

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2017-99

A BY-LAW TO PROVIDE FOR THE REIMBURSEMENT OF EXPENSES OF
THE MEMBERS OF COUNCIL FOR THE REGIONAL MUNICIPALITY OF
NIAGARA

WHEREAS subsection 283(2) of the *Municipal Act, 2001*, (the “Act”) provides:

Despite any Act, a municipality may only pay the expenses of the members of its council or of a local board of the municipality and of the officers and employees of the municipality or local board if the expenses are of those persons in their capacity as members, officers or employees and if,

- (a) the expenses are actually incurred; or
- (b) the expenses are, in lieu of the expenses actually incurred, a reasonable estimate, in the opinion of the council or local board, of the actual expenses that would be incurred;

WHEREAS subsection 283(4) of the Act provides that no part of the remuneration of a member of a council or local board paid under Section 283 of the Act is deemed to be for expenses incidental to his or her duties as a member and a municipality or local board shall not provide that any part of the remuneration is for such deemed expenses;

WHEREAS Section 284 of the Act requires the municipal treasurer provide to council a public report on the remuneration and expenses paid to each member of council in the previous year and such report shall identify the by-law under which the remuneration or expenses were authorized to be paid;

WHEREAS Memorandum CSC-C 26-2017 was passed by Regional Council on November 16, 2017 to authorize the passing of a by-law related to the reimbursement of expenses of the members of Council for The Regional Municipality of Niagara (Niagara Region); and,

WHEREAS Regional Council deems it expedient to adopt a policy to define the reimbursement of expenses of members of Regional Council.

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

1. That the expense reimbursement policy for members of Council for The Regional Municipality of Niagara attached hereto as Schedule “A” to this by-law be and is hereby approved and authorized;

2. That the Clerk of The Regional Municipality of Niagara is authorized to effect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law; and,
3. That this by-law shall come into force and effect on the day upon which it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA

Alan Caslin, Regional Chair

Frank Fabiano, Acting Regional Clerk

Passed: November 16, 2017

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Policy Owner	Administration –Office of the Regional Clerk, Regional Clerk
Approval Body	Council
Approval Date	November 16, 2018
Effective Date	November 17, 2018
Review by Date	August 31, 2019
Cross-Reference	By-law No. 2017-99
	By-law No. 2018-44
	By-law No. 2019-103

1. Policy

1.1. The Regional Council Expense Policy governs the reimbursement of expenses incurred by Members during activities related to the Regional Business of Niagara Region.

2. Purpose

2.1. The objective of this policy is to provide consistent rules and guidelines to Members with respect to Eligible Expenses incurred in performing their duties.

2.2. The policy provides specific and clear direction regarding diverse expenses, and clarifies what are Eligible Expenses and Ineligible Expenses.

2.3. The policy establishes the provision of public access to expense information of Members.

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2.4. The policy captures the following principles:

- a) Maintain Integrity of Council
 - i. The integrity of Council as a whole and the offices of the Members must be protected; and
 - ii. The interest of Council as a whole takes precedence over the personal interest of individual Members.
- b) Maintain Accountability
 - i. Members are the stewards of resources and are ultimately accountable to the public for the type and level of expenses they incur;
 - ii. Since members use public funds when they perform their duties, the public expects public funds to be used solely for fulfillment of their public duties;
 - iii. Members' expenses should be reasonable and reflect what the public expects of an elected official; and
 - iv. Members' personal expenses must be kept separate from expenses related to Regional Business.
- c) Maintain Transparency
 - i. The public has a right to know how public funds allocated to Members are spent; and
 - ii. The public's right to Members' expense information must be balanced against the need to protect personal information, and the need to allow time for proper account and reconciliation of expenses.

3. Scope

- 3.1. This policy applies to all Members and establishes the basis upon which the Members will be reimbursed or have payment coverage for Eligible

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Expenses incurred while undertaking activities related to Regional Business while acting in their role as an elected official.

4. Roles and Responsibilities

4.1. All expenses submitted for reimbursement must include the following:

- a) Itemized receipts
- b) Supporting documentation, including:
 - i. A brief description of the nature of Regional business; and
 - ii. A Google map print out as back up to a mileage expense.

4.2. Members may attend conferences, conventions, meetings and other events using allocated funds in the current budget for registration fees and Eligible Expenses.

4.3. Transportation

- a) Members shall make every attempt to use the most economical and efficient mode of transportation including:
 - i. economy airfare, first class rail fare including taxi fares to and from terminals or parking where required, or
 - ii. mileage rate for personal automobile usage and parking, or
 - iii. rented automobile and actual fuel cost.
- b) Members shall make efforts to share travel costs when travelling to the same destination.
- c) If a more expensive means of transportation is chosen, only the most economical equivalent charges will be allowed. For example,

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if a Member chooses to drive to a destination where it is more economical to use air transportation, only the equivalent air transportation charge will be permitted.

- d) Calculation of Mileage
 - i. Mileage will be reimbursed for trips related to Regional business (specifically, for attendance at official Regional functions) and calculation will be based on the lesser of the actual distance from the Member's home to the destination, or the distance from the Member's normal work location (Regional headquarters is the normal work location for the Regional Chair only) to the destination; and
 - ii. The mileage rate applied will be one year behind the current year's Canadian Revenue Agency (CRA) rate.

4.4. Accommodation

- a) Where overnight accommodation is required, the single room rate will be paid and must be accompanied by appropriate receipts.

4.5. Meals/Per Diem

- a) A \$75.00 per diem rate represents the maximum that will be paid to each Member attending a conference, convention, or other event when an overnight stay is required.
- b) Where all meals are included in registration fees, the per diem rate is not applicable.
- c) Where some meals are included in registration fees, the allocation for included meals shall be deducted from the per diem using the following guideline:

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Breakfast	\$15.00
Lunch	\$20.00
Dinner	\$30.00
Incidentals	\$10.00
	<u>\$75.00</u>

- d) There shall be no reimbursement for any meal expenditure incurred during the time that a Member is entitled to a per diem allowance.
 - e) The daily rate allowance is to be calculated on a 24-hour basis and not a working day basis. It shall be paid from the time of leaving for the function until the time of arrival home, to the nearest 1/2 day.
 - f) Notwithstanding (b), (c) and (d), actual expenditures incurred may be reimbursed in lieu of the per diem rate; however, such expenditures must be reasonable in the circumstances and Members must provide the names of all attendees and Regional business reason for the meeting on the meal receipt.
 - g) Members may be reimbursed for reasonable Eligible Expenses related to meals incurred during the course of Regional Business and shall include the following:
 - i. Meals while travelling on behalf of Niagara Region; or,
 - ii. Meals required where circumstances warrant.
 - h) The per diem rate may increase once per term of council based on the Consumer Price Index.
- 4.6. Monetary exchange costs will be allowed at the prevailing rates in order to convert Canadian dollars to other currencies (primarily to U.S. dollars).

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Payment will be made to Members in Canadian dollars.

4.7. The following is a list, though not exhaustive, of Eligible Expenses:

- a) Memorabilia and souvenirs for constituents
- b) Mobile devices in accordance with the current information technology mobile device policy. While engaged in Regional business, Members shall arrange an appropriate out of country mobile device plan in order to avoid excessive roaming charges.
- c) Office supplies (e.g. paper, pens, printer cartridges, etc.)
- d) [Deleted]
- e) Subscriptions related to Regional Business or municipalities in general
- f) A maximum of one ticket for a Member when representing Niagara Region at an event of a public nature (e.g. community dinners, events with proceeds going to charity, etc.).
- g) 407 ETR, public transportation ticket
- h) Parking related expenses save and except parking fines.

4.8. The following is a list, though not exhaustive, of Ineligible Expenses

- a) Additional accommodation for days outside a formal Conference
- b) Alcohol and alcoholic beverages are ineligible expenses unless purchased or provided as a matter of hospitality for protocol while conducting Regional Business
- c) Mobile devices outside the current information technology mobile device policy
- d) Companion registration fees and expenses at Conferences
- e) Personal entertainment (e.g. sight-seeing, concerts, sporting events, etc.)
- f) Personal services (e.g. shoe shine, valet service, spa treatments, etc.)
- g) Personal vehicle costs beyond mileage (e.g. maintenance, repair, etc.)

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h) Traffic and parking fines

4.9. Legal Expenses

- a) Legal costs arising from or in any way related to complaints under the Code of Conduct are Ineligible Expenses.
- b) Legal costs related to personal conflict of interest opinions are Ineligible Expenses.
- c) Costs involving certain legal proceedings against Members shall be reimbursed in accordance with the current legal indemnification policy and are subject to review by the Audit Committee for recommendation to Council.
- d) Requests for reimbursement of legal costs outside this policy or the legal indemnification policy shall be submitted to the Audit Committee for recommendation to Council.

4.10. Election Year Restrictions

Note: Revision 1.0 - April 12, 2018, section 4.10 subsections (a) and (b) were repealed (see Report GM 5-2018).

Note: Revision 1.0 – April 12, 2018, section 4.10 was amended by adding the following clause (see Report GM 5-2018):

- c) Regional Councillors shall be directed by the *Use of Municipal Resources During the Election Campaign Period* policy.

4.11. Timelines

- a) Members shall submit expense reports with itemized receipts attached at least on a monthly basis.
- b) Expense report information will be posted online on a quarterly basis and for a rolling period of 7 years plus current year.

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5. Roles and Responsibilities

5.1. Members of Council

- a) Adhere to this policy;
- b) Submit expenses on a regular monthly timeline;
- c) Sign-off on all expenses submitted to or paid by Niagara Region;
- d) Meet all financial, legal and tax obligations; and,
- e) Consult with Regional Administrative staff for guidance with respect to the eligibility of an expense and/or any interpretation on the application of this policy.

5.2. Regional Administrative Staff

- a) Ensure consistent application of this policy;
- b) Process expenses in accordance with this policy;
- c) Ensure the supporting documentation is in place and that expenditures conform to this policy;
- d) Advise Members if any submitted or proposed expenditure is an Ineligible Expense or a breach of this policy;
- e) Track actual expenses against approved budget;
- f) Each year, incorporate budget dollars in the annual budget for Council to consider for funding or reimbursing Members' Eligible Expenses;
- g) Complete the yearly Councillor Remuneration Report as required by the Act; and
- h) Delegate approval of Councillor expenses to the Regional Clerk and to the CAO for the Regional Chair.

5.3. Audit Committee

Role of Audit Committee is to:

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- a) Consider reimbursements forwarded from staff when they are unable to determine eligibility;
- b) Consider reimbursements from Members when they are in disagreement with staff determination of eligibility;
- c) Review costs involving legal proceedings against Members to ensure they are reimbursed in accordance with the current Legal Indemnification Policy as required;
- d) Consider any requests for reimbursement of legal costs that fall outside of this policy of the Legal Indemnification Policy; and
- e) Provide recommendation(s) to Council respecting reimbursements.

6. References and Related Documents

6.1 Legislation

- a) Section 283 of the Act provides the authority for councils to pass by-laws to pay remuneration and expenses to members of council and local boards.
- b) Section 284(1) of the Act requires that in each year, on or before March 31, the treasurer provide to council a statement on remuneration and expenses paid to members of council and local boards in the previous year.
- c) Section 284(2) of the Act requires the identification of the by-law under which the remuneration or expenses were authorized.

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- d) Council and board members' remuneration and expenses are provided for in the operating budget of Niagara Region, or the budget of the agency, board or commission.

6.2 By-laws

- a) By-law No. 2017-99
- b) By-law No. 2018-44
- c) By-law No. 2019-103

6.3 Related Policies

- a) Expenses – Reimbursement of Policy (Corporate Policy C3.E02)
- b) Training and Development - Approval for Workshops/Seminars/Conferences Policy (Corporate Policy C3.T01.7)

7. Document Control

The electronic version of this document is recognized as the only valid version.

Approval History

Approver(s)	Approved Date	Effective Date
Council – Version 1.0	November 16, 2017	November 17, 2017
Council – Revision 1.0	April 12, 2018	May 3, 2018
Council – Revision 2.0	December 12, 2019	January 1, 2020

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Revision History

Revision No.	Dated	Summary of Change(s)	Changed by
1.0	April 12, 2018	Section 4.10 clauses (a) and (b) were repealed. Section 4.10 was then amended by adding the existing clause.	Council, CL 5-2018, April 12, 2018
2.0	December 12, 2019	Section 4.1 deleted and replaced with the existing clause. Section 4.3(d) deleted and replaced with the existing clause. Section 4.5(a) deleted and replaced with the existing clause. Section 4.5(c) deleted and replaced with the existing clause. Section 4.5(f) deleted and replaced with the existing clause. Section 4.5 amended by adding (h). Schedule "A" amended by adding Section 4.6. Section 4.7(d) deleted. Section 4.7(g) deleted and replaced with the existing clause Section 4.9(a) deleted and replaced with the existing clause Section 4.11(a) deleted and replaced Section 5.2 amended by adding (h) Section 5.3 deleted and replaced with the existing clause	Council, CL 20-2019, December 12, 2019

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8. Appendice

8.1 Appendix 1 – Glossary of Terms

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Appendix 1 – Glossary of Terms

For the purpose of this policy,

- a) "Act" means the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended from time to time;
- b) "Chair" means the head of Council;
- c) "Council" means the Council of Niagara Region;
- d) "Councillor" means a person elected or appointed as a member of Council;
- e) "Eligible Expense" means one incurred by a Member while engaged on Regional Business or Representing Niagara Region;
- f) "Ineligible Expense" means one incurred by a Member while not reasonably understood to be engaged on Regional Business or representing Niagara Region, or one incurred in contradiction with established policy;
- g) "Member" means a member of Council, including the Chair;
- h) "Niagara Region" means The Regional Municipality of Niagara;
- i) "Regional Business" means attendance at an event as a representative of Niagara Region, to derive a benefit for Niagara Region or to advance the interests of Niagara Region.