

# **The Corporation of the Town of Tecumseh**

## **By-Law Number 2021 - 05**

Being a by-law to authorize the execution of Minutes of Settlement with the Windsor Utilities Commission and the City of Windsor concerning the Water Servicing Agreement between the parties.

**Whereas** the Windsor Utilities Commission (WUC), The Corporation of the Town of Tecumseh (Tecumseh) and the City of Windsor (Windsor) are parties to an agreement dated October 2004, amended in writing dated January 16, 2006, (both together with the Minutes of Settlement dated August 14, 2018) concerning the provision of water by WUC to Tecumseh (Agreement);

**And Whereas** there was a dispute between WUC and Tecumseh concerning the interpretation and application of the Agreement;

**And Whereas** in accordance with Part 10 of the Agreement, WUC and Tecumseh submitted the dispute to the Hon. Warren Winkler, Q.C. for mediation and arbitration;

**And Whereas** the dispute was mediated by the Hon. Warren Winkler, Q.C. in August 2018 which resulted in Minutes of Settlement dated August 14, 2018 (which were later ratified by each of Tecumseh and WUC) and again in May 2019 and then further discussions between WUC and Tecumseh ensued; and

**And Whereas** WUC and Tecumseh are desirous of entering into Minutes of Settlement and that the Minutes of Settlement be the subject of an arbitral award by the Hon. Warren Winkler, Q.C.;

**And Whereas** the WUC and Tecumseh are desirous of entering into a Memorandum of Understanding of the Permanent Joint Staff Liaison Committee as required by Section 3(h) of the Agreement;

**And Whereas** under Section 5 of the Municipal Act 2001, S.O. 2001 c.25, the powers of a municipality shall be exercised by its Council by by-law;

**Now Therefore the Council of The Corporation of The Town of Tecumseh Enacts as follows:**

1. **That** the Mayor and the Clerk be and they are hereby authorized and empowered on behalf of The Corporation of the Town of Tecumseh, to execute the Minutes of Settlement between The Corporation of the Town of Tecumseh and the Windsor Utilities Commission dated the 22<sup>nd</sup> day of September, 2020, a copy of which Minutes of Settlement is attached hereto and forms part of this by-law and to do such further and other acts which may be necessary to implement the said Minutes of Settlement; and

2. **That** the Director Public Works & Environmental Services, Phil Bartnik; the Director Financial Services & Chief Financial Officer, Tom Kitsos; and Manager Water & Wastewater, Brad Dupuis be and they are hereby authorized and empowered on behalf of The Corporation of the Town of Tecumseh, to execute a Memorandum of Understanding of the Permanent Joint Staff Liaison Committee dated the 26th day of January, 2021, a copy of which Memorandum of Understanding is attached hereto and forms part of this by-law and to do such further and other acts which may be necessary to implement the said Memorandum of Understanding; and
3. **That** this by-law shall come into force and take effect upon on the date of the third and final reading thereof.

**Read** a first, second, third time and finally passed this 26th day of January, 2021.

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Gary McNamara, Mayor

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Laura Moy, Clerk