



**THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI
SPECIAL COUNCIL MEETING
AGENDA**

Thursday, November 14, 2019, 6:30 P.M.

Main Level Chambers

An audio recording of the Open Session of this meeting is being made and will be available through the Municipal Website as a public service to further enhance access to municipal government services and to continue to promote open and transparent government. As a visitor, your presence may be recorded and your name and address may be revealed during certain parts of the Council meeting.

Pages

1. PURPOSE OF THIS SPECIAL MEETING

A Special Meeting of Council to be held on November 14, 2019, following the 6:30 p.m. Public Meeting in the Council Chambers to discuss the proposed Encroachment By-Law and discuss ideas and opportunities for the potential uses of AMO Funding Program.

2. CALL TO ORDER AND ROLL CALL

3. DECLARATION OF CONFLICT OR PECUNIARY INTEREST AND GENERAL NATURE THEREOF

4. DISCUSSIONS OF THE PUBLIC MEETING

4.1 Encroachment By-Law

1

4.2 Ontario's Main Street Revitalization Initiative

10

5. ADJOURNMENT

Draft Motion:

BE IT RESOLVED THAT this meeting adjourn at p.m.

THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

Encroachment By-law # 19-1485

Being a by-law for the Enforcement of Encroachments on Municipally Owned Lands.

WHEREAS the *Municipal Act, 2001*, S.O. 2001, c.25 (hereinafter the “Municipal Act, 2001”) provides that a municipality may pass by-laws within the following spheres of jurisdiction: Highways, including parking and traffic on highways at section 11(1) 1; Culture, parks, recreation and heritage at section 11(1) 5 and Structures, including fences and signs at section 11(1) 7;

AND WHEREAS section 8 of the Municipal Act, 2001 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act;

AND WHEREAS section 9(1) of the Municipal Act, 2001 provides that sections 8 and 11 shall be interpreted broadly so as to confer broad authority on municipalities to (a) enable them to govern their affairs as they consider appropriate, and (b) enhance their ability to respond to municipal issues;

AND WHEREAS section 391(c) of the Municipal Act, 2001 provides that a municipality may pass by-laws imposing fees or charges on any class of persons for the use of its property including property under its control;

AND WHEREAS section 427(1) of the Municipal Act, 2001 provides that a municipality may proceed to do things at a person's expense which that person is otherwise required to do under a by-law or otherwise but has failed to do;

AND WHEREAS section 427(3) of the Municipal Act, 2001 provides that the costs incurred by a municipality in doing a thing or matter under section 427(1) may be recovered by adding the costs to the tax roll and collecting them in the same manner as taxes;

NOW THEREFORE the Council of The Corporation of the Municipality of Temagami enacts as follows:

SHORT TITLE

1. This by-law shall be known and may be cited as the “Encroachment By-law”.

DEFINITIONS

2. In this by-law,
 - (a) “Municipality” means The Corporation of the Municipality of Temagami;
 - (b) “easement” means an interest in land owned by another person, consisting in the right to use or control the land, or an area above or below it, for a specific limited purpose, but does not include an interest created by a licence;

- (c) “encroachment” means any type of vegetation, man-made object or item of personal property of a person which exists wholly upon, or extends from a person's premises onto, public lands and shall include any aerial, surface or subsurface encroachments;
- (d) “aerial encroachment” means an encroachment that is located at least .304 meters (12 inches) above the surface of public lands;
- (e) “surface encroachment” means an encroachment that is located anywhere between the following: the surface of public lands to a height less than 304 centimetres (12 inches) and beneath the surface of public lands to a depth of not more than 2.54 centimetres (1 inch).
- (f) “sub-surface encroachment” means an encroachment that is located beneath the surface of public lands to a depth exceeding 2.54 centimetres (1 inch);
- (g) “encroachment permit” means a document prepared by the Municipality allowing an encroachment on municipally owned/operated lands.
- (h) “expenses” means any and all sums of money actually spent or required to be spent by the Municipality, and shall include but not be limited to all charges, costs, administrative fees, HST, outlays, legal fees and losses;
- (i) “highway” means a common and public highway and includes any street, sidewalk, bridge, trestle, viaduct or other structure forming part of the highway and, except as otherwise provided, includes a portion of a highway;
- (j) “owner” means the registered owner of a parcel of property as such person is described in the records of the land registry office;
- (k) “person” means an individual, partnership, association, firm or corporation, business entity or club, incorporated group or organization, federal or provincial government, crown agents and school boards, to whom the context can apply in accordance with the Interpretation Act of Ontario, as amended, but specifically excludes the Municipality;
- (l) “personal property” means any object or item of property other than real property;
- (m) “premises” means a parcel of real property under registered ownership and includes all buildings and structures thereon;
- (n) “public lands” means lands owned by, leased, licensed to or under the management of the Municipality, and shall include but not be limited to any public highway, road, street, avenue, lane, place, viaduct or trestle, water, thoroughfare way or bridge, park, woodland, greenbelt, storm water management facility, open space, and all parts thereof, including any surface, grassed area, boulevard, ditch, curb and sidewalk;

- (o) “right-of-way” means a person's legal right, established by usage or by contract, to pass through grounds or property owned by another person;
- (p) “Unauthorized encroachment” means any encroachment not authorized by this by-law.
- (q) A permit for all other types of encroachments, each of which shall be signed by the applicable Commissioner or his/her authorized delegate;

ENCROACHMENTS PROHIBITED

- 3. (1) No person shall erect, place or maintain, or cause to be erected, placed or maintained, an encroachment of any kind on public lands, any right-of-way or easement in owned by the Municipality, except where permitted to do so in accordance with this by-law;
- (2) Notwithstanding subsection 3(1), the provisions of this by-law do not apply to encroachments permitted as a result of a written and signed permit with the Municipality;
- (3) The Municipality shall not bear any responsibility for any form of damage or deterioration occurring to personal property named in the encroachment permit, howsoever or whenever caused and the personal property shall be personal property owner’s sole responsibility, cost and expense.

APPLICATION FOR ENCROACHMENT

- 4. (1) Any person requesting authorization to erect, install or maintain an encroachment on public lands shall be required to submit an application to the Municipality seeking permission to do so, along with payment of the non-refundable application fee as stated in Schedule 1;
- (2) The application will include all details of the encroachment including but not limited to details of all portable and stationary objects which may be ice huts, trailers, vehicles, boats, barges, signs, equipment and various other materials, permitted placement on a property with details of how it will be stored;
- (3) The encroachment permits will be valid for a period of one year from the date of approval and shall be renewed each year on the anniversary date of the application;
- (4) Where an applicant fails to pay the applicable fees for an encroachment permit, within the thirty (30) calendar days as prescribed in subsection 4(3), the applicant shall be deemed to have abandoned his application.

AUTHORITY OF MUNICIPAL LAW ENFORCEMENT OFFICER

- 5. The Municipal Law Enforcement Officer shall have delegated authority to:
 - (a) approve or reject any application submitted for an encroachment permit; and
 - (b) impose such terms and conditions to any application and/or encroachment permit as the Municipal Law Enforcement Officer may deem appropriate; and

- c) Determine whether any encroachment permit expiring on a date after the date of enactment and passage of this by-law shall be renewed and/or extended.

REVOCATION

- 6. The execution of an encroachment permit in respect of an encroachment does not create any vested right in the owner or occupant of the premises to which the encroachment is appurtenant, or in any other person, and the encroachment permit may be revoked in accordance with the terms set out therein.

ACCESS TO ENCROACHMENTS

- 7. No person shall obstruct, hinder or interfere with the free access to any encroachment by an employee, officer or agent of the Municipality.

DISCONTINUANCE OF ENCROACHMENTS

- 8. (1) If the owner of any personal property to which an encroachment is appurtenant desires to permanently discontinue the encroachment, he/she shall notify the Municipal Law Enforcement Officer in writing and the Municipal Law Enforcement Officer shall issue a notice to be sent to the owner advising that the encroachment shall be removed from public lands;

(2) If the Municipal Law Enforcement Officer is at any time of the opinion that a breach of the terms and conditions attached to an encroachment permit has occurred and that the encroachment should be discontinued, or where an encroachment permit has expired, the Municipal Law Enforcement Officer may cause a notice to be sent to the owner advising that the encroachment be removed and the public lands be restored to their former condition by the owner at his/her own expense.

(3) Where an owner fails to comply with the notice described in subsection 8(1) and/or 8(2) within thirty (30) days of receipt of same, the encroachment may be removed by the Municipality, and the public lands restored to their former condition at the expense of the owner, such expense to be recovered in full in the manner provided in section 11 below, and until the encroachment is so removed or filled in and closed up and the public lands restored to their former condition, all expenses incurred by the Municipality in respect thereto shall continue to be paid by the owner.

EMERGENCY SITUATIONS

- 9. (1) If the Municipal Law Enforcement Officer deems that an emergency exists or may exist as a result of any encroachment being or about to become a source of danger to the health and safety of the public, the Municipal Law Enforcement Officer may,
 - (a) notify in writing the owner of the personal property to which the encroachment is appurtenant of the required repairs or removal of the encroachment and restoration of the public lands to their former condition at the expense of the owner, so that the encroachment is no longer deemed to be a source of danger or potential danger to the public by the Municipal Law Enforcement Officer, and/or

- (b) take such measures on behalf of the owner, without notice to the owner, as the Municipal Law Enforcement Officer may deem necessary to remove the danger or potential danger created by the encroachment.
- (2) Where the notice described in subsection 9(1)(a) is not complied with within the time period stipulated therein, the Municipality may repair or remove the encroachment and restore the public lands to their former condition, at the expense of the owner, such expense to be recovered in full in the manner provided in section 11 below.
- (3) Where the Municipal Law Enforcement Officer elects to take any action under subsection 10(1)(b), the expenses incurred by the Municipality in so doing shall be recovered in full in the manner provided in section 11 below.

REMOVAL OF UNAUTHORIZED ENCROACHMENTS

- 10.
 - (1) Where the Municipality becomes aware of an unauthorized encroachment, the Municipality may give notice in writing to the owner of the premises to which an unauthorized encroachment is appurtenant, to forthwith remove the encroachment and to restore the public lands to their former condition at the expense of the owner.
 - (2) Where the notice in subsection 10(1) is not complied with within thirty (30) days of the date of the notice, the Municipality may, on behalf of the owner, remove the unauthorized encroachment and restore the public lands to their former condition at the expense of the owner, such expense to be recovered in full in the manner provided in section 11 below.
 - (3) Any materials or structures forming part of or attached to the encroachment and removed by the Municipality may, at the discretion of the Municipal Law Enforcement Officer, either be deposited at the owner's premises or be stored for thirty (30) days at the owner's expense, such expense to be recovered in full in the manner provided in section 11 below. Any item so stored and not claimed by the owner within the said thirty (30) day period shall be disposed of by the Municipality in such manner as it deems appropriate.

RECOVERY OF EXPENSES

- 11.
 - (1) All expenses incurred by the Municipality in connection with the enforcement of this by-law shall be paid within thirty (30) days of their billing date, and in the event of failure to pay the entire amount due within the said thirty (30) days, at the discretion of the Municipality, the outstanding balance of the invoice may thereafter be added to the tax roll as of the year in which the expenses were billed.
 - (2) The Municipality may also recover all expenses owing under this by-law by a court action as a debt due to the Municipality.

INTERACTIONS AND PENALTIES

12. Every person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction is liable to pay a fine, exclusive of costs, as provided for in the *Provincial Offences Act* of Ontario, as amended.

PROHIBITION ORDER

13. When a person has been convicted of an offence under this by-law, the Superior Court of Justice, or any other court of competent jurisdiction, may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted toward the continuation or repetition of the offence.

ENFORCEMENT

14. A Municipal Law Enforcement Officer acting under this by-law may enter and inspect all buildings, structures or parts thereof that are subject to this by-law at any reasonable time for the purposes of determining whether there is compliance with this by-law.

DELEGATION OF AUTHORITY

15. The Municipal Law Enforcement Officer and the Municipal Clerk or their delegates are authorized to execute all encroachment permits.

GENERAL

16. In this by-law, unless the context otherwise requires, words imparting the singular number shall include the plural, and words imparting gender shall include both masculine and feminine.

GRANDEATHERING

17. This by-law shall apply to all encroachments which existed or were created before this by-law was enacted and passed.

SEVERABILITY

18. (1) Where a court of competent jurisdiction declares any section or part of a section of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law that the remainder of this by-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.
- (2) That the Clerk of the Municipality of Temagami is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to this by-law, after the passage of the by-law, where such modifications or corrections do not alter the intent of the by-law.

TAKEN AS READ A FIRST time on this 17th day of October, 2019.

READ A SECOND AND THIRD time and finally passed 17th day of October, 2019.

Mayor

Clerk

Schedule 1

| <u>Encroachment Type</u> | <u>Encroachment Permit Fee (annually)</u> |
|---------------------------------|--|
|---------------------------------|--|

| | |
|---|----------|
| Ice Hut (registered) | \$50.00 |
| Licensed Boat Trailer, 18 ft. (5.5 m.) and under | \$50.00 |
| Licensed Boat Trailer, 19 ft. (5.8 m.) and greater | \$100.00 |
| Boat and Licensed Trailer | \$200.00 |
| Barge or Houseboat and Licensed Trailer | \$250.00 |
| Currently Licensed Snowmobile or ATV | \$100.00 |
| Signs up to 8 sq. ft. (.72 m. sq.) | \$125.00 |
| Signs 9 sq. ft. (.83 m. sq.) to 24sq. ft. (2.8m. sq.) | \$250.00 |

All sign request will be reviewed to determine eligibility and compliance with all relevant legislation.

All encroachment request shall be reviewed to determine if the request is both minor in nature and in keeping with the municipal standards.

All personal property not listed in this schedule shall be subject to review to determine if the request is in line with the municipal standards.

Schedule 2



Lakeshore Drive , Temagami, Ontario, P0H 2H0
E-mail: visit@temagami.ca

Name of Resident:

Resident's Address:

Inspection Date:

Nature of Encroachment:

Encroachment Location:

Comments:

Permit Number:

Permit Date:

This Encroachment Permit is issued to the undersigned Resident on the following terms and conditions:

1. At no time will the encroachment cause a conflict with guidelines established by Municipality of Temagami.
2. At no time will the encroachment create a safety hazard for vehicles, pedestrians, cyclists or anyone performing maintenance activities on Municipal lands.
3. At no time will the encroachment contain or include sharp or dangerous objects.
4. At no time will the encroachment include personal property that prevent or obstruct snow clearing or removal operations.
5. The Resident remains solely responsible and liable for all maintenance and repairs to the encroachment, notwithstanding that damage may have been caused by Municipal employees while performing their duties. (i.e. snow plow).
6. The encroachment is shown in the photograph attached as Page 2 of this Permit and the Resident covenants to maintain the encroachment in the same condition as in the photograph.

7. The Municipality reserves the unfettered right to revoke this permit at any time and without prior notice to the Resident.
8. If any claim, demand or court action is instituted against the Municipality as a result of the encroachment, the Resident hereby agrees to fully indemnify and save harmless the Municipality for all costs, expenses, legal fees and damages incurred by the Municipality in defending itself.
9. This permit is not assignable by the Resident and shall terminate automatically if title to the Resident's property is transferred to a new owner.

By signing below, the Resident confirms the acceptance of these terms and conditions and agrees to maintain the encroachment in strict conformity with the above.

Resident Signature:

Date:

Municipal Signature:

Date:

Authorized by By-law 19-1485, Encroachment By-law

Photos of the Encroachment:

ONTARIO'S

MAIN STREET

REVITALIZATION INITIATIVE



GUIDE TO THE MUNICIPAL FUNDING AGREEMENT

CONTACT: mainstreets@amo.on.ca
200 University Avenue, Suite 801
Toronto, ON., M5H 3C6
P: 416.971.9856

MARCH 2018

Page 10 of 24

TABLE OF CONTENTS

03_Municipal Checklist

04_Introduction

04_FAQ

06_ New information added - May 2018

12_ Appendices

MUNICIPAL CHECKLIST

| Immediate Action | Where is More Info | When |
|--|--|---|
| Pass Municipal By-Law Authorizing MFA | See Appendix A for a sample | As soon as possible |
| E-sign MFA and electronically submit to AMO E-mail (mainstreets@amo.on.ca) the Authorizing By-law to AMO | See page 9 for more information | As soon as possible |
| 2018 Project notification for communications purposes to AMO | See page 10 for details on what is required | As soon as possible |
| Longer Term Action | Where is More Info | When |
| Annual and Results Report | See page 10 for details on what is required | By May 15th of every year (until funds are spent) |

INTRODUCTION

The Main Street Revitalization Initiative is a \$26 million fund to help municipal governments undertake main street revitalization activities that support and benefit small businesses. AMO has agreed to administer the funding on behalf of the Ministry of Agriculture, Food and Rural Affairs (OMAFRA). AMO signed the Agreement with OMAFRA on March 12, 2018. The Agreement's effective date is April 1, 2018.

All lower and single tier municipal governments are eligible for the allocation based funding. The formula for the funding was established by OMAFRA without the need for an application or matching funding. It empowers municipalities to make investment decisions within the program's parameters.

What is eligible?

As of April 1, 2018, municipal governments can invest in revitalization activities that will support small businesses through activities undertaken to revitalize main streets. The work can be identified as priority through an existing Community Improvement Plan or municipal physical infrastructure priorities identified through other municipal land use planning document for the municipality's main street that involves the construction, renewal, renovation or redevelopment, or material enhancement in each of the following categories:

Implementation of priority financial incentives in existing Community Improvement Plans such as:

- a. Commercial building façade improvements;
- b. Preservation and adaptive reuse of heritage and industrial buildings;
- c. Provision of affordable housing;
- d. Space conversion for residential and commercial uses;
- e. Structural improvements to buildings (e.g. Building Code upgrades);
- f. Improvement of community energy efficiency; and
- g. Accessibility enhancements.

Funding of strategic municipal physical infrastructure such as:

- a. Signage – wayfinding/directional, and gateway;
- b. Streetscaping and landscape improvements – lighting, banners, murals, street furniture, interpretive elements, public art, urban forestation, accessibility, telecommunications/broadband equipment, parking, active transportation infrastructure (e.g. bike racks/storage, cycling lanes and paths) and pedestrian walkways/trails; and
- c. Marketing plan implementation – business attraction and promotion activities, special events.

Municipalities can identify projects in one or both categories.

What types of costs are eligible?

Eligible Costs

- Costs directly and reasonably incurred on or after April 1, 2018 up to and including March 31, 2020 for construction, renewal, or material enhancement activities funded under existing Community Improvement Plan financial incentive programs; and/or,
- Costs directly and reasonably incurred on or after April 1, 2018 up to and including March 31, 2020 for construction, renewal or material enhancement activities funded under the Municipal Physical Infrastructure category, including projects in downtown or main street areas, as defined through an existing Community Improvement Plan or other municipal land use planning policy that will support the success of small businesses in main street areas.

Ineligible Costs

- Costs incurred prior to April 1, 2018 or after March 31, 2020;
- Any costs associated with providing any Reports to AMO;
- Any costs associated with lobbying Ontario, including other Ministries, agencies and organizations of the Government of Ontario;
- Costs for infrastructure works in the following categories: highways, short-sea shipping, short-line rail, regional or local airports, and brownfield redevelopment;
- Costs of infrastructure works that does not improve energy efficiency, accessibility, aesthetics or marketability of small business within a main street area;
- Costs of infrastructure works outside of main street areas, as defined through an existing Community Improvement Plan or other municipal land use planning policy;
- The cost of leasing of equipment, any overhead costs, including salaries and other employment benefits of any employees, its direct or indirect operating or administrative costs, and more specifically its costs related to planning, engineering, architecture, supervision, management and other activities normally carried out by its staff, except in accordance with eligible costs above;
- Taxes, to which the municipality is eligible for a tax rebate;
- Purchase of land or any interest therein, and related costs; and,
- Routine repair and maintenance costs.

Would the development of a Community Improvement Plan be eligible?

No. The program is focused on implementation of existing Community Improvement Plans or priorities through other existing municipal land use planning policies. Municipalities that do not have a Community Improvement Plan can implement eligible priority projects through the official plan, economic development strategy, downtown revitalization plan or another related plan in support of the municipal main street.

Further interpretation of eligibility

A number of small municipalities have asked for additional discussion on project eligibility and some examples of projects that might be eligible in the absence of a Community Improvement Plan (CIP), a discernible “main street” area or in the case of very limited commercial activity in the community.

Main Street projects must be consistent with the [requirements](#) set out in the transfer payment agreement (TPA). The following discussion is intended to reflect a broader interpretation of the rules to assist municipal staff and councils in the deliberations in selecting appropriate projects that comply with the TPA.

Ultimately, the purpose of the program is to support revitalization, economic activity and enterprises in the municipality. All Main Street projects should support this purpose. While there is room for interpretation consistent with the program objectives, municipal staff and Councils should take note of the TPA provisions excluding certain types of costs (i.e., projects and expenditures) which are [categorically ineligible](#).

Here are some ideas that may be helpful.

In municipalities where there is no defined main street (or your main street is a provincial highway), the funding should be used within any built-up area, defined through municipal planning policy (e.g., hamlets, villages).

Main Street funding cannot be used to create a Community Improvement Plan (CIP). However, a municipality can create a CIP using other resources and then use Main Street funding to implement financial incentives under the new CIP (by March 31, 2020).

The Main Street funding cannot be used to create a strategic marketing plan. However, the funding can be used for activities related to implementing part of a strategic marketing plan. For example: some costs for a one-time festival in the municipality that is intended to attract visitors or to otherwise generate economic activity could be eligible. Alternately, tangible capital assets purchased (e.g., lights, staging, fencing, signage, banners) to support an annual gathering or festival in accordance with a strategic marketing plan or similar approved plan could be eligible. Any marketing or promotional activity as part of a strategic marketing plan could be eligible.

Under the category of Municipal Physical Infrastructure, there is considerable scope for creative project ideas. Here are some project ideas that might be considered:

- The development of a centrally located space that can be used for rotating commercial activity, such as a farmers’ market, seasonal craft market, flea market, or pop-up retail, etc.
- Equipping a key location (e.g., dockside, parking lot, picnic area, trail head) with electricity, lighting, etc., to support visiting food truck, commercial stalls, etc.
- Beautification, landscaping, tree planting or murals etc., within the planned, built-up area of the community with no defined “Main Street”.
- Improvements to public spaces and buildings (exclusive of routine repair and maintenance) that enhance the aesthetic appeal of the community, including public spaces associated with municipal buildings, community centres, church properties, historic cemetery etc.

- Renewal or restoration of an historic or heritage site, monument or public space owned by the municipality.
- Wayfinding signage throughout the municipality that highlights locations of interest e.g., historic sites, farm stands, boat lunches etc.
- Accessibility or other improvements to a playground, community centre or other places where people gather.
- Creating a gateway to the community including features such as signage, lighting, benches, local information, etc.
- Creating facilities (or events) that make your community a destination for cyclists, hikers, snowmobilers, boaters, rowers, skaters, skateboarders, artists, hobbyists, crafts people, etc.

In the case of all of the above examples, the purpose of the expenditure of Main Street funding should be to create an environment that will benefit small business activity in the community or support the attraction of economic activity (e.g., tourism).

When does the money have to be spent?

Municipalities have to March 31, 2020 to spend the funds on an eligible project.

During this time, municipalities must earn interest on the Funds so that they have more for the project later.

What about the municipal share of a project that will receive funding from another revenue source or program?

Municipalities can fund 100% of total project costs with Main Street dollars. If another program has restrictions on the use of funds, they must be adhered to.

If you are using multiple sources of funding, the project also has to be eligible under the terms and conditions of these multiple programs.

What if our municipality wants to partner on a project?

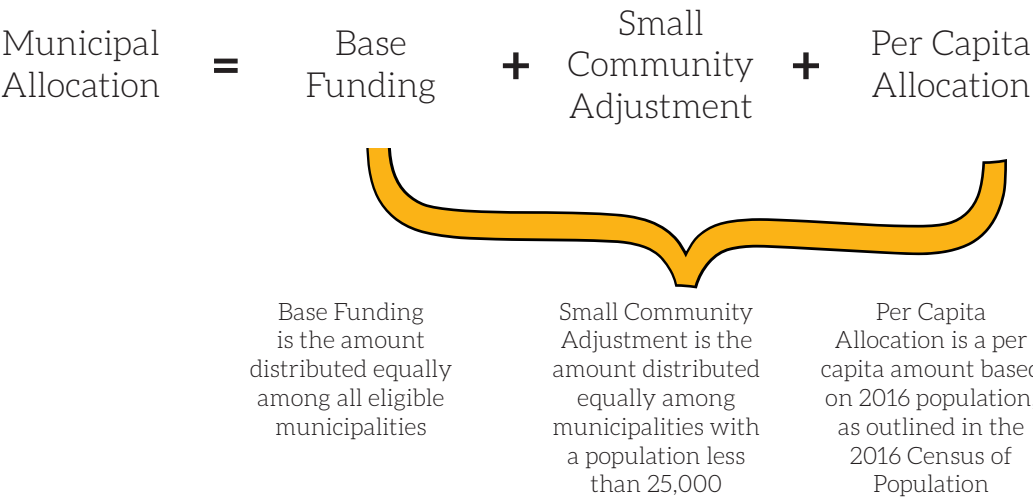
The Main Street Agreement encourages collaboration, building of partnerships and strategic alliances when working on eligible projects.

If a municipality is transferring funds to another municipality, it must be done via by-law. The

municipality transferring funds is responsible for reporting on the transfer in annual reporting. The municipality receiving Main Street Funds is responsible for reporting that the Funds were received and is responsible for all other reporting requirements, including project details and spending.

If a municipality is transferring funds to a non-municipal entity, such as a for-profit company, council will have to endorse the project through a grant agreement. Under this situation, municipalities are still responsible for meeting all the requirements of the Agreement related to the use of the transferred Main Street Funds, including all reporting.

What is the allocation formula?



Total funding, less administrative costs, is allocated as follows across the three components:

- Base Funding: 50% of total funding;
- Small Community Adjustment: 11.5% of total funding;
- Per Capita Component: 38.5% of total funding.

Once a municipal government has fully executed an Agreement with AMO and provide the appropriate information for the transfer of the funds, the one time allocation will be paid out.

How much of the funding is AMO using for administration?

AMO will need just 6% of the \$26 million to deliver this program to all eligible municipalities and report in aggregate to OMAFRA as required by the Agreement.

What reporting is required of municipalities?

Building on the success of the risk management framework established under the federal Gas Tax Agreement, municipalities only need to report initial upfront anticipated projects for 2018 and then once annually on projects until all the funds are spent.

Remind me how the audit framework works?

Municipalities will not have to complete audits. Instead the program will use a risk based approach that recognizes municipalities as a mature and accountable order of government. In this approach, the municipal contact for the Main Street Municipal Funding Agreement will be the Treasurer, no exceptions. In addition, AMO will audit approximately 10% of municipalities annually to provide assurance to Ontario on municipal compliance.

Is there an agreement municipalities have to sign?

Yes. AMO is using the a digital platform provided by its partner, Solutions Notarius Inc., to sign the Municipal Funding Agreement (MFA). A municipality must electronically sign (e-sign) the MFA with AMO to receive funding. Please have the appropriate signing officers e-sign the MFA. The municipal by-law authorizing the municipality to enter into the agreement can be emailed to AMO at mainstreets@amo.on.ca. See Appendix A for a sample by-law.

Appendix B includes a cross-reference between the MFA with the OMAFRA-AMO Agreement.

What is e-signing?

An e-signature is a signature that can be applied in a document by a signer electronically. AMO uses Notarius' Consigno Cloud software to sign documents electronically.

The municipal signing officer will receive a signature request to the MFA by email from AMO. They will be asked to open a link to a signing session in that email. The Consigno Cloud software certifies a signer's identity with two-factor authentication. The signing officer will be asked to provide a second authentication credential (e.g. an answer to a security question, like an online money transfer) before they can access the document. Once they are able to access the document, they will be asked to fill-in specific fields prior to finally signing off on the MFA. AMO will then be notified that the document has been signed and staff will review to ensure the document is complete before AMO e-signs the MFA. A final, signed copy of the MFA will then be provided to the municipality and to AMO electronically for record keeping.

Signing officers to the MFA are not required to subscribe or install any software on their computer to sign the document. Documents can be signed on a mobile device or on a desktop computer. For further details on the e-signing requirement, please refer to the process document.

What else is required of municipalities?

There are a number of requirements both now and over the life of the Agreement.

As soon as possible, notification to AMO of the types of projects council wishes to undertake in 2018 is required.

As well there is annual reporting and results reporting similar to what municipalities already do under the federal Gas Tax Agreement through AMO's website. These reports will be due to AMO by May 15, 2019 and every year thereafter until the funds are spent.

What is results reporting?

The results report will demonstrate how the funding has been invested in a community to support revitalization within main street areas:

Community Improvement Plan Eligible Projects

- Number of small businesses supported;
- Total value of physical improvements;
- Total Main Street Funds provided;
- Total Municipal investment; and,
- Total private investment.

Municipal Physical Infrastructure Eligible Projects

- Total value of physical improvements;
- Total Main Street Funds provided; and
- Total municipal investment.

More details are in Schedule D of the MFA.

Are there communication requirements?

Yes. Municipal governments will be expected to acknowledge funding of projects by the Province by inviting the Province to participate in media events or announcements related to projects funded under the Main Street Revitalization Initiative.

More details are in Section 3 of the MFA.

Can we sell the asset?

Assets purchased or constructed using Main Street funds must be for public use and benefit. If a municipality wishes to dispose of assets prior to March 31, 2021 and it is valued at more than \$50,000 at the time of disposal the written consent of the province is required.

APPENDIX A

Sample Municipal By-Law

WHEREAS the Municipality wishes to enter into an Agreement in order to participate in Ontario's Main Streets Revitalization Initiative;

AND WHEREAS the Municipality acknowledges that Funds received through the Agreement must be invested in an interest bearing reserve account until the earliest of expenditure or March 31, 2020;

Now THEREFORE, the Council of the [MUNICIPAL NAME], a municipal corporation pursuant to the Municipal Act, 2001;

ENACTS AS FOLLOWS

That the Mayor/Reeve/Regional Chair/Warden and [SIGNING AUTHORITY, i.e. Clerk] are hereby authorized to execute this Municipal Funding Agreement for the transfer of Main Streets Revitalization Initiatives funds between the Association of Municipalities of Ontario and [MUNICIPAL NAME] as in Schedule A attached hereto.

Schedule A shall form part of this by-law.

APPENDIX B

● Cross-Reference Table Between MFA and OMAFRA-AMO Agreement

13

Municipal Funding Agreement (MFA) Provision

OMAFRA-AMO Agreement Provision

| | |
|---|---------------------------------|
| Section 1 – Definitions and Interpretation | Schedule A Article 1 |
| Section 1.1 Definitions | Schedule A Article A1.2 |
| Section 1.2 Interpretation | Schedule A Article A1.1 |
| Section 2 – Term of Agreement | Schedule A Article A3 |
| Section 2.1 Term | Schedule A Article A3.1 |
| Section 2.2 Amendment | Section 3.1 |
| Section 2.3 Notice | Schedule A Article A12 |
| Section 3 – Recipient Requirements | Schedule A Article A5, A8 |
| Section 3.1 Communications | Schedule B Article B1.7 |
| Section 3.2 Contracts | Schedule A Article A5.2 |
| Section 4 – Eligible Projects | Schedule D Article D2.1 |
| Section 4.1 Eligible Projects | Schedule D Article D2.1 5 and 6 |
| Section 4.2 Recipient Fully Responsible | Schedule A Article A4.4 |
| Section 5 – Eligible Costs | Schedule D Article D3.1 |
| Section 5.1 Eligible Costs | Schedule D Article D3.1 |
| Section 5.2 Discretion of Ontario | Schedule D Article D2.1 |
| Section 5.3 Unspent Funds | Schedule A Article A15 |
| Section 5.4 Reasonable Access | Schedule A Article A7 |
| Section 5.5 Retention Receipts | Schedule A Article A7 |
| Section 6 – Funds | Schedule C Activity 1 |
| Section 6.1 Allocation of Funds | Schedule C Activity 1 |
| Section 6.2 Transfer of Funds to a Municipality | AMO Provision |
| Section 6.3 Transfer of Funds to a non-municipal entity | AMO Provision |
| Section 6.4 Use of Funds | Schedule D Article D2.1 |
| Section 6.5 Payout of Funds | AMO Provision |
| Section 6.6 Use of Funds | Schedule A Article A4.6 |
| Section 6.7 Funds Advanced | Schedule A Article A17 |
| Section 6.8 Expenditure of Funds | Schedule B Article B1.2 |
| Section 6.9 GST & HST | Schedule A Article A4.10 |
| Section 6.10 Limit of Ontario's Financial Commitments | Schedule A Article A4.2 |
| Section 6.11 Stacking | AMO Provision |
| Section 6.12 Insufficient funds provided by Ontario | AMO Provision |
| Section 7 – Reporting Requirements | Schedule F |

| | |
|---|---|
| Section 7.1 Communication Report | Schedule F |
| Section 7.2 Annual Report | Schedule F |
| Section 7.3 Results Report | Schedule F |
| Section 8 – Records and Audit | Schedule A Article A7 |
| Section 8.1 Accounting Principles | Schedule A Article A1.1, A7.2 |
| Section 8.2 Separate Records | Schedule A Article A7.2 |
| Section 8.3 External Auditor | Schedule A Article A7.3 |
| Section 9 – Insurance and Indemnity | Schedule A Article A11 |
| Section 9.1 Insurance | Schedule A Article A11 |
| Section 9.2 Certificates of Insurance | Schedule A Article A11.2 |
| Section 9.3 AMO not liable | AMO Provision |
| Section 9.4 Recipient to Compensate Ontario | Schedule A Article A11 |
| Section 9.5 Recipient to Indemnify AMO | AMO Provision |
| Section 10 – Disposal | Schedule A Article A5.3 |
| Section 10.1 Disposal | Schedule A Article A5.3 and Schedule B Article B1.5 |
| Section 11 – Default and Termination | Schedule A Article A14 |
| Section 11.1 Event of Default | Schedule A Article A14.1 |
| Section 11.2 Waiver | AMO Provision |
| Section 11.3 Remedies of Default | Schedule A Article A14.3 |
| Section 11.4 Repayment of Funds | Schedule A Article A14.2 |
| Section 12 – Conflict of Interest | Schedule A Article A6 |
| Section 12.1 No conflict of interest | Schedule A Article A6.2 |
| Section 13 – Notice | Standard Provision |
| Section 13.1 Notice | Standard Provision |
| Section 13.2 Representatives | Standard Provision |
| Section 13.3 Addresses for Notice | Standard Provision |
| Section 14 - Miscellaneous | Various sections listed in detail below |
| Section 14.1 Counterpart Signature | Section 2.1 |
| Section 14.2 Severability | Schedule A Article A20 |
| Section 14.3 Waiver | Schedule A Article A21 |
| Section 14.4 Governing Law | Schedule A Article A24 |
| Section 14.5 Survival | Schedule A Article A30 |
| Section 14.6 AMO, Ontario and Recipient independent | Schedule A Article A22 |
| Section 14.7 No Authority to Represent | AMO Provision |
| Section 14.8 Debts Due to AMO | Schedule A Article A15, A17.2 |
| Section 14.9 Priority | Schedule A Article A1.3 |
| Section 15 – Schedules | Standard Provision |
| Section 16 – Signatures | Standard Provision |
| Schedule A – Municipal Allocation | Schedule C Activity 1 |
| Schedule B – Eligible Projects | Schedule D Article D2.1 5 and 6 |
| Schedule C – Eligible and Ineligible Costs | Schedule D Article D3.1 |
| Schedule D – Reporting | Schedule F |

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Ontario Ministry of Agriculture, Food and Rural Affairs

