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STAFF REPORT: Chief Administrative Officer



REPORT TO: Committee of the Whole
MEETING DATE: April 25, 2016
REPORT NO.: FAF.16.23
SUBJECT: Grey County Roads Transfer Proposal
PREPARED BY: Senior Management Team
SUBMITTED BY: Troy Speck, CAO

A. Recommendations

THAT Council receive Staff Report FAF.16.23 entitled “Grey County Roads Transfer Proposal”;

AND THAT Council approve forwarding to the County of Grey, the Town of The Blue Mountains’ County Road Transfer Proposal letter as attached to Report FAF.16.23.

B. Background

Over the years, concern has been raised by some members of Council and interested residents about the transfer inequities between the Town of The Blue Mountains and County of Grey with respect to the taxation paid by the Town for the level of service received. For example, as a percentage of the County, the Town represents 7% of the permanent population and 13% of the number of households, but at the same time pays 26% of the County’s levy. One possible avenue to address the inequity has been thought to be the potential transfer of responsibility for County roads within The Blue Mountains from the County to the Town. To that end, in July 2015 the County passed resolution C91-15 to investigate the feasibility of transferring Grey County roads in The Blue Mountains as a pilot project that would be implemented by August 1, 2017. Further, on September 9, 2015 The Blue Mountains Council passed the following resolution:

AND THAT Council approve the allocation of \$25,000 from Working Capital Reserve to be utilised to prepare a concept proposal for the transfer of all Grey County Roads within the Town to Town operation.

The \$25,000 was used in 2015 on consultation for engineering opinions on the state of the infrastructure as well as for legal opinions. Using the information gained from these experts, Town Staff have considered alternatives, their implications and have prepared the following key concepts which collectively is known as the “Proposal”.

Proposal Concepts

The following is a listing of the key concepts included in the Proposal.

- 1) The Town will assume ownership and responsibility of the roads and structures (bridges and large culverts) currently owned and operated by the County within the boundaries of The Blue Mountains.

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- 2) Using sections 311 and 326 of the Municipal Act, 2001, the County will special levy the other 8 municipalities for County Transportation Services and accordingly, the Town will be exempt.
- 3) The Town will pay a \$500,000 annual fee towards the operation, maintenance and capital replacement of county roads outside of the Town boundaries. This fee will be indexed annually based on the County's taxation change.
- 4) The Town will assume ownership and responsibility of the Clarksburg Yard, including all facilities, located on Grey Road 40.
- 5) The County, at its own expense, will complete the Grey Road 119 resurfacing project or provide to the Town equivalent funding.
- 6) The County will be responsible for any current insurance claims.
- 7) Any development within the Town boundaries will be exempt from the County's Roads and Related Development Charges.
- 8) The County will transfer 26.11% of all current Transportation related reserve and reserve funds to the Town.
- 9) Boundary structures will be shared 50% Town and 50% County.
- 10) The County will provide the Town the first right of refusal at no cost on any Transportation Department machinery, equipment, and materials from the Clarksburg Yard deemed surplus by the County.

The above concept was developed bearing in mind operational, legal and financial implications. Each is briefly discussed below.

Operational

The addition of 82km of county roads will add a significant workload to the Town's Road and Drainage Division. County Roads must be maintained at a higher level of service than local roads due to traffic volume and speed. Winter maintenance is the priority with respect to ensuring adequate resourcing. Summer maintenance is equally important but there is more flexibility in coverage during non-winter control events. Staff have taken a conservative approach in determining resourcing needs. There may be some room to optimise operations when a plan is developed in detail.

The operational plan is built around creating two new snow plow routes staffed for 24 hour operation. Both of the new routes will be Town operated. One of the Town's current routes is planned to be converted to a contracted truck and driver. Thus, the net change is one additional contracted route and one Town staffed route. Staff are furthermore recommending that a truck when it comes time for replacement be retained instead as a spare. As a result, the Town's truck fleet will increase by two tandem trucks with one maintained as a spare plow truck. It should be noted that if any equipment is deemed surplus by the County due to the transfer of the county roads, the Town may be able to obtain a truck with the transfer.

To staff the additional plow truck route on a 24 hours basis, meet winter patrol requirements and undertake the additional summer maintenance activities, the Town

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will require 3 full time staff and one winter contract position. To coordinate the work of the additional operators year round and offer some operational redundancy, a Lead Hand role is recommended. Two additional light duty pickups will be required for the use of the Lead Hand and the operators.

Along with the additional operational resources, staffing is required to undertake the associated contract administration for maintenance and capital projects on the County Roads. It is felt two contractor administrator roles will be needed – one for operational purposes and another for capital works.

The operational plan and associated costing has been prepared in accordance with the concept of providing an enhanced level of service. The enhanced level of service includes:

1. The provision of paved shoulders or cycling lanes on most if not all County roads;
2. Rehabilitation/ reconstruction of roads, bridges, and culverts in accordance with best practices; and,
3. Improved response time for operational needs such as asphalt repairs, roadside maintenance and drainage improvements.

In summary, the additional equipment and staffing over and above the Town's current Roads and Drainage staffing to provide an enhanced level of service on County roads are:

Equipment

- One additional contract truck and driver
- Two additional Town plow trucks (one results from non-replacement of an older snow plow)
- Two light duty pickup trucks

Staffing

- One lead hand
- Three fulltime operators
- One contract operator for winter control
- One fulltime contract administrator for operations
- One fulltime contract administrator for capital works

Should the Town wish to maintain the County roads at their current level of service, half to one full-time contract administrator position will not be required. It will also be possible to replace one of the fulltime operators with a contracted winter control position.

There are additional human resource implications to the Town that have been presented to Council within a Closed Session format, but which should be considered with all of the other information presented herein in determining Council's path forward.

Another important aspect of operations that must be considered is a works yard. The Town's current yard in Ravenna will be inadequate to absorb the additional equipment and staffing requirements without a significant expansion. In fact, the Ravenna Yard is

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currently inadequate for the Town's current needs. The County's Clarksburg Yard on Grey Road 40 is an attractive alternative to expanding the Ravenna Yard. Once the Clarksburg Yard is transferred to the Town, the Ravenna Yard would become a satellite yard primarily used to store road graders and materials for the rural southern part of the Town. Staff recognise that the County may still want to use a portion of the facility, and as such, feel arrangements can be made for its cooperative use.

Legal

Staff have obtained legal opinions on the abilities of the Town and County to come to an arrangement to transfer the county roads to the Town and to excuse the Town from the County's Transportation Levy. The legal opinion received indicates that the mechanisms to achieve the goal is to impose a special upper-tier levy under sections 311 and 326 of the *Municipal Act, 2001*. The other eight lower tier municipalities within the County for Transportation Services would be charged the special levy. As a result, the Town will not be charged for the County's Transportation Services.

Financial

The Financial Section below provides an overview of the various scenarios depending on the level of service that could be offered by the Town or the County. The costing includes operational requirements, insurance, allowance for the benefit received from county roads outside of the Town and other direct costs.

Transfer Powers

In order for the transfer of the County roads to occur, the County of Grey, as composed of the Town and eight other lower-tier municipalities, will need to agree to the transfer. In particular, the requirements under section 191 of The Municipal Act, 2001 will need to be satisfied.

Transfer of power to lower-tier

191. (1) A lower-tier municipality may pass a by-law to provide for,

(a) the transfer of all or part of an upper-tier power from its upper-tier municipality to one or more of the lower-tier municipalities forming part of the upper-tier municipality for municipal purposes which are specified in the by-law; and

(b) transitional matters to facilitate the assumption of the upper-tier power. 2001, c. 25, s. 191 (1).

Coming into force

(2) A by-law under subsection (1) shall not come into force unless,

(a) at least half of all the lower-tier municipalities forming part of the upper-tier municipality for municipal purposes, excluding the lower-tier municipality which passed the by-law, have passed resolutions giving their consent to the by-law;

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(b) the total number of electors in the lower-tier municipalities which have passed resolutions under clause (a) and in the lower-tier municipality which passed the by-law form a majority of all the electors in the upper-tier municipality; and

(c) the council of the upper-tier municipality has passed a resolution giving its consent to the assumption of the power and a majority of all the votes on the council were cast in favour of the resolution. 2001, c. 25, s. 191 (2).

In addition to a majority of County Council members voting in favour of the transfer of County roads within the Town, at least four other municipalities plus the Town, with combined numbers of electors including the Town equal to or more than a majority of all the electors in the County, will have to pass resolutions in support of the transfer.

Conclusion and Recommendation

A draft letter proposal from Mayor McKean to Warden Barfoot has been prepared to outline the proposal concepts for the County's consideration. The Proposal letter is provided as Attachment #1. The County is expected to undertake an evaluation of the Proposal. To aid in their work, Staff suggest that any background documents prepared by the Town be provided to the County in confidence.

Staff recommend that Council approve forwarding the Town of The Blue Mountains' County Road Transfer Proposal letter as attached to Report FAF.16.23 to the County of Grey.

Ultimately, a detailed transfer agreement will be required between the Town and the County to create the legal instrument by which to transfer the county roads and enact the various conditions.

The County passed resolution C91-15 in July 2015 to investigate the feasibility of transferring of Grey County Roads in the Town of The Blue Mountains as a pilot project to be implemented by August 1, 2017. The Town is on-track to meet that timeline. With the County's prompt attention to the Proposal, the transfer can be completed by mid-2017.

Council Workshop

During the time this report has been prepared, some individual members of Council have expressed concern that the notion of the Town taking over County roads has been assumed as a solution to the County levy inequity problem, without looking at what other possible options/solutions may exist, or in fact without having formally expressed the Town's concerns regarding the levy inequities and asking the County what solutions they might propose to address the issue.

As such, prior to sending the roads Proposal to Grey County, Council may wish to consider holding a workshop to consider the implications of the Proposal against other ideas such as alternate service arrangements or governance models. To help Council fully understand the options available several experts could be invited to present and answer questions. Staff estimate that an appropriate budget for a one-day workshop is \$20,000 for the preparation and presentation of expert advice and other direct costs.

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Should Council wish to undertake a workshop prior to, or instead of, forwarding the Proposal, Staff recommend the following resolution:

THAT Council approve the allocation of \$20,000 from Working Capital Reserve to be used to hold a Council Workshop to consider alternatives to the Town's current financial and governance relationship with the County of Grey.

C. The Blue Mountains' Strategic Plan

Goal #4: Promote a Culture of Organizational and Operational Excellence
Objective #4: To Be a Financially Responsible Organization

D. Environmental Impacts

None

E. Financial Impact

Below are the anticipated financial impacts of proceeding with a transfer of responsibility for County roads within The Blue Mountains from the County to the Town.

Part #1 Current Transportation Services Levy

	2016			
Transportation Service Budget	16,874,135			
Town's portion	26.11%			
Total Transportation Levy Paid by the Town	\$ 4,405,837			

Part #2 Feeder Road Fee

Staff have assumed that the County will not be likely to agree to the Town discontinuing contributions to the County roads altogether. As such, Staff have considered the notion of the Town paying an annual "feeder road fee" to the County. The fee will help cover the costs to operate and maintain the County Roads that contribute to economy activity in the Town. Grey County Roads 2, 4, 40, and 124 have been identified as these feeder roads. Staff have used the historical average cost per kilometer to calculate this fee.

	Cost/KM	KMs	Town's Portion	Town Payment		
Operating	11,720	103.4	26.11%	316,405		
Capital	6,563	103.4	26.11%	177,177		
Total	\$ 18,282			\$ 493,582		

Part #3 What it will cost the Town?

The main purpose of this exercise is to explore the idea that the Town will be able to operate and maintain the roads at a lower cost than what the Town currently pays to the

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County. The chart below uses the same costs per kilometres as above and calculates the level of service that the Town is currently receiving.

	Cost/KM	KMs	Financial Benefit
Operating	11,720	82	961,040
Capital	6,563	82	538,166
Total	\$ 18,283		\$ 1,499,206

The Town is paying \$4,405,837 annually but only receiving \$1,499,206 worth of transportation services. The next chart looks at what it would cost the Town to operate and maintain the County assets using the same level of service

	2016		
Operating Budget (1)	1,250,000		
Capital Budget	539,000		
Feeder Road Fee	500,000		
Total Costs	2,289,000		
Current Levy	4,405,837		
Potential Cost Savings	\$ 2,116,837		

(1) Staff have increased the operating budget to account for lost efficiencies that the County currently has.

If the Town used the same level of service that is currently being provided by the County, the Town would see cost savings of over \$2M. This level of service though is not considered best practice because the rate of investment is not keeping pace with maintaining the asset at the status quo. The Town's infrastructure deficit would grow annually.

Part #4 Best Practices Level of Service

Using best practice levels of service Staff built operating and capital budgets. The operating budget is higher than outlined in Part #3 as additional staff will be required to administrate the additional capital projects.

The capital budget has been broken down into two parts: roads and structures. For the roads, an annual capital budget of \$2,437,500 will be required to resurface on a 15 year replacement cycle. For the structures, Staff used the Town's Tangible Capital Asset Policy to determine the useful lives of the structures. Currently there are a few structures that need to be replacement immediately. They represent a \$212,000 debt payment over 25 years. The remaining structures will require \$1,666,300 be transferred into reserves on an annual bases to fund these replacements as they occur. By going to this model the Town will not require long-term debt for each replacement.

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The chart below summaries these numbers and shows a potential increase of \$1,859,963 will be required to fund these items.

	2016				
Operating Budget	1,450,000				
Feeder Road Fee	500,000				
Capital -Roads	2,437,500				
Capital -Structures	1,666,300				
Debt Repayment	212,000				
Total Annual Budget	6,265,800				
Current Levy	4,405,837				
Potential Increase	\$ 1,859,963				

Part #5 County's Adoption of Best Practices Level of Service

Using the same criteria as Part #4 the below chart looks at what it would cost the Town if the County applied the best practices level of service:

	County	Town %	Town's Levy		
Operating	10,278,154	26.11%	2,683,626		
Capital -Roads	24,848,333	26.11%	6,487,900		
Capital -Structures	19,995,600	26.11%	5,220,851		
Total Transportation Budget	\$ 55,122,087		\$ 14,392,377		
Current Levy			4,405,837		
Best Practices Levy			\$ 9,986,540		

As the chart outlines, if the County does adopt these practices the Town could see their Transportation Levy increase by almost \$10M.

F. In Consultation With

Senior Management Team

G. Attached

1. Town of The Blue Mountains' County Road Transfer Proposal letter, May XX, 2016

Respectfully submitted,

Troy Speck
Chief Administrative Officer



Town of The Blue Mountains

P.O. Box 310, 32 Mill Street
Thornbury, ON N0H 2P0

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Attachment 1

Tel: (519) 599-3131 / Fax (519) 599-7723

Email: info@thebluemountains.ca

Website: www.thebluemountains.ca

OFFICE OF: MAYOR JOHN MCKEAN

Email: mayor@thebluemountains.ca

Phone: 519-599-3131 Ext 401

Date: May XX, 2016

Warden Alan Barfoot
Grey County Administrative Building
595 9th Avenue East
Owen Sound ON N4K 3E3

Re: Proposal for Transfer of Grey County Roads within the Town of The Blue Mountains

Dear Warden Barfoot,

For many years questions have been raised by concerned Town of The Blue Mountains councillors and residents about the inequities of transfers between the Town and the County of Grey with respect to the taxation paid for the level of service received. For example, as a percentage of the County, the Town represents 7% of the permanent population and 13% of the number of households, but at the same time pays 26% of the County's levy.

One possible avenue to address the inequity has been thought to be the potential transfer of responsibility for County roads within The Blue Mountains from the County to the Town. You will recall that in July 2015, County Council passed resolution C91-15 to investigate the feasibility of transferring Grey County roads in the Town of The Blue Mountains as a pilot project to be implemented by August 1, 2017. The Town has now developed a high-level proposal for the transfer of all Grey County Roads within the Town to The Blue Mountains, which we ask that the County consider.

I wish to thank County Staff for their valued cooperation during the Town's investigation and development of this proposal.

The following is a listing of the key concepts included in the Proposal.

- 1) The Town will assume ownership and responsibility of the roads and structures (bridges and large culverts) currently owned and operated by the County within the boundaries of The Blue Mountains.
- 2) Using sections 311 and 326 of the Municipal Act, 2001, the County will special levy the other 8 municipalities for County Transportation Services and accordingly, the Town will be exempt.

- 3) The Town will pay a \$500,000 annual fee towards the operation, maintenance and capital replacement of county roads outside of the Town boundaries. This fee will be indexed annually based on the County's taxation change.
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- 9) Boundary structures will be shared 50% Town and 50% County.
- 10) The County will provide the Town the first right of refusal at no cost on any Transportation Department machinery, equipment, and materials from the Clarksburg Yard deemed surplus by the County.

Of course, all of the above is subject to negotiation/clarification of more precise details for the implementation of a transfer.

We assume the County will want to undertake an evaluation of the transfer proposal outlined above, and as such the Town is willing to provide background information to facilitate such an evaluation.

With the County's prompt attention to this Proposal, we are confident the Town and the County can see the benefit of the transfer by mid-2017.

Sincerely,

Mayor John McKean
The Town of The Blue Mountains

cc: Grey County Councillors
Town of The Blue Mountains Councillors
Grey County CAO, Kim Wingrove
Town of The Blue Mountains CAO, Troy Speck