

SAUGEEN MOBILITY

and REGIONAL TRANSIT

GENERAL BOARD MEETING MINUTES

Friday, October 1, 2021, 1:30 p.m.

Board Members Present: Councillor Doug Bell, Municipality of Arran-Elderslie
Councillor Warren Dickert, Town of Hanover Councillor
Dean Leifso, Municipality of Brockton
Councillor Beth Hamilton, Municipality of West Grey
Mayor Scott Mackey, Township of Chatsworth
Councillor Ed McGugan, Township of Huron-Kinloss
Vice Deputy Mayor Mike Myatt, Town of Saugeen Shores
Mayor John Woodbury, Township of Southgate

Board Members Absent: Councillor Dave Cuyler, Municipality of Kincardine

Others Present: Roger Cook, Manager
Catherine McKay, Recording Secretary

The meeting was conducted by videoconference in light of the COVID-19 pandemic.

1. Call to Order

President Warren Dickert called the meeting order at 1:30 p.m..

2. Disclosure of Pecuniary Interest and Declaration of Conflict of Interest

None declared.

3. Approval of the Agenda

Motion #2021-054

Moved by Mike Myatt; Seconded by Ed McGugan

That the agenda for October 1, 2021 be accepted as circulated.

Carried

4. Minutes of the July 23, 2021 General Board Meeting

Motion #2021-055

Moved by Scott Mackey; Seconded by Ed McGugan

That the Board approve and adopt the minutes of the July 23, 2021 General Board Meeting as circulated.

Carried

5. Business Arising from the Minutes

On item 7 F, Lifting Load Restrictions, the Manager reported that SMART is still doing group excursions subject to a 50% load restriction, so the groups are smaller. The load restrictions also apply to individual rides.

6. Correspondence

A. Email from Miguel Pelletier – Bruce County

The Manager informed the Board that he has emailed Miguel Pelletier's office three times with no response. The President noted that the lower tier municipalities seem to be on board, but the situation with the County is not clear. He also pointed out that there had been no response from three municipalities following SMART's letter writing campaign. Mike Myatt pointed out that the staff and political perspectives may be different, and a political initiative may be required to move things along. He noted that there was a unanimous vote at County Council in response to SMART's May 2020 presentation and the staff do not seem to be in a rush, and progress will be slow without a political initiative. The President requested that the Manager continue to follow up and keep the lines of communication open. The Manager suggested that it might be useful to meet with the

These minutes are considered to be in draft form until signed by the President and the Recording Secretary.

Bruce County Mayors as any decisions will be made by Councils. Mike Myatt suggested that more information may be required for the County to make a decision so that it is clear what it is being asked to approve and suggested the possibility of a feasibility study. The President noted that SMART had hoped to be part of the County's Transportation Master Plan but was not invited to participate in developing the Plan which has now been approved. He suggested SMART needs to keep this issue alive in order to get a response.

Ed McGugan noted that the report suggested the use of a software application, so it is looking to the future, although it is vague. He agreed that SMART is taking the right approach in making the County aware of its presence and efforts should work towards a real solution for people rather than something vague.

Scott Mackey suggested that the issue needs to be driven politically and a Notice of Motion to Council could direct the issue back to the County. He added that the Master Plan is an overarching document and since SMART is a specialized transit service, Council would have to request a staff report on specialized transit. John Woodbury suggested that SMART members from Bruce County speak to their Mayors to see what is required to advance the issue. The President requested that the Bruce County members approach their Mayors for feedback and guidance on how to move ahead and that they report back at the next SMART meeting so the Board can plan its next steps.

Beth Hamilton joined the meeting at 1:45 p.m.

7. Manager's Reports and Recommendations

A. Report 2021-24 July 2021 Operational

The Manager presented the report.

Motion #2021-056

Moved by Mike Myatt; Seconded by John Woodbury

That Report 2021-24 July 2021 Operational be approved as presented.

Carried

B. Report 2021-25 2021 August Operational

The Manager presented the report, noting that rides were down due to the heat in August. Based on preliminary numbers for September, rides appear to be up about 20%. He informed the Board of two incidents in August, neither of which caused injury. In one incident, a gate at a facility closed on the top of a vehicle, and in the second, an unsecured object fell onto the roadway in front of the SMART vehicle. No damage occurred, but the OPP were alerted due to the unsecured load.

Motion #2021-057

Moved by Dean Leifso; Seconded by Ed McGugan

That Report 2021-25 2021 August Operational be approved as presented.

Carried

C. 2021-26 Proposed Grey Highlands Contract

The Manager and Beth Hamilton met with Grey Highlands which expressed a keen interest. Beth Hamilton noted that the Manager did a great job responding to questions and Council wanted a full package of information to go to its Committee with a focus on those aged 65 and over. Scott Mackey asked if questions were asked about cost projections after the first year, adding that Grey Highlands has one long term care facility which is large. The Manager responded that they are aware that cost is based on population and that their share will increase. He emphasized that he had tried to make it clear that the \$24,000 cost in the first year is a starting point. Beth Hamilton confirmed that the Manager had made this clear.

Motion #2021-058

Moved by Mike Myatt; Seconded by Scott Mackey

That the Board of Directors of SMART approve the contract and have it sent to the Clerk at the Municipality of Grey Highlands for their consideration.

Carried

D. 2021-27 9-Passenger Buses

The Manager presented the report highlighting the price increases and SMART's contribution to the purchase of \$62,136. Scott Mackey asked if it would be better to have two 9 passenger vans SMART rather than an 18 passenger van, to provide more flexibility. The Manager inherited the 18 passenger vehicle and does not disagree that two 9 passenger vehicles might provide more flexibility. The President noted that the new vehicles need to be ordered before October 30, 2021 and the Board should have more detail before going ahead. Beth Hamilton noted that the item could be deferred to the next meeting on October 22, so that the Board could look at its options in terms of the mix of vehicles and what the situation would be if it had to stick to the budget. The Manager noted that a commitment to buy vehicles under ICIP has been made, and it is not clear if SMART can opt out of that commitment. Three vehicles remain to be purchased and the Manager agreed that more detail can be provided.

The matter was deferred to the October 22, 2021 meeting.

E. 2021-28 Vehicle Sales

The Manager presented the report, noting that the funds realized from the sale will help offset the cost of the new vehicles. The proceeds of the sale will go into the gas tax account and be reflected in the numbers presented at the next meeting. The report was received for information.

F. 2021-29 Benchmarking Statistical Analysis

The Manager presented the report, noting the following points from the analysis: SMART has more vehicles per population than the average, but operates in a larger area; its municipal contribution is below the average and it is more dependent on user fees; and its expenses are below the provincial average. In summary, he stated that SMART is well run financially. He will include this information in the Business Plan which is being prepared with the assistance of Jenelle Bannon of Bruce County who agreed that this analysis is important information. The report was received for information.

8. Pay & Benefits Policy

Catherine McKay noted that the HR Committee had requested amendments at its meeting of April 9, 2021 which are shown in red font in the policy presented.

Scott Mackey asked the Manager about how hours worked annually are tracked, noting that they impact the cost of health benefits. He would like to see a requirement that employees maintain 1,000 hours per year in order to remain on the plan. The Manager explained that employees have to work 1,500 hours to be enrolled in the plan, it can take several years to reach this threshold, and staff are only dropped from the plan if they request that their hours be reduced. Some employees have not met the 1,500 hour threshold in four years of working. Mike Myatt asked why it would be 1,000 hours compared to 1,500. Scott Mackey stated that this allows some flexibility and employees who are not providing service should not be covered by the benefits plan. In response to a question from the President, the Manager stated that about 12 out of 24 employees are currently on the benefits plan, which includes all office staff and 9 drivers, representing about half of the staff, most of whom are drivers.

The Manager explained that employees have to work 1,500 in the most recent 12 month period to be enrolled in the benefits plan and complete a continuous waiting period of one year. The President stated that the discussion seemed to revolve around what the requirement is to remain on the plan, and Scott

Mackey noted that the policy does not state what this requirement is. Catherine McKay explained that the benefits booklet states that after completing a continuous waiting period of 1 year, a permanent employee who continues to actively work at least 24 hours per week is eligible for the particular type of insurance coverage, and that 24 hours per week is different from 1,500 or 1,000 hours per year. Ed McGugan recommended that the HR Committee review the matter and make recommendations to the Board. Scott Mackey agreed, noting that he believed that the 24 hours per week requirement was new information. The Manager stated that the Benefits Booklet can be amended. Mike Myatt said that 1,200 hours per year would be acceptable, noting that this requirement is different from the 24 hours per week in the booklet. As Chair of the HR Committee, he said that he could call a meeting to review the matter. John Woodbury stated that the Benefits Booklet and the policy should be the same, and that the requirement should be 1,200 hours per year to remain on the benefits plan.

Beth Hamilton asked about the process to track employee hours and whether people would be affected immediately. The Manager stated that he can go back in the payroll records to get the required information and employees would only be dropped from the plan if their hours do not meet the threshold as a result of their request that their hours be reduced, rather than as a result of a reduction in work. Beth Hamilton noted that clear language is required in the policy or it will be difficult to administer.

The Board agreed that employees must work a minimum of 1,200 hours per year in order to maintain their benefit coverage and that such wording is to be included in the policy which is to be reconsidered at the October 22, 2021 Board meeting.

Beth Hamilton asked about the statement in the policy that the weekend begins at 5:00 p.m. on Friday. The Manager stated that it has no effect due to implemented service level changes and could be taken out, but also could remain in case service levels change.

With respect to the EAP being available on employees' cell phones, Warren Dickert asked if all office staff have SMART provided cell phones. The Manager responded that they do in order to respond immediately to drivers by phone or text in case of breakdowns. He also noted that the office staff carry their phones with them when not in the office to be able to respond in case of emergency. The phones cost \$55.00 per month and have a large pool of data and time, so the cost is not significant.

With respect to the statutory holidays in the policy, John Woodbury suggested adding the Civic Holiday, which is the first Monday in August. The Manager estimated the cost to be about \$3,000 in holiday pay plus \$500 - \$1,000 for time and a half. He was directed to calculate the cost of treating this day as a public holiday, which requires all employees be paid for the day and those who work, to be paid time and a half and present that information at the October 22, 2021 meeting.

Motion #2021-059

Moved by Beth Hamilton

That the benefit plan be amended to require employees to work 1,200 hours per year in order to maintain group insurance coverage.

Due to the lack of a seconder, the motion was not brought before the Board for consideration.

9. COVID-19 Vaccination Policy

Catherine McKay presented the policy, noting that it is practical and serves to control the spread of COVID. She added that there were recently new cases according to the Grey Bruce Public Health Unit and so the virus is still active and being transmitted. The intent of the policy is to protect SMART staff and clients from COVID.

Scott Mackey suggested adding a requirement that proof of vaccination must show that the vaccination was administered at least 14 days previously. He added the Grey County's policy addresses medical

exemptions, and the Manager explained that a person with a medical exemption would not be exempt from testing, so there is no need for the policy to explicitly address medical exemptions. Beth Hamilton felt that the policy was good and asked when and how it would take effect. The Manager said that it would take effect the date Board approval is given and would be emailed to staff and provided to them in paper copy if necessary. Dean Leifso noted that hospitals are starting to implement such policies that allow no exemptions, and if staff do not provide proof of vaccination, they are no longer employed. He asked how employees provide their test results given that many take SMART vehicles home at night. The Manager explained that they can email their test results to him. In response to a question from Beth Hamilton, the Manager noted that COVID screening continues through the use of screening questions, and consideration is being given to doing this electronically. A question arose about the screening forms that SMART has retained and Dean Leifso said that it may be able to destroy some of these records, but it should check with the Grey Bruce Public Health Unit as to retention requirements. Ed McGugan asked about who is required to do a Rapid Antigen Test and the Manager explained that only those who do not provide proof of vaccination and are working or entering SMART premises, and it was clarified that the policy requires employees to pay for these tests which are available from Shoppers Drug Mart. Doug Bell stated that this policy is a positive step and some organizations are not recognizing its importance on the basis that an employer cannot ask about vaccination status.

Motion #2021-060

Moved by Mike Myatt; Seconded by John Woodbury

That the second bullet point on page 2 of the COVID-19 Vaccination Policy be amended to state as follows: Proof issued by the Ontario Ministry of Health of full COVID-19 vaccine administration, the vaccine having been administered more than 14 days previously.

Carried

10. Revised SMART Partnership Agreement

The President explained that the Executive Committee had reviewed the agreement and suggested changes as highlighted in the meeting package. These were sent out for comments, with no comments having been received.

Concern was expressed about the withdrawal clause due to the internal workings of municipal councils, rather than the value of SMART. Discussion occurred about the right to vote, and it was suggested that as long as a municipality is a member, it should have the right to vote. Dean Leifso said that he could see the reasoning behind section 9.3, given that certainty is desirable. Several Board members disagreed with sections 9.2, 9.3 and 9.4. Warren Dickert said that 9.2 and 9.3 came out of a desire to come up with language to create stability and prevent the giving of notice to leave every year. Beth Hamilton pointed to a situation where all nine partners give notice, and the intent of the new section is to strengthen the partnership. She suggested that 9.3 could be changed such that notice could not be given in successive years as a means to ensure a stable and accountable partnership. Dean Leifso suggested a two year notice period, with opting out being allowed only twice per council term, removing the option of an annual withdrawal. Scott Mackey pointed out that Arran-Elderslie, Chatsworth and Southgate have all given notice, but in fact are still at the table. John Woodbury said that Southgate does not belong to a lot of partnerships and due to its size has that many fewer areas where costs could be cut. He believes the option should remain yearly but a decision to leave should be explainable. He also feels that this might have some effect if Grey Highlands were to join. He concluded that it would be a problem for Southgate if 9.2 and 9.3 were included in the agreement.

Beth Hamilton pointed out that the Board should also consider the question of stability for clients who might be left in the lurch by a municipality's decision to leave the partnership and she suggested looking for some middle ground.

Dean Leifso raised concerns regarding proposed clause 7.6, stating that if SMART went over its budget, this could be grounds for a partner to claim a breach of the agreement. Beth Hamilton said that the clause might be good Board policy but does not belong in the agreement.

Dean Leifso raised a question about proposed clause 4.2, asking how much notice was provided this year. The Manager noted that changes went into effect March 1 and notice was issued with the January billings, so in effect, the notice was less than 60 days. Dean Leifso suggested that this issue should be covered in a policy and not in the partnership agreement. He stated that 180 days would be a very long notice period and questioned if it was realistic.

On proposed clause 7.3, Beth Hamilton questioned whether agreements would be returned in time given the timeline. The Manager agreed that it would be difficult since it could take more than six months to get the agreement circulated to all Councils.

The President pointed out that the CAO of the Town of Hanover suggested that the title under the signature lines be changed to "CAO/Clerk", as some municipalities have a Clerk rather than a CAO.

Dean Leifso suggested that the reference to SMART should be "Hereinafter called "The Corporation"" rather than "Hereinafter called "S.M.A.R.T".

Motion #2021-061

Moved by Mike Myatt; Seconded by Scott Mackey

That proposed clause 9.2 Withdrawal of a Member not be added to the partnership agreement.

Carried

Motion #2021-062

Moved by Mike Myatt; Seconded by Scott Mackey

That proposed clause 9.4 Withdrawal of a Member be added to the partnership agreement.

Carried

Motion #2021-063

Moved by Scott Mackey; Seconded by John Woodbury

That proposed clause 9.3 Withdrawal of a Member not be added to the partnership agreement.

Carried

The Manager suggested changing "once" to "twice" as a compromise. Scott Mackey raised a point of order in that he had made a motion that had been seconded and should therefore be voted upon. A vote was held and the motion was carried.

Motion #2021-064

Moved by Beth Hamilton; Seconded by John Woodbury

That proposed clause 7.6 Funding not be added to the partnership agreement and that the Manager prepare and present a policy that no more than 60% of anticipated MTO Gas Tax funding shall be budgeted each year for any operational deficit.

Carried

Motion #2021-065

Moved by Dean Leifso; Seconded by Beth Hamilton

That proposed clause 4.2 Policy Development not be added to the partnership agreement.

Carried

Motion #2021-066

Moved by Beth Hamilton; Seconded by Doug Bell

That proposed clause 7.3 Funding be amended to delete the year 2022 and add the year 2025 such that the years covered include 2023, 2024 and 2025 and that the amended clause be added to the partnership agreement.

Carried

Motion #2021-067

Moved by Beth Hamilton

That the partnership agreement be amended to include a clause that a partner may only rescind a withdrawal once per council term.

Due to the lack of a seconder, the motion was not brought before the Board for consideration.

Beth Hamilton informed the Board that she had consulted with the CAO of West Grey about the most effective way to bring the agreement to Council. She suggested that an executive summary of the changes and the rationale for them be prepared, and that it include an example of the calculations of how the ratios affect contribution, with a Zoom meeting to review the summary. The President asked what the past practice has been and the Manager explained that a CAO roundtable was held every year before the end of June, although this did not take place during the pandemic. Beth Hamilton agreed that this would be a good next step.

Motion #2021-068

Moved by Beth Hamilton

That the Board approve the partnership agreement as amended and that it be sent to Councils for their consideration.

Due to the lack of a seconder, the motion was not brought before the Board for consideration.

Discussion ensued as to who should sign and whether SMART representatives should sign first. Concern was expressed that Councils might want to make changes to the agreement, and John Woodbury suggested that Board representatives should sign and then send it to Councils. Dean Leifso said that if SMART votes to sign it and it comes back with feedback from Councils, this will create a back and forth situation that would be difficult to bring to a conclusion. Mike Myatt said that Saugeen Shores could be concerned about rising costs.

The Board reviewed two spreadsheets that the Manager had circulated prior to the meeting, one showing the effect of adding kilometers to the 2021 contributions from October 1, 2019 to September 30, 2020, and the second showing the effect of adding kilometers to the 2021 contribution from October 1, 2018 to September 30, 2019. Beth Hamilton stated that conversations with CAOs are very important and the increase for Saugeen Shores appeared to be moderate. Mike Myatt agreed that this appears to be the case.

Beth Hamilton proposed that an updated partnership agreement be submitted to the next meeting so that the Board can see the changes, and that the costings be reviewed by the Executive Committee to ensure that they will be clear for Councils. Scott Mackey agreed, stating that the calculations have to be simplified so that the partners can see what they are paying today and what they will pay in the future. The President concluded that it is important that all parties are well and clearly informed. It was agreed that the Executive Committee will work on the issue.

11. Open SMART Meetings to the Public

The President introduced the issue by saying that it is not entirely clear if the Municipal Act requires SMART meetings to be open to the public, but proposed that the simplest approach is to make them public. Dean Leifso asked about the cost, and the President noted that notice would be posted on the web site and there would be no cost to doing this. This would be consistent with the practice of the Saugeen

Municipal Airport Commission which posts its agendas and notice of meetings on its web site, along with information as to the location of the meeting, either in person or by Zoom. Discussion turned to SMART's by-law as a possible authority on whether meetings should be public. The Manager said it was put in place in January 2010, although it was unclear whether it in fact has been passed. The Recording Secretary agreed to email the by-law to Board members.

The Board agreed to develop a policy on ensuring that SMART Board meetings are open to the public.

12. Other Business

A. Town of the Blue Mountains Presentation

The Manager and the President attended Blue Mountains Council on September 21, 2021. The President stated that the presentation was well done, and although the level of interest did not seem to be strong, it was a good sign to receive a response to the letter writing campaign. The Manager suggested visiting Georgian Bluffs as well, and added that Owen Sound and Meaford are have contracts with First Student for their specialized transit which expire in 2023.

In further matters of Other Business, Mike Myatt asked when the 2022 budget would be presented. The Manager confirmed that a proposed budget will be presented at the October 22, 2021 meeting. Mike Myatt further asked about the status of an office staff member who resigned, and the Manager explained that the position had been advertised at the YMCA in Hanover and Owen Sound, and as a result a suitable candidate was identified and hired on contract until March. This person has been on board for one month so far and is doing well in the job. They will only be available until the end of July, so the issue of a vacancy at that time will have to be addressed.

13. Adjournment

The President thanked Board Members for their patience in covering a significant amount of important material.

Moved by Scott Mackey; Seconded by Ed McGugan
That the Board of Directors of SMART adjourn at 4:05 p.m.
Carried



Warren Dickert, President



Catherine McKay, Recording Secretary