



**TOWNSHIP OF WEST LINCOLN
ADMINISTRATION/FINANCE/FIRE COMMITTEE
AGENDA**

MEETING NO. FIVE

Monday, May 16, 2022, 6:30 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

**** NOTE TO MEMBERS OF THE PUBLIC:**

Due to efforts to contain the spread of COVID-19 and to protect all individuals, the Council Chamber will not be open to the public to attend Standing Committee or Council meetings until further notice.

**** Virtual Attendance & Participation:**

Members of the public who wish to participate by providing oral comments for matters that are on the agenda must attend the virtual meeting by obtaining a Zoom invite in advance by emailing jscime@westlincoln.ca by May 16, 2022 before 4:30p.m. Those who wish to observe the meeting may view the meetings livestream which can be found on the Council and Committee Calendar on the Township's website.

Pages

1. CHAIR - Councillor Jason Trombetta

Prior to commencing with the Administration/Finance/Fire Committee meeting agenda, Chair Trombetta will make the following announcements:

1. Due to efforts to contain the spread of COVID-19 and to protect all individuals, the Council Chamber will not be open to the public to attend Standing Committee and Council meetings until further notice.
2. The public may submit comments for matters that are on the agenda to jscime@westlincoln.ca before 4:30 pm on the day of the meeting. Comments submitted will be considered as public information and read into public record.
3. This meeting will be livestreamed as well as recorded and will be available on the Township's website following the meeting.

2. LAND ACKNOWLEDGEMENT STATEMENT

The Township of West Lincoln, being part of Niagara Region is situated on treaty land. This land is steeped in the rich history of the First Nations such as the Hatiwendaronk (Hat-i-wen-DA-ronk), the Haudenosaunee (Hoe-den-no-SHOW-ee), and the Anishinaabe (Ah-nish-ih-NAH-bey), including the Mississaugas of the Credit First Nation. There are many First Nations, Métis, and Inuit people from across Turtle Island that live and work in Niagara today. The Township of West Lincoln, as part of the Regional Municipality of Niagara, stands with all Indigenous people, past and present, in promoting the wise stewardship of the lands on which we live.

- 3. CHANGE IN ORDER OF ITEMS ON AGENDA
- 4. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST
- 5. APPOINTMENTS

There are no appointments/presentations.

6. REQUEST TO ADDRESS ITEMS ON THE AGENDA

NOTE: Procedural By-law Section 10.13(5) – General Rules

One (1) hour in total shall be allocated for this section of the agenda and each individual person shall only be provided with five (5) minutes to address their issue (some exceptions apply). A response may not be provided and the matter may be referred to staff.

- 1. The Chair to inquire if the IT Manager was aware if there were any members of the public who were in attendance virtually on the Zoom meeting call who wished to address a specific item on tonight's Administration/Finance/Fire Committee agenda, as permitted under Section 6.7 of the Procedural By-law.
- 2. The Chair to inquire if the Clerk had received any emails or correspondence from a member of the public prior to 4:30 p.m. today who wished to address a specific item on tonight's Administration/Finance/Fire Committee agenda, as permitted under Section 6.7 of the Procedural By-law.

7. CONSENT AGENDA ITEMS

NOTE: All items listed below are considered to be routine and non-controversial and can be approved by one resolution. There will be no separate discussion of these items unless a Council Member requests it, in which case the item will be removed from the consent resolution and considered immediately following adoption of the remaining consent agenda items.

7.1. ITEM 32-22
CONSENT AGENDA ITEMS

RECOMMENDATION:

That the Administration/Finance/Fire Committee hereby approves the following Consent Agenda Items:

- 1. Items 1, 2 and 3 be and are hereby received for information
with the exception of Item #(s)_____
- 1. Information Report T-12-2022 - Financial Update as of April 30, 2022 6
- 2. Information Report WFLD-06-2022 - Monthly Update April 2022 13
- 3. Information Report CAO-02-2022 - Disconnecting from Work Policy 16

8. COMMUNICATIONS

8.1. ITEM A33-22 23

Anita Philpott, Secretary/Treasurer, West Niagara Agricultural Society
Re: 2022 West Niagara Fair be designated as a "Community Festival" in order to obtain a Special Events Permit from the Ontario Alcohol & Gaming Commission

RECOMMENDATION:

1. That, the correspondence from Anita Philpott, Secretary/Treasurer, of the West Niagara Agricultural Society, dated April 28, 2022 requesting that the 2022 West Niagara Fair be designated as a "Community Festival" in order to obtain a Special Events Permit from the Ontario Alcohol & Gaming Commission, be received; and,
2. That, the Council of the Corporation of the Township of West Lincoln hereby designate the 2022 West Niagara Fair as a "Community Festival of Municipal Significance" in accordance with the Liquor License Act of Ontario and the Alcohol and Gaming Commission of Ontario, which festival is to be held from Friday, September 9th to and including Sunday, September 11th, 2022, at the West Niagara Agricultural Centre, 7402 Mud Street, Grassie.

9. STAFF REPORTS

9.1. ITEM A34-22

24

Director of Legislative Services/Clerk (Joanne Scime)
Re: Recommendation Report C-02-2022 - Restricted Acts of Council (Lame Duck Periods): Period 1) From August 19, 2022 and October 24, 2022 and; Period 2) from October 24th, 2022 to November 14th, 2022)

RECOMMENDATION:

1. That, Recommendation Report C-02-2022, regarding "Restricted Acts of Council (Lame Duck Periods) Period 1) From August 19, 2022 and October 24, 2022 and; Period 2) from October 24th, 2022 to November 14th, 2022", dated May 16, 2022, be received; and,
2. That, notwithstanding the provisions of the Township's Tendering and Purchasing Policy and Delegation of Powers and Duties Policy, Council adopt the attached draft By-law which delegates authority to the Chief Administrative Officer (CAO), for a specific time period, as outlined in Section 275 of the Municipal Act.

9.2. ITEM A35-22

29

Director of of Legislative Services/Clerk (Joanne Scime)
Re: Recommendation Report C-03-22 - Inaugural Meeting of Council Procedural By-law Amendment

RECOMMENDATION:

1. That, Recommendation Report No. C-03-2022 regarding "Inaugural Meeting of Council Procedural By-law Amendment", dated May 16, 2022, be received for information; and,

2. That, Section 2.1 (Inaugural Meeting) of the Township of West Lincoln's Procedural By-law 2013-58 (as amended), be further amended to set a date, time and location for the Inaugural Meeting of Council as provided in Schedule "A" to this report; and,
3. That, the 2022 Inaugural Meeting of Council be held on Monday, November 21, 2022 at the West Lincoln Community Centre commencing at 7 p.m.

9.3. ITEM 36-22

33

Fire Chief/CEMC (Dennis Fisher)

Re: Recommendation Report WLFD-07-2022 - New Fire Station # 2
Tender Report

RECOMMENDATION:

1. That, Recommendation Report WLFD-07-2022 Re: New Fire Station # 2 Tender Report, dated May 16, 2022 be accepted; and,
2. That the tender be awarded to Niacon Construction in the amount of \$3,456,590.00; (excluding HST); and,
3. That, Council approve a total budget of \$3,950,000 for the replacement of Fire Station #2; and,
4. That, Council approve Budget Amendment BA2022-04 for \$1,250,000 as outlined in this report; and,
5. That a bylaw be adopted to authorize the Mayor and Clerk to sign an agreement with Niacon Construction for the construction of New Fire Station # 2 in the amount of \$3,456,590.00 (excluding HST).

9.4. ITEM 37-22

41

Director of Finance and Treasurer (Donna DeFillippis)

Re: Recommendation Report T-13-2022 - Development Charges
Interest Policy under Sections 26.1 and 26.2 of the Development
Charges Act

RECOMMENDATION:

1. That, Recommendation Report T-13-2022 regarding "Development Charges Interest Policy under Sections 26.1 and 26.2 of the Development Charges Act", dated May 16, 2022, be received; and,
2. That, "Interest Policy under Sections 26.1 and 26.2 of the Development Charges Act", as attached as Appendix A to this report be approved; and,
3. That, a \$400 administrative fee for payment defaults under Section 26.1 of the Development Charges Act be approved; and,
4. That, By-Law 2002-115 be updated to include the \$400 administrative fee for payment defaults under Section 26.1 of the

Development Charges Act.

10. OTHER BUSINESS

10.1. ITEM A38-22

Members of Committee

Re: Verbal Updates from Members of Boards and Committees - If required

10.2. ITEM A39-22

Members of Council

Re: Other Business Items of an Informative Nature

11. NEW BUSINESS

NOTE: Only for items that require immediate attention/direction and must first approve a motion to introduce a new item of business. (Motion Required)

12. CONFIDENTIAL MATTERS

There are no confidential matters.

13. ADJOURNMENT

The Chair to declare the meeting adjourned at the hour of [time]

DATE: May 16, 2022

REPORT NO: T-12-2022

SUBJECT: Financial Update as of April 30, 2022

CONTACT: Donna DeFilippis, Director of Finance and Treasurer

OVERVIEW:

- Presentation and analysis of operating and capital expenditures as of April 30, 2022

RECOMMENDATION:

That, Information Report T-12-2022, regarding the “Financial Update as of April 30, 2022”, dated May 16, 2022, be received for information.

ALIGNMENT TO STRATEGIC PLAN:

Theme #6

- Efficient, Fiscally Responsible Operations- the Township of West Lincoln is a lean organization that uses sustainable, innovative approaches and partnerships to streamline processes, deliver services and manage infrastructure assets.

BACKGROUND:

The Finance Department has completed a review of operating results up to the end of April 30, 2022. **Appendix A** is a summary of the Operating Revenues and Expenditures up to April 30, 2022. The analysis has taken into account the timing and seasonality of certain budget lines. The column titled “Budget” under the “Operating YTD” heading on the attached analysis indicates the portion of the budget that would be expected to be expended as of April 30, 2022. This report summarizes the actual operating expenditures up to April 30, 2022 by service area. **Appendix B** to this report is a presentation of April 30, 2022 results by “object” code and includes Capital expenditures. **Appendix C** to this report is a listing of the Township Reserve Balances projected to December 31, 2022. **Appendix D** to this report provides a summary of costs incurred as a result of the Covid-19 pandemic as of April 30, 2022.

CURRENT SITUATION:

Revenue Analysis:

All revenue items are currently on track, with the exception of Facility Rentals, which have

been impacted by COVID-19 related closures. Details regarding COVID-19 are provided further in the report. Council has approved the final 2022 tax rates and final property tax bills will be issued in late June, with two instalment dates proposed for the end of July and the end of September.

Expenditure Analysis:

Township operating budgets are currently within the approved budget and at this point there are no items of concern.

Financial Impact of COVID-19:

The COVID-19 pandemic continues to impact the finances of the Township in 2022.

Appendix C outlines the costs and lost revenue as a result of COVID-19 up to April 30, 2022. On January 3, 2022, the Provincial government announced that Ontario would move to a modified Step 2 of its Roadmap to Reopen, effective January 5, 2022 at 12:01a.m. This meant the closure of the Community Centre until January 30th, 2022, with a re-opening date of January 31, 2022. This closure impacted the Facility Rental Income that the Township collects. In addition, the Township was required to screen visitors to our facilities for proof of vaccination by QR (Quick Response) code and ID for all patrons 12 and over up to March 1, 2022.

Staff are fortunate that the Township has been in receipt of Provincial Funding to assist with the financial burden that the COVID-19 pandemic and response plan has had on the Township. In 2020, the Township received \$329,800 from the Province of Ontario through the Safe Restart Agreement, of which \$48,087 has been transferred into the Contingency Reserve to be used to fund 2021 COVID-19 costs. In December 2020, the Province announced that it would transfer an additional \$66,000 to the Township to assist with the COVID 19 impacts. Finally, on March 4th, 2021 funding of \$267,744 was announced from the Province through the 2021 COVID-19 Recovery Funding for Municipalities program. This last allocation was based on a formula that takes into account the proportion of COVID-19 cases in the local health unit between January 1 and February 18, 2021. In total, \$381,831 in funds were available in 2021 to assist with COVID-19 impacts to the Township Operating fund. At the end of 2021, staff were able to retain \$96,802.28 of this funding to use for 2022 COVID 19 costs.

In addition, Township staff made application through the Niagara Region for consideration for funding to assist with costs incurred and revenue lost in relation to the Township's role in hosting COVID-19 vaccination clinics. Staff were informed by Niagara Region staff on March 31st, 2022 that the full amount applied for: \$50,063.99 was approved by the Province and would be forwarded to the Township. This funding, along with previous unallocated provincial grants provides the Township **\$146,866.27** to fund COVID-19 related costs and to off-set lost revenues. **Appendix D** indicates that as of April 30, 2022, the Township has incurred a total of \$85,400 in lost revenues and additional costs related to COVID-19.

Purchasing Activity:

The Township's purchasing policy grants the CAO purchasing authority up to \$100,000.

The chart below summarizes the approvals from the CAO up to April 30, 2022.

Vendor	Amount	Project
LandSource Organix	\$ 18,313.46	Overseed and Repair the East and West front lawn areas at the West Lincoln Community Center

The above purchase is being funded through the West Lincoln Community Center Maintenance Holdback held by the Township.

FINANCIAL IMPLICATIONS:

Amendments to the approved budget are requested by staff when they become aware of changes to the original Council approved budget. As part of the 2022 budget approval, Council approved the following recommendation:

“7. That, Council delegate authority to the CAO to approve in year 2022 budget amendments up to \$20,000 per item and to report to Council on a monthly basis regarding such amendments; and, “

Any amounts over \$20,000 would go directly to Council for approval

To date, the following budget amendments have been approved:

Number	Description	Amount	Funding Source
BA2022-01	Finance Department Digitalization	\$ 143,000.00	Provincial Grant
		\$ 17,676.00	Contingency- Modernization Grant - leftover budget project
		\$ 10,000.00	Technology - leftover Financial software project
		\$ 7,324.00	Operating Budget- Consulting
		\$ 178,000.00	Total
BA2022-02	Grader Purchase	\$ 63,000.00	Equipment Reserve
BA2022-03	Road Rehabilitation Project	reallocation	reallocation

INTER-DEPARTMENTAL COMMENTS:

This report has been reviewed by the CAO.

CONCLUSION:

It is concluded that Council receive the Financial Update as of April 30, 2022 Report as an item of information.

Prepared & Submitted by:



Donna DeFilippis, Director of Finance

Approved by:



Bev Hendry, CAO

TOWNSHIP OF WEST LINCOLN

For the Four Months Ending April 30, 2022

		Operating YTD				Operating Total		
		Actuals	Budget	Variance (\$)	Variance (%)	Budget	Variance (\$)	Variance (%)
General	General	(\$3,965,647.36)	(\$3,306,480.00)	\$659,167.36	(20.%)	(\$9,919,570.00)	(\$5,953,922.64)	60.%
	Equipment	-248,855.23	50.00	248,905.23	497810.%		248,855.23	0.%
Total General		-4,214,502.59	-3,306,430.00	908,072.59	(27.%)	-9,919,570.00	-5,705,067.41	58.%
General Government								
	Governance	117,596.71	96,810.00	-20,786.71	(21.%)	297,400.00	179,803.29	60.%
	Corporate Management	220,866.91	599,043.32	378,176.41	63.%	1,809,670.00	1,588,803.09	88.%
Total General Government		338,463.62	695,853.32	357,389.70	51.%	2,107,070.00	1,768,606.38	84.%
Protection Services								
	Fire	580,795.31	481,220.00	-99,575.31	(21.%)	1,367,480.00	786,684.69	58.%
	Building Permit & Inspection Services	265,873.36	33,396.68	-232,476.68	(696.%)	102,510.00	-163,363.36	(159.%)
	Provincial Offences Act		-7,840.00	-7,840.00	100.%	-23,500.00	-23,500.00	100.%
	Animal Control	4,983.76	7,160.00	2,176.24	30.%	21,500.00	16,516.24	77.%
Total Protection Services		851,652.43	513,936.68	-337,715.75	(66.%)	1,467,990.00	616,337.57	42.%
Transportation Services								
	Roads Paved &Unpaved	638,489.03	762,210.00	123,720.97	16.%	2,283,770.00	1,645,280.97	72.%
	Traffic Operations & Roadside Maintenanc	70,201.83	82,140.00	11,938.17	15.%	248,430.00	178,228.17	72.%
	Winter Control	542,854.74	220,620.00	-322,234.74	(146.%)	640,500.00	97,645.26	15.%
	Crossing Guards	24,130.68	26,520.00	2,389.32	9.%	67,320.00	43,189.32	64.%
	Streetlights	10,372.87	9,380.00	-992.87	(11.%)	28,300.00	17,927.13	63.%
	Bridges & Culverts	167,470.55	78,880.00	-88,590.55	(112.%)	236,700.00	69,229.45	29.%
Total Transportation Services		1,453,519.70	1,179,750.00	-273,769.70	(23.%)	3,505,020.00	2,051,500.30	59.%
Environmental Services								
	Wastewater	259,363.54	-92,210.00	-351,573.54	381.%		-259,363.54	0.%
	Storm Sewer	2,521.37	38,520.00	35,998.63	93.%	115,500.00	112,978.63	98.%
	Water	568,846.68	-330.00	-569,176.68	172478.%		-568,846.68	0.%
Total Environmental Services		830,731.59	-54,020.00	-884,751.59	1638.%	115,500.00	-715,231.59	(619.%)
Heath Services								
	Cemeteries	49,378.45	54,400.00	5,021.55	9.%	164,380.00	115,001.55	70.%
Total Heath Services		49,378.45	54,400.00	5,021.55	9.%	164,380.00	115,001.55	70.%
Recreation & Cultural Services								
	Parks	79,733.19	138,060.00	58,326.81	42.%	490,730.00	410,996.81	84.%
	Recreation Programs	41,681.92	130,470.00	88,788.08	68.%	400,300.00	358,618.08	90.%
	Recreational Facilities	251,926.81	160,470.00	-91,456.81	(57.%)	514,650.00	262,723.19	51.%
	Libraries	209,986.32	234,900.00	24,913.68	11.%	720,100.00	510,113.68	71.%
Total Recreation & Cultural Services		583,328.24	663,900.00	80,571.76	12.%	2,125,780.00	1,542,451.76	73.%
Planning & Development								
	Planning & Heritage	272,902.81	127,826.64	-145,076.17	(113.%)	384,560.00	111,657.19	29.%
	Drainage	12,771.99	14,630.00	1,858.01	13.%	43,880.00	31,108.01	71.%
	Farmers' Market	9,687.30	1,280.00	-8,407.30	(657.%)	5,390.00	-4,297.30	(80.%)
Total Planning & Development		295,362.10	143,736.64	-151,625.46	(105.%)	433,830.00	138,467.90	32.%
		187,933.54	-108,873.36	-296,806.90	273.%		-187,933.54	0.%

TOWNSHIP OF WEST LINCOLN
Summary of All Units
For the Four Months Ending April 30, 2022

	YTD				Annual		
	Budget	Actual	Variance (\$)	Variance (%)	Budget	Remaining (\$)	Remaining (%)
Operating Revenue							
Tax Levy	\$2,825,840.00	\$4,114,294.30	(\$1,288,454.30)	(46.%)	\$8,477,470.00	\$4,363,175.70	51.%
Street Light Levy	24,560.00	41,329.19	-16,769.19	(68.%)	73,590.00	32,260.81	44.%
Sidewalk Levy	37,080.00	57,639.27	-20,559.27	(55.%)	111,180.00	53,540.73	48.%
Supplemental Levy	20,400.00		20,400.00	100.%	61,200.00	61,200.00	100.%
Payment In Lieu	239,080.00	512.67	238,567.33	100.%	717,300.00	716,787.33	100.%
User Fees	1,972,196.68	1,245,535.70	726,660.98	37.%	5,917,140.00	4,671,604.30	79.%
Government Transfers	359,280.00	610,777.84	-251,497.84	(70.%)	1,077,710.00	466,932.16	43.%
Other Revenue	315,760.00	185,143.03	130,616.97	41.%	947,360.00	762,216.97	80.%
Allocation of Program Support	515,000.00	1,544,940.00	-1,029,940.00	(200.%)	1,544,940.00		0.%
Funding From Reserves	572,220.00	45,000.00	527,220.00	92.%	1,380,640.00	1,335,640.00	97.%
Total Operating Revenue	6,881,416.68	7,845,172.00	-963,755.32	(14.%)	20,308,530.00	12,463,358.00	61.%
Operating Expenses							
Salaries and Wages	1,920,166.68	1,754,823.53	165,343.15	9.%	5,783,110.00	4,028,286.47	70.%
Benefits	560,310.00	463,174.19	97,135.81	17.%	1,643,740.00	1,180,565.81	72.%
Debt Interest	198,720.00	238,781.91	-40,061.91	(20.%)	596,070.00	357,288.09	60.%
Administrative Expenses	110,920.00	57,704.71	53,215.29	48.%	333,790.00	276,085.29	83.%
Supplies and Equipment	142,730.00	124,390.47	18,339.53	13.%	429,330.00	304,939.53	71.%
Repairs and Maintenance (Materials Only)	576,560.00	453,448.22	123,111.78	21.%	1,730,340.00	1,276,891.78	74.%
Utilities	168,960.00	110,477.68	58,482.32	35.%	507,580.00	397,102.32	78.%
Insurance	106,920.00	131,426.15	-24,506.15	(23.%)	320,620.00	189,193.85	59.%
Subscriptions and Periodicals	2,600.00	5,100.04	-2,500.04	(96.%)	7,860.00	2,759.96	35.%
Contracted Services	1,224,460.00	501,079.20	723,380.80	59.%	3,674,920.00	3,173,840.80	86.%
Special Projects	192,166.64	113,970.60	78,196.04	41.%	576,500.00	462,529.40	80.%
Rents and Financial Expenses	15,040.00	4,693.87	10,346.13	69.%	45,100.00	40,406.13	90.%
External Transfers	12,760.00	35,000.00	-22,240.00	(174.%)	38,360.00	3,360.00	9.%
Internal Functional Adjustments	230,480.00	691,140.00	-460,660.00	(200.%)	691,140.00		0.%
Allocation of Program Support	284,590.00	853,800.00	-569,210.00	(200.%)	853,800.00		0.%
Tax Write Off	30,440.00	25,623.09	4,816.91	16.%	91,420.00	65,796.91	72.%
Debt Principal	258,360.00	264,473.30	-6,113.30	(2.%)	774,950.00	510,476.70	66.%
Contribution to Reserves	736,360.00	2,209,900.00	-1,473,540.00	(200.%)	2,209,900.00		0.%
Total Operating Expenses	6,772,543.32	8,039,006.96	-1,266,463.64	(19.%)	20,308,530.00	12,269,523.04	60.%
Operating Surplus/(Deficit)	108,873.36	-193,834.96	302,708.32	278.%		193,834.96	0.%
Capital Revenue							
User Fees	105,636.00		105,636.00	100.%	316,900.00	316,900.00	100.%
Government Transfers	789,832.00	334,345.49	455,486.51	58.%	2,369,500.00	2,035,154.51	86.%
Other Revenue	1,000.00	10,000.00	-9,000.00	(900.%)	3,000.00	-7,000.00	(233.%)
Funding From Reserves	544,784.00		544,784.00	100.%	1,634,350.00	1,634,350.00	100.%
Total Capital Revenue	1,441,252.00	344,345.49	1,096,906.51	76.%	4,323,750.00	3,979,404.51	92.%
Capital Expenditures							
Land Improvements	43,332.00		43,332.00	100.%	130,000.00	130,000.00	100.%
Facilities	306,668.00	48,157.68	258,510.32	84.%	920,000.00	871,842.32	95.%
Equipment	81,988.00	64,439.27	17,548.73	21.%	245,950.00	181,510.73	74.%
Rolling Stock	191,332.00	505,586.93	-314,254.93	(164.%)	574,000.00	68,413.07	12.%
Transportation Infrastructure	790,000.00	30,124.92	759,875.08	96.%	2,370,000.00	2,339,875.08	99.%
Environmental Infrastructure	27,936.00		27,936.00	100.%	83,800.00	83,800.00	100.%
Total Capital Expenditures	1,441,256.00	648,308.80	792,947.20	55.%	4,323,750.00	3,675,441.20	85.%
Capital Surplus/(Deficit)	-4.00	-303,963.31	303,959.31	(7598983.%)		303,963.31	0.%

RESERVE FUND AND RESERVE BALANCES PROJECTED TO DECEMBER 31, 2022

		CLOSING	COMMITMENTS	UNCOMMITTED
RESERVE FUNDS:				
BUILDING REVENUES RESERVE	\$	380,117	\$ 276,337	\$ 103,780
LIBRARY	\$	327,145	\$ 128,721	\$ 198,425
TOTAL RESERVE FUNDS	\$	707,263	\$ 405,058	\$ 302,205
RESERVES:				
HOSPITAL RESERVE	\$	1,452,167	\$ -	\$ 1,452,167
SEWER PROJECTS	\$	1,934,224	\$ 1,065,258	\$ 868,967
WIND TURBINE COMMUNITY FUND RESERVE	\$	945,023	\$ 623,656	\$ 321,366
CAPITAL	\$	1,992,059	\$ 1,105,202	\$ 886,857
CONTINGENCIES	\$	1,403,440	\$ 906,571	\$ 496,869
WINTER CONTROL	\$	638,000	\$ -	\$ 638,000
INDUSTRIAL PARK	\$	455,759	\$ -	\$ 455,759
WATER DEPT. PROJECTS	\$	1,367,493	\$ 513,800	\$ 853,693
SETTLEMENT ROAD AGREEMENT RESERVE	\$	957,204	\$ 582,443	\$ 374,761
FIRE RESERVE	\$	1,898,991	\$ 542,136	\$ 1,356,855
FACILITY RESERVE	\$	453,116	\$ 167,359	\$ 285,757
BRIDGES	\$	585,090	\$ 185,682	\$ 399,408
INSURANCE	\$	187,655	\$ 21,000	\$ 166,655
SIDEWALKS	\$	187,402	\$ -	\$ 187,402
ELECTION EXPENSE	\$	153,231	\$ 130,130	\$ 23,101
PLANNING RESERVE	\$	557,627	\$ 529,275	\$ 28,352
TECHNOLOGY	\$	194,363	\$ 82,918	\$ 111,446
STREET LIGHTS	\$	64,752	\$ -	\$ 64,752
WORKING FUNDS	\$	45,159	\$ 45,150	\$ 9
WLCC (WEST LINCOLN COMMUNITY CENTER)	\$	183,167	\$ -	\$ 183,167
CEMETARIES	\$	78,595	\$ 40,000	\$ 38,595
EQUIPMENT RESERVE	\$	1,569,254	\$ 1,629,472	\$ -60,218
TOTAL RESERVES	\$	17,303,771	\$ 8,170,053	\$ 9,133,718
TOTAL RESERVE FUNDS AND RESERVES				\$ 9,435,923

FINANCIAL IMPACT OF COVID-19 AS OF APRIL 30, 2022

REVENUE LOSS

Closures

Facility Rental	\$	47,910.00
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\$	47,910.00
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ADDITIONAL EXPENSES

Supplies and Contracted Services	\$34,740.00
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Additional Staffing Costs	\$2,750.00
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TOTAL ADDITIONAL EXPENSES	\$	37,490.00
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COVID COSTS AND LOST REVENUE	\$	85,400.00
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Funds Available in Contingency Reserve	\$	146,866.27
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DATE: May 16, 2022
REPORT NO: WLFD-06-2022
SUBJECT: **Monthly Update April 2022**
CONTACT: Dennis Fisher, Fire Chief

OVERVIEW:

- This report will address April 2022 fire responses and activities.

RECOMMENDATION:

That, Information Report WLFD-06-2022 regarding “Monthly Update – April 2022”, dated May 16, 2022, be received for information purposes.

ALIGNMENT TO STRATEGIC PLAN:

Theme #5

- Community Health and Safety – Fostering a safe community where residents can thrive throughout their lives.

Theme #6

- Efficient, Fiscally Responsible Operations – maintaining a lean organization with innovative approaches and strong asset management.

CURRENT SITUATION:

Emergency Response Calls – April 2022

Station # 1 – 22 Station # 2 – 5 Pelham – 1

Incident	Call Date	Call Time	Nature	District
2022-005165	04/30/2022	9:38:59	5 - Emergency Medical Assistance	St # 1
2022-005151	04/30/2022	1:08:55	5 - Emergency Medical Assistance	St # 1
2022-005029	04/26/2022	23:25:32	5 - Emergency Medical Assistance	St # 1
2022-005027	04/26/2022	22:30:40	4 - Mvc Unknown Extrication	St # 1&2
2022-005011	04/26/2022	14:01:24	41 - Mvc Extrication	St # 1&2

2022-005009	04/26/2022	12:29:54	54 - Vsa/Unconscious	St # 1
2022-004987	04/25/2022	18:46:01	5 - Emergency Medical Assistance	St # 1
2022-004850	04/23/2022	9:07:54	1 - Structure Fire	St # 1&2
2022-004833	04/22/2022	21:35:28	33 - Burning Complaint	St # 1
2022-004778	04/21/2022	18:52:48	4 - Mvc Unknown Extrication	St # 1
2022-004620	04/18/2022	6:45:24	54 - Vsa/Unconscious	St # 1
2022-004545	04/16/2022	11:57:37	41 - Mvc Extrication	St # 1
2022-004536	04/16/2022	4:19:26	5 - Emergency Medical Assistance	St # 1
2022-004477	04/15/2022	11:50:01	3 - Grass Fire	St # 1&2
2022-004473	04/15/2022	11:02:30	54 - Vsa/Unconscious	St # 1
2022-004321	04/12/2022	3:08:46	54 - Vsa/Unconscious	St # 1
2022-004267	04/11/2022	4:00:56	4 - Mvc Unknown Extrication	St # 1
2022-004217	04/09/2022	21:50:21	5 - Emergency Medical Assistance	Pel # 3
2022-004151	04/08/2022	2:07:18	53 - Carbon Monoxide No Sympt	St # 1
2022-004047	04/05/2022	19:41:47	5 - Emergency Medical Assistance	St # 1
2022-004040	04/05/2022	17:55:46	5 - Emergency Medical Assistance	St # 1
2022-004031	04/05/2022	15:33:51	8 - Non-Emergency Assistance	St # 1
2022-004012	04/05/2022	9:17:05	54 - Vsa/Unconscious	St # 1&2
2022-003913	04/03/2022	1:08:36	41 - Mvc Extrication	St # 1
2022-003851	04/01/2022	14:35:25	4 - Mvc Unknown Extrication	St # 1&2

District Legend:

Grimsby = GR, Pelham = Pel, Haldimand = HD, Lincoln = L

New Retirees

- Nothing to report

New Recruits

- New Recruit class training is ongoing

Promotion

- Lieutenant - Training Officer – Posted for Station # 2
- Lieutenant - Fire Prevention / Public Education for Station # 1

Training**April Training**

April 6 – Building Construction – both stations

April 13 – Fire Behaviour – both stations

April 20 – Tools & small equipment – both stations

April 27 - Business meeting / truck maintenance – both stations

May Training

May 4 – Forcible entry / Portable Extinguishers both stations

May 11 - Forcible entry / Portable Extinguishers both stations

May 18 - Officers meeting – ladders – both stations

May 25 - Business meeting / truck maintenance – both stations

Fire Prevention

- Staff will be hosting a junior kindergarten class May 7th for truck tour

Apparatus Fleet

- New Fire Tanker – Construction is ongoing

Fire Department Activities

- Station # 2 New Fire Hall – is ongoing

Mutual Aid

- Nothing to report

Prepared & Submitted by:

Dennis Fisher
Fire Chief / CEMC

Approved by:

Bev Hendry
CAO

DATE: May 16, 2022

REPORT NO: CAO-02-2022

SUBJECT: **Disconnecting from Work Policy**

CONTACT: Joanne Scime, Director of Legislative Services/Clerk
Bev Hendry, CAO

OVERVIEW:

- The Province recently introduced amendments to the Employment Standards Act (ESA) applicable to employers with 25 or more employees regarding an employee's right to disconnect from work.
- Employers that employ 25 or more employees as of January 1, 2022, have until June 2, 2022 to have a written policy in place on disconnecting from work.
- Written policy must be on "disconnecting from work," which is defined to mean not engaging in work-related communications, including emails, telephone calls, video calls or sending or reviewing other messages, to be free from the performance of work.
- Disconnecting from Work Policy must apply to all employees (full time, part time, casual, non-union, union etc.)

RECOMMENDATION:

That, Recommendation Report CAO-02-2022 regarding "Disconnecting from Work Policy" dated May 16, 2022, be received for information.

ALIGNMENT TO STRATEGIC PLAN:

Theme #6

- Efficient, Fiscally Responsible Operations – Maintaining a lean organization with innovative approaches and strong asset management.

BACKGROUND:

The Ontario government passed Bill 27, Working for Workers Act, 2021 in December 2021. The Bill, among other things, amends the Employment Standards Act, 2000 (ESA) to require employers with 25 or more employees to have a written policy with respect to disconnecting from work, as defined. Employers with 25 or more employees as of January 1, 2022 have until June 2, 2022 to have a written policy with respect to disconnecting from work in place.

The term “disconnecting from work” is defined in the ESA to mean not engaging in work-related communications, including emails, telephone calls, video calls or sending or reviewing other messages, to be free from the performance of work. Bill 27 does not create a new right for employees to disconnect from work and be free from the obligation to engage in work-related communications; employee rights under the ESA to not perform work are established through other ESA rules including hours of work and eating periods, vacation with pay, public holidays, and when work is “deemed” to be performed (Ontario Regulation 285/01).

CURRENT SITUATION:

It is important for the Township to be in compliance with “new” obligations under the ESA regarding the “right to disconnect” from work. To comply with the new legislation, the written policy must apply to all employees of the municipality who are covered by the ESA, be “with respect to” disconnecting from work (as defined); and include the date the policy was prepared and the dates that any changes were made to the policy. While the policy content must be “with respect to” disconnecting from work, the organization determines the policy content.

The policy that is being presented is one overarching policy for all employees of the municipality; however, if deemed more appropriate then separate policies could be established for different parts of the workforce. This policy is meant to encourage and support employees in balancing their working and personal lives and prioritizing their own wellbeing by making them conscious of their ability to disconnect from work where possible.

The main obligation of the employer is to ensure that all employees are informed of what their normal working hours are reasonably expected to be and are informed of the circumstances, if any, in which they will be expected to engage in work-related communications outside their normal working hours. Other obligations to be mindful of that may be set out in other legislation, HR policies or collective agreements include limitations on weekly hours of work, the ability to take meal and rest breaks, and the ability to take vacation or other leave entitlements.

Employees are obligated to cooperate with mechanisms utilized by the organization to record working time or update status, be mindful of others’ working hours, take ownership of their work and meet the organization’s operational needs, and notify their supervisor if they were unable to exercise any entitlements that they may have.

Employees are expected and required to report any concerns or issues they may have with respect to their ability to disconnect from work and will not be subject to reprisal for reporting such concerns.

The ability to disconnect from work depends on the organization’s operational needs and the duties and obligations of the employee’s position (subject to the ESA, HR policies, or applicable collective agreement) and nothing precludes the organization from contacting employees (or employees contacting each other), subject to the receiving employees’ rights or entitlements. This Policy should be read alongside the

Township's associated policies including, but not limited to, the Council-Staff Relations Policy, policies regarding vacation, hours of work, and paid holidays for non-union staff, and applicable collective agreements for unionized staff. An accompanying procedure has been prepared to assist management and staff with the implementation and maintenance of this policy.

The policy be circulated to existing employees and any new employees. Circulation of the policy will be delivered to employees by either hardcopy or by electronic copy with proof of receipt to be provided by the employee.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with the implementation of this policy.

INTER-DEPARTMENTAL COMMENTS:

This report was reviewed by the CAO. The policy was shared with members of the Senior Management Team and the Township's HR Lawyer and any comments received were reviewed and incorporated as appropriate.

CONCLUSION:

Employee health and well-being are priorities while working and away from work. The Township of West Lincoln is committed to increasing overall employee health and wellness and providing employees with a better work-life balance.

This policy is meant to encourage and support employees in balancing their working and personal lives and prioritizing their own wellbeing by making them conscious of their ability to disconnect from work where possible.

Prepared & Submitted by:



Joanne Scime
Director of Legislative Services/Clerk

Approved by:



Bev Hendry
CAO

TITLE: Disconnecting from Work Policy
POLICY NO.: POL-ADMIN-01-2022
APPROVAL DATE: May 24, 2022
EFFECTIVE DATE: May 24, 2022
POLICY AMENDED: N/A

PURPOSE AND OBJECTIVE

Work related pressure and the inability to disconnect from employment can lead to stress and deterioration of mental health. The purpose of this policy is to support staff wellness and minimize excessive sources of work-related stress. The Township of West Lincoln ("Township") encourages and supports employees in prioritizing their own wellbeing, in part by having the capacity to disconnect from work as appropriate.

Disconnecting from work is important for an individual's wellbeing and helps employees achieve a healthy and sustainable work-life balance. The Township supports employees in balancing their work and personal lives, whether working traditional hours in the workplace, remotely or flexibly. This policy will encourage employees to disconnect from work where both possible and appropriate.

DEFINITIONS

Disconnect from Work: means to not engage in any work-related communications, including emails, phone calls, video calls, sending or reviewing messages so as to be free from the performance of work.

Collective Agreement: means any collective agreement in place from time to time between the Township and a Union representing its Workers.

Exceptional Circumstances: as recognized under the Employment Standards Act, 2000, are those circumstances in which excess hours of work are required to avoid serious interference with the Township's business or operations in order to:

- Deal with an emergency
- Ensure the continued delivery of essential public services as a result of unforeseen occurrences
- Ensure continuous processes or seasonal operations as a result of unforeseen occurrences
- To carry out urgent repair work to the Township's plant or equipment.

Worker: for the purpose of this policy a “Worker” shall mean all Township employees (including full time, part time and casual employees).

SCOPE

This policy applies to all Workers as defined herein (whether they are working remotely or in the workplace). This Policy should be read in conjunction with the Employment Standards Act, 2000 (the “ESA”), other applicable legislation, any employment contract, any Collective Agreement, the Township’s associated policies and any other policies that may become applicable and/or relevant to hours of work and working conditions.

POLICY AND PROCEDURE

1. Employer Responsibilities

- 1.1 The Township shall make best efforts to ensure that all Workers, regardless of their place of work, are:
 - 1.1.1 Adequately informed regarding their regular working hours and the circumstances in which they will be expected to engage in work-related communications outside their regular working hours;
 - 1.1.2 Able to take applicable meal, rest periods, hours free work, public holidays and vacation as required by the ESA, by employment contract, associated policies, the Collective Agreement and/or other applicable legislation; and
 - 1.1.3 Able to take vacation or other leave entitlements, as required by the ESA, by employment contract, associated policies, the Collective Agreement and/or other applicable legislation.
- 1.2 The Township shall comply with the employment standards provided for under the ESA, any employment contract, any associated policies, any Collective Agreement and/or other applicable legislation (including standards regarding hours of work, excess hours of work, meal periods, rest periods, overtime, hours free from work, public holidays and vacation).

2. Worker Responsibilities

- 2.1 All Workers shall comply with the following the course of their work:
 - 2.1.1 Cooperate fully with any applicable mechanism utilised by the Township to record working time or update their working status (i.e. out of office messages), including when working remotely or flexibly;
 - 2.1.2 Be mindful of the working hours and working conditions for colleagues, customers/clients, vendors and other third parties;
 - 2.1.3 Ensure that they take ownership of their work and meet the Township’s operational needs;
 - 2.1.4 Work the hours required or necessary in Exceptional Circumstances as permitted under the ESA;

- 2.1.5 Comply with the Township's vacation and overtime policy, including the requirement to obtain approval before performing overtime work; and
- 2.1.6 Notify their supervisor or manager, in writing and in a timely manner, of any right or entitlement they were unable to exercise and the reasons why.

3. Ability to Disconnect from Work

- 3.1 A Worker's ability to Disconnect from Work is dependent upon the Township's operational needs and the duties and responsibilities of the Worker's position, subject to the ESA, any employment contract, any associated policies, any Collective Agreement and/or other applicable legislation.
- 3.2 Workers shall be required to work excess hours in Exceptional Circumstances as permitted under the ESA.
- 3.3 Nothing in this policy shall afford Workers any right to Disconnect from Work beyond any right under the ESA, other applicable legislation, any employment contract, any Collective Agreement or the Township's associated policies regarding rights or entitlements to hours of work, excess hours of work, hours free from work, overtime or overtime pay, meal and/or rest periods, public holidays and vacation.
- 3.4 Nothing in this policy is intended to amend or supersede any grievance procedure or other aspect of any applicable Collective Agreement.

4. Reporting Concerns

- 4.1 All Workers are expected and required to report any concerns or issues they may have regarding their ability to Disconnect from Work in a timely manner.
- 4.2 All Workers are encouraged to report any such concern or issue to their immediate supervisor. If that is no appropriate or the matter cannot be resolved by doing so, Workers should direct their concerns or issues to Human Resources.
- 4.3 Workers shall not be subject to reprisal for reporting any such concern or issue as outlined above.

5. Communication and Retention

- 5.1 The Township shall provide a copy of this policy to each Worker within 30 calendar days of implementation. Should any changes be made to the policy after its implementation, the Township shall provide each Worker with a copy of the revised policy within 30 days of the changes being made.
- 5.2 The Township shall provide a copy of this policy to all new Workers upon onboarding and within 30 calendar days of the Worker commencing employment with the Township.

5.3 The Township shall retain a copy of this and any revised version of this policy for three years after it ceased to be in effect.

RELATED POLICIES AND PROCEDURES

[Collective Agreement – April 2019 – March 2023](#)

[Non-Union Personnel Policy POL-C-01-02 \(as amended\)](#)

REFERENCES AND RESOURCES

[Occupational Health and Safety Act](#)

[Ontario Employment Standards Act](#)

[Ontario Human Rights Code](#)



WEST NIAGARA AGRICULTURAL SOCIETY

7402 Mud St., Grassie, ON L0R 1M0
T: 905-309-9939 Email: info@westniagarafair.ca www.westniagarafair.ca

April 28, 2022

Council of the Township of West Lincoln

Attention: Joanne Scime, Clerk
318 Canborough St.
PO Box 400
Smithville, ON L0R 2A0

Dear Members,

Re: 2022 West Niagara Fair hosted by the West Niagara Agricultural Society

The **West Niagara Fair** will be held from Friday, September 9, 2022 up to and including Sunday, September 11, 2022. The Fair will be held on the grounds of the West Niagara Agricultural Centre & Fairgrounds at 7402 Mud Street, Grassie, ON.

The West Niagara Agricultural Society is a registered Canadian charity (#119019875RR0001). Through this letter, we respectfully ask that Council designate the West Niagara Fair as a "Community Festival". This designation is required to obtain a Special Events Permit from the Ontario Alcohol and Gaming Commission.

We ask that you give our request your consideration at the next upcoming Council meeting. Please contact the undersigned with any questions or concerns.

Sincerely,

Anita Philpott
Secretary/Treasurer.

Email: info@westniagarafair.ca
Tel: Office (905)309-9939

DATE: May 16, 2022

REPORT NO: C-02-2022

SUBJECT: Restricted Acts of Council (Lame Duck Periods): Period 1) From August 19, 2022 and October 24, 2022 and; Period 2) from October 24th, 2022 to November 14th, 2022)

CONTACT: Joanne Scime, Director of Legislative Services/Clerk

OVERVIEW:

- The objective of this report is to obtain Council approval to delegate specific authority to the CAO during the period of time in which Council has restrictions imposed upon its actions pursuant to Section 275 of the Municipal Act (commonly referred to as Restricted Acts after Nomination Day or after Voting Day, commonly known as the Lame Duck Provision).

RECOMMENDATION:

1. That, Recommendation Report C-02-2022, regarding “Restricted Acts of Council (Lame Duck Periods) Period 1) From August 19, 2022 and October 24, 2022 and; Period 2) from October 24th, 2022 to November 14th, 2022”, dated May 16, 2022, be received; and,
2. That, notwithstanding the provisions of the Township's Tendering and Purchasing Policy and Delegation of Powers and Duties Policy, Council adopt the attached draft By-law which delegates authority to the Chief Administrative Officer (CAO), for a specific time period, as outlined in Section 275 of the Municipal Act.

ALIGNMENT TO STRATEGIC PLAN:

Theme #6

Efficient, Fiscally Responsible Operations

- The Township of West Lincoln is a lean organization that uses sustainable, innovative approaches and partnerships to streamline processes, deliver services and manage infrastructure assets.

BACKGROUND:

The Municipal Act, 2001 establishes the governing authority for municipalities and municipal councils in Ontario.

Under Section 275 of the Municipal Act, a Municipal Council is prohibited from performing certain actions in a municipal election year where it is determined that there will be a material change in its membership during the next term of office. This is commonly referred to as the 'restricted acts clause' (or a 'lame duck' Council).

The restricted acts clause may be triggered depending on the outcome of two key dates in an upcoming municipal election: Period 1) Nomination Day (i.e., the final day to submit nominations for office) and Period 2: Final Voting Day.

If it is apparent that the incoming council will be comprised of less than three quarters (i.e., 75%) of its current membership, the council is required to refrain from certain acts until its next term begins.

As such, the Township of West Lincoln Council could be in a restricted acts situation during one or both of the following timeframes in 2022:

- Period 1) Nomination Day through to the end of the current term of Council (August 19, 2022 – November 14, 2022); or,
- Period 2) Final Voting Day in the 2022 Municipal Election through to the end of the current term of Council (October 24, 2022 – November 14, 2022)

CURRENT SITUATION:

The purpose of this report is to delegate certain powers to the Chief Administrative Officer (CAO) after Nomination Day (August 19, 2022) but before voting day (October 24, 2022), based on the nominations to the new Council that have been certified and any acclamations made to the new Council.

The second period of time would commence after Voting Day (October 24, 2022) which the determination shall be based on the declaration of the results of the election including declarations of election by acclamation to the end of the current term of Council (November 14, 2022).

As the Council for the Township of West Lincoln is comprised of seven (7) members, the restricted acts clause would apply if fewer than six (6) incumbent Members of Council were to return for the 2022-2026 term. If this occurs, Council would be precluded from making any decisions on the following matters until the end of the current term (November 14, 2022) as provided in Section 275(3) of the Municipal Act, 2001, S.O. 2001, c. 25.

The following are the provisions as provided pursuant to Section 275(3) of the Municipal Act, 2001 which the Council shall not take any action described during the two periods noted above:

- the appointment or removal from office of any officer of the municipality;
- the hiring or dismissal of any employee of the municipality;
- the disposition or purchase of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal; and
- making any expenditures or incurring any other liability which exceeds \$50,000;

The restrictions on the actions identified in Section 275(3) (c) and (d) do not apply if the disposition or liability was included in the most recent budget adopted by Council before Nomination Day. The Act also provides for a municipality to take any action in the event of an emergency.

Council maintains the authority to delegate these certain powers to a person or body if the delegation is made prior to Nomination Day (August 19, 2022). Delegating this authority is typically provided to ensure the efficient management of the municipality.

Staff would like to continue applying the Delegation of Authority during the Restricted Acts to ensure that the Township can still act with efficiency during a potential Lamé Duck period.

As an accountability measure, the Chief Administrative Officer and/or the Township's Director of Legislative Services/Clerk will write a report to the new Council in late 2022 indicating each use of the delegated authority by senior staff during the lame duck period.

Additionally, the Clerk (Returning Officer) will advise Council following Nomination Day and/or Final Voting Day in the 2022 Municipal Election if it is determined that the restricted acts clause of the Municipal Act has been engaged.

A copy of the draft by-law has been attached as Schedule "A" to this report, which will be presented at the May 24, 2022 Council Meeting.

FINANCIAL IMPLICATIONS:

The delegation itself has no effect on finances. The financial implications of all transactions undertaken via the delegated authority would be considered by the CAO in consultation with the Director of Finance/Treasurer.

INTER-DEPARTMENTAL COMMENTS:

This report was reviewed by the Treasurer/Director of Finance and the CAO.

CONCLUSION:

To protect the Municipal Corporation from being unable to conduct normal business and to ensure all needs are met, staff recommend Council pass a delegation of authority by-law to delegate powers to staff during a lame duck period. It is important to note, the by-law would only be effective during a lame duck period.

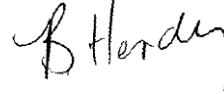
Should Council for the Township of West Lincoln not be deemed lame duck, the by-law will not be implemented. Passing such a by-law is considered best practice.

Prepared & Submitted by:



Joanne Scime
Director of Legislative Services/Clerk

Approved by:



Bev Hendry
CAO

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2022-XX

TO DELEGATE SPECIFIC AUTHORITY TO THE CHIEF ADMINISTRATIVE OFFICER OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN FOR CERTAIN ACTS DURING A “LAME DUCK” PERIOD

WHEREAS, Section 270 (1) of the Municipal Act, 2001, as amended, requires, in part, that a municipality adopt and maintain policies with respect to the delegation of its powers and duties and hiring of employees; and,

AND WHEREAS the Council of the Corporation of the Township of West Lincoln adopted by-law 2007-143 which adopted a policy with respect to delegation of powers and duties for the Corporation of the Township of West Lincoln which requires that all delegations be authorized by by-law; and,

AND WHEREAS Section 275 of the Municipal Act, S.O. 2001, c. 25, as amended, restricts acts that a Council can take after Nomination Day (August 19, 2022) and after Voting Day (October 24, 2022) if the Council is in a lame duck position as defined in Section 275(1) and 275(2);

AND WHEREAS Section 273(3) of the Municipal Act, S.O. 2001, c. 25 restricts Council from taking action on the following:

- The appointment or removal from office of any officer of the municipality;
- The hiring or dismissal of any employee of the municipality;
- The disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal; and
- Making any expenditure or incurring any other liability which exceeds \$50,000;

AND WHEREAS in order to be prepared should Council authority cease (Lame Duck) between Nomination Day (August 19, 2022) and commencement of the Council Term, West Lincoln Council deems it necessary to enact a Delegation By-law;

AND WHEREAS Council deems it expedient to delegate authority to the Chief Administrative Officer and Officers of the Corporation of the Township of West Lincoln to take action, where necessary, on certain acts during the “Lame Duck” period;

NOW THEREFORE the Council of the Corporation of the Township of West Lincoln enacts as follows:

1. **THAT** where specified joint delegation of authority is to be exercised, in the absence of consensus, the delegation of authority rests with the Chief Administrative Officer (CAO);
2. **THAT** the CAO be delegated the authority to hire or remove any employee of the municipality with the exception of statutory officers of the municipality;
3. **THAT** the CAO be delegated the authority to appoint any Acting statutory officer of the municipality in the event of a departure or vacancy of such an officer’s position;
4. **THAT** the CAO and the Treasurer are jointly delegated as the financial signing authority for expenditures outside the current budget, exceeding \$50,000;
5. **THAT** the CAO and Clerk are jointly delegated the authority to execute any Agreement of Purchase and Sale pertaining to the disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal;
6. **THAT** the CAO and the Clerk are jointly appointed signing authority for all agreements pursuant to Article 5;
7. **THAT** the CAO shall report to Council on any actions taken under the restrictions listed in Section 275(3) of the Municipal Act, S.O. 2001 between Nomination Day and

the commencement of the Council Term;

8. **THAT** this By-law shall take effect only in the event that Council Authority ceases under Section 275 of the Municipal Act, being the Lamé Duck provisions, and shall cease upon the Swearing In of the 2022-2026 Municipal Council for the Township of West Lincoln.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
24th DAY OF MAY, 2022.**

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK

DATE: May 16, 2022
REPORT NO: C-03-2022
SUBJECT: Inaugural Meeting of Council Procedural By-law Amendment
CONTACT: Joanne Scime, Director of Legislative Services/Clerk

OVERVIEW:

- The purpose of this report is to seek approval for an amendment to the Township's Procedural By-law 2013-58 (as amended), to amend Section 2.1 (Inaugural Meeting), in order to set a fixed date, time and location for the Inaugural Meeting of Council.
- Staff are requesting to amend Section 2.1 (Inaugural Meeting), in order for the date to be closer aligned with the date that the new term of Council will commence, as prescribed in Section 6(1) of the Municipal Elections Act, 1996, being November 15, 2022.

RECOMMENDATION:

1. That, Recommendation Report No. C-03-2022 regarding "Inaugural Meeting of Council Procedural By-law Amendment", dated May 16, 2022, be received for information; and,
2. That, Section 2.1 (Inaugural Meeting) of the Township of West Lincoln's Procedural By-law 2013-58 (as amended), be further amended to set a date, time and location for the Inaugural Meeting of Council as provided in Schedule "A" to this report; and,
3. That, the 2022 Inaugural Meeting of Council be held on Monday, November 21, 2022 at the West Lincoln Community Centre commencing at 7 p.m.

ALIGNMENT TO STRATEGIC PLAN:

Theme #6

Efficient, Fiscally Responsible Operations

- The Township of West Lincoln is a lean organization that uses sustainable, innovative approaches and partnerships to streamline processes, deliver services and manage infrastructure assets.

BACKGROUND:

Currently, the Township of West Lincoln's Procedural By-law states that the Inaugural Meeting shall be not later than thirty-one days (31) days after the term of the newly elected Council commences at a time and at a place as directed by the Mayor or the newly elected Council.

Historically, the Township of West Lincoln has held the Inaugural Meeting of Council on the first Monday of December. This date aligned with the date that the new term of Council commenced being December 1st.

As a result of the changes made to the Municipal Elections Act, 1996, specifically Section 6(1), the date of the new term of office has changed from December 1st to November 15th. Holding the Inaugural Meeting of Council on the first Monday of December would provide for an additional period of approximately 3 weeks whereby the new Council would take office but would not be sworn in. Staff feel that this timeline would not be ideal and/or advisable in case matters arise that requires Council's attention, such as the scheduling of Special Council/Council meetings for training purposes as well as holding a Caucus meeting(s) to discuss appointments to various boards and committees.

CURRENT SITUATION:

To ensure the Township's Procedural By-law remains compliant with the respective term of office as prescribed in the Municipal Elections Act, 1996, staff are proposing that the date, time and location be set well in advance to allow for the preparation of the Inaugural Meeting of Council.

Staff feel that it would be prudent to address this matter in advance to insure that the proposed location is available as well as the Township's vendor (WeeStreem) for livestreaming and recording of our Standing Committee and Council meetings.

With the reduction of time between Voting Day (October 24, 2022) and the date that the new term of Council will commence, being November 15, 2022, staff will have a small window to organize and prepare for the Inaugural Meeting. The reduction of time will mean that staff will have approximately 4 weeks, following voting day, to organize and prepare for the Inaugural Meeting rather than the historic 7 weeks (approximately) that staff have had previous to the 2022 Municipal Election.

Staff have consulted with WeeStreem, the Township's third party vendor, who have confirmed they are available to provide their services to livestream and video record the Inaugural Meeting of Council, which will provide an opportunity for members throughout the community that are unable to attend in-person to watch the event either live, or at a later time that is convenient for them.

Staff have spoken to the other area Municipal Clerks to determine the date that they will be holding their Inaugural Meeting of Council. It has been confirmed that all local area municipalities will be having their Inaugural Meeting on either November 15, November 21 or November 22, 2022. At the time of writing this report Niagara-On-The-Lake has not yet set a date for their Inaugural Meeting of Council.

Additionally, the date for Niagara Region's Inaugural Meeting occurs after the local area municipalities have officially sworn in their Members of Council at each of their respective Inaugural Meetings. In speaking to Niagara Region, it is staff's understanding that the tentative date for Niagara Region's Inaugural Meeting of Council is Thursday, December 1st, 2022.

With respect to location for the Inaugural Meeting, staff would like Council to set a location for the Inaugural Meeting commencing with the 2022 Municipal Election. The Township's Council Chambers is limited in size; therefore, staff are recommending that the event be held at the West Lincoln Community Centre. Having the new West Lincoln Community Centre provides opportunity to showcase the community centre while hosting the Inaugural Meeting of Council. Staff feel that combining the three community rooms together will provide a large area to facilitate the event which also includes a kitchen and adjacent reception area.

FINANCIAL IMPLICATIONS:

The change in date of the Inaugural Meeting of Council would have no additional financial implications then the typical costs of holding this event.

INTER-DEPARTMENTAL COMMENTS:

This report was reviewed by the CAO and no concerns were received.

CONCLUSION:

The proposed amendment to Section 2.1 of the Township's Procedural By-law as outlined in Schedule A to this report will ensure that the Declarations of Office and Oaths of Allegiance, are held in a timely manner and in accordance with the Municipal Elections Act for the 2022 term of Council.

Prepared & Submitted by:



**Joanne Scime, Director of
Legislative Services/Clerk**

Approved by:



Bev Hendry, CAO

**SCHEDULE A
TO REPORT C-03-2022**

Current Wording of Section 2.1 of the Procedural By-law No. 2013-58, as amended:

2.1 Inaugural Meeting

- (a) *The Inaugural Meeting of Council shall be held not later than thirty-one (31) days after the term of the newly elected Council commences at a time and at a place as directed by the Mayor of the newly elected Council.*
- (b) *The first Meeting after a bi-election shall be held not later than 31 days after the term of the newly elected Member commences.*
- (c) *Seating arrangements in the Council Chambers for Members of Council shall be established at the discretion of the Mayor.*

Proposed New Wording of Section 2.1 of the Procedural By-law No. 2013-58, as amended:

- (a) *The Inaugural Meeting of Council shall be held **on the first Monday following the date that the new term of Council as prescribed in the Municipal Elections Act to commence at 7 p.m. at the West Lincoln Community Centre.***
- (b) *The first Meeting after a bi-election shall be held not later than 31 days after the term of the newly elected Member commences.*
- (c) *Seating arrangements in the Council Chambers for Members of Council shall be established at the discretion of the Mayor.*

DATE: May 16, 2022
REPORT NO: WLFD-07-2022
SUBJECT: New Fire Station # 2 Tender Report
CONTACT: Dennis Fisher

OVERVIEW:

- In January 2021, Council approved Raimondo & Associates for Architectural Design & Contract Administration Services for the new Fire Station # 2.
- Raimondo & Associates circulated a prequalification document to general contractors on June 22, 2021 closing June 29, 2021, with six (6) general contractors qualifying.
- Raimondo & Associates circulated the tender document to the six (6) qualified general contractors on April 14, 2022 with closing date May 10, 2022
- A total low bid in the amount of \$ \$3,456,590.00 (excluding HST) was received from Niacon Construction.
- Staff and Raimondo & Associates recommends awarding the contract to Niacon Construction in the amount of \$3,456,590.00

RECOMMENDATION:

1. That, Recommendation Report WLFD-07-2022 Re: New Fire Station # 2 Tender Report, dated May 16, 2022 be accepted; and,
2. That the tender be awarded to Niacon Construction in the amount of \$3,456,590.00; (excluding HST); and,
3. That, Council approve a total budget of \$3,950,000 for the replacement of Fire Station #2; and
4. That, Council approve Budget Amendment BA2022-04 for \$1,250,000 as outlined in this report; and
5. That a bylaw be adopted to authorize the Mayor and Clerk to sign an agreement with Niacon Construction for the construction of New Fire Station # 2 in the amount of \$3,456,590.00 (excluding HST).

ALIGNMENT TO STRATEGIC PLAN:

Theme # 5

Community Health & Safety

- “Build a new Fire Station #2, replacing and addressing deficiencies in the existing facilities” was set out under Short Term Initiatives

BACKGROUND:

In 2019, Township Council approved the Township of West Lincoln Corporate Strategic Plan 2019-2029. Under the Strategic Plan Theme # 5 – Community Health and Safety, one of the short term initiatives identified was the need to build a New Fire Station # 2.

As part of the 2020 budget approval, \$1.9 million was allocated towards the rebuild of Station # 2. On January 25, 2021 Council approved and awarded Raimondo & Associates the contract for Architectural Services for Design and Administrative Services for this project.

Consistent with being upfront and transparent staff emailed a memo on March 30, 2022 to all members of Council stating the following:

Staff received an estimated construction cost from an independent cost consultant Ingersoll & Associates dated May 28, 2021 with a construction cost of approximately \$2.7 million dollars which was \$800,000 over the 2019 Capital Budget cost. As part of the 2022 budget, Council approved an additional budget of \$800,000 for the rebuild of Fire Station #2, for a total budget of \$2.7 million.

Based on the drawings shared with members of Council by email on February 2, 2022, Raimondo & Associates sought out a new cost estimate using the 2022 Altus Canadian Cost Guide price per square foot values for a Fire/EMS Station, and a gross floor area of 8288 ft² (770m²), the estimated tender cost is in the range of \$3,936,800 - \$5,677,280. While the Altus Group Canadian Cost Guide estimated cost of is greater than the estimate by Ingersoll & Associates Inc. dated May 28, 2021, the estimated construction value is consistent with the projected construction costs for a Fire/EMS Station in 2022 as per the Altus Group Canadian Cost Guide.

The COVID Pandemic has created a number of challenges in the construction industry which unfortunately are out of staff's control. In February of 2022, a municipality within the Niagara Region, tendered for construction of a new fire station. The tender costs received at the tender opening on March 22, 2022 showed an increase in construction costs that were in line with the Altus Group Cost Guide 2022.

CURRENT SITUATION:

Raimondo & Associates circulated the tender document to the six qualified general contractors on April 14, 2022 closing May 10, 2022, six tenders were received and opened.

All six submissions were checked for completeness, accuracy. The tender bids submissions are as follows:

Company	Base Bid	North parking lot paved (separate price	Total Bid	Comments
Bromac	\$3,228,600.00	Did not submit	\$3,228,600.00	disqualified
GS Wark Ltd	\$5,045,000.00	\$35,750.00	\$5,080,750.00	
Niacon Constr	\$3,410,000.00	\$46,590.00	\$3,456,590.00	
T. R. Hinan	\$4,029,000.00	\$35,000.00	\$4,064,000.00	
TRP Constr	\$4,057,000.00	\$30,000.00	\$4,087,000.00	
Duomax	\$3,538,000.00	\$24,000.00	\$3,562,000.00	

The low bidder Niacon construction and their subcontractors, have experience completing projects in other Niagara municipalities. The lowest bidder is capable of successfully completing this project.

FINANCIAL IMPLICATIONS:

The 2020 approved budget included an allocation of \$1.9 million for the re-build of Station #2. The 2022 approved budget included an additional allocation of \$800,000, bringing the total approved budget to \$2.7 million. The approved financing of this \$2.7 million budget is as follows:

Fire Reserve:	\$ 40,000
Canada Community-Building Fund (CCBF):	\$ 340,000
Community Fund Reserve:	\$ 663,000
Development Charges:	\$ 714,400
Debenture Issuance	<u>\$ 942,600</u>
Total	<u>\$2,700,000</u>

It is important to note that the payback of the debenture principal and interest is funded through the tax levy. The tax levy has been increased by \$57,000 to date, with an additional increase of \$20,000 planned in 2023 in order to reach the desired level of \$77,000 in the tax base. Staff had estimated that \$77,000 would be the annual requirement needed to repay the principal and interest on the Station #2 debenture.

Now that the tender has closed, a revised budget and financing plan is required for Council to approve. Staff has revised the total budget for the rebuild of Fire Station #2 to \$3,950,000. The breakdown below includes all applicable taxes and represents the anticipated full cost to the Township.

Tender Price, plus 7% contingency added:	\$3,763,700
Project Design and Management	\$ 164,600
Other Miscellaneous Costs	<u>\$ 21,700</u>
Total	<u>\$3,950,000</u>

Staff is requesting that Council approved Budget Amendment BA2022-04, the details of which are as follows:

\$1,250,000 additional budget dollars are required to be added to the Fire Station #2 budget, for a new revised total budget of \$3,950,000. The additional budget will be funded as follows:

Canada Community-Building Fund	\$ 200,000
Additional Debenture Issuance	\$ 650,000
Contingency Reserve	<u>\$ 400,000</u>
Total	<u>\$1,250,000</u>

There will be a surplus from the 2021 fiscal year, which staff recommends be transferred into the Contingency Reserve. This will provide the required funds in the Contingency Reserve to cover the amount needed for the Fire Station #2 financing. Staff will be making the recommendation regarding the 2021 operating surplus in a report later this year, once the annual audit is completed.

The total revised financing of the \$3,950,000 project is as follows:

Fire Reserve	\$ 40,000
Contingency Reserve	\$ 400,000
Canada Community-Building Fund (CCBF)	\$ 540,000
Community Fund Reserve	\$ 663,000
Development Charges	\$ 714,400
Debenture Issuance	<u>\$1,592,600</u>
Total	<u>\$3,950,000</u>

As noted above, the repayment of debenture principal and interest is funded through the operating fund, using the tax levy. An additional increase to the tax levy in 2023 and 2024 will be required in order to ensure that sufficient funds are available to meet the debenture requirements. At this point, based on current interest rates, the Township would need approximately \$122,400 in its tax base to meet the repayment obligations on the debenture. To date, the tax base has been increased by \$57,000. The Township would be required to raise the tax levy by an additional \$65,400 by 2024, which is the year that staff anticipate the first debenture repayment will be due.

INTER-DEPARTMENTAL COMMENTS:

This report reviewed by the Director of Finance, CAO and the Clerks Department

CONCLUSION:

In summary, staff and Raimondo & Associates recommend that this contract be awarded to the low bidder, Niacon Construction, at the cost of \$3,456,590.00 (excluding HST),

Staff further recommends that the mayor and Clerk be authorized to enter into an agreement for contact with Niacon Construction for the construction of Fire Station # 2.

ATTACHMENTS:


1. New Fire Station 2 Updated Drawings

Prepared & Submitted by:



Dennis Fisher, Fire Chief/CEMC

Approved by:



Bev Hendry, CAO

An architectural rendering of a two-story fire station. The building features a gabled roof with dark grey shingles. The exterior walls are primarily dark grey horizontal siding. A prominent horizontal band of light-colored, rectangular stone or brickwork runs across the second floor. The ground floor has large glass windows and a dark door, with a light-colored stone or brick base. A wide, white overhang covers the entrance area. Two human figures are standing in the entrance for scale. The text "West Lincoln Township Fire Station 2" is overlaid in red on the second-floor stone band. The building is set on a green lawn with a grey paved road in the foreground.

DRAWN BY: _____ DATE: _____ SCALE: _____ PROJECT NO.: _____ CHECKED: _____ PIN _____	2022-01-31 11:52:48 AM 20-128 Checker _____
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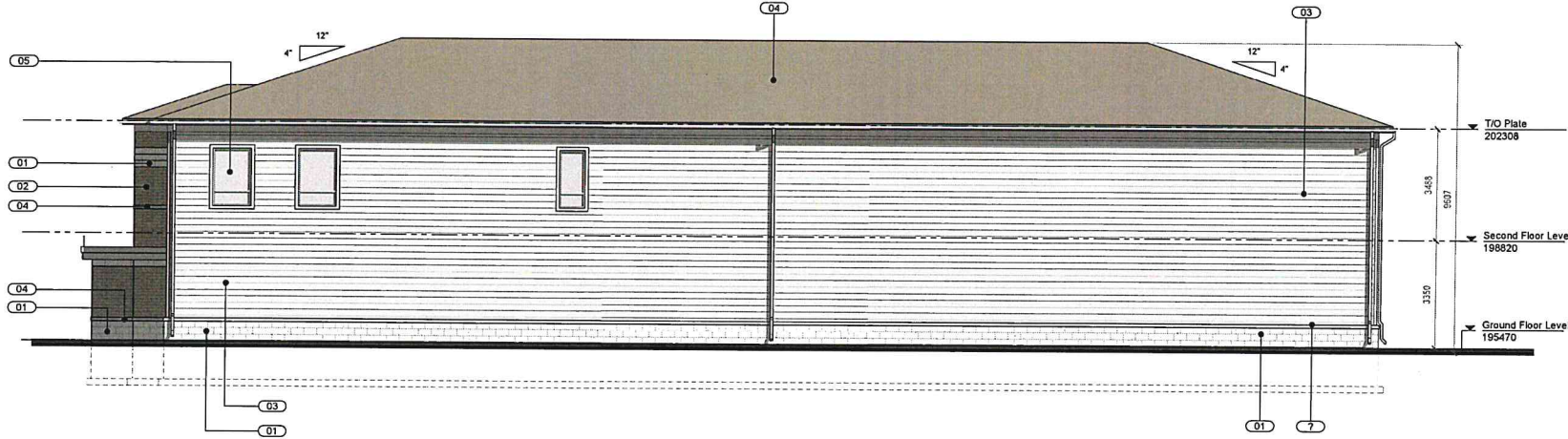
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Isometric / Perspectives

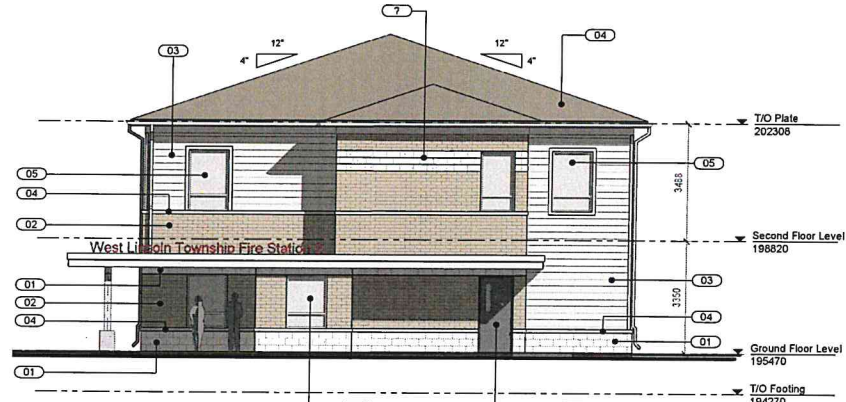
8833 Silver Street, Regional Road 65
 New Fire Station, Smithville, Ontario
Township Of West Lincoln

Raimondo + Associates Architects Inc.

1857 Queen Street Suite 2, Niagara Falls, Ontario, L2E 2L9
 TEL: 905-268-4603
 WEB: www.raimondosarchitects.com
 EMAIL: mail@raimondosarchitects.com



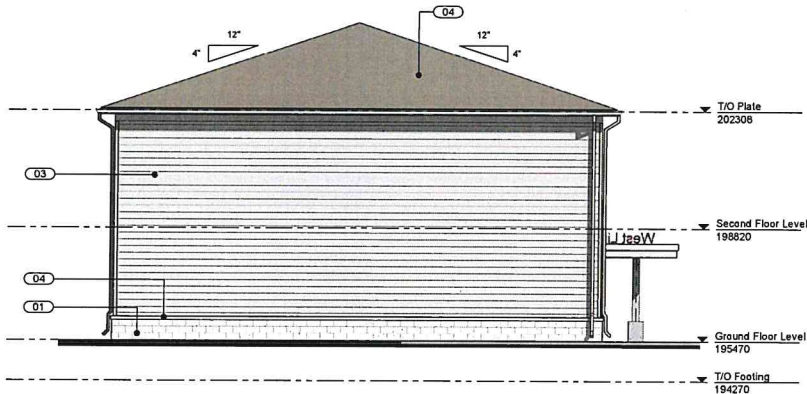
Elevation - East
scale: 1:100



Elevation - South
scale: 1:100

MATERIAL LEGEND

- 01 Architectural Concrete Block facing
- 02 Clay Brick Facing
- 03 Prefinished Vertical Metal Siding c/w all trims and flashings
- 04 Precast Concrete Sill/Accent Band
- 05 Insul-Glass units in Anodized Alum Frames
- 06 Alum and Glass Overhead Doors
- 07 Insulated Steel Door and Frame
- 08 Galvanized Steel Column and Beam
- 09 Concrete Pier - Architectural Finish
- 10 Prefinished Metal Flashings, Fascias Gutters and Downspouts



Elevation - North
scale: 1:100



Elevation - West
scale: 1:100

Issued For Discussion

A. 2024-02-24

RAIMONDO + ASSOCIATES ARCHITECTS INC.
9527 Queen Street Suite 2, Niagara Falls, Ontario, L2E 2L9
TEL: 905.381.4600 FAX: 905.381.4603
WEB: www.raimondosarchitects.com
EMAIL: mail@raimondosarchitects.com

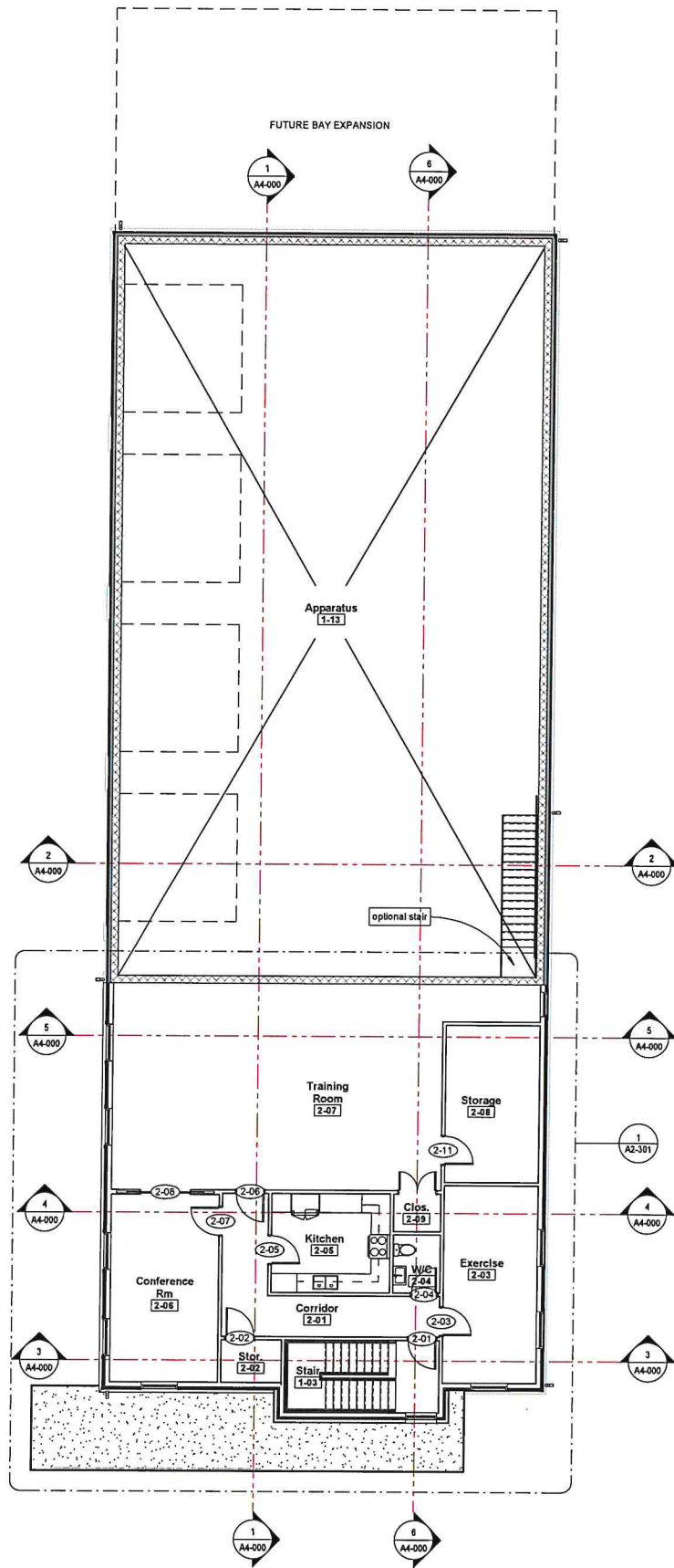
New Fire Station, Smithville, Ontario
Township Of West Lincoln
4835 Silver Street, Regional Road 65

Building Elevations

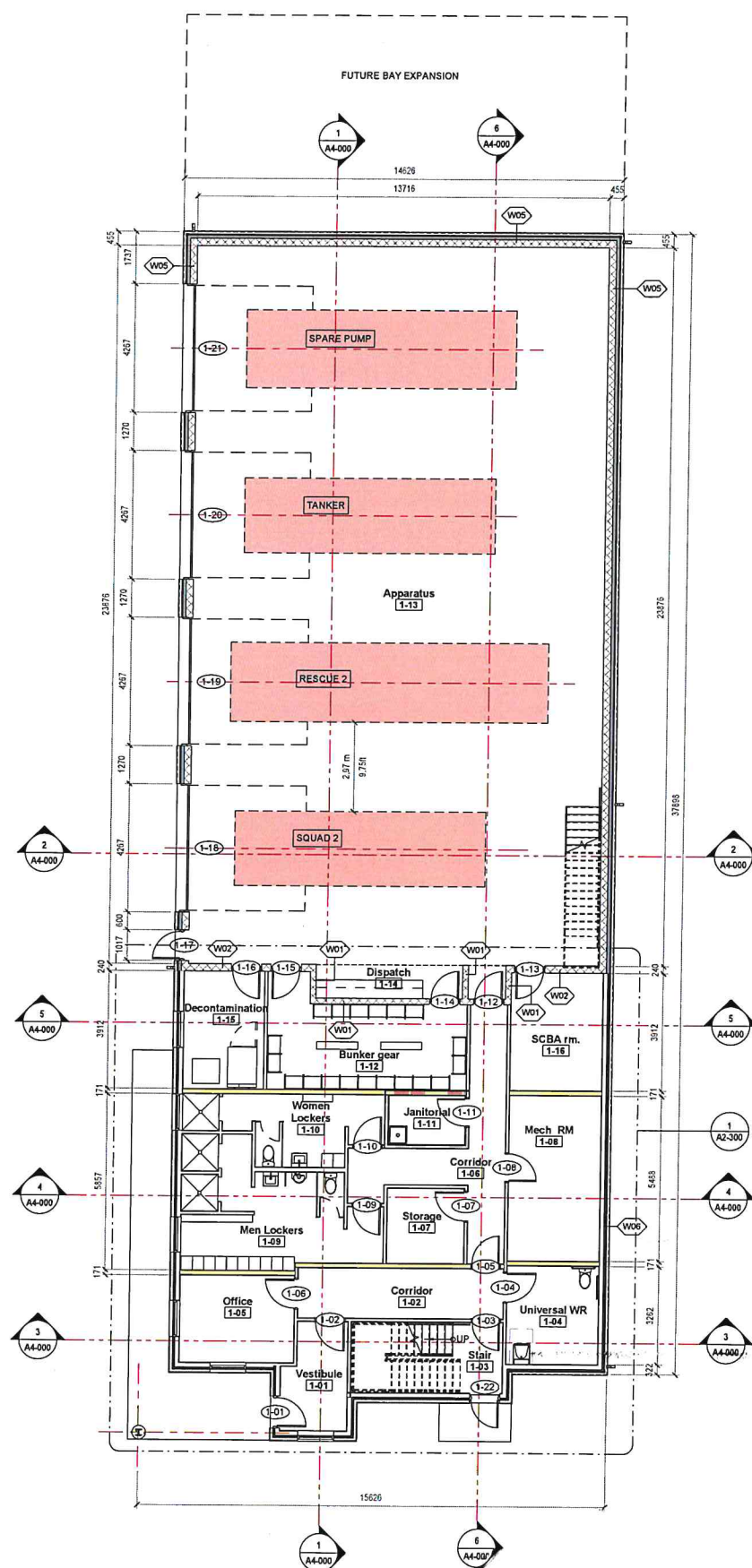
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DATE: 2022-01-11 13:25:14 AM
SCALE: 1:100
PROJECT NO.: 20-128
CHECKED: _____

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A3-000



Second Floor Plan
scale: 1:100



Ground Floor Plan
scale: 1:100

New Fire Station, Smithville, Ontario
Township of West Lincoln
8435 Silver Street, Regional Road 66

Floor Plans

DRAWN BY:	RIN
DATE:	2022-01-31 11:01:46 AM
SCALE:	1:100
PROJECT NO.:	20-128
CHECKED:	

Drawings are not valid for construction until sealed and signed by the architect.
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Issued For Discussion	A	2021-02-24
Issued For Discussion	E	2021-03-24
Issued For Client Approval	G	2021-04-27

RAIMONDO + ASSOCIATES ARCHITECTS INC.

4887 Queen's Street East, Suite 2, Newmarket, Ontario L3Y 2A9
TEL: 905-337-4441 FAX: 905-337-8921
WEB: www.raimondodirect.com EMAIL: info@raimondodirect.com

A2-100

DATE: May 16, 2022

REPORT NO: T-13-2022

SUBJECT: **Development Charges Interest Policy under Sections 26.1 and 26.2 of the Development Charges Act**

CONTACT: Donna DeFilippis, CA CPA, Director of Finance and Treasurer

OVERVIEW:

- Attached to this report is a policy to address the charging of interest on development charges deferred and/or frozen, under sections 26.1 and 26.2 of the Development Charges Act
- Staff is recommending an annual interest rate of 5% which is consistent with the Niagara Region approved rate
- A \$400 administrative fee is being recommended to be charged for payment defaults related to any instalment arrangements

RECOMMENDATION:

1. That, Recommendation Report T-13-2022 regarding “Development Charges Interest Policy under Sections 26.1 and 26.2 of the Development Charges Act”, dated May 16, 2022, be received; and,
2. That, “Interest Policy under Sections 26.1 and 26.2 of the Development Charges Act”, as attached as Appendix A to this report be approved; and,
3. That, a \$400 administrative fee for payment defaults under Section 26.1 of the Development Charges Act be approved; and,
4. That, By-Law 2002-115 be updated to include the \$400 administrative fee for payment defaults under Section 26.1 of the Development Charges Act.

ALIGNMENT TO STRATEGIC PLAN:

Theme #3 and #6

Strategic, Responsible Growth

- Welcoming new residents and businesses and respecting the heritage and rural identity that people value.

Efficient, Fiscally Responsible Operations

- Maintaining a lean organization with innovative approaches and strong asset management.

BACKGROUND:

Sections 26.1 and 26.2 of the (DCA) Development Charges Act came into effect on January 1, 2020 when Bill 138 received royal assent on December 10, 2019. These sections amended the DCA and changed the timing of the determination and payment of Development Charges in certain situation. The amendments also indicate that municipalities can charge interest, however, no rate has been prescribed. This report will provide more detail regarding these amendments and also recommend a rate of interest. A new policy is also attached as Appendix A to this report which provides further clarification to both developers and staff.

CURRENT SITUATION:

Section 26.1 of the DCA states that development charges for certain types of developments are payable in instalments over a certain period of time as follows:

- Institutional developments and rental housing (that is not non-profit) over six annual instalments
- Non-profit housing developments over twenty-one annual instalments

The first instalment payment would occur on the date of issuance of the occupancy permit or occupancy of the building, whichever is earlier, with the subsequent instalments occurring annually on the anniversary date of when the first instalment was payable.

For the purposes of subsection 26.1 (2) of the DCA, institutional development means development of a building or structure intended for use, as follows:

- as a long-term care home within the meaning of subsection 2 (1) of the *Long-Term Care Homes Act, 2007*; as a retirement home within the meaning of subsection 2 (1) of the *Retirement Homes Act, 2010*;
- by any of the following post-secondary institutions for the objects of the institution: a university in Ontario that receives direct, regular and ongoing operating funding from the Government of Ontario, a college or university federated or affiliated with a university
- an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institutes Act, 2017*;
- as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
- as a hospice to provide end of life care. O. Reg. 454/19, s. 3 (1).

Section 26.2 of the DCA establishes guidelines for determining the calculation date for development charges. Under this section the calculation date is the earlier of:

- the day an application for an approval of development in a site plan control area under subsection 41 (4) of the Planning Act was made in respect of the development that is the subject of the development charge;
- If the above does not apply, the day an application for an amendment to a by-law passed under section 34 of the Planning Act was made in respect of the development that is the subject of the development charge; or

- if neither of the above are applicable, the charge will continue to be determined at the time of building permit issuance

The Development Charges are effectively frozen at the rate in effect at the time of submission of a complete Site Plan or Zoning By-Law Amendment Application. Under section 26.2 of the DCA, upon approval of one of the above two planning applications, developers have a minimum of two years in which a building permit must be issued and the development charges paid at these frozen rates or the rates will continue to be calculated at the time of permit issuance. Section 26.2 applies to application that were submitted on or after January 1, 2020.

Both Sections 26.1 and 26.2 of the DCA allows an annual interest rate to be applied to both the instalments and frozen rates. The interest period for installment payments is from the date of building permit issuance to the date of Development Charge payment. The interest period for frozen rates is from the date of the complete application to the date of Development Charge payment. Unpaid Development Charges, including unpaid interest, can be added to the tax roll.

FINANCIAL IMPLICATIONS:

The proposed interest rate of 5% is intended to offset the Township's opportunity cost of providing the development charge rate freeze and instalment payment plan. This interest rate of 5% is in alignment with the rate approved by the Niagara Region through report CSD-49-2020. The interest revenue generated will be fully allocated back to the respective development charge reserve on a pro-rated basis. Should the Province prescribe a maximum interest rate in the future, the Township will revisit this rate.

In the event of a default of payment under a Section 26.1 instalment plan, a \$400 administrative fee is proposed to offset staff time required to remedy the default which may include adding any outstanding instalment amounts to the tax roll. This fee will be recognized as operating revenue.

INTER-DEPARTMENTAL COMMENTS:

This report was reviewed by the Director of Planning and Building as well as the CAO.

CONCLUSION:

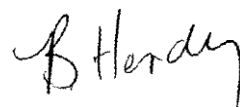
Staff is recommending that Council approve this report, along with the Development Charges Interest Policy under Sections 26.1 and 26.2 of the Development Charges Act, as attached as Appendix A. Staff is recommending a 5% interest rate, which is the same rate the Niagara Region is using.

Prepared & Submitted by:



Donna DeFilippis, Director of Finance

Approved by:



Bev Hendry, CAO

TOWNSHIP OF WEST LINCOLN
Interest Policy under Sections 26.1 and
26.2 of the Development Charges Act

TITLE:	Interest Policy under Sections 26.1 and 26.2 of the Development Charges Act
POLICY NUMBER:	POL-T-01-2022
APPROVAL DATE:	May 24, 2022
EFFECTIVE DATE:	January 1, 2020

1. PURPOSE:

To establish the rules and practices for charging interest on development charges deferred and/or frozen under sections 26.1 and 26.2 of the Development Charges Act, 1997

2. SCOPE:

This policy applies to the charging of interest on development charges that are eligible to be deferred and/or frozen as follows:

- 2.1** That are eligible for deferred payments under 26.1 of the Development Charges Act, 1997
- 2.2** That are eligible to benefit from frozen payments under section 26.2 of the Development Charges Act, 1997

3. DEFINITIONS:

3.1 DCA: Development Charges Act, 1997

3.2 Township: The Township of West Lincoln

3.3 Institutional Development: institutional development means development building or structure intended for use, as follows: as a long-term care home within the meaning of subsection 2 (1) of the *Long-Term Care Homes Act, 2007*; as a retirement home within the meaning of subsection 2 (1) of the *Retirement Homes Act, 2010* or by any of the following post-secondary institutions for the objects of the institution: a university in Ontario that receives direct, regular and ongoing operating funding from the Government of Ontario, a college or university federated or affiliated with a university described in sub clause (i) or an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institutes Act, 2017*; or as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion; or as a hospice to provide end of life care. O. Reg. 454/19, s. 3 (1).

3.4 Complete Application: Pursuant to Section 26.2 of the DCA, the

Township considers an application of a Site Plan, under Section 41 of the Planning Act, R.S.O 1990 c. P13 or Zoning Amendment under Section 34 of the Planning Act, R.S.O 1990 c. P13 to be made as of the date that the submitted application is deemed to be complete according to the Township's Planning staff.

4. LEGISLATIVE FRAMEWORK

- 4.1** Deferred payments under 26.1 of the Act: the province has mandated the deferral of development charges for the following:
 - 4.1.1** Rental housing development that is not non-profit housing as defined under section 11.1 (1) of O. Reg 82/98 as per section 3 (a) of the Act;
 - 4.1.2** Institutional development as defined under section 11.1 (2) if O. Reg. 82/98 as per section 3 (a) of the Act; and
 - 4.1.3** Non-profit housing development as defined under section 11.1 (3) of O. Reg. 82/98 as per section 3 (b) of the Act.
 - 4.1.4** Development charges for rental housing and institutional development shall be paid in equal annual installments beginning on the earlier of the date of the issuance of a permit under the Building Code Act, 1992 authorizing occupation and the date the building is first occupied, and continuing on the following five anniversaries of that date.
 - 4.1.5** Development charges for non-profit housing shall be paid in equal annual installments beginning on the earlier of the date of the issuance of a permit under the *Building Code Act, 1992* authorizing occupation and the date the building is first occupied and continuing the following twenty anniversaries of that date.
- 4.2** Interest on installment payments under section 26.1 of the Act: Subsection 26.1(7) of the Act allows a municipality to charge interest on the installments from the date the Development Charges would have been payable, under section 26 of the Act, to the date of the installment is paid, at a rate not exceeding the prescribed maximum interest rate.
- 4.3** Development Charge freeze under section 26.2 of the Act: under subsection 26.2(1) of the Act, the total amount of a Development Charge is determined under the Township's Development Charge By-Laws based on:

4.3.1 The day an application for an approval of development in a site plan control area under subsection 41(4) of the *Planning Act* was made, or,

4.3.2 If a site plan application has not been applied for, the day a complete application for an amendment to a bylaw passed under section 34 of the *Planning Act* was made

4.4 Interest under section 26.2 of the Act: under subsection 26.2(3) of the Act, a municipality may charge interest on the development charge, at a rate not exceeding the prescribed maximum interest rate from the date of the application referred to in subsection 26.2. (1)(a) or 26.2.1(b) of the Act to the date the development charge becomes payable.

4.5 Maximum interest rate under section 26.1 and 26.2: The Act allows a municipality to charge interest on the development charge amounts that are deferred or on the development charges that are frozen at a rate not exceeding the prescribed maximum interest rate. There is no prescribed maximum interest rate under subsection 26.1 and 26.2 of the Act.

5. POLICY

Development Charge Freeze under section 26.2 of the DCA:

5.1 The application made date for the purposes of this Policy and 26.2 of the Act is established as being the date a complete application is received by the Township Planning Department.

5.2 The applicant shall be notified of the date the application is considered complete and the date the application is approved for the purposes of Section 26.2 of the DCA by the Township

5.3 Application Appeal

5.3.1 Should any Township decision on the application(s) as noted under sections 4.3.1 or 4.3.2 be appealed, the Township decision will stand until final resolution of the appeal.

5.3.2 Should a decision on an unapproved application be successfully appealed, the application made date will apply to sections 4.3.1 or 4.3.2 of this policy and the application approval date shall be the date the appeal is approved.

5.3.3 Should a decision on an approved application be upheld, the application made date will apply to section 4.3.1 or 4.3.2 of this policy and the application approval date shall be the date the

decision is upheld.

- 5.4** Should a decision on an approved application be successfully appealed or a decision on an unapproved application be upheld, the application made date will not apply to sections 4.3 of this policy.
- 5.5** Interest on Development Charges for Subsection 26.2 (3) of the DCA: interest will be charged at the rate established in this policy on the development charge, from the date of the application referred to in clause 4.3.1 or 4.3.2 of this policy, to the date the development charge is payable.
- 5.6** Final Determination of Total Payable Development Charges: on the day the development charge(s) is first payable, the final determination of the total payable development charge(s) shall be made.

Deferred Payments under section 26.1 of the DCA:

5.7 Acknowledgment Letter

For all eligible development under section 26.1 of the DCA an Acknowledgement Letter will be provided to the applicant / property owner at the time of building permit issuance outlining the terms of the development charge annual installments as per the Township policy and the DCA.

5.8 Notice of Occupancy

- 5.8.1** The person responsible to pay development charges shall notify the Township in writing within five business days of the building first being occupied unless an occupancy permit has been issued by the Township for the purposes of section 26.1 of the Act.
- 5.8.2** Under subsection 26.1 (6) of the Act, failure to comply with the occupancy notice requirement under 5.8.1 will result in the development charge including any interest payable becoming payable immediately.
- 5.8.3** If the person responsible to pay development charges receives an occupancy permit issued by the Township, the Township must notify the Niagara Region within five business days for the purposes of section 26.1 of the Act.

5.9 Interest on Installments for Subsection 26.1 (7) of the Act

Interest will be charged on installments at the rate found in section

5.13.1 from the date the development charge would have been payable in accordance with section 26 of the Act and the Township's Development Charge by-law.

5.10 Schedule of Installment Payments

5.10.1 The Township will provide an Installment Payment Schedule to the person required to pay development charges once notified of occupancy.

5.10.2 Acknowledgement of the Instalment Payment Schedule and the first installment payment shall be due within 15 days of the Installment Payment Schedule being provided. It will be the responsibility of the person responsible to pay development charges to provide payment in a prompt and timely manner as per the schedule, no further notification of upcoming payments will be given

5.11 Termination of the Installment Schedule

The remaining balance of all development charges shall be payable within 15 days immediately following the notification / determination of any of these trigger events:

- a)** Change of use to a development type that is not eligible for development charge installments under the Act, as of the day the change is made.
- b)** Sale or transfer of ownership.
- c)** If the balance of Township development charges owing plus any accrued interest as per the installment schedule is paid to the Township.

5.12 Unpaid Development Charges

5.12.1 If any development charges (including interest) are unpaid, those development charges (including interest) may (at the discretion of the Township) be added to the tax roll and collected in the same manner as taxes, in accordance with section 32 of the Act.

5.12.2 Interest on late payments added to the tax roll shall incur the applicable taxation interest rate (as provided under section 345 of the Municipal Act, 2001).

5.13 Interest Rate Used

5.13.1 An interest rate of 5% shall be used for the purposes of section 26.1 and 26.2 and shall be made available on the Township's website under the development charges page.

5.13.2 An interest rate of 0% shall be used for the purpose of section 26.1 and 26.2 for the following types of development: Non-profit housing development as defined under section 11.1 (3) of O. Reg. 82/98

5.14 Late Payment Penalty and Interest on unpaid Development Charge

5.14.1.1 All development charge installment (including interest) that are unpaid as per the criteria established under section 26.1 of the Act, will be subject to a Township administration fee and may also be added to the tax roll and collected in the same manner as taxes, in accordance with section 32 of the Act.

5.14.1.2 Interest on late payments added to the tax roll shall incur the applicable taxation interest rate as established by the Township

SCHEDULE “A” TO POLICY – T – 01 – 2022

Example Under Section 26.2 – Frozen Rate

- January 2, 2022** Developer submits complete application for an approval of a single family detached home development in a site plan control area under subsection 41 (4) of the Planning Act representing the DC frozen date.
- May 30, 2022** Developer receives approval of application for development. Developer has 2 years from date to be issued a building permit.
- May 01, 2024** Developer is issued building permit within 2 years of approval for development and therefore remains eligible for frozen rates plus annual interest of 5% (non-compounding).
- Township Development Charges **January 2, 2022 = \$13,891**
 - Interest Rate = **5%** (annual non-compounding)
 - Number of Days between Development Approval and Building Permit Issuance (and thus DC Payment) = **850 Days (January 2, 2022 to May 01, 2024)**
 - Interest Factor = **11.6%** ([850 Days / 365 Days] x 5%)
 - DC Amount Payable = **\$15,502** (\$13,891 x 1.116)

Example Under Section 26.1 – Installment Payments

- January 2, 2022** Royal Canadian Legion branch is issued a building permit for a **1,000** sq. ft. facility.

DCs Calculated at **January 2, 2022 = \$3,740** (\$3.74 x 1,000 sq. ft.)

Institutional Developments are eligible for 6 annual installments beginning on the earlier of: building occupancy or issuance of occupancy permit.

- January 3, 2023** Occupancy permit issued for development meaning first DC installment is due.

Interest Rate to be charged on outstanding balances = **5%**. DC payable is \$3,740

Chart below is the resulting Installment Payment Plan:

		Principle Payment	Interest Payment	Total Payment	Principle Outstanding
Building Permit Issuance		\$ -	\$ -	\$ -	\$ 3,740.00
Building Occupancy		\$ 623.33	\$ 187.00	\$ 810.33	\$ 3,116.67
1st Anniversary of Occupancy		\$ 623.33	\$ 155.83	\$ 779.16	\$ 2,493.34
2nd Anniversary of Occupancy		\$ 623.33	\$ 124.67	\$ 748.00	\$ 1,870.01
3rd Anniversary of Occupancy		\$ 623.33	\$ 93.50	\$ 716.83	\$ 1,246.68
4th Anniversary of Occupancy		\$ 623.33	\$ 62.33	\$ 685.66	\$ 623.35
5th Anniversary of Occupancy		\$ 623.35	\$ 31.17	\$ 654.52	\$ -
Total		\$ 3,740.00	\$ 654.50	\$ 4,394.50	