

The Corporation of the Town of Tecumseh

By-Law Number 2018 – 60

Being a by-law to authorize the execution of a Source Protection Transfer Agreement between The Corporation of the Town of Tecumseh (Municipality) and the Towns of Amherstburg, Essex, Kingsville, Lakeshore, LaSalle, the Municipalities of Chatham-Kent and Leamington, Township of Pelee, the Corporation of the City of Windsor and the Essex Region Conservation Authority

Whereas the Parties, save and except the Municipality of Chatham-Kent, entered into an agreement dated as of October 1, 2015, for the purpose of developing and implementing a joint program for the enforcement and jurisdictional rights under Part IV of the Clean Water Act (Majority Agreement);

And Whereas the Municipality of Leamington and the Essex Region Conservation Authority (ERCA) entered into an amending agreement dated January 25, 2016;

And Whereas the Town of Tecumseh and ERCA entered into an amending agreement dated January 2016;

And Whereas ERCA and the Municipality of Chatham-Kent entered into an amending agreement dated October 1, 2015, on similar terms and condition as the agreement with the other Parties (Chatham-Kent Agreement);

And Whereas pursuant to Section 7.2 of the Majority Agreement and the Chatham-Kent Agreement, ERCA can initiate a renewal of the each agreement no later than 120 days prior to expiry of the term set out in Section 7.1;

And Whereas pursuant to Section 7.4 of the Majority Agreement and the Chatham-Kent Agreement amendments may only be made by mutual 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 a Source Protection Transfer Agreement between The Corporation of the Town of Tecumseh and the Towns of Amherstburg, Essex, Kingsville, Lakeshore, LaSalle; the Municipalities of Chatham-Kent and Leamington; Township of Pelee, the Corporation of the City of Windsor and the Essex Region Conservation Authority, dated the 1st day of October, 2018, 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. **And 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 and third time and finally passed this 9th day of October, 018.

Gary McNamara, Mayor

Laura Moy, Clerk

AMENDMENT 2018

SOURCE PROTECTION PLAN PART IV ENFORCEMENT TRANSFER AGREEMENT

THIS AMENDEMENT 2018 made effective the first day of October, 2018.

BETWEEN:

THE TOWN OF AMHERSTBURG	OF THE FIRST PART
- and -	
THE TOWN OF ESSEX	OF THE SECOND PART
- and -	
THE TOWN OF KINGSVILLE	OF THE THIRD PART
- and -	
THE TOWN OF LAKESHORE	OF THE FOURTH PART
- and -	
THE TOWN OF LASALLE	OF THE FIFTH PART
- and -	
THE MUNICIPALITY OF LEAMINGTON	OF THE SIXTH PART
- and -	
THE TOWNSHIP OF PELEE	OF THE SEVENTH PART
- and -	
THE TOWN OF TECUMSEH	OF THE EIGHT PART
- and -	
THE CORPORATION OF THE CITY OF WINDSOR	OF THE NINTH PART
- and -	
THE MUNICIPALITY OF CHATHAM-KENT	OF THE TENTH PART
(hereinafter individually referred to as a "Municipality" and cumulatively referred to as "the Municipalities")	
- and -	
THE ESSEX REGION CONSERVATION AUTHORITY	OF THE ELEVENTH PART
(hereinafter called "the Authority")	

WHEREAS the Parties, save and except the Municipality of Chatham-Kent, entered into an agreement dated as of October 1, 2015 for the purpose of developing and implementing a joint program for the enforcement and jurisdictional rights under Part IV of the *Clean Water Act* (the "Majority Agreement"); and

WHEREAS the Corporation of the Municipality of Leamington and the Essex Region Conservation Authority entered into an amending agreement dated January 25, 2016, the "Leamington Amendment"; and

WHEREAS the Town of Tecumseh and the Essex Region Conservation Authority entered into an amending agreement dated January 2016, the "Tecumseh Amendment"; and

WHEREAS The Essex Region Conservation Authority and the Municipality of Chatham-Kent entered into an agreement dated as of October 1, 2015 on similar terms and conditions as the

agreement with the other parties (the "Chatham-Kent Agreement"); and

WHEREAS pursuant to Section 7.2 of the Majority Agreement and the Chatham-Kent Agreement, the Authority can initiate a renewal of each agreement no later than 120 days prior to expiry of the term set out in Section 7.1; and

WHEREAS pursuant to Section 7.4 of the Majority Agreement and the Chatham-Kent Agreement, amendments may only be made by mutual agreement;

NOW THEREFORE in consideration of the contractual relationship between the Authority and the Municipalities referred to above and for other good and valuable consideration, the receipt and sufficiency of which is hereby expressly acknowledged by all Parties, the Authority and the Municipalities hereby acknowledge, agree and undertake as follows:

1. The Municipality of Chatham-Kent agrees to be bound by the terms of the Majority Agreement and the amends thereto stated herein
2. The Majority Agreement subject to the Leamington Amendment and the Tecumseh Amendment, is amended as follows:
 - a. The Municipality of Chatham-Kent is added as a party of the Majority Agreement.
 - b. This Amendment 2018 shall amend the Majority Agreement having an effective date of October 1, 2018 and shall extend the Majority Agreement for a period of 3 years and 3 months, ending the 31st day of December 2021.
 - c. The Thames-Sydenham and Region Source Protection Region is added to Section 1.3 so that the Authority will act as agent of the Municipality for the duties and enforcement responsibilities of Part IV of the *Act* for those lands located within the Municipality that are situated wholly or partially within the Essex Region Source Protection Region or the Thames-Sydenham and Region Source Protection Region
 - d. To the list of addresses in Section 9.5, the following is added:

To the Municipality of Chatham-Kent:

315 King Street West
Chatham, ON N7M 5K8
Attention: Chief Legal Officer

- e. Schedule "A" (cost estimates and accounting), as set out in the Majority Agreement are deleted in their entirety and replaced with the following:

Schedule A: Cost Estimates and Accounting			
Municipality	Shared Costs	Direct Costs	Total Costs
Amherstburg	\$7,789	\$1,879	\$9,668
Town of Essex	\$9,110	\$4,367	\$13,477
Kingsville	\$16,505	\$18,293	\$34,798
Lakeshore	\$9,817	\$5,699	\$15,516
Lasalle	\$7,504	\$1,343	\$8,847
Leamington	\$29,687	\$43,112	\$72,799
Pelee	\$6,996	\$386	\$7,382
Tecumseh	\$7,912	\$2,112	\$10,024
Windsor	\$9,429	\$4,969	\$14,398
Chatham-Kent	\$8,427	\$3,082	\$11,509
TOTAL	\$113,176	\$85,242	\$198,418

3. All other terms and conditions of the Majority Agreement shall remain in full force and effect unchanged and unmodified except in accordance with this Amendment 2018.
4. Execution of Agreement; Counterparts; Electronic Signatures
- a. This Agreement may be executed in several counterparts, each of which shall be deemed an original and all of which shall constitute one and the same instrument, and shall become effective when counterparts have been signed by each of the Parties and delivered to the other Parties; it being understood that all Parties need not sign the same counterparts.
 - b. The exchange of copies of this Agreement and of signature pages by electronic transmission in "portable document format" (".pdf") form, or by any other electronic means intended to preserve the original graphic and pictorial appearance of a document, or by combination of such means, shall constitute effective execution and delivery of this Agreement as to the Parties and may be used in lieu of the original Agreement for all purposes. Signatures of the Parties transmitted by electronic means shall be deemed to be their original signatures for all purposes.

ESSEX REGION CONSERVATION AUTHORITY

_____ Rick Fryer, Chair, Essex Region Conservation Authority	_____ Date
_____ Richard J.H. Wyma, General Manager/Secretary-Treasurer <i>I/We have authority to bind the Essex Region Conservation Authority.</i>	_____ Date

TOWN OF AMHERSTBURG

_____ Signature/Name/Title	_____ Date
_____ Signature/Name/Title <i>I/We have authority to bind the Town of Amherstburg.</i>	_____ Date

TOWN OF ESSEX

_____ Signature/Name/Title	_____ Date
_____ Signature/Name/Title <i>I/We have authority to bind the Town of Essex.</i>	_____ Date

TOWN OF KINGSVILLE

_____ Signature/Name/Title	_____ Date
_____ Signature/Name/Title <i>I/We have authority to bind the Town of Kingsville.</i>	_____ Date

TOWN OF LAKESHORE

_____ Signature/Name/Title	_____ Date
_____ Signature/Name/Title <i>I/We have authority to bind the Town of Lakeshore.</i>	_____ Date

TOWN OF LASALLE

_____ Signature/Name/Title	_____ Date
_____ Signature/Name/Title <i>I/We have authority to bind the Town of LaSalle.</i>	_____ Date

MUNICIPALITY OF LEAMINGTON

_____ Signature/Name/Title	_____ Date
_____ Signature/Name/Title <i>I/We have authority to bind the Municipality of Leamington.</i>	_____ Date

TOWNSHIP OF PEELE

_____ Signature/Name/Title	_____ Date
_____ Signature/Name/Title <i>I/We have authority to bind the Township of Pelee.</i>	_____ Date

TOWN OF TECUMSEH

_____ Signature/Name/Title	_____ Date
_____ Signature/Name/Title <i>I/We have authority to bind the Town of Tecumseh.</i>	_____ Date

THE CORPORATION OF THE CITY OF WINDSOR

_____ Signature/Name/Title	_____ Date
_____ Signature/Name/Title <i>I/We have authority to bind the City of Windsor.</i>	_____ Date

MUNICIPALITY OF CHATHAM-KENT

_____ Signature/Name/Title	_____ Date
_____ Signature/Name/Title <i>I/We have authority to bind the Municipality of Chatham-Kent.</i>	_____ Date