THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 09-118

BEING A BY-LAW TO AUTHORIZE THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT BETWEEN THE CORPORATION OF THE CITY OF PETERBOROUGH AND HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO AS REPRESENTED BY THE MINISTER OF AGRICULTURE, FOOD AND RURAL AFFAIRS (ONTARIO SMALL TOWN AND RURAL DEVELOPMENT INFRASTRUCTURE (OSTAR)) RE FUNDING FOR WASTE WATER TREATMENT PLANT UPGRADES

WHEREAS an Agreement dated February 10, 2003 was executed by the Corporation of the City of Peterborough and Her Majesty the Queen in Right of Ontario as represented by the Associate Minister of Municipal Affairs and Housing;

AND WHEREAS an Addendum to the Agreement dated May 13, 2008 was executed by the Corporation of the City of Peterborough and Her Majesty the Queen in Right of Ontario as represented by the Minister of Agriculture, Food and Rural Affairs;

THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE COUNCIL THEREOF HEREBY ENACTS AS FOLLOWS:

That the Mayor and Clerk be hereby authorized to execute an Addendum to the Capital Funding Agreement under Round 1 of the Ontario Small Town and Rural (OSTAR) Development Infrastructure Initiative between the Province of Ontario represented by the Minister of Agriculture, Food and Rural Affairs for the Province of Ontario and the Corporation of the City of Peterborough and in the form attached hereby as Schedule “A”, and to affix the Seal of the Corporation thereto.

By-law read a first, second and third time this 14th day of September, 2009

(Sgd.) D. Paul Ayotte, Mayor

(Sgd.) Nancy Wright-Laking, City Clerk
ADDENDUM

This Addendum made as of the ___ day of ___________ 2009.

BETWEEN:  HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO AS
          REPRESENTED BY THE MINISTER OF AGRICULTURE, FOOD
          AND RURAL AFFAIRS

AND:  THE CORPORATION OF THE CITY OF PETERBOROUGH

WHEREAS an Agreement dated February 10, 2003 was executed by The Corporation of the
       City of Peterborough and Her Majesty the Queen in Right of Ontario as represented by the
       Associate Minister of Municipal Affairs and Housing;

AND WHEREAS an Addendum to the Agreement dated May 13, 2008 was executed by The
       Corporation of the City of Peterborough and Her Majesty the Queen in Right of Ontario as
       represented by the Minister of Agriculture, Food and Rural Affairs;

NOW THEREFORE the parties agree to amend the terms and conditions of the Agreement as
follows:

1. Schedule “F” (FINANCIAL ASSISTANCE – CAPITAL) is repealed and Schedule “F”, as
   attached, is substituted.

2. All other terms and conditions of the Agreement remain in effect.
IN WITNESS WHEREOF the parties have executed this Addendum.

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO AS REPRESENTED BY THE MINISTER OF AGRICULTURE, FOOD AND RURAL AFFAIRS

NAME: The Honourable Leona Dombrowsky
TITLE: Minister of Agriculture, Food and Rural Affairs

THE CORPORATION OF THE CITY OF PETERBOROUGH

NAME: Paul Ayotte
TITLE: Mayor

NAME: Nancy Wright-Laking
TITLE: City Clerk
SCHEDULE “F”
FINANCIAL ASSISTANCE

Total Eligible Costs: $10,433,615.76

Maximum Financial Assistance $6,839,083.71

Ontario Maximum Financial Assistance $3,478,219.71

Federal Maximum Financial Assistance $3,360,864.00

The Ministry will hold back 10% of the Maximum Financial Assistance, the release of which shall be contingent on submission of the Recipient’s Final Report detailing the progress and status of the Project and substantiating that the Project has been Substantially Performed. Such report must contain the information required in the Final Report as set out in Section 6.4 of Schedule “A” of this Agreement. The Ministry is not obligated to pay interest on the holdback or any other payments under this Agreement.

OMAFRA COLLABORATES WITH RECIPIENT ON APPROPRIATE MILESTONE SCHEDULE