



KING

INCORPORATED 1850

TOWNSHIP OF KING

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December 14, 2004

Denis Kelly, Regional Clerk
Regional Municipality of York
17250 Yonge Street
NEWMARKET ON L3Y 6Z1

Dear Mr. Kelly:

**RE: Township of King Application for COMRIF Program
King City Sanitary Sewers Project**

Please find enclosed a copy of Resolution R7-2004 to declare the King City Sanitary Sewage Collection Project as the Township of King's top priority for Intake One of the Canada-Ontario Municipal Rural Infrastructure Fund (COMRIF) and a copy of Resolution R8-2004 regarding the transfer by the Region of York of the local collection system to the Township of King. These Resolutions were enacted by Council at its meeting of December 13th, 2004.

The enclosed Resolutions are with reference to a Report in the Regional Council Agenda for December 16th, 2004. Please contact Mr. Don Sinclair, Director of Development Law if you require any further information.

Yours truly

Chris Somerville
Township Clerk

Encls.

Faxed to: (905)895-3031, Original to follow by regular mail.

TOWNSHIP OF KING

R7-2004
December 13th, 2004

Moved By Steve Pellegrini

Seconded By Jack Rupke

WHEREAS the Government of Canada and Ontario have partnered with eligible municipalities across Ontario to invest in local infrastructure through the Canada-Ontario Municipal Rural Infrastructure Fund (COMRIF);

AND WHEREAS the Corporation of the Township of King intends to make application under the COMRIF Program for funding for the local collection system component of the King City Sanitary Sewer Project;

AND WHEREAS eligibility for funding is contingent upon a resolution of Council affirming that the project in the application is the municipality's top priority for Intake One of COMRIF;

NOW THEREFORE BE AND IT IS HEREBY RESOLVED:

THAT Council confirms the following:

1. The Corporation of the Township of King requests funding assistance from the "Canada-Ontario Municipal Rural Infrastructure Fund" to provide for the installation of the local collection system of the King City Sanitary Sewer Project.
2. The Council of the Corporation of the Township of King hereby declares the King City Sanitary Sewage Collection Project as its top priority for Intake One of the COMRIF Program."

CARRIED UNANIMOUSLY.

Margaret Black
Mayor

TOWNSHIP OF KING

R8-2004
December 13th, 2004

Moved By Steve Pellegrini

Seconded By Jack Rupke

WHEREAS the Corporation of the Township of King (Township) intends to make application under the Canada-Ontario Municipal Rural Infrastructure Fund (COMRIF) program for funding for the local collection system component of the King City Sewer Project and has passed a resolution declaring construction of such local collection system is the Township's priority project for 2005;

AND WHEREAS by the terms of the COMRIF program, the Region of York (Region) is not eligible to apply for funding on its own behalf or on behalf of the Township for the local collection system component of the King City Sewer Project;

AND WHEREAS under usual circumstances within the Region, the Region of York has jurisdiction over and ownership of trunk sewers and treatment facilities and the area municipalities have jurisdiction over and ownership of the local collection system;

AND WHEREAS for reasons which are a matter of public record, the Region assumed the Township's local collection system by By-law No. S-0060-2001-071 being "A by-law to declare a proposed sewer system to be a trunk sewer system and to assume the trunk sewer system from the Corporation of the Township of King";

AND WHEREAS in settlement of litigation with respect to By-law No. S-0060-2001-071, the Region and Township entered into an agreement dated December 11, 2003 pursuant to which the Region agreed to transfer back to the Township, under certain terms and conditions, the local collection system if a funding program requires ownership by the Township;

AND WHEREAS it is in the public interest for the local collection system to be transferred back to the Township prior to January 10, 2005, the date upon which the Township intends to file its COMRIF application;

THEREFORE BE IT RESOLVED THAT:

1. The Township hereby requests that the Region transfer to the Township the local collection system previously assumed by the Region pursuant to By-law No. S-0060-2001-071, such that the local collection system vests in the Township prior to January 10, 2005;

Resolution R8-2004**Page 2**

2. The Township hereby requests that the Region enact a by-law at its meeting of December 16, 2004 transferring the local collection system to the Township such that the local collection system vests in the Township outright upon the coming into force of the Region's by-law and containing (a) a clause whereby the Region will reassume the local collection system only if no funding, or funding in an amount less than \$5 Million is received from the COMRIF program and (b) that such re-assumption occur automatically as of July 1, 2005.
3. The Township hereby endorses the form of the draft by-law attached to this resolution as Appendix A, by which the Township will assume the local collection system from the Region and which contains (a) a clause whereby the Township will transfer back to the Region the local collection system only if no funding or if funding in an amount less the \$5 Million is received from the COMRIF program and (b) that such transfer occur automatically as of July 1, 2005;
4. Council intends to enact the proposed draft-by-law attached as Appendix A after the Region has enacted a similar by-law, subject to such changes as may be determined to be necessary following enactment by the Region of a similar by-law;
5. The Township requests that the Region negotiate an agreement with the Township, based on the principles attached to this Resolution as Appendix B, to allow for flexibility in the amount of funding received which would otherwise trigger re-conveyance by the Township to the Region and re-assumption by the Region from the Township of the local collection system and to allow flexibility in the automatic trigger date in the event that decisions as to the award of funding from the COMRIF program have not been made by the Province and the Federal governments by July 1, 2005.

CARRIED UNANIMOUSLY.

Margaret Black
Mayor

APPENDIX "A" TO RESOLUTION R8-2004

THE CORPORATION OF THE TOWNSHIP OF KING

DRAFT BY-LAW NUMBER xxxxx

**A BY-LAW TO ASSUME THE SEWER SYSTEM SERVICING THE
COMMUNITY OF KING CITY FROM THE REGIONAL MUNICIPALITY OF
YORK TO THE CORPORATION OF THE TOWNSHIP OF KING**

WHEREAS The Regional Municipality of York has enacted and passed By-law No. S-0060-2001-071, being "A by-law to declare a proposed sewer system to be a trunk sewer system and to assume the trunk sewer system from the Corporation of the Township of King" (the By-law);

AND WHEREAS the Corporation of the Township of King and The Regional Municipality of York entered into an agreement dated December 11, 2003 under which the Region will transfer the local collection system to the Township, provided, amongst other things, that the Township obtain funding for a substantial portion of its financial obligations pursuant to the agreement;

AND WHEREAS Section 11 of the *Municipal Act, 2001* provides that the assignment of the collection of sanitary sewage to The Regional Municipality of York is non-exclusive and that therefore both the upper-tier and lower-tier municipalities have the power to pass by-laws respecting such matters so long as such by-laws do not conflict;

AND WHEREAS it is deemed to be in the public interest to enact a By-law as set out herein;

NOW THEREFORE, the Council of the Township of King **HEREBY ENACTS** as follows:

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Draft By-law Number 2004 -xxxx

1. The sewer system that services the Community of King City pursuant to Bylaw No. S-0060-2001-071 and transferred to the Township of King pursuant to By-law No. _____, both being by-laws of the Regional Municipality of York, is hereby assumed by the Corporation of the Township of King.
2. Should notification in writing of funding in the amount of \$X,000,000.00 under the Canada-Ontario Municipal Rural Infrastructure Fund respecting the sewer system not be received before July 1, 2005, then all rights and obligations of the Corporation of the Township of King together with all lands and interests in lands, including easements, in relation to the sewer system are hereby transferred to the Regional Municipality of York effective July 1, 2005.

READ a FIRST and SECOND time this day of , 2005.

READ a THIRD time and **FINALLY PASSED** this day of , 2005.

Margaret Black, Mayor

Chris Somerville, Clerk

APPENDIX 'B' TO RESOLUTION R8-2004

**PRINCIPLES OF AGREEMENT BETWEEN THE REGION OF YORK AND
THE TOWNSHIP OF KING RESPECTING THE TERMS AND CONDITION OF
TRANSFER TO THE TOWNSHIP OF THE LOCAL COLLECTION SYSTEM**

1. Notwithstanding the minimum funding threshold set out in Clause 2 of both the Region and Township proposed by-laws, if the Township receives funding from COMRIF in a lesser amount, and both Region and Township Councils determines it is to their mutual benefit to do so, the by-laws will be amended to reflect the lesser amount.
2. Notwithstanding the sunset date set out in Clause 2 of both the Region and Township proposed by-laws, it is recognized that it is not intended that such date be effective if the Township has not received a decision from COMRIF as to whether funding will be given to the Township and in such circumstances the by-laws will be amended to reflect a later date mutually agreed to between the Township and the Region.
3. The contract for the local collection system will not be awarded until a decision is received from COMRIF and the Township of King has executed a Contribution Agreement with the Province of Ontario.
4. If the Township does not receive any funding from COMRIF, or receives funding in an amount less than \$5 Million dollars and the Region and Township determine it is not appropriate to amend the by-laws, then the settlement agreement continues in all respects with performance dates set out therein to be adjusted to account for the period of time during which the COMRIF application was being processed.
5. If the Township does receive funding, either in the amount set out in the proposed by-laws or a lesser amount agreed to between the Township and the Region, and ownership and jurisdiction over the local collection system therefore remains with the Township, the Township and Region agree they will do all things necessary to ensure the seamless continuation of construction of the project, including any necessary amendments to the settlement agreement.