

Regular Council Meeting Agenda

Date: Tuesday, January 26, 2021, 7:00 pm

Location: Electronic meeting live streamed at: <https://video.isilive.ca/tecumseh/live.html>.

Pages

- A. Roll Call
- B. Order
- C. Report Out of Closed Meeting
- D. Moment of Silence
- E. National Anthem
- F. Disclosure of Pecuniary Interest
- G. Minutes
 - 1. Regular Council Meeting - January 12, 2021 4 - 15
 - 2. Special Council Meeting - January 13, 2021 - Budget 16 - 18
- H. Supplementary Agenda Adoption
- I. Delegations
- J. Communications - For Information
 - 1. Minister of Environment, Conservation and Parks dated January 11, 2021 19 - 20
Re: Conservation Authorities Working Group
 - 2. Municipality of West Grey dated January 13, 2021 21 - 22
Re: Schedule 8, Bill 229, Protect, Support and Recover from COVID-19
 - 3. Town of Lakeshore dated December 15, 2020 23 - 24
Re: ZBA-9-2020, Beachside Development Inc.

4.	Township of South-West Oxford dated January 11, 2021 Re: Automatic Speed Enforcement (Photo Radar)	25 - 25
5.	Township of Larder Lake dated January 12, 2021 Re: Municipal Insurance Costs	26 - 26
6.	County of Perth dated January 19, 2021 Re: Extension of Grant Deadlines	27 - 27
7.	United Counties of Stormont, Dundas & Glengarry dated January 18, 2021 Re: Small businesses to reopen with required health guidelines and protocols in place	28 - 28
8.	Municipality of Mississippi Mills dated January 18, 2021 Re: Request for Revisions to Municipal Elections	29 - 30
K.	Communications - Action Required	
L.	Committee Minutes	
M.	Reports	
1.	Corporate Services & Clerk	
a.	CS-2021-02 2020 Open and Closed Meetings	31 - 37
2.	Financial Services	
a.	FS-2021-01 Taxes Receivable - December 2020	38 - 42
3.	Public Works & Environmental Services	
a.	PWES-2021-01 Traffic Analysis - 2020 Radar Speed Surveys	43 - 47
b.	PWES-2021-02 Drainage Act Regulatory Proposal	48 - 68
N.	By-Laws	
1.	By-law 2021-04 Being a By-law to provide for the adoption of the estimates of all sums required (budget) for general municipal purposes for the Year 2021.	69 - 74
2.	By-law 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.	75 - 99

3.	By-law 2021-06	100 - 117
----	----------------	-----------

Being a by-law to authorize the execution of an Agreement between the Corporation of the Town of Tecumseh and Her Majesty the Queen in Right of Ontario as represented by the Solicitor General for the provision of police services.

O. Unfinished Business

1.	January 26, 2021	118 - 119
----	------------------	-----------

P. New Business

Q. Motions

1.	Rodent Control Subsidy Program	120 - 120
----	--------------------------------	-----------

This motion was brought forward by Councillor Andrew Dowie

2.	Confirmatory By-law	121 - 122
----	---------------------	-----------

R. Notices of Motion

S. Next Meeting

Tuesday, February 9, 2021

7:00 pm Regular Council Meeting

T. Adjournment

Regular Meeting of Council

Minutes

Date: Tuesday, January 12, 2021
Time: 7:00 pm
Location: Electronic meeting live streamed at:
<https://video.isilive.ca/tecumseh/live.html>.

Present:

Mayor, Gary McNamara
Deputy Mayor, Joe Bachetti
Councillor, Bill Altenhof
Councillor, Andrew Dowie
Councillor, Brian Houston
Councillor, Tania Jobin
Councillor, Rick Tonial

Also Present:

Chief Administrative Officer, Margaret Misk-Evans
Director Parks & Recreation Services, Paul Anthony
Director Public Works & Environmental Services, Phil Bartnik
Director Fire Services & Fire Chief, Wade Bondy
Director Information & Communication Services, Shaun Fuerth
Director Planning & Building Services, Brian Hillman
Director Financial Services & Chief Financial Officer, Tom Kitsos
Director Corporate Services & Clerk, Laura Moy
Deputy Clerk & Manager Legislative Services, Jennifer Alexander
Manager Strategic Initiatives, Lesley Reeves

A. Roll Call

B. Order

The Mayor calls the meeting to order at 7:00 pm.

C. Report Out of Closed Meeting

The Mayor reports that an electronic Closed meeting was held earlier this evening at 6:00 pm, which was closed to the public under Section 239 (2)(c) and (f) of the Municipal Act, 2001, which permits a meeting, or part of a meeting, to be closed to the public when the subject matter being considered is:

(c) a proposed or pending acquisition or disposition of land by the municipality or local board;

(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

At this meeting, Council received legal advice that is subject to solicitor-client privilege on a pending disposition of land by the municipality and direction was given to Administration.

D. Moment of Silence

The Moment of Silence is waived in light of the electronic holding of this meeting.

E. National Anthem

The National Anthem is waived in light of the electronic holding of this meeting.

F. Disclosure of Pecuniary Interest

Councillor Bill Altenhof declares a pecuniary interest in By-law 2021-01 in regards to appointing members to the Youth Advisory Committee as his children are referenced in the membership of this Committee.

G. Minutes

1. Regular Council Meeting - December 8, 2020

Motion: RCM - 01/21

Moved by Councillor Rick Tonial

Seconded by Deputy Mayor Joe Bachetti

That the December 8, 2020 minutes of the Regular Council Meeting, as were duplicated and delivered to the members, **be adopted**.

Carried

H. Supplementary Agenda Adoption

There are no Supplementary Agenda items presented to Council.

I. Delegations

There are no delegations presented to Council.

J. Communications - For Information

1. City of Hamilton dated November 24, 2020

Re: Temporary Cap on Food Delivery Service Charges

2. Municipality of Southwest Middlesex dated December 7, 2020

Re: Drainage Matters, CN Rail

3. Township of Perth South dated December 16, 2020

Re: Drainage Matters and CN Rail

- 4. Dufferin County dated December 14, 2020**
Re: Aggregate Resource Properties
- 5. Town of Orangeville dated December 8, 2020**
Re: Bill 229 - Conservation Authorities Act
- 6. Municipality of Chatham-Kent dated December 8, 2020**
Re: Bill 229 - Schedule 6, Conservation Authorities Act
- 7. Township of Lake of Bays dated December 16, 2020**
Re: Bill 229 - Conservation Authorities Act
- 8. Township of Puslinch dated December 8, 2020**
Re: Bill 229 - Schedule 6, Conservation Authorities Act
- 9. Town of Amherstburg dated December 22, 2020**
Re: Bill 229 - Protect, Support and Recover from COVID19 Act - Schedule 6 - Conservation Authorities Act
- 10. Township of Lake of Bays dated December 16, 2020**
Re: Bill 229, Conservation Authorities Act

Mayor informs the Members that a provincial task force is established to investigate further on this matter.
- 11. City of Hamilton dated November 24, 2020**
Re: Temporary Cap on Gas Plant and Greenhouse Gas Pollution
- 12. Town of Lincoln dated December 22, 2020**
Re: Cap on Gas Plant and Greenhouse Gas Pollution
- 13. Township of Matachewan dated December 14, 2020**
Re: Extension of Grant Application Deadlines
- 14. Town of Carleton Place dated December 14, 2020**
Re: COVID-19 and Childcare Funding Impacts
- 15. City of Port Colborne dated December 15, 2020**
Re: Proposed Regulation Under the Ontario Heritage Act (Bill 108)
- 16. Ministry of Children, Community and Social Services dated December 16, 2020**
Re: Building a Strong Foundation for Success: Reducing Poverty in Ontario (2020-2025)

- 17. Township of Lake of Bays dated December 16, 2020**
Re: AODA Website Compliance Extension Request
- 18. Town of Amherstburg dated December 22, 2020**
Re: Formal Endorsement of Bill C-213 The Canada Pharmacare Act
- 19. Town of Amherstburg dated December 22, 2020**
Re: Removal of Windsor International Airport from NAV Canada Closure List
- 20. Town of Amherstburg dated December 22, 2020**
Re: Development Approval Requirements for Landfills - Bill 197
- 21. Town of Amherstburg dated December 22, 2020**
Re: Opposition to Further Amalgamation
- 22. Town of Kingsville dated December 22, 2020**
Re: Opposition to Further Amalgamation
- 23. Office of the Solicitor General dated December 24, 2020**
Re: New deadline for Community Safety and Well-Being Plan is now July 1, 2021
- 24. Town of Lincoln dated November 17, 2020**
Re: Accessibility for Ontarians with Disabilities Act
- 25. Town of Lincoln dated November 17, 2020**
Re: Funding for Community Groups affected by pandemic
- 26. Town of Lincoln dated November 17, 2020**
Re: Funding for Community Groups and Service Clubs affected by pandemic
- 27. Town of Lincoln dated November 17, 2020**
Re: Amending AGCO Application Process Cannabis Retail Stores
- 28. Great Lakes and St. Lawrence Cities Initiative dated December 30, 2020**
- 29. Minister of Energy, Northern Development and Mines, and the Associate Minister of Energy dated January 5, 2021**
Re: Release of Long-Term Energy Plan

30. Township of Huron-Kinloss dated January 6, 2021

Re: Property Tax Exemptions for Veterans Clubs

31. Association of Ontario Roads Supervisors dated December 21, 2020

Re: Adam Sokoloski, Public Works Labourer, Certification

The Members and Administration congratulated Adam Sokoloski on his certification.

32. City of Windsor dated January 7, 2021

Re: Pathway to Potential (P2P) Programming - Extension

Motion: RCM - 02/21

Moved by Councillor Tania Jobin

Seconded by Councillor Brian Houston

That Communications - For Information 1 through 32 as listed on the Tuesday, January 12, 2021 Regular Council Agenda, **be received.**

Carried

K. Communications - Action Required

There are no Communications-Action Required items presented to Council.

L. Committee Minutes

1. Policies and Priorities Committee Meeting - December 8, 2020

Motion: RCM - 03/21

Moved by Councillor Tania Jobin

Seconded by Councillor Brian Houston

That the December 8, 2020 minutes of the Policies and Priorities Committee meeting, as were duplicated and delivered to the members, **be adopted and decisions therein be approved.**

Carried

2. Town of Tecumseh Business Improvement Area Board - December 9, 2020

Motion: RCM - 04/21

Moved by Councillor Bill Altenhof

Seconded by Councillor Rick Tonial

That the December 9, 2020 minutes of the Town of Tecumseh Business Improvement Area (BIA), as were duplicated and delivered to the members, **be adopted.**

Carried

3. Police Services Board Meeting Minutes - December 10, 2020

Motion: RCM - 05/21

Moved by Deputy Mayor Joe Bachetti

Seconded by Councillor Brian Houston

That the December 10, 2020 minutes of the Police Services Board meeting, as were duplicated and delivered to the members, **be adopted.**

Carried

M. Reports

1. Chief Administrative Officer

a. CAO-2021-01 OPP Policing Contract

Motion: RCM - 06/21

Moved by Deputy Mayor Joe Bachetti

Seconded by Councillor Rick Tonial

That Report CAO-2021-01, OPP Policing Contract, **be received;**

And that Administration **be authorized** to finalize an agreement with the Ontario Provincial Police, satisfactory in form and content to the Town's legal counsel, for the period January 1, 2021 to December 31, 2023 based on a continuation of the current level of police services;

And further that a by-law be prepared **to authorize** the Mayor and Chief Administrative Officer to sign the agreement between her Majesty the Queen in the Right of Ontario, represented by the Solicitor General and the Town of Tecumseh, subject to approval of the 2021 Operating Budget allocation for policing services.

Carried

b. CAO-2021-02 Mayor's Taskforce on 100th Anniversary of Town and Fire Service

Motion: RCM - 07/21

Moved by Deputy Mayor Joe Bachetti

Seconded by Councillor Tania Jobin

That Report CAO-2021-02, Mayor's Taskforce on 100th Anniversary of Town and Fire Service, **be received;**

And that Administration **be authorized** to proceed with striking the Mayor's Task Force, generally composed of members set out in Report CAO-2021-02, to plan a celebration event for the Spring of 2022;

And further that Administration **be authorized** to pursue community sponsors and apply for available senior government funding opportunities to assist with offsetting the costs of the event;

And furthermore that Administration **report back** to Council to seek approval of the final event plan prior to implementation.

Carried

- c. CAO-2021-03 Investing in Canada Infrastructure Program - COVID-19 Resilience Stream

Motion: RCM - 08/21

Moved by Councillor Andrew Dowie

Seconded by Councillor Tania Jobin

That Report CAO-2021-03, Investing in Canada's Infrastructure Program (ICIP): COVID-19 Resilience Stream, **be received**;

And that Council **approve** the change in project composition to that contained within Report CAO-2021-03 to utilize the total value of \$342,607 in eligible project costs;

And further that Council **authorize** the transfer of \$210,000 from the Lifecycle Buildings Reserve to the Lifecycle Fire Apparatus Reserve in order to enable the purchase of a High Water Rescue Vehicle as part of the Fire & Rescue Services 2021 Capital budget, on confirmation of approval of the Town's ICIP application.

Carried

2. Corporate Services & Clerk

- a. CS-2021-01 OPP Building Licence Agreement

Motion: RCM - 09/21

Moved by Councillor Brian Houston

Seconded by Deputy Mayor Joe Bachetti

That Report CS-2021-01, OPP Building Licence Agreement, **be received**;

And that Administration **be authorized** to finalize a Licence Agreement for the Ontario Provincial Police occupation of the Town's building located at 963 Lesperance Road, satisfactory in form and content to the Town's legal counsel, for the period January 1, 2021 to December 31, 2023, based on a continuation of the current arrangements;

And further that a by-law **be prepared** to authorize the Mayor and Clerk to sign the License Agreement between her Majesty the Queen in the Right of Ontario, represented by the Minister of Government and Consumer Services and the Town of Tecumseh, subject to approval of a proposed new OPP Contract.

Carried

3. Fire & Emergency Services

- a. FIRE-2021-01 Fire Equipment Five (5) Year Capital Works Plan 2021-2025

Motion: RCM - 10/21

Moved by Councillor Rick Tonial

Seconded by Councillor Andrew Dowie

That the following equipment purchases for 2021 **be approved:**

	Requested for 2021	Total Costs
Fire Equipment		
1. 1 Pager	\$ 600	\$600
2. 10 Firefighter Helmets	\$ 5,000	\$5,000
3. 7 Bunker Gear	\$ 18,200	\$18,200
4. 10 Leather Boots	\$ 5,500	\$5,500
5. Locker Replacement - Station 1	\$ 16,000	\$16,000
Sub-total	\$ 45,300	\$45,300
Equipment Lifecycle Reserve	\$ 45,300	\$45,300

And that the equipment purchases **be funded** through the Lifecycle Fire Equipment Reserve;

And further that Attachment 1 - Fire Equipment Five (5) Year Capital Works Plan 2021-2025 **be approved.**

Carried

4. Parks & Recreation Services

- a. PRS-2021-01 2021 - 2025 Arena and Pool Five (5) Year Capital Works Plan

Motion: RCM - 11/21

Moved by Councillor Brian Houston

Seconded by Councillor Rick Tonial

That the following projects with renovations and repairs to Municipal Buildings and facilities **be approved** for 2021:

Arena for 2021	Previously Approved	Requested for 2021	Total Costs
1. Replacement HVAC Units (2) cfwd	\$28,000	\$32,000	\$60,000
2. Refrigeration Electrical Upgrades	-	\$130,000	\$130,000
3. Arena Rink Lighting Upgrades	-	\$65,000	\$65,000
4. Arena Roof Refurbishment	-	\$35,000	\$35,000
5. Annual General Repairs	-	\$20,000	\$20,000
Sub-total	\$28,000	\$282,000	\$310,000
Arena Lifecycle Reserve	\$28,000	\$282,000	\$310,000
Pool for 2021 Approved	Previously for 2021	Requested	Total Costs
1. Pump Replacement		\$10,000	\$10,000
2. Chlorine Tank Replacement		\$12,000	\$12,000
3. Annual General Lifecycle Repairs		\$20,000	\$20,000
Pool Lifecycle Reserve		\$42,000	\$42,000
Combined Grand Total Costs	\$28,000	\$324,000	\$352,000

And that the following plans be **adopted**:

- Appendix A 2021 – 2025 Arena Five (5) Year Capital Works Plan
- Appendix B 2021 – 2025 Pool Five (5) Year Capital Works Plan

Carried

N. By-Laws**1. By-Law 2021-01**

Being a by-law to amend By-law No. 2019-03 being a by-law appointing members to the Youth Advisory Committee for the term of Council 2019-2022

2. By-Law 2021-02

Being a by-law to authorize entering into a Second Amendment Agreement to the Agreement of Purchase and Sale between The

Corporation of the Town of Tecumseh and Briday Inc. for the sale of the McColl Lands.

Councillor Bill Altenhof having declared a conflict of interest in By-law 2021-01 refrains from voting on this by-law.

Motion: RCM - 12/21

Moved by Councillor Brian Houston

Seconded by Councillor Rick Tonial

That By-law 2021-01 being a by-law to amend By-law 2019-03 being a by-law appointing members to the Youth Advisory Committee for the term of Council 2019-2022.

Be given first and second reading.

Carried

Motion: RCM - 13/21

Moved by Councillor Tania Jobin

Seconded by Councillor Brian Houston

That By-law 2021-01 being a by-law to amend By-law No. 2019-03 being a by-law appointing members to the Youth Advisory Committee for the term of Council 2019-2022.

Be given third and final reading.

Carried

Motion: RCM - 14/21

Moved by Councillor Brian Houston

Seconded by Councillor Tania Jobin

That By-law 2021-02 being a by-law to authorize entering into a Second Amendment Agreement to the Agreement of Purchase and Sale between The Corporation of the Town of Tecumseh and Briday Inc. for the sale of the McColl Lands.

Be given first and second reading.

Carried

Motion: RCM - 15/21

Moved by Councillor Brian Houston

Seconded by Councillor Andrew Dowie

That By-law 2021-02, being a by-law to authorize entering into a Second Amendment Agreement to the Agreement of Purchase and Sale between The Corporation of the Town of Tecumseh and Briday Inc. for the sale of the McColl Lands.

Be given third and final reading.

Carried

O. Unfinished Business

1. January 12, 2021

The Members receive the Unfinished Business listing for Tuesday, January 12, 2021.

P. New Business

1. Property Standards on Riverside Drive

It is requested that Administration address a property standards matter on a house located on Riverside Drive at Edgewater Boulevard. The Director Planning and Building Services indicated that the matter is being reviewed by the Chief Building Officer.

2. Windsor Essex County Health Unit - COVID-19 Pandemic

A Member expresses gratitude for the hard work by the Windsor-Essex County Health Unit during this pandemic. The Mayor comments that municipalities will be ready for the vaccine roll out. He urges the public to adhere to public health measures and remain safe.

Q. Motions

1. Confirmatory By-law

Motion: RCM - 16/21

Moved by Councillor Bill Altenhof

Seconded by Councillor Brian Houston

That By-Law 2020-03 being a by-law to confirm the proceedings of the Tuesday, January 12, 2021, regular meeting of the Council of The Corporation of the Town of Tecumseh **be given** first, second, third and final reading.

Carried

R. Notices of Motion

There are no notices of motion presented to Council.

S. Next Meeting

Wednesday, January 13, 2021

4:00 pm Special Council Meeting - Budget

Tuesday, January 26, 2021

5:00 pm Public Council Meeting - Draft New Official Plan

7:00 pm Regular Council Meeting

T. Adjournment

Motion: RCM - 17/21

Moved by Councillor Rick Tonial

Seconded by Councillor Brian Houston

That there being no further business, the Tuesday, January 12, 2021 meeting of the Regular Council **be adjourned** at 8:21pm.

Carried

Gary McNamara, Mayor

Laura Moy, Clerk

Special Meeting of Council

Minutes

Date: Wednesday, January 13, 2021
Time: 4:00 pm
Location: Electronic meeting live streamed at:
<https://video.isilive.ca/tecumseh/live.html>.

Present:

Mayor, Gary McNamara
Deputy Mayor, Joe Bachetti
Councillor, Bill Altenhof
Councillor, Andrew Dowie
Councillor, Brian Houston
Councillor, Tania Jobin
Councillor, Rick Tonial

Also Present:

Chief Administrative Officer, Margaret Misek-Evans
Director Parks & Recreation Services, Paul Anthony
Director Public Works & Environmental Services, Phil Bartnik
Director Fire Services & Fire Chief, Wade Bondy
Director Information & Communication Services, Shaun Fuerth
Director Planning & Building Services, Brian Hillman
Director Financial Services & Chief Financial Officer, Tom Kitsos
Director Corporate Services & Clerk, Laura Moy
Deputy Clerk & Manager Legislative Services, Jennifer Alexander
Manager Parks & Horticulture, Casey Colthurst
Manager Facilities, Ray Hammond
Manager Committee & Community Services, Christina Hebert
Manager Engineering Services, John Henderson
Manager Planning Services, Chad Jeffery
Deputy Fire Chief Kevin Kavanagh
Manager Roads & Fleet, Kirby McArdle
Manager Strategic Initiatives, Lesley Reeves
Deputy Treasurer & Tax Collector, Zora Visekruna
Manager Building Services & Chief Building Official, Mike Voegeli

A. Roll Call

B. Call to Order

The Mayor calls the meeting to order at 4:00 pm.

C. Disclosure of Pecuniary Interest

There is no pecuniary interest declared by a Member of Council.

D. Introduction and Purpose of Meeting

The purpose of the meeting is to review the 2021 Proposed Business Plan and Budget.

E. Delegations

There are no delegations presented to Council.

F. Communications

1. 2021 Tecumseh Business Plan and Budget - Operating Lifecycle and Reserves, as submitted to Town Council

The digital budget document can be accessed on the Town of Tecumseh website.

G. Reports

1. 2021 Tecumseh Business Plan and Budget - Operating Lifecycle and Reserves

- a. Director Financial Services & Chief Financial Officer (Pages 44 - 52)
- b. Chief Administrative Officer (Pages 53 - 60)
- c. Director Information & Communication Services (Page 61 - 66)
- d. Director Corporate Services & Clerk (Pages 67 - 80)

The Mayor recesses the meeting at 5:07pm and reconvenes at 5:30 pm.

- e. Director Fire Services & Fire Chief (Pages 81 - 85)
- f. Director Public Works & Environmental Services

- Public Works (Pages 86 - 97)
- Water/Wastewater (Pages 98 - 103)

- g. Director Parks & Recreation Services (Pages 104 - 122)
- h. Director Planning & Building Services (Pages 123 - 131)
- i. Lifecycle (Pages 132 - 172)
- j. Reserves (Pages 173 - 183)

Motion: SCM - 01/21

Moved By Councillor Brian Houston

Seconded By Deputy Mayor Joe Bachetti

That the 2021 Business Plan and Budget as presented at the January 13, 2021 Special Meeting of Council, **be accepted**, with the following amendments:

- a one-time allocation of \$45,000 be added to the 2021 ICS budget to be funded from the Tax Rate Stabilization Reserve; and
- amended assessment growth and estimated tax rate.

Carried

Motion: SCM - 02/21

Moved By Councillor Brian Houston

Seconded By Councillor Tania Jobin

That the 2021 Budget Reconciliation for the Public Sector Accounting Board (PSAB) Adjustments as reported in the document on pages 21 to 27 of the 2021 Business Plan and Budget, **be accepted** in accordance with the *Municipal Act, 2001* Regulation 284/09, as amended.

Carried

2. Briefing Note - 2021 Municipal Easement Mapping Project

H. Adjournment

Motion: SCM - 03/21

Moved By Councillor Bill Altenhof

Seconded By Councillor Rick Tonial

That there being no further business, the Wednesday, January 13, 2021 meeting of the Special Council Meeting **be adjourned** at 8:30 pm.

Carried

Gary McNamara, Mayor

Laura Moy, Clerk

From: Minister, MECP (MECP) [<mailto:Minister.MECP@ontario.ca>]

Sent: January 11, 2021 5:18 PM

To: Laura Moy <lmoy@tecumseh.ca>

Subject: Ontario Moves Forward with Conservation Authorities Working Group

Good afternoon,

In order to create a practical forum to help our government implement recent changes to the *Conservation Authorities Act* and ensure conservation authorities and other stakeholder groups have a stronger voice at the table, I have invited 10 individuals to participate in a newly-formed conservation authorities working group.

The working group members, chaired by Hassaan Basit, President and CEO of Halton Region Conservation Authority, have been drawn from a variety of conservation authorities, Conservation Ontario and the Association of Municipalities of Ontario, as well as the development and agriculture sectors. The full list of members include:

- Hassaan Basit, President and CEO, Halton Region Conservation Authority (Chair)
- Kim Gavine, General Manager, Conservation Ontario
- John McKenzie, Chief Executive Officer, Toronto and Region Conservation Authority
- Sommer Casgrain-Robertson, General Manager, Rideau Valley Conservation Authority
- Chris Darling, Chief Administrative Officer, Central Lake Ontario Conservation Authority
- Rob Baldwin, Chief Administrative Officer, Lake Simcoe Region Conservation Authority
- Brian Tayler, Chief Administrative Officer, North Bay-Matawa Conservation Authority
- Samantha Lawson, Chief Administrative Officer, Grand River Conservation Authority
- Cathie Brown, Senior Advisor, Association of Municipalities of Ontario
- Scott McFadden, Mayor, Township of Cavan Monaghan

The following individuals will also assist the Working Group by providing further perspectives, including on the section 28 Minister's regulation:

- Jason Sheldon, Vice-President, Land Development, Remington Group
- Gary Gregoris, Senior Vice-President, Land Development, Mattamy Homes
- Josh Kardish, Vice-President, EQ Homes
- Michelle Sergi, Director Community Development, Region of Waterloo
- Leslie Rich, Policy and Planning Liaison, Conservation Ontario
- Barb Veale, Director, Planning and Watershed Management, Halton Region Conservation Authority
- Laurie Nelson, Director, Policy and Planning, Toronto and Region Conservation Authority
- Mark Wales, Past President, Ontario Federation of Agriculture

The Working Group's first task includes looking at the first phase of proposed regulations impacting conservation authorities and their participating municipalities,

which will be available for public consultation later this month. The proposed regulations will include:

- details on the programs and services conservation authorities will implement, and how the programs and services may be funded such as:
 - the mandatory programs and services to be delivered by conservation authorities;
 - the proposed agreements that may be required with participating municipalities to fund non-mandatory programs and services with municipal dollars; and
 - the transition period to establish those agreements;
- how conservation authorities will regulate development and other activities to ensure public safety through natural hazard management,
- the requirement for conservation authorities to establish community advisory boards; and
- a Minister's regulation under section 29 of the *Conservation Authorities Act* relating to conservation authority operation and management of lands owned by the authority.

Our government is committed to ongoing collaboration as we work to improve how conservation authorities deliver core programs and services to their communities. Drawing on their extensive knowledge and experience, the working group members we've assembled will provide valuable perspectives to help us make better informed decisions.

We look forward to your feedback as part of our consultation process on the upcoming regulatory postings.

Sincerely,

Jeff Yurek
Minister of the Environment, Conservation and Parks

Laura Moy
Director Corporate Services & Clerk



**Corporation of the
Municipality of West Grey**

402813 Grey Road 4
RR 2 Durham, ON N0G 1R0
519-369-2200

January 13, 2021

Re: Schedule 8 of the Provincial Budget Bill 229, Protect, Support and Recover from COVID-19 Act

WHEREAS the Ontario Government proposes amendments to the Crown Forest Sustainability Act in Schedule 8 of the Provincial Budget Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020;

WHEREAS the Crown Forest Sustainability Act applies to almost two thirds of Ontario's land base which amounts to over 70 million hectares of land that is habitat for many species at risk;

WHEREAS Bill 229 schedule 8 amends the Crown Forest Sustainability Act in order to exempt all forestry operations from mandatory consideration of species at risk protection and recovery as mandated by the Endangered Species Act;

WHEREAS Bill 229 schedule 8 removes the ability to issue orders in circumstances when there is imminent danger to a species at risk;

THEREFORE BE IT RESOLVED THAT West Grey council requests the Province of Ontario repeal schedule 8 of Bill 229 and that a copy of this resolution be forwarded to:

Premier Ford

Minister Philips, Minister of Finance

Minister Yakabuski, Minister of Natural Resources and Forestry

Minister Yurek, Minister of the Environment, Conservation and Parks

MPP Bill Walker, Bruce-Grey-Owen Sound

MPP Ian Arthur, NDP Environment Critic

Grey County Council
Ontario municipalities
Association of Municipalities of Ontario
Conservation Ontario
Saugeen Valley Conservation Authority
Grey Sauble Conservation Authority

Respectfully,

Genevieve Scharback,
Director of Administration / Clerk
Municipality of West Grey

www.westgrey.com



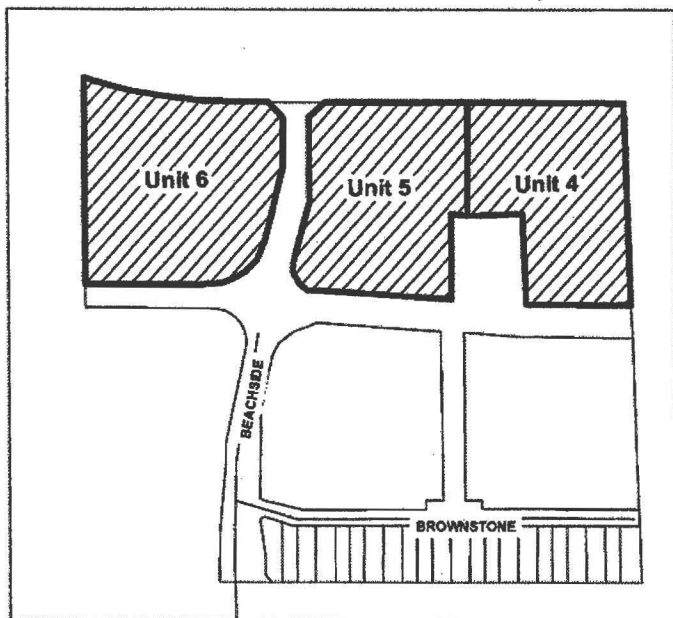
FORM 1
THE PLANNING ACT, R.S.O. 1990
NOTICE OF THE PASSING OF A ZONING BY-LAW AMENDMENT BY
THE CORPORATION OF THE TOWN OF LAKESHORE
ZBA-9-2020 (Beachside Development Inc.)

TAKE NOTICE that the Council of the Corporation of the Town of Lakeshore has passed By-law 092-2020 on the 15th day of December, 2020, under Section 34 & 36 of the Planning Act, R.S.O. 1990.

IF A PERSON OR PUBLIC BODY does not make oral submissions at a public meeting or make written submissions to the Council of The Corporation of the Town of Lakeshore before the proposed Zoning By-law Amendment is adopted, the person or public body is not entitled to appeal the decision of the Council of The Corporation of the Town of Lakeshore to the Local Planning Appeal Tribunal. **IF A PERSON OR PUBLIC BODY** does not make oral submissions at a public meeting or make written submissions to the Council of The Corporation of the Town of Lakeshore before the Zoning By-law Amendment is adopted, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party. An appeal to the Local Planning Appeal Tribunal in respect of the By-law may be completed by filing with the Clerk of the Town of Lakeshore not later than the **12th of January 2021**, a notice of appeal setting out the objection to the By-law and the reasons in support of the objection, accompanied by the required fee, as per the Local Planning Appeal Tribunal website, made payable to the Minister of Finance.

An explanation of the purpose of the by-law, describing the lands to which the by-law applies, and a key map showing the location of the lands to which the by-law applies, are detailed below. The complete By-law and any associated information is available for inspection at Town Hall during regular office hours.

DATED at the Town of Lakeshore this **23rd** day of December, 2020.



RECEIVED
JAN 14 2021
Town of Tecumseh

Information or questions may be directed to:

Aaron Hair, MCIP, RPP
Planner III
Development Services Department
Town of Lakeshore
419 Notre Dame Street
Belle River ON NOR 1A0
PHONE: 519-728-1975 x 256

419 Notre Dame Street
Belle River ON NOR 1A0
PHONE: 519-728-1975 x 256
FAX: 519-728-4577
EMAIL: ahair@lakeshore.ca

EXPLANATORY NOTE

Unit 4 on Key Map

Mixed Use Zone Exception 32 (MU-32)

- Maximum Height: 19.0m (6 storeys)
- Minimum Landscaped Open Space: 16.38%
- Maximum Gross Floor Area: 6,972m²
- Minimum setbacks
 - Front yard: 3.0m
 - Interior side yard, private road: 8.25m
 - Rear Yard: 9.36m
- Parking Requirements:
 - Parking, Apartment: Minimum of 61 stalls
 - Parking, Visitor: Minimum of 13 stalls
 - Parking, Loading: 0 space – Note: to be shared with Unit 5

All other requirements shall be in accordance with the General Provisions and Mixed Use Zone.

Unit 5 on Key Map

Mixed Use Zone Exception 33 (MU-33)

- Maximum Height: 19.0m (6 storeys)
- Minimum Landscaped Open Space: 15.73%
- Maximum Gross Floor Area: 6,972m²
- Minimum setbacks
 - Front yard: 3.0m
 - Interior side yard, private road: 8.25m
 - Rear Yard: 9.09m
- Parking Requirements:
 - Parking, Apartment: Minimum of 74 stalls
 - Parking, Visitor: Minimum of 13 stalls
 - Parking, Loading: 1 space – Note: to be shared with Unit 4

All other requirements shall be in accordance with the General Provisions and Mixed Use Zone.

Unit 6 on Key Map

Mixed Use Zone Exception 34 (MU-34)

- Maximum Height: 19.0m (6 storeys)
- Maximum Gross Floor Area: 6,972m²
- Minimum setbacks
 - Front yard: 3.0m
 - Interior side yard, private road: 8.25m
- Parking Requirements:
 - Parking, Apartment: Minimum of 72 stalls
- New Holding Provision:

Holding Symbol	Permitted Use Until the holding symbol is removed.	Conditions for removal of the Holding Symbol.
h24	Existing uses shall be the only uses permitted in the interim.	<p>The holding symbol shall not be removed until such time as the following have been completed to the satisfaction of the Town of Lakeshore:</p> <ul style="list-style-type: none">- The applicant enters into a site plan (amendment) agreement with the Town of Lakeshore;- The Lanoue Street extension is operational;- The Regional Stormwater Management Facility is operational;- The Condominium Agreement has been approved by the Town & County of Essex; and- The draft plan of condominium has been approved by the County of Essex.



312915 Dereham Line
R. R. # 1, Mount Elgin, ON N0J 1N0
Phone: (519) 877-2702; (519) 485-0477;
Fax: (519) 485-2932
www.swox.org

January 11, 2021

Premier Doug Ford
Legislative Building, Queens Park
Toronto, ON M7A 1A1

Dear Premier Ford:

Speeding on provincial, county and municipal roadways continues to put the lives of Ontarians at risk. While we have access to several tools to help mitigate speeding traffic, the one tool that is currently not fully available to us is Automatic Speed Enforcement (ASE) (aka Photo Radar). Over the past decade, in South West Oxford the vast majority of charges laid are for drivers travelling well in excess of the posted speed limit. The cost of providing police time for something that could be done through the use of technology is disturbing to our council. The Council feels that it would be far more effective to have police concentrate on other problems such as Break and Enters, illegal drugs and domestic problems.

We need a way to address the poor behaviours and habits that are putting our citizens at risk and tying up much needed first responder resources that could be better utilized to improve the well-being of our communities. Speeding, particularly through our small villages, creates community concerns for the safety and wellbeing of our children and other vulnerable members. We need your help.

In keeping with this The Council of the Township of South-West Oxford duly moved and carried the following resolution at the regular meeting held on January 5, 2021:

...RESOLVED that the Council of the Township of South-West Oxford provide direction to the Clerk to send a letter to the Premier, MPP Ernie Hardeman, AMO and all Ontario municipalities in support of the use of Automatic Speed Enforcement (photo radar) by municipalities.

Please help municipalities in the Province by passing the necessary regulations for municipalities to use ASE (if they choose) that will bring about the driving behavioural changes we need.

We look forward to your help with this issue.

Yours truly,

A handwritten signature in cursive script that reads 'Mary Ellen Greb'.

Mary Ellen Greb, CAO

c.c. AMO, Honourable Ernie Hardeman, Ontario Municipalities

THE CORPORATION OF THE TOWNSHIP OF LARDER LAKE

69 Fourth Avenue, Larder Lake, ON
Phone: 705-643-2158 Fax: 705-643-2311



MOVED BY:

☐ Thomas Armstrong
☐ Patricia Hull
☐ Paul Kelly
☒ Lynne Paquette

SECONDED BY:

☐ Thomas Armstrong
☐ Patricia Hull
☒ Paul Kelly
☐ Lynne Paquette

Motion #: 56

Resolution #: 6

Date: January 12, 2021

WHEREAS, the council of the Township of Larder Lake supports the resolution of the Municipality of Charlton and Dack, requesting that the Province of Ontario address municipal insurance cost; And

WHEREAS, the Association of Municipalities of Ontario Outlined seven recommendation to address insurance issues including:

1. The provincial government adopt a model of full proportionate liability to replace joint and several liability.
2. Implement enhancements to the existing limitations period including the continued applicability of the existing (10) day rule on slip and fall cases given recent judicial interpretations and whether a one-year limitation period may be beneficial.
3. Implement a cap for economic loss awards.
4. Increase the catastrophic impairment default benefit limit to \$2 million and increase the third-party liability coverage to \$2 million in government regulated automobile insurance plans.
5. Assess and implement additional measures which would support lower premiums or alternatives to the provision of insurance services by other entities such as non- profit insurance reciprocals.
6. Compel the insurance industry to supply all necessary financial evidence including premiums, claims and deductible limit changes which support its and municipal arguments as to the fiscal impact of joint and several liability.
7. Establish a provincial and municipal working group to consider the above and put forward recommendations to the Attorney General.

THEREFORE, BE IT RESOLVED THAT the Council for the Municipality of Larder Lake call on the Province of Ontario to immediately review these recommendations and to investigate the unethical practice of preferred vendors who are paid substantial amounts over industry standards, despite COVID 19 delays, as insurance premiums will soon be out of reach for many communities.

AND FURTHER BE IT RESOLVED THAT this motion be provided to the Honourable Doug Ford, Premier of Ontario, the Honourable Rod Phillips, Minister of Finance, the Honourable Doug Downey, Attorney General of Ontario, the Honourable John Vanthof, MPP for Timiskaming- Cochrane, and all Ontario municipalities.

Recorded vote requested: ☐

	For	Against
Tom Armstrong	✓	
Patricia Hull	✓	
Paul Kelly	✓	
Lynne Paquette	✓	
Patty Quinn	✓	

I declare this motion

<input checked="" type="checkbox"/> Carried
<input type="checkbox"/> Lost / Defeated
<input type="checkbox"/> Deferred to: _____ (enter date)
Because:
<input type="checkbox"/> Referred to: _____ (enter body)
Expected response: _____ (enter date)

Disclosure of Pecuniary Interest*

Chair:

*Disclosed his/her (their) interest(s), abstained from discussion and did not vote on this question.

VIA E-MAIL

January 19, 2021

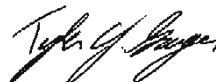
RE: Letter of Support – Town of Matachewan: Extension of Grant Deadlines

This letter is supporting the Town of Matachewan's resolution regarding the appreciation of grants but requesting that the application deadline on any further grants have a longer turn around time. As such, at County Council on January 14, 2021 Council supported the following resolution as noted in their motion:

"THAT Council directs Staff to prepare and send a letter of support on the Township of Matachewan resolution regarding the extension of grants to all Ontario Municipalities and AMO."

Due to staffing constraints during this unprecedented time, the ability to receive and adequately respond to grants has been relatively short and restrictive. Should you require any additional information or wish other consideration by Council in this matter, kindly advise.

Sincerely,



Tyler Sager
Manager of Legislative Service/County
Clerk

Cc'd: Association of Municipalities of Ontario (AMO)



United Counties of
Stormont, Dundas & Glengarry

RESOLUTION

MOVED BY Councillor McGillis

RESOLUTION NO 2021-04

SECONDED BY Councillor Warden

DATE January 18, 2021


THAT the Council of the United Counties of Stormont, Dundas and Glengarry request that the Province of Ontario allow for small businesses to immediately reopen with the required health guidelines and protocols in place; and

THAT this resolution be sent to the Premier of Ontario, the Minister of Municipal Affairs and Housing, MPP Jim McDonell, and circulated to all municipalities in Ontario.

☒ CARRIED

☐ DEFEATED

☐ DEFERRED


WARDEN

Recorded Vote:

Councillor Armstrong	—
Councillor Byvelds	—
Councillor Fraser	—
Councillor Gardner	—
Councillor Landry	—
Councillor MacDonald	—
Councillor McGillis	—
Councillor Prevost	—
Councillor Smith	—
Councillor Warden	—
Councillor Wert	—
Councillor Williams	—



CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

3131 OLD PERTH ROAD • PO BOX 400 • RR 2 • ALMONTE ON • K0A 1A0

PHONE: 613-256-2064
FAX: 613-256-4887
WEBSITE: www.mississippimills.ca

January 18, 2021

Ministry of Municipal Affairs and Housing

17th Floor, 777 Bay Street
TORONTO, ON
M7A 2J3

Attention: The Honourable Steve Clark

Re: Request for Revisions to Municipal Elections

Dear Minister Clark,

On October 20, 2020 the Council of the Municipality of Mississippi Mills passed a resolution in support of Wollaston Township to request the Ministry of Municipal Affairs and Housing to review the *Municipal Elections Act* and provide amendments to provide clearer, stronger wording, to assist municipal Clerks in addressing issues to allow for a more definitive decision to be made when adding names to the voters' list and to ensure that there is a clear and accessible way to report election fraud and that the rules described in the *Municipal Elections Act* are actually enforceable even if there is not a current case law.

A copy of the resolution is attached for your reference.

Sincerely,

Jennifer Russell
Deputy Clerk
jrussell@mississippimills.ca
613-256-2064 x 225
3131 Old Perth Rd, PO Box 400
Almonte, ON K0A 1A0

cc. Premier Doug Ford, Daryl Kramp, AMO and all Ontario Municipalities

Attachment: Resolution No. 421-20



COUNCIL RESOLUTION

October 20, 2020

Resolution No 421-20

Moved by Deputy Mayor Minnille

Seconded by Councillor Dalgity

CW148-20 Info List Item #6 - Request for Revisions to Municipal Elections

BE IT RESOLVED, that the Council of the Municipality of Mississippi Mills ask Minister of Municipal Affairs and Housing, the Hon, Steve Clark, to review the Municipal Elections Act and provide amendments to ensure that loopholes are closed on any pay to play schemes in rural communities where non-resident electors are permitted to participate in elections so that \$100.00 leases do not turn into ballots for garden sheds;

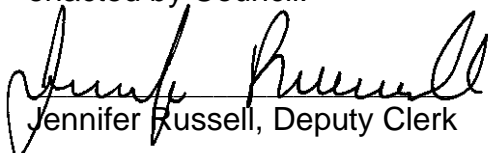
AND BE IT FURTHER RESOLVED, that the Council of the Municipality of Mississippi Mills ask the Minister of Municipal Affairs and Housing, the Hon. Steve Clark, to review the Municipal Elections Act and provide amendments to provide clearer, stronger wording, to assist municipal Clerks in addressing issues to allow for a more definitive decision to be made when adding names to the voters' list;

AND BE IT FURTHER RESOLVED, that the Council of the Municipality of Mississippi Mills ask the Minister of Municipal Affairs and Housing, the Hon. Steve Clark, to ensure that there is a clear and accessible way to report election fraud;

AND BE IT FURTHER RESOLVED, that the Council of the Municipality of Mississippi Mills ask the Minister of Municipal Affairs and Housing, the Hon. Steve Clark, to ensure that the rules described in the Municipal Elections Act are actually enforceable even if there is not current case law;

AND BE IT FURTHER RESOLVED, that support for this resolution be sent to Premier Doug Ford, Daryl Kramp, M.P.P. for Hastings-Lennox and Addington, all Ontario Municipalities and the Association of Municipalities of Ontario.

I, Jennifer Russell, Deputy Clerk for the Corporation of the Municipality of Mississippi Mills, do hereby certify that the above is a true copy of a resolution enacted by Council.


Jennifer Russell, Deputy Clerk





The Corporation of the Town of Tecumseh

Corporate Services & Clerk

To: Mayor and Members of Council

From: Laura Moy, Director Corporate Services & Clerk

Date to Council: January 26, 2021

Report Number: CS-2021-02

Subject: 2020 Open and Closed Meetings

Recommendations

It is recommended:

That Report CS-2021-02 regarding 2020 Open and Closed Council Meetings, **be received.**

Background

The purpose of this report is to provide information on the number and length of open and closed meetings Council holds annually and to ensure the Town's actions are transparent to the public. In accordance with Section 270 of the *Municipal Act, 2001* (Act) and the Town's Transparency and Accountability Policy No. 61, Council is to be accountable to the public for its actions and to ensure that the manner in which the Town operates is transparent.

With respect to the transparency of Council meetings, Section 239 of the Act states that all meetings shall be open to the public. A meeting, or part of a meeting, may be closed to the public if the subject matter being considered is:

- a) the security of the property of the municipality or local board;
- b) personal matters about an identifiable individual, including municipal or local board employees;
- c) a proposed or pending acquisition or disposition of land by the municipality or local board;
- d) labour relations or employee negotiations;

- e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
- k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

Section 239 of the Act also allows for closed meetings when the subject matter being considered is a request under the *Municipal Freedom of Information and Protection of Privacy Act*; or when the meeting is being held for the purpose of educating or training the Members and no discussion is held on matters that in any way materially advances the business or decision-making of the Council.

The Town's Council Procedural By-law No. 2020-13 (Procedural By-law) also confirms that closed meeting obligations are met. The Procedural By-law was updated in February 2020 to be consistent with and in compliance with the Act, at that time, and for housekeeping matters. It was subsequently amended following the Declarations of Emergency by both the Province and the Mayor, under the authority of the *Emergency Management and Civil Protection Act*, due to the COVID-19 pandemic. The amendments allow for Council, Committee and Board meetings to be held electronically and for the members' electronic participation to be counted towards quorum while there is a Declaration of Emergency.

A person may request an investigation be undertaken by the Ombudsman of whether the Town has complied with section 239 or its Procedural By-law in respect of a meeting, or part of a meeting, that was closed to the public.

Comments

The following information has been compiled on open and closed Council meetings for 2020. The meetings are presented in three open categories:

1. Regular Council Meetings (RCM)
2. Public Council Meetings (PCM), and
3. Special Council Meetings (SCM)

The meetings held in closed sessions (In-Camera Council Meetings) are also shown.

Table A - 2020 Council Meetings

Table A below provides a summary of the number of meetings, number of agenda items, total duration of meetings and average duration of meetings for each type of meeting held in 2020.

The agenda items include: delegations, communication motions, reports, one item representing all by-laws, and motions passed under unfinished business, new business and motions.

Meeting Type	# of Meetings	# of Agenda Items	Total Duration	Average Duration
RCM	22	291	26 hrs. 55 min.	1 hr. 13 min.
PCM	10	39	3 hrs. 53 min.	29 min.
SCM	6	11	7 hrs. 47 min.	1 hr. 17 min.
In-Camera	6	16	4 hrs. 52 min.	48 min.

Table B - 2019 Council Meetings

Table B gives a summary of the 2019 meetings, including the number of meetings, number of agenda items, total duration of meetings and average duration of meetings for each type of meeting.

Meeting Type	# of Meetings	# of Agenda Items	Total Duration	Average Duration
RCM	20	312	25 hrs. 48 min.	1 hr. 17 min.
PCM	18	128	13 hrs. 9 min.	0 hr. 43 min.
SCM	15	41	31 hrs. 33 min.	2 hrs. 6 min.
In-Camera	9	28	6 hrs. 14 min.	0 hr. 41 min.

Table C – 2019 to 2020 Council Meeting Averages

Table C shows the average number of meetings, number of agenda items, total duration of meetings and average duration of meetings held during the term from 2019 to 2020.

Meeting Type	# of Meetings	# of Agenda Items	Total Duration	Average Duration
RCM	21	302	26 hrs. 21 min.	1 hr. 15 min.
PCM	13	84	8 hrs. 31 min.	36 min.
SCM	11	26	19 hrs. 40 min.	1 hr. 42 min.
In-Camera	8	22	5 hrs. 33 min.	45 min.

Table D – 2015 to 2018 Council Meeting Averages – Term of Council

Table D shows the average number of meetings, number of agenda items, total duration of meetings and average duration of meetings held during the 2015-2018 term of Council.

Meeting Type	# of Meetings	# of Agenda Items	Total Duration	Average Duration
RCM	20	317	32 hrs. 9 min.	1 hr. 39 min.
PCM	13	62.5	8 hrs. 28 min.	0 hr. 39 min.
SCM	9	21	18 hrs. 51 min.	2 hrs. 0 min.
In-Camera	10	26	7 hrs. 43 min.	0 hr. 45 min.

Analysis

Council normally meets on the second and fourth Tuesday of each month. This schedule is amended annually by eliminating two (2) meetings during the summer and one (1) meeting in at the end of December. The number of meetings will also vary each year as meetings may be cancelled due to conflicts with annual holidays or other municipal business, events and activities. The number of 2020 RCMs was greater than in 2019, due to the cancellation of the first meeting in January 2019.

Council held 13 in person meetings (5 RCM, 4 PCM, 2 SCM and 2 In Camera meetings) between January and March 2020. On March 24, 2020, the Meetings of Council commenced being held electronically. To help stop the spread of COVID-19 and in adherence to provincial orders for persons to physically distance by 2 meters, on March 24, 2020, Council held its first meeting virtually via Zoom. There were 31 virtual meetings of Council held in 2020 (17 RCM, 6 PCM, 4 SCM and 4 In Camera Meetings) between March and December.

The number of agenda items are slightly less in 2020 than in 2019. Work assignments and priorities were also impacted by the pandemic. Priorities were directed to keeping both the Town staff and the public safe.

The number of PCMs in 2020 decreased from 2019. PCMs are generally held to receive public comment on drainage and planning matters, as required under the *Drainage Act* and *Planning Act*. The duration of meetings and agenda items will vary depending on the level of public interest and engagement on the subject meeting matters.

By way of Provincial Order, the timelines to deal with matters under the *Planning Act* and other legislation were suspended due to COVID-19. The use of virtual platforms was implemented in mid 2020 for public consultation and engagement. The first virtual PCM was held in August regarding an application under the *Planning Act*.

SCMs typically include annual recurring meetings for the purposes of strategic planning and priority setting, annual capital projects road tour, awards and committee appointments, and draft budget reviews for the following year.

There were fewer SCMs held in 2020 than 2019 attributable in part to the road tour and budget deliberations being deferred to 2021. There were two SCMs held on the Draft New Official Plan, as well as Emergency Response matters. An SCM was also held to apprise members on the status of the Community Safety and Well-Being Plan. The annual SCM to consider Committee/Board appointments and award nominations was also held.

In 2020, the most common reasons for meetings to be called In-Camera were to consider matters regarding litigation and solicitor-client privilege, the disposition of land and labour relations. The number of closed meetings will fluctuate each year depending on current issues and events. There were six meetings held in closed session in 2020, less than the number of In-Camera meetings in 2019 and the average for the prior term of Council.

Consultations

None

Financial Implications

There are no financial implications relating to this report.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input checked="" type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Sue White
Administrative Assistant to Director Corporate
Services & Clerk

Reviewed by:

Laura Moy, Dipl. M.M., CMMIII HR Professional
Director Corporate Services & Clerk

Recommended by:

Paul Anthony, RRFA
Director Parks & Recreation Services and Acting
Chief Administrative Officer

Attachment Number	Attachment Name
None	None



The Corporation of the Town of Tecumseh

Financial Services

To: Mayor and Members of Council

From: Tom Kitsos, Director Financial Services & Chief Financial Officer

Date to Council: January 26, 2021

Report Number: FS-2021-01

Subject: Taxes Receivable December 2020

Recommendations

It is recommended:

That Financial Services Report No. 2021-01, Taxes Receivable 2020 **be received**.

Executive Summary

An annual report is provided to Council regarding the status of year-end tax arrears.

Background

Tax billings and due dates are as follows:

- Interim tax notices are mailed in January for all ratepayers with due dates in February and April.
- Final Residential notices are mailed in May with due dates in June and September.
- Final Commercial/Industrial notices are mailed in August with due dates in September and November.

Procedures used for collecting tax arrears are as follows:

- Penalty and interest is charged on the first of the month for all accounts in arrears.
- Arrears notices are sent out as reminders of past due taxes five times during the year (March, May, July, October, and year-end).
- In the third year of arrears, letters are mailed in January asking ratepayers to make payment arrangements to avoid tax registration. Payment arrangements include full payment of third year arrears or the establishment of a payment plan.

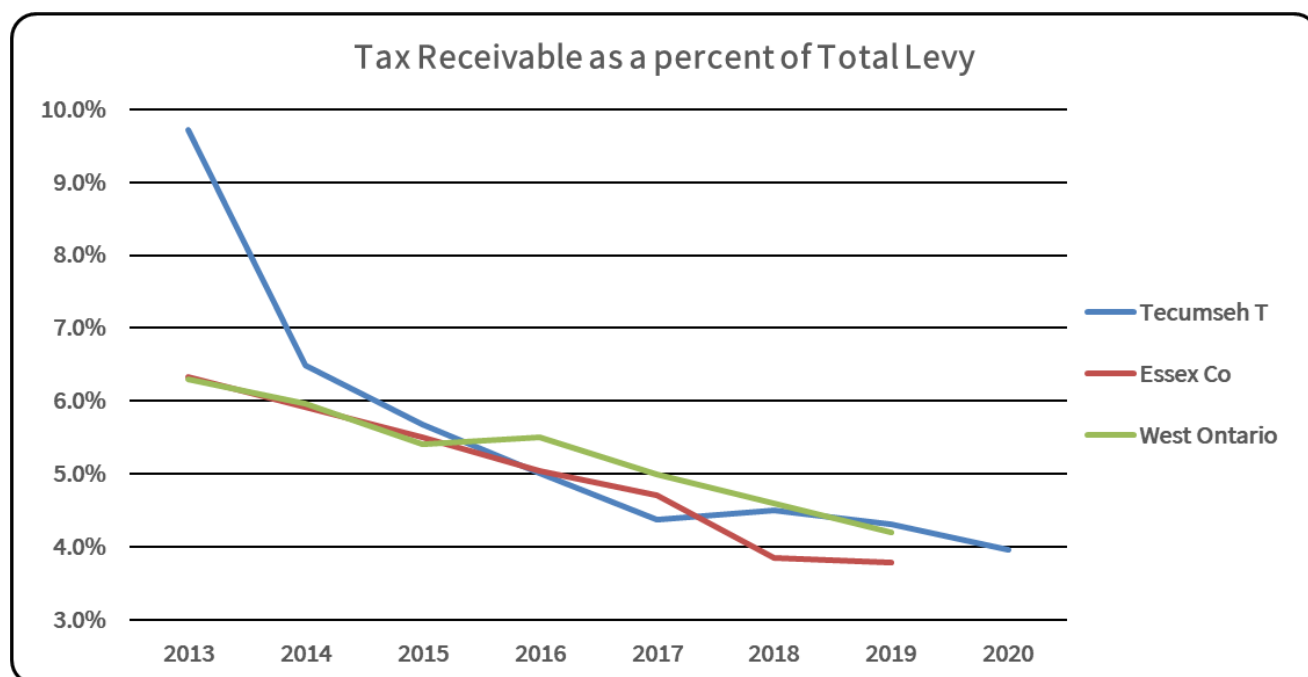
- A final letter is sent in March informing the ratepayer that we will proceed with tax registration.
- After all collection attempts on outstanding arrears have been exhausted, a tax arrears certificate is registered under the Municipal Act, Section 373 (1).
- The ratepayer has one full year after registration to redeem the property, i.e. taxes, penalties and interest for all years including current year must be paid in full.
- Should a ratepayer fail to redeem their property by the cancellation date, the property becomes eligible for tax sale.

Comments

Total uncollected property tax as a percentage of total taxes levied (tax receivable as a percentage of tax levy) is one of several measures used to evaluate the economic health of a municipality. An increasing percentage over time may indicate an overall decline in the municipality's economic health.

Tax receivable as a percentage of tax levy decreased slightly to 4.0% at December 2020 (from 4.3% in 2019). This percentage is below the historical normal range and has come down significantly over the course of the past few years after a period of relatively high percentages during 2009-2013. The Town has historically been in the 6% - 8% range, whereas the historical average for West Ontario has been between 4% - 6%. Credit rating agencies consider a measure greater than 8% a negative factor (BMA Municipal Study, 2017).

The following chart displays year-end tax receivable as a percentage of tax levy with comparative data for Essex County Lower Tier municipalities and West Ontario municipalities. Estimated 2020 data is currently only available for Tecumseh.



Data Source: Ministry of Municipal Affairs and Housing – Financial Information Return

The following table illustrates taxes receivable outstanding at year-end and total number of properties in arrears.

Year	2020	2019	2018	2017	2016	2015
Total tax arrears	\$2,050,000	\$2,167,000	\$2,203,000	\$2,044,000	\$2,260,000	\$2,524,000
Number of properties in arrears	587	569	600	613	585	537
Tax registrations	5	6	6	2	4	5
Tax sales	-	-	-	-	-	-

The dollar amount of arrears outstanding tends to fluctuate irrespective of the number of properties in arrears due to periodic redemptions of large balances. Average arrears by property can be skewed significantly year-to-year due to a few large individual balances.

The number of tax registrations (tax arrears certificates) compared to the number of properties in arrears is relatively low, as many property owners have stayed the registration process by committing to payment plans designed to reduce/eliminate tax arrears. There are approximately 40 active payment plans with the Town. Default of a payment plan would result in tax registration.

Selling properties for arrears is a procedure available to the municipality to collect amounts owing. The Town has not had to resort to this measure for a number of years. The last recorded sale of property for tax arrears was prior to amalgamation.

There was one tax sale scheduled for April 2020; this was cancelled due to the COVID-19 pandemic and resultant provincial and local states of emergency. Another property is eligible for tax sale mid-2021; this may be postponed depending on the pandemic/states of emergency at that time. Nonetheless, Administration continues to monitor both these and all properties in arrears and will take appropriate action as warranted.

Consultations

None

Financial Implications

All costs incurred by the Town with respect to property registration and tax sale are recoverable except in the event a property is not sold at tax sale.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Zora Visekruna, MBA
Deputy Treasurer & Tax Collector

Reviewed by:

Tom Kitsos, CPA, CMA, BComm
Director Financial Services & Chief Financial Officer

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
None	



The Corporation of the Town of Tecumseh

Public Works & Environmental Services

To: Mayor and Members of Council

From: Phil Bartnik, Director Public Works & Environmental Services

Date to Council: January 26, 2021

Report Number: PWES-2021-01

Subject: Traffic Analysis – 2020 Radar Speed Surveys

Recommendations

It is recommended:

That Public Works & Environmental Services Report No. PWES-2021-01 Traffic Analysis – 2020 Radar Speed Surveys, **be received.**

Background

Public Works & Environmental Services (PWES) staff deployed portable radar speed trailers along roadways where residents raised concerns respecting vehicular speeding. The radar collects vehicular traffic data and generates traffic statistics such as vehicle speed and traffic volume and other data to perform analysis and develop comprehensive reports.

Comments

PWES conducted radar speed surveys at thirteen locations on eleven streets as listed below in Table 1. The radar trailers were deployed at each location for a minimum of one week.

Speed Analysis

The traffic engineering industry standard utilized in setting the regulatory speed limit for a street facility uses the “85th percentile speed” which is defined as the speed at or below which 85 percent of all vehicles are observed to travel under free-flowing conditions. Most motorists general travel at a speed deemed comfortable depending on visual aspects that influence speeds, such as:

- Lane and shoulder configurations, widths and presence of curbs;
- Presence of vertical and horizontal curves;
- Sight distance and obstructions;
- Presence of surrounding developments to the street; and
- Access management characteristics and median/turn lane configurations.

Maintaining the uniformity of speeds increases safety and reduces the risks for vehicle collisions. When vehicles deviate from a standard speed, either faster or slower, the potential for accidents is increased. By setting the speed limit to the 85th percentile speed, this uniformity is achieved and safety is increased. Selection of the most appropriate speed limit is important in inviting driver compliance, allowing effective enforcement, and reducing accident incidence.

The data in Table 1 illustrates the location of the radar speed trailers, the posted speed limit at each location, the recorded average speed and the recorded 85th percentile speed.

Table 1: 2020 Radar Speed Locations

Location	Posted Speed Limit (km/h)	Average Speed (km/h)	85 th Percentile Speed (km/h)
Aloha (eastbound traffic)	50	29	37
Brighton (northbound traffic)	50	40	48
Brighton (southbound traffic)	50	39	47
Edgewater (southbound traffic)	50	42	51
Holden Rd. (southbound traffic)	60	70	86
Grace Rd. (southbound traffic)	40	37	45
Grace Rd. (northbound traffic)	40	39	49
Lesperance bet'n Westlake & Calvary (southbound traffic)	50	46	55
Malden Rd. @ 5975 Malden (southbound traffic)	50	61	72
Manning bet'n Little River & Riverside (northbound traffic)	50	57	66
McNorton, west of mailboxes (eastbound traffic)	40	42	49
Riverside bet'n Grace & Centennial (eastbound traffic)	50	54	62

Location	Posted Speed Limit (km/h)	Average Speed (km/h)	85 th Percentile Speed (km/h)
Tecumseh @ water tower (westbound)	50	56	65

According to the data recorded and downloaded from the radar speed trailers, motorists on the majority of the streets monitored were generally found to be travelling at speeds that are not considered excessive as indicative of the average speeds outlined in the table above.

The **85th percentile speed** points to five streets where motorists were travelling more than 10 km/h over the posted speed limit:

- Holden Road;
- Malden Road;
- Manning Road;
- Riverside Drive; and
- Tecumseh Road

The Ontario Provincial Police (OPP) were notified of the above-noted areas of concern for further enforcement. Detailed data was provided for further assistance such as time of day and direction of traffic where speeding was more prevalent.

PWES will also look to continue to gather radar speed data on these streets to determine the trend analysis, which may result in a separate report to Council with recommendations on possible speed limit changes, enhanced enforcement, or the introduction of appropriate traffic calming features, as deemed necessary.

The **average speed** slightly exceeded the posted speed limit at six of the ten streets, of which the exceedance was not greater than 11 km/h.

Public Works staff will continue to conduct radar speed surveys in response to speeding complaints on a complaint driven basis.

Consultations

Ontario Provincial Police

Financial Implications

There are no financial implications arising from this report.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☒

Website ☐ Social Media ☐ News Release ☐ Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Dana Reid
Clerk I Administrative Clerk

Reviewed by:

Kirby McArdle, P.Eng.
Manager Roads & Fleet

Reviewed by:

Phil Bartnik, P.Eng.
Director Public Works & Environmental Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
None	None



The Corporation of the Town of Tecumseh

Public Works & Environmental Services

To: Mayor and Members of Council

From: Phil Bartnik, Director Public Works & Environmental Services

Date to Council: January 26, 2021

Report Number: PWES-2021-02

Subject: Drainage Act Regulatory Proposal and Administrative Comments

Recommendations

It is recommended:

That report PWES-2021-02, Drainage Act Regulatory Proposal and Administrative Comments, **be received;**

And that report PWES-2021-02 **be submitted** to the Food Safety and Environmental Policy Branch as comments from the Town of Tecumseh regarding the Drainage Act Regulatory Proposal as specified on the Environmental Registry of Ontario.

Executive Summary

The purpose of this report is to provide comments on the Drainage Act Regulatory Proposal that are relevant to the Town of Tecumseh. Upon approval by Council, this report will be submitted to the Food Safety and Environmental Policy Branch as the Town's comments on the proposed regulation, in advance of the commenting deadline of February 7, 2021.

Background

On January 22, 2020, the Ontario Ministry of Agriculture, Food, and Rural Affairs (OMAFRA) released a letter seeking input on a proposal to streamline *Drainage Act* approval processes. The proposed changes to the *Drainage Act* are intended to reduce costs and project delays for affected property owners, including municipalities. The original discussion paper supplied by the OMAFRA posed questions for stakeholder feedback that were to be considered when the proposed changes were finalized.

At the February 11, 2020 Regular Meeting of Council, Council received report PWES-2020-11 “Drainage Act, Summary of Proposed Changes and Administrative Comments” and authorized that the report, including the Town’s concerns and questions on the proposed changes to the *Drainage Act*, be submitted to the OMAFRA (Motion: RCM-46/20). This report provided a summary of the proposed changes to the Act in addition to comments and questions brought by Administration that were relevant to the Town of Tecumseh.

On July 21, 2020, the *COVID-19 Economic Recovery Act, 2020* (formerly Bill 197), which featured amendments to the *Drainage Act*, received Royal Assent. Subsequently, on December 9, 2020, the OMAFRA posted notice of the Drainage Act Regulatory Proposal on the Environmental Registry of Ontario (ERO No. 019-2814). Supporting material included in this notice are: Drainage Act Regulatory Proposal Discussion Paper (Attachment 1); Appendix A Proposed Minor Improvement Process (Attachment 2); Appendix B Proposed Minor Improvement Process Flowchart (Attachment 3); Appendix C Proposed Engineer’s Report Process (Attachment 4); Appendix D Proposed Engineer’s Report Process Flowchart (Attachment 5).

These amendments enabled development of a new Minister’s Regulation that would:

- Provide a simplified process for minor improvements to municipal drains;
- Simplify the process for approving updates to engineer’s reports for changes to the design made during construction; and
- Adopt the *Drainage Act* and *Conservation Authorities Act* Protocol (DART Protocol) by reference.

The OMAFRA is accepting comments on the proposed new Minister’s Regulation to implement the amendments under the *COVID-19 Economic Recovery Act, 2020* until February 7, 2021.

Comments

Similar to the call for public feedback on the proposed amendments to the *Drainage Act* in early 2020, OMAFRA is seeking feedback on the regulatory proposal for a new Minister’s Regulation. This Regulation includes the following four key components.

1. Minor Improvement Process

Currently, the process to complete drainage works is complex and lengthy for even straightforward drain improvement projects that have minimal impact on other properties. The new regulation plans to establish a streamlined process to reduce costs and time to complete projects while maintaining environmental protections.

The regulation plans to establish the criteria necessary to qualify drainage works for this streamlined process. Once a project has been designated as a minor improvement project, it will follow the streamlined process (Attachments 2 & 3).

Discussion Questions & Comments

The discussion questions supplied in the Drainage Act Regulatory Proposal Discussion Paper (Attachment 1) which relate to the above are:

Q: Do you agree with the proposed minor improvement criteria?

- Town of Tecumseh Administration is in agreement with the bulk of the criteria, however, concerns have been raised in the comments below.

Q: What types of improvements do you foresee fitting under the minor improvement process?

- Culvert improvements and repairs that differ from the by-law
- All types of bank stabilization or repairs
- Wash-in erosion repairs
- Improvements and repairs to outlets from private drains

Q: What potential pre-approved designs do you foresee for being possible under a protocol for minor improvements?

- Installation of new culverts that are initially borne by the requesting landowner but become legal and pro-rateable in the future.

Q: Are there other opportunities to further reduce burden for minor improvements?

- “Consent” be defined in applications where neighbouring property approvals are required.
- Content of report should be clearly specified as to what is required.
- An abandonment process for this type of improvement inclusive of how to assess out costs to date in event that the improvement is rejected or abandoned.
- Adjustment of 90-day period to be more realistic with meeting scheduling and Drainage Engineer shortages.

2. Process to Update an Engineer’s Report

Drainage systems constructed under the *Drainage Act* occasionally deviate from the adopted engineer’s plans and profile due to unforeseen conditions or problems encountered in the field. The sole method previously available to legalize these changes as shown in the engineer’s report was to apply to the Tribunal for a gross error found in the report (Section 58(4)).

The proposed new Minister’s Regulation plans to include a new process to easily reflect changes to a drain design in an engineer’s report. This regulation will establish the eligibility criteria of changes warranted due to construction. If these criteria are met, the streamlined process can be utilized (Attachments 4 & 5).

Discussion Question & Comment

The discussion question supplied in the Drainage Act Regulatory Proposal Discussion Paper (Attachment 1) which relates to the above is:

Q: Are the proposed criteria for updating an engineer's report appropriate?

- The criteria for the timeline in which the engineer would submit the design changes to the municipality would benefit from an extension greater than 30 days. An increased timeline would allow for a streamlined approach to both amend the final costs and drawings at the same time. Consolidating both of these allows for an easy method to display As-Constructed Drawings which best represent the actual construction of the work.

3. Protocols

Projects under the *Drainage Act* require approvals from multiple agencies adding costs and project delays. The proposed new regulation would enable a more collaborative approach by incorporating the Drainage Act and Conservation Authorities Act Protocol (DART Protocol) which will allow for approvals to be issued more efficiently from other agencies.

OMAFRA plans to build on the success of the DART Protocol by developing an additional protocol related to pre-approved engineered designs for minor improvement through collaboration with other ministries, agencies, municipalities, and organizations.

Discussion Question & Comment

The discussion question supplied in the Drainage Act Regulatory Proposal Discussion Paper (Attachment 1) which relates to the above is:

Q: What new protocols would you prioritize?

- Protocol with Department of Fisheries and Oceans for issues related to the *Fisheries Act*.
- Protocol with Ministry of the Environment, Conservation and Parks for issues related to the *Endangered Species Act*.
- Protocols would be beneficial for the following minor improvements
 - Culvert requests for improvements or repairs
 - Wash-in erosion repairs
 - All types of bank stabilization works

4. Prescribed Persons

Amendments to the *Drainage Act* allow for the new regulation to prescribe persons that must be notified under sections 5(1)(b), 6(1), 10(2), 10(8), 41(1) of the *Drainage Act*. It is proposed that prescribed persons in the regulation would remain as the list of persons to be notified with exception to the Ministry of Natural Resources, which will be replaced by the current Ministry of

Natural Resources and Forestry in each relevant section. This regulation will allow for an easier method to update the list in the future.

Discussion Question & Comment

There are no Discussion Questions related to this proposed Amendment. Town of Tecumseh Administration is in support of this Drainage Act Regulatory Proposal for amendments to the *Drainage Act* but requests to be notified of any changes to the list in the regulation.

Consultations

Ontario Ministry of Agriculture, Food and Rural Affairs

Financial Implications

There are no financial implications arising from this report.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input checked="" type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Cameron Hedges, E.I.T.
Assistant Drainage Superintendent

Reviewed by:

John Henderson, P.Eng.
Manager Engineering Services

Reviewed by:

Phil Bartnik, P.Eng.
Director Public Works & Environmental Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Drainage Act Regulatory Proposal Discussion Paper
2	Appendix A – Proposed Minor Improvement Process
3	Appendix B – Proposed Minor Improvement Process Flowchart
4	Appendix C – Proposed Engineer’s Report Process
5	Appendix D – Proposed Engineer’s Report Process Flowchart

Drainage Act Regulatory Proposal Discussion Paper

Summary of Proposal

Drainage is critical for supporting agricultural productivity and the production of food. It also enables agri-food sector growth by delivering environmental and economic benefits such as improved crop productivity, nutrient loss reduction, reduced soil erosion, habitat protection and flood control. Though mostly unnoticed, it is an essential part of the rural Ontario landscape with more than 45,000 kilometers of municipal drains servicing approximately 1.75 million hectares of cropland.

It also positively impacts the economy as over \$100M is privately invested in drainage annually which has created 800-900 jobs and supports over 100 independent businesses.

To permit the construction and maintenance of municipal drains and private agricultural drainage systems, the agricultural sector has relied on drainage legislation for over 150 years. The Ministry of Agriculture, Food and Rural Affairs (OMAFRA) administers three pieces of agricultural drainage legislation: they are: (1) the *Drainage Act*, (2) the *Tile Drainage Act* and (3) the *Agricultural Tile Drainage Installation Act*.

The *Drainage Act* is one of the Province's oldest pieces of legislation. It is also unique in many ways. It establishes a process for resolving property right disputes involving water flow and drainage. It is also premised on a system where costs are fairly assessed to the property owners within the watershed.

Through collaboration between private landowners, a drainage Engineer's Report has helped address broader societal benefits such as flood control within Ontario's rural communities. The Engineer's Report provides the design and allocation of project costs for a municipal drain that involves multiple private properties.

Until recently, there had not been any significant changes to the Act since 1975. This led to stakeholder requests for reducing burden while maintaining environmental standards. Some stakeholders indicated there are too many steps and agencies involved for drainage construction, maintenance and improvements to be approved in a timely and less costly way. Others suggested that additional protocols could help with streamlining approvals.

The concerns raised above ultimately resulted in the *Drainage Act* being amended by Schedule 4 of the *COVID-19 Economic Recovery Act, 2020* (formerly known as Bill 197), which received Royal Assent on July 21, 2020. The amendments will come into force and effect upon being Proclaimed. The amendments were, however, only enabling in nature. As such, a Minister's Regulation is required to operationalize the

amendments. The amendments, which are part of the Ontario Government's broader approach to cutting red tape and reducing regulatory burden for businesses, to lower business operating costs and improve Ontario's competitiveness, will, once Proclaimed and fully operationalized:

- Create a streamlined *Drainage Act* process for minor improvements to drainage systems;
- Enable a simplified process to update the Engineer's Report to account for changes to the design made during construction; and,
- Provide the authority for the Minister of Agriculture, Food and Rural Affairs to adopt the Drainage Act and Conservation Authorities Act Protocol (DART Protocol) by reference.

Just as OMAFRA asked for public feedback on the proposed amendments to the *Drainage Act*, OMAFRA is seeking feedback on the regulatory proposal for a new Minister's Regulation, which is described below. Your feedback will be considered during the development of the new regulation which would, if passed, come into effect Spring 2021.

1) Minor Improvement Process

Currently, the process to obtain municipal approval for drainage works is complex and can be lengthy even for straightforward drain improvement projects that have a minimal impact on other properties. A new Minister's Regulation would establish a streamlined process for minor improvements that would help projects be completed in a less costly and more efficient way while maintaining environmental protections. Approvals under other legislation [e.g. Department of Fisheries and Oceans and local Conservation Authority (CA) permits] will continue to be required for all improvement projects. The proposed new Minister's Regulation would define what minor improvements would be eligible.

The eligibility criteria could include the following:

- The improvement would be initiated by the property owner
- The improvement would take place on an individual property
- The property owner would pay the full cost of construction for the minor improvement
- There would be no need for construction access on neighbouring properties or the property owner has already obtained consent from applicable neighbouring properties

- The proposed minor improvement would not lead to changes as to how future repair and maintenance costs are allocated to other property owners in the watershed
- The minor improvement project would maintain the existing drainage capacity

Property owners and municipal council would have to agree that a project meets the criteria. If the project doesn't meet the criteria, the landowner would be re-directed to complete a section 78 *Drainage Act* improvement process.

If the project meets the criteria, it would be able to follow one of two streamlined processes.

Proposed Streamlined Process

The proposed new Minister's Regulation would describe the process for approving minor improvements. This could include the following steps.

- The municipality would send a notice to the conservation authority and other prescribed persons.
- The municipality would appoint an engineer to prepare a report in 90 days. The regulation may permit a municipality to rely on a municipal staff engineer who has P.Eng credentials.
- The municipality would provide notice of a council meeting.
- Council would decide if the project can proceed. If Council decides the project should proceed, the clerk would send out a provisional by-law. Appeals would have to be filed within 10 days.
- After the appeals are heard or the time for the appeals process has expired, the municipality would pass the bylaw and the project tendering would proceed.
- The project would be constructed, and the typical administrative work would occur.

Refer to the flow chart in Appendix A or B for more detailed information.

Key Differences with the Current and Proposed Streamlined Process

Some key differences between the current improvement process (section 78 *Drainage Act process*) and the proposed streamlined process are:

- The current improvement process requires the engineer to complete the report within 1 year whereas the proposed minor improvement process would require a report within 90 days.

- The current improvement process requires an on-site meeting for approval agencies and affected landowners whereas the proposed minor improvement process would require a site inspection with the engineer and landowner.
- The current improvement process provides property owners with 40 days to file appeals whereas the proposed minor improvement process would provide 10 days to file appeals.
- The current process allows appeals to the Drainage Referee, Court of Revision and the Agriculture, Food and Rural Affairs Appeal Tribunal (Tribunal) whereas the proposed process would allow appeals only to the Drainage Referee.

Figure 1: Key Differences Between the Current and Proposed Minor Improvement Process Requirements

Current Improvement Process Requirements (which will remain for projects that aren't considered minor improvements)	Proposed Minor Improvement Process Requirements
- Includes a council meeting to consider the preliminary report	- No requirement for a preliminary report
- Engineer has up to 1 year to complete the report	- The engineer has 90 days to complete their report
- Requirement for an on-site meeting for approval agencies, all affected landowners, etc.	- The engineer inspects the site with the landowner
- The municipal clerk must provide notice of a Council meeting to the conservation authorities and other agencies within 30 days of receiving the Engineer's Report	- The clerk provides notice of a Council meeting within 10 days of receiving the Engineer's Report
- Timeframe to modify the Engineer's Report (if needed) is within the 1-year requirement. For example, if there is 6 months left in the process- the engineer would have up to 6 months to modify the Report.	- Up to 90 days to modify the Engineer's Report (if needed).

<ul style="list-style-type: none"> - Once the municipal clerk sends out the provisional bylaw and notice, property owners have 40 days to file appeals - The process allows for appeals to the Drainage Referee, Court of Revision and the Tribunal. 	<ul style="list-style-type: none"> - 10-day time frame for appeals. For example, once the municipal clerk sends out the provisional bylaw and notice, the property owner (who initiated the minor improvement) has 10 days to file an appeal. - Appeals would go to the Drainage Referee.
--	---

Proposed Streamlined Process – pre-approved design (best paired with the above streamlined process)

This proposal would also allow for the municipality and landowner to use a pre-approved engineered design for certain minor improvement projects. This would reduce the amount of time an engineer would need to spend on an individual project.

- Some minor improvements (for example straightforward farm crossings or erosion protection) may be amenable to development of a pre-approved design.
- Other minor improvement projects can be quite complex, requiring special knowledge, skills and experience. Complex projects (e.g. an engineered wetland or non-standard crossing) would not be included in this process.

The pre-approved designs for straightforward minor improvement projects would be developed through a collaborative process for inclusion in a future protocol that could be incorporated by reference. It would take time for the ministry to develop a protocol for the second process. In the meantime, the first process would be available.

2) Process to Update an Engineer's Report

Drainage systems built under the *Drainage Act* can sometimes deviate from the design plans because of unforeseen site conditions in the field. For example, the engineer or contractor may realize during construction that the soil conditions are different than expected and the drain routes need to change or widen. Currently, any changes to the design are not made in the Engineer's Report which is the legal description of the Municipal Drain. This can lead to a lack of clarity for municipalities who are maintaining the drain.

The proposed new Minister's Regulation would establish a new process for reflecting changes to a drain design in an Engineer's Report.

Draft Eligibility Criteria

The process would include eligibility criteria and would allow updates to the Engineer's Report as a result of unforeseen circumstances during construction or due to permitting requirements.

For changes due to construction, additional criteria would include the following:

- Current agency approvals would support the required changes to the drain design
- The required changes would not exceed 10% of the total project costs
- The municipal drainage superintendent agrees with the design changes and confirms they would not impact the drain function.

Design changes may also be permitted because of an environmental approval or permitting requirement. For example, sometimes an approval agency requests permitting requirements after the Engineer's Report is approved by Council. This process would allow the Report to be updated.

If the criteria are met, the streamlined process would take effect.

Proposed Streamlined Process

The proposed new Minister's Regulation would set out the process for making the changes to the drain design and Engineer's Report which could include:

- The engineer would submit the design changes to the municipality within 30 days after the drain completion.

- Municipal council would agree to amending the Engineer's Report with the new drawings. The updated Engineer's Report would then govern all future drain maintenance.
- Any additional costs would be assessed out to the drain.
- All property owners would be notified of the changes however there would be no additional appeal rights.

Refer to the Flow Chart in Appendix C and Appendix D for more detailed information.

3) Protocols

Currently, projects under the *Drainage Act* typically require approvals from multiple agencies adding costs and project delays. The proposed new Minister's Regulation would enable a more collaborative approach by incorporating the *Drainage Act and Conservation Authorities Act Protocol* that may allow for approvals to be issued more efficiently by other agencies.

The Protocol streamlines permitting under section 28 of the *Conservation Authorities Act* for municipal drain repair and maintenance projects in order to support compliance with *Drainage Act* requirements. For example, specific drainage maintenance and repair activities that follow environmental mitigation measures recommended in the Protocol are provided with a streamlined permit approval where conservation authorities have adopted the Protocol.

OMAFRA would like to build on the success of the DART Protocol by developing an additional protocol related to pre-approved engineered designs for minor improvements.

OMAFRA would work in collaboration with other ministries, regulatory agencies, conservation authorities, municipalities, farming organizations and indigenous organizations to develop the new protocol.

Future approval processes for municipal drains will benefit from consistent expectations across approving agencies, leading to faster approvals of drain construction projects.

4) Prescribed Persons

The changes to the *Drainage Act* also allow for the regulation to prescribe persons that must be notified in sections 5 (1) (b), 6 (1), 10 (2), 10 (8), 41 (1) of the *Drainage Act*. For example, in prescribing persons in the proposed regulation, the Ministry of Natural Resources would be replaced by the Ministry of Natural Resources and Forestry for each relevant section. It is proposed that other prescribed persons in the regulation would remain as the list of persons to be notified in the relevant sections of the *Drainage Act*. Moving the list of persons to be notified to a regulation would make it easier to update the lists in future.

Discussion Questions

- 1) Do you agree with the proposed minor improvement criteria?
- 2) What types of improvements do you foresee fitting under the minor improvement process?
- 3) What potential pre-approved designs do you foresee for being possible under a protocol for minor improvements?
- 4) Are there other opportunities to further reduce burden for minor improvements?
- 5) Are the proposed criteria for updating an Engineer's Report appropriate?
- 6) What new protocols would you prioritize?

Discussion Paper Comments

OMAFRA is seeking comments on the regulation from December 9, 2020 to February 7, 2021.

To provide comments on the proposal via email, please email Sara Peckford:
Sara.Peckford@ontario.ca

Appendix A

Proposed Minor Improvement Process

This document is the accessible version of the Streamlined Minor Improvement Process Proposal flowchart document.

1. A request for minor improvements is filed with the municipality by a property owner/petitioner.
2. The council of the initiating municipality determines whether or not the request should be accepted based on criteria set out in the new regulation.

If Municipal Council says no,

- The request is NOT accepted based on the criteria. The Requestor(s) will be informed of the decision and directed to complete Section 78 (major improvement) process.

If Municipal Council says yes,

- Municipal staff send a notice to conservation authorities and other Prescribed Persons.
- An engineer is then appointed (municipal staff person with P. Eng credential acceptable).
- The council of the initiating municipal will instruct the engineer to inspect site and produce final report.
- The engineer will prepare the final report and file it with the municipality within 90 days of instruction (confirming project has no offsite impacts and meets minor improvement criteria).
- Municipal clerk(s) provides notice of a council meeting to the conservation authorities and other Prescribed Persons within 10 days of receiving the report.
- The engineer then presents a final report. A council meeting will take place to consider the engineer's report and Council will give the initiating property owner, the Conservation Authority and other Prescribed Persons the opportunity to provide input.
- Council will then decide whether the project should proceed.

If Municipal Council says no,

- The property owner will be directed to complete Section 78 (major improvement) process.

If Municipal Council is unsure,

- The engineer must modify the report and present to Council within 90 days.

If Municipal Council says yes,

- Council provisionally adopts the report by by-law.

- The municipal clerk(s) send out provisional by-law and notice of the Drainage Referee to the initiating property owner and OMAFRA.
 - NOTE: Appeals to referee must be filed within 10 days of sending. This appeal step only occurs if appeals are filed. The referee hears appeals on legal aspects of the work and proceeds to the next step
- After all appeals have been heard or time for appealing has expired (min 10 days), the by-law may be passed.
- The engineer must apply for applicable environmental permits and tendering occurs.
- The engineer accepts tender and proceeds with construction.
- The project is constructed.

If no problems arise...

- Post construction administrative work for municipal staff includes:
 - By-law amended to reflect actual costs;
 - Assessments levied; and
 - Grants applied for.
- If there is a need to update the Engineer's Report due to construction issues, see proposed process for updating the Engineer's Report after construction.
- **If the project cannot proceed** because it no longer meets the minor improvement criteria, the project must proceed through Section 78 (major improvement) process. Engineer must report back to Council and project must stop.
- Once the project is constructed, if the property owners determine the quality of the work is satisfactory, then the project is complete.
- If the property owners determine the quality of the work is **NOT** satisfactory, the Tribunal hears appeal on quality of construction. **Note:** appeals may be filed within 1 year of project completion.

Appendix B: Proposed Minor Improvement
Process Flowchart

Legend

Shapes

General actions

Decision point

Colours

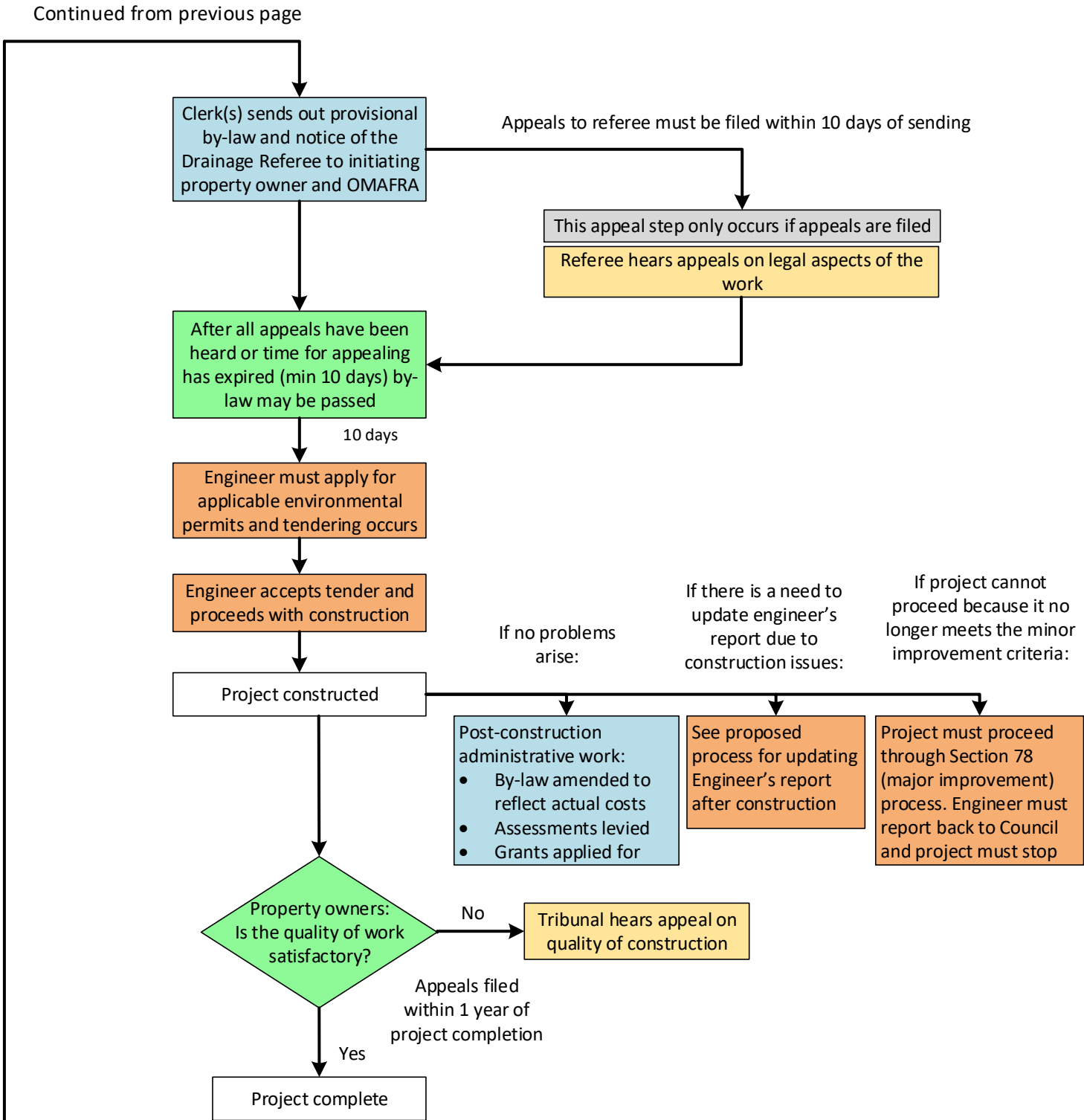
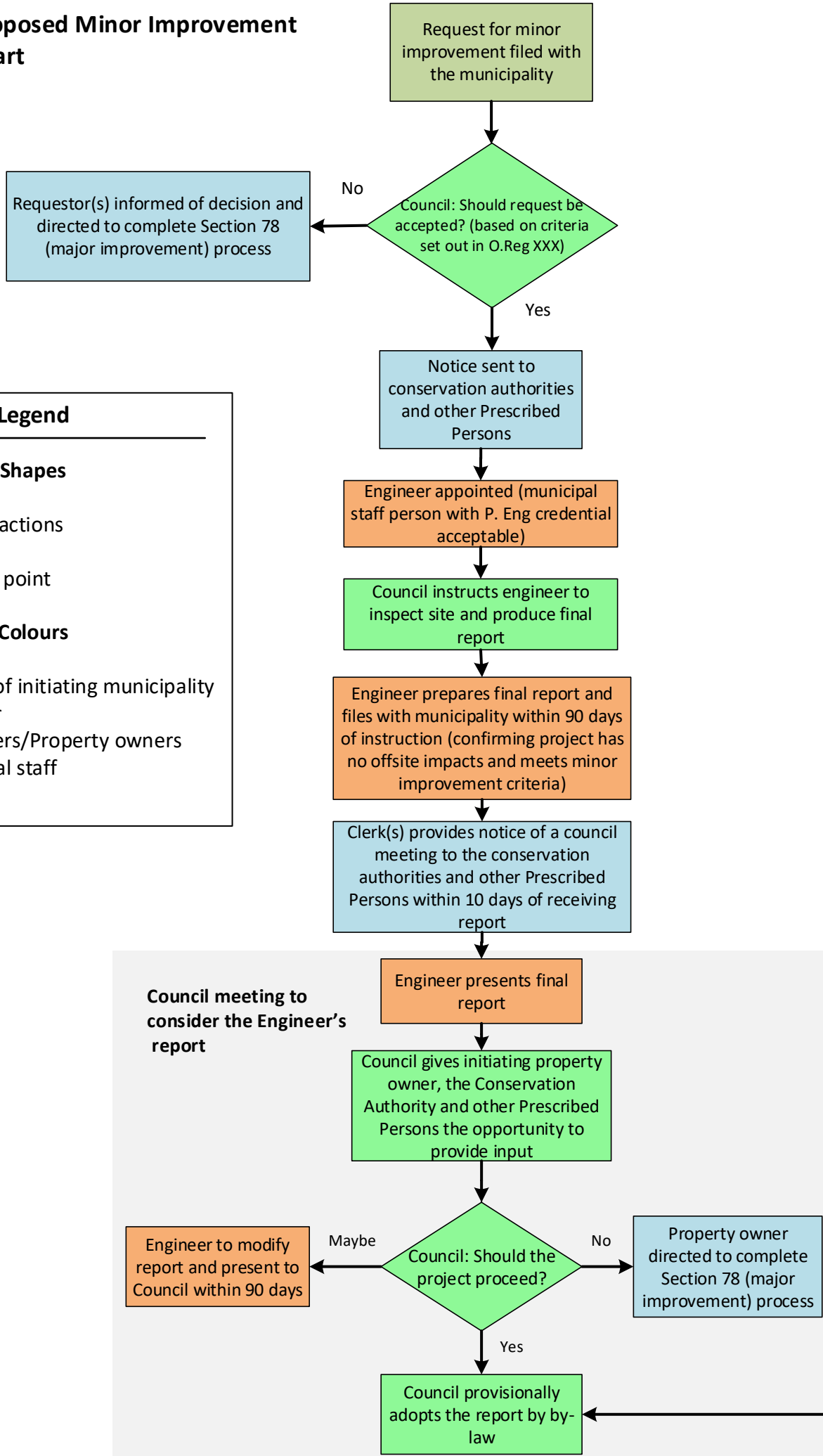
Council of initiating municipality

Engineer

Petitioners/Property owners

Municipal staff

Appeals



Minor Improvement Process Flow Chart Description

- A request for minor improvements is filed with the municipality by a property owner/petitioner
- The council of the initiating municipality determines whether or not the request should be accepted based on criteria set out in the new regulation.

If Municipal Council says no,

- The request is NOT accepted based on the criteria. The Requestor(s) will be informed of the decision and directed to complete Section 78 (major improvement) process.

If Municipal Council says yes,

- Municipal staff send a notice to conservation authorities and other Prescribed Persons.
- An engineer is then appointed (municipal staff person with P. Eng credential acceptable).
- The council of the initiating municipal will instruct the engineer to inspect site and produce final report.
- The engineer will prepare the final report and file it with the municipality within 90 days of instruction (confirming project has no offsite impacts and meets minor improvement criteria).
- Municipal clerk(s) provides notice of a council meeting to the conservation authorities and other Prescribed Persons within 10 days of receiving the report.
- The engineer then presents a final report. A council meeting will take place to consider the engineer's report and Council will give the initiating property owner, the Conservation Authority and other Prescribed Persons the opportunity to provide input.
- Council will then decide whether the project should proceed.

If Municipal Council says no,

- The property owner will be directed to complete Section 78 (major improvement) process.
- If Municipal Council is unsure,
- The engineer must modify the report and present to Council within 90 days.

If Municipal Council says yes,

- Council provisionally adopts the report by by-law.
- The municipal clerk(s) send out provisional by-law and notice of the Drainage Referee to the initiating property owner and OMAFRA.

Appendix C

Proposed Engineer's Report Process

- 1) The engineer determines whether or not design changes are required during construction.
 - If design changes are **NOT** required, municipal staff should complete the post-construction administrative work. Municipal staff to refer to procedures for Section 4, Section 78 and proposed minor improvement process for subsequent steps.
- 2) If design changes **ARE** required during construction, the council of the initiating municipality must determine whether or not the project meets the eligibility criteria under Option A, Option B, or both (see eligibility criteria below).
 - If the council of the initiating municipality finds the project does **NOT** meet the eligibility criteria, the engineer must appeal to the Tribunal
- 3) If the council finds that the project DOES meet the eligibility criteria under Option A, Option B, or both, the engineer shall make changes to reflect the as-built/constructed drain.
- 4) The engineer shall submit the design changes to the municipality within 30 days after the certified completion date.
- 5) The council of the initiating municipality must then amend the Engineer's Report with the new as-built drawings.

Project Eligibility Criteria

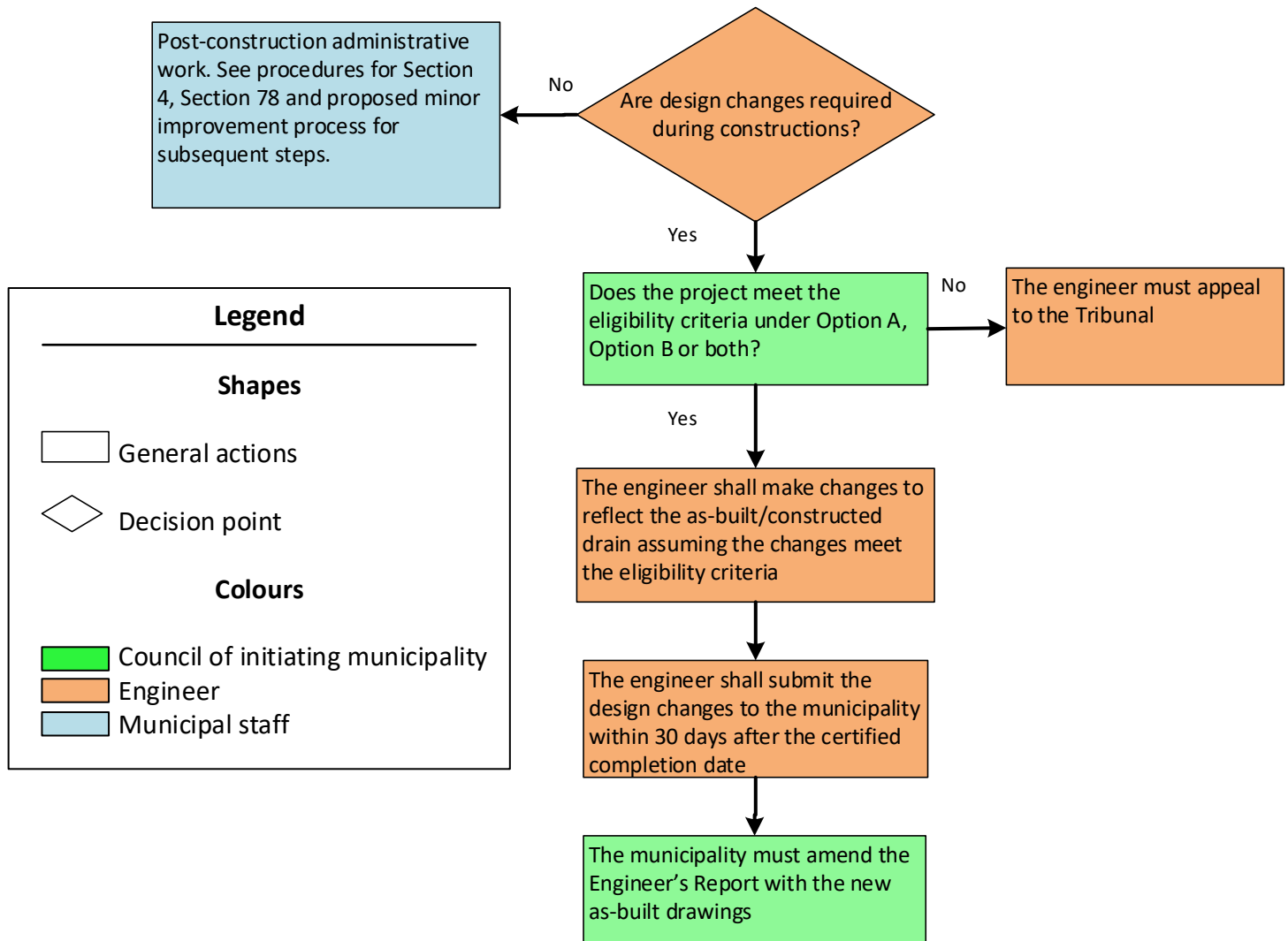
Option A)

- 1) The design changes are as a result of unforeseen circumstances
- 2) Current approvals (CAA, DFO, etc.) support the required changes
- 3) The required changes do not exceed 10% of the total project cost
- 4) The municipal drainage superintendent agrees the construction design change is warranted which will not result in any material changes to the drain and approves that amending the Engineer's Report is appropriate
- 5) All landowners are notified of the changes however there are no additional appeal rights

Option B)

- If it's because of a permitting requirement (CA, DFO), it's automatic that you use this process

Appendix D: Proposed Engineer's Report Process Flowchart



Eligibility Criteria

A)

1. The design changes are as a result of unforeseen circumstances
2. Current approvals (CAA, DFO, etc.) support the required changes
3. The required changes do not exceed 10% of the total project cost
4. The municipal drainage superintendent agrees the construction design change is warranted which will not result in any material changes to the drain and approves that amending the Engineer's Report is appropriate
5. All landowners are notified of the changes however there are no additional appeal rights

B)

1. If it's because of a permitting requirement (CA, DFO), it's automatic that you use this process

Flow Chart Description

- 1) The engineer determines whether or not design changes are required during construction.
If design changes are NOT required, municipal staff should complete the post-construction administrative work. Municipal staff to refer to procedures for Section 4, Section 78 and proposed minor improvement process for subsequent steps.
- 2) If design changes are required during construction, the council of the initiating municipality must determine whether or not the project meets the eligibility criteria under Option A, Option B, or both
 - If the council of the initiating municipality finds the project does NOT meet the eligibility criteria, the engineer must appeal to the Tribunal
- 3) If the council finds that the project DOES meet the eligibility criteria under Option A, Option B, or both, the engineer shall make changes to reflect the as-built/constructed drain.
- 4) The engineer shall submit the design changes to the municipality within 30 days after the certified completion date.
- 5) The council of the initiating municipality must then amend the Engineer's Report with the new as-built drawings.

The Corporation of the Town of Tecumseh

By-Law Number 2021 - 04

Being a By-law to provide for the adoption of the estimates of all sums required (budget) for general municipal purposes for the Year 2021.

Whereas Section 290 of The Municipal Act, S.O. 2001 Chapter 25, as amended, provides that a municipality shall, in the year or the immediately preceding year, prepare and adopt a budget including estimates of all sums required during the year for the purposes of the municipality; and

Whereas the Council of the Town of Tecumseh adopted By-law 2003-06, in accordance with Section 251 of The Municipal Act, S.O. 2001 Chapter 25, establishing procedures for the giving of notices under the said Act; and

Whereas in accordance with By-law No. 2003-06, notice of Council's intention to adopt a budget for the year 2021, was given at the December 8, 2020 regular meeting and January 13, 2021 special meeting of Tecumseh Town Council, as well as on the Town's website, Facebook page, Twitter, and the Town's App.

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

1. **That** the estimates (budget) for all sums required during the 2021 year for the purposes of the municipality as per Schedules "A" and "B" attached hereto, are hereby adopted.
2. **That** this by-law shall come into force and take effect upon the date of the third and final reading thereof.

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

Gary McNamara, Mayor

Laura Moy, Clerk

Schedule "A"
By-law 2021-04
The Corporation of the Town of Tecumseh
2021 Budget Summary

Revenues	2021	2020	\$ Change	% Change
General Tax Levy	25,315,905	24,347,565	968,340	3.98%
Local Improvements	1,019	1,019	-	0.00%
Rights of Way	15,000	15,000	-	0.00%
Payment In Lieu of Taxes	78,040	72,500	5,540	7.64%
Sub-total Taxation Revenue	25,409,964	24,436,084	973,880	3.99%
Ontario/Canada Grants	355,444	379,063	(23,619)	-6.23%
Fees, Services Charges and Donations	11,640,399	12,157,137	(516,738)	-4.25%
Licences, Permits and Fines	867,568	744,500	123,068	16.53%
Penalties and interest	380,000	380,000	-	0.00%
Investment income	1,192,309	1,192,309	-	0.00%
Other Revenues	657,055	608,675	48,380	7.95%
Transfer from reserves and reserve funds	1,386,291	891,219	495,072	55.55%
Sub-total Operating Revenue	16,479,066	16,352,903	126,163	0.77%
Ontario/Canada Grants	450,000	40,176,500	(39,726,500)	-98.88%
Share of Gas Tax Revenues	1,127,500	1,127,500	-	0.00%
Capital contributions from Landowners	1,009,400	4,890,200	(3,880,800)	-79.36%
Proceeds from long term debt issued	-	9,593,500	(9,593,500)	-100.00%
Transfer from reserve and reserve funds	25,344,750	20,443,000	4,901,750	23.98%
Sub-total Capital/Lifecycle Revenue	27,931,650	76,230,700	(48,299,050)	-63.36%
Total Revenues	69,820,680	117,019,687	(47,199,007)	-40.33%

Schedule "A"
By-law 2021-04
The Corporation of the Town of Tecumseh
2021 Budget Summary

Operating Expenditures	2021	2020	\$ Change	% Change
Council	429,154	464,059	(34,905)	-7.52%
Administration	4,544,702	4,162,411	382,291	9.18%
Sub-total General Government	4,973,856	4,626,470	347,386	7.51%
Fire	1,366,729	1,389,710	(22,981)	-1.65%
Police	3,624,657	3,598,591	26,066	0.72%
Crossing Guards	90,883	89,069	1,814	2.04%
Building Department	582,890	561,850	21,040	3.74%
Animal Control	50,680	50,680	-	0.00%
Conservation Authority	294,074	282,674	11,400	4.03%
Emergency Measures	24,050	30,050	(6,000)	-19.97%
Sub-total Protection to Persons and Property	6,033,963	6,002,624	31,339	0.52%
Roadways (Public Works)	1,644,244	1,614,816	29,428	1.82%
Winter Control	383,203	377,504	5,699	1.51%
Transit	314,351	309,427	4,924	1.59%
Street Lighting	224,000	239,000	(15,000)	-6.28%
Sub-total Transportation Services	2,565,798	2,540,747	25,051	0.99%
Sanitary Sewer	2,475,560	2,454,328	21,232	0.87%
Storm Sewers	527,365	522,714	4,651	0.89%
Waterworks System	3,558,233	3,597,769	(39,536)	-1.10%
Garbage Collection	645,715	633,160	12,555	1.98%
Garbage Disposal	855,200	839,000	16,200	1.93%
Sub-total Environmental Services	8,062,073	8,046,971	15,102	0.19%
Assistance to Aged	42,600	39,985	2,615	6.54%
Sub-total Social and Family Services	42,600	39,985	2,615	6.54%
Parks	1,647,689	1,549,869	97,820	6.31%
Arena	1,772,935	1,843,048	(70,113)	-3.80%
Pool	216,480	261,699	(45,219)	-17.28%
Other	126,683	58,669	68,014	115.93%
Sub-total Recreation Services	3,763,787	3,713,285	50,502	1.36%

Schedule "A"
By-law 2021-04
The Corporation of the Town of Tecumseh
2021 Budget Summary

Operating Expenditures	2021	2020	\$ Change	% Change
Libraries	6,450	6,450	-	0.00%
Corn Festival	-	180,537	(180,537)	-100.00%
Special Events	19,227	19,327	(100)	-0.52%
Sub-total Cultural Services	25,677	206,314	(180,637)	-87.55%
Planning and Zoning	659,012	595,792	63,220	10.61%
Committee of Adjustment	101,872	108,880	(7,008)	-6.44%
Agricultural and Reforestation	227,536	233,595	(6,059)	-2.59%
Tile Drainage/Shoreline Assistance	1,019	1,019	-	0.00%
Sub-total Planning and Development	989,439	939,286	50,153	5.34%
Transfer to reserve and reserve funds	729,730	531,500	198,230	37.30%
Total Operating Expenditures	27,186,923	26,647,182	539,741	2.03%
Capital/Lifecycle Expenditures	2021	2020	\$ Change	% Change
General Government	862,000	4,078,075	(3,216,075)	-78.86%
Protection To Persons and Property	115,300	130,300	(15,000)	-11.51%
Transportation Services	7,647,800	5,053,000	2,594,800	51.35%
Environmental Services	10,184,450	10,216,700	(32,250)	-0.32%
Recreation Services	5,224,500	56,310,000	(51,085,500)	-90.72%
Cultural Services	60,000	20,000	40,000	200.00%
Planning and Development	4,365,900	930,000	3,435,900	369.45%
Transfer to reserve and reserve funds	14,173,807	13,634,430	539,377	3.96%
Opening Unfinanced Capital	3,303,743	2,442,026	861,717	35.29%
Closing Unfinanced Capital	(3,303,743)	(2,442,026)	(861,717)	35.29%
Total Capital/Lifecycle Expenditures	42,633,757	90,372,505	(47,738,748)	-52.82%
Total Expenditures	69,820,680	117,019,687	(47,199,007)	-40.33%
Net Surplus/(Deficit) End of Year	-	-	-	

Schedule "B"
By-law 2021-04
Town of Tecumseh
2021 Budget Summary

	Est. Balance at Dec. 31/20	Transfer (To) From Other Reserve	Consolidation of Reserves per Resolutions	From Current Operations	From Capital Operations	From Developers	Interest Earned	2021 Revenue	To Current	To Capital Projects	2021 Expenditure	Balance at Dec. 31/21
General Reserves												
Sick Pay	535,860	-	535,860	-	-	-	-	-	10,800	-	10,800	525,060
Working Fund	216,300	-	216,300	-	-	-	-	-	-	-	-	216,300
Tax Rate Stabilization	2,815,414	-	2,815,414	480,500	-	-	-	480,500	965,924	133,000	1,098,924	2,196,990
Health ASO	369,320	-	369,320	-	-	-	-	-	-	-	-	369,320
Meeting Investigator	32,556	-	32,556	-	-	-	-	-	-	-	-	32,556
Fire Education and Awareness	7,500	-	7,500	-	-	-	-	-	-	-	-	7,500
Insurance	211,000	-	211,000	-	-	-	-	-	20,000	-	20,000	191,000
Infrastructure (NIL)	8,368,836	91,100	8,459,936	-	1,750,000	-	-	1,750,000	137,502	1,668,800	1,806,302	8,403,634
Community Improvement Plan	336,404	-	336,404	-	-	-	-	-	-	-	-	336,404
Cada Complex Art Work	17,435	-	17,435	-	-	-	-	-	-	-	-	17,435
West St. Louis Pump	284,345	-	284,345	-	-	-	-	-	-	-	-	284,345
Total General Reserves	13,194,971	91,100	13,286,071	480,500	1,750,000	-	-	2,230,500	1,134,226	1,801,800	2,936,026	12,580,545
Lifecycle Reserves												
Arenas	959,499	-	959,499	41,000	150,000	-	-	191,000	-	2,860,000	2,860,000	1,709,501
Bridges and culverts	552,335	-	552,335	-	410,000	-	-	410,000	-	442,500	442,500	519,835
Buildings	897,985	-	897,985	-	205,000	-	-	205,000	-	280,000	280,000	822,985
Community trails	295,000	-	295,000	-	50,000	-	-	50,000	-	15,000	15,000	330,000
Drains	262,692	-	262,692	-	100,000	-	-	100,000	-	3,565,900	3,565,900	3,203,208
Election	26,875	-	26,875	-	16,000	-	-	16,000	2,125	-	2,125	40,750
Fire Apparatus	1,190,158	-	1,190,158	-	194,000	-	-	194,000	-	-	-	1,384,158
Fire Equipment	- 80,016	-	80,016	-	45,000	-	-	45,000	-	45,300	45,300	80,316
Fleet	1,169,392	-	1,169,392	-	544,000	-	-	544,000	-	793,000	793,000	920,392
Information Technology	473,355	-	473,355	-	148,000	-	-	148,000	-	362,000	362,000	259,355
New lifecycle issues	875,589	-	875,589	-	100,000	-	-	100,000	-	-	-	975,589
Outdoor Pool	288,562	-	288,562	-	60,000	-	-	60,000	-	22,000	22,000	326,562
Park development	1,298,741	44,600	1,343,341	-	365,000	-	-	365,000	-	745,000	745,000	963,341
Reforestation	162,957	-	162,957	-	30,000	-	-	30,000	-	70,000	70,000	122,957
Roads	11,177,632	-	11,177,632	10,000	4,160,000	-	-	4,170,000	28,150	4,726,360	4,754,510	10,593,122
Sidewalks	400,598	-	400,598	-	74,000	-	-	74,000	-	69,000	69,000	405,598
Storm sewers	- 1,129,372	-	1,129,372	-	1,002,700	-	-	1,002,700	-	2,937,060	2,937,060	3,063,732
One Time Strategic Issues	206,142	-	206,142	-	50,000	-	-	50,000	25,000	-	25,000	231,142
Transit	400,299	-	400,299	-	100,000	-	-	100,000	88,000	-	88,000	412,299
Total Lifecycle Reserves	19,428,427	44,600	19,473,027	51,000	7,803,700	-	-	7,854,700	143,275	16,933,120	17,076,395	10,251,332
Grand Total Reserves	32,623,398	135,700	32,759,098	531,500	9,553,700	-	-	10,085,200	1,277,501	18,734,920	20,012,421	22,831,877

Schedule "B"
By-law 2021-04
Town of Tecumseh
2021 Budget Summary

	Est. Balance at Dec. 31/20	Transfer (To) From Other Reserve	Consolidation of Reserves per Resolutions	From Current Operations	From Capital Operations	From Developers	Interest Earned	2021 Revenue	To Current	To Capital Projects	2021 Expenditure	Balance at Dec. 31/21
Discretionary Reserve Funds												
Water	5,671,369	57,900	5,729,269	-	1,706,133	-	85,100	1,791,233	28,145	3,873,200	3,901,345	3,619,157
Water - Facilities	7,383,717		7,383,717	-	129,000	-	110,800	239,800	-	66,000	66,000	7,557,517
Water rate stabilization	197,444		197,444	-	30,000	-	3,000	33,000	-	-	-	230,444
Sanitary Sewer	- 2,553,813	163,300	- 2,390,513	-	1,969,672	-	38,300	1,931,372	28,145	337,200	365,345	- 824,486
Sanitary Sewer - Facilities	1,826,095		1,826,095	-	400,000	-	27,400	427,400	-	161,750	161,750	2,091,745
Sanitary Sewer - Rate stabilization	25,457		25,457	-	25,000	-	400	25,400	-	-	-	50,857
Storm Sewer (OCIF)	-		-	-	-	-	-	-	-	-	-	-
Post retirement benefits	1,789,613		1,789,613	-	-	-	26,800	26,800	-	-	-	1,816,413
Total Discretionary Reserve Funds	14,339,882	221,200	14,561,082	-	4,259,805	-	215,200	4,475,005	56,290	4,438,150	4,494,440	14,541,647
Obligatory Reserve Funds												
DC Studies	50,477	-	50,477	-	-	26,300	800	27,100	52,500	-	52,500	25,077
DC Fire	320,700	-	320,700	-	-	13,500	4,800	18,300	-	-	-	339,000
DC Police	65,678	-	65,678	-	-	5,700	1,000	6,700	-	-	-	72,378
DC Roads	- - 91,100	- 91,100	- 91,100	-	-	91,100	-	91,100	-	-	-	-
DC Wastewater	- - 163,300	- 163,300	- 163,300	-	-	163,300	-	163,300	-	-	-	-
DC Water	- - 57,900	- 57,900	- 57,900	-	-	57,900	-	57,900	-	-	-	-
DC Library	89,384	-	89,384	-	-	4,500	1,300	5,800	-	-	-	95,184
DC Outdoor Recreation	- - 44,600	- 44,600	- 44,600	-	-	44,600	-	44,600	-	-	-	-
DC Indoor Recreation	501,755	-	501,755	-	-	46,800	7,500	54,300	-	-	-	556,055
Sub-total DC Reserve Funds	1,027,994	- 356,900	671,094	-	-	453,700	15,400	469,100	52,500	-	52,500	1,087,694
Gas Tax	3,254,077	-	3,254,077	-	1,127,500	-	48,800	1,176,300	-	-	-	4,430,377
Parkland	583,463	-	583,463	-	-	8,000	8,800	16,800	-	-	-	600,263
Storm Sewer - (OCIF)	2,925,862	-	2,925,862	-	-	-	43,900	43,900	-	1,769,600	1,769,600	1,200,162
Total Obligatory Reserve Funds	7,791,396	- 356,900	7,434,496	-	1,127,500	461,700	116,900	1,706,100	52,500	1,769,600	1,822,100	7,318,496
Grand Total Reserve Funds	22,131,278	- 135,700	21,995,578	-	5,387,305	461,700	332,100	6,181,105	108,790	6,207,750	6,316,540	21,860,143
Grand Total Reserve & Reserve Funds	54,754,676	-	54,754,676	531,500	14,941,005	461,700	332,100	16,266,305	1,386,291	24,942,670	26,328,961	44,692,020

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 22nd 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.

Gary McNamara, Mayor

Laura Moy, Clerk

Memorandum of Understanding Re: PJSLC

Dated this [] day of [] 2020

BETWEEN:

THE WINDSOR UTILITIES COMMISSION

-and-

THE CORPORATION OF THE TOWN OF TECUMSEH

MEMORANDUM OF UNDERSTANDING

1. Definitions.

- (a) **"Agreement"** shall be the Agreement as signed on March 31, 2006 between the Windsor Utilities Commission, the City of Windsor, and the Town of Tecumseh for the Supply and Use of Drinking Water as amended by the parties by writing or by arbitral award.
- (b) **"Board"** means the Board of Directors of the Commission
- (c) **"Business"** means the matters coming before or brought forward to the PJSLC within the scope of their mandate as outlined in section 3, Schedule A below.
- (d) **"Commission"** means The Windsor Utilities Commission.
- (e) **"Conflict of Interest"** includes, but is not limited to, any situation or circumstance where the other commitments, relationships or financial interests of an individual: (i) could or could be seen to exercise an improper influence over the objective, unbiased and impartial exercise of his or her independent judgement; or (ii) could or could be seen to compromise, impair or be incompatible with the effective performance of his or her obligations under these Terms of Reference or related Agreement.
- (f) **"Council"** when referring to Tecumseh means the duly elected Council of Tecumseh;
- (g) **"Tecumseh"** means The Corporation of the Town of Tecumseh.
- (h) **"MOU"** shall mean this Memorandum of Understanding as between the Parties and shall be deemed to incorporate the Terms of Reference.
- (i) **"Parties"** means the Commission and Tecumseh and **"Party"** means either one of them.
- (j) **"PJSLC"** shall mean the Permanent Joint Staff Liaison Committee established pursuant to the Agreement and to this MOU.
- (k) **"Terms of Reference"** shall mean the Terms of Reference attached to this Agreement

as Schedule "A".

(l) "City of Windsor" means the Corporation of the City of Windsor;

All other capitalized terms used herein and in the Terms of Reference shall have the meaning ascribed to them in the Agreement.


2. **Agreement Incorporated by Reference.** All terms and conditions contained within the Agreement shall be incorporated into this MOU.
3. **Purpose.** This MOU is prepared as required by Section 3 (h) of the Agreement to be ratified and adopted by the PJSJC upon their next meeting .
4. **Binding.** This MOU including, but not limited to, the Terms of Reference, shall be binding on the Parties their respective successors, and permitted assigns.
5. **Entire MOU.** This MOU constitutes the entire agreement between the parties pertaining to the subject matter of this MOU and supersedes all prior agreements, understandings, negotiations and discussions, whether oral or written. There are no conditions, warranties, representations or other agreements between the parties in connection with the subject matter of this MOU (whether oral or written, express or implied, statutory or otherwise) except as specifically set out in this MOU or the Agreement.
6. **Severability.** Any provision of this MOU which is prohibited or unenforceable in any jurisdiction shall, as to that jurisdiction, be ineffective to the extent of such prohibition or unenforceability and shall be severed from the balance of this MOU, all without affecting the remaining provisions of this MOU or affecting the validity or enforceability of such provision in any other jurisdiction.
7. **Amendment.** No modification or amendment to this MOU may be made unless agreed to by each of the parties in writing and the PJSJC.
8. **Conflict with Agreement.** In the event that a provision of this MOU conflicts with a provision of the Agreement, the provision in the Agreement shall prevail.
9. **Personnel Not Employees of the Other.** The personnel of each of the Commission and Tecumseh from time to time involved in the fulfillment of their respective obligations under this MOU, shall be under the control and direction of the Commission or Tecumseh as the case may be and shall not be employees or agents of the other.
10. **Term.** The term of this MOU shall commence the date first above written, and shall continue indefinitely until the Agreement is concluded, terminated, or the Agreement is amended in such a way that no longer requires the continued existence of the MOU.
11. **Further Assurances.** The Parties agree to do or cause to be done all acts or things necessary to implement and carry into effect this MOU to its full extent.
12. **Force Majeure.** No party shall be liable for damages caused by delay or failure to perform its obligations under this MOU where such delay or failure is caused by an event beyond its reasonable control. If a party seeks to excuse itself from its obligations under this MOU due to a force majeure event, that party shall immediately notify the other party of the delay or non-performance, the reason for such delay or non-performance and the anticipated period of delay.

13. **Successors and Assigns.** This MOU may not be assigned by either Party without the consent of the other Party, unless such an assignment is in accordance with an assignment permitted pursuant to the terms of the Agreement.
14. **Counterparts.** This MOU may be executed in any number of counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument.
15. **Electronic Signatures.** Counterparts may be executed either in original, faxed or scanned form and the parties adopt any signatures received by a facsimile or scan as original signatures of the parties.

[Remainder of page left blank. A signature page follows.]

IN WITNESS WHEREOF on the date first written above, the members of the Permanent Joint Staff Liaison Committee established pursuant to this MOU have hereunder signed and delivered this document to take effect as and from the Effective Date.

 12/18/2020
By: Garry Rossi, Authorized Signatory

 12/19/2020
By: Matt Carlini, Authorized Signatory

 12/19/2020
By: David Melnyk, Authorized Signatory
Operations all appointed by the Commission

By: Phil Bartnik, Director of Public Works & Environmental Services

By: Tom Kitsos, Chief financial officer

By: Brad Dupuis, Manager Water & Wastewater

all appointed by Tecumseh

Schedule "A" – Terms of Reference for the PJSLC

1. **Establishment.** By these Terms of Reference, pursuant to Section 3 (h) of the Agreement, the PJSLC is established.

2. **Structure.**

(a) **Composition.** Unless otherwise agreed to in writing by the Commission and Tecumseh, there shall be six (6) members appointed to the PJSLC:

- (i) One (1) shall be appointed from time to time by the Commission and shall be the Chief Engineer or equivalent representative designated as the "Chairperson" of the PJSLC.
- (ii) One (1) shall be appointed from time to time by the Commission and shall be designated as the "Vice-Chairperson" of the PJSLC.
- (iii) One (1) shall be appointed from time to time by the Commission.
- (iv) Three (3) shall be appointed from time to time by Tecumseh.

Each member of the PJSLC shall be subject to removal by the entity who appointed such member at any time.

(b) **Officers.** There shall be the following PJSLC officers:

- (i) **Chairperson.** A "Chairperson" who shall be the individual designated as per paragraph 2(a)(i) above and whose role shall be to facilitate the work of the PJSLC by: preparing agendas with the input of the other PJSLC members; ensuring that informational needs of PJSLC members are met; ensuring meeting time is used effectively; monitoring PJSLC activities to ensure the PJSLC fulfills its mandate; and such other responsibilities as are set out in these Terms of Reference or delegated to her or him by the PJSLC from time to time.
- (ii) **Vice-Chairperson.** A "Vice-Chairperson" who shall be designated as per paragraph 2(a)(ii) above whose role shall be to: liaise with the Chairperson to ensure that she or he is prepared in the event she or he is required to act as Chairperson in the event of the Chairperson's absence, inability or unwillingness to act as such; and such other responsibilities as are set out in these Terms of Reference or delegated to her or him by the PJSLC from time to time.
- (iii) **Secretary.** A "Secretary" appointed by the Chairperson in addition to its number whose role shall be to: ensure appropriate documenting of the business of the PJSLC; to ensure the records of the PJSLC are properly maintained and made available to authorized persons when required; and such other responsibilities as are set out in these Terms of Reference or delegated to her or him by the PJSLC from time to time. The Secretary shall have no voting privileges and will serve the PJSLC solely in an administrative capacity. The Secretary shall not be a member of the Commission.

The Secretary shall be subject to removal and replacement by the Chairperson of the PJSLC at any time and from time to time. The Chairperson or Vice-Chairperson can only be removed or replaced by the Commission.

(c) **Collective.** For greater clarity the PJSLC acts as a collective and no member has any individual power or authority unless specifically assigned, such as for example in the case of the Chairperson who has been individually tasked with, among other things, setting agendas.

- (d) **Notice of Appointments.** Each Party shall provide written notice to the other Party of any appointments or removals to the PJSLC as soon as practicable, and in any event, prior to the next meeting of the PJSLC. Notice provided to the other Party shall be in accordance with the notice requirements arising from the Agreement. Each Party shall promptly notify its representatives appointed to the PJSLC of such appointments or removals from time to time.
- (e) **Commitment to Fill Vacancies.** Each Party shall use commercially reasonable efforts to fill vacancies on the PJSLC as soon as practicable.

3. **Mandate.**

The Parties agree that the PJSLC's mandate is to act in accordance with the Agreement and to facilitate the administration and operation of the Agreement for the mutual benefit of the Parties. For clarity, except as may be reflected in an amendment made in accordance with Part 2 Schedule A of the Agreement, no decision, action or course of conduct made by the PJSLC will give rise to or serve as a basis for any legal obligation or liability on the part of either of Party.

The PJSLC:

- (a) **Review and Discuss Operational Items.** As it pertains to the Agreement, the PJSLC shall review and discuss items of an operational nature as determined by the PJSLC from time to time including, without limitation, metering upgrades, supply piping, pump installations and other capital improvements and up-grades, on-going maintenance and operation, budget issues, review billing, review of annual CPI increases, sharing of technical information on plant and distribution system operational matters (provided such information is publicly available and not otherwise considered confidential and/or proprietary to a party), best management practices and regulatory changes.
- (b) **Assist in the Resolution of Disputes.** The PJSLC shall meet to attempt to resolve any Dispute that may, from time to time, arise between the Parties in connection with the issues identified in paragraph 7 of Part II, Schedule A of the Agreement or other interpretation of the Agreement. Any unanimous agreement on the resolution of any such dispute shall be documented by a recommendation of the PJSLC to Tecumseh and the Commission for adoption by their respective Council and Board.
- (c) **Collaborate on Changes to Tecumseh's Distribution System.** The PJSLC shall facilitate collaboration as between the Commission and Tecumseh on any mutually beneficial/efficient changes to Tecumseh's distribution system within the Tecumseh Water Distribution System Area. For greater certainty, the PJSLC does not "approve" or "control" changes to Tecumseh's water distribution system.
- (d) **Water Contamination Protocols.** Develop and from time to time, revise, protocols for:
 - (i) Tecumseh to notify the Commission of any material events of contamination or any facts or circumstances which might reasonably be expected to result in contamination of the Supplied Water within the Tecumseh water distribution system where such contamination which might reasonably be expected to result in contamination of WUC's distribution system; and

- (ii) The Commission to notify Tecumseh of any material events of water contamination or any facts or circumstances which might reasonably be expected to result in contamination of the water supplied by WUC to Tecumseh.

- (e) **Agendas and Reports.** Copies of formal agendas and all relevant reports, financial information and similar material on issues of joint concern are to be prepared and provided to all members of the PJSLC in accordance with the time lines established by the PJSLC from time to time so as to enable: a) all members to comment thereon and thereafter; b) all members to give reasonable consideration to such comments to allow for the relevant party to take such action as may be considered appropriate.

4. **Frequency of Meetings.** The PJSLC shall meet as often as is required in order to fulfil its mandate but not less than once every six (6) months notwithstanding the requirement set out in the Agreement to meet "once every 3 months" – this MOU having been included in the subject matter of a mediation/arbitration process conducted by the Commission and Tecumseh with the consent and attornment of Windsor and incorporated into a binding decision of the mediator/arbitrator made effective May 15, 2019.
5. **Calling of Meetings.** Meetings of the PJSLC may be called by the Chairperson or any four (4) members of the PJSLC.
6. **Place of Meetings.** Meetings of the PJSLC shall be held at the premises of the Commission and Tecumseh on an alternating basis.
7. **Notice of Meetings.** Notice of meetings of the PJSLC shall be subject to and in accordance with the following:
 - (a) **Responsibility.** The Chairperson shall give or cause to be given the required notice.
 - (b) **Amount.** Unless otherwise agreed, at least three (3) weeks' notice (exclusive of the day on which the notice is delivered or sent) shall be given subject to such additional time as may be required for the review of Reports contemplated in 3 (e) above.
 - (c) **Content.** Include the date, time and place, as well as a description of the nature of the business to be transacted.
 - (d) **To Whom Given.** Given to each member of the PJSLC.
 - (e) **Method.** Notice shall be given in writing by way of e-mail to the e-mail addresses for each member, provided by each member to the PJSLC from time to time.
 - (f) **Regular Meetings.** The PJSLC may appoint a time and day or days in any month or months for regular meetings of the PJSLC and in respect of such regular meetings where no notice need be otherwise given.
8. **Chairperson.** The Chairperson shall chair meetings of the PJSLC or in the absence of the Chairperson, the Vice-Chairperson.
9. **Attendance and Participation.** The below listed individuals shall be entitled to attend PJSLC meetings as follows:

- (a) **Members.** Members of the PJSLC shall be entitled to attend all PJSLC meetings and shall be entitled to participate by being heard (verbally or in writing), debating and voting in accordance with these Terms of Reference, except in situations in which the member has a Conflict of Interest or inability to exercise independent judgment (other than the inherent conflict of interest or bias that exists given their association with the Commission, EnWin Utilities Ltd. or Tecumseh as the case may be). Members who are in conflict or unable to exercise independent judgment shall absent themselves from the meeting or relevant portion thereof and shall not otherwise attempt to influence decision making.
- (b) **Invited Guests.** Invited guests shall be entitled to attend all meetings of the PJSLC, on invitation of the Chairperson with the advance consent of a majority of members. Invited guests shall not be entitled to participate in PJSLC meetings by voting or debating but shall be entitled to participate by being heard (verbally or in writing), if recognized by the Chairperson.

10. **Transaction of Business.** Transaction of business of the PJSLC shall be subject to and in accordance with the following:

- (a) **Quorum.** A majority of the PJSLC members shall form a quorum provided that at least two representatives of each of the Commission and Tecumseh are present.
- (b) **Means of Meetings.** A meeting of the PJSLC may be held by such telephone, electronic or other communication facilities as permit all persons participating in the meeting to communicate with each other simultaneously and instantaneously, and a member participating in the meeting by those means is deemed to be present at the meeting.
- (c) **Voting.** Each PJSLC member shall be entitled to one vote respect decisions regarding the Business of the PJSLC. Questions arising at any PJSLC meeting shall be decided by a majority of votes where at least one vote shall be from members appointed by each of the WUC and Tecumseh. The Chair person shall not have a second or casting vote and in the event of a tie the motion on any decision shall be declared lost.

11. **Resources.**

- (a) **Expenses.** Expenses incurred by the PJSLC in respect of the administration of the PJSLC (typically anticipated to be limited to refreshments and clerical support at meetings except as noted in 11(c) below) shall be funded by each of the Commission and Tecumseh equally provided they are incurred consistent with a pre-approved budget or otherwise provided it obtains the prior approval of the Commission and Tecumseh in advance of incurring the expense.
- (b) **Administrative Support.** Administrative support required for and reasonably requested by the PJSLC from time to time shall be provided by each of the Commission and Tecumseh as determined by the PJSLC from time to time.
- (c) **External Advisors.** The PJSLC may engage external advisors or consultants if required from time to time provided it obtains the prior approval of the Commission and Tecumseh

in advance of retaining such advisors. The costs associated with such retainers shall be funded by each of the Commission and Tecumseh equally.

12. **Records**

- (a) **Minutes.** The Secretary shall keep or cause to be kept minutes of all PJSLC meetings which shall include the following:
 - (i) date, time and place of meeting;
 - (ii) attendance at the meeting;
 - (iii) declarations of Conflict of Interest or inability to exercise independent judgment;
 - (iv) succinctly, accurately and clearly the material aspects of the PJSLC's deliberations relative to the subject matter;
 - (v) precise wording of all motions but not the mover or seconder;
 - (vi) whether the motion carried but not the number of votes for and against or which PJSLC member voted which way; and
 - (vii) any objections or dissent requested by the maker to be put on record but otherwise shall not attribute specific comments to specific individuals.
- (b) **Circulation.** PJSLC meeting minutes shall be circulated to PJSLC members within seven (7) days of the relevant meeting.
- (c) **Retained.** All PJSLC meetings minutes shall be retained for at least eleven years.

In the Matter of a Mediation and Arbitration Between:

WINDSOR UTILITIES COMMISSION

— and —

TOWN OF TECUMSEH

MINUTES OF SETTLEMENT
made as of September 22, 2020

WHEREAS:

A. Windsor Utilities Commission (“WUC”), 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 referred to below, the “Agreement”), concerning the provision of water by WUC to Tecumseh;

B. there arose a dispute between WUC and Tecumseh concerning the interpretation and application of the Agreement;

C. 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;

D. although an apparent party to the Agreement, Windsor disagreed with its being a “necessary party” for the purposes of the conduct of the mediation and disagreed with its being a “disputant”, did not and did not intend to participate in or contribute to the mediation and agrees to be bound by the outcome of the process between Tecumseh and WUC;

E. 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

F. WUC and Tecumseh agree to the following in settlement of their dispute, and wish it to be the subject of an arbitral award by the Hon. Warren Winkler, Q.C.

THEREFORE:

1. WUC will no longer charge Tecumseh a “Summer Levy” (as referred to in Schedule “A”, Part I, subparagraph 1(b) to the Agreement and in Schedule “B” to the Agreement);

2. The Bulk Supply Rate of water by WUC to Tecumseh is set at \$0.4165 per cubic meter of water as of January 1, 2020 and will be adjusted from that date in accordance with the Agreement and these Minutes of Settlement;

3. For the purposes of calculating the Part II: TEN YEAR ADJUSTMENT at Schedule "A" to the Agreement, WUC and Tecumseh agree that the rate to be used for the 2016 Base Rate is \$0.3870 per cubic meter.
4. To the extent that there is any inconsistency between the Agreement and paragraphs 1 and 2 of these Minutes of Settlement, these Minutes of Settlement prevail;
5. The parties have negotiated and agreed upon an Interpretation Guidance to govern the interpretation of Schedule A to the Agreement and a copy of this Interpretation (with schedules) is attached as Exhibit A hereto;
6. To the extent that there is any inconsistency between Exhibit A to these Minutes of Settlement and the Agreement, Exhibit A prevails;
7. WUC and Tecumseh ask the Hon. Warren Winkler, Q.C. to give effect to these minutes of settlement by arbitral award; and
8. Each party is to bear its own costs of this mediation and arbitration.

THE CORPORATION OF THE TOWN OF TECUMESH

per: _____
Gary McNamara, Mayor

per: _____
Laura Moy, Clerk

WINDSOR UTILITIES COMMISSION

per:  _____
Drew Dilkens, Chair

Approved for
Technical Content
 12/22/20

per:  12/22/20 _____
Helga Reidel, Authorized Signatory

Approved for
Financial Content


EXHIBIT A
to the Minutes of Settlement made as of September 25, 2020

Interpretation Guidance

This is the proposed approach to application of Part II: TEN YEAR ADJUSTMENT to Schedule "A" to the Agreement. The schedules form part of this document. To the extent that there is any inconsistency between this document and the Agreement, this document prevails.

1. The steps set out below describe the process used in interpreting and applying the language in the Agreement.
2. The start of the Ten Year Adjustment period is Base Year (2016, 2026, etc.), and the conclusion of the Ten Year Adjustment period is Year 10 (2026, 2036, etc.).
3. First, the parties must identify the items which give rise either to a "Regulatory Price Change" or a "Non-Regulatory Improvement Price Change" that are the subject of the Ten Year Adjustment (the "Items").
4. Once the Items are identified, the cumulative difference between Base Year and Year 10 is calculated. Specifically, the annual cost of each and every of the Items in Base Year and the annual cost of each and every of the Items in Year 10 (i.e., the end of the 10 year period) are determined. The total of the costs associated with the Items in Base Year will be the "Base Year Eligible Costs", and the total of the costs associated with the Items in Year 10 will be the "Year 10 Eligible Costs".
5. For clarity, if an item is established after the Base Year and disappears before Year 10, the item is lost for purposes of this calculation. In respect of such an item for which amortization is established, refer to paragraph 12 below.
6. For an existing eligible item, the start value will be the annual cost in the Base Year. For a new item, the start value will be zero in the Base Year. For a disputed item or the amortization of its useful life, failing agreement between the parties, the dispute resolution team will decide whether it is an eligible item or not, and the amortization of such item's useful life.
7. Next, we calculate the impact of CPI on the Base Year Eligible Costs. This means that the Base Year Eligible Costs are increased by the cumulative impact of CPI between the Base Year and Year 10 (the "Adjusted Base Year Eligible Costs").
8. The difference between the Year 10 Eligible Costs (as per paragraph 4) and the Adjusted Base Year Eligible Costs (as per paragraph 6) will be the "Costs Eligible

Approved for
Technical Content

Approved for
Financial Content

for Rate Increase". These are the actual costs in excess of the cumulative CPI if any.

9. Next, we must convert the actual costs in excess of the cumulative CPI to a potential rate adjustment. This is done by:
 - Determining Tecumseh's share of the actual costs accrued over the ten year period. To do this, first we divide Tecumseh's water volume in Year 10 by WUC's total volume of sales to all customers in Year 10. This is the "Tecumseh Ratio".
 - "Tecumseh's Share" of the cost is arrived at by multiplying the Tecumseh Ratio by the Costs Eligible for Rate Increase (as per paragraph 7).
10. Finally, we determine the "Adjustment to the Bulk Supply Rate" by dividing the Costs Eligible for Rate Increase (as per paragraph 7) by Tecumseh's Share (as per paragraph 8).

In any event, the Adjustment to the Bulk Supply Rate plus the cumulative CPI increase over the Ten Year Adjustment period will not exceed the lesser of (a) 10% of the Bulk Supply Rate in Year 10 (2026, 2036, etc.) and (b) the percentage increase in WUC's cost of water production over the same period (a sample calculation is attached as Schedule A). For this purpose WUC's cost of water production shall include operating costs of production. For illustrative purposes, an example is attached as Schedule "B".

11. The dispute resolution team referred to at paragraph 5 will be an engineer and an accountant satisfactory to all parties who have experience in the field. Upon reasonable request from Tecumseh, WUC shall provide detail/background information to support any of the items listed on Schedule "B". Ideally this would be regularized on an annual basis and provided as part of the PJSLC meeting process. Where the PJSLC is subsequently unable to resolve any remaining question following provision of such detail/background information, the issue shall be referred to the dispute resolution team.

12. In respect of capital items:

- capital items are amortized over their useful life
- where the useful life is less than the duration of the Agreement, the replacement of the capital item would not be eligible for a rate adjustment
- similarly, there would be no reduction in the rate where amortization of a continuing asset expires.

13. The Summer Levy will be blended into the Bulk Supply Rate as set out in Schedule C

Approved for
Technical Content

Approved for
Financial Content

This is the approach to definitions in the Agreement:

I. RPCs do not include the costs of:

- distribution transmission and distribution feeder mains unless mandated under the *Safe Drinking Water Act* (as amended or replaced) or the regulations thereunder.
- distribution mains,
- local watermains,
- service connections,
- hydrant connections
- 70% of Hanna elevated tank and its future replacement/relocation so long as it treats water (for the sake of clarity, 30% of the costs of the Hanna elevated tank and its future replacement/relocation so long as it treats water are eligible for inclusion as an RPC provided they are not otherwise included as an eligible NRIPC)
- 70% of New Reservoir –G (for the sake of clarity, 30% of the costs of the New Reservoir – G are eligible for inclusion as an RPC provided they are not otherwise included as an eligible NRIPC)
- 70% of any reservoir beyond the plant site the primary purpose of which is system storage so long as it treats water (for the sake of clarity, 30% of the costs of any such reservoir are eligible for inclusion as an RPC provided they are not otherwise included as an eligible NRIPC)
- corporate overhead charges
- corporate wages
- administrative wages
- all maintenance costs

All other items in the treatment and supply of water that meet the definition of a Regulatory Price Change within the relevant 10 year period are eligible to be RPCs provided they are not otherwise included as an eligible NRIPC.

Approved for
Technical Content

Approved for
Financial Content

II. NRIPCs do not include the costs of:

- distribution transmission mains
- distribution feeder mains
- distribution mains,
- local watermains,
- service connections,
- hydrant connections
- 70% of Hanna elevated tank and its future replacement/relocation so long as it treats water (for the sake of clarity, 30% of the costs of the Hanna elevated tank and its future replacement/relocation so long as it treats water are eligible for inclusion as an NRIPC provided they are not otherwise included as an eligible RPC)
- 70% of New Reservoir –G (for the sake of clarity, 30% of the costs of the New Reservoir – G are eligible for inclusion as an NRIPC provided they are not otherwise included as an eligible RPC)
- 70% of any reservoir beyond the plant site the primary purpose of which is system storage so long as it treats water (for the sake of clarity, 30% of the costs of any such reservoir are eligible for inclusion as an NRIPC provided they are not otherwise included as an eligible RPC)
- corporate overhead charges
- all maintenance costs
- corporate wages
- administrative wages

All other non-regulatory improvements made by the Commission to its water treatment facilities, which result in significant and measureable improvements in water quality are eligible to be NRIPCs provided they are not otherwise included as an eligible RPC.

III. Paragraphs 2, 3, 4 and 5 of Part II of Schedule A of the Agreement will be read such that "Price Change or Changes" shall be read as "Price Change(s)".

Approved for
Technical Content

Approved for
Financial Content

Schedule A

Illustrative Rate Calculation

Assumptions

Tecumseh volume (m3)	Year 10	3,200,000	A
WUC Volume (Billed to all WUC customers)	Year 10	37,000,000	B
Tecumseh Ratio (% of total)		8.6%	$C = A / B$
CPI Index Base Year (Last year of prior 10 year test) ¹		128.00	D
CPI Index Year 10		145.00	E
Increase in CPI Index		17.00	$F = E - D$
Cumulative Impact of CPI (%)		13.3%	$G = F / D$

Eligible Items (RPC and NRIPC)

		<u>Base year</u>	<u>Year 10</u>	<u>% Increase</u>	
Item 1	Operating	\$ 50,000	\$ 100,000	100%	
Item 2	Operating	30,000	40,000	33%	
Item 3	Operating	-	90,000	n/a	
		<u>\$ 80,000</u>	<u>\$ 230,000</u>	188%	H
Item 4	New Capital	\$ -	\$ 10,000,000		
Transaction 4 Annual Cost - 15 year amortization			666,667		I
Interest - Prime at time of calculation (end of year 10)			26,333		$J = I \times \text{prime rate}$
Base Year Eligible Costs		<u>\$ 80,000</u>	<u>\$ 923,000</u>	<u>\$ 896,667</u>	$K = H + I + J$

Apply CPI to Year 0 Costs

Base year costs, as above	\$ 80,000	L (from Base Year K)
Factor to Increase for Cumulative CPI	(1 + .133)	$M = (1 + G)$
Adjusted Base Year Eligible Costs	<u>\$ 90,640</u>	$N = L \times M$

Costs Eligible for Rate Increase

Base Year Eligible Costs , as above	\$ 923,000	from K
Adjusted Base Year Eligible Costs	90,640	from N
Costs Eligible for Rate Increase	<u>\$ 832,360</u>	$O = K - N$
Tecumseh's Share	8.6% \$ 71,988	$P = C \times O$
Tecumseh Volume	3,200,000	from A
Potential 10 Year Rate adjustment	<u>\$ 0.0225</u>	$Q = P / A$

Approved for
Technical Content

Approved for
Financial Content

Rate Cap Test

1. Calculate WUC Production Cost Increase

Total Water Production Costs before Depreciation ¹	Base Year	\$ 7,250,000	R
Total Water Production Costs before Depreciation ²	Year 10	\$ 8,364,778	S
Total Water Production Costs before Depreciation - Increase %		15.4%	$T = (S - R) / R$

2. Calculate Potential Tecumseh Rate Increase

	Total Rate	Increase	
Tecumseh rate @ Base Year	\$ 0.3601		U
Cumulative Impact of CPI (%)	13.3%		from G
Tecumseh rate @ Year 10	\$ 0.4079	\$ 0.0478	$V = U \times (1 + G)$
Potential 10 Year Rate adjustment	\$ 0.0225	\$ 0.0225	from Q
Potential Rate after adjustments	\$ 0.4304		$W = V + Q$
Total Potential Rate Increase over 10 years (CPI + Adjustment)		\$ 0.0703	$X = V + Q$

Potential Cumulative Rate Increase (CPI + 10 Year Adjustment) (%) 19.5% $Y = X / U$

-- Cannot exceed the increase in WUC Cost of Water Production over the Period

-> It does in this example. The next step applies the test

3. Apply the Rate Cap Limitation Based on WUC Cost of Water Production

a) Determine the impact of the actual water production % increase:

Ultimate Tecumseh Rate Increase is the Lower of:

WUC Production Costs (Including amortization) (%)	- from above	15.4%	from T
Potential 10 Year Rate Adjustment (%)	- from above	19.5%	from Y
Tecumseh 10 Year Adjusted Rate Increase (%)		15.4%	$Z = \text{lesser of } (T \text{ or } Y)$
Tecumseh Rate in Base Year	\$ 0.36010		from U
Add: Permitted Rate Increase	15.4%		from Z
Tecumseh 10 Year Rate with cap		\$ 0.4155	$AA = U \times (1 + Z)$
Potential Rate before cap	From Above	\$ 0.4304	from W
Impact of cap		\$ (0.0150)	$AB = AA - W$
10 Year Rate adjustment permitted with Cap		\$ 0.0075	$AC = Q + AB$

b) In addition to the cap imposed by the increase in WUC Cost of Water Production as noted above, the 10 year rate adjustment can also not exceed 10% the Bulk Supply Rate in the 10th year. In this example:

Base Year Bulk Supply Rate =	\$ 0.3601	U
Cumulative CPI in recent 10 years	13.3%	from G
Bulk Supply Rate, Year 10 before adjustment	\$ 0.4079	from V
Maximum Possible rate adjustment %	10%	
Maximum rate increase per m3	\$ 0.0408 10% Max	$AD = V \times 10\%$

c) Determine the Adjustment to the Bulk Supply Rate Increase:

Rate increase (possible) as above	- before cap	\$ 0.0225	from Q
	- after cap		
	10% max	\$ 0.0408	from AD
actual water production Increase		\$ 0.0075	from AC
		\$ 0.0075	$AE = \text{lesser of } Q, AD, AC$

Conclusion

The rate Increase will be \$0.0075, after application of the cap due to increase in WUC's cost of water production. This is in addition to the CPI increase.

The ending rate would be:

\$ 0.4079
\$ 0.0075

from V
from AE

Approved for
Technical Content

Approved for
Financial Content

- Note 1** Actual amounts used for this calculation are for illustrative purposes and do not represent the actual Base Year
- Note 2** For illustrative purposes, the 2018 values from Schedule B were used to represent Year 10. The actual Year 0 and Year 10 will be consistent with the original agreement renewal periods. This is only for illustrative and calculation purposes.

Approved for
Technical Content

Approved for
Financial Content

Schedule B

WUC Cost of Water Production - Example for May 2019 Mediation For the Years 2013 to 2018

	December 2018	December 2017	December 2016	December 2015	December 2014	December 2013	Notes
<u>Cost of water production - Operating Expenses</u>							
501000 Filtration Plant	3,370,350	3,240,882	2,565,461	2,551,675	2,419,618	2,077,328	
501010 Filtration Plant Chemicals	936,528	977,524	972,948	886,798	1,010,820	1,080,567	
501020 Laboratory	490,697	572,843	284,570	292,100	306,743	321,786	
501030 Pumping Station	1,829,339	1,796,941	1,871,469	1,605,570	1,745,051	1,712,390	
501040 Pumping Station Chemicals	-	-	-	-	-	2,455	
Cost of water production (per AFS)	6,626,914	6,588,191	5,694,449	5,336,143	5,482,232	5,194,525	
(excluding depreciation and unallocated direct)							
Water Treatment -unallocated costs	355,931	257,348	1,290,942	1,487,945	1,438,005	1,429,741	*
Direct Water Production costs before Depreciation	6,982,845	6,845,539	6,985,391	6,824,088	6,920,237	6,624,265	**
<i>Costs included in the Administrative Section of Audited Financial Statements, directly attributable to Water Production and Supply'</i>							
Liability Insurance	351,299	372,214	430,528	351,049	360,336	401,773	
Property Tax	757,621	760,652	784,220	782,099	740,760	823,196	
Employee Future Benefits	273,014	252,472	260,117	261,495	270,476	267,481	***
Total Water Production Costs before Depreciation	8,364,778	8,230,877	8,460,256	8,218,731	8,291,808	8,116,716	

Notes

- * Unallocated costs represent the cost of wages, benefits, training , supplies and office expenses of employees at the water treatment plan.
- ** 2016 Amount consistent with LaSalle Agreement total for Cost of Water Production
- *** EFB expense estimated as 17.8% of gross wage of Water Treatment Plant cost centre employees, whose total cost is included in Water Production cost.

Approved for
Technical Content

Approved for
Financial Content

Schedule C

WUC / Tecumseh Bulk Supply Rate Incorporation of the Summer Levy into the Bulks Supply Rate

Background

The current WUC / Tecumseh contract contains a summer levy that applies to increased water usage during summer months.

To simplify the contract the parties have agreed that the summer levy will be blending into the base Bulk Supply Rate

It has been agreed that the new blended bulk rate which includes Summer Levy will be:

\$0.4165 per cubic metre

This new rate will become effective January 1, 2020 and will be adjusted in accordance with the agreement between the parties including by the increase in CPI annually.

Approved for
Technical Content

Approved for
Financial Content

The Corporation of the Town of Tecumseh

By-Law Number 2021 - 06

Being a by-law to authorize the execution of an Agreement between the Corporation of the Town of Tecumseh and Her Majesty the Queen in Right of Ontario as represented by the Solicitor General for the provision of police services.

Whereas under s. 4(1) of the *Police Services Act, R.S.O. 1990, c. P.15*, as amended, a municipality is required to provide adequate and effective police services in accordance with its needs;

And Whereas under s. 5 of the *Police Services Act*, a municipality's responsibility for providing police services may be discharged by entering into an Agreement with the Solicitor General under s. 10 of the *Police Services Act*;

And Whereas The Corporation of the Town of Tecumseh has expressed its intent to provide police services, in pursuance of its responsibilities under s. 5 of the *Police Services Act*, by means of an Agreement, for the term January 1, 2021 to December 31, 2023;

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 an Agreement for the provision of police services between The Corporation of the Town of Tecumseh and Her Majesty the Queen in Right of Ontario as represented by the Solicitor General for the term January 1, 2021, to December 31, 2023, (Agreement) 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 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.

Gary McNamara, Mayor

Laura Mooney, Clerk

The term of this Agreement is effective as of the 01st day of January 2021.

**AGREEMENT FOR THE PROVISION OF POLICE SERVICES
UNDER SECTION 10 OF THE *POLICE SERVICES ACT*, R.S.O. 1990, c. P.15, as am.**

BETWEEN:

**HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO AS REPRESENTED BY THE
SOLICITOR GENERAL**

("Ontario")

OF THE FIRST PART

AND:

THE CORPORATION OF THE TOWN OF TECUMSEH
(the "Municipality")

OF THE SECOND PART

RECITALS:

- (a) Under s. 4(1) of the *Police Services Act*, R.S.O. 1990, c. P.15, as am., the Municipality is required to provide adequate and effective police services in accordance with its needs;
- (b) Under s. 5 of the *Police Services Act*, the Municipality's responsibility for providing police services may be discharged by entering into an Agreement with the Solicitor General under s. 10 of the Act;
- (c) The Municipality has expressed its intent to provide police services, in pursuance of its responsibilities under s. 5 of the *Police Services Act*, by means of this Agreement, as evidenced by by-law number 2021-06, dated January 26, 2021 (attached as Schedule "A");
- (d) This Agreement reflects the intent of the parties to provide an adequate and effective level of police services for the Municipality as set out in the "Contract Policing Proposal," dated October 16, 2020 (attached as Schedule "B");

NOW THEREFORE, in consideration of the premises and covenants herein, the parties agree as follows:

1. The parties warrant that the recitals are true.

Definitions

2. In this Agreement:

- (a)** “Annual Billing Statement” means a statement prepared by Ontario and submitted to the Municipality for review and approval which contains:
 - (i) the Municipality's policing costs for the year following the year in which the statement is prepared, based on an estimate of salary, benefits, overtime, shift premium, statutory holiday payouts, prisoner transportation, court security (if applicable), and accommodation/cleaning (if applicable); and
 - (ii) a year-end adjustment reconciling salary, benefits, overtime, shift premium, statutory holiday payouts, prisoner transportation, court security (if applicable), and accommodation/cleaning (if applicable) costs to those billed for the preceding year.
- (b)** “Board” means Town of Tecumseh Police Services Board.
- (c)** “Commissioner” means the Commissioner of the O.P.P.
- (d)** “Detachment Commander” means the O.P.P. officer in charge of Essex Detachment.

General Provisions

- 3.** Ontario shall provide adequate and effective police services in accordance with the needs of the Municipality in compliance with the terms and conditions of the Agreement. The Municipality shall pay Ontario for the police services provided under this Agreement in accordance with this Agreement.
- 4.** The Commissioner shall ensure that the Detachment Commander responds appropriately to the Board's objectives and priorities for police services, developed after consultation with the Detachment Commander, pursuant to s. 10(9)(b) of the *Police Services Act*.
- 5.** The Commissioner shall cause the Detachment Commander or his or her designate to report to the Board at mutually agreed upon intervals in accordance with the *Police Services Act* regarding the provision of police services in and for the Municipality. The O.P.P. will determine the information to be contained in the reports and the format in which they will be provided.
- 6.**
 - (a)** For the purposes of s. 10(6) of the *Police Services Act*, the O.P.P. shall provide police services to the Municipality, including the enforcement of mutually agreed upon by-laws. The parties shall review this part of the agreement annually, with a view to revising or updating the list of by-laws requiring O.P.P. enforcement.

- (b) Any by-law violations in relation to; building codes, or animal control will not form part of this agreement.
7. The parties agree that sections 132 and 133 of the *Police Services Act* will be applied as if the Essex Detachment of the O.P.P. was a municipal police force, and as if the Detachment Commander was a Chief of Police.

Service Levels

8. (a) Ontario shall cause the Commissioner to assign police officers and other persons to duties relating to the police services in and for the Municipality so as to provide the municipality adequate and effective policing services.
- (b) Where the Municipality receives dedicated enhancement positions, it shall be responsible for all costs associated with those dedicated resources. In the event that the Municipality decides to reduce the number of enhancement positions, it shall provide Ontario with at least one year's prior written notice and shall be responsible for all costs associated with such reduction.

Liability of Ontario

9. The O.P.P. shall be liable for any damages that may arise as a result of any negligent acts or omissions of its members in the performance of this Agreement.

Provincial Services Usage

10. The O.P.P. as legislated by the *Police Services Act*, must be capable of providing provincial level response that can be mobilized for emergencies, disaster or specialized needs. The O.P.P. may meet this requirement by deploying resources that normally would be assigned to the Detachment that serves the Municipality. The O.P.P. shall ensure that in the event resources are deployed to a situation requiring provincial level response, appropriate resources remain available to the Detachment to provide adequate and effective policing to the Municipality. The use of O.P.P. officers in cases where there is a provincial obligation to respond will be accounted for as part of the billing model.

Equipment and Facilities

11. Ontario shall supply or cause to be supplied all vehicles and equipment reasonably necessary and appropriate for the use of the O.P.P. in providing police services under this Agreement.
12. The parties will enter into negotiations concerning the provision and payment of appropriate buildings and rental agreements, including, but not limited to, location, leasehold improvements, and capital costs, where applicable.

Adequacy Standards Regulation

13. The O.P.P. shall undertake and be responsible for ensuring that all mandatory standards of adequate and effective police services as required by *Ontario Regulation 3/99* under the *Police Services Act* are met and maintained.
14. The Detachment Commander shall provide the Board with reasonable documentation, as agreed upon between the Board and the O.P.P., to allow the Board to evaluate the services and satisfy itself that adequate and effective standards and policies are in place.
15. It shall be the responsibility of the Board to monitor the delivery of police services to ensure that the provisions of the *Ontario Regulation 3/99* under the *Police Services Act* are satisfied on an ongoing basis.

Cost of Police Services

16. (a) On or before October 01st in each year, Ontario shall prepare and deliver to the Municipality for review and approval, the Annual Billing Statement for the following year, together with sufficient documentation and information reasonably necessary to explain and support the billing.

(b) The Municipality shall review the Annual Billing Statement upon receipt and, within 90 days of such receipt, shall approve the Annual Billing Statement or deliver to Ontario a request to review the Annual Billing Statement.
17. (a) In the event that the Municipality fails to approve or request a review of the Annual Billing Statement within 90 days of receipt, the Municipality shall be deemed to have approved the Annual Billing Statement.

(b) In the event that the Municipality requests a review of the Annual Billing Statement as provided in this paragraph, the Annual Billing Statement shall be approved, or amended and approved in accordance with Section 18.
18. Where the Municipality has delivered to Ontario a request to review the Annual Billing Statement, Ontario shall carry it out expeditiously, and Ontario shall cooperate to permit such a review to be carried out. If the parties are unable to agree on the Annual Billing Statement, either party may submit the matter to the dispute resolution mechanisms set out in paragraphs 22 and 23. In the event that the Municipality delivers a request to review to Ontario, the Annual Billing Statement shall be deemed to apply during the period of review.
19. The Municipality shall make monthly installment payments to Ontario due no later than 30 days following receipt by the Municipality of each monthly invoice, each one being one twelfth of the Annual Billing Statement for that year. Any amounts which have become due and owing shall bear interest at the rate set by the Minister of Finance from time to time.

20. Ontario shall keep all records, statements of account, invoices and any other such documents necessary to support the Annual Billing Statement, and all such records shall be kept for a period of seven years. Ontario shall permit the Municipality, upon notice to Ontario, to examine all such records and books of account and conduct a review of the Annual Billing Statement.
21. Upon the approval or deemed approval of the Annual Billing Statement, as provided in this Agreement, adjustments shall be made in the amounts paid by the Municipality by installment so that (i) the total amount paid in respect of the preceding year is equal to the amount shown on the approved Annual Billing Statement and (ii) the installments for the year following the year in which the statement is prepared are each equal to one twelfth of the approved Annual Billing Statement. Any amounts payable by one party to the other shall be paid to the appropriate party in the remaining monthly billings for the year following the year in which the statement is prepared.

Dispute Resolution Mechanisms

22. (a) The provisions of this paragraph apply in the event of a dispute between the Municipality and Ontario concerning financial and related issues arising out of the interpretation, application, administration, or alleged violation of this Agreement (“Financial Disputes”) or between the Board and the O.P.P. concerning policing issues arising out of the interpretation, application, administration, or alleged violation of this Agreement (“Policing Disputes”).
 - (b) In the event that a dispute arises, the Detachment Commander, or representative, and the Municipality or the Board, as the case may be, or their representative, shall meet within 30 days of such dispute arising, and use all best good faith efforts to resolve the dispute.
 - (c) If the dispute remains unresolved, the Regional Commander, or representative, and the Municipality or the Board, as the case may be, or representative, shall meet and use all best good faith efforts to resolve the dispute.
 - (d) If the dispute remains unresolved, the Commissioner, or Deputy Commissioner, and the Municipality or the Board, as the case may be, or representative, shall meet and use all best good faith efforts to resolve the dispute.
 - (e) If a Financial Dispute remains unresolved, the issue may be referred to mediation by either party, and each party shall use all good faith efforts to resolve the dispute.
23. (a) Financial Disputes that cannot be resolved through any of the methods described within paragraph 22, may be referred to and settled by binding arbitration. The provisions of the *Arbitration Act, 1991* shall apply to any such arbitration, unless otherwise indicated below:
 - (i) The language of the arbitration shall be English.

- (ii) The place of the arbitration shall be the Town of Tecumseh.
 - (iii) Each party agrees that the arbitration shall be conducted in a summary manner to ensure a full hearing in a cost effective and efficient manner.
 - (iv) Each party shall make prompt full disclosure to the other and, subject to the availability of an arbitrator the arbitration shall be commenced within 30 days of the conclusion of the meeting with the Commissioner, or the mediator, if applicable.
 - (v) Each party shall be responsible for its own legal expenses and for an equal share of the fees and expenses of the arbitration and any other related expenses. Section 54 of the *Arbitration Act* shall not apply; the arbitrator shall have no right to make an award relating to costs.
 - (vi) The parties shall have no right of appeal to a final decision of an arbitrator.
- (b)** Policing Disputes shall not be subject to mediation or arbitration.
- (c)** Neither party shall be entitled to proceed to mediation or arbitration until all of the meetings referred to in paragraphs 22 have been held, and each party undertakes to exert all best good faith efforts to resolve the dispute in those meetings.
- (d)** Mediations or arbitrations of disputes conducted under this Agreement shall remain closed to the public. All parties to any dispute shall keep all details, admissions or communications made in the course of the dispute resolution process strictly confidential, nor shall such information be admissible in any legal proceeding, except as follows:
- (i) on consent of all parties;
 - (ii) as may be ordered by a court of competent jurisdiction;
 - (iii) the final decision of the arbitrator may be released.
- (e)** Each of the meetings outlined in paragraph 22 shall be commenced no earlier than 15 days, and concluded no more than 30 days, from the conclusion of the prior stage unless the parties otherwise agree.
- (f)** Notwithstanding any of the above provisions, nothing in this Agreement shall be construed so as to give the Municipality or the Board the right to alter any policy of the O.P.P. or the Ministry. Nothing in this Agreement shall be construed so as to give the Municipality or the Board, the right to supercede or vary the duties and obligations of the Solicitor General pursuant to s. 3(2) of the *Police Services Act*, or of the Commissioner pursuant to s. 17 and s. 41 of the *Police Services Act*, and further, the rights of the Municipality and the Board pursuant to the Agreement are subject to the Municipality's obligations under s. 4 of the *Police Services Act*.

Detachment Commander Selection

24. The Detachment Commander shall be selected from a short-listed pool of candidates as determined by the OPP in accordance with its relevant provincial policies. Following the formulation of the short-list, a joint committee consisting of Board members and persons nominated by the Commissioner, shall select the successful candidate in accordance with the process set out in the OPP's provincial policies.

Notice

25. Any notice, statement, invoice or account to be delivered or given by any of the below listed groups to any other of them shall be delivered to such groups using the delivery methods as listed below. Any notice, statement, invoice or account sent by mail shall be deemed to be received on the third day following the date of mailing unless shown to the contrary, and if sent by fax or by email, it shall be deemed to be received on the date it was sent. Any group may change its contact information by giving notice provided herein:
- (a) by mail to Ontario addressed to: The Solicitor General, 25 Grosvenor Street, 11th Floor, Toronto, Ontario, M7A 1Y6, or by fax to (416) 325-6067
 - (b) by mail to the Commissioner addressed to: The Commissioner, Ontario Provincial Police, 777 Memorial Avenue, Orillia, Ontario, L3V 7V3, to the attention of the Manager, Municipal Policing Bureau, by fax to (705) 330-4191, or by email to opp.municipalpolicing@opp.ca
 - (c) by mail to the Municipality addressed to: The Mayor, Town of Tecumseh, 917 Lesperance Road, Tecumseh, ON, Ontario, N8N 1W9, or by fax to (519) 735-6712
 - (d) by mail to the Board addressed to: The Town of Tecumseh Police Services Board, 917 Lesperance Road, Tecumseh, ON, Ontario, N8N 1W9, or by fax to (519) 735-6712

Commencement and Termination of Agreement

26. Notwithstanding the date upon which this Agreement is signed, the term of this Agreement shall commence on the 01st day of January 2021, and shall conclude on the earlier of (i) December 31, 2023 or (ii) the date that the *Community Safety and Policing Act*, 2019 comes into force.
27. Either party to this Agreement may terminate this Agreement upon one year written notice of termination to the other party, in which case this Agreement shall terminate one year following the delivery of such notice. Should a notice to terminate be given, the Municipality shall continue to be obligated to pay for the cost of providing police services under this contract to, and including the date of such termination and Ontario shall continue to be responsible to provide the services outlined in this Agreement.
28. Should the Municipality's designated responsibility to provide policing under the *Police Services Act* be changed, either by statute or government interpretation, the Municipality maintains its right upon being so informed to give written notice of its intention to terminate this Agreement forthwith.

Entire Agreement

29. This Agreement and the schedules attached constitute the entire Agreement between the parties, and there are no representations, warranties, collateral agreements or conditions affecting this Agreement or the relationship of the parties or supported hereby other than as expressed herein in writing. Any amendment to this Agreement must be in writing, duly executed by the parties.

IN WITNESS WHEREOF, the Municipality has affixed its Corporate Seal attested by the signature of its duly authorized signing officers, and the Deputy Solicitor General, Community Safety has personally signed this Agreement to be effective as of the date set out herein.

FOR ONTARIO

Deputy Solicitor General, Community Safety

FOR THE MUNICIPALITY

Town of Tecumseh

Mayor

Chief Administrative Officer

Date signed by the Municipality _____

SCHEDULE “A”

BY-LAW OF THE MUNICIPAL COUNCIL

Placeholder
For
Municipal By-Law

SCHEDULE “B”

PROPOSAL FOR POLICE SERVICES



The Town of Tecumseh

Contract Policing Proposal

Prepared by: Sergeant Peter Marshall
Ontario Provincial Police
Municipal Policing Bureau

Date: October 16, 2020

Table of Contents

Executive Summary	3
2021 Annual Billing Statement	5
OPP Contacts	6

Executive Summary

The Ontario Provincial Police (OPP) has over 100 years of experience in providing effective community-based policing and protection throughout Ontario. The OPP has provided municipal police services under contract for over 70 years and currently maintains contracts with over 140 communities across Ontario.

The Town of Tecumseh requested a contract proposal for OPP municipal policing. This proposal is based on the OPP Billing Model, with the Town paying an amount equal to the sum of its allocated portion of the OPP's total municipal policing Base and Calls for Service costs, as well as the costs for Overtime, Prisoner Transportation, Court Security, and Accommodation/Cleaning Services as applicable. Where a municipality chooses to receive police services from the OPP pursuant to a contract, the OPP will provide the level of police services required to provide adequate and effective policing, including providing the services set out in Regulation 3/99, Adequacy and Effectiveness of Police Services under the *Police Services Act*.

This proposal reflects the integrated policing concept, incorporating a police services contract for the Town of Tecumseh with OPP highway patrol services and provincial responsibilities under one administration. The Essex OPP Detachment will remain as the Administration/Operations Centre. The resources will be deployed to the municipality from the Tecumseh Satellite Detachment, as well as from the Essex Detachment.

The Essex OPP Detachment Commander will be responsible to oversee all aspects of service delivery. The detachment management including Staff Sergeant(s) and Sergeant / Platoon Leaders as applicable will provide assistance and supervision to members of the Essex Detachment.

It is the intent to maintain all existing community service programs and community policing committees, in consultation with the Police Services Board.

Any new community service program considered may be implemented after consultation with the Town of Tecumseh Council, the Town's Police Services Board and the Essex OPP Detachment Commander.

When a municipality chooses to receive police services from the OPP under contract, the OPP will ensure that the municipality receives adequate and effective police services in accordance with the *Police Services Act* and Regulations. The shared infrastructure of the OPP broadens local access to resources, expertise, solutions, training and management without duplicating services. The Town of Tecumseh will continue to benefit as additional staff are readily available from within the Essex OPP Detachment as well as neighboring detachments and regions, should the need arise.

The Town of Tecumseh will be required to maintain a Police Services Board, as mandated by Section 10 of the *Police Services Act* that will generally determine objectives and priorities for police services within the community, after consultation with the Detachment Commander. The Commissioner is committed to ensuring that the Detachment Commander of the Essex OPP Detachment responds appropriately to the Board's advice and priorities in a manner consistent with the Board's identified concerns, expectations and needs.

It is long-standing OPP policy and practice to be accountable to the communities we serve. The Commander of the Essex OPP Detachment, or designee, will report to the Police Services Board on a regular basis, as per the direction of the Board. The OPP is experienced in being accountable to the municipalities we serve. With over 100 contracts currently in place and future contracts pending, there is great emphasis placed on OPP accountability to Police Services Boards.

The OPP is required to provide provincial level emergency response that can be mobilized in times of emergency, disaster or a specialized investigative need. The OPP meets such emergent needs, on an on-call, as-needed basis, by deploying small numbers of officers from multiple locations and assignments, both provincial and municipal. During such times, the OPP is responsible to ensure that appropriate resources remain in place to make certain the municipality receives adequate and effective police services in accordance with the *Police Services Act* and Regulations. The use of OPP officers in cases where there is a provincial obligation to respond will be accounted for as part of the billing model.

If the Town of Tecumseh chooses to accept an OPP contract for its policing service, the Essex OPP Detachment Commander will assign resources, focusing on meeting the Town's unique policing needs.

Value for the Town of Tecumseh:

- Assurance of adequacy and effectiveness of police services;
- Dedication to resolving community issues through local involvement and community policing committees;
- Availability of additional staffing support from neighbouring detachments, regional headquarters and general headquarters;
- Work with the Detachment Commander in determining the local policing priorities and objectives through the Town's Police Services Board; and
- Seamless access to comprehensive police services and infrastructure.

The estimated policing cost for 2021 associated to this proposal as presented in the Annual Billing Statement is **\$3,449,641**. This amount is reflective of the most current cost estimates under the OPP Billing Model, exclusive of the year-end adjustments.

The year-end adjustment for the year 2019 totalling **\$33,961** is listed separately from the 2021 estimated cost, but forms part of the Grand Total Billing as shown near the bottom of the Annual Billing Statement.

Not included in this proposal are:

- The cost of maintaining the Police Services Board
- Any applicable revenues accruing to the municipality as a result of police activity

OPP 2021 Annual Billing Statement

Tecumseh T

Estimated costs for the period January 1 to December 31, 2021

Please refer to www.opp.ca for 2021 Municipal Policing Billing General Information summary for further details.

			Cost per Property \$	Total Cost \$
Base Service	Property Counts			
	Household	9,177		
	Commercial and Industrial	633		
	Total Properties	<u>9,810</u>	177.48	1,741,039
Calls for Service				
	Total all municipalities	168,336,779		
	Municipal portion	0.9329%	160.08	1,570,353
Overtime			11.98	117,550
Prisoner Transportation	(per property cost)		<u>2.11</u>	<u>20,699</u>
Total 2021 Estimated Cost			<u>351.65</u>	3,449,641
2019 Year-End Adjustment				33,961
Grand Total Billing for 2021				<u>3,483,602</u>
2021 Monthly Billing Amount				290,300

OPP Contacts

Please forward any questions or concerns to Inspector Glenn Miller, Detachment Commander, Essex Detachment, or Sergeant Peter Marshall, Municipal Policing Specialist, Municipal Policing Bureau, OPP General Headquarters.

Inspector Glenn Miller (519) 723-2491

Sergeant Peter Marshall (705) 329-6857

UNFINISHED REGULAR COUNCIL BUSINESS

	Meeting Date	Resolution	Subject	Action/Direction	Depart.	Status/Action Taken
18/18	April 24, 2018		Cada Library Renovations	It is directed that Administration provide a report on the Cada Library to include consultations with TAAC, SAC, YAC, CAC, and other stakeholders on the current options proposed to refresh or renovate the current library building.	PRS/CAO	Funding was approved in the 2020-2024 Buildings 5-year Capital Works Plan (RCM-397/19) to contract the services of an architect to work with the Town's and Essex County Library's administrations to hold public input sessions and complete concept designs to modernize the facility for Town and County Councils approvals.
19/18	May 22, 2018		Property Standards By-law (Zoning)	It is directed that Administration harmonize the by-law regarding disconnected tractor-trailers on residential properties to be consistent within the Town.	PBS	In progress
01/20	October 22, 2019	RCM 330/19	Cannabis Facilities	The presentation given by Celeste O'Neil and Judy Robson regarding cannabis facilities is referred to Administration for review and to report back to Council.	PBS	Partially addressed through PBS-2020-24 Housekeeping Amendment to ZBA which recommended restricting intensive agricultural uses including greenhouses in hamlet areas. Further information to be provided to Council through the Draft New Official Plan process.
02/20	October 27, 2020	RCM 318/20	Regulations Regarding Storage and Parking of Commercial and Recreational Vehicles/Trailers in Residents' Zones	Administration to bring considerations to regulate the parking of these vehicles, units and trailers within the municipal right-of-way in the former Town of Tecumseh, to ensure that visibility sightlines are maintained to private driveways, and to recommend appropriate regulations surrounding the parking of such vehicles, units and trailers in the minimum side yard of a private property at the time the Town's zoning By-law is reviewed.	PBS	In progress
03/20	October 27, 2020	RCM 319/20	Short Term Rentals	Administration undertake a regulatory review for both the short-term, owner-absent rental and the home-sharing short term rental categories.	PBS	In progress

04/20	November 10, 2020	RCM 341/20	By-law to Prohibit and Regulate Public Nuisances Related to Odours and Lighting from Cannabis Cultivation	Administration to review and report back to Council on the appropriateness of a By-law in accordance with the <i>Municipal Act</i> that will address and regulate nuisances related to odour and lighting from the cultivation of cannabis plants; and investigate opportunities to consider the matter with the other municipalities in Essex County to try to seek a common regional regulatory approach.	PBS	In progress
06/20	November 24, 2020		Broadband in Rural Areas	Administration provide a report on the Rural Broadband issues and investigate the creation of a task force.	ICS	In progress

Motion – Rodent Control Subsidy Programs

Regular Council Meeting
January 26, 2021

Moved by: Councillor Andrew Dowie
Seconded by:

That Administration review the recently approved Rodent Control subsidies in several Ontario municipalities including Niagara Falls, St. Catharines, and Welland, and the regional municipality of Peel, as well as the cancellation of subsidies in Sault Ste. Marie and Toronto,

And that Administration report back on outcomes and deliverables reported from operating these subsidy programs to the Policies and Priorities Committee in a timeframe that allows for prospective consideration as part of the 2022 Budget.

The Corporation of the Town of Tecumseh

By-Law Number 2021 - 07

Being a by-law to confirm the proceedings of the January 26, 2021 regular meeting of the Council of The Corporation of the Town of Tecumseh.

Whereas pursuant to Section 5(1) of the *Municipal Act, 2001*, S.O. 2001, c.25 as amended, the powers of a municipality shall be exercised by its Council; and

Whereas pursuant to Section 5(3) of the *Municipal Act, 2001*, S.O. 2001, c.25 as amended, a municipal power, including a municipality's capacity, rights, powers and privileges under Section 8 of the *Municipal Act, 2001*, S.O. 2001, c.25 as amended, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

Whereas it is deemed expedient that the proceedings of the Council of The Corporation of the Town of Tecumseh at this Session be confirmed and adopted by by-law.

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

1. **That** the actions of the Council of The Corporation of the Town of Tecumseh in respect of all recommendations in reports and minutes of committees, all motions and resolutions and all other action passed and taken by the Council of The Corporation of the Town of Tecumseh, documents and transactions entered into during the January 26, 2021, meeting of Council, are hereby adopted and confirmed, as if the same were expressly embodied in this By-law.
2. **That** the Mayor and proper officials of The Corporation of the Town of Tecumseh are hereby authorized and directed to do all the things necessary to give effect to the action of the Council of The Corporation of the Town of Tecumseh during the said January 26, 2021, meeting referred to in paragraph 1 of this By-law.
3. **That** the Mayor and the Clerk are hereby authorized and directed to execute all documents necessary to the action taken by this Council as described in Section 1 of this By-law and to affix the Corporate Seal of The Corporation of the Town of Tecumseh to all documents referred to in said paragraph 1.

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

Gary McNamara, Mayor

Laura Moy, Clerk