

March 25, 2022

CL 5-2022, March 24, 2022

LOCAL AREA MUNICIPALITIES

SENT ELECTRONICALLY

Re: Report PW 15-2022 – Moving Transit Forward – Initial Transition Activities and Next Steps

Regional Council, at its meeting held on March 24, 2022, passed the following motion:

That Report PW 15-2022, dated March 24, 2022, respecting Moving Transit Forward - Initial Transition Activities and Next Steps, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Regional Council **REQUEST** the local area municipalities submit their recommendations for representatives for the transitional Transit Commission Board, based on the criteria outlined in Report PW 15-2022, to the Regional Clerk no later than April 29, 2022; and
2. That the Linking Niagara Transit Committee **BE DISSOLVED** effective immediately, with thanks to the Members, having completed the mandate for which it was established.

Report PW 15-2022, specifically page 7, provides additional information regarding the number of nominees that can be put forward for your municipality, term, orientation as well as preferred experience that should be considered when your Council is selecting a nominee(s).

A copy of Report PW 15-2022 is attached for your reference. If you require additional information, please feel free to contact me.

Yours truly,



Ann-Marie Norio

Regional Clerk

CLK-C 2022-052

Subject: Moving Transit Forward – Initial Transition Activities and Next Steps

Report to: Regional Council

Report date: Thursday, March 24, 2022

Recommendations

1. That Regional Council **REQUEST** the local area municipalities submit their recommendations for representatives for the transitional Transit Commission Board, based on the criteria outlined in Report PW 15-2022, to the Regional Clerk no later than April 29, 2022; and
2. That the Linking Niagara Transit Committee **BE DISSOLVED** effective immediately, with thanks to the Members, having completed the mandate for which it was established.

Key Facts

- The purpose of this report is to provide an update regarding the work underway to implement the consolidation of region-wide transit, following the successful achievement of triple-majority approval in February 2022 (see Clerks Memorandum CWCD 2022-41); and initiate the process of securing nominations for the transitional Niagara Transit Commission Board from the local area municipalities (LAMs).
- A report will be brought forward at a Special Regional Council meeting on May 5, 2022 to seek Council approval to formally establish the Niagara Transit Commission as a Municipal Services Board (MSB) of the Region.
- In keeping with the Transit Governance Strategy outlined as part of the triple-majority process (PW 55-2021), LAMs will be asked to provide their recommended nominations for the transitional Niagara Transit Commission Board, for appointment by Regional Council to coincide with the establishment of the MSB.
- Given that the Linking Niagara Transit Committee (LNTC) has successfully completed its mandate to guide the development of and obtain approval for a recommended governance strategy for consolidation, and with the appointment of the new Commission Board imminent, it is appropriate for the LNTC to be dissolved forthwith.

Financial Considerations

There are no direct financial implications arising from the recommendations of this report.

The operating budget for transition activities associated with this report, including encumbrances and grant funding, is approximately \$3.1M. This is comprised of an operating consulting services budget of \$2.23M, additional \$0.5M in encumbered consulting budget from 2021, \$0.2M in dedicated internal staffing budget, and \$0.15M available to support the project from a successful application to the Province of Ontario's Audit and Accountability Fund. The transition to the new Commission will include a dedicated staff complement of 2 FTE's (Program Financial Specialist and GO Implementation Office Transportation Lead) plus additional Steering Committee and Working Group internal staff support.

Analysis

Achievement of Triple-Majority

In order for Niagara to realize the enormous benefits of a single transit system and move forward with the creation of a new Transit Commission, triple-majority approval was required to transfer the necessary legislative authority for the operation of transit to the Region under the *Municipal Act*.

This process formally commenced on November 25, 2021, when Niagara Region Council approved report PW 55-2021, adopting By-law No. 2021-96 providing "The Regional Municipality of Niagara...the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region." Following Regional Council approval, each of Niagara's twelve municipalities were asked to similarly support moving forward into consolidation.

With a strong majority of municipal Councils supporting consolidation, with a number of unanimous votes, the required criteria for triple-majority approval was achieved (see Council Weekly Correspondence Distribution CWCD 2022-41 February 18, 2022) and By-law 2021-96 came into effect on February 2, 2022.

The consolidation proposal put forward as part of the triple-majority process included a series of core financial, service, and governance strategies that had been developed and recommended by the CAO Governance Steering Committee (GSC) and

unanimously endorsed by LNTC. These recommendations reflected years of collaborative work, were based on two rounds of direct consultation with municipalities, and reflective of input from interested parties and the public.

City of Welland Resolution

At its meeting of December 9, 2021, Welland City Council adopted a resolution “THAT Welland City Council supports the future state of Inter Regional Transit and the consolidation of Welland, St. Catharines and Niagara Falls Transit Systems...” contingent on satisfactory responses to certain concerns they identified with the core strategies. This City’s resolution further requested that other LAMs present an amended resolution to their Councils supporting the City of Welland’s position. This resolution did not receive support from any other municipalities during the consideration of By-law No. 2021-96 enacting the triple majority. Positive progress is being made on the asset transfer agreement, with cooperation from all municipalities. Based on this outcome, a memo outlining this position and subsequent path forward sent to the City of Welland is attached as Appendix 1.

It is therefore on the basis of the strategies outlined in PW 55-2021 that the creation of the new Niagara Transit Commission and implementation of the consolidation of transit is underway, reflecting the strong support these proposals received through the triple-majority process.

Transit Commission Steering Committee (TCSC)

Governance Structure

To guide this transition, the Region has established the Transit Commission Steering Committee (TCSC).

The mandate of the TCSC is to support the creation of the new transit Commission, including its legal establishment, appointment of the transitional Board and senior leadership, and the transfer of personnel and assets, necessary for the Commission to assume operational responsibility for transit in Niagara on January 1, 2023.

The TCSC is Chaired by the Commissioner of Public Works and is comprised of extensive senior Regional staff (Commissioner and Director levels) from a diverse and strategic cross-section of the entire organization to support the successful establishment of the new Commission. The local area municipalities are also key

partners in this transition work. Active participation from LAM transit GMs and their senior staff, as well as LAM CAOs and legal counsel involved in the transfer of assets are assisting in guiding key deliverables outlined in the Transition Plan.

Resourcing

Significant internal Regional resources will be required to deliver the extensive scope of work for the transition to the Commission, including subject matter experts in areas such as finance, human resources, legal, information technology, and communications. The TCSC will be responsible for ensuring that sufficient corporate resources are allocated to the project and identifying the specific resources required to support the Transition Plan, including ensuring representation from other lines of business that will be impacted.

Successful transition will also require direct engagement with LAMs, in particular those who operate the independent transit systems that will form the basis for the new Commission. Areas of focus will include but not be limited to: negotiation of asset transfer agreements, human resources/labour relations, and the harmonization of operational policies and procedures.

Additional external resources have also been secured to support specific needs related to legal requirements and transit operations. External legal expertise has been secured with Dentons LLP who are supporting many aspects of the establishment of the Commission, along with leading and/or supporting and number of employee and labour relations considerations. Additionally, Eric Gillespie, retired former GM of both Grand River Transit in Waterloo Region and the St. Catharines Transit Commission, has been retained to lead the harmonization and implementation of transit operations, in close partnership with the LAM transit GMs.

These external resources are funded through the transition project budget as referenced in the Financial Considerations section and approved in the 2022 budget.

Progress to Date

With less than ten months to full transition and to ensure a successful hand off to the new Commission on January 1, 2023, accelerated and necessary work in support of the new Commission is well underway.

Leveraging provincial funding secured through the Audit and Accountability– Phase 3 program, KPMG has been retained to examine and develop a recommended shared services relationship between the Region and Commission. This assignment will look at best practices and comparator transit Commissions/municipalities (i.e. London, Ottawa, Edmonton, Durham) to examine reporting relationships, undertake financial analysis, and arrive at a preferred model. This KPMG work significantly advances the early work Regional staff undertook as presented in PW 9-2021 and will also take into account the tenets of the independent Commission model recommended in the *Niagara Transit Governance Study*. The results of KPMG's work will be incorporated in the next report to Council outlining the recommended model for shared services to support the new Transit Commission. This will also provide insight into the extent of future and/or additional staff resources which may be required either by the new Commission or by the Region as part of the 2023 budget submission related to new FTEs to support transit.

As noted throughout this report, *Niagara Transit Commission* has been identified as an interim name as the MSB is established, in advance of the completion of a forthcoming branding strategy that will recommend a public-facing name for the transit service. That future brand will be subject to approval of the Commission Board and Regional Council.

Given the ambitious timeframe and to ensure an effective and seamless integration, staff are predicating some of the Commission's underpinning systems (e.g. for financial reporting and human capital management) on platforms already in use by the Region and/or commonly used or preferred by many municipalities in Niagara to ensure ease of implementation, consistency and familiarity for the Commission (e.g. Peoplesoft).

As a result of extensive transitional activities in 2022, in addition to the assumption of operational control by the new Commission in January 2023, staff are proceeding on the basis that appointing the Public Advisory Committee post-municipal election would present a more strategic fit for the Board to successfully focus on transition activities, and to better align with the forthcoming municipal election cycle.

To ensure a broad cross-section of lessons learned, successful implementation practices, and insight into the relationship between transit commissions and their municipal/regional corporations, outreach beyond just the City of St. Catharines to other transit Commissions has also occurred with counterparts in Ottawa, London, Edmonton, and Durham to gather as much information as possible to compare and contrast best practices and successful policies and procedures.

Given the accelerated pace at which the transition is moving to ensure a successful operational hand off to the new Commission on Jan. 1, 2023, it has been necessary for Staff to leverage single-source assignments in compliance with the Procurement By-law, to enable appropriate, strategic and rapid onboarding of appropriate resources. For example, in the case of the shared services review being undertaken by KPMG, deadlines within the program delivery criteria required an accelerated path to ensure compliance with the reporting requirements, as well as to ensure integration of the outcomes in relation to other transition activities (i.e. establishment of the MSB). A competitive process was not possible given the pace at which information and resourcing is required to deliver the Commission transition by Jan. 1, 2023.

Establishment of Municipal Services Board (MSB)

Creating the Niagara Transit Commission will require the establishment of a new MSB of the Region, in accordance with Sections 196 to 198 of the *Municipal Act*, 2001, Council will be asked to consider and adopt a by-law that will create the new Board and formalize aspects of the relationship between the Commission and the Region at a special Council meeting being held on May 5, 2022. Key considerations will include:

- Formalizing the transitional Board and Advisory Committee structure;
- Establishment of the corporate and administrative services relationship between the Commission and Region;
- Setting requirements for procedural matters regarding meetings and a Code of Conduct/Integrity Commissioner in accordance with the Municipal Act, 2001 requirements for local boards;
- Outlining the Commission's requirements with respect to the Region's budget approval process;
- Establishing the requirement for specific policies such as disposition of land, hiring of employees, and procurement of goods and services as is mandatory under s. 270(2) of the *Municipal Act*; and
- Establishing the roles, responsibilities, and authority to be delegated to the Commission Board, the General Manager, and Auditor.

Appointment of Transitional Board Members

In anticipation of the establishment of the Commission as a MSB by Regional Council at its Special meeting being held on May 5, 2022, this report recommends that each LAM be asked to forward their nomination(s) for their elected official(s) for the transitional Niagara Transit Commission Board to the Regional Clerk, no later than April 29, 2022.

The LAM appointment recommendations will subsequently be brought forward to Regional Council for approval in parallel with the report establishing the new MSB. This will allow for the establishment of the MSB and appointment of the initial transitional Board members to occur simultaneously at the meeting on May 5, 2022.

In keeping with the Governance Strategy developed through the triple-majority process:

- Nominees must be an elected official, either a local or Regional Councillor; and
- Each municipality should forward the appropriate number of nominees in accordance with the 15 member board composition outlined in Report PW 55-2021 as follows:
 - (3) St. Catharines
 - (2) Niagara Falls
 - (1) All Other Municipalities

The transitional Niagara Transit Commission Board will have significant responsibility for the administration of the Commission, including the hiring of a General Manager, oversight of the transfer of personnel and assets from the current municipal transit providers, and the harmonization of service and policies. In selecting nominees, local area Councils may wish to consider candidates with particular expertise or background in areas related to these objectives, such as business, finance, strategic planning, or transit operations. As all transitional Board positions will be elected officials, it is recommended that while eligible for expense reimbursement such as mileage, Members serve without remuneration.

All transitional Commission Board Members will undergo mandatory orientation following appointment and prior to commencing their duties. The Orientation will include topics such as the role of Board and its relationship to the Region, diversity and equity, fiduciary duty, Code of Conduct, open meetings and other legislative requirements.

The term of the initial transitional Commission Board Members appointed by Regional Council in Q2 will end on January 31, 2023. This date has been recommended on the basis of ensuring continuity through the full transition and overlapping with the assumption of operations by the Commission on January 1, 2023.

Given the requirement that Board Members be elected officials, in the event that any of the Members appointed in Q2 lose their seat as a result of the 2022 Municipal Election their appointment will automatically be rescinded at that time. Board Members who are re-elected through the 2022 Municipal Election will complete the remainder of the term to January 31, 2023.

A subsequent round of nominations will occur through December 2022 and January 2023 for Regional Council to appoint new Board Members for a term starting February 1, 2023 and that will continue until the future permanent Board structure is put in place coinciding with the next Municipal election in 2026.

It is anticipated that the Public Advisory Committee for the Niagara Transit Commission would also be established following the 2022 Municipal Election.

As outlined in the Governance Strategy in PW 55-2021, the mandate of the Transitional Board structure will end with the establishment of a future permanent Board structure that will coincide with next municipal election cycle (2026). This will be informed by an external third-party review of the Transitional Board structure and governance that will revisit and make recommendations regarding the total Board size and representation complement. Regional Council will ultimately need to approve the recommended permanent Board structure.

Municipal Transfer Agreement

The MTA will govern how current municipal transit personnel, contracts and assets will transfer to the Region and/or Commission to support the assumption of operations on January 1, 2023.

Staff have initiated the negotiation of the MTA in accordance with the terms outlined in Report PW 55-2021; specifically the principles outlined in Appendix 3. This subset of work is consistent with the principles agreed to by the CAO GSC, unanimously endorsed by the LNTC, and which received triple majority approval. At this point, there is consensus among the LAMS to proceed on the basis of a single agreement that all parties will sign; with any specific or unique needs of municipalities to be addressed under defined schedules to the agreement.

Subject to the successful conclusion of negotiations, staff are working towards seeking Regional Council approval for the finalized MTA as part of the forthcoming report seeking establishment of the MSB; or at the very least, staff will seek Council's authority to conclude the process based on defined delegated authority at that time.

A comprehensive Human Resources Implementation Plan has been prepared which includes all matters associated with the transfer of municipal transit Union and Non-Union personnel. Discussions with the Amalgamated Transit Union (ATU) Locals (who represent all unionized transit employees in Niagara Falls, St. Catharines, and Welland)

are a key part of the Transition Plan; and as such, are planned to commence in the March/April timeframe.

Conclusion of Linking Niagara Transit Committee

The LNTC was established in 2017 following the unanimous municipal triple-majority approval to proceed with the creation of a new governance model for a consolidated transit system. Its primary mandate was to develop and advance a recommended consolidated governance model for Niagara, as well as in the interim, harmonize the operations and policies of the existing transit systems.

A significant number of interim milestones and successes have been achieved by the LNTC and are summarized in Appendix 2. With the development of a recommended governance strategy and the successful attainment of triple-majority approval for consolidation based on LNTC's unanimous recommendation, LNTC's mandate has now been successfully achieved.

It is therefore recommended that the LNTC be dissolved forthwith, with sincere thanks to its members and leadership of its Chair and Vice-Chair, as primary responsibility for transit decisions in Niagara will shift to the transitional Niagara Transit Commission Board once established and appointed.

Next Steps

The next significant milestone in the transition to the new Commission will be the report that Regional Council will consider on May 5, 2022 that will make recommendations for Council's consideration respecting:

- Enactment of a by-law to establish the Commission as a MSB of the Region, including confirming Regional policies to be adopted.
- Establish remuneration policies for the Board;
- Establish corporate and administrative services relationship between the Commission and Region.
- Bring forward the LAMs' transitional Board member nominations for appointment by Regional Council; and
- Seek Regional Council approval of the MTA, subject to successful completion of the negotiations and/or seek delegated authority to complete.

With the Commission Board established, focus in the next phase of transition activities will include the hiring of a General Manager and senior leadership team, development and approval of Commission policies, facilitating the transfer of assets and personnel to the Commission on the basis of the MTAs, and a branding strategy – all in support of assumption of service by the Commission on January 1, 2023.

Alternatives Reviewed

Consideration was given to not appointing Board members to coincide with the establishment of the Municipal Services Board, however this was not recommended given the need for an accelerated pace of transition and having the Board in place at the earliest opportunity to advance future operational decisions.

The alternative of not dissolving the Linking Niagara Transit Committee was also considered, but not recommended as the mandate of LNTC as defined in its Terms of Reference has been achieved and given that the Commission Board will now provide strategic direction to the transition.

Relationship to Council Strategic Priorities

The consolidation of transit services across Niagara into a new Transit Commission directly aligns with the Council Strategic Priority: Responsible Growth and Infrastructure Planning (Objective 3.1) through advancing regional transit and facilitating the movement of people and goods.

Other Pertinent Reports

PW 55-2021	Moving Transit Forward in Niagara: Creation of a Consolidated Transit Commission
LNTC-C 5-2021	Niagara Transit Governance – Phase 2 Consultation Results and Triple-Majority Initiation
LNTC-C 4-2020	Niagara Region Transit Governance Study
CAO 8-2017	Niagara Region's Transit Service Delivery and Governance Strategy

Prepared by:

Matt Robinson
Director, GO Implementation Office
Public Works

Prepared by:

Donna Gibbs
Director, Legal and Court Services
Corporate Services

Recommended by:

Bruce Zvaniga, P.Eng.
Commissioner of Public Works (Interim)
Public Works Department

Submitted by:

Ron Tripp, P.Eng.
Chief Administrative Officer

This report was prepared in consultation with Franco Meffe, Director, Human Resources; Helen Chamberlain, Director, Financial Management & Planning/Deputy Treasurer; Ann-Marie Norio, Regional Clerk; Scott Fraser, Transportation Lead, GO Implementation Office, and external legal counsel Mary Ellen Bench, Dentons LLP.

Appendices

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| Appendix 1 | City of Welland Response – Triple-Majority Achieved |
| Appendix 2 | Linking Niagara Transit Committee - Achievements |



Office of the CAO
1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

MEMORANDUM

Subject: City of Welland Response – Transit Triple-Majority Achieved

Date: March 7, 2022

To: Steve Zorbas, CAO – City of Welland

From: Ron Tripp, P.Eng., CAO

The purpose of this memorandum is to provide Welland City Council with an update regarding the conclusion of the triple-majority process and the next steps as the transition to the new transit Commission begins.

Achievement of Triple-Majority

On November 25, 2021, Niagara Region Council approved report PW 55-2021 which, through the adoption of By-law No. 96-2021, initiated the triple-majority process for the creation of a new transit Commission by providing “The Regional Municipality of Niagara...the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region.”

Following Regional Council approval, Niagara’s twelve municipalities were required to consider the bylaw by January 31, 2022. We confirm that as a result, the required criteria for triple-majority as identified under the *Municipal Act* has now been achieved (see Attachment 1 – CWCD 2022-4).

City of Welland - Report TRANS-2021-19

We do understand that at its meeting of December 9, 2021, Welland City Council adopted a resolution “*THAT Welland City Council supports the future state of Inter Regional Transit and the consolidation of Welland, St. Catharines and Niagara Falls Transit Systems...*” provided that certain concerns were addressed.

Given that the resolution did not receive support from any of the other local area municipalities, the transit governance proposal in its current form, which achieved triple-majority approval, shall be used to govern the path forward.

March 7, 2022
Page 2

Transition

Having achieved triple-majority, the transition to the new Commission has now begun. The Region will seek to establish the Commission on the basis of the core financial, service, and Board composition strategies presented in PW 55-2021, reflecting the strong support for these proposals received through the triple-majority process.

In the coming months, Regional Council will legally establish the new Commission, the Linking Niagara Transit Committee will be dissolved, and the formalization of required asset agreements will occur. Initial milestones for the City of Welland will include:

- The negotiation and execution of MTAs, on the basis of the principles outlined in Appendix 3 of PW 55-2021. Discussions between Regional and City of Welland senior staff and respective Legal Counsel commenced in February 2022. Welland's CAO Steve Zorbas is participating in these discussions, along with external legal counsel for the City of Welland.
- In April 2022, the City of Welland will be asked to nominate its recommendation for an elected representative to the Commission Board; and
- The initiation of collective bargaining discussions between the Region and the three existing Amalgamated Transit Unions, will be conducted in coordination with City of Welland staff. Welland Transit's Manager Edward Zahra is a member of the Operations Group tasked with ensuring a successful transition to the new Commission of all transit operations effective January 1, 2023.

Region Staff look forward to working collaboratively with Welland staff to ensure a smooth transition occurs whereby operational responsibility for transit will transfer to the new Commission on January 1, 2023 as required by By-law 96-2021.

Respectfully submitted and signed by,



Ron Tripp, P. Eng
Chief Administrative Officer

Appendices

Appendix 1	Niagara Region Memorandum CWCD 2022-41 - Triple Majority Achieved for By-law 2021-96 being a by-law to establish, operate and maintain a consolidated passenger transportation system for the Regional Municipality of Niagara
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March 7, 2022
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Copy to: Bruce Zvaniga, Commissioner of Public Works (Interim)
 Matt Robinson, Director, GO Implementation Office

MEMORANDUM

CWCD 2022-41

Subject: Triple Majority Achieved for By-law 2021-96 being a By-law to establish, operate and maintain a consolidated passenger transportation system for The Regional Municipality of Niagara

Date: February 18, 2022

To: Regional Council

From: Ann-Marie Norio, Regional Clerk

Regional Council, at its meeting held on November 25, 2021, passed By-law No. 2021-96, being a by-law to establish, operate and maintain a consolidated passenger transportation system for the Regional Municipality of Niagara.

In accordance with section 115(5) of the *Municipal Act, 2001* a by-law passed under subsection 115(1) of the *Act*, shall not come into force unless,

- (a) a majority of all votes on the Council of the upper-tier municipality are cast in its favour;
- (b) a majority of the Councils of all the lower-tier municipalities forming part of the upper-tier municipality for municipal purposes have passed resolutions giving their consent to the by-law; and
- (c) the total number of electors in the lower-tier municipalities that have passed resolutions under clause (b) form a majority of all the electors in the upper-tier municipality.

This memorandum confirms that all of the above provisions have been met, and the effective date of By-law No. 2021-96 was February 2, 2022.

For your reference a summary of the local area municipal responses and By-law No. 2021-96 are attached.

With the transfer of exclusive authority to the Region to establish, operate and maintain a single consolidated transit system now complete; Staff will be moving forward with necessary steps to implement the direction of Regional Council in accordance with Report PW 55-2021, dated November 25, 2021. More specifically Staff will proceed to advance the creation of a Regional Transit Commission and negotiate municipal asset

transfer agreements with the City of Niagara Falls, City of St. Catharines and the City of Welland.

Council will note that the City of Welland in their letter dated December 10, 2021, (attached), expressed support for the future state of Regional Transit subject to certain issues outlined therein being addressed, including but not limited to, seeking compensation for the transfer of assets; whereas Report PW 55-2021 (specifically Appendix 3) provides that assets will be transferred at no cost. Given the support of ten local area municipalities demonstrated by the achievement of triple majority approval **on the basis of the terms outlined in Report PW 55-2021**; Staff intend to proceed with the negotiation of the municipal asset transfer agreements in accordance with the terms outlined in Report PW 55-2021, including the principles outlined in Appendix 3.

Respectfully submitted and signed by

Ann-Marie Norio
Regional Clerk

December 9, 2021

Ann-Marie Norio
Clerk
Regional Municipality of Niagara
1815 Sir Isaac Brock Way
P.O. Box 1042
Thorold, ON
L2V 4T7

Dear Ms. Norio

Sent via email: ann-marie.norio@niagararegion.ca

Re: Niagara Transit Governance
Our File 35.23.11, 10.4.19

Please be advised that the Council of the City of St. Catharines, at its meeting held on December 8, 2021 passed the following motion:

That the Council of the City of St. Catharines consents to the passage of By-law No. 96-2021 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region; and

That staff begin to negotiate municipal asset transfer agreements for the Corporation of the City of St. Catharines with representatives of the future Regional Transit Commission on the basis of the principles in Report PW 55-2021 - Appendix 3 Municipal Transfer Agreements – Summary Sheet (attached as Appendix 1 to this report) and in a form satisfactory to the City Solicitor; and

That staff provide subsequent reports to Council regarding and impacts to the 2023 Capital and Operating Budgets in the creation of a Regional Transit Commission, as described in this report and the attached appendices.

If you have any questions, please contact the Office of the City Clerk at extension 1524.



Bonnie Nistico-Dunk, City Clerk
Legal and Clerks Services, Office of the City Clerk
:mb



City of Welland
Office of the Chief Administrative Officer
Office of the City Clerk
60 East Main Street, Welland, ON L3B 3X4
Phone: 905-735-1700 Ext. 2159 | **Fax:** 905-732-1919
Email: clerk@welland.ca | www.welland.ca

December 10, 2021

File No. 21-19

SENT VIA EMAIL

Attention: Regional Clerk & Clerks of Local Area Municipalities

Dear Clerks:

Re: ACTION REQUIRED - December 9, 2021 – CITY OF WELLAND SPECIAL COUNCIL MEETING

At its meeting of December 9, 2021, Welland City Council passed the following motion:

“THAT THE COUNCIL OF THE CITY OF WELLAND receives for information report PW-55-2021 – Moving Transit Forward in Niagara: Creation of a Consolidated Transit Commission from the Niagara Region; and

THAT Welland City Council recognize the request for local area municipalities to pass resolutions consenting to the By-law No. 2021-96 of the Regional Municipality of Niagara, being a By-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region; and

THAT Welland City Council supports the future state of Inter Regional Transit and the consolidation of Welland, St. Catharines and Niagara Falls Transit Systems, provided the following outstanding issues are addressed:

- a) City of Welland request for 2 members from the City of Welland to be included in the new Transit Commissions Governance structure.***
- b) The proposed financial model which will apportion future Transit Operating and Capital costs be updated to present the financial impact to all lower tier municipalities based on approved 2022 Transit Operating Budgets and updated 5-year Transit Capital Budgets,***
- c) Clarification on how existing and future Transit Debt for Capital Budgets is to be apportioned to all lower tier municipalities,***

- d) *That municipalities be compensated for their Transit Fleet based on the net book value valuation as of Dec 31, 2022, of their average vehicle price based on the difference between the lowest municipal valuation per vehicle and that municipalities valuation per vehicle.*

THAT Welland City Council requests the local area municipalities (Fort Erie, Grimsby, Lincoln, Niagara Falls, Niagara-on-the-Lake, Pelham, Port Colborne, St. Catharines, Thorold, Wainfleet, West Lincoln) present the following amended resolution to their councils for consideration:

“That the Council of (name of municipality) consents to the passage of By-law No. 2021-96 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region, only if the following conditions are addressed:

- a. *City of Welland request for 2 members from the City of Welland to be included in the new Transit Commissions Governance structure.*
- b. *The proposed financial model which will apportion future Transit Operating and Capital costs be updated to present the financial impact to all lower tier municipalities based on approved 2022 Transit Operating Budgets and updated 5-year Transit Capital Budgets,*
- c. *Clarification on how existing and future Transit Debt for Capital Budgets is to be apportioned to all lower tier municipalities,*
- d. *That municipalities be compensated for their Transit Fleet based on the net book value valuation as of Dec 31, 2022, of their average vehicle price based on the difference between the lowest municipal valuation per vehicle and that municipalities valuation per vehicle; and further*

That a copy of this resolution be sent to the Niagara Region and local municipalities.”

Yours truly,



Tara Stephens
City Clerk

TS:bl

From: Heather Ruzylo <hruzylo@niagarafalls.ca>
Sent: Tuesday, December 14, 2021 10:18 AM
To: Norio, Ann-Marie <Ann-Marie.Norio@niagararegion.ca>
Subject: City of Niagara Falls Council: Support for: - Regional Report PW 55-2021 re Moving Transit Forward in Niagara: Creation of a Consolidated Transit Commission

CAUTION EXTERNAL EMAIL: This email originated from outside of the Niagara Region email system. Use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Good morning Ann-Marie:

Please be guided by the following motion that was passed by the Niagara Falls Council at its meeting on December 7, 2021:

MOTION:

ORDERED on the motion of Councillor Victor Pietrangelo, Seconded by Councillor Wayne Thomson that the Council of the City of Niagara Falls consent to the passage of By-law No. 2021-96 of the Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region. Carried Unanimously (Councillor Ioannoni not present for the vote).

Kind regards,
Heather

Heather Ruzylo | Clerks & Council Services Coordinator | Clerks Services | City of Niagara Falls
4310 Queen Street | Niagara Falls, ON L2E 6X5 | (905) 356-7521 ext 4203 | Fax 905-356-9083 | hruzylo@niagarafalls.ca



Community Services

Legislative Services

December 14, 2021

File #120203

Sent via email: ann-marie.norio@niagararegion.ca

Ann-Marie Norio, Regional Clerk
Niagara Region
1815 Sir Issac Brock Way
Thorold, ON L2V 4T7

Dear Ms. Norio:

**Re: Moving Transit Forward in Niagara:
Creation of a Consolidated Transit Commission**

Please be advised the Municipal Council of the Town of Fort Erie at its meeting of December 13, 2021 passed the following resolution regarding "Moving Transit Forward in Niagara: Creation of a Consolidated Transit Commission":

That: The Council of The Corporation of the Town of Fort Erie consents to the passage of By-law No. 2021-96 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region.

Yours very truly,

Carol Schofield, Dipl.M.A.
Manager, Legislative Services/Clerk

cschofield@forterie.ca

CS:dlk

c.c. K. Walsh, Director, Infrastructure Services kwalsh@forterie.ca
M. Robinson, Director, GO Implementation Office, Niagara Region Matt.Robinson@niagararegion.ca
S. Frasser, Transportation Lead, GO Implementation Office, Niagara Region scott.fraser@niagararegion.ca

Mailing Address:

The Corporation of the Town of Fort Erie
1 Municipal Centre Drive, Fort Erie ON L2A 2S6

Office Hours 8:30 a.m. to 5:00 p.m. Phone: (905) 871-1600 FAX: (905) 871-4022

Web-site: www.forterie.ca

January 18, 2022

Ann-Marie Norio, Regional Clerk
Niagara Region
1815 Sir Isaac Brock Way
Thorold Ontario
L2V 4T7

Via email: Ann-Marie.Norio@niagararegion.ca

Dear Ms. Norio:

Niagara Region - Transit

At their special meeting of January 17, 2022 Council of the Town of Pelham received the Niagara Region's presentation with respect to the future of transit, and endorsed the following:

BE IT RESOLVED THAT Council receive the Niagara Region Transit presentation from Mr. Matt Robinson, Scott Fraser and Heather Talbot, for information.

Council also received your report, and endorsed the following:

BE IT RESOLVED THAT Council receive the Niagara Region Report CL 22-2021 and PW 55-2021, dated November 25, 2021, for information.

For your information, Staff Report 2022-0007 Future of Integrated Transit Report was also considered by Council and the following motion approved:

**BE IT RESOLVED THAT Council receive Report #2022-0007 Future of Integrated Transit Report, for information purposes;
AND THAT Council consents to the passage of By-law No. 2021-96 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to**

**establish, operate and maintain a consolidated passenger
transportation system for the Niagara Region.**

On behalf of Council, thank you for your presentation and report. The Town of Pelham looks forward to the new transit system.

Yours very truly,



Holly Willford, BA
Town Clerk

HW/jm

cc: Matt Robinson, Director, GO Implementation Office
Scott Fraser, Transportation Lead, GO Implementation Office
Heather Talbot, Financial and Special Projects Consultant, GO Implementation Office
David Cribbs, Chief Administrative Officer
Vickie vanRavenswaay, Director, Recreation, Culture and Wellness



4800 SOUTH SERVICE RD
BEAMSVILLE, ON L0R 1B1
905-563-8205

January 25, 2022

SENT VIA EMAIL: annmarie.norio@niagararegion.ca

Region of Niagara
Ann-Marie Norio, Clerk
1815 Sir Isaac Brock way
Thorold, ON L2V 4T7

RE: Town of Lincoln Council Resolution - Transit Consolidation: Moving Transit Forward in Niagara

Please be advised that Council of the Corporation of the Town of Lincoln at its Special Council Meeting held on January 24, 2022, passed the following motion in support of the Niagara Region's Transit Consolidation

Resolution Number: SC-2022-05

Moved by: Councillor Lynn Timmers; Seconded by: Councillor Adam Russell

That Council receive and file Report AD-01-22 regarding Transit Consolidation: Moving Transit Forward in Niagara; and

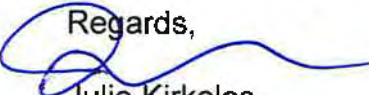
That Town of Lincoln Council consents to the passage of By-law No. 96-2021 of the Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated transit system for the Niagara Region.

CARRIED

A copy of Report AD-01-22 is attached for your reference.

If you have any questions, please do not hesitate to contact the undersigned.

Regards,


Julie Kikelos
Town Clerk
jkikelos@lincoln.ca

JK/dp



Township of Wainfleet

"Wainfleet - find your country side!"

January 27, 2022

Office of the Regional Clerk
1815 Sir Isaac Brock Way
PO Box 1042
Thorold, ON L2V 4T7

SENT ELECTRONICALLY

RE: Niagara Regional Transit

Please be advised that, at its meeting of January 25, 2022, the Council of the Corporation of the Township of Wainfleet considered the following motion:

"THAT the Council of the Township of Wainfleet consents to the passage of By-law No. 2021-96 of the Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region."

DEFEATED

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact the undersigned.

Regards,

Meredith Ciuffetelli
Deputy Clerk
mciuffetelli@wainfleet.ca



Department of Corporate Services
1593 Four Mile Creek Road
P.O. Box 100, Virgil, ON L0S 1T0
905-468-3266 • Fax: 905-468-2959

www.notl.org

SENT ELECTRONICALLY

January 31, 2022

Regional Municipality of Niagara
1815 Sir Issac Brock Way, PO Box 1042
Thorold ON L2V 4T7

Attention: Ann-Marie Norio, Regional Clerk

Dear Ms. Norio:

RE: Transit Governance

Please be advised the Council of The Corporation of the Town of Niagara-on-the Lake, at its regular meeting held on December 20, 2021, approved the following resolution:

"Council consents to the passage of By-law No. 2021-96 of the Regional Municipality of Niagara, being the by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region."

A copy of the staff report is attached for information. If you have any questions or require further information, please contact our office at 905-468-3266.

Yours sincerely,

Colleen Hutt
Acting Town Clerk



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

Office of the Town Clerk

160 Livingston Avenue, P.O. Box 159, Grimsby, ON L3M 4G3

Phone: 905-945-9634 Ext. 2015 | **Fax:** 905-945-5010

Email: skim@grimsby.ca

February 2, 2022

SENT VIA E-MAIL

Niagara Region
1815 Sir Isaac Brock Way, PO Box 1042
Thorold, ON
L2V 4T7

Attention: Ann-Marie Norio, Regional Clerk

Dear Ms. Norio,

**RE: Moving Transit Forward in Niagara: Creation of a Consolidated Transit
Commission**

Please be advised that the Council of the Corporation of the Town of Grimsby at its meeting held on December 13, 2021 passed the following resolution:

C-21-292

*Resolved that Report CAO 21-21 dated December 13, 2021, be received;
and*

That the Council of the Town of Grimsby consents to the passage of By-law No. 2021-96 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region.

If you require additional information, please do not hesitate to reach out.

Regards,

Sarah Kim
Town Clerk



PORT COLBORNE

Corporate Services Department
Clerk's Division

Municipal Offices: 66 Charlotte Street
Port Colborne, Ontario L3K 3C8 • www.portcolborne.ca

T 905.835.2900 ext 106 F 905.834.5746
E amber.lapointe@portcolborne.ca

February 2, 2022

Ann-Marie Norio
Office of the Regional Clerk,
Niagara Region
1815 Sir Isaac Brock Way, P.O. Box 1042
Thorold, ON L2V 4T7

Sent via E-mail: Ann-Marie.Norio@niagararegion.ca

Dear Ms. Norio:

Re: City of Port Colborne – Resolution Re: Consolidated Passenger Transportation System for the Niagara Region

Please be advised that, at its meeting of December 13, 2021, the Council of The Corporation of the City of Port Colborne resolved as follows:

That Chief Administrative Office Report 2021-317 be received; and

That Council consents to the passage of By-law No. 2021-96 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region.

A copy of Chief Administrative Office Report 2021-317 is enclosed for your reference.

Sincerely,

Amber LaPointe
City Clerk

cc: Niagara Local Municipalities



February 3, 2022

Office of the Regional Clerk
Niagara Region
1815 Sir Isaac Brock Way, P.O. Box 1042
Thorold, ON L2V 4T7

Ann-Marie.Norio@niagararegion.ca

Dear Ms. Norio:

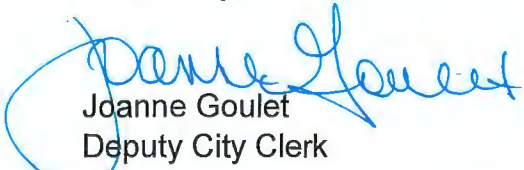
Re: Niagara Transit Governance Recommendations

Please be advised Thorold City Council, at its December 21, 2021 meeting, adopted the following motion:

1. That the information presented by Niagara Region staff be received, and,
2. That the Council of the City of Thorold consents to the passage of By-law No. 96-2021 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region.

CARRIED

Yours truly,


Joanne Goulet
Deputy City Clerk

ec: M. Dilwaria, Chief Administrative Officer

CLERK'S DEPARTMENT

February 10th, 2022

Ann-Marie Norio, Regional Clerk
Niagara Region
1815 Sir Isaac Brock Way
Thorold, ON
L2V 4T7

Dear Ms. Norio,

Re: Moving Transit Forward in Niagara: Creation of a Consolidated Transit
Commission - Niagara Region Report PW 55-2021

This correspondence is to confirm that on January 31, 2022, West Lincoln Township Council adopted the following resolution regarding the Township's consent to the passage of By-law No. 2021-96 of the Regional Municipality of Niagara regarding the creation of a consolidated passenger transportation system for the Niagara Region:

That the Council of the Township of West Lincoln consents to the passage of By-law No. 2021-96 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region.

If any further information is required, please contact the undersigned at 905-957-3346, Ext 6720.

Yours truly,



Jessica Dyson
Deputy Clerk

cc: Matt Robinson, Niagara Region, Director GO Implementation
Leah Tracey, Project Coordinator, GO Implementation Office

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2021-96

A BY-LAW TO ESTABLISH, OPERATE AND MAINTAIN A
CONSOLIDATED PASSENGER TRANSPORTATION SYSTEM FOR THE
REGIONAL MUNICIPALITY OF NIAGARA

WHEREAS Niagara Region Council deems it expedient and beneficial to address transit issues in Niagara Region;

WHEREAS the Linking Niagara Transit Committee was established to lead the development of a consolidated governance model, as well as the harmonization and integration of operational and policy regimes of the existing transit properties;

WHEREAS the Inter-municipal Transit Working Group was established to gather information and provide guidance on operational matters related to the transition to a consolidated transit system;

WHEREAS Niagara's four (4) major transit operators entered into a Memorandum of Understanding in 2017 that, in principle, endorsed the creation of a consolidated transit system;

WHEREAS all local area municipalities have been consulted on and provided input regarding the results of the Niagara Transit Governance Study, associated financial strategy, and the subsequently revised models reflecting initial feedback;

WHEREAS the Linking Niagara Transit Committee has endorsed the Commission governance model, Niagara Service Standards Strategy and associated twelve (12) special levy financial strategy as the models under which consolidation should take place as identified in Regional Reports LNTC-C 5-2021 and PW 55-2021;

WHEREAS Niagara Region obtained triple-majority authority in 2017 to establish, operate and maintain an inter-municipal passenger transportation system in Niagara Region and enacted By-law No. 2017-21 on March 23, 2017, which came into effect on June 1, 2017, in this regard;

WHEREAS under this new consolidated system, Niagara Region would plan and operate both intra-municipal and inter-municipal transit routes, including specialized and demand-responsive transit services, throughout Niagara Region creating one unified transit system;

Bill No. 2021-96

Authorization Reference: CL 22-2021;
Minute Item 5.1

WHEREAS existing transit assets would transfer to the Commission on the basis of Municipal Transfer Agreements, to be negotiated and entered into with the major transit operators substantially on the basis of the terms outlined in Appendix 3 to PW 55-2021;

WHEREAS Section 11 of the Municipal Act, 2001, Ch. 25, as amended, grants exclusive jurisdiction over the operation of transit services to lower-tier municipalities in Niagara Region; and

WHEREAS Section 189 of the Municipal Act, 2001, Ch. 25, as amended, provides an upper-tier municipality with the ability to pass a by-law for the transfer of all or part of a lower-tier power to the upper-tier municipality, subject to certain rules regarding consideration and approval by the lower-tier municipalities.

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

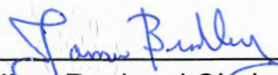
1. That the authority to establish, operate and maintain a consolidated passenger transportation system for Niagara Region be transferred to The Regional Municipality of Niagara;
2. That steps to transfer jurisdiction and related assets essential to operating a consolidated passenger transportation system to The Regional Municipality of Niagara begin immediately after the following requirements have been met:
 - a. A majority of the councils of the lower-tier municipalities forming part of Niagara Region have passed resolutions consenting to the by-law;
 - b. The total number of electors in the lower-tier municipalities that have passed resolutions consenting to the by-law form a majority of all electors in the Region of Niagara as established in the revised list of electors for the municipal election held in the year 2018.
3. That in this by-law, the term "consolidated passenger transportation system" shall mean a single, unified public transportation services system operating within or between any two or more of the twelve (12) lower-tier municipalities which comprise the Region of Niagara;
4. That The Regional Municipality of Niagara does hereby assume from all lower-tier municipalities comprising the Region of Niagara, those parts of the lower-tier power and related assets essential to provide public transportation systems, other than highways, necessary to own and operate a consolidated passenger transportation system as contemplated by this by-law;

Bill No. 2021-96

Authorization Reference: CL 22-2021;
Minute Item 5.1

5. That Sections 1 and 2 of the by-law shall come into force and effect on the day the requirements of Section 189 of the Municipal Act 2001, Ch. 25, as amended, are met;
6. That Section 4 of this by-law respecting the transfer of assets and operations to the new transit commission does not come into effect until January 1, 2023. For clarity, the lower-tier municipalities that operate public transportation systems will continue to do so until these operations transition to The Regional Municipality of Niagara on January 1, 2023.

THE REGIONAL MUNICIPALITY OF NIAGARA



James Bradley, Regional Chair



Ann-Marie Norio, Regional Clerk

Passed: November 25, 2021

Linking Niagara Transit Committee – Achievements

The following is a brief summary of the significant milestones achieved by the Linking Niagara Transit Committee during its term, including those from the Inter-Municipal Transit Working Group, operating under its direction:

- Established a single digital mobile platform – Transit App – providing real-time bus tracking for all Niagara Region Transit (NRT), Niagara Falls Transit, St. Catharines Transit and Welland Transit fleets.
- Standardized on-bus customer service policies and consolidated all after-hours customer service call handling to a single external provider across all four major systems.
- Completed the Specialized Transit in Niagara Study which examined ridership, demand projections, a scan of jurisdictional comparators and industry best practices.
- Implemented a Universal Support Person Pass common to all Niagara transit systems to enable those with mobility limitations to travel with an approved support person with valid identification.
- Secured Annual U-Pass agreements with Niagara College and Brock University Student Unions.
- Procured, in partnership with our municipal operators, 14 new buses to meet the NRT fleet requirements for recent service enhancements, ensuring the utilization of the reduced operating rate.
- Confirmed the recommended single fare technology (Masabi) that will provide a seamless customer experience across Niagara and that will enable the launch of region-wide mobile ticketing.
- Joint application for Provincial and Federal grant programs, i.e. ICIP, to facilitate the upgrade to a common fare payment technology. While still underway, this program has been refocused to align with the consolidation of transit into a single operating entity.
- Developed, launched, and expanded the Niagara Region Transit On-Demand pilot project, providing a new and dynamic approach to the delivery of transit in West Niagara.
- Successfully coordinated the response to COVID-19 across Niagara's major transit providers, implementing shared safety and operational responses throughout the pandemic.

- Completed the Niagara Transit Governance Study, providing the initial recommended governance model for the consolidation of transit.
- Conducted significant consultation with municipalities, interested parties, and the public to refine and further develop the recommended governance, financial and service strategies.
- Unanimous approval of the final transit consolidation strategies, recommending the initiation of the triple-majority process.