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**THE REGIONAL MUNICIPALITY OF NIAGARA**  
**CORPORATE AND FINANCIAL SERVICES COMMITTEE**

**REPORT 5-2004**

Minutes of a meeting of the Corporate and Financial Services Committee held in Committee Room 4, Regional Municipal Building, Thorold, Ontario, on Wednesday, February 11, 2004, commencing at 10:10 a.m.

**ATTENDANCE**

Committee: Councillors Martin, Chair; Partington, Regional Chair; Burroughs; Eke; Goulbourne; Heit; Saracino.

Staff: Mr. Trojan, Chief Administrative Officer; Mr. Bacchus, Commissioner of Corporate Services; Mr. Lockyer, Treasurer; Ms. Reilly, Legislative Assistant.

Staff  
(Part-time): Mr. Brcic, Director, Wastewater and Water Division; Ms. Chamberlain, Fixed Assets Analyst; Ms. deMontmorency, Manager, Compensation & Benefits; Mr. Diakow, Director, Corporate Information Systems; Ms. Elliott, Director, Organizational Development & Compensation Services; Mr. J. Murphy, Manager, Policy & Development; Ms. M. Murphy, Manager, Budgets & Reporting; Mr. Nicol, Commissioner, Human Resources; Mr. Roach, Manager, Financial Services, P.W.; Ms. Williams, Senior Financial Analyst.

**CORPORATE SERVICES DEPARTMENT**

33. Expropriation – Title/Ownership Defect  
Humberstone Landfill Site, City of Welland

Moved by Councillor Goulbourne  
Seconded by Councillor Saracino

That Report CSD 20-2004, February 11, 2004 (PWA 24-2004, February 10, 2004), respecting the Expropriation Title/Ownership Defect, Humberstone Landfill Site in the City of Welland, be received.

That Regional Council receive the attached applications of The Regional Municipality of Niagara for approval to expropriate lands legally described as Lot 267, Plan 984 and Lot 375, Plan 984 in the City of Welland, pursuant to the *Expropriations Act*.

Carried.

34. Encumbrance Reserve Status at December 31, 2003

Moved by Councillor Burroughs  
Seconded by Councillor Heit

That Report CSD 22-2004, February 11, 2004, respecting Encumbrance Reserve Status at December 31, 2003, be received, save and except Public Health 6255, Smoking By-law-Legal Costs, to be referred to staff for report to Committee.

Carried.

35. Niagara's Alternative Biosolids Management  
Service Contract Approval  
Project ID ZSW0302

Moved by Councillor Burroughs  
Seconded by Councillor Heit

That Report CSD 23-2004, February 11, 2004 (PWA 25-2004, February 10, 2004), respecting Niagara's Alternative Biosolids Management Service Contract Approval, be received by Committee and Council and that the recommendations, as outlined below, be approved;

That approval be given to initiate financing in the gross and net amount of \$5,000,000 from the 2004 Wastewater Capital Budget for Project ZSW0302 Alternative Biosolids Management Program.

That financing in the amount of \$4,500,000 be approved from the Wastewater Capital Reserve and \$500,000 from the Development Charge Reserve for Project ZSW0302 Alternative Biosolids Management Program included in the 2004 Wastewater Capital Budget.

That the Alternative Biosolids Management contract be based on those matters described in the Memorandum of Understanding herein, but be in form and content satisfactory to the Region's Treasurer, Commissioner of Public Works and legal counsel;

That the signing of the Alternative Biosolids Management contract be conditional on and only occur upon the Region's receipt of security that are satisfactory to the Region's Treasurer and legal counsel over all of the assets of the N-Viro/IMS entity, upon receipt of guarantees, security and other documents that are satisfactory to the Region's Treasurer and legal counsel from other entities so as to fully secure and give effect to the contract, and

receipt of the third party access agreement in form and content satisfactory to the Region's legal counsel;

That the rate for the service be based on a volume of 5,400 dry tonnes per year at an initial rate of \$422.91/ dry tonne subject to an annual CPI increase;

That the loan to the N-Viro/IMS entity in the amount of \$5.7 million to finance the capital cost of the biosolids processing facility described in the Alternative Biosolids Management contract be conditional on and only occur upon the entering by N-Viro and IMS of a loan agreement in form and content satisfactory to the Region's Treasurer, Commissioner of Public Works and legal counsel, upon the Region having received all requisite legal approvals to the making of the loan, upon the Region's receipt of security that are satisfactory to the Region's Treasurer and legal counsel over all of the assets of the N-Viro/IMS entity, upon receipt of guarantees, security and other documents that are satisfactory to the Region's Treasurer and legal counsel from other entities so as to fully secure and give effect to the loan and contract, and upon receipt of the third party access agreement in form and content satisfactory to the Region's legal counsel;

That the Acting Regional Clerk be directed to notify the Minister of Education of the loan arrangement pursuant to the provisions of the Municipal Act 2001 relating to Municipal Capital Facilities;

That the ongoing operations and annual service costs of \$2,283,714.00, subject to CPI, resulting from the recommended proposal, be budgeted in the 2005 and subsequent current annual budgets;

That the financing required for Niagara's Alternative Biosolids Management capital investment be funded from Capital Works Project ZSW0302 (Alternative Biosolids Management Program);

That the Acting Regional Clerk be directed to ensure that the appropriate by-law is prepared for submission to Regional Council authorizing the Regional Chair and Regional Clerk to execute the Agreement on behalf of the Region.

Carried.

36. Reserves and Reserve Funds at December 31, 2003

Moved by Councillor Heit  
Seconded by Councillor Eke

That Report CSD 24-2004, February 11, 2004, respecting Reserves and Reserve Funds at December 31, 2003, be received for information only.

Carried.

37. 2003 Assessment Growth/2004 Reassessment Impacts

Moved by Councillor Burroughs  
Seconded by Councillor Eke

That Report CSD 26-2004, February 11, 2004, respecting 2003 Assessment Growth/2004 Reassessment Impacts, be received for information.

Carried

38. Authorization for the Issue of Debentures  
For the City of Welland and the City of Niagara Falls

Moved by Councillor Goulbourne  
Seconded by Councillor Eke

That Report CSD 27-2004 (Amended), February 11, 2004, respecting Authorization for the Issue of Debentures for the City of Welland and the City of Niagara Falls, be received.

That debenture financing in the amount of \$10,500,000 for the funding of the City of Welland's new Civic Square be approved.

That debenture financing in the amount of \$15,000,000 for the funding of the City of Niagara Falls' share for the construction of the Community Centre be approved.

Carried.

39. Ontario Municipal Economic Infrastructure  
Financing Authority Loan Approval

Moved by Councillor Burroughs  
Seconded by Councillor Eke

That Report CSD 28-2004, February 11, 2004, respecting Ontario Municipal Economic Infrastructure Financing Authority Loan Approval, be received.

That the Regional Treasurer be authorized to enter into agreements with the Ontario Municipal Economic Infrastructure Financing Authority and the City of Welland, Town of Niagara-on-the-Lake, Town of Fort Erie and the Town of Pelham for financing in an amount not to exceed \$17,385,997 as identified in the attached Schedule "A".

That the Regional Clerk be directed to ensure that the necessary by-laws be prepared authorizing borrowing from the Ontario Municipal Economic

Infrastructure Financing authority and that the by-laws be presented to Regional Council for approval.

Carried.

**QUORUM**

*There being a lack of ordinary quorum at the meeting, the Committee Chair determined that the ordinary quorum for the meeting be reduced to five members, pursuant to Part 11, Section 11.7 of the Procedural By-law 7174-93.*

40. Tender Award for Contract RN 04-01  
Rehabilitation of regional Road 98 (Montrose Road)  
At Preakness Street – Stage 2A  
In the City of Niagara Falls
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Moved by Councillor Eke  
Seconded by Councillor Burroughs

That Report PWA 28-2004, February 10, 2004, respecting the Tender Award for Contract RN 04-01, Rehabilitation of Regional Road 98 (Montrose Road) at Preakness Street – Stage 2A in the City of Niagara Falls, be received.

That approval be given to initiate financing in the amount of \$1,234,000.00 gross and net from the proposed 2004 Roads Capital Budget for Project ZRC9817, Rehabilitation of Regional Road 98 (Montrose Road) at Preakness Street – Stage 2A, in the City of Niagara Falls;

That approval be given to fund project ZRC9817/RC0430 with debenture financing (not exceeding 10 years) in the amount of \$734,000.00 and Development Charge Reserve of \$500,000.00;

That approval be given to increase the gross budget by \$67,000.00 to reflect cost sharing with the City of Niagara Falls;

That Contract RN 04-01, Rehabilitation of Regional Road 98 (Montrose Road), at Preakness Street – Stage 2A, in the City of Niagara Falls be awarded to the low tenderer Hard Rock Construction Inc. at its bid price in the amount of \$1,164,230.00, (excluding GST), subject to confirmation of cost sharing by the City of Niagara Falls for the sidewalk;

That a contingency allowance in the amount of \$120,000.00 be provided for this contract;

That the Engineering agreement with the consulting firm of Earth Tech Canada Inc. be extended to include additional design fees (\$13,000.00) and contract administration and inspection services (\$66,000.00), with the engineering fees

being calculated on a time plus disbursements basis, estimated at \$79,000.00, excluding GST;

That the Regional Clerk be directed to ensure that the necessary by-laws, including the by-law authorizing the Regional Chair and Regional Clerk to execute the contract on behalf of the Regional Municipality of Niagara, are presented to Regional Council on February 19, 2004;

That all project costs be charged against Capital Works Parent Project ZRC9817/RC0430, and ZGL0216.

Carried.

(Report attached to Public Works Committee Report 5-2004.)

41. Appointments to Audit Committee

Moved by Councillor Eke  
Seconded by Councillor Goulbourne

That Councillors Gary Burroughs and Brian Heit be appointed, together with Regional Chair Partington, Councillor Doug Martin, Committee Chair and Councillor Debbie Zimmerman, Committee Vice-Chair, to the Audit Committee.

Carried.

It was recommended that the Audit Committee hold its meeting following the Corporate and Financial Services Committee meeting.

**MINUTES**

42. Report 3-2004

Moved by Councillor Eke  
Seconded by Councillor Heit

That Report 3-2004, being the minutes of the Budget Review Committee meeting of February 5, 2004, be received.

Carried.

(Report 3-2004 is behind BRC tab in Blue Book.)

**CORRESPONDENCE**

43. Moved by Councillor Heit  
Seconded by Councillor Burroughs

That the following Communications be received:

CFS 3-2004 Gary Zalot, Executive Director, Niagara District Health Council (January 30, 2004) regarding Niagara's contribution to the Physician Recruitment Program and a copy of the financial statements for the Niagara Physician Recruitment and Retention Coordinator for the period ending December 31, 2003.

CFS 4-2004 Deb Morton, Executive Director, Regional Municipality of Niagara Police Services Board (February 5, 2004) respecting Niagara Regional Police Service 2003 Preliminary Year-end Estimate.

Carried.

**OTHER BUSINESS**

44. Tax Issues

Moved by Councillor Eke  
Seconded by Councillor Goulbourne

That the Commissioner of Corporate Services, together with the Area Treasurers and C.A.O., prepare a brief of their concerns on the various tax related issues of today for submission to the Ministry of Finance.

Carried.

**CLOSED SESSION**

45. Moved by Councillor Eke  
Seconded by Councillor Burroughs

That this committee do now meet in Closed Session for purposes of receiving information of a confidential nature relating to personnel matters.

Carried.

46. EIS (Employee Information System)

Moved by Councillor Heit  
Seconded by Councillor Burroughs

That Report CSD 21-2004, February 11, 2004 (HR 11-2004, February 10, 2004) respecting EIS (employee Information System), be received and the recommendations contained therein be approved.

Carried.

47. Niagara Regional Police Service  
2003 Collective Bargaining Impact On The Operating Budget

Moved by Councillor Eke  
Seconded by Councillor Heit

That Communication CFS 5-2004, from Deb Morton, Executive Director, Regional Municipality of Niagara Police Services Board (February 5, 2004) respecting Niagara Regional Police Service, 2003 Collective Bargaining Impact on the Operating Budget, be received and referred to staff for consultation with Police and a report to Committee.

Carried.

48. Moved by Councillor Saracino  
Seconded by Councillor Burroughs

That this Committee do now rise with report.

Carried.

**ADJOURNMENT**

Committee adjourned at 12:05 p.m. to meet again on February 25, 2004 at 10:00 a.m. in Committee Room 4, Regional Headquarters.

Doug Martin  
Chair

Gail Reilly  
Legislative Assistant

Pam Gilroy  
Acting Regional Clerk

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