

THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

BY-LAW NO. 11-999

Being a by-law to authorize the Mayor and Clerk to execute an agreement for the joint purchase and maintenance of an air compressor with the City of Temiskaming Shores, the Towns of Cobalt and Latchford, and the Townships of Armstrong, Casey, Harley, Kerns, Hudson, and Coleman.

WHEREAS under Section 8 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS under Section 9 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, 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 Council of the Municipality of Temagami deems it advisable to enter into an agreement with area municipalities for the joint purchase and maintenance of an air compressor for the use of their respective fire departments or emergency teams;

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

1. That the Mayor and Clerk are hereby authorized and directed to execute the agreement attached hereto as Schedule "A" to this bylaw.
2. This bylaw shall come into force and take effect upon final passing thereof.
3. That the Clerk of the Municipality of Temagami is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the by-law and schedule, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

BE TAKEN AS READ A FIRST time on this 28th day of April, 2011

READ A SECOND AND THIRD time and finally passed this 28th day of April, 2011


MAYOR

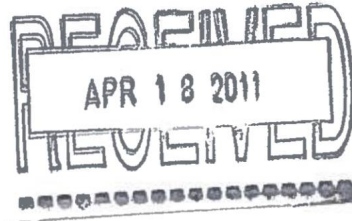

CLERK

April 13, 2011

Municipality of Temagami
P.O. Box 220
7 Lakeshore Drive
Temagami, Ontario
P0H 2H0

Attention: Elaine Gunnell, Clerk

Dear Ms. Gunnell:



Fite OteeomingOOther

Mayor ☐

Council ☐

CAOO

Bulging ☐

Finance OS DC

EcOev OS DC

Parka & Rec QS DC

Planning CIS DC

Public Wks OS DC

PPPD

Social Services ☐

G_-----

a_-----

RE: AIR COMPRESSOR AGREEMENT

At the Regular Meeting held April 5, 2011, Council passed By-law No. 2011-043, being a by-law to enter into a Maintenance Agreement between the City of Temiskaming Shores and the Towns of Cobalt and Latchford, the Townships of Armstrong, Casey, Harley, Kerns, Hudson, and Coleman and the Municipality of Temagami for the joint purchase and maintenance of an air compressor, a certified true copy of which is attached.

Please find enclosed one full copy of the said agreement for your review and execution which I ask you to retain for your records, as well as one extra copy of the signature page for your execution which I ask you to return to my attention for our by-law file.

Should you have any questions concerning this agreement, please do not hesitate to contact Tim Uttley at (705) 672-3363 ext. 4133.

Yours truly,

Suzanne Weiss
Municipal Clerk
SW/lm

Enclosures

c.c.: Tim Uttley, Fire Chief

THE CORPORATION OF THE CITY OF TEMISKAMING SHORES
BY-LAW NO. 2011-043
BEING A BY-LAW TO ENTER INTO A MAINTENANCE AGREEMENT
BETWEEN THE CITY OF TEMISKAMING SHORES AND THE TOWNS OF COBALT
AND LATCHFORD, THE TOWNSHIPS OF ARMSTRONG, CASEY, HARLEY, KERNS,
HUDSON, AND COLEMAN AND THE MUNICIPALITY OF TEMAGAMI
FOR THE JOINT PURCHASE AND MAINTENANCE OF AN AIR COMPRESSOR.

WHEREAS under Section 8 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS under Section 9 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, 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 under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS at its Regular Meeting held on March 15, 2011, Council for The Corporation of the City of Temiskaming Shores acknowledged receipt of Administrative Report No. PPP-002-201 1 and passed a resolution authorizing staff to prepare the necessary by-law to enter into a maintenance agreement with the Towns of Cobalt and Latchford, the Townships of Armstrong, Casey, Harley, Kerns, Hudson, and Coleman and the Municipality of Temagami for the joint purchase and maintenance of an air compressor;

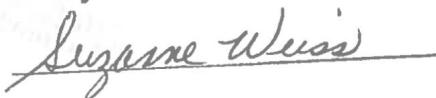
AND WHEREAS the Council of The Corporation of the City of Temiskaming Shores deems it necessary to enter into a maintenance agreement with area municipalities for the joint purchase and maintenance of an air compressor;

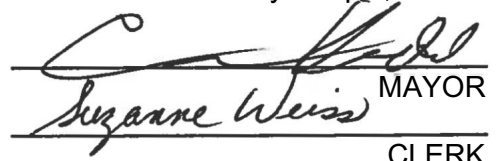
NOW THEREFORE the Council of The Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That the Mayor and Clerk be authorized to execute a maintenance agreement with the Towns of Cobalt and Latchford, the Townships of Armstrong, Casey, Harley, Kerns, Hudson, and Coleman and the Municipality of Temagami for the joint purchase and maintenance of an air compressor, a copy of which is attached hereto as Schedule "A" and forms part of this by-law.
2. That the Clerk of the City of Temiskaming Shores is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the by-law and schedule as may be deemed necessary after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

READ A FIRST, SECOND and THIRD TIME and FINALLY PASSED this 5th day of April, 2011.

Certified True Copy
City of Temiskaming Shores


Suzanne Weiss


MAYOR
CLERK



Schedule “A” to By-law No. 2011-043

**BEING A BY-LAW TO ENTER INTO A MAINTENANCE AGREEMENT
BETWEEN THE CITY OF TEMISKAMING SHORES AND
THE TOWNS OF COBALT AND LATCHFORD,
THE TOWNSHIPS OF ARMSTRONG, CASEY, HARLEY, KERNS,
HUDSON, AND COLEMAN AND
THE MUNICIPALITY OF TEMAGAMI
FOR THE JOINT PURCHASE AND MAINTENANCE
OF AN AIR COMPRESSOR.**

AIR COMPRESSOR AGREEMENT 2011

WITNESSETH THAT:

- 1.1 The parties to this agreement are a municipal corporation.
- 1.2 The parties wish to provide on a per capita basis, a cost sharing sum for the joint purchase of the Jordair/Bauer 10 HP 230/1/60 breathing air compressor, serial #10P07331/07 (the "Compressor") which is located at Station #1 Haileybury of the Temiskaming Shores Fire Department as outlined in APPENDIX "A".
- 1.3 The parties also wish to provide for the joint maintenance of the Jordair/Bauer 10 HP 230/1/60 breathing air compressor, Serial #10P07331/07 (the "Compressor") which is located at Station #1 Haileybury of the Temiskaming Shores Fire Department, and its use by the parties for the charging of air cylinders for the use of their respective fire departments or emergency teams.

NOW THEREFORE, THE PARTIES DO HEREBY AGREE AS FOLLOWS:

- 2.1 Each of the parties hereto, who remain in good standing with respect to the annual maintenance fees, shall be entitled to have breathable air cylinders recharged by the Temiskaming Shores Fire Department for the life of the compressor.
- 2.2 Each of the parties hereto shall pay to The Corporation of the City of Temiskaming Shores the sum as outlined in APPENDIX "A" for the purchase of the *Compressor*. Such funds shall not be paid later than June 30, 2011. These funds shall be used solely for the purchase of the *Compressor*.
- 2.3 Each of the parties hereto shall also pay to The Corporation of the City of Temiskaming Shores the sum of \$200.00 per year for the maintenance of the *Compressor*. Such funds shall be paid not later than January 31 of each year. These funds shall be set aside solely for use in the maintenance of the *Compressor*.
- 2.4 The Corporation of the City of Temiskaming Shores shall be responsible for all required maintenance of the *Compressor* including its filters and cascade system, and shall have air quality tests completed bi-annually by qualified technicians.
- 2.5 The Corporation of the City of Temiskaming Shores shall recharge without further fee all air cylinders delivered to it by another party to this agreement which are used during emergency or training activities. Each party shall be responsible for the transportation of its air cylinders to and from the Temiskaming Shores Fire

AIR COMPRESSOR AGREEMENT 2011

Department. Each party shall ensure that positive identification is attached to all air cylinders delivery by it. Upon delivery the cylinders shall be recharged and made available to the delivering party within 24 hours.

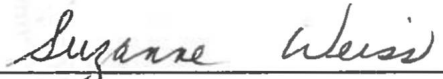
- 2.6 The parties hereto do hereby release the Temiskaming Shores Fire Department and The Corporation of the City of Temiskaming Shores, their agents, employees and contractors of any and all liability pertaining to or in any way related directly or indirectly to the recharging of breathable air cylinders or damage to air cylinders during the course of recharging.
- 2.7 This agreement shall terminate on the 31st day of December, 2020 unless renewed by the parties in writing.
- 2.8 Any party hereto may terminate or opt out of the agreement by providing a thirty (30) day written notice.
- 2.9 Any party hereto who opts out of the agreement shall forfeit any rights or claim for compensation towards joint ownership of the compressor unless otherwise agreed to by the parties of the agreement.
- 2.9 This agreement shall be binding upon the parties hereto and their successors and assigns.

IN WITNESS WHEREOF THE PARTIES HERETO HAVE SET THEIR HANDS:

THE CORPORATION OF THE CITY OF TEMISKAMING SHORES



Mayor



Clerk

THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI



Mayor



Clerk

APPENDIX "A"

City of Temiskaming Shores Cost Sharing of Air Compressor

Cost of Air Compressor: \$28,652.40
(includes PST)

	Population Census 2006	Share Per Municipality
Casey	385	\$ 662.53
Harley	551	\$ 948.20
Hudson	462	\$ 795.04
Kerns	325	\$ 559.28
Armstrong	1,155	\$ 1,987.60
Tem Shores	10,732	\$ 18,468.32
Cobalt	1,229	\$2,114.94
Coleman	431	\$ 741.69
Latchford	446	\$ 767.51
Temagami	934	\$ 1,607.29
Total	<u>16,650</u>	<u>\$ 28,652.40</u>