

2014-14

MEMORANDUM

TO: Mayor and Council
FROM: Municipal Treasurer
DATE: January 8, 2014
RE: Request for Early Approval of 2014 Capital

BACKGROUND:

As in previous years, we are requesting early spending approval of some of the regular capital project money that is included in the 2014 provisional budget. This is done to ensure that the crews are kept busy during the months before the final adoption of the 2014 budget in May, and to spread the work over the entire year.

We are also requesting early approval to replace equipment in the Public Works fleet. This is being asked for because of time needed to go through the tendering process, and the time between ordering and taking delivery of some of the equipment.

DISCUSSION:

The following is a listing of the projects that we are requesting early approval for, along with the total amount included in the budget and the amounts given early approval in 2013 for the same projects.

	<i>2014 Early Approval</i>	<i>Total in 2014</i>	<i>2013 Early Approval</i>
Fire hydrant replacement	\$20,000	\$52,000	\$20,000
New storm drain manholes	\$17,500	\$19,500	\$17,500
Sidewalk replacement	\$20,000	\$54,500	\$20,000
Pavement management	\$255,000	\$255,000	
Sidewalk ramps	\$5,000	\$31,500	\$5,000
New sewer manholes	\$17,500	\$19,500	\$17,500
Catch basin lid replacement	\$10,000	\$25,500	\$10,000
Water main replacements	\$75,000	\$275,000	\$75,000
Water main cleaning & lining	\$75,000	\$270,000	\$75,000

In addition, we are requesting early approval to replace eight pieces of equipment. The cost will be covered by the Equipment Replacement Fund and therefore have no tax impact.

1 van (replaces 1989 van)	\$ 55,000
1 loader (replaces 1985 loader)	\$ 39,000
1 compressor (replaces a 1991 compressor)	\$ 17,900
1 tractor (replaces a 2000 tractor)	\$ 38,000
1 van used for filming pipes (replaces a 1996 van)	\$ 34,500
1 salter (replaces a 1990 unit)	\$ 21,500
1 asphalt roller (replaces a 2000 unit)	\$ 60,000
1 mower (replaces a 2005 mower)	<u>\$ 37,500</u>
	<u>\$303,400</u>

OPTIONS:

1. Council can give early spending approval for the capital projects and equipment replacement purchases as detailed above.
2. Council can reduce the amount being approved for all or certain projects.
3. Council can decide to not give early approval for any of the requested projects and equipment.

FINANCIAL IMPACT:

It is anticipated that the 2014 water and sewer rates will be adopted later in the meeting. Once this is done, the funding for capital projects covered by the water rates will be in place, and the sewer rates will cover 70% of the cost of the sewer projects (the remainder of the funding comes from taxes). The equipment purchases will be covered by funds accumulated in the Equipment Replacement Fund, and their approval will have no tax impact.

The largest of the capital projects listed above that will be funded by taxes is the pavement management program. Given the state of the roads, and the recommendations made by the consultant who carried out the review of them, the money included in the budget is the minimum that we should be including in the budget if we are to avoid larger costs in the future. If Council wishes to delay approving the project until after the full budget has been reviewed, the result will be similar to 2013 (the first year of the program) when staff had to work hard to get the necessary tendering process completed in time to have the paving work done in August.


RECOMMENDATION:

That Council gives early spending approval for the capital projects and equipment replacement purchases as listed in this memorandum.



Patricia A. Walker
Municipal Treasurer

I concur with the recommendation of the Municipal Treasurer



Helen M. Koning
Chief Administrative Officer

2014-15-1

TO: Mayor and Council
FROM: Municipal Clerk
DATE: January 9, 2014
SUBJECT: 2014 Oak Bay Tea Party

BACKGROUND:

The *Zoning Bylaw* states that land comprising a municipal park may be used for the display and sale of goods and refreshments, or for paid amusements, where Council has approved a licence of occupation of such land for a not-for-profit community event deemed to be for the benefit of the Municipality at large, and that does not detract from the purpose of the land as a public place for recreation, ornamentation or preservation of the natural environment.

The Society is also requesting a grant in the amount of \$7,000. This is the same amount that has been provided by the District for the event in the past several years.

DISCUSSION/OPTIONS:

If Council is satisfied that the proposed event meets the above criteria and is prepared to approve the request a resolution incorporating the requirement for the *Zoning Bylaw* noted above, along with approval of the grant, should be adopted.

Council's attention is drawn to the request to operate amusement rides on Friday, June 6, 2014 from 4:00 pm to 9:00 pm. This extension was introduced and approved last year, and unless directed otherwise, the occupancy agreement would include approval for the Friday night occupancies as well.

Any agreement entered into in respect to the permissions required would include the usual conditions imposed for this annual event.

FINANCIAL IMPACT:

The requested grant amount is included in the Financial Plan

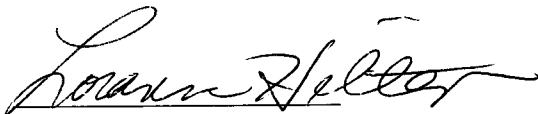
RECOMMENDATION:

That:

1. *That pursuant to the Streets and Traffic and Zoning Bylaws, permission be given to the Oak Bay Tea Party Society for the occupancy of public land and for the closure of public streets as shown in the sketches attached to the memorandum from the Municipal Clerk dated January 9, 2014, for the purposes of staging the 2014 Oak Bay Tea Party from June 6 to 8, 2014, subject to the Oak Bay Tea Party Society undertaking the same preparations in terms of notices to the public and safety that has been done in previous years, and subject to the Oak Bay Tea Party Society executing an agreement saving the Municipality harmless from any liability arising from the staging of the events, and providing evidence of adequate liability insurance; and*

2. *That a grant of \$7,000 be provided to the Oak Bay Tea Party Society for the 2014 Oak Bay Tea Party."*

Respectfully submitted,




Lorraine Hilton
Municipal Clerk

With the grant request being included in the Financial Plan, I concur with the recommendation of the Municipal Clerk in this regard.

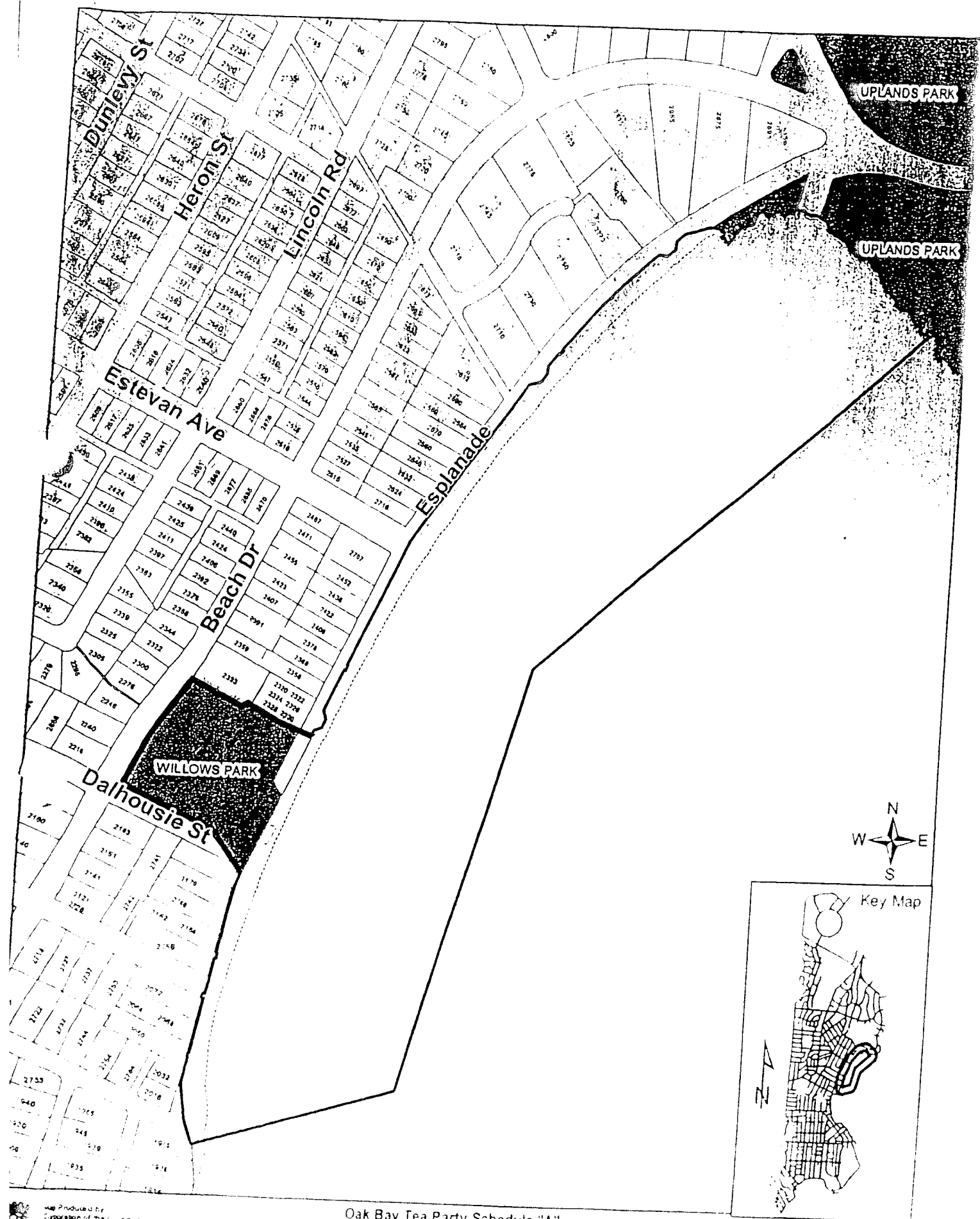


Patricia Walker
Municipal Treasurer

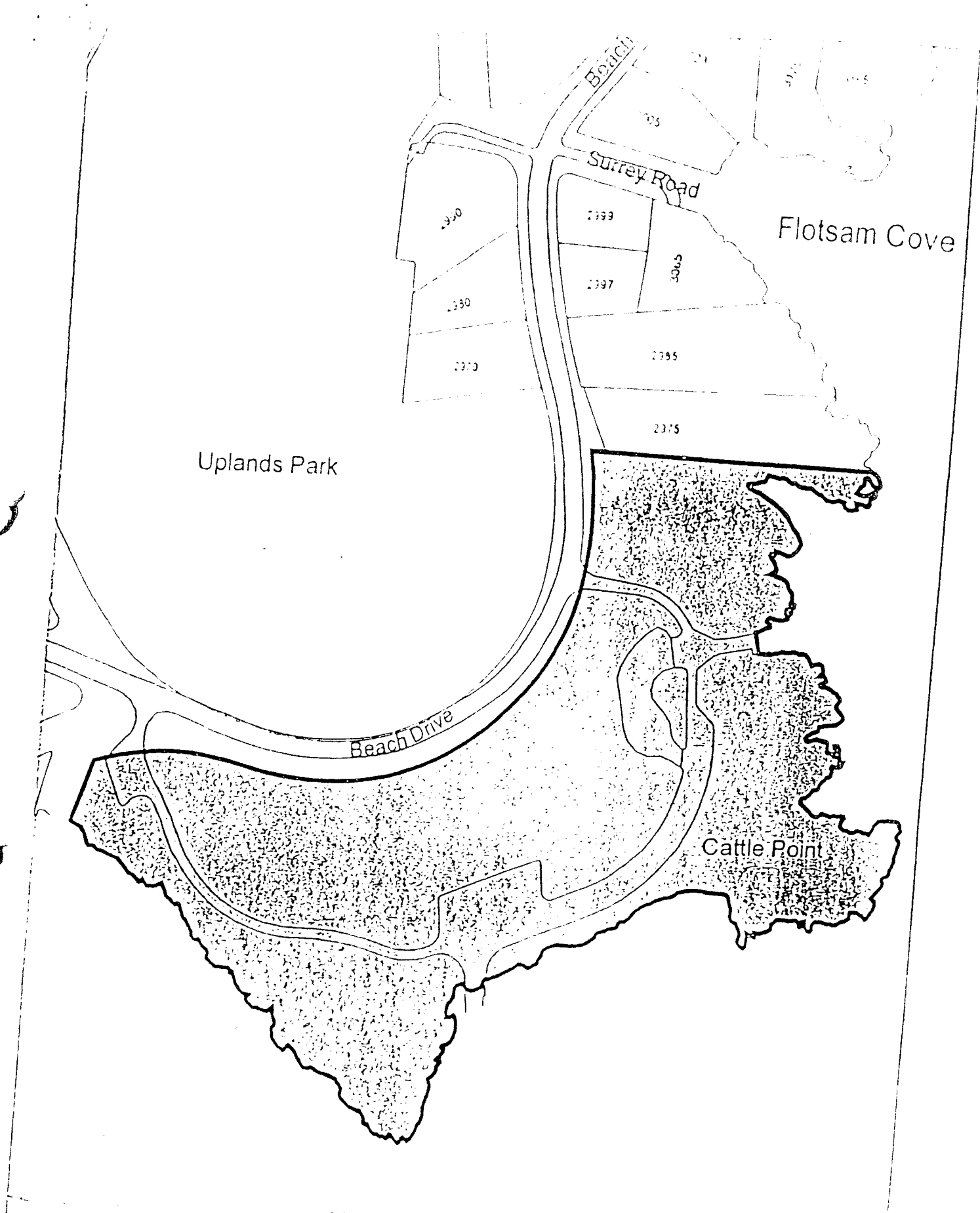
I concur with the recommendation of the Municipal Clerk



Helen Koning
Chief Administrative Officer



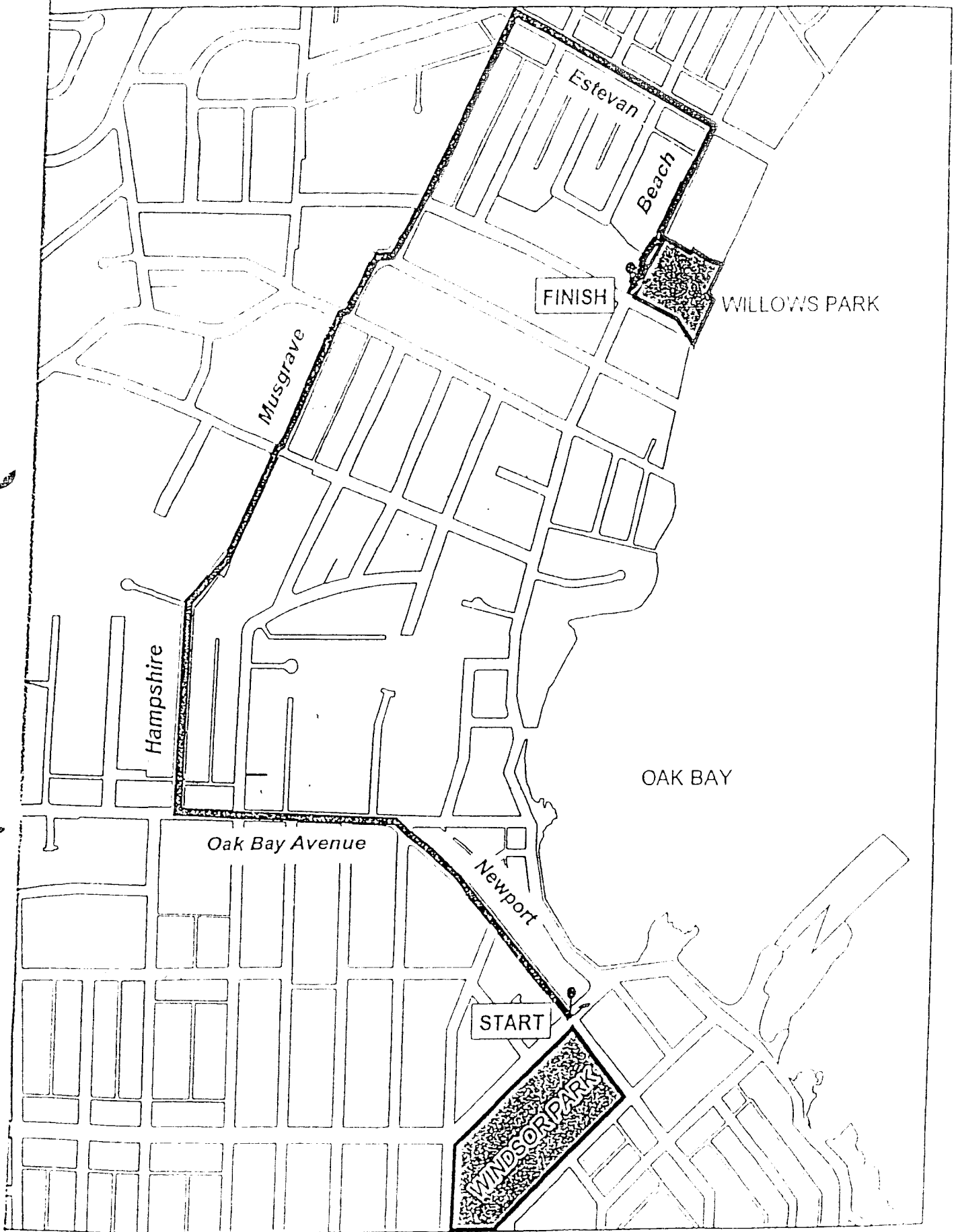
Oak Bay Tea Party Schedule "A"
Willows Park and Beach/Water



UPLANDS Park
Map Produced by
Cooperation of the City of Oak Bay
Engineering Department
April 1997

Oak Bay Tea Party
Schedule "B" - Uplands Park





Oak Bay Tea Party
Schedule "C" - Parade & Fun Run Route



2014-16

To: Mayor and Council
From: Municipal Treasurer
Date: January 8, 2014
Re: Request to Write Off Penalty on Unpaid Taxes

BACKGROUND:

The attached letter from the lawyer of the owner of 2144 Allenby Street requests that the penalty of \$339.19 for the late payment of the 2013 property taxes be written off.

DISCUSSION:

On July 3, the day after the tax due date, we processed 14 tax payments. There will have been other property owners who, on hearing that there would be no change in their tax balance between that date and December 31, decided to keep their money until the end of the year.

The 2013 property tax notices were mailed on May 14. Included on the back of the notices was the following: "POST DATED CHEQUES TO THE DUE DATE ARE ACCEPTED. A **24 HR. DROP BOX** is located at the entrance to the Oak Bay Municipal Hall" followed by payment options: cheque, mail, mortgage company, at banks, by telephone or by line banking. The 10% penalty was mentioned in several places on the front and back of the notice. The Mayor's letter, which accompanied the tax notices, also mentioned the importance of paying by July 2 and the various methods available of paying.

Section 315.3 of the *Local Government Act* states: "The Minister may confer on a local government further powers to manage and dispose of assets, including taxation revenue, that the Minister considers necessary or advisable." Under this Section, a municipal council may apply to the Minister for authority to write off a penalty for late tax payment, thereby overriding the *Municipal Tax Regulation*, which makes mandatory the imposition of a 10% penalty on taxes unpaid at the deadline date.

There have been a few cases where Council has agreed to take the necessary action to apply to write off late penalties. However, in other past appeals under this Section, while the intent of the property owner has not been in dispute, Council has declined to make the requested approach to the Minister because it has not found the facts to be sufficiently distinguishable from the other circumstances that result in late payment penalties in any given year.

In the case at hand, Council will want to decide whether Mr. Martin's circumstances are sufficiently singular and extenuating to warrant an application to the Minister for the required authority to write off the penalty.

OPTIONS:

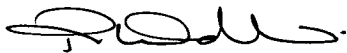
1. Council can decide that given the number of alternative ways that are offered to pay property taxes and the particular circumstances of this request, it does not consider them to be singular and extenuating enough to warrant an application to the Minister for the authority to write off the penalty.
2. Council can decide that the circumstances of this request are singular and extenuating enough to warrant an application to the Minister for the authority to write off the penalty.

FINANCIAL IMPACT:

The particular circumstances involved in this request are not significantly dissimilar to other reasons that people give for not paying their taxes on time. If Council decides to apply for the authority to write off the penalty, it will be difficult to refuse other applicants. As an individual case, writing off \$339.19 would have a very small financial impact on the municipality. However, the precedent that it would set would have a much larger impact, which is difficult to quantify.


RECOMMENDATION:

I recommend that Council receives the correspondence and declines to pursue the matter further.



Patricia Walker
Municipal Treasurer

I concur with the recommendation of the Municipal Treasurer



Helen M. Koning
Chief Administrative Officer

2014-17

MEMORANDUM

TO: Mayor and Council

FROM: Director of Engineering Services

DATE: January 8, 2014

RE: Request for Approval to Submit Grant - Cycling Infrastructure at Foul Bay Road /Lansdowne Road Intersection

BACKGROUND:

The purpose of the Cycling Infrastructure Partnerships Program (CIPP) is to encourage transportation cycling by accelerating the development of cycling infrastructure throughout British Columbia. Cycling for transportation purposes (work, school and errands) reduces the number of trips made by motor vehicles and contributes to the reduction of traffic and green house gas (GHG) emissions, thereby improving the quality of life for British Columbians. The provincial mandate requires fair regional distribution of funding.

This capital cost-sharing program is administered and funded by the BC Ministry of Transportation and Infrastructure (TRAN). The maximum amount of provincial assistance approved for a municipality is 20% of the total CIPP budget (for 2013/14 CIPP - \$100,000). Payment by CIPP will be the lesser of the granted amount, or 50% of the actual eligible cost. If a third party, including another Provincial agency, is contributing to a project, that contribution must be deducted from the project's total eligible cost and the CIPP share calculated on the balance. No approval will be granted for work already done or committed to, as the intent of the CIPP is to expand cycling infrastructure.

DISCUSSION:

The Municipality is seeking to fully upgrade the intersection at Foul Bay Road and Lansdowne Road. This is the last remaining non-actuated, traffic light controlled intersection within Oak Bay. Actuating the intersection will improve overall traffic, pedestrian and bicycle flow. A component of the total upgrade is directly related to cycling (signage, line painting, inductive loops etc). On that basis, it is staff's understanding that this component of the total project cost would be eligible under this grant. (It should also be noted that ICBC have expressed some level of interest to partner on this project but the amount or extent of commitment is not known as yet).

OPTIONS:

The options are to submit or not submit for this grant.

FINANCIAL IMPACT:

The total project cost is \$200,700. The maximum amount available under the grant is \$100,000. A total amount of \$106,000 is available from the Capital Works Reserve. The remainder of \$14,700 would be funded from taxes. In the event that the grant request is unsuccessful or is funded to a smaller amount, the funding required from taxes would increase accordingly.

RECOMMENDATION(S):

That the Director of Engineering Services be authorized, on behalf of the District of Oak Bay, to submit, an application for funding to the BC Ministry of Transportation and Infrastructure (TRAN) under the Cycling Infrastructure Partnerships Program (CIPP), for cycling infrastructure as an integral part of the Foul Bay Road and Lansdowne Road intersection retro-fit and further that the Municipal Treasurer be directed to include this project in the 2014 Financial Plan.

Respectfully Submitted,



D. Marshall B.Sc., A.Sc.T.
Director of Engineering Services

Source of Funds/I concur with the recommendation of the Director of Engineering Services.



Patricia Walker
Municipal Treasurer

I concur with the recommendation of the Director of Engineering Services.



Helen Kooning
Chief Administrative Officer