

The Corporation of the Town of Tecumseh

By-Law 2018-52

Being a by-law to authorize the execution of a Memorandum of Agreement between The Corporation of the Town of Tecumseh (Town), The Corporation of the City of Windsor (City) and The Windsor Utilities Commission (Commission)

WHEREAS The Corporation of the Town of Tecumseh (Town), The Corporation of the City of Windsor (City) and The Windsor Utilities Commission (Commission) are party to the Water Agreement entered into November 10, 2004, as amended January 16, 2006 (herein collectively, the “Agreement”);

AND WHEREAS the Commission and Town have agreed to be bound by the Agreement to mediate before the Honourable Warren K. Winkler, Q.C. dated August 13, 2018 and the City agreed to be bound by the agreement reached by the Commission and the Town;

AND WHEREAS pursuant to the mediation agreement the parties engaged in a mediation process on August 13th and 14th, 2018 at the conclusion of which tentative settlement of certain issues, subject to ratification in accordance with the provisions a mediation agreement were entered into;

And Whereas pursuant to s.5(3) of the *Municipal Act*, S.O. 2001, c.25 the powers of the municipality shall be exercised by by-law;

Now Therefore The Council of the Corporation of the Town of Tecumseh Hereby Enacts as Follows:

1. **That** the Mayor and the Clerk are hereby authorized and empowered to execute the Memorandum of Agreement dated the 14th day of August, 2018 between The Corporation of the Town of Tecumseh (Town), The Corporation of the City of Windsor (City) and the Windsor Utilities Commission (Commission), a copy of which Agreement 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 Agreement.
2. **That** this by-law shall come into full force and take effect on the date of the third and final reading thereof.

Read a first, second and third time, and finally passed this 11th day of September, 2018.

Gary McNamara, Mayor

SEAL

Laura Moy, Clerk

Memorandum of Agreement made this 14th day of August 2018

AMONG:

THE WINDSOR UTILITIES COMMISSION

“The Commission”

-and-

THE CORPORATION OF THE TOWN OF TECUMSEH

“Tecumseh”

-and-

THE CORPORATION OF THE CITY OF WINDSOR

“Windsor”

WHEREAS the parties are party to the Water Agreement entered into November 10, 2004, as amended January 16, 2006 (herein collectively, the “Agreement”);

AND WHEREAS the Commission and Tecumseh have agreed to be bound by the agreement to mediate before the Honourable Warren K. Winkler, Q.C. dated August 13, 2018 and Windsor agreed to be bound by the agreement reached by the Commission and Tecumseh;

AND WHEREAS pursuant to the mediation agreement the parties have engaged in mediation process on August 13th and 14th, 2018 at the conclusion of which tentative settlement of certain issues, subject to ratification in accordance with the provisions of this agreement, were entered into;

THE PARTIES HEREBY AGREE AS FOLLOWS:

1. The Commission and Tecumseh will enter into a negotiating process with a view to clarifying, by amendment or otherwise, the provisions in the Agreement relating to Water Consumption Bulk Supply Rates and Summer Levy Bulk Supply Rates (herein collectively “Bulk Supply Rates”) for water supplied to Tecumseh, and any incidental provisions thereto.
2. The negotiating process shall begin not later than October 1, 2018 and shall conclude, unless agreed otherwise, on or before October 1, 2019. The Commission and Tecumseh shall prepare a list of issues and exchange them with each other with a view to settling upon a common list of issues relating to the proposed clarifications to the Agreement.
3. The parties shall thereafter engage in good faith negotiation with a view to narrowing the issues. This should occur, unless otherwise extended, on or before November 30, 2018.
4. Thereafter the parties shall engage in a mediation/arbitration process before the Honourable Warren K. Winkler, Q.C. at a time to be mutually agreed between the parties, hopefully, during the months of April and May 2019. The mediation/arbitration agreement will be in a form provided by the Honourable Warren K. Winkler, Q.C. in consultation with the parties.
5. The Bulk Supply Rates for the Agreement for the years 2017 – 2026 inclusive shall be in accordance with the attached Schedule “A”.
6. This agreement is subject to ratification by the Commission and the Council of Tecumseh and upon such ratification shall become a valid and binding agreement between the parties, which the negotiating committees agree to recommend.
7. Windsor hereby acknowledges its prior agreement to be bound by the outcome of the mediation process undertaken by parties.

Schedule "A"

2017:	Water Consumption Rate: \$0.3601 per cubic meter Summer Levy Rate: \$0.2136 per cubic meter
2018:	Water Consumption Rate: \$0.3669 per cubic meter Summer Levy Rate: \$0.2176 per cubic meter
2019:	Water Consumption Rate: 2018 Water Consumption Rate + CPI Summer Levy Rate: 2018 Summer Levy Rate + CPI
2020:	Water Consumption Rate: 2019 Water Consumption Rate + CPI Summer Levy Rate: 2019 Summer Levy Rate + CPI
2021:	Water Consumption Rate: 2020 Water Consumption Rate + CPI Summer Levy Rate: 2020 Summer Levy Rate + CPI
2022:	Water Consumption Rate: 2021 Water Consumption Rate + CPI Summer Levy Rate: 2021 Summer Levy Rate + CPI
2023:	Water Consumption Rate: 2022 Water Consumption Rate + CPI Summer Levy Rate: 2022 Summer Levy Rate + CPI
2024:	Water Consumption Rate: 2023 Water Consumption Rate + CPI Summer Levy Rate: 2023 Summer Levy Rate + CPI
2025:	Water Consumption Rate: 2024 Water Consumption Rate + CPI Summer Levy Rate: 2024 Summer Levy Rate + CPI
2026:	Water Consumption Rate: 2025 Water Consumption Rate + CPI Summer Levy Rate: 2025 Summer Levy Rate + CPI