

Bill No. 125
2022

By-law No. A.- ____ - ____

A by-law to accept the terms and conditions for funding under the Improving Monitoring and Public Reporting of Sewage Overflows and Bypasses Program between Her Majesty the Queen in right of Ontario as represented by the Minister of the Environment, Conservation and Parks and The Corporation of the City of London (“Agreement”) and authorize the Mayor and City Clerk to execute the Agreement and any future amending agreements.

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting, among other things: i) economic, social and environmental well-being of the municipality; and ii) financial management of the municipality;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. Accepts the terms and conditions for funding under the Improving Monitoring and Public Reporting of Sewage Overflows and Bypasses Program between Her Majesty the Queen in right of Ontario as represented by the Minister of the Environment, Conservation and Parks and The Corporation of the City of London (“Agreement”) attached as Schedule “A” to this by-law is hereby authorized and approved.
2. The Mayor and the City Clerk are hereby authorized to execute an Agreement substantially in the form of that authorized and approved under section 1 of this by-law.
3. The Deputy City Manager, Finance Supports or the Deputy City Manager, Environment and Infrastructure are hereby authorized to approve amending agreements to the Agreement provided it does not increase the indebtedness or liabilities of The Corporation of the City of London under the Agreement.
4. The Mayor and City Clerk are hereby authorized to execute any amending agreements approved by the Deputy City Manager, Finance Supports or the Deputy City Manager, Environment and Infrastructure under section 3 of this by-law.
5. The Deputy City Manager, Finance Supports, or their delegate, is hereby authorized to execute any financial reports required as a condition under the Agreement.
6. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on March 22, 2022.

Ed Holder
Mayor

Michael Schultess
City Clerk

First Reading – March 22, 2022
Second Reading – March 22, 2022
Third Reading – March 22, 2022

SCHEDULE “A”

Terms and Conditions for Municipalities of the Improving Monitoring and Public Reporting of Sewage Overflows and Bypasses Program (“Terms and Conditions”)

As a condition of receiving the Funds from Her Majesty the Queen in right of Ontario as represented by the Minister of the Environment, Conservation and Parks (MECP) as described in the letter dated February 11, 2022 to the Corporation of the City of London (Municipality), which is incorporated into and forms part of this Schedule “A” the Municipality agrees to the following terms and conditions:

Eligibility Criteria

Part 1 Funding

The Municipality confirms that it meets the following eligibility criteria as of the date of signing of these Terms and Conditions:

- (1) The Municipality is a municipality within the Province of Ontario as defined in and governed by the *Municipal Act, 2001*.
- (2) The Municipality was one of the top 20 dischargers of combined sewer overflows by average combined sewer overflow volume per year based on federal data collected through the federal Wastewater System Effluent Regulation (WSER) from 2015-2019.

Part 2 Funding

The Municipality will be eligible for Part 2 funding when it provides MECP with the report due on June 30, 2022 as per the Reporting section below.

For clarity, eligible expenses utilizing funds from each funding Part may be incurred by the Municipality any time between the date the eligibility criteria for the Part was met and March 31, 2024.

The Municipality agrees to inform MECP forthwith if it no longer meets one or more of the eligibility criteria.

Eligible Expenses:

Expenses considered eligible under the Program as defined in the above-noted letter are limited to the following, provided they are incurred on or before March 31, 2024 for the monitoring and/or modelling and near real-time public reporting of sewage overflows and bypasses:

- Engineering and design work
- Purchasing of equipment/software (e.g., monitoring devices)
- Installation costs (e.g., monitoring equipment)
- Electrical/internet connections
- Associated capital costs (e.g., access point)
- Capital upgrading costs (e.g., improved monitoring devices/infrastructure)
- Signage associated with public reporting of sewage overflows and bypasses (e.g., to support social media – QR code)
- Other capital expenses related to the development and implementation of monitoring/modelling and public reporting of sewage overflows and bypasses

Expenses listed above are only considered eligible if they are capital in nature or able to be capitalized based on standard accounting principles. However, engineering, design, or other consultant costs cannot be the significant/sole expenditure. Funding must be used for equipment and construction. Engineering, design, or other consultant costs shall be incidental to that. Municipal staff time and staff costs are not an eligible expense under the Program.

Eligible expenses do not include any costs (including taxes) for which the Municipality has received, will receive, or is eligible to receive, a rebate, credit, or refund. Expenses

incurred prior to the date of the Municipality's execution of this Terms and Conditions are ineligible.

Procurement:

In acquiring equipment, services or other eligible items, the Municipality agrees to do so through a procurement process that promotes the best value for money.

Reporting:

The Municipality agrees to:

- 1) Provide MECP with reports on a quarterly basis on the amount of Funds spent on eligible expenses in accordance with these Terms and Conditions in a form specified by the MECP. The reporting due dates are as follows:
 - June 30, 2022
 - September 30, 2022
 - December 31, 2022
 - March 31, 2023
 - June 30, 2023
 - September 30, 2023
 - December 31, 2023
 - March 31, 2024
- 2) Provide MECP with receipts or other proof of payment to confirm the eligibility of the reported spending if requested by MECP.

Audit:

- 1) The Municipality agrees that MECP and its representatives may conduct an audit or investigation in respect of the expenditures reported by the Municipality.

The undersigned acknowledges that in providing his/her name on the applicable line below in electronic form will constitute a signature for the purposes of the *Electronic Commerce Act, 2000*, S.O. 2000, c. 17, as amended.

The Corporation of the City of London

per: _____

Name: Ed Holder

Title: Mayor

per: _____

Name: Michael Schultess

Title: Clerk

Date: _____

We have authority to bind the Municipality.