

City of Port Colborne Council Meeting Agenda

Date: March 22, 2022
Time: 6:30 pm
Location: Council Chambers, 3rd Floor, City Hall
 66 Charlotte Street, Port Colborne

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1. Call to Order	
2. National Anthem	
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10. Presentations

11. Delegations

Due to COVID-19 this meeting will be conducted virtually. Anyone wishing to speak to Council is asked to submit a written delegation that will be circulated to Council prior to the meeting. Written delegations will be accepted until noon the day of the meeting by emailing deputyclerk@portcolborne.ca or submitting a hard copy in the after-hours drop box in front of City Hall, 66 Charlotte Street, Port Colborne. Written delegations accepted after this time will be circulated with the minutes and included as public record.

12. Mayor's Report

13. Regional Councillor's Report

14. Staff Remarks

15. Councillors' Remarks

16. Consideration of Items Requiring Separate Discussion

17. Motions

18. Notice of Motions

19. Minutes of Boards & Committees

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19.2.	Environmental Advisory Committee Minutes, December 8, 2021	275
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20. By-laws

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20.4.	By-law to Amend By-law Establishing an Emergency Management Program for the Protection of Public Safety, Health, the Environment, Critical Infrastructure and Property and to Promote Economic Stability and a Disaster-Resilient Community	341
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21. Confidential Items

Confidential reports will be distributed under separate cover. Items may require a closed meeting in accordance with the Municipal Act, 2001.

22. Procedural Motions

23. Information items

24. Adjournment



Invitation to Municipalities

What is The Year of the Garden 2022?

The **Year of the Garden 2022** is the **Centennial Celebration of Canada's horticulture sector** marked with the 100th Anniversary of the Canadian Nursery Landscape Association. From January 1 to December 31, 2022, we will commemorate and celebrate Canada's rich garden heritage, celebrate today's vibrant garden culture, and create legacies for a sustainable future.

Planning is underway for a year of exciting activities, celebrations, special events and promotions that will take place in communities, schools, businesses, public gardens, and backyard gardens in all parts of Canada.

Join the Celebration and Proclaim 2022 as the Year of the Garden in Your Municipality

Join **Canada's Garden-Family** – thousands of plant growers, product manufacturers, retailers, landscape service providers, public gardens and garden experience providers, garden clubs and societies, and affiliated businesses – which will be sharing their knowledge and offering events to help Canadians **Live the Garden Life**.

The **Year of the Garden 2022** is a unique opportunity for your municipality to highlight and have a positive impact on priorities, such as:

- Post COVID Recovery
- Quality of Life
- Healthy Citizens
- Environmental Climate Action
- Economic Growth
- Enhance Cultural Vibrancy
- Reconciliation and Inclusivity
- Garden Tourism Destination positioning

The **Year of the Garden 2022 campaign** will reach and inspire the public to learn about the connections gardens and gardening have with many important community quality of life benefits including:

Environmental Benefits

- Integration of more plants into city life: tree canopy, community gardens, public parks, green roofs, green infrastructure
- More plants and more gardens produce more oxygen, sequester more carbon, mitigate heat island effect in urban areas
- Engaging Canadians in the Federal government's commitment to plant 2 billion trees, and commitment to fight Climate Change
- Contribute to attaining sustainable development goals

Economic Benefits

- Gardens and gardening generate economic activity for the garden family sector of your municipality
- Impact of public garden visitation, a demonstrated major tourism draw
- Generate economic development, attracting residents, businesses, and visitors in communities across the country
- Enhancing quality of life favours economic stability for your municipality and its residents

Health and Wellness Benefits

- The relation between improved health and gardening is well documented
- Active living for all ages
- Contribute to healthier citizens and reduced health costs
- Engage your with Canada's healthy eating strategy

Cultural Benefits

- Better understanding of the role gardens and gardening play in the development of communities and our country
- contribute to the reconciliation with our First Nations who live in harmony with nature and plants
- Contribute to Canada's inclusivity agenda since "in the garden there are no differences", just plants, and people of all ages and cultures who love them and care for them
- support the integration of a garden culture in schools and community gardens

Our Invitation to All Municipalities:

Communities in Bloom and the Canadian Garden Council **invite municipalities to proclaim 2022 the Year of the Garden** for their citizens to **acknowledge all the benefits that Gardens and Gardening provide.**

By joining Canada's celebration of the **Year of the Garden 2022** you will demonstrate leadership and inspire and engage your citizens using evidence-based information and actions to contribute to the sustainability of your municipality.

Our Proposal:

- **Proclamation of 2022** as the **Year of the Garden** in your municipality (see attached Proclamation Template)
- **Commitment** to be a **Garden Friendly City**
- **Recognize National Garden Day** in your municipality, Saturday before Fathers Day

Should you have any question, please do not hesitate to contact us. Should you move forward with a proclamation, please send us copy of your proclamation.

Contact: info@gardencouncil.ca

<https://www.communitiesinbloom.ca/>

<https://gardenscanada.ca/year-of-the-garden/>



Year of the Garden 2022 PROCLAMATION

- WHEREAS** the *Year of the Garden 2022* celebrates the Centennial of Canada's horticulture sector;
- WHEREAS** gardens and gardening contribute to the quality of life of our municipality and create safe and healthy places where people can come together;
- WHEREAS** the *Year of the Garden 2022* will highlight and celebrate the important contribution of gardeners, our local gardening organizations, horticultural professionals and local horticultural businesses which contribute to garden culture and the experience garden of our municipality;
- WHEREAS** gardens and gardening have helped us face the challenges of the COVID pandemic;
- WHEREAS** Communities in Bloom in collaboration with the Canadian Garden Council, invites all municipalities to celebrate the Year of the Garden;

NOW THEREFORE BE IT RESOLVED

- THAT** (add name of municipality) **HEREBY PROCLAIMS 2022 as the *Year of the Garden*** in celebration of the contribution of gardens and gardening to the development of our country, our municipality and the lives of our citizens in terms of health, quality of life and environmental challenges; and
- THAT** **the Saturday before Father's Day, June 18 in 2022, be recognize as Garden Day in** (add name of municipality) **as a legacy of Canada's Year of the Garden 2022; and**
- THAT** (insert name of Municipality) **is committed to be a *Garden Friendly City*** supporting the development of its garden culture and is proud to have:

(name at least two city initiatives that support the garden culture of your city and the spirit of the Year of the Garden); and

- THAT** all municipalities across Canada BE INVITED to proclaim 2022 to be the *Year of the Garden* in their respective municipalities, and that a copy of this resolution be provided to the FCM, and for that purpose.

DATED AT CITY HALL, (the xx day of (add month), 2021 or 2022

(insert Mayor's name), Mayor



PORT COLBORNE

March 22, 2022

Moved by Councillor
Seconded by Councillor

WHEREAS the *Year of the Garden 2022* celebrates the Centennial of Canada's horticulture sector;

WHEREAS gardens and gardening contribute to the quality of life of our municipality and create safe and healthy places where people can come together; and

WHEREAS the *Year of the Garden 2022* will highlight and celebrate the important contribution of gardeners, our local gardening organizations, horticultural professionals and local horticultural businesses which contribute to garden culture and the experience garden of our municipality; and

WHEREAS gardens and gardening have helped us face the challenges of the COVID pandemic; and

WHEREAS Communities in Bloom in collaboration with the Canadian Garden Council, invites all municipalities to celebrate the Year of the Garden;

NOW THEREFORE I, Mayor William C. Steele, do hereby proclaim 2022 as the **Year of the Garden**, in the City of Port Colborne. In celebration of the contribution of gardens and gardening to the development of our country, our municipality and the lives of our citizens in terms of health, quality of life and environmental challenges;

THAT the Saturday before Father's Day, June 18 in 2022, be recognized as Garden Day in the City of Port Colborne as a legacy of Canada's Year of the Garden 2022; and

THAT the City of Port Colborne is committed to be a Garden Friendly City supporting the development of its garden culture; and

THAT all municipalities across Canada be invited to proclaim 2022 to be the **Year of the Garden** in their respective municipalities, and that a copy of this resolution be provided to all municipalities of Ontario, for that purpose.

William C. Steele
Mayor

February 18, 2022

SENT VIA E-MAIL TO:

Joanne Vanderheyden
President of the Federation of Canadian Municipalities
info@fcm.ca

Dear President Vanderheyden,

Re: Year of the Garden Proclamation

On behalf of the Council of the Corporation of Norfolk County, please be advised that upon the recommendation of the Tourism and Economic Development Advisory Board, Council passed the following resolution at the February 15, 2021 Council meeting:

Resolution No. 13

Moved By: Councillor Martin

Seconded By: Councillor Huffman

WHEREAS Norfolk County is known as Ontario's Garden and has a rich agricultural and horticulture industry;

AND WHEREAS Communities in Bloom and "Fleurons du Québec" in collaboration with the Canadian Garden Council, invite all municipalities to celebrate the Year of the Garden 2022;

AND WHEREAS the Year of the Garden 2022 celebrates the Centennial of Canada's horticulture sector;

AND WHEREAS gardens and gardening contribute to the quality of life of our municipality, our climate action goals and create safe and healthy places where people can come together in the spirit of inclusivity and reconciliation;

AND WHEREAS the Year of the Garden 2022 will highlight and celebrate the important contribution of gardeners, our local gardening organizations, horticultural professionals and local horticultural businesses which contribute to garden culture and experience of our municipality;

AND WHEREAS gardens and gardening have helped us face the challenges of the COVID pandemic;

THEREFORE BE IT RESOLVED,

THAT Norfolk County hereby proclaim 2022 as the Year of the Garden in celebration of the contribution of gardens and gardening to the development of our country, our municipality and the lives of our citizens in terms of health, quality of life and environmental challenges;

AND THAT the Saturday before Father's Day, National Garden Day, June 18 in 2022, be recognize as Garden Day in Norfolk County as a legacy of Canada's Year of the Garden 2022;

AND THAT Norfolk County is committed to be a Garden Friendly County supporting the development of its garden culture and is proud to have history, heritage and diversity of gardens;

AND FURTHER THAT all municipalities across Canada be invited proclaim 2022 to be the Year of the Garden in their respective municipalities, and that a copy of this resolution be provided to the Federation of Canadian Municipalities, and for that purpose.

Further information regarding the Year of the Garden Proclamation can be found on the [Year of the Garden Website](#). If any municipality would like to partner with Norfolk County in proclaiming 2022 as the Year of the Garden a draft resolution is attached below.

Should you have any questions regarding this matter or should you require additional information, please contact Kevin Klingenberg, Deputy Clerk at 519-426-5870 x. 1261, or email: Clerks@norfolkcounty.ca

Sincerely,

Kevin Klingenberg
Deputy Clerk
Norfolk County

CC:

- Federation of Canadian Municipalities
- All Ontario municipalities
- Tourism and Economic Development Advisory Board

Year of the Garden 2022 PROCLAMATION

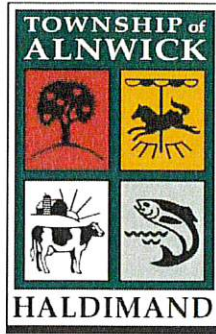
- WHEREAS** the *Year of the Garden 2022* celebrates the Centennial of Canada's horticulture sector;
- WHEREAS** gardens and gardening contribute to the quality of life of our municipality and create safe and healthy places where people can come together;
- WHEREAS** the *Year of the Garden 2022* will highlight and celebrate the important contribution of gardeners, our local gardening organizations, horticultural professionals and local horticultural businesses which contribute to garden culture and the experience garden of our municipality;
- WHEREAS** gardens and gardening have helped us face the challenges of the COVID pandemic;
- WHEREAS** Communities in Bloom in collaboration with the Canadian Garden Council, invites all municipalities to celebrate the Year of the Garden;

NOW THEREFORE BE IT RESOLVED

- THAT** (add name of municipality) **HEREBY PROCLAIMS 2022 as the Year of the Garden** in celebration of the contribution of gardens and gardening to the development of our country, our municipality and the lives of our citizens in terms of health, quality of life and environmental challenges; and
- THAT** the **Saturday before Father's Day**, June 18 in 2022, be recognize as Garden Day in (add name of municipality) as a legacy of Canada's Year of the Garden 2022; and
- THAT** (insert name of Municipality) is committed to be a **Garden Friendly City** supporting the development of its garden culture and is proud to have:
- (name at least two city initiatives that support the garden culture of your city and the spirit of the Year of the Garden); and*
- THAT** all municipalities across Canada BE INVITED to proclaim 2022 to be the **Year of the Garden** in their respective municipalities, and that a copy of this resolution be provided to the FCM, and for that purpose.

DATED AT CITY HALL, (the xx day of (add month), 2021 or 2022

(insert Mayor's name), Mayor



Proclamation

Event: Year of the Garden 2022

Date: June 18, 2022

"Whereas the Year of the Garden 2022 celebrates the Centennial of Canada's horticulture sector; and

Whereas gardens and gardening contribute to the quality of life of our municipality and create safe and healthy places where people can come together; and

Whereas the Year of the Garden 2022 will highlight and celebrate the important contribution of gardeners, our local gardening organizations, horticultural professionals and local horticultural businesses which contribute to garden culture and the experience garden of our municipality; and

Whereas gardens and gardening have helped us face the challenges of the COVID pandemic; and

Whereas Communities in Bloom in collaboration with the Canadian Garden Council, invites all municipalities to celebrate the Year of the Garden;

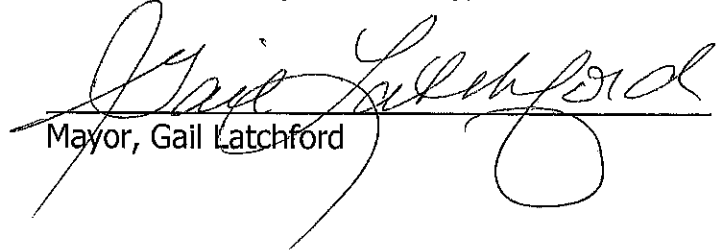
Now Therefore Be It Resolved That I, Mayor Gail Latchford, on behalf of the Township of Alnwick/Haldimand do hereby proclaim 2022 as the Year of the Garden in celebration of the contribution of gardens and gardening to the development of our country, our municipality and the lives of our citizens in terms of health, quality of life and environmental challenges; and

That the Saturday before Father's Day, June 18, 2022, be recognized as Garden Day in the Township of Alnwick/Haldimand as a legacy of Canada's Year of the Garden 2022; and

That the Township of Alnwick/Haldimand is committed to be a Garden Friendly Township supporting the development of its garden culture; and

That all municipalities across Canada be invited to proclaim 2022 to be the Year of the Garden in their respective municipalities, and that a copy of this resolution be provided to all municipalities of Ontario, and for that purpose.

Dated this 3rd day of February, 2022



Mayor, Gail Latchford



World Autism Day

April 2, 2022

Celebrate the Spectrum

Dear Port Colborne City Council,

We are excited to share with you that Autism Ontario is currently planning and preparing for World Autism Day 2022 celebration activities. Historically identified as Raise the Flag, this year's campaign has shifted to embrace the theme **Celebrate the Spectrum**.

Celebrate the Spectrum is an opportunity for positive action to provide spaces of support and advocacy for our diverse communities while learning about autism and how we can all make our communities more inclusive places for people on the autism spectrum.

We invite you to commit to this important campaign that unites families, schools, communities, government, and professionals in recognizing World Autism Day while bringing to light the systemic barriers that must be removed to create a more supportive and inclusive Ontario. Learn more in a [letter from our Executive Director Marg Spoelstra](#).

To formally acknowledge the day, Autism Ontario is inviting all municipalities to proclaim publicly **April 2, 2022, as World Autism Day**. We have attached a proclamation template for your purpose and hope that you will embrace this opportunity to "Celebrate the Spectrum."

If you choose to engage in this important day that celebrates diversity, inclusion and equity please email myself at Chrissy.sadowski@autismontario.com. Should you have questions or require additional information please feel free to contact me.

Respectfully,

Chrissy Sadowski

Learn more at www.autismontario.com



(Mayor name or designate) of the city of (city name) do hereby proclaim
April 2 as World Autism Day

WHEREAS:	World Autism Day will be recognized on April 2, 2022, in Canada thanks to Senator Jim Munson's Bill S-206, <i>An Act Respecting World Autism Awareness Day</i> ; and
WHEREAS:	Autism Spectrum Disorder (ASD) affects more than 135,000 Ontarians. Autism Spectrum Disorder is a neurodevelopmental disorder affecting 1 in every 66 Canadian children, as well as their friends, family, and community; and approximately 1 - 2% of the Canadian population is on the autism spectrum.
WHEREAS:	ASD is a spectrum disorder, which means it not only manifests itself differently in every individual in whom it appears, but its characteristics will change over the life of each person as well. A child on the autism spectrum will become an adult on the autism spectrum; and
WHEREAS:	Autism Ontario is the leading source of information and referral on autism and one of the largest collective voices representing the autism community. Since 1973, Autism Ontario has been providing support, information, and opportunities for thousands of families and individuals across the province.
WHEREAS:	Autism Ontario is dedicated to increasing public awareness about autism and the day-to-day issues faced by individuals with autism, their families, and the professionals with whom they interact. The association and its Regions share common goals of providing information and education, supporting research, and advocating for programs and services for the autism community; and
THEREFORE:	I (Mayor Name or Designate), do hereby declare April 2 as World Autism Day.

Dated at (municipality), Ontario this 2nd day of April, 2022.

(Nom du maire ou de son représentant désigné) de la ville de (nom de la ville), proclame,
par la présente,

Le 2 avril Journée mondiale de l'autisme

ATTENDU :	Que la Journée mondiale de l'autisme sera reconnue officiellement au Canada, le 2 avril 2022, grâce au sénateur Jim Munson qui a présenté et fait adopter le projet de loi S-206 instituant la <i>Loi sur la Journée mondiale de sensibilisation à l'autisme</i> ; et
ATTENDU :	Que le trouble du spectre de l'autisme affecte plus de 135 000 personnes en Ontario. Le trouble du spectre de l'autisme est un trouble neurodéveloppemental qui touche un enfant canadien sur 66 ainsi que leurs amis, leurs familles et la collectivité; environ 1 à 2 % de la population canadienne est aux prises avec le trouble du spectre de l'autisme.
ATTENDU :	Que le trouble du spectre de l'autisme (TSA) se manifeste différemment chez chaque personne qu'il touche et que ses caractéristiques se modifieront tout au long de la vie de chacun. Autrement dit, un enfant autiste deviendra un adulte autiste.
ATTENDU :	Qu'Autisme Ontario est la principale source d'information et de référence sur l'autisme et l'une des plus importantes voix collectives qui représentent la communauté autiste. Que, depuis 1973, Autisme Ontario fournit un soutien, de l'information et des possibilités à exploiter à des milliers de familles, dans l'ensemble de la province;
ATTENDU :	Qu'Autisme Ontario ne ménage aucun effort pour sensibiliser le public à l'autisme et aux difficultés quotidiennes auxquelles sont confrontés les personnes autistes elles-mêmes, leurs familles et les professionnels qui interviennent auprès d'elles. Que l'association et ses régions partagent des buts communs d'information et d'éducation, de soutien à la recherche et de revendication de programmes et de services pour la communauté de l'autisme; et
POUR CES MOTIFS :	Je, (maire de la ville ou son remplaçant désigné), déclare, par la présente, que le 2 avril devient Journée mondiale de l'autisme.

Fait à (nom de la municipalité), Ontario, ce 2e jour d'avril 2021.



PORT COLBORNE

March 22, 2022

Moved by Councillor
Seconded by Councillor

WHEREAS World Autism Day will be recognized on April 2, 2022 in Canada thanks to Senator Jim Munson's Bill S-206, *An Act Respecting World Autism Awareness Day*; and

WHEREAS Autism Spectrum Disorder (ASD) affects more than 135,000 Ontarians. Autism Spectrum Disorder is a neurodevelopmental disorder affecting 1 in every 66 Canadian children, as well as their friends, family, and community; and approximately 1-2% of the Canadian population is on the autism spectrum; and

WHEREAS ASD is a spectrum disorder, which means it not only manifests itself differently in every individual in whom it appears, but its characteristics will change over the life of each person as well. A child on the autism spectrum will become an adult on the autism spectrum; and

WHEREAS Autism Ontario is the leading source of information and referral on autism and one of the largest collective voices representing the autism community. Since 1973, Autism Ontario has been providing support, information, and opportunities for thousands of families and individuals across the province; and

WHEREAS Autism Ontario is dedicated to increasing public awareness about autism and the day-to-day issues faced by individuals with autism, their families, and the professionals with whom they interact. The association and its Regions share common goals of providing information and education, supporting research, and advocating for programs and services for the autism community; and

NOW THEREFORE I, Mayor William C. Steele, do hereby proclaim April 2 as **World Autism Awareness Day** in the City of Port Colborne.

William C. Steele
Mayor

City of Port Colborne Council Meeting Minutes

Date: Tuesday, March 8, 2022
Time: 6:30 pm
Location: Council Chambers, 3rd Floor, City Hall
66 Charlotte Street, Port Colborne

Members Present: M. Bagu, Councillor
E. Beauregard, Councillor
R. Bodner, Councillor
G. Bruno, Councillor
F. Danch, Councillor
A. Desmarais, Councillor
W. Steele, Mayor (presiding officer)
H. Wells, Councillor

Member(s) Absent: D. Kalailieff, Councillor

Staff Present: A. LaPointe, Director of Development and Legislative Services
S. Luey, Chief Administrative Officer
C. Madden, Deputy Clerk (minutes)
B. Boles, Director of Corporate Services/Treasurer
S. Shypowskyj, Acting Director of Public Works
S. Lawson, Fire Chief
N. Rubli, Acting City Clerk

- 1. Call to Order**
Mayor Steele called the meeting to order.
- 2. National Anthem**
- 3. Land Acknowledgment**
- 4. Proclamations**
- 5. Adoption of Agenda**

Moved by Councillor R. Bodner
Seconded by Councillor M. Bagu

That the agenda dated March 8, 2022 be confirmed, as amended.

Carried

6. Disclosures of Interest

7. Approval of Minutes

7.1 Regular Meeting of Council - February 22, 2022

Moved by Councillor E. Beauregard
Seconded by Councillor A. Desmarais

That the minutes of the regular meeting of Council, held on February 22, 2022, be approved as presented.

Carried

8. Staff Reports

Moved by Councillor H. Wells
Seconded by Councillor F. Danch

That items 8.1 to 8.4 be approved, and the recommendations contained therein be adopted.

Carried

8.1 Voting Systems and Alternative Voting Methods - 2022 Municipal Election, 2022-58

That Development and Legislative Services Department Report 2022-58 be received;

That Council approve the use of vote tabulators and the use of vote by mail on demand as an alternative voting method in the 2022 municipal election; and

That a by-law be brought forward for Council approval.

8.2 Property Tax Collection History for the Year Ending 2021 and Next Steps, 2022-53

That Corporate Services Department Report 2022-53 be received; and

That the Director of Corporate Services/Treasurer be directed to proceed with normal tax collection processes, including moving forward and beginning the process that could lead to a tax sale for properties that have not paid for three years in accordance with the steps outlined in page 4 of this report.

8.3 Cancellation, Reduction or Refund of Realty Tax, 2022-46

That Corporate Services Department Report 2022-46 be received; and

That the application pursuant to Section 357/358 of the *Municipal Act, 2001*, as amended, numbered 2021-600 be approved to cancel or reduce taxes in the total of \$1,853.08.

8.4 2021 Statement of Council Remuneration and Expenses, 2022-47

That Corporate Services Department Report 2022-47 be received for information.

9. Correspondence Items

Moved by Councillor H. Wells

Seconded by Councillor F. Danch

That items 9.1 to 9.7 be received for information.

Carried

9.1 Letters of Support to Dissolve the Ontario Land Tribunal - City of Thorold, Town of West Lincoln, Town of Aurora, Halton Hills, Town of Gravenhurst, Plympton-Wyoming, Mallorytown, Town of Markham, Town of Sarnia, and Reg. Mun. of York

9.2 Niagara Region - Motion - Violence and Harassment of Politicians and Public Servants

9.3 Niagara Region - Evaluation of 2019 and 2020 Niagara Prosperity Initiative Projects

9.4 Town of Lincoln - Partners for Climate Change Protection (PCP) Program

- 9.5 **Town of Bracebridge - Hospital Capital Funding**
- 9.6 **Prince Edward County - Renovictions and Other Bad Faith Evictions**
- 9.7 **2022 Farmland Forum Flyer - The Future of Farmland Diversification**
- 10. **Presentations**
- 11. **Delegations**
- 12. **Mayor's Report**

A copy of the Mayor's Report is attached.
- 13. **Regional Councillor's Report**

Regional Councillor Butters provided an update to City Council.
- 14. **Staff Remarks**
- 15. **Councillors' Remarks**
 - 15.1 **Coyote Hunting (Wells)**

Councillor Wells informed Council that he had received concerns from residents regarding coyote hunting and encouraged residents to be careful.
 - 15.2 **Salt Dome (Danch)**

In response to Councillor Danch's request for an update on the repair of the salt dome, the Acting Director of Public Works informed Council that the repairs would be completed next week.
 - 15.3 **Vale Health and Wellness Centre Dressing Room #4 (Danch)**

In response to Councillor Danch's report of a shower nozzle not working in dressing room #4 at the Vale Health and Wellness Centre, the Acting Director of Public Works informed Council that he would investigate.
- 16. **Consideration of Items Requiring Separate Discussion**
 - 16.1 **Physician Recruitment Activities Update, 2022-17**

Jill Croteau, Physician Recruitment & Retention Coordinator, Niagara Region Public Health, provided a presentation on Physician Recruitment within the Region and for the City of Port Colborne and responded to questions received from Council.

Moved by Councillor R. Bodner
Seconded by Councillor M. Bagu

That Chief Administrative Office Report 2022-17 be received for information.

Carried

16.2 Pop-Up Patio Review and Recommendations, 2022-54

Moved by Councillor H. Wells
Seconded by Councillor G. Bruno

That Chief Administrative Office Report 2022-54 be received; and

That the recommendations outlined in Appendix A to Chief Administrative Office Report 2022-54 be approved and adopted as a City policy; and

That Council approve discontinuing Encroachment Application COVID-19 and that patio fees for 2022 be waived.

Carried

16.3 Sponsorship and Partnership Program, 2022-51

Moved by Councillor G. Bruno
Seconded by Councillor R. Bodner

That Corporate Services Department Report 2022-51 be received;

That the PORTicipate Package sponsorship and partnership rates outlined in Appendix A to Corporate Services Department Report 2022-51 be approved;

That the amendments made to Schedule E of the User Fees and Charges By-law 6949/95/21 as outlined in Appendix A to Corporate Services Department Report 2022-51 be approved; and

That the updated Schedule E of the User Fees and Charges By-law be included in a future amendment to By-law 6949/95/21.

Carried

16.4 Procedural By-law Update, 2022-57

Moved by Councillor H. Wells

Seconded by Councillor M. Bagu

That Development and Legislative Services Department Report 2022-57 be received;

That the Draft Procedural By-law attached as Appendix A of Development and Legislative Services Department Report 2022-57 be approved; and

That a by-law be brought forward for the Mayor and City Clerk to sign.

Carried

16.5 2022 Beach Plan, 2022-56

Moved by Councillor G. Bruno

Seconded by Councillor E. Beauregard

That Corporate Services Department Report 2022-56 be received for information.

Carried

16.6 Niagara Region - Invitation - Regional Council Indigenous Education Training Session

Moved by Councillor A. Desmarais

Seconded by Councillor E. Beauregard

That the Council Members of the City of Port Colborne **BE PERMITTED** to attend and participate electronically in the Special Regional Council meeting being held on March 31, 2022, at 6:00 p.m. to receive indigenous education and training in closed session in accordance with Subsection 239(3.1) of the Municipal Act, 2001;

That the Council of the City of Port Colborne **CONFIRM** that this session is for training and education purposes only and no direction will be issued to staff and no decisions or motions will be made that advance the business or decision-making of the Council of the City of Port Colborne;

That the Council of the City of Port Colborne **WAIVE** the Rules of Procedure to adopt Niagara Region Procedural By-law 120-2010, as

amended, for the purpose and duration of the Special Regional Council meeting being held on March 31, 2022;

That the Council of the City of Port Colborne **AUTHORIZE** the delegation of the duties of the Clerk to the Regional Clerk for the purpose and duration of the Special Regional Council meeting in accordance with subsection 228(4) of the Municipal Act, 2001;

That Regional Chair Jim Bradley **BE APPOINTED** as the presiding officer for the purpose and duration of the Special Regional Council meeting; and

That the Clerk **BE DIRECTED** to provide a copy of this resolution to the Regional Clerk so that it may be included as part of the Minutes of the Special Regional Council meeting.

Carried

16.7 Town of Pelham - Support City of St. Catharines Re Acts of Violence, Harassment and Intimidation Against elected Officials and Government Employees

Moved by Councillor F. Danch

Seconded by Councillor A. Desmarais

That correspondence from the Town of Pelham regarding Acts of Violence, Harassment and Intimidation against elected Officials and Government Employees, be supported.

Carried

17. Motions

17.1 Memorandum from Councillor Desmarais - Motion to Dissolve Ontario Land Tribunal

Moved by Councillor A. Desmarais

Seconded by Councillor R. Bodner

Whereas Municipalities across this province collectively spend millions of dollars of taxpayer money and municipal resources developing Official Plans that meet current Provincial Planning Policy; and

Whereas an Official Plan is developed through months of public consultation to ensure, “that future planning and development will meet the specific needs of our community”; and

Whereas our Official Plan includes zoning provisions that encourage development of the “missing middle” or “gentle density” to meet the need for attainable housing in our community; and

Whereas our Official Plan is ultimately approved by the province; and

Whereas it is within the legislative purview of Municipal Council to approve Official Plan amendments or Zoning By-law changes that better the community or fit within the vision of the City of Port Colborne Official Plan; and

Whereas it is also within the legislative purview of Municipal Council to deny Official Plan amendments or Zoning By-law changes that do not better the community or do not fit within the vision of the City of Port Colborne Official Plan; and

Whereas municipal planning decisions may be appealed to the Ontario Land Tribunal (OLT; formerly the Ontario Municipal Board or “OMB”), an unelected, appointed body that is not accountable to the residents of Port Colborne; and

Whereas the OLT has the authority to make a final decision on planning matters based on a “best planning outcome” and not whether the proposed development is in compliance with municipal Official Plans and Provincial Planning Policy; and

Whereas all decisions—save planning decisions—made by Municipal Council are only subject to appeal by judicial review and such appeals are limited to questions of law and or process; and

Whereas Ontario is the only province in Canada that empowers a separate adjudicative tribunal to review and overrule local decisions applying provincially approved plans; and

Whereas towns and cities across this Province are repeatedly forced to spend millions of dollars defending Official Plans that have already been approved by the province in expensive, time consuming and ultimately futile OLT hearings; and

Whereas lengthy, costly OLT hearings act as a barrier to the development of attainable housing;

1. Now Therefore Be It Hereby Resolved That the City of Port Colborne requests the Government of Ontario to dissolve the OLT immediately

thereby eliminating one of the most significant sources of red tape delaying the development of more attainable housing in Ontario; and

2. Be It Further Resolved That a copy of this Motion be sent to the Honourable Doug Ford, Premier of Ontario, the Minister of Municipal Affairs and Housing, the Leader of the Opposition, the Leaders of the Liberal and Green Party, all MPPs in the Province of Ontario; the Large Urban Mayors' Caucus of Ontario, the Small Urban GTHA Mayors and Regional Chairs of Ontario; and
3. Be It Further Resolved That a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.

Amendment:

Moved by Councillor G. Bruno
Seconded by Councillor H. Wells

That the Memorandum from Councillor Desmarais regarding a Motion to Dissolve the Ontario Land Tribunal be referred to the Acting Director of Development and Legislative Services in order to investigate and bring a report forward to Council with further details on April 12, 2022.

Carried

18. Notice of Motions

18.1 Standing with People of Ukraine (Mayor Steele)

Moved by Councillor R. Bodner
Seconded by Councillor M. Bagu

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

Moved by Councillor R. Bodner
Seconded by Councillor M. Bagu

WHEREAS Ukraine is facing an unprecedented and unjustified attack on their people, their sovereignty, and their territory; and

WHEREAS the actions by Russia are in violation of international law and the UN Charter, and is an attack on democracy and freedom – one that will have catastrophic consequences, putting countless civilian lives at risk; and

WHEREAS The City of Port Colborne stands with the people of Ukraine, Ukrainian communities across Niagara and those around the world in strongly condemning this brazen and unprovoked attack; and

WHEREAS the City stands for pursuing a course of peace and understanding, that relegates war to the past;

THEREFORE BE IT RESOLVED that the City of Port Colborne show support for the strict sanctions the federal government has imposed on Russia and join the call for immediate cessation of all military activity and instead pursue a diplomatic resolution; and

BE IT FURTHER RESOLVED that the City call on the Federal government to welcome those fleeing the conflict with Ukraine into our country with open arms.

Carried

19. Minutes of Boards & Committees

Moved by Councillor E. Beauregard

Seconded by Councillor A. Desmarais

That item 19.1 be approved, as presented.

Carried

19.1 Port Colborne Historical & Marine Museum Minutes, January 18, 2022

20. By-laws

Moved by Councillor H. Wells

Seconded by Councillor F. Danch

That items 20.1 to 20.5 be enacted and passed.

Carried

20.1 By-law to Authorize Alternative Methods of Voting for the 2022 Municipal Election

- 20.2 By-law to Govern the Proceedings of Council and Committee Meetings, and to Repeal By-law 6250/76/15 and Amendments Thereto**
- 20.3 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 (Third Reading)**
- 20.4 By-law to Appoint an Acting Chief Building Official and Building Inspector**
- 20.5 By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne**
- 21. Confidential Items**
- 22. Procedural Motions**
- 23. Information items**
- 24. Adjournment**

Mayor Steele adjourned the meeting at approximately 7:48 p.m.

William C. Steele, Mayor

Nicole Rubli, Acting City Clerk

City of Port Colborne
Public Meeting Minutes

Date: Tuesday, March 15, 2022
Time: 6:30 pm
Location: Council Chambers, 3rd Floor, City Hall
66 Charlotte Street, Port Colborne

Members Present: M. Bagu, Councillor
R. Bodner, Councillor
G. Bruno, Councillor
F. Danch, Councillor
D. Kalailieff, Councillor
W. Steele, Mayor (presiding officer)
H. Wells, Councillor

Member(s) Absent: E. Beauregard, Councillor
A. Desmarais, Councillor

Staff Present: S. Luey, Chief Administrative Officer
C. Madden, Deputy Clerk (minutes)
N. Rubli, Acting City Clerk
D. Schulz, Senior Planner
G. Long, Manager of Strategic Initiatives

1. Call to Order

Mayor Steele called the meeting to order.

2. Adoption of Agenda

Moved By Councillor M. Bagu
Seconded By Councillor G. Bruno

That the agenda dated March 15, 2022 be confirmed, as circulated.

Carried

3. Disclosures of Interest

4. Public Meetings

4.1 Stop up and Close Borden Avenue, 2022-55

David Schulz, Senior Planner, provided a presentation with respect to the stop-up and close of the unimproved Borden Avenue Road Allowance legally described as Part of the road allowance between Lots 15 and 16 on Plan 10, and Lots 23 and 24 on Plan 33 between Steele Street and Knoll Street.

The delegations who were in attendance virtually, Ken and Wendy Busch, reiterated the statements made in their written submission.

Moved By Councillor R. Bodner

Seconded By Councillor H. Wells

That Chief Administrative Office Report 2022-55 be received; and

That the Economic Development Officer be directed to bring forward a Stop Up and Close By-law for the property indicated on Appendix A to Chief Administrative Office Report 2022-55 to the April 12, 2022 Council meeting for Council's consideration.

Carried

a. Delegation material from Ken Busch, Wendy Busch and Merle Neilson, residents

5. Procedural Motions

6. Information Items

7. Adjournment

Mayor Steele adjourned the meeting at approximately 6:45 p.m.

William C. Steele, Mayor

Nicole Rubli, Acting City Clerk



Subject: Marina District Revitalization Plan

To: Council

From: Chief Administrative Office

Report Number: 2022-59

Meeting Date: March 22, 2022

Recommendation:

That Chief Administrative Office Report 2022-59 be received for information.

Purpose:

The purpose of this report is to accompany and provide context for the Marina District Revitalization Plan presentation by NPG Planning Solutions.

Background:

The vision in the City's 2020-2023 Strategic Plan is "a vibrant waterfront community embracing growth for future generations." To this end, there is a strategic focus along with significant public and private sector investment in Port Colborne's waterfront. Therefore, it is important that there is a vision for the waterfront and marina district based on a public conversation around ideas for future redevelopment and revitalization.

Discussion:

The City has a number of projects and initiatives planned around the waterfront: upgrades at H.H. Knoll Lakeview Park and Sugarloaf Marina; investments in broadband to improve public Wi-Fi; improved connections and pathways between the waterfront and the downtown; West Street renewal; and the new waterfront centre project opening in 2024 that will be cultural and recreational hub for the community and welcoming area for cruise ships. A planning framework along with design principles should be created to help guide, coordinate, and integrate redevelopment at Port Colborne's waterfront.

The redevelopment of Port Colborne's waterfront and marina district, which will generate increased economic development and tourism activity, aligns with federal and provincial program objectives. Both the federal and provincial levels of government have provided grants to support economic development and tourism infrastructure investments at the City's waterfront.

Staff recognize the importance of having a detailed concept plan prepared that incorporates current and planned upgrades but also proposes other ideas to generate public interest in what Port Colborne's marina district and waterfront could look like. The continued integration of recreational, commercial, industrial, and residential uses in this area is vital.

The new waterfront centre that will be constructed at the foot of West Street and King Street will anchor the redevelopment and attract more public and private sector investment. It is therefore critical that the waterfront centre be constructed within a broader revitalization strategy for the entire area. The vision will also assist the architecture and engineering firm with their detailed design and drawings for the new waterfront centre.

To facilitate a vision for Port Colborne's waterfront and a discussion about renewal and revitalization for future redevelopment, staff retained NPG Planning Solutions to prepare a detailed concept plan for the City's waterfront. NPG's Senior Planning Consultant Mary-Lou Tanner will be presenting the plan at the March 22nd, Council meeting.

The plan illustrates the best potential uses for the City's waterfront assets, integrating housing supply and green infrastructure while connecting downtown and the waterfront. It highlights opportunities for active place-making in an engaging and interactive design.

Internal Consultations:

Staff from Corporate Services, Economic Development and Tourism Services, Planning, and Public Works have provided input to the consultant in the development of the concept plan.

Financial Implications:

There are no financial implications associated with this report. The concept plan is for discussion purposes at this stage. This plan was primarily funded through the Canada Community Revitalization Fund (CCRF) to assist with the waterfront centre. This plan is an eligible expense as it relates to pre-development work and studies necessary for the waterfront centre project.

Public Engagement:

Staff intend to include the Marina District Revitalization Plan on the City's website and create a public engagement plan to obtain input. An engagement project will be set up on the City's Bang the Table virtual public engagement platform and staff will also create in-person public meetings.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillars of the strategic plan:

- Attracting Business Investment and Tourists to Port Colborne
 - City-Wide Investments in Infrastructure and Recreational/Cultural Spaces
 - Governance: Communications, Engagement, and Decision-Making
-

Conclusion:

Successful redevelopment of the City's waterfront and marina district will require a planning framework with design principles that embrace current and future revitalization projects. NPG Planning Solutions were retained to develop a high-level concept plan to facilitate discussion and have provided a design which illustrates planned and potential uses for the City's waterfront assets. This plan will form the basis for public engagement in both online and in-person forums to encourage input and ideas on future waterfront planning.

Appendices:

- a. Marina District Revitalization Plan
- b. Marina District Revitalization Plan presentation by NPG Planning Solutions

Respectfully submitted,

Gary Long
Manager of Strategic Initiatives
905-835-2900 x.502
gary.long@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.

PORT

Report 2022-59
Appendix A

GOLBORNE

MARINA DISTRICT

REVITALIZATION

PLAN

Guiding Principles	3
Land Use Concept	4
Conceptual Plan	5
Multi-Use Trail	7
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Sugarloaf Marina	11
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**ACTIVE
TRANSPORTATION**

**GREEN
INFRASTRUCTURE**

**WATERFRONT
CENTRE**

**WATERFRONT
ASSETS**

**ACTIVE
PLACEMAKING**

**HOUSING
SUPPLY**

**EXCELLENCE IN
DESIGN**

CONNECTIVITY

**PORT
COLBORNE**









Subject to the decommissioning of the Grain Terminal and a portion of the rail line track



Implementing Principles

ACTIVE TRANSPORTATION



2-way Bike Lane

Bike Share & E-scooter Station

Running Track, Benches & Sidewalk

CONNECTIVITY



Linking Parks & Open Space

Connection to Waterfront & Sugarloaf Marina

Smart City: Wi-Fi connectivity & CCTV cameras for safety

Kinetic Pavements & Solar powered paths



ACTIVE PLACEMAKING

Active Uses interfacing with Trails & Green Spaces

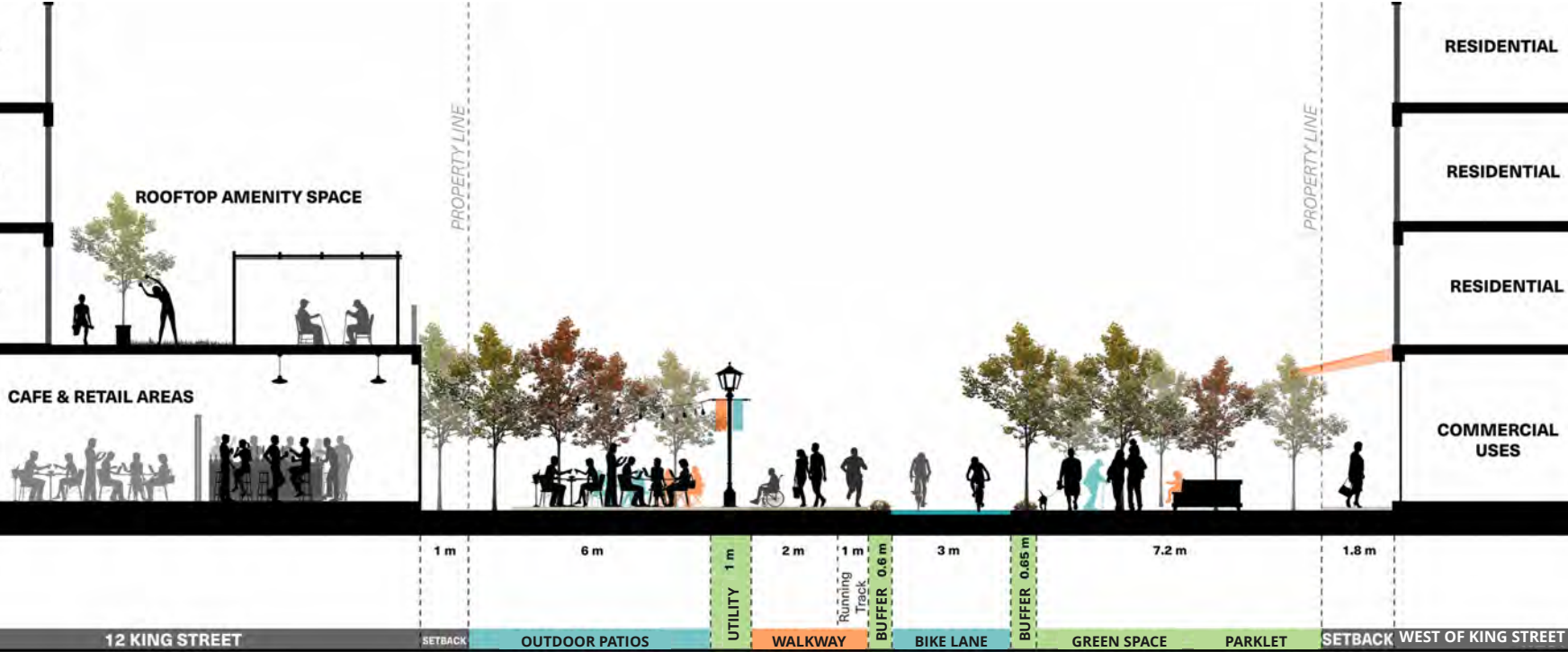


GREEN INFRASTRUCTURE

Expand tree canopy cover

Increase green and permeable surface

CROSS SECTION A-A



CAFE/ RESTAURANT
OUTDOOR PATIO



RETAIL OVERLOOKING MULTI-USE
TRAIL





Implementing Principles

ACTIVE TRANSPORTATION



2-way Bike Lane

Bike Share & E-scooter Station

Transit Station

Benches & Sidewalk



CONNECTIVITY

Connecting Port Colborne Downtown to Waterfront, Sugarloaf Marina and H. H. Knoll Lakeview Park

Smart City: Wi-Fi connectivity, Interactive information boards & CCTV cameras for safety



ACTIVE PLACEMAKING

Complete Street with Active Uses

Enhanced Public Realm Design

Wayfinding

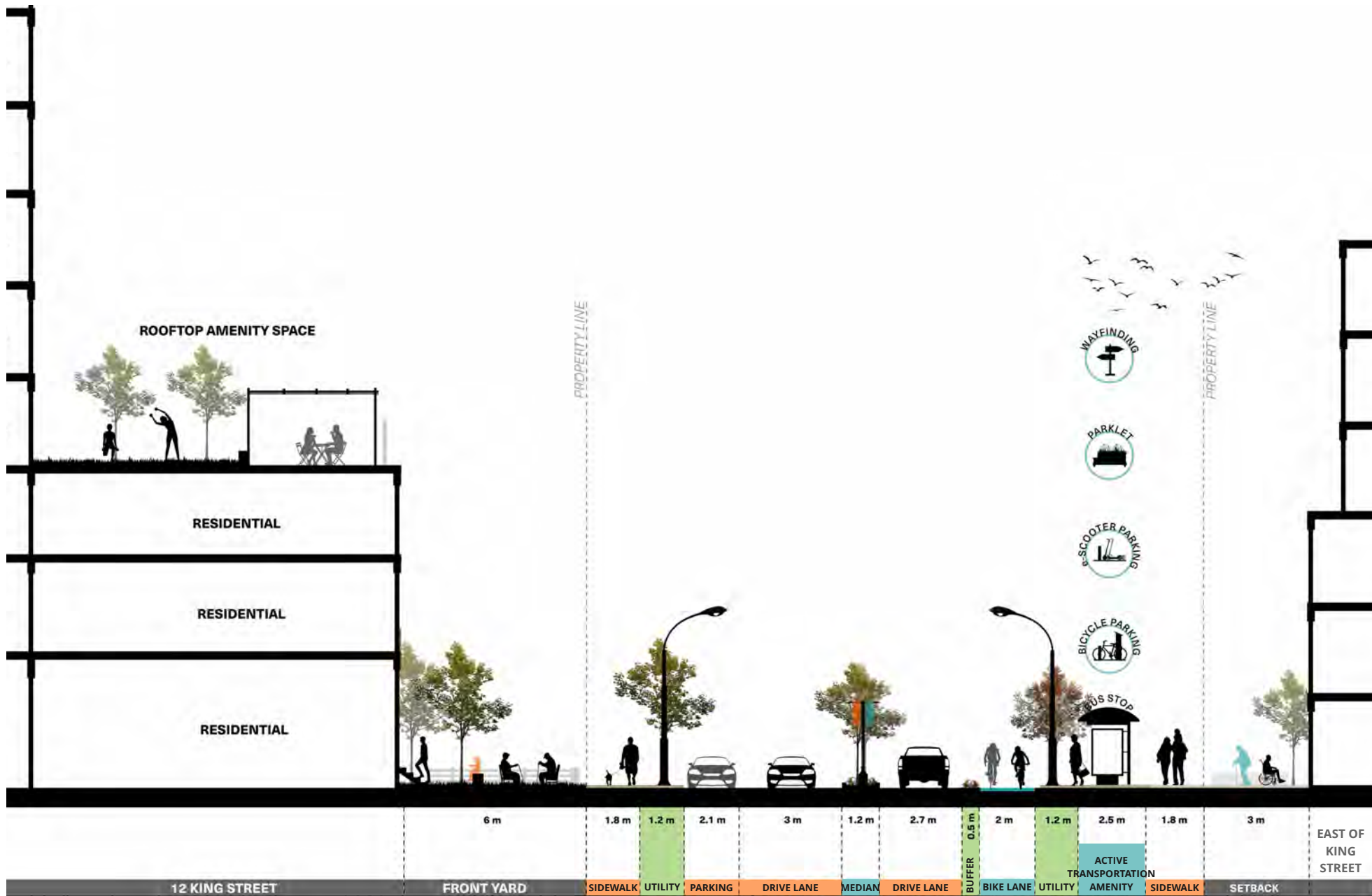


GREEN INFRASTRUCTURE

Expand tree canopy cover

Increase green and permeable surface

CROSS SECTION B-B



Implementing Principles



ACTIVE TRANSPORTATION

Multi-Use Marina Trail
Bike Share & E-scooter Station
Benches & Sidewalk



CONNECTIVITY

Linking Sugarloaf Marina with the Parks & Open Space Network
Smart City: Wi-Fi connectivity, Interactive information boards & CCTV cameras for safety



WATERFRONT ASSET

Leverage Sugarloaf Marina as a destination for recreation and active transportation



Implementing Principles



GREEN INFRASTRUCTURE

Repurpose boat parking area as part of the Marina Trail

Expand tree canopy cover

Increase green and permeable surface



ACTIVE PLACEMAKING

Interactive Features

Boat Parking Container

Flexible outdoor space for events and community building functions



Boat Parking Container



Repurposed Shipping Containers

Murals and arts by local artists

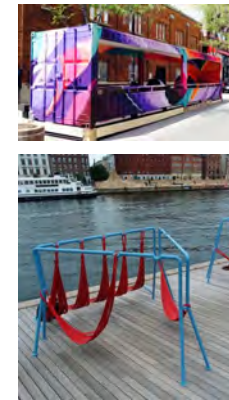
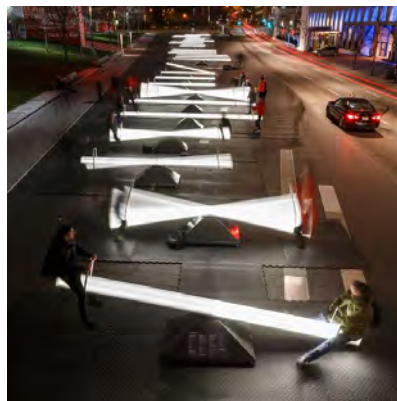


Marina Trail



Trails

Interactive Activities



Seating

Implementing Principles



HOUSING SUPPLY

Supplying approximately 1,100 multi-unit residential units



WATERFRONT ASSET

Creating waterfront housing and commercial spaces



ACTIVE PLACEMAKING

4,000 sqm. of at-grade active uses

Communal courtyards/ green space

Rooftop Park



Implementing Principles



GREEN INFRASTRUCTURE

Integrate green roof in tall buildings

Expand tree canopy cover and permeable surface within the private realm, including parking lots



EXCELLENCE IN DESIGN

Foster a sense of place through unique waterfront architecture



WATERFRONT CENTRE

At-grade commercial uses complement Waterfront Centre tourist traffic

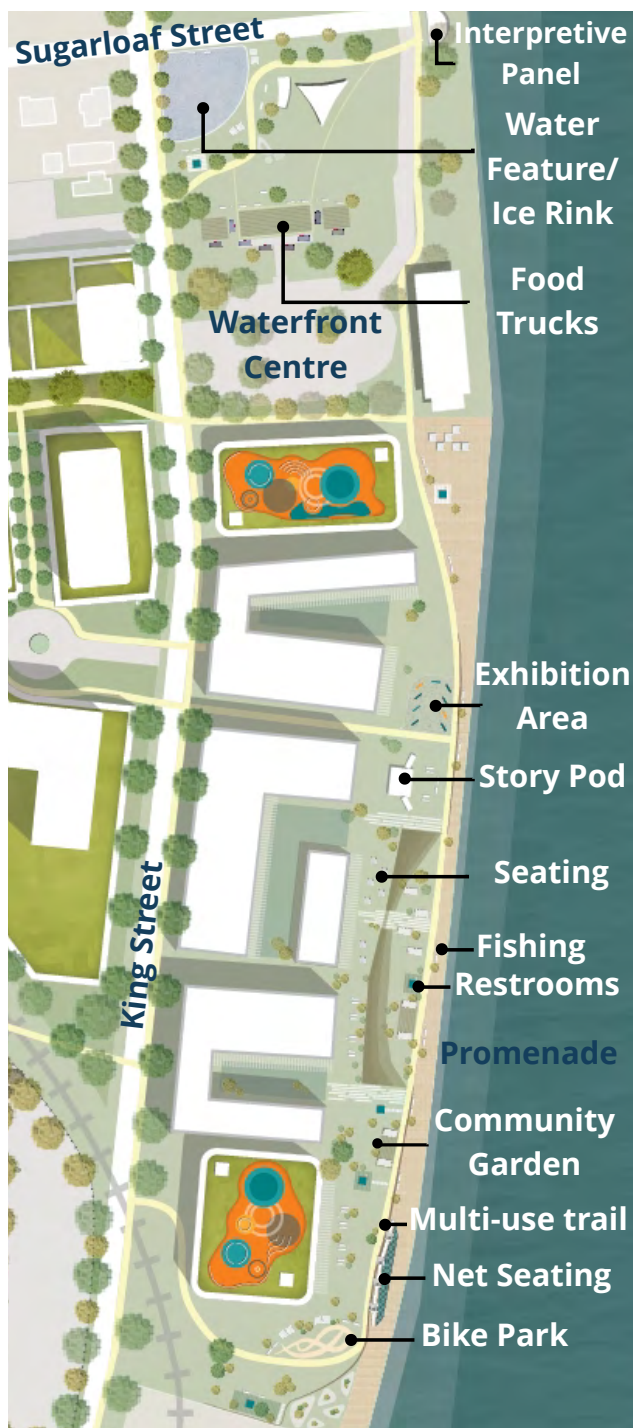


Mid rise buildings

Promenade

Mixed- use mid
rise building





Implementing Principles



ACTIVE TRANSPORTATION

Multi-Use Trail

Bike Share & E-scooter Station

Benches & Sidewalk



CONNECTIVITY

**Linking Waterfront Centre & Future
Cruise Ship Docking Area to
Waterfront, Parks & Open Space**

**Smart City: Wi-Fi connectivity,
Interactive information boards & CCTV
cameras for safety**



GREEN INFRASTRUCTURE

**Repurpose boat parking area as
part of the Marina Trail**

Expand tree canopy cover

**Increase green and permeable
surface**



Implementing Principles



WATERFRONT CENTRE

Providing high quality public space within and in proximity to Waterfront Centre



ACTIVE PLACEMAKING

Interactive Urban Furniture
Multi- purpose Amenity
Year-round programming



WATERFRONT ASSET

Leverage Welland Canal as a destination for recreation and active uses

Tourism Planning through fishing infrastructure

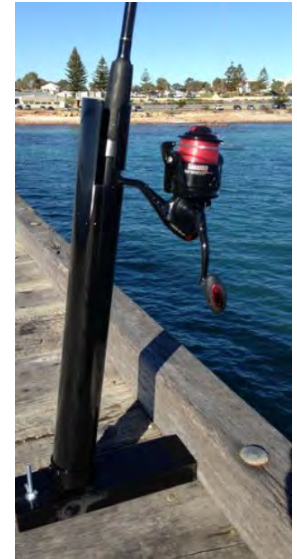
Interactive Urban Furniture



Story Pods



Net Seating



Multi-purpose Amenity



Splash Pad in Summer

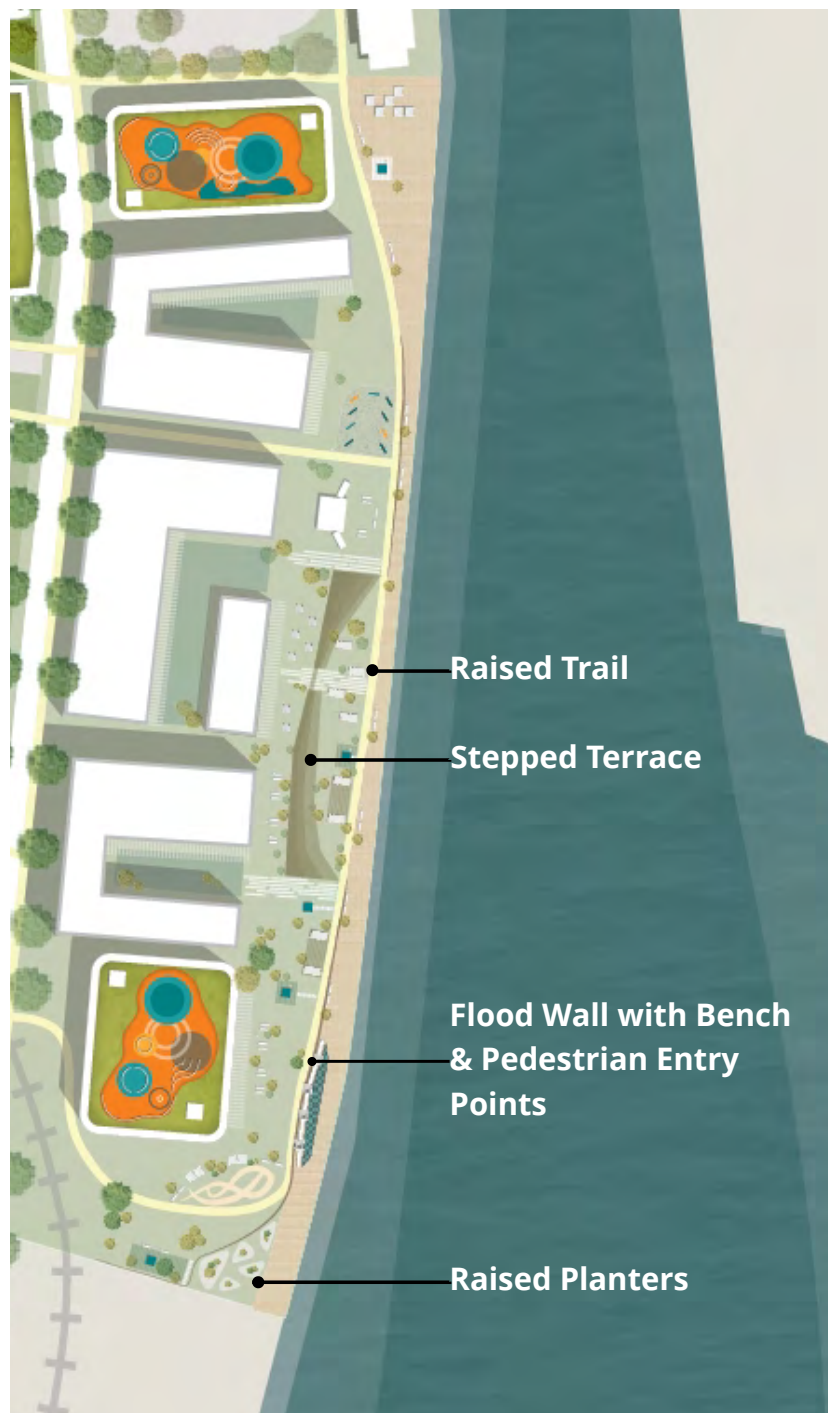


Ice Rink in Winter

Flood mitigation strategies

Various flood mitigation strategies could be incorporated into the design of the promenade, including a flood wall, raised multi-use trails, stepped terraces and raised planters.

The details of the proposed elements will need to be worked out once a topography analysis is conducted.



GREEN INFRASTRUCTURE

Leveraging green infrastructure such as planters and stepped terraces to improve resiliency against flooding



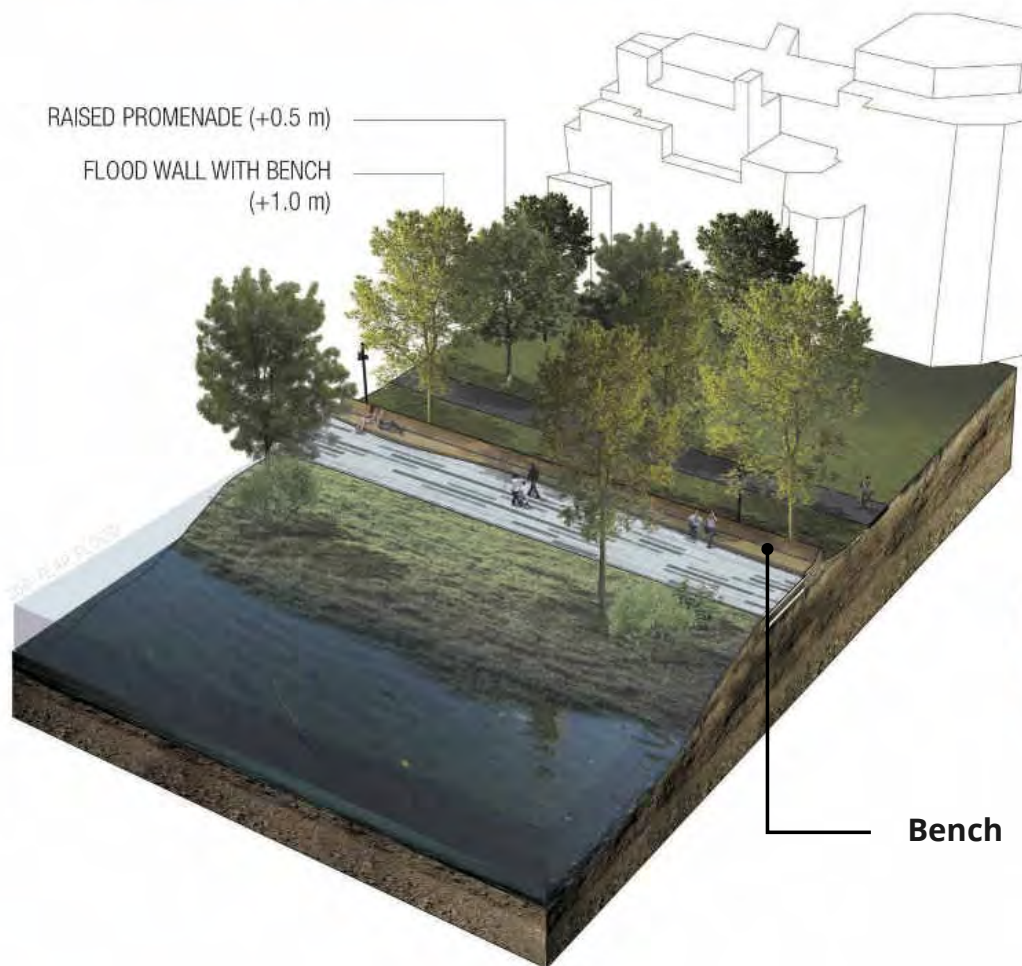
ACTIVE PLACEMAKING

Flood mitigation measures incorporated into public realm amenities such as bench and multi-use trail

Flood mitigation strategies

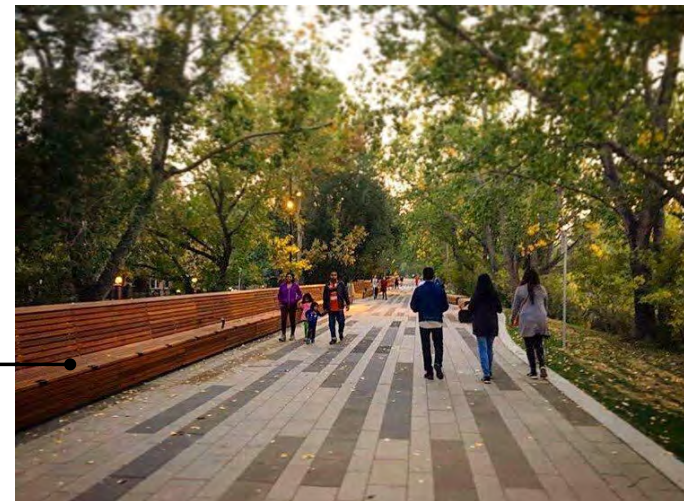
1. Flood Wall and Bench

Permanent on-site infrastructure, utilizing a raised wall system that incorporates public realm amenities such as bench seating, wayfinding signage, interpretive elements and art.



Flood wall

Bench



Flood mitigation strategies



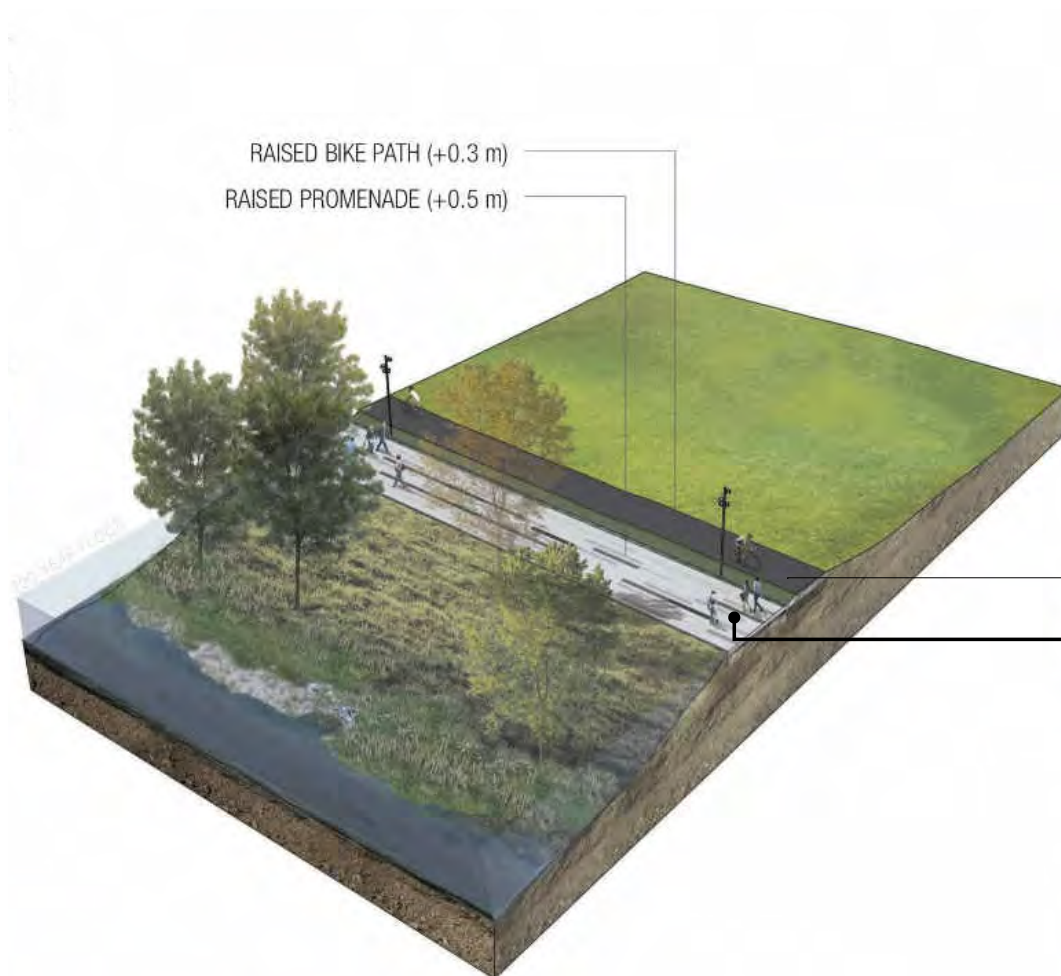
Pedestrian Entry Points in the Flood Wall

Pedestrian entry-points in the flood wall will be addressed with temporary aluminum stop-logs.

Flood mitigation strategies

2. Raised Promenade and Bike Path

Permanent on-site infrastructure incorporating a multi-use pathway elevated above flood event levels



Bike Path

Raised Promenade

Flood mitigation strategies

3. Stepped Terrace

Permanent on-site infrastructure, utilizing earthwork, berms and reinforced terraces to mitigate flooding events



Terraces

Flood mitigation strategies

4. Raised Planters

Stone planters work as temporary flood barriers



Planters

Smart passive electricity generation



Solar powered glow in the dark paths

Kinetic pavement tiles that generate electricity



Smart technology



Wi-fi Kiosks with charging ports, Interactive information boards & other features



CCTV Cameras





**ACTIVE
PLACEMAKING**



**WATERFRONT
ASSET**



Grain Terminal Facade Treatment/ Light Show



Potential Retrofitting of the Grain Terminal



Former Grain Silo at Inner Nordhavn (2012)



Grain Silo retrofitted for residential use (2020)

Potential Retrofitting of the Grain Terminal



The Silo, Nordhavn

Former grain silo transformed into residential complex and public facilities

Page 8

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All images

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Image 2 & 3

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Image 4 & 5

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From left to right

Rasmus Hjortshøj. (2012). Inner Nordhavn. Retrieved from Cobe:
<https://cobe.dk/place/nordhavn>

Rasmus Hjortshøj. (2020). Inner Nordhavn. Retrieved from Cobe:
<https://cobe.dk/place/nordhavn>

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Rasmus Hjortshøj. (n.d.). The Silo. Retrieved from Cobe:
<https://cobe.dk/place/the-silo>

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Marina District Revitalization Plan

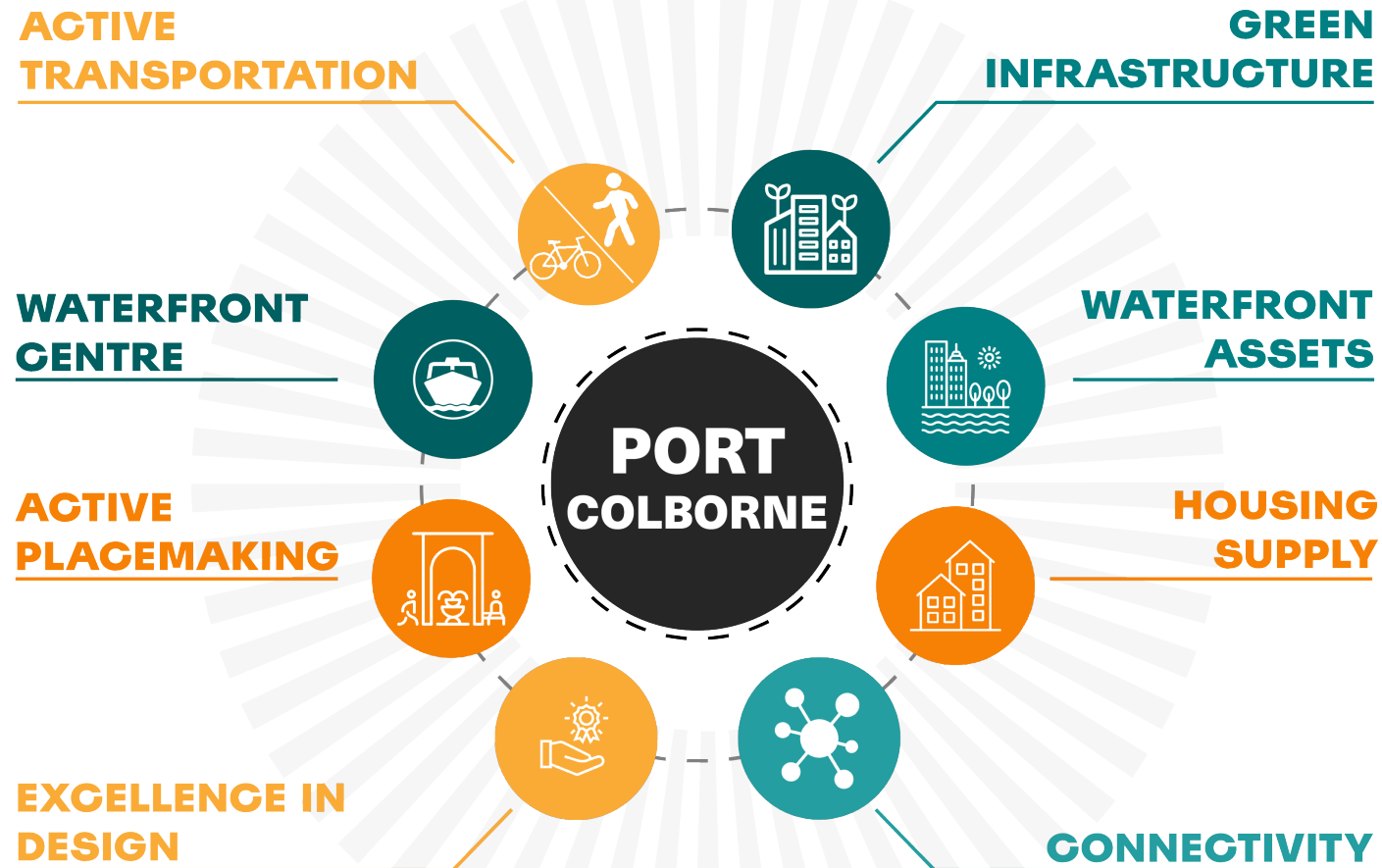
Port Colborne



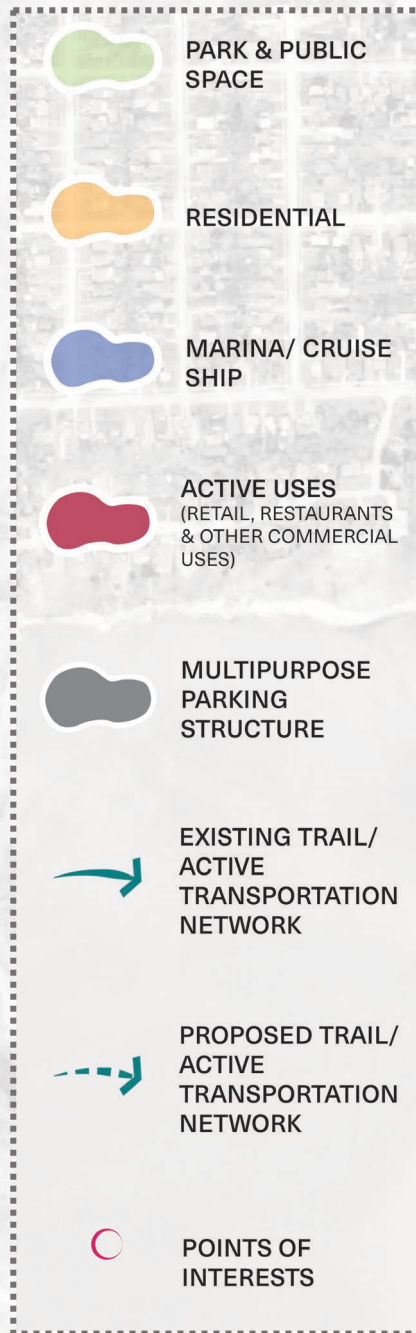
Report 2022-59
Appendix A

BUILDING A COMMUNITY AROUND THE WATERFRONT CENTER

Guiding Principles



LAND USE CONCEPT



PHASE 1

Multi- Use Trail

King Street Public Realm

Sugarloaf Marina

Promenade & Waterfront Centre



PHASE 2

Retrofitting the Grain Terminal



PHASE 2

Retrofitting the Grain Terminal



Former Grain Silo at ▲
Inner Nordhavn (2012)



PHASE 2

Retrofitting the Grain Terminal



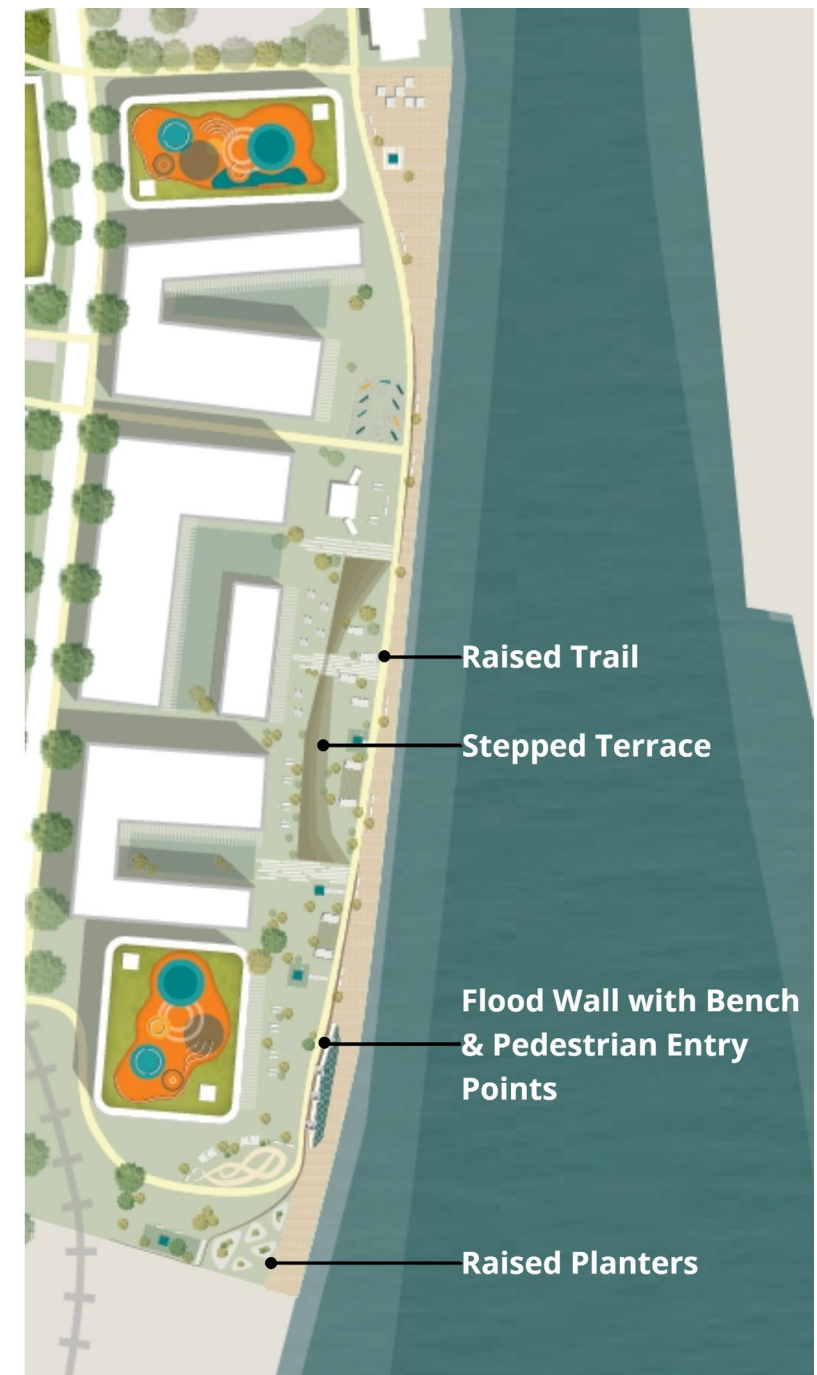
FLOOD MITIGATION STRATEGIES

Raised Promenade and Bike Path



West Eau Claire, Calgary

Permanent on-site infrastructure incorporating a multi-use pathway elevated above flood event levels



Stepped Terrace

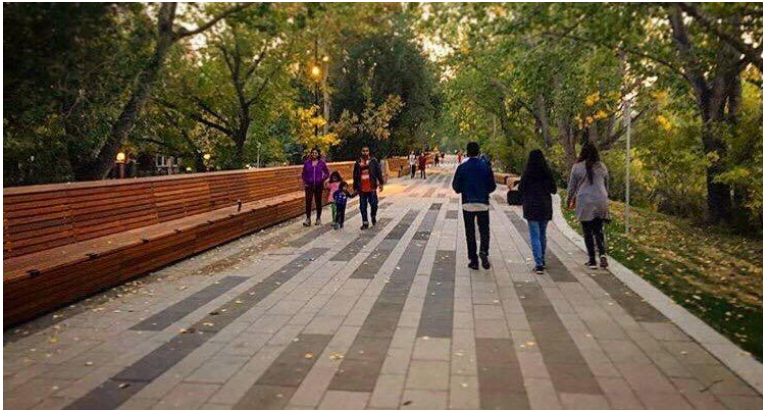


West Eau Claire, Calgary

Permanent on-site infrastructure, utilizing earthwork, berms and reinforced terraces to mitigate flooding events



Flood Wall and Bench



Flood Bench



Pedestrian Entry Points



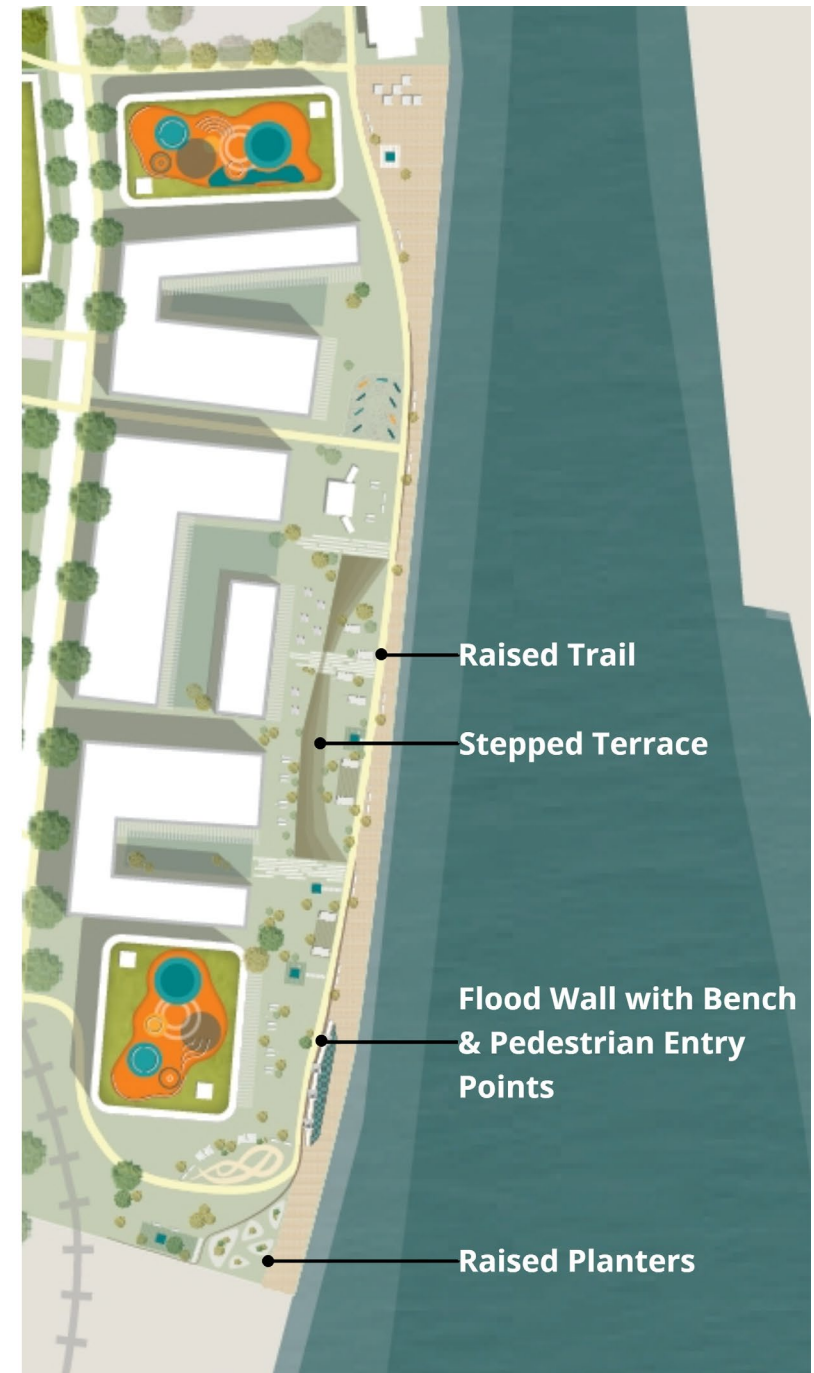
Flood Wall



Raised Planters



Stone planters work as temporary flood barriers



Active Placemaking



Repurposed Shipping Containers

Murals and arts by local artists



Splash Pad in Summer

Ice Rink in Winter



REFERENCES (L to R)

- WendellandCarolyn/istockphoto. (n.d.). Boat Storage.
- Jodie Herrera. (2018). The Albuquerque Rail Yards.
- (n.d.). Newmarket Riverwalk Commons.
- John Bkila. (2019). Burlington's Spencer's reopens, skating rink to open soon following water main break.

Active Placemaking



Marina Trail

REFERENCES (L to R)

- SWA Group. (n.d.). Sava Promenada at the Belgrade Waterfront.
- Jenna McKnight. (2015). Designers create winter installation for Montreal featuring 30 glowing seesaws.
- Bernard Louis De Koven. (2017). The Bench – Visions of Art at Play.

Interactive Activities



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Seating



A brighter future ...



Subject: Strategic Plan – Quarterly Update

To: Council

From: Chief Administrative Office

Report Number: 2022-50

Meeting Date: March 22, 2022

Recommendation:

That Chief Administrative Office Report 2022-50 be received for information.

Purpose:

This is a progress report on the City's 2020-2023 Strategic Plan and specifically the status of key projects and initiatives as outlined in Appendix A and B.

Background:

Council approved the 2020-2023 Strategic Plan at their May 25, 2021 meeting. The plan includes six strategic pillars (listed under section "Strategic Plan Alignment" of this report) as well as the following vision and mission statements:

Vision: A vibrant waterfront community embracing growth for future generations

Mission: To provide an exceptional small-town experience in a big way

The Strategic Plan puts forward a framework to assist Council and staff in effectively responding to new issues, challenges, opportunities, and emerging trends. It helps the City's Corporate Leadership Team (CLT) provide leadership for change by shifting the focus from the day-to-day to being future-ready. Having a vision, mission, and key priorities ensures the Corporation moves consistently in a strategic direction. The Strategic Plan promotes a coordinated and consistent approach and a standard of service delivery. This plan also provides a line of sight for staff and organizational alignment to deliver on Council's priorities.

CLT implemented several corporate directives to ensure that the Strategic Plan is being used to guide staff in their daily responsibilities, assist with governance and Council

decision-making, and help with priority setting and resource allocation. The directives are as follows:

- Council staff reports must show how the report's issue, project, and/or request aligns with at least one of the strategic pillars;
 - Projects submitted for consideration during the Capital Budget process must show how they support the strategic pillars;
 - Corporate Communications is to develop an internal communications strategy to promote the Strategic Plan throughout the organization so that staff are integrating key elements of the plan into their roles and daily tasks;
 - Directors/Managers and their staff are to follow tactical plans for their Departments/Divisions that outline goals and projects to operationalize the City's strategic plan. These tactical plans were presented to CLT;
 - Departmental/Divisional plans, including updated strategic plans for the Library, Museum, and Roselawn, must support and be in alignment with the mission, vision, and key priorities in the Strategic Plan.
-

Discussion:

There are 40 projects and initiatives included in the Strategic Plan under each of the strategic pillars. A detailed trimester report showing the status of each of the action items is attached as Appendix B. Attached to this report is also Appendix A, which highlights two to three key projects under each pillar. These projects have been purposely picked out because most of them are current priorities and will have a major impact on the community and the Corporation.

Internal Consultations:

CLT has ongoing conversations about priority projects, strategic initiatives, and promoting the integration of the Strategic Plan into how the City delivers programs and services.

Financial Implications:

There are no financial implications associated with this report. The projects and initiatives contained in the Strategic Plan have already been funded from the City's Capital Budget or require little to no funding as they are being completed internally by staff.

Public Engagement:

The City's website has a dedicated page for the 2020-2023 Strategic Plan. One of the six pillars of the plan is "Governance: Communications, Engagement, and Decision-Making", Council and staff are committed to engaging residents and key community stakeholders in order to assist with decision-making and act in the public interest. To this end, "Bang the Table", an online public engagement platform used by many other Canadian municipalities, has been acquired by the City and will be rolled out publicly in Q2/Q3 2022 after staff training has been completed.

Strategic Plan Alignment:

The initiatives contained within this report supports the following pillars of the strategic plan:

- Service and Simplicity - Quality and Innovative Delivery of Customer Services
 - Attracting Business Investment and Tourists to Port Colborne
 - City-Wide Investments in Infrastructure and Recreational/Cultural Spaces
 - Value: Financial Management to Achieve Financial Sustainability
 - People: Supporting and Investing in Human Capital
 - Governance: Communications, Engagement, and Decision-Making
-

Conclusion:

The City of Port Colborne's 2020-2023 Strategic Plan includes mission and vision statements as well as six strategic pillars and 40 action items to guide the future of the City and the Corporation.

The City's Corporate Leadership Team are ensuring that the plan becomes a living document and provides a line of sight for staff to see how day-to-day responsibilities connect to the mission, vision, and strategic pillars. Each City Division/Department recently completed tactical plans which include goals and priority projects for 2022 and 2023 that show alignment with the Strategic Plan.

CLT members are committed to accountability and transparency and keeping Council and the community informed through quarterly updates on the Strategic Plan's progress.

Appendices:

- a. Key project updates under each strategic pillar
- b. Implementation plan showing the status of all projects

Respectfully submitted,

Gary Long
Manager of Strategic Initiatives
905-835-2900 x.502
gary.long@portcolborne.ca

Scott Luey
Chief Administrative Officer
905-835-2900 x.306
scott.luey@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.



Service & Simplicity - Quality & Innovative Customer Service

Vision: A vibrant waterfront community embracing growth of future generations

Mission: To provide an exceptional small-town experience in a big way

Customer Service Excellence

- Customer Relationship Management project implemented
 - > Enhancements and training in 2022
- Customer service counter upgrade in 2022
- Incentive for PAP (pre-authorized payments)
- Introduction of 24/7 online payment portal on the website
- Introduction of Virtual City Hall provides a “one-stop shop”
- Online service requests via the website
- Phone system upgrade managing the customer experience and monitoring service levels

Smart City and Open Government

- Smart City Strategy for Q2 2022
- Investments in Wi-Fi expansion to improve broadband connectivity in public spaces
- IT building foundation to translate information into open data for the public
- Public Works developing a public-facing website for snowplows and snow removal
- Provincial grants to assist with digital modernization of internal processes and information management
- Digital Main Street provided personalized assistance to help small businesses achieve digital transformation and grow online presence
- Expanded access to technology and connectivity with new public workstations at the Library



Value: Financial Management to Achieve Financial Sustainability

Vision: A vibrant waterfront community embracing growth of future generations

Mission: To provide an exceptional small-town experience in a big way

Financial Management

- Capital and Operating Budget processes revamped to include accelerated timelines for estimates, budget development, Council review, and approvals
- Improved transparency, enhanced accountability through management oversight, and ensuring capital projects align with the Strategic Plan

Financial Sustainability

- Rates and Fees Review for Marina, Cemetery, Planning and Building
- New Engineering Fees approved
 - > Focused on full cost recovery
- Development Charges Background Study to be completed in 2022 with new DCs to take effect in 2023
- Funding applications submitted to:
 - > Canada Community Revitalization Fund
 - > Southwestern Ontario Development Fund
 - > Tourism Relief Fund
 - > Digital Service Squad Grant 3.0
 - > My Main Street
 - > Rural Economic Development Program
 - > Municipal Modernization Program
 - > Tourism Economic Development and Recovery Fund
 - > Investing in Canada Infrastructure Program



City-wide Investments in Infrastructure, Recreational/Cultural Spaces

Vision: A vibrant waterfront community embracing growth of future generations

Mission: To provide an exceptional small-town experience in a big way

Infrastructure Renewal

- Infrastructure Needs Study in progress
 - > Report expected in Q4 2022
- Cross-divisional team meets monthly regarding implementation of Parks and Recreation Master Plan and initiatives to invest in beaches, trails, and park amenities
- H.H. Knoll Park to have a new parkette completed by summer 2022
- Funding application submitted to Public Realm Investment Program for streetscape improvements at Lions Field Park
- Library capital projects planned for 2022
 - > Renovation of the public service desk area, more public workstations, installation of meeting/study areas, widening King Street entrance to improve accessibility and updating King Street sign
- Museum capital project planned for 2022
 - > Installation of art storage system in heritage resource centre to create more space to access collection and make space available for new artifacts and archives
- Roselawn capital projects planned for 2022
 - > Second and third floor electrical retrofit, PA and audio system replacements, theatre roof structure and skylight replacement

Downtown Revitalization

- Comprehensive review of CIP incentive programs underway, including downtown commercial and Main Street business districts
- Downtown CIP Project
 - > Council update in Q2/Q3 2022, Secondary Plan
- My Main Street
 - > Collaborating with the small business community to support revitalization and stimulate economic growth
- Urban Design Guidelines approved for Clarence & Welland Streets



People: Supporting and Investing in Human Capital

Vision: A vibrant waterfront community embracing growth of future generations

Mission: To provide an exceptional small-town experience in a big way

Performance Management

- SMART goal setting introduced in November 2021
 - > Employees prepared individual goals for 2022 that align with divisional and corporate goals
- New performance development program approved and introduced with training in Q2 2022
- Fostering a culture of continuous improvement
 - > Each employee must complete a minimum of 25 hours annually of training and professional development

Employee Engagement

- Appaluz, an award-winning employee engagement and recognition platform, introduced in January 2022
- Quarterly Town Hall meetings with all staff and CLT
- Next employee engagement survey to take place in fall 2022

HR Management and Information Systems

- Update to programs used for recruitment, payroll, and attendance management to be initiated in 2022-2023
 - > Assist with report generation, metrics, and improving efficiencies



Attracting Business Investment and Tourists to Port Colborne

Vision: A vibrant waterfront community embracing growth of future generations

Mission: To provide an exceptional small-town experience in a big way

Growth and Development

- Second fastest growing city in Niagara according to the 2021 Canadian census
- Phase 1 of City Real Estate initiative complete, with Phases 2 & 3 underway
- Two new industrial parks in planning and development stage
- Affordable Housing Strategy & Action Plan
 - > Report expected in Q3 2022
- Comprehensive review of CIP Programs
 - > Report expected in Q4 2022

Waterfront Port Colborne

- Waterfront Centre
 - > Architect & Engineering Design Services contract to be awarded in Q2 2022
- Implementation of the Cruise Destination Business Case underway
 - > 60+ cruise ships expected in 2022
- Former Public Works and Seaway buildings at King & Sugarloaf Streets demolished
- 235-241 Welland Street
 - > Condo project (East Village)
- Southport condo project on West Street
- Multi-use trail improvements and road rehabilitation along Welland Street to improve linkages to Nickel Beach
- Exploring public-private partnerships to realize a new vision for east side marine/ industrial lands



Governance: Communications, Engagement, Decision-Making

Vision: A vibrant waterfront community embracing growth of future generations

Mission: To provide an exceptional small-town experience in a big way

Strategic Communications

- Website redevelopment completed
 - > Continued enhancements underway
- Corporate rebranding completed
 - > Implementation externally and internally in progress
- Signage Strategy to roll out Q2 2022
 - > Replacements to align with capital funding
- Internal Communications Strategy completed
 - > Implementation through to 2023
- External Communications Plan
 - > Completion and execution in Q3 2022
- 28 media releases and 28 public notices issued from November 2021 to March 2022
- Growing audience engagement on social media
 - > Gained over 1,000 new Instagram followers in one year
 - > Increased reach on Instagram and Facebook by 76.1% and 13.6% respectively since January 2022
 - > Earned over 50,000 impressions, 7,600 profile visits, 154 mentions and 53 new followers on Twitter since January 2022

Public Engagement

- Bang the Table, online public engagement platform, to be introduced Q2/Q3 2022

Decision-Making

- City Divisions/Department completed tactical plans which include goals and priority projects for 2022 and 2023 that align with the Strategic Plan
- Council reports must show how the issue or request relates to one of the six strategic pillars

CUSTOMER SERVICE STATUS REPORTS

FEBRUARY 2022

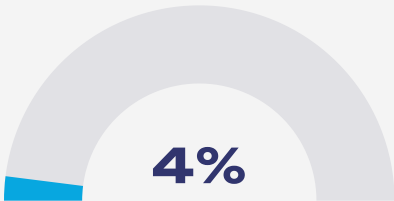


TOTAL NUMBER OF
CALLS HANDLED BY
CUSTOMER SERVICE

1176

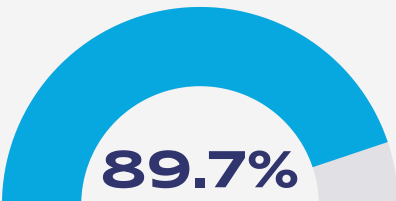
LAST FEBRUARY 1175

ABANDON CALL %



4%

LIVE ANSWER %



89.7%

LAST YEAR



93%

CONVERSATION TIME

2min 58 sec

2min 30 sec

TOTAL NUMBER OF
NEW SERVICE
REQUESTS

553

TOTAL NUMBER OF
NEW WORKORDERS

212

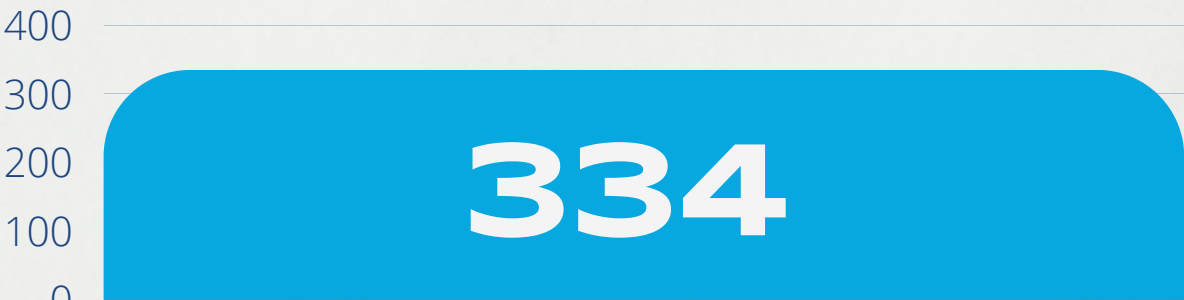
CURRENT NUMBER OF
OPEN SERVICE REQUESTS
FROM FEBRUARY

37

CURRENT NUMBER OF
OPEN WORKORDERS
FROM FEBRUARY

28

TOTAL NUMBER OF SERVICE REQUESTS RESOLVED
BY CUSTOMER SERVICE



February

TOP 5 Service requests (order based on this year)	THIS year	THIS month	THIS month Last year
WINTER CONTROL	75	45	22
TAX BILL INQUIRY	65	45	171
WATER BILL INQUIRY	63	25	33
Pre-authroized inquiry	63	36	0
e-BILLING INQUIRY	55	34	0
CUSTOMER SERVICE GENERAL	260	138	22
OTHER CALLS	530	264	358
TOP 5 as a % OF TOTAL SERVICE REQUESTS	29%	32%	37%

OUTSTANDING SERVICE REQUESTS BY DEPARTMENT

Department	Outstanding from previous months	New February	Closed Outstanding	Closed February	Outstanding Year to Date
By-Law	6	15	5	15	1
CAO	0	0	0	0	0
Corporate Services	31	396	30	391	6
EC Dev	2	2	1	1	2
Engineering	24	9	9	9	15
Facility Maintenance	10	4	1	0	13
Fire & Emergency	1	0	1	0	0
Museum	0	1	0	1	0
Parks	7	5	7	5	0
Planning	1	10	1	10	0
Recreation	5	6	5	6	0
Roads	30	83	28	57	28
Water/Wastewater	7	14	7	13	1
Municipal Drains	0	2	0	2	0

TOTAL OUTSTANDING YTD: 66

OUTSTANDING WORKORDERS BY DEPARTMENT

Department	Outstanding from previous months	New	Closed Outstanding	Closed	Outstanding Year to Date
By-Law	4	0	0	0	4
Engineering	54	9	0	1	62
Facility Maintenance	5	0	0	0	5
Parks	5	0	0	0	5
Roads	148	41	3	24	165
Water/Wastewater	3	162	4	159	6
Municipal Drains	2	0	0	0	2

TOTAL OUTSTANDING YTD: 243

Mentions of Strategic Pillars in Staff Reports

December 13, 2021 to
February 22, 2022

31

Service and Simplicity - Quality and Innovative Delivery of Customer Services



30

Governance: Communications, Engagement and Decision-Making



24

Value: Financial Management to Achieve Financial Sustainability



18

People: Supporting and Investing in Human Capital



17

City-Wide Investments in Infrastructure and Recreational/Cultural Spaces



15

Attracting Business Investment and Tourists to Port Colborne



Implementation Plan

Goals	Actions	Funding Source	Status – Next steps/ timelines
Our goal is to make interacting with our city simple through clear communication, efficient and effective processes, and making the best use of appropriate technologies. We will create a seamless “one stop shop” with exemplary customer service throughout the organization to meet the needs of our community.	Complete Customer Relationship Management (CRM) project	Municipal Modernization Grant	<p>Corporate Services/Customer Service</p> <p>Major project elements implemented 2020 and 2021, continued enhancements and training in 2022</p> <p>Changes to customer service counters planned for 2022</p> <p>CS and PW staff met to set up process about calls and prioritization.</p> <p>Incentive for PAP (pre-authorized payments); introduction of online payments 24/7 via the City website; introduction of Virtual City Hall that provides “one stop shop” to access to account information; online service requests on the City’s website; phone system complete upgrade is helping City manage and gauge the customer experience and monitor service levels.</p>

Goals	Actions	Funding Source	Status – Next steps/ timelines
	Implement Service Delivery Review	Municipal Modernization Grant	<p>Corporate Leadership Team</p> <p>KPMG report referenced in provincial funding applications in March and October 2021</p> <p>Internal and external review of service delivery is ongoing. The goal is excellence.</p> <p>PW Departmental Review currently being conducted</p>
	Partner with Niagara municipalities on a Shared Services Review	Niagara Region Council approved \$100,000 in April 2021 to retain a consultant to assist with this initiative	<p>CAO</p> <p>Ongoing/2022</p> <p>Joint procurement of flow monitors for Sanitary System currently being conducted</p>
	Create a smart city strategy and open data initiatives	Funding not required for development of initial framework	<p>Strategic Initiatives</p> <p>2022 project – Q2 rollout</p> <p>City committing resources for WiFi expansion to improve broadband connectivity in public spaces, and IT is building the foundation to translate information into open data for public consumption</p> <p>PW working on public facing website for snow plows</p>

Goals	Actions	Funding Source	Status – Next steps/ timelines
Our goal is to ensure that Port Colborne is investment-ready. In addition to commercial and industrial investment, we will become a desirable tourist destination showcasing the unique historical, cultural, and natural elements of our community for visitors and residents alike.	Implementation of multi-phased City Real Estate Project	no funding required	Ec Dev/Strategic Initiatives Phase 1 complete - 6 parcels Phase 2 (infill lots) – underway Phase 3 (irregular, small city parcels) underway Other potential properties identified during Municipal Drain/Stormwater system review.
	Create Affordable Housing Strategy and Action Plan	\$60,000 approved, 2020 Capital Budget	Strategic Initiatives/Planning Consultant appointed February 22, project underway.
	Investigate opportunities and potential partnerships to facilitate the redevelopment of the east side industrial lands	funding not required	Strategic Initiatives 2021 and 2022 Urban design guidelines approved for 235-241 Welland Street to be incorporated into residential predevelopment. Discussion with Region on additional pipe crossings of infrastructure across the canal taking place.
	Comprehensive Review of Community Improvement Plans	\$125,000 approved	Strategic Initiatives/Ec Dev.

Goals	Actions	Funding Source	Status – Next steps/ timelines
			Project underway September 2021, to be completed Q4/2022.
	Continued implementation of Economic Development Strategy and Action Plan	Initiatives requiring funding will be brought forward for approval	Ec Dev Ongoing
	Tourism Strategy and Action Plan	Proposed initiatives to be costed, will be brought forward for budget consideration in 2022	Tourism
	Implementation of Cruise Destination Strategy and Action Plan/Waterfront Centre	<p>Financing strategy to be presented March 22nd.</p> <p>Funding applications submitted to Rural Economic Development program, South Western Ontario Development Fund, and Tourism Relief Fund in Q4/2021</p> <p>Staff exploring other public and private sector funding sources</p> <p>\$750K funding from FedDev approved.</p>	<p>Tourism/Strategic Initiatives</p> <p>Weekly project management meetings with key City staff and CIMA+ (consulting engineers) started in September 2021</p> <p>Waterfront centre project update March 22nd</p> <p>Focus is on site clean up, and a landscape plan to be ready for 2022 cruise ship season; RFP for architecture/engineering firm to be awarded April 12th or April 26th.</p> <p>Communications and engagement with key stakeholders – Q4/2021 & Q1/Q2 2022</p>

Goals	Actions	Funding Source	Status – Next steps/ timelines
			Completion date: spring 2024
	Rejuvenation of Niagara South Coast Tourism Association (NSCTA)	\$30,000 approved to support ongoing initiatives. Seeking funding contributions from municipal partners Q1/2022	Tourism Launched its website with a new design and content, also reactivated social media channels and are running the Stamps from the South Coast program. Ongoing
Our goal is to build new infrastructure, renew existing infrastructure, and upgrade facilities and public spaces for our residents and future growth.	Infrastructure Needs Study (INS)	\$750,000 approved in 2021 Capital Budget	Engineering Contract awarded and in progress. Data gaps being analyzed. Full report expected in Q4 2022.
	Asset Management Plan (AMP)	TBC	Tied in with INS. Contract awarded. Interim report expected Q1/Q2 2022. Final Report Q2 2022.
	Facility Condition Assessments	Funding approved	Engineering RPF currently being put together
	Growth Management Strategy	no funding source	Engineering/Strategic Initiatives/Planning Development Charges fee schedule accelerated – Q4/2021

Goals	Actions	Funding Source	Status – Next steps/ timelines
			<p>Development Charges Background Study to be completed in 2022 with new DCs to take effect in 2023</p> <p>Planning/Building Fees to be reviewed in 2022</p> <p>Development Team established to work closely with investors and streamline review process</p> <p>Engineering Review Fees for internal review approved by Council. Examining the need for external reviews.</p>
	Long Term Capital Plans - Budgets	No funding required	<p>Corporate Leadership Team</p> <p>INS to inform Major Capital Plans for Roads/W/WW</p> <p>ECDM Plan to inform Facilities</p> <p>BCA Plan to inform Facilities</p> <p>Parks working on 5 year capital budget plan for 2023 budget deliberations based on Parks Master Plan.</p>
	Downtown CIP Project – Planning/Visioning Phase	\$1 million approved but deferred, 2020 Capital Budget	<p>Engineering/Strategic Initiatives/Planning</p> <p>2022</p>

Goals	Actions	Funding Source	Status – Next steps/ timelines
		\$250,000 approved in 2022 Capital Budget to complete updated Secondary Plan	Breakdown of phasing currently being analyzed.
	Renew cultural-related strategic plans (Museum, Library)	no funding source	<p>5 year strategic plans for Library and Museum end in Q4/2022, process will be initiated in 2022 to develop/coordinate new plans.</p> <p>Library Strategic Plan facilitation scheduled for April 9th, 2022.</p> <p>Museum Strategic Plan meeting schedule for May 4th, 2022.</p>
	Investigate creation of a Cultural Block to provide residents and visitors with a safe, accessible outdoor destination that is also a platform for programmes and events	No funding source	<p>Museum/Library</p> <p>Museum and Library Directors are working together on securing funds for Cultural Block goals</p> <p>Cultural Block Wifi project approved for 2022</p> <p>Director of Museum and Culture has management/oversight of Roselawn, will be included in Cultural Block vision and initiatives</p>

Goals	Actions	Funding Source	Status – Next steps/ timelines
			<p>Library capital projects planned for 2022: renovation of the public service desk area; more public workstations, installation of meeting/study areas; widening King Street entrance to improve accessibility, updating King Street Sign</p> <p>Museum capital project planned for 2022: Installation of art storage system in heritage resource centre creating space more access to collection and available space for new artifacts and archives</p>
	Create a renewed vision for the Roselawn Centre in concert with community partners	\$640,000 approved in Roselawn reserves	<p>Museum/Tourism/Strategic Initiatives</p> <p>Roselawn strategic planning process underway – Q4/2021</p> <p>Works being conducted by Facilities staff for renewal and upgrades</p> <p>Roselawn capital projects planned for 2022: 2nd and 3rd floor electrical retrofit; PA and audio system replacements; theatre roof structure and skylight replacement.</p>

Goals	Actions	Funding Source	Status – Next steps/ timelines
			<p>Creation of monthly meetings with Directors of Museum, Roselawn and Lighthouse Theatre</p> <p>Community Engagement Officer position created for one year contract to assist with key development and relationship building initiatives and develop and implement a range of marketing and communication strategies to build community awareness and engagement</p>
	Implementation of Parks and Recreation Master Plan	Staff will come forward with costed projects and initiatives to include in future budget discussions	<p>Recreation Implementation Group meeting monthly</p> <p>This is a cross divisional team who are actively working and collaborating to operationalize this plan and bring initiatives to Council to invest in our beaches, trails, and park amenities</p> <p>Ongoing</p>
Our goal is to provide strong governance and proactive planning that manages our taxpayer dollars wisely and anticipates the City's future financial needs.	Development of Financial Policies and Strategies	no funding required	<p>Corporate Services</p> <p>Ongoing</p>
	Implement a new streamlined budget process	no funding required	<p>Corporate Services</p> <p>Ongoing</p>
	Rates and Fees Review	No funding required	Corporate Services

Goals	Actions	Funding Source	Status – Next steps/ timelines
			Various fee reviews underway including Marina, Cemetery, Planning and Building New Engineering and Operational Fees passed by Council Implementation - 2022
	Create Business plans for City assets (i.e., Nickel Beach, Marina)	No funding required	Corporate Services Changed being implemented in 2022 at Marina and Nickel Beach. 2021/2022
	Pursue federal-provincial grants, naming rights, and sponsorships, and public private partnerships	No funding required	Strategic Initiatives/ Ec Dev/Corporate Services Finding applications submitted to: <ul style="list-style-type: none"> • Canada Community Revitalization Fund. • Southwestern Ontario Development Fund. • Tourism Relief Fund. • My Main Street. • Rural Economic Development Program. • Municipal Modernization Program.

Goals	Actions	Funding Source	Status – Next steps/ timelines
			<ul style="list-style-type: none"> Tourism Economic Development Recovery Fund. Investing in Canada Infrastructure Program. <p>Ongoing</p>
	Undertake an Expenditure Review of City programs focusing on cost containment and maximizing value for taxpayers	no funding required	<p>Corporate Services</p> <p>Ongoing with CLT</p>
Our goal is to have programs and initiatives that attract and retain talent and create a culture of continuous improvement and performance excellence at the City of Port Colborne. An engaged and empowered workforce generates the kind of positive momentum that brings effective results.	Develop a performance management model of employee evaluation	no funding required	Human Resources SMART Goal setting was rolled out in November 2021, the new performance development program is approved and full roll out with training will commence in later March and April.
	Develop a recognition and rewards program for City staff	Budget being developed, to be included in 2022 Operations Budget	Human Resources Appaluz rolled out Jan 18 th . HR is monitoring usage and will provide training when needed.
	Prepare succession plans	No funding required	Human Resources 2022
	Complete employee engagement survey and action plan	No funding required, any action items will be costed and included in 2022 Budget	Human Resources

Goals	Actions	Funding Source	Status – Next steps/ timelines
			The next survey will take place in the fall of 2022
	Create an in-house professional development program for City staff	no funding required	Human Resources City staff are required to complete 25 hours of professional development annually. 2022/2023
	Create a Diversity and Inclusion Committee	no funding required	Human Resources Committee established, on hold due to COVID Diversity and Inclusion Plan under development HR Manager sits on Coalition of Inclusive Municipalities Committee
	Create a City Wellness Committee	no funding required	Human Resources 2022
Our goal is to promote sound-decision-making; fair and equitable representation; a commitment to openness and transparency; active public engagement through corporate	Review of Council governance documents including Procedure By-law, Code of Conduct and Accountability and Transparency Policy	Budget request for some items	Clerks Q1/2022 – Procedural By-Law Q1/2023 – Code of Conduct, A&T Policy

Goals	Actions	Funding Source	Status – Next steps/ timelines
communications and outreach; and strong partnerships with key community stakeholders.	Review the mandate of Council Committees & Terms of Reference	no funding required	Clerks Changes/enhancements to application and recruitment process introduced in 2021 Review of Committees and T.O.R. - 2022
	Comprehensive review of Council governance system	Budget request	Clerks 2023/2024
	Develop Council professional development and training resources	no funding required	Clerks Orientation program being finalized for fall October 2022. 2022
	Implement new agenda management software	Budget request	Clerks 80% complete Closed session and Committee of Adjustment meetings – 2022
	Create new records retention management system	Funding approved in 2022 Capital Budget	Clerks 2022 and 2023
	Develop and implement a corporate wide rebranding strategy	Departmental budget requests Capital Budget (signage)	Corporate Communications Implemented in 2021, continuing to implement

Goals	Actions	Funding Source	Status – Next steps/ timelines
			externally and internally, will continue into 2022 with a focus on creating a signage strategy for Q2 to begin sign replacement project in line with capital budget over next three years.
	Create a new website and social media strategy to support enhanced communications and customer service	Funded from Municipal Modernization Grant	<p>Corporate Communications</p> <p>New website completed - 2020</p> <p>Social Media strategy – 2022</p> <p>New section of Website for current projects completed and updates ongoing.</p> <p>Total Media Releases 28, and Total Public Notices 28 in the past 4 months.</p> <p>Media releases/public notices have a 100% pick-up rate with a least one media outlet in Niagara.</p> <p>Instagram:</p> <ul style="list-style-type: none"> - From March 2021 – March 2022 we have gained over 1,000 new followers - From Jan 1 – March 1

Goals	Actions	Funding Source	Status – Next steps/ timelines
			<ul style="list-style-type: none"> ○ 15,756 Reach - Increase of 76.1 % <p>(The number of unique accounts that saw any of posts or stories at least once.)</p> <ul style="list-style-type: none"> ○ 1,296 Profile Visits ○ 166 new followers <p>Facebook:</p> <ul style="list-style-type: none"> - From Jan 1 – March 1 <ul style="list-style-type: none"> ○ 42,878 Page Reach – Increase of 13.6% <p>(The number of people who saw any content from the Page or about Page, including posts, stories, ads, social information from people who interact with Page and more.)</p> <ul style="list-style-type: none"> ○ 3,059 page visits ○ 66 new page likes <p>Twitter:</p> <ul style="list-style-type: none"> - Since January 2022 <ul style="list-style-type: none"> ○ City has made 93 tweets ○ Had 7,613 profile visits

Goals	Actions	Funding Source	Status – Next steps/ timelines
			<ul style="list-style-type: none"> ○ City was mentioned 154 times by other members ○ 53 new followers ○ Made 50.6K impressions
	Develop external and internal communications strategy for increased awareness, info sharing, and public engagement	No funding required	<p>Corporate Communications</p> <p>Internal Communications Strategy completed 2021 with an implementation into 2023.</p> <p>External Communications Plan – goal for completion and execution to begin early Q3 2022.</p> <p>Bang the Table, online public engagement platform to be rolled out Q2/Q3 2022 after staff training complete.</p>

Updated: March 7, 2022



Subject: Waterfront Centre – Project Update

To: Council

From: Chief Administrative Office

Report Number: 2022-37

Meeting Date: March 22, 2022

Recommendation:

That Chief Administrative Office Report 2022-37 be received for information.

Purpose:

The purpose of this report is to update Council on the status of the Waterfront Centre project and to outline the financing strategy.

Background:

In early 2021, the City formed a project team to focus on site redevelopment options for the former Public Works yard located at King and Sugarloaf Streets. A consensus was reached among the project team that the redevelopment plan should align with the City's key priorities of waterfront revitalization, improving community culture, and increasing economic activity — as found in the City's 2020-2023 Strategic Plan and 2018-2028 Economic Development Strategy. The project team then began to work with a highly experienced landscape architect on a site-specific design for this area as well as the concept for a waterfront centre that would sit next to the Welland Canal and be surrounded by related infrastructure such as walkways, a parking lot, lighting, perimeter fencing and gates, landscaping, and wayfinding signage.

This project is part of a broader vision for waterfront redevelopment that focuses on improving public access to the waterfront, creating new public spaces that bring residents and visitors together, generating increased economic activity, tourism and new jobs, and attracting commercial investment and residential development. The City's focus on waterfront redevelopment also aligns with various federal and provincial funding programs that support strategic economic and tourism infrastructure, tourism

development, and new cultural and recreational spaces. To this end, staff have submitted funding applications to various federal and provincial programs to secure capital contributions for the project. To date, the response staff received has been very positive and approval decisions are expected in the coming weeks.

Discussion:

The City's project team developed and issued an RFP in December to retain an architecture and engineering firm to assist with site redevelopment and detailed design and drawings. This RFP closed on February 4, 2022 and the project team is evaluating proposals and preparing to present a recommendation to Council at the April 12, 2022 meeting. The selected architecture and engineering firm will sub-contract an independent consultant to cost out and verify estimates for the project prior to a construction tender being issued in Q4 2022.

During 2022 budget discussions, staff indicated that, based on a high-level opinion of probable costs provided by R.J. Burnside & Associates and updated by City staff, the estimated cost of the waterfront centre would be approximately \$5 million.

This estimate includes construction of the waterfront centre building (at approximately 8000 sq. ft.), architectural and engineering fees, servicing, signage, landscaping and beautification, public washrooms, walkways and improved accessibility, lighting, paving, a project contingency, as well as required gates and fencing to comply with Transport Canada and marine transportation security regulations.

While staff are committed to working closely with the selected architecture and engineering firm to keep the project on budget, it is recommended that the budget be increased to \$5.6 million to account for inflation, which is impacting the cost of construction materials. An increase to the project's contingency is also warranted to help manage any unexpected or unforeseen costs related to site redevelopment and construction.

A more thorough and accurate cost estimate will be available in Q2/Q3 2022 once architectural drawings and detailed design, as well as a site servicing plan, have been finalized and independently verified by a cost consultant retained by the selected architecture and engineering firm.

Internal Consultations:

A cross-divisional team from Economic Development and Tourism Services, Corporate Services, Purchasing, and Public Works are working together with assistance from the City's consulting engineers at CIMA+.

Financial Implications:

Staff have finalized a waterfront centre project capital financing strategy (see Appendix A) that minimizes the impact on the City's levy budget. The architecture and engineering firm's cost consultant will develop and verify a cost estimate once the detailed design and drawings are nearly complete. Keeping this project on budget is important and can be accomplished through proper oversight. This was acknowledged by many of the firms that submitted project proposals.

Staff have also drafted a preliminary operating budget (see Appendix A) for the building based on current operating costs for other City facilities as well as potential public and private sector revenue sources.

Public Engagement:

Economic Development and Tourism Services issued a project update last fall to the Downtown BIA, Main Street BIA, and the Port Colborne-Wainfleet Chamber of Commerce. City staff, along with one of the City's consultants from Lakeshore Excursions, will be meeting with business owners and stakeholders regarding the City's cruise ship initiative.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillars of the strategic plan:

- Attracting Business Investment and Tourists to Port Colborne
 - City-Wide Investments in Infrastructure and Recreational/Cultural Spaces
 - Governance: Communications, Engagement, and Decision-Making
-

Conclusion:

The construction of a waterfront centre is a new strategic investment by the City of Port Colborne in its waterfront, community, and economy. A cross-divisional City project team is committed to ensuring that project costs for the waterfront centre do not impact the City's levy budget.

A capital financing strategy has been developed that includes federal and provincial funding, proceeds from lands sales, private sector naming rights, and a debenture that will be financed from a Municipal Accommodation Tax which can be utilized to generate

revenue for tourism infrastructure and development. An operating budget has also been drafted, and City staff will work to refine cost estimates as well as identify any potential revenue sources, including commercial lease opportunities.

A report and recommendation regarding an architecture and engineering firm will be coming to the April 12th Council meeting. Once the firm has been selected, the City's project team will be working closely with them to keep the project on track and on budget with an anticipated opening of Q2 2024.

Appendices:

- a. Waterfront Centre – Capital Financing Strategy & Draft Operating Budget

Respectfully submitted,

Gary Long
Manager of Strategic Initiatives
905-835-2900 x.502
gary.long@portcolborne.ca

Greg Higginbotham
Tourism Coordinator
905-835-2900 x.505
greg.higginbotham@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.

CAPITAL FINANCING STRATEGY

SOURCE	AMOUNT	STATUS	TOTAL COST
Canada Community Revitalization Fund	\$750,000	Approved	\$5,600,000
Southwestern Ontario Development Fund	\$1,000,000*	Pending	*Target goal based on \$1.5m & \$500k requests - Remaining \$620k to be sourced from the Tangible Capital Assets (TAC) Reserve
Tourism Relief Fund	\$380,000*	Pending	
Land Sales 2022 & 2023	\$1,000,000	Anticipated	**Annual principal and interest on the debenture to be paid using revenue collected from the Municipal Accommodation Tax (MAT)
Naming Rights & Sponsorships	\$500,000	Pending	
Municipal Debenture	\$1,350,000**	Pending	

DRAFT OPERATING BUDGET

REVENUE		EXPENSES	
Tourism services	\$22,000	Heat, hydro & water	\$42,000
Cruise ship passenger fees	\$37,000	Repairs & maintenance	\$20,000
Venue rentals	\$34,000	Rental equipment	\$10,000
Commercial lease opportunities	\$32,000	Contract services	\$58,000
Other tenancies	\$15,000	Other	\$10,000
Total	\$140,000	Total	\$140,000

Subject: Municipal Accommodation Tax

To: Council

From: Chief Administrative Office

Report Number: 2022-48

Meeting Date: March 22, 2022

Recommendation:

That Chief Administrative Office Report 2022-48 be received;

That Council commit, in principle, to implement a Municipal Accommodation Tax (MAT) of no more than 4% on the purchase of transient accommodation at campsites/campgrounds effective January 1, 2023;

That the Manager of Strategic Initiatives be directed to draft and bring forward a MAT by-law, an agreement between the Corporation of the City of Port Colborne and Niagara's South Coast Tourism Association, a Municipal Accommodation Tax Reserve Policy, and a procedure for collecting and remitting a MAT to a future meeting of Council for consideration; and

That the Manager of Strategic Initiatives be directed to further engage campsite/campground businesses on the implementation and collection of a MAT in the City of Port Colborne.

Purpose:

The purpose of this report is to affirm Council's commitment to implement a 4% Municipal Accommodation Tax (MAT) on campsites/campgrounds in Port Colborne effective January 1, 2023.

Background:

On November 23, 2017, the Province of Ontario issued Regulation 435/17, Transient Accommodation Tax, under the Municipal Act, 2001. This Regulation, which took effect on December 1, 2017, includes all the necessary provisions for lower-tier and single-tier

municipalities in Ontario to implement a Municipal Accommodation Tax (MAT). Municipalities are not required to implement a MAT.

Once imposed, however, the MAT becomes mandatory and can only be applied to providers of transient or short-term accommodation on overnight stays of 29 consecutive nights or less. Purchases unrelated to or not consisting of accommodations, even if occurring on the same property (e.g. consumption of food and beverage at a restaurant), are not subject to the MAT. Certain fees and charges related to the purchase of accommodations may be considered applicable.

Since being introduced by the Province, an estimate of more than 40 municipalities across Ontario and two municipalities in the Niagara Region (i.e., Niagara Falls and Niagara-on-the-Lake) have implemented a MAT as a way to promote tourism, develop tourism products, and support tourism growth. As a whole, the MAT has drawn criticism and praise. The most common for and against arguments are summarized below.

Praise	Criticism
<ul style="list-style-type: none"> • The MAT creates a new source of revenue for municipalities to use to support tourism promotion and development without drawing on or increasing the residential tax base. 	<ul style="list-style-type: none"> • An increase in accommodations prices may deter customers from staying overnight and make the destination less competitive overall.
<ul style="list-style-type: none"> • The implementation of a MAT on overnight stays only — relative to the total cost of a trip or vacation — is not excessive enough to significantly decrease consumer demand. 	<ul style="list-style-type: none"> • A tax will cause accommodation providers to raise prices and, depending on supply and demand, absorb some of the effects of decreased occupancy.
<ul style="list-style-type: none"> • Implementation levels the tourism playing field in Ontario since many municipalities have already applied the MAT. 	<ul style="list-style-type: none"> • A tax will create more administrative costs for both accommodation providers and program administrators.

With regards to criticism, the Ontario municipalities that implemented a MAT haven't reported seeing the negative effects on destination competitiveness that critics had first predicted. Destinations in the United States and Europe have levied taxes on tourism long before Ontario did, with popular spots being the most resilient despite their tax rates ranging from 8% to 18%. Typically, more than 80% of the total tax is paid by the guest and the remaining 20% is absorbed by the accommodation provider.

The biggest criticism about the MAT has been how revenues from the tax will be spent by the municipalities that collect them. Regulation 435/17 states that the total amount of revenue received by the municipality from the tax must be shared with an "eligible tourism entity", which is defined as a non-profit organization "whose mandate includes

the promotion of tourism in Ontario or in a municipality.” The Province enacted the Regulation with a revenue-sharing model in place to ensure the money generated from tourism goes directly back into promoting and developing tourism.

Discussion:

As much as destinations act to promote their offerings, support stakeholders, and generate visitation in a very competitive market, one might think that they are also doing a disservice to themselves by imposing taxes on tourism. Industry sources speculate that there may be 40 different types of tourism taxes imposed worldwide. Many of these tax measures are used to collect revenue that helps reduce the fiscal burden on local residents who, through their own taxes, pay for the same community resources, public spaces, and general infrastructure that visitors consume and enjoy. Even though studies on this topic are rather scarce, research conducted in Europe suggests tourists are more willing to pay an additional tax when it is perceived as fair and earmarked specifically for improving tourism experiences.

The importance of attracting visitors to Port Colborne is visible in the City’s 2020-2023 Strategic Plan and Economic Development Strategic Plan: 2018-2028. Presently and historically, the City’s efforts to attract visitors and service their needs — through events, marketing, communications, information centres, etc. — have been funded from the property tax levy. Recognizing that municipalities like Port Colborne are constantly under pressure to deliver value for taxpayer dollars, the provincial government has provided an alternative means of funding tourism that doesn’t rely on property tax revenue or take away from financing core municipal services.

Although Regulation 435/17 does not cap the dollar amount or the percentage of the Transient Accommodation Tax, most municipalities in the province have not exceeded either 4% or \$2 on each overnight stay of 29 consecutive nights or less. Of these two options, staff recommend implementing a 4% MAT in Port Colborne. The Regulation doesn’t define “transient accommodation”, therefore the municipality can determine the types of accommodations to apply the MAT, bearing in mind an exemption to properties owned by the Crown, post-secondary institutions, long-term care homes, and other exemptions approved by Council.

In light of the devastating effects that the COVID-19 pandemic has had on the accommodations sector, staff recommend an initial exemption of the MAT to Port Colborne’s motels, bed & breakfasts, inns, and similarly operated establishments. Brief consultations with a few local operators confirmed that the timing of a tax, even if imposed next year, would not be appropriate right now. Out of empathy for the struggles this industry continues to endure, staff agree that supporting small businesses has to remain a priority.

A type of accommodations that has shown to be very resilient to the pandemic, even going so far as to experience unanticipated booking increases, is publicly and privately-owned campsites/campgrounds. For this reason, and not arbitrarily, staff believe it would be suitable to enact a by-law, effective January 1, 2023, stipulating:

That every Purchaser who uses, possesses or has the right to the use or possession of a tent, trailer, vehicle, recreational vehicle or other structure on a campsite or in a campground for dwelling, lodging or sleeping purposes, regardless of whether the tent/trailer/vehicle/recreational vehicle/structure is brought to the campsite/campground by the Purchaser or if it is existing on the campsite or in the campground and available for rent, shall pay to the Provider, at the time of purchase, the Municipal Accommodation Tax in the amount of four per cent (4%) of the Purchase Price for a continuous period of 29 nights or less.

According to information received from the City's Development and Legislative Services Department, there are two private businesses in the City operating with a trailer camp licence: Sherkston Shores Beach Resort & Campground and Pleasant Beach Campground. A closer inspection of these two businesses revealed that transient campsites make up around 19% and 15% respectively of their total accommodations inventory.

Pending Council's approval of the recommendations in this report, and the possibility that a MAT is applied only to campsites/campgrounds in 2023, staff intend to return to Council in Q2 2023 with a new report to consider amending the by-law to remove the exemption for other transient accommodation providers like motels, bed & breakfasts, inns, and multi-unit short-term rentals starting January 1, 2024.

The projected annual gross revenue from the application of a 4% MAT on campsites/campgrounds in Port Colborne is approximately \$100,000. Regulation 435/17 affirms that, when no destination marketing program exists, at least 50% of this revenue, less the municipality's reasonable costs of collecting and administering the tax, must be shared with an eligible tourism entity. Niagara's South Coast Tourism Association (NSCTA) is the municipality's eligible tourism entity. The City's 2021 and 2022 levy budgets have supported this entity through a \$30,000 annual allocation under the "Boards & Committees" category. Continual funding of the NSCTA from the levy budget will no longer be necessary once, as required by the Regulation, the City and the NSCTA enter into an agreement ensuring accountability that the amounts paid to the NSCTA will be used for the exclusive purpose of promoting tourism.

As for the municipality's 50% share of MAT revenue, the Regulation does not address or limit in any way how that revenue may be used or spent. In keeping with the rationale behind why the Province originally issued the Regulation, staff believe

the City's waterfront centre project represents a key piece of tourism infrastructure that would benefit from financing through a MAT. The project aligns very well with the City's plans to revitalize the waterfront and develop it into an attractive focal point for tourists both arriving on cruise ships and visiting from out-of-town/region. The creation of a Municipal Accommodation Tax Reserve, and supporting Municipal Accommodation Tax Reserve Policy, will ensure the City's MAT revenue stays earmarked solely for the waterfront centre project.

Internal Consultations:

Economic Development & Tourism Services and Corporate Services staff consulted with colleagues in the Development and Legislative Services Department regarding the proposed MAT. All departments will continue to work together to achieve conformity between a MAT and the City's existing licensing regime.

Financial Implications:

Implementation of a 4% MAT on campsites/campgrounds in Port Colborne is projected to gross approximately \$100,000 in annual revenue. This amount was calculated using information on the number of (tent, trailer, vehicle, or RV) sites, nights sold based on an assumed occupancy rate and a standard operating season, and an average daily accommodation rate.

On every bill, receipt, invoice, or similar document used for the purchase of transient accommodation at a campsite/campground, the provider will list a separate item and show the MAT rate along with the amount of tax calculated and charged. The provider will have a duty to report to the City on the amounts collected during the reporting period, whether that is determined to be monthly, quarterly, or annually. The format of the remittance report will be established by the Director of Corporate Services/Treasurer. The Municipal Act, 2001, permits the MAT by-law to provide for penalties for failing to comply with the by-law, interest on outstanding taxes or penalties, audit requirements, and enforcement measures as appropriate, for amounts remaining unpaid.

Since the current number of campsites/campgrounds in Port Colborne is two, the proposed collection model is not expected to create additional administrative costs for the City. The Director of Corporate Services/Treasurer will create a Municipal Accommodation Tax Reserve and an associated policy specifying that the collected MAT revenue is to be shared 50/50 between the City and the NSCTA. The City's 50% share will be fully allocated to the waterfront centre project.

Public Engagement:

Economic Development & Tourism Services staff met with Sherkston Shores Beach Resort & Campground and Pleasant Beach Campground. Staff will further engage these two businesses and report back to Council with more information on their standpoint regarding the implementation of a MAT.

After consulting a few bed & breakfast and inn operators about the MAT, the feedback received suggests small accommodation providers in Port Colborne need more time to focus on recovery and a return to pre-pandemic customer and staffing levels. Citing reasons similar to what has been voiced by providers in Niagara-on-the-Lake, staff will monitor the situation for the rest of 2022 and increase public engagement efforts when appropriate.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillars of the strategic plan:

- Attracting Business Investment and Tourists to Port Colborne
 - City-Wide Investments in Infrastructure and Recreational/Cultural Spaces
 - Value: Financial Management to Achieve Financial Sustainability
-

Conclusion:

The City's approach to implementing a Municipal Accommodation Tax (MAT), as presented herein, is gradual and not as sweeping as the one taken by many other municipalities in Ontario. The tax represents an opportunity to source new revenue that can be used for tourism promotion and development. Most of all, it allows the City to achieve the goal of attracting visitors to Port Colborne without having to continuously draw on the levy budget and resident taxpayers for funding support. Imposing a MAT of no more than 4% on the purchase of transient accommodation at campsites/campgrounds is the start of a strategic solution to bring about tourism growth.

Respecting the concerns of small businesses and accommodation providers that need more time to recover, campsites/campgrounds were decided on because they haven't been affected by the COVID-19 pandemic nearly as much as other providers. Staff plan to return to Council with a new report about the MAT, in Q2 2023, presumably, when the pandemic's impacts have further subsided. This report will propose the inclusion of motels, bed & breakfasts, inns, and multi-unit short-term rentals under the MAT by-law starting January 1, 2024.

Respectfully submitted,

Greg Higginbotham
Tourism Coordinator
905-835-2900 x505
Greg.Higginbotham@portcolborne.ca

Gary Long
Manager of Strategic Initiatives
905-835-2900 x501
Gary.Long@portcolborne.ca

Bryan Boles, CPA, CA, MBA
Director of Corporate Services/Treasurer
905-835-2900 x105
Bryan.Boles@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.

Subject: Referral: Friendship Trail Standard Crossing & Signage

To: Council

From: Public Works Department

Report Number: 2022-49

Meeting Date: March 22, 2022

Recommendation:

That Public Works Department Report 2022-49 be received,

That Council approve the crossing standard as shown in Exhibit-A, in Appendix A to Public Works Department Report 2022-49; and

That Council approve the installation of 14 sign boards and 11 wayfinding markers for the Friendship Trail crossings as shown in Exhibit-B, in Appendix B to Public Works Department Report 2022-49.

Purpose:

The purpose of this report is to provide supplementary information to Council Report 2022-16, presented on January 25, 2022. The overall purpose is to improve safety at the Friendship Trail Crossings and improve signage, and wayfinding.

Background:

On January 25, 2022, a report to Council to improve the Friendship Trail Standard Crossing and Signage was presented. During the meeting, Council considered the removal of wigwags, referred to as P-gates in the Ontario Traffic Manual.

The common denominating objective of Council is to keep pedestrians, cyclists, and motorists safe at the trail and road intersections. To meet this objective, it takes joint responsibility:

- For trail users to “Stop-Look-Listen” prior to crossing,
- Vehicular drivers having a clear sightline at the prescribed stopping site distance,
- City to provide proper signage for both trail users and drivers on the road.

While staff considered increasing the design spacing of the opposite side of the wigwags (P-gate), Council was supportive of the removal of these devices, aligning with the recommendations outlined in the Ontario Traffic Manual. However, bollards will remain a feature at the trail entrance to discourage vehicular passage.

The spacing on both sides of the bollard will be maintained at the minimum width of 1.80 meters to allow access for users of adapted cycles (e.g., handcycles, tricycles, etc.) and other similar uses. See Figure 1: Trail Entrance Spacing.



Figure 1: Trail Entrance Spacing

Council acknowledged that there are limited options to deter or discourage entry of motorized vehicles including snowmobiles, ATVs, golf carts or other forms of motorized vehicles using the trail. While illegal entry may be an enforcement issue, the proposed signage will place emphasis on “Non-Motorized Users Only” as Regional Police will not have the resources to respond to such infractions.

Council expressed approval for the consolidation of signage at each of the road crossings. This will include QR codes to extend other information about the trail and places to visit within the City of Port Colborne.

In summary, staff outlined in this report additional supporting guideline and best practice for the renewed consolidated signage and the design details for the striped painted crossing and pedestrian stop bar.

Discussion:

Removal of Wigwags

The wigwags, also known as P-gates, are currently found at three locations along the rural Friendship Trail. At the January 25th, 2022 Council meeting, Councillors shared their concerns regarding the wigwags.

The existing barriers have several elements presenting significant risks to users of the trail. These risks include clipping handlebars and difficulty for users of longer dimension bicycles including adapted cycles, tandem bicycles, and bicycles with trailers. Staff feel this situation could discourage some user groups from enjoying the trail.

Based on this discussion, Option 1 – Bollard without wigwag gates, as outlined in Report 2022-16 is recommended by staff.

The existing wigwag (P-gate) at Fares Street and Fraser Street, intersects the railway. The Transportation Association of Canada shares a design approach for a Bicycle Lane Jug Handle at Skewed Railway Crossing with Unrestricted Right-of-Way and no Gate. See Figure 2: Unrestricted Right-of-Way and no Gate. Thus, staff's recommendation is to adopt the design as outlined for this crossing.



Figure 2: Unrestricted Right-of-Way and no Gate

Stopping Sight Distance

An intersection is a point where different modes of transportation and associated facilities cross paths. The Ontario Ministry of Transportation Bikeways Design Manual suggests increasing visibility between cyclists, motorists, and other roadway users as a means of reducing collisions.

Cyclists and road users need to have clear sight lines to one another on the approach and through the intersection to provide sufficient time to identify a potential conflict and react if necessary. Report 2022-16 addressed the required minimum sight distance, derived from the Transportation Association of Canada guideline, Table 5.6.1 Minimum Sight Distance for Multi-Use Path Crossing. This guideline recommends a minimum distance of 150 metres.

Motorized Vehicle Access and AODA Compliance

The area on either side of the existing trail entrance may provide spacing for motorized vehicles to bypass the bollard, thus accessing the Friendship Trail. The proposed consolidated signage will indicate “No motorized vehicles” at all crossing entrances, however Council directed Staff to further review trail access.

Each trail access point is unique in topography and thus provides a challenge to offer an all-encompassing standard design. According to the Ontario Traffic Manual Book 18, where there are two openings for two-way facilities, each opening should be a minimum of 1.8 metres to allow access for people using adapted cycles.

To reduce trail access of motorized vehicles, City Road and Parks Operations will review each trail entrance and install natural barriers for any space larger than 1.8 metres. The natural features will include boulders, shrubs, planters and signage on both the left and right side of the trail. These features would only be placed in locations where sightlines are not obstructed 15 meters from the road crossings.

The features selected for each trail location to reduce trail access will depend on site specifics and consider the topography of the site. Each crossing differs in respect to

natural drainage features, grade, slope, etc., but the proposed standard will consider using a combination of the natural barrier features.

According to the Ontario Traffic Manual - Book 18, rocks, curb stops, concrete blocks or chains are not recommended as access restrictions. The features within or immediately adjacent to a cycling facility pose a hazard, particularly for people who are vision impaired. The hazard created by the physical measures should be weighed against the hazard of unauthorized motor vehicle access.

As identified during the Council meeting, these features may not ultimately deter motorized vehicles from gaining access to the Friendship Trail. The risks of attempting to narrow the trail access points may cause motorized vehicle users to find a suitable alternative around and may pose more of a safety issue.

Signage

Staff's recommendation was to install signage at the road and trail intersections. The signage component is being led by the Communications Department with support from Engineering and Parks.

Structure and Content

- Sign size: 74" H x 30" W (same as previous sign).
- Arch design: keeping the original arch design, similar to current trail signs across the City.
- Material: Aluminum composite. This has been used for recent signs produced and is guaranteed to last for life.
- Road/location identification for emergency response.
- Map: staff are currently reviewing the maps on signs to ensure accuracy, landmark identification, etc. Once staff have completed a review, Staff will be engaging with active trail users/committees for their feedback.
- Directional markers to other landmarks.
- Etiquette/Do's and Don't of the trail system.
- Partner logos/information including Trails Canada Trail, Great Lakes Waterfront Trail, Greater Niagara Circle Route, and information about the monarch butterfly/pollinators.

QR Codes

- This section of the sign will be used as a decal and not permanently imprinted on sign in case the QR code needs to be changed or technology changes and a way of accessing websites is created.
- QR codes are a great way to direct trail users to updated, accurate information on the designated Friendship Trail website.
- Staff have access to creating unique QR codes that also allow us to track usage/scans of the QR codes.

- Signage throughout the City of Port Colborne is not bilingual; however, in designing the new website staff incorporated a translate feature, which allows visitors to translate website information in any language once the user scans the QR code.

Location and Quantity of Signs

The proposed consolidated sign locations in Report 2022-16 are based on staff's review of the locations and focused on paved crossings that did not have existing trail signage for users upon entering the trail from the road right-of-way. Since Report 2022-16, staff have added two more locations: Snider Road and Welland Street.

The following fourteen (14) locations have been selected for the Friendship Trail signage:

- 1) Holloway Bay Road
- 2) Pleasant Beach Road
- 3) Sherkston Road
- 4) Empire Road
- 5) Michael Road
- 6) Wyldewood Road
- 7) Silver Bay Road
- 8) Cedar Bay Road
- 9) Pinecrest Road
- 10) Weaver Road
- 11) Lorraine Road
- 12) Snider Road
- 13) Elizabeth Street
- 14) Welland Street

Along the trail, some of the distances between these locations are over 800 metres. Staff are also exploring the addition of eleven wayfinding signs at the half-way point between the arch signs to allow trail users to determine the two streets they are between for emergency purposes.

These wayfinding signs will be designed similarly to wayfinding signs that will be installed across the city. Staff are currently working with Symetric Productions Inc., the same design company that created the City's new branding, to evaluate and re-design signage for the city, which includes all trails, parks, and facilities. Many of the elements addressed in this report with respect to the Friendship Trail will be incorporated into all other trail signs across the City to ensure consistent branding and ease of use by trail users.

Exhibit B displays the proposed locations for the sign boards and wayfinding markers.

Questions from Council

- 1) What is the total number of accidents on the whole circle route, for cyclists and cars?




The Niagara Regional Police Service (NRPS) noted no accidents at the intersections of the Friendship trail in Port Colborne. Other sections including Fort Erie and Wainfleet also had no accidents reported.

- 2) What is the penalty for a motorized vehicle caught trespassing on the trail? (Such as an ATV, golf cart, etc.)

The City's By-law does not handle moving violations, that is the responsibility of the NRPS. The trespassing violation can be handled by NRPS or By-law.

The City's By-law Division has limited authority to obtain drivers licenses and personal information to write a ticket. The penalty under Schedule 85, Trespass to Property Act, Part 1 under Parks - \$150 +VST (Victim Surcharge Tax) – Drive motorized recreational vehicle without authorization

Trespass to Property Act – see fines listed below

Schedule 85			
  			
Trespass to Property Act			
Item	Offence	Section	Set Fine
1.	Enter premises when entry prohibited	2(1)(a)(i)	\$50.00
2.	Engage in prohibited activity on premises	2(1)(a)(ii)	\$50.00
3.	Fail to leave premises when directed	2(1)(b)	\$50.00

- 3) Are the stop signs on the trail legal? Are people obligated to stop?

The Highway Traffic Act of Ontario (1990) defines a bicycle (including electric assisted E-bikes) as a vehicle. As such, cyclists are required to comply with all rules and regulations that apply to the operator of a vehicle.

- 4) Are electric/motorized wheelchairs allowed on the trail?

Assistive devices such as electric wheelchairs are an exception to the rule governing motorized vehicles on the trail. These devices are allowed, and should be allowed, on public trails for those individuals who require them.

Internal Consultations:

- Niagara Regional Police Service

- AODA Committee
 - Transportation Advisory Committee
 - Operations Dept.
 - Communication Dept.
 - Fire Department
 - By-law Division
-

Financial Implications:

This project has \$97,672.45 available through previously approved projects 21C-PW-B04 and 22C-PW-B36.

The Waterfront Regeneration Trust has offered a grant in the amount of \$5,000 to be used to offset the cost of updating the artwork increasing the total available budget to \$102,672.45.

Public Engagement:

Friendship Trail Standard Crossing Report 2022-16 received delegations from 2 local citizens. The delegation comments were shared with the Active Transportation Advisory Committee for discussion. The delegate commented on the consistency of signage which staff had taken into consideration with the recommendation of this report.

The Active Transportation Advisory Committee is supportive of the current recommendation, including the removal of the wigwags and improvements to signage and safety of the trail. Staff will continue to update and include the Active Transportation Advisory Committee for comments on this project.

Strategic Plan Alignment:

The initiative contained within this report supports the following strategic community pillar(s) of the strategic plan:

- City-Wide Investment in Infrastructure and Recreational/Cultural Spaces
-

Conclusion:

Council approval would enhance and improve the user experience for all Port Colborne residents and visitors accessing the Friendship trail.

If approved and implemented, the crossing standards would enhance the existing safety requirements, wayfinding, and improved esthetics on the Friendship Trail crossings.

Appendices: (If none delete section)

- a. Exhibit A – Proposed Configuration for Standard Trail Crossing
- b. Exhibit B – Proposed Sign Boards (14) & Wayfinding Marker (11) Locations

Respectfully submitted,

Eliza Durant,
Civil Technologist
905-835-2900 Ext. 215
Eliza.Durant@portcolborne.ca

Michelle Idzenga,
Corporate Communications Officer
905-835-2900 Ext. 307
Michelle.idzenga@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.

Exhibit A – Proposed Configuration for Standard Trail Crossing

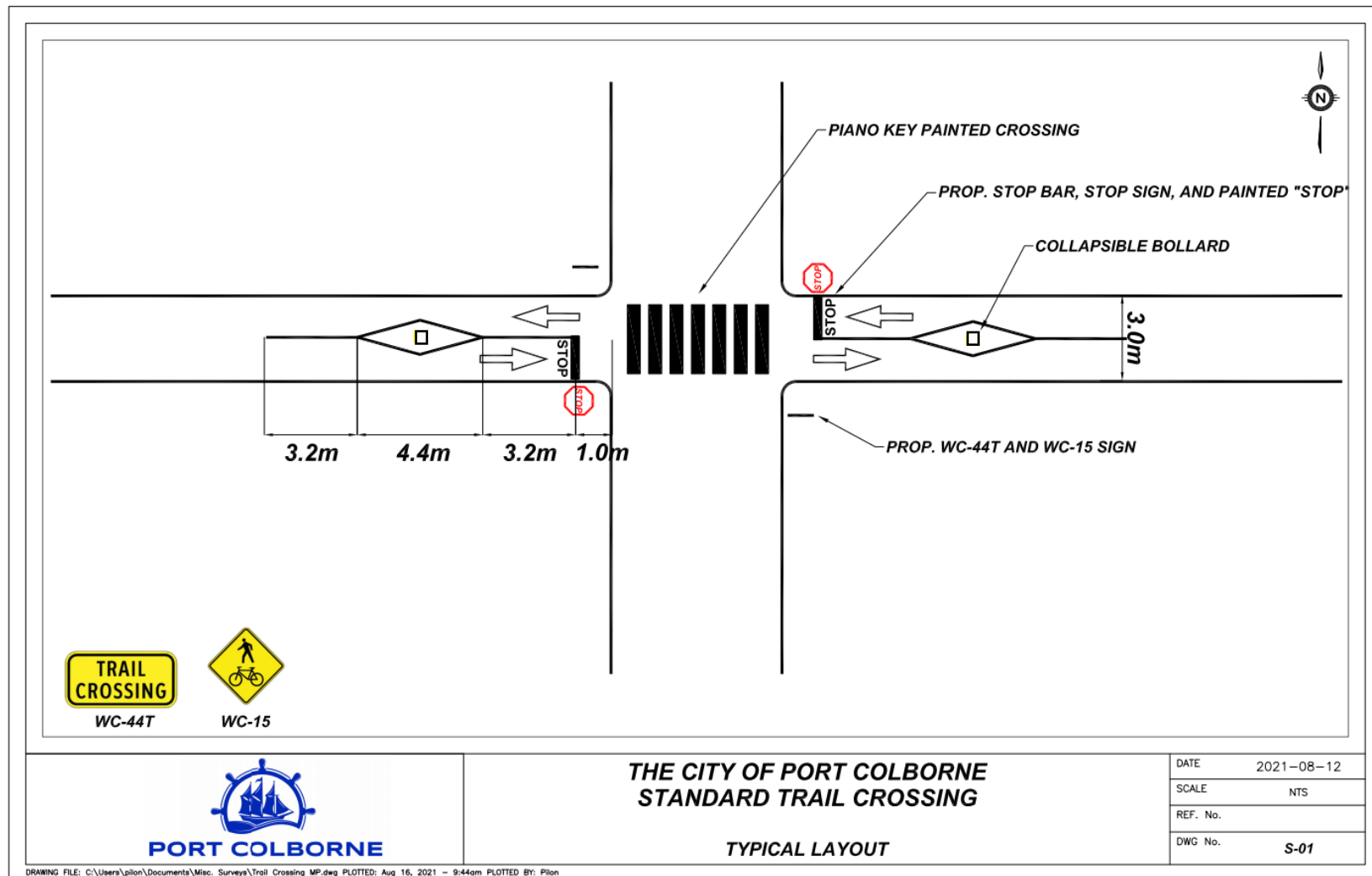
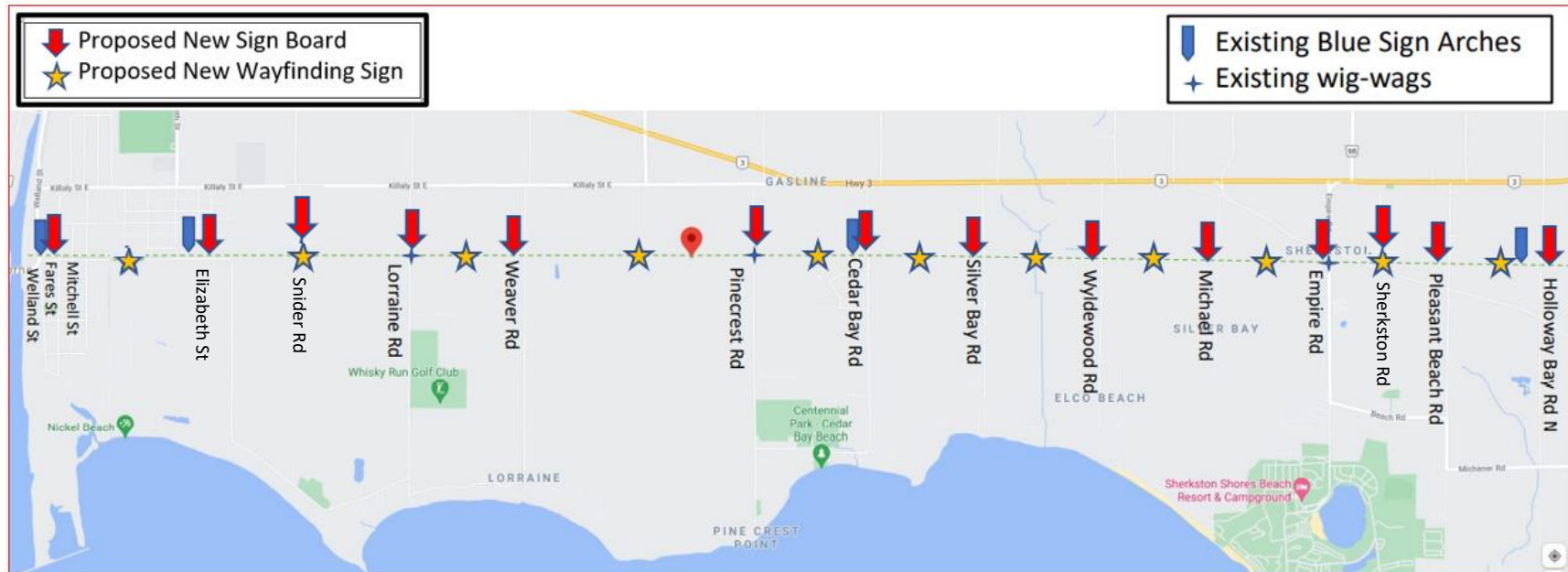


Exhibit B – Proposed Sign Boards (14) & Wayfinding Markers (11)



Subject: Rural Economic Development Program – Transfer Agreement

To: Council

From: Chief Administrative Office

Report Number: 2022-61

Meeting Date: March 22, 2022

Recommendation:

That Chief Administrative Office Report 2022-61 be received; and

That Council approve the Transfer Agreement in Appendix A between The Corporation of the City of Port Colborne and the Ontario Ministry of Agriculture, Food and Rural Affairs for funding from the Rural Economic Development Program; and

That a by-law to enter into the Transfer Agreement with the provincial government be brought forward.

Purpose:

The purpose of this report is to update Council on the outcome of an application to the Rural Economic Development Program and to request approval for an agreement between the City and Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA).

Background:

The Rural Economic Development (RED) Program provides funding for municipalities, not-for-profit organizations, Indigenous communities, and local service boards for projects that remove barriers to investment, open doors to economic development in small and rural communities, help facilitate economic diversification, build community capacity and create jobs. The program has two project streams: Strategic Economic Infrastructure and Economic Diversification and Competitiveness.

Acting on recommendations in the Economic Development Strategic Plan 2018-2028, specifically the goal of refreshing Port Colborne's image as an attractive place to invest,

live, and visit, staff in the Economic Development & Tourism Services Division submitted an application to the Strategic Economic Infrastructure stream of the RED Program on October 1, 2021. This application presented a project called “West Street Renewal Project: Connecting the City’s Waterfront and Downtown” and consolidated several related projects into one. As originally introduced in Report 2021-248, this project is focused on new and updated signage, improved safety and accessibility, streetscaping features, and landscaping amenities.

Discussion:

OMAFRA recently notified staff that the City of Port Colborne will receive \$77,520 for the West Street Renewal Project, which represents the full 30% that the City was eligible to receive. The Niagara Region will also contribute \$15,000 to this project, bringing the total funding amount to \$92,520. Once the funding agreement with OMAFRA is signed and submitted, the City will have until September 2023 to complete its renewal of West Street.

To position the City’s RED application for a successful result, staff worked with a landscape architect on a concept plan that would help OMAFRA representatives visualize what a transformed West Street could look like. This concept plan is a starting point for discussion and will be further refined over the next two months before going to Council and the community for feedback. Staff believe that any future changes to West Street should coincide with the waterfront redevelopment and revitalization plan for the south end of West and King Street.

Internal Consultations:

The Economic Development & Tourism Services Division has consulted and will continue to consult staff in Corporate Services and Public Works.

Financial Implications:

Contributions from OMAFRA and the Niagara Region will provide the City with \$92,520 for its West Street Renewal Project. The total budget for this project is projected to be \$300,000. Some of the remaining 70% (or \$207,520) of the project budget will be drawn from the 2022 Capital Projects Budget. Specifically, the Promenade improvement project 22C-PW-B41 that has a remaining balance of \$250,000. In an effort to lessen the reliance on this budget, staff have identified other government funding programs that may offer financial support.

Public Engagement:

This project will include continued consultations with the Downtown Port Colborne BIA and local businesses on West Street, including those along the West and Princess Street corridor.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillars of the strategic plan:

- Attracting Business Investment and Tourists to Port Colborne
 - City-Wide Investments in Infrastructure and Recreational/Cultural Spaces
-

Conclusion:

\$92,520 in contributions from OMAFRA and the Niagara Region will give the City additional funds to complete its West Street Renewal Project. Staff look forward to bringing back to Council a more detailed concept plan as well as a breakdown on financing this spring.

Appendices:

- a. RED5-09735 – Transfer Agreement
- b. By-law – RED Transfer Agreement

Respectfully submitted,

Bram Cotton
Economic Development Officer
905-835-2900 x.504
Bram.Cotton@portcolborne.ca

Greg Higginbotham
Tourism Coordinator
905-835-2900 x.505
Greg.Higginbotham@portcolborne.ca

Gary Long
Manager of Strategic Initiatives
905-835-2900 x.502
Gary.Long@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.

RURAL ECONOMIC DEVELOPMENT PROGRAM

AGREEMENT BETWEEN:

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO
as represented by the Minister of Agriculture, Food and Rural Affairs

(the "Province")

- and -

CORPORATION OF THE CITY OF PORT COLBORNE

CRA # 106984107

(the "Recipient")

In consideration of the mutual covenants and agreements contained in this agreement (the "Agreement") and for other good and valuable consideration, the receipt and sufficiency of which is expressly acknowledged, the Province and the Recipient (the "Parties") agree as follows:

1.0 ENTIRE AGREEMENT

1.1 This Agreement, including:

Schedule "A" – General Terms and Conditions,
Schedule "B" – Operational Requirements and Additional Provisions,
Schedule "C" – Project Description,
Schedule "D" – Financial Information,
Schedule "E" – Payments and Reports,
And any amending agreement entered into as provided below,

Constitutes the entire agreement between the Parties, with respect to the subject matter contained in this Agreement and supersedes all prior oral or written representation and agreements.

2.0 COUNTERPARTS

2.1 This Agreement may only be executed in any number of counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument.

2.2 Both Parties consent to and agree to accept electronic signatures, (as defined in the *Electronic Commerce Act*, 2000), as binding the Parties to the terms and conditions of this Agreement.

3.0 AMENDING AGREEMENT

3.1 This agreement may only be amended by a written agreement duly executed by the Parties.

4.0 ACKNOWLEDGEMENT

4.1 The Recipient acknowledges and agrees:

- (a) It has read and understands the provisions contained in the entire Agreement;
- (b) It will be bound by the terms and conditions in the entire Agreement;
- (c) By receiving and using the Funds provided under this Agreement that it may become subject to the *BPSAA*, the *PSSDA* and the *AGA*;
- (d) The Funds are:

- (i) To assist the Recipient to carry out the Project and not to provide goods or services to the Province, and
- (ii) Funding for the purposes of the *BPSAA*, the *PSSDA* and the *AGA*;
- (e) The Province is not responsible for managing or carrying out the Project; and
- (f) The Province is bound by the *FIPPA* and that any information provided to the Province in connection with the Project or otherwise in connection with the Agreement may be subject to disclosure in accordance with the *FIPPA* or other applicable Requirements Of Law.

IN WITNESS WHEREOF the Parties have executed this Agreement on the dates set out below.

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO,
as represented by the Minister of Agriculture, Food and Rural Affairs

Name: Alan Crawley
Title: A/ Director, Rural Programs
Branch

Date:

I have the authority to bind the Crown pursuant to delegated authority.

CORPORATION OF THE CITY OF PORT COLBORNE

Name: William Steele
Title: Mayor

Date:

Name: Nicole Rubli
Title: Acting City Clerk

Date:

I have authority to bind the Recipient.

SCHEDULE “A” GENERAL TERMS AND CONDITIONS

ARTICLE 1 INTERPRETATION AND DEFINITIONS

A.1.1 Interpretation. For the purposes of interpreting the Agreement:

- (a) Unless specifically defined otherwise in this Agreement, words in the singular include the plural and vice versa;
- (b) Words in one gender include all genders;
- (c) The headings do not form part of this Agreement; they are for reference purposes only and will not affect the interpretation of the Agreement;
- (d) Any reference to dollars or currency will be in Canadian dollars and currency;
- (e) Any reference to a statute means a statute of the Province of Ontario, unless otherwise indicated;
- (f) Any reference to a statute is to that statute and to the regulations made pursuant to that statute as they may be amended from time to time and to any statute or regulations that may be passed that have the effect of supplanting or superseding that statute or regulation unless a provision of the Agreement provides otherwise; and
- (g) All accounting terms will be interpreted in accordance with the Generally Accepted Accounting Principles and all calculations will be made and all financial data to be submitted will be prepared in accordance with the Generally Accepted Accounting Principles.

A.1.2 Definitions. In the Agreement, the following terms will have the following meaning:

“Additional Terms And Conditions” means the terms and conditions specified in sections A.8.1 and B.2 of this Agreement.

“AGA” means the *Auditor General Act, 1990*

“Agreement” means this contract between the Province and the Recipient,

“Arm’s Length” has the same meaning as set out in the *Income Tax Act* (Canada) as it read on the Effective Date of this Agreement, and as treated or defined under Generally Accepted Accounting Principles.

“BPSAA” means the *Broader Public Sector Accountability Act, 2010*.

“Budget” means the budget attached to section D.2 of this Agreement.

“Business Day” means any working day, Monday to Friday inclusive, excluding statutory holidays of the Province and any other day on which the Province is closed for business.

“Claim Submission Deadline” means the date or dates set out under section E.1 (b) of this Agreement.

“Contract” means an agreement between the Recipient and a third-party whereby the third-party agrees to provide a good or service for the Project in return for financial consideration that may be claimed by the Recipient as an Eligible Cost.

“Cost-Share Funding Percentage” means the percentage the Province will pay toward the Recipient’s Eligible Costs, as set out under section D.1.1 of this Agreement.

“Effective Date” means the date on which this Agreement is effective, as set out under section B.1.1 of this Agreement.

“Eligible Costs” means those costs set out under in the Guidelines and which the Province has approved as eligible for reimbursement under the terms of this Agreement and also includes any additional costs permitted under section D.2 of this Agreement.

“Event of Default” has the meaning ascribed to it in section A.14.1 of this Agreement.

“Expiration Date” means the date on which this Agreement will expire, as set out under section B.1.2 of this Agreement, unless amended or terminated prior to this date in accordance with the terms and conditions of this Agreement.

“FAA” means the *Financial Administration Act*.

“Failure” means a failure to comply with any term, condition, obligation under any other agreement that the Recipient has with Her Majesty the Queen in Right of Ontario or one of Her agencies.

“Final Report” means a final Report on the Project in the form set out in section E.2 (a) of this Agreement.

“FIPPA” means the *Ontario Freedom of Information and Protection of Privacy Act*.

“Funding Year” means:

- (a) In the case of the first Funding Year, the period commencing on the Effective Date and ending on the following March 31, the Expiration Date, or the termination of this Agreement, whichever comes first; and;
- (b) In the case of Funding Years subsequent to the first Funding Year, the period commencing on April 1 following the end of the previous Funding Year and ending on the following March 31, the Expiration Date, or the termination of this Agreement, whichever comes first.

“Funds” means the money the Province provides to the Recipient pursuant to this Agreement.

“Guidelines” means the documents of the Province setting out the criteria governing the operation of the Program, that were made available on the Program website, at the time the Recipient applied for funding from the Program

“Holdback” means the amount set out under section D.1.3 of this Agreement.

“Incurred” in relation to costs, means a cost that a Recipient has become liable for, regardless whether actual payment has occurred.

“Indemnified Parties” means Her Majesty the Queen in Right of Ontario, Her Ministers, agents, appointees and employees.

“Ineligible Costs” means those costs set out in the Guidelines as ineligible for reimbursement by the Province and includes any additional costs identified as ineligible under section D.2.2 of this Agreement.

“Maximum Funds” means the maximum amount of Funds the Province will provide to the Recipient under this Agreement, as set out under section D.1.2 of this Agreement.

“Minister” means the Minister of Agriculture, Food and Rural Affairs or such other Minister who may be designated from time to time as the responsible Minister in relation to the Program in accordance with the *Executive Council Act*, R.S.O. 1990, c. E. 25, as amended.

“MFIPPA” means the *Municipal Freedom of Information and Protection of Privacy Act*.

“Notice” means any communication given or required to be given pursuant to this Agreement.

“Notice Period” means the period of time within which the Recipient is required to remedy an Event of Default, and includes any such period or periods of time by which the Province considers it reasonable to extend that time.

“Parties” means the Province and the Recipient.

“Party” means either the Province or the Recipient, unless the context implies otherwise.

“Program” means the program created by the Province entitled Rural Economic Development Program under *Order-in-Council 201/2011*, as amended.

“Project” means the undertaking described in Schedule “C” of this Agreement.

“Project Approval Date” means the same as the Effective Date, as set out in section B.1.1 of this Agreement.

“Project Completion Date” means the date that the Recipient must complete its Project under this Agreement, as set out in section B.1.3 of Schedule “B” of this Agreement.

“PSSDA” means the *Public Sector Salary Disclosure Act, 1996*.

“Reports” means the reports set out under Schedule “E” of this Agreement.

“Requirements of Law” means all applicable statutes, regulations, by-laws, ordinances, codes, official plans, rules, approvals, permits, licenses, authorizations, orders, decrees, injunctions, directions and agreements with all authorities that now or at any time hereafter may relate to the Recipient, the Project, the Funds and this Agreement. Without limiting the generality of the foregoing, if the Recipient is subject to the *BPSAA*, the *PSSDA* or any other type of broader public sector accountability legislative provisions, those broader public sector accountability legislative provisions are deemed to be a Requirement of Law.

“Term” means the period of time beginning on the Effective Date of this Agreement and ending on the Expiration Date or the termination of this Agreement, whichever is shorter.

“Timelines” means the Project schedule set out in Schedule “B”.

A.1.3 Conflict. Subject to section 8.1 of Schedule “A” of this Agreement, in the event of a conflict between this Schedule “A” of the Agreement and any other Schedule of this Agreement, the terms and conditions set out under this Schedule “A” of the Agreement will prevail.

ARTICLE A.2 REPRESENTATIONS, WARRANTIES AND COVENANTS

A.2.1 General. The Recipient represents, warrants and covenants that:

- (a) It is, and will continue to be for the Term of this Agreement, an eligible applicant as described in the Guidelines with full power to fulfill its obligations under this Agreement;
- (b) It has, and will continue to have for the Term of this Agreement, the experience and expertise necessary to carry out the Project;
- (c) It has the financial resources necessary to carry out the Project and is not indebted to any person(s) to the extent that that indebtedness would undermine the Recipient’s ability to complete the Project by the Project Completion Date;
- (d) It is in compliance with all Requirements of Law and will remain in compliance with all Requirements of Law for the Term related to any aspect of the Project, the Funds or both for the term of this Agreement; and
- (e) Unless otherwise provided for in this Agreement, any information the Recipient provided to the Province in support of its request for Funds, including any information relating to any eligibility requirements, was true and complete at the time the Recipient provided it.

A.2.2 Execution of Agreement. The Recipient represents and warrants that it has:

- (a) The full power and authority to enter into this Agreement; and
- (b) Taken all necessary actions to authorize the execution of this Agreement.

A.2.3 Governance. The Recipient represents, warrants and covenants that it has, and will maintain, in writing, for the term of this Agreement:

- (a) A code of conduct and ethical responsibilities for all persons at all levels of the Recipient's organization;
- (b) Procedures to ensure the ongoing effective functioning of the Recipient;
- (c) Procedures to enable the Recipient to manage the Funds prudently and effectively;
- (d) Procedures to enable the Recipient to successfully complete the Project;
- (e) Procedures to enable the Recipient to, in a timely manner, identify risks to the completion of the Project and develop strategies to address those risks;
- (f) Procedures to enable the preparation and delivery of all Reports required under this Agreement; and
- (g) Procedures to enable the Recipient to deal with such other matters as the Recipient considers necessary to ensure that the Recipient carries out its obligations under this Agreement.

A.2.4 Supporting Documentation. Upon request, and within the time period indicated in the Notice, the Recipient will provide the Province with proof of the matters referred to in this Article 2 of Schedule "A" of this Agreement.

A.2.5 Additional Covenants. The Recipient undertakes to advise the Province within five (5) Business Days of:

- (a) Any changes that affect its representations, warranties and covenants under sections A.2.1, A.2.2 or A.2.3 of this Agreement during the Term of the Agreement;
- (b) Any actions, suits or other proceedings which could or would reasonably prevent the Recipient from complying with the terms and conditions of this Agreement; and
- (c) Any change in ownership or ownership structure.

ARTICLE A.3 FUNDS AND CARRYING OUT THE PROJECT

A.3.1 Funds Provided. The Province will:

- (a) Provide Funds to the Recipient up to the Maximum Funds, based on the Cost-Share Funding Percentage, for the sole purpose of carrying out the Project;
- (b) Provide the Funds to the Recipient in accordance with section D.2 of this Agreement provided that the Recipient makes claims for payment of Funds in accordance with section E.1 of this Agreement;
- (c) Provide funding as long as the total combined amount of provincial and federal assistance for the Eligible Costs actually incurred and paid by the Recipient do not exceed ninety per cent (90%) of those costs; and
- (d) Deposit the Funds into an account designated by the Recipient, provided that account:
 - (i) Resides at a Canadian financial institution, and
 - (ii) Is in the name of the Recipient.

A.3.2 Limitation On Payment Of Funds. Despite section A.3.1 of this Agreement:

- (a) The Province is not obligated to provide any Funds to the Recipient until the Recipient provides the insurance certificate or other proof as the Province may request pursuant to section A.10.2 of this Agreement;
- (b) The Province is not obligated to provide any Funds until it is satisfied with the progress of the Project;
- (c) The Province may adjust the amount of Funds it provides to the Recipient without liability, penalty or costs in any Funding Year based upon the Province's assessment of the information provided by the Recipient pursuant to Article A.6 of this Agreement;
- (d) If, pursuant to the *FAA*, the Province does not receive the necessary appropriation from the Ontario Legislature for payment under this Agreement, the Province is not obligated to make any such payment, and, as a consequence, the Province may:
 - (i) Reduce the amount of Funds and, in consultation with the Recipient, change the Project without liability, penalty or costs; or
 - (ii) Recover Funds already paid to the Recipient; or
 - (iii) Terminate the Agreement pursuant to section A.13.1 of this Agreement;
- (e) The Province shall impose a Holdback on any payment of Funds and will not be obligated to pay that Holdback to the Recipient until after the Province approves the Recipient's Final Report pursuant to Article A.6 of this Agreement; and
- (f) The Province is not obligated to pay interest on the Holdback as described in (e) or any other payments under this Agreement.

A.3.3 Use Of Funds And Project. The Recipient will:

- (a) Carry out the Project in accordance with the terms and conditions of this Agreement;
- (b) Complete the Project by the Project Completion Date;
- (c) Not use the Funds for Ineligible Costs;
- (d) Use the Funds only:
 - (i) For Eligible Costs that are necessary for the purposes of carrying out the Project; and
 - (ii) For those activities set out in section C.3. of this Agreement; and
- (e) Use the Funds only in accordance with the Budget.

A.3.4 Province's Role Limited To Providing Funds. For greater clarity, the Province's role under this Agreement is strictly limited to providing Funds to the Recipient for the purposes of the Project and the Province is not responsible for carrying out the Project. Without limiting the generality of the foregoing, the fact that the Province may conduct reviews and/or audits of the Project as provided for in this Agreement or issues directions, approves changes to the Project or imposes conditions upon an approval in accordance with the terms and conditions of this Agreement will not be construed by the Recipient as the Province having a management, decision-making or advisory role in relation to the Project. The Recipient further agrees that the Recipient will not seek to include the Province as a decision-maker, advisor or manager of the Project through recourse to a third party, court, tribunal or arbitrator.

A.3.5 No Changes. The Recipient will not make any changes to the Project, including to the Budget or timelines, without the prior written consent of the Province.

A.3.6 No Payment of Funds until Eligible Expenses are approved. The Province will provide the Funds to the Recipient for Eligible Costs upon receipt of proof of the expense and according to the Budget only. The Province shall not advance any of the Funds to the Recipient.

A.3.7 No Provincial Payment Of Interest. The Province is not required to pay interest on any Funds under this Agreement. For greater clarity, this includes interest on any Funds that the Province has withheld paying to the Recipient.

A.3.8 Maximum Funds. The Recipient acknowledges and agrees that the Funds available to it pursuant to this Agreement will not exceed the Maximum Funds.

A.3.9 Rebates, Credits And Refunds. The Recipient acknowledges and agrees that the amount of Funds available to it pursuant to this Agreement is based on the actual costs to the Recipient, less any costs, including taxes, for which the Recipient has received, will receive or is eligible to receive, a rebate, credit or refund.

A.3.10 Funding, Not Procurement. The funding the Province is providing under this Agreement is funding for the purposes of the PSSDA.

ARTICLE A.4

RECIPIENT'S ACQUISITION OF GOODS AND SERVICES AND DISPOSAL OF ASSETS

A.4.1 Acquisition. If the Recipient acquires goods or services or both with the Funds, it will:

- (a) Do so through a process that is transparent, fair and promotes the best value for the money expended and at competitive prices that are no greater than fair market value after deducting trade discounts and/or any other discounts available to the Recipient; and
- (b) Comply with any Requirements of Law that may be applicable to how the Recipient acquires any goods or services or both.

A.4.2 Contracts. The Recipient will ensure that all Contracts:

- (a) Are consistent with this Agreement;
- (b) Do not conflict with this Agreement;
- (c) Incorporate the relevant provisions of this Agreement to the fullest extent possible;
- (d) Require that any parties to those Contracts comply with all Requirements of Law; and
- (e) Authorize the Province to perform audits of the parties to those Contracts in relation to the Project as the Province sees fit in connection with Article A.6 of this Agreement .

A.4.3 Disposal. The Recipient:

- (a) Will, where Ontario's contribution to the cost of an asset created or purchased using the Funds, exceeds twenty-five thousand dollars (\$25,000.00) at the time of purchase or creation of the asset, retain ownership of the asset for at least two (2) years from the Expiration Date of this Agreement; unless otherwise provided under this Agreement or directed by the Province in writing; and
- (b) Will not, without the Province's prior written consent, lease or otherwise encumber assets referred to under section A.4.3(a) for at least two (2) years from the Expiration Date of this Agreement unless otherwise provided under this Agreement or as the Province directs in writing.

In the event the Recipient does not comply with section A.4.3 of this Agreement, the Province may recover the Funds provided to the Recipient for the assets referred to under section A.4.3.

ARTICLE A.5 CONFLICT OF INTEREST

- A.5.1 *No Conflict Of Interest.*** The Recipient will carry out the Project and use the Funds without an actual, potential or perceived conflict of interest.
- A.5.2 *Conflict Of Interest Includes.*** For the purposes of this Article, a conflict of interest includes any circumstances where:
- (a) The Recipient; or
 - (b) Any person who has the capacity to influence the Recipient's decisions, has outside commitments, relationships or financial interests that could, or could be seen to, interfere with the Recipient's objective, unbiased and impartial judgment relating to the Project, the use of the Funds or both.
- A.5.3 *Disclosure To The Province:*** The Recipient will:
- (a) Disclose to the Province, without delay, any situation that a reasonable person would interpret as an actual, potential or perceived conflict of interest; and
 - (b) Comply with any terms and conditions that the Province may impose as a result of the disclosure.

ARTICLE A.6 REPORTING, ACCOUNTING AND REVIEW

- A.6.1 *Preparation And Submission.*** The Recipient will:
- (a) Provide any information that is requested by the Province as the Province directs and within the timeline set out in the direction;
 - (b) Submit to the Province (at the address referred to in section B.1.5 of this Agreement) all Reports in accordance with the timelines and content requirements set out in Schedule "E", or in a form as specified by the Province from time to time and ensure that all reports are:
 - (i) Completed to the satisfaction of the Province; and
 - (ii) Signed on behalf of the Recipient by an authorized signing officer and that the accompanying attestation has been completed.
- A.6.2 *Records Maintenance.*** The Recipient will keep and maintain:
- (a) All financial records, including invoices, relating to the Funds or otherwise to the Project in a manner consistent with generally acceptable accounting principles; and
 - (b) All non-financial documents and records relating to the Funds or otherwise to the Project.
- A.6.3 *Inspection.*** The Province, its authorized representatives or an independent auditor identified by the Province may, at their own expense, upon twenty-four (24) hours' Notice to the Recipient during normal business hours, enter upon the Recipient's premises to review the progress of the Project and the Recipient's allocation and expenditure of the Funds and, for these purposes, the Province, its authorized representatives or an independent auditor identified by the Province may take one or more of the following actions:
- (a) Inspect and copy the records and documents referred to in section A.6.2 of this Agreement;
 - (b) Remove any copies made pursuant to section A.6.3(a) of this Agreement from the Recipient's premises; and
 - (c) Conduct an audit or investigation of the Recipient in respect of the expenditure of the Funds, the Project or both.

A.6.4 Disclosure. To assist in respect of the rights set out under section A.6.3 of Schedule “A” of this Agreement, the Recipient will disclose any information requested by the Province, its authorized representatives or an independent auditor identified by the Province and will do so in the form requested by the Province, its authorized representatives or an independent auditor identified by the Province, as the case may be.

A.6.5 No Control Of Records. No provision of this Agreement will be construed so as to give the Province any control whatsoever over the Recipient’s records.

A.6.6 Auditor General. For greater certainty, the Province’s rights to audit under this Article 6 of the Agreement are in addition to any rights provided to the Auditor General.

ARTICLE A.7 COMMUNICATIONS

A.7.1 Acknowledgement And Support. Unless otherwise directed by the Province, the Recipient will:

- (a) acknowledge the support of the Province in the form and manner set out under section B.1.6 of this Agreement.
- (b) The Recipient will indicate, in all of its Project-related publications – whether written, oral or visual – that the views expressed in the publication are the views of the Recipient and do not necessarily reflect those of the Province.

A.7.2 Publication By The Province. The Recipient agrees that the Province may, in addition to any obligations the Province may have under FIPPA, publicly release information under this Agreement, including the Agreement itself, in hard copy or in electronic form, on the internet or otherwise.

ARTICLE A.8 ADDITIONAL TERMS AND CONDITIONS

A.8.1 Additional Terms And Conditions. The Recipient will comply with any Additional Terms and Conditions set out under section B.2 of this Agreement. In the event of a conflict or inconsistency between any of the requirements of the Additional Terms and Conditions and any requirements of this Schedule “A” of the Agreement, the Additional Terms and Conditions will prevail.

ARTICLE A.9 INDEMNITY

A.9.1 Indemnification. The Recipient hereby agrees to indemnify and hold harmless the Indemnified Parties from and against any and all direct or indirect liability, loss, costs, damages and expenses (including legal, expert and consultant fees), causes of action, actions, claims, demands, lawsuits or other proceedings, by whomever made, sustained, incurred, brought or prosecuted, in any way arising out of or in connection with the Project or otherwise in connection with this Agreement, unless solely caused by the gross negligence or willful misconduct of the Province.

A.9.2 Recipient’s Participation. The Recipient will, at its expense, to the extent requested by the Province, participate in or conduct the defence of any proceeding against any Indemnified Parties and any negotiations for their settlement.

- A.9.3 Province's Election.** The Province may elect to participate in or conduct the defence of any proceeding by providing Notice to the Recipient of such election without prejudice to any other rights or remedies of the Province under this Agreement, at law or in equity. Each Party participating in the defence will do so by actively participating with the other's counsel.
- A.9.4 Settlement Authority.** The Recipient will not enter into a settlement of any proceeding against any Indemnified Parties unless the Recipient has obtained the prior written approval of the Province. If the Recipient is requested by the Province to participate in or conduct the defence of any proceeding, the Province, as the case may be, will co-operate with and assist the Recipient to the fullest extent possible in the proceeding and any related settlement negotiations.
- A.9.5 Recipient's Co-operation.** If the Province conducts the defence of any proceedings, the Recipient will co-operate with and assist the Province, as the case may be, to the fullest extent possible in the proceedings and any related settlement negotiations.

ARTICLE A.10 INSURANCE

- A.10.1 Recipient's Insurance.** The Recipient represents and warrants that it has, and will maintain for the Term of this Agreement, at its own cost and expense, with insurers having a secure A.M. Best rating of B+ or greater, or the equivalent, all necessary and appropriate insurance that a prudent person carrying out a project similar to the Project would maintain, including commercial general liability insurance on an occurrence basis for third party bodily injury, personal injury and property damage, to an inclusive limit of not less than two million dollars (\$2,000,000.00) per occurrence. The policy will include the following:
- (a) A cross-liability clause;
 - (b) Contractual liability coverage;
 - (c) A thirty (30) day written notice of cancellation or termination provision.
- A.10.2 Proof Of Insurance.** The Recipient will:
- (a) Upon request of the Province provide the Province with either:
 - (i) Certificates of insurance that confirm the insurance coverage required under section A10.1 of this Schedule "A" is in place within the time limit set out in the request, or
 - (ii) Other proof that confirms the insurance coverage required under section A10.1 of this Schedule "A" is in place within the time limit set out in that request; and
 - (b) In the event that:
 - (i) A claim is made against the Province in relation to this Agreement, and
 - (ii) The insurer does not agree to defend and indemnify the Province in relation to that claim, make available to the Province, upon request and within the time limit set out in that request, a copy of each insurance policy the Recipient is required to have under section A.10.1 of this Agreement.

ARTICLE A.11 TERMINATION ON NOTICE

- A.11.1 Termination On Notice.** The Province may terminate the Agreement at any time without liability, penalty or costs upon giving at least thirty (30) days' Notice to the Recipient.

A.11.2 Consequences Of Termination On Notice By The Province. If the Province terminates this Agreement pursuant to section A.11.1 of this Agreement, the Province may take one or more of the following actions:

- (a) Direct that the Recipient does not incur any costs for the Project that are Eligible Costs under this Agreement without the Province's prior written consent;
- (b) Cancel any further payments of the Funds;
- (c) Demand the repayment of any Funds remaining in the possession or under the control of the Recipient; and
- (d) Determine the reasonable costs for the Recipient to wind down the Project, and do either or both of the following:
 - (i) Permit the Recipient to offset such costs against the amount owing pursuant to section A.12.2(b) of this Agreement; and
 - (ii) Subject to section A.3.8 of this Agreement, provide Funds to the Recipient to cover such costs.

ARTICLE A.12 TERMINATION WHERE NO APPROPRIATION

A.12.1 Termination Where No Appropriation. If, as provided for in sections A.3.2(d) of this Agreement, the Province does not receive the necessary appropriation from the Ontario Legislature for any payment the Province is to make pursuant to this Agreement, the Province may terminate the Agreement immediately without liability, penalty or costs by giving Notice to the Recipient.

A.12.2 Consequences Of Termination Where No Appropriation. If the Province terminates this Agreement pursuant to section A.12.1 of this Agreement, the Province may take one or more of the following actions:

- (a) Cancel any further payments of the Funds;
- (b) Demand the repayment of any Funds remaining in the possession or under the control of the Recipient; and
- (c) Determine the reasonable costs for the Recipient to wind down the Project and permit the Recipient to offset such costs against the amount owing pursuant to section A.12.2(b) of this Agreement.

A.12.3 No Additional Funds. For greater clarity, if the costs determined pursuant to section A.12.2(c) of this Agreement exceed the Funds remaining in the possession or under the control of the Recipient, the Province will not provide additional Funds to the Recipient.

ARTICLE A.13 EVENT OF DEFAULT, CORRECTIVE ACTION AND TERMINATION FOR DEFAULT

A.13.1 Events Of Default. Each of the following events will constitute an Event of Default:

- (a) In the opinion of the Province, the Recipient breaches any representation, warranty, covenant or other term of the Agreement, including failing to do any of the following in accordance with the terms and conditions of this Agreement:
 - (i) Carry out the Project;

- (ii) Use or spend the Funds;
 - (iii) Provide, in accordance with section A.6.1, Reports or any such other reports as may have been requested pursuant to section A.6.1(b), under this Agreement; or
 - (iv) The Recipient fails to follow any directions that the Province provides under this Agreement.
- (b) The Recipient's operations, or its organizational structure, changes such that it no longer meets one or more of the eligibility requirements of the Program under which the Province provides the Funds;
 - (c) The Recipient makes an assignment, proposal, compromise, or arrangement for the benefit of creditors, or a creditor makes an application or an order adjudging the Recipient bankrupt, or applies for the appointment of a receiver; or
 - (d) The Recipient ceases to operate.

A.13.2 Consequences Of Events Of Default And Corrective Action. If an Event of Default occurs, the Province may, at any time, take one or more of the following actions:

- (a) Initiate any action the Province considers necessary in order to facilitate the successful continuation or completion of the Project;
- (b) Provide the Recipient with an opportunity to remedy the Event of Default;
- (c) Suspend the payment of Funds for such a period as the Province determines appropriate;
- (d) Reduce the amount of Funds by an amount the Province determines is appropriate, acting reasonably;
- (e) Cancel any further payments of the Funds;
- (f) Demand the repayment of any Funds remaining in the possession or under the control of the Recipient;
- (g) Demand the repayment of an amount equal to any Funds the Recipient used, but did not use in accordance with the terms and conditions of this Agreement;
- (h) Demand the repayment of an amount equal to any Funds the Province provided to the Recipient, even though the Project is partially completed; and
- (i) Terminate this Agreement at any time, including immediately, without liability, penalty or costs to the Province upon giving Notice to the Recipient.

A.13.3 Opportunity To Remedy. If, in accordance with section A.13.2(b) of this Agreement, the Province provides the Recipient with an opportunity to remedy the Event of Default, the Province will provide Notice to the Recipient of:

- (a) The particulars of the Event of Default; and
- (b) The Notice Period.

A.13.4 Recipient Not Remediating. If the Province has provided the Recipient with an opportunity to remedy the Event of Default pursuant to section A.13.2(b) of this Agreement, and;

- (a) The Recipient does not remedy the Event of Default within the Notice Period;
- (b) It becomes apparent to the Province that the Recipient cannot completely remedy the Event of Default within the Notice Period; or
- (c) The Recipient is not proceeding to remedy the Event of Default in a way that is satisfactory to the Province;

the Province may extend the Notice Period or initiate any one or more of the actions provided for in sections A.13.2(a), (c), (d), (e), (f), (g), (h) and (i) of this Agreement.

A.13.5 When Termination Effective. Termination under Article A.13 of this Agreement will take effect as set out in the Notice.

ARTICLE A.14 LIMITED TERMINATION OF AGREEMENT

A.14.1 Limited Termination Of Agreement. Without limiting the Province's rights under this Agreement, if the Province exercises its right of termination pursuant to Articles A.11, A.12 or A.13 of this Agreement, the Province may limit such termination to one or more activities set out under Article C.3 of this Agreement without terminating this Agreement as a whole.

A.14.2 Impact Of Limited Termination Of The Agreement. If the Province exercises its right under section A.14.1 of this Agreement, the Province will adjust the Funds being provided under this Agreement to account for the limited termination and the remainder of the Agreement not terminated will remain in effect.

ARTICLE A.15 FUNDS AT THE END OF A FUNDING YEAR

A.15.1 Funds At The End Of A Funding Year. Without limiting any rights of the Province under Article A.13 of this Agreement, if the Recipient has not spent all of the Funds allocated for the Funding Year as provided for in the Budget, the Province may, at its sole and absolute discretion, adjust the amount of any further payments of Funds accordingly.

ARTICLE A.16 REPAYMENT

A.16.1 Repayment Of Overpayment. If at any time during the Term of this Agreement the Province provides Funds in excess of the amount to which the Recipient is eligible to receive under this Agreement, the Province may:

- (a) Deduct an amount equal to the excess Funds from any further payments of the Funds; or
- (b) Demand that the Recipient pay an amount equal to the excess Funds to the Province.

A.16.2 Interest Rate. The Province may charge the Recipient interest on any money owing by the Recipient at the then current interest rate charged by the Province of Ontario on accounts receivable.

A.16.3 Payment Of Money To Province. The Recipient will pay any money owing to the Province by cheque payable to the "Ontario Minister of Finance" and delivered to the Province at the address referred to in section 18.1 of Schedule "A" of this Agreement.

A.16.4 Repayment. Without limiting the application of section 43 of the *FAA*, if the Recipient fails to repay any amount owing under this Agreement, Her Majesty the Queen in Right of Ontario may deduct any unpaid amount from any money payable to the Recipient by Her Majesty the Queen in Right of Ontario.

A.16.5 Funds Are Part Of A Social Or Economic Program. The Recipient acknowledges and agrees that any Funds provided under this Agreement are for the administration of social or economic programs or the provision of direct or indirect support to members of the public in connection with social or economic policy.

ARTICLE A.17 NOTICE

A.17.1 Notice In Writing And Addressed. Notice will be in writing and will be delivered by email, postage-paid mail, personal delivery or fax and will be addressed to the Province and the Recipient respectively as set out in section B.1.7 of this Agreement or as either Party later designates to the other by Notice.

A.17.2 Notice Given. Notice will be deemed to have been given:

- (a) In the case of postage-paid mail, five (5) Business Days after the Notice is mailed; or
- (b) In the case of email, personal delivery or fax, one (1) Business Day after the Notice is delivered.

A.17.3 Postal Disruption. Despite section A.17.2(a) of this Agreement, in the event of a postal disruption,

- (a) Notice by postage-prepaid mail will not be deemed to be received; and
- (b) The Party giving Notice will provide Notice by email, personal delivery or fax.

ARTICLE A.18 CONSENT BY PROVINCE AND COMPLIANCE BY RECIPIENT

A.18.1 Consent. When the Province provides its consent pursuant to this Agreement, that consent will not be considered valid unless that consent is in writing and the person providing that consent indicates in the consent that that person has the specific authority to provide that consent. The Province may also impose any terms and conditions on such consent and the Recipient will comply with such terms and conditions.

ARTICLE A.19 SEVERABILITY OF PROVISIONS

A.19.1 Invalidity Or Unenforceability Of Any Provision. The invalidity or unenforceability of any provision in this Agreement will not affect the validity or enforceability of any other provision of this Agreement. Any invalid or unenforceable provision will be deemed to be severed.

ARTICLE A.20 WAIVER

A.20.1 Waivers In Writing. If a Party fails to comply with any term or condition of this Agreement that Party may only rely on a waiver of the other Party if the other Party has provided a written waiver in accordance with the Notice provisions in Article A.17 of this Agreement. Any waiver must refer to a specific failure to comply and will not have the effect of waiving any subsequent failures to comply. For greater clarity, where the Province chooses to waive a term or condition of this Agreement, such waiver will only be binding if provided by a person who indicates in writing that he or she has the specific authority to provide such a waiver.

ARTICLE A.21 INDEPENDENT PARTIES

A.21.1 *Parties Independent.* The Recipient acknowledges and agrees that it is not an agent, joint venturer, partner or employee of the Province and the Recipient will not represent itself in any way that might be taken by a reasonable person to suggest that it is or take any actions that could establish or imply such a relationship.

ARTICLE A.22 ASSIGNMENT OF AGREEMENT OR FUNDS

A.22.1 *No Assignment.* The Recipient will not, without the prior written consent of the Province, assign any of its rights or obligations under this Agreement.

A.22.2 *Agreement Binding.* All rights and obligations contained in this Agreement will extend to and be binding on the Parties' respective heirs, executors, administrators, successors and permitted assigns.

ARTICLE A.23 GOVERNING LAW

A.23.1 *Governing Law.* This Agreement and the rights, obligations and relations of the Parties will be governed by and construed in accordance with the laws of the Province of Ontario and the applicable federal laws of Canada. Any actions or proceedings arising in connection with this Agreement will be conducted in the Courts of Ontario, which will have exclusive jurisdiction over such proceedings.

ARTICLE A.24 FURTHER ASSURANCES

A.24.1 *Agreement Into Effect.* The Recipient will provide such further assurances as the Province may request from time to time with respect to any matter to which the Agreement pertains and will otherwise do or cause to be done all acts or things necessary to implement and carry into effect the terms and conditions of this Agreement to their full extent.

ARTICLE A.25 JOINT AND SEVERAL LIABILITY

A.25.1 *Joint And Several Liability.* Where the Recipient comprises more than one entity, all such entities will be jointly and severally liable to the Province for the fulfillment of the obligations of the Recipient under this Agreement.

ARTICLE A.26 RIGHTS AND REMEDIES CUMULATIVE

A.26.1 *Rights And Remedies Cumulative.* The rights and remedies of the Province under this Agreement are cumulative and are in addition to, and not in substitution of, any of its rights and remedies provided by law or in equity.

ARTICLE A.27 JOINT AUTHORSHIP

A.27.1 Joint Authorship Of Agreement. The Parties will be considered joint authors of this Agreement and no provision herein will be interpreted against one Party by the other Party because of authorship. No Party will seek to avoid a provision herein because of its authorship through recourse to a third party, court, tribunal or arbitrator.

ARTICLE A.28 FAILURE TO COMPLY WITH OTHER AGREEMENT

A.28.1 Other Agreements. If the Recipient:

- (a) Has committed a Failure;
- (b) Has been provided with notice of such Failure in accordance with the requirements of such other agreement;
- (c) Has, if applicable, failed to rectify such Failure in accordance with the requirements of such other agreement; and
- (d) Such Failure is continuing,

the Province may suspend the payment of Funds under this Agreement without liability, penalty or costs for such period as the Province determines appropriate.

ARTICLE A.29 SURVIVAL

A.29.1 Survival. The provisions of this Agreement that by their nature survive the expiration or early termination of this Agreement will so survive for a period of seven (7) years from the date of expiry or termination. Without limiting the generality of the foregoing, the following Articles and sections, and all applicable cross-referenced sections and schedules will continue in full force and effect for a period of seven (7) years from the date of expiry or termination: Articles A.1 and any other applicable definitions, A.9, A.16, A.17, A.19, A.20, A.23, A.24, A.26, A.27, and A.28 as well as sections A.3.2, A.3.4, A.3.8, A.3.9, A.6.1 (to the extent that the Recipient has not provided the Reports to the satisfaction of the Province), A.6.2, A.6.3, A.6.4, A.6.5, A.6.6, A.11.2, A.12.2, A.13.1, A.13.2, A.13.4 of this Agreement and any cross-referenced Schedules therein as well as any other provision in this Agreement that specifically sets out it will survive the expiration or early termination of this Agreement. Despite the above, section A.4.3 of this Agreement shall survive for a period of two (2) years from the date of expiry or termination of this Agreement.

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SCHEDULE “B” OPERATIONAL REQUIREMENTS AND ADDITIONAL TERMS AND CONDITIONS

ARTICLE B.1 OPERATIONAL REQUIREMENTS

B.1.1 Effective Date. The Effective Date of this Agreement is: **January 17, 2022**

B.1.2 Expiration Date. The Expiration Date of this Agreement is: **September 15, 2024**

B.1.3 Project Completion Date. The Project Completion Date is: **September 15, 2023**

The Project Completion Date may be extended at the request of the Recipient by up to 6 months, provided that:

- (a) The proposed extended date is at least 6 months prior to the Expiration Date
- (b) The request is made in writing to the address in section B.1.6 of this Agreement; and
- (c) The request is approved by the Province in writing.

Extensions of the Project Completion Date not being at least 6 months prior to the Expiration Date will require a written amendment to this Agreement duly executed by the Parties.

B.1.4 Submission Of Publications For Approval And Reports. All Reports and Project-related publications under this Agreement shall be submitted to:

Name: Ontario Ministry of Agriculture, Food and Rural Affairs

Address: Rural Programs Branch
4th Floor NW, 1 Stone Road West
Guelph, Ontario N1G 4Y2

Attention: Administrative Service Representative, Agriculture and Rural Programs Unit

Email: RED@ontario.ca

or any other person identified by the Province in writing.

B.1.5 Recognition Of Provincial Support: In addition to the requirements under section A.7.1 of this Agreement, the Recipient will acknowledge the Province’s support for the Project in the following manner: “The project is funded in part by the Ontario Ministry of Agriculture, Food and Rural Affairs”.

B.1.6 Providing Notice. All Notices under this Agreement shall be provided to:

	The Province:	The Recipient:
Name:	Ontario Ministry of Agriculture, Food and Rural Affairs	Corporation of the City of Port Colborne
Address:	Rural Programs Branch 4th Floor NW, 1 Stone Road West Guelph, Ontario N1G 4Y2	66 Charlotte Street Port Colborne, Ontario L3K 3C8
Attention:	Director, Rural Programs Branch	Bram Cotton, Economic Development Officer
Email:	RED@ontario.ca	bram.cotton@portcolborne.ca

or any other person identified by the Parties in writing through a Notice.

ARTICLE B.2 ADDITIONAL TERMS AND CONDITIONS

B.2.1 Notice Of Recipient's Insolvency. The Recipient will:

- (a) Provide the Province with Notice at least five (5) Business Days prior to making an assignment, proposal, compromise or arrangement for the benefit of its creditors and will not incur any additional costs for the Project under this Agreement without the Province's prior written consent from the date the Notice is sent to the Province; and
- (b) Provide the Province with Notice within five (5) Business Days of a creditor providing the Recipient with a notice of an intent to enforce security or applying for an order adjudging the Recipient bankrupt or the appointment of a receiver, and will not incur any additional costs under this Agreement without the prior approval of the Province from the date that the Recipient received notice of the creditor's action.

B.2.2 Special Circumstances The Parties recognize and acknowledge, that at the time of entering into this Agreement; due to restrictions under the Emergency Management and Civil Protection Act, R.S.O. 1990, and its regulations, put in place in response to an ongoing pandemic known as the CoVID19 pandemic; there were and continue to be limitations on the activities permitted under law (the "Limitations").

B.2.2.1 Notice of Special Circumstances Should the Limitations, defined in section B.2.2 of this Agreement, result in a delay in completing the Project or Reports; the Recipient shall immediately notify the Province in writing. The notification from the Recipient should include:

- (i) The specific reasons for the delay;
- (ii) The nature of the delay; and
- (iii) What the Recipient has done and plans to do to mitigate the delay.

B.2.2.2 Response to Notice of Special Circumstances Upon receiving a Notice of Special Circumstances (as described in section B.2.2.1 of this Agreement) from the Recipient; the Province will, acting reasonably and in a timely manner, take the following steps;

- (i) Review the notification provided by the Recipient to determine what possible action(s), if any, could be taken to advance the successful completion of the Project;
- (ii) Provide the Recipient with Notice of the Province's determination of what actions will be taken in response to the Notice of Special Circumstances provided by the Recipient, (including any actions the Recipient will be required to take to address the Special Circumstances); and
- (iii) Prepare any amendments to the Agreement which the Province determines at its sole and absolute discretion, are needed.

[REST OF PAGE INTENTIONALLY LEFT BLANK - SCHEDULE "C" FOLLOWS]

SCHEDULE “C” PROJECT DESCRIPTION

C.1 PROJECT NAME

West Street Renewal Project: Connecting the City's Waterfront and Downtown

C.2 PROJECT STREAM

Strategic Economic Infrastructure Stream

C.3 PROJECT OBJECTIVE

The City of Port Colborne will make streetscaping and landscaping enhancements to its waterfront.

PROJECT ACTIVITIES ELIGIBLE FOR FUNDING INCLUDE
West Street Lighting
Promenade Lighting
Wayfinding Signage
Interpretive Signage
Waterfront Streetscaping
Waterfront Landscaping

All activities identified above will be completed by the Project Completion Date identified under section B.1.3 of this Agreement.

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SCHEDULE "D"

PROJECT FINANCIAL INFORMATION

ARTICLE D.1 FUNDING INFORMATION

- D.1.1 Cost-Share Funding Percentage.** The Cost-Share Funding Percentage is thirty per cent (30.00%) of incurred paid Eligible Costs up to the Maximum Funds.
[Note that for payment purposes the percentage is calculated to 10 decimal places and is based on the Maximum Funds against the Project's Total Eligible Costs.]
- D.1.2 "Maximum Funds".** The Maximum Funds the Recipient is eligible to receive from the Province under this Agreement is \$77,520.00
- D.1.3 Holdback.** The Holdback will be up to ten per cent (10%) of Maximum Funds from the final payment of Funds made under this Agreement.

ARTICLE D.2 COSTS

- D.2.1 Eligible Costs.** Eligible Costs are those costs or percentage of a cost defined as Eligible Costs in the Guidelines and are limited to costs which the Province has determined, at its sole and absolute discretion, to be costs properly and reasonably incurred, paid or reimbursed by the Recipient, and are necessary for the successful completion of the Project.

For greater clarity, Eligible Costs are those costs that are:

- (a) Incurred by the Recipient in the Province of Ontario on or after the Effective Date and on or before the Project Completion Date;
- (b) Paid by the Recipient to an Arm's Length third party;
- (c) Consistent with the applicable list of Eligible Costs set out in the Guidelines from time to time;
- (d) If related to travel or meals, are consistent with the requirements for travel and meal costs set out in section D.3.1 of this Agreement; and
- (e) In the Province's sole and absolute discretion, directly attributable and necessary for the successful completion of the Project and properly and reasonably incurred, paid or reimbursed by the Recipient.

When purchasing goods or services for the Project, Recipients must follow a process that is transparent and fair, that promotes the best value for the money expended and is at competitive prices that are no greater than the fair market value, including when retaining consultants and contractors.

- D.2.2 Incurring Eligible Costs.** The Recipient will incur Eligible Costs as described in section D.2.1 and in accordance with the following Project Budget chart and no later than by the Project Completion Date:

BUDGET OF PROVINCIAL CONTRIBUTION					
FUNDING YEAR	QUARTER 1 (APR. – JUN.)	QUARTER 2 (JUL. – SEP.)	QUARTER 3 (OCT. – DEC.)	QUARTER 4 (JAN. – MAR.)	FUNDING YEAR TOTAL
The lesser of 30.00% of Eligible Costs, up to the maximum listed below:					
2022-23	\$8,870.40	\$7,584.00	\$24,000.00	\$0.00	\$40,454.40
2023-24	\$31,950.00	\$5,115.60	\$0.00	\$0.00	\$37,065.60
2024-25	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
MAXIMUM PROVINCIAL FUNDS FOR THE PROJECT					\$77,520.00

D.2.3 **Ineligible Costs.** Ineligible Costs are any costs that do not meet the requirements for Eligible Costs in section D.2.1 of this Agreement or were not approved by the Province in writing before the Recipient incurred the costs. Ineligible Costs include but are not limited to:

- (a) Any cost incurred prior to the Effective Date or after the Project Completion Date;
- (b) Any cost that will be funded or reimbursed through any other agreement with any third party other than other ministries, agencies and organizations of the Government of Ontario.
- (c) Any cost associated with providing any Reports to the Province pursuant to Schedule “E” or other information required by the Province; and
- (d) Any cost associated with lobbying the Province, including other Ministries, agencies and organizations of the Government of Ontario;

ARTICLE D.3 TRAVEL AND MEAL COSTS

D.3.1 In order to be considered Eligible Costs, travel and meal costs must be:

- (a) Identified in section C.3 of this agreement
- (b) Incurred only by persons who were hired to work 100 per cent of their time on the Project and whose position is reimbursed by the Funds;
- (c) Aligned with the most current Travel, Meal and Hospitality Expenses Directive (a copy will be provided upon request).

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SCHEDULE “E” PAYMENTS AND REPORTS

E.1 Claim Submission Requirements. The Recipient shall submit claims electronically using the Province’s claims portal. Instructions on receiving access to the portal will be provided to the Recipient by the Province at the time of approval. Claims shall be provided as set out in the table below. Claims are not considered delivered until reviewed and approved by the Province.

Name of Claim		Due Date
(a)	Progress Update and Claim Statement	A minimum of one claim must be submitted prior to the final claim, unless waived at the sole and absolute direction of the Province.
(b)	Final claim	The final claim is to be completed and submitted to the Province within three (3) months of the Project Completion Date.

E.2 Reporting Requirements. Reports shall be provided as set out in the table below. Reports are not considered delivered until reviewed and approved by the Province.

Name of Report		Due Date
1.	Final Report	The Final Report is to be completed and submitted to the Province on or before: Project Completion + 4 months A copy of the Final Report Template will be provided to you upon request.
2.	Other Reports Any other Report regarding the Project or evidence of project completion that the Province requests.	As directed by the Province.

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The Corporation of the City of Port Colborne

By-law No. _____

Being a By-law to Authorize Entering into an Agreement with Rural Economic
Development Program

Whereas at its meeting of March 22, 2022, the Council of The Corporation of the City of Port Colborne (Council) approved the recommendations of CAO Report No. 2022-61, Subject: Rural Economic Development Program – Transfer Agreement; and

Whereas Council is desirous of entering into a Transfer Agreement with the provincial government hereby represented by the Minister of Agriculture, Food and Rural Affairs; and

Whereas the *Municipal Act*, 2001 S.O. 2001, c.25, as amended, confers broad authority on municipalities to enter into such agreements;

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

1. That The Corporation of the City of Port Colborne enters into a Transfer Agreement with Rural Economic Development Program hereby represented by the Minister of Agriculture, Food and Rural Affairs for funding for streetscaping and landscaping enhancements to West Street and improving connections between the City’s downtown and its waterfront.
2. That the Mayor and the Clerk be and they are hereby authorized and directed to sign the said agreement, attached hereto as Schedule “A”, together with any documents necessary to complete the conditions of the said agreement or any other phase for the Minister of Agriculture, Food and Rural Affairs, and the City Clerk is hereby authorized to affix the Corporate Seal thereto.

Enacted and passed this 22nd day of March, 2022.

William C. Steele
Mayor

Nicole Rubli
Acting City Clerk

Subject: Port Colborne Distribution System - 2021 Annual Summary Report

To: Council

From: Public Works Department

Report Number: 2022-60

Meeting Date: March 22, 2022

Recommendation:

That Public Works Department Report 2022-60, prepared in accordance with the requirements of Ontario Regulation (O. Reg.) 170/03 under the *Safe Drinking Water Act*, 2002, be received for information.

Purpose:

The Ministry of the Environment, Conservation and Parks (MECP) requires that an annual status summary report on the performance of the City's Drinking Water System be prepared and provided to Council in accordance with the regulatory requirements of Schedule 22 and Section 11 of Ontario Regulation (O. Reg.) 170/03 under the *Safe Drinking Water Act*, 2002.

This report also provides Council with a summary of the 2021 Management Review, which is required under Element 20 of the Drinking Water Quality Management Standard (DWQMS) and summarizes the results of the 2021 MECP Inspection.

Background:

The Statutory Standard of Care provisions of the *Safe Drinking Water Act*, 2002 (SDWA) make individuals with oversight responsibilities for municipal drinking water systems legally responsible for decisions made regarding the system. The intent of this Standard of Care is to ensure that owner representatives (Council) and various levels of decision makers of the municipal drinking water systems are acting diligently and making informed decisions when required. These decisions can impact the quality and safety of the municipal drinking water provided to all customers.

In part, Section 19(1) requires “every person who oversees the accredited operating authority and every person who exercises decision making authority over the system” to:

- (a) exercise the level of care, diligence and skill... that a reasonably prudent person would be expected to exercise in a similar situation; and
- (b) act honestly, competently and with integrity, with a view to ensuring the protection and safety of the users of the municipal drinking water system

It is important to note that “Failure to comply with section 19 of the SDWA is an offence and could result in the prosecution of an individual, corporation, or both”. This report not only meets the regulated reporting requirements, but also ensures Council is informed and helps meet Standard of Care responsibilities. This Report is the primary method, Senior Management and Council demonstrate due diligence in providing oversight of the municipal drinking water systems and meeting their Standard of Care legal requirement.

In accordance with the *Safe Drinking Water Act*, 2002, the 2021 Annual Summary Report has been prepared for the Port Colborne Distribution System (PCDS). Under Schedule 22 and Section 11 of O. Reg. 170/03, drinking water system owners must prepare reports that provide the following information:

Schedule 22-2(2)

- a) List the requirements of the Act, the regulations, the system’s approval, drinking water works permit, municipal drinking water licence, and any orders applicable to the system that were not met at any time during the period covered by the report; and
- b) for each requirement referred to in clause (a) that was not met, specify the duration of the failure and the measures that were taken to correct the failure

As per section 22-2(3), the report must also include a summary of the amount of water supplied with a comparison to the system’s rated approved capacity.

Section 11 of O. Reg. 170/03 details the information to be included in the annual report, as well as the deadline (February 28) for preparing the report. Additionally, this section details that the public must be notified that the report is ready and available, that the report must be made available free of charge and how the report must be made available. The reports are posted to the City’s website, with copies available at the Engineering and Operations Centre located at 1 Killaly Street West. Notification of report completion is posted to the City’s website and advertised in City Hall News.

Additionally, in conformance with the Management Review Procedure (QMS-SOP20-1) and with the Communications Procedure (QMS-SOP12-1), the results of the Management Review are provided in this report. Ensuring that the Mayor and Council, as the Owners of the Port Colborne Distribution System, are informed of the results of the Management Review is critical to not only fulfilling the requirements of the DWQMS, but

also to support compliance with the Section 19 Statutory Standard of Care requirements of the *Safe Drinking Water Act*, 2002.

Finally, the MECP has a rigorous and comprehensive inspection program for municipal residential drinking water systems. As such, the PCDS is subject to an annual inspection. The 2020-21 inspection was a focused announced inspection. The purpose of the annual inspection is to determine the compliance of the operation and maintenance of the PCDS with the requirements outlined under the *Safe Drinking Water Act*, 2002, associated regulations, and with the City's Municipal Drinking Water Licence and Drinking Water Works Permit. Therefore, providing Council with the inspection results ensures Council is informed and helps meet Standard of Care responsibilities.

Discussion:

2021 Annual Summary Report

The Annual Drinking Water Quality Report was prepared on February 28, 2022, and is provided in Appendix A. The Report has been posted to the City website and notification of the report's availability will be published in the next issue of the City Hall News.

Results from 2021 sampling, testing and monitoring activities, as detailed in the Annual Drinking Water Quality Report indicate that there were two reportable adverse water quality incidents (AWQIs) in 2021. One of the AWQIs was due to a low free chlorine level (<0.05 mg/L) in the distribution system. For this instance, the watermains were flushed to restore secondary disinfection. The second AWQI was in reference to microbiological adverse samples. Total Coliforms were detected in one sample. Follow up samples indicated that the water was microbiologically safe and the minimum free chlorine residuals were maintained the entire time.

In both instances, the AWQIs were reported as required to MECP and to Public Health, and corrective actions were completed to the satisfaction of all parties. Although there were reportable AWQIs in 2021, at no time was the safety of the drinking water in Port Colborne compromised, nor were any orders issued by MECP against the system.

The City does not measure the quantities and flow rates of water within the distribution system. This information is provided to the City in the Port Colborne Water Treatment Plant Annual Summary Report prepared by the Region's Water and Wastewater Services Division. According to the Region's Summary Report, provided in Appendix B, the WTP is operating, on average, at 18% of capacity, and has sufficient capacity to meet the City's long-term growth demands.

The water distribution system meets present needs but will require upgrades and extensions to satisfy growth demands as they are identified. The City retained a consultant to complete an Infrastructure Needs Study (INS) for the PCDS, with expected completion in mid-2022. The information from the INS will feed into the City's Asset

Management Plan and into the City's Financial Plan. These recommendations within the INS, together with the outcomes from the annual Infrastructure Review, form the basis for future watermain builds and replacements.

2021 Management Review Summary

The purpose of the Management Review is to summarize the activities of the PCDS Operating Authority so that Top Management can ensure the continuing effectiveness of the Quality Management System (QMS) at scheduled Management Reviews. Much of the information contained within the Management Review is also reported in the Annual Report. In conformance with the Management Review Procedure (QMS-SOP20-1) and with the Communications Procedure (QMS-SOP12-1), the results of the Management Review are provided in this report.

The management review summary covers the period from January 1, 2020 until August 31, 2021 and therefore some of the summary totals vary from the annual summary report. The Management Meeting QMS Summary Report that was provided to all attendees is attached to this report as Appendix C and a copy of the minutes from this meeting are included in Appendix D.

Highlights from the Management Review, beyond what's been discussed as part of the Summary Report, are summarized below:

The 2021 Internal Audit occurred in October 2021 and the external audit occurred in November 2021. During the reporting period, there were a total of 23 main breaks. A notable trend was that during the reporting period, the City's water purchases decreased in 2020, falling by 5.6%. As the volume of water sold to the City's customers only experienced a 0.4% decrease in 2020, it is likely that the majority of the decrease in purchases is a direct result of the efforts by the Water Wastewater Division to not only find and repair any watermain breaks in a timely fashion, but also to take a conservative, prudent approach to maintenance flushing activities. Water quality complaints totaled 36 during the reporting period. Where the source of the complaint could be determined, activities in the distribution system (valve turning, hydrant flushing) were the most common sources.

2021 MECP Inspection Results

The 2020-21 MECP inspection was an announced inspection covering the period from November 1, 2020 to October 31, 2021. The requested documents were sent to the Ministry Inspectors and were reviewed remotely. The inspection also had an in-person component and the Inspectors from the Ministry, Niagara District Office met at the Engineering and Operations Center with Darlene Suddard, Manager of Water/Wastewater, Tommy Peazel, Water/Wastewater Supervisor and Cassandra Banting, Environmental Compliance Supervisor on December 7, 2021.

An official Inspection Report, detailing any findings and the City's Inspection Rating was issued on January 4, 2022; a copy of the inspection is provided in Appendix E. The Inspectors did not find any regulatory non-compliances during the inspection period; nor were any recommendations provided.

Once an inspection is completed, the Inspector generates an Inspection Rating for the drinking water system; for the ninth year in a row, the Port Colborne Distribution System was awarded a rating of 100%.

Internal Consultations:

There are no comments from other departments.

Financial Implications:

There are no financial implications. Capital works projects discussed in this report have been previously approved in the 2022 budget.

Public Engagement:

There was no public notification or engagement initiatives as part of this report. The Summary Report will be posted on the City's website and hardcopies available upon request.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Service and Simplicity - Quality and Innovative Delivery of Customer Services
 - City-Wide Investments in Infrastructure and Recreational/Cultural Spaces
-

Conclusion:

The 2021 Annual Drinking Water Quality Report demonstrates Public Works' continued commitment of the Port Colborne Drinking Water System to provide a safe and reliable supply of municipal drinking water for its residents and businesses.

Appendices:

- a. 2021 Port Colborne Distribution System Annual Drinking Water Quality Report
- b. 2021 Port Colborne Water Treatment Plant Annual Summary Report (Niagara Region)
- c. Port Colborne Distribution System, Summary QMS Report for the Management Review, dated September 28, 2021.
- d. Management Review Meeting Minutes, dated October 5, 2021.
- e. Port Colborne Distribution System Inspection Report, dated January 4, 2022

Respectfully submitted,

Cassandra Banting
Environmental Compliance Supervisor
905-835-2900 ext. 250
Cassandra.Banting@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.

Port Colborne Distribution System Annual Drinking Water Quality Report

Prepared on February 25, 2022
In Accordance with O.Reg. 170/03
January 1, 2021 to December 31, 2021

Prepared by:



Cassandra Banting
Environmental Compliance Supervisor

Reviewed by:



Tommy Peazel
Water and Wastewater Supervisor

Approved by:



Darlene Suddard
Manager of Water and Wastewater

Approved by:



Chris Kalimootoo
Director of Public Works

Drinking Water System number: 260001643
Drinking Water System category: Large Municipal Residential
Owned and operated by: The Corporation of the City of Port Colborne

Port Colborne Distribution System

Annual Drinking Water Quality Report

Introduction

The City of Port Colborne is required, under O.Reg.170/03 - *Drinking Water Systems*, to prepare an annual report detailing the operation of the Port Colborne Distribution System. The regulation specifies in Section 11 what the report must contain, and sets a February 28 deadline for having the report prepared and made available to the public.

Therefore, to ensure compliance with the regulation, this report is prepared in accordance with Section 11, and is available to the public on the City's website at www.portcolborne.ca.

Water Supply and Distribution

The Corporation of the City of Port Colborne (City) is the Owner and Operating Authority of the Port Colborne Distribution System (PCDS), which serves approximately 16,000 residents. The PCDS is a stand-alone, Class 1, distribution system, with no downstream connections, and obtains water from the Regional Municipality of Niagara's (RMON) Port Colborne Drinking Water System water treatment plant (WTP). Treated water is purchased from RMON on a volume basis and distributed through the City-owned distribution system via Region owned trunk mains. The WTP draws water from the Welland Canal, treats it at the WTP, and RMON is responsible for sampling, testing and monitoring water at and leaving the WTP.

The City does not perform any secondary disinfection, as the WTP sufficiently chlorinates the water to meet the minimum requirement of >0.05 mg/L free chlorine residual. The only water treatment chemical used by the City is 12% sodium hypochlorite, and this is used solely when making repairs to or performing maintenance on the distribution system to perform the required disinfection to protect the drinking water. The distribution system has an average pressure of 58 psi, with pressure maintained by the Barrick Road Water Tower together with the Fielden Avenue Reservoir, which are owned, operated and maintained by RMON.

The Regional Municipality of Niagara prepares an annual report for the Port Colborne Drinking Water System, providing information on the treatment methodology, the type of chemicals used, water quality reports and any significant maintenance, repair or upgrades to the WTP. RMON is also required to make their reports available on the internet. Contact information is provided under the section entitled “Where to Obtain Additional Information”.

Water Quality Monitoring

The City of Port Colborne is required to supply safe drinking water that meets the requirements of the Safe Drinking Water Act and associated regulations. To ensure the City meet these requirements, the City has assigned the following individuals as responsible persons for the distribution system:

Table 1: Port Colborne Distribution System Responsible Persons

Position	Name	Phone number
Director of Public Works	Chris Kalimootoo	905-835-2901 ext. 223
Manager of Water/Wastewater	Darlene Suddard	905-835-2901 ext. 256
Water/Wastewater Supervisor and Overall Responsible Operator	Tommy Peazel	905-835-2900 ext. 255
Environmental Compliance Supervisor	Cassandra Banting	905-835-2901 ext. 250

The City has identified the Public Works Department as the Operating Authority for the Port Colborne Distribution System (PCDS). The Water and Wastewater Division operates under the Public Works Department, and is specifically responsible for the daily operation of the distribution system. The Division is responsible for assigning Certified Water Operators to conduct both the routine, weekly water quality sampling and testing and to conduct non-routine sampling (i.e., during and after watermain breaks). These activities ensure the water quality meets the Ontario Drinking Water Quality Standards (O.Reg. 169/03) at all times and under all conditions. The Water Department also ensures that the Operational Checks, Sampling and Testing requirements specified in the Drinking Water Systems Regulation (O.Reg. 170/03) are conducted and recorded. If it is determined that the water quality or an operational parameter does not meet the regulated requirements or exceeds the regulated limits, Certified Operators immediately implement corrective action to ensure the continued supply of safe drinking water. The operational checks, sampling and testing requirements, which the City must conduct, are outlined in Table 4.

The Region operates the Port Colborne Water Treatment Plant, the Fielden Avenue Reservoir and Barrick Road Water Tower, and as such, is required to conduct operational checks, sampling, and testing activities. Details regarding the Region's requirements are summarized in their Annual Report; information on how to obtain a copy of their report is provided under the section entitled "Where to Obtain Additional Information".

Water Quality Test Results

As per the sampling and testing requirements detailed in Table 4, the City conducted the following sampling in the period of January 1, 2021 to December 31, 2021:

Microbiological Analysis

In accordance with the requirements of Schedule 10, section 10-2 (1) of O.Reg.170/03, samples are collected and submitted for analysis on a weekly basis. Additionally, samples are collected and submitted for analysis after watermain breaks, during hydrant flushing activities and in response to some water quality complaints etc.

In 2021, a total of 412 samples were collected and analyzed for the presence of *E.coli* and Total Coliforms. Laboratory results indicated that Total Coliforms were detected on one (1) occasion (*Table 5*). Details about the adverse results are discussed below.

To monitor the potential deterioration of the water quality, 412 samples were collected and analyzed for Heterotrophic Plate Count (HPC). Laboratory results indicated that in 2021, HPC was detected at very low levels, between 0-88 colonies/mL. (*Table 5*).

Operational Parameters

The City monitors the operational parameter, free chlorine on a twice weekly basis, and on an as-required basis in response to watermain breaks, hydrant flushing, and complaints etc. Turbidity is measured weekly, and on an as-required basis. In 2021, this resulted in the collection and analysis of 2,244 chlorine samples (806 routine and 1438 non-routine) and 862 turbidity samples (57 routine and 805 non-routine). There was one (1) adverse free chlorine sample in 2021, with overall free chlorine levels ranging between 0.02 to 1.17 mg/L (*Table 5*). Details about the adverse results are discussed below.

Turbidity levels ranged from 0.07 to 0.81 NTU (*Table 5*).

Lead Testing (Schedule 15.1) Results

The City is no longer required to collect samples from plumbing systems and is only required to collect samples from the distribution system. Under O.Reg. 170/03 distribution system samples are required to be collected twice annually, with one set collected during the winter sampling cycle (December 15 to April 15) and another set during the summer sampling cycle (June 15 to October 15). The collected samples are tested for alkalinity and pH in year one and two, with lead sampled in year three. 2021 was year three; therefore, samples were collected from four (4) locations in the distribution system and analyzed for alkalinity, pH and lead. Alkalinity ranged from 81 to 88 mg/L, while pH values ranged from 6.02 to 7.26, and lead ranged from 0.16 to 2.48 ug/L; all values were well within the recommended guidelines (*Table 5*).

The City is not required under the Regulation to collect plumbing samples to be analyzed for lead concentrations, unless requested by a homeowner. In 2021, there were no homeowner requests (*Table 5*).

Organic Parameters

The City is required to sample for trihalomethanes (THMs) and haloacetic acids (HAAs) on a quarterly basis.

THM results from 2021 continue to indicate that THMs are not a concern in the distribution system, as the running annual average concentration was 0.02075 mg/L, much less than the 0.10 mg/L regulated limit (*Table 5*). None of the individual samples exceeded half the standard prescribed in Schedule 2 of the Ontario Drinking Water Quality Standards.

While the City has been required to sample for HAAs since January 1, 2017, the results were not reportable until January 1, 2020. Results from the four (4) samples collected in 2021 continue to indicate that HAA's are not a concern in the distribution system as the running annual average concentration was 0.00295 mg/L, much less than the 0.08 mg/L regulated limit (*Table 5*). HAAs were below detection limits in two (2) of the samples and the remaining two (2) samples were well below half of the standard prescribed in Schedule 2 of the Ontario Drinking Water Quality Standards.

In 2021, there were two (2) reportable adverse water quality incidents. One (1) adverse result was due to the presence of total coliforms. The second adverse result was due to a free chlorine level less than 0.05 mg/L. Details about the adverse samples are discussed below.

Regulatory Non-Compliances

There were two (2) reportable adverse water quality incidents in 2021.

Table 2 below summarizes the date the adverse occurred, the adverse parameter, the corrective action taken by the City and the date the corrective action was taken

It is important to note that although one (1) adverse microbiological result, and one (1) adverse free chlorine sample were observed in 2021, (representing less than 0.05% of the total samples collected), the immediate action by the City's certified Operators ensured that the adverse incidents were addressed in a timely manner. This timely response ensured that the safety of the drinking water was maintained, as indicated by the results of special follow up sampling and evaluation, which found the water to be safe.

Table 2: Summary of Adverse Test Results - 2021

Sample Date	Date Adverse Reported to City	Parameter	Result	Corrective Action Date	Corrective Action
August 3, 2021	August 3, 2021	Free Chlorine	0.02 mg/L	August 3, 2021	Immediately flush the water mains and restore secondary disinfection to ensure that a free chlorine residual of 0.05 mg/L or higher was achieved at all points in the affected parts of the distribution system.
December 13, 2021	December 15, 2021	Total Coliforms	Overgrown. Exceeded lab detection limit	December 15, 2021	Immediately flush and resample (two consecutive sets 24 and 48 hours apart). Total coliforms were absent from the resamples and free chlorine residuals >0.20 mg/L were maintained at all points in the affected part of the distribution system.

Our Commitment to Providing Safe Drinking Water

To ensure that residents, businesses and visitors to our community continue to receive the safest drinking water, the City has incorporated the following practices into the routine operations of the Distribution System:

- Exceed the minimum regulatory sampling requirements, by sampling additional sites for both operational and microbiological parameters
- Comprehensive flushing program targeting “dead ends”, where water use is not very high, to ensure chlorine levels are at least 0.10 mg/L
- Prompt response to watermain breaks and customer complaints
- Early adoption of the requirements of the revised Provincial Watermain Disinfection Procedure

In addition, the City has the following plans for 2022:

- Completing the Erie Street watermain replacement project at an estimated cost of \$1,600,000 for design and construction.

Major expenditures for 2021 included the following:

- Decommissioning of Elm Street Bulk water station and construction of a new bulk water station on Stonebridge Drive at a cost of approximately \$90,000.
- The City retained a consultant to complete an Infrastructure Needs Study (INS) for the PCDS, with expected completion in mid-2022. The INS is expected to cost approximately \$200,000, and is anticipated to be completed by the middle of 2022. The information from the INS will feed into the City's Asset Management Plan and into the City's Financial Plan.

What's New?

The City received the Certificate of Accreditation from SAI Global for the City's Drinking Water Quality Management System in January 2020. The City's Operational Plan is available on the City's website at: <https://portcolborne.ca/en/living-here/drinking-water-licensing.aspx>

With the COVID-19 pandemic starting in March 2020 and continuing into 2021, ensuring the safety of staff in the Port Colborne Water Department was a concern. In order to ensure the continued delivery of safe drinking water to the residents and businesses in Port Colborne throughout the COVID-19 pandemic, the City developed contingency plans that adjusted as the pandemic changed. These plans, which included splitting the Department into two crews and having the crews work different shifts, ensured that in the

event of a COVID-19 case in the Department, that certified Operators would be available to conduct the mandatory sampling and testing requirements and to oversee any necessary repairs to the distribution system. The City applied for Regulatory Relief from the Ministry of Environment, Conservation and Parks. This Relief provided the City with the flexibility, in the event of a pandemic-related personnel shortage, to remain in compliance with the regulations and continue to ensure safe drinking water. While these contingency plans were tweaked as the pandemic continued, the core plans have remain unchanged, and the Water Department continues to monitor the COVID-19 situation locally and is developing protocols to eventually return staffing to normal, based on the Province's COVID-19 response framework.

Where to Obtain Additional Information

Copies of this annual report are available, free of charge, at the Engineering and Operations Centre, 1 Killaly Street West. It can also be downloaded from the internet at <https://portcolborne.ca/en/living-here/drinking-water-quality-reports.aspx> Copies may also be obtained by contacting the City numbers listed below.

Additionally, all laboratory test results are available at the Engineering and Operations Centre, 1 Killaly Street West. Copies may also be obtained by contacting the City numbers listed below.

The Regional Municipality of Niagara provides an annual report for the Port Colborne Water Treatment Plant, and it can be downloaded from the Region's website:

<https://www.niagararegion.ca/living/water/water-quality-reports/default.aspx> Copies may also be obtained by contacting any of the numbers listed below:

Table 3: Contact Information for the City and Region

Organization	Department	Phone Number
City of Port Colborne	Public Works	905-835-2900
Regional Municipality of Niagara	Water and Wastewater Division	905-685-1571

Table 4: Distribution System Water Quality Sampling and Testing Requirements

Parameter	Sampling and Analysis	Distribution System Standards	Comments
Microbiological	Required to collect a minimum of 24 samples each month, however, the City collects 32 samples per month and tests for total coliforms and/or <i>E.coli</i> . Required to analyze 25% of all samples collected weekly for heterotrophic plate count, however, the City analyzes all samples	<ul style="list-style-type: none"> • <i>E.coli</i> – NONE detected • Total Coliforms – NONE detected • Heterotrophic plate count - <500 cfu/mL 	<ul style="list-style-type: none"> • 8 samples collected each week • Samples sent to an accredited laboratory for analysis • Adverse results are immediately reported by the lab to the City
Free Chlorine Residual	Required to collect a minimum of 28 samples per month, however the City collects 64 samples per month and tests for free chlorine. Collected twice weekly (at least 48 hours apart) from representative areas of the distribution system	<ul style="list-style-type: none"> • Minimum residual chlorine 0.05 mg/L • City targets 0.20 mg/L • City's acceptable low limit is 0.10 mg/L 	<ul style="list-style-type: none"> • City flushes known dead ends on a regular basis to ensure at least 0.10 mg/L is maintained at all areas of the distribution system
Turbidity	Frequency of sampling not specified, however, City collects a minimum of 1 sample weekly from the bulk water depots, and during non-routine sampling (i.e. flushing, watermain breaks)	<ul style="list-style-type: none"> • 5.0 NTU maximum aesthetic objective 	<ul style="list-style-type: none"> • Turbidity generally not an issue in the distribution system.
Trihalomethanes (THMs)	Required to collect at least one sample quarterly, however the City collects 2 samples quarterly, and submits for analysis	<ul style="list-style-type: none"> • 0.10 mg/L maximum acceptable concentration 	<ul style="list-style-type: none"> • Based on a four-quarter progressive annual average of test results (average of all test results each quarter) at points that are likely to have an elevated potential for the formation of THMs

Table 4: Distribution System Water Quality Sampling and Testing Requirements (*continued*)

Parameter	Sampling and Analysis	Distribution System Standards	Comments
Haloacetic Acids (HAAs)	Sampled quarterly. Required to collect one (1) sample per quarter.	<ul style="list-style-type: none"> 0.08 mg/L maximum acceptable concentration 	<ul style="list-style-type: none"> Based on a four-quarter progressive annual average of test results (average of all test results each quarter) at points that are likely to have an elevated potential for the formation of HAAs
Lead	<p>Regulatory amendments late in 2009 and the City's historical results from 2008/09 resulted in the City qualifying for exemption from having to collect samples from plumbing.</p> <p>Required to collect samples twice annually (between Dec 15 and Apr 15 and between Jun 15 and Oct 15) from four (4) locations in the distribution system and analyze the samples for pH and alkalinity for two years, and then in the third year, perform the pH and alkalinity analysis and lead analysis. Eight (8) samples total per year.</p>	<ul style="list-style-type: none"> No standard for alkalinity or pH, these parameters are monitored so that, should they change, the potential for lead levels to increase is analyzed Maximum acceptable concentration for lead is 0.010 mg/L 	<ul style="list-style-type: none"> Distribution system samples are generally collected from water sampling stations and/or fire hydrants If a lead exceedance occurs in future, the City may be required to resume standard sampling.

Table 5: Distribution System Water Quality Sampling and Testing Results – January 1 to December 31, 2021

Parameter		Requirement	Number of samples		Results			Comments
			Routine	Non-Routine	Range	Unit	# of Adverse	
Microbiological Analysis								
E. coli		ND	412*	0	ND	cfu/100 mL	0	Presence of E.coli indicates presence of fecal matter
Total Coliforms		ND	412*	0	ND - Overgrown	cfu/100 mL	1	Presence of Total Coliforms indicates possible presence of pathogenic bacteria
Heterotrophic Plate Count (HPC)		<500	412*	0	ND - 88	colonies/mL	N/A	Presence of HPC indicates water quality deterioration
Operational Parameters								
Free Chlorine		Minimum 0.05	806*	1438	0.02 – 1.17	mg/L	1	Level of disinfectant present
Turbidity		5.0	57*	805	0.07 – 0.81	NTU	N/A	Not a reportable parameter; 5.0 NTU is aesthetic guideline
Lead Testing Results								
Alkalinity		30 - 500	8		81 to 88	mg/L	N/A	Neither are reportable parameters; guidelines are the recommended operational level. Low alkalinity and/or low pH may accelerate corrosion, which may cause lead from soldering or lead lines to be released into drinking water.
pH		6.5 – 8.5	8		6.02-7.26		N/A	
Lead	Plumbing	0.010 mg/L	N/A			mg/L	N/A	Corrosion of lead or lead soldered plumbing/distribution systems may cause lead to be released into drinking water
	Distribution		8		0.16-2.48			
Organic Parameters								
Trihalomethanes		0.10	8		(Running Annual Avg) 0.02075	mg/L	0	By-product of chlorination; forms when chlorine reacts with suspended organics.
Haloacetic Acids		0.08	4		(Running Annual Avg) 0.00295†	mg/L	0	By-product of chlorination; forms when chlorine reacts with suspended organics.

*Note – operational checks are routine samples. Only routine microbiological samples, collected in accordance with Schedule 10, section 10-2 (1) of O.Reg. 170/03, are analyzed for Heterotrophic Plate Count (HPC) to meet the required 25%. Non-routine sampling includes sampling after watermain breaks, complaints, annual hydrant flushing and dead end flushing.

†Note – samples less than the MDL are entered as “0” to calculate the Running Annual Average.



Port Colborne Water Treatment Plant

Regional Municipality of Niagara

2021 Summary Report

(Prepared under Ontario Regulation 170/03)

January 1 to December 31, 2021

Ministry of the Environment, Conservation and Parks

Municipal Drinking Water License # 007-101

Drinking Water Works Permit # 007-201

Port Colborne Water Treatment Plant - 2021 Summary Report

This report summarizes the water flows for the Port Colborne Water Treatment Plant, drinking water system number 220002075, from January 1 to December 31, 2021.

This report satisfies the requirements of Ontario Regulation 170/03 – Drinking Water Systems.

Summary of Non-Compliance

The Port Colborne Water Treatment Plant was operated in such a way that at no time did it fail to meet or exceed the requirements of the Safe Drinking Water Act, associated regulations, the system's approval or any order that may have been issued for this reporting period.

Summary of Water Treatment Plant Flows

The flow rates captured below are moments in time, and can be affected by various circumstances, such as pump changes or valve position. It is not unusual to have higher or lower than normal flows for this reason.

Month	Total Flow Raw (ML)	Total Flow Treated (ML)	Average Day Raw (ML)	Average Day Treated (ML)	Minimum Day Treated (ML)	Maximum Day Treated (ML)	Minimum Flow Rate Treated (ML/d)	Maximum Flow Rate Treated (ML/d)	Total Waste Sludge (ML)
Jan	200.240	196.800	6.459	6.348	4.110	7.430	3.969	12.564	1.930
Feb	185.340	183.440	6.619	6.551	5.160	7.500	4.021	16.010	1.790
Mar	205.490	204.040	6.629	6.582	4.400	7.310	3.846	12.708	2.134
Apr	189.870	189.230	6.329	6.308	4.390	7.160	4.021	15.332	1.739
May	208.110	202.550	6.713	6.534	4.760	8.470	3.549	16.092	2.112
Jun	209.290	207.190	6.976	6.906	4.980	7.999	3.589	16.841	2.140
Jul	204.500	201.180	6.597	6.490	4.470	8.080	3.579	12.533	2.169
Aug	217.860	213.350	7.028	6.882	4.980	9.570	3.590	17.200	1.750
Sep	189.650	185.190	6.322	6.173	4.220	7.600	3.610	16.667	1.647
Oct	184.930	180.820	5.965	5.833	4.530	6.931	3.313	27.815	1.691
Nov	188.430	177.740	6.281	5.925	4.017	9.140	3.846	12.697	1.999
Dec	193.710	189.290	6.249	6.106	4.310	7.190	3.559	18.718	2.031

Month	Total Flow Raw (ML)	Total Flow Treated (ML)	Average Day Raw (ML)	Average Day Treated (ML)	Minimum Day Treated (ML)	Maximum Day Treated (ML)	Minimum Flow Rate Treated (ML/d)	Maximum Flow Rate Treated (ML/d)	Total Waste Sludge (ML)
Total	2377.420	2330.820							23.132
Min					4.017		3.313		1.647
Max						9.570		27.815	2.169
Avg		194.235	6.514	6.387					1.928

Comparison of Actual to System Approved Flow

Flow rates are required by Municipal Drinking Water Licence number 007-101.

- Maximum daily flow: 36.000 ML
- Maximum flow rate: 36.000 ML/day

Month	Average Day Treated (ML)	% of Rated Capacity	Maximum Day Treated (ML)	% of Rated Capacity	Maximum Flow Rate Treated (ML/d)	% of Rated Capacity
Jan	6.348	17.6%	7.430	20.6%	12.564	34.9%
Feb	6.551	18.2%	7.500	20.8%	16.010	44.5%
Mar	6.582	18.3%	7.310	20.3%	12.708	35.3%
Apr	6.308	17.5%	7.160	19.9%	15.332	42.6%
May	6.534	18.1%	8.470	23.5%	16.092	44.7%
Jun	6.906	19.2%	7.999	22.2%	16.841	46.8%
Jul	6.490	18.0%	8.080	22.4%	12.533	34.8%
Aug	6.882	19.1%	9.570	26.6%	17.200	47.8%
Sep	6.173	17.1%	7.600	21.1%	16.667	46.3%
Oct	5.833	16.2%	6.931	19.3%	27.815	77.3%
Nov	5.925	16.5%	9.140	25.4%	12.697	35.3%
Dec	6.106	17.0%	7.190	20.0%	18.718	52.0%



Port Colborne Distribution System Summary QMS Report for the **Management Review**

Report Prepared on:
September 28, 2021

For the period of:
January 1, 2020 -August 31, 2021

Executive Summary

- This management review summary covers the period from January 1, 2020 until August 31, 2021. The previous Management Review was planned to be done in two parts but due to the ongoing COVID pandemic and staffing changes, the second part never took place and is instead being combined into this review.
- There were no incidents of regulatory non-compliance in this period
- There were three (3) adverse test results (1 microbiological and 2 low free chlorine) in this period. In all instances clear re-samples indicated the water was safe.
- The 2021 Internal Audit is scheduled for October 19, 2021
- The desktop level external surveillance audit took place in November 2020 and the 2021 external audit is scheduled for November 2021.
- Number of main breaks in 2020 totaled 16 and in 2021 there have been 7 so far.
- Staff maintenance targets and operational performance indicators that were set in 2019 and adjusted 2020 were not as closely tracked throughout 2020 and 2021 due to staffing changes and the ongoing COVID pandemic which put a strain on staffing resources. Indicators are positive but need to be reviewed in more detail before the end of the year.
- The City's water purchases decreased in 2020, falling by 5.6%. As the volume of water sold to the City's customers only experienced a 0.4% decrease in 2020, it is likely that the majority of the decrease in purchases is a direct result of the efforts by the Water Wastewater Division to not only find and repair any watermain breaks in a timely fashion, but also to take a conservative, prudent approach to maintenance flushing activities.
- Tracking of unbilled water in 2020 and the start of 2021 was not as consistent as in 2019, due in part to the ongoing COVID pandemic and staffing changes.
- The City's Municipal Drinking Water Licence and Drinking Water Works Permit were renewed in October 2019.
- Water quality complaints totaled 20 in 2020 and 16 so far in 2021. Where the source of the complaint could be determined, activities in the distribution system (valve turning, hydrant flushing) were the most common sources.

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Port Colborne Distribution System
Summary QMS Report
for the
Management Review
Prepared on September 28, 2021

Introduction

Purpose

The purpose of this report is to summarize the activities of the Port Colborne Distribution System (PCDS) Operating Authority so that Top Management can ensure the continuing effectiveness of the Quality Management System (QMS) at scheduled Management Reviews.

Scope

This Summary Report for the Management Review covers key operational elements of the Drinking Water Quality Management Standard (DWQMS) from January 1, 2020 to August 31, 2021. The last Management review was intended to be Part 1 of a two part series. Due to various factors such as the ongoing COVID pandemic, staffing shortages and training of new staff, it was decided to postpone Part 2 of the Management Review and complete a single Management Review meeting for 2021 to meet the requirements of the DWQMS.

Top Management reviews the information specified in:

Procedure QMS-SOP20-1 Management Review

This review will include, but is not limited to, the following:

- a. Incidents of regulatory non-compliance
- b. Incidents of adverse drinking water tests
- c. Deviations from critical control point limits and response actions
- d. Effectiveness of the risk assessment process
- e. Results of internal and third party audits, including best management practices
- f. Results of relevant emergency response testing
- g. Operational performance
- h. Raw water supply and water quality trends
- i. Follow up on action items from previous management reviews
- j. Status of management action items identified between reviews
- k. Changes in resource requirements, infrastructure, process, personnel, the Standard or regulations that could affect the QMS
- l. Consumer feedback
- m. Resources needed to maintain the QMS
- n. Results of infrastructure review
- o. Operational plan currency, content and updates
- p. Staff suggestions

Summary of Items

a. Incidents of Regulatory Non-Compliance

There were no reportable regulatory non-compliances during this time period. The “Port Colborne Distribution System Annual Drinking Water Quality Report” for 2020 was presented to Council in March 2021 and details the City’s compliance with the regulations. The 2021 report will be prepared in February of 2022.

b. Incidents of Adverse Drinking Water Tests

There were three (3) Adverse Drinking Water Tests over this reporting period. Two adverse drinking water tests were due to low free chlorine. The watermain was immediately flushed to restore secondary disinfection. One adverse drinking water test in 2020 was due to a microbiological sample result in which total coliforms were detected. In this case, subsequent flushing and resampling indicated that microbiological organisms were absent from samples up and downstream of the adverse sample location, and free chlorine levels were well above the minimum regulated requirement of 0.05mg/L.

c. Deviations from Critical Control Point Limits and Response Actions

Critical Control Limits (CCL) for the PCDS are, where applicable, higher than the regulated limits, which then trigger a response procedure. During this period, Staff responded appropriately to low free chlorine levels (<0.20 mg/L but >0.04 mg/L) by flushing the distribution system to bring the chlorine levels up. Routine dead end flushing aided in ensuring free chlorine levels remained adequate.

d. 2020 Risk Assessment

A full Risk Assessment must be completed every 3 years. The result outcomes from the last full risk assessment completed in 2019 are attached as Appendix 1.

A Risk Assessment review takes place annually between the full Risk Assessment. The 2020 Risk Assessment review was conducted on December 15, 2020. During this assessment the hazardous events, control measures and mitigating processes were reviewed. It was discussed that additional items should be assessed during the full review in 2022, such as the risk of personnel shortages due to pandemics or other major events, and to evaluate risks related to climate change. The next risk assessment in 2022 will evaluate these items and any other that come up during the Management Review.

e. Results of Internal and Third Party Audits

Nonconformances (NCs) and Opportunities for Improvement (OFIs) that were generated during the report period are summarized in the Nonconformance and Corrective Action Logs provided in Appendix 2.

Internal Audit

The 2020 Internal Audit took place on October 5, 2020 and the 2021 internal audit is scheduled for October 18, 2021.

The 2020 Internal Audit was completed by an auditor from Acclaims Environmental and was conducted remotely. The Operational Plan and supporting documents were reviewed for conformity to the DWQMS 2.0. The auditor identified 4 opportunities for improvement which are summarized in the 2020 Log in Appendix 2.

Many positive findings were noted during the audit such as:

- Staff interviewed were knowledgeable about their processes and programs and their roles' impacts on achieving the commitments included in the QMS Policy.
- Evidence of staff involvement in the annual budget process and pandemic response plans helps instill a collaborative approach in addressing system deficiencies and challenges.
- In 2020, Port Colborne effectively began using its Nonconformance and Corrective Action Log to track action items from meetings. This helps ensure that logged action items in meeting minutes are not forgotten and helps facilitate continual improvement.
- The implementation of the Compliance / DWQMS Deadlines 2020 worksheets has helped track and complete important regulatory- and QMS-required tasks, with notes on future years' deadlines.
- From the onset of the COVID-19 pandemic, adjustments to normal operational programs and schedules to accommodate the protection of staff health & safety were prioritized.

External Audits/Accreditation Status

The City's auditor from SAI Global completed the desktop portion of the re-accreditation audit on November 4, 2020. The next desktop level external audit is scheduled for November 5, 2021, with a full re-accreditation audit planned for 2022.

The auditor identified 5 OFIs during the 2020 desktop level audit, which are included in Appendix 2. No non-conformances were noted during the audit.

Ministry Inspections

The Ministry of the Environment, Conservation and Parks (Ministry) performed an unannounced inspection of the PCDS on November 25, 2020 with an inspection review period from September 1, 2019 to October 31, 2020. The Inspector raised no findings, nor were any recommendations provided. The PCDS was assigned a rating of 100%.

f. Results of Relevant Emergency Response Testing

There was no emergency response testing completed during the report period. As per the Distribution System Emergency Preparedness Plan, testing is required every five years, therefore, the next test is required to be completed in 2022.

g. Operational Performance

Table 1 summarizes Operational statistics for the PCDS from January 1, 2020 to August 31, 2021. There were 15 watermain breaks recorded in 2020 and 7 so far in 2021.

Table 1: PCDS Activity Report

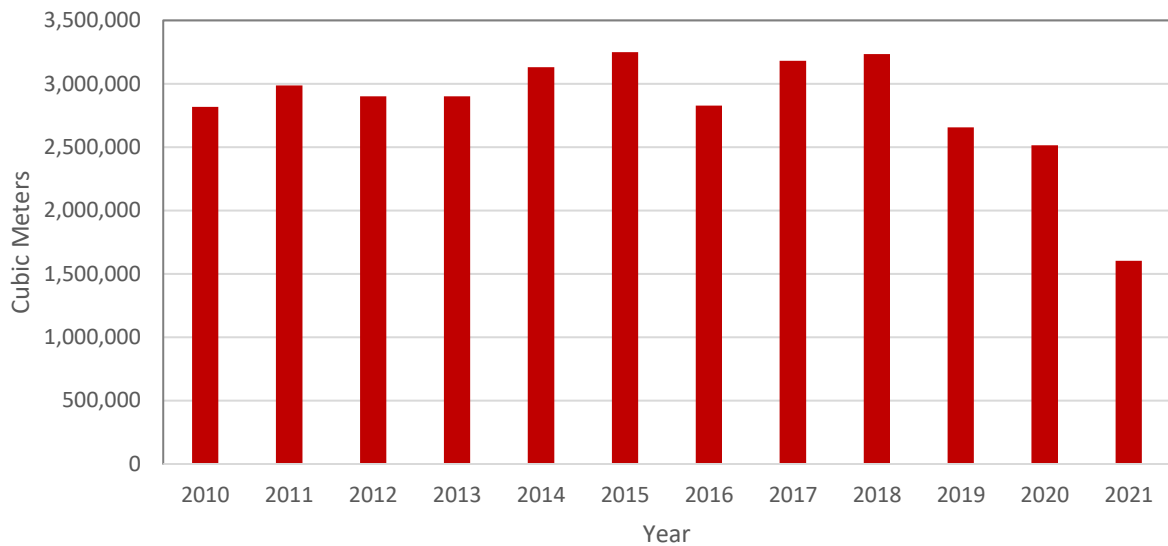
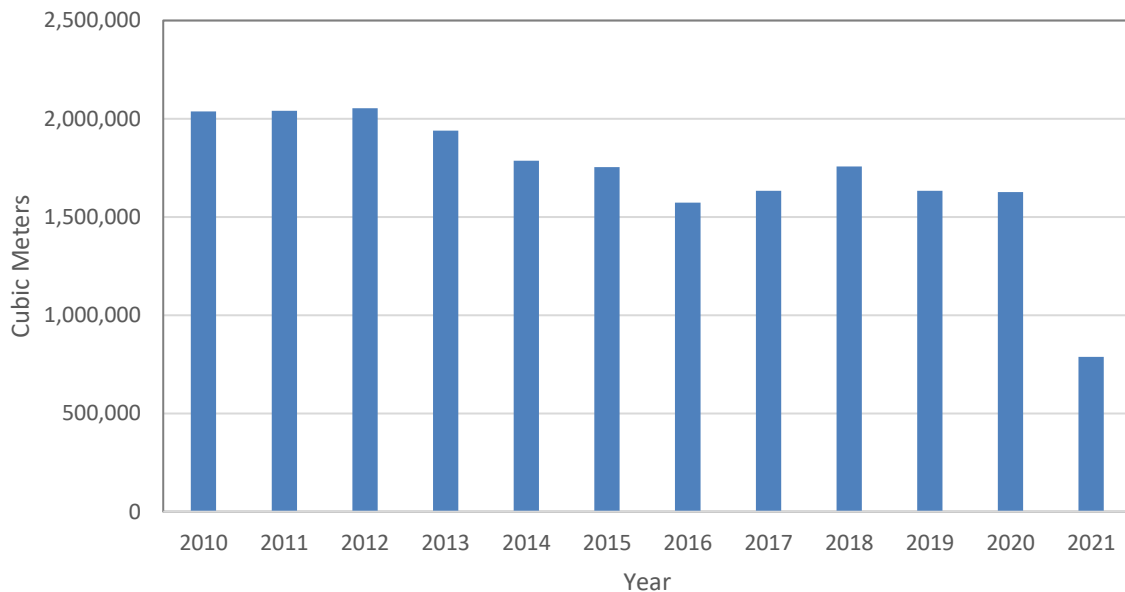
ITEM	AMOUNT	
	2020	2021 (up until Aug 31)
Distribution Samples		
Bacteriological (approx.)	425	280
Operational (free chlorine)	1,767	1,497
Adverse Samples	2	1
Lead Samples		
Distribution – Alkalinity and pH	8	8
Distribution – Lead (Exempt from plumbing sampling as of Dec/09)	0	0
Sample results > 10 ppb	0	0
Watermain breaks	16	7

In 2020, staff adjusted operational performance indicators (OPI) for various infrastructure components and levels of service. A summary of the 2020 and 2021 statistics are provided in Table 2 below. Due to staff changes, much of this data is still being compiled and may not reflect all of the efforts made to meet the targets. This will be discussed further during the meeting.

Table 2: PCDS Maintenance and Operational Performance Indicators (OPI)

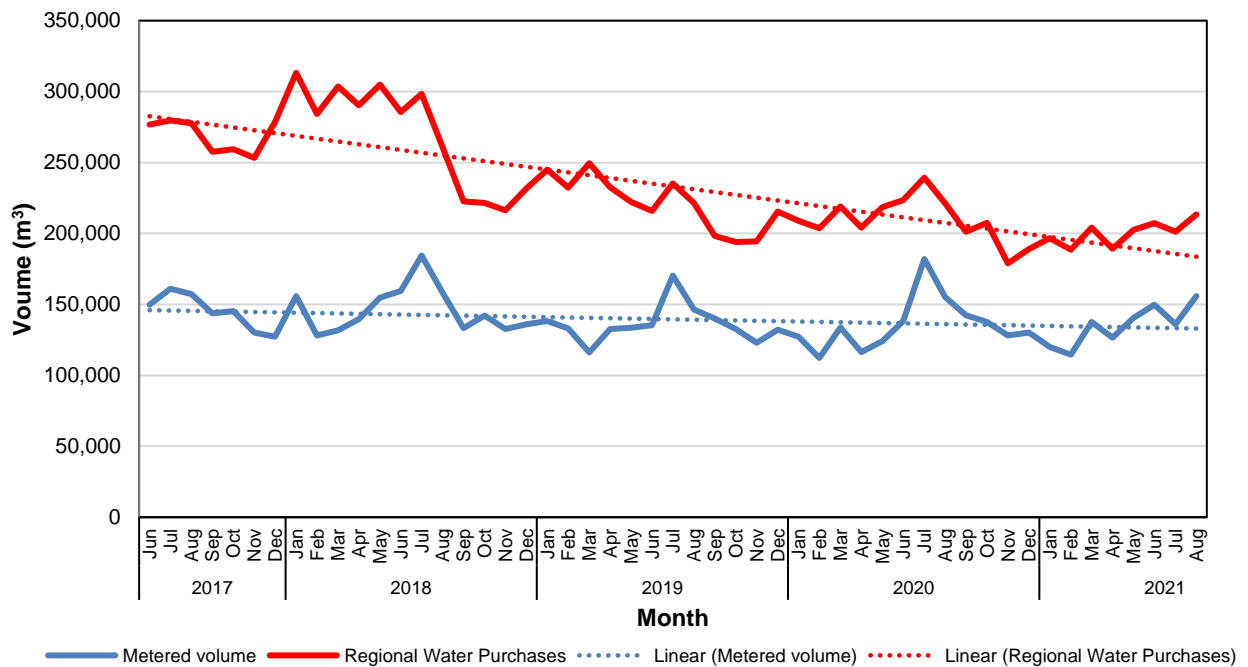
Maintenance Activity	Target/OPI	Status 2020	Status 2021 (up until Aug 31)
Watermain Breaks	Meet response times in SOP	22 breaks met response times	8 met response times
Valve Exercising, Inspections	25% annually/< 5 inoperable	456 completed 25%	232 of 1823 valves turned =12.7%
Hydrant Inspections	100% annually/< 5 inoperable	-	557 hydrants completed <5 inoperable
Winter Hydrant Inspection	2 inspections (Nov 1-Dec 31 and Jan 1-Apr 1)/0 frozen	-	N/A
Fire flow testing	100% Completed over ten (10) yrs/<2 out of service, marked within 60 days	95 completed	4 completed this year
Curb stop/curb box repairs	Repair < 2 weeks	-	Met
Emergency service repairs	Meet response times in Watermain Break SOP	-	Met
Inspect bulk water stations	Annual/< 2 service disruptions	-	-
Dead end flushing	Weekly, May-Oct, autoflush stations/0 AWQIs, <10 complaints	Was done as reactive vs proactive	Completed on a monthly basis. 2 AWQIs. Repairs made to auto flushers and developing bi annual maintenance program
Backflow inspections	Annually or as required/<40% failure	-	-

Total water purchases from the Region's Port Colborne Water Treatment Plant decreased in 2020, falling by 5.6% from 2,656,040 m³ in 2019 to 2,515,060 m³ (Figure 1, Table 3). As the volume of water sold to the City's customers only experienced a 0.4% decrease (1,632,856 m³ in 2019 vs. 1,625,882 m³ in 2020) (Figure 2, Table 3), it is safe to assume that the majority of the decrease in purchases from the Region is a direct result of the efforts by the Public Works Department to not only find and repair any watermain breaks in a timely fashion, but to also take a conservative, prudent approach to maintenance flushing activities.

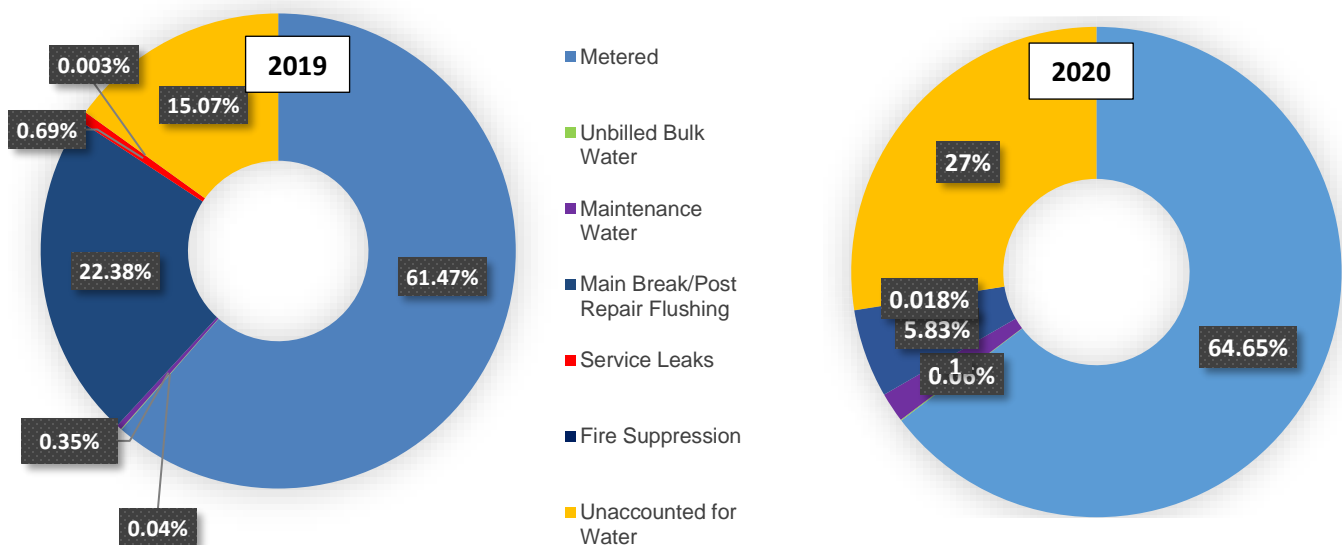
Figure 1: Annual Water Purchases since 2010**Figure 2: Annual Water Sales since 2010**

Since obtaining the ability to read all the water meters in the City monthly, we have tracked actual metered volumes against monthly purchases from the Region. Figure 3 below compares the monthly metered volumes from June 2017 to August 2021. There is generally a good correlation between the amount of water purchased vs. the amount of water metered.

What is most encouraging is the fact that the monthly trend between purchased and metered is narrowing and that, overall, monthly purchases from the Region have been declining while monthly metered volumes have remained relatively stable.

Figure 3: Monthly Purchased Volume vs. Monthly Metered Consumption - June 2017 to August 2021

In 2019, staff started to track all sources of unbilled water. As a result, staff were able to reduce the percentage of unaccounted for water from 46% in 2018 to just over 15.7% in 2019, but there is an increase again in an unaccounted water in 2020 to 27% (Figure 4). This is due in part to lack of detailed tracking due to staffing shortages and staff changeover.

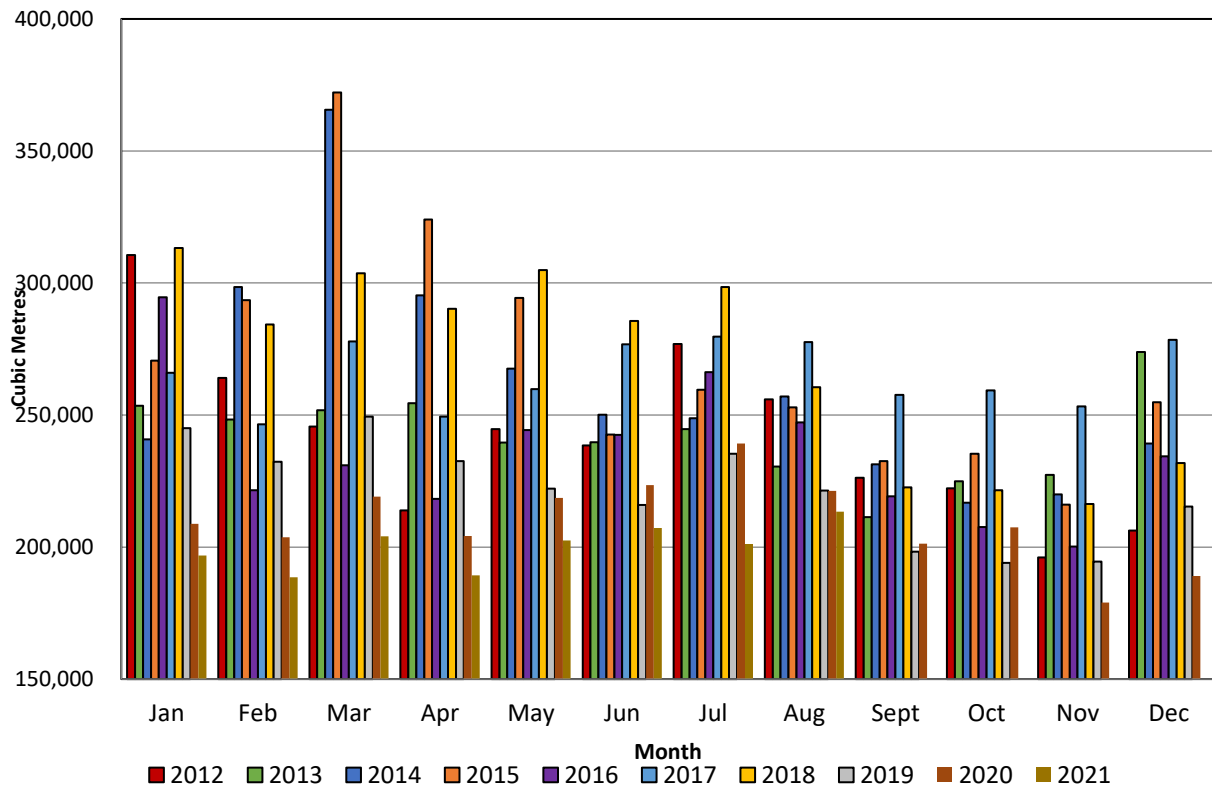
Figure 4: Proportion of Billed vs. Unbilled Water (by source) – 2019 vs 2020 (2021 data not available)

From a volume standpoint, by accurately tracking the water used in maintenance activities and using tools to estimate the water lost during a watermain break incident, it is evident that watermain breaks and post-repair flushing use the greatest amount of unbilled water (Table 3). The commitment to tracking water usage will not only allow staff to accurately calculate the annual volume of unaccounted for water, but will also allow the impact of watermain renewal to be assessed. The unfortunate reality of aging infrastructure is that watermain breaks will increase in frequency, and thus more water will be lost. Increased investment and accelerated replacement of aging infrastructure should reduce the amount of water lost due to watermain breaks and post-repair flushing, and that reduction should be captured during the annual analysis of water consumption data.

Table 3: Breakdown of Billed and Unbilled Water Volumes – 2019 vs 2020 vs 2021 (to Aug 31)

		2019	2020	2021 to August 31
Purchased	Purchased volume	2,656,040	2,515,060	1,602,940
Billed	Metered volume	1,632,548	1,625,882	1,079,809
Unbilled	Unbilled Bulk Water	1,178.16	1,509	1,212
	Maintenance Water	9,254.30	49,291.50	-
	Main Break/Post Repair Flushing	594,362.28	146,523.50	-
	Service Leaks	18,330	-	-
	Fire Suppression	92	4,500	0
	Unaccounted for Water	400,275.26	691,403.99	521,918.92

Figure 5 illustrates the unique Port Colborne consumption trend, which almost always sees the City using more water in the first quarter of the year, as opposed to all other municipalities in Niagara which use more water in the warmer summer months. Region and City staff are unclear as to why this trend occurs in Port Colborne. Although in 2020 that trend is actually no longer consistent and July had the highest purchased amount.

Figure 5: Volume of Water Purchased from RMON each Month - Jan 2012 to Aug 2021

h. Raw Water Supply and Water Quality Trends

The Regional Municipality of Niagara (Region) supplies all drinking water to the PCDS, and as such, is responsible for all testing of the raw water supply (Welland Canal). Results of the testing are provided annually to the City in the Region's annual report.

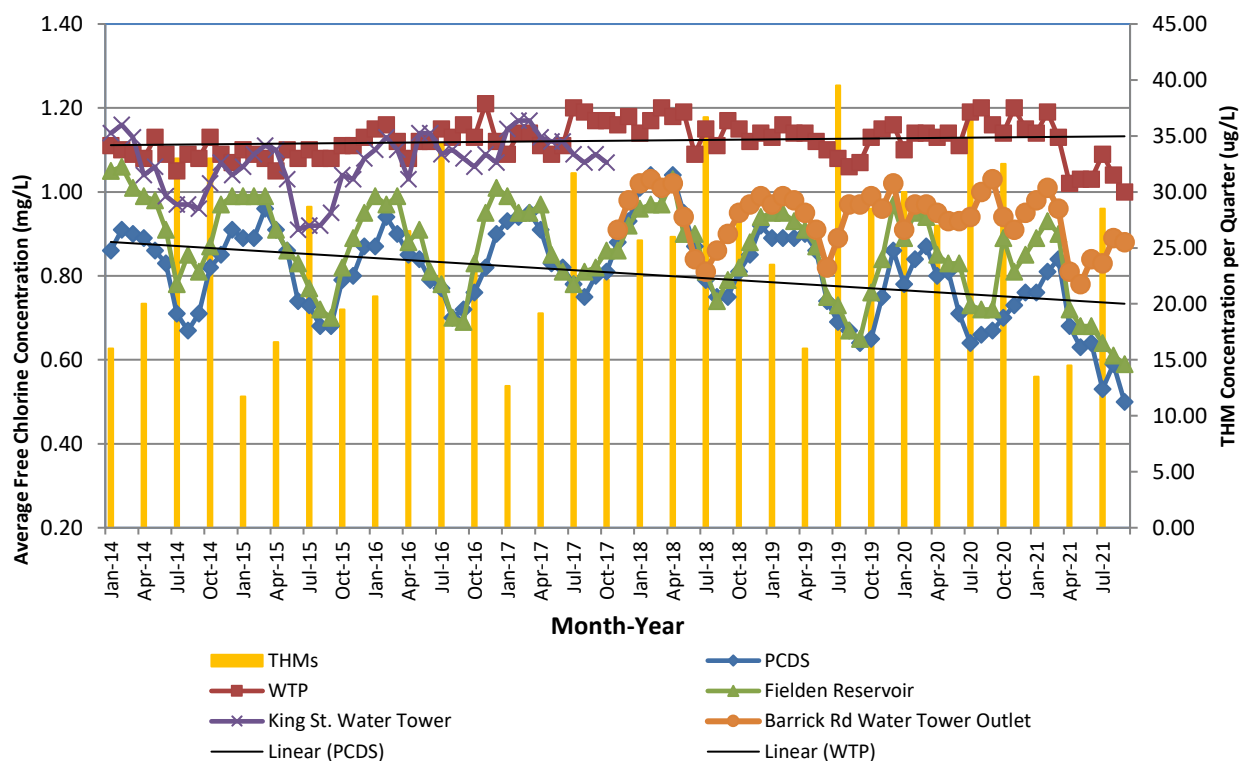
Within the PCDS, the City is required to collect samples on a routine basis and evaluate them for a number of parameters. Microbiological samples, in addition to free chlorine samples are the best indicators of water quality trends within the PCDS. As indicated in Table 1 and detailed in section b. above, there were a total of three (3) adverse samples in 2020 and 2021 so far.

Figure 6 below illustrates the average monthly free chlorine concentrations within the PCDS, compared to the average monthly free chlorine concentrations exiting the Water Treatment Plant (WTP), Fielden Avenue Reservoir (Reservoir) and Water Tower (King Street 2014-Oct 2017, Barrick Road Oct 2017-present) (data provided by Region staff).

As expected, free chlorine concentrations in the PCDS are lower than those exiting the WTP, the Reservoir and Water Tower; although free chlorine concentrations leaving the Barrick

Road Water Tower are closer to the PCDS concentrations than the King Street Water Tower concentrations were. Additionally, the relationship between warmer months and chlorine levels can be clearly observed, with free chlorine levels declining during the warmer months. It is interesting to note that the chlorine levels leaving the WTP, which had been quite consistent since late 2013, with average annual FAC levels of 1.09 mg/L, climbed to an average of 1.14 mg/L in 2016 and have remained high, averaging FAC of 1.15 mg/L in both 2017 and 2018 and averaging 1.12 mg/L in 2019. In April 2021 a decline in FAC was noticeable leaving the WTP averaging just above 1.00 mg/L, which appears to be linked to the drop in FAC in the Fielden Reservoir and PCDS. This issue is being closely monitored by staff and discussions are ongoing with Niagara Region staff

Figure 6: 2014-2021 Average Monthly Free Chlorine Concentration Comparison between PCDS and Regional facilities vs. Quarterly Average Trihalomethanes



Quarterly trihalomethanes (THM) in 2020 were slightly higher than the levels observed in 2019. Overall, average THM concentrations have remained relatively stable since 2013 (Table 4).

Table 4: Average Annual Trihalomethanes Concentrations – 2009-2018

Year	Average Trihalomethanes (µg/L)
2009	31.00
2010	25.25
2011	7.50
2012	16.75
2013	26.00
2014	25.50
2015	19.12
2016	26.08
2017	22.30
2018	29.04
2019	26.88
2020	31.50
2021 (to Aug 31)	18.83

The City began sampling for Haloacetic Acids (HAAs), as required by the regulation, on a quarterly basis in 2017. The City is required to begin reporting results in January 2020. HAAs have remained far below the Ministry's maximum acceptable concentration of 0.08 mg/L (or 80 µg/L) in 2020 and into 2021. These results indicate that HAAs are not going to be a water quality issue in the distribution system.

i. Follow up on Action Items from Previous Management Reviews

Action Items:

- Sampling SOP - It was asked if the City's sampling procedure included instructions on how to check the sample bottle to ensure it was "good" before using it to collect a sample. Staff indicated they would check the procedure and incorporate if the procedure didn't contain that information
 - STATUS: Procedure revision is in progress and is high priority
- Reagent storage/disposal – It was discussed that a process for reagent storage/disposal will be created to ensure expired standards and reagents won't be used during watermain commissioning, and it was suggested that there may be an opportunity to set up automatic notifications regarding expiry dates.
 - STATUS: Procedure finalization in progress
- Region communication in event of shutdown of Region facility – outcome of the 2017 mock emergency. The City was concerned that the Region does not notify the City of all outages/upsets at Region facilities. While it is true that the majority of system outages/upsets at Regional facilities will have little to no impact on the City's distribution system, knowing the status of the Regional facilities in the event of a distribution system incident and/or emergency would only assist the City and the Region in providing the highest quality drinking water and customer service to our residents –

as drinking water is shared responsibility. Director was to discuss with Region's leadership team

- STATUS: To be discussed at the meeting.
- Frozen Water Services Hotline – repurposing as a hotline where residents could call to listen to a recorded message and receive information during a water emergency – number would be provided in all advisories and communications. Monitoring evolution of the customer service position(s) to determine if hotline is still required.
 - STATUS: Ongoing.
- Alternative “local” chemical laboratories - There are no local chemical labs approved by the Ministry for drinking water analyses. The Region has an agreement with a laboratory in Waterloo, and has a key and code to access the laboratory in order to drop off samples 24/7, and they have pricing for 24/7 analysis in the event of an emergency. Investigate more alternative laboratories for the City and discuss emergency sampling with the current laboratories.
 - STATUS: To be discussed at the meeting
- Leak detection on Region's trunk watermain – the Region does not do active leak detection on their trunk watermain, however, it has been indicated that there is an appetite to pursue program(s).
 - STATUS: Ongoing
- QMS Rep back up - there remains no defined back up to the QMS Representative and succession planning has not yet been discussed. It was asked if there was an opportunity for local municipalities to back each other up, as many of the smaller municipalities do not have a back up for their QMS Rep.
 - STATUS: Climate Change Coordinator fulltime FTE will act as backup.
- Health Canada Lead Levels – Health Canada officially released updated guidelines for lead in drinking water in March, 2019 – lowering the acceptable concentration of lead in drinking water from 10 µg/L to 5µg/L. The Ministry will likely also lower their limit (currently 10 µg/L), and may require those municipalities that are currently exempt from collecting and analyzing plumbing samples to commence sampling again. Port Colborne has been exempt from sampling plumbing (homes and businesses) since 2010. A review of historical plumbing sample results indicates there were two exceedances of the 10µg/L limit in 2008, and while there were not exceedances of the limit in 2009, there was one plumbing sample that was higher than the proposed 5µg/L limit.
 - STATUS: Staff will continue to monitor communications from the Ministry and inform Top Management as required. No changes have occurred yet.
- Asset Management Planning Regulation – O. Reg. 588/17 came into force on January 1, 2018.
 - STATUS: Ongoing. To discuss at the meeting.

- QMS Standard Operating Procedures - Councillor Wells to investigate possible on-line method to access DWQMS SOPs that are referenced in the Operational Plan. Councillors don't have access to IBM Notes, so are unable to access the Quality Management System database, and the files are too large to email out. It was discussed if there was a secure online tool that the Councillors could access to view the procedures.
 - STATUS: Update to be provided at the meeting.
- It was discussed that when buildings are demolished, that the Utilities group needs to be kept in the loop to ensure that the water service and sewer lateral are correctly decommissioned to ensure the service is not leaking and that the sewer lateral is not allowing infiltration into the wastewater collection system.
 - STATUS: Still in progress
- Engineering is working on a procedure for Planning and Building Department tasks and will incorporate.
 - STATUS: Action item.
- It was discussed whether it would be feasible to go back through all demolitions in the last five years to ensure that the services were properly decommissioned.
 - STATUS: Update to be provided at the meeting.

j. Status of Management Action Items Identified Between Reviews

There were no Management Action Items identified since the previous management review.

k. Changes That Could Affect the QMS or the PCDS

- *Sanitary and Storm Sewer Design Criteria and Wastewater Collection Environmental Compliance Approvals (ECAs)*
Port Colborne will have to apply for a Consolidated Linear Infrastructure ECA by January 2022. While this falls outside of the scope of the QMS, there will be significant effort required to comply with the new ECA requirements and could impact staffing and other resources.

l. Consumer Feedback

There were 20 complaints received in 2020. 18 of the complaints were about dirty water and 2 were about taste/odour. The exact cause of most of the complaints was not known at the time of the site visit. In most cases, the water had already cleared, so the operator was unable to ascertain what the cause may have been; however, in all these "unknown" cases, the

samples collected by the operator during the site visit were well within acceptable parameters. Where the source of the complaint could be determined, activities in the distribution system (i.e. valve turning, hydrant flushing) were the cause of the dirty water.

So far in 2021, 16 complaints have been received. 15 of which were dirty water and 1 was odour. Half of the complaints were due to the Niagara Region turning valves on June 22-23.

m. Resources Needed to Maintain the QMS

As outlined in section k, there may be a need for additional resources depending on the additional workload to comply with the new CLI-ECA.

n. Results of Infrastructure Review

The Infrastructure Review must be completed once every calendar year. The last Infrastructure review was completed on December 15, 2020 and the next one is planned for early December 2021. It was discussed that Erie Street and Davis Street are the priority watermain projects. Currently the Erie St watermain design is underway.

The Infrastructure Needs Study and Asset Management Plan will assist with capital planning.

o. Operational Plan Currency, Content and Updates

The Operational Plan has been updated to reflect the organization and staff changes and updated with the new logo. The Operational Plan is set to go to Council at the end of October 2021 to be endorsed.

p. Staff Suggestions

Staff suggestions, where applicable, are captured under the Corrective Action Logs with Source identified as “other.”

q. New or Other Business

To be determined during the meeting.

r. Next Scheduled Review

The suggestion from a previous Management Review was to meet ahead of the water/wastewater budget and then ahead of the internal audit. The requirement is to conduct a Management Review once every calendar year. Therefore, it's proposed to have the next Management Review in September 2022.



**Drinking Water Quality Management System Review and
Level 3 Risk Assessment
October 5, 2021**

The following were in attendance:

Darlene Suddard, Councillor Gary Bruno, Councillor Harry Wells, Chris Kalimootoo, Tommy Peazel

Regrets:

Items	Actions/Deadline
1. Overview of purpose and outcomes of annual Management Review	
<p>Cassandra provided an overview of the Management Review, indicating that the main purpose is to provide Management with appropriate and sufficient data to make decisions regarding the Quality Management System.</p> <p>This Management Review covered the period from January 1 2020 to August 31, 2021.</p>	
2. Level 3 Risk Assessment	
<p>RA outcomes from level 1 RA were reviewed and hazards were reviewed. Previous items were discussed and those risks/hazards will be evaluated during the 2022 RA.</p> <ul style="list-style-type: none"> • Staff discussed the current trend of chlorine residual and the impact the WTP has on the distribution system • The COVID pandemic and staffing shortages was also discussed. An SOP should be considered to address future pandemics or other staff disruptions • An SOP to describe how staff designate alternative staff members for vacation or other absences of over 48 hours was considered. 	
ACTION: 1. Consider adding SOPs as outlined above.	Cassandra, Q2 2022
3. Management Review - Items to be discussed.	

Items	Actions/Deadline
Attendees were provided with a summary of the items required to be discussed, as specified by the DWQMS, prior to the meeting date.	
<p><i>a) Incidents of Regulatory Non-Compliance</i></p> <p>None reported.</p>	
<p><i>b) Incidents of Adverse Drinking Water Tests</i></p> <p>Overview was provided at the meeting.</p>	
<p><i>c) Deviations from critical control point limits and response actions</i></p> <p>Overview was provided. No concerns.</p>	
<p><i>d) 2020 Risk Assessment</i></p> <p>Last year's Risk Assessment was discussed. Previous year action items were discussed as item 2. Level 3 Risk Assessment</p>	
<i>e) Results of Internal and Third Party Audits</i>	
<p>Internal</p> <p>-question regarding whether the past audits identified staffing shortages as an opportunity for improvement. It was described that the increase length of vacancies is more recent. Concerns raised if loss of staff occurred, then this would result in loss of knowledge and ultimately could impact water loss since staff are not able to take proactive approach to water loss issues (leak detection, record keeping, increase in field knowledge).</p> <p>-In 2022 we need to evaluate how we should be estimating water loss. Water main break water loss can be very challenging to estimate. Best approach would be to take proactive leak detection approach. Even new infrastructure poses challenges due to the rock that Port Colborne has.</p> <p>ACTION: 1. Water loss calculations and assumptions need to be firmed up.</p>	Darlene, Q1 2022
<p>External</p> <p>-no concerns raised.</p>	
<p><i>f) Results of relevant emergency response testing</i></p> <p>-discussed potential topics for 2022 emergency response testing, such as terrorism or the actual emergency that was the COVID pandemic and our response.</p>	

Items	Actions/Deadline
<p><i>g) Operational Performance</i></p> <ul style="list-style-type: none"> - Discussion around Table 2 in the Summary Report and refining the Operational Performance Indicators and making sure these items are better tracked moving forward. - Discussion around Figure 3 and how the water purchased and the metered volumes are continuously getting closer and following the same trend. - 2020 monitoring of unbilled water wasn't as closely tracked due to challenges around staffing and making assumptions on water loss. Water loss calculations are estimates and can pose challenges with accuracy. Moving into 2022 water loss calculations and assumption will be better defined. <p>ACTION: 1. Operation Performance Indicators need to be set and tracked for long term tracking.</p>	Tommy, Q4 2021
<p><i>h) Raw Water Supply and Water Quality Trends</i></p> <p>Discussion around lowered chlorine residuals from the WTP starting in Spring 2021 and the impact it appears to be having on the distribution system. Discussions with Region are ongoing. Flushing programs are being better optimized as well.</p>	
<p><i>i) Follow up on action items from previous management reviews</i></p>	
<p>Action Items:</p> <ul style="list-style-type: none"> ■ Sampling SOP - It was asked if the City's sampling procedure included instructions on how to check the sample bottle to ensure it was "good" before using it to collect a sample. Staff indicated they would check the procedure and incorporate if the procedure didn't contain that information <ul style="list-style-type: none"> ○ STATUS: Procedure revision is in progress and is high priority 	
<ul style="list-style-type: none"> ■ Reagent storage/disposal – It was discussed that a process for reagent storage/disposal will be created to ensure expired standards and reagents won't be used during watermain commissioning, and it was suggested that there may be an opportunity to set up automatic notifications regarding expiry dates. <ul style="list-style-type: none"> ○ STATUS: Procedure finalization in progress 	

Items	Actions/Deadline
<ul style="list-style-type: none"> ▪ Region communication in event of shutdown of Region facility – outcome of the 2017 mock emergency. The City was concerned that the Region does not notify the City of all outages/upsets at Region facilities. While it is true that the majority of system outages/upsets at Regional facilities will have little to no impact on the City's distribution system, knowing the status of the Regional facilities in the event of a distribution system incident and/or emergency would only assist the City and the Region in providing the highest quality drinking water and customer service to our residents – as drinking water is shared responsibility. Director was to discuss with Region's leadership team <ul style="list-style-type: none"> ○ STATUS: Region doesn't always notify us or communicate to use when the plan is down. Director level discussion needs to happen. Darlene to forward information to Chris. 	Darlene/Chris, Q1 2022
<ul style="list-style-type: none"> ▪ Frozen Water Services Hotline – repurposing as a hotline where residents could call to listen to a recorded message and receive information during a water emergency – number would be provided in all advisories and communications. Monitoring evolution of the customer service position(s) to determine if hotline is still required. <ul style="list-style-type: none"> ○ STATUS: this is discontinued. However, Customer Service representatives should have access to FAQs on the intranet to better understand the issue and answer resident questions. Cassandra to reach out to Jonathan and prepare some FAQs 	Cassandra, Q4 2021
<ul style="list-style-type: none"> ▪ Alternative “local” chemical laboratories - There are no local chemical labs approved by the Ministry for drinking water analyses. The Region has an agreement with a laboratory in Waterloo, and has a key and code to access the laboratory in order to drop off samples 24/7, and they have pricing for 24/7 analysis in the event of an emergency. Investigate more alternative laboratories for the City and discuss emergency sampling with the current laboratories. <ul style="list-style-type: none"> ○ STATUS: We do have this service at our micro lab, but can reach out to other municipal colleagues to see if there's any interest to try and get better pricing, but then all of our “eggs are in one basket” as we'll all be purchasing from the same lab. Darlene to ask Chuck to look into Niagara co-op for purchasing. 	Darlene, Q4 2021
<ul style="list-style-type: none"> ▪ Leak detection on Region's trunk watermain – the Region does not do active leak detection on their trunk watermain, however, it has been indicated that there is an appetite to pursue program(s). <ul style="list-style-type: none"> ○ STATUS: Ongoing 	

Items	Actions/Deadline
<ul style="list-style-type: none"> ▪ QMS Rep back up - there remains no defined back up to the QMS Representative and succession planning has not yet been discussed. It was asked if there was an opportunity for local municipalities to back each other up, as many of the smaller municipalities do not have a back up for their QMS Rep. <ul style="list-style-type: none"> ○ STATUS: Climate Change Coordinator fulltime FTE will act as backup. 	
<ul style="list-style-type: none"> ▪ Health Canada Lead Levels – Health Canada officially released updated guidelines for lead in drinking water in March, 2019 – lowering the acceptable concentration of lead in drinking water from 10 µg/L to 5µg/L. The Ministry will 	
<ul style="list-style-type: none"> ▪ likely also lower their limit (currently 10 µg/L), and may require those municipalities that are currently exempt from collecting and analyzing plumbing samples to commence sampling again. Port Colborne has been exempt from sampling plumbing (homes and businesses) since 2010. A review of historical plumbing sample results indicates there were two exceedances of the 10µg/L limit in 2008, and while there were not exceedances of the limit in 2009, there was one plumbing sample that was higher than the proposed 5µg/L limit. <ul style="list-style-type: none"> ○ STATUS: Staff will continue to monitor communications from the Ministry and inform Top Management as required. No changes have occurred yet. 	
<ul style="list-style-type: none"> ▪ Asset Management Planning Regulation – O. Reg. 588/17 came into force on January 1, 2018. <ul style="list-style-type: none"> ○ STATUS: Ongoing. Some overlap with the infrastructure review process. INS out for tender and this will feed into the capital plan. 	
<ul style="list-style-type: none"> ▪ QMS Standard Operating Procedures - Councillor Wells to investigate possible on-line method to access DWQMS SOPs that are referenced in the Operational Plan. Councillors don't have access to IBM Notes, so are unable to access the Quality Management System database, and the files are too large to email out. It was discussed if there was a secure online tool that the Councillors could access to view the procedures. <ul style="list-style-type: none"> ○ STATUS: Some discussion around adding some procedures to the intranet for ease of access, but this is still ongoing. 	

Items	Actions/Deadline
<ul style="list-style-type: none"> ▪ It was discussed that when buildings are demolished, that the Utilities group needs to be kept in the loop to ensure that the water service and sewer lateral are correctly decommissioned to ensure the service is not leaking and that the sewer lateral is not allowing infiltration into the wastewater collection system. <ul style="list-style-type: none"> ○ STATUS: Still in progress 	
<ul style="list-style-type: none"> ▪ It was discussed that when buildings are demolished, that the Utilities group needs to be kept in the loop to ensure that the water service and sewer lateral are correctly decommissioned to ensure the service is not leaking and that the sewer lateral is not allowing infiltration into the wastewater collection system. <ul style="list-style-type: none"> ○ STATUS: Still in progress ▪ Engineering is working on a procedure for Planning and Building Department tasks and will incorporate. <ul style="list-style-type: none"> ○ STATUS: Action item. ▪ It was discussed whether it would be feasible to go back through all demolitions in the last five years to ensure that the services were properly decommissioned. <ul style="list-style-type: none"> ○ STATUS: These 3 items are all related. PW needs to decide on how long water services should be kept after demolitions. IF the land is staying vacant then they should be decommissioned and the contractor should be required to reconnect new services, but we inspect. Growth will pay for growth and is being reflected in new fees and charges bylaw. Brian Kostuk needs to know the process for building and M.C permits perspective. ○ Review previous demo permits to find status on services 	Tommy, Q4 2021
<p>j) <i>Status of management action items identified between reviews</i></p> <p>None.</p>	
<p>k) <i>Changes that could affect the QMS or the PCDS</i></p> <p>Sanitary and Storm CLI-ECAs: Due January 2022. While this falls outside the scope of DWQMS, it will take significant staff resources to comply with the new ECA requirements and could impact staffing and other resources.</p>	
<p>l) <i>Consumer Feedback</i></p> <p>-most related to taste and were resolved once Operator was there and testing came back within acceptable parameters.</p>	
<p>m) <i>Resources Needed to maintain the QMS</i></p> <p>- <i>Related to new CLI-ECA and pressure on staffing</i></p>	
<p>n) <i>Results of Infrastructure Review</i></p> <p>-Next one will be complete in December 2021</p>	
<p>o) <i>Operational Plan Currency, Content and Updates</i></p>	

Items	Actions/Deadline
-revision coming to Council end of October.	
p) Staff suggestions None at this time.	
4. Round Table	
Chris- financial plan does include increase to staffing by 1 FTE in 2022 and to have a temporary staff as an OIT to try and develop internally and for succession planning and staff development. Councilor Wells- graphs are really important tool for reviewing the water purchased amounts versus billed water. Also discussion on if there is a need for more staff to build a business case to show the justification.	
5. Next Scheduled Review The Next Management Review will be scheduled for September 2022	

Ministry of the Environment,
Conservation and Parks

Drinking Water and Environmental
Compliance Division
West Central Region
Niagara District Office

9th Floor, Suite 15
301 St. Paul Street
St. Catharines, ON L2R 7R4
Tel.: 905-704-3900
1-800-263-1035
Fax.: 905-704-4015

Ministère de l'Environnement
de la Protection de la nature et des Parcs

Division de la conformité en matière d'eau
potable et d'environnement
Direction régionale du Centre-Ouest
Bureau de district de Niagara

9^e étage, bureau 15
301, rue St. Paul
St. Catharines, ON L2R 7R4
Tel.: 905 704-3900
1-800-263-1035
Fax: 905 704-4015

January 4, 2022

Cassandra Banting
Environmental Compliance Supervisor
City of Port Colborne
1 Killaly St W
Port Colborne, ON
Cassandra.Banting@portcolborne.ca

Re: MECP Inspection - Port Colborne Distribution System (DWS# 260001643)

Dear Ms. Banting,

Please find the enclosed copy of the inspection report # 1-31188032 for the Port Colborne Distribution System completed under the Ministry's focused inspection protocol to assess compliance with Safe Drinking Water legislation. The report is based on conditions encountered at the time of inspection, and subsequent follow-up.

If applicable, any items with found within the section entitled "Non-Compliance/Non-Conformance Items" which have sections under legislative requirements outline non-compliance with regulatory requirements contained within an Act, a Regulation, or site-specific approvals, licenses, permits, orders, or guidelines. Please ensure that the required actions are completed within the prescribed timeframe, if applicable.

The items with "Not Applicable" legislative requirements provide information to the owner or operating authority outlining practices or standards established through existing and emerging industry standards that should be considered in order to advance current efforts. These items do not, in themselves, constitute violations. More recommendations may also be provided within the body of the report.

In order to measure individual inspection results, the Ministry has established an inspection compliance risk framework based on the principles of the Inspection, Investigation &

Enforcement (II&E) Secretariat and advice of internal/external risk experts. The Inspection Summary Rating Record (IRR), included as an Appendix of the inspection report, provides the Ministry, the system owner and the local Public Health Units with a summarized quantitative measure of the drinking water system's annual inspection and regulated water quality testing performance. IRR ratings are published (for the previous inspection year) in the Ministry's Chief Drinking Water Inspectors' Annual Report. Please note that due to a change in IT systems, the IRR cannot be generated at the same time as the inspection report. The IRR will be sent separately and prior to any public release (typically within 1-2 months of the completion of the inspection).

Thank you for the assistance during the inspection. If you have any questions or concerns, do not hesitate to contact me or Brittney Wielgos, Acting Water Compliance Supervisor, West Central Region at (705)768-8195 or Brittney.wielgos@ontario.ca.

Sincerely,



Ivanna Okroukh
Water Inspector (A)
MECP Niagara District Office
West Central Region
437-243-5462
ivanna.okroukh@ontario.ca

Cc:

Chris Kalimootoo – Director Of Public Works, City of Port Colborne
Darlene Suddard, Manager of Water/Wastewater, City of Port Colborne
Tommy Peazel, ORO, City of Port Colborne
Glen Hudgin - Niagara Public Health Department
Leilani Lee-Yates - Niagara Peninsula Conservation Authority
Brittney Wielgos – Ministry of the Environment, Conservation and Parks
Sean Roelofsen - Ministry of the Environment, Conservation and Parks



PORT COLBORNE DISTRIBUTION SYSTEM
1 KILLALY ST W, PORT COLBORNE, ON, L3K 6H1
Inspection Report

System Number: 260001643
Inspection Start Date: 11/22/2021
Inspection End Date: 01/04/2022
Inspected By: Sean Roelofsen
Badge #: 1273
Inspected By: Ivanna Okroukh
Badge #:

A handwritten signature in black ink, appearing to read "Sean Roelofsen".

(signature)

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APPENDIX B	INSPECTION RATING RECORD (IRR)
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NON-COMPLIANCE/NON-CONFORMANCE ITEMS

This should not be construed as a confirmation of full compliance with all potential applicable legal requirement and BMPs. These inspection findings are limited to the components and/or activities that were assessed, and the legislative framework(s) that were applied. It remains the responsibility of the owner to ensure compliance with all applicable legislative and regulatory requirements.

If you have any questions related to this inspection, please contact the signed Provincial Officer.

INSPECTION DETAILS

This section includes all questions that were assessed during the inspection.

Ministry Program: Regulated Activity: DRINKING WATER : DW Municipal Residential

Question ID	MRDW1001000		
Question	Question Type	Legislative Requirement	
What was the scope of this inspection?	Information	Not Applicable	
Observation			
<p>The primary focus of this inspection is to confirm compliance with Ministry of the Environment, Conservation and Parks (MECP) legislation as well as evaluating conformance with ministry drinking water policies and guidelines during the inspection period. The ministry utilizes a comprehensive, multi-barrier approach in the inspection of water systems that focuses on the source, treatment, and distribution components as well as management practices.</p> <p>This drinking water system is subject to the legislative requirements of the Safe Drinking Water Act, 2002 (SDWA) and regulations made therein, including Ontario Regulation 170/03, "Drinking Water Systems" (O.Reg. 170/03). This inspection has been conducted pursuant to Section 81 of the SDWA.</p> <p>This inspection report does not suggest that all applicable legislation and regulations were evaluated. It remains the responsibility of the owner to ensure compliance with all applicable legislative and regulatory requirements.</p> <p>On December 7, 2021, Inspectors Ivanna Okroukh and Sean Roelofsen conducted an announced inspection of the Port Colborne Distribution System, DWS # 260001643. The Corporation of the City of Port Colborne is the Owner and Operator of the Port Colborne Distribution System, which serves approximately 16,000 residents.</p> <p>The inspection period covered November 1, 2020 to October 31, 2021.</p> <p>The system is a stand-alone class 1 distribution system and obtains water from the Regional municipality of Niagara's Port Colborne water treatment plant and outstations. The distribution system is approximately 112 km in length, and the watermains are constructed of approximately 65 km of PVC and 36 km of cast iron, with the remaining 11 km being a combination of ductile iron, asbestos cement, and steel. There are approximately 1808 valves and 624 fire hydrants located throughout the system.</p> <p>During the inspection, Inspectors met with Compliance Supervisor Cassandra Banting, ORO Tommy Peazel and Manager Darlene Suddard. The two bulk water filling stations located on Elizabeth St and Elm St were visited on the same day.</p> <p>Records reviewed in conjunction with this inspection include, but were not limited to: Municipal Drinking Water Licence (MDWL) 073-101, Issue 4 and Drinking Water Works Permit</p>			

(DWWP) 073-201, Issue 5 issued on October 11, 2019, along with other documents maintained by the owner/operator associated with regulatory requirements under the Safe Drinking Water Act.

Question ID	MRDW1000000	
Question	Question Type	Legislative Requirement
Does this drinking water system provide primary disinfection?	Information	Not Applicable
Observation		
<p>This Drinking Water System provides for only secondary disinfection and distribution of water. Primary disinfection is undertaken by another regulated Drinking Water System which provides treated water to this Drinking Water System.</p> <p>Port Colborne Distribution system is a stand-alone, Class 1 Distribution system and obtains water from the Regional Municipality of Niagara's Port Colborne Drinking Water System, DWS # 220002075. The City of Port Colborne does not perform any secondary disinfection, as the treatment plant and outstations sufficiently chlorinate the water to meet the minimum requirements of free chlorine residual.</p>		

Question ID	MRDW1033000	
Question	Question Type	Legislative Requirement
Is the secondary disinfectant residual measured as required for the large municipal residential distribution system?	Legislative	SDWA O. Reg. 170/03 7-2 (3), SDWA O. Reg. 170/03 7-2 (4)
Observation		
<p>The secondary disinfectant residual was measured as required for the distribution system.</p> <p>The City of Port Colborne monitors the free chlorine residual in the distribution system, utilizing the 4/3 option as described in Sched. 7-2(4) of O. Reg. 170/03 (ie. at least 4 samples taken on one day of the week, at least 3 samples taken on a second day of the week, at least 48 hours apart). The City generally samples more locations than required, rotating sampling locations on a weekly basis in a 4-week rotation.</p>		

Question ID	MRDW1020000	
Question	Question Type	Legislative Requirement
Is the owner/operating authority able to demonstrate that, when required during the inspection period, Form 1 documents were prepared in accordance with their Drinking Water Works Permit?	Legislative	SDWA 31 (1)
Observation		

The owner/operating authority was in compliance with the requirement to prepare Form 1 documents as required by their Drinking Water Works Permit during the inspection period.

One Form 1 was completed during the inspection period for work related to the replacement of 755m of watermain on Erie St, which met the requirements of the DWWP.

Question ID	MRDW1025000	
Question	Question Type	Legislative Requirement
Were all parts of the drinking water system that came in contact with drinking water (added, modified, replaced or extended) disinfected in accordance with a procedure listed in Schedule B of the Drinking Water Works Permit?	Legislative	SDWA 31 (1)
Observation		
All parts of the drinking water system were disinfected in accordance with a procedure listed in Schedule B of the Drinking Water Works Permit.		
City of Port Colborne has SOP# C2.4 (Standard Operating Procedure for Repair of Watermain Breaks) to document procedures on Watermain Repair/Maintenance Reports. All required information was recorded on the documents reviewed for the inspection period.		
The Ministry's Watermain Disinfection Procedure (WDP) was updated and approved in August 2020. As per Condition 2.3.2, the City of Port Colborne is now required to follow the requirements of the updated Watermain Disinfection Procedure, August 2020.		

Question ID	MRDW1062000	
Question	Question Type	Legislative Requirement
Do records or other record keeping mechanisms confirm that operational testing not performed by continuous monitoring equipment is being done by a certified operator, water quality analyst, or person who meets the requirements of O. Reg. 170/03 7-5?	Legislative	SDWA O. Reg. 170/03 7-5
Observation		
Records or other record keeping mechanisms confirmed that operational testing not performed by continuous monitoring equipment was being done by a certified operator, water quality analyst, or person who suffices the requirements of O. Reg. 170/03 7-5.		

Question ID	MRDW1060000	
Question	Question Type	Legislative Requirement
Do the operations and maintenance manuals meet the requirements of the DWWP and MDWL issued under Part V of the SDWA?	Legislative	SDWA 31 (1)

Observation
The operations and maintenance manuals met the requirements of the Drinking Water Works Permit and Municipal Drinking Water Licence issued under Part V of the SDWA.

Question ID	MRDW1071000	
Question	Question Type	Legislative Requirement
Has the owner provided security measures to protect components of the drinking water system?	BMP	Not Applicable
Observation	<p>The owner had provided security measures to protect components of the drinking water system.</p> <p>Backflow prevention devices and/or air gaps are in place at the City's two bulk water filling stations. Access is restricted to holders of a security pass card. The Inspectors observed trucks filling at each location, the air gap works as required.</p>	

Question ID	MRDW1073000	
Question	Question Type	Legislative Requirement
Has the overall responsible operator been designated for all subsystems which comprise the drinking water system?	Legislative	SDWA O. Reg. 128/04 23 (1)
Observation	<p>The overall responsible operator has been designated for each subsystem.</p> <p>The Port Colborne Distribution System is classified as a Class 1 Distribution subsystem.</p> <p>The designated ORO is Tommy Peazel, who holds a valid Class 2 license, expiring July 31, 2022.</p>	

Question ID	MRDW1074000	
Question	Question Type	Legislative Requirement
Have operators in charge been designated for all subsystems for which comprise the drinking water system?	Legislative	SDWA O. Reg. 128/04 25 (1)
Observation	Operators-in-charge had been designated for all subsystems which comprised the drinking water system.	

Question ID	MRDW1075000	
Question	Question Type	Legislative Requirement
Do all operators possess the required certification?	Legislative	SDWA O. Reg. 128/04 22

Observation
All operators possessed the required certification.

Question ID	MRDW1099000	
Question	Question Type	Legislative Requirement
Do records show that all water sample results taken during the inspection review period did not exceed the values of tables 1, 2 and 3 of the Ontario Drinking Water Quality Standards (O. Reg.. 169/03)?	Information	Not Applicable
Observation		
Records showed that all water sample results taken during the inspection review period did not exceed the values of tables 1, 2 and 3 of the Ontario Drinking Water Quality Standards (O.Reg. 169/03).		

Question ID	MRDW1096000	
Question	Question Type	Legislative Requirement
Do records confirm that chlorine residual tests are being conducted at the same time and at the same location that microbiological samples are obtained?	Legislative	SDWA O. Reg. 170/03 6-3 (1)
Observation		
Records confirmed that chlorine residual tests were being conducted at the same time and at the same location that microbiological samples were obtained.		

Question ID	MRDW1081000	
Question	Question Type	Legislative Requirement
Are all microbiological water quality monitoring requirements for distribution samples being met?	Legislative	SDWA O. Reg. 170/03 10-2 (1),SDWA O. Reg. 170/03 10-2 (2),SDWA O. Reg. 170/03 10-2 (3)
Observation		
All microbiological water quality monitoring requirements for distribution samples were being met.		
The City of Port Colborne is required to take at least 26 microbiological samples (testing for Total Coliform bacteria and E. Coli) per month, including at least one sample per week, as per Schedule 10 of O. Reg. 170/03. At least 25% of the samples must also be tested for Heterotrophic Plate Count (HPC).		

The City generally takes eight microbiological samples per week (32 samples per month), rotating through sampling locations on a weekly basis in a 4-week rotation.

A review of sampling records indicated that the City has complied with all microbiological sampling requirements.

Question ID	MRDW1086000	
Question	Question Type	Legislative Requirement
Are all haloacetic acid water quality monitoring requirements prescribed by legislation conducted within the required frequency and at the required location?	Legislative	SDWA O. Reg. 170/03 13-6.1 (1),SDWA O. Reg. 170/03 13-6.1 (2),SDWA O. Reg. 170/03 13-6.1 (3),SDWA O. Reg. 170/03 13-6.1 (4),SDWA O. Reg. 170/03 13-6.1 (5),SDWA O. Reg. 170/03 13-6.1 (6)
Observation		
All haloacetic acid water quality monitoring requirements prescribed by legislation are being conducted within the required frequency and at the required location.		
Haloacetic Acid (HAA) samples were collected and tested on a quarterly basis with an annual running average of 5.6 ug/L. The Region also samples for HAAs in its distribution mains.		
The prescribed limit of 80 ug/L took effect on January 1, 2020.		

Question ID	MRDW1087000	
Question	Question Type	Legislative Requirement
Have all trihalomethane water quality monitoring requirements prescribed by legislation been conducted within the required frequency and at the required location?	Legislative	SDWA O. Reg. 170/03 13-6 (1)
Observation		
All trihalomethane water quality monitoring requirements prescribed by legislation were conducted within the required frequency and at the required location.		
Trihalomethane (THM) samples are collected and tested on a quarterly basis from two locations in the distribution system. Niagara Region also tests for THMs in its distribution mains. The running annual average is currently 20.75 ug/L.		

The drinking water standard for THMs is 100 ug/L, expressed as a running annual average.

Question ID	MRDW1100000	
Question	Question Type	Legislative Requirement
Did any reportable adverse/exceedance conditions occur during the inspection period?	Information	Not Applicable
Observation		
There were reportable adverse/exceedances during the inspection period.		
The City of Port Colborne reported one AWQI during the inspection review period: AWQI 154943 - August 3, 2021 at SS 36, FCR = 0.02 mg/L.		
All reporting requirements and corrective actions were completed as required.		

Question ID	MRDW1101000	
Question	Question Type	Legislative Requirement
Have corrective actions (as per Schedule 17) been taken to address adverse conditions, including any other steps as directed by the Medical Officer of Health?	Legislative	SDWA O. Reg. 170/03 17-1, SDWA O. Reg. 170/03 17-10 (1),SDWA O. Reg. 170/03 17-10 (2),SDWA O. Reg. 170/03 17-11,SDWA O. Reg. 170/03 17-12,SDWA O. Reg. 170/03 17-13,SDWA O. Reg. 170/03 17-14,SDWA O. Reg. 170/03 17-2,SDWA O. Reg. 170/03 17-3,SDWA O. Reg. 170/03 17-4,SDWA O. Reg. 170/03 17-5,SDWA O. Reg. 170/03 17-6,SDWA O. Reg. 170/03 17-9

Observation
Corrective actions (as per Schedule 17) had been taken to address adverse conditions, including any other steps that were directed by the Medical Officer of Health.

Question ID	MRDW1113000		
Question	Question Type	Legislative Requirement	
Have all changes to the system registration information been provided to the Ministry within ten (10) days of the change?	Legislative	SDWA O. Reg. 170/03 10.1 (3)	
Observation			
All changes to the system registration information were provided within ten (10) days of the change.			
All profile information is accurate/up to date, the Drinking Water System Profile Information Form was submitted to the ministry via waterforms@ontario.ca.			

Question ID	MRDW1104000	
Question	Question Type	Legislative Requirement
Were all required verbal notifications of adverse water quality incidents immediately provided as per O. Reg. 170/03 16-6?	Legislative	SDWA O. Reg. 170/03 16-6 (1),SDWA O. Reg. 170/03 16-6 (2),SDWA O. Reg. 170/03 16-6 (3),SDWA O. Reg. 170/03 16-6 (3.1),SDWA O. Reg. 170/03 16-6 (3.2),SDWA O. Reg. 170/03 16-6 (4),SDWA O. Reg. 170/03 16-6 (5),SDWA O. Reg. 170/03 16-6 (6)
Observation		
All required notifications of adverse water quality incidents were immediately provided as per O. Reg. 170/03 16-6.		

Question ID	MRDW1117000	
Question	Question Type	Legislative Requirement

Are there any other DWS related items that should be recognized in this report?	Information	Not Applicable
Observation		
<p>The following items are noted as being relevant to the Drinking Water System:</p> <p>Due to the COVID-19 Pandemic and its potential effect on drinking water staffing levels, the City of Port Colborne applied for, and received, the following regulatory relief from the Ministry:</p> <ol style="list-style-type: none"> 1. The Operator in Charge (OIC) may categorize watermain breaks remotely provided that the OIC is in direct contact via a video link with an Operator-in-Training, or an O. Reg. 75/20-designated operator, that is on-site for the watermain break. 2. O. Reg. 170/03, Schedule 10 - 2 (1): At minimum 75% of the required distribution microbiological samples (20 samples) must be taken every month, with at least two (2) of the samples being in each week. 3. O. Reg. 170/03, Schedule 7: At a minimum at least three (3) free chlorine residual samples must be taken on one day of the week, and two (2) samples on another day of the week 48 hours apart (5 samples per week). <p>An application for an extension for temporary relief was submitted on December 9, 2020 and approved during the inspection period. Subject to condition 2.3 in Schedule B of DWWP, the Director hereby authorised the following procedures until May 31, 2021.</p> <p>It should be noted that the City did not have to use the relief conditions set out above, as they have been able to operate normally during the inspection review period and during the pandemic.</p>		

Question ID	MRDW1059000	
Question	Question Type	Legislative Requirement
Do the operations and maintenance manuals contain plans, drawings and process descriptions sufficient for the safe and efficient operation of the system?	Legislative	SDWA O. Reg. 128/04 28
Observation		
The operations and maintenance manuals contained plans, drawings and process descriptions sufficient for the safe and efficient operation of the system.		

Question ID	MRDW1061000	
Question	Question Type	Legislative Requirement
Are logbooks properly maintained and contain the required information?	Legislative	SDWA O. Reg. 128/04 27 (1), SDWA O. Reg. 128/04 27 (2), SDWA O. Reg.

		128/04 27 (3), SDWA O. Reg. 128/04 27 (4), SDWA O. Reg. 128/04 27 (5), SDWA O. Reg. 128/04 27 (6), SDWA O. Reg. 128/04 27 (7)
Observation		
Logbooks were properly maintained and contained the required information.		

Appendix B

Inspection Rating Record (IRR)

DWS Name: PORT COLBORNE DISTRIBUTION SYSTEM
DWS Number: 260001643
DWS Owner: CORPORATION OF THE CITY OF PORT COLBORNE
Municipal Location: PORT COLBORNE

Regulation: O.REG. 170/03
DWS Category: DW Municipal Residential
Type of Inspection: Focused
Inspection Date: Nov-22-21
Ministry Office: Niagara District Office

Maximum Risk Rating: 220

Inspection Module	Non Compliance Rating
Treatment Processes	0 / 46
Operations Manuals	0 / 28
Logbooks	0 / 18
Certification and Training	0 / 28
Water Quality Monitoring	0 / 51
Reporting & Corrective Actions	0 / 49
Overall - Calculated	0 / 220

Inspection Risk Rating: 0.00%

Final Inspection Rating: 100.00%

DWS Name: PORT COLBORNE DISTRIBUTION SYSTEM
DWS Number: 260001643
DWS Owner Name: CORPORATION OF THE CITY OF PORT COLBORNE
Municipal Location: PORT COLBORNE

Regulation: O.REG. 170/03
DWS Category: DW Municipal Residential
Type of Inspection: Focused
Inspection Date: Nov-22-21
Ministry Office: Niagara District Office

All legislative requirements were met. No detailed rating scores.

Maximum Question Rating: 220

Inspection Risk Rating:	0.00%
-------------------------	-------

FINAL INSPECTION RATING:	100.00%
--------------------------	---------



Subject: Gateway CIP Application 1338277 Ontario Inc. located at 72 Killaly Street

To: Council

From: Chief Administrative Office

Report Number: 2022-33

Meeting Date: March 22, 2022

Recommendation:

That Chief Administrative Office Report 2022-33 be received;

That Council approve the Gateway CIP Tax Increment Grant for 1338277 Ontario Inc., for the property located at 72 Killaly Street and the Economic Development Officer be directed to send notice of the approval to the Niagara Region;

That the Mayor and Clerk be authorized to execute a Grant Agreement between the City of Port Colborne and 1338277 Ontario Inc., subject to project completion approval from the Niagara Region and City of Port Colborne Economic Development Department; and

That a Bylaw to enter into a Grant Agreement with 1338277 Ontario Inc. be brought forward at a future meeting of Council.

Purpose:

The purpose of this report is to provide Council with a recommendation for the application made by 1338277 Ontario Inc. requesting a Niagara Gateway Economic Zone and Centre Community Improvement Plan (Gateway CIP) Tax Increment Grant (TIG) for the redevelopment of 72 Killaly Street. The applicant proposes to undertake a significant expansion of the warehouse and improvements to the structures, efficiency and functionality of the grounds and improvements to the entire parcel of land.

Background:

The Niagara Gateway Economic Zone and Centre Community Improvement Plan (Gateway CIP) provides eligible projects with property tax reductions of between 40% and 100% for five to ten years to eligible property owners in the municipalities of Fort Erie, Niagara Falls, Port Colborne, Thorold and Welland. Those same projects are also eligible for grants to cover Regional Development Charges. Projects that promote private sector investment, development, redevelopment and construction activity in strategic zones identified for each city may be eligible.

The Tax Increment Based Grant Program provides an incremental tax grant to completed projects within the Gateway Project Area based on the project's economic and environmental design performance. Successful applicants will receive a tax rate rebate of a percentage of the post-project values, for a period of five or 10 years depending on the location of the project. The tax savings resulting from this program can be a significant incentive for development.

The City acts in partnership with the Niagara Region on the assessment and monitoring of this program and will ensure that the applicant continues to meet all obligations of the City prior to the tax rebate being paid each year.

Discussion:

The Niagara Gateway Economic Zone and Centre Community Improvement Plan (Gateway CIP) application, submitted by 1338277 Ontario Inc., has been reviewed by the Niagara Region and City of Port Colborne Economic Development staff.

Based on the points-based scoring system, a preliminary review of the information for the criteria of construction value, number of full-time jobs created and Environmental Design Performance (Smart Growth Criteria) the applicant has scored 13 points. This score makes the applicant eligible for a 65% reduction on the incremental tax assessment. The geographic location of the property makes the applicant eligible for 5 years of incremental tax assessment reduction from both the City and the Region and an additional 5 years from the City. This is a total of 5 years from the Niagara Region and 10 years from the City of Port Colborne.

	Industrial	Residential	Commercial - Vacant and Excess Land	Total Pre- Project Taxes	Commercial	Commercial - Vacant and Excess Land	Industrial	Total Post Project Taxes	Tax Increment	Annual Grant amount
Class Code	IT	RT	CX		CT	CX	IT			
Assessment Value ¹	\$0.00	\$88,000.00	\$0.00		\$3,868,395.00	\$0.00	\$0.00			
Municipal Taxes ^{2,3,4}	\$0	\$818	\$0	\$818	\$94,560	\$0	\$0	\$94,560	\$93,742	\$60,932
Regional Taxes ^{5,6,7}	\$0	\$598	\$0	\$598	\$69,161	\$0	\$0	\$69,161	\$68,563	\$44,566
Provincial Taxes ^{8,9,10}	\$0	\$135	\$0	\$135	\$34,042	\$0	\$0	\$34,042	N/A	
					Total				\$162,304.80	
					% of Tax Increment Year 1 ¹¹				65.00%	
					Annual Grant Payment ¹³				\$105,498.12	

SUMMARY FORECAST (excluding education)

Event	Year	Grant %	Municipal Grant Estimate	Regional Grant Estimate	Total Grant Estimate
Base year	2021				
Grant Year 1	2021	65%	\$ 60,932.22	\$ 44,565.90	\$ 105,498.12
Grant Year 2	2022	65%	\$ 60,932.22	\$ 44,565.90	\$ 105,498.12
Grant Year 3	2023	65%	\$ 60,932.22	\$ 44,565.90	\$ 105,498.12
Grant Year 4	2024	65%	\$ 60,932.22	\$ 44,565.90	\$ 105,498.12
Grant Year 5	2025	65%	\$ 60,932.22	\$ 44,565.90	\$ 105,498.12
Grant Year 6	2026	65%	\$ 60,932.22		\$ 60,932.22
Grant Year 7	2027	65%	\$ 60,932.22		\$ 60,932.22
Grant Year 8	2028	65%	\$ 60,932.22		\$ 60,932.22
Grant Year 9	2029	65%	\$ 60,932.22		\$ 60,932.22
Grant Year 10	2030	65%	\$ 60,932.22		\$ 60,932.22
Total Estimate	Total Estimate		\$ 609,322.21	\$ 222,829.50	\$ 832,151.70

*The actual assessment value(s) tax classification(s) to be determined by the Municipal Property Assessment Corporation (MPAC).

Internal Consultations:

The project that is proposed at 72 Killaly Street is an eligible project under the terms of the Gateway CIP and will result in significant improvements to the vacant land. Development costs were estimated at \$3,400,000 and the total estimated grant over the ten-year period from the City is \$609,322.21.

The final schedule of grant payments will be contingent upon the new assessment by MPAC following completion of the project. The applicant will be required to enter into a Tri-Party Agreement with the City and Region outlining the terms and conditions of the funding. This agreement would be authorized and signed by the Mayor and Clerk and

forwarded to the Region for signature. The payment of grants will commence upon verification of the program requirements and reassessment of the property by MPAC (Municipal Property Assessment Corporation). Applicants are given 365 days from the issuance of an occupancy permit within which to contact the City regarding the achievement of the eligibility points outlined in their submission. The City of Port Colborne and Niagara Regional Economic Development staff will verify that all conditions are met. 1338277 Ontario Inc. will be required to provide proof yearly that the conditions of the agreement continue to be met prior to receiving the tax rebate. The rebate amount remains constant throughout the 5 and 10-year period.

In order for the applicant to continue to be eligible for the tax rebate grant, approval must be granted by the City prior to building permits being issued.

The agreement will also outline the terms and conditions of the grant payments over the ten-year period. Key terms and conditions include the following:

- Property owner must maintain property taxes in good standing. Properties must have no outstanding work orders and/or orders or request to comply from a City department or other regulatory authority.
- Annual grant payments after the first grant payment are adjusted downward in the event the municipal tax increment in any subsequent year has been reduced.
- If the property taxes are owing for more than one full year, the City will have the option, without notice and at its own discretion, to terminate all future grant payments.
- In the event of the sale, conveyance, transfer or entering into any agreement of sale or transfer of the title of the property, the City shall have absolute discretion in ceasing any further grant payments.
- Where, in the opinion of Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the Applicant being involved in litigation with the City, the City may, at its discretion and without notice, terminate all future grant payments. Applicants are individuals; corporate entities and individuals behind the corporation (Officers/Directors/shareholders).

Financial Implications:

Over the next 10 years the City will see an increase in tax assessment for this property, to be determined by MPAC. There will be no negative tax impact to the City as 1338277 Ontario Inc. will be required to pay 100% taxes on the property on an annual basis. Provided the applicant meets the Gateway CIP program criteria annually, they will be entitled to a tax rebate of 65%. Over a ten-year period, this amounts to \$609,322.21.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Attracting Business Investment and Tourists to Port Colborne
-

Conclusion:

The City of Port Colborne has put in place a number of CIP programs aimed at increasing industrial development, tax assessments and employment within the City. The Gateway CIP is one of these programs and 1338277 Ontario Inc., located at 72 Killaly Street is making a significant investment in expansion. The applicant has met all the criteria of the grant and the approval of the Gateway CIP TIG supports the principles of the program including development and regeneration. This sends an important message that the City of Port Colborne is supportive of businesses expanding within and locating to the City.

Respectfully submitted,

Bram Cotton
Economic Development Officer
905 835-2900 Ex 504
Bram.cotton@portcolborne.ca

Gary Long
Manager of Strategic Initiatives
905 835-2900
gary.long@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.

Subject: Designate Alternate Community Emergency Management Coordinator (CEMC)

To: Council

From: Development and Legislative Services Department

Report Number: 2022-62

Meeting Date: March 22, 2022

Recommendation:

That the Development and Legislative Services Department Report 2022-62 be received;

That the City's Emergency Management Program be updated to include the Manager of Road and Park Operations as an alternate Community Emergency Management Coordinator (CEMC); and

That a by-law be brought forward for Council approval.

Purpose:

The purpose of this report is to add an additional alternate Community Emergency Management Coordinator (CEMC) to the City's Emergency Management Program.

Background:

The *Emergency Management and Civil Protection Act* requires that every municipality designate an Emergency Management Program Coordinator referred to as a Community Emergency Management Coordinator (CEMC).

Prior to March 2020 the City of Port Colborne operated with one designated CEMC and an alternate CEMC to cover during vacations. The COVID-19 pandemic showed staff the importance of adding a second alternate to cover long periods of emergency operations and staff absences. Currently the Director of Development and Legislative Services/City Clerk is the CEMC for the City and the Fire Chief is the Alternate CEMC.

Discussion:

Staff see the importance of adding a second alternate CEMC so that the City can be confident that there will always be a trained individual available to administer the Emergency Management Program. Staff recommend that the Manager of Road and Park Operations be added as a second alternate due to the type of emergencies the City regularly experiences. In the last three years the City has experienced four significant weather events which led to an active response from the CEMC and, in one instance, an activation of the Emergency Operation Centre (EOC). Having three trained individuals in different parts of the organization will ensure a coordinated response when needed.

A number of training courses are offered through the Provincial Office of the Fire Marshal and Emergency Management to develop the skills of the CEMC. As the Emergency Management Program currently has a small annual budget for training and resources no request for finances will be necessary.

Financial Implications:

There are no financial implications.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Governance: Communications, Engagement, and Decision-Making
-

Conclusion:

Staff recommend a second alternate Community Emergency Management Coordinator (CEMC) be designated in order to ensure a trained individual will always be available to assist during an emergency.

Respectfully submitted,

Amber LaPointe
Director of Development and Legislative Services/City Clerk
905-835-2900 x106
amber.lapointe@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.



Community Services

Legislative Services

March 1, 2022

File #120203

Sent via email: Justin.trudeau@parl.gc.ca

The Right Honourable Justin Trudeau
Prime Minister
House of Commons
Ottawa, ON K1A 0A6

Honourable and Dear Sir:

Re: City of Thorold Resolution - Support of Increased Fines for Firearms Infractions

Please be advised the Municipal Council of the Town of Fort Erie at its meeting of February 28, 2022 received and supported correspondence from the City of Thorold dated February 17, 2022 requesting the Provincial and Federal Governments to consider imposing stiffer penalties for infractions, sentencing and consequences related to firearms.

Attached please find a copy of the City of Thorold correspondence dated February 17, 2022.

Thank you for your attention to this matter.

Yours very truly,

Carol Schofield, Dipl.M.A.
Manager, Legislative Services/Clerk

cschofield@forterie.ca

CS:dlk

Attach

c.c.

The Honourable Doug Ford, Premier of Ontario premier@ontario.ca

Association of Municipalities of Ontario resolutions@amo.on.ca

Federation of Canadian Municipalities resolutions@fcm.ca

K. Viccica, Legislative Assistant, City of Thorold katie.viccica@thorold.ca

Local Area Municipalities

Mailing Address:

The Corporation of the Town of Fort Erie
1 Municipal Centre Drive, Fort Erie ON L2A 2S6

Office Hours 8:30 a.m. to 4:30 p.m.

Phone: (905) 871-1600 FAX: (905) 871-4022

Web-site: www.forterie.ca



February 17, 2022

The Right Honourable Justin Trudeau
Prime Minister of Canada
80 Wellington St.
Ottawa, ON K1A 0A2

justin.trudeau@parl.gc.ca

Dear Prime Minister:

Re: Support for Increased Fines for Firearms Infractions

Please be advised Thorold City Council, at its February 15, 2022 meeting, adopted the following resolution:

THAT Council request that the province and federal government consider imposing stiffer penalties for infractions, sentencing and consequences relating to the importation, production or distribution of firearms; and

THAT this motion be forwarded to the provincial and federal governments, AMO, and FCM; and

THAT staff forward this motion to Niagara Area municipalities for their consideration and support.

Yours truly,

Katie Viccica
Legislative Assistant

ec: Hon. D. Ford, Premier of Ontario, premier@ontario.ca
Association of Municipalities of Ontario, resolutions@amo.on.ca
Federation of Canadian Municipalities, resolutions@fcm.ca
Ann-Marie Norio, Clerk, Region of Niagara, ann-marie.norio@niagararegion.ca
Joanne Hyde, Clerk, City of Thorold, clerk@thorold.ca
Bonnie Nistico-Dunk, Clerk, City of St. Catharines, bdunk@stcatharines.ca
Ralph Walton, Clerk, Town of Niagara-on-the-Lake, clerks@notl.com
Sarah Kim, Clerk, Town of Grimsby, skim@grimsby.ca
Julie Kirkelos, Clerk, Town of Lincoln, clerks@lincoln.ca
Joanne Scime, Clerk, Township of West Lincoln, jscime@westlincoln.ca
Holly Willford, Clerk, Town of Pelham, hwillford@pelham.ca
Bill Matson, Clerk, City of Niagara Falls, billmatson@niagarafalls.ca
Amber LaPointe, Clerk, City of Port Colborne, cityclerk@portcolborne.ca
Tara Stephens, City of Welland, clerk@welland.ca
William Kolasa, Clerk, Township of Wainfleet, wkolasa@wainfleet.ca
Carol Schofield, Clerk, Town of Fort Erie, cschofield@forterie.ca

Office of the City Clerk



Katie Viccica
905-227-6613 ext. 224
katie.viccica@thorold.ca

City of Thorold

3540 Schmon Parkway P.O. Box. 1044
Thorold, ON L2V 4A7

RECEIVED

FEB 28 2022

BY COUNCIL



Community Services

Legislative Services

March 1, 2022

File #120203

Sent via email: ann-marie.norio@niagararegion.ca

Ann-Marie Norio, Regional Clerk
Niagara Region
1815 Sir Isaac Brock Way, P. O. Box 1042
Thorold, ON L2V 4T7

Dear Ms. Norio:

Re: City of St. Catharines Resolution – CHPI Funding Shortfalls

Please be advised the Municipal Council of the Town of Fort Erie at its meeting of February 28, 2022 received and supported correspondence from the City of St. Catharines dated January 26, 2022 advising they will address the Minister regarding the CHPI Funding Shortfalls and to coordinate with the Regional Chair's any requests for meetings.

Attached please find a copy of the City of St. Catharines correspondence dated January 26, 2022.

Yours very truly,

Carol Schofield, Dipl.M.A.
Manager, Legislative Services/Clerk

cschofield@forterie.ca

CS:dlk

Encl.

c.c. B. Nistico-Dunk, City Clerk, City of St. Catharines
Local Area Municipalities
Jennifer Stevens, MPP - St. Catharines JStevens-CO@ndp.on.ca
Jeff Burch, MPP - Niagara Centre JBurch-QP@ndp.on.ca
Wayne Gates, MPP - Niagara Falls wgates-co@ndp.on.ca
Sam Oosterhoff, MPP - Niagara West-Glanbrook sam.oosterhoff@pc.ola.org

Mailing Address:

The Corporation of the Town of Fort Erie
1 Municipal Centre Drive, Fort Erie ON L2A 2S6

Office Hours 8:30 a.m. to 4:30 p.m. Phone: (905) 871-1600 FAX: (905) 871-4022

Web-site: www.forterie.ca

January 26, 2022

Ann-Marie Norio
Regional Clerk
Niagara Region
1815 Sir Isaac Brock Way
P.O. Box 1042
Thorold, ON L2V 4T7

Sent via email: Ann-Marie.Norio@niagararegion.ca

**Re: CHPI Funding Shortfalls
Our File 35.23.125**

Dear Ms. Norio,

At its meeting held on January 17, 2022, St. Catharines City Council approved the following motion:

WHEREAS temporary COVID-19 relief funding from the province has helped the Region's Homelessness Services respond effectively to the most urgent challenges caused by the pandemic on the homelessness system, but the annual CHPI funding from the province is not adequate and has not significantly increased over the last three years; and

WHEREAS the Niagara Region has had to allocate 1.9 million of its own levy funding to meet the ever-increasing needs of the community, and as per a review by KPMG consultants, it was noted that out of all Ontario municipalities, Niagara Region has one of the highest contributions from property tax levies in the province towards homelessness services, which demonstrates a growing shortfall in provincial funding; and

WHEREAS the Auditor General in her December 2021 report on Homelessness in Ontario raised concerns, finding that since 2013, the Ministry's funding methodology for the CHPI program has been primarily based on historical spending rather than local need; and

WHEREAS on January 11, 2022, the Niagara Region's Public Health and Social Services Committee received a staff report seeking approval for the 2022-2023 Community Homelessness Initiative Plan (CHPI) for Niagara Region and a Motion was approved at that Committee directing the Regional Chair to send a letter to the Minister to immediately urge the province to address the funding inadequacies;

.../2

THEREFORE BE IT RESOLVED that the Council of the City of St. Catharines, representing the largest urban centre in the Region, direct the Mayor and City staff to write a letter asking the Minister to address the CHPI funding shortfalls in Niagara, and to coordinate with the Regional Chair's office to support any requests for meetings with the Minister's office; and

BE IT FURTHER RESOLVED that this Motion be sent to the Niagara Region, all twelve lower tier municipalities and to the four local Niagara MPPs.

If you have any questions, please contact the Office of the City Clerk at extension 1524.



Bonnie Nistico-Dunk, City Clerk
Legal and Clerks Services, Office of the City Clerk
:em

cc: Local area municipalities
Jennifer Stevens, MPP - St. Catharines, JStevens-CO@ndp.on.ca
Jeff Burch, MPP - Niagara Centre, JBurch-QP@ndp.on.ca
Wayne Gates, MPP - Niagara Falls, wgates-co@ndp.on.ca
Sam Oosterhoff, MPP - Niagara West-Glanbrook, sam.oosterhoff@pc.ola.org
Brian York, Director, Economic Development and Government Relations
Scott Rosts, Chief of Staff, Mayor's Office
Melissa Wenzler, Government Relations Advisor



Township of Wainfleet

"Wainfleet - find your country side!"

March 11, 2022

Ministry of Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, ON M7A 2J3

Office of the Regional Clerk
1815 Sir Isaac Brock Way
PO Box 1042
Thorold, ON L2V 4T7

SENT ELECTRONICALLY

RE: Settlement Area Boundary Review

Please be advised that at its meeting of February 15, 2022, the Council of the Corporation of the Township of Wainfleet passed the following motion:

WHEREAS Niagara Region is currently undertaking a Regional Official Plan review and has conducted a corresponding Rural Settlement Area Boundary Review to identify the most appropriate and feasible locations to accommodate future growth, to 2051, within Niagara Region and the Township of Wainfleet; and

WHEREAS as a result of the Rural Settlement Area Boundary Review, Niagara Region is recommending an expansion to the Wainfleet Village Rural Settlement Area Boundary in the vicinity of Bell Road to accommodate future projected growth; and

WHEREAS the lands that are recommended to be included within the expanded Wainfleet Village Rural Settlement Area Boundary, designated as Prime Agricultural Lands in all applicable planning documentation, are presently being successfully utilized for the growing of crops; and

WHEREAS the Council of the Township of Wainfleet acknowledges the need to plan for future growth but is equally concerned about the potential loss of Prime Agricultural Land from its inventory of good, productive agricultural lands; and

WHEREAS there are areas of the Township that are presently designated as Rural Lands, but not having a Prime Agricultural Land designation, that Council considers to be more appropriate candidate lands for future growth and intensification; and

WHEREAS Council has been advised that current Provincial and Regional policies prevent the direction of growth to these areas as they have not been historically designated as settlement areas and, likewise, that the establishment of new settlement areas is prohibited;

NOW THEREFORE, BE IT RESOLVED, THAT the Council of the Township of Wainfleet does hereby respectfully request that the Province of Ontario and the Region of Niagara to reconsider the prohibition on the establishment of new settlement areas in cases where planning for future growth would otherwise negatively impact on the supply of Prime Agricultural Lands within a municipality;

AND THAT a copy of this resolution be shared with the Province of Ontario, the Region of Niagara and the Region's Local Area Municipalities.

CARRIED

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact the undersigned.

Regards,



Meredith Ciuffetelli
Deputy Clerk
mciuffetelli@wainfleet.ca

63rd Annual General Meeting Highlights – February 18th, 2022

On Friday, February 18th, 2022, the Board of Directors of the Niagara Peninsula Conservation Authority (NPCA) held its 63rd Annual General Meeting electronically. Highlights from the meeting included:

NPCA Chair, Vice Chair and Committee Appointments

For 2022, the NPCA Board of Directors appointed Board Member Robert Foster to the position of NPCA Chair with Board Member John Metcalfe appointed to the position of NPCA Vice Chair. Chair Foster was then appointed as the voting delegate to Conservation Ontario with Vice Chair Metcalfe appointed as his designate.

The Board also carried a motion to appoint Member Diana Huson and re-appoint Member Donna Cridland to the Niagara Peninsula Conservation Foundation for 2022. Additionally, the following Members were appointed to the Finance Committee: Stew Beattie, Bruce Mackenzie, Rick Brady, Brenda Johnson, and Malcolm Woodhouse. And for 2022, it was determined that the Governance Committee would be comprised of Bruce Mackenzie, Rick Brady, Brenda Johnson, John Ingrao and Malcom Woodhouse.

Conservation Authorities Act Regulatory and Policy Proposals (Phase 2) Environmental Registry of Ontario Posting (ERO #019-4610)

NPCA CAO Chandra Sharma updated the Board of Directors on proposed *Conservation Authorities Act* (CA Act) Phase 2 Regulatory and Policy Proposals and the implications to the NPCA. These updates came as a response to the Ministry of the Environment, Conservation and Parks' (MECP) Regulatory and Policy Proposal Consultation Guide released on January 26, 2022. The Consultation Guide provided a description of the MECP's proposed regulations and gave conservation authorities the ability to provide feedback to be considered by the Ministry when developing the proposed regulations and associated policies. It was noted that the NPCA had provided comments to Conservation Ontario for response to the Province.

Conservation Authorities Act – Update on Inventory of Programs/Services

As required by amendments to the *Conservation Authorities Act*, the Board approved the NPCA's Inventory of Programs and Services as well as cost estimates to be submitted to MECP and member municipalities by February 28th, 2022. It was noted that the Final Programs and Services Inventory would be submitted to MECP at the end of the CA Act Transition period on January 1st, 2024, along with a copy of all municipal agreements.

Links to Agendas, Minutes and Video:

<https://npca.ca/about/board-meetings>



CORPORATION OF THE MUNICIPALITY OF SOUTH HURON

322 Main Street South P.O. Box 759

Exeter Ontario

N0M 1S6

Phone: 519-235-0310 Fax: 519-235-3304

Toll Free: 1-877-204-0747

www.southhuron.ca

March 15, 2022

Via Email to: amo@amo.on.ca

AMO
200 University Ave,
Suite 801
Toronto ON M5H 3C6

Re: Firefighter Certification

Council of the Municipality of South Huron received your correspondence dated February 25, 2022, concerning the draft regulations regarding firefighter certification at their March 7, 2022 Council Meeting. The following resolution was passed:

Motion: 086-2022
Moved: B. Willard
Seconded: A. Neeb

That South Huron Council support AMO's February 25, 2022 correspondence, and the support letter be distributed to AMO, the Province of Ontario, Premier, Ontario Municipalities, Solicitor General, and the Ontario Association of Fire Chiefs.

Please find attached the originating correspondence for your reference.

Respectfully,

Sue Johnson
Administrative Assistant
Corporate Services/Clerk's Department
Municipality of South Huron
519-235-0310 X 225

Encl.



CORPORATION OF THE MUNICIPALITY OF SOUTH HURON

322 Main Street South P.O. Box 759

Exeter Ontario

N0M 1S6

Phone: 519-235-0310 Fax: 519-235-3304

Toll Free: 1-877-204-0747

www.southhuron.ca

cc Premier Doug Ford
Ontario Municipalities
Solicitor General
Ontario Association of Fire Chiefs

Sent via e-mail: sylvia.jones@ontario.ca

February 25, 2022

The Honourable Sylvia Jones
Solicitor General of Ontario
George Drew Building, 18th Floor
25 Grosvenor Street
Toronto, Ontario M7A 1Y6

RE: Firefighter Certification

Dear Solicitor General Jones,

I write to you concerning the draft regulations regarding firefighter certification in response to the posting made on January 28, 2022.

To start, the brevity of the consultation process means that the AMO Board of Directors (and we suspect, the vast majority of municipal councils), have not had a chance to consider or review the proposed regulations in question. The Fire Marshal of Ontario office's distribution of a written presentation to municipal officials, with only three business days to the close of the consultation period, did not facilitate thoughtful municipal review. We would also observe the two technical briefings for municipal officials seemed to be hastily convened. The consultation notice asked for invitations not to be shared. We are concerned that a lack of sharing, and not knowing who was invited, likely contributed to the low municipal participation rates of these sessions.

It is our view that this consultation process is not an example of the type of broad-based municipal engagement necessary for regulations of this scale and scope. As municipal governments are the employers and funders of fire services, we had expected a more comprehensive and transparent consultation with our members.

We believe a more thorough engagement with the municipal sector is necessary for the Ministry to fully appreciate the effects such regulations will have on municipal governments and their fire services. We, therefore, would ask for a two-month extension to afford an appropriate amount of time for the Ministry officials to brief municipal leaders and for councils to be able to thoughtfully reply back on the draft regulations to your Ministry. We understand that the smallest municipalities will be affected the most by these proposed regulations. Ministry outreach must be targeted especially to these communities.

Despite these consultation shortcomings, and without the benefit of broad-based member input, we can offer some preliminary commentary for your consideration. In principle, certification is a step in the right direction. Municipal governments are supportive of efforts to modernize and enhance the professionalism of the fire services that serve Ontario communities. That said, we would ask that the above statement should not be construed or represented as an AMO endorsement of the draft regulations.

AMO understands that the Ontario Seal would provide flexibility based on basic National Fire Protection Association (NFPA) professional qualification standards without requiring NFPA certification. To that end, the Ontario Seal proposed in the current draft is an improved certification approach compared to earlier regulations revoked in 2019.

Legacy provisions are very important to ensure that municipalities are not burdened with unnecessary costs for retraining firefighters who have been adequately trained to the level of service set by Council. We are pleased to see they are included. But such provisions must also include measures which attract and retain volunteer firefighters to serve within their communities. Additional training measures and certification must not serve as an added impediment for those who wish to volunteer as firefighters. Full-time fire fighters simply are not an option for most small, rural, and northern municipalities. The Ministry must propose measures which assist and support volunteer recruitment and composite fire services.

To date, AMO members and fire chiefs have advised that the Ontario certification process will create additional training and new cost pressures on fire services. To that end, it is our request that the Ministry provide some form of financial support during the 4 – 6-year implementation period. The level of support necessary should be based on evidence from fire chiefs and should include the submission of detailed training needs and expected impacts. We urge that fire chiefs be provided with a sufficient period of time to submit detailed fiscal and training impacts to the Ministry and their municipal councils. These training proposals can be used by the Ministry to design a means of providing financial support for small, rural, northern, volunteer, and composite fire services (or any service disproportionately burdened by certification) over the 4 – 6-year implementation period.

We should also point out that there is a distinction between providing local fire services with the support necessary to complete training and the Ministry's support of the Fire Marshal's office to carry out and complete certifications across Ontario. Both need adequate resources to successfully complete certification.

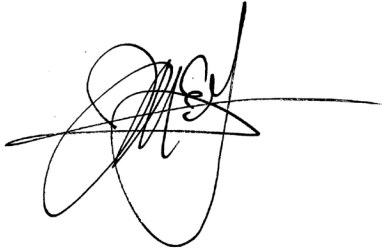
Similarly, the regulatory in-force date (currently July 1, 2022), must be moved well into 2023 or 2024 to fully prevent any in-year municipal budget hits and allow for good municipal financial planning. Of course, the level of multi-year provincial financial support offered to support certification will have a bearing on the in-force date and the adequacy of the lead up period.

As well, the certification process needs to be better aligned with the existing Community Risk Assessments that fire services have been asked to complete by 2025. It seems that the cart is being put in front of the horse. We would ask that these two initiatives be better aligned.

We would also note that the provision of fire services to the unincorporated areas of the province be addressed in an equitable manner to what is expected by municipal governments. Provincial reliance on municipalities to deliver this service, without paying for it, is not right or fair for municipal property taxpayers. This must also be addressed.

I trust these comments will assist the Ministry with its next steps.

Sincerely,



Jamie McGarvey
AMO President and Mayor of Parry Sound

cc: The Honourable Steve Clark, Minister of Municipal Affairs and Housing
Debbie Conrad, Assistant Deputy Minister, Strategic Policy, Research and Innovation Division, Ministry of the Solicitor General
Jon Pegg, Fire Marshal of Ontario, Ministry of the Solicitor General
Rob Grimwood, President of the Ontario Association of Fire Chiefs (O AFC), and Deputy Chief, Mississauga Fire and Emergency Services



THE TOWNSHIP OF
WOOLWICH

BOX 158, 24 CHURCH ST. W.
ELMIRA, ONTARIO N3B 2Z6
TEL. 519-669-1647 / 1-877-969-0094
COUNCIL/CAO/CLERKS FAX 519-669-1820
PLANNING/ENGINEERING/BUILDING FAX 519-669-4669
FINANCE/RECREATION/FACILITIES FAX 519-669-9348

March 8, 2022

Prime Minister of Canada
Hon. Justin Trudeau
Office of the Prime Minister
80 Wellington Street
Ottawa, ON
K1A 0A2

Premier of Ontario
Hon. Doug Ford
Legislative Building
Queen's Park
Toronto, ON
M7A 1A1

Honorable Prime Minister Trudeau and Premier Ford:

RE: Resolution Passed by Woolwich Township Council – Mental Health Supports

This letter is to inform you that the Council of the Township of Woolwich endorsed the following resolution at their meeting held on March 7, 2022:

WHEREAS the Council of the Township of Woolwich (the "Township") has been an annual funding partner of Woolwich Counselling Centre to support local mental health counselling; and

WHEREAS Woolwich Counselling Centre is part of the broader Counselling Collaborative of Waterloo Region, a community-based partnership between six community counselling service providers within Waterloo Region; and

WHEREAS the COVID-19 pandemic has had a significant impact on individuals and families, both globally and locally, including immediate and ongoing mental health concerns; and

WHEREAS the Township is aware that there has been an average 39% increase in total client referrals, which includes a 71% increase in child and youth referrals, for government funded programs in 2021 across member organizations of the Counselling Collaborative of Waterloo Region, which has led to difficulty for the member organizations to keep up with the demand in terms of bringing on new qualified staff to support the substantial increase in local client needs; and

WHEREAS the Township believes local needs for mental health supports and difficulties in responding to this increased need is indicative of a broader issue across Ontario and is expected to continue in the future; and

WHEREAS the current provincial funding model for mental health support is fragmented across several ministries and programs;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Township of Woolwich requests that the Government of Canada ensure appropriate and sustained funding is transferred to provinces for mental health purposes in their 2022 budget; and

THAT the Council of the Township of Woolwich requests the Government of Ontario to provide stable, reliable and predictable funding for mental health organizations in their 2022 budget; and

THAT this resolution be forwarded to the Prime Minister, the Federal Minister of Finance, the local Member of Parliament, the Federation of Canadian Municipalities (FCM), the Premier of Ontario, the Ontario Minister of Finance, the local Member of Provincial Parliament, the Association of Municipalities of Ontario (AMO) and other municipalities in Ontario.

Should you have any questions, please contact Alex Smyth, by email at asmyth@woolwich.ca or by phone at 519-669-6004.

Yours truly,



Jeff Smith
Municipal Clerk
Corporate Services
Township of Woolwich

cc. Chrystia Freeland, Deputy Prime Minister and Minister of Finance
Tim Louis, MP Kitchener-Conestogo
Federation of Canadian Municipalities
Peter Bethlenfalvy, Ontario Minister of Finance
Mike Harris, MPP Kitchener-Conestogo
Association of Municipalities in Ontario (AMO)
Municipalities in Ontario



February 25, 2022

The Honourable David Piccini, Minister
Ministry of Environment Conservation and Parks
College Park 5th Floor, 777 Bay St.
Toronto, ON M7A 2J3

Re: Municipal Accommodation Tax and Crown Campgrounds

On January 1st, 2022, the Town of South Bruce Peninsula implemented a Municipal Accommodation Tax (MAT). The tax equates to a 4% fee Levied on short term accommodations including, hotels, motels, rooming houses, bed & breakfast, cottage rentals and campgrounds, for all bookings of 30 days or less.

The Town of South Bruce Peninsula is the first jurisdiction in Ontario to levy the MAT on campgrounds. There are approximately 14 campgrounds within the Town of South Bruce Peninsula. Of those, one is a municipally owned campground, and one is a provincially owned campground, known as the Sauble Falls Provincial Park.

The Town recently amended the MAT program to confirm that our Town owned campground will contribute to MAT in the same manner as all of our privately owned campgrounds.

The Municipal Act states that “the Crown, any agency of the Crown in right of Ontario or any authority.....” Is exempt from MAT. As such, the Sable Falls Provincial Park is not participating in the MAT program.

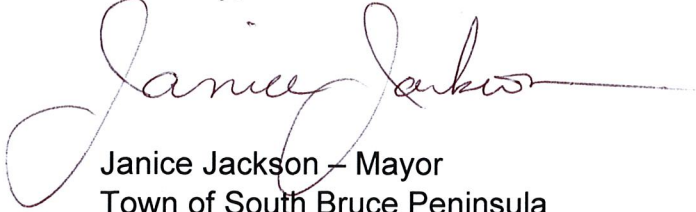
Several campground owners within the Town recently attended a Council meeting and stated their concerns and objections pertaining to the MAT exemption for the Sauble Falls Provincial Park. Town Council and private campground owners believe that this exemption creates an unfair competitive advantage for the provincially operated campground.

Council fully supports the position of our local campground owners and has passed the following resolution

“And further that the Town sends a letter to the Ministry of Environment Conservation and Parks as well as to MPP Bill Walker requesting the removal of the Municipal Accommodation Tax exemption for all Crown owned campgrounds and that this letter is sent to all Ontario municipalities to seek their support”

By way of this letter, we are asking the province to remove exemptions listed within section 400.1 (1) of the Municipal Act pertaining to Crown owned facilities, specifically campgrounds.

Sincerely,

A handwritten signature in dark ink, appearing to read "Janice Jackson", with a long horizontal flourish extending to the right.

Janice Jackson – Mayor
Town of South Bruce Peninsula
Janice.jackson@southbrucepeninsula.com
519-534-1400 ext. 200

cc. MPP Bill Walker

Policy Division

Division de la politique

Director's Office
Crown Forests and Lands Policy Branch
70 Foster Drive, 3rd Floor
Sault Ste. Marie, ON P6A 6V5

Bureau du directeur
Direction des politiques relatives aux forêts et
aux terres de la Couronne
70, rue Foster, 3^e étage
Sault Sainte Marie, ON P6A 6V5

March 03, 2022

Re: Seeking input about the use of floating accommodations on waterways over
Ontario's public lands

Greetings,

The Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF) would like to make you aware of a Bulletin recently posted to the Environmental Registry of Ontario [<https://ero.ontario.ca/notice/019-5119>].

We are seeking to engage municipalities on potential ideas and approaches to manage “camping” and the use of floating accommodations on waterways over Ontario’s public lands. The ministry is seeing increased interest in the use of waterways by various types of vessels (i.e., watercrafts equipped for overnight accommodation). In some cases, the ministry has heard concerns relating to vessels that are primarily designed for accommodation and not navigation.

We are seeking input from the public, Indigenous communities, and municipal associations, and various stakeholders including your organization **by April 19, 2022**.

Input from this process will inform consideration of potential future changes intended to address growing concerns around the impacts of this activity on Ontario waterways and those who use them.

Please note, no regulatory changes are being proposed at this time. Any regulatory or policy changes that may be considered in the future would be posted on the Environmental Registry for consultation purposes.

If you have any questions, please reach out to Julie Reeder, Sr. Program Advisor, Crown Lands Policy Section at Julie.reeder@ontario.ca.

Sincerely,

Peter D. Henry, R.P.F.
Director
Crown Forests and Lands Policy Branch

- c. Pauline Desroches, Manager, Crown Lands Policy Section
Julie Reeder, Sr. Program Advisor, Crown Lands Policy Section

Le 03 mars 2022

Objet : Sollicitation de commentaires relatifs à l'utilisation aux hébergements flottants
sur les voies navigables situées sur les terres publiques de l'Ontario

Bonjour,

Le ministère du Développement du Nord, des Mines, des Richesses naturelles et des Forêts aimerait vous informer qu'un bulletin a récemment été publié au Registre environnemental de l'Ontario [<https://ero.ontario.ca/fr/notice/019-5119>].

Nous souhaitons consulter les municipalités relativement à de possibles idées et approches pour gérer le « camping » et l'utilisation aux hébergements flottants sur les voies navigables qui se trouvent sur les terres publiques de l'Ontario. Le ministère constate un intérêt accru pour l'utilisation des voies navigables par divers types de navires (c.-à-d. des embarcations équipées l'hébergement de nuit). Dans certains cas, le ministère a pris note des préoccupations relatives aux navires principalement conçus pour l'hébergement et non la navigation.

Nous sollicitons les commentaires du public, des collectivités autochtones, des associations municipales et de divers intervenants, y compris votre organisme, avant le **19 avril 2022**.

Les commentaires reçus dans le cadre de ce processus aideront à prendre en considération les possibles changements futurs visant à répondre aux préoccupations croissantes liées aux impacts de cette activité sur les voies navigables de l'Ontario et ceux et celles qui les utilisent.

Veuillez noter que, pour le moment, aucune modification réglementaire n'est proposée. Toute modification de règlement ou de politique qui pourrait être envisagée serait affichée au Registre environnemental à des fins de consultation.

Si vous avez des questions, veuillez communiquer avec Pauline Desroches, Chef, Section des politiques relatives aux terres de la Couronne, à l'adresse pauline.desroches@ontario.ca.

Cordialement,

Peter D. Henry, F.P.I.

Directeur

Direction des politiques relatives aux forêts et aux terres de la Couronne

- c. Pauline Desroches, Chef, Section des politiques relatives aux terres de la Couronne
Julie Reeder, conseillère principale en programmes, Section des politiques relatives aux terres de la Couronne



The Honourable Doug Ford
Premier of Ontario
Legislative Building, Queen's Park
Toronto, ON M7A 1A1

Township of Puslinch
7404 Wellington Road 34
Puslinch, ON N0B 2J0
www.puslinch.ca

VIA EMAIL:
premier@ontario.ca

February 16, 2022

RE: Funding Support for Infrastructure Projects – Bridge/Culvert Replacements in Rural Municipalities

Dear Premier,

Please be advised that Township of Puslinch Council, at its meeting held on February 9, 2022 considered the aforementioned topic and subsequent to discussion, the following was resolved:

Resolution No. 2022-039:

Moved by Councillor Sepulis and
Seconded by Councillor Bulmer

That the Consent Agenda item 6.10 listed for FEBRUARY 9, 2022 Council meeting be received; and

Whereas, the Council of the Township of Puslinch supports the Township of Adjala-Tosorontio- Funding Support Request for the Federal and Provincial Government to provide more funding to rural municipalities to support infrastructure projects related to major bridge and culvert replacements;

Therefore, Council directs staff to forward a support resolution to the Premier of Ontario, Hon. Peter Bethenfalvy, Ontario Minister of Finance, Hon. Chrystia Freeland, Federal Minister of Finance, AMO, and all Ontario Municipalities.

CARRIED

As per the above resolution, please accept a copy of this correspondence for your information and consideration.



Sincerely,
Courtenay Hoytfox
Municipal Clerk

cc:

Hon. Peter Bethenfalvy, Ontario Minister of Finance minister.fin@ontario.ca

Hon. Chrystia Freeland, Federal Minister of Finance chrystia.freeland@fin.gc.ca

Association of Municipalities of Ontario (AMO) amo@amo.on.ca

All Ontario Municipalities

January 25, 2022

The Honourable Doug Ford
Premier of Ontario
Legislative Building, Queen's Park
Toronto, ON M7A 1A1

sent via email: premier@ontario.ca

Re: Funding Support for Infrastructure Projects – Bridge/Culvert Replacements in Rural Municipalities

Dear Premier:

At the last regular Council meeting held January 12th, 2022, the following resolution was passed:

“RESOLVED that the Council of the Corporation of the Township of Adjala-Tosorontio supports the requests from the Township of Adelaide-Metcalfe, the Township of Lake of Bays, the Township of Amaranth and Northumberland County for the Federal and Provincial Government to provide more funding to rural municipalities to support infrastructure projects related to major bridge and culvert replacements.

AND FURTHER THAT this resolution be forwarded to the Premier of Ontario, Provincial Minister of Finance, Federal Finance Minister, AMO, and all Ontario municipalities.”

Sincerely,

Dianne Gould-Brown

Dianne Gould-Brown, CMO
Municipal Clerk

cc:

Hon. Peter Bethenfalvy, Ontario Minister of Finance
Hon. Chrystia Freeland, Federal Minister of Finance
AMO
All Ontario Municipalities

minister.fin@ontario.ca
chrystia.freeland@fin.gc.ca
amo@amo.on.ca

From: Julie Reid <deputyclerk@arran-elderslie.ca>
Sent: March 2, 2022 5:39 PM
To: City Clerk <cityclerk@portcolborne.ca>
Cc: JBurch-CO@ndp.on.ca; minister.mecp@ontario.ca
Subject: Letter re: Ontario's Energy Plan and Wind Turbines on behalf of te MMWTWG

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

March 2, 2022

City of Port Colborne
cityclerk@portcolborne.ca

RE: Ontario's Energy Plan and Wind Turbines

Dear Mayor and Council:

I am writing to share information compiled by the Multi-Municipal Wind Turbine Group (MMWTWG) on recent plans announced by the Ontario government to expand electricity generation capacity. We are providing this update to you because your municipality endorsed a 2017 resolution indicating that you were an "Unwilling Host" for wind turbine projects. While the threat of new wind turbine projects disappeared while Ontario had a surplus of generation capacity for electricity, the recent announcements suggest a potential for new wind projects.

The MMWTWG was initially created in 2009 by municipalities in Bruce, Grey and Huron Counties to share information on wind turbine projects being proposed or operating in our municipalities. The organization is a joint committee with elected and citizen representatives from the member municipalities. Since its formation, we have been monitoring the operation of wind turbines and advocating on behalf of our residents adversely affected by the wind turbines.

I wanted to ensure that your municipality is aware of the Ontario government's recently announced plans that have potential to lead to new wind turbine installations in rural Ontario. This plan is included among the energy program that was announced at the Rural Ontario Municipal Association meeting and in a speech that Todd Smith, as Minister of Energy, gave to the Empire Club. The program includes a pilot SMR pilot nuclear facility at Darlington, expanded hydroelectric generation capacity, new RFPs for medium term and long term

generation capacity and a program to certify renewable energy generation capacity.

We are specifically concerned about the certification program. While limited details are available for this program, we are concerned that wind turbines are included among the renewable energy generation facilities that can be certified under the program used to allow the installation of larger turbines within existing project sites. The wind companies are certainly listening as leasing activity in support of a project has already been reported in southwestern Ontario.

While changes introduced by the government allow municipalities to regulate the creation of new wind turbine facilities within their communities through zoning by-laws, other regulatory changes by the government exempts existing wind projects from these municipal by-laws, even when the project operator is replacing the existing wind turbines with larger, more powerful equipment. On this basis, the project repowering included in the recent Ministerial Directive would not require any municipal input or approval due to this regulation.

Many municipalities that have started the process of drafting by-laws relative to wind turbines find that they need direction on appropriate setbacks that would be included in a municipal zoning by-law. They know that the existing setbacks in Regulation 359/09 are not sufficient to protect residents and they are looking to the provincial government for revised setbacks reflecting the learning from the existing projects and the lived experiences in other jurisdictions. If the province is reviving wind power development, it needs to take a leadership role by updating these regulations immediately.

We are also concerned about the government's failure to address the problems created by the existing wind turbine projects. These projects operate under Renewable Energy Approvals or REAs that set out very strict operating requirements. First, project operators are required to prove that the project is operating within the 40 dBA audible noise limit by filing noise audit reports prove compliance. Many projects were provided with specific deadlines for the submission of these reports. The attached appendix shows the status of these audits based on public information. Only 45% of projects have reached some form of closure with the other continuing to operate (three continuing even though they have been found to be non-compliant) despite concrete timelines for action in their REAs.

The failure of the government to enforce the requirements of the REAs for wind turbine project operators to investigate and resolve complaints about project operations is another concern. More than 5,800 Incident Reports have been created as a result of complaints about noise emissions from wind turbine projects and based on feedback from the residents in our communities there has been little or no action by the project operators on these matters. Frankly, the government has shown no interest in working on behalf of rural residents. This is an additional concern as 39% of the Incident Reports, prepared and signed by Provincial Officers, include references to adverse health effects.

If you have not already made adjustments to your zoning by-laws, I hope that this reminder will prompt your Council to review their contents in the context of the government's apparent plans to start construction of more wind turbines despite the past failings of this technology.

Our view is that the provincial government needs to:

- **Update the direction provided in terms of setbacks** between wind turbines and other activities,
- The government needs to **take more aggressive action in enforcing the terms of the approvals** for existing wind turbines before authorizing the construction of any new turbines, and,
- Bar operators of projects with these compliance failures from participating in any of the contract extensions or opportunities to bid on capacity expansions that are envisioned in the recent Ministerial Directive.

If you agree, we ask that you communicate your concern to Minister David Piccini, Ontario Minister of Environment, Conservation and Parks as well as your local MPP(s).

If your municipality is interested in joining the Multi-Municipal Wind Turbine Group to receive updates on these matters please contact the Deputy-Clerk for information on the fee structure. The group meets every second month and Zoom facilitates the participation of members beyond easy driving distance of the normal meeting site in Chesley.

Yours truly,

Tom Allwood,

Chair, Multi-Municipal Wind Turbine Working Group
Councillor, Municipality of Grey Highlands

c. Honourable David Piccini, Minister of Environment, Conservation and Parks,
minister.mecp@ontario.ca

Jeff Burch, Niagara Centre, JBurch-CO@ndp.on.ca

Appendix 1: Status of Compliance Noise Audits

This table is based on information originally released in August 2019 by the MECP in response to a Freedom of Information request. It has been updated with information on more recent compliance testing from project websites. As the Protocol requires that project operators post these audit reports on their websites within 10 business days of their submission to the MECP, this should be an accurate source of status information.

	Project Name	Commercial Operation Date ¹	I-Audit Submitted to MECP ²	Updates to February 1, 2022 ³	MECP Review Completed ⁴	Time Since Start of Operation ⁵
	Demonstrated Compliance	Share – 43% - Average time under review – 3.8 years				
1.	Adelaide (Suncor) Wind	January 28, 2015	October 29, 2015		March 9, 2020	5.1 years
2.	Armow Wind Project	December 7, 2015	February 24, 2017		November 6, 2020	4.8 years
3.	Belle River Wind	September 1, 2017	August 6, 2020		August 20, 2020	2.6 years
4.	Bluewater Wind	July 19, 2014	June 12, 2015		June 25, 2019	4.9 years
5.	Bow Lake	August 10, 2015	August 9, 2017		March 21, 2019	3.6 years
6.	Dufferin Wind	December 1, 2014	September 1, 2015		September 26, 2018	3.8 years
7.	East Lake St Clair	May 22, 2013	April 20, 2016 ⁶		April 20, 2016	2.9 years
8.	Ernestown Wind	September 30, 2014	June 29, 2015		April 30, 2018	3.6 years
9.	Grand Bend Wind	April 19, 2016	March 21, 2017		December 4, 2018	2.6 years
10.	Grand Renewable Energy	December 9, 2014	December 21, 2015		November 4, 2019	4.9 years
11.	HAF Wind	June 14, 2014	March 14, 2015		December 17, 2018	4.5 years
12.	Grey Highland Clean Energy	September 21, 2016	July 11, 2017		August 30, 2019	2.9 years
13.	Grey Highlands ZEP	February 26, 2016	July 31, 2018		August 30, 2019	3.6 years
14.	MacLean's Mountain Wind	May 1, 2014	February 27, 2015		March 20, 2019	4.9 years
15.	Moorefield Wind	May 16, 2017	December 17, 2018		March 25, 2019	1.9 years
16.	Oxley Wind	February 8, 2014	September 27, 2017		April 25, 2019	5.2 years
17.	Napier Wind	December 3, 2015	March 3, 2017		January 22, 2021	5.1 years
18.	Quixote One	August 14, 2015	September 1, 2017		April 15, 2019	3.7 years
19.	St Columban Wind	July 16, 2015	June 22, 2016		October 2, 2018	3.2 years
20.	Settler's Landing	April 5, 2017	August 22, 2018		May 10, 2019 ⁷	2.1 years

	Demonstrated Non-Compliance- REA Amended		Share – 2%			
1.	North Kent 1 Wind	February 22, 2018	June 30, 2019	November 1, 2021	November 1, 2021 ⁸	3.7 years

	Demonstrated Non-Compliance – No Resolution		Share – 7% - Average time under review - 6.8 years			
1.	K2 Wind ⁹	May 29, 2015	November 25, 2016	December 12, 2019		6.8 years
2.	Unifor/CAW ¹⁰	October 24, 2013	June 28, 2018	No Updates	Not Provided	8.3 years
3.	Niagara Region Wind	November 2, 2016	July 20, 2018	February 3, 2021		5.3 years

	Deemed Incomplete	Share - 17% - Average time under review – 7.1 years				
1.	Cedar Point Wind	October 7, 2015	September 21, 2016	June 24, 2019		6.3 years
2.	East Durham Wind	August 15, 2015	August 17, 2016	July 2, 2019		6.5 years
3.	Goshen Wind	January 28, 2015	January 28, 2016	November 7, 2017		7.1 years
4.	Grand Valley Wind Phase 3	December 3, 2015	November 30, 2016	March 1, 2021		6.2 years
5.	Pt. Dover/Nanticoke Wind	November 8, 2013	August 6, 2014	December 16, 2020		8.3 years
6.	South Branch Wind	March 4, 2014	May 28, 2015	March 3, 2016		7.9 years
7.	Springwood Wind	November 21, 2014	May 31, 2016	No Updates ¹¹		7.2 years
8.	Whittington Wind	November 21, 2014	April 1, 2016	No Updates ¹¹		7.2 years

	Under Review	Share – 30% - Average time under review – 6.0 years				
1.	Adelaide (NextEra) Wind	August 22, 2014	August 10, 2015	June 26, 2020		7.3 years
2.	Amherst Island Wind	June 15, 2018	June 14, 2019	May 14, 2020		3.6 years
3.	Bornish Wind	August 15, 2014	August 7, 2015	July 2, 2020		7.3 years
4.	Conestogo Wind	December 20, 2012	December 20, 2013	April 5, 2019		9.1 years
5.	Gunn's Hill Wind	November 14, 2016	October 16, 2018	No Information		5.1 years
6.	Port Ryerse Wind	December 9, 2016	July 17, 2018	No Updates		5.1 years
7.	Romney Wind	December 31, 2019	Not Yet Due	June 29, 2021		1.8 year
8.	Snowy Ridge	October 5, 2016	September 20, 2017	No Updates ¹¹		5.3 years
9.	South Kent Wind	March 28, 2014	January 30, 2015	August 14, 2020		7.9 years
10.	Sumac Ridge Wind	November 17, 2017	September 27, 2018	No Information		4.1 years
11.	Summerhaven Wind	August 6, 2013	February 10, 2014	May 1, 2020		8.5 years
12.	Underwood ¹²	February 9, 2009	Not Provided	No Updates		13.0 years

13.	Wainfleet Wind	September 17, 2014	May 15, 2015	No Information		6.4 years
14.	ZEP Ganaraska Wind	May 6, 2016	September 14, 2018	No Information		4.7 years

	Submission Due					
1.	Henvey Inlet	October 19, 2019	Due – October 2020	No Information		2.3 years

	Not Yet Due					
1.	Nation Rise	June 17,2021	Due - June 2022			0.6 years

¹ IESO Active Contract List as at September 30, 2021

² Data Provided by MECP as at July 30, 2019

³ Based on a review of project websites – “No Updates” = No change in information; “No information” = audit no information posted on website

⁴ Dates provided by MECP.

⁵ Elapsed time calculated either to the date compliance was confirmed or to the current date.

⁶ Identical dates for submission and review completion provided by MECP

⁷ Approval date posted by operator conflicts with status provided by MECP 2 months after “approval”

⁸ REA amended to reduce night time noise levels at 2 wind turbines to bring noise levels within noise guidelines.

⁹ In May 2019, the Ministry found the K2 project was out of compliance and ordered the operator to develop and implement a Noise Abatement Action Plan.

¹⁰ Turbine determined to be non-compliant on March 8, 2018, Noise Abatement Action Plan implemented. Problem not resolved.

¹¹ Capstone Renewable Project, limited project documentation posted on project websites.

¹² I-Audit report submitted in January 30, 2018 accepted and then rejected by MECP. More noise testing is currently underway.

Appendix 2: Complaints by Project

The following table summarizes the information on the complaint records provided in response to a series of four Freedom of Information requests. In total, the information released indicates that more than 5,800 complaints have been made about the operations of wind turbine projects between 2006 and 2018. (The requests for information covering 2019 and 2020 are outstanding. The fact the government does not have rapid access to these records to fulfill FOI requests is proof that citizen complaints are going nowhere, and are not subject to any high level scrutiny.)

Communications from residents indicate that when there is no follow-up action on complaints, people just give up and stop complaining. This does not mean that the problems have been resolved. Actual follow-up on high profile situations could encourage many residents to start documenting their concerns and reports of poor health again.

Site Name	Start Year	2006 - 2014	2015 - 2016	2017	2018	Total
Melancthon Wind (All Phases)	2008	873	62	0	26	961
K2 Wind	2015	1	413	178	149	741
Unifor (CAW)	2013	236	92	174	147	649
Enbridge Underwood	2009	442	73	14	27	556
Talbot Wind Farm	2010	388	7	2	6	403
East Durham	2015		293	6	27	326
Thames Valley Phase 1&2	2010	239	16		0	255
Capstone - Grey Highlands	2014		3	121	79	203
Comber Wind	2010	127		2	9	138
Frogmore-Cultus-Clear Creek	2008	131	4		0	135
HAF Wind	2014	71	57	2	0	130
Niagara Wind	2016	0	24	20	83	127
Harrow Wind	2010	117	6		0	123
Plateau Wind	2012	119	1		0	120
Ripley Wind	2007	99			0	99
Conestogo Wind	2010	69	10		0	79
Grand Valley Wind	2012	24	38		8	70
Kent Breeze Wind	2011	55	2		0	57
Snowy Ridge	2016		7	46	1	54
Dufferin Wind	2014	3	50		0	53
Grand Bend Wind	2016		13	37	2	52
St. Columban Wind	2017	1	30	11	5	47
South Kent Wind	2014	35	5		0	40
Settler's Landing	2017			35	2	37
Adelaide Wind	2014		34	2	0	36

McLean's Mtn. Wind	2010	27	6	3	0	36
Ernestown Wind Park	2014	1	33		0	34
Summerhaven Wind	2010	19	8	3	1	31
Wolfe Island Wind	2009	22		1		23
Proof Line Wind	2009	20				20
Grand Renewable	2014		19		1	20
Bluewater Wind	2011	8	8	2		18
Jericho Wind	2014	3	15			18
Armow	2011		15			15
Amherst Island	2018				15	15
Cedar Point	2011		10	4		14
Goshen Wind	2015		8	2		10
Port Alma Wind	2008	9				9
Erieau-Blenheim Wind	2013	8				8
Erie Shores (Port Burwell)	2006	5			2	7
Raleigh Wind Energy	2011	6				6
Kruger-Chatham Wind	2011	5				5
Port Ryerse Wind	2016		5			5
Marsh Line	2010			4	1	5
North Kent Wind	2018		3		2	5
Bornish Wind	2011	1	3			4
Ganaraska Wind	2016		4			4
Zephyr Wind Farm	2012	4				4
Port Dover/Nanticoke	2013	3				3
South Branch Wind	2014	3				3
Springwood Wind	2014		3			3
Sumac Ridge	2013			3		3
Bow Lake	2010			1	2	3
Gesner Wind	2013	2				2
Oxley Wind Farm	2014	2				2
Prince I & II Wind	2006	2				2
Napier Wind	2015		1			1
Wainfleet Wind	2014		1			1
Otter Creek	-			1		1
Total		3,180	1,382	674	595	5,831

To: Mayor and Council
From: Norm Cheesman, Executive Director
Ontario Stone, Sand & Gravel Association,
Re: Discovering the Truth about Stone, Sand & Gravel
Date: March 8, 2022

The Ontario Stone, Sand & Gravel Association (OSSGA) represents the producers and suppliers of aggregate resources – stone, sand and gravel – in Ontario.

An important part of our mandate is to correct misinformation about the industry that often finds its way into the media and the community at large. ‘NIMBY’ groups present themselves as watchdogs of industry, but all too often offer observations and recommendations which meet their own agendas – and most important, do not reflect the broader community and business interests.

As an example, a recent NIMBY campaign is calling for a moratorium on all new aggregate sites. This campaign is based on mistruth, exaggeration and information designed to alarm your constituents, and you as Mayors and Councillors and senior municipal officials. We’d like to put the record straight.

Stone, sand and gravel is what our modern world is made from. Calling for a moratorium is like saying no to future generations. It’s turning off the tap to economic prosperity, affordable housing, immigration and infrastructure.

We all need aggregate. If you support affordable housing, then you must support sand and gravel. If you support new schools, hospitals and roads, then you need to support sand and gravel. In the next 20 years 4 million more people will be calling Ontario home. To support that growth we need an estimated 4 billion tonnes of aggregate. It is estimated that the industry has current licences to supply approximately 10 years of that need. That’s a good thing – because it takes 10 years on average to licence a new site. Applications being submitted today will serve the needs of future generations of Ontarians.

The aggregate industry is governed by a robust legislative framework. In addition to the *Aggregate Resources Act*, the industry is governed by and goes above and beyond to comply with more than 24 other pieces of legislation and volumes of regulation. Extensive consultation is already built into the approval process for aggregate production.

A call for a moratorium is short-term thinking. Suppose 25 years ago the Province had subscribed to “no more aggregate production, not in my back yard” thinking. Imagine the

additional stress that would have put on today's housing crisis or how much more crowded our schools, roads and hospitals would be?

For more than 100 years the existing aggregate market has provided Ontario with a steady supply of low-cost aggregate that has built the Province. No government that supports economic growth, affordable housing or immigration in this Province should support a moratorium on the bedrock of our economy.

We trust these comments are helpful. We have also provided our responses to the misinformation being put forward by this NIMBY group.

We understand that you and your constituents may have questions or concerns about the aggregate industry. We're here to help. More information about the aggregate industry can be found at GravelFacts.ca or you may reach out to us at any time to answer any questions you may have.

OSSGA RESPONSES TO MISINFORMATION

CLAIM	FACT
<i>We Demand an Aggregate Moratorium Now</i>	<p>Stone, sand and gravel is what our modern world is made from. Calling for a moratorium is like saying no to future generations. It's turning off the tap to economic prosperity, affordable housing, immigration and infrastructure.</p> <p>The industry estimates there is a 10-year supply of close-to-market aggregate licensed. And it currently takes an average of 10 years to apply for and receive a new license. The new licenses industry is applying for today is for the aggregate that will be needed in 10 to 20 years – ensuring future Ontarians will have a place to call home.</p> <p>The idea of a moratorium is short-term thinking. Suppose 25 years ago we had said no more aggregate production, not in my back yard. Imagine the additional stress that would have been put on the current housing crisis.</p>
<i>The industry digs out 13 times more gravel every year than it uses</i>	<p>Stone, sand and gravel is mined on a just-in-time basis. That means that each year, the amount the industry extracts from the ground is roughly the amount that is used to build roads, bridges, homes, schools and hospitals.</p> <p>Ontario will require nearly 4 billion tonnes of aggregate over the next 20 years¹ to meet the needs of our citizens and the additional 5.3 million people that will call Ontario home². That is estimated to be 192 million tonnes of aggregate per year.</p> <p>It is estimated that the industry has roughly a 10-year supply of aggregate licensed to extract: The Golder/MHBC Supply Demand Study estimated the “amount of 'high' quality reserves is approximately 1.47 billion tonnes”.³</p> <p>It currently takes an average of 10 years to acquire an aggregate licence in Ontario. Which means that we need to continue to licence new sites as current sites are depleted and surrendered – and that any moratorium would put the supply of future close-to-market supply at risk.</p>

<p><i>The aggregate industry destroys 5,000 acres of land a year.</i></p>	<p>Aggregate extraction does not destroy land.</p> <p>It removes the natural resources from the land and turns that resource into houses, roads, buildings, glass and other products we each use every day. At the end of its life -- a pit or quarry is returned to nature, agriculture or becomes a wetland. In many urban centres -- aggregate pits and quarries from decades ago are our treasured parks and public green spaces.</p> <p>With respect to the amount of new land that is excavated every year – the average for the past 10 years as reported in The Ontario Aggregate Resources Corporation annual production report is approximately 2600 acres per year. An average of 2000 acres per year is rehabilitated for a total net new disturbed area of 600 acres.⁴</p>
<p><i>The aggregate industry takes up to 4.6 billion litres of precious water every day.</i></p>	<p>One of the largest myths about pits and quarries is that they use a significant amount of water.</p> <p>Aggregate operations are permitted to 'take' water each day for three main reasons: to keep the working area of a quarry dry, to wash product with recycled water and for dust mitigation. It is a common misunderstanding that because aggregate operations have permits to take large volumes of water each day, that they do.</p> <p>The truth is the aggregate industry only uses a small portion of water in comparison to what their permit allows. During the spring or after a heavy rainstorm, operations may need to remove their daily allowable maximum – but for most of the year, they take significantly less or nothing at all. For example, after a heavy rainfall they may need to relocate large volumes of water to keep the quarry floor dry so that workers can extract the rock. And even when water is pumped, it doesn't leave the watershed.</p> <p><u>2016 Actual data (From MECP – 2020 data is currently being tabulated)⁵</u></p> <ul style="list-style-type: none"> • The industry was permitted to 'take' 3.3 billion litres per day • The industry actually took an average of 375 million litres per day – or 11% of what it was permitted – and more than 90% of that water remained within the watershed. • The aggregate industry water taking represents only 0.13% of all water taken in Ontario <p>Aggregate producers are water managers, not water users.</p>

<p><i>The aggregate industry accelerates the climate crisis by feeding sprawl, highways, cement production and other massive causes of green house gases.</i></p>	<p>Regardless of how communities choose to grow – whether vertically by increasing density, or by expanding the municipal boundaries – aggregate is needed to build the infrastructure to support that growth.</p> <p>To reduce greenhouse gas emissions (GHGs), the most important thing is to locate pits and quarries as close to where the resource is needed as possible. Aggregate is a clean industry. No chemicals are used in the processing of aggregate and the industry is not a significant contributor of GHG emissions; however, trucks transporting aggregate do create GHG emissions. So don't make gravel travel and support close-to-market aggregate.</p>
<p><i>The aggregate industry does not have consent of First Nations.</i></p>	<p>Section 3.1 of the <i>Aggregate Resources Act</i> specifically states that the Minister will consider whether adequate consultation with Aboriginal communities has been carried out before exercising any power under this Act relating to licences or permits that has the potential to adversely affect established or credibly asserted Aboriginal or treaty rights. 2017, c. 6, Sched. 1, s. 2.⁶</p>
<p><i>The aggregate industry is multi-national and foreign owned.</i></p>	<p>The membership of the Ontario Stone, Sand & Gravel Association, represents approximately 100 aggregate producers.</p> <p>Of those members, approximately 5% are multi-national organizations. A further 40% are medium sized organizations, and the balance, roughly 55% are small operators – many family-owned businesses – who are working hard to provide jobs and drive the economies of communities across Ontario.</p>
<p><i>The aggregate industry is unchecked and self-regulating.</i></p>	<p>The aggregate industry is one of the most highly regulated in Ontario. Our members comply with more than 25 pieces of legislation and volumes of regulation that protect the environment and the people of Ontario.⁷</p> <p>The most important piece of legislation is the <i>Aggregate Resources Act</i> which provides legislation requiring the Ministry of Northern Development, Mines, Natural Resources and Forestry to:</p> <ul style="list-style-type: none"> • oversee the rules governing aggregate management • issue licences, permits and changes to existing approvals • inspect aggregate operations and respond to complaints • enforce compliance and, ensure rehabilitation is carried out on sites⁸

	<p>For sites to operate they must also comply with many permits and regulations overseen by other ministries including the Ministry of Environment, Conservation and Parks, Ministry of Municipal Affairs and Housing, Ministry of Transportation and more.</p> <p>In addition to the above, the industry is constantly working on new rehabilitation techniques and ways to go above and beyond the regulations. Creating vibrant wetlands, doing research to improve the quality of the soil when returning a site to agriculture for example.</p>
<p><i>The aggregate industry pays less property tax than some families do.</i></p>	<p>The issue of a fair and equitable MPAC valuation system for aggregate is not new. From 2005 to the present there has been a full pendulum swing from what the industry would consider reasonable rates, to excessive rates, and back to reasonable rates again.</p> <p>A court proceeding is currently underway and will hopefully result in a resolution to this decades-old dispute that both aggregate producers and municipalities believe is fair and equitable.</p> <p>That said, what municipalities fail to mention, is that in addition to property tax, the aggregate industry is now on track to pay more than \$35 million annually through the aggregate levy.</p> <p>Sixty-one percent of those monies, or just over \$21 million goes to lower-tier municipalities. Another key point is that in Ontario, aggregate is the only industry that pays a levy of this kind. Over the years industry and municipalities worked together to lobby the provincial government to increase the levy. In 2018 the levy was raised from 11.5¢ per tonne to 19.8¢ – an increase of 72%. Annual increases in the levy are now tied to CPI (the 2022 rate is 21.3¢/tonne).</p>

1. 4.4.5 Golder MHBC Supply Demand Study for Aggregate Resources (2016)
2. Government of Ontario [Population Projections](#)
3. 6.1 Golder MHBC Supply Demand Study for Aggregate Resources (2016)
4. <https://toarc.com/production-statistics/> Years 2011 to 2020
5. https://ossga.com/multimedia/2021-04-14-125234-40583/waterhandling_gravelfact_sheet_april_2021.pdf
6. [Aggregate Resources Act](#)
7. [GravelFacts List of Legislations](#)
8. [Government of Ontario Aggregate Resources](#)

Port Colborne Public Library Board

MINUTES of the Second Regular Meeting of 2022

Date: Wednesday, February 2, 2022
Time: 6:15 p.m.
Location: Virtual Meeting held via Microsoft Teams

Members Present: M. Cooper, Chair
B. Ingram, Vice-Chair
M. Bagu, Councillor
B. Beck
V. Catton
H. Cooper
J. Frenette
A. Kennerly
C. MacMillan

Regrets: B. Boles, Board Treasurer

Staff Present: S. Luey, Chief Executive Officer
S. Therrien, Director of Library Services (Board Secretary)

1. Call to Order

The Chair called the meeting to order at approximately 6:18 p.m.

2. Declaration of Conflict of Interest

3. Adoption of the Agenda

Moved by B. Ingram
Seconded by C. MacMillan

That the agenda dated February 2, 2022 be adopted, as circulated.

Carried

Port Colborne Public Library Board

4. Approval of Minutes

Moved by A. Kennerly
Seconded by J. Frenette

That the minutes of the regular meeting dated January 11, 2022 be approved, as circulated.

Carried

5. Business Arising from the Minutes

6. Consent Items

6.1. Circulation Reports

- 6.1.1.** 2021 Final Circulation Report
- 6.1.2.** 2021 Digital Programming Report

6.2. Financial Statement

- January 27, 2022

6.3. Media Items

- 6.3.1.** Port Colborne Public Library Digital Newsletter, February 2022
- 6.3.2.** City Hall News, February 2022

Moved by B. Beck
Seconded by V. Catton

That consent items 6.1 to 6.3 be received for information purposes.

Carried

7. Discussion Items

7.1. Director's Report (S. Therrien)

7.1.1. COVID-19 Update

Port Colborne Public Library Board

Out of an abundance of caution and in accordance with the internal precautions set by the City's Emergency Control Group, the library continues to provide contactless curbside pick-up. Patrons can also access print services and take-and-make crafts at curbside.

7.1.2. Communications

The Director presented an update on library staff communications strategic plans and implementation. The library's internal communications team has been set up and is partnering with the City's team.

Library staff have access to and are participating in Applauz, an online recognition program, provided by the City of Port Colborne.

7.1.3. Capital Projects Update

The Board reviewed the capital projects scheduled for 2022 including: improving connectivity, window seal remediation, sign replacement, accessible doors, and the installation of a generator.

7.1.4. Facilities Maintenance and Capital Projects

The Board reviewed the progress of the Ontario Trillium Foundation Resilient Communities Fund grant project.

7.2. 2022 Annual Plan (S. Therrien)

The Board reviewed its 2022 annual plan which focuses on legacy and transition readiness, strategic planning, budget planning, and evaluation processes.

8. Decision Items

8.1. Policy Review

8.1.1. OP-18: Procurement of Goods and Services

8.1.2. GOV:06: Financial Oversight

Port Colborne Public Library Board

8.1.3. GOV:12: Library Reserves and Reserves Funds

Moved by A. Kennerly

Seconded by C. Macmillan

That policies 8.1.1 to 8.1.3. be approved, as presented.

Carried

9. Board Members' Items

10. Notices of Motion

11. Date of the Next Meeting

Wednesday, March 2, 2022 at 6:15 p.m. via Microsoft Teams

12. Adjournment

Moved by J. Frenette

Seconded by B. Ingram

That the meeting be adjourned at approximately 7:16 p.m.

Carried.

Michael Cooper
Board Chair
March 2, 2022

Susan Therrien
Director of Library Services
Board Secretary
March 2, 2022



PORT COLBORNE

Meeting Environmental Advisory Committee December 8, 2021 6:00 p.m.

The following were in attendance:

Staff:	Cassandra Banting Janice Peyton
Council:	Councillor Mark Bagu Councillor Harry Wells
Public Members:	George McKibbin Jack Hellinga Katherine Klauck Norbert Gieger Tim Lamb Ryan Waines Kerry Royer
Guest:	Mike Audit, Parks Supervisor Gregary Ford, Niagara Coastal Community Collaborative Rod Tennyson, Resident, City of Port Colborne

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 called the meeting to order at 6:00 p.m.

2. Adoption of the Agenda

Moved by Ryan Waines
Seconded by Harry Wells

That the agenda dated December 8, 2021, be accepted as circulated.
CARRIED.

3. Disclosures of Interest

Nil.

4. Approval / Review of Previous Meeting Minutes

Moved by Jack Hellinga
Seconded by Katherine Klauck

That the minutes of October 13, 2021, be accepted as written.
CARRIED.

5. Guest M. Audit, Parks Supervisor, Re: Bee City initiative & Tree Planting

Parks Supervisor Mike Audit gave an update on the Bee City Initiative. Mike advised he would like to include the support of EAC in his report to Council regarding Port Colborne officially becoming a Bee City. Mike and staff have worked on this initiative with the assistance of Kerry Royer and with Patty Moss.

Moved by Norbert Gieger
Seconded by Tim Lamb

That the EAC support the Bee City initiative as presented by Parks Supervisor Mike Audit.
CARRIED.

Committee members would like to recognize the efforts of Patty Moss, in educating the committee.

Moved by Jack Hellinga.
Seconded by Ryan Waines

That the EAC send Patty a thank you note.
CARRIED.

Mike also spoke to the committee about tree planting to offset carbon emissions. The tree planting goal for 2022 is to plant 400 trees. The trees will be native to Ontario, and they can be planted on private property. Mike is looking into a tree give-away event for Earth Day.

The EAC tree planting rebate program is available to residents. Information can be found on the city website. Kerry Royer advised that the City of St. Catharines Public Works department has been very successful with a tree give-away that utilizes the tree-o-code program.

George asked for an update on the tree planting by-law regarding planting on boulevards. Once the Urban Forest Management Plan is in place and

approved by Council, there may be a possibility to plant certain varieties of trees on boulevards.

6. Guest Gregory Ford, Niagara Coastal Community Collaborative

Gregory Ford, Executive Director of Niagara Coastal Community Collaborative provided a PowerPoint presentation and responded to comments and questions of attendees. A copy of the presentation is attached to the minutes.

Gregory advised that the N.C.C.C. would like to collaborate with the EAC moving forward. The N.C.C.C. welcomes anyone who would like to be involved. Anyone interested can email www.niagaracoastal.ca/vast.

Members of the committee are interested in a collaborative opportunity with N.C.C.C. and Niagara College to investigate the possibility of growing beach grass. Gregory will reach out to Niagara College to inquire about support.

7. EAC Working Relationship with Public Works

George provided a report on EAC's working relationship with Public Works. A copy is attached to the minutes.

Discussion took place as to how the committee will inter-relate with other City departments and with Council. George has reached out to Planner David Schulz in the past and they have a good working relationship. Cassandra will now have a standing agenda item on the monthly Public Works Management Team meetings to ask if anyone has anything to forward to the EAC. Mark and Harry will speak with Cassandra and Director Kalimootoo regarding Council direction. George and Jack will prepare an annual state of the environment report to Council at the beginning of every year. Kerry suggested meeting late in the year with Managers of each department to discuss items that may require EAC input. Tim suggested the Climate Emergency be discussed at Council, which would require EAC involvement.

8. Items Arising from Previous Minutes

a) Land Use Compatibility

The subcommittee report on Land Use Compatibility was received and discussed. A copy is attached to the minutes.

George advised he has talked to Planner David Schulz with respect to the PC Quarry and the blasting advisory and he also asked David for soil testing reports from Vale. David agreed that the reports will be made public and will be available for viewing.

Moved by Jack Hellinga

Seconded by Harry Wells

That the EAC report on Land Use Compatibility be forwarded to Municipal Planners at the City and Region and to the JART Committee.
CARRIED.

b) Electric Vehicles

Norbert and George provided a report on Getting EV Ready. A copy is attached to the minutes.

Everyone agreed that charging stations would be beneficial in attracting tourists and that timing is essential.

The suggestion was made to install a charging station at the Health and Wellness Centre and at the Cruise Ship Welcome Centre and that perhaps a car rental company would like to partner with the city. Bringing Tesla on board as a sponsor was also suggested.

Norbert and George will review and discuss the 5 points of actions Port Colborne can take to expedite the transition to electric vehicles with Planner David Schulz and will report back to the committee with recommendations to consider making to Council.

9. Soils By-Law – Cassandra Banting

Cassandra advised that she is working on a site alteration by-law and reviewing new excess soils regulations. Niagara Region would like to have a region-wide plan. Cassandra will be in touch with the Region and will bring the draft by-law to the committee some time in the new year for comments. Cassandra was asked to keep in mind the difference between MECP excess soils and municipal site alteration by-laws and the recommendations (found in prior EAC minutes) that the EAC has previously made on this topic.

10. Other Business

At the next meeting the committee will vote for Vice Chair.

11. Next Meeting /Adjournment

With no further business to discuss, the meeting was adjourned at 7:50 p.m.
CARRIED.

The next EAC meeting will be on February 9th at 6 p.m.



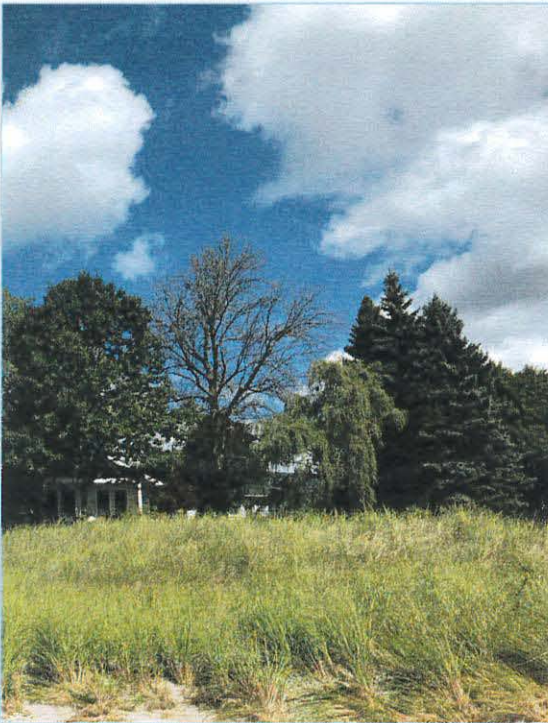
Our Mission

We optimize and expand local action to build a healthy and resilient Lake Erie coastal system that supports the community's economic, recreational, spiritual, and environmental needs.

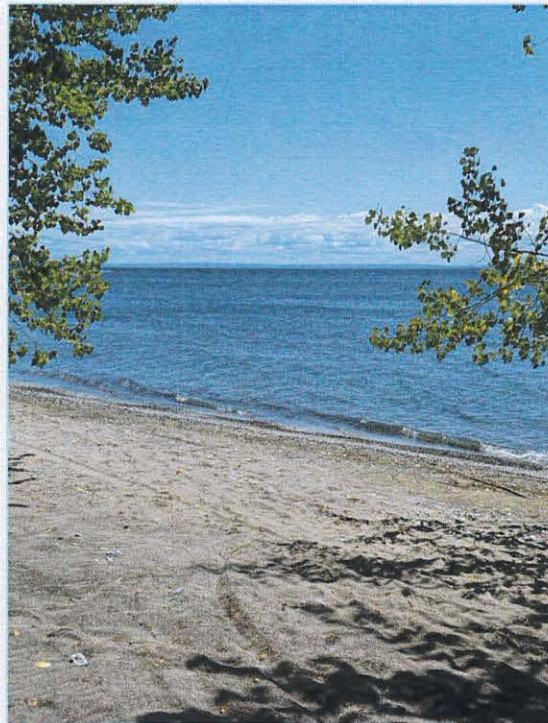


Our Priorities

1. Nature Based Shorelines



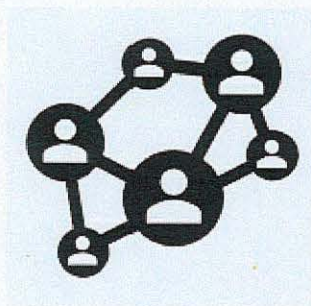
2. Healthy Beaches



3. Habitat and Species

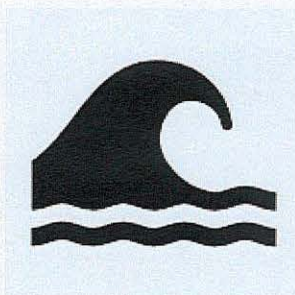


Our Initiatives



Knowledge Brokering
& Collective Impact

2017



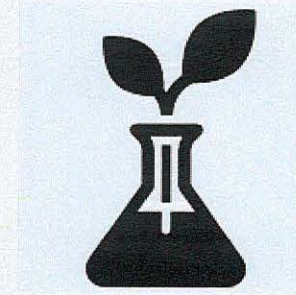
Community-based
Water Quality
Monitoring

2019



Visual Assessment
Survey Tool (VAST)

2021



Nature-based
Shoreline Solutions

2021



Knowledge Brokering & Collective Impact



The 5 Conditions of Collective Impact

- 1

Common Agenda

 - **Common understanding** of the problem
 - **Shared vision** for change
- 2

Shared Measurement

 - **Collecting data** and **measuring results**
 - Focus on **performance management**
 - **Shared accountability**
- 3

Mutually Reinforcing Activities

 - **Differentiated approaches**
 - **Coordination** through joint plan of action
- 4

Continuous Communication

 - **Consistent** and **open communication**
 - Focus on **building trust**
- 5

Backbone Support

 - Separate organization(s) with **staff**
 - Resources and skills to **convene** and **coordinate** participating organizations



Community-based Water Quality Monitoring





Our Monitoring 2019–2021

- 8 Sites monitored
- 275 Volunteers
- 1166 hours
- 1018 Samples
- Shared data to 15,384 users on Swim Guide



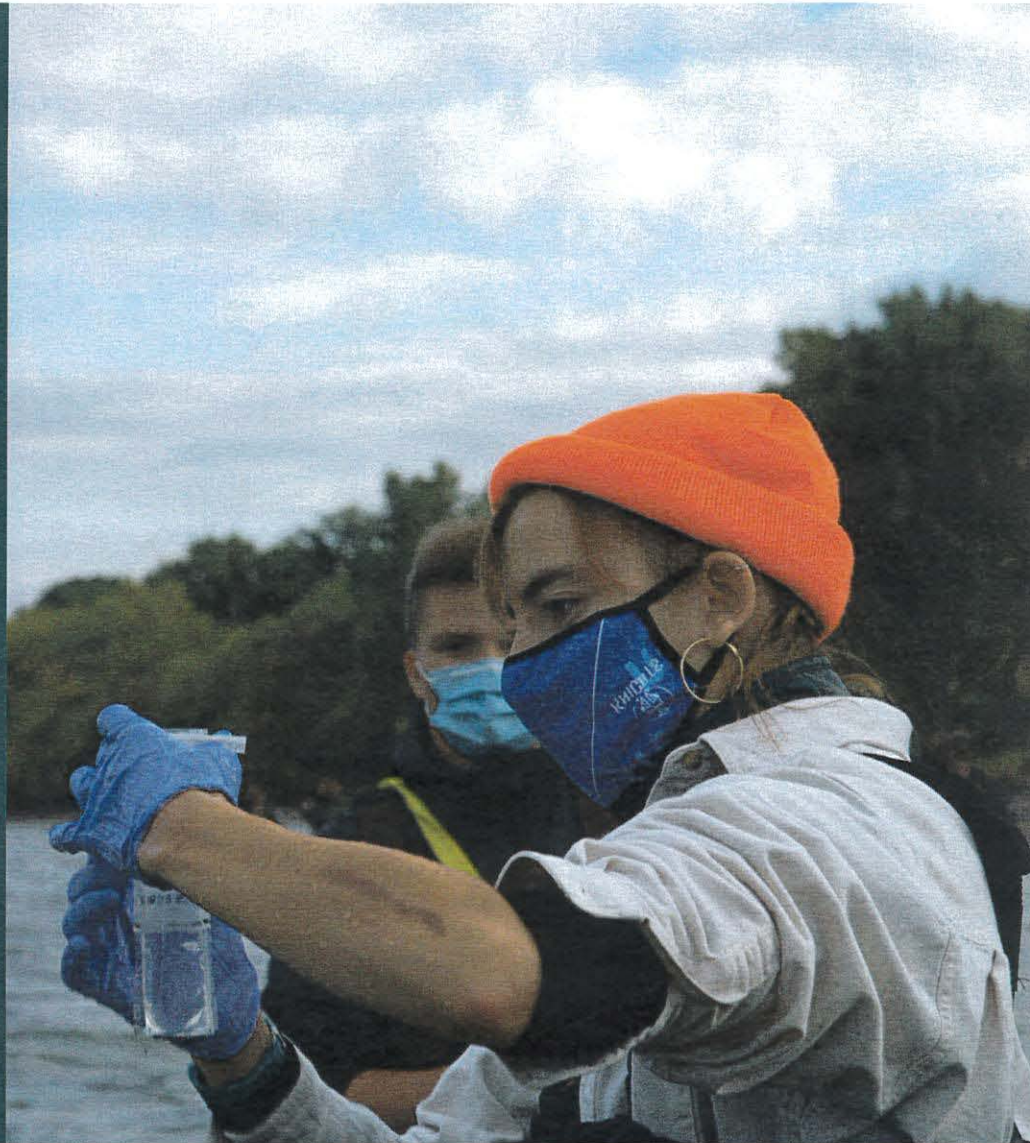
Monitored Beaches in 2021



- 140 Volunteers
- 327 Samples
- 437 Hours
- 3581 Swim Guide Users
- 5 large sampling events

Our Monitoring 2022+

- Continue monitoring
- Niagara College MOU
- Source tracking and DNA analysis
- Submerged structure investigations



Visual Assessment Survey Tool (VAST)





VAST



NIAGARA PENINSULA
CONSERVATION
AUTHORITY



Niagara
Coastal

Key Components of VAST



Great Lakes Coastal Monitoring Network



VAST Survey

Nearshore

Amount of Cladophora in Water*

Estimate this based on a 5m area.

-Please Select-

None

Sparse

Moderate

Abundant

Nearshore uniform?*

Estimate the uniformity of the water across the beach area, with the amount

above:



Substrate*

What is the dominant substrate in the water?

-Please Select-

Water Clarity*

☐ Clear

☐ Cloudy

☐ Opaque



[Home Page](#)[Explore](#)[Cladophora Survey](#)[Map Selection](#)[VAST Survey Points](#)[Cladophora Algae Summary](#)[Beach Quality Summary](#)

Survey List

[< Back](#)

Morgan's Point;
7/25/2021 7:58 PM



Knowledge Brokering
& Collective Impact

Site Conditions

(scroll for more information)

Type of Survey: VAST Anywhere

Substrate: Bedrock

Algae Coverage: 0%

Water Clarity: Cloudy

Recent Weather Conditions: Significant_Precipitation

Other Site Conditions: other; Zebra,mussel,shells

VAST Survey Points Map



About this page

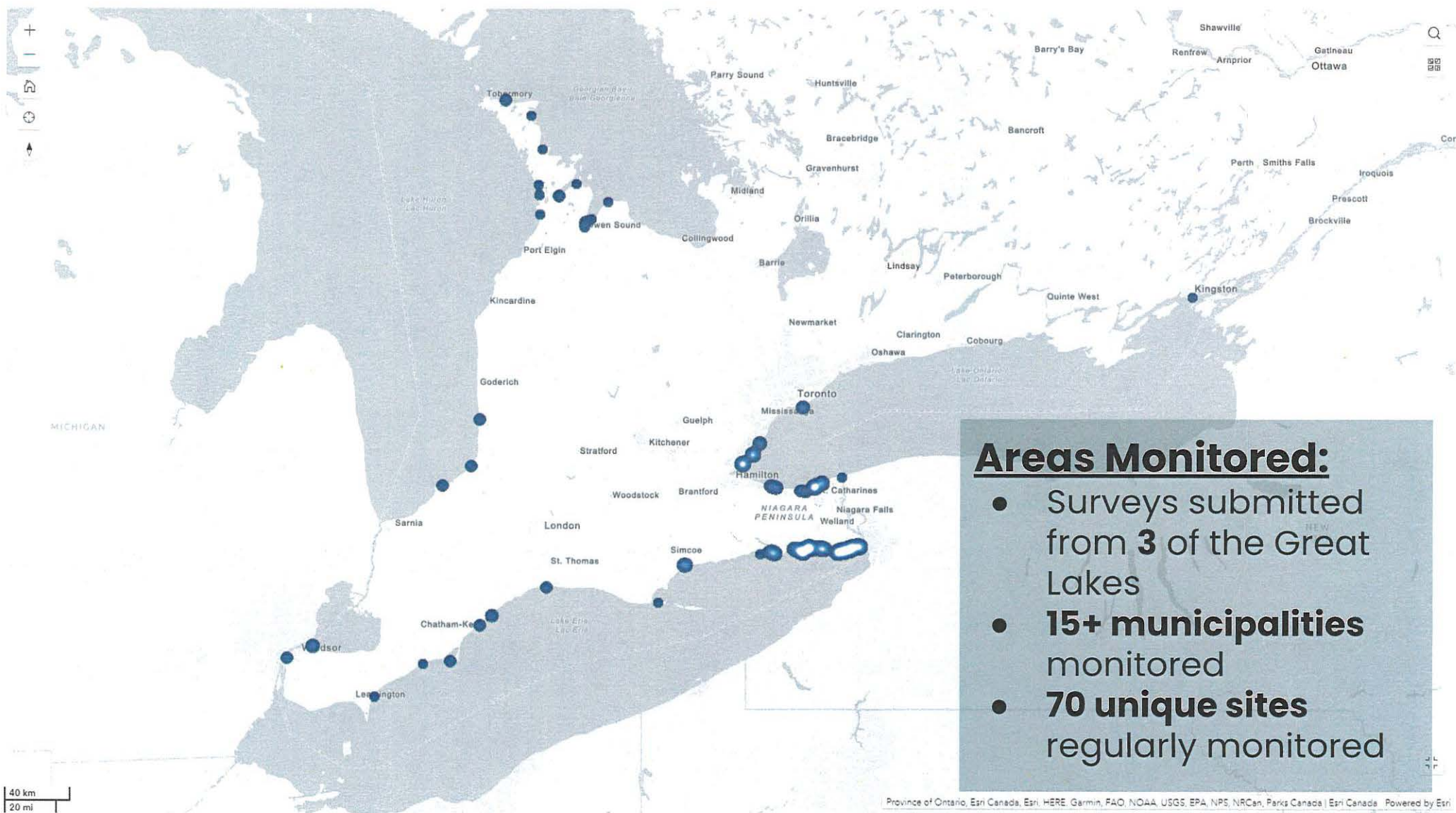
The Explore page shows the locations of all the surveys submitted for VAST by Citizen Scientists. The points are grouped by area on the map.

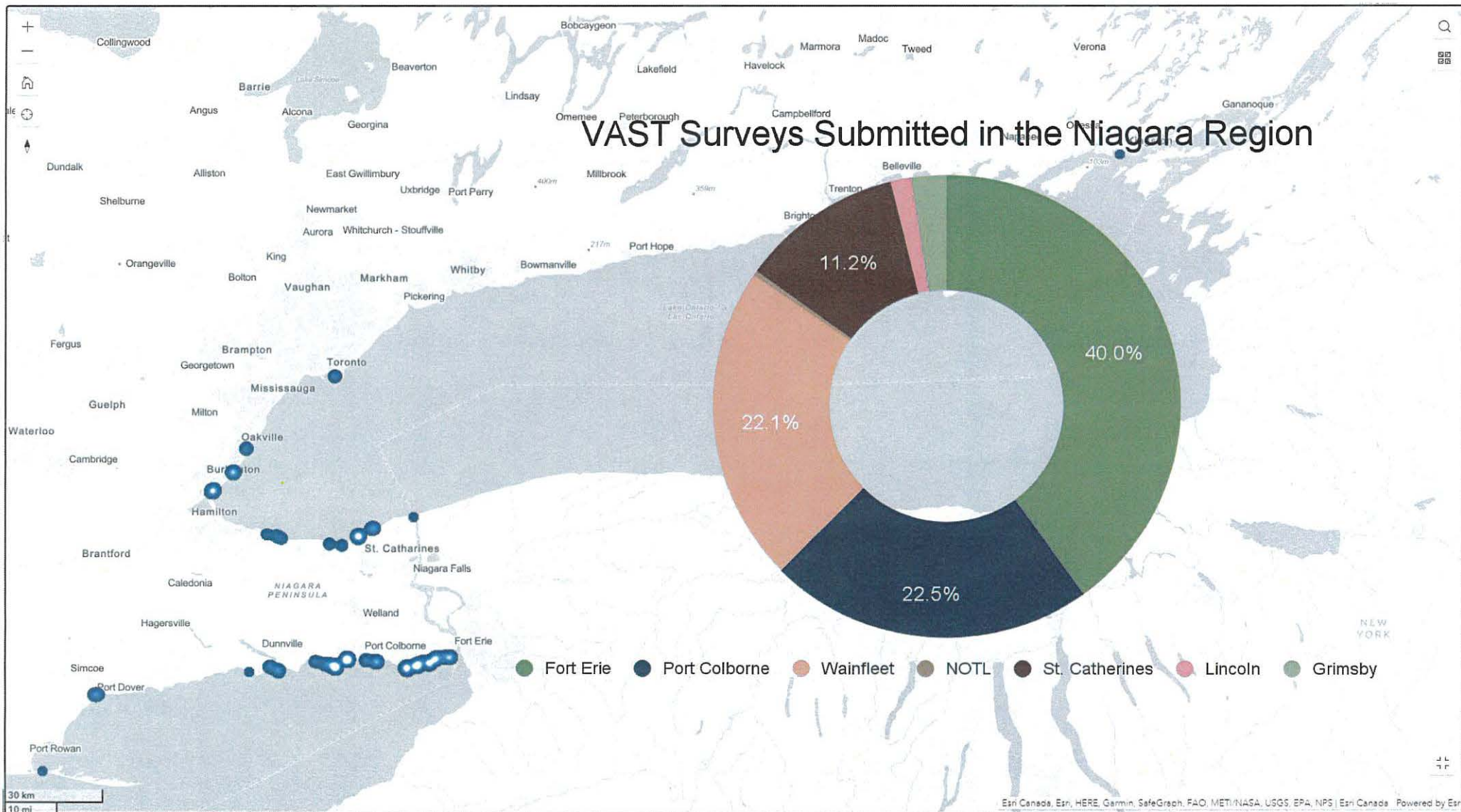
Clicking on a survey point or survey grouping will provide you with information about the location and allow you to view images of the shoreline taken at a specific point in time.

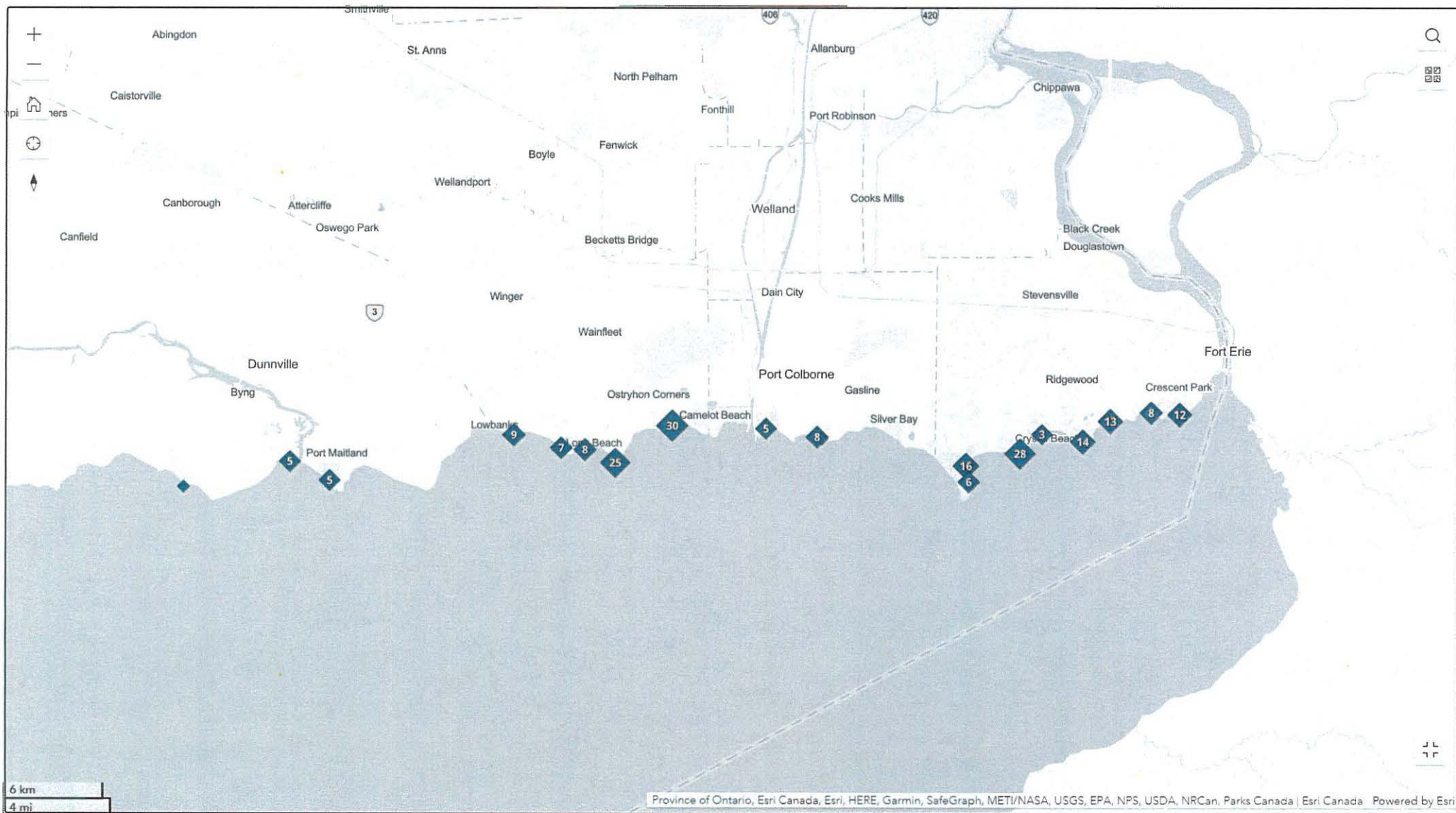
This serves as a near real-time coastal monitoring tool.

Surveys: Nuisance Algae, Shoreline Erosion, Aesthetic Beach Quality



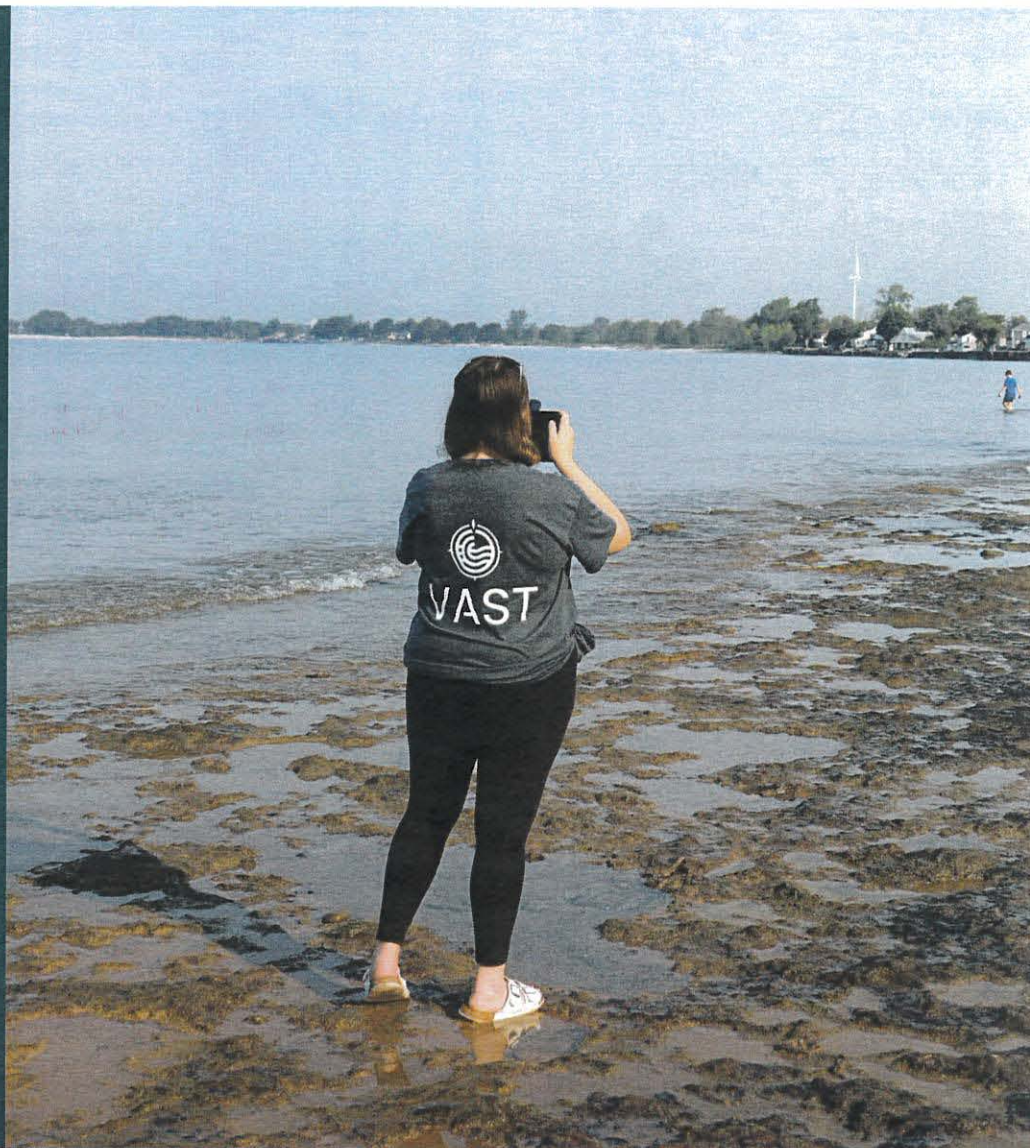


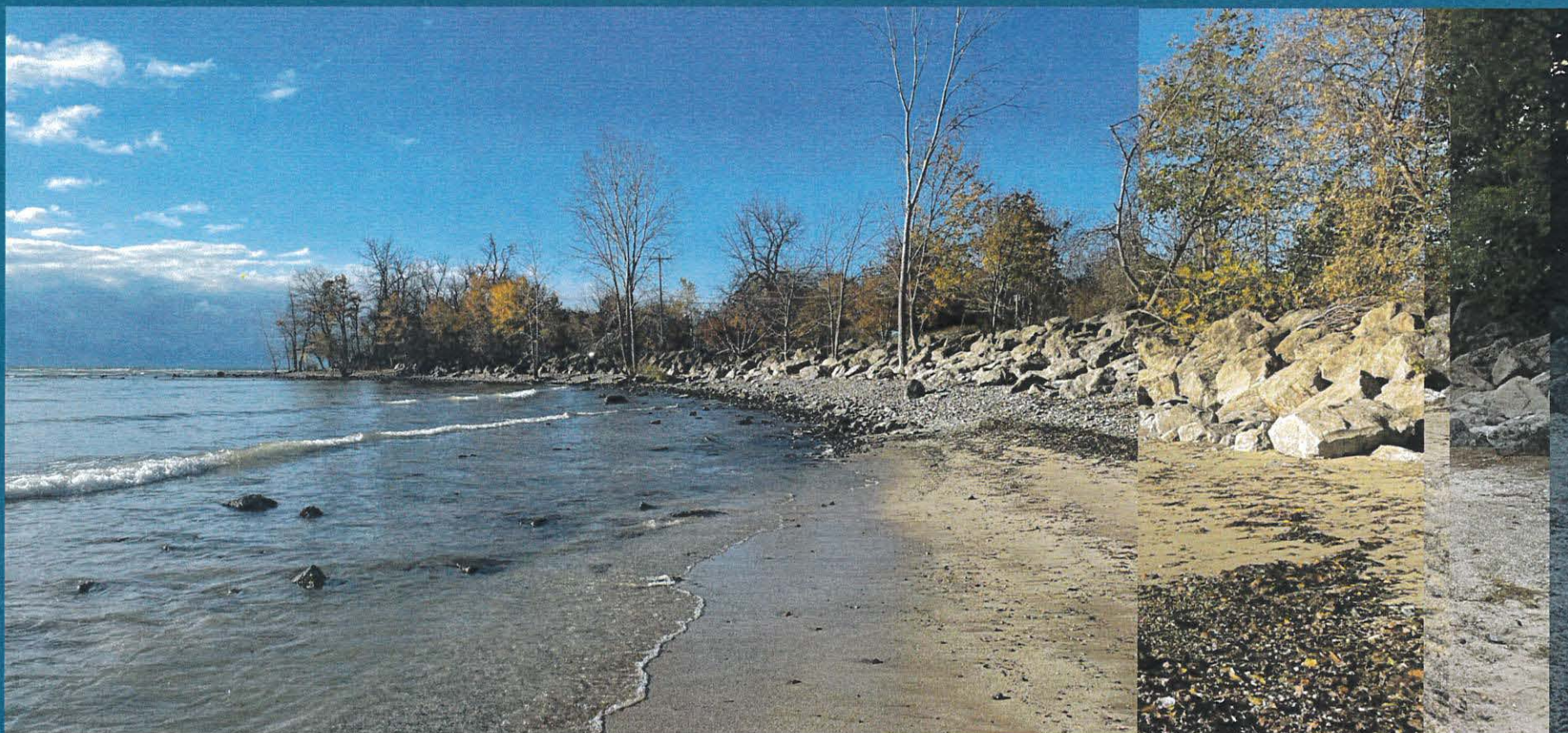




Our Monitoring 2021

- 70+ sites monitored
- 50 trained volunteers
- 521 hours
- 370 surveys
- 1800+ photos
- Data shared with 1,440 users





Reeb's Bay: July 25 -November 16. Photo Credit - VAST Citizen Scientists.

Nature-based Shoreline Restoration





nc Niagara
College
Canada

NIAGARA PENINSULA
CONSERVATION
AUTHORITY

Niagara
Coastal

Our Restoration 2021

- 7 sites planted
- 1500+ beach grass plugs transplanted
- 2,500m² of habitat restored
- 200m of sand fencing installed
- 34 volunteers
- 102 hours







Our Restoration 2022+

- Likely fish habitat compensation Fort Erie
- Ongoing municipal drain restoration proposals
- Shoreline resiliency projects



Get Involved

Help us promote resilient Great Lakes shorelines by taking a walk on the beach.

For more information contact:

info@niagaracoastal.ca

Visit our website at:

www.niagaracoastal.ca/vast

Follow us on social media

[@niagaracoastal](https://www.instagram.com/niagaracoastal)



Niagara
Coastal

EAC's Working Relationship with Public Works, December 9, 2021: A Report

Following our last meeting, Cassandra Banting and I met with Chris Kalimootoo, Director of Public Works. At that meeting we discussed the EAC terms of reference and our working relationship with the Department. Here are the points we agreed to for your information.

1. Cassandra Banting will act as our liaison with the Department of Public Works. This is a step further than required by the EAC terms of reference.
2. Public Works holds monthly meetings at which time they discuss projects underway. Cassandra Banting will be notified of projects that may be of interest to EAC and reporting to EAC may occur.
3. Public Works will be clear about which advice the Committee offers can be used and which advice cannot and where Public Works cannot use EAC advice they will give reasons to EAC.
4. Where other City Departments are involved, we will need to speak to those Departments. Where inter-departmental committees are involved, we will be advised to the extent Public Works is involved.
5. Public Works will send the draft excess fill bylaw to EAC for comment. This is a topic which is of interest to EAC.
6. To the extent that is possible Public Works will provide draft materials to EAC for comment so Public Works can advise Council that EAC comments have been obtained and where possible used.
7. Committee research work is the responsibility of EAC members and not the responsibility of Public Works liaison staff.

Report to EAC: Land Use Compatibility

December 9, 2021
Environmental Advisory Committee

Since the EAC's last meeting the Province announced it wasn't going to revise the Ministry of the Environment, Conservation and Parks (MECP) D Series Land Use Compatibility Guidelines. MECP staff are still working on the file. There were many submissions on the draft. While there was unanimous agreement revision and updating was needed, little agreement existed about whether the draft's approach was the best approach. Many conflicting views were expressed. Revision wasn't going to be a simple process: especially where some industry and environmental interests hold directly opposing viewpoints.

After next June's Provincial election, we expect a revised land use compatibility guideline will be re-submitted for comment or a revised draft approved. The Province will not go back to the former D Series Guidelines for the following reasons:

1. The D Series Guidelines were drafted when MECP staff working on environmental approvals and planning advice to Municipal Affairs worked in the same building. By the mid 90s, Municipal Affairs was using a one window approach to plan review and began delegating *Planning Act* approvals to regional municipalities like Niagara. Once *Planning Act* review was separated from MECP environmental approvals, a more complete compatibility guideline is needed: the existing D Series doesn't provide sufficient direction.
2. Most of the regulations and policies cited in the D Series Guidelines have been replaced with new regulations and policies.
3. Key technical terms in the D Series Guidelines are undefined and some terms have been replaced with different terminology in environmental approvals.
4. There was virtually unanimous agreement among reviewers of the draft guideline that the D Series Guidelines needed to be updated.

Given the positive responses municipal planners had to EAC's recommendation to forward the fly rock advisory to the JART and regional and municipal planners, an interpretive report highlighting why we need better land use compatibility assessment may be useful.

IBI Group's Land Use Compatibility Study for PCQ's expansion application provides a short synopsis of how noise, air and blasting concerns are addressed in the quarry applications¹. It highlights land use compatibility issues facing everyone but, the IBI Study is incomplete.

This report sets out what is required to assess land use compatibility. It puts IBI's analysis into context with the D Series Guidelines and the Draft Guidelines proposed to replace it. Where

¹ IBI Group, Land Use Compatibility/Sensitive Land Use Study: Port Colborne Quarries Inc., Pit 3 Extension, January 8, 2021.

needed we offer comments setting out what we think is a more complete approach and what is needed. We will leave it to others to choose what elements to apply to industrial and sensitive uses generally.

Here are the topics which we propose need to be considered so as to perfect PCQ's land use compatibility analysis:

- The deference the Province provides the aggregate industry over other industries,
- Aggregate extraction isn't a land use: the decision on re-zoning is the only decision the municipality has,
- How evolving regulatory standards and adverse effects are addressed, and
- Measuring compatible separation distances between extraction and sensitive uses.

Deference: The application of the D Series Land Use Compatibility Guidelines privileges the aggregate industry over industry generally. To the extent the land use compatibility guidelines apply, that application is by joint review with by the Ministry of Northern Development, Mines, Natural Resources and Forestry (MNDMNR) and MECP with one exception: the municipal zoning decision. Port Colborne only gets one opportunity to evaluate the objective merits of PCQ's application and that is in the municipal zoning decision.

In the following application, we adjust the IBI compatibility analysis to compensate for that deference and apply the compatibility analyses as if PCQ were an industrial land use.

Aggregate extraction isn't a land use: In the past the courts concluded aggregate extraction isn't a land use. The Province of Ontario amended the *Planning Act* by introducing Section 34 (2) which states: "*Pits and Quarries. – The making, establishment or operation of a pit or quarry shall be deemed to be a use of land for the purposes of paragraph 1 of subsection 1.*"² 34 (1) provides municipalities with the ability to restrict the use of land through zoning.

Where the aggregate industry is concerned, municipalities exercise that control through the initial re-zoning of the land for extraction. Land use compatibility is one test required for rezoning. Otherwise, there is no municipal control of PCQ under the *Planning Act* after the zoning is approved. Where other industry is concerned, other *Planning Act* measures apply such as site plan control.

Regulatory standards change with better science: Air standards under Ontario Regulation 419 change with time. The process by which these standards are set and revised involves not only Provincial ministries: it includes other Provincial ministries across the Country and Federal authorities and departments. Over the last 10 years since Ontario Regulation 419 (OR 419) was implemented; some standards changed and became more stringent. Air standards will change going forward during the lifetime of this quarry expansion. A very conservative approach to land use compatibility analysis is needed.

² Province of Ontario, The Planning Act, page 65.

The definition of adverse effects is set by the *Environmental Protection Act*. That inclusive definition is also adopted and applied by the Provincial Policy Statement 2020 under the *Planning Act*. When approvals are issued under the *Environmental Protection Act*, some members of the public and environmental elements may experience adverse effects even though the air, noise and odour standards are met.

For example, where benzene and benzo-a-pyrene are concerned, there are no safe levels of human exposure. In this instance where respirable dust is concerned, it is reasonable to assume that persons with asthma and COPD may be affected even if recommended and regulated standards are met. The Golder's analyses are measurements against standards, legal and recommended: Golder's reports don't address health risk. Careful analyses and consideration of separation distances between aggregate extraction/industry is required to minimize adverse effects.

Both the D Series Guidelines and the draft Guideline which was withdrawn recommend that separation distances should be from property line to property line with the intervening uses being compatible with both the industry/aggregate extraction and sensitive uses. PCQ proposes to extract aggregate as close to the property lines of adjoining sensitive uses as possible. Private lands not owned by PCQ are proposed to be used to buffer/separate extraction from residences.

Planning decisions involve balancing the public interests involved in aggregate extraction and the rights of the private property owners whose lands will become buffers to address the extraction's adverse effects. If PCQ is to extract aggregate to their property boundary, reasonable permitted uses should also be available to the landowners whose lands now become a buffer. Land use compatibility analysis should set out clearly how the use of their lands can continue for the existing and permitted uses and any site alterations proposed for those uses. The noise, air and blasting analyses simply looks at the existing uses as represented by the existing residences. With respect that isn't enough. The required buffer should be within the PCQ boundary unless adequate mitigation can be put in place to ensure there is no adverse effect on all permitted uses in all permitted location on other properties.

Alternatively, that analysis needs to clearly set out those landowners will face substantial planning obstacles if existing or future owners apply for planning approvals for other sensitive uses in the future as extraction continues. That ability, available presently to owners, won't be available after PCQ's zoning approval is issued because Provincial, Regional and Port Colborne official plan policy precludes the encroachment of sensitive uses close to extraction operations. That prohibition exists until PCQ rehabilitates the extraction area and the Aggregate Resources license is revoked.

If the separation/buffer is not designed between property boundaries, the planning and analyses of noise, odour, air and dust need to be supplemented with other analyses such as

maximum emission scenarios, cumulative effects analysis, ongoing compliance monitoring and agreements between PCQ and the municipality on how compliance is to be achieved.

How to measure land use compatibility separation distances from sensitive uses: Noise, air and blasting reports can be used to design separation distances from existing residential sensitive uses.

Where **noise** is concerned, NPC 300 applies. Where noise levels exceed the regulated standard, industry has to comply with the standard set by MECP's NPC 300.

For example, the existing residences on Miller Road are set back some distance from the proposed license area on the individual lots on which the homes are situated. No provision is made in the land use compatibility analysis for relocation of these residences on those lots or permitted accessory dwellings or home businesses or other permitted uses in the Port Colborne zoning bylaw. That is a requirement of the D Series Guidelines presently.

If an owner locates a sensitive use closer to the proposed expansion, an industry is obligated to reduce noise levels at source to maintain compliance with NPC 300 noise standards. The same may apply where air contaminants are concerned. No statements are offered as to how this is to be accomplished in the land use compatibility analysis.

One of MECP's underling rationale for updating the D Series Guidelines was a review of its compliance program. Where nuisance complaints arise from land use incompatibility, compliance matters may be referred to municipalities. Each municipality would have to devise bylaws and compliance enforcement under other legislation. It is imperative land use compatibility is properly established for existing uses and future uses as permitted in the zoning bylaw before PCQ's zoning approvals are finalized.

When the noise analyses are conducted, analysts make assumptions about each house. From the IBI land use compatibility analyses, it appears the numbers are close to the limits set by NPC 300.

Where air contaminants are concerned, some standards are exceeded, and the air analyses requires production reductions for conditions such as when extraction face approaches the property lines and/or sensitive receptors. Further a Best Management Practices Plan is required for fugitive emissions.

The separation buffer from the existing residences on Miller Road relies on the land between the homes and the PCQ extraction limits. No provision is made in the land use compatibility analyses for relocation of these residences on those lots or permitted accessory dwellings or home businesses or other permitted uses provided for in the Port Colborne Zoning By-law.

Without an analysis of other sensitive use configurations on existing lots and a full consideration of permitted uses, this isn't a conservative analysis. If landowners make changes

on their lots or add other permitted uses, the noise and air analyses' conclusions may be invalidated. Once an industry is built or extraction commences it will be difficult if not impossible to achieve land use compatibility and compliance with existing standards.

Alternatively, approval of PCQ's rezoning will preclude future *Planning Act* applications for other sensitive uses residential owners within set distances of PCQ may wish to make. PPS 2020 and official plan policy is clear, sensitive uses are precluded from encroachment close to licensed aggregate operations and heavy industry.

Where **blasting** is concerned, EAC addressed this by forwarding the Ontario Professional Planners Institute advisory.

Our understanding of the PCQ air and noise studies is the applicant seeks approval with the requirement that extraction activities will be implemented compliant with air and noise standards. That approach is used by industry: noise and air standards are assumed to be met by a plant which has yet to be built. When constructed MECP can require the plant to redo their air analyses to demonstrate the plant as built meets the standard. If not, the plant is non-compliant. Will this be an irrevocable commitment in the ARA site plan or re-zoning?

Here are other apparent problems that hinder an accurate assessment of land use compatibility:

1. Neither the air or noise analyses provide isopleth mapping of air contaminants of concern or noise levels beyond the quarry property. That mapping can be readily provided but it isn't there. Both analyses rely on the lands not owned by PCQ to separate the residences from the proposed expansion. Without that mapping, we cannot ascertain what uses can reasonably be made of the separating lands not owned by PCQ.
2. The processing and washing facilities in Pit 1 should be considered a new use and assessed as such for the purposes of the Pit 3 expansion application. Part of that re-evaluation should reconsider whether the existing noise context in NPC 300 needs to be changed. Absent the Pit 3 expansion, those facilities would be closed and removed.
3. The air analysis uses a cumulative and worst-case scenario analyses. The noise analysis doesn't. Comparing the air and noise analyses is like comparing apples with oranges where land use compatibility is concerned.
4. Taken together with the blasting report, alternative pit expansion plans are being compared: one with the processing and washing stations and road access in the former Pit 1 and others with those facilities and access eventually located in Pit 3. All the analyses need to be based on one concept or at least each site development should be analyzed for comparative purposes. Worst-case scenarios and cumulative effects analyses of noise and air need to incorporate both scenarios.

Recommendation: that EAC forward these comments to municipal planners at the City and Region and to the JART Committee.

Getting EV Ready

December 8, 2021

As directed by EAC at our last meeting, Norbert Gieger and George McKibbin are reviewing ways Port Colborne can become more EV ready. We reviewed many publications and news articles. Measures are needed to enable Port Colborne residents to make this technology transfer.

EV technology is coming very quickly. Presently this transition is driven by technology companies (e.g., Tesla) and retailers (e.g., Tom Hortons and A and W). Installing public Port Colborne EV stations here and there is helpful: but we believe more can be done.

New York State's Planning Federation provides technical assistance and training for members of municipal planning and zoning boards in New York State. Their publication entitled "Creating EV-Ready Towns and Cities" A Guide to Planning and Policy Tools" offers helpful suggestions on how to enable this transformation in Port Colborne.

Here are helpful actions Port Colborne can take to expedite this transition:

1. Zoning: use the zoning bylaw to help deploy charging stations throughout the municipality. By setting new standards for the application of this technology with permitted uses, we can establish how many stations and where they are needed.
2. Parking: use the parking requirements in the zoning bylaw to establish how many and where EV stations should be on streets and municipal parking. Consideration should be given to preferred parking.
3. Building standards: we presume that there are building standards in place given there are two charging stations already in Port Colborne. Some further investigation and the making available of information on these standards to the general public can assist technology transfer and innovation.
4. Administrative process: making this information more readily available in the planning and building departments.
5. Private and public partnerships: electrification is not only changing the way we travel, it is changing the ways in which "stuff" is delivered. Partnerships with courier companies and others retailer (e.g., Amazon) who use Personal Delivery Devices may uncover better ways to help new technology introduction and minimize negative impacts.

Subject to EAC's review of these potential actions Port Colborne may initiate, we seek:

1. EAC's authorization for Norbert and George to review and discuss these actions with David Schulz, Port Colborne Planning Department, and
2. To come back with recommendations for EAC to consider making to Council.

The Corporation of the City of Port Colborne

By-law No. _____

Being a By-law to Appoint Carter McColl as a Property Standards Officer and Weed Inspector and Madison Cassar as a Weed Inspector

Whereas the *Ontario Weed Control Act* (the Act) requires the municipality to appoint a weed inspector for the purpose of enforcing the provisions of the Act;

Whereas the *Building Code Act*, 1992, S.O. 1992, c. 23, as amended, defines an “officer” as a property standards officer who has been assigned the responsibility of administering and enforcing By-laws passed under Section 15.1 of the Act;

Whereas the Council of The Corporation of the City of Port Colborne enacted By-law 4229/135/02, Being a By-law to Prohibit the Throwing, Placing or Depositing of Debris on Property, to Require Adequate and Suitable Heat in Rented Living Accommodation and to Provide Standards for the Occupancy and Maintenance of Properties in the City of Port Colborne, on the 28th day of October 2002;

And Whereas The Corporation of the City of Port Colborne is desirous of appointing the current Municipal Law Enforcement Officers as, Weed Inspectors, and a Property Standards Officer;

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

1. That Carter McColl and Madison Cassar be and are hereby appointed as Weed Inspectors for the City of Port Colborne.
2. That Carter McColl be and is hereby appointed as a Property Standards Officer for the City of Port Colborne.
3. This By-law shall come into force and take effect on the date of passing.

Enacted and passed this 22nd day of March, 2022.

William C. Steele
Mayor

Nicole Rubli
Acting City Clerk

The Corporation of the City of Port Colborne

By-law No. _____

A By-law to Appoint a Deputy Clerk
(Saima Tufail)

Whereas Subsection 228(1) of the *Municipal Act, 2001* (“the Act”) provides that a municipality shall appoint a clerk; and

Whereas Subsection 228(2) of the Act provides that a municipality may appoint a deputy clerk who shall have all the powers and duties of the clerk; and

Whereas the Council of The Corporation of the City of Port Colborne deems it expedient to appoint a Deputy Clerk;

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

1. That Saima Tufail is hereby appointed Deputy Clerk for The Corporation of the City of Port Colborne, effective March 21, 2022.
2. That this by-law shall be repealed on the date that the appointee ceases to be an employee of the City of Port Colborne.
3. That this By-law shall come into force and take effect on the date of passing.

Enacted and passed this 22nd day of March, 2022.

William C. Steele
Mayor

Nicole Rubli
Acting City Clerk

The Corporation of the City of Port Colborne

By-law No. _____

Being a By-law to Authorize Entering into an Agreement with Rural Economic Development Program

Whereas at its meeting of March 22, 2022, the Council of The Corporation of the City of Port Colborne (Council) approved the recommendations of CAO Report No. 2022-61, Subject: Rural Economic Development Program – Transfer Agreement; and

Whereas Council is desirous of entering into a Transfer Agreement with the provincial government hereby represented by the Minister of Agriculture, Food and Rural Affairs; and

Whereas the *Municipal Act*, 2001 S.O. 2001, c.25, as amended, confers broad authority on municipalities to enter into such agreements;

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

1. That The Corporation of the City of Port Colborne enters into a Transfer Agreement with Rural Economic Development Program hereby represented by the Minister of Agriculture, Food and Rural Affairs for funding for streetscaping and landscaping enhancements to West Street and improving connections between the City's downtown and its waterfront.
2. That the Mayor and the Clerk be and they are hereby authorized and directed to sign the said agreement, attached hereto as Schedule "A", together with any documents necessary to complete the conditions of the said agreement or any other phase for the Minister of Agriculture, Food and Rural Affairs, and the City Clerk is hereby authorized to affix the Corporate Seal thereto.

Enacted and passed this 22nd day of March, 2022.

William C. Steele
Mayor

Nicole Rubli
Acting City Clerk

RURAL ECONOMIC DEVELOPMENT PROGRAM**AGREEMENT BETWEEN:**

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO
as represented by the Minister of Agriculture, Food and Rural Affairs

(the "Province")

- and -

CORPORATION OF THE CITY OF PORT COLBORNE

CRA # 106984107

(the "Recipient")

In consideration of the mutual covenants and agreements contained in this agreement (the "Agreement") and for other good and valuable consideration, the receipt and sufficiency of which is expressly acknowledged, the Province and the Recipient (the "Parties") agree as follows:

1.0 ENTIRE AGREEMENT**1.1** This Agreement, including:

Schedule "A" – General Terms and Conditions,
Schedule "B" – Operational Requirements and Additional Provisions,
Schedule "C" – Project Description,
Schedule "D" – Financial Information,
Schedule "E" – Payments and Reports,
And any amending agreement entered into as provided below,

Constitutes the entire agreement between the Parties, with respect to the subject matter contained in this Agreement and supersedes all prior oral or written representation and agreements.

2.0 COUNTERPARTS**2.1** This Agreement may only be executed in any number of counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument.**2.2** Both Parties consent to and agree to accept electronic signatures, (as defined in the *Electronic Commerce Act*, 2000), as binding the Parties to the terms and conditions of this Agreement.**3.0 AMENDING AGREEMENT****3.1** This agreement may only be amended by a written agreement duly executed by the Parties.**4.0 ACKNOWLEDGEMENT****4.1** The Recipient acknowledges and agrees:

- (a) It has read and understands the provisions contained in the entire Agreement;
- (b) It will be bound by the terms and conditions in the entire Agreement;
- (c) By receiving and using the Funds provided under this Agreement that it may become subject to the *BPSAA*, the *PSSDA* and the *AGA*;
- (d) The Funds are:

- (i) To assist the Recipient to carry out the Project and not to provide goods or services to the Province, and
- (ii) Funding for the purposes of the *BPSAA*, the *PSSDA* and the *AGA*;
- (e) The Province is not responsible for managing or carrying out the Project; and
- (f) The Province is bound by the *FIPPA* and that any information provided to the Province in connection with the Project or otherwise in connection with the Agreement may be subject to disclosure in accordance with the *FIPPA* or other applicable Requirements Of Law.

IN WITNESS WHEREOF the Parties have executed this Agreement on the dates set out below.

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO,
as represented by the Minister of Agriculture, Food and Rural Affairs

Name: Alan Crawley
Title: A/ Director, Rural Programs
Branch

Date:

I have the authority to bind the Crown pursuant to delegated authority.

CORPORATION OF THE CITY OF PORT COLBORNE

Name: William Steele
Title: Mayor

Date:

Name: Nicole Rubli
Title: Acting City Clerk

Date:

I have authority to bind the Recipient.

SCHEDULE “A” GENERAL TERMS AND CONDITIONS

ARTICLE 1 INTERPRETATION AND DEFINITIONS

A.1.1 Interpretation. For the purposes of interpreting the Agreement:

- (a) Unless specifically defined otherwise in this Agreement, words in the singular include the plural and vice versa;
- (b) Words in one gender include all genders;
- (c) The headings do not form part of this Agreement; they are for reference purposes only and will not affect the interpretation of the Agreement;
- (d) Any reference to dollars or currency will be in Canadian dollars and currency;
- (e) Any reference to a statute means a statute of the Province of Ontario, unless otherwise indicated;
- (f) Any reference to a statute is to that statute and to the regulations made pursuant to that statute as they may be amended from time to time and to any statute or regulations that may be passed that have the effect of supplanting or superseding that statute or regulation unless a provision of the Agreement provides otherwise; and
- (g) All accounting terms will be interpreted in accordance with the Generally Accepted Accounting Principles and all calculations will be made and all financial data to be submitted will be prepared in accordance with the Generally Accepted Accounting Principles.

A.1.2 Definitions. In the Agreement, the following terms will have the following meaning:

“Additional Terms And Conditions” means the terms and conditions specified in sections A.8.1 and B.2 of this Agreement.

“AGA” means the *Auditor General Act, 1990*

“Agreement” means this contract between the Province and the Recipient,

“Arm’s Length” has the same meaning as set out in the *Income Tax Act* (Canada) as it read on the Effective Date of this Agreement, and as treated or defined under Generally Accepted Accounting Principles.

“BPSAA” means the *Broader Public Sector Accountability Act, 2010*.

“Budget” means the budget attached to section D.2 of this Agreement.

“Business Day” means any working day, Monday to Friday inclusive, excluding statutory holidays of the Province and any other day on which the Province is closed for business.

“Claim Submission Deadline” means the date or dates set out under section E.1 (b) of this Agreement.

“Contract” means an agreement between the Recipient and a third-party whereby the third-party agrees to provide a good or service for the Project in return for financial consideration that may be claimed by the Recipient as an Eligible Cost.

“Cost-Share Funding Percentage” means the percentage the Province will pay toward the Recipient’s Eligible Costs, as set out under section D.1.1 of this Agreement.

“Effective Date” means the date on which this Agreement is effective, as set out under section B.1.1 of this Agreement.

“Eligible Costs” means those costs set out under in the Guidelines and which the Province has approved as eligible for reimbursement under the terms of this Agreement and also includes any additional costs permitted under section D.2 of this Agreement.

“Event of Default” has the meaning ascribed to it in section A.14.1 of this Agreement.

“Expiration Date” means the date on which this Agreement will expire, as set out under section B.1.2 of this Agreement, unless amended or terminated prior to this date in accordance with the terms and conditions of this Agreement.

“FAA” means the *Financial Administration Act*.

“Failure” means a failure to comply with any term, condition, obligation under any other agreement that the Recipient has with Her Majesty the Queen in Right of Ontario or one of Her agencies.

“Final Report” means a final Report on the Project in the form set out in section E.2 (a) of this Agreement.

“FIPPA” means the *Ontario Freedom of Information and Protection of Privacy Act*.

“Funding Year” means:

- (a) In the case of the first Funding Year, the period commencing on the Effective Date and ending on the following March 31, the Expiration Date, or the termination of this Agreement, whichever comes first; and;
- (b) In the case of Funding Years subsequent to the first Funding Year, the period commencing on April 1 following the end of the previous Funding Year and ending on the following March 31, the Expiration Date, or the termination of this Agreement, whichever comes first.

“Funds” means the money the Province provides to the Recipient pursuant to this Agreement.

“Guidelines” means the documents of the Province setting out the criteria governing the operation of the Program, that were made available on the Program website, at the time the Recipient applied for funding from the Program

“Holdback” means the amount set out under section D.1.3 of this Agreement.

“Incurred” in relation to costs, means a cost that a Recipient has become liable for, regardless whether actual payment has occurred.

“Indemnified Parties” means Her Majesty the Queen in Right of Ontario, Her Ministers, agents, appointees and employees.

“Ineligible Costs” means those costs set out in the Guidelines as ineligible for reimbursement by the Province and includes any additional costs identified as ineligible under section D.2.2 of this Agreement.

“Maximum Funds” means the maximum amount of Funds the Province will provide to the Recipient under this Agreement, as set out under section D.1.2 of this Agreement.

“Minister” means the Minister of Agriculture, Food and Rural Affairs or such other Minister who may be designated from time to time as the responsible Minister in relation to the Program in accordance with the *Executive Council Act*, R.S.O. 1990, c. E. 25, as amended.

“MFIPPA” means the *Municipal Freedom of Information and Protection of Privacy Act*.

“Notice” means any communication given or required to be given pursuant to this Agreement.

“Notice Period” means the period of time within which the Recipient is required to remedy an Event of Default, and includes any such period or periods of time by which the Province considers it reasonable to extend that time.

“Parties” means the Province and the Recipient.

“Party” means either the Province or the Recipient, unless the context implies otherwise.

“Program” means the program created by the Province entitled Rural Economic Development Program under *Order-in-Council 201/2011*, as amended.

“Project” means the undertaking described in Schedule “C” of this Agreement.

“Project Approval Date” means the same as the Effective Date, as set out in section B.1.1 of this Agreement.

“Project Completion Date” means the date that the Recipient must complete its Project under this Agreement, as set out in section B.1.3 of Schedule “B” of this Agreement.

“PSSDA” means the *Public Sector Salary Disclosure Act, 1996*.

“Reports” means the reports set out under Schedule “E” of this Agreement.

“Requirements of Law” means all applicable statutes, regulations, by-laws, ordinances, codes, official plans, rules, approvals, permits, licenses, authorizations, orders, decrees, injunctions, directions and agreements with all authorities that now or at any time hereafter may relate to the Recipient, the Project, the Funds and this Agreement. Without limiting the generality of the foregoing, if the Recipient is subject to the *BPSAA*, the *PSSDA* or any other type of broader public sector accountability legislative provisions, those broader public sector accountability legislative provisions are deemed to be a Requirement of Law.

“Term” means the period of time beginning on the Effective Date of this Agreement and ending on the Expiration Date or the termination of this Agreement, whichever is shorter.

“Timelines” means the Project schedule set out in Schedule “B”.

A.1.3 Conflict. Subject to section 8.1 of Schedule “A” of this Agreement, in the event of a conflict between this Schedule “A” of the Agreement and any other Schedule of this Agreement, the terms and conditions set out under this Schedule “A” of the Agreement will prevail.

ARTICLE A.2 REPRESENTATIONS, WARRANTIES AND COVENANTS

A.2.1 General. The Recipient represents, warrants and covenants that:

- (a) It is, and will continue to be for the Term of this Agreement, an eligible applicant as described in the Guidelines with full power to fulfill its obligations under this Agreement;
- (b) It has, and will continue to have for the Term of this Agreement, the experience and expertise necessary to carry out the Project;
- (c) It has the financial resources necessary to carry out the Project and is not indebted to any person(s) to the extent that that indebtedness would undermine the Recipient’s ability to complete the Project by the Project Completion Date;
- (d) It is in compliance with all Requirements of Law and will remain in compliance with all Requirements of Law for the Term related to any aspect of the Project, the Funds or both for the term of this Agreement; and
- (e) Unless otherwise provided for in this Agreement, any information the Recipient provided to the Province in support of its request for Funds, including any information relating to any eligibility requirements, was true and complete at the time the Recipient provided it.

A.2.2 Execution of Agreement. The Recipient represents and warrants that it has:

- (a) The full power and authority to enter into this Agreement; and
- (b) Taken all necessary actions to authorize the execution of this Agreement.

A.2.3 Governance. The Recipient represents, warrants and covenants that it has, and will maintain, in writing, for the term of this Agreement:

- (a) A code of conduct and ethical responsibilities for all persons at all levels of the Recipient's organization;
- (b) Procedures to ensure the ongoing effective functioning of the Recipient;
- (c) Procedures to enable the Recipient to manage the Funds prudently and effectively;
- (d) Procedures to enable the Recipient to successfully complete the Project;
- (e) Procedures to enable the Recipient to, in a timely manner, identify risks to the completion of the Project and develop strategies to address those risks;
- (f) Procedures to enable the preparation and delivery of all Reports required under this Agreement; and
- (g) Procedures to enable the Recipient to deal with such other matters as the Recipient considers necessary to ensure that the Recipient carries out its obligations under this Agreement.

A.2.4 Supporting Documentation. Upon request, and within the time period indicated in the Notice, the Recipient will provide the Province with proof of the matters referred to in this Article 2 of Schedule "A" of this Agreement.

A.2.5 Additional Covenants. The Recipient undertakes to advise the Province within five (5) Business Days of:

- (a) Any changes that affect its representations, warranties and covenants under sections A.2.1, A.2.2 or A.2.3 of this Agreement during the Term of the Agreement;
- (b) Any actions, suits or other proceedings which could or would reasonably prevent the Recipient from complying with the terms and conditions of this Agreement; and
- (c) Any change in ownership or ownership structure.

ARTICLE A.3 FUNDS AND CARRYING OUT THE PROJECT

A.3.1 Funds Provided. The Province will:

- (a) Provide Funds to the Recipient up to the Maximum Funds, based on the Cost-Share Funding Percentage, for the sole purpose of carrying out the Project;
- (b) Provide the Funds to the Recipient in accordance with section D.2 of this Agreement provided that the Recipient makes claims for payment of Funds in accordance with section E.1 of this Agreement;
- (c) Provide funding as long as the total combined amount of provincial and federal assistance for the Eligible Costs actually incurred and paid by the Recipient do not exceed ninety per cent (90%) of those costs; and
- (d) Deposit the Funds into an account designated by the Recipient, provided that account:
 - (i) Resides at a Canadian financial institution, and
 - (ii) Is in the name of the Recipient.

A.3.2 Limitation On Payment Of Funds. Despite section A.3.1 of this Agreement:

- (a) The Province is not obligated to provide any Funds to the Recipient until the Recipient provides the insurance certificate or other proof as the Province may request pursuant to section A.10.2 of this Agreement;
- (b) The Province is not obligated to provide any Funds until it is satisfied with the progress of the Project;
- (c) The Province may adjust the amount of Funds it provides to the Recipient without liability, penalty or costs in any Funding Year based upon the Province's assessment of the information provided by the Recipient pursuant to Article A.6 of this Agreement;
- (d) If, pursuant to the *FAA*, the Province does not receive the necessary appropriation from the Ontario Legislature for payment under this Agreement, the Province is not obligated to make any such payment, and, as a consequence, the Province may:
 - (i) Reduce the amount of Funds and, in consultation with the Recipient, change the Project without liability, penalty or costs; or
 - (ii) Recover Funds already paid to the Recipient; or
 - (iii) Terminate the Agreement pursuant to section A.13.1 of this Agreement;
- (e) The Province shall impose a Holdback on any payment of Funds and will not be obligated to pay that Holdback to the Recipient until after the Province approves the Recipient's Final Report pursuant to Article A.6 of this Agreement; and
- (f) The Province is not obligated to pay interest on the Holdback as described in (e) or any other payments under this Agreement.

A.3.3 Use Of Funds And Project. The Recipient will:

- (a) Carry out the Project in accordance with the terms and conditions of this Agreement;
- (b) Complete the Project by the Project Completion Date;
- (c) Not use the Funds for Ineligible Costs;
- (d) Use the Funds only:
 - (i) For Eligible Costs that are necessary for the purposes of carrying out the Project; and
 - (ii) For those activities set out in section C.3. of this Agreement; and
- (e) Use the Funds only in accordance with the Budget.

A.3.4 Province's Role Limited To Providing Funds. For greater clarity, the Province's role under this Agreement is strictly limited to providing Funds to the Recipient for the purposes of the Project and the Province is not responsible for carrying out the Project. Without limiting the generality of the foregoing, the fact that the Province may conduct reviews and/or audits of the Project as provided for in this Agreement or issues directions, approves changes to the Project or imposes conditions upon an approval in accordance with the terms and conditions of this Agreement will not be construed by the Recipient as the Province having a management, decision-making or advisory role in relation to the Project. The Recipient further agrees that the Recipient will not seek to include the Province as a decision-maker, advisor or manager of the Project through recourse to a third party, court, tribunal or arbitrator.

A.3.5 No Changes. The Recipient will not make any changes to the Project, including to the Budget or timelines, without the prior written consent of the Province.

A.3.6 No Payment of Funds until Eligible Expenses are approved. The Province will provide the Funds to the Recipient for Eligible Costs upon receipt of proof of the expense and according to the Budget only. The Province shall not advance any of the Funds to the Recipient.

A.3.7 No Provincial Payment Of Interest. The Province is not required to pay interest on any Funds under this Agreement. For greater clarity, this includes interest on any Funds that the Province has withheld paying to the Recipient.

A.3.8 Maximum Funds. The Recipient acknowledges and agrees that the Funds available to it pursuant to this Agreement will not exceed the Maximum Funds.

A.3.9 Rebates, Credits And Refunds. The Recipient acknowledges and agrees that the amount of Funds available to it pursuant to this Agreement is based on the actual costs to the Recipient, less any costs, including taxes, for which the Recipient has received, will receive or is eligible to receive, a rebate, credit or refund.

A.3.10 Funding, Not Procurement. The funding the Province is providing under this Agreement is funding for the purposes of the PSSDA.

ARTICLE A.4

RECIPIENT'S ACQUISITION OF GOODS AND SERVICES AND DISPOSAL OF ASSETS

A.4.1 Acquisition. If the Recipient acquires goods or services or both with the Funds, it will:

- (a) Do so through a process that is transparent, fair and promotes the best value for the money expended and at competitive prices that are no greater than fair market value after deducting trade discounts and/or any other discounts available to the Recipient; and
- (b) Comply with any Requirements of Law that may be applicable to how the Recipient acquires any goods or services or both.

A.4.2 Contracts. The Recipient will ensure that all Contracts:

- (a) Are consistent with this Agreement;
- (b) Do not conflict with this Agreement;
- (c) Incorporate the relevant provisions of this Agreement to the fullest extent possible;
- (d) Require that any parties to those Contracts comply with all Requirements of Law; and
- (e) Authorize the Province to perform audits of the parties to those Contracts in relation to the Project as the Province sees fit in connection with Article A.6 of this Agreement .

A.4.3 Disposal. The Recipient:

- (a) Will, where Ontario's contribution to the cost of an asset created or purchased using the Funds, exceeds twenty-five thousand dollars (\$25,000.00) at the time of purchase or creation of the asset, retain ownership of the asset for at least two (2) years from the Expiration Date of this Agreement; unless otherwise provided under this Agreement or directed by the Province in writing; and
- (b) Will not, without the Province's prior written consent, lease or otherwise encumber assets referred to under section A.4.3(a) for at least two (2) years from the Expiration Date of this Agreement unless otherwise provided under this Agreement or as the Province directs in writing.

In the event the Recipient does not comply with section A.4.3 of this Agreement, the Province may recover the Funds provided to the Recipient for the assets referred to under section A.4.3.

ARTICLE A.5 CONFLICT OF INTEREST

- A.5.1 No Conflict Of Interest.** The Recipient will carry out the Project and use the Funds without an actual, potential or perceived conflict of interest.
- A.5.2 Conflict Of Interest Includes.** For the purposes of this Article, a conflict of interest includes any circumstances where:
- (a) The Recipient; or
 - (b) Any person who has the capacity to influence the Recipient's decisions, has outside commitments, relationships or financial interests that could, or could be seen to, interfere with the Recipient's objective, unbiased and impartial judgment relating to the Project, the use of the Funds or both.
- A.5.3 Disclosure To The Province:** The Recipient will:
- (a) Disclose to the Province, without delay, any situation that a reasonable person would interpret as an actual, potential or perceived conflict of interest; and
 - (b) Comply with any terms and conditions that the Province may impose as a result of the disclosure.

ARTICLE A.6 REPORTING, ACCOUNTING AND REVIEW

- A.6.1 Preparation And Submission.** The Recipient will:
- (a) Provide any information that is requested by the Province as the Province directs and within the timeline set out in the direction;
 - (b) Submit to the Province (at the address referred to in section B.1.5 of this Agreement) all Reports in accordance with the timelines and content requirements set out in Schedule "E", or in a form as specified by the Province from time to time and ensure that all reports are:
 - (i) Completed to the satisfaction of the Province; and
 - (ii) Signed on behalf of the Recipient by an authorized signing officer and that the accompanying attestation has been completed.
- A.6.2 Records Maintenance.** The Recipient will keep and maintain:
- (a) All financial records, including invoices, relating to the Funds or otherwise to the Project in a manner consistent with generally acceptable accounting principles; and
 - (b) All non-financial documents and records relating to the Funds or otherwise to the Project.
- A.6.3 Inspection.** The Province, its authorized representatives or an independent auditor identified by the Province may, at their own expense, upon twenty-four (24) hours' Notice to the Recipient during normal business hours, enter upon the Recipient's premises to review the progress of the Project and the Recipient's allocation and expenditure of the Funds and, for these purposes, the Province, its authorized representatives or an independent auditor identified by the Province may take one or more of the following actions:
- (a) Inspect and copy the records and documents referred to in section A.6.2 of this Agreement;
 - (b) Remove any copies made pursuant to section A.6.3(a) of this Agreement from the Recipient's premises; and
 - (c) Conduct an audit or investigation of the Recipient in respect of the expenditure of the Funds, the Project or both.

A.6.4 Disclosure. To assist in respect of the rights set out under section A.6.3 of Schedule “A” of this Agreement, the Recipient will disclose any information requested by the Province, its authorized representatives or an independent auditor identified by the Province and will do so in the form requested by the Province, its authorized representatives or an independent auditor identified by the Province, as the case may be.

A.6.5 No Control Of Records. No provision of this Agreement will be construed so as to give the Province any control whatsoever over the Recipient’s records.

A.6.6 Auditor General. For greater certainty, the Province’s rights to audit under this Article 6 of the Agreement are in addition to any rights provided to the Auditor General.

ARTICLE A.7 COMMUNICATIONS

A.7.1 Acknowledgement And Support. Unless otherwise directed by the Province, the Recipient will:

- (a) acknowledge the support of the Province in the form and manner set out under section B.1.6 of this Agreement.
- (b) The Recipient will indicate, in all of its Project-related publications – whether written, oral or visual – that the views expressed in the publication are the views of the Recipient and do not necessarily reflect those of the Province.

A.7.2 Publication By The Province. The Recipient agrees that the Province may, in addition to any obligations the Province may have under FIPPA, publicly release information under this Agreement, including the Agreement itself, in hard copy or in electronic form, on the internet or otherwise.

ARTICLE A.8 ADDITIONAL TERMS AND CONDITIONS

A.8.1 Additional Terms And Conditions. The Recipient will comply with any Additional Terms and Conditions set out under section B.2 of this Agreement. In the event of a conflict or inconsistency between any of the requirements of the Additional Terms and Conditions and any requirements of this Schedule “A” of the Agreement, the Additional Terms and Conditions will prevail.

ARTICLE A.9 INDEMNITY

A.9.1 Indemnification. The Recipient hereby agrees to indemnify and hold harmless the Indemnified Parties from and against any and all direct or indirect liability, loss, costs, damages and expenses (including legal, expert and consultant fees), causes of action, actions, claims, demands, lawsuits or other proceedings, by whomever made, sustained, incurred, brought or prosecuted, in any way arising out of or in connection with the Project or otherwise in connection with this Agreement, unless solely caused by the gross negligence or willful misconduct of the Province.

A.9.2 Recipient’s Participation. The Recipient will, at its expense, to the extent requested by the Province, participate in or conduct the defence of any proceeding against any Indemnified Parties and any negotiations for their settlement.

- A.9.3 *Province's Election.*** The Province may elect to participate in or conduct the defence of any proceeding by providing Notice to the Recipient of such election without prejudice to any other rights or remedies of the Province under this Agreement, at law or in equity. Each Party participating in the defence will do so by actively participating with the other's counsel.
- A.9.4 *Settlement Authority.*** The Recipient will not enter into a settlement of any proceeding against any Indemnified Parties unless the Recipient has obtained the prior written approval of the Province. If the Recipient is requested by the Province to participate in or conduct the defence of any proceeding, the Province, as the case may be, will co-operate with and assist the Recipient to the fullest extent possible in the proceeding and any related settlement negotiations.
- A.9.5 *Recipient's Co-operation.*** If the Province conducts the defence of any proceedings, the Recipient will co-operate with and assist the Province, as the case may be, to the fullest extent possible in the proceedings and any related settlement negotiations.

ARTICLE A.10 INSURANCE

- A.10.1 *Recipient's Insurance.*** The Recipient represents and warrants that it has, and will maintain for the Term of this Agreement, at its own cost and expense, with insurers having a secure A.M. Best rating of B+ or greater, or the equivalent, all necessary and appropriate insurance that a prudent person carrying out a project similar to the Project would maintain, including commercial general liability insurance on an occurrence basis for third party bodily injury, personal injury and property damage, to an inclusive limit of not less than two million dollars (\$2,000,000.00) per occurrence. The policy will include the following:
- (a) A cross-liability clause;
 - (b) Contractual liability coverage;
 - (c) A thirty (30) day written notice of cancellation or termination provision.
- A.10.2 *Proof Of Insurance.*** The Recipient will:
- (a) Upon request of the Province provide the Province with either:
 - (i) Certificates of insurance that confirm the insurance coverage required under section A10.1 of this Schedule "A" is in place within the time limit set out in the request, or
 - (ii) Other proof that confirms the insurance coverage required under section A10.1 of this Schedule "A" is in place within the time limit set out in that request; and
 - (b) In the event that:
 - (i) A claim is made against the Province in relation to this Agreement, and
 - (ii) The insurer does not agree to defend and indemnify the Province in relation to that claim, make available to the Province, upon request and within the time limit set out in that request, a copy of each insurance policy the Recipient is required to have under section A.10.1 of this Agreement.

ARTICLE A.11 TERMINATION ON NOTICE

- A.11.1 *Termination On Notice.*** The Province may terminate the Agreement at any time without liability, penalty or costs upon giving at least thirty (30) days' Notice to the Recipient.

A.11.2 Consequences Of Termination On Notice By The Province. If the Province terminates this Agreement pursuant to section A.11.1 of this Agreement, the Province may take one or more of the following actions:

- (a) Direct that the Recipient does not incur any costs for the Project that are Eligible Costs under this Agreement without the Province's prior written consent;
- (b) Cancel any further payments of the Funds;
- (c) Demand the repayment of any Funds remaining in the possession or under the control of the Recipient; and
- (d) Determine the reasonable costs for the Recipient to wind down the Project, and do either or both of the following:
 - (i) Permit the Recipient to offset such costs against the amount owing pursuant to section A.12.2(b) of this Agreement; and
 - (ii) Subject to section A.3.8 of this Agreement, provide Funds to the Recipient to cover such costs.

ARTICLE A.12 TERMINATION WHERE NO APPROPRIATION

A.12.1 Termination Where No Appropriation. If, as provided for in sections A.3.2(d) of this Agreement, the Province does not receive the necessary appropriation from the Ontario Legislature for any payment the Province is to make pursuant to this Agreement, the Province may terminate the Agreement immediately without liability, penalty or costs by giving Notice to the Recipient.

A.12.2 Consequences Of Termination Where No Appropriation. If the Province terminates this Agreement pursuant to section A.12.1 of this Agreement, the Province may take one or more of the following actions:

- (a) Cancel any further payments of the Funds;
- (b) Demand the repayment of any Funds remaining in the possession or under the control of the Recipient; and
- (c) Determine the reasonable costs for the Recipient to wind down the Project and permit the Recipient to offset such costs against the amount owing pursuant to section A.12.2(b) of this Agreement.

A.12.3 No Additional Funds. For greater clarity, if the costs determined pursuant to section A.12.2(c) of this Agreement exceed the Funds remaining in the possession or under the control of the Recipient, the Province will not provide additional Funds to the Recipient.

ARTICLE A.13 EVENT OF DEFAULT, CORRECTIVE ACTION AND TERMINATION FOR DEFAULT

A.13.1 Events Of Default. Each of the following events will constitute an Event of Default:

- (a) In the opinion of the Province, the Recipient breaches any representation, warranty, covenant or other term of the Agreement, including failing to do any of the following in accordance with the terms and conditions of this Agreement:
 - (i) Carry out the Project;

- (ii) Use or spend the Funds;
 - (iii) Provide, in accordance with section A.6.1, Reports or any such other reports as may have been requested pursuant to section A.6.1(b), under this Agreement; or
 - (iv) The Recipient fails to follow any directions that the Province provides under this Agreement.
- (b) The Recipient's operations, or its organizational structure, changes such that it no longer meets one or more of the eligibility requirements of the Program under which the Province provides the Funds;
 - (c) The Recipient makes an assignment, proposal, compromise, or arrangement for the benefit of creditors, or a creditor makes an application or an order adjudging the Recipient bankrupt, or applies for the appointment of a receiver; or
 - (d) The Recipient ceases to operate.

A.13.2 Consequences Of Events Of Default And Corrective Action. If an Event of Default occurs, the Province may, at any time, take one or more of the following actions:

- (a) Initiate any action the Province considers necessary in order to facilitate the successful continuation or completion of the Project;
- (b) Provide the Recipient with an opportunity to remedy the Event of Default;
- (c) Suspend the payment of Funds for such a period as the Province determines appropriate;
- (d) Reduce the amount of Funds by an amount the Province determines is appropriate, acting reasonably;
- (e) Cancel any further payments of the Funds;
- (f) Demand the repayment of any Funds remaining in the possession or under the control of the Recipient;
- (g) Demand the repayment of an amount equal to any Funds the Recipient used, but did not use in accordance with the terms and conditions of this Agreement;
- (h) Demand the repayment of an amount equal to any Funds the Province provided to the Recipient, even though the Project is partially completed; and
- (i) Terminate this Agreement at any time, including immediately, without liability, penalty or costs to the Province upon giving Notice to the Recipient.

A.13.3 Opportunity To Remedy. If, in accordance with section A.13.2(b) of this Agreement, the Province provides the Recipient with an opportunity to remedy the Event of Default, the Province will provide Notice to the Recipient of:

- (a) The particulars of the Event of Default; and
- (b) The Notice Period.

A.13.4 Recipient Not Remediating. If the Province has provided the Recipient with an opportunity to remedy the Event of Default pursuant to section A.13.2(b) of this Agreement, and;

- (a) The Recipient does not remedy the Event of Default within the Notice Period;
- (b) It becomes apparent to the Province that the Recipient cannot completely remedy the Event of Default within the Notice Period; or
- (c) The Recipient is not proceeding to remedy the Event of Default in a way that is satisfactory to the Province;

the Province may extend the Notice Period or initiate any one or more of the actions provided for in sections A.13.2(a), (c), (d), (e), (f), (g), (h) and (i) of this Agreement.

A.13.5 *When Termination Effective.* Termination under Article A.13 of this Agreement will take effect as set out in the Notice.

ARTICLE A.14 LIMITED TERMINATION OF AGREEMENT

A.14.1 *Limited Termination Of Agreement.* Without limiting the Province's rights under this Agreement, if the Province exercises its right of termination pursuant to Articles A.11, A.12 or A.13 of this Agreement, the Province may limit such termination to one or more activities set out under Article C.3 of this Agreement without terminating this Agreement as a whole.

A.14.2 *Impact Of Limited Termination Of The Agreement.* If the Province exercises its right under section A.14.1 of this Agreement, the Province will adjust the Funds being provided under this Agreement to account for the limited termination and the remainder of the Agreement not terminated will remain in effect.

ARTICLE A.15 FUNDS AT THE END OF A FUNDING YEAR

A.15.1 *Funds At The End Of A Funding Year.* Without limiting any rights of the Province under Article A.13 of this Agreement, if the Recipient has not spent all of the Funds allocated for the Funding Year as provided for in the Budget, the Province may, at its sole and absolute discretion, adjust the amount of any further payments of Funds accordingly.

ARTICLE A.16 REPAYMENT

A.16.1 *Repayment Of Overpayment.* If at any time during the Term of this Agreement the Province provides Funds in excess of the amount to which the Recipient is eligible to receive under this Agreement, the Province may:

- (a) Deduct an amount equal to the excess Funds from any further payments of the Funds; or
- (b) Demand that the Recipient pay an amount equal to the excess Funds to the Province.

A.16.2 *Interest Rate.* The Province may charge the Recipient interest on any money owing by the Recipient at the then current interest rate charged by the Province of Ontario on accounts receivable.

A.16.3 *Payment Of Money To Province.* The Recipient will pay any money owing to the Province by cheque payable to the "Ontario Minister of Finance" and delivered to the Province at the address referred to in section 18.1 of Schedule "A" of this Agreement.

A.16.4 *Repayment.* Without limiting the application of section 43 of the *FAA*, if the Recipient fails to repay any amount owing under this Agreement, Her Majesty the Queen in Right of Ontario may deduct any unpaid amount from any money payable to the Recipient by Her Majesty the Queen in Right of Ontario.

A.16.5 Funds Are Part Of A Social Or Economic Program. The Recipient acknowledges and agrees that any Funds provided under this Agreement are for the administration of social or economic programs or the provision of direct or indirect support to members of the public in connection with social or economic policy.

ARTICLE A.17 NOTICE

A.17.1 Notice In Writing And Addressed. Notice will be in writing and will be delivered by email, postage-paid mail, personal delivery or fax and will be addressed to the Province and the Recipient respectively as set out in section B.1.7 of this Agreement or as either Party later designates to the other by Notice.

A.17.2 Notice Given. Notice will be deemed to have been given:

- (a) In the case of postage-paid mail, five (5) Business Days after the Notice is mailed; or
- (b) In the case of email, personal delivery or fax, one (1) Business Day after the Notice is delivered.

A.17.3 Postal Disruption. Despite section A.17.2(a) of this Agreement, in the event of a postal disruption,

- (a) Notice by postage-prepaid mail will not be deemed to be received; and
- (b) The Party giving Notice will provide Notice by email, personal delivery or fax.

ARTICLE A.18 CONSENT BY PROVINCE AND COMPLIANCE BY RECIPIENT

A.18.1 Consent. When the Province provides its consent pursuant to this Agreement, that consent will not be considered valid unless that consent is in writing and the person providing that consent indicates in the consent that that person has the specific authority to provide that consent. The Province may also impose any terms and conditions on such consent and the Recipient will comply with such terms and conditions.

ARTICLE A.19 SEVERABILITY OF PROVISIONS

A.19.1 Invalidity Or Unenforceability Of Any Provision. The invalidity or unenforceability of any provision in this Agreement will not affect the validity or enforceability of any other provision of this Agreement. Any invalid or unenforceable provision will be deemed to be severed.

ARTICLE A.20 WAIVER

A.20.1 Waivers In Writing. If a Party fails to comply with any term or condition of this Agreement that Party may only rely on a waiver of the other Party if the other Party has provided a written waiver in accordance with the Notice provisions in Article A.17 of this Agreement. Any waiver must refer to a specific failure to comply and will not have the effect of waiving any subsequent failures to comply. For greater clarity, where the Province chooses to waive a term or condition of this Agreement, such waiver will only be binding if provided by a person who indicates in writing that he or she has the specific authority to provide such a waiver.

ARTICLE A.21 INDEPENDENT PARTIES

A.21.1 *Parties Independent.* The Recipient acknowledges and agrees that it is not an agent, joint venturer, partner or employee of the Province and the Recipient will not represent itself in any way that might be taken by a reasonable person to suggest that it is or take any actions that could establish or imply such a relationship.

ARTICLE A.22 ASSIGNMENT OF AGREEMENT OR FUNDS

A.22.1 *No Assignment.* The Recipient will not, without the prior written consent of the Province, assign any of its rights or obligations under this Agreement.

A.22.2 *Agreement Binding.* All rights and obligations contained in this Agreement will extend to and be binding on the Parties' respective heirs, executors, administrators, successors and permitted assigns.

ARTICLE A.23 GOVERNING LAW

A.23.1 *Governing Law.* This Agreement and the rights, obligations and relations of the Parties will be governed by and construed in accordance with the laws of the Province of Ontario and the applicable federal laws of Canada. Any actions or proceedings arising in connection with this Agreement will be conducted in the Courts of Ontario, which will have exclusive jurisdiction over such proceedings.

ARTICLE A.24 FURTHER ASSURANCES

A.24.1 *Agreement Into Effect.* The Recipient will provide such further assurances as the Province may request from time to time with respect to any matter to which the Agreement pertains and will otherwise do or cause to be done all acts or things necessary to implement and carry into effect the terms and conditions of this Agreement to their full extent.

ARTICLE A.25 JOINT AND SEVERAL LIABILITY

A.25.1 *Joint And Several Liability.* Where the Recipient comprises more than one entity, all such entities will be jointly and severally liable to the Province for the fulfillment of the obligations of the Recipient under this Agreement.

ARTICLE A.26 RIGHTS AND REMEDIES CUMULATIVE

A.26.1 *Rights And Remedies Cumulative.* The rights and remedies of the Province under this Agreement are cumulative and are in addition to, and not in substitution of, any of its rights and remedies provided by law or in equity.

ARTICLE A.27 JOINT AUTHORSHIP

A.27.1 Joint Authorship Of Agreement. The Parties will be considered joint authors of this Agreement and no provision herein will be interpreted against one Party by the other Party because of authorship. No Party will seek to avoid a provision herein because of its authorship through recourse to a third party, court, tribunal or arbitrator.

ARTICLE A.28 FAILURE TO COMPLY WITH OTHER AGREEMENT

A.28.1 Other Agreements. If the Recipient:

- (a) Has committed a Failure;
- (b) Has been provided with notice of such Failure in accordance with the requirements of such other agreement;
- (c) Has, if applicable, failed to rectify such Failure in accordance with the requirements of such other agreement; and
- (d) Such Failure is continuing,

the Province may suspend the payment of Funds under this Agreement without liability, penalty or costs for such period as the Province determines appropriate.

ARTICLE A.29 SURVIVAL

A.29.1 Survival. The provisions of this Agreement that by their nature survive the expiration or early termination of this Agreement will so survive for a period of seven (7) years from the date of expiry or termination. Without limiting the generality of the foregoing, the following Articles and sections, and all applicable cross-referenced sections and schedules will continue in full force and effect for a period of seven (7) years from the date of expiry or termination: Articles A.1 and any other applicable definitions, A.9, A.16, A.17, A.19, A.20, A.23, A.24, A.26, A.27, and A.28 as well as sections A.3.2, A.3.4, A.3.8, A.3.9, A.6.1 (to the extent that the Recipient has not provided the Reports to the satisfaction of the Province), A.6.2, A.6.3, A.6.4, A.6.5, A.6.6, A.11.2, A.12.2, A.13.1, A.13.2, A.13.4 of this Agreement and any cross-referenced Schedules therein as well as any other provision in this Agreement that specifically sets out it will survive the expiration or early termination of this Agreement. Despite the above, section A.4.3 of this Agreement shall survive for a period of two (2) years from the date of expiry or termination of this Agreement.

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SCHEDULE “B” OPERATIONAL REQUIREMENTS AND ADDITIONAL TERMS AND CONDITIONS

ARTICLE B.1 OPERATIONAL REQUIREMENTS

B.1.1 Effective Date. The Effective Date of this Agreement is: **January 17, 2022**

B.1.2 Expiration Date. The Expiration Date of this Agreement is: **September 15, 2024**

B.1.3 Project Completion Date. The Project Completion Date is: **September 15, 2023**

The Project Completion Date may be extended at the request of the Recipient by up to 6 months, provided that:

- (a) The proposed extended date is at least 6 months prior to the Expiration Date
- (b) The request is made in writing to the address in section B.1.6 of this Agreement; and
- (c) The request is approved by the Province in writing.

Extensions of the Project Completion Date not being at least 6 months prior to the Expiration Date will require a written amendment to this Agreement duly executed by the Parties.

B.1.4 Submission Of Publications For Approval And Reports. All Reports and Project-related publications under this Agreement shall be submitted to:

Name: Ontario Ministry of Agriculture, Food and Rural Affairs

Address: Rural Programs Branch
4th Floor NW, 1 Stone Road West
Guelph, Ontario N1G 4Y2

Attention: Administrative Service Representative, Agriculture and Rural Programs Unit

Email: RED@ontario.ca

or any other person identified by the Province in writing.

B.1.5 Recognition Of Provincial Support: In addition to the requirements under section A.7.1 of this Agreement, the Recipient will acknowledge the Province's support for the Project in the following manner: "The project is funded in part by the Ontario Ministry of Agriculture, Food and Rural Affairs".

B.1.6 Providing Notice. All Notices under this Agreement shall be provided to:

	The Province:	The Recipient:
Name:	Ontario Ministry of Agriculture, Food and Rural Affairs	Corporation of the City of Port Colborne
Address:	Rural Programs Branch 4th Floor NW, 1 Stone Road West Guelph, Ontario N1G 4Y2	66 Charlotte Street Port Colborne, Ontario L3K 3C8
Attention:	Director, Rural Programs Branch	Bram Cotton, Economic Development Officer
Email:	RED@ontario.ca	bram.cotton@portcolborne.ca

or any other person identified by the Parties in writing through a Notice.

ARTICLE B.2 ADDITIONAL TERMS AND CONDITIONS

B.2.1 Notice Of Recipient's Insolvency. The Recipient will:

- (a) Provide the Province with Notice at least five (5) Business Days prior to making an assignment, proposal, compromise or arrangement for the benefit of its creditors and will not incur any additional costs for the Project under this Agreement without the Province's prior written consent from the date the Notice is sent to the Province; and
- (b) Provide the Province with Notice within five (5) Business Days of a creditor providing the Recipient with a notice of an intent to enforce security or applying for an order adjudging the Recipient bankrupt or the appointment of a receiver, and will not incur any additional costs under this Agreement without the prior approval of the Province from the date that the Recipient received notice of the creditor's action.

B.2.2 Special Circumstances The Parties recognize and acknowledge, that at the time of entering into this Agreement; due to restrictions under the Emergency Management and Civil Protection Act, R.S.O. 1990, and its regulations, put in place in response to an ongoing pandemic known as the CoVID19 pandemic; there were and continue to be limitations on the activities permitted under law (the "Limitations").

B.2.2.1 Notice of Special Circumstances Should the Limitations, defined in section B.2.2 of this Agreement, result in a delay in completing the Project or Reports; the Recipient shall immediately notify the Province in writing. The notification from the Recipient should include:

- (i) The specific reasons for the delay;
- (ii) The nature of the delay; and
- (iii) What the Recipient has done and plans to do to mitigate the delay.

B.2.2.2 Response to Notice of Special Circumstances Upon receiving a Notice of Special Circumstances (as described in section B.2.2.1 of this Agreement) from the Recipient; the Province will, acting reasonably and in a timely manner, take the following steps;

- (i) Review the notification provided by the Recipient to determine what possible action(s), if any, could be taken to advance the successful completion of the Project;
- (ii) Provide the Recipient with Notice of the Province's determination of what actions will be taken in response to the Notice of Special Circumstances provided by the Recipient, (including any actions the Recipient will be required to take to address the Special Circumstances); and
- (iii) Prepare any amendments to the Agreement which the Province determines at its sole and absolute discretion, are needed.

[REST OF PAGE INTENTIONALLY LEFT BLANK - SCHEDULE "C" FOLLOWS]

SCHEDULE “C” PROJECT DESCRIPTION

C.1 PROJECT NAME

West Street Renewal Project: Connecting the City's Waterfront and Downtown

C.2 PROJECT STREAM

Strategic Economic Infrastructure Stream

C.3 PROJECT OBJECTIVE

The City of Port Colborne will make streetscaping and landscaping enhancements to its waterfront.

PROJECT ACTIVITIES ELIGIBLE FOR FUNDING INCLUDE
West Street Lighting
Promenade Lighting
Wayfinding Signage
Interpretive Signage
Waterfront Streetscaping
Waterfront Landscaping

All activities identified above will be completed by the Project Completion Date identified under section B.1.3 of this Agreement.

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SCHEDULE "D"

PROJECT FINANCIAL INFORMATION

ARTICLE D.1 FUNDING INFORMATION

- D.1.1 Cost-Share Funding Percentage.** The Cost-Share Funding Percentage is thirty per cent (30.00%) of incurred paid Eligible Costs up to the Maximum Funds.
[Note that for payment purposes the percentage is calculated to 10 decimal places and is based on the Maximum Funds against the Project's Total Eligible Costs.]
- D.1.2 "Maximum Funds".** The Maximum Funds the Recipient is eligible to receive from the Province under this Agreement is \$77,520.00
- D.1.3 Holdback.** The Holdback will be up to ten per cent (10%) of Maximum Funds from the final payment of Funds made under this Agreement.

ARTICLE D.2 COSTS

- D.2.1 Eligible Costs.** Eligible Costs are those costs or percentage of a cost defined as Eligible Costs in the Guidelines and are limited to costs which the Province has determined, at its sole and absolute discretion, to be costs properly and reasonably incurred, paid or reimbursed by the Recipient, and are necessary for the successful completion of the Project.

For greater clarity, Eligible Costs are those costs that are:

- (a) Incurred by the Recipient in the Province of Ontario on or after the Effective Date and on or before the Project Completion Date;
- (b) Paid by the Recipient to an Arm's Length third party;
- (c) Consistent with the applicable list of Eligible Costs set out in the Guidelines from time to time;
- (d) If related to travel or meals, are consistent with the requirements for travel and meal costs set out in section D.3.1 of this Agreement; and
- (e) In the Province's sole and absolute discretion, directly attributable and necessary for the successful completion of the Project and properly and reasonably incurred, paid or reimbursed by the Recipient.

When purchasing goods or services for the Project, Recipients must follow a process that is transparent and fair, that promotes the best value for the money expended and is at competitive prices that are no greater than the fair market value, including when retaining consultants and contractors.

- D.2.2 Incurring Eligible Costs.** The Recipient will incur Eligible Costs as described in section D.2.1 and in accordance with the following Project Budget chart and no later than by the Project Completion Date:

BUDGET OF PROVINCIAL CONTRIBUTION					
FUNDING YEAR	QUARTER 1 (APR. – JUN.)	QUARTER 2 (JUL. – SEP.)	QUARTER 3 (OCT. – DEC.)	QUARTER 4 (JAN. – MAR.)	FUNDING YEAR TOTAL
The lesser of 30.00% of Eligible Costs, up to the maximum listed below:					
2022-23	\$8,870.40	\$7,584.00	\$24,000.00	\$0.00	\$40,454.40
2023-24	\$31,950.00	\$5,115.60	\$0.00	\$0.00	\$37,065.60
2024-25	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
MAXIMUM PROVINCIAL FUNDS FOR THE PROJECT					\$77,520.00

D.2.3 **Ineligible Costs.** Ineligible Costs are any costs that do not meet the requirements for Eligible Costs in section D.2.1 of this Agreement or were not approved by the Province in writing before the Recipient incurred the costs. Ineligible Costs include but are not limited to:

- (a) Any cost incurred prior to the Effective Date or after the Project Completion Date;
- (b) Any cost that will be funded or reimbursed through any other agreement with any third party other than other ministries, agencies and organizations of the Government of Ontario.
- (c) Any cost associated with providing any Reports to the Province pursuant to Schedule “E” or other information required by the Province; and
- (d) Any cost associated with lobbying the Province, including other Ministries, agencies and organizations of the Government of Ontario;

ARTICLE D.3 TRAVEL AND MEAL COSTS

D.3.1 In order to be considered Eligible Costs, travel and meal costs must be:

- (a) Identified in section C.3 of this agreement
- (b) Incurred only by persons who were hired to work 100 per cent of their time on the Project and whose position is reimbursed by the Funds;
- (c) Aligned with the most current Travel, Meal and Hospitality Expenses Directive (a copy will be provided upon request).

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SCHEDULE “E” PAYMENTS AND REPORTS

E.1 Claim Submission Requirements. The Recipient shall submit claims electronically using the Province’s claims portal. Instructions on receiving access to the portal will be provided to the Recipient by the Province at the time of approval. Claims shall be provided as set out in the table below. Claims are not considered delivered until reviewed and approved by the Province.

Name of Claim		Due Date
(a)	Progress Update and Claim Statement	A minimum of one claim must be submitted prior to the final claim, unless waived at the sole and absolute direction of the Province.
(b)	Final claim	The final claim is to be completed and submitted to the Province within three (3) months of the Project Completion Date.

E.2 Reporting Requirements. Reports shall be provided as set out in the table below. Reports are not considered delivered until reviewed and approved by the Province.

Name of Report		Due Date
1.	Final Report	The Final Report is to be completed and submitted to the Province on or before: Project Completion + 4 months A copy of the Final Report Template will be provided to you upon request.
2.	Other Reports Any other Report regarding the Project or evidence of project completion that the Province requests.	As directed by the Province.

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The Corporation of the City of Port Colborne

By-law No. _____

Being a by-law to amend By-law 6694/58/19
Being a by-law establishing an emergency management program
for the protection of public safety, health, the environment,
critical infrastructure and property, and to promote economic stability
and a disaster-resilient community repealing by-law no. 6555/10/18

Whereas the Council of the Corporation of the City of Port Colborne enacted By-law 6694/58/19, Being a by-law establishing an emergency management program for the protection of public safety, health, the environment, critical infrastructure and property, and to promote economic stability and a disaster resilient community repealing by-law no. 6555/10/18, on December 9, 2019; and

Whereas at its meeting of March 22, 2022, the Council of The Corporation of the City of Port Colborne (Council) approved the recommendations of the Development and Legislative Services Department Report 2022-62, Subject: Designate Alternate Community Emergency Management Coordinator (CEMC); and

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

1. That section 6 of By-law 6694/58/19 be amended by striking out the following words:

"That the Manager of Legislative Services, City Clerk be designated as the City of Port Colborne's Emergency Management Program Coordinator."

And adding thereto the following words:

"That the Director of Development and Legislative Services/City Clerk be designated as the City of Port Colborne's Emergency Management Program Coordinator."

2. That section 7 of By-law 6694/58/19 be amended by striking out the following words:

"That the Manager of Legislative Services, City Clerk be designated Emergency Management Co-ordinator, C.E.M.C. (effective 2019)."

And adding thereto the following words:

"That the Director of Development and Legislative Services/City Clerk be designated Community Emergency Management Coordinator (CEMC)."

3. That section 8 of By-law 6694/58/19 be amended by striking out the following words:

"That each of the Manager of Parks and Recreation and the Deputy Fire Chief be appointed as an alternate C.E.M.C."

And adding thereto the following words:

"That each of the Fire Chief and Manager of Road & Park Operations be appointed as an alternate CEMC."

4. That this by-law shall come into force and take effect on the day that it is passed by Council.

Enacted and passed this 22nd day of March, 2022.

William C. Steele
Mayor

Nicole Rubli
Acting City Clerk

The Corporation of the City of Port Colborne

By-Law No. _____

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 March 22, 2022

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 March 22, 2022 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 22nd day of March, 2022.

William C. Steele
Mayor

Nicole Rubli
Acting City Clerk