



TOWN OF TECUMSEH REGIONAL WASTE DISCUSSION

March 14, 2023



Essex-Windsor Solid Waste Authority

- ▶ The Essex-Windsor Solid Waste Authority is a Joint Board of Management created by the Corporation of the County of Essex and the Corporation of the City of Windsor pursuant to a 1994 agreement, to establish, operate and manage the Regional Landfill, recycling and waste diversion programs
- ▶ With the exception of waste collection, all other waste programs are already managed on a regional basis, including:
 - ▶ Regional promotion & education programs (Recycle Coach app, collection calendars, etc.);
 - ▶ Regional landfill management;
 - ▶ Regional leaf and yard waste composting;
 - ▶ Regional appliance (aka White Goods) pickup;
 - ▶ Regional recycling collection and processing; and
 - ▶ Regional depots for disposing of waste, recyclables, electronics, chemicals, etc.

County of Essex - By-law No. 2847

- ▶ The regional programs outlined on the previous slide were taken over by the County, or implemented by the County on a regional basis, following the lower tier municipalities that existed in 1990 uploading waste matters to the County.
- ▶ On September 19, 1990, pursuant to the provisions of Section 209 of the *Municipal Act*, R.S.O. 1980, c. 303, the County assumed by adoption of By-law No. 2847 all waste management powers of its lower tier municipalities except for “sewage sludge”, the “collection of waste” and the delivery of waste.
- ▶ The exceptions carved out of By-law No. 2847 is the historic reason for the lower tiers continuing to treat their own sewage waste and manage their own garbage collection, while the County handles every other waste matter on a regional basis.

Essex-Windsor Solid Waste Authority

- The 1994 agreement includes the following as it relates to waste collection:

Section 5 (q) - Powers and Obligation of the Authority

- (i) It is understood and agreed that, until otherwise determined by the parties hereto, waste collection and recycling collection within the City of Windsor, as well as operations at the City of Windsor Waste Transfer Station, will remain the responsibility of the City of Windsor.*
- (ii) It is understood and agreed that, until otherwise determined by the parties hereto, waste collection in the County of Essex will remain the responsibility of the individual local municipalities.*
- (iii) Despite paragraphs (i) and (ii) above, the Authority may enter into agreements with either the City or the County respecting the purchase of a waste management service, subject to such terms and conditions as may be agreed upon.*

County of Essex

- ▶ At the March 16, 2022 meeting, Essex County Council resolved the following:

That County Council advise the EWSWA prior to March 31, 2022, that all Essex County municipalities will participate in a regional solution for the collection and processing of organic waste material from urban settlement areas, at a minimum, as part of the short-term processing contract commencing January 1, 2025 or immediately upon the expiration of a municipality's existing waste collection contract, whichever is later.

County of Essex

- ▶ Further at the June 15, 2022 meeting, Essex County Council unanimously resolved the following:

That Essex County Council direct Administration to work with the Essex-Windsor Solid Waste Authority (EWSWA) to prepare a report on potential cost savings to be realized by transferring the jurisdiction of garbage collection from local municipalities to the County and ultimately to EWSWA, to manage garbage collection services for the County municipalities.

That Essex County Council direct Administration to conduct consultations and seek formal concurrence from each local municipality, in accordance with Section 189(2) of the Municipal Act, 2001, to transfer the jurisdiction of garbage collection, and examine the individual potential impacts of recovering fees for all waste and/or organic collection and disposal from a user fee pay system to a tax levy billing system.

Regional Waste - Financial

- ▶ Waste collection contracts are currently negotiated and held at the local level
- ▶ Terms/prices vary and range from expirations in 2022 through to 2027 and at values from \$650,000 to \$1,7Million
- ▶ Recent tendering results indicate significant contract increases
- ▶ Anticipated advantages to regionalizing:
 - ▶ Economies of scale
 - ▶ Streamlining service delivery and improving administration efficiencies
 - ▶ Standardization of service levels
 - ▶ Incentivizing green household practices

Logistical Considerations

- ▶ Economies of Scale
 - ▶ Goal to align all contracts to a unified term
 - ▶ Can existing contracts be transferred to EWSWA?
 - ▶ Can existing contracts be exited? If so, at what cost/penalty?
- ▶ Streamlining Service Delivery and Improving Administration Efficiencies
 - ▶ Customer service response moved to EWSWA (communication/education of public)
 - ▶ Contract negotiation for region rather than 7 times over
 - ▶ Administrative capacity regained at local level

Logistical Considerations Cont'd

- ▶ Standardizing service levels
 - ▶ Frequency of collection (weekly, bi-weekly)
 - ▶ Quantity of collection (bag tags, no limits)
 - ▶ Timing of collection (4am, 6am, 7am...)
 - ▶ Additional services (yard waste, Christmas Tree programs, bulk items)
- ▶ Incentivizing greener household practices
 - ▶ Frequency of collection linked to organics
 - ▶ Leveraging EWSWA education/promotion resources
 - ▶ Tracking service statistics to drive engagement and program improvement

County of Essex – Legal Framework

- ▶ Should the lower tier municipalities decide that they wish for the County to assume responsibility for garbage collection, By-law No. 2847 would have to be repealed and replaced with a new By-law that no longer makes an exception for the collection and delivery of waste.
- ▶ The lower tier municipalities would have to largely be supportive of the measure as well. However, not all lower tier municipalities would have to be supportive in order for the collection and delivery of waste to be uploaded.
- ▶ The precise process for uploading a service such as the collection and delivery of waste from the lower tiers to the County is outlined in Section 189 and 190 of the *Municipal Act, 2001*.

County of Essex – Legal Framework

- Sections 189 and 190 of the *Municipal Act, 2001*, provides as follows:

Transfer of power to upper-tier

189(1) An upper-tier municipality may pass a by-law to provide for,

- (a) the transfer of all or part of a lower-tier power to the upper tier municipality from one or more of its lower tier municipalities which are specified in the by-law; and
- (b) transitional matters to facilitate the assumption of the lower-tier power.

County of Essex – Legal Framework

Conditions

189(2) A by-law under subsection 1 shall not come into force unless,

- (a) a majority of all votes on the council of the upper tier municipality are cast in its favour;
- (b) a majority of the councils of all the lower-tier municipalities forming part of the upper tier municipality for municipal purposes have passed resolutions giving their consent to the by-law; and
- (c) the total number of electors in the lower-tier municipalities that have passed resolutions under clause (b) form a majority of all the electors in the upper-tier municipality.

County of Essex – Legal Framework

No repeal

189(3) A provision of a by-law passed under clause (1)(a) shall not be repealed in whole or in part after it comes into force.

Exception

189(4) Despite subsection (3), if a by-law of an upper-tier municipality passed under subsection (1) is in force, the by-law shall be deemed to be repealed to the extent it conflicts with a by-law of a lower-tier municipality passed under section 191 which comes into force at a later date.

County of Essex – Legal Framework

Effect of by-law

190(1) When a by-law passed under Section 189 comes into force,

- (a) the upper-tier municipality may exercise the transferred lower-tier power of the lower-tier municipalities specified in the by-law;
- (b) a lower-tier municipality specified in the by-law and its local boards are bound by the by-law and no longer have power to exercise the transferred lower-tier power;

County of Essex – Legal Framework

- (c) an existing by-law or resolution of a lower-tier municipality and its local boards that relate to the transferred lower-tier power shall, to the extent it applies in any part of the lower-tier municipality, be deemed to be a by-law or resolution of the upper-tier municipality; and
- (d) the existing by-law or resolution referred to in clause (c) shall remain in force in that part of the lower-tier municipality until the earlier of two years after the transfer by-law comes into force and the day the existing by-law or resolution is repealed by the upper-tier municipality.

County of Essex – Next Steps

If the consensus among the lower tier municipalities is that the County should take over garbage collection and operate it as a regional program, the following is required:

- (1) The County would have to pass a By-law that is (a) eventually supported by (a) a majority of the lower-tier municipalities and (b) those lower tier municipalities that pass a resolution in support would have to comprise a majority of all electors in the County;
- (2) If the County chooses to contract with EWSWA to handle the garbage collection, an amendment to the EWSWA Agreement to permit this would likely be required;
- (3) Direction would have to be given to EWSWA to stop invoicing the lower tier municipalities and invoice the County instead; and
- (4) EWSWA would need to revise its operational plan and obtain City and County approval for same.

County of Essex – Next Steps

If the consensus among the lower tier municipalities is that the County should **NOT** take over garbage collection and operate it as a regional program, the following is required:

- (1) Based on direction from County Council, the County would still need to pursue a regional approach to organics collection, and would need input from the lower-tier municipalities about the issues with having charges for a regional organics program added to the general levy;
- (2) Direction would have to be given to EWSWA to invoice the County and not to invoice the lower tier municipalities for this regional program; and
- (3) EWSWA would still need to revise its operational plan and obtain City and County approval for same.

Funding Model Options

User Fee Based

- ▶ Links usage of service to cost to provide service
- ▶ Supports environmentally friendly household practices (similar to water billing model/conservation)
- ▶ User fee supported services are charged only to those who have access to the service

General Levy Based

- ▶ Links Current Value Assessment (CVA) to cost to provide service
- ▶ Higher the CVA the higher the proportion of costs paid for regional service
- ▶ General levy supported services should be accessible to all equally

Next Steps

- ▶ Presentation to County Council (new term of council).
- ▶ Circulation of a draft County By-law for lower tier municipalities to provide comments on.
- ▶ Identification of additional information required from EWSWA and/or County.
- ▶ Individual meetings with each local if requested.
- ▶ Timing of administrative reports to local councils.

Questions?

Thank You

Sandra Zwiers – County of Essex – Director of Finance/Treasurer

David Sundin – County of Essex - Solicitor

Michelle Bishop – EWSWA – General Manager