regard to fence Bylaw variance Applicant
we are starting to feel like we have
done something wrong and are on trial
All we ask is for the fence to be put
into compliance of the bylaw so we
can see again, finally, to safely exit
our driveway.

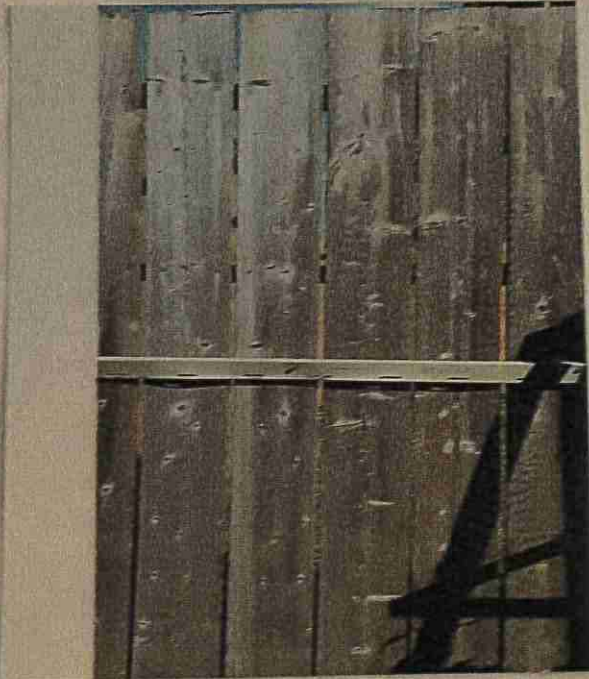
Before the New Fence was
constructed and Cedar trees planted
we were able to see oncoming
Pedestrians thru the $\frac{1}{2}$ inch spaces
Between the boards of the existing
dividing fence. (See pictures of the
 $\frac{1}{2}$ " gaps between the boards that allowed
a view to sidewalk Traffic.)

Pg 1 pictures



Pg 1
Pictures





Pg 1
Pictures



with regards to us being ^{Pg 2} OK with the neighbors building a hedge row and blocking our line of sight.

The Day the trees were being Planted, I told The Father it was going to be an issue because we cannot see the sidewalk any more.

Further more I told him

(See Pg 2 Pictures) (A)

We wanted to cut the existing fence down to 3 Feet in height and 15 Feet Back from the property line

His Answerer to me was:

(See Pg 2 Pictures) (B)

Let the tree roots take hold and he will trim them as necessary

Taking the word of the neighbor, in good faith we agreed

That was our first mistake.

See Pg 2 pic (C)

SIDEWALK

Pg 2
(A)

128
McCain

Driveway

Exiting our Driveway
was never a Big
ISSUE because
between rock fence Board
1/2" and bigger spaces allowing
US TO SEE ONCOMING Pedestrian

See PHOTO

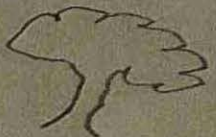
(BUT)



Line of Sight
(somewhat clear)

15'
Driveway

601
Steele.



—●— = Property Stake/LINE

Street
Sidewalk

Street
Street
SIDEWALK

Pg 2
(B)

128
McLain

This is what I told
Father and
Boyfriend. We were
Planning to do cut the
Fence to further
Help with Sister Evitins
our Driveway

Driveway

Side
+
x

6'
3'
15'

Line of Sight.
(clear)

601
steels.



—●— = Property Steak/LINE
—●— = Property Steak/LINE

SIDEWALK
SIDEWALK

3

128
McLain

207
(C)

Aug-sept 2019

11-6 foot Cedars planted tightly
together immediately blocking
a very crucial part of our sight
thru the fence spacing to
54ft by exit our Driveway

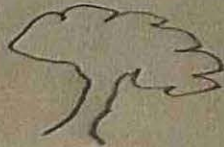
24'
6'

Driveway

Line of sight
(Partial Obstructed)

Driveway

601
Steele.

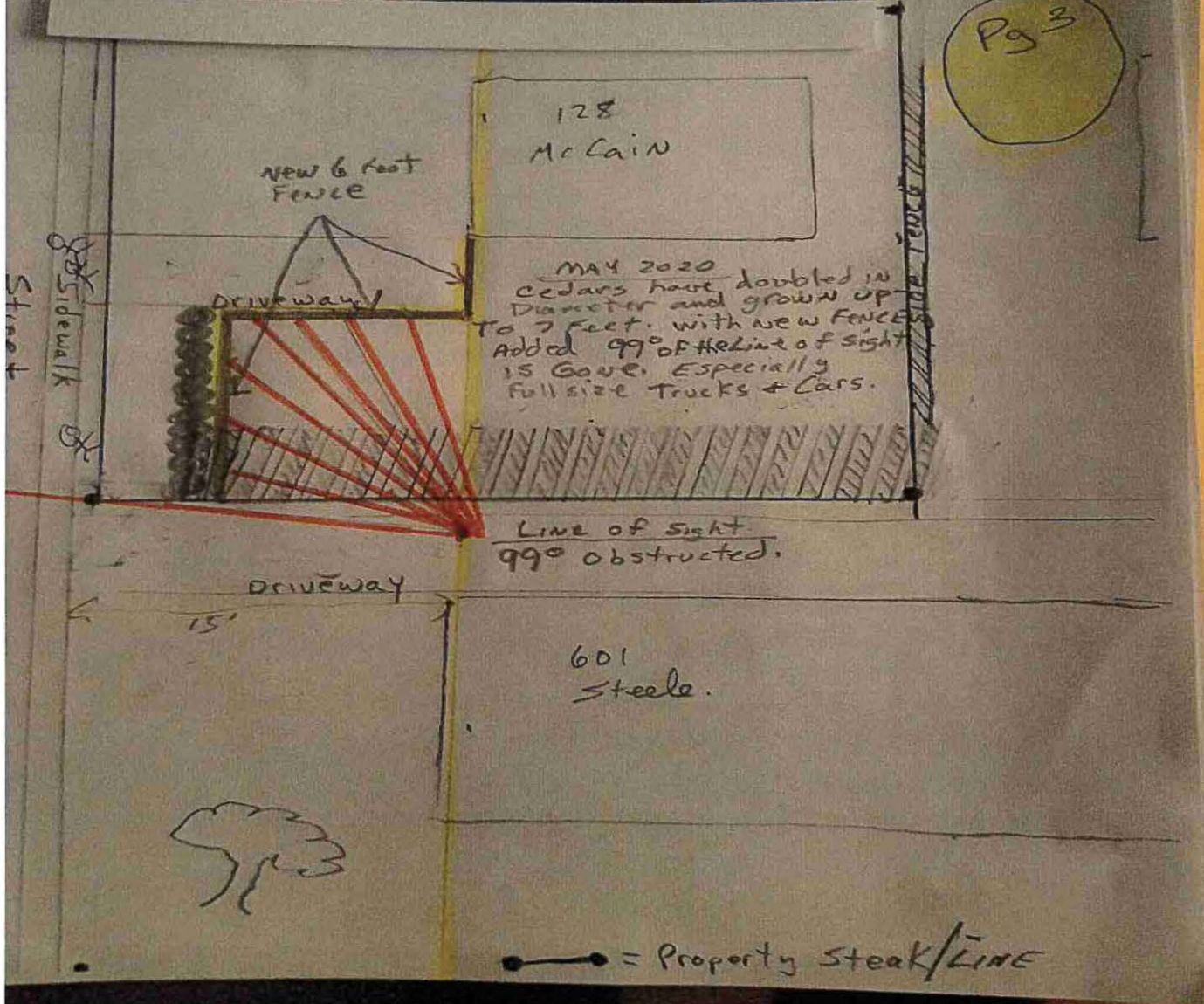
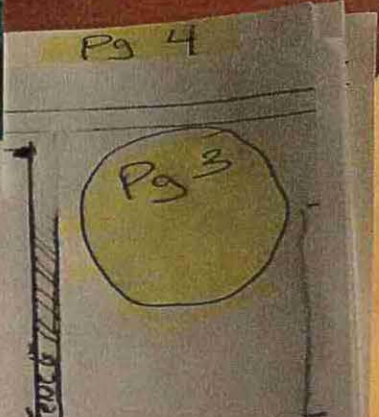


—●— = Property Stake/LINE

Winter came and went Pg 3
and nothing was done to fix the
problem with the trees

First Long weekend I returned
from work to find ⁽²⁰²⁰⁾ the boy friend
putting New 8 Foot posts in the ground
behind the trees for construction of
New Fencing Also. I Approached him
about his father in law saying he would
Correct our line of sight problem.
and Not only that it did not happen as
Promised but this will only Make it
Worse. His Answer to me was,
"TOO LATE NOW!" and they continued
to Finish the Fence thru the long weekend
See
I called the bylaw enforcement
that coming week, and voiced my
worries. With the onset of
Covid 19. Things at the city were taking
a longer than usual time. we started
writing letters.

See Pg 3 Pictures



Now the trees are growing ^{Pg 4} in size bigger in diameter and some are 7 feet tall now. and they will grow much larger each year until they reach the side walk. ~~It~~

They mention they have no issue when exiting their drive way.

They own Compact Cars (See Pg 4) ^{Picture (A)}

We own a midsize car (See Pg 4 ^{Picture (B)})

And not that it is anyone's business I plan to buy a Full size Pickup Truck

Fence Bylaws are in place (See Pg 4 ^{Pic 2})
to protect everyone all

The time in this manner of sight.

We don't think this bylaw should be allowed variance because of convenience or forgetfulness to do their Due Diligence and review new Construction Bylaws, and planting regulations.

(Before Beginning Any Project)

SIDEWALK

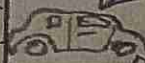
Pg 4
(A) (B)

- All car windows are 3 feet in height

128
McCain

Compact Car
See Photo

8 Feet long



Driveway

Street
Sidewalk

Sidewalk



MIDSIZE Car (see PHOTO)

16 Feet Long

Driveway

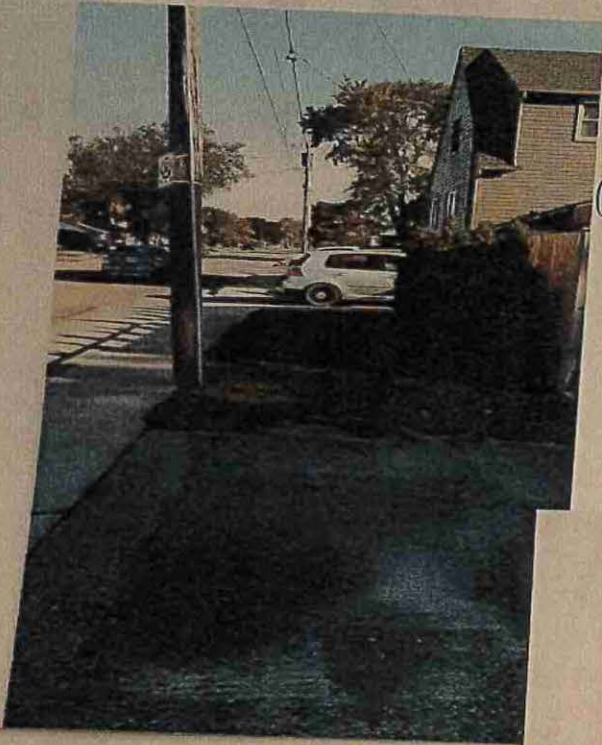
15'

601
steels.

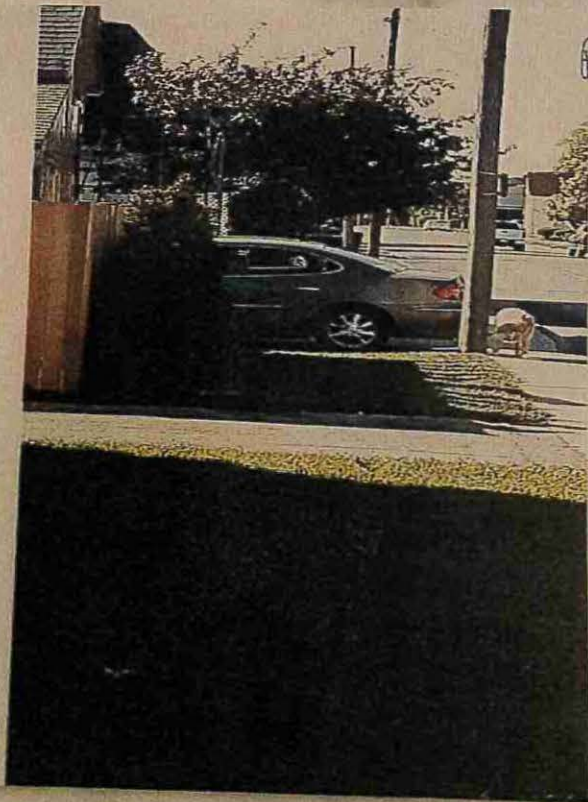


—●— = Property Stake/LINE

street +



Pg
4
(A)



Pg
4
(B)

Street
SIDEWALK

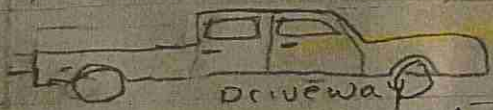
Pg 4
(C)

128
Mc Cain

Driveway

Street

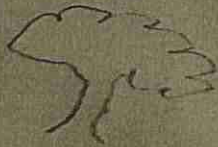
Sidewalk



Pickup
TRUCK

22 Feet long

601
steels.



—●— = Property Stake/LINE

Pg 5

Because of' Now Not being able to see oncoming pedestrians, cyclists and people^{on} scooters my wife and children will not park in our own driveway for fear of injuring or killing somebody. Right now if that happened the liability would rest on the home owner for ~~not~~ ~~not~~ looking into and following the existing By-laws.

Now, one of my worst close calls was an elderly lady on a scooter with her granddaughter riding along, on it, with her. These close calls cannot get nothing but worse, with schools back in and Covid onset Again. More foot Traffic.

The neighbors are banking on a grandfather clause, but as you know this would only apply to some long-time existing structures. NOT ANY NEW CONSTRUCTION.

Pg 6

In Closing and in our
opinion if the Trees and Fencing were
cut down to, 3 feet in height and 15 Feet
Back From the Property line, Not only
would the live of sight issue be solved,
they also would not loose any size of
their fenced in Area for their Animals
This Action would put the Trees and Fence
into Compliance with the existing By-law,
Solve our Sight and Stress issues and
protect the public From injury.

If we cannot Feel safe exiting our
driveway soon. We may Consider Seeking
Legal Council.

This letter was meant to be mailed, stapled together
Book style. Due to Covid we would Appreciate if you could
Print these
Pages that way
From your E-mail's

Respectfully: Rob + Tracie
Maude.

601 Steel St, Port Colborne





**Meeting
Environmental Advisory Committee
Aug 12, 2020, 6:00 p.m.**

The following were in attendance:

Staff: Darlene Suddard
Janice Peyton

Council: Councillor Mark Bagu
Councillor Harry Wells

Public Members: George McKibbon
Jack Hellinga
Tim Hoyle
Norbert Gieger
Trent Doan
Clayton Nadeau
Kerry Royer

As a COVID-19 precaution, city staff and the chair met in person at the Engineering and Operations Centre. The rest of the committee joined on Microsoft Teams.

1. Call to Order

George McKibbon was Acting Chair in Beth Palma's absence.

George called the meeting to order at 6:10 p.m.

2. Adoption of the Agenda

Moved by Clayton Nadeau
Seconded by Tim Hoyle

That the agenda dated August 12, 2020 be accepted as circulated.
CARRIED.

3. Disclosures of Interest

Nil.

4. Election of Committee Chair & Vice Chair

A letter of appreciation will be sent to former Chair Beth Palma for her years of dedication to the committee.

Moved by Jack Hellinga
Seconded by Tim Hoyle

That George McKibbon be appointed Chair of the Environmental Advisory Committee for the remaining term of Council.
CARRIED.

George accepted the appointment of Chair with thanks.

Moved by Jack Hellinga
Seconded by George McKibbon

That Clayton Nadeau be appointed Vice-Chair of the Environmental Advisory Committee for the remaining term of Council.
CARRIED.

Clayton accepted the appointment of Vice-Chair with thanks.

5. Approval / Review of Previous Meeting Minutes

Moved by Norbert Gieger
Seconded by Tim Hoyle

That the minutes of March 11, 2020 be accepted as written.
CARRIED.

6. Items Arising from Previous Minutes

a) Roadside Mowing

Darlene advised that due to the pandemic the roadside mowing remained status quo for this year.

b) Draft Report on Boulevard Trees

Darlene advised that the draft report on boulevard trees is pending. Staff are working on a forestry survey for boulevard trees. Staff have generated a draft list of trees suitable for boulevards. It will likely be next year before considerations for amendments to the by-law are proposed.

c) Site Alteration Permit Review and Costing

This item is currently with the engineering department. Darlene will advise the committee when additional information is available.

d) Vale CBRA Community Status Report/Questions & Acquired Responses

George advised that Vale has hired a consultant to handle their water sampling. George asked if staff have been approached by Vale regarding water sampling. Darlene will check with the Drainage Superintendent. George will have more information on this item at the next meeting.

George advised that the application for design award for this report has been delayed due to the pandemic. George will make application when the time comes.

e) GHG Emissions Reduction Plan

Darlene spoke to the Fleet Manager regarding electric vehicles. There are not many options for electric vehicles currently as not much in the way of incentives are offered in Ontario. Our fleet is relatively new for those vehicles that could be retrofitted to electric.

With regard to the initiative of renting city owned electric vehicles to residents, there is no additional information available at this time.

f) New Provincial Policy Statement

George advised he has been in contact with the Region and the NPCA. The Province has been making changes and more recently, they have passed Bill 167, the COVID-19 Economic Recovery Act. Together with the changes made in the Provincial Policy Statement 2020, municipal policy is changing very quickly and the comments that George drafted earlier need to be updated. Jack made some comments, and he and George will explore these further and incorporate into the earlier draft.

g) Climate Warming Adaption

Darlene and Clayton will work together on some climate warming adaption strategies. Darlene advised that direction for climate warming policies for sanitary and storm sewers is coming. George feels that the committee needs to work closely with the municipality, as the municipality reviews how climate warming affects municipal water and sewer services. The analysis prepared by staff can be used to draw some conclusions on how the built environments in the surrounding areas might change.

7. New/Other Business

- a) Parks and Recreation Master Plan – EAC Involvement Memorandum from Director of Community and Economic Development

The EAC received a memo from the Director of Community and Economic Development regarding the Parks and Recreation Master Plan and the EAC's responsibility for some of the recommended actions. The committee has been working on the community garden initiative.

Contact was made with the Greener Community Initiatives group and with Vale for possible partnerships. Vale has declined any involvement at this time.

George and Clayton will reach out to Port Cares to find out the status of the East Village garden. The location is favorable and it is evident that, at some point, much time and money was spent on establishing this garden.

b) Review of Committee Terms of Reference

The committee terms of reference (attached to the minutes) was provided for review. Darlene advised that the committee can request changes through Council if they wish. Members feel that the EAC has been pro-active in commenting on issues to Council and feel that the committee mandate is being met.

Clarification/direction was requested for item #10. Darlene will provide information at the next meeting.

c) Activity-Friendly Neighbourhoods can Benefit Non-Communicable and Infectious Diseases

George provided information (infographic attached to the minutes) regarding activity friendly neighbourhoods that shows there is no relation between population density and recorded COVID-19 cases or death rates. The infographic has been provided to the Active Transportation Committee for information.

8. Next Meeting/Adjourn

Moved by Norbert Gieger
Seconded by Jack Hellinga

That with no further business to discuss, the meeting be adjourned at 7:30 p.m.

The next EAC meeting will be on October 14 at 6:00 pm.

The Environmental Advisory Committee:

1. The Environmental Advisory Committee is an Ad-Hoc Committee of Council whose purpose is to:

- Advise Council on environmental, energy conservation and shoreline protection issues that affect the City of Port Colborne and those matters referred to the committee by Council.
- To promote the integration of environmental, energy conservation and shoreline protection considerations into the planning and development of City policies, programs and services.

2. The Environmental Advisory Committee shall consist of the following voting and non-voting members:

(a) Up to thirteen voting members who shall be eighteen years or older and residents in the City of Port Colborne, three members shall be from Council and up to ten members shall be appointed from the public at large by resolution of Council.

(b) One non-voting member of staff who shall be appointed by resolution of Council and who shall act as a resource person, recording secretary and shall provide administrative support to the Committee. The Chief Administrative Officer may designate an alternate staff person who may act in the absence of the staff member so appointed.

(c) In the case of a vacancy for any cause other than expiration of term, the member appointed to fill the vacancy shall hold office for the balance of the term of the member whose place is vacant.

(d) One non-voting representative of the Niagara Peninsula Conservation Authority (NPCA), who shall be designated by the NPCA to serve as a resource person to the Committee.

3. Unless otherwise provided for, the term of the Environmental Advisory Committee shall be the term of the Council.

4. A voting member of the Environmental Advisory Committee shall cease to be a member of the Committee upon submission of a letter of resignation to the City Clerk or if he/she absents himself/herself from three successive scheduled meetings of the Committee without being authorized to do so by a resolution of the Environmental Advisory Committee entered in its minutes.

5. All meetings of the Environmental Advisory Committee shall be open and no person shall be excluded therefrom except for improper conduct or except matters identified in Section 239(2) of the Municipal Act, 2001, S.O. 2001, c.25.

6. All members of the Committee shall serve without remuneration excepting that the remuneration of the non-voting staff member shall be governed by the Administrative Policies of the City of Port Colborne or the collective agreement whichever is applicable.

7. The Chair, or in his/her absence the Vice-Chair, shall, upon a written request from Council or a majority of Committee members call a meeting for the consideration of any business within the Committee's mandate.

8. A quorum of the Environmental Advisory Committee shall consist of a majority of sitting, voting members; vacant seats shall count as seats for the purpose of calculating a quorum.

9. Subject to such limitations and restrictions as the Council may herein or hereafter either by resolution or by-law impose the Environmental Advisory Committee shall:

(a) Appoint from the voting members a Chair and a Vice-Chair;

(b) Make regulations governing its proceedings, the calling of meetings, and the conduct of its members;

(c) Provide reports to Council as requested.

10. The Committee shall hold public meetings when, in their opinion, the issues being discussed require community input. Notice of a public meeting shall be given in the local newspaper(s) no less than five days in advance of the meeting.

11. The minutes of all Environmental Advisory Committee meetings shall be recorded and distributed to Committee Members and to the City Clerk for safekeeping and inclusion on the next regular Council Agenda. The minutes shall be open to inspection in accordance with Section 253(1) of the Municipal Act, 2001, S.O. 2001, c.25., as amended and such minutes will be posted on the City's website.

Activity-friendly neighbourhoods can benefit non-communicable and infectious diseases



Expected net effects of built environment attributes on non-communicable diseases and infectious diseases

Source: Adlaka, D. & Sallis, J.F. (2020). Activity-friendly neighbourhoods can benefit non-communicable and infectious diseases. *Cities and Health*, In Press. <https://doi.org/10.1080/23748834.2020.1783479>

Non-Communicable Diseases	Environmental Attributes	Infectious Diseases
Favourable effect	Residential density	No effect
Favourable effect	Mixed land use	Favourable effect
Unfavourable effect	Automobile-optimized transportation system	Favourable effect
Favourable effect	Public transportation	Unfavourable effect
Favourable effect	Pedestrian & bicycling facilities	Favourable effect
Favourable effect	Parks, trails, open spaces	Favourable effect
Favourable effect	Open streets initiatives	Favourable effect

Results from 36 cities showed no relation between population density and recorded COVID-19 cases or deaths rates

Conclusions

- Dense walkable cities with recreation facilities that are recommended for non-communicable diseases are generally better during infectious disease epidemics.
- Walking and biking are the safest and healthiest forms of transport, if there are safe places to walk and bike.
- Recommended mitigation measures on public transport include limiting riders, ensuring physical distancing, requiring masks, providing hand sanitizer, and cleaning vehicles often.