



COUNCIL MEETING AGENDA

Tuesday, September 5, 2023
COUNCIL CHAMBERS – CIVIC SQUARE

All Meetings can be viewed at:
City of Welland website: <https://www.welland.ca/Council/LiveStream.asp>
YourTV: The meeting will be aired live on Channel 700

- 1. COMMITTEE-OF-THE-WHOLE (IN-CAMERA) - (6:00 P.M.)**
 - 1.1 RECEIVING OF ADVICE THAT IS SUBJECT TO SOLICITOR-CLIENT PRIVILEGE, INCLUDING COMMUNICATIONS NECESSARY FOR THAT PURPOSE:**
 1. Empire Memorandum of Understanding Information.
 - 1.2 PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD:**
 1. Stopping Up, Closing of Road Allowances in the Northern Reach Area.
 - 1.3 PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES:**
 1. Citizen appointment to the Arts & Culture Advisory Committee.
- 2. ARISE FROM COMMITTEE-OF-THE-WHOLE (IN-CAMERA)**
- 3. OPEN COUNCIL MEETING - 7:00 P.M.**
 - 3.1 NATIONAL ANTHEM**
 - 3.2 OPENING REMARKS**
 - 3.3 ADDITIONS/DELETIONS TO AGENDA**
 - 3.4 ADOPTION OF MINUTES**
 1. Special Council Meetings of July 17 and August 1, 2023 and Regular Council Meeting of July 18, 2023.
 - 3.5 CALL UPON THE CITY CLERK TO REVIEW COMMITTEE-OF-THE-WHOLE (IN-CAMERA) ITEMS TO BE ADDED TO THE AGENDA BLOCK**
 - 3.6 DISCLOSURES OF INTEREST**
 - 3.7 COUNCILLORS TO DETERMINE AGENDA ITEMS AND BY-LAWS TO BE REMOVED FROM THE BLOCK FOR DISCUSSION IN COMMITTEE-OF-THE-WHOLE (OPEN)**

4. ORAL REPORTS AND DELEGATIONS - NIL
5. COMMITTEE-OF-THE-WHOLE (OPEN)/AGENDA BLOCK
 - 5.1 CLK-2023-17 - Options For Council Seating Policy. Ref. No. 02-160 Remove From Block
 - 5.2 CLK-2023-18 - CAO Hiring Committee Appointment. Ref. No. 23-24 Remove From Block
 - 5.3 ENG-2023-27 - Direct Appointment of Professional Services - Inflow & Infiltration Investigation & Remediation Action Plans. Ref. No. 23-113 (See By-laws 7.1 & 7.2)
 - 5.4 FIN-2023-18 - Empire MOU - Development Charge Credits. Ref. No. 21-51
 - 5.5 FIN-2023-23 - Purchase of One (1) Service Body Truck. Ref. No. 23-46
 - 5.6 CS-2023-25 - Consultancy Award for the Renewal of Three of City of Welland's Playgrounds, and the Design of a Parkette. Ref. No. 23-19 (See By-law 7.3)
 - 5.7 EDO-2023-04 - Sale of City-Owned Land Policy and the Stopping Up and Closing of Highways. Ref. No. 22-105
6. NEW BUSINESS
 - 6.1 Bonnie Nistico-Dunk, Town Clerk, Town of Grimsby re: Legislative Amendments to Improve Municipal Codes of Conduct and Enforcement. Ref. No. 23-111
RECOMMENDATIONS:
THAT THE COUNCIL OF THE CITY OF WELLAND receives for information and supports the correspondence from the Town of Grimsby dated August 11, 2023 regarding legislative amendments to improve Municipal Codes of Conduct and Enforcement.
 - 6.2 Ann-Marie Norio, Regional Clerk, Region of Niagara re: Provision of Curbside Collection on behalf of Producers for Residential Blue Box Program. Ref. No. 23-112
RECOMMENDATION:
THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from Region of Niagara dated August 11, 2023 regarding provisions of curbside collection on behalf of producers for residential blue box program.
 - 6.3 The Federation of Northern Ontario Municipalities re: Affordable housing and support for people at risk of homelessness. Ref. No. 21-30
RECOMMENDATION:
THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from The Federation of Northern Ontario Municipalities regarding affordable housing and support for people at risk of homelessness.
 - 6.4 Frank Tassone, Director, Transportation Services, Niagara Region re: Council Inquiry. Ref. No. 23-22
RECOMMENDATION:
THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Niagara Region dated August 17, 2023 regarding a Council inquiry.

- 6.5 Ann-Marie Norio, Regional Clerk, Niagara Region re: Referred Motion - Support for Association of Municipalities of Ontario (AMO) Municipal Code of Conduct Recommendations. Ref. No. 23-111

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information and supports the correspondence from the Region of Niagara dated August 23, 2023 regarding Referred Motion - Support for Association of Municipalities of Ontario (AMO) Municipal Code of Conduct Recommendations.

7. BY-LAWS

- 7.1 A By-law to authorize entering into contract with GM Blueplan Engineering Limited to provide professional services for the Fitch Street & Clare Avenue Area Sewershed - I/I Investigation & Remediation Action Plan. Ref. No. 23-113
(See Report ENG-2023-27)
- 7.2 A By-law to authorize entering into contract with GM Blueplan Engineering Limited to provide professional services for the Woodlawn Road Area Sewershed - I/I Investigation & Remediation Action Plan. Ref. No. 23-113
(See Report ENG-2023-27)
- 7.3 A By-law to authorize entering into contract with the MBTW Group Inc. for professional services including oversight of three playground replacements and design of a parkette. Ref. No. 23-19
(See Report CS-2023-25)
- 7.4 A By-law to appoint Anka Vuksan-Scott as Acting Deputy Treasurer for the Corporation of the City of Welland. Ref. No. 23-24
- 7.5 A By-law to appoint Elizabeth Pankoff as Interim Director of Finance/CFO/Treasurer for the Corporation of the City of Welland. Ref. No. 23-24

8. NOTICES OF MOTION

8.1 COUNCILLOR MATTERS DISCUSSED WITH STAFF FOR REPORTING PURPOSES

1. (For the purpose of informing the public on a matter that has been discussed with staff)




8.2 NOTICES OF MOTION (PREVIOUSLY SUBMITTED FOR DISCUSSION)

1. (Councillor Speck)
THAT THE COUNCIL OF THE CITY OF WELLAND shall be notified in camera if any entity including but not limited to committees, commissions, agencies or boards that the city funds, or approves members or places members of council on, if this entity experiences any litigation involving its members. Ref. No. 02-160
2. (Councillor DiMarco)
WHEREAS, parking at times is limited at one of our cities main parks/playground and to remove the parking from the roadway which at times can be quite congested and also for the safety of all.
NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to prepare a report that would address parking at Chippawa Park from the pavilion on First Avenue north to Laughlin Avenue on the park property which is currently grass/open space similar to Burgar Park. Ref. No. 23-22

3. (Councillor DiMarco)
THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to prepare a report in regards to creating and allowing family camping along the west side of the former Welland Canal from the Welland International Flat Centre to the north and to a specific distance south of Broadway Avenue and to include electrical powered outlets for the convenience of its users. Ref. No. 99-99
4. (Councillor DiMarco)
THAT THE COUNCIL OF THE CITY OF WELLAND directs the appropriate staff to prepare a report regarding the implementation of a public works crew; and
THAT the duties of such would be, but no limited to, when needed, and after our By-laws have visited and exhausted their powers, to remove garbage and/or trash from a property and/or perform the necessary yard work including snow removal in the winter months that would bring the property into compliance of our trash, grass/weeds and snow clearing policies; and further
THAT in addition to the already in place fines that all costs associated to perform such be the responsibility of the proper owner. Ref. No. 23-103
5. (Councillor Setaram)
Whereas Niagara Region has a No Person Left Behind Policy but cannot guarantee that there will be a bed available for every person in need of shelter in the City of Welland;
THAT Welland City Council directs staff to work collaboratively with the Niagara Region and service organizations to:
 - a) Report back by the end of September 2023 with options on how people from the City of Welland will be provided with shelter this coming winter if the regional emergency homeless shelters are at capacity;
 - b) Report back by the end of 2023 with options on where a permanent shelter in the City of Welland could be located where the current Welland permanent beds could be transferred, and additional capacity could be added by the end of 2023, including how the shelter will be funded by the Niagara Region and other sources.Ref. No. 21-30
6. (Councillor Setaram)
WHEREAS, the municipality of Welland Ontario does affirm and acknowledge the harm and hardship caused by the drug poisonings; and
WHEREAS, we recognize the purpose of International Overdose Awareness Day as remembering loved ones lost to drug poisonings and ending the stigma of drug-related deaths; and
WHEREAS, we resolve to play our part in reducing the toll of drug poisonings in our community, which claimed the lives of more than 115 residents of the Niagara Region in 2022 with countless more affected forever; and further
WHEREAS, we affirm that the people affected by the drug poisoning crisis are our children, parents, friends, and neighbours, and deserving of our love, compassion and support.
NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND does hereby proclaim August 31, 2023, as International Overdose Awareness Day in Welland, Ontario. Ref. No. 23-6

- 8.3 CALL FOR NOTICES OF MOTION (TO BE INTRODUCED AT THE NEXT SCHEDULED COUNCIL MEETING)
- 9. CORPORATION REPORTS
 - 9.1 MAYOR'S REPORT
 - 9.2 CHIEF ADMINISTRATIVE OFFICER'S REPORT
- 10. CONFIRMATORY BY-LAW
 - 10.1 A By-law to adopt, ratify and confirm proceedings of the Council of the Corporation of the City of Welland at its meeting held on the 5th day of September, 2023. Ref. No. 23-1
- 11. ADJOURNMENT

COUNCIL
OFFICE OF THE CAO
CLERKS DIVISION

APPROVALS	
DIRECTOR	
CFO	
CAO	

02-160

REPORT CLK-2023-17
SEPTEMBER 5, 2023

SUBJECT: OPTIONS FOR COUNCIL SEATING POLICY

AUTHOR: TARA STEPHENS, CITY CLERK

APPROVING
DIRECTOR: SHERRI-MARIE MILLAR, INTERIM CHIEF ADMINISTRATIVE
OFFICER

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information, report CLK-2023-17: Options for Council Seating Policy; and
THAT Welland City Council approves the establishment of a Council Seating Policy, and;
THAT Welland City Council approves option _____ regarding council seating arrangements for meetings of council; and further
THAT the seating arrangements be effective the next term of council in 2026.

ORIGIN AND BACKGROUND:

On June 27, 2023 staff recommended a Council Seating Policy for Council consideration. Council referred the matter back to staff and requested two (2) options be provided. The options requested were pairing of the ward members and splitting of the ward members.

COMMENTS AND ANALYSIS:

Option 1 – Pairing the ward members together around the council chamber.

The pairing of ward members would result in wards 1 – 3 being to the right of the Mayor, and wards 4 – 6 being to the left of the Mayor. See Appendix I.

Option 2 – Splitting the ward members around the council chamber.

Splitting the ward members would result in having one (1) ward member to the left and right of the Mayor. Ward 1 would sit closest to the Mayor, which would result in ward 6 sitting furthest from the Mayor. See Appendix II.

FINANCIAL CONSIDERATION:

No financial considerations required.

OTHER DEPARTMENT IMPLICATIONS:

No other department implications.

SUMMARY AND CONCLUSION:

At the request of Welland City Council, staff have prepared two (2) options for consideration for the Council Seating Policy.

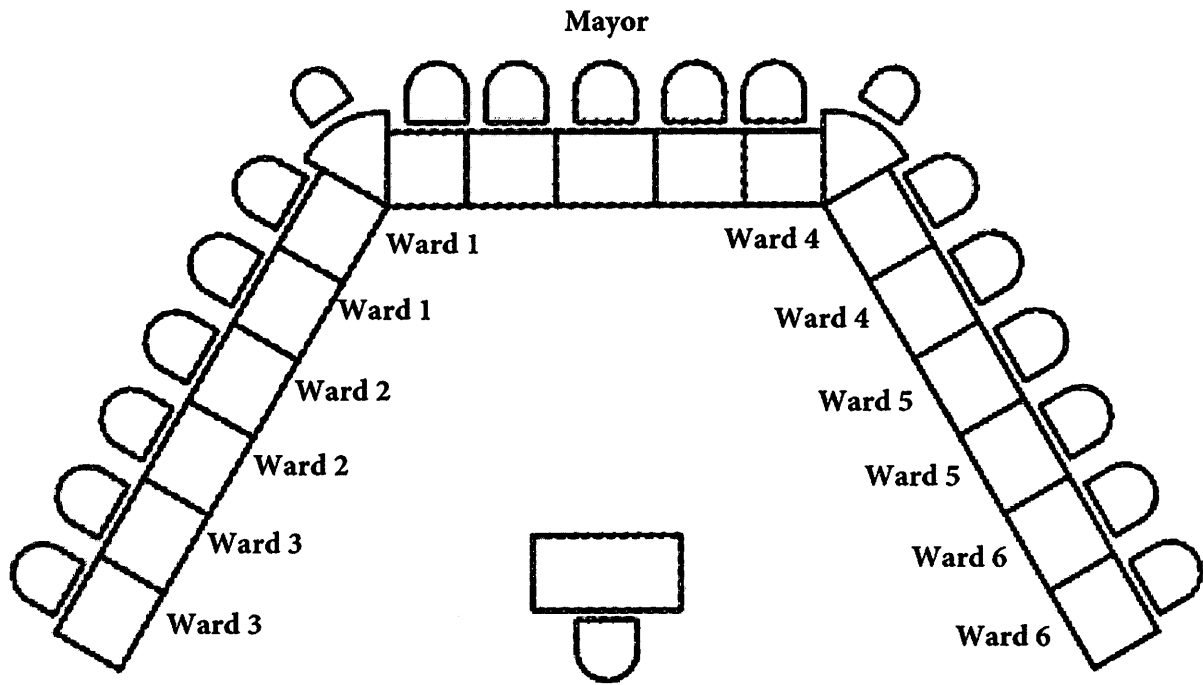
ATTACHMENT:

Appendix I – Pairing the ward members together.

Appendix II – Splitting the wards.

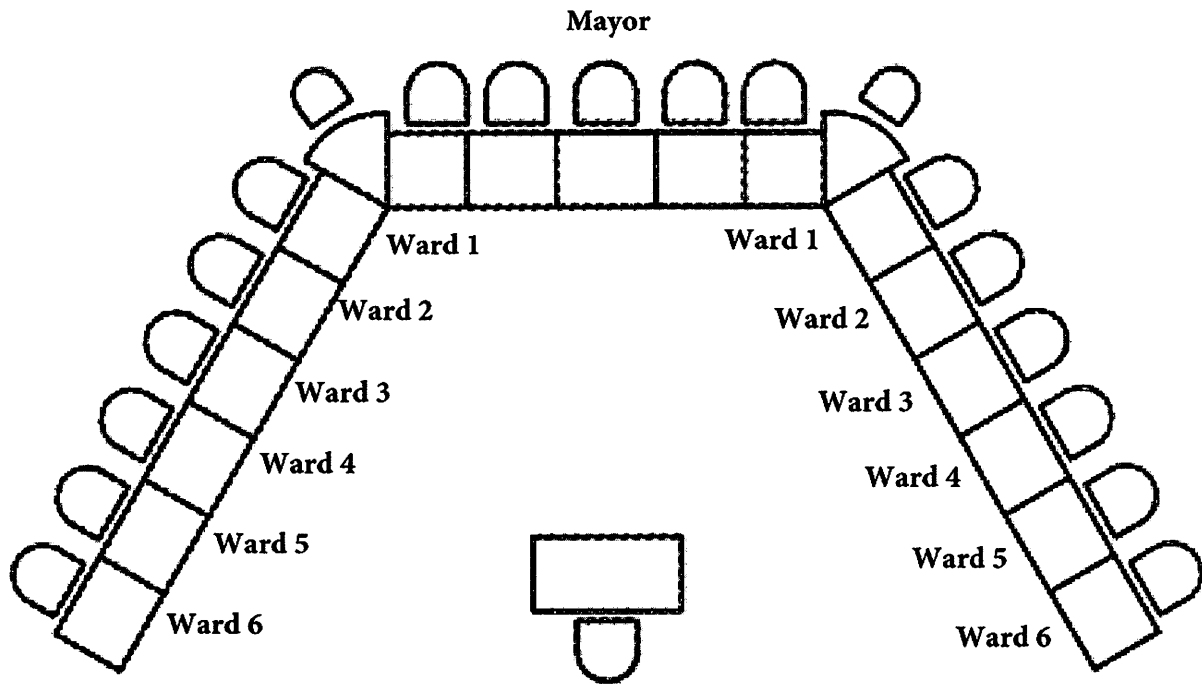
Appendix I

Pairing the ward members together



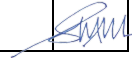


Appendix II

Splitting the wards



COUNCIL
OFFICE OF THE CAO
CLERKS DIVISION

APPROVALS	
DIRECTOR	
CFO	
CAO	

23-24

REPORT CLK-2023-18
SEPTEMBER 5, 2023

SUBJECT: CAO HIRING COMMITTEE APPOINTMENT

AUTHOR: TARA STEPHENS, CITY CLERK

**APPROVING
DIRECTOR: SHERRI-MARIE MILLAR, INTERIM CHIEF ADMINISTRATIVE
OFFICER**

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information staff report CLK-2023-18: CAO Hiring Committee Appointment; and further THAT Welland City Council appoints the following members of council to the CAO Hiring Committee, from the list of interested members, outlined in this report:

- 1.
- 2.
- 3.
- 4.

ORIGIN AND BACKGROUND:

On August 24, 2023, Welland City Council approved a motion that the CAO Hiring Committee be comprised of the Mayor and four (4) members of council. Those members of council are required to be appointed by majority vote.

COMMENTS AND ANALYSIS:

On Friday, August 25, 2023, the City Clerk emailed members of council requesting interest for appointment to the CAO Hiring Committee. The deadline for members of council to advise they are interested was Wednesday, August 30th at 4:30 p.m.

The City Clerk received interest from the following members of council to be considered for appointment to the CAO Hiring Committee:

- Councillor Sharmila Setaram
- Councillor Graham Speck
- Councillor Claudette Richard
- Councillor Bonnie Fokkens

- Councillor Leo Van Vliet
- Councillor Adam Moote

At this time, the decision is up to Welland City Council regarding the composition of the CAO Hiring Committee.

FINANCIAL CONSIDERATION:

None.

OTHER DEPARTMENT IMPLICATIONS:

None.


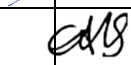

SUMMARY AND CONCLUSION:

This report has been prepared as requested by Welland City Council for considering the composition of the CAO Hiring Committee.

ATTACHMENTS:

N/A

COUNCIL
INFRASTRUCTURE SERVICES
ENGINEERING DIVISION

APPROVALS	
DIRECTOR	
CFO	
CAO	

REPORT ENG-2023-27
SEPTEMBER 5, 2023

23-113

**SUBJECT: DIRECT APPOINTMENT OF PROFESSIONAL SERVICES
– INFLOW & INFILTRATION INVESTIGATION &
REMEDIACTION ACTION PLANS**

**AUTHOR: ROB VACHON, C.E.T.
INFRASTRUCTURE AND ASSET SUPERVISOR**

**APPROVING MANAGER: MATTHEW MAIN, P.ENG.
INFRASTRUCTURE AND ASSET MANAGER**

**APPROVING DIRECTOR: SHERRI-MARIE MILLAR, P.ENG.
INTERIM CAO/ DIRECTOR OF INFRASTRUCTURE
SERVICES**

RECOMMENDATIONS:

THAT THE COUNCIL OF THE CITY OF WELLAND authorize the direct appointment of GM BluePlan Engineering Limited to provide professional services for the **Fitch Street & Clare Avenue Area Sewershed – I/I Investigation & Remediation Action Plan** as per their proposal dated June 27, 2023 for the amount of **\$73,915.00** excluding HST.; and

THAT Council authorize the direct appointment of GM BluePlan Engineering Limited to provide professional services for the **Woodlawn Road Area Sewershed – I/I Investigation & Remediation Action Plan** as per their proposal dated August 27, 2023 for the amount of **\$69,195.00** excluding HST.; and

THAT Council directs the City Clerk to prepare all necessary and appropriate by-laws to enter into a contract with GM BluePlan Engineering Limited to complete the described work; and further

THAT Council authorizes the Mayor and Clerk to execute all necessary documents and agreements for the contracts.

ORIGIN AND BACKGROUND:

The Pollution Prevention Control Plan Update & Wastewater Master Servicing Plan (PPCP) identified multiple priority sewersheds that experience high volumes of inflow and infiltration (I/I) of stormwater into the sanitary network.

I/I within a sewershed can originate from multiple sources such as existing defects within the aging infrastructure, combined sewers, or directly connected downspouts and weeping tiles. High I/I levels lead to decreased sewer capacity

which in turn increases the risk of basement flooding, increases the likelihood of sewage overflows to the environment, and can limit future development. Moreover, inflow and infiltration of stormwater into the sanitary network increases the costs of wastewater treatment.

COMMENTS AND ANALYSIS:

The reduction of I/I into the sanitary network is a municipal priority. During the 2023 budget deliberations, the Fitch Street and Clare Avenue area I/I investigation and remediation action plan capital project was approved with a budget of \$75,000. An additional \$86,987 was allocated to the project through the 2023 capital close out report (FIN-2023-19) as approved by Council on August 24, 2023. The additional funding will allow an expanded scope of work to include the Woodlawn Road sewershed I/I investigation and remediation action plan. Both the Fitch Street & Clare Avenue and the Woodlawn Road sewersheds are priority areas identified in the PPCP.

Upon request, GM BluePlan Engineering Limited (GMBP) submitted proposals for professional services to complete both I/I Investigation and Remediation Action Plans including the following project workplan/tasks:

1. Public Outreach
 - Preparation and Delivery of project information pamphlet and smoke testing letter
2. Ongoing Flow Monitoring
 - Data Collection
 - Critical Event Assessment
3. System Understanding
 - Flow analysis
 - Initial Review of Available CCTV Data
 - 3D Desktop Hydrology Assessment
 - Development of Field Investigation Program
 - Workshop and Technical Memorandum
4. Field Investigation Program
 - Curbside Drainage Surveys
 - CCTV Data Assessment
 - Smoke Testing
 - Dye Testing
 - Lateral Investigation
5. Development of Rehabilitation Action Plan
 - Develop Cost-effective Remediation Action Plan
 - Final Report and Data Delivery

Recognizing the benefits of continuity of service/reporting, cost savings due to reduced mobilization fees, and anticipated staff and project time savings, staff are recommending that GMBP complete the Fitch Street & Clare Avenue and the Woodlawn Road I/I investigation and remediation action plans. GMBP can initiate the investigations immediately upon receipt of Council approval.

FINANCIAL CONSIDERATION:

The project costs and funding for the Fitch Street & Clare Avenue and Woodlawn Road Sewersheds - I/I Investigation and Remediation Action Plan assignments are summarized below.

Description	Amount
Fitch Street Area Sewershed – I/I Investigation & Remediation Action Plan	\$73,915.00
Woodlawn Road Area Sewershed – I/I Investigation & Remediation Action Plan	\$69,195.00
Subtotal:	\$143,110.00
City's Portion of HST (1.76%):	\$2,518.74
Total Anticipated Project Cost:	\$145,628.73
Approved Capital Funding (10-330-23703):	\$161,987.00

The total cost for professional services including HST is \$145,628.73. The remaining funds in the account at project completion will be used to address the recommendations in the final report.

OTHER DEPARTMENT IMPLICATIONS:

Contract administration for the agreement and contract payments have been, and will be, kept in compliance with the agreed practices of the Finance, Clerks and Legal Services departments.

SUMMARY AND CONCLUSION:

The Fitch Street & Clare Avenue and Woodlawn Road sewersheds experience high volumes of inflow and infiltration that decrease sewer capacity which in turn increases the risk of basement flooding, the likelihood of sewage overflows to the environment, and can limit future development. High volumes of I/I also increase the costs of wastewater treatment.

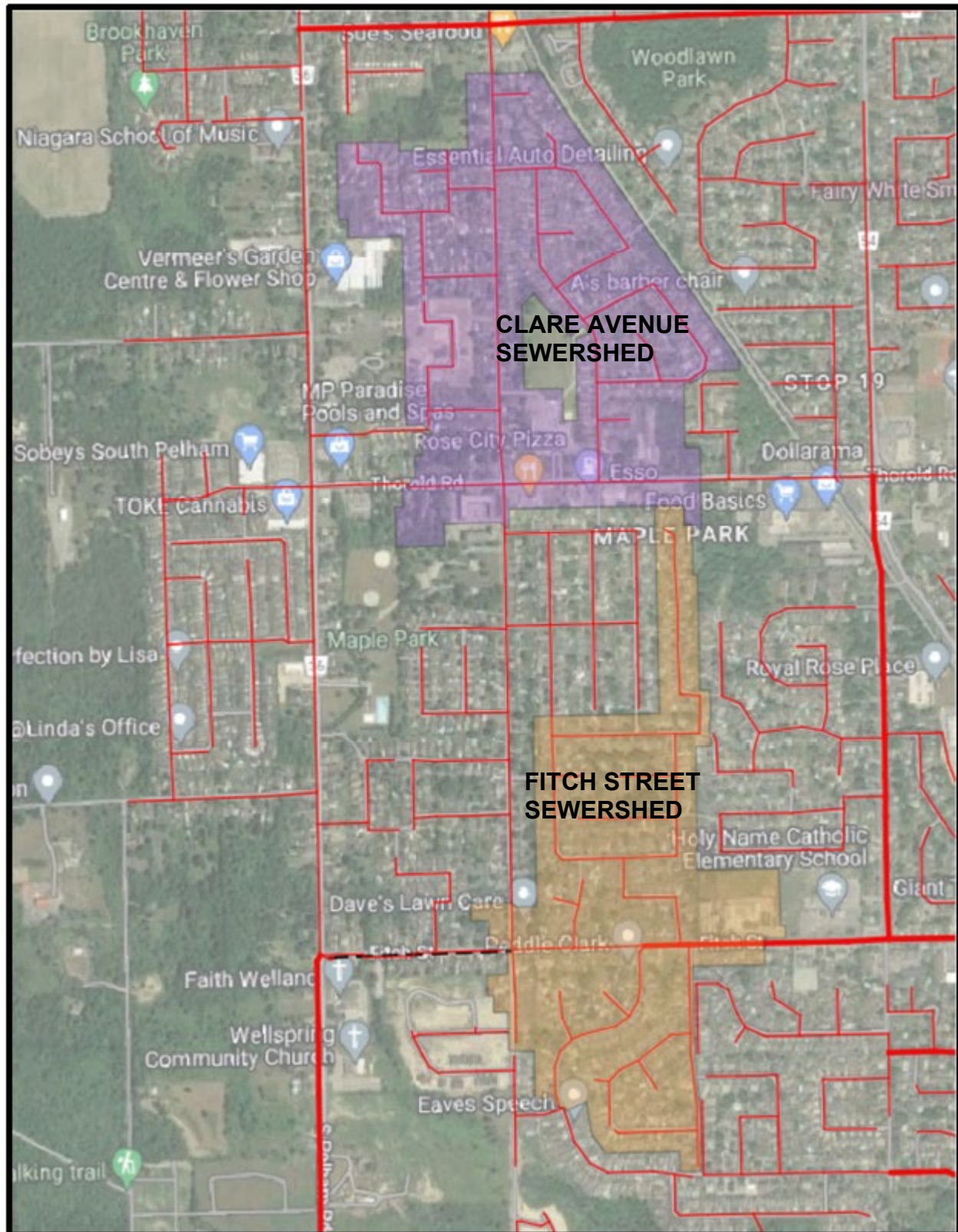
On the basis of past performance completing similar projects within the City, continuity of reporting and cost/time savings expected to complete the work, staff recommend the direct appointment of GM BluePlan Engineering Limited to provide professional services for the:

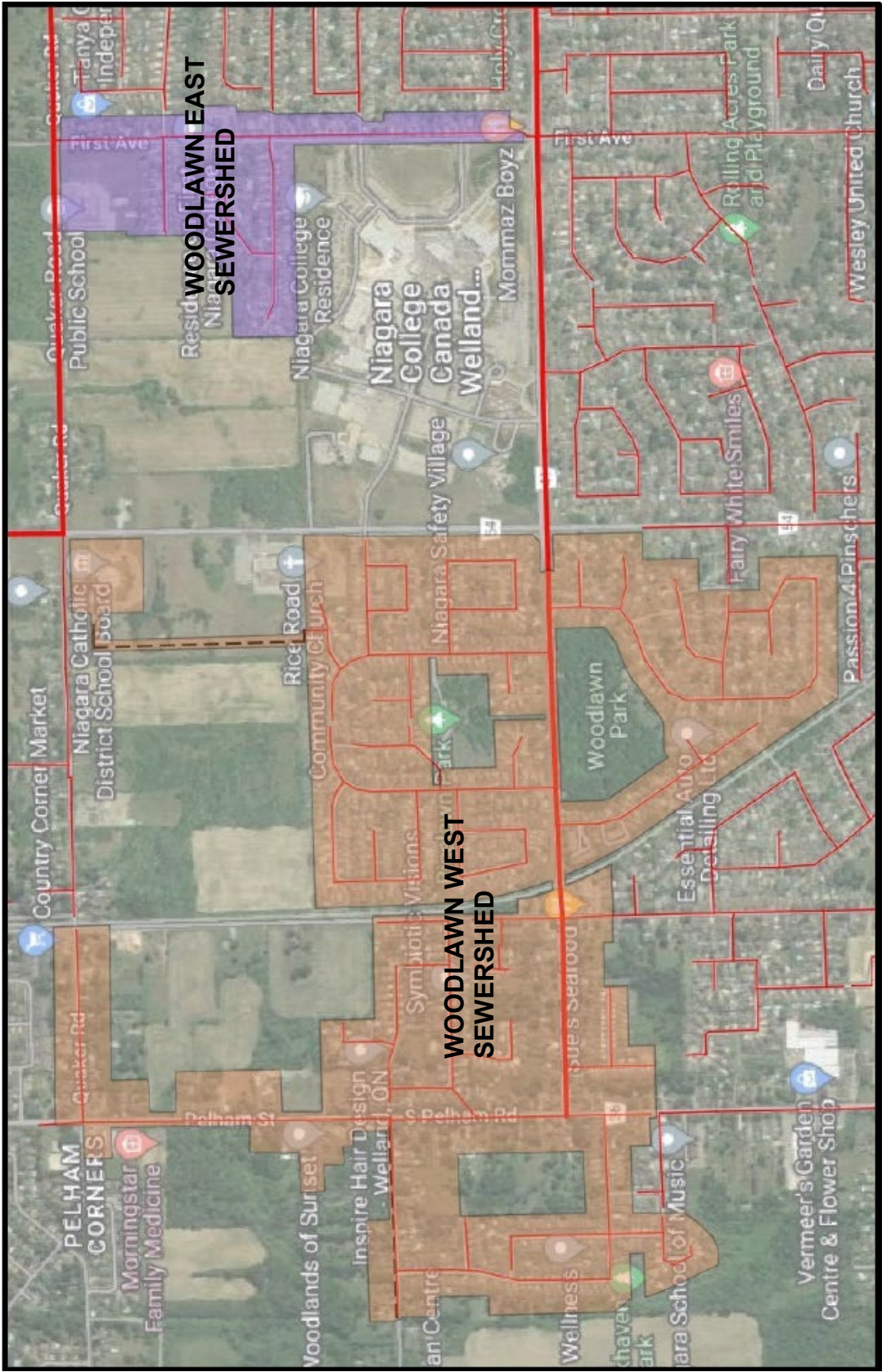
- Fitch Street and Clare Avenue Sewershed – I/I Investigation & Remediation Action Plan \$73,915.00 plus HST; and
- Woodlawn Road Sewershed – I/I Investigation & Remediation Action Plan \$69,195.00 plus HST.

ATTACHMENTS:



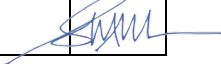
Appendix I: Study Area - Fitch and Clare Sewershed

Appendix II: Study Area - Woodlawn Road Sewershed





COUNCIL
FINANCE DIVISION

APPROVALS	
DIRECTOR	
CFO	
CAO	

REPORT FIN-2023-18
SEPTEMBER 5, 2023
21-51

SUBJECT: EMPIRE MOU – DEVELOPMENT CHARGE CREDITS

**AUTHOR: STEVEN FAIRWEATHER, CPA-CA, MPA, DPA, DIRECTOR OF
FINANCE / CHIEF FINANCIAL OFFICER / TREASURER**

**GRANT MUNDAY, B.A.A, MCIP, RPP DIRECTOR, PLANNING AND
DEVELOPMENT SERVICES**

APPROVING SHERRI-MARIE MILLAR, INTERIM CAO
DIRECTOR:

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND approves an increase to the maximum amount for the 25% reduction in development charge credits from \$4,000,000 to \$8,484,000.

ORIGIN AND BACKGROUND:

In Report P&B-2021-58, staff identified the developer would be eligible for a negotiated 25% reduction of all the Development Charges Fees (Development Charge Credit- DCC) imposed by the City. Staff, during negotiation of the Memorandum of Understanding (MOU), established a maximum cap of four million dollars in the aggregate on the DCC. The details for the DCC in the MOU are as follows:

5. DC REDUCTION AND COMMUNITY BENEFITS CHARGE

- 5.1. Notwithstanding anything contained in Development Charge By-law 2019-83 or in the CIP (as they may be amended or replaced from time to time), the City will provide a 25% reduction of all development charges imposed by the City (the "Development Charges") pursuant to the Development Charges Act, 1997 (as it may be amended from time to time) in connection with the Eligible Properties to a maximum of Four Million Dollars (\$4,000,000) in the aggregate. Further, the City will not impose a Community Benefits Charge on either Dain East Subdivision nor the former John Deere lands development.

As part of the MOU, Empire agreed to undertake several capital projects identified within the Development Charge Background Study. The capital works identified in the MOU which would be eligible for Development Charge credits are:

1. 401 Canal Bank Street (Dain East) and the Former John Deere Lands (Parks)
2. Multi-Purpose Courts and Facilities at the Welland Canal Flat Water Center
3. Forks Road
4. Forks Road Watermain Replacement & Upsizing - 1100M
5. Forks Road Sanitary Sewer - 850M
6. Forks Road Bridge

COMMENTS AND ANALYSIS:

A DCC is designed to reimburse a developer for the costs incurred to construct a capital item contained within a development charge background study. The original MOU contemplated these costs to be approximately \$4,000,000 based on the 2019 development charge study.

Construction costs have escalated since the signing of the MOU. The cost escalations have been reflected in the 2022 development charge background study. The detail costing contained in the development charge study for the assets to be constructed by Empire are noted in the table below:

Description of Works	Total Development Cost for D/C	Original Empire MOU	Empire MOU Additional Ask (Revised @ May 1, 2023)	Revised MOU Ask - D/C Credits
401 Canal Bank Street (Dain East) and the Former John Deere Lands (Parks)	\$3,870,000	\$1,225,348	\$1,900,000	\$3,125,348
Multi-Purpose Courts and Facilities at the Welland Canal Flat Water Center	\$2,808,000	\$889,089	\$584,000	\$1,473,089
Forks Road Bridge	\$3,660,000	\$1,158,856	\$1,000,000	\$2,158,856
Forks Road	\$1,698,850	\$537,902	\$740,191	\$1,278,093
Forks Road Watermain Replacement & Upsizing - 1100M	\$441,680	\$130,349	\$179,370	\$309,719
Forks Road Sanitary Sewer - 850M	\$184,620	\$58,456	\$80,439	\$138,895
TOTAL	\$12,633,150	\$4,000,000	\$4,484,000	\$8,484,000

The table shows the total revised DCC credit being requested by Empire is still below the Total Development Costs for D/C for each of the capital items they are constructing. Staff support the request for the increase in DCC requested.

FINANCIAL CONSIDERATION:

The credits being provided are for the costs incurred to construct the capital items contained within a development charge background study. The funding for these credits is collected through development charges. Since development charges are funding the credits, there are no property tax related impacts to the City created by the requested increase by Empire.

OTHER DEPARTMENT IMPLICATIONS:

Staff have worked with the CAO, Planning and Development Services, Community Services, and Infrastructure Services departments to gather information for the report. The capital projects above require resources from each department to manage and oversee the projects.



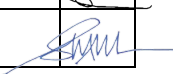
SUMMARY AND CONCLUSION:

Staff recommends that the Council of the City of Welland approves an increase to the maximum amount for the 25% reduction in development charge credits from \$4,000,000 to \$8,484,000. As development charges are funding the credits, there are no property tax related impacts to the City.

ATTACHMENTS:

None.

COUNCIL
FINANCE DIVISION

APPROVALS	
DIRECTOR	
CFO	
CAO	

REPORT FIN-2023-23
SEPTEMBER 5, 2023

23-46

SUBJECT: PURCHASE OF ONE (1) SERVICE BODY TRUCK

AUTHOR: ADAM BERES, MANAGER OF PURCHASING

APPROVING DIRECTOR: ELIZABETH PANKOFF, MBA, CPA, CGA
MANAGER OF BUDGET, FINANCIAL REPORTING, DEPUTY TREASURER

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes the purchase of one (1) complete, new 2024 GMC Sierra 3500 from Niagara Motors complete with service body as approved in the 2023 Fleet Rate Supported Capital Budget.

ORIGIN AND BACKGROUND:

The purchase of one new service body truck to be utilized by the water sewer operator was approved during the 2023 Fleet Rate Supported Capital Budget Requirements, Water process. This unit is required due to organizational changes resulting in the need for an additional crew truck.

COMMENTS AND ANALYSIS:

Bid PW23-07 was advertised competitively on the City's Biddingo site and closed April 6, 2023. Unfortunately, only one response was received. Staff engaged other vehicle providers to receive additional responses. At last, three have been received and are summarized in the below table. This type of truck is not a common build, only certain dealerships have access to the type of cab and chassis required for a service body type truck.

FINANCIAL CONSIDERATION:

This vehicle was approved in the 2023 Fleet Rate Supported Capital Budget Requirements, Water, 10-910-23301. Staff are recommending the lowest priced offering that meets specifications as outlined below.

Dealer	Manufacturer	Model	*Budget	Price Inclusive of City portion of tax
Brock Ford	Ford	F350	\$98,340	\$123,130
Jim Wilson	Chevrolet	Silverado		\$143,482
Niagara Motors	GMC	Sierra 3500		\$120,077

*There is sufficient funding within this cost center to cover the budget to actual variance provided from the aggressive pricing received for the backhoe purchase.

OTHER DEPARTMENT IMPLICATIONS:

This recommendation has been reviewed by Water staff and fleet foreman.




SUMMARY AND CONCLUSION:

THAT THE COUNCIL OF THE CITY OF WELLAND approves the recommendation to purchase the above-named replacement truck with service body from Niagara Motors.

ATTACHMENTS:

None.

COUNCIL
COMMUNITY SERVICES
PARKS AND FORESTRY DIVISION

APPROVALS	
DIRECTOR	
CFO	
CAO	

23-19

REPORT CS-2023-25
SEPTEMBER 5, 2023

SUBJECT: CONSULTANCY AWARD FOR THE RENEWAL OF THREE OF CITY OF WELLAND'S PLAYGROUNDS, AND THE DESIGN OF A PARKETTE

AUTHOR: DAVE STEVEN, MANAGER OF PARKS, FORESTRY, CEMETERIES, OPERATIONS & DEVELOPMENT

APPROVING ROB AXIAK, DIRECTOR OF COMMUNITY SERVICES

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND approves the Consultancy Award to The MBTW GROUP for professional services and oversight of the three playground replacements that were approved in the 2023 Capital Budget for Deere Street Park, St. George Park, and Memorial Park, along with professional services for the future Michael Drive Parkette as approved in report CS-2023-21 – Playground Renewal Advancement; and further

THAT Welland City Council directs staff to prepare all necessary and appropriate by-laws and documents to enter into an agreement with The MTBW GROUP to be signed by the Mayor and City Clerk.

ORIGIN AND BACKGROUND:

The City of Welland Parks Division operates over 60 parks/parkettes and is responsible for the review, maintenance, oversight, and replacement of 40 playgrounds. All playgrounds are renewed on the basis of condition, need related to changing population and based on demographics of the surrounding community, improving accessibility, and to address change in relevant safety codes. The following four parks and open spaces have playgrounds that are due for renewal and/or development.

Deere Street Park – is located at 187 Sager Ave. and is comprised of approximately 0.9 HA of parkland space. The park currently has a playground, separate swings, a forested area, open space, and a walkway the goes directly through the park from Sager Ave. to Wright St.

Complete replacement of the playground and swings are required. A new playground with a similar footprint may be possible within the same area of the park. Survey work and a

drainage plan will be part of this project along with a partial replacement of the existing walkway that goes directly through the centre of the park. The renewed playground design is to include considerations of circulation, play areas suitable for a variety of different age groups (toddler, 2-5 years, 5-12 years), furnishings, protection of existing trees, new trees, and accessible walks to connect the play feature together.

St. George Park – is located at 391 St. George St. and is comprised of approximately 13.7 HA of parkland space. The park currently has a playground, swings, washrooms, pool, pond, pavilions, large parking lot, and has many new trees that have been planted in recent years.

Complete replacement of the playground and swings are required. A new playground with a similar footprint may be possible within the same area of the park. Survey work and a drainage plan will be part of this project along with the addition of accessible walkways that connect the playground to the existing parking lot and pool walkways. The renewed playground design is to include considerations of circulation, play areas suitable for a variety of different age groups (toddler, 2-5 years, 5-12 years), furnishings, protection of existing trees, new trees, and accessible walks to connect the play feature together.

Memorial Park – is located at 404 Memorial Park Dr. and is comprised of approximately 18.4 HA of parkland space. The park currently has a playground, swings, pool, splash pad, outdoor seasonal rink, pavilions, large parking lots, washroom facilities, ball diamonds, and has many mature and new trees.

Complete replacement of the playground and swings are required. A new playground with a similar footprint may be possible within the same area of the park. Survey work and a drainage plan will be part of this project along with the addition of accessible walkways that connect the playground to the existing parking lot and pool walkways. The renewed playground design is to include considerations of circulation, play areas suitable for a variety of different age groups (toddler, 2-5 years, 5-12 years), furnishings, protection of existing trees, new trees, and accessible walks to connect the play feature together. A new pool and washroom facility is currently underway and will be completed in Spring of 2024.

Michael Drive Parkland/Open Space – is located at 113 Michael Dr. and is comprised of approximately 0.06 HA of undeveloped parkland space. The open space is small but would be an ideal location for a new playground/parkette to serve the residents in the immediate area.

The consultant team will work with City of Welland Parks staff to deliver all required services for playground renewal and development at Deere Street Park, St. George Park, and Memorial Park as all playgrounds were deemed at/past end of life in 2022 condition assessments, and they are to be demolished due to safety concerns and the difficulty to source parts. Also, the consultant team will work with City of Welland Parks staff to deliver all required services for the development of the open space located at 113 Michael Dr. into a new park to serve the residents in the immediate area.

This report is for professional services, and Council will next see a construction tender report aiming for a Spring/Summer 2024 installation of the projects as noted above.

COMMENTS AND ANALYSIS:

The City issued RFP23-13 competitively on Bidding June 5, 2023, and hosted a mandatory site visit on June 14, 2023, at Deere St., St. George, and Memorial Parks; along with a site visit to the Micheal Dr. greenspace to review the requirements for each project. There were twenty-one (21) document takers that showed initial interest in the project, yet only six (6) companies attended the mandatory site visit. The proposal closed on July 24, 2023, and the City of Welland received six (6) compliant submissions as outlined below.

Proponents	Final Scores
The MBTW GROUP	84
Northern Lights Landscape Architects Ltd.	79
MHBC	76
Adesso Design Inc.	75
Henry Kortekaas and Associates Inc.	67
Urbantypology Inc.	62

Community Services staff evaluated the compliant proposal on deliverables, project understandings, methodology, work plan, experience, and price. Based on these criteria, staff is recommending The MTBW GROUP for consulting services and oversight of the various park projects.

FINANCIAL CONSIDERATION:

As shown above, The MTBW GROUP is the highest-scoring proponent and is recommended for an award by Council. Professional services as shown in this report (CS-2023-25) are estimated to be \$81,224.83, inclusive of the City portion of tax, leaving the balance of funds for construction/installation of the various projects below.

Park Location	Cost for Consulting Services
Deere Street Park Playground Replacement:	\$19,955.00
St. George Park Playground Replacement:	\$19,955.00
Memorial Park Playground Replacement:	\$19,995.00
Pre-approved Michael Drive Parkette:	\$19,995.00
Subtotal:	\$79,820.00
City portion of Tax (.0176%):	\$1,404.83
Total including City's portion of tax:	\$81,224.83

The funding sources are outlined below.

Capital Projects	Budget
Deere Street Park Playground Replacement: 10-410-23425	\$ 400,000.00
St. George Park Playground Replacement: 10-410-23426	\$ 400,000.00
Memorial Park Playground Replacement: 10-410-23427	\$400,000.00
Pre-approved Michael Drive Parkette: 10-410-24422	\$ 300,000.00

OTHER DEPARTMENT IMPLICATIONS:

Contract administration for tendering, agreement, and contract payments have been and will be kept in compliance with the agreed practices of the Finance, Clerks, and Legal Services departments.




SUMMARY AND CONCLUSION:

THAT THE COUNCIL OF THE CITY OF WELLAND approves the Consultancy Award in the amount of \$81,224.83, inclusive of the City's portion of tax, to The MBTW GROUP for professional services and oversight of the three playground replacements that were approved in the 2023 Capital Budget for Deere Street Park, St. George Park, and Memorial Park; along with professional services for the future Michael Drive Parkette as approved in report CS-2023-21 Playground Renewal Advancement.

ATTACHMENTS:

None.

COUNCIL
OFFICE OF THE CAO
ECONOMIC DEVELOPMENT OFFICE

APPROVALS	
DIRECTOR	
CFO	
CAO	

22-105

REPORT EDO-2023-04
September 5, 2023

SUBJECT: SALE OF CITY-OWNED LAND POLICY AND THE STOPPING UP AND CLOSING OF HIGHWAYS

AUTHOR: LINA DECHELLIS, MANAGER, ECONOMIC DEVELOPMENT

APPROVING DIRECTOR: SHERRI-MARIE MILLAR, INTERIM CAO

RECOMMENDATIONS:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information report EDO-2023-04 Sale of City-Owned Land Policy and the Stopping up and Closing of Highways; and further.

THAT Welland City Council approves the revised Sale of City-Owned Land Policy and the Stopping up and Closing of Highways.

COMMENTS AND ANALYSIS:

At its meeting of November 1, 2022, Council directed staff to review the City's Sale of City-Owned Land and the Stopping Up and Closing of Highways Policy.

The current policy was reviewed by Economic Development staff and the Director of Planning and Development Services with additions and deletions being incorporated into the revised policy.

The policy was presented to the Corporate Leadership Team (CLT) and they have provided support for the implementation of the revised policy.

OTHER DEPARTMENT IMPLICATIONS:

Planning and Development Services are responsible for the Stopping up, Closing and Highways.

FINANCIAL CONSIDERATION:

N/A.

SUMMARY AND CONCLUSION:

At its meeting of November 1, 2022, Council directed staff to review the City's Sale of City-Owned Land and the Stopping Up and Closing of Highways Policy. The policy was reviewed by staff and changes have been made.

At the March 21, 2023, Council meeting staff presented a revised policy for council consideration. Council made comments and directed staff to come back with the revised policy which includes Council's comments.

At the July 18, 2023, Council meeting staff presented additional changes to the policy for council consideration. Council made additional comments and directed staff to come back with the revised policy which includes Council's comments.

Appendix 1 is the policy staff is recommending for approval which includes Council comments. Appendix 11 is the draft redline policy which incorporates Council comments from March 21, 2023, and the July 18, 2023 meetings.

It is recommended that the revised Sale of City-Owned Land Policy and the Stopping up and Closing of Highways be approved as presented.

ATTACHMENT:

- Appendix 1 - Revised Sale of City-Owned Land Policy and the Stopping up and Closing of Highways
- Appendix 11 - Redline Draft Sale of City-Owned Land Policy and the Stopping up and Closing of Highways

Appendix I

CITY OF WELLAND

POLICY

Policy Title: Sale of City-Owned Land and the Stopping Up and Closing of Highways	
Date of Approval: April 20, 2004	Policy Number: SER-013-0011
Lead Role: Manager, Economic Development/ Director, Planning and Development Services	Support Role: City Solicitor
Cross Reference: 2004-37	Next Review Date:
Council File Number: 03-110	Revision Date: September 5, 2023

Policy Statement:

That Council adopt the following Policy with respect to the sale of City-owned lands:

A. REAL PROPERTY

1. Staff shall prepare a Report for Council's consideration complete with analysis recommending that real property be declared surplus.
2. Council must pass a Resolution declaring the lands surplus.
3. Staff shall obtain at least one (1) appraisal of the fair market value of the land.
4. Staff shall have prepared the necessary Reference Plan to describe the lands to be sold.
5. All surplus lands shall be advertised at least once in the local newspaper. Notice shall also be posted on the City's web site and through social media and with a sign erected on the site.
6. Those surplus properties which may have some commercial or higher residential value shall be marketed through a tender process to be widely advertised using social media, real estate publications, City of Welland surplus land page and a sign erected on the site.
7. Any Offer of Purchase and Sale shall be submitted to the Manager, Economic Development, for review. The Offer shall be forwarded to the City Solicitor for review and comment.

Sale of City-Owned Land and the Stopping Up and Closing of Highways SER-013-0011

8. A Staff Report shall be prepared for Council's consideration, with a recommendation to accept or deny an Offer. Council may decide to postpone their decision. The report shall include any known historical information or previous council reports related to the property.
9. Upon acceptance of an Offer and approval of the Staff Report by Council, a By-law shall be prepared and presented to Council to accept the Offer. .
10. The City shall establish and maintain a public register listing and describing the land owned or leased by the municipality except for the following:
 - Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act;
 - Highways;
 - Land formerly used for railway lines.
11. Appraisals are not required for:
 - Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act;
12. The City may pay a commission not exceeding three percent (3%) to any licensed Real Estate Agent or representative who, on behalf of a client, submits an Offer on a City- owned parcel which is accepted by Council, and which proceeds to a final sale.
13. The proceeds of the sale of City-owned lands shall be distributed as follows:
 - For the sale of any parklands or open space, net proceeds after sale expenses shall be credited to the Planning Act Reserve Fund.
 - For residential land, industrial land and other non – residential sales all net proceeds shall be credited to the Economic Development Reserve Fund or as otherwise recommended by staff and approved by Council.

B. STOPPING UP, CLOSING AND SALE OF HIGHWAYS

1. Upon request for the Stopping Up, Closing and Sale of a highway or part thereof, or upon the City's initiative, Staff shall request comments from appropriate Departments and Agencies (i.e., Utilities, Region of Niagara).
2. Staff shall prepare a Report for Council's consideration complete with analysis recommending that the highway, or part thereof, be stopped up, closed and declared surplus.

Sale of City-Owned Land and the Stopping Up and Closing of Highways SER-013-0011

3. Public Notice shall be given of Council's intention to pass a By-law to permanently close a highway in a newspaper having general circulation in the municipality at least seven (7) days prior to the date of passage of the By-law.
4. Staff shall have prepared the necessary Reference Plan to describe the lands to be closed.
5. Staff shall obtain at least one (1) appraisal of the fair market value of the lands.
6. Staff shall prepare a By-law to Stop Up, Close and declare surplus for Council's consideration.
7. Upon approval of the By-law, the By-law shall be registered on Title.
8. The surplus lands shall be advertised at least once in the local newspaper. Notice may also be posted on the City's web site, and through social media and with a sign erected on the site.
9. Should the closed highway offer an opportunity to create a developable lot, the lands shall be offered for sale as such, subject to necessary servicing and shall be aggressively marketed with a sign erected on the site.
10. Should the closed highway not be a viable lot, adjoining property Owners shall be afforded an opportunity to purchase a portion or the whole of the lands subject to the lands being merged in Title with the adjoining lands.
11. All Offers of Purchase and sale shall be processed in accordance with Sections A7, A8 and A9.

Appendix II

CITY OF WELLAND

POLICY

Policy Title: Sale of City-Owned Land and the Stopping Up and Closing of Highways	
Date of Approval: April 20, 2004	Policy Number: SER-013-0011
Lead Role: Manager, Economic Development/ Director, Planning and Development Services	Support Role: City Solicitor
Cross Reference: 2004-37	Next Review Date:
Council File Number: 03-110	Revision Date: July 18, 2023 <u>September 5, 2023</u>

Policy Statement:

That Council adopt the following Policy with respect to the sale of City-owned lands:

A. REAL PROPERTY

1. Staff shall prepare a Report for Council's consideration complete with analysis recommending that real property be declared surplus.
2. Council must pass a Resolution declaring the lands surplus.
3. Staff shall obtain at least one (1) appraisal of the fair market value of the land.
4. Staff shall have prepared the necessary Reference Plan to describe the lands to be sold.
5. All surplus lands shall be advertised at least once in the local newspaper. Notice shall also be posted on the City's web site and through social media and with a sign erected on the site.
6. Those surplus properties which may have some commercial or higher residential value shall be marketed through a tender process to be widely advertised using social media, real estate publications, City of Welland surplus land page and a sign erected on the site.
7. Any Offer of Purchase and Sale shall be submitted to the Manager, Economic Development, for review. The Offer shall be forwarded to the City Solicitor for review and ~~approval~~comment.

Sale of City-Owned Land and the Stopping Up and Closing of Highways SER-013-0011

8. A Staff Report shall be prepared for Council's consideration, with a recommendation to accept or deny an Offer. Council may decide to postpone their decision. The report shall include any known historical information or previous council reports related to the property.
9. Upon acceptance of an Offer and approval of the Staff Report by Council, a By-law shall be prepared and presented to Council to accept the Offer, at the next meeting of council.
10. The City shall establish and maintain a public register listing and describing the land owned or leased by the municipality except for the following:
 - Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act;
 - Highways;
 - Land formerly used for railway lines.
11. Appraisals are not required for:
 - Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act;
 - ~~- Land which does not have direct access to a highway if sold to the Owner of land abutting the land;~~
 - ~~- Land repurchased by an Owner in accordance with Section 42 of the Expropriation Act;~~
 - ~~- Easements granted to public utilities or to telephone companies;~~
 - ~~- Lands sold to a municipality;~~
 - ~~- Lands sold to a local Board including a School Board or a Conservation Authority;~~
 - ~~- Land sold to the Crown in right of Canada or Ontario and their Agencies.~~
12. The City may pay a commission not exceeding three percent (3%) to any licensed Real Estate Agent or representative who, on behalf of a Client~~client~~, submits an Offer on a City- owned parcel which is accepted by Council, and which proceeds to a final sale.
13. The proceeds of the sale of City-owned lands shall be distributed as follows:
 - For the sale of any parklands or open space, net proceeds after sale

expenses shall be credited to the Planning Act Reserve ~~Fund~~Fund.

- For residential land, industrial land and other non – residential sales all net proceeds shall be credited to the Economic Development Reserve Fund or as otherwise recommended by staff and approved by ;Council.

~~Sale of City Owned Land and the Stopping Up and Closing of Highways SER-013-0011~~

~~-For residential land sales, all net proceeds shall be credited to the Economic Development Reserve Fund, unless otherwise directed.~~

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B. STOPPING UP, CLOSING AND SALE OF HIGHWAYS

1. Upon request for the Stopping Up, Closing and Sale of a highway or part thereof, or upon the City's initiative, Staff shall request comments from appropriate Departments and Agencies (i.e., Utilities, Region of Niagara).
2. Staff shall prepare a Report for Council's consideration complete with analysis recommending that the highway, or part thereof, be stopped up, closed and declared surplus.
3. Public Notice shall be given of Council's intention to pass a By-law to permanently close a highway in a newspaper having general circulation in the municipality at least seven (7) days prior to the date of passage of the By-law.
4. Staff shall have prepared the necessary Reference Plan to describe the lands to be closed.
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7. Upon approval of the By-law, the By-law shall be registered on Title.
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9. Should the closed highway offer an opportunity to create a developable lot, the lands shall be offered for sale as such, subject to necessary servicing and shall be aggressively marketed with a sign erected on the site.
10. Should the closed highway not be a viable lot, adjoining property Owners shall be afforded an opportunity to purchase a portion or the whole of the lands subject to the lands being merged in Title with the adjoining lands.
11. All Offers of Purchase and sale shall be processed in accordance with Sections A7, ~~A8~~B8 and A9.



**The Corporation of the Town of Grimsby
Administration**

Office of the Town Clerk

160 Livingston Avenue, Grimsby, ON L3M 0J5

Phone: 905-945-9634 Ext. 2171 | **Fax:** 905-945-5010

Email: bdunk@grimsby.ca

August 11th, 2023

SENT VIA E-MAIL

Premier's Office
Room 281
Legislative Building, Queen's Park
Toronto, ON M7A 1A1

Attention: The Hon. Doug Ford, Premier

Dear Premier Ford:

**RE: Legislative Amendments to Improve Municipal Codes of Conduct and
Enforcement**

Please be advised that the Council of the Corporation of the Town of Grimsby at its meeting held on August 8, 2023 passed the following resolution:

Moved by: Councillor Vardy

Seconded by: Councillor Howe

WHEREAS all Ontarians deserve and expect a safe and respectful workplace; and

WHEREAS municipal governments, as the democratic institutions most directly engaged with Ontarians need respectful discourse; and

WHEREAS several incidents in recent years of disrespectful behaviour and workplace harassment have occurred amongst members of municipal councils; and

WHEREAS these incidents seriously and negatively affect the people involved and lower public perceptions of local governments; and

WHEREAS municipal Codes of Conduct are helpful tools to set expectations of council member behaviour; and

WHEREAS municipal governments do not have the necessary tools to adequately enforce compliance with municipal Codes of Conduct.

NOW, THEREFORE BE IT RESOLVED THAT the Town of Grimsby supports the call of the Association of Municipalities of Ontario for the Government of Ontario to introduce legislation to strengthen municipal Codes of Conduct and compliance with them in consultation with municipal governments; and

BE IT FURTHER RESOLVED THAT the legislation encompass the Association of Municipalities of Ontario's recommendations for:

- Updating municipal Codes of Conduct to account for workplace safety and harassment
- Creating a flexible administrative penalty regime, adapted to the local economic and financial circumstances of municipalities across Ontario
- Increasing training of municipal Integrity Commissioners to enhance consistency of investigations and recommendations across the province
- Allowing municipalities to apply to a member of the judiciary to remove a sitting member if recommended through the report of a municipal Integrity Commissioner
- Prohibit a member so removed from sitting for election in the term of removal and the subsequent term of office; and

BE IT FURTHER RESOLVED THAT this legislation be prioritized for the fall of 2023 given the urgency of this issue; and

BE IT FURTHER RESOLVED THAT this resolution be sent to the Premier of Ontario, Niagara MPPs, the Minister of Municipal Affairs and Housing, the Associate Minister of Women's Social and Economic Opportunity, the Association of Municipalities of Ontario, and all Niagara municipalities.

If you require any additional information, please let me know.

Regards,



Bonnie Nistico-Dunk
Town Clerk/jb

cc. Sam Oosterhoff, MPP Niagara West
Jeff Burch, MPP Niagara Centre
Wayne Gates, MPP Niagara Falls
Jennie Stevens, MPP St. Catharines
Hon. Steve Clark, Minister of Municipal Affairs and Housing
Hon. Charmaine Williams, Associate Minister of Women's Social and Economic
Opportunity
The Association of Municipalities of Ontario
Niagara Area Municipalities

August 11, 2023

CL 11-2023, July 20, 2023

PWC 7-2023, July 11, 2023

PW 33-2023, July 11, 2023

LOCAL AREA MUNICIPALITIES

SENT ELECTRONICALLY

Provision of Curbside Collection on behalf of Producers for Residential Blue Box Program

PW 33-2023

Regional Council, at its meeting held on July 20, 2023, passed the following recommendation of its Public Works Committee:

That Report PW 33-2023, dated July 11, 2023, Provision of Curbside Collection on behalf of Producers for Residential Blue Box Program, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Niagara Region **ELECT NOT** to 'opt in' to the continued provision of curbside collection of Blue Box materials (as defined by O. Reg 391/21), from residences, facilities, and public spaces on behalf of producers after Niagara Region's transition date of January 1, 2024;
2. That staff **BE DIRECTED** to notify Circular Materials Ontario and advise Local Area Municipalities of Niagara Region's decision respecting the provision of curbside collection of Blue Box materials; and
3. That, as a service to residents and in the interest of waste diversion, staff **BE DIRECTED** to develop and implement a communication strategy leading up the transition date (January 1, 2024) to advise residents of the changes to the residential Blue Box program.

A copy of PW 33-2023 is enclosed for your reference.

Yours truly,

A handwritten signature in black ink, appearing to read "Ann-Marie Norio".

Ann-Marie Norio
Regional Clerk

js

CLK-C 2023-84

Provision of Curbside Collection on behalf of Producers for Residential Blue Box
Program
August 11, 2023
Page 2

cc: S. Tait, Manager, Waste Policy and Planning
D. Carnegie, Acting Commissioner, Public Works
N. Coffey, Executive Assistant to the Commissioner, Public Works

Subject: Provision of Curbside Collection on behalf of Producers for Residential Blue Box Program

Report to: Public Works Committee

Report date: Tuesday, July 11, 2023

Recommendations

1. That Niagara Region **ELECT NOT** to 'opt in' to the continued provision of curbside collection of Blue Box materials (as defined by O. Reg 391/21), from residences, facilities, and public spaces on behalf of producers after Niagara Region's transition date of January 1, 2024;
2. That staff **BE DIRECTED** to notify Circular Materials Ontario and advise Local Area Municipalities of Niagara Region's decision respecting the provision of curbside collection of Blue Box materials; and
3. That, as a service to residents and in the interest of waste diversion, staff **BE DIRECTED** to develop and implement a communication strategy leading up the transition date (January 1, 2024) to advise residents of the changes to the residential Blue Box program.

Key Facts

- In accordance with O. Reg 391/21, Niagara Region will transition the residential Blue Box (includes Grey Box) program to full producer responsibility on January 1, 2024 and as of this date will no longer have financial or operational control over the program.
- While Niagara Region does not have any obligation to provide residential Blue Box collection beyond January 1, 2024, the Producer Responsibility Organization (PRO), Circular Materials Ontario (CMO), has reached out to eligible communities to provide curbside collection and related promotion and education services for eligible sources (residences, multi-residential buildings, some long term care homes and retirement homes and some public spaces) on their behalf for the transition period (January 1, 2024 to December 31, 2025 for Niagara Region) provided that eligible communities agree to CMO's terms and conditions contained within Statement of Works and a Master Service Agreement.

- Waste Management Services and Legal Services staff have reviewed the Statement of Works (SOW) and Master Service Agreement (MSA) and have identified significant risks with providing curbside collection from eligible sources including financial risks arising from the scope of work, service level obligations, change management, and termination clauses. Niagara Region would also need to enter into negotiations with existing contractors to amend current contracts to align with CMO's SOW and MSA.
- CMO has advised Niagara Region that they will not be making any changes to the SOW and MSA to address the concerns or discrepancies between their documents and Niagara Region's existing collection contracts and furthermore, Niagara Region's two collection contractors, Miller Waste Systems Inc. and GFL Environmental Inc. indicated they would not agree to the terms within CMO's SOW and MSA as currently written and presented. Both contractors have indicated that while they would not agree to some changes at all, some they would agree to but would come at a cost to Niagara Region.
- Due to the significant risks, CMO's decision not to change the SOW and MSA and Niagara Region's inability to pass along changes to the existing collection contracts to address some of the risks, it is recommended not to opt-in to the continued provision of curbside recycling services on behalf of CMO.
- Promotion and education, customer service and supply and distribution of containers including public space containers becomes the responsibility of CMO's contractor, effective January 1, 2024 with Niagara Region not opting in to provide collection services on CMO's behalf.

Financial Considerations

1. Compensation Offer

Compensation is being offered by CMO to eligible communities that collect recyclables from eligible sources (i.e. residences, multi-residential buildings, some schools and long term care homes and retirement homes and some public spaces) on their behalf and CMO did provide pricing based on stops per month; however, Niagara Region was not able to do a fulsome analysis on the offer as there are outstanding questions related to the offer (ex. did it include administrative costs, how fuel escalations would be handled with Niagara Region having one contractor using diesel and another using compressed natural gas, and it is subject to change prior to January 1, 2024 based on actual CPI

and fuel escalations instead of estimates). CMO did not provide staff with answers to the above questions regarding compensation.

Based on the preliminary price per stop per month offered to Niagara Region (which is subject to escalations), compensation appears to cover the anticipated 2024 Blue Box collection costs; however, the exact compensation amount from CMO may not be known until the transition date if inflationary factors (CPI and diesel index) are applied to CMO's compensation offer which has not been confirmed by CMO to date. Therefore, there is a risk that the compensation offered by CMO may not actually cover the full 2024 costs for recycling collection for eligible sources, which includes collection costs of approximately \$16 million dollars and subject to the points below.

As mentioned, there are also many unknowns related to the exact compensation offer from CMO and although it is currently estimated to cover Niagara Region's curbside Blue Box collection costs and associated administration costs, it can not be guaranteed. Moreover, there could be additional costs associated with opting in which are unknown at this time, including:

- Price increases to the existing collection contracts as a result of negotiations to address discrepancies with CMO's SOW and MSA. As discussed below in the report, the contractors are not willing to renegotiate existing contracts without additional costs to the Niagara Region which would not be funded by CMO;
- Additional administration time/costs on staff in order to meet reporting requirements as set out in CMO's documents; and
- Additional promotion and education costs needed to meet the requirements as set out in CMO's documents.

The risks of not being able to do a full analysis on the CMO offer include:

- The inability to accurately calculate the impact of changes in the assumptions included in CMO's offer leading up to the January 1, 2024 transition date. For example, staff were unable to determine what the impact on the compensation would be if specific escalation factors changed between now and the January 1, 2024 transition. This impacts the Region's ability to accurately estimate 2024 revenues from CMO in comparison to estimated collection costs;
- The impact of CPI and fuel market changes on the current CMO offer would not be known until close to the January 1, 2024 transition date and therefore there is

an inherent risk that the compensation amount may decrease and not provide sufficient funding to cover the Region's collection contract costs; and

- The current collection contracts have different annual escalation factors compared to the escalation factors included in CMO's offer. For example, Niagara Region's collection contracts have annual escalations with 80% of the escalation tied to CPI and 10% tied to changes in the fuel market. CMO's offer includes annual escalations with 80% of the escalation tied to CPI and 20% tied to fuel. Niagara Region does not have information on how CMO will handle the fuel escalations (with the Region having one contractor using diesel fuel and the other using compressed natural gas) and so staff were unable to calculate any potential fluctuations in the fuel market and how that would impact funding received from CMO and compare it against anticipated payments to the collection contractors;

2. Budgetary Considerations

In anticipation of the transition of responsibility for Blue Box collection from municipalities to producers, Niagara Region reserved a right in its collection contracts to remove the residential Blue Box related portion of work, subject to paying any reasonably incurred costs of the collection contractors in winding down that portion of the work (including the value of any stranded assets). In the current context, it is likely that the Region's collection contractors will be in a position to redeploy their capital assets, which mitigates against the risk of there being any stranded capital assets as a result of the removal of this portion of the work.

The decision to not opt-in to the Blue Box collection will result in expenditures associated with this service being removed from the operating budget effective January 1, 2024. The reduction in expenditures would be net of any one-time wind down costs such as potential amounts owing to Miller Waste Systems Inc. and GFL Environmental Inc. noted above. Any one-time wind down costs included in the 2024 operating budget would be removed from the 2025 operating budget with 2025 reflecting the first full year of ongoing collection costs (ex. garbage and organics collection and Blue Box collection from non-eligible sources which will remain the responsibility of Niagara Region following transition).

Staff will soon begin the 2024 operating budget process. Decisions made by Council (i.e., the decision to not opt in of residential Blue Box collection) will be reflected to the extent possible in the 2024 operating budget and the 2025/2026 multi-year budget where applicable. It is important to note that while costs for residential Blue Box

collection will be removed from the 2024 operating budget, this may not result in \$16 million savings in the budget when considering all other operating costs/decision points as part of the 2024 budget planning process. As an example, other operating budget impacts to be considered as part of the 2024 operating budget include, but are not limited to:

- Impact of any one-time wind down costs as noted above. The total amount of wind-down costs are undetermined at the time of writing this report and will be considered during the operating budget process;
- Reduction of Waste Diversion Ontario (WDO) funding (related to the blue box program) which Niagara Region will not longer receive effective January 1, 2024 as a result of the transition to full producer responsibility (2023 budget included WDO funding of \$6.2 million);
- Impact of budget mitigation strategies (including the Waste Management Stabilization reserve and capital reserves)
- Anticipated costs increases due to changes for collection and processing of recyclables from non-eligible properties (commercial) as a result of the transition to full producer responsibility.

Analysis

Background

In June 2021, the Province approved the Blue Box Regulation (O. Reg. 391/21) under the *Resource Recovery and Circular Economy Act*, 2016. This regulation removes the responsibility of the residential Blue Box (including Grey Box in Niagara Region) recycling programs from municipalities and makes Producers of Blue Box material directly responsible for their products and packaging once consumers dispose of them. Between July 1, 2023 and December 31, 2025 all existing residential Blue Box programs in Ontario will move to a single, provincial collection system funded, governed, and operated by the producers.

Eligible communities will start transitioning their residential Blue Box programs between July 1, 2023 and December 31, 2025. Niagara Region transitions on January 1, 2024.

As the majority PRO in Ontario, CMO has reached out to eligible communities to provide collection services on CMO's behalf from their transition date until December 31, 2025 (transition period). If an eligible community wants to provide residential Blue

Box services on behalf of CMO (opts in), they need to sign a contract with CMO and potentially revise the contracts with their current service providers based on the requirements outlined in the CMO contract. CMO has developed forms of contractual agreement (Statement of Works and overall, Master Service Agreement) for eligible communities wishing to opt in for curbside collection from residences, facilities (i.e., multi-residential buildings and some long-term care and retirement homes) and public spaces, depot collection, and delivering promotion and education. For some communities, opting in is beneficial as the community uses municipal forces to complete the work or does not have off-ramp clauses in their existing collection contracts, to allow them to terminate contracts.

If a municipality does not opt in for providing collection services on behalf of CMO, then CMO plans to approach the contracted service provider(s) in the eligible community (Niagara's current providers are Miller Waste Systems Inc./GFL Environmental Inc.) to determine if they would continue providing the service. If they do not wish to contract directly with CMO, CMO will award the work via a competitive Request for Proposal (RFP) to find a new service provider. However, both Miller and GFL Environmental Inc. have indicated that they are interested in negotiating with CMO directly to continue to provide residential Blue Box collection services in Niagara through the transition period. Miller Waste Systems Inc. and GFL Environmental Inc. have been successful in obtaining contracts with CMO to continue providing service in other communities, where the eligible community has elected to not opt in.

Statement of Works (SOW) and Master Service Agreement (MSA)

Confidential report PWC-C 2-2023 provided an overview of the main concerns with CMO's SOW for Collection from Residences, Facilities and Public Spaces and the MSA that eligible communities need to sign to provide services on CMO's behalf. These main concerns were related to the termination, procedures at the receiving facility, documentation, reporting and timelines, the contamination rate, pricing structures and escalations and the receiving facility location.

Legal services has provided an overview and more detailed concerns related to CMO's MSA and discrepancies between MSA and the existing collection contracts. This overview can be found in Confidential Memorandum PWC-C 5-2023. In addition to the concerns noted in PWC-C 5-2023, staff have reviewed the SOWs and below is a summary of the more substantive discrepancies between Niagara Region's existing collection contracts and concerns that could result in additional costs that Niagara Region could bear.

1. Procedures at Receiving Facility

Procedures the contractor will need to follow differ than what is currently in existing collection contracts. For example, a portion of curbside collection vehicles will need to go over weigh scales after emptying each compartment which is currently not a requirement.

2. Documentation, Reporting and Timelines

There are several documentation and reporting requirements and timelines set out with the Statement of Works that need to be met by Niagara Region. Some of the timelines may be difficult to meet. In addition, it would require amendments to existing contracts as the current contractors would be required to submit reports not included in existing contracts (ex. estimated fuel usage and kilometres driven).

3. Contamination Rate

An aggressive contamination target of four (4) percent is identified for collection from eligible sources without any compensation for any increased monitoring, promotion, education, and enforcement needed to try and meet this target. For comparison, Niagara Region's 2021 residue rate was approximately 10% (based on residential tonnes disposed). Niagara Region could be responsible for implementing a plan to mitigate contamination, including best practices as determined by CMO, at the Region's sole cost.

4. Pricing Structure and Escalations

The pricing structure, payment methods and escalations are not the same as Niagara Region's compensation methodologies. For example, for fuel and additional of eligible sources. For example, CMO will compensate eligible communities for collection services based a unit price for eligible sources whereas the Region's current collection contracts are fixed annual price. Fuel escalations in the CMO documents are based on 20% of unit price whereas Niagara Region's collection contract is based on 10% of the per annum contract price. Niagara Region also has one collection contractor using diesel and another using compressed natural gas and it is unclear how this will be reflected in the pricing and future escalations.

A prescribed change order process will need to be completed to add new eligible sources to ensure Niagara Region is compensated for servicing new locations for collection from residences, facilities, and public spaces. The same change order

process will need to be followed to remove any eligible sources. This may result in an administrative burden (at Niagara Region's expense) as currently escalations for new low density residential units is done on a yearly basis for the collection contracts. Differences in the pricing structure and escalations could result in discrepancies between payments from CMO and Niagara Region's expenses for the work.

5. Receiving Facility Location

The location of the receiving facility where Blue Box material will be required to be delivered is not specified within the SOWs. It is stated that the receiving facility will be within one (1) hour driving distance (one way) of the centre of each eligible community (local area municipalities). There will be no additional compensation provided if the receiving facility is farther than the current drop off location for recycling in existing contracts. While it is anticipated that the MRF located in Niagara Falls will be the location of the receiving facility, it has not been confirmed. In addition, CMO has not included any information on unloading times at the receiving facility. If the receiving facility is a farther distance than the existing MRF and unloading times are longer than currently experienced by the existing contractors, this could lead to increased expenses that Niagara Region will not be compensated by CMO for.

The Region would not have certainty of the location at the time of contract execution. If the location is farther than the current MRF, this may not be enough time if Niagara Region's existing contractors require more vehicles, if required.

In addition, if the receiving facility can not take the material, CMO may direct the vehicles to another receiving facility and Niagara Region will only be compensated if the location is beyond the one (1) hour. Any increased driving times to receiving facility may impact the ability of the contractors to complete collection and will increase costs.

Discussions and Correspondence with CMO

Since the last update provided in the confidential report PWC-C 2-2023, Niagara Region has had further correspondence with CMO regarding our concerns with the SOW and MSA. CMO has advised Niagara Region that they will not be making any changes to address our concerns and discrepancies between their documents and Niagara Region's existing collection contracts. If Niagara Region wishes to opt in and provide curbside collection on CMO's behalf, Niagara Region will need to execute these documents as is. Based on the risks and discrepancies between CMO's contract

documents and Niagara Region's current contracts, Niagara Region is not in a position to execute any agreements with CMO.

Discussions and Correspondence with Miller Waste Systems Inc. and GFL Environmental Inc.

As mentioned, there are several clauses in CMO's SOWs and MSA which differ from Niagara Region's existing contracts with Miller Waste Systems Inc. and GFL Environmental Inc. and as a result Niagara Region has had discussions with Miller Waste Systems Inc. and GFL Environmental Inc. The adoption of these new clauses with CMO would, in the case of "opting in", require that the existing collection contracts be amended to ensure alignment with the CMO agreement. Both contractors have indicated that they would not be able to agree to all of the changes that would be required to their existing contracts. Both contractors indicated that while some changes could be made to their existing collection contract to meet the requirements of CMO's SOW and MSA, some would be at an additional expense to Niagara Region. Any additional expenses would not be covered by CMO.

Challenges of Providing Recycling Services on Behalf of Producers

In addition to the concerns noted above in this report, some additional challenges of providing collection for eligible sources and promotion and education on behalf of producers during the transition period include:

- Promotion and costs could exceed the per-household payment of \$1.50 per household.
- There may be additional costs associated with providing and distributing recycling containers that are not covered by the compensation offered by CMO.
- Fundamentally, EPR is intended to reduce financial and operational burden on municipalities. By choosing to remain part of the system, Niagara Region will continue to pay for this work if compensation does not cover all the costs that may be required to provide service including any increases in staff time for overseeing the contract with CMO.

Changes to the Blue Box Program

With the introduction of the Blue Box regulation and producers taking over the responsibility of the Blue Box program, there will be changes to the existing program during the transition and post transition regardless if Niagara Region does not opt in to

provide collection on behalf of producers. Below is a summary of these changes for the transition and post-transition period.

Transition Period and Post Transition

- Removal of non-designated Blue Box material under the Blue Box regulation from the program such as books and flexible plastic used for the containment of food (ex. sandwich bags).
- CMO will be promoting that Blue Box Material should not be placed inside plastic bags when set out for collection as they have indicated this format is problematic for processing facilities.
- If Miller Waste Systems Inc. and GFL Environmental Inc. are successful in contracting with CMO during the transition period, there should be little disruption to the existing collection service but collection times, for example, could change.
- CMO's contractor will be responsible for the purchase and distribution of containers including public space containers which is currently done by Niagara Region and the local area municipalities. Niagara will still be responsible for Green Bins and containers for non-eligible sources. Broken containers are currently collected by recycling collection vehicles and therefore, a new procedure for containers CMO's contractor is not responsible for will be required.
- CMO's contractor will be responsible for the operation of a customer service centre and therefore, residents will need to call a different number for issues related to Blue Box collection with Niagara Region electing to not opt in. Niagara Region will still be responsible for calls from non-eligible sources and garbage and organics related collection issues/questions.

Post Transition

- Starting January 1, 2026, producers are only required to collect Blue Box material every other week.
- More materials will be accepted in the Blue Box program than currently accepted. New items will include single use plastics such as plates, cutlery and straws and multi-laminated packaging.
- Collection methodology could change (ex. move to cart collection or single stream collection); however, CMO has indicated they do not plan to change the methodology at this time.

- The number of public space recycling containers collected by CMO may change as the Blue Box regulation states the number of public space recycling containers producers are required to collect and it is based on a density formula.

Next Steps

Niagara Region will notify CMO, the collection contractors and the local area municipalities of the recommendations related to the residential Blue Box program. In addition, staff will be reporting back to Committee on the provision of depot collection services on behalf of CMO during the transition period and the collection of Blue Box material from non-eligible sources (i.e., Industrial, Commercial, and Institutional) which are not included in O. Reg 391/21.

Alternatives Reviewed

An alternative is to opt-in and provide collection of eligible sources on behalf of producers during the transition period regardless of the compensation and concerns and discrepancies outlined in the Statement of Works and Master Service agreements.

There are short-term benefits associated with providing collection from eligible sources, and related promotion and education on behalf of producers during the transition period (January 1, 2024 to December 31, 2025). However, it should be noted that by opting in, the transition is just delayed until December 31, 2025 and these benefits are only temporary. There are still risks associated with providing collection on behalf of the producers during the transition period.

The benefits include:

- Residents can continue to contact Niagara Region in the event of collection issues, etc. during the transition period (until December 31, 2025).
- The container distribution centre locations remaining the same for the transition period (however, if Miller Waste Systems Inc. and GFL Environmental contract directly with CMO, they may wish to work with Niagara Region and the local area municipalities to continue to operate container distribution centre locations).
- Niagara Region to continue to approve collection from new developments and set-out services (collection of material from alternative location for those who cannot physically take material to the curb for collection) for all material streams during the transition period.

Opting in is not being recommended due to the risks outlined in this report and there is potential the existing collection contractors will continue to provide collection reducing the risk of substantive changes.

Relationship to Council Strategic Priorities

This report strategically enforces Council's Responsible Growth and Infrastructure Planning as it relates to waste management programs and Sustainable and Engaging Government as it relates to fiscally sustainable services and exploring efficiencies.

Other Pertinent Reports

PWC Presentation - Residential Blue Box Transition (February, 14, 2023)

PWC-C 2-2023- A Matter of Plans and Instructions for Negotiations to be Carried out by the Municipality, under s.239(2)(k) of the Municipal Act, 2001 - Provision of Services on Behalf of Producers for Residential Blue Box Program

WMPSC-C 13-2023 - An Update on the Residential Blue Box Program Transition

WMPSC-C 7-2023 - Residential Blue Box Transition - Decision Points

PWC-C 22-2022 - Blue Box Transition Update

PW 48-2021 - Residential Blue Box Program – Authorization to Negotiate with Producers

PWC-C 24-2021 - Residential Blue Box Program – Final Producer Responsibility Regulation

PW 48-2020 - Residential Blue Box Program – Proposed Producer Responsibility Regulation

PW 23-2020 - Residential Blue Box Program Transition to Full Producer Responsibility

Prepared by:

Sherri Tait
Manager, Waste Policy and Planning
Waste Management, Public Works

Recommended by:

Dan Carnegie
Commissioner of Public Works (Acting)
Public Works Department

Submitted by:

Ron Tripp, P.Eng.
Chief Administrative Officer

This report was prepared in consultation with Brian Wilson, Legal Counsel, Andrea Wheaton, Program Financial Specialist and reviewed by Catherine Habermehl, Director, Waste Management Services

FAQ Residential Blue Box Transition

BACKGROUND

- The Province of Ontario's Ministry of Environment, Conservation and Parks (MECP) under the Resource Recovery and Circular Economy Act of 2016 released a new Blue Box regulation on June 2021 making producers of Blue Box (and Grey Box in Niagara Region) recycling materials fully responsible for their products and packaging once consumers dispose them. The new Blue Box Regulation identifies that between July 1, 2023 and December 31, 2025 all existing residential Blue Box programs in Ontario will transition to a single provincial collection system, funded, overseen, and operated by producers.
- Producers are those that supply Blue Box material (packaging, paper products or packaging-like products) comprised of paper, glass, metal or plastic, or a combination of these materials to consumers in Ontario. Producers can sign up with Producer Responsibility Organizations (PROs) to help them meet their regulatory requirements.
- Previously gross costs of residential recycling collection programs were split approximately 50/50 between municipalities (taxpayer) and producers of Blue Box (and Grey Box in Niagara) recycling materials (e.g. paper and consumer packaging like cardboard, glass, plastic, metal and combined materials)
- Circular Materials Ontario (CMO) is a registered Producer Responsibility Organization (PRO). Under the new full producer responsibility framework, CMO is the administrator and responsible for setting up contracts to collect and receive Blue Box material across the province.
- Niagara Region will transition to full producer responsibility by January 1, 2024 and during the transition period (until December 31, 2025), producers are to maintain existing level of Blue Box collection services until the transition to a single provincial Blue Box collection system is completed. The exception is that some materials that Niagara Region currently collects (e.g. books and flexible plastics used for the containment of food (ex. sandwich bags and freezer bags)) will no longer be accepted after January 1, 2024.
- The transition period will end on December 31, 2025 and in 2026 a new Blue Box Program with standardized materials, diversion targets, material sources etc. will be in effect for the province of Ontario under the new Blue Box Regulation and changes to collection service levels may occur.

FAQ Residential Blue Box Transition

FAQ

1. What does this mean for Niagara Region, its residents and Local Area Municipalities?

- As of January 1, 2024, Circular Materials Ontario (CMO) will take over the delivery of residential recycling collection services currently administered by Niagara Region. This could be done through negotiating with the existing service providers (Miller Waste Systems and GFL Environmental).
- The existing curbside recycling collection services should remain the same throughout the transition period until December 31, 2025; however, some materials such as books and flexible plastics used for containment of food (e.g. sandwich and freezer bags) will no longer be accepted. These materials will need to be placed in the garbage.
- Niagara Region will continue to maintain existing curbside garbage including large household items, organics (green bin), leaf and yard waste collection services.

2. Who will be affected by the change in Blue Box recycling collection?

- Eligible properties will now be serviced by CMO. Eligible properties include low density residential/single family homes, multi-residential properties, specified non-profit/municipal long term and retirement homes, specific public spaces (e.g. parks, playgrounds, sidewalks), public/private schools, and the residential components of mixed-use buildings
- Industrial, commercial and some institutional (IC&I) establishments are NOT captured in the new Blue Box regulation; therefore, providing Blue Box recycling collection services to this non-eligible sector will continue to be the responsibility of Niagara Region subject to approval of Regional Council. A report will be going to Council in September 2023. Any changes will be communicated to businesses in writing in advance of the change.

3. Will there be changes to the current waste collection schedule?

- Residential properties should not expect a change to their collection day or collection frequency (once per week) because CMO is required to maintain current service levels during the transition period (until December 31, 2025). In January 1, 2026, CMO can make changes to the service and will be responsible for informing residents.
- Materials should continue to be set out at the curb by 7:00 a.m. on designated collection days to ensure pick up.
- CMO will be promoting that Blue Box Material should not be placed inside plastic bags when set out for collection as they have indicated this format is problematic for processing facilities.

FAQ Residential Blue Box Transition

4. Who will be responsible for providing customer contact services for recycling collection inquiries?
 - As of January 1, 2024, CMO's will be responsible for providing customer contact services for inquiries related to recycling collection for eligible properties. As information becomes available, this contact information will be published on Niagara Region's webpage.
 - For recycling collection inquiries from IC&I or non-residential properties (businesses, commercial components of mixed-use buildings, municipal properties, and places of worship) continue to contact the Waste Info Line at 905-356-4141 or 1-800-594-5542 or wasteinfo@niagararegion.ca.
5. Who will be responsible for customer contact services for inquiries related to garbage/Green Bin/leaf and yard waste collection?
 - For all inquiries related to curbside garbage/Green Bin/leaf and yard waste, continue to contact the Waste Info Line at 905-356-4141 or 1-800-594-5542 or wasteinfo@niagararegion.ca
 - Residents can also download the Niagara Region Waste App on Google Play or the App Store for an address specific collection calendar, collection reminders, service impact notifications, scheduling a large item collection, report illegal dumping and use the Waste Wizard to find out how to properly dispose of waste material.
6. Who will be responsible for distribution and replacement of Blue Box recycling containers?
 - The new Blue Box regulation assigned the responsibility of distribution and replacement of recycling containers for eligible properties to CMO and its contracted recycling collection service provider. As more information becomes available, Niagara Region's webpage will be updated to reflect changes, if any, and new contact information.
 - For non-eligible properties, they can refer to the Region's webpage for container distribution centers or cart order forms (include webpage links).
 - Niagara Region will still be responsible for the distribution of green bins.
7. What other changes in Blue Box recycling are expected following transition to full producer responsibility as of January 1, 2026?
 - There will be additional items that will be added to the Blue Box program which were previously not accepted starting January 1, 2026. Some of these items include:
 - Straws, cutlery and plates
 - Multi-laminate packaging like drink pouches and frozen food pouches
 - While the Blue Box regulation allows for changes to recycling collection (i.e. move to single stream recycling from dual stream recycling (Blue and Grey

FAQ Residential Blue Box Transition

Box)) and every other week collection post transition (2026), CMO has indicated they do not have plans on making changes at this time.

8. Why is Niagara Region transitioning out of Blue Box recycling collection as of January 1, 2024 if the transition period is not until December 31, 2025?
 - Circular Materials Ontario (CMO), reached out to communities including Niagara Region to provide curbside collection and related promotion and education services for eligible sources (residences, multi-residential buildings, some long term care homes and retirement homes, some schools and some public spaces) on their behalf for the transition period provided that Niagara Region agree to CMO's terms and conditions.
 - Niagara Region identified significant risks with providing the service on behalf of CMO and recommended to Regional Council not to provide curbside recycling services and to transition out on January 1, 2024 to minimize any financial and risk impacts.
9. How will property taxes be affected as a result of this new Blue Box regulation?
 - In 2023, staff estimated a \$5.8 million reduction in net residential collection for 2024.
 - Estimate will change based on:
 - Decisions that still need to be made by Council e.g. continue to provide remaining recycling programs and services not covered under the new Blue Box Regulation and potential contract termination costs.
 - Inflationary pressures
 - Beginning in 2020 reserves were used to mitigate increases knowing that we'd have these future cost savings related to the recycling collection to use to return funds to reserves.
10. What will happen to the Blue Box (and Grey Box in Niagara) recycling materials after it is collected?
 - The collected Blue Box recycling materials will be delivered to a Receiving Facility, which is the Recycling Centre located in Niagara Falls.
11. What will happen to Niagara Region's Recycling Centre in Niagara Falls?
 - Due to the legislative changes, Niagara Region sold its recycling centre to Emterra Environmental as of April 21, 2023 to ensure Niagara did not end up with a stranded asset. Emterra is operating the site as a recycling processing facility.

Laura Bubanko

From: FONOM Office/ Bureau de FONOM <fonom.info@gmail.com>
Sent: July 19, 2023 11:24 AM
Subject: FONOM's Housing Resolution - Seeking Support
Attachments: Municipality Version of Housing Resolution.pdf; Email for FONOM Housing Resolution.pdf

Categories: Green Category

WARNING: This email originated from an external sender. eMail from City of Welland email accounts will not begin with this warning! Please do not click links or open attachments unless you are sure they are safe!

Good morning

PLEASE SHARE THIS EMAIL WITH YOUR COUNCIL

A need for affordable housing and support for people at risk of homelessness impacts every community across Ontario. Many Councils have supported previous housing Resolutions, seeking help to address the challenges seen in our communities. For several years, FONOM has heard Minister Steve Clark comment about Ontario needing a better deal from the Federal Government. Below is a part of Minister Clark's speech at the 2022 AMO Conference.

"Ontario is currently being underfunded by approximately \$490 million for housing and homelessness over the term of the National Housing Strategy based on the province's level of Core Housing Need, which is the highest in the country." Also, stated, "We need our municipal partners to stand shoulder-to-shoulder with us and urge the federal government to pay its fair share, so we can continue working together to deliver support and resources to vulnerable populations."

FONOM is non-partisan, but the Board believes supporting more funding to address Ontario's Housing challenges should be supported! Therefore, the Board has written and Supported the attached Resolution, and they firmly ask for your consideration and support at your Councils. The Resolution is lengthy, but it speaks to the data, the current funding, and what should be changed to help Ontario achieve better.

Thanks you

Danny Whalen

President of FONOM

PS: Attached in the second document are the email addresses mentioned in the last paragraph of the Resolution. Also, a Word Version of the Resolution will be available upon request.

Talk soon, Mac

Mac Bain
Executive Director
The Federation of Northern Ontario Municipalities
615 Hardy Street North Bay, ON, P1B 8S2
Ph. 705-498-9510



WHEREAS the Federal and Provincial Governments need to support their most vulnerable households, the ones who are or are at risk of becoming homeless. Overall, housing and services for low-income, vulnerable, or marginalized people should be a primary consideration moving forward so we help those who need it the most.

WHEREAS the _____Community _____ understands every community across Ontario is impacted by a need for affordable housing and support for people at risk of homelessness. Municipal governments are working in collaboration with all orders of government to invest in permanent solutions to the housing and homelessness crisis in Ontario.

WHEREAS the _____Community _____ understands that the Federal **National Housing Strategy** allocation formula to provinces and territories for jointly funded housing initiatives, roughly follows their share of the national population. This approach leaves Ontario underfunded because, as per the 2021 Census figures, the number of Ontario households in **Community Housing Network** as a share of the national total is 44.1 percent, which is well above the provincial share of the national population at 38.5 percent. This is also by far the highest share of national **Community Housing Network** relative to every other province and territories.

WHEREAS receiving a by-population allocation from the federal government hampers Ontario's ability to reach more of those households in need that require assistance with housing.

WHEREAS the lack of ongoing federal operating funding for **National Housing Strategy** initiatives leads to significant underfunding for subsidized housing projects and can undermine the physical and financial viability of the community housing stock.

WHEREAS a similar situation occurs with federal homelessness funding to Ontario through **Reaching Home**, where the share allocated to Ontario is also below the provincial share of **Community Housing Network** nationally.

WHEREAS there is an inequitable distribution of **Reaching Home** funding in Ontario as only 25 of 47 Service Managers have designated communities receiving funding under the program, despite the prevalence of need across the entire Province.

WHEREAS _____Community _____ understand the federal government takes the position that its role is to provide capital funding while Provinces and Territories are to fund operating expenses, but this approach does not create an equitable sharing of the burden of funding long-term operating costs, which continue for the life of a project.

WHEREAS taken altogether, the underfunding to Ontario for housing and homelessness relative to its share of national **Canadian Housing Network** amounts to approximately \$480 million over the term of the Federal **National Housing Strategy**.

WHEREAS the federal government previously provided leadership in ensuring the long-term financial and physical viability of the social housing stock under the **Social Housing Agreement** for several decades through federal social housing operating agreements that provided funding for both mortgages and operating costs.

WHEREAS without some flexibility on the part of the federal government, Ontario and its municipalities will be poorly positioned to take advantage of this funding, and this will turn into a significant missed opportunity, leading to a further deterioration in the long-term physical and financial sustainability of the community housing stock.

THEREFORE, BE IT RESOLVED, _____Community _____ also supports the provincial ask for federal operating funding for **National Housing Strategy** initiatives.

THEREFORE, BE IT RESOLVED would appreciate the federal effort to repurpose this funding quickly from the main **National Housing Co-Investment Fund** program line, Service Managers across the province have indicated their challenges with meeting the terms of the federal proposal, particularly as they relate to cost matching and meeting the requirements for greenhouse gas emissions, energy efficiency and accessibility.

THEREFORE, BE IT RESOLVED that _____Community _____ would like need-driven indicators incorporated into the funding allocation formulas for all federal programs.

THEREFORE, BE IT RESOLVED that FONOM appreciates the federal government's commitment to end chronic homelessness and wishes this to be inclusive across all areas of our province by expanding Reaching Home funding to all Service Managers.

THEREFORE, BE IT RESOLVED, FONOM also supports the provincial position in relation to the provinces and territories **Repair Fund** under the **National Housing Co-Investment Fund**

THEREFORE, BE IT RESOLVED, FONOM supports the Province of Ontario position on the application-based \$4 billion federal **Housing Accelerator Fund**. We wish to emphasize the importance of providing municipalities with maximum support in preparing applications to the HAF, understanding that some rural and northern municipalities may face capacity challenges in applying to this program on the anticipated tight timelines.

THEREFORE, BE IT RESOLVED, _____Community _____ wish to request that **Canadian Mortgage and Housing Corporation** consider actions taken by municipalities under the province's **Housing Supply Action Plans** into account when assessing municipal applications, recognizing that these initiatives have the potential to significantly increase the supply of housing in our communities.

THEREFORE, BE IT RESOLVED, _____Community _____ believes the lack of ongoing federal operating funding for **National Housing Strategy** initiatives leads to significant underfunding for subsidized housing projects and can undermine the physical and financial viability of the community housing stock.

THEREFORE, BE IT RESOLVED, _____ Community _____ believe the federal government should heed the precedent of the **Social Housing Agreement** and recommit itself to funding operating costs that often stretch out over decades for the lifetime of a housing project. As an example, the **Rapid Housing Initiative's** 20-year affordability requirement and lack of federal operating dollars will very likely result in housing providers asking Service Managers and the provincial government to fund operating expenses to ensure the long-term affordability of units given housing providers' limited revenue-raising capacity.

THEREFORE, BE IT RESOLVED This lack of ongoing federal operating funding for **National Housing Strategy** initiatives leads to significant underfunding for subsidized housing projects and can undermine the physical and financial viability of the community housing stock.

THEREFORE, BE IT RESOLVED, _____ Community _____ urges the Federal Government provide additional funding for Ontario so that we can deal with our shortages of safe and affordable housing and at the same time build safer and healthier communities for all our residents.

FURTHER IT BE RESOLVED THAT a Copy of the Resolution be forward to the individuals listed below for consideration and support, Prime Minister Trudeau, Minister Ahmed Hussen, _____ Your Federal Member _____, Premier Ford, Minister Clark, __your _____ Member of Provincial Legislation, Leaders of the Federal and Provincial Opposition Parties, the Association of Municipalities of Ontario (AMO), and the Federation of Northern Ontario Municipalities.

Tara Stephens
City Clerk
City of Welland
60 Main Street East
Welland, ON
L3B 3X4

August 17, 2023

Re: Council Inquiry

Dear Ms. Stephens

In response to a motion passed at City Council on July 18, 2023, Region staff have reviewed the following:

- Feasibility of the installation of a PXO on Regional Road 50 (Niagara Street) in the area of Ross Public School

It should be noted that part of the Council motion included the justification “due to speeding”, and City Council is requesting that the Region install a PXO on Niagara Street to facilitate safe crossing. The installation of a PXO would not be considered as a speed control, rather a control to allow for the protected crossing of pedestrians on Regional Road 50. Additionally, there is an existing School Crossing slightly north of Harcourt Lane.

Speeding may continue to be an issue, whether a protected crossing is installed or not. For the purpose of this request, Region staff will focus on the potential for a protected crossing as requested by City Council at its meeting of July 18, 2023.

Region staff are not opposed to a full review of the pedestrian activity in the area of Ross Public School. To capture a full picture of the pedestrian movement and needs in the area, it would be best to conduct this study during the upcoming school year. This will ensure that staff are capturing the movement and needs of pedestrians during the busiest time of year. Given the presence of Notre Dame, St Kevin Catholic & Ross Public Schools, the timing of the pedestrian counts both during and outside school hours is critical.

Should the warrant process indicate a positive outcome for the addition of a PXO, the current timeline for implementation is in the area of 12-18 months (pending budget

approval). Results of the study will be provided when available, estimated to be the end of October.

I trust the information above adequately addresses Council's request of July 18, 2023. Should you have any further questions please reach out at your convenience.

Thank you,



Frank Tassone, C.E.T.
Director Transportation Services

cc. Dan Carnegie (Niagara Region)

G. Munday, (City of Welland)

FT/cs

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August 23, 2023

CL 12-2023, August 17, 2023

CSC 8-2023, August 9, 2023

CSC-C 18-2023, August 9, 2023

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SENT ELECTRONICALLY

Referred Motion – Support for Association of Municipalities of Ontario (AMO) Municipal Code of Conduct Recommendations

CSC-C 18-2023

Regional Council, at its meeting held on August 17, 2023, passed the following recommendation of its Corporate Services Committee:

That Correspondence Item CSC-C 18-2023, dated August 9, 2023, respecting Referred Motion – Support for Association of Municipalities Ontario (AMO) Municipal Code of Conduct Recommendations, **BE RECEIVED** and the following **BE APPROVED**:

WHEREAS Bill 5, known as the “Stopping Harassment and Abuse by Local Leaders Act”, was an important piece of legislation to strengthen accountability for council members, but failed upon second reading in the Provincial legislature in May 2023;

WHEREAS Bill 5 was endorsed by over 170 municipalities in Ontario including the Niagara Region, recognizing the importance of aligning council conduct policies with workplace violence and harassment policies;

WHEREAS a safe and respectful work environment is a basic expectation for all Ontarians;

WHEREAS serving our communities in a leadership role is a privilege and a responsibility;

WHEREAS improving local public discourse will improve public confidence in local government and increase respect for our municipal institutions and the work we do;

WHEREAS democracy suffers when the public loses confidence in their representatives and institutions; and

WHEREAS the Ministry of Municipal Affairs launched consultation on strengthening municipal codes of conduct in March of 2021 without any further update.

NOW THEREFORE BE IT RESOLVED:

1. That Regional Council **SUPPORTS** the recommendations made by AMO that:
 - a) Codes of Conduct should be updated to include workplace safety and harassment policies;
 - b) Codes of Conduct should have an escalating enforcement mechanism through administrative monetary penalties that recognize local circumstances;
 - c) Integrity Commissioners should have better, standardized training to improve consistency of decisions across the province;
 - d) In the most egregious cases, such as harassment or assault, municipalities should be able to apply to a judge to remove a sitting member if recommended by an Integrity Commissioner;
 - e) A member removed under this process should be unable to sit in another election during the term of office removed and the subsequent term;
2. That Regional Council **URGES** the Ontario Government to table and pass legislation to make these changes as soon as possible;
3. That Regional Council **REINFORCES** that the time to act is past due as articulated and expressed by AMO; and

That this motion **BE CIRCULATED** to AMO and Niagara members of provincial parliament and local area municipalities.

A copy of CSC-C 18-2023 is enclosed for your reference.

Yours truly,



Ann-Marie Norio
Regional Clerk

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CLK-C 2023-091

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