
APPENDIX A



Bylaw 2014-XXX
A Bylaw to levy a Stormwater Fee

Whereas Section 11 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, (the “Municipal Act”) authorizes The Corporation of the City of Markham (the “City”) to exercise authority over drainage and flood control matters;

And Whereas Section 391 of the Municipal Act authorizes the City to pass bylaws imposing fees or charges on persons for services or activities provided or done by or on behalf of it;

And Whereas the Council for the City deems it necessary and desirable to implement a stormwater flood control program for purposes of the safety and well-being of persons, and the City’s economic and environmental well-being;

And Whereas the Council for the City deems it necessary and desirable to create a separate Stormwater Fee to fund capital projects to improve the storm drainage system;

Now Therefore the Council for The Corporation of the City of Markham enacts as follows:

Definitions

In this Bylaw:

- (a) “City” means The Corporation of the City of Markham;
- (b) “Council” means the Council of The Corporation of the City of Markham;
- (c) “Property” means any real property within the geographical boundary of the City of Markham;
- (d) “Property Owner” means an individual, partnership or corporation who owns Property;
- (e) “Residential Property” means Property within the geographical boundary of the City of Markham classified as residential by the Municipal Property Assessment Corporation (“MPAC”);

- (f) “Stormwater” means surface and rain water, melted snow and ice, and uncontaminated water when discharged to the stormwater drainage system from freshwater swimming pools, underground drains, foundation drains and groundwater;
- (g) “Stormwater Fee” means the amount charged under this Bylaw based upon the rate and class of the Property;
- (h) “Treasurer” means the Treasurer of the City or her or his delegate;
- (i) “Tax Bill” means the property tax bill sent to Property Owners by the City;
- (j) “Flood control program” means the City-wide upgrade of storm drainage systems as approved in Class Environmental Assessment or other remediation studies.

THAT Council shall levy a Stormwater Fee to fund a long-term flood control program which includes construction of storm drainage system capital projects and administration of the stormwater program.

THAT Council hereby imposes a Stormwater Fee of \$47 per Residential Property for 2015.

THAT A Stormwater Fee shall be imposed upon Residential Property classes in the City of Markham.

THAT the Stormwater Fee per Residential Property be updated on an annual, or more frequent, basis as determined by the City.

THAT the Stormwater Fee per Residential Property levied by this by-law shall be due and payable in conjunction with the tax installments of the property.

THAT payment of the Stormwater Fee shall be paid to the Treasurer at the Municipal Offices, 101 Town Centre Boulevard, Markham, Ontario, L3R 9W3;

THAT this Bylaw shall not apply to property owned by the City;

THAT this Bylaw shall not apply to Property owned by the School Authority as defined under the Ontario *Education Act, as amended*;

THAT this Bylaw shall not apply to vacant land within geographical boundary of the City of Markham, as classified by the MPAC;

AND THAT this By-law shall not take effect until January 1, 2015.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 17TH DAY OF NOVEMBER, 2015.

X

Frank Scarpitti
Mayor

X

Kimberley Kitteringham
City Clerk

APPENDIX 'B'



RESOLUTION OF COUNCIL MEETING NO. 26 DATED NOVEMBER 26, 2013

REPORT NO. 47 – GENERAL COMMITTEE (1) STORMWATER FUNDING (5.5)

- 1) That the presentation provided by Rob Muir, Manager of Stormwater, entitled "Stormwater Funding" be received; and,
- 2) That the annual fee revenue target be set at \$6.5 M for the five year project cycle and that the funding requirement be updated every five years to reflect updated project costs estimates, Gas Tax allocation, inflation, growth, administration costs, and revenue collection; and,
- 3) That stormwater fees be charged to all properties with a water account and that Staff be authorized to develop the billing system with PowerStream, and to negotiate a contract for account management, billing, revenue collection, and customer support; and,
- 4) That Stormwater Fee revenue be collected by sector in proportion to city-wide runoff contributions of 60% residential and 40% non-residential; and,
- 5) That the fee flat fee for residential and multi-residential properties units be set at \$36 per unit per year for the first 5 years; and,
- 6) That the variable fee for non-residential properties be set based on a rate of \$21/\$100,000 current value assessment; and,
- 7) That Staff report back in q1 2014 on an implementation plan and communications strategy for implementation of the city-wide fee; and further,
- 8) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

A handwritten signature in black ink, appearing to read 'Kimberley Kitteringham', with a long horizontal stroke extending to the right.

Kimberley Kitteringham
City Clerk

Copy to: Brenda Librecz, Commissioner of Community & Fire Services
Phoebe Fu, Director, Asset Management
Robert Muir, Manager, Stormwater

APPENDIX 'C'

RESOLUTION OF COUNCIL MEETING NO.14 DATED JUNE 24 & 25, 2014

REPORT NO. 26 - GENERAL COMMITTEE**(13) AWARD OF TENDER FOR WEST THORNHILL
FLOOD REMEDIATION PHASE 1 STAGE 1 (7.12)**

- 1) That the report entitled “Award of Tender 072-T-14 West Thornhill - Phase 1A Storm Sewer and Watermain Replacement” be received; and,
- 2) That the contract for Tender 072-T-14 West Thornhill - Phase 1A Storm Sewer and Watermain Replacement be awarded to the sole Bidder, Lancorp Construction Co. Ltd., in the amount of \$10,479,269.09, inclusive of HST; and,
- 3) That a 10% contingency in the amount of \$1,047,926.91, inclusive of HST, be established to cover any additional construction costs and that authorization to approve expenditures of this contingency amount up to the specified limit be in accordance with the Expenditure Control Policy; and,
- 4) That purchase order PD 12134 issued to R.V. Anderson Associates Limited for engineering consulting services be increased by \$272,817.03 (from \$789,614.86 to \$1,062,431.89) inclusive of HST to cover the additional contract administration and construction inspection services, geotechnical inspection, material testing and environmental inspections; and,
- 5) That contingency purchase order PD 12135 issued to R.V. Anderson Associates Limited be increased by \$27,281.70 inclusive of HST, (from \$118,442.23 to \$145,723.93) to cover any additional contract administration and construction inspection services, geotechnical inspections, material testing and environmental inspections and that authorization to approve expenditures of this contingency amount up to the specified limit in accordance with the Expenditure Control Policy; and,
- 6) That the contract award be funded from “Thornhill Storm Sewer Upgrades” 058-6150-9330-005 in the amount of \$3,102,592.00 and “Flood Control Implementation - West Thornhill (Phase 2)” 058-6150-14271-005 in the amount of \$2,571,373.58; (the available budget for Phase 1A construction is \$5,673,965.58 and based on the revised Bid Price and contract administration cost, Phase 1A construction has a shortfall in the amount of \$6,153,329.16) and,

- 7) That the revised cost estimate for the overall Flood Control Program from \$186M to \$234M (in 2014 dollars) be addressed through an increase of Stormwater Fee rates to \$47 per unit/year from \$36 per unit/year for residential and multiresidential properties and \$29/\$100,000 current value assessment (CVA)/year from \$21/\$100,000 CVA/year for non-residential properties; and,
- 8) That a new Stormwater Fee Reserve fund be established for the Flood Control Implementation Program; and,
- 9) That a 5-year moratorium be placed on any major servicing and utility installation along Doncrest Drive, Poinsetta Drive (between Doncrest Drive and Daffodil Avenue) and Daffodil Avenue; and further,
- 10) That Staff be authorized and directed to do all things necessary to give effect to this resolution.



Kimberley Kitteringham
City Clerk

Copy to: Trinela Cane, Commissioner of Corporate Services
 Brenda Librecz, Commissioner of Community & Fire Services
 Joel Lustig, Treasurer
 Phoebe Fu, Director of Asset Management
 Prathapan Kumar, Senior Manager ROW Assets
 Rob Muir, Manager, Stormwater
 Tony Casale, Senior Construction Buyer