

BY-LAW NUMBER 2018-56

THE CORPORATION OF THE TOWNSHIP OF RIDEAU LAKES

BEING a By-Law to adopt a Policy Statement entitled "Private Road Grant Policy."

WHEREAS Section 9 of the *Municipal Act S.O. 2001, Chapter 25* states that a Municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other act;

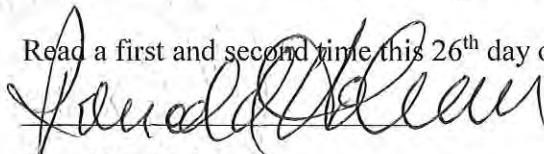
AND WHEREAS the Municipal Act S.O. 2001, c 25, Section 5(3), as amended provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9, shall be exercised by by-law;

AND WHEREAS the Township of Rideau Lakes deems it necessary to establish a policy for the process and criteria for the awarding of Private Road Grants used to help offset costs for capital improvements and maintenance of private roads with the Township of Rideau Lakes;

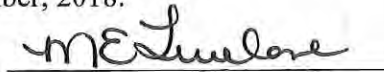
NOW THEREFORE the Council of The Corporation of the Township of Rideau Lakes enacts as follows:

1. That the Policy Statement, as attached hereto as Schedule 'A' and entitled "Private Road Grant Policy" be approved and adopted.
2. That the Application, as attached hereto as Schedule 'B' and entitled "Private Road Grant Application" be approved and adopted.
3. That Schedule 'A' and 'B' to this By-Law may be updated from time to time as deemed desirable by Resolution of Council.
4. That any other By-Laws, Resolutions, Motions or actions of Council that are in contravention of this By-Law are hereby repealed including By-Law 2006-45.

Read a first and second time this 26th day of November, 2018.



Ronald E. Holman
Mayor

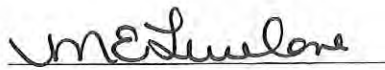


Mary Ellen Truelove
Clerk

Read a third time and finally passed this 26th day of November, 2018.



Ronald E. Holman
Mayor



Mary Ellen Truelove
Clerk



Policy Number: TREAS-2018-11-12
Sub Department: Treasury

Policy Name:
Private Road Grant Policy

Developed by: C. Laprade, Treasurer Date: November 22, 2018

Reviewed by: Date:

Approved by: Date:

Resolution Number: Effective: November 26, 2018

Cross Reference: By-Law #2018-56 (new) Revisions:
By-Law#2006-45 (rescinded)
Replaces: Policy Statement 2006

Policy Statement and Rational:

To establish the process and criteria for the awarding of Private Road Grants which are to be used to help offset costs for capital improvements and maintenance of private roads with the Township of Rideau Lakes.

Scope:

All private roads in the Township of Rideau Lakes.

Definitions:

Administrative Costs: Overhead costs of the association, e.g. insurance, office supplies, salaries, if any and similar types of costs. Expenses not directly related to road improvement or maintenance.

Application Due Date: March 15th

By-Law Breach: Includes, but is not limited to, incorrect or misleading information on the application, use of the funds by the association in a manner inconsistent with this policy; knowingly issuing a false attestation on the application.

Capital Improvements: Expenditures made on the private road to improve the road, where the improvement lasts longer than one year, e.g. surface treatments, gravel, grading and culvert replacement.

Schedule A

Executive of Association: President, Secretary, Treasurer;

Private Road: Private roads are those rights-of-way which provide access to two or more properties but which have not been assumed by the Township for maintenance purposes.

Road Maintenance: Snow plowing, ditching, hard-top maintenance, roadside maintenance, loose-top maintenance, etc. Costs directly for the maintenance of the road.

Policy, Procedure and Implementation:

1. Responsibilities:

a. Municipal Council

Municipal Council shall:

- i. Approve the amount of funds available each year for Private Road Grants during budget deliberation;
- ii. Review all suspected breaches of By-Law to determine if breach and set penalty in accordance with Policy;
- iii. Approve the Road Grant Policy, By-Law and any future revisions.

b. Treasurer

The Treasurer shall:

- i. Receive all applications before March 15th of the year in which the payments are to be made;
- ii. Determine if all documentation required has been received;
- iii. Bring any suspected breaches of By-Law to Council for determination of breach and penalty;
- iv. Determine eligibility for a road grant based on this policy;
- v. Confirm the number of kilometers for each application received;
- vi. Determine the amount to be paid to each applicant;
- vii. Issue payments to each eligible applicant prior to May 31st.

2. Eligibility for Application:

- a. An association which represents two thirds of all properties that use a private road(s);
- b. An association can represent multiple distinct roads as long as all eligibility factors are met;
- c. The association must hold at least an Annual General Meeting; appoint officers; including a President, Secretary and Treasurer. These positions cannot be held by the same person;
- d. A bank account must be held for the exclusive use of the road association and must have a two signing officers, e.g. President and Treasurer. Two signatures must be required to remove funds from the account. If on-line payments or other forms of payment are made both signatories must sign off on the invoice for payment and be included with documents attached to application;
- e. The executive of the association, e.g. President, Secretary, Treasurer, must not be from the same residence;
- f. Minutes for all association meetings must be taken and stored appropriately;
- g. The kilometers of road should be provided however Township staff are ultimately responsible for determining the private road length for grant purposes;
- h. Completed applications should be addressed to the Treasurer and must be received by **March 15th** of each year. Applications received after this date will not be processed. No application will be considered for previous year(s).
- i. Grants are dependent upon their inclusion in and Council acceptance of the annual Township budget and payment will normally be made in April/May.

Schedule A

3. Applications:

A completed application form must be provided. See Schedule B to this policy. The information requested in the form is as follows:

- a. The name of the Private Road Association and Name of the Road(s) (if different)
- b. Year of Application
- c. Identification if this is the first year of application for a private road grant. If it is the first year of application the following must be included with the application.
 - i. Copy of December 31st, or most recent bank statement;
 - ii. List of all members on the association, including civic addresses and positions, e.g. Treasurer, etc.;
 - iii. Copy of the minutes for the creation of the association or other appropriate establishing documentation such as constituting by-law, etc.
- d. Name and contact information for the President and Treasurer;
- e. Number of kilometers of private roads included in application;
- f. Number of properties accessed by the private road(s);
- g. Number of members of the association representing the above noted properties;
- h. Name of the Financial Institution where the bank account is held;
- i. Attestation by the President or Treasurer of the following:
 - i. A bank account is held specifically for the use of the private road association;
 - ii. Meetings are held by the Association at least once per year;
 - iii. Minutes are taken of these meetings and are on file for review should the Township request a review of the minutes;
 - iv. A list of the members, names, addresses and positions is available and updated annually, if required and is available for review should the Township request a review;
 - v. All procurement was done to ensure best value for each dollar spent.
- j. Copies of receipts equal to, or exceeding, the grant provided must be attached to the application;
- k. If funds are being held from one year to the next in order to fund a large capital improvement project this needs to be identified.

4. Eligible and Ineligible Expenses:

All procurement shall ensure best value for each dollar spent.

Eligible Expenses:

- a. Capital Improvements
- b. Road Maintenance

Ineligible Expenses:

- a. Administrative costs of association;
- b. Any cost not directly associated with the maintenance or improvement of the private road.

5. Penalty for Breach of By-Law

- a. All sanctions are determined by Council;
- b. Minor or first time breach – association may be excluded from receiving funds in the following year of the breach and executive cannot be the same in the next application year following breach if an application for funds is made;
- c. Serious breach and/or multiple breaches – may result in parties or roads being completely excluded from any future Private Road Grant process.

Schedule B

NAME OF ASSOCIATION: _____



Private Road Grant Application:

Requirements and Guidelines

It is important to read the Private Road Grant Policy before completing and submitting your Private Road Grant Application to the Township. Applications that do not contain all the required documentation, as detailed below, will be considered incomplete and ineligible to receive a Private Road Grant.

PLEASE COMPLETE THE FOLLOWING INFORMATION:

1. Name of Private Road Association: _____
2. Year of Application: _____
3. Is this the first year to request a Private Road Grant? (Yes/No) _____ If yes, please include all documentation requested in item number 18 below.
4. President Name/Phone#/email address: _____

5. Treasurer Name/Phone#/email address: _____

6. Number of Kilometers of Private Road(s): _____
7. Name of Road(s): _____
8. Number of properties on road (s): _____
9. Number of properties represented with members on association: _____

The Treasurer to attest to the following:

10. A current bank account is held specifically for use by the association: Initials: _____
11. The name of Financial Institution? _____
12. Association meetings were held during the year: Initials: _____
13. Minutes were taken and are on file and available for viewing: Initials: _____
14. There is a current list of a members of the association: Initials: _____
15. All procurement was done to ensure best value for dollar spent: Initials: _____

Schedule B

16. If the funds have not been spent provide proof that funds are still in the bank account by providing a copy of the December 31st bank statement, or Treasurer to attest to the fact the funds are still in the bank account: Initials: _____ And:

17. Identify what the funds are being held for: _____

18. Copies of receipts for expenses incurred in the prior year for an amount equal to or greater than the amount of the grant received are attached to this application: (Yes/No) _____
(Copies of receipts must be attached to application – receipts should indicate name of company, the work done and the location of the work)

19. Identify the proposed use of the funds requested. _____

20. If this is the first year for a Road association the following items must be included with the application: Copy of bank statement dated December 31 or if account only recently opened, copy most recent statement; List of all members of the association, including civic addresses and positions; a copy of the minutes creating the association or other appropriate establishing documentation such as constitution by-law, etc.

19. Executive of Association:

President Name – Print

President Signature

Date

Treasurer Name – Print

Treasurer Signature

Date

Secretary Name – Print

Secretary Signature

Date