

THE CORPORATION OF THE CITY OF BROCKVILLE
BY-LAW NUMBER 31-95

A BY-LAW OF THE CITY OF BROCKVILLE
RESPECTING SCHOFIELD HILL PHASE IV
THE RECONSTRUCTION OF CHAFFEY AND
CHISLETT STREETS

WHEREAS pursuant to Section 207.13 of the Municipal Act, R.S.O.1990, c.M45, as amended, by-laws may be passed by the councils of municipalities for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up drains, sewers or watercourses; for constructing, maintaining and improving dams; for providing an outlet for a sewer or establishing works or basins for the interception or purification of sewage; for making all necessary connections therewith, and for acquiring land in or adjacent to the municipality for any of such purposes; AND

WHEREAS pursuant to Section 210.58 of the Municipal Act R.S.O.1990, c.M45, as amended, councils of municipalities may pass by-laws for authorizing the completion, improvement, alteration, enlargement or extension of any public utility undertaking, or any part or parts thereof, owned by the corporation and controlled and managed by the council or a public utility commission and for issuing debentures therefor; AND

WHEREAS pursuant to Section 210.84 of the Municipal Act R.S.O.1990, c.M45, as amended, councils of municipalities may pass by-laws for establishing, acquiring, operating and maintaining sewage works, including sewers, pumping plants, treatment works and other like works necessary for a sewer system, and for regulating the operation and maintenance thereof; AND

WHEREAS pursuant to Section 297 of the Municipal Act R.S.O.1990, c.M45, as amended, councils of municipalities may pass by-laws,

- (a) for establishing and laying out highways
- (e) for setting apart and laying out such parts as may be considered expedient of any highway for the purpose of carriage ways, boulevards and sidewalks, and for beautifying the same, and making regulations for their protection
- (g) for acquiring land or an interest in land at street intersections for the purpose of rounding corners; AND

WHEREAS Council deems it in the City's long term interest to proceed with the said reconstruction for the rebuilding of the infrastructure in this area of the City thereby reducing infiltration of extraneous flows into the sanitary sewer system thereby relieving the hydraulic loading on the Water Pollution Control Plant.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF BROCKVILLE ENACTS AS FOLLOWS:

1. DEFINITIONS:- (In this section)

- (a) "municipality" means a municipality as defined in the Municipal Affairs Act.
- (b) "public utility undertaking" means a water works or water supply system, sewage works, electrical power or energy generating transmission or distribution system, street lighting system, natural or artificial gas works or supply system, and a transportation system, and includes any land, buildings or equipment required for the administration or operation of any such system.

2. THAT phase IV of the Schofield Hill reconstruction program be undertaken more specifically described as the reconstruction of Chaffey Street from Perth Street, west to the terminus of Chislett Street to include replacement, reconstruction and separation of sanitary and storm sewers, replacement of watermains where necessary, reconstruction of the road including drainage, grading, granular base, sidewalks and hot mix asphalt paving.

3. THAT the estimated budgeted cost of the proposed undertaking is Four Hundred and Forty Five Thousand Dollars (\$445,000.00)

	<u>CITY</u>	<u>TOTAL</u>
Construction:	\$380,000.	\$380,000.
Engineering:	55,000.	55,000.
Financing:	<u>10,000.</u>	<u>10,000.</u>
<u>TOTAL BUDGETED COST:</u>	<u>\$445,000.</u>	<u>\$445,000.</u>

4. THAT the Treasurer of the Corporation be and is hereby authorized to expend the sum of Four Hundred and Forty Five Thousand Dollars (\$445,000.00) for the purposes aforesaid.

5(a). THAT the Mayor and Treasurer of the Corporation are hereby authorized to obtain from any bank or banks or other sources, temporary advances at a borrowing rate not exceeding the banks prime lending rate to Municipalities, by way of a promissory note or notes or otherwise but not to exceed the sum of Four Hundred and Forty Five Thousand Dollars (\$445,000.00) being the total budgeted cost of the said works, until and pending completion of the said undertaking.

5(b). THAT a promissory note or notes or other vouchers sealed with the seal of the Corporation and signed on behalf of the Corporation by the Mayor and Treasurer be given to the bank or banks or other lenders for advances obtained on the authority of this instrument and providing for repayment of said advances with interest thereon.

5(c). THAT the Treasurer of the Corporation is hereby directed and authorized to apply in payment of said advances with interest thereon all monies borrowed on the credit of the Corporation to defray the cost of the said works and all monies from other sources properly applicable to the cost of the said undertaking.

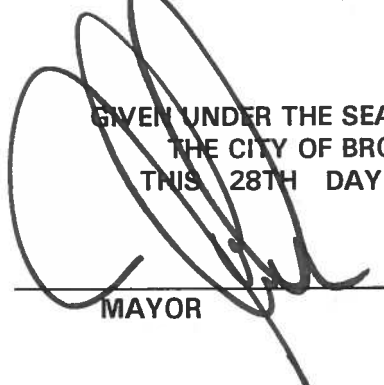
5(d). THAT the Treasurer of the Corporation is hereby authorized to approve for payment any additional expenditures for the said capital project from contingency funds allocated for this purpose, subject to the following conditions and limitations:

1. That the request for the additional expenditure is submitted in writing by the Project Manager to the Treasurer of the Corporation; and
2. That the approval of the Chief Administrative Officer or designate has been obtained for the additional expenditure being requested; and
3. That the amount of the approved additional expenditure shall not exceed Ten Percent (10%) of the authorized budgeted cost of the said undertaking; and
4. That the amount of additional expenditure approved as aforesaid shall not exceed the greater of the balance remaining in the capital contingency account or the amount that Ten Percentum (10%) is of the approved budgeted cost of the said capital project providing that this amount is no greater than Twenty Five Percentum (25%) of the contingency funds available.

6. THAT the provisions of this By-Law shall not become effective until certificates of approval for sewers and water are received from the Ministry of Energy and the Environment and approval is received for subsidy from the Ministry of Transport, Ontario.

7. THAT the Certificate of the Treasurer and the Project Manager's Report, Schedules "A" and "B" attached hereto, shall be read with and form part of this by-law.

GIVEN UNDER THE SEAL OF THE CORPORATION OF
THE CITY OF BROCKVILLE AND PASSED
THIS 28TH DAY OF MARCH A.D.1995



MAYOR



CLERK

SCHEDULE "A"
TO
BY-LAW NUMBER 31-95

TREASURER'S REPORT
ON THE
APPROVALS and AVAILABILITY OF FUNDS

DATE OF REPORT: MARCH 13, 1995
PROJECT NAME: SCHOFIELD HILL RECONSTRUCTION PHASE IV
LOCATION: CHAFFEY & CHISLETT STREETS
PURPOSE: RECONSTRUCTION OF THE TWO STREETS, SEWERS,
WATERMAIN, CURBS AND GUTTERS.
ACCOUNT NUMBER: C3011-EN53
CAPITAL PROJECT NO.: CB1995 - 2.1.

APPROVALS

STATUTORY AUTHORITY: Section(s) 207.13; 210.58; 210.84; 297.1(a)(e)(g); Municipal Act,
c.M45, R.S.O.1990
ESTIMATED LIFE OF ASSET: 15 Years.
PERIOD OF WORK: 1 Year.
AVAILABILITY OF INTERIM FINANCING: Bank Loan and Internal Loan.
MINISTRY APPROVAL(S): (1) Ministry of Energy & Environment, Ontario; Sewers & Water
(2) Ministry of Transportation, Ontario
DATE APPROVAL RECEIVED: To be received **APPROVAL NO.:**

AVAILABILITY OF FUNDS

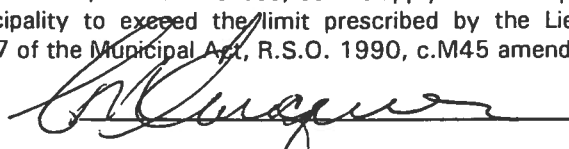
BUDGETED EXPENDITURES

BUDGETED COST OF PROJECT :	\$435,000
Cost of Financing:	<u>10,000</u>
(1) <u>TOTAL BUDGETED COST OF PROJECT:</u>	<u>\$445,000</u>

BUDGETED REVENUES

CONTRIBUTION FROM CURRENT FUND:	\$274,800
CONTRIBUTION FROM RESERVE FUNDS:	
SUBSIDIES: MINISTRY OF TRANSPORTATION, ONTARIO	110,000
<u>MISCELLANEOUS CONTRIBUTION: PUC</u>	<u>60,200</u>
(2) <u>TOTAL OWN SOURCE REVENUES & SUBSIDIES FOR 1995:</u>	<u>\$445,000</u>
(3) <u>AMOUNT TO BE DEBENTURED IN 1995</u>	<u>\$ Nil</u>
(4) <u>TOTAL BUDGETED REVENUES FROM ALL SOURCES:</u>	<u>\$445,000</u>

I hereby certify that the above indicated sources of funds are eligible, approved and will be made available for the undertaking of this project subject to the restrictions imposed by any Ministry or Regulatory Agency as it pertains to the purpose(s) for which the financing is intended. Sections 65 & 66 of the Ontario Municipal Board Act, R.S.O. 1990, c.O28 amended, do not apply since the proposed debenture issue does not cause the municipality to exceed the limit prescribed by the Lieutenant Governor in Council as set out in Section 147 of the Municipal Act, R.S.O. 1990, c.M45 amended.


TREASURER

NOTE: This certificate is contingent on all the above documentation, approvals and required certificates being on hand and complete in every respect prior to the commencement of the said undertaking.

SCHEDULE "B"
TO
CITY OF BROCKVILLE
BY-LAW NO. 31-95

Page 1 of 2

DATE: 1995 03 14

Project No: CB1995-2.1
Account No: C3011-EN53

REPORT OF THE PROJECT MANAGER
ON A
CAPITAL PROJECT

Name of Project: SCHOFIELD HILL RECONSTRUCTION IV
CHAFFEY AND CHISLETT STREETS

TO THE COUNCIL OF THE CITY OF BROCKVILLE:

GENTLEMEN and LADIES:

I wish to report as follows on the subject project:

1. Description of the Undertaking:

Total reconstruction of the two streets including asphalt paving, reconstructions of sewers and watermain, curbs and gutters.

2. Budgeted Cost Estimate:

	1995 Budget	Total Proposed Cost Estimate	Previously Adopted Cost Estimate
Construction:	\$ 380 000	\$ 380 000	\$
Engineering:	55 000	55 000	N/A
Financing:	10 000	10 000	
TOTAL	\$ 445 000	\$ 445 000	\$ N/A

3. Corporation's Statutory Authority to Proceed:

Municipal Act, c.M45, Sections(s) 207.13, 210.58, 210.84, 297.1(a)(e)(g), R.S.O. 1990 as amended.

4. Statutory Authority for Ontario Municipal Board Approval:

N/A

5. Other Approvals Required:

Ministry of Transportation
Ministry of Environment and Energy

Project Manager's Report
Project No: CB1995-2.1
Account No: C3011-EN53

Page 2 of 2
Date 1995 03 14

6. Lifetime of Work:

20 years

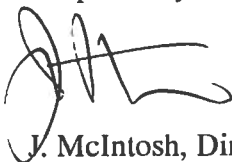
7. Recommended Funding:

	1995 Capital Budget	Total of Proposed Funding	Previously Adopted Funding
Debenture:	\$ -	\$ -	\$
Contr. from Current:	274 800	274 800	N/A
Ministry of Trans.:	110 000	110 000	
PUC.:	60 200	60 200	
TOTAL	\$ 445 000	\$ 445 000	\$ N/A

8. Method of Recovery:

Mill rate on all rateable property	\$ <u>274 800</u>
Provincial Government	\$ <u>110 000</u>
Public Utilities Commission	\$ <u>60 200</u>

Respectfully submitted



J. McIntosh, Director of Engineering