



THE CORPORATION OF HALDIMAND COUNTY COUNCIL IN COMMITTEE AGENDA

Date: February 7, 2023
Time: 9:30 A.M.
Location: Haldimand County Administration Building

Pages

- A. CALL TO ORDER**
- B. LAND ACKNOWLEDGEMENT**
- C. ROLL CALL**
- D. DISCLOSURES OF PECUNIARY INTEREST**
- E. PUBLIC MEETING FOR PLANNING APPLICATIONS**
Councillor Patterson - Chair
- F. PRESENTATIONS AND CONSIDERATION OF RELATED REPORTS (11:00 A.M.)**
 - 1. Introduction to the Economic Development and Tourism Division
- G. MOTIONS OF CONSENT**
 - 1. ENG-M01-2023 Notice of Withdrawal From Petition for Extension of the Weikman Municipal Drain 1
 - 2. PDD-M01-2023 University of Guelph Student Project – Infill Design Guidelines 2
- H. DEPARTMENTAL STAFF REPORTS**
 - 1. COMMUNITY & DEVELOPMENT SERVICES
Councillor Lawrence - Chair
 - 1. Other Business
 - 2. PUBLIC WORKS OPERATIONS
Councillor O'Neill - Chair
 - 1. Other Business

3. ENGINEERING & CAPITAL WORKS

Councillor Metcalfe - Chair

1. ENG-04-2023 Budget Amendment – Frank Marshall Business Park Storm Pond Upgrade 3
2. Other Business

4. FINANCIAL & DATA SERVICES

Councillor Stam - Chair

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2. FIN-03-2023 Interim Tax Levy and Temporary Borrowing for the Year 2023 13
3. Other Business

5. CORPORATE & SOCIAL SERVICES

Councillor Shirton - Chair

1. HRD-01-2023 Health and Safety Policy and Program 22
2. LSS-02-2023 Unsolicited Offer - Road Closure and Conveyance - Part of Hill Street and Part of Snow Street, Cayuga 36
3. LSS-03-2023 Request to Purchase a Portion of Road Allowance – Farr Road, Dunnville 43
4. Other Business

6. CORPORATE AFFAIRS

Mayor Bentley - Chair

1. CLE-02-2023 Municipal Election Summary 52
2. Other Business

I. DELEGATIONS AND CONSIDERATION OF RELATED REPORTS (1:00 P.M.)

1. History of the Mississaugas of the Credit First Nation
 1. Darin P. Wybenga, Traditional Knowledge and Land Use Coordinator

J. UNFINISHED BUSINESS

K. NEW BUSINESS

1. Draft Motion Re: Moving Truck Route through Dunnville from Main Street to Broad Street on a permanent basis (Notice submitted by Councillor O'Neill at the January 25, 2023 Council meeting) 60

L. REPORTS, INQUIRIES, ANNOUNCEMENTS AND CONCERNS OF COUNCILLORS

1. Minutes of the Police Services Board - September 29, 2022 61

M. CLOSED SESSION

1. Council Orientation Presentation by the County Solicitor (10:00 a.m.)
 - **education and training of members**
2. LSS-M01-2023 Additional Information related to LSS-02-2023 Road Closure and Conveyance - Part of Hill Street and Part of Snow Street, Cayuga
 - **a proposed or pending acquisition or disposition of land by the municipality or local board**

N. MOTIONS ARISING FROM CLOSED SESSION

O. ADJOURNMENT

HALDIMAND COUNTY



Memorandum ENG-M01-2023 Notice of Withdrawal From Petition for Extension of the Weikman Municipal Drain

For Consideration by Council in Committee on February 7, 2023

To: Mayor Bentley and Members of Council
From: Kristopher R. Franklin, Manager, Engineering Services

Petitioning for a drain is one of the legal processes available to proponents to establish a legal and adequate outlet for the drainage of land. The petition process is legislated by the Drainage Act which is the Provincial legislation that provides for the creation of drainage works and the establishment of a legal and adequate outlet for stormwater and/or subsurface drainage.

As identified in Report ENG-15-2022 Petition for Extension of the Weikman Municipal Drain, Frederick and Deborah Goit, who are owners of property in the Weikman Municipal Drain watershed, submitted a petition to extend the drain approximately 450 metres upstream of the current start of the drain.

In response to this petition Council approved the following resolutions through Report ENG-15-2022 at the September 20, 2022 Council in Committee meeting:

1. *THAT Report ENG-15-2022 Petition for Extension of the Weikman Municipal Drain be received;*
2. *AND THAT the Petition For Drainage Work By Owners be accepted;*
3. *AND THAT staff be authorized to seek the services of a qualified Drainage Engineer for subsequent Council appointment as required by the petition process.*

Through the procurement process to hire a Drainage Engineer, the Goits continued to pursue an alternative solution to their drainage problem through a Mutual Agreement Drain, which is both faster and less costly than the Municipal Drain process. The Mutual Agreement Drain process is governed by the Drainage Act and requires willing landowners to work together to agree on a solution.

The Goits were successful in obtaining a Mutual Agreement Drain with their neighbor and have notified the Clerk in writing, withdrawing their names from the petition.

As there is no longer a valid petition and no costs have been incurred, this matter can be closed and no further actions are required.

REFERENCES:

1. [ENG-15-2022 Petition for Extension of the Weikman Municipal Drain](#).

ATTACHMENTS:

None.

HALDIMAND COUNTY

Memorandum PDD-M01-2023 University of Guelph Student Project – Infill Design Guidelines



For Consideration by Council in Committee on February 7, 2023

To: Mayor Bentley and Members of Council
From: Alisha Cull, BES, MCIP, RPP, Supervisor of Planning & Development

The University of Guelph School of Environmental Design and Rural Development offers a master's degree course entitled Advanced Planning Practice, currently taught by Dr. Wayne Caldwell. Each year, municipalities are contacted for research proposals so that the students can complete a project in a real-world planning context. The benefits are mutual in that the students gain experience learning about specific municipal planning issues, while the municipalities receive research on a topic of interest that can benefit their community. This approach can also be a recruitment vehicle by marketing the County to up and coming professionals. Haldimand County Planning & Development staff submitted two proposals for the winter 2023 term, one of which was chosen by the students.

The project title is "Design Guidelines for Infill Development". Staff submitted this topic for consideration due to the increased amount of infill development being experienced in Haldimand County and some of the challenges associated therewith. Applications for infill development projects regularly generate a substantial amount of public interest, and a recurring theme is the desire for the development to match the character of the existing neighbourhood, specifically the "small town character". Staff hope to receive a comprehensive set of guidelines based on best practices as well as Haldimand-specific input. This will involve finding out from the public what their idea of "small town character" means to them. The students are proposing to attend a Council-in-Committee meeting in April to present their findings. Should the guidelines prove to be attainable in the context of Haldimand County, they could be considered for implementation as part of future updates to the County's Official Plan and/or Zoning By-law.

Should the Mayor or any Councillors be contacted with questions regarding this project, please feel free to direct inquirers to Planning & Development staff for further information. In addition, the student team may wish to contact some members of Council for their individual thoughts/input into the process.

Other projects completed by former Advanced Planning Practice students can be found here: <http://www.waynecaldwell.ca/Students/courseprojects.html>. Haldimand County participated in this project in 2022, and received a report entitled "Haldimand County - Additional and Alternative Housing Forms for the Prime Agricultural Area".

REFERENCES:

None.

ATTACHMENTS:

None.

HALDIMAND COUNTY

Report ENG-04-2023 Budget Amendment – Frank Marshall Business Park Storm Pond Upgrade



For Consideration by Council in Committee on February 7, 2023

OBJECTIVE:

To obtain approval for a capital budget amendment for the Frank Marshall Business Park Storm Pond Upgrade project.

RECOMMENDATIONS:

1. THAT Report ENG-04-2023 Budget Amendment - Frank Marshall Business Park Storm Pond Upgrade be received;
2. AND THAT the revised budgets as outlined in Report ENG-04-2023 be approved.

Prepared by: Kristopher R. Franklin, Manager, Engineering Services

Respectfully submitted: Tyson Haedrich, M. Eng., P. Eng., General Manager of Engineering & Capital Works

Approved: Craig Manley, MCIP, RPP, Chief Administrative Officer

EXECUTIVE SUMMARY:

The existing stormwater management pond at the Frank Marshall Business Park in Dunnville is currently at capacity and must be upgraded to the final build out design to allow further development along Ramsey Drive, including the County supported affordable housing project. The storm pond upgrade includes both expansion to provide additional capacity as well as the clean out of the existing facility.

The project was tendered in December 2022, and ten compliant bids were received with the lowest approximately \$316,000 higher than the \$1,600,000 approved construction budget for the project. There is also a further \$52,000 required for the existing engineering and testing budget of \$100,000, resulting in a total budget amendment of \$372,000 to the \$1,700,000 approved budget.

Based on the bid analysis the higher than estimated bid prices are attributable to both labour and material costs as well as the testing and disposal of the 30,000 m³ of excess soils expected to be generated by the project.

The proposed budget amendment impacts the balance in the Industrial Land Sales Reserve Fund, however the costs associated with this project are to be recovered by the property owners through local servicing.

BACKGROUND:

The stormwater management pond at the Frank Marshall Business Park in Dunnville is currently at capacity and to allow the remainder of Phase 1 and future phases of the business park to develop,

including the County supported affordable housing project, the pond must be upgraded to its ultimate capacity.

The Frank Marshall Business Park Storm Pond Upgrade project includes the following work:

- Excavation and grading of approximately 40,000 m³ of material
- Installation of pond liner
- Reconstruction of new pond inlet and outlet
- Disposal of approximately 30,000 m³ of excess soil
- Construction of new maintenance and access road
- Landscaping and restoration

Section 3.03 of Procurement Policy 2013-02 provides the parameters for reallocating budget funds for capital projects to address budget deficits. Under this policy if the budget shortfall exceeds \$75,000 or 20% of the approved project budget a report to Council is required to authorize the proposed amendments.

ANALYSIS:

The Frank Marshall Business Park Storm Pond Upgrade project tender closed December 6, 2022 with ten compliant bids. The lowest acceptable bid for the tender was received from Stonecast Contracting Limited in the amount of \$1,915,846 (including non-rebateable HST). The total approved budget for the construction portion of the project is \$1,600,000 creating a funding shortfall of \$315,846. Based on the tender review staff believe that the higher than estimated bid prices are a result of increased labour and material costs.

There is also a cost impact of \$52,000 related to the additional provincial excess soil regulations that came into effect on January 1, 2023 and increase the regulations on testing and disposal of the approximate 30,000 m³ of excess soil that is expected to be generated from this project. This will require an amendment to the \$100,000 budget approved for engineering and testing.

In summary, the total budget for the project is \$1,700,000 and the required additional funds are \$372,000 which represents an increase of approximately 22% over the approved budget.

FINANCIAL/LEGAL IMPLICATIONS:

The 2022 Tax Supported Capital budget includes \$1,700,000 in funding for this project. In order to fund the project staff are proposing the following budget amendments:

	2022 Approved Budget	Additional Funds Required	Proposed Revised Budget
Capital Expenditures:			
<u>Urban Storm Sewer System</u>			
495030 - FMBP Stormwater Management Pond Upgrade - Construction	\$1,600,000	\$320,000	\$1,920,000
495030 - FMBP Stormwater Management Pond Upgrade - Engineering and Testing	\$100,000	\$ 52,000	\$152,000
<u>Total Capital Expenditures:</u>	\$1,700,000	\$372,000	\$2,072,000
<u>Financing:</u>			

<u>Industrial Land Sales Reserve Fund:</u>			
495030 - FMBP Stormwater Management Pond Upgrade	\$1,700,000	\$372,000	\$2,072,000
Total Financing:	\$1,700,000	\$372,000	\$2,072,000

The funding source for this project is the Industrial Land Sales Reserve Fund, however the costs associated with this project are to be recovered by the property owners through local servicing. The future cost recoveries will replenish the balance in this reserve fund over time.

Once the funding is approved, staff will proceed with the award of the tender through a purchase order.

STAKEHOLDER IMPACTS:

Not applicable.

REPORT IMPACTS:

Agreement: No

By-law: No

Budget Amendment: Yes

Policy: No

ATTACHMENTS:

None

HALDIMAND COUNTY

Report FIN-02-2023 Analysis of Assessment Update

For Consideration by Council in Committee on February 7, 2023



OBJECTIVE:

To provide Council with updated information regarding the final returned property assessment values for the purposes of 2023 taxation.

RECOMMENDATIONS:

1. THAT Report FIN-02-2023 Analysis of Assessment Update be received.

Prepared by: Erika Tardif, Senior Financial Analyst

Reviewed by: Amy Vesprini, Supervisor, Taxation and Revenue & Teri Trewolla, Treasurer

Respectfully submitted: Mark Merritt, CPA, CA, General Manager of Financial & Data Services

Approved: Craig Manley, MCIP, RPP, Chief Administrative Officer

EXECUTIVE SUMMARY:

The County uses the assessment values provided by the Municipal Property Assessment Corporation (MPAC) to calculate the tax burden for each property. MPAC is under provincial jurisdiction and the province is also responsible for setting the education tax levy that goes to school boards. Haldimand County Council approves an annual budget which outlines the tax revenues required to cover expenditures. While MPAC establishes the assessed property value, it is each municipality's responsibility to set tax policy ratios to distribute the tax burden across property classes such as commercial, industrial and residential. Factors affecting the tax burden are:

- 1) Property Value Assessment – as of January 1, 2016 and provided by MPAC annually
- 2) Property Classification – set by MPAC based on individual property usage
- 3) Haldimand County Tax Policy – Set annually before the Final Property Tax By-law
- 4) Education Rate – Set by the province through legislation
- 5) Haldimand County Levy Requirement – Set through annual budget process

The last province-wide assessment of all properties was completed as of January 1, 2016 with the intention of 4 year assessment cycles. However, the COVID-19 pandemic delayed the assessment date update originally scheduled for January 1, 2020. At this time, the Province has not yet provided an update as to when it intends to roll out the new valuations. When this does occur, MPAC has a communications toolkit available for municipalities, and County staff will be prepared for when the roll-out is announced.

The final 2022 Returned Roll for 2023 Taxation was delivered to municipalities in December 2022 which will shift the tax burden between and within property tax classes due to in year assessment changes. The impact to specific properties will vary across the County based on individual assessments relative to the applicable tax classes and changes within tax classes. Although there are not major shifts that are normally seen with the 4 year assessment cycle, there is annual assessment growth from

construction on properties. This new or enhanced construction is assessed by MPAC and added to the assessment roll at the equivalent January 1, 2016 value.

The County experienced a net assessment increase of 1.65% which equates to a 2.08% assessment growth relative to the 2022 total municipal tax levy; meaning assessment growth will cover approximately \$1,585,000 of the 2023 municipal tax levy requirements.

BACKGROUND:

All assessed values and property classifications in the Province of Ontario are prepared by the Municipal Property Assessment Corporation (MPAC). MPAC reassessment cycles have been legislated to be every four years. During 2016, all properties in Ontario had their current value assessment (CVA) adjusted to reflect January 2016 market values. This legislated reassessment process updated values from the previous January 2012 valuation date, thus reflecting a four year change in market conditions for real property. The assessed values identified through this latest reassessment formed the basis for apportioning property taxes in the years 2017 through to 2020. It should be noted that in 2017, the first year of this reassessment period, a representative from MPAC made a comprehensive presentation to Council on the reassessment process and impacts. During 2020, property owners did not receive a new Property Assessment Notice to reflect the updated value of their property as of January 1, 2020 as originally planned, because the reassessment was delayed by the Province due to the COVID-19 pandemic. The Province has not set a new re-assessment timeframe, and as a result, all properties will see their assessment continue to hold at the 2020 destination value (2016 market value) for 2023. At this time, it is unclear how the Province intends to move forward with the reassessment.

The updating of property assessment values affects every property owner in Haldimand County. Property owners should review their Property Assessment Notice and contact MPAC if they have a question or do not agree with the value. MPAC's deadline for Requests for Reconsideration is March 31st in years 2 through 4 of reassessment, while in the first year of which a general re-assessment applies, the deadline for Requests for Reconsideration is 120 days after the issuance date printed on the notice of assessment. Since values will remain unchanged for 2023, unless there have been changes to a property, Requests for Reconsideration will only be accepted in 2023 in the event of omitted or supplementary assessment. Requests for Reconsideration in this case are accepted by MPAC up to 120 days after the issuance date printed on the notice of assessment. It should be noted that any influence the COVID-19 pandemic may have on property values was not in effect on January 1, 2016, so Requests for Reconsideration that cite purely that reason, will not result in a value change for the 2023 taxation year.

ANALYSIS:

Assessment Impacts

The final 2022 Returned Roll for 2023 Taxation was delivered to municipalities in December 2022. This report outlines the changes in Haldimand County's assessment, for 2023 taxation, based upon the final returned roll and represents the following changes:

- *Growth Impacts:* Representing adjustments from January 2022 to December 2022 to reflect changes to individual properties that occurred during the year (i.e. assessment changes related to property improvements/additions/deletions and adjustments made as a result of successful assessment appeals in 2022). These net changes are considered the “**growth**” in assessment year-over-year.

- **Reassessment Impacts:** The provincial delay of the reassessment process has resulted in all properties maintaining assessment based on the January 1, 2016 valuation date. As such, there are no “**reassessment**” impacts year over year for 2023.

Table 1 provides a summary of the assessment for all taxable properties in Haldimand County. Taxable properties do not include properties that are exempt or payment-in-lieu properties (both taxable and non-taxable), such as properties owned by higher levels of government or electricity distribution/generation companies.

This table shows:

- (i) the returned assessment values (2021 tax roll) used for 2022 taxation;
- (ii) the changes resulting from in year revisions to assessed values as returned on the December 2022 roll (i.e. “Growth” impacts); and
- (iii) the lack of CVA increases to be used for 2023 taxation from reassessment (due to delay).

**Table 1: Summary of Assessment Values for Haldimand County
Based Upon 2022 Returned Roll for 2023 Taxation**

Class	RTC	RTQ	2021 Roll for 2022 Taxation Destination (\$)	Growth Impacts		Reassessment Impacts	
				2022 Roll Prior to CVA Change Destination (\$)	Change (%)	2022 Roll for 2023 Taxation Destination (\$)	Change (%)
Residential	R	T,1	5,594,453,405	5,743,182,893	2.66	5,743,182,893	0.00
Farm	F	T	1,296,285,755	1,269,932,274	-2.03	1,269,932,274	0.00
Multi-Res	M	T	47,564,500	47,358,500	-0.43	47,358,500	0.00
Commercial	C,H,S,X	T,U,X,7,0	341,918,478	348,142,878	1.82	348,142,878	0.00
Industrial	I,L,J	1,T,U,X	180,238,448	178,042,741	-1.22	178,042,741	0.00
Pipelines Managed Forest	P T	T T	74,725,000 6,083,900	73,087,000 6,140,300	-2.19 0.93	73,087,000 6,140,300	0.00 0.00
			7,541,269,486	7,665,886,586	1.65	7,665,886,586	0.00

The amount reported in the columns are described as follows:

2021 Roll for 2022 Taxation – Phase 4 (\$) – This is final year of phase in, referred to as the “Destination” value (reflecting a January 1, 2016 market value) used for taxation last year (2022).

2022 Roll Prior to CVA Change – Destination (\$) – This reflects the 2022 in-year amendments to the returned roll for 2022 taxation. This reflects real net “growth” for new assessment added to the roll for the first time, less assessment reductions for appeals, Assessment Review Board adjustments, etc. (based on January 1, 2016 CVA values). This is the roll prior to the impact of reassessment.

2022 Roll Prior to CVA Change – Change (%) – This is the change in assessment during 2022 expressed as a percentage. This represents real net assessment growth within the municipality – the “growth” factor – as opposed to valuation changes caused simply by the reassessment program used to update market values across the Province. It is net of any assessment reductions due to demolition, etc. and has not yet been weighted due to varying tax ratios for the property classes.

2022 Roll for 2023 Taxation – Reassessment Impacts Destination (\$) – This reflects January 1, 2016 CVA values, remaining consistent with the previous year, due to delayed reassessment. This represents the assessed values that will be used for property taxation in 2023. The delayed reassessment results in no impact.

2022 Roll for 2023 Taxation – Change (%) – This is the change in assessment over the amended 2022 assessed values expressed as a percentage. It reflects that there was no change in CVA, caused by the delayed reassessment.

Growth Impacts

As indicated in Table 1, the County has experienced “real growth” in assessment of 1.65% (\$124.62 million) during 2022. The growth is allocated as follows: Residential tax class (2.66% or \$148.73 million); Commercial tax class (1.82% or \$6.22 million); and Managed Forest tax class (0.93% or \$0.05 million). These increases are offset by decreases in the Pipelines tax class (-2.19% or \$1.64 million). Industrial tax class (-1.22% or \$2.20 million); Farm tax class (-2.03% or \$26.35 million); and Multi-residential tax class (-0.44% or \$0.20 million).

While the growth experienced in 2022 is less than what was experienced in 2021, it is still higher than in previous years. Prior to 2017, the County’s historical annual assessment growth was approximately 1.0%. Although additional assessment growth was anticipated as major residential developments continued (primarily in Caledonia and to a lesser extent Hagersville), the actual growth is in line with the predictions of 2.0% proposed with the Term of Council Budget Guidelines. Staff have worked very closely with MPAC staff to ensure, despite the delays due to COVID, that eligible assessment growth was added to the roll during 2022. The Tax Supported Operating Budget identifies the proposed use of the annual assessment growth.

The amount of additional taxation revenue to be recovered from real growth in 2022 is affected by the weighting of the major tax classes above, with the residential class being the base. For example, Farm properties are only taxed at 25% of the Residential tax rate; thus, growth in the assessment within that tax class will generate less taxation revenue than if it occurred in a different property class. The industrial and multi-residential tax classes have the highest weighting, followed by commercial and pipelines. As a result, assuming similar taxation policies as in past years, the 2022 assessment growth will create additional taxation revenue in 2023 of approximately \$1,585,000. This weighting of last year’s assessment growth, therefore, equates to 2.08% of the base 2022 tax levy of \$76.2 million. Council can consider changes to the tax ratios and resulting tax class weighting when reviewing the 2023 tax policy report in June; any tax ratio changes will affect the amount of taxation revenue generated by the 2.08% assessment growth.

Of the anticipated \$1.58 million of additional taxes expected to be generated from assessment growth in 2022, \$1.63 million is related to residential assessment growth. This is mainly driven by the construction of additional homes, primarily from major developments in Caledonia and Hagersville. The majority of the remaining assessment growth is from increases in the commercial tax class resulting in approximately \$114,100 of additional offsetting property tax revenues. The commercial tax class can fluctuate significantly, year over year, based on changing operations, impacts of significant tax appeals, and new development.

Given the anticipated changes in development and impacts on assessment growth and property taxes expected in Haldimand County’s near future, a comprehensive long term analysis of these impacts needs to be developed, monitored and presented to Council with annual budget guidelines. This analysis will need to take into account, not only the impact of assessment growth and tax policy on annual taxes, but the need for future infrastructure, services and the related operating costs.

Reassessment Impacts

As noted, there are no reassessment impacts for 2023, given that the reassessment process was delayed by the Province.

Impact of Revised Assessment Values on Tax Burden/Tax Shifts

As property assessments in different tax classes increase, or decrease as may be the case, at different rates or percentages than other classes, inevitably there will be tax shifts between these classes, as well as within specific property classes. The impacts of these shifts are affected by tax ratios, shifts in other classes and tax policies as explained below.

Table 2 provides a comparison of the 2022 actual municipal tax levy for each tax class with a hypothetical allocation of the same tax levy based on the 2023 revised assessment values multiplied by “notional tax rates”. “Notional tax rates” are the calculated rates that, when applied to the returned assessment roll, will provide the same taxation revenue in 2023 as was required in 2022 (\$76.2 million municipal tax levy).

The Tax Burden %, as outlined in the table, is the percentage of the total tax levy that was recovered from that property class. The column entitled “Change in Burden %” illustrates the shift in tax burden among property classes as a result of real changes caused by growth or assessment reductions. Note that this Table does not account for any potential 2023 Tax Levy increase that Council will consider during its review of the Draft 2023 Tax Supported Operating Budget in March. As well, it does not reflect any shifting in the tax burden that may occur if Council changes its 2023 tax policy (i.e. tax ratios, tax class reductions), which will be reviewed in June.

**Table 2: Impact on Tax Burden
Based Upon Final 2022 Returned Roll for 2023 Taxation**

Class	RT C	RT Q	2021 Roll for 2022 Taxation	2022 Tax Levy		2022 Roll for 2023 Taxation	2022 Tax Levy Based on 2023 CVA Values		Change in Burden %
			Phase 4	Phase 4	% Burden	Destination	Destination	% Burden	
Residential	R	T,1	5,594,453,405	59,826,949	78.49%	5,743,182,893	60,240,669	79.03%	0.54%
Farm	F	T	1,296,285,755	3,500,658	4.59%	1,269,932,274	3,330,239	4.37%	(0.22%)
Multi-Res	M	T	47,564,500	1,011,385	1.33%	47,358,500	985,698	1.29%	(0.03%)
Commercial	C,H, S,X	T,U, X,0	341,918,478	6,199,315	8.13%	348,142,878	6,180,891	8.11%	(0.02%)
Industrial	I,L,J	1,T, U,X	180,238,448	4,473,766	5.87%	178,042,741	4,325,658	5.68%	(0.19%)
Pipelines	P	T	74,725,000	1,192,626	1.56%	73,087,000	1,141,843	1.50%	(0.07%)
Managed Forest	T	T	6,083,900	16,401	0.02%	6,140,300	16,102	0.02%	(0.00%)
			<u>7,541,269,486</u>	<u>76,221,100</u>	<u>100.00%</u>	<u>7,665,886,586</u>	<u>76,221,100</u>	<u>100.00%</u>	

Based on the previous analysis, there was a shift in municipal tax burden, from all of the classes to the Residential classes. These calculated shifts, as shown above, assume no increase in the tax levy. Any subsequent increase to the 2023 tax levy, through review of the annual operating budget, or changes to current tax policy will have further impacts on the tax burden by class. In a typical year, reassessment impacts lead to more significant shifts in burden.

As noted when comparing Haldimand County’s assessment base to other municipalities, there is a very high reliance on the residential tax class to generate taxation revenue to meet the municipal levy requirements. The residential class absorbs 79.03% of the overall County tax burden and has,

historically, also experienced annual increases in tax burden each year, starting with a low of 70.6% in 2001 to its current level of 79.03%. Comparatively, the farm class tax burden has varied from a low of 2.5% to a high of 4.75% in 2020 (over the same period 2001 to 2022).

Despite the tax shift normally caused by reassessment in previous years, past Councils have never utilized tax policy to mitigate changes in tax burden by updated market values (including those years with significant tax shifts to the residential and/or farm class). Any shifting in tax burden this year is not a result of reassessment. As the same levy “pie” needs to be divided amongst the County’s property classes, any change in tax policy will result in further shifts among the classes that will have nothing to do with what the property is worth, thus moving away from the fundamental Provincial policy that property taxation is based on market value.

As for the next steps, the County’s 2023 Draft Tax Supported Operating Budget will be considered by Council in March. This will establish the municipal tax levy to be collected from property owners for 2023. Any change in this levy, from the base amount of \$76.2 million in 2022, will have further impacts on an individual property’s annual tax bill from what has been reflected in this report. Following the setting of the tax levy, Council will be provided with a report in June which establishes the County’s 2023 Tax Policy and Levying By-law. That report will show the combined impact of all factors which affect a property’s annual taxes: assessment changes, education tax rates, tax levy requirements and tax policy. As a reminder, Council has no control over the first two factors – assessment is administered by MPAC based Provincial legislation/Assessment Review Board decisions and Provincial education tax rates are established annually by the Province. Thus, this report is recommended to be received as information at this time.

FINANCIAL/LEGAL IMPLICATIONS:

While no reassessment occurred, it must be emphasized that no new taxation revenue is generated by the reassessment of properties to update and phase-in market values. County staff ensure that the base tax rate (notional tax rate) is reduced to account for the higher assessed values caused by the reassessment when those impacts are present.

The impact of additional municipal taxes, estimated at approximately \$1,585,000, generated by the real assessment “growth” of 1.65% (weighted to 2.08% based on 2022 tax ratios) will be incorporated into the 2023 Draft Tax Supported Operating Budget. Based on the Budget Guidelines approved in 2022, the revenues generated from this assessment growth are to be used to offset other 2022 tax levy impacts (i.e. costs of new initiatives, increases in capital infrastructure needs, etc.). As a budget principle, revenue from assessment growth should help to alleviate the burden of additional costs, due to new infrastructure or expanded services, on the existing tax payers. This assessment growth is in line with the estimated annual growth of 2.0%.

Better assessment based management practices will ensure that the integrity and equity of the County’s tax base is maintained. By reviewing assessment changes and challenging assessment reductions as necessary, the County can better manage the potential negative financial impacts and resulting shift of tax burden caused by MPAC’s valuations. As noted above, a more comprehensive and long term analysis of these assessment related impacts needs to be developed and presented to Council. This analysis will need to take into account, not only the impact of assessment growth and property taxes, but the need for future infrastructure, services and operating costs.

STAKEHOLDER IMPACTS:

Not applicable.

REPORT IMPACTS:

Agreement: No

By-law: No

Budget Amendment: No

Policy: No

ATTACHMENTS:

None.

HALDIMAND COUNTY

Report FIN-03-2023 Interim Tax Levy and Temporary Borrowing for the Year 2023



For Consideration by Council in Committee on February 7, 2023

OBJECTIVE:

To secure Council authority, through by-law, for the billing of the 2023 Interim Tax Levy and for temporary borrowing if required.

RECOMMENDATIONS:

1. THAT Report FIN-03-2023 Interim Tax Levy and Temporary Borrowing for the Year 2023 be received;
2. AND THAT the 2023 combined interim tax rates, as identified in Attachment #1 to Report FIN-03-2023, be adopted;
3. AND THAT the 2023 Interim Tax Levy be due and payable in two equal installments, on March 31st, 2023 and May 31st, 2023;
4. AND THAT the rate of penalty and interest for 2023 be set at 1.25% per month (15% per annum);
5. AND THAT a by-law be presented for enactment to authorize an Interim Tax Levy for 2023 based on the tax rates set out in Report FIN-03-2023;
6. AND THAT the Treasurer be authorized to adjust an individual property owner's interim taxes for 2023, if required, in the event that the taxes would be too low or too high in relation to the estimated total annual taxes for 2023, in accordance with Section 317(9) of the *Municipal Act*;
7. AND THAT a Temporary Borrowing By-law be presented for enactment to set the limit for borrowing certain sums, until revenues are received, to meet current expenditures for the year.

Prepared by: Erika Tardif, Senior Financial Analyst

Reviewed by: Amy Vesprini, Supervisor, Taxation and Revenue and Teri Trewolla, Treasurer

Respectfully submitted: Mark Merritt, CPA, CA, General Manager of Financial & Data Services

Approved: Craig Manley, MCIP, RPP, Chief Administrative Officer

EXECUTIVE SUMMARY:

Approving the 2023 interim tax levy, with payments split between a March and May installment, will serve both the County's immediate cash flow needs and provide reasonable notice to the County's property owners, of their anticipated property taxes for the calendar through a balanced schedule of tax payments. The interim tax rates, as identified in Attachment #1, are established to ensure the interim tax levy does not exceed 50% of the anticipated combined municipal and education taxes for the 2023 calendar year for any particular property.

Although not anticipated to be utilized, in the event there is a timing issue related to collection of municipal revenues and outflow of expenditures, the temporary borrowing by-law provides the applicable short-term credit facility.

BACKGROUND:

Section 317(1) of the Municipal Act (Act) allows a municipality, before adoption of the annual operating budget, to pass an Interim Tax Levy By-law. The objective of an interim tax levy is to provide the County with funds to avoid temporary borrowing as well as to spread tax installments relatively evenly throughout the year.

Section 317(3) of the Act outlines the following rules with regard to establishing an interim tax levy:

1. The amount levied on a property shall not exceed the prescribed percentage, or 50 per cent if no percentage is prescribed, of the total amount of taxes for municipal and school purposes levied on the property for the previous year.
2. The percentage under paragraph 1 may be different for different property classes but shall be the same for all properties in a property class.
3. For the purposes of calculating the total amount of taxes for the previous year under paragraph 1, if any taxes for municipal and school purposes were levied on a property for only part of the previous year because assessment was added to the tax roll during the year, an amount shall be added equal to the additional taxes that would have been levied on the property if the taxes for municipal and school purposes had been levied for the entire year.

In conjunction with the Interim Tax Levy By-law, the Act also provides the ability for the municipality to borrow funds, on a temporary basis, until revenues are collected (i.e. property taxes and other municipal own sourced revenues), to a maximum of:

- 50% of such revenues from January 1 to September 30 of the year; and
- 25% of such revenues from October 1 to December 31 of the year.

Although the Municipal Act establishes the authority to set the temporary borrowing limit at 25% of Haldimand County own source revenues for the year (based on property taxes or payments in lieu of property tax revenues only), since 2014, the temporary borrowing limit was fixed at \$5,000,000 based on improved cash flow management. This level remains sufficient as this credit facility has not been utilized in the past.

ANALYSIS:

The required Interim Tax Levy By-law and Temporary Borrowing By-law address four key issues: the interim tax rates, the due dates for the interim taxes, the rate of penalty and interest on unpaid taxes and the borrowing limits for temporary financing of operational costs.

Interim Tax Rates

The Act provides that the interim tax levy shall not exceed 50% of the prior year's combined municipal and education taxes for any particular property. In a year where there is no change in the assessed value of properties, setting a tax rate equal to 50% of the previous year's tax rate would meet the requirements of the act. However, while 2023 saw the regular reassessment delayed due to the pandemic, there are growth and burden impacts that require the use of a "notional" tax rate instead of the previous year's tax rate in order to calculate the tax impact.

A notional tax rate is an adjusted tax rate that would calculate the same net levy, as required in the prior year, by using the updated Current Value Assessments (CVA) for the current taxation year.

Generally, the calculated “notional tax rates” reflect a slight decrease from the 2022 final tax rate as a result of the assessment growth in 2022. This is due to the fact that the 2022 tax levy requirement, when spread over a higher total assessment per class, in most cases, results in a lower notional tax rate for 2023. Typically, this decrease would be more significant as a result of the phase-in of reassessment impacts, however, 2023 sees no reassessment impacts due to the delayed 2020 reassessment as a result of the current pandemic. The only exception to this is when tax policies are amended, affecting the underlying tax rate. As tax policy decision are reviewed by Council later in the year, this will only potentially impact the final tax bills.

The education tax rates reflect tax rates provided by the Province in January 2023. Similar to the notional rate concept, the education rates typically reflect a reduction in order that the funds collected for Provincial education purposes are revenue neutral. The COVID-19 Pandemic has affected the usual decrease in education rates in two ways. First, since the provincial reassessment was delayed, holding property values at 2020 destination values, the draft education rates for residential are held steady at the 2021 rate. Next, given the impact of the pandemic on the Ontario economy, the Province announced in November 2020 that it would reduce all high business education tax (BET) rates to a rate of 0.88 per cent starting in 2021. The final rates for 2023 maintain this reduced rate established in 2021. Resulting final rates are shown in the table below:

Table 1 – Comparison of Education Rates

Class	2022	2023	Change	%
Residential and Multi-residential	0.00153000	0.00153000	-	0.0%
Farm and Managed Forest	0.00038250	0.00038250	-	0.0%
Commercial	0.00880000	0.00880000	-	0.0%
Industrial and Pipeline	0.00880000	0.00880000	-	0.0%
New Construction - Commercial/Industrial	0.00880000	0.00880000	-	0.0%
Small-Scale On-Farm Subclass - Commercial/Industrial	0.00220000	0.00220000	-	0.0%

Incorporating notional municipal tax rates and provincially approved education tax rates, the following table represents the calculated 2023 Interim Tax Rates for the various property classes based on the annualized notional tax rates (calculated as described above):

Table 2 – 2022 Interim Tax Rates

Property Class	Tax Classes	2023 Notional Municipal Tax Rate	2023 Education Tax Rate	2023 Annualized Combined Tax Rate	2023 Combined Interim Tax Rate (*)
Residential	RT (RF,RG,RH,RP)	0.01048950	0.00153000	0.01201950	0.00600975
Residential Farmland Awaiting Development	R1P	0.00786713	0.00114750	0.00901463	0.00450731
Multi-Residential	MT	0.02097900	0.00153000	0.02250900	0.01125450
Multi-Residential (New Construction)	NT	0.01048950	0.00153000	0.01201950	0.00600975
Commercial (Occupied)	CT, ST, GT (CF, CG, CH, CP, DP, GF)	0.01775768	0.00880000	0.02655768	0.01327884
Landfill	HT (HF)	0.01775768	0.00880000	0.02655768	0.01327884
Commercial Excess Lands/Vacant Lands	CU, SU, CX (CJ,CR,CZ)	0.01775768	0.00880000	0.02655768	0.01327884
Commercial (New Construction)	XT (XP)	0.01775768	0.00880000	0.02655768	0.01327884
Commercial (New Construction) Vacant Lands	XU	0.01775768	0.00880000	0.02655768	0.01327884
Commercial Small-Scale On-Farm Subclass	C7, C0	0.00443942	0.00220000	0.00663942	0.00331971
Industrial (Occupied)	IT, LT, (IH,IP,LI,LS)	0.02441327	0.00880000	0.03321327	0.01660663
Industrial Excess Lands/Vacant Lands	IU, LU, IX (IK,IZ,LK)	0.02441327	0.00880000	0.03321327	0.01660663
Industrial Farmland Awaiting Development	I1N	0.00786713	0.00114750	0.00901463	0.00450731
Industrial (New Construction)	JT (JP)	0.02441327	0.00880000	0.03321327	0.01660663
Industrial Excess Lands/Vacant Lands (New Construction)	JU	0.02441327	0.00880000	0.03321327	0.01660663
Industrial Small-Scale On-Farm Subclass	I7	0.00610332	0.00220000	0.00830332	0.00415166
Pipelines	PT	0.01562306	0.00880000	0.02442306	0.01221153
Farmlands	FT (FP)	0.00262238	0.00038250	0.00300488	0.00150244
Managed Forests	TT	0.00262238	0.00038250	0.00300488	0.00150244

(*) - Based on the legislative parameters, the 2023 interim tax rates stated above represent 50% of the calculated annualized combined municipal and education tax rate for each property class (excluding any municipal levy increases or tax policy impacts).

A comparison of 50% of the final 2022 Approved rates and the proposed 2023 Interim Tax rates is provided below:

Table 3 – Comparison of 2022 to 2023 Interim Tax Rates

Property Class	Tax Classes	2022 Interim Tax Rate	2023 Interim Tax Rate	2023 Difference
Residential/Farm	RT (RF,RG,RH,RP)	0.00612293	0.00600975	(0.00011318)
Residential Farmland Pending Development	R1P	0.00459220	0.00450731	(0.00008489)
Multi-Residential	MT	0.01148087	0.01125450	(0.00022637)
Multi-Residential (New Construction)	NT	0.00612293	0.00600975	(0.00011318)
Commercial (Occupied)	CT, ST, GT (CF, CG, CH, CP, DP,GF)	0.01347044	0.01327884	(0.00019160)
Landfill	HT (HF)	0.01347044	0.01327884	(0.00019160)
Commercial Excess Lands/Vacant Lands	CU, SU, CX (CJ,CR,CZ)	0.01347044	0.01327884	(0.00019160)
Commercial (New Construction)	XT (XP)	0.01347044	0.01327884	(0.00019160)
Commercial (New Construction) Vacant Lands	XU	0.01347044	0.01327884	(0.00019160)
Commercial Small-Scale On-Farm Subclass	C7, C0	0.00336761	0.00331971	(0.00004790)
Industrial (Occupied)	IT, LT, (IH,IP,LI,LN,LS)	0.01687005	0.01660663	(0.00026342)
Industrial Excess Lands/Vacant Lands	IU, LU, IX (IK,IZ,LK)	0.01687005	0.01660663	(0.00026342)
Industrial Farmland Pending Development	I1N	0.00459220	0.00450731	(0.00008489)
Industrial (New Construction)	JT (JP)	0.01687005	0.01660663	(0.00026342)
Industrial Excess Lands/Vacant Lands (New Construction)	JU	0.01687005	0.01660663	(0.00026342)
Industrial Small-Scale On-Farm Subclass	I7	0.00421751	0.00415166	(0.00006585)
Pipelines	PT	0.01238010	0.01221153	(0.00016857)
Farmlands	FT (FP)	0.00153073	0.00150244	(0.00002829)
Managed Forests	TT	0.00153073	0.00150244	(0.00002829)

Note: 2022 Interim rates have been recalculated to represent ½ of the final approved 2022 tax rates.

As indicated previously, the interim tax rates for 2023 are only slightly lower than 50% of the final 2022 tax rates, due to the lack of reassessment increases. The above noted decreases incorporate any assessment shifts (not applicable in 2023) and growth related impacts as well as any impact related to the changes in the Provincially approved education tax rates.

It must be emphasized that this calculation of 2023 interim tax rates does not incorporate any potential 2023 tax supported operating levy increase. That impact will not be known until Council reviews the 2023 Tax Supported Operating Budget in March. Also, the final 2023 total tax rates could be impacted by changes in tax policy, as well as any changes in assessment in the first quarter of 2023. For these reasons, the final 2023 total tax rates will not be presented to Council until June.

As noted, 2023 is a year of no reassessment impacts, so all properties reflect their final CVA values, based on the valuation date of January 1, 2016 (known as the 2020 “Destination” value). Some properties may have a change in assessment due to supplementary assessments being issued last year for enhancements/additions to the property, or a reduction due to a successful Request for Reconsideration/Assessment Review Board decision. Post Roll Assessment Notices (PRAN’s) were

also issued last year which could result in an increase or decrease in assessment and/or a tax class change for a particular property. As a result, the 2023 interim tax levy for an individual property will be based on the “annualized” taxation in 2022 to the extent that the adjustments mentioned above have been reflected on the returned assessment roll for 2023 taxation. Impacts of the 2022 returned assessment for 2023 taxation (i.e. shifts in burden between tax classes and net growth) are the subject of a separate report to Council being presented at the February 8th Council in Committee meeting (FIN-02-2023 Analysis of Assessment Update). For properties that have significant assessment changes, there is the potential that the interim taxes, although billed in accordance with the prescribed legislation, will vary significantly from the estimated total annual taxes for 2023. Section 317(9) of the Act contemplates these situations by including the following provision:

“If the Council of a municipality is of the opinion that the taxes levied under subsection (1) on a property are too high or too low in relation to its estimate of the total taxes that will be levied on the property, the council may adjust the taxes on the property under subsection (1) to the extent it considers appropriate.”

For the above situations, it is recommended that the Treasurer be delegated the authority to make adjustments to the interim tax levy on a particular property (this would be effected by applying the recommended interim tax rates to the assessed value of the individual property for 2023).

It is estimated that, by utilizing these provisions and the “notional tax rates” indicated above, all taxpayers’ interim tax bills should be approximately 50% of the estimated total tax bill for 2023 (excluding the impacts of Council’s approval of increased tax levy requirements or tax policy changes for 2023).

Tax Installment Due Dates

In 2023, as in past years, Haldimand County levied two interim installments, due the last business day of March and May respectively. For 2023, staff is proposing the same timelines for the interim tax levy. The Final Tax Levy and proposed timing of final tax installments will be established once the 2023 Tax Supported Operating Budget is passed and the final tax rates are approved by Council. The goal, at that time, will be to spread the remaining 2023 tax levy over an additional two equal installments in order to minimize the timing impact on individual property owners, while still providing the County with sufficient cash flow to meet current operating expenditures.

In the future, given changing payment options and to meet taxpayer expectations, staff intend on evaluating various tax installment methods and timing. This could also better manage impacts on future cash flows and associated revenue streams (i.e. tax arrears, investment portfolio and returns, etc.). Any recommended changes will be brought back for Council’s review and approval.

Rate of Penalty and Interest

The Interim Tax Levy By-law also sets the rates for penalties on unpaid taxes and interest on arrears. In previous Levy By-laws, the County set the rate for penalty and interest at 1.25% per month or 15% per year. It is proposed that the rate remain as previously approved. This rate is consistent with almost all municipalities in Ontario and is the maximum rate allowed per Section 245(2) of the Act.

Municipalities have a limited number of tax collection tools available, such as interest rates, arrears notices, tax sale, small claims court and mortgage notification. Setting the interest rate at an effective rate of 15% per year encourages property owners to pay taxes on time. This interest rate should not be compared to current borrowing rates that are available from lending institutions as the municipality should not be viewed as a means to finance tax obligations. As Council is aware, although trending downward after resuming tax collection efforts in 2022, Haldimand County’s taxes receivable are high compared to many other municipalities. Lowering the interest rate on unpaid taxes would likely exacerbate this situation as property owners would have less incentive to pay to avoid high penalties.

A final consideration is the revenue that is generated from the penalty charged on tax arrears. Currently, the County earns in excess of \$1 million annually from interest income on tax arrears which helps to reduce the overall tax levy. Reducing the interest rate would have a corresponding increase to the tax levy meaning that all taxpayers, particularly the majority that pay their property taxes on time will, in effect, be subsidizing the late payments.

Temporary Borrowing By-law

Based on the legislative provisions, the County maintains a temporary borrowing by-law to allow for short-term borrowing until the required revenues are collected (i.e. property taxes and other municipal own sourced revenues). Although legislative limits would allow the County to carry a short-term borrowing limit in excess of \$15,000,000, the County currently maintains a borrowing limit of \$5,000,000.

To date, the County has not utilized this line of credit; however, it is good cash management to maintain this credit facility. Based on discussions with the County's financial institution, a credit limit of \$5 million or less will avoid annual financial reporting requirements, credit insurance requirements and annual credit updates/reviews. From a short-term cash flow perspective, the current practice is to maintain a minimum balance within our current general operating bank account which would avoid the use of this credit facility under normal circumstances. The credit limit is reviewed annually and can be re-evaluated if the County's financial circumstances, at that time, warrant any required changes.

It is recommended that, based on the above analysis, there be no changes to the current temporary borrowing limit. As approved in prior years, in the event that no changes are recommended in future years, the borrowing limit will be updated annually without additional approval of Council as the General Manager of Financial and Data Services and the Treasurer have been delegated the authority to sign the required documents. As there are no proposed changes to the credit limit, an Interim Borrowing By-law, similar to prior years, will be presented to Council for approval at the February 13th meeting.

FINANCIAL/LEGAL IMPLICATIONS:

The setting of the interim tax levy, the due dates and the rate of penalty and interest will have a major impact on the County's revenue source and overall cash flow for 2023. Based on historical trends, anticipated revenues from penalties and interest have been incorporated into the 2023 Draft Tax Supported Operating Budget.

The temporary borrowing by-law provides the applicable credit facility in the event short-term borrowing is required for operating costs.

STAKEHOLDER IMPACTS:

Customer Service Representatives (CSR's) collect tax installment payments received in person or by mail.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Proposed Interim Tax Rates

Property Class	Tax Classes	2023 Haldimand County Interim Tax Rate	2023 Estimated Interim Education Tax Rate	2023 Combined Interim Tax Rate
Residential	RT (RF,RG,RH,RP)	0.00524475	0.00076500	0.00600975
Residential Farmland Awaiting Development	R1P	0.00393356	0.00057375	0.00450731
Multi-Residential	MT	0.01048950	0.00076500	0.01125450
Multi-Residential (New Construction)	NT	0.00524475	0.00076500	0.00600975
Commercial (Occupied)	CT, ST, GT (CF, CG, CH, CP, DP,GF)	0.00887884	0.00440000	0.01327884
Landfill	HT (HF)	0.00887884	0.00440000	0.01327884
Commercial Excess Lands/Vacant Lands	CU, SU, CX (CJ,CR,CZ)	0.00887884	0.00440000	0.01327884
Commercial (New Construction)	XT (XP)	0.00887884	0.00440000	0.01327884
Commercial (New Construction) Vacant Lands	XU	0.00887884	0.00440000	0.01327884
Commercial Small-Scale On-Farm Subclass	C7, C0	0.00221971	0.00110000	0.00331971
Industrial (Occupied)	IT, LT, (IH,IP,LI,LN,LS)	0.01220663	0.00440000	0.01660663
Industrial Excess Lands/Vacant Lands	IU, LU, IX (IK,IZ,LK)	0.01220663	0.00440000	0.01660663
Industrial Farmland Awaiting Development	I1N	0.00393356	0.00057375	0.00450731
Industrial (New Construction)	JT (JH, JP)	0.01220663	0.00440000	0.01660663
Industrial Excess Lands/Vacant Lands (New Construction)	JU (JK)	0.01220663	0.00440000	0.01660663
Industrial Small-Scale On-Farm Subclass	I7, I0	0.00305166	0.00110000	0.00415166
Pipelines	PT	0.00781153	0.00440000	0.01221153
Farmlands	FT (FP)	0.00131119	0.00019125	0.00150244
Managed Forests	TT	0.00131119	0.00019125	0.00150244

HALDIMAND COUNTY

Report HRD-01-2023 Health and Safety Policy and Program

For Consideration by Council in Committee on February 7, 2023



OBJECTIVE:

To inform Council of the County's 2022 health and safety performance, as well as to approve the 2023 Occupational Health and Safety Policy and Program.

RECOMMENDATIONS:

1. THAT Report HRD-01-2023 Health and Safety Policy and Program Report be received;
2. AND THAT the 2023 Occupational Health and Safety Program be approved as outlined in Report HRD-01-2023;
3. AND THAT Policy No. 2022-01 be rescinded and replaced with the 2023 Occupational Health and Safety Policy, as outlined in Attachment 5 to Report HRD-01-2023.

Prepared by: Katie Meyer, Supervisor, Employee Wellness and Development

Reviewed by: Megan Jamieson, Director of Human Resources

Respectfully submitted: Cathy Case, General Manager of Corporate & Social Services

Approved: Craig Manley, MCIP, RPP, Chief Administrative Officer

EXECUTIVE SUMMARY:

The overall health and safety performance at Haldimand County continues to be successfully maintained, with changes, as new legislation and hazards have been introduced over the past few years. This confirms the County's safety programs are having the desired impact and the importance of continuing to adapt safety programs as the workforce, hazards and legislation evolve. In 2022, the County experienced another unique year managing both regular safety programs, as well as adapting ways of work as the County continued to respond to the Novel Coronavirus (COVID-19). Through the constant change, staff continued to demonstrate ongoing commitment to the health and safety program by applying the principles of health and safety through prompt reporting of incidents, development of protocol and policy, ongoing training and communication efforts, safety discussions, and Joint Health and Safety Committees, to name a few elements. Although the COVID-19 measures appeared to have loosened provincially in the spring, staff were heavily involved in the stringent protocols that remained in healthcare settings and managing the risk within administrative and operations settings.

The 2023 Occupational Health and Safety Program will continue to enhance health and safety practices and knowledge, manage the COVID-19 response and understand the needs of the workforce, by incorporating new mental health strategies to manage incidents, stress, anxiety and fatigue.

In addition, the 2023 health and safety program aims to mitigate the number of injuries/illnesses occurring within the County by: ensuring current policies/procedures/guidelines are effective and being enforced; providing support to staff to encourage discussion around mental health; utilizing the Joint

Health and Safety Committee members to enhance health and safety culture; and continuing to train and engage all employees to further improve health and safety performance.

BACKGROUND:

Section 25(2)(j) of the Occupational Health and Safety Act (the Act) requires employers to prepare and review, at least annually, a written Occupational Health and Safety Policy as well as to develop and maintain a health and safety program to implement that policy.

In 2022, Council approved the Occupational Health and Safety Policy contained in Report HRD-01-2022. In the same report, Council was informed that the 2022 health and safety program would continue with the development of health and safety guidelines, as well as the provision of a variety of health and safety-related training, programs, and communication initiatives. Staff recognize 2022 continued to require a significant amount of work in managing changing responses to COVID-19. The current report provides a brief description of the status of those initiatives, including that of COVID-19, as well as some statistics on overall health and safety performance of the various County operations in 2022.

Haldimand County is a Schedule 2 Workplace Safety and Insurance Board (WSIB) employer, meaning that the County self insures the full cost of workplace injuries for all employees. As a result, it is imperative that the County has a strong health and safety program to minimize the risk and cost of workplace injury.

ANALYSIS:

2022 Health and Safety Initiatives Undertaken:

In 2022, the following health and safety initiatives were undertaken:

1. Implemented and managed COVID-19 safety measures including, but not limited to:
 - a. Revised standard operating procedures based on current situations and public health measures;
 - b. Provided regular communications to staff on the current COVID-19 measures in place and adapted response efforts based on Public Health direction and risk level (healthcare vs non-healthcare);
 - c. Managed submissions of the worker income protection benefit to ensure all eligible staff were not financially impacted due to COVID-19;
 - d. Performed ergonomic assessments, as requested, and developed “at home” office resources for employees required to work remotely to comply with provincial restrictions, childcare needs or self-isolation requirements;
 - e. Provided direction, monitored and managed all confirmed and potential COVID-19 cases within staff (over 430 staff isolations were reported and managed in 2022);
 - f. Aide in workplace outbreak case management including investigating how the virus was contracted (work related for all positive staff), as well as audits from the Ministry of Labour;
 - g. Worked closely with infection control to mitigate COVID-19 risk within Grandview Lodge (GVL) through audits and revised procedures;
 - h. Administered three COVID-19 Vaccination Policies across Haldimand County with two policies still active. The COVID-19 Vaccination Team managed all vaccination disclosures, testing requirements, and the recruitment of only vaccinated staff. The Policy required a significant amount of time for the team to manage test submissions,

compliance with the Policy, leave of absences, and progressive discipline/terminations of those in non-compliance with the Policy.

2. Administered a hybrid work model to administrative staff, navigating through the health and safety hazards presented as the definition of “workplace” expanded to include home.
3. Training on WSIB Case Management and Sick Leave practices for leadership and administrative staff, for better understanding and to ensure efficiencies in process were being met.
4. Health and safety training matrices were amalgamated and re-evaluated based on risk assessments of jobs and legislative compliance.
5. Launched monthly wellness updates utilizing the Employee Family Assistance Program.
6. Wellness committee was very active throughout 2022 with the ultimate goal of building positive and healthy relationships between co-workers given the number of new staff and the isolation many felt during the lockdowns.
7. Partnered with the Community Paramedics to bring the K-9 Therapy Dog program to County staff in efforts to include a holistic approach to employee well-being.
8. Development and launch of the pilot project, External Violence Against Paramedicine (EVAP) to enhance awareness and support of paramedics who deal with chronic exposure to workplace violence, be it verbal harassment, sexual harassment, intimidation or physical assault.
9. Enrolled and received approval for the WSIB Excellence program as staff work towards receiving this designation for County programs.
10. Initiated the Peer Support program, currently in the development stage, in order to provide greater psychological support to first responders.
11. Provided on-site job specific health and safety training to all field staff to allow for hands on training and practical discussion related to their jobs in particular.
12. Delivered health and safety training to targeted groups via online training or facilitated by a professional. A great focus of this years plan will be on “catching up” on training delayed or deferred as a result of COVID-19 restrictions.
13. Revised corporate health and safety orientation including having Grandview Lodge staff participate corporately, and to align with improvements taking place within the general corporate orientation / introduction to Haldimand County workplace culture.
14. Workplace Violence Risk Assessments were reviewed and/or completed for targeted Haldimand County workplaces.

2022 Health and Safety Performance:

a. Statistics Showing Performance

A statistical summary of the County’s 2022 health and safety performance, broken down by Joint Health and Safety Committee (JHSC) employee group, relative to previous years on record, is contained in Attachments 1 to 4.

Attachment 1, summarized below, provides a record of Lost Time Injury/Illness (where an employee sustained a work-related injury/illness which prevented them from attending work the day following the incident) since 2018. The total number of incidents has increased since 2020 from 8 to 18 in 2022, as shown in the following table:

JHSC Group	2020	2021	2022
Fire	0	0	0
Paramedic Services	4	1	9
CUPE/Non-Union	3	1	3
Grandview Lodge	1	6	6
Total	8	8	18

The lost time claims were primarily related to over-exertion/strain/sprain from lifting residents or patients, at times in awkward positions. Although Grandview Lodge has a no lift policy, staff are required to move residents to positions to utilize mechanical aids, or when unexpected movements occur (i.e. when a resident falls). As well, paramedics are generally required to lift patients in less than ideal conditions with limited control over the environment; these situations are common practices for both and put them at a greater risk of injury. Nonetheless, staff worked diligently on all lost time claims to offer suitable modified duties, and to return the injured employees to work as soon as possible to remain engaged in the workplace. Human Resources staff have initiated a number of responses to try to manage the increase lost time incidents. These are outlined in more detail below.

Attachment 2 shows the total number of Medical Aid Injury/Illness incidents where an employee sustains a work-related injury requiring medical attention from a healthcare professional, but is able to immediately return to work on regular or modified duties. The County saw a slight increase in incidents from 26 in 2021 to 28 in 2022. Through analysis of the data, it has been identified there is an increase in staff reporting fatigue, working short, and increased hours due to COVID-19 and the changing workforce which may have contributed to the cause of incidents.

Attachment 3 outlines the total number of Reportable Incidents First Aid/Near Miss, unexpected events that may or may not have caused injury or damage, but did not require medical attention from a healthcare professional. The number of incidents decreased from 61 in 2021 to 48 in 2022, however, remains average in terms of what the data shows year over year.

b. Cause / Type of Accidents

The cause/type of accidents that occurred in 2022 are provided in Attachment 4. It is important to note three specific areas: sprain (over exertion/strain/sprain); COVID-19; and slips, trips and falls, which have significantly contributed to the 2023 plan.

(I) Over exertion/strain/sprain

As demonstrated on Attachment 4, over exertion/strain/sprain injuries, or “Sprain” injuries as reported, were the most prevalent reported injury types in 2022. This has been the number one injury over the past 10 years. In 2019, staff developed and launched an ergonomic guideline and training program to CUPE/Non-Union staff which has contributed to a reduction in this type of injury within CUPE/Non-Union staff. To mitigate this hazard, staff are continuing their efforts in education around body mechanics, as well as working with the Wellness Committee to increase awareness and access to information for shift workers regarding a well-balanced diet and keeping muscles strong. Grandview Lodge had an increase in over exertion/strain/sprain injuries in 2022 which accounted for the majority of strain injuries in 2022. In analyzing the incidents, it was identified that there are contributing factors causing these injuries including increased workload, staff shortages (isolations/vacancies/burnout), extended COVID-19 outbreaks and COVID-19 fatigue. Staff were more susceptible to these injuries and did not recover as fast. It is noteworthy that, due to the pandemic, access to healthcare (physiotherapy, chiropractor) has been delayed or offered virtually contributing to delays in recovery. It was also common for staff to work with employees treating physical injuries which had secondary psychological stressors delaying RTW as illustrated in modified duties hours. Staff are working closely with Grandview Lodge to address the contributing factors (staffing levels/retention/burnout). As well, Grandview Lodge and Paramedic Services JHSC’s will continue to be worked with to address ergonomics.

(II) Slips, Trips and Falls

Slip, trip and fall injuries continue to be a primary cause of injury to staff. Although historically these injuries were as a result of ice, in 2022, these injuries were primarily seen at Grandview Lodge as a result of hazards (cords, furniture, walking aids) in residents bedrooms. The Grandview Lodge Joint Health and Safety is cognizant of this hazard and is actively auditing

resident bedrooms with these hazards in mind on a monthly basis. The Committee will continue to work towards mitigating these risks.

(III) Workplace Violence

Over the past two years, staff exposure to “workplace violence” or violations of “respect in the workplace” from external customers has been on the rise. In particular, Paramedics and public-facing staff such as Customer Service Representatives and Municipal Enforcement Officers saw significant uptake in disgruntled customers. Staff attribute some of these increased behaviours to psychological stress on the community as the County continues to see the impacts of the COVID-19 pandemic. In 2022, staff collaborated with paramedic services to join a pilot project focused on addressing this issue called External Violence Against Paramedics (EVAP). Through this program, paramedics logged concerning calls to ensure it was flagged should medics be called back to this address. As the program continues, staff will further work with the Haldimand OPP to ensure their presence at repeat offenders or high risk addresses. When a call is logged through the EVAP program, Deputies are informed and complete a wellbeing check with the impacted medics. Additionally, frontline staff were provided with training on *Dealing With Difficult Customers* through Mohawk College to ensure they have the skill set to manage calls.

c. Lost Time Claims

Further to Attachment 1, the following table shows the overall lost time hours since 2012. It is evident that the lost time experience has significantly increased over recent years, however, if analyzed, a significant portion of the hours are related to psychological injury claims. The County also experienced an increase in physical injuries where a pre-existing psychological condition (non-occupational) hinders the staff members ability to recover for a safe and early return to work. Staff work closely with the WSIB to delineate between compensable and non-compensable injury/illness and challenges in return to work. It is evident that the spike in lost time hours over the past years is directly linked to the legislative changes related to presumptive liability, mental health regulations, and a better acceptance of mental health issues in general. Staff launched additional training around the Employee Family Assistance Program (EFAP) to ensure they are aware of how to access resources available to them. In late 2022, staff started the implementation of a peer support program in efforts to open the communication between peers alike to talk about trauma. In 2023, staff will collaborate with paramedic services to continue to develop the program and ensure the proper tools are available to members of the team and the service.

Lost Time Hours by JHSC				
Year	Paramedic Services	Fire	CUPE/Non-Union	Grandview Lodge
2009	2,811.0	0	1,838.25	Hours not tracked
2010	435.5	0	174.0	
2011	527.5	30	456.5	
2012	435.5	0	174.0	
2013	227.0	0	42.5	
2014	24.0	160	25.0	
2015	370.5	0	18.5	
2016	406.5	0	66.0	
2017	413.5	8	56.0	
2018	2,663.5 (96% PTSD related)	0	1,931.0 (93% PTSD related)	

2019	1,793.0 (84% PTSD related)	0	656.5 (35% PTSD related)	492.0 (53% mental health related)
2020	516.0 (80% PTSD related)	0	2,184.5 (60% PTSD related)	95.5
2021	517.0	0	2,624.0 (70% PTSD related)	129.25
2022	1,723.0 (92% PTSD related)	0	1,907.5 (56% PTSD related)	537.0

Note: hours related to self-isolation for COVID-19 claims are not captured in this table.

d. *Return to Work – Modified Duties*

Under various legislation, including Human Rights, the County has the duty to accommodate injured/ill workers to the point of undue hardship. As a result, modified duties are offered to accommodate workplace injury related restrictions and to allow for the employee to return to work, in some capacity, as early as appropriate. In these cases, an injured employee may be brought back to work to perform alternate work duties above current complement. If modified duties are not offered and the employee is not able to work, then the number of lost time hours would be much higher. Any loss of earnings by virtue of the employee not being able to work as a result of a workplace injury would need to be paid by the employer, in addition to a WSIB administrative fee. Accordingly, offering modified duties encourages a cost-effective, safe and early return to work and allows the employee to remain engaged in the workplace while also providing for meaningful work during their recovery.

As shown in the table below (excluding indefinite lost time claims related to psychological injuries), the 2022 modified work decreased in the majority of work groups. What is concerning is the significant increase in modified hours within Grandview Lodge. Although the number of staff accommodated did not increase, the delay in recovery was evident. In 2022, staff worked closely with injured employees to return them to a full capacity, however, employees were requiring modified duties for longer periods. Often a psychological component (due to personal reasons or as a result of the injury) hindered their ability to fully return to work. The Employee Wellness Representative worked closely with these individuals and the WSIB to customize a return to work program suitable for their needs. Another challenge was around difficulty in employees seeking treatment and medical. Due to the pandemic, staff were often challenged with delayed access to treatment, or access to virtual treatment which was appeared to be less effective as recovery was delayed.

Modified Work Hours by JHSC				
Year	Paramedic Services	Fire	Non-Union /CUPE	Grandview
2009	980.0	1,141.0	2,193.0	6,626.0
2010	252.0	1,317.0	1,917.0	1,624.0
2011	374.0	735.0	48.0	1,437.0
2012	160.0	0.0	0.0	994.0
2013	672.0	463.0	28.0	1,914.0
2014	36.0	358.0	0.0	3,543.0
2015	768.0	0.0	19.5	1,022.0
2016	980.0	0.0	52.0	395.0
2017	234.5	35.0	11.0	1,161.0
2018	234.0	0.0	68.0	716.0
2019	1,148.5	0.0	891.0	1,146.75

			(97% related to 1 PTSD claim)	
2020	1,601.0	0.0	236.0	537.5
2021	1,898.0	0.0	118.0	630.0
2022	329.5	0.0	33.0	3,678.75

e. Presumptive Liability Legislation Update:

In 2007, the Workplace Safety and Insurance Act (WSIA) was amended to create a presumption for firefighters to be covered under the WSIB for heart injuries and certain cancers without having to prove they are work-related. Over the years, additional cancers were added. In 2016, under the Supporting Ontario's First Responders Act, first responders (fire and paramedics) were provided cover under the WSIB should they develop Post Traumatic Stress Disorder (PTSD) without the need to prove a causal link between PTSD and a workplace event. In To date, the WSIB has approved 26 presumptive liability claims filed by Haldimand County first responders related to presumptive cancers, heart disease, or PTSD. In 2022, two presumptive cancer claims and one PTSD claim were approved, with one additional claim awaiting adjudication by the WSIB. Presumptive legislation has proven to have a significant impact financially and is a driver in lost time hours. Staff are actively work with Emergency Services to ensure programs and supports are in place for first responders.

f. Novel Coronavirus (COVID-19):

Staff continued without hesitation and across all service areas to respond to the changing workplace by in rethinking and modifying working methods to reduce the spread of COVID-19 as we learned to live the virus. This meant although the virus was still present, restrictions were reduced, however, as an employer, the County still holds the responsibility to ensure workers are healthy and safe.

In the 2022 calendar year, staff, together with the related supervisor have responded to and managed over 413 staff isolations due to confirmed or potential exposure to COVID-19. Where possible, staff were directed to work remotely during isolation periods. For those who were unable to work remotely, staff worked with those required to self-isolate to determine which financial benefit they qualified for (Working Income Protection Benefit, Infectious Disease Emergency Leave, or Canada Recovery Benefit). All benefits required staff to submit applications on behalf of the employee to ensure they qualified for payment. In 2022, staff applied for over 124 paid leaves through the provincial Worker Income Protection Benefit. These costs are tracked and reported for the purposes of access to available provincial funding or other grant opportunities. Additionally, staff who developed symptoms was assumed to be work-related during a Grandview Lodge outbreak, or if a paramedic treated a potential COVID-19 patient and developed symptoms. As a result, 37 COVID-19 claims were submitted to the WSIB resulting in lost time costs of 1,071.25 lost hours. Staff also monitored staffing levels, as well as implemented "test to work" protocols when areas met critical staff levels for such as Paramedic Services and Grandview Lodge.

In 2021, the County introduced three COVID-19 Vaccination Policies; two of them requiring the vaccine as mandatory (Grandview Lodge and Paramedic Services). In spring 2022, the non-mandatory policy was revoked, however the two mandatory policies remain in effect. Throughout 2022, the COVID-19 Response Team continued to monitor testing requirements, respond to isolations, and confirm vaccination status of new hires.

All occupational illnesses are legislatively required to be reported to the Ministry of Labour. As a result of COVID-19 exposures to healthcare staff, there was an increased Ministry presence in 2022. Staff worked closely with Ministry inspectors to ensure best practices were being implemented.

Throughout 2023, Staff will continue to not only look at the immediate safety risks (exposure to COVID-19) and new opportunities, but the psychological impacts the pandemic has created on staff. As the County begins to re-open in a much greater capacity and precautions are removed, there is a changed perception on the way work is done, which means revised or new health and safety programs must emerge.

Proposed 2023 Health and Safety Policy and Program:

Section 25(2)(j) of the Occupational Health and Safety Act requires employers to review, at least once annually, a written Occupational Health and Safety Policy, as well as to develop a Health and Safety program to implement that Policy.

A copy of the recommended 2023 Occupational Health and Safety Policy is included as Attachment 5. The JHSC Co-chairs, as well as the Senior Management Team, have reviewed the Policy and have recommended no changes to the currently approved 2022 Policy.

The proposed Health and Safety Program has been developed for 2023 in consultation with the JHSC's and those Managers whose operations are directly impacted by the proposals. The initiatives focus on reviewing health and safety practices and providing greater education to all staff on mental health and psychological injuries in the workplace and COVID-19 safety and fatigue. Specifically, the following plan has been established:

1. Continue to monitor COVID-19 response measures within the workplace.
2. Develop and deliver a comprehensive leadership training program for those in supervisory roles including training and information on:
 - Health and safety training
 - Stay at Work programs
3. Revise the Working at Heights program, including a comprehensive inspection program and new tool development required to aid staff in inspections, as well as for record purposes.
4. Begin to review and modernize Health and Safety policies and programs and move towards a comprehensive Health and Safety manual which will aid in the new training program and ongoing resource support.
5. Continue with the participation in the WSIB Excellence Program with the goal of achieving the first level of recognition by fall 2023. This program is an opportunity to audit the County workplace Health and Safety programs, connect with professionals on best practices, and improve workplace culture. The program helps businesses create goals and objectives, create a healthier and safer workplace, and is an opportunity to review County programs and receive recognition for health and safety achievements.
6. Begin developing an Emergency Protocols manual including information such as, but not limited to, fire safety, safety, lockdown, shelter in place, and extreme weather events (e.g. tornado). It is anticipated that this initiative will span over the next few years and will be accomplished in priority order.
7. Begin the development of a Corporate Claims Management Policy based on current practices.
8. Implement a claims management software to aid in the confidential management of all occupational and non-occupation injuries and illnesses.

FINANCIAL/LEGAL IMPLICATIONS:

The proposed 2023 Occupational Health and Safety Program will not require any additional funds to implement as all anticipated expenditures can be accommodated within the base budget. Should an

unexpected issue arise during the year that requires additional funds, a report will be submitted to Council for specific approval.

Approval of this report, specifically as it relates to the 2023 Policy and Program will meet Haldimand County's legal obligations under Section 25(2) (j) of the Occupational Health and Safety Act.

STAKEHOLDER IMPACTS:

Health and safety impacts all areas of the Corporation. Time will be required of Managers, Non-Union Supervisors, JHSC representatives and select employees to provide input into the preparation of risk assessments, development of policies/procedures and participation in training and workplace inspections mandated by the County.

REPORT IMPACTS:

Agreement: No

By-law: No

Budget Amendment: No

Policy: Yes

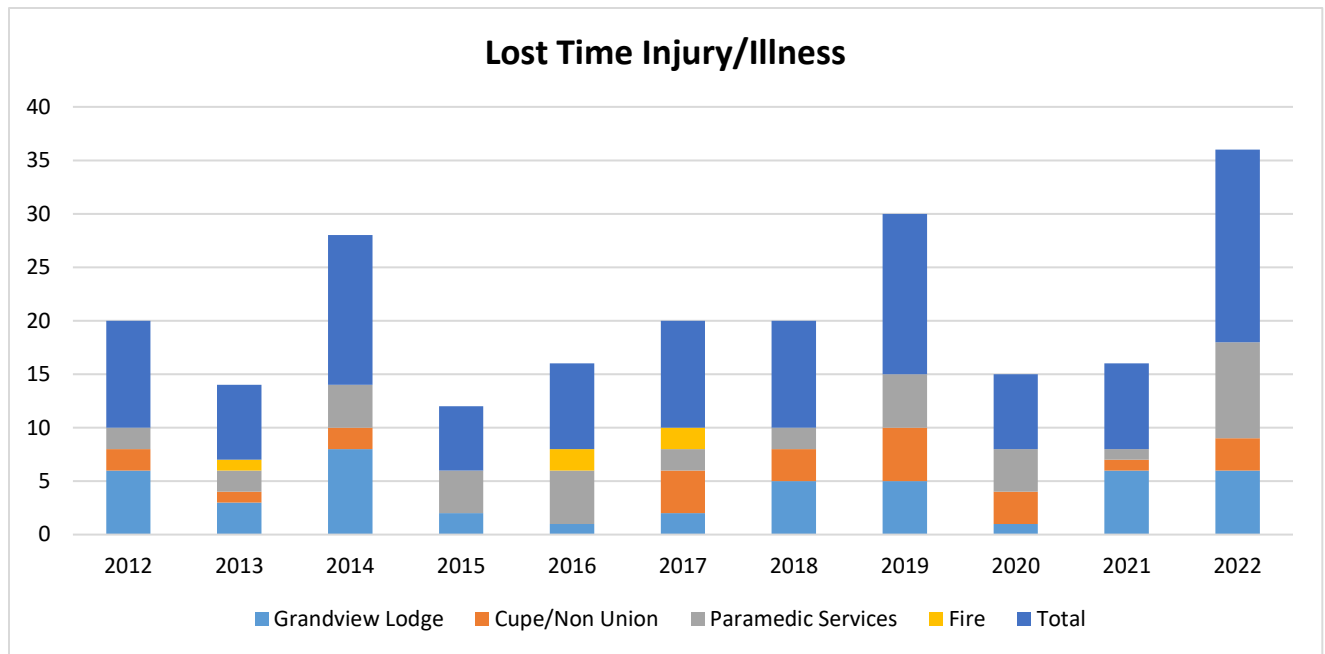
REFERENCES:

None.

ATTACHMENTS:

1. Total Number of Lost Time Accidents by JHSC from 2012-2022
2. Total Number of No Lost Time Accidents by JHSC from 2012-2022
3. Total Number of Incidents by JHSC from 2018-2022
4. 2022 Injuries by Cause
5. 2023 Proposed Occupational Health and Safety Policy

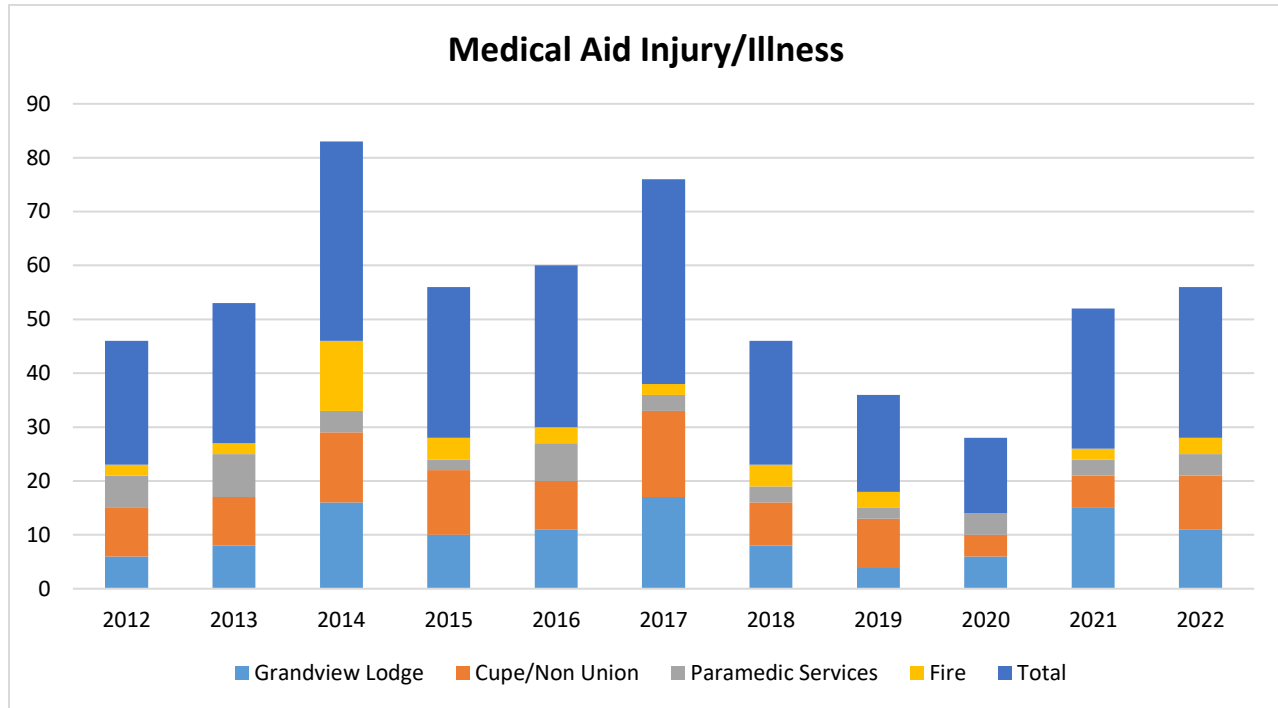
HRD-01-2023, Attachment 1



Lost time:

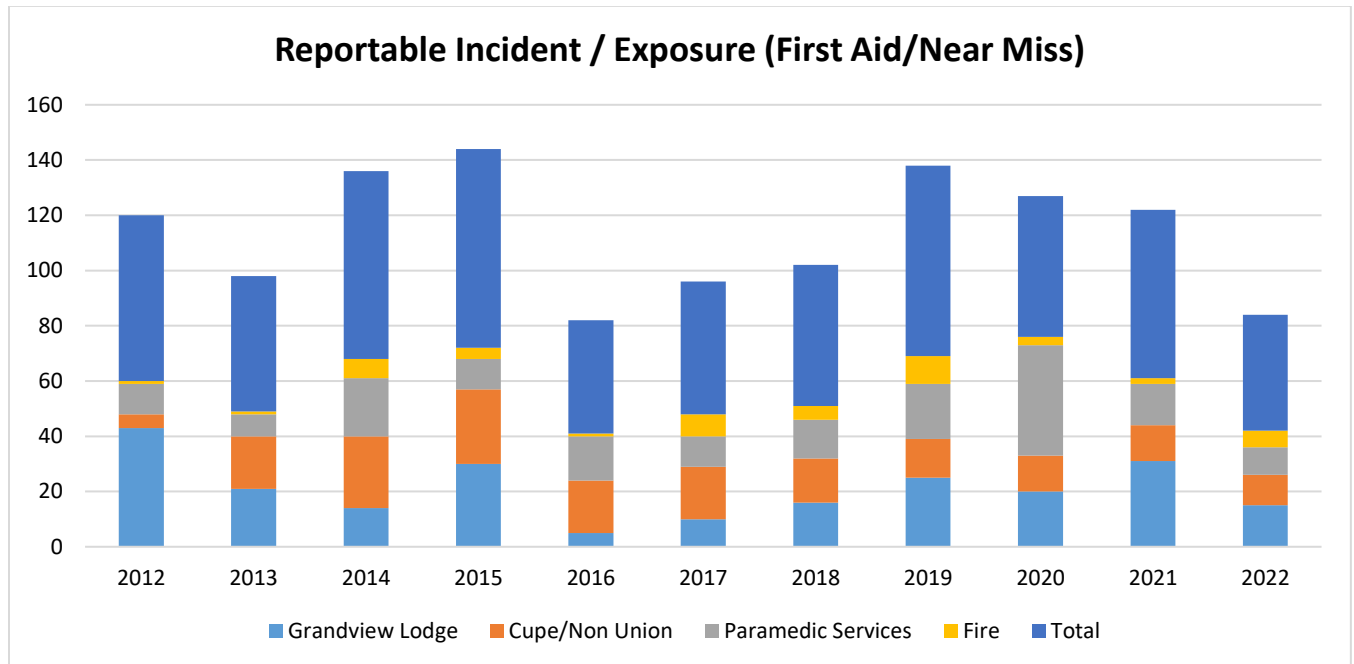
An employee sustains a work-related injury or illness, which prevents them from coming to work past the date of accident.

HRD-01-2023, Attachment 2

**No Lost Time:**

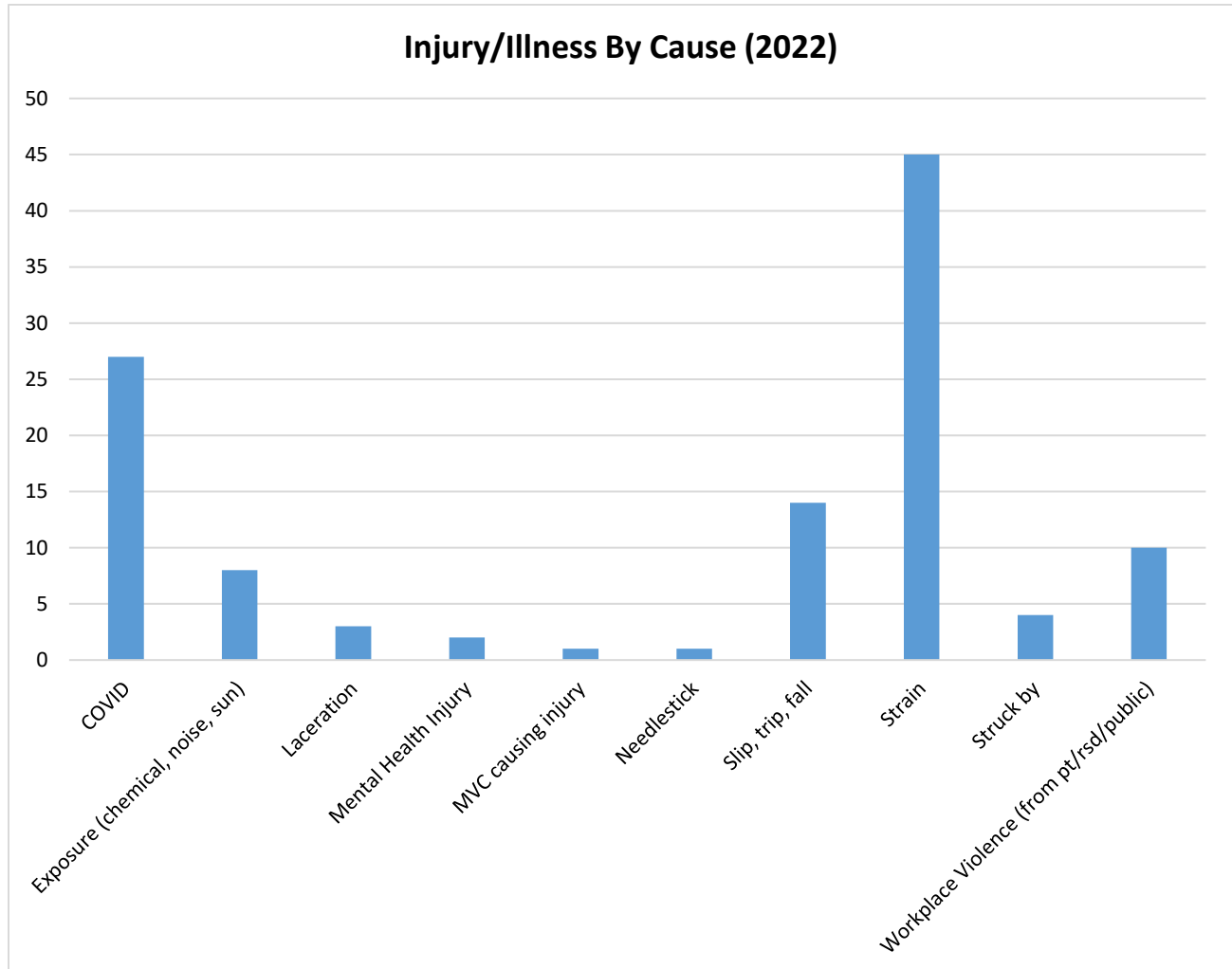
An employee sustains a work-related injury which required medical attention by a healthcare professional, but is able to immediately return to work on regular or modified duties.

HRD-01-2023, Attachment 3

**Incidents:**

An unexpected event that may or may not have caused injury/illness or damage, but did not require medical attention from a health professional. Note: some first aid, such as icing an injury, band aid, psychological support or other may have been required.

HRD-01-2023, Attachment 4





POLICY No. 2023-01 Occupational Health and Safety Policy

Originating Department: Human Resources

SMT Approval: February 10, 2022

Council in Committee:

Recommendation #:

Council Approval:

Resolution #:

Revision History:

[Click here for revision history](#)

The Corporation of Haldimand County is committed to provide and maintain a healthy and safe environment for all employees.

At Haldimand County, we value a supportive and respectful workplace, which includes both physical and psychological well-being. We are dedicated to reduce the risk of injury/illness and will comply with all legislative requirements as they apply to the design, operation and maintenance of facilities and equipment.

Haldimand County, as an employer, has a responsibility for worker health and safety. The Corporation, as directed by Council, commits that every reasonable precaution will be taken for the protection of workers. To support this responsibility, Haldimand County and its employee's are responsible jointly to implement and maintain the Internal Responsibility System directed at promoting a safety culture that reduce or eliminate foreseeable hazards that may result in personal injuries or illnesses.

Managers and Supervisors are responsible for providing employees with equipment and materials that protect them from workplace hazards as well as for providing instructions, training and supervision required to perform work safely. Managers and Supervisors will be held accountable for ensuring employees comply with the Ontario Occupational Health & Safety Act and its regulations and also for implementing safety related policies, procedures and practices in the workplace.

Every employee must protect their own health and safety, as well as the health and safety of others, by working in compliance with the law and with safe work policies, practices, and procedures. Each employee must accept responsibility for bringing to the attention of supervisors any condition or practice not in compliance with this policy. All parties are expected to consider health and safety in every activity, including the utilization of volunteer and contracted services.

Haldimand County is committed to comply with the Ontario Occupational Health and Safety Act and its Regulations in every activity as well as to the continual improvement of health and safety management within the organization.

Signed, this _____ day of _____, 2023.

Craig Manley
Chief Administrative Officer

Shelley Ann Bentley
Mayor

HALDIMAND COUNTY

Report LSS-02-2023 Unsolicited Offer - Road Closure and Conveyance - Part of Hill Street and Part of Snow Street, Cayuga



For Consideration by Council in Committee on February 7, 2023

OBJECTIVE:

To authorize staff to proceed with a road closure and conveyance for part of Hill Street and part of Snow Street in Cayuga.

RECOMMENDATIONS:

1. THAT Report LSS-02-2023 Unsolicited Offer - Road Closure and Conveyance Part of Hill Street and Part of Snow Street, Cayuga be received;
2. AND THAT Memorandum LSS-M01-2023 Additional Information related to LSS-02-2023 Road Closure and Conveyance – Part of Hill St. and Snow St. Cayuga, be received and remain confidential.
3. AND THAT the subject road allowance, as shown in yellow hashtags on Attachment #1 to LSS-02-2023 and legally described as PIN 38232-0219; Hill Street Village of Cayuga East of Grand River Between Snow Street and Monture Street; Haldimand County, be stopped up, closed and declared surplus to all County needs;
4. AND THAT the subject road allowance, as shown in purple and blue hashtags on Attachment #1 to LSS-02-2023 and legally described as part of PIN 38232-0216; Snow Street Village of Cayuga East of Grand River Between Part 1 on 18R4787 and Obadiah Street; Haldimand County, be stopped up, closed and declared surplus to all County needs;
5. AND THAT staff be authorized to negotiate the sale of the properties legally described as PIN 38232-0219; Hill Street Village of Cayuga East of Grand River Between Snow Street and Monture Street; Haldimand County and part of PIN 38232-0216; Snow Street Village of Cayuga East of Grand River Between Part 1 on 18R4787 and Obadiah Street; Haldimand County, to Barbara Birgitt Nichols, in accordance with the parameters outlined in Option 3 of Memorandum LSS-M01-2023;
6. AND THAT staff be authorized to negotiate the sale of the property legally described as part of PIN 38232-0216; Snow Street Village of Cayuga East of Grand River Between Part 1 on 18R4787 and Obadiah Street; Haldimand County, to Robert William Nichols and Barbara Birgitt Nichols, in accordance with the parameters outlined in Option 3 of Memorandum LSS-M01-2023;
7. AND THAT public notice of the proposed closure and conveyance be given;
8. AND THAT a by-law be presented for enactment to authorize the closure and conveyance;
9. AND THAT the Mayor and Clerk be authorized to execute all necessary documents.

Prepared by: Melissa Lloyd, Property Coordinator

Reviewed by: Lori Friesen, Manager of Legal & Support Services

Respectfully submitted: Cathy Case, General Manager of Corporate & Social Services

Approved: Craig Manley, MCIP, RPP, Chief Administrative Officer

EXECUTIVE SUMMARY:

An unsolicited offer to purchase County owned lands (unopened road allowances), being a part of Snow Street and a part of Hill Street, Cayuga has been received. Staff have determined that these unopened road allowances are not required for municipal purposes and can be deemed surplus to the County's needs. The purchase price offered is less than the Vacant Land Values Chart, therefore closed session Memorandum LSS-M01-2023 is to be reviewed along with this report as it provides an analysis of the options available to Council.

BACKGROUND:

Unopened Road Allowances:

Historically, parcels of land were identified by the Crown and placed in ownership of the local municipality to be used for future roads as necessary, and are located throughout Haldimand County. Typically, there are three options when dealing with these road allowances:

1. leave as is (an unopened road allowance) in case there is a future requirement;
2. open the road via by-law and make it a travelled road; or
3. deem as surplus to the County's needs, close and convey the road allowance and sell the land as approved by by-law.

The County receives a number of unsolicited offers to purchase unopened road allowances annually. In most cases, the offers to purchase come from property owners that have an unopened road allowance that runs through their property or the unopened road allowance abuts their property. The latter is the purpose of this report.

Due Diligence and Process:

When staff receive offers to purchase unopened road allowances, there are various steps taken:

- **Application and Fee Submission:** In lieu of a potential purchaser utilizing an Agreement of Purchase and Sale or a realtor, a simple form must be submitted which provides staff with the necessary information to initiate the process. The Application outlines information regarding the parcel(s) of land the Applicant is seeking to purchase, what they would like to do with the property, location of the road allowance compared to their property (i.e. abutting) and confirmation that if the conveyance occurs, the properties would merge. The Applicant also acknowledges that if approved, that the property is sold as is, the land will not be sold for less than market value plus HST, and that they are responsible for the legal and conveyance costs. The application fee is included in the User Fee By-law that is approved annually by Council.
- **Feedback:** Staff utilize the information from the Application to seek feedback from other County divisions, utilities, local conservation authorities (as applicable) and other relevant external agencies to determine if there are any objections or concerns in consideration of request to purchase. For example – future development needs or easement requirements. Abutting property owners are also sent letters to inform them of the request to purchase, thereby enabling an opportunity to ask questions or provide feedback.
- **Due Diligence:** Each offer has its own elements of uniqueness that requires vetting and verification. Generally speaking, the due diligence process includes:
 - Reviewing information from the Land Registry Office to confirm the County owns the property and has clear title to the lands;
 - Confirmation that the Applicant(s) are the legal owners of the property for which the unopened road allowance runs through or abuts to;

- Determine if there are aspects on title that may impact a potential sale (i.e. existing easements);
 - Review of the unopened road allowance to ensure that sale of property would not place any other abutting land owner in a position of being landlocked or in a detrimental situation;
 - Review of all comments and information received during feedback process; and
 - Physical inspection of the property to determine if there are any physical or local impacts to the property that would affect the market value (i.e. if a buildable lot increases the value, use of land is limited in nature can decrease the value).
- **Communication:** staff continue on-going communication with the Applicant through-out the process.
 - **Report:** the information is assembled and a report is presented to Council with staff providing information regarding the offer, results of the due diligence process and recommendations for consideration by Council.

Determining Value of Land:

When requests to purchase road allowances are received, the Applicant(s) are advised that the property, if deemed surplus, will be sold for no less than the appraised value, plus HST, plus all costs of closure and conveyance. The purpose of the appraisal is to estimate the market value of the subject property based on the most probable “best use” at the time. The County’s past practice is to require the Applicant(s) to pay for a certified appraisal to determine the value of the property. The cost of obtaining a certified appraisal is significant, being approximately \$3,000 to \$4,000. Certified appraisals are completed by professional appraisers and are based upon facts. It involves a comprehensive review of the property, impacts of existing municipal by-laws (i.e. zoning and land use), neighbouring land uses, and benchmarking against other similar properties and various appraisal methodologies. Where the property is small in nature, such as an unopened road allowance, staff will suggest that the Applicant obtain an opinion of value from a realtor rather than a certified appraisal. As the name suggests, the values provided by the realtor are based upon the opinion of a realtor and are in most cases, provided free of charge or considerably less than an appraisal fee.

In addition to utilizing an opinion of value, staff also reference the Vacant Land Values Chart (VLVC). The VLVC is a tool that was implemented in 2015 with the assistance of different local realtors to aid in determining market values for various property types and for different areas within the County. The VLVC is reviewed annually to ensure alignment with market conditions. Staff are currently in the process of updating this chart for 2023 which was last updated and verified in early 2022.

The Offer to Purchase:

Barbara Birgitt Nichols is the owner of a parcel of property that abuts Monture Street North, Cayuga and is shown on Attachment #1 (orange hashtags). Barbara Birgitt Nichols and Robert William Nichols are the joint owners of 61 Monture Street North, Cayuga as shown on Attachment #1 (pink hashtags).

Barbara Birgitt Nichols and Robert William Nichols (the Applicants) have submitted an application to purchase a part of Hill Street (approximately 0.47 acres) identified in Attachment #1 (yellow hashtags) for \$3,525 plus HST; and a portion of Snow Street (a total of approximately 0.60 acres) identified in Attachment #1 (purple and blue hashtags) for a purchase price of \$4,500 plus HST. The Applicants have signed an environmental acknowledgement and agreed to purchase the road allowances on an “as is” basis if the sale is approved; and confirmed that the road allowances will be merged as shown on Attachment #1 (green arrows) with their existing properties. The Applicants have stated that they are seeking to purchase part of Hill Street and part of Snow Street as the unopened road allowances are abutting their property. They would like to fix the grading as the road allowance is low lying and the

surface water from their properties run off into these lands, causing the property to be continually swampy. The pond that is on Mrs. Nichols property (Part A, Attachment #1) extends onto the unopened road allowance and the Applicants would like to do some landscaping and fix the drainage to decrease the standing water to help reduce mosquito population. The Applicants stated that they have been maintaining the road allowance lands for the past eight years.

To assist in developing their offer, the Applicants obtained a letter of opinion from a realtor (Attachment #2). Upon review of the offer and the VLVC, the offer to purchase is less than the VLVC. The Applicants were notified of the difference in values and have opted to maintain their original offer to purchase. The closed session Memorandum LSS-M01-2023 provides an analysis of the options available to Council to address the request to purchase these unopened road allowances.

ANALYSIS:

Along with their offer to purchase part of Snow Street and part of Hill street, Robert William Nichols and Barbara Birgitt Nichols (the Applicants) submitted an Application and the associated fee.

In order to determine the feasibility of the sale of this property, if there is a municipal need for the lands, either in whole or in part, or if there are certain restrictions or provisions that should be placed on a proposed sale, staff seek feedback from County divisions including Public Works, Facilities and Parks, Building Controls & By-Law Enforcement, Community Development & Tourism, Emergency Services, Engineering Services, Environmental Services and Planning as well as utility companies.

All comments received supported the sale and staff concur that the property does not serve any municipal purpose.

Letters were also sent to the two abutting landowners providing notification of the offer to purchase. No comments or feedback has been received as a result of these letters.

As noted on Attachment #1, although only a portion of Snow Street is included in the offer to purchase, the remaining portion of Snow Street remains viable and accessible as it abuts the unopened road allowance of Obadiah Street East that remains in County ownership.

The Applicants have proposed a total purchase price of \$8,025 plus HST, which is lower than the value calculated using the County's Vacant Land Value Chart. Staff communicated the different of the offer and the VLVC; and the Applicants have confirmed that they would like to retain the original offer as submitted. Staff have reviewed the offer and have provided additional information related to the negotiations for the proposed sale through confidential Memorandum LSS-M01-2023 for discussion during the Closed session of the Council in Committee meeting of February 7, 2023. Analysis of the options available to Council will be reviewed in order for staff to be given direction regarding the potential sale of these unopened road allowances.

FINANCIAL/LEGAL IMPLICATIONS:

All costs associated with the property transactions will be borne by the purchaser. If sold, the property would no longer be the legal responsibility or liability of the County. Subsequently, any proceeds from sale, if applicable, would be contributed to the Land Sales Reserve in accordance with County Policy.

STAKEHOLDER IMPACTS:

Not applicable.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

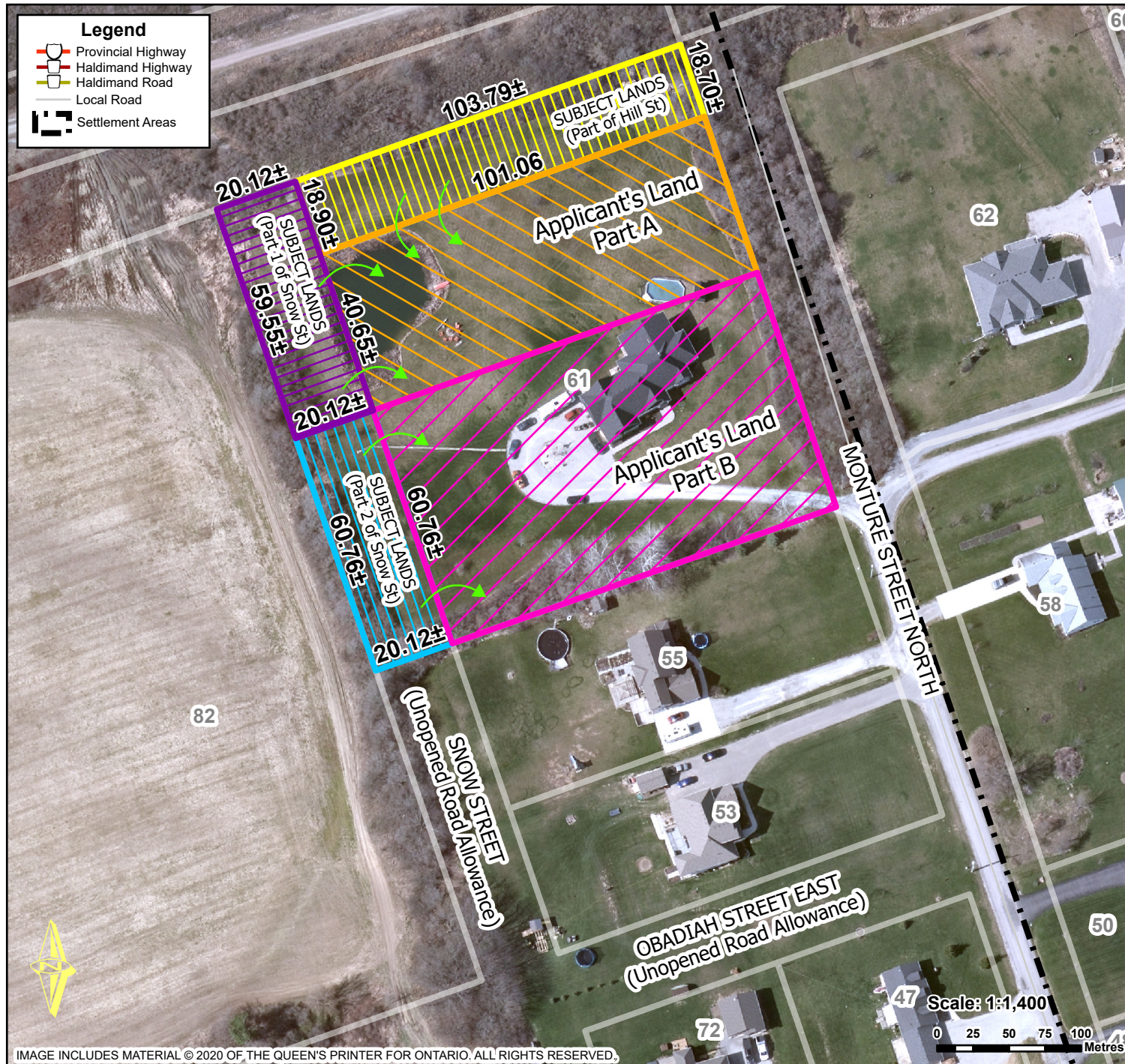
REFERENCES:

None.

ATTACHMENTS:

1. Map of the Subject Lands
2. Letter of Opinion from Realtor

Location Map: Parts of Hill Street & Snow Street - Cayuga



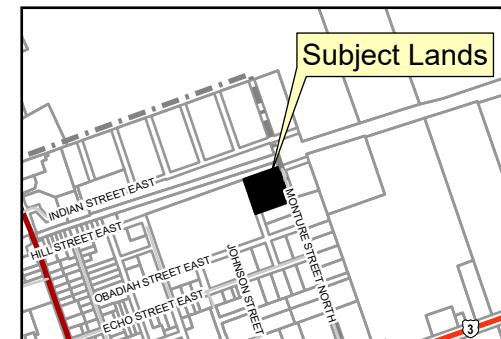
Location:

**UNOPENED PORTIONS OF HILL STREET & SNOW STREET
URBAN AREA OF CAYUGA
WARD 2**

Size:

**0.47± Acres (Hill St)
0.30± Acres (Snow St Part 1)
0.30± Acres (Snow St Part 2)**

HALDIMAND COUNTY, ITS EMPLOYEES, OFFICERS AND AGENTS ARE NOT RESPONSIBLE FOR ANY ERRORS, OMISSIONS OR INACCURACIES WHETHER DUE TO THEIR OWN NEGLIGENCE OR OTHERWISE. DO NOT USE FOR OPERATING MAP OR DESIGN PURPOSES. ALL INFORMATION TO BE VERIFIED.



January 6, 2023

ATTENTION: MRS. BARBARA NICHOLS

To Whom it May Concern:

**OPINION OF VALUE
CLOSED PORTIONS OF HILL STREET & SNOW STREET
WARD 2, CAYUGA, ONTARIO. N0A 1E0**

**PROPERTY SIZES: HILL STREET - 18.70 FEET X 103.79 FEET X 0.47 ACRES +/-
SNOW STREET - 20.12 FEET X 120.31 FEET X 0.60 ACRES +/-**

Further to your request, I have reviewed the above-mentioned parcels to determine their fair market value for Haldimand County to consider selling the surplus land.

The 2 parcels include closed portions of Hill Street and Snow Street that surround the North and West sides adjacent to the residential property located at 61 Monture Street North in Cayuga.

Since neither parcel is buildable due to being low lying and are virtually wetlands (due to surrounding properties draining to those areas), the fair market value would be in the range of \$5,000 to \$10,000 per acre with an average fair market value of \$7,500 per acre.

The breakdown is as follows:

Hill Street = 0.47 acres x \$7,500 = \$3,525

Snow Street = 0.60 acres x \$7500 = \$4,500

Therefore, it is my opinion that the 2 parcels including closed portions of Hill Street and Snow Street have a fair market value of:

**EIGHT THOUSAND AND TWENTY-FIVE DOLLARS
(\$8,025.00)**

.....2

HALDIMAND COUNTY

Report LSS-03-2023 Request to Purchase a Portion of Road Allowance – Farr Road, Dunnville



For Consideration by Council in Committee on February 7, 2023

OBJECTIVE:

To authorize staff to proceed with a road closure and conveyance of part of Farr Road in Dunnville.

RECOMMENDATIONS:

1. THAT Report LSS-03-2023 Request to Purchase a Portion of Road Allowance - Farr Road, Dunnville be received;
2. AND THAT the subject road allowance, as shown as Part 1 in yellow hashtags and Part 2 in pink hashtags on Attachment #1 to LSS-03-2023 and legally described as part of PIN 38126-0215, Road Allowance Between Lot 16 and Lot 17 Concession Broken Front and Concession 1 to Concession 2 Sherbrooke; also known as Farr Road; Haldimand County, be stopped up, closed and declared surplus to all County needs;
3. AND THAT the subject road allowance, as shown as Part 1 in yellow hashtags on Attachment #1 to LSS-03-2023 and legally described as part of PIN 38126-0215 Road Allowance Between Lot 16 and Lot 17 Concession Broken Front and Concession 1 to Concession 2 Sherbrooke; also known as Farr Road; Haldimand County, be sold to the abutting land owner, Ruth-Ann Nieuwesteeg, for the purchase price of \$900 plus HST plus costs of closure and conveyance;
4. AND THAT the subject road allowance, as shown as Part 2 in pink hashtags on Attachment #1 to LSS-03-2023 and legally described as part of PIN 38126-0215 Road Allowance Between Lot 16 and Lot 17 Concession Broken Front and Concession 1 to Concession 2 Sherbrooke; Also Known As Farr Road; Haldimand County, be sold to the abutting land owner, Jill Aileen Graham, for the purchase price of \$300 plus HST plus costs of closure and conveyance;
5. AND THAT public notice of the proposed closure and conveyances be given;
6. AND THAT a by-law be passed to authorize the closure and conveyances;
7. AND THAT the Mayor and Clerk be authorized to execute all necessary documents.

Prepared by: Melissa Lloyd, Property Coordinator

Reviewed by: Lori Friesen, Manager, Legal & Support Services

Respectfully submitted: Cathy Case, General Manager of Corporate & Social Services

Approved: Craig Manley, MCIP, RPP, Chief Administrative Officer

EXECUTIVE SUMMARY:

An unsolicited offer to purchase County owned lands, being a part of Farr Road, Dunnville, has been received. Staff have confirmed that the portion of unopened road allowance of Farr Road which has

been requested to purchase, is not required for municipal purposes and can be deemed surplus to the County's needs. A location map outlining Part 1 and Part 2, is included as Attachment #1.

BACKGROUND:

Ruth-Ann Nieuwesteeg is the owner of 2 Farr Road, Dunnville. Jill Aileen Graham is the owner of 27 Upper Mohawk Point Road, which abuts the Farr Road allowance.

A location map outlining Part 1 and Part 2, is included as Attachment #1. Ruth-Ann Nieuwesteeg has offered \$900 + HST for Part 1 which is approximately 0.12 acres. Jill Aileen Graham has offered \$300 + HST for Part 2 which is approximately 0.04 acres. The Applicants have signed an environmental acknowledgement and agreed to purchase the road allowances on an "as is" basis if the sale is approved; and confirmed that the road allowance will be merged as shown on Attachment #1 (green arrows) with their existing respective properties.

Ruth-Ann Nieuwesteeg, the original Applicant, had requested to purchase part of Farr Road. After purchasing her property in June 2021, she realized that her shed and stairs are located on the road allowance of Farr Road, Dunnville. Staff have been unable to determine when the shed and stairs were constructed as there are no building permits on file and per GIS imagery available, the shed and stairs existed pre-2006. Ms. Nieuwesteeg would like to retain the shed and stairs in order to maintain continued access to the water. Ms. Nieuwesteeg's neighbour, Jill Aileen Graham would also like to have legal access to the water. As agreed to by both parties, the Application was modified to submit as Co-Applicants in order to share the survey costs, if the sale is approved. The Applicants have agreed upon the portions to which they are applying to purchase; and as such, obtained a draft reference plan (Attachment #2) which identifies these portions as Part 1 and Part 2.

When a request to purchase road allowances is received, the Applicants are advised that the property, if deemed surplus, will be sold for no less than the appraised value, plus all costs of closure and conveyance. The purpose of the appraisal is to estimate the market value of the subject property based on the most probable "best use" at the time. The County's past practice is to require the Applicants to pay for a certified appraisal to determine the value of the property. The cost to the Applicants of obtaining a certified appraisal is significant at approximately \$3,000 to \$4,000 per property. Appraisals are developed by certified appraisers and are based upon fact, using a variety of comparators, reviewing zoning and municipal bylaws, etc. In the case where the land is smaller in nature or not highly desirable in the open market, the County will often waive the requirement for a certified appraisal and request that the applicant obtains an opinion of value from a realtor, which is then compared to the County's Vacant Land Values Chart (VLVC) which was last updated in 2021 and verified in early 2022. The opinion of value is based upon the realtor's knowledge and comparisons of other properties that have sold in current market conditions. The Applicants obtained a letter of opinion from a realtor (Attachment #3) from which the offers have been based upon.

The VLVC is a tool that was implemented in 2015 with the assistance of different local realtors to aid in determining market values, for various property types; and for the different areas within the County. In reviewing the VLVC, it was determined that the proposed offers align with the VLVC for this type of property.

ANALYSIS:

Ruth-Ann Nieuwesteeg and Jill Aileen Graham (the Applicants) have submitted an Application and associated fee, along with their offer for each of the portions of land they would like to purchase. Applicant Nieuwesteeg is interested in purchasing Part 1 and Applicant Graham is interested in purchasing Part 2 as identified on the Location Map (Attachment #1).

In order to determine the feasibility of the sale of this property, if there is a municipal need for the lands, either in whole or in part, or if there are certain restrictions or provisions that should be placed on a proposed sale, staff seek feedback from County divisions including Public Works, Facilities and Parks, Building Controls & By-Law Enforcement, Community Development & Tourism, Emergency Services, Engineering Services, Environmental Services and Planning, utility companies and the applicable conservation authority.

During the feedback process which included an on-site inspection, the Roads Division and Engineering Services Division indicated concerns that a portion of the road allowance included in the Application, houses a drain and break wall to protect a travelled portion of Farr Road. Staff provided this feedback to the Applicants, specifically Ms. Nieuwesteeg, who modified her request to remove this portion of the road allowance and proportionally reduced her offered purchase price. The recommendation included in this report reflects the modified offer to purchase value and portion of the road allowance that Applicant Nieuwesteeg is now requesting to purchase.

As this property is along the lakeshore, Roads staff wanted to ensure that the Applicants were made aware that the current drainage along the municipal property cannot be impeded, that the current retaining wall along Farr Road will not be extended further to protect private property (if the sale is approved); and that shoreline erosion protection is private owner responsibility.

Erosion control naturally occurs along the Lake Erie shoreline. There is no legislative requirement for a municipality to install erosion control on its own lands, nor has it been the County's past practice to do so. Private property owners may install shoreline protection if approved through the relevant conservation authority. As per the comments received from the Niagara Peninsula Conservation Authority (NPCA) during the feedback process for this application, this particular property may be impacted by several identified hazards due to its proximity to Lake Erie. Any future development or site alterations, including grading or shoreline protection, must be circulated to the NPCA for review and approval prior to the commencement of the works on site. Work Permits from the NPCA would be required for any development or site alterations proposed in this area in the future. Staff have conveyed this information to the Applicants who have acknowledged that they understand.

Historically, Haldimand County Council has not supported selling waterfront property unless there are mitigating circumstances, such as a resident needing the land to install shoreline protection. Although the Applicants have not suggested that they will be installing shoreline protection, they have been made aware that if required, it will be their responsibility per the comments provided by Roads, Engineering and the NPCA.

Previously, there had been interest from the Applicants neighbourhood regarding this Application, although they are not abutting neighbours. Due to the level of interest, a courtesy notice was sent to the neighbours to provide notification of the offers to purchase. In response, staff received telephone calls from some of the neighbouring property owners with questions, including seeking to clarify the specific location of the portion of Farr Road that was included in the offer to purchase. Staff responded to the questions and the callers were satisfied with the response and provided no further comments or concerns.

Options

The following outlines the options available to Council in consideration of the request to purchase from the Applicants.

Applicant Nieuwesteeg (requesting to purchase Part 1, Attachment #1):

1. **Remain as status quo:** This is not a recommended option as the County remains exposed from an insurance perspective as the shed and stairs are on County property. For example, if a member of the public was using the stairs and fell causing injury, the County, as owner of the property, would be fully responsible to defend such a claim, with a potential for liability. Although

the stairs were not constructed by the County, they are on County property and the County owes a duty of care to users which includes documented inspections, preventative maintenance, repair, etc. Additionally, Ms. Nieuwesteeg is benefiting from the use of County owned land while the County receives no benefit of property tax income and continues to maintain liability exposure.

2. **Retain the property and order removal of shed and stairs:** Staff would work with the property owner to order the removal of the shed and stairs from County property. This is viable option; however, the County continues to receive no benefit of tax property revenue for land that staff have identified as no longer required for municipal purposes; and of which the Applicant would likely continue to utilize for waterfront access. This is not a recommended option unless Council does not wish to transfer this portion of property to the Applicant.
3. **Declare as surplus and sell Parts 1 and 2 to Applicant Nieuwesteeg:** Originally, Applicant Nieuwesteeg requested to purchase Parts 1 and 2. Subsequently, she spoke with her neighbour (Graham) and learned of interest by Graham to purchase Part 2.

Although the Nieuwesteeg stairs and shed were previously constructed on County property without approval, sale of Part 1 would proactively correct the encroachment with the change in ownership, thereby removing all liability from the County and enabling property tax revenue to be collected. Although the neighbour, Graham, is interested in purchasing Part 2 obtain private beach access, normally the County would not entertain selling waterfront property solely for this purpose due to the precedent it would set along the lakeshore. Therefore selling both Parts to Nieuwesteeg is an option for Council to consider. It should be noted, however, that in selling Part 2 to Nieuwesteeg, it doesn't change the private beach ownership for Graham but it will remove any public beach access they have, leading to the water.

4. **Declare as surplus and sell Part 1 to Applicant Nieuwesteeg and Part 2 to Applicant Graham:** This is what the applicants have requested. Staff support selling Part 1 to Applicant Nieuwesteeg as it will rectify the existing encroachment onto County property which is otherwise not necessary for municipal purposes. Selling Part 2 to Applicant Graham will allow continued access to the water for Graham. Although, as mentioned above, this may create a precedent for selling waterfront property to obtain private access, it should be noted that if Part 1 is sold to Nieuwesteeg, and Part 2 is NOT sold at all, it will create an orphaned piece of County owned land. Historically this is something the County attempts to avoid because there would be no legal access for the County to maintain its land. Therefore, if Council wishes to sell Part 1 to Nieuwesteeg, Part 2 must also be sold to one of the applicants to avoid creating a landlocked County parcel. Selling Part 2 does not impact access to the water for other neighbours.

Option 3 or Option 4 are viable options for Council to consider, however, staff recommend Option 4. Despite the potential precedent setting nature of this recommendation by selling a parcel to allow for private access, staff believe by giving water access to Graham, it will create consistent ownership with neighbouring property owners and is the best option under these specific circumstances.

Depending on the option selected by Council, part or all of Farr Road will continue to be an unopen road allowance and will retain waterfront access.

The value of the offer to purchase from the Applicants aligns with market conditions for best use and the Vacant Land Values Chart. The property will be sold as-is, where-is with all standard County conditions. Staff recommend that the above identified road allowance being Part 1 and Part 2 as shown on Attachment #1 be declared surplus to the needs of the municipality, in order to facilitate the sale as outlined in the recommendations.

FINANCIAL/LEGAL IMPLICATIONS:

All costs associated with the property transactions will be borne by the purchaser(s). If sold, the identified property would no longer be the legal responsibility or liability of the County. Subsequently, any proceeds from sale, if applicable, would be contributed to the Land Sales Reserve in accordance with County Policy.

STAKEHOLDER IMPACTS:

Not applicable.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

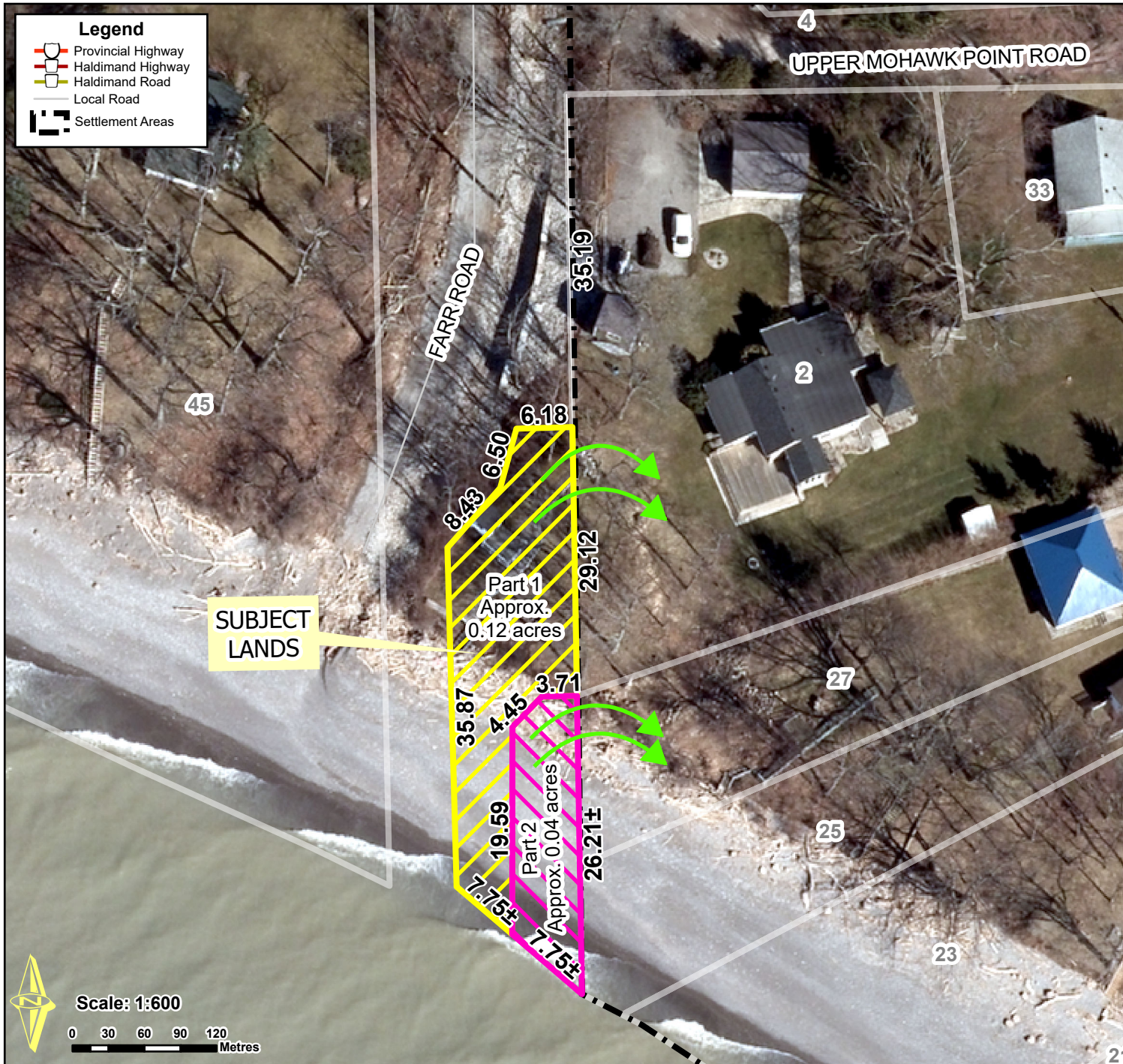
REFERENCES:

None.

ATTACHMENTS:

1. Map of the Subject Lands
2. Draft Reference Plan
3. Letters of Opinion from Realtor

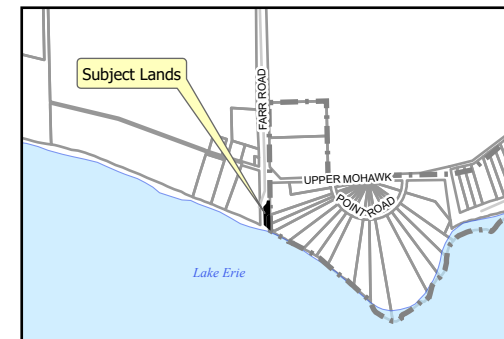
Location Map: Farr Road - Lowbanks



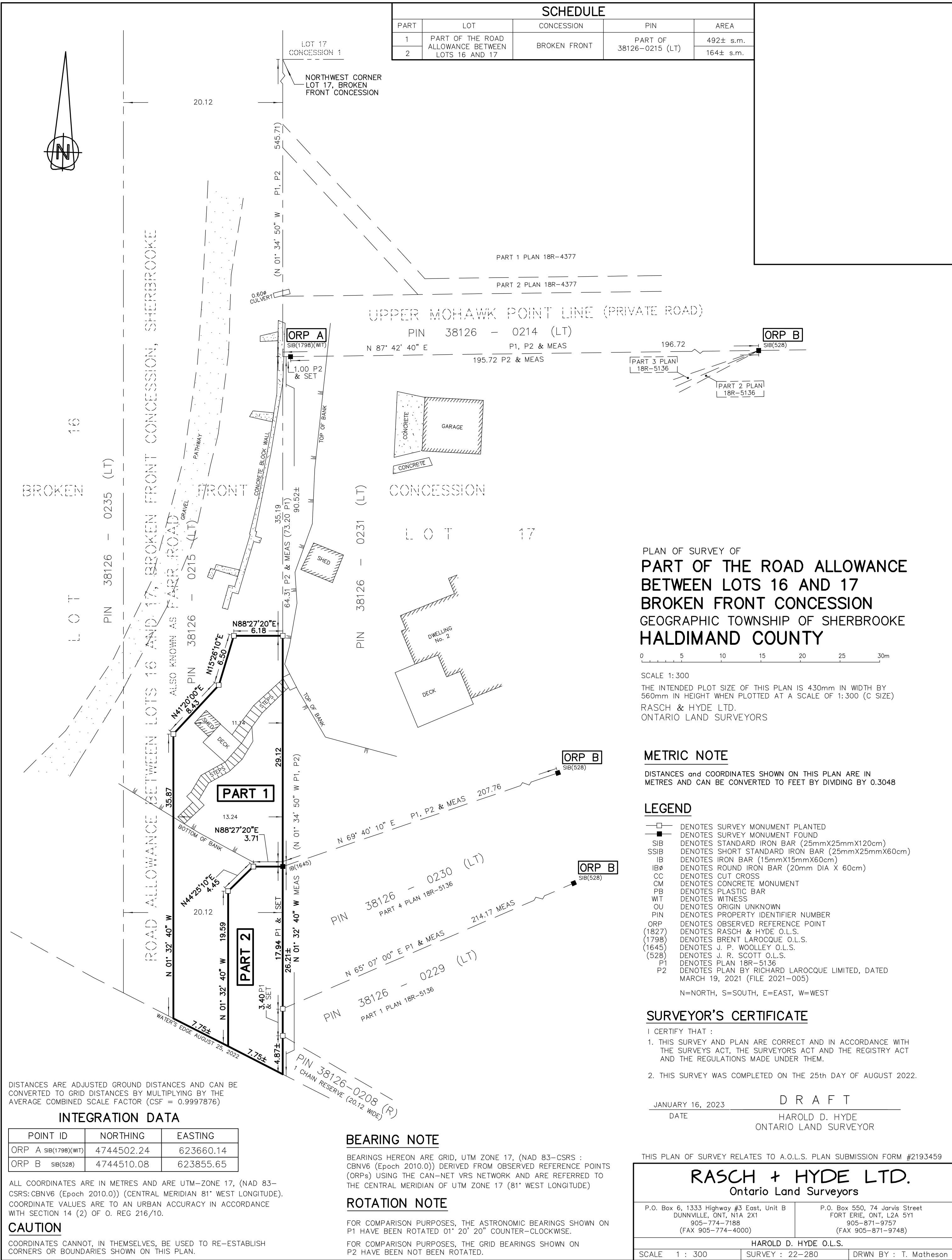
Location:

PART OF FARR ROAD
GEOGRAPHIC TOWNSHIP OF SHERBROOKE
WARD 5

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SCHEDULE				
PART	LOT	CONCESSION	PIN	AREA
1	PART OF THE ROAD ALLOWANCE BETWEEN LOTS 16 AND 17	BROKEN FRONT	PART OF 38126-0215 (LT)	492± s.m.
2				164± s.m.



January 19, 2023

LETTER OF OPINION RE: *Land designated as 'Part 1', (per survey dated Oct. 3, 2022 Hyde & Associates) Abutting #2 Farr Road, Lowbanks, On.*

To Whom it may concern,

In compliance with your request for a 'Letter of Opinion' as to the market value of the above property, as of January 10, 2023, please be informed that due consideration was given to all factors that influence property value at the subject location.

Market value was determined by the applying the concept that there is a likely price that the subject property could be sold for, in a reasonable amount of time, and under circumstances that are fair and transparent.

The determination of fair market value for this parcel, must take into account the fact that while the land is of value to the owner of the abutting property at #2 Farr Road, it would be of no value to any other prospective buyer.

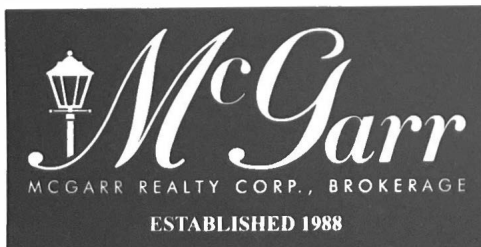
Based on the explanation above, Part 1, abutting #2 Farr Road, has a current market value of 0.12% (i.e. Part 1 = 0.12 acres) of \$7500.00, (value of one acre), which is \$900.00 +HST and legal fees.

This letter constitutes a statement of opinion only and is not to be construed as a comprehensive and/or formal appraisal. It is an opinion of value.

Yours truly,

Nicole Marsh-Burke

Nicole Marsh-Burke
Broker
McGarr Realty Corp. Brokerage



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OPINION OF VALUE – WITHOUT PREJUDICE

Linda Leslie
Sales Representative
Royal LePage Niagara Real Estate Centre
905-961-5344

**WITHOUT PREJUDICE
OPINION OF VALUE**

Jill Graham
27 Upper Mohawk Point Rd,
Lowbanks, Ont
N0A 1K0

Jill,

From my personal inspection and analysis considering the fact that the subject lands described as Part 1 and Part 2 Farr Road hold no value to anyone other than the abutting property owners, my opinion of value is:

ESTIMATE OF VALUE: \$7,000.00-\$7,500.00 per acre

DEFINITION OF MARKET VALUE:

The term "Market Value" as used in this report can be defined as the probable price at which the subject property would sell at the date for which this "Opinion of Value" is prepared allowing reasonable time to find a Purchaser and assuming that neither party is acting under stress.

Declaration:

I hereby certify I have no interest, present or contemplated in this property, and that neither the appointment to make this valuation nor the compensation are contingent on the amount of value reported.

We would emphasize that this is an Opinion of Value and is not an Appraisal.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Linda Leslie'.

Linda Leslie
Sales Representative

HALDIMAND COUNTY

Report CLE-02-2023 Municipal Election Summary

For Consideration by Council in Committee on February 7, 2023



OBJECTIVE:

To provide a summary of the administration of the 2022 municipal election, being the first election to provide internet voting, and to suggest an updated annual contribution amount to the Elections Reserve Fund going forward.

RECOMMENDATIONS:

1. THAT Report CLE-02-2023 Municipal Election Summary be received;
2. AND THAT the anticipated shortfall of expenditures related to the 2022 Municipal Election be funded from the Contingency Reserve Fund.

Prepared by: Evelyn Eichenbaum, Manager, Clerks Division / Municipal Clerk

Approved: Craig Manley, MCIP, RPP, Chief Administrative Officer

EXECUTIVE SUMMARY:

The 2022 Municipal Election was a successful event, particularly as it was the first time that internet voting was made available to Haldimand County voters. In light of the successful implementation, it is recommended that internet voting be used again in future elections and that other aspects of election administration be adjusted to account for online voter participation. As the 2022 election was planned without being able to predict online uptake, expenses were slightly higher due to the redundancy of internet voting costs and status quo in-person voting arrangements. The shortfall from the Elections Reserve Fund for 2022 election expenses is recommended to be funded from the Contingency Reserve Fund. In addition, a new initiative will be presented as part of the 2023 Draft Tax Supported Operating Budget to increase the Elections Reserve Fund annual contributions by \$15,000 to \$65,000 per year.

BACKGROUND:

Municipal elections occur every four years in Ontario and the parameters and timelines for administering the elections are outlined in the *Municipal Elections Act, 1996* (MEA). A number of administrative facets of the 2022 election were similar to how elections have been run over the past several years, however, the option of internet voting was provided for the first time in 2022. This report provides a general summary of the election and focuses on the effectiveness of internet voting and the potential budgetary impact for future elections.

ANALYSIS:

With approval to move forward with internet voting for the first time during the 2022 election, staff planned in-person voting to occur status quo, in addition to providing internet voting as an alternative voting method. As it was difficult to predict what the uptake would be on internet voting, planning proceeded with some redundancy with election arrangements and related expenses. Once there was at least one election experience in place with online as well as in-person voting, changes could be considered in terms of reducing expenses related to in-person voting.

Voter Turnout

There are a number of factors that can influence voter turnout for municipal elections: competitive races and an interest in change from the status quo; name recognition and awareness of municipal issues; voter fatigue if multiple other government elections have recently taken place, and ease and accessibility of the voting process. Based on previously conducted studies, internet voting does not necessarily contribute to an increase in voter turnout as quite often it is just a transfer of voters who prefer the online method rather than attending in person.

Anecdotal evidence from the 2022 election suggests that some voters who would not have taken the time to attend a voting location in person, did utilize internet voting, so it seems that the additional voting method may have contributed somewhat to voter turnout. In general, most municipalities reported moderate to significant decline in voter turnout last year. While Haldimand County's turnout was up only slightly in 2022, comparatively speaking, it was a successful turnout. The table below shows voter turnout based on figures from the Association of Municipalities of Ontario (AMO).

General Voter Turnout – 2022 Municipal Election

	2018	2022	Change
Province of Ontario	38.29%	36.30%	-5.20%
Haldimand County	36.05%	36.50%	+1.25%
Brant County	35.90%	26.54%	-26.07%
City of Brantford	36.74%	27.01%	-26.48%
City of Hamilton	38.12%	35.38%	-7.19%
Norfolk County	41.05%	36.33%	-11.50%

Advance Voter Turnout

In order to ensure a successful pilot, internet voting was only made available during the advance period so as to not to add new complications on Voting Day, which can be a very hectic day. Internet voting was made available at 12:01 a.m. on Friday, October 7th and closed at 11:59 p.m. on Sunday, October 23rd, providing 17 days for voters to vote online. This allowed for voters who were sure of their choices to vote early, and also allowed others to attend all-candidate sessions and study election material, and vote online right up until the day before Voting Day. On average, approximately 300 voters used internet voting each day, except for the last day when 1200 voters voted online. Ultimately, online votes accounted for just over 40% of total votes cast.

Advance Voter Turnout – 2022 Municipal Election

Year	Advance votes cast in person	Advance votes cast online	Total	Total advance votes as a percentage of eligible voters	Total advance votes as a percentage of total votes cast
2006	1936		1936	5.01%	12.03%
2010	1677		1677	4.71%	10.78%
2014	1542		1542	4.2%	11.65%
2018	1868		1868	5.0%	14.23%
2022	1394	6074	7468	18.24%	50.07%*

*Online votes accounted for 40.72% of the total votes cast in 2022

While there were fewer in-person advance voters, it was still an option that was utilized, and for future advance votes, it is recommended that fewer staff are necessary.

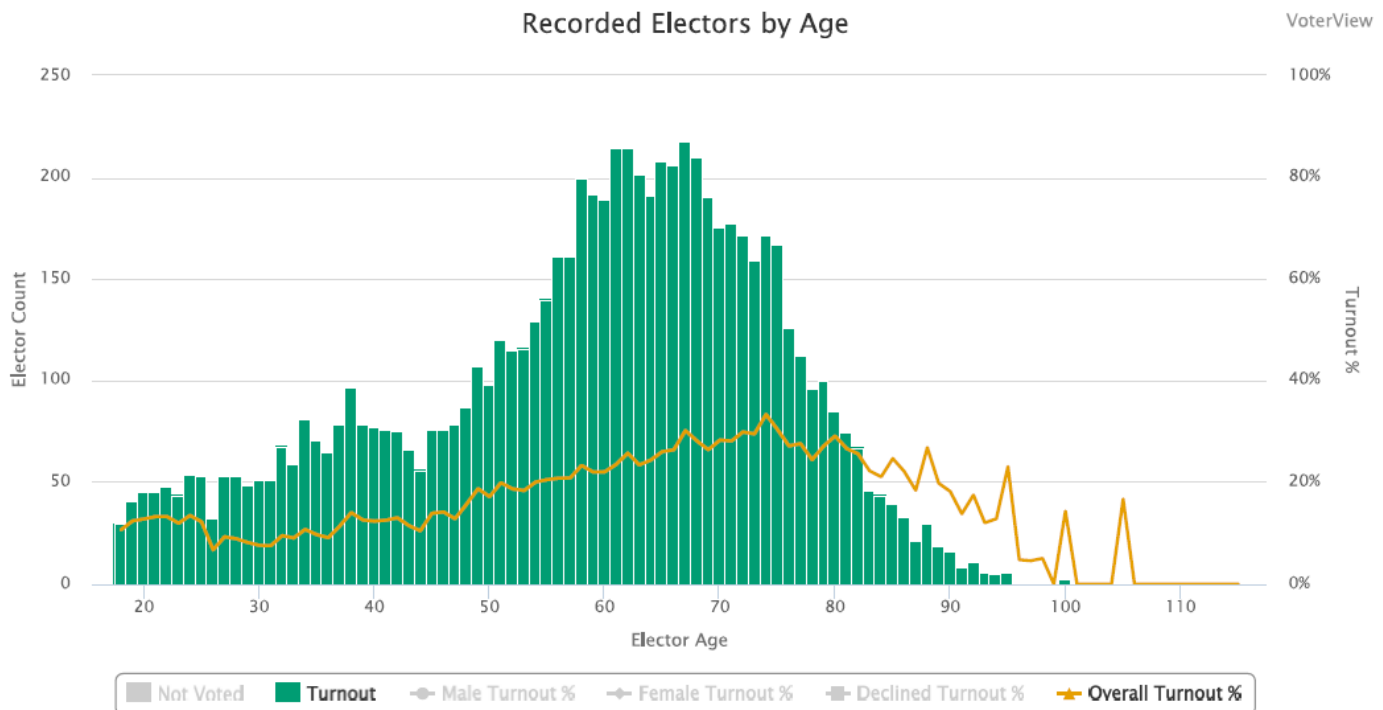
Internet Voters

It was interesting to note the average age of voters who voted online. The chart below shows recorded electors by age, and as over 81% of advance voters used internet voting, one can infer that the majority of voters who voted online were between 50 and 80 years of age. Again, this supports the fact that internet voting may have simply transferred the method of voting, however, it is possible that some voters may have opted for internet voting rather than in-person voting, due to accessibility factors which may have prevented them from previously attending a voting location.

Also, the use of proxies was down significantly from 2018, with 3 certified proxies rather than 43. Proxies were only utilized in extenuating circumstances where internet voting was not feasible.

Based on the comments from online voters, there were a few issues encountered with the process. In some cases, the birthdates that were required for input, were incorrect in the MPAC database, so further follow-up with staff was necessary to correct the situation. Some individuals were unfamiliar with text verification (Captcha) and called to ask about that function. Some voters were unsure about submitting their vote while having undervoted for a certain office i.e. voted for Councillor but not for Mayor, or, voted for only one school board trustee where two votes were allowed. Additional wording is recommended for future internet voting in order to provide further clarity on some of these situations.

Recorded Electors by Age After Close of Advance Voting prior to Voting Day



Voting Locations

If both internet and in-person voting continue in future elections, it is recommended that Voting Day locations be reduced. It is likely that more voters will take advantage of internet voting in future, and with less than 60% of voters attending in person on Voting Day, it does not make sense to operate as many locations as was done prior to offering internet voting as an option. While there will always be a desire to ensure that voting locations are distributed geographically throughout the municipality, typically two locations have been operated in each of Caledonia and Dunnville, and those may be reduced to one location in each. On Voting Day, Gateway Church had significantly fewer voters than Caledonia Lions Community Centre, and Grandview Lodge had significantly fewer voters than Dunnville Lifespan Centre (see table below), so limiting each centre to one location on Voting Day should not cause significant impact to voters.

Vote Anywhere

As has been done since 2014, Vote Anywhere continued to be provided for in-person voting, at advance polls as well as on Voting Day. This is a convenience and provides for additional access to voters who may benefit from choosing their voting location rather than being assigned one specific location to vote. In order to ensure that all voters have the opportunity to vote at any location, additional ballots need to be ordered, and the number distributed to each location is calculated based on past attendance from voters in specific areas of the County. With fewer in-person voters, the number of ballots ordered can be reduced in future if Vote Anywhere continues to be utilized in addition to internet voting. The table below shows how voters from various wards attended voting locations throughout the County.

Ward Specific Voters at Each Location – 2022 Municipal Election

	Ward 1	Ward 2	Ward 3	Ward 4	Ward 5	Ward 6	Total Votes Cast
Caledonia Lions	11	10	1217	170	0	0	1408
Cayuga Arena	18	555	9	370	7	5	964
Dunnville Lifespan	0	119	0	12	842	787	1760
Gateway	3	2	275	145	3	2	430
Grandview Lodge	2	12	1	4	58	270	347
Hagersville	147	15	2	729	0	0	893
Jarvis	720	2	2	2	2	3	731
Selkirk	405	414	0	14	1	0	834
Subtotal	1306	1129	1506	1446	913	1067	7367
Advance In-Person + Roving	179	246	315	308	148	279	1475
Online	720	887	1737	1163	705	862	6074
Total	2205	2262	3558	2917	1766	2208	14916

Election Staffing

The increased use of technology has changed the face of election work from the fairly manual process that it was 15 to 20 years ago. A recruitment initiative was undertaken as a pilot project in 2022 to encourage County staff to assist as election workers and volunteer as working teams during in-person voting. The initiative was successful as there were almost three times as many staff sign up to help out in 2022 as did in 2018 and this was extremely helpful in making election administration more efficient. The benefits in having County staff work is that they are familiar with the regular use of laptops and multiple types of software, and they are accustomed to working with the public, providing customer service and explaining processes and procedures. It is recommended that similar recruitment initiatives be utilized in future elections. Many municipalities are moving towards maximizing internal staffing as much as possible to efficiently manage the election.

In previous elections, the temporary Election Assistant position was filled for 6 to 8 months. Due to restructuring of the Clerks Division in 2021, the Election Assistant position was filled for 11 months in 2022 as additional support was required, and it is recommended that a similar approach be taken for future elections.

Accessibility

According to the MEA, Clerks responsible for conducting elections shall have regard to the needs of electors and candidates with disabilities. For the 2022 election, an Accessibility Plan was established, and as required by the MEA, a report on the identification, removal and prevention of barriers was also prepared after the election. Both the plan and the report are available on the [Election webpage](#).

Internet voting was a significant factor in providing increased accessibility for voters. As noted above, fewer proxies were issued, thus presuming that internet voting addressed most situations where proxies would have been required in the past. Also, as noted above, it is felt that the increased accessibility through internet voting may have contributed to a better voter turnout than in some other municipalities.

Over the years, staff have been able to take advantage of using newer facilities as they have become available in order to ensure accessibility for in-person voting. The Hagersville Arena is likely the least accessible voting location that was used this past election, however, it is hoped that the new

Hagersville Library + Active Living Centre will be available for use in the next regular election in order to ensure better accessibility for voters.

Voters' List

As with previous elections, the quality of the Voters' List was problematic in 2022. Many municipalities experienced the same issues that Haldimand County experienced in this regard. The MEA was amended in 2021 and going forward, Elections Ontario, rather than MPAC, will be providing municipalities with the Preliminary List of Electors. The presumption is that by managing both the provincial and municipal voters lists, there should be increased accuracy in the quality of the list. Staff are not yet aware of processes or details that will relate to this new aspect of administering municipal elections, and will provide updates when they become available.

FINANCIAL/LEGAL IMPLICATIONS:

Elections are administered as efficiently as possible, however, due to the unpredictable nature of voter turnout, candidate races, potential emergency or pandemic situations, etc., planning for elections must often take multiple scenarios into account in the preparation stage and costs will reflect those factors.

Since 2011, annual contributions of \$50,000 have been made to the Elections Reserve Fund in order to cover an anticipated cost of each election of approximately \$200,000. The cost for the 2014 election was approximately \$182,000 and the 2018 election was \$181,000. Election costs include associated costs for the Municipal Election Compliance Audit Committee (MECAC) which at the very least include minimal costs for a training session and potential costs for any meetings that are required to be held to consider reports or applications regarding possible contraventions of the MEA. If an audit is required, those costs would also be funded from the Elections Reserve Fund.

The majority of 2022 municipal election expenses have been processed and a general overview is provided in the table below. For clarity, contracted services include multiple items such as tabulator rental, the online voting system, software licensing and integration, ballot printing, ballot boxes, voter list management and associated modules (online voter registration software, candidate access portal, etc.). Expenses related to MECAC will not be incurred until spring 2023 at the earliest. It is also important to note that numerous costs were higher than anticipated, most likely due to inflation as is being experienced in many sectors both locally and globally.

The 2022 costs specifically attributable to internet voting were the online voting system itself and increased postage. The online voting system cost was \$53,000 and is based on number of eligible electors. Postage fees were more than double what was spent in 2018 (\$17,000). This is partly because for previous elections voter notification letters were sent to a single household in 1 envelope whereas internet voting required that each voter receive a separate, sealed voter notification letter.

2022 Municipal Election Expenditures

Salaries & Benefits	\$54,278.00
Operating Supplies	\$2,205.00
Meeting Expenses	\$158.00
Travel Expenses	\$843.00
Inaugural Expenses	\$2,096.00
Postage	\$38,604.00
Advertising	\$3,000.00
Contracted Services	\$144,245.00
Election Worker Honoraria	\$4,010.00
Facility Rentals	\$1,100.00
Compliance Audit Committee	\$0.00
	\$250,539.00

As noted above, if the 2026 election involves in-person as well as internet voting, staff recommend a reduction in the number of ballots ordered, reduced facilities on Voting Day, some reduced numbers of workers at advance polls, and other efficiencies. With such changes it is anticipated that the budget for the next election could be reduced by approximately \$13,000 over what was spent in 2022. Given the likelihood of an increasing number of electors due to population growth as well as increasing costs due to inflation, it is recommended that the budget not be reduced at this time.

While the actual costs for the 2022 election are greater than \$200,000, there was a balance in the Elections Reserve Fund of \$40,837, over and above the annual contributions for the 2022 election, so the majority of current expenditures are covered within the reserve fund balance. The shortfall of approximately \$10,000 should be funded from the Contingency Reserve Fund. When additional costs are incurred later in 2023 related to compliance audit matters, they will also be funded from the Contingency Reserve Fund.

With costs to-date of just over \$250,000 and some costs related to MECAC yet to be expended, it is recommended that annual contributions to the Elections Reserve Fund be increased from \$50,000 to \$65,000 to cover an estimated cost of \$260,000 for the 2026 election. A new initiative in the 2023 Draft Tax Supported Operating Budget will reflect this recommendation. It is also recommended that the annual reserve contribution be reviewed after each regular election so that if in future, election administration changes significantly (i.e. internet voting only) the necessary changes can be accounted for in annual reserve fund contributions.

STAKEHOLDER IMPACTS:

Not applicable.

REPORT IMPACTS:

Agreement: No

By-law: No

Budget Amendment: Yes

Policy: No

REFERENCES:

1. [Haldimand County Election Webpage.](#)

ATTACHMENTS:

None.

THE CORPORATION OF HALDIMAND COUNTY
RECOMMENDATION
Council in Committee

Recommendation

Date: February 7, 2023

Moved By: _____

Seconded By: _____

THAT staff be directed to report back on the feasibility and implications of moving the Truck Route through Dunnville from Main St. to Broad St. on a permanent basis.

CARRIED

DEFEATED ON A TIED VOTE

DEFEATED

DRAFT



HALDIMAND COUNTY POLICE SERVICES BOARD MINUTES

Date: September 29, 2022
Time: 9:30 A.M.
Location: Haldimand County Administration Building

MEMBERS PRESENT B. Haggith, Chair
 D. Lawrence, Vice Chair
 B. Corbett, Member

STAFF PRESENT Inspector Carter, Detachment Commander, Haldimand County O.P.P.
 T. Cassidy, Police Services Board Administrator

A. CALL TO ORDER

The Chair called the Police Services Board meeting to order at 9:30 a.m.

B. DISCLOSURES OF PECUNIARY INTEREST

None.

C. ADDITIONS TO THE AGENDA

None.

D. APPROVAL OF PREVIOUS MEETING MINUTES

1 Minutes from the regular meeting of August 25, 2022

Resolution 1

Moved By: B. Corbett
 Seconded By: D. Lawrence

THAT the Haldimand County Police Services Board hereby adopts the minutes of the regular meeting of the Board held on August 25, 2022, as presented.

CARRIED

E. DELEGATIONS AND PRESENTATIONS

None.

F. CORRESPONDENCE

1 Municipality of East Ferris Re: Bus Cameras Resolution

Resolution 2

Moved By: B. Corbett
 Seconded By: D. Lawrence

THAT the correspondence from the Municipality of East Ferris Re: Bus Cameras Resolution, dated September 22, 2022, be received.

CARRIED**G. REPORTS****1 Monthly Report from the Detachment Commander**

Inspector Carter, on behalf of the detachment, recognized each board member for their contribution during their term.

Upcoming Crime Stopper's campaigns and the proactive nature of the Community Street Crime Unit program were noted. The OPP is also actively hiring for all positions.

Inspector Carter reviewed the August monthly reports with the Board, noting a decrease in violent crime, property crime, motor vehicle collisions, calls for service, and an increase in mischief. No public complaints were received. Discussion ensued regarding neighbour disputes, continuous noise complaints, graffiti and vandalism in Caledonia.

Resolution 3

Moved By: B. Corbett
 Seconded By: D. Lawrence

THAT the O.P.P. reports for the month of August, 2022 from Inspector Carter, Haldimand County O.P.P. be hereby received as presented.

CARRIED**2 Board Financials and Current Reserve Figures****Resolution 4**

Moved By: B. Corbett
 Seconded By: D. Lawrence

THAT the Haldimand County Police Services Board hereby receives the Board Financials and Current Reserve Figures, dated August 12, 2022, as information.

CARRIED

3 Haldimand County Provincial Offences Act Ticket Issuance Statistics

Resolution 5

Moved By: B. Corbett
 Seconded By: D. Lawrence

THAT the Haldimand County Police Services Board hereby receives the August, 2022 Haldimand County Provincial Offences Act Ticket Issuance Reports, as presented.

CARRIED

H. UNFINISHED BUSINESS

1 Update Re: Provincial Appointments

The Board Administrator advised that all interested community members were emailed instructions on how to apply and the names of those interested were sent to the ministry.

I. NEW BUSINESS

1 HRD-06-2022 Recommended Land Acknowledgement from the Diversity Equity and Inclusion Advisory Committee (DEIAC)

Positive comments were made regarding the report and new committee. It was noted that this report was approved by Council on September 26, 2022.

Resolution 6

Moved By: D. Lawrence
 Seconded By: B. Corbett

1. THAT Report HRD-06-2022 Recommended Land Acknowledgement from the Diversity Equity and Inclusion Advisory Committee (DEIAC) be received as information;
2. AND THAT the Haldimand County Police Services Board Procedure By-law be amended to include the reading of the Land Acknowledgement as part of the regular order of proceedings for all regular and special meetings of the Board.

CARRIED

2 RIDE Grant 2022-2024

It was noted that applications are now open for the 2022-23 and 2023-24 RIDE Grant Program. The deadline to submit to the Ministry is October 17, 2022.

County staff are working with the OPP to submit our application prior to the deadline.

3 November Meeting

Resolution 7

Moved By: D. Lawrence

Seconded By: B. Corbett

THAT the Haldimand County Police Services Board hereby cancels its regularly scheduled meeting for November 24, 2022 due to the expiration of appointments, unless otherwise precluded by the call of the Chair.

CARRIED

J. BY-LAWS

None.

K. CLOSED SESSION

None.

L. DATE AND TIME OF NEXT MEETING

The next meeting of the Board was set for Thursday, January 26, 2023 at 9:30 a.m. in the Council Chambers at the Haldimand County Administration Building.

M. ADJOURNMENT

Resolution 8

Moved By: D. Lawrence

Seconded By: B. Corbett

THAT this meeting is now adjourned at 10:02 a.m.

CARRIED

CHAIR

ADMINISTRATOR