

Bill No. 268
2019

By-law No. A.-_____ - _____

A by-law to authorize and approve a Grant Recipient Agreement between the Canadian Plastics Industry Association, and The Corporation of the City of London and to authorize the Mayor and the City Clerk to execute the Agreement.

WHEREAS section 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*, S.O. 2001, c. 25, as amended, 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 it is deemed appropriate for The Corporation of the City of London (the "City") to enter into a Grant Recipient Agreement with the Canadian Plastics Industry Association ("CPIA") to be a part of the Hefty® EnergyBag® Pilot Project to collect hard-to-recycle plastics – like juice pouches, candy wrappers and plastic dinnerware – at residential curbside, multi-residential buildings and residential drop-off depots and divert them from landfill and/or becoming litter by converting them into viable new resources; and the City and other Funders are prepared to support CPIA, and in return will receive operational experience and knowledge to be shared with others including those involved with the London Waste to Resources Innovation Centre program;

AND WHEREAS it is deemed appropriate to authorize the Mayor and the City Clerk to execute the Agreement on behalf of the City;

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

1. The Agreement between The Corporation of the City of London and the Canadian Plastics Industry Association, 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 the Agreement authorized and approved under section 1 of this by-law.
3. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council July 30, 2019

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – July 30, 2019
Second Reading – July 30, 2019
Third Reading – July 30, 2019

Schedule A

Grant Recipient Agreement

The Canadian Plastics Industry Association (CPIA), in collaboration with The Dow Chemical Company (Dow), has agreed to make a grant contribution to **The Corporation of the City of London, Ontario** (hereafter the “City”) through the Hefty® EnergyBag® Grant Program. The grant contribution is subject to the following terms and conditions (hereafter the “Contribution Agreement”).

Project Overview: The Hefty® EnergyBag® program collects hard-to-recycle plastics – like juice pouches, candy wrappers and plastic dinnerware – at residential curbside, multi-residential buildings and residential drop-off depots and diverts them from landfill by converting them into viable new resources.

CPIA’s role is to promote and administer the grant program. As such, CPIA will provide City with a grant exclusively for the establishment of a large-scale, pilot project with a goal of implementing a new full-scale, permanent Hefty® EnergyBag® program in London, Ontario.

- 1. Program Name:** Hefty® EnergyBag® Grant Program
- 2. Primary Partner Name:** Canadian Plastics Industry Association
- 3. Grant Partner Representative:** Joe Hruska, Vice President, Sustainability
- 4. Grant Recipient(s):** The City of London, Ontario
- 5. Grant Amount (\$):** **A)** Grant funding for City from Dow is **Cdn \$64,695**. Dow will also provide matching funding, up to an additional Cdn \$50,000, to those communities who commit their own funding by time of initial purchase of the Hefty® EnergyBag® orange bags. The City agrees to commit Cdn \$50,000, of which Dow will match Cdn \$50,000. **B)** CPIA will also provide funding in the amount of \$75,000 in 2019, and a yet-to-be determined amount in 2020.
- 6. Grant Conditions and Funding Distribution:** The grant offer is conditional on the following criteria being met, namely; 1) the initial order of Hefty® EnergyBag® orange bags is a minimum of 20,000 households. This level of participation must be reached within 6 months of program launch date, and 2) City agrees to actively and frequently promote the Hefty® EnergyBag® program on their website, through social media and using other forms of community outreach, beginning no later than one to two months prior to program launch.

Once the above conditions have been met, the grant will be distributed to the City prior to program launch once A) CPIA receives signed copy of this Grant Recipient Contribution Agreement from City, and B) CPIA receives signed Letter of Collaboration (LOC) from City (signed by all key local partners (City, Material Recovery Facility operator, Hauler, and Sponsors, if applicable) acknowledging their support and commitment to implement and operate a successful Hefty® EnergyBag® pilot project), and C) Dow and CPIA have formally announced the City as the grant recipient.

The grant money provided by CPIA is to be used solely for the purchase of the initial Hefty® EnergyBag® orange bags as part of the approved Hefty® EnergyBag® curbside collection program, related correspondence, and this Contribution Agreement. The funds may not be expended for any other purpose without CPIA’s prior written approval. Grant funds may not be re-granted or transferred to any other entity without CPIA’s permission, except as payment for goods or services to carry out the purposes of the grant. CPIA reserves the right to discontinue, modify or withhold any payments to be made under this grant award or to halt any further contributions of unpaid Grant funds, if it, in the CPIA’s sole discretion, determines such action is necessary: (1) because the City has not fully complied with the terms and conditions of

this Contribution Agreement, including timely implementation and successful management of program; (2) to protect the purpose and objectives of the grant or any other charitable activities of CPIA; or (3) to comply with any law or regulation applicable to the City, CPIA, Dow or this grant.

Upon request, the City will supply CPIA with any and all records of contributions or City activity related to the grant funding.

In order to maintain program consistency and integrity, the City is required to submit any and all external communications, marketing and publicity that refers to the Hefty® EnergyBag® program or Hefty® EnergyBag® Grant program to CPIA, Dow, and Reynolds Consumer Products for review and approval before release. The City is required to adhere to the Hefty® EnergyBag® trademarks, logos and other distinctive brand features in accordance with the Hefty® EnergyBag® Brand Guidelines provided by Reynolds Consumer Products.

In addition, the City agrees they will neither undertake nor cause, nor permit to be undertaken, any activity which is illegal under any laws, decrees, rules, regulations, treaties, or international directives in effect in Canada (including, without limitation, the Corruption of Foreign Public Officials Act and other applicable anti-corruption laws, Bill 198 (Canadian SOX), immigration and export laws, and applicable campaign finance and disclosure laws), or other applicable jurisdictions. The City agrees that, with funds from CPIA or from any other source, they will not, directly or indirectly, improperly give, offer, or promise, or authorize or tolerate to be given, offered, or promised, anything of value to any official, entity, or individual with the intent to (i) influence any act or decision of such official, entity, or individual, or (ii) induce such official, entity, or individual to use their influence to affect or influence any act or decision, in order to assist the City in any way. The City agrees to notify CPIA immediately of any extortive solicitation, demand, or other request for anything of value, by or on behalf of any official, entity, or individual, relating to the City work on behalf of its stakeholders and contributors.

Grant funding may not be used to intervene in any election, support or oppose any political party or candidate for public office, engage in a substantial amount of lobbying, or for fundraising, litigation, or terrorist activities.

7. Implementation Plan and Timeline:

Activity	Timing	Implementation / Responsibility
1) Identify Program Collaborators	Within 1 month after receipt of signed agreement	The City is responsible to identify acceptable community stakeholders (ex: materials recovery facilities, haulers, sponsor(s),) best suited for program success in approved community. The City will also assist identifying end market user facilities.
2) Program Implementation	< 6 months after receipt of signed agreement	The City is responsible to work with local partners to implement the Hefty® EnergyBag® program in designated community and distribute approved communications announcing the program (with approval from Dow and Reynolds Consumer Products as noted above). Dow, CPIA and City will jointly work together to ensure that all collected materials are sent to various recycling and/or energy recovery end markets and that no materials will be sent to landfill with the exception of items that might be collected but are considered contaminants (e.g., metal cans, glass container, etc.). Table continued

Activity	Timing	Implementation / Responsibility
3) Program Data Collection	After program launch	The City is responsible to collect and report data measurements including bags collected (# & lbs./kgs.) every month, as well as Hefty® EnergyBag® material composition data every 6 months, for the first 2 years, determining the quality of materials collected by package and plastic types. The composition audits will allow City to focus household communications as to what should & should not be put in the orange bags.
4) Program Institutionalized	Every month after program launch	City is responsible for ongoing tracking of key metrics and monthly reports to CPIA & Dow for the first 2 years, as detailed below.

8. Monitoring, Evaluation and Learning:

- A baseline measurement of recycling rates and MRF contamination will be taken at the on-set of the project. The City will work with the local MRF to acquire this information.
- Measurement throughout the programs will also be conducted by the City with assistance from local MRF. This includes monthly measuring of the number and weight of Hefty® EnergyBag® orange bags collected (# & lbs/kgs.). Additional measurements are included in the table below.
- The City will submit quarterly reports to CPIA & Dow detailing progress of key objectives and timelines, and a narrative summarizing expenditures of the grant funds, if requested. The City will promptly provide any additional information, reports and documents reasonably requested by CPIA and/or Dow during the first two years from program launch.

Key Objectives/Metrics	Outcome indicator
1. Successful implementation of Hefty® EnergyBag® program	- Curbside Hefty® EnergyBag® program available to full community, or in phases of a minimum 20,000 households per phase. - Target by end of initial 2 years is ~30% of households are participating in Hefty® EnergyBag® program
2. Increase the amount of plastic waste diverted from landfills	- # and pounds of Hefty® EnergyBag® orange bags collected - Total amount of plastics collected - % change in waste diverted from landfills based on collected Hefty® EnergyBag® orange bags - % of contaminants in orange bags by packaging and plastic types as determined via composition audits
3. Reduce contamination in MRF recycling streams	- % change in non-recycled plastics removed from recycling stream

On behalf of the City, I hereby understand and agree to the foregoing grant contribution terms and conditions, and hereby certify my authority to execute this Contribution Agreement on the City's behalf.

Ed Holder

Title: Mayor
The Corporation of the City of London

Date:

Joe Hruska

Title: Vice President Sustainability
The Canadian Plastics Industry
Association

Date:

Catharine Saunders
Title: City Clerk

The Corporation of the City of London

Date:

Carol Hochu
Title: President & CEO

The Canadian Plastics Industry
Association

Date: