

<p>Bill No. 2019-79</p> <p><i>As amended by: By-law No. 2020-84 By-law No. 2022-81 By-law No. 2024-25</i></p>	<p>Authorization Reference: COTW 8-2019; Minute Item 5.1</p> <p><i>CSC 10-2020; Minute Item 5.1 CSC 9-2022; Minute Item 5.2 CL 6-2024, Minute Item 10.2</i></p>
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THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2019-79

A BY-LAW TO DEFINE BUDGET PLANNING
REQUIREMENTS FOR
THE REGIONAL MUNICIPALITY OF NIAGARA

WHEREAS Section 224(d) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, states that it is the role of council to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;

WHEREAS Section 289(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, requires that for each year, The Regional Municipality of Niagara, in the year or the immediately preceding year, prepare and adopt a Budget including estimates of all sums required during the year; and,

WHEREAS the Council of The Regional Municipality of Niagara has deemed it desirable to set out its policies with respect to the development of the Budgets in this By-law

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

1. PURPOSES, GOALS, AND OBJECTIVES
 - 1.1. Establish the timing of annual budget approval as predictable and sufficient for obtaining Council approval.
 - 1.2. Ensure sustainability of Niagara Region’s level of service.
 - 1.3. Ensure transparency in the communication of budget planning.
 - 1.4. Ensure alignment with Regional Council’s strategic priorities.
 - 1.5. Establish expectations of staff for the development of the annual budget.

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1.6. In order to achieve the preceding purposes, goals and objectives of this By-law it is important that all persons involved in the Niagara Region Budget process abide by the requirements of this By-law.

1.7. Establish social determinants of health as a consideration in program and budget decisions.

2. DEFINITIONS

2.1. For the purposes of this By-Law:

- a) "Assessment Growth" means the increase in property assessment as a result of the changes that happen to a property within a calendar year, including; new construction, major renovations, demolitions and property value appeals;
- b) "ABCs" means all agencies, boards, commissions and other legal entities that report to and/or are funded directly or indirectly by Niagara Region and as a result impact Niagara Region's Budget process;
- c) "Act" means Municipal Act, 2001, S.O. 2001, c. 25;
- d) "Base budget" means the budget to maintain current service levels;
- e) "BRCOTW" means the Niagara Region's Budget Review Committee of the Whole;
- f) "Business Case" means a document that justifies the scope of a project and provides insight into benefits, risk assessment, and financial and staffing impacts;
- g) "Capital Budget" means a multi-year plan based on the estimated expenditures and offsetting sources of financing for a Capital Project;
- h) "Capital Project" means a project during which expenditures are incurred that result in the creation of a tangible capital asset;
- i) "Council" means the Council of the Regional Municipality of Niagara;

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- j) “Departmental budget” means the budget of an operating unit overseen by a Commissioner or equivalent;
- k) “FTE” means the equivalent of a full-time employee providing service throughout a Fiscal Year. Depending on the category of employee and nature of that employee’s service, the fixed number of hours of work tied to an FTE may vary. As per existing union and employee contracts with Niagara Region, the following annual hours are currently considered to comprise an FTE for different categories of employees:
 - i. 35-hour work week X 52 weeks = 1820 hours = 1 FTE
 - ii. 40-hour work week X 52 weeks = 2080 hours = 1 FTE
 - iii. 37.5-hour work week X 52 weeks = 1951 hours = 1 FTE;
- l) “Incremental Operating Costs of Growth” means additional operating costs including staffing, materials, maintenance, etc., but excluding the related debt servicing cost associated with capital project as a result of growth;
- m) “General Tax Levy” means the net cost of Niagara Region services that requires funding from the residents of the municipality through general property taxation;
- n) “MPAC” means the Municipal Property Assessment Corporation;
- o) “Niagara Region” means The Regional Municipality of Niagara;
- p) “Operating Budget” means a financial plan of current operations that encompasses both estimated revenues and expenditures for a specific period, normally a fiscal year;
- q) “Rate Budget” means the budget for services such as water and wastewater treatment, biosolids management and lab services. Costs for these services are charged to the municipalities based on usage. The rates charged to residents for each of these services will vary depending on where they live;
- r) “Reserve” means an allocation of accumulated net revenue that does not require the physical segregation of money or assets;

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- s) “Social Determinants of Health” means the economic, social, and environmental conditions that influence individual and group differences in health status, including income, education, employment, early childhood development, food insecurity, housing, social exclusion and social safety network, health services, aboriginal status, gender, sexuality, race, and disability;
- t) “Tax Increment Grant” or “TIG” means a refund of taxes on assessment growth directly related to a development;
- u) “Transit Special Tax Levy” means Regional property taxes that pay for transit services across the Region and varies between municipalities based on service levels;
- v) “Waste Management Special Tax Levy” means Regional property taxes that pay for services including curbside collection, recycling and landfill sites and waste management and varies between municipalities based on service levels.

2.2. Any defined term herein may be referenced in the plural as the context requires.

3. SCOPE

3.1. This By-law applies to all of Niagara Region's departments and to Niagara Region's directions to the ABCs that report to, or form part of, the Budget approval process at Niagara Region.

4. RULES

4.1. That a schedule of BRCOTW meetings, which deliberate budget approvals, be presented to Council directly or during the planning meeting identified in 4.3 whereas;

- a) The annual operating and capital budgets are scheduled to be approved in the year prior to the new budget year.

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- b) That the exception to item 4.1(a) be where the new budget year immediately follows a year in which a municipal election is held, as allowed in the Act.
- 4.2. That the schedule in which the budgetary reports are presented to BRCOTW be in the following order, or as may otherwise be determined at the meeting referred to in 4.3:
- a) Capital program;
 - b) Special Tax Levies (Waste Management and Niagara Transit Commission);
 - c) Rate (Water and Wastewater);
 - d) ABCs included in the General Tax Levy;
 - e) Regional Departments and Consolidated General Tax levy programs.
- 4.3. That a planning meeting of BRCOTW for a new budget year be scheduled no later than July 31 of the year preceding the new budget year.
- 4.4. That the budget plan, deliberations, and approval of the budget be based upon the following for fullness of Council decision making and transparency to the public:
- a) That the increase in budget to provide base services, excluding revenues and the costs of growth and capital, be prepared with reference to an appropriate inflationary factor as determined by Council at the planning meeting for the new budget year;
 - b) That the incremental operating budget requirements to support the capital asset plan be provided with a separate increase;
 - c) That any new programs and services to be considered be provided with a separate increase;

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- d) That net assessment growth revenue be prioritized in the following order:
 - i. Tax Increment Grants;
 - ii. Incremental Operating Costs of Growth;
 - iii. Costs to fund new and growth capital assets;
 - iv. Gaps in funding items in sections 4.4 (b) and 4.4 (c) of this By-law;
 - v. Programs aimed at driving economic growth or other Council priorities.

Other factors such as growth and strategic plans may be incorporated into the overall prioritization of assessment growth.

- 4.5. That budget deliberations provide Council with a Business Case where any one of the following conditions are met:
 - a) The request includes the addition of (a) permanent FTE(s);
 - b) The request adds (a) new service(s) not offered by the Niagara Region in the year prior to the new budget year. This excludes changes in delivery of (a) service(s) within a division.
- 4.6. That budget deliberations provide Council with information on material changes meeting the following conditions:
 - a) The net request is in excess of \$500,000 increase or decrease to a departmental budget. This excludes increases or decreases for general labour related costs (other than those in 4.5(a) as these general costs will be reported on corporately.
 - b) The gross divisional change is in excess of \$1,000,000. A gross change less than \$1,000,000, with a net impact less than \$500,000 will be at the discretion of the Commissioner and/or Treasurer.

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5. PRINCIPLES

- 5.1. That a price index that may be used for an inflationary factor for section 4.4(a) is the core consumer price index (CPIX) as made available through StatsCan.
- 5.2. That the incremental operating budget impacts in section 4.4(b) of this By-law be in accordance with the funding required to close the capital funding gap as identified in the Asset Management Plan.
- 5.3. That the base budget for staffing complement be based on the approved complement of the year prior to the new budget year including any adjustments approved in-year.
- 5.4. That approvals of operating programs or capital projects that will result in a future increase to the budget in subsequent years be budgeted with the full annual impact in the year of the program approval.
 - a) That estimated incremental debt payments for a project be included in the operating budget in the year the capital project is approved as a placeholder for the payments that will be made. Where a surplus may occur due to timing, that placeholder will be used to fund pay-as-you-go capital or debt substitution unless otherwise approved by Council.
 - b) That estimated incremental operating costs inclusive of annual labour-related costs for programs or projects be budgeted in the year of the program or project approval as a placeholder for the operating costs that will occur. Where a surplus may occur due to timing, that placeholder will be used to fund pay-as-you-go capital or otherwise as approved in the budget.
 - c) That a reduction in costs or increase in revenues be included in the budget year in which they are expected to be recognized.
- 5.5. That the exception to 5.4 be where a financial plan has identified a strategy to implement an initiative where the budget must be established over a period of time, to support the principle of affordability.

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5.6. That budget planning and preparation will utilize any relevant information as available to staff, including:

- a) The most recently completed year’s actual audited financial position;
- b) The most recently completed quarterly financial forecast;
- c) Items forecasted in the multi-year’s budget of the prior year;
- d) Strategic documents developed for planning;
- e) Newly identified pressures, risks, and opportunities for the budget year.

5.7. Where an operational surplus is identified in the financial results of the year prior to the new budget year, the surplus will inform the new budget year for potential cost savings or revenue increases.

- a) The surplus itself will be directed by Niagara Region policies and the Act in the year prior to the new budget year;
- b) Budget development will not include the year surplus as a funding source for the new budget year.

5.8. That operating programs that are time limited or one-time in nature may be funded by time limited or one-time sources, such as reserves in accordance with the Reserve Policy. Time limited or one-time revenues will not be used to fund on-going programs.

6. RESPONSIBILITIES

6.1. The responsibility of Regional Council is:

- a) To approve an annual budget planning report and schedule. The approval of a budget planning report for a new budget year shall not limit Regional Council’s ability to approve a budget or budgets equal to or less than the recommendations therein upon consideration of the annual budgets.

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b) To provide direction to staff on the services to include in the new budget year.

6.2. The responsibilities of members of the Corporate Leadership Team is to recommend and support the budget submissions to Council.

6.3. The responsibilities of the Financial Management and Planning Team is:

a) To transparently consolidate and present budget considerations to Council;

b) To direct staff on strategy to meet Council's expectations of the annual budgets.

6.4. The responsibilities of budget owners and project managers is to use these rules in the preparation of the annual operating and capital budgets.

6.5. The responsibilities of ABCs is to adhere to the schedule of budget approval meetings as approved annually by Council.

7. SEVERABILITY

7.1. If any Section or Sections of this By-law or parts thereof are found by an adjudicator of competent jurisdiction to be invalid or beyond the power of Council to enact, such Section or Sections or parts thereof shall be deemed to be severable and all other Sections or parts of the By-law shall be deemed to be separate and independent there from and shall continue in full force and effect unless and until similarly found invalid or beyond the power of Council to enact.

8. SHORT TITLE

8.1. The short title of this By-law is "Budget Planning By-law".

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9. EFFECTIVE DATE

9.1. That this by-law shall come into force and effect on the day upon which it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA

James Bradley, Regional Chair

Ann-Marie Norio, Regional Clerk

Passed: October 17, 2019