

THE REGIONAL MUNICIPALITY OF NIAGARA

CORPORATE SERVICES COMMITTEE

REPORT 5-2009

Minutes of a meeting of the Corporate Services Committee held in Committee Room 4, Regional Municipal Building, 2201 St. David's Rd., Thorold, Ontario, on Wednesday, April 8, 2009 commencing at 9:06 a.m.

ATTENDANCE

Committee: Councillors Martin, Co-Chair; Augustyn, Co-Chair; Partington, Regional Chair; Badawey; Burroughs; Casselman; D'Angela; Greenwood; Heit; Henderson; Puttick; Saracino.

Councillors

Other: Councillors Marshall; Rigby.

Staff: Mr. Trojan, Chief Administrative Officer; Mr. Bergsma, Commissioner, Corporate Services; Ms. Reilly, Legislative Assistant.

Staff

Others: Corporate Services: Mr. Bendell, Financial Analyst; Mr. Bernard, Associate Director, Court Services; Mr. Diakow, Director, IT Solutions; Mr. Lockyer, Treasurer/Director, Financial Management & Reporting; Mr. Moffatt, Manager, Property Management; Mr. J. Murphy, Manager, Policy Development; Ms. M. Murphy, Associate Director, Current & Capital Budgets; Ms. Paterson, Coordinator Properties; Mr. Pilon, Associate Director, Service Quality & Improvement; Ms. Rae, Legal Counsel; Mr. Roach, Manager, Public Works Financial Services; Ms. Stranges, Capital Assets Analyst; Ms. Williams, Senior Financial Analyst.

Administration: Mr. McQueen, Director, Administrative Services; Ms. Kennedy, Co-op Student Policy Assistant.

PRESENTATIONS

76. Encroachment Agreement Phelps Homes Ltd.
And Niagara North Vacant Land
Condominium Corporation No. 203
Regional Road No. 81 (King Street)
Town of Lincoln

CSD 64-2009/PWA 43-2009

Mr. Stephen Kaiser, on behalf of Phelps Homes Ltd., attended to speak to the terms of the encroachment agreement between The Regional Municipality of Niagara and Phelps Homes Ltd. and Niagara North Vacant Land Condominium Corporation No. 203.

Mr. Kaiser provided Committee members with details of the site plan for the 31 unit structure commenting that it would be a landmark feature that could potentially be worth millions of dollars once completed. Mr. Kaiser questioned the appropriateness of the annual fee of \$4,800.00, noting that Phelps Homes will be installing the landscaping that will make the lands more esthetically pleasing and enhancing the location and asked that the fee be eliminated.

Mr. Kaiser also commented that the encroachment agreement should be between The Regional Municipality of Niagara and the property owner, Niagara North Vacant Land Condominium Corporation No. 203, and that Phelps Homes Ltd. be removed from the agreement.

Moved by Councillor D'Angela
Seconded by Councillor Greenwood

That the presentation from Mr. Stephen Kaiser, on behalf of Phelps Homes Ltd., regarding the Encroachment Agreement, Phelps Homes Ltd. and Niagara North Vacant Land Condominium Corporation No. 203, be received.

Carried.

77. 2009 Tax Policy and Tax Rates

Mr. Bergsma, Commissioner, Corporate Services, advised that there is no change to the tax ratios adopted in the 2008 By-law. He also commented that it is recommended that the Niagara Region adopt each of the capping options to their maximum which is consistent of what has been done in the past.

Mr. Lockyer, Treasurer/Director, Financial Management & Planning, provided an overview of the 2009 Tax Policy and Tax Rate report. He commented that tax policy approval is required to allocate taxes to property classes and for the adoption of Capping Options and Capping Funding Options. For the 2009 taxation year, the Province required the approval of property tax policy by-laws by April 30, 2009, however, the deadline has now been extended to June 30th, 2009.

Mr. Lockyer advised that a working group of Regional staff and area municipal Treasurers met in an Ad Hoc Committee on Property Assessment and Taxation Reform meeting on October 29, 2008 to discuss tax mitigation and a request by the St. Catharines-Thorold Chamber of Commerce regarding the lowering of the industrial ratio. There was general consensus at that time to hold tax ratios constant.

Mr. Lockyer provided a refresher on Tax Policy and Tax Rates. Considerations for 2009 Tax Policy are based on the following priority factors: BMA Municipal Tax Competitiveness Study; Provincial Announcements (Business Education Tax) and other factors. As a result, no further ratio changes are recommended.

The Reassessment Impact was highlighted, and it was noted that as a result of the reassessment, tax burden has been shifted onto the residential, multi-residential, farmland and managed forests property classes and off the commercial, industrial and pipelines classes. Shifts may be reversed by adopting Revenue Neutral Ratios, however, Revenue Neutral Ratios are not recommended, therefore allowing reassessment shifts to occur.

Mr. Lockyer apprised Committee of the Education Property Tax and the impacts of the Business Education Tax (BET) Rates on Commercial and Industrial classes. Also provided was historical information on industrial ratios.

A chart providing the recommendations for the proposed 2009 tax ratios for each property class was presented. The levy increase on a property reassessed from \$190,000 to \$199,112 is 2.44% gross and 1.33% net.

The following capping options were highlighted:

- Increase current annual cap from 5% to 10% of previous year's annualized taxes.
- Minimum annual cap increase of up to 5% of previous year's annualized CVA-level taxes.
- Move properties within \$250 of their CVA taxes directly to CVA taxations.
- New Options:
 - Exclude properties at CVA tax in 2008 from 2009 capping program.
 - Exclude properties that cross over CVA tax in 2009 (properties that would change from capped to clawed back and vice-versa).

Therefore, it is recommended:

- Adopt each of the capping options to their maximum.
- Adopt new capping options providing it does not result in a 100% claw back in the class or a municipal impact.
- By-Law required.

Information was provided on funding the Capping Program and it was recommended:

- Adopt "in class recovery method"
- By-Law required

The next steps include Council approval on April 16th of the Tax Policy Scenario, Capping Options and Method of Funding Capping Program. By-laws are required for the Tax Ratio; Tax Rate and Adoption of Capping Options.

(Refer to Councillor Information Requests.)

Moved by Councillor D'Angela
Seconded by Councillor Greenwood

That the presentation from Mr. Gord Lockyer, Treasurer/Director, Financial Management & Reporting, regarding 2009 Tax Policy and Tax Rates , be received.

Carried.

ITEMS FOR CONSIDERATION

78. Encroachment Agreement Phelps Homes Ltd.
And Niagara North Vacant Land
Condominium Corporation No. 203
Regional Road No. 81 (King Street)
Town of Lincoln
CSD 64-2009/PWA 43-2009

Moved by Councillor Martin
Seconded by Councillor Heit

That Report CSD 64-2009/PWA 43-2009, April 8, 2009, respecting Encroachment Agreement Phelps Homes Ltd. and Niagara North Vacant Land Condominium Corporation No. 203 Regional Road No. 81 (King Street), Town of Lincoln, be received.

That the Region enter into an Encroachment Agreement with Phelps Homes Ltd. And Niagara North Vacant Land Condominium Corporation No. 203 to permit landscaping within the untraveled road allowance for Regional Road No. 81 (King Street), having an area of approximately 853.07 square metres (9,182 square feet, 0.21 acres), as described herein and in accordance with the terms and conditions contained in an Encroachment Agreement between The Regional Municipality of Niagara and Phelps Homes Ltd. And Niagara North Vacant Land Condominium Corporation No. 203;

That the Regional Chair and Regional Clerk be authorized to execute the Encroachment Agreement.

Moved by Councillor D'Angela
Seconded by Councillor Greenwood

That the annual fee of \$4,800.00 be referred to staff for further review to determine what an appropriate fee would be and to set a policy for that purpose.

Carried.

Upon a vote being taken, the original motion, ***as amended***, was carried.

ITEMS FOR CONSIDERATION

79. 2009 Tax Policy and Tax Rates
CSD 58-2009

Moved by Councillor Martin
Seconded by Councillor Saracino

That this Committee recommend to Regional Council:

That the following recommendations be approved and adopted:

- 1) That the tax ratios and tax rates contained in Schedule 1 of this report be adopted for the taxation year 2009.
- 2) That the Area Municipal Councils be informed of Regional Council's decision to utilize the recommended tax ratios and be directed to apply the same tax ratios in determining 2009 tax rates for their purposes.
- 3) That the 2008 capping program reflect the following criteria:
 - a) An annual cap set at the greater of:
 - (i) An amount representing an increase of 10% of the previous year's annualized tax, or
 - (ii) An amount representing an increase of 5% of the previous year's Current Value Assessment (CVA) tax limit,
 - b) And, that following the application of the capping program all properties within +/- \$250 threshold of the CVA taxes be moved directly to CVA taxation.
 - c) Properties at CVA tax in 2008 be excluded from the 2009 capping program.
 - d) Properties that would cross over CVA tax in 2009 be excluded from the capping program (properties that would change from capped to clawed back and vice-versa).
- 4) That the 2009 capping program be funded by claw back from within respective classes pursuant to section 330 of the Municipal Act.
- 5) That the Regional Clerk be requested to prepare the necessary by-laws for consideration and adoption by Regional Council.
- 6) That this report be received and circulated to the Councils of the Area Municipalities for information.
- 7) That the Area Municipal Treasurers be requested to include in the standardized tax bill a separate tax rate as calculated for Police services in addition to the tax rates for general Regional services and education purposes.

Moved by Councillor Heit
Seconded by Councillor D'Angela

That the Pipeline benefit in the amount of \$35,283 be redistributed to all other property classes.

Carried.

Upon a vote being taken, the original motion, ***as amended***, was carried.

The Corporate Services Committee recessed at 11:05 a.m.

Minutes of a meeting of the Corporate Services Committee reconvened in Committee Room 4, Regional Municipal Building, 2201 St. David's Rd., Thorold, Ontario, on Thursday, April 16, 2009 commencing at 4:10 p.m.

ATTENDANCE

Committee: Councillors Augustyn, Co-Chair; Partington, Regional Chair; Badawey; Bentley; Burroughs; Bylsma; Casselman; D'Angela; Greenwood; Heit; Henderson; Puttick; Saracino.

Staff: Mr. Bergsma, Commissioner, Corporate Services; Ms. Reilly, Legislative Assistant.

Staff

Others: Corporate Services: Mr. Bernard, Associate Director, Court Services; Ms. Chase, Law Clerk; Mr. Diakow, Director, IT Solutions; Ms. Elliott, Director, Human Resources; Mr. Hagar, Manager, Employee Relations; Ms. Learn, Director, Employee Services; Mr. Lockyer, Treasurer/Director, Financial Management & Reporting; Mr. J. Murphy, Manager, Policy Development; Mr. Pilon, Associate Director, Service Quality & Improvement; Ms. Rae, Legal Counsel; Mr. Roach, Manager, Public Works Financial Services; Ms. Stranges, Capital Assets Analyst; Ms. Williams, Senior Financial Analyst.
Administration: Mr. McQueen, Director, Administrative Services; Mr. Roberts, Executive Officer to Regional Chair.
Integrated Community Planning: Mr. Robson, Commissioner, I.C.P.; Mr. Weaver, Director, Community & Corporate Planning.

80. Gas Tax Revenue Reallocation through Budget Transfers within Capital Projects
CSD 56-2009/PWA 41-2009

Moved by Councillor Bentley
Seconded by Councillor Saracino

That Report CSD 56-2009/PWA 41-2009, April 8, 2009, respecting Gas Tax Revenue Reallocation through Budget Transfers within Capital Projects, be received.

That the amount of gas tax revenue received in 2008 be transferred within the Roads Capital Program as indicated on Appendix A;

That gas tax revenue in the amount of \$658,564 is transferred to the Gas Tax Reserve Fund;

That the Regional Clerk be directed to ensure that the appropriate by-law(s) are prepared for presentation to Regional Council.

Carried.

81. Initiation of Projects in the 2009 Facilities Capital Program
CSD 65-2009

Moved by Councillor Burroughs
Seconded by Regional Chair Partington

That Report CSD 65-2009, April 8, 2009, respecting Initiation of Projects in the 2009 Facilities Capital Program, be received.

That financing in the amount of \$2,739,623 gross and net be approved and initiated from the Facilities Capital Program.

That approval be given to fund the Facilities projects with financing consisting of \$2,739,623 Capital Levy Reserve.

That the Regional Clerk be directed to ensure that the appropriate by-law(s) are prepared for presentation to Regional Council.

Moved by Councillor Henderson
Seconded by Councillor Greenwood

That Report CSD 65-2009, respecting Initiation of Projects in the 2009 Facilities Capital Program be referred to the Corporate Services Committee meeting of April 29, 2009, for further information on the details of the facilities projects that consist of \$2,739,623 funding from the Capital Levy Reserve.

Carried.

82. Approval for Increase to 2009 Police Capital Budget
CSD 66-2009

Moved by Regional Chair Partington
Seconded by Councillor Bentley

That Report CSD 66-2009, April 8, 2009, respecting Approval for Increase to 2009 Police Capital Budget, be received.

That Capital Levy financing in the amount of \$150,000 gross and net be approved for Project ZGG0901 Emergency Capital Levy Program included in the 2009 Capital budget.

That a transfer of \$150,000 be made from ZGG0901 Emergency Capital Levy to ZGD0901 – Building Maintenance Program for Regional Facilities consisting of Capital Levy financing.

That the Regional Clerk be directed to ensure that the appropriate by-law(s) are prepared for presentation to Regional Council.

Carried.

83. Review of Regional Development Charges
Bylaw and Related Policies
CSD 67-2009

Moved by Councillor D'Angela
Seconded by Councillor Heit

That Report CSD 67-2009, April 8, 2009, respecting Review of Regional Development Charges by-law and Related Policies, be received.

That the development charge policy proposals outlined in this report and summarized in Appendix 1 be adopted in principle, and that these policies be incorporated in the proposed draft Regional Development Charges by-law and related background study which will be presented to Committee and Council in a subsequent report.

That a review of the development charge cost recovery philosophy and cost recovery policy be undertaken (consistent with recommended implementation action in DPD 54-2008), and that the role and mandate of the Region, the cost recovery methodology, and consideration of area specific development charge options be reviewed, and reported back to Committee and Council with a recommendation.

Carried.

84. Tender Award 2009-T-108 (RN 09-08)
Rehabilitation of Dean's Bridge (Structure No. 047215)
Regional Road 47 (Lyon's Creek Road)
Over Lyon's Creek
In the City of Niagara Falls
CSD 69-2009 (PWA 44-2009)

Moved by Councillor Puttick
Seconded by Councillor Heit

That Report CSD 69-2009 (PWA 44-2009), April 8, 2009 respecting Tender Award 2009-T-108 (RN 09-08) Rehabilitation of Dean's Bridge (Structure No. 047215) Regional Road 47 (Lyon's Creek Road) Over Lyon's Creek In the City of Niagara Falls, be received;

That Tender 2009-T-108 (RN 09-08), Rehabilitation of Dean's Bridge (Structure No. 047215) Regional Road 47 (Lyon's Creek Road) Over Lyon's Creek In the City of Niagara Falls, be awarded to the low tenderer, Rankin Construction Inc., at the bid price of \$1,694,407;

That a contingency allowance in the amount of \$110,000 be provided for this contract;

That approval be given to increase the gross budget for Project ZRC0630 Rehabilitation of Structure 047215 (Dean's Bridge) over Lyon's Creek in the amount of \$350,000 with Provincial funding from the 2008 Municipal Road and Bridge Infrastructure Investment Program;

That the Engineering Agreement with the consulting firm of Ellis Engineering Inc., be extended to include contract administration and inspection services of \$87,950 with the engineering fees being calculated on a time plus disbursements basis;

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 April 16, 2009;

That all project costs be charged against Capital Works Project ZRC0630/RC0630.

Carried.

85. Capital Initiation – Niagara Career Portal
CSD 70-2009

Moved by Regional Chair Partington
Seconded by Councillor Greenwood

That Report CSD 70-2009, April 8, 2009, respecting Capital Initiation – Niagara Career Portal, be received.

That financial support in the amount of \$100,000 be allocated to the Niagara Career and Immigration portal project for hardware and associated licensing.

That financing in the amount of \$100,000 be initiated and approved from the 2008 Capital Budget allocation for Council Strategic Initiatives ZGG0803, and funding by the capital levy reserve.

Carried.

ITEMS FOR INFORMATION

86. Provincial Offences Act Streamlining Review Consultation Paper
CSD 60-2009

Moved by Councillor Bylsma
Seconded by Councillor Saracino

That Report CSD 60-2009, April 8, 2009, respecting Provincial Offences Act Streamlining Review Consultation Paper, be received for information; and

That this report be circulated to local area municipal councils for their information.

Carried.

87. Electricity Regulated Price Plan Changes
CSD 61-2009 (PWA 42-2009)

Moved by Councillor Bylsma
Seconded by Councillor Heit

That Report CSD 61-2009 (PWA 42-2009), April 8, 2009, respecting Electricity Regulated Price Plan Changes, be received for information.

Carried.

88. 2009 Ontario Budget
CSD 68-2009

Moved by Councillor D'Angela
Seconded by Councillor Henderson

That Report CSD 68-2009, April 8, 2009, respecting 2009 Ontario Budget, be received for information.

Carried.

MINUTES

89. 1-2009 (JBM)

Moved by Councillor Henderson
Seconded by Regional Chair Partington

That Report 1-2009 (JBM) being the minutes of the Joint Board of Management Niagara Region Courts meeting of Tuesday, March 3, 2009, be received and minute item 7 be approved.

Carried.

90. 2-2009 (JBM)

Moved by Councillor Bentley
Seconded by Councillor Greenwood

That Report 2-2009 (JBM) being the minutes of the Joint Board of Management Niagara Region Courts meeting of Monday, March 30, 2009, be received and minute item 14 be approved.

Carried

91. 2-2009 (RDC)

Moved by Councillor Bentley
Seconded by Councillor Greenwood

That Report 2-2009 (RDC) being the minutes of the Joint Board of Management Niagara Region Courts meeting of Monday, March 9, 2009, be received and minute items 14 and 15 be approved.

Carried.

CORRESPONDENCE

92. Moved by Councillor Heit
Seconded by Councillor Bylsma

That the following communications be received:

CSC 16-2009 Deb Morton, Executive Director, Regional Municipality of
Niagara Police Services Board (March 4, 2009)
respecting Purchasing – 2009 Vehicle Replacements –
PO0901

--Receive.

CSC 17-2009 Cheryl Mickette, Town Clerk, Town of Pelham (February
19, 2009) regarding its Council's resolution to request
the Federal and Provincial government agencies
responsible for public health, energy creation and
energy management to dedicate resources to the
necessary scientific research and to create and provide
authoritative regulations and guidelines for the locating
of wind turbines to municipalities and wind energy
developers.

Carried.

OTHER BUSINESS

93. Report CSD 64-2009/PWA 43-2009

Councillor Bylsma, as he was not in attendance at the Corporate Services Committee meeting on April 8th, requested information on the motion and amendment to Report CSD 64-2009/PWA 43-2009. The requested information on the motion was provided by staff.

CLOSED SESSION

94. Moved by Councillor Bylsma
Seconded by Councillor Casselman

That this Committee do now meet in Closed Session for purposes of receiving information of a confidential nature relating to the Proposed Acquisition of Land by the Municipality, Relocation of Donated House and Acquisition of House and Land for Use by Niagara Regional Housing as Affordable Housing Unit(s) and Matters of Labour Relations regarding Non Union Benefits and ONA Contract Negotiations.

Carried.

95. Proposed Acquisition of Land by the Municipality
Relocation of Donated House and Acquisition of House
And Land for Use by Niagara Regional Housing
As Affordable Housing Unit(s), City of Niagara Falls
CSD 48-2009

Moved by Councillor Heit
Seconded by Councillor Bentley

That Report CSD 48-2009, March 23, 2009, respecting Proposed Acquisition of Land by the Municipality, Relocation of Donated House and Acquisition of House and Land for Use by Niagara Regional Housing as Affordable Housing Unit(s), City of Niagara Falls, be received and the recommendations contained therein approved.

Carried.

96. A Matter of Labour Relations Regarding Non-Union Benefits
CSD 63-2009

Moved by Councillor Saracino
Seconded by Councillor Greenwood

That Report CSD 63-2009, A Matter of Labour Relations Regarding Non-Union Benefits, be received for information.

Carried.

97. Oral Report – ONA Negotiations

Mr. Bergsma, Commissioner, Corporate Services, together with Ms. Elliott, Director, Human Resources provided an update on ONA Negotiations.

98. Moved by Councillor Casselman
Seconded by Councillor Badawey

That this Committee do now rise with report.

Carried.

COUNCILLOR INFORMATION REQUESTS

That staff:

- (i) Request that the Ad Hoc Committee of Council on Property Assessment and Taxation Reform (PATR), at its next meeting, examine the BMA Analysis – Niagara vs. Others – including Business Education Tax. (D'Angela) (Refer to minute 77.)
- (ii) Provide examples of properties that have been capped and where they are today after receiving allowances. Have they reached CVA, if not, how far under? (Rigby) (Refer to minute 77.)
- (iii) Include in the impending capping report, an analysis showing the impact on a property reassessed at different values (from \$199,112). (Augustyn) (Refer to minute 77.)

ADJOURNMENT

Committee adjourned at 5:55 p.m. to meet again on Wednesday, April 29, 2009, at 9:00 a.m. in Committee Room 4, Regional Headquarters.

Dave Augustyn
Co-Chair

Gail Reilly
Legislative Assistant

Janet Pilon
Acting Regional Clerk