

Bill No. 137  
2021

By-law No. A.-\_\_\_\_\_-\_\_\_\_

A by-law to approve the Amending Agreement to the January 1<sup>st</sup> 2020 Purchase of Service Agreement between The Corporation of the City of London and London Economic Development Corporation; and to authorize the Mayor and City Clerk to execute the Amending Agreement.

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 The Corporation of the City of London and London Economic Development Corporation (“LEDC”) entered into a Purchase of Service Agreement with effect as of January 1<sup>st</sup>, 2020 (“2020 Purchase of Service Agreement”) regarding the purchase of economic development services for the City of London;

AND WHEREAS The Corporation of the City of London and LEDC wish to amend the Agreement with respect to growing a film sector in the City of London;

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

1. The Amending Agreement to the 2020 Purchase of Service Agreement, entered into between The Corporation of the City of London and LEDC, substantially in the form attached as Schedule “A” to this by-law, is authorized and approved.
2. The Mayor and the City Clerk are authorized to execute the Amending 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 on April 13, 2021.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First reading – April 13, 2021  
Second reading – April 13, 2021  
Third reading – April 13, 2021

## SCHEDULE "A"

**THIS AMENDING AGREEMENT** with effect as of April 15, 2021.

B E T W E E N:

**LONDON ECONOMIC DEVELOPMENT CORPORATION**  
(the "LEDC")

- and -

**THE CORPORATON OF THE CITY OF LONDON**  
(the "City")

**WHEREAS** the LEDC and the City entered into a Purchase of Service Agreement with effect as of January 1<sup>st</sup>, 2020, regarding the purchase of economic development services for the City of London (the "Agreement");

**AND WHEREAS** the LEDC and the City wish to amend the Agreement with respect to growing a film sector in the City of London;

**NOW THEREFORE THIS AGREEMENT WITNESSES** that in consideration of the premises and the mutual covenants contained in the Agreement, and subject to the terms and conditions of this Amending Agreement, the parties agree as follows:

### 1.0 AMENDMENTS

(a) Section 3. ("Services Being Purchased and Provided") is amended by adding a new subsection 3 g. as follows:

"g. support the development and implementation of London's Film Strategy, focused on funding and advocacy, marketing and promotion, attraction, growth and retention, and workforce development."

(b) Section 9. is deleted and replaced with the following new section 9. as follows:

"9. **Consideration.** For the services purchased and provided, the Corporation shall pay the LEDC a fee (the "**Fee**") of:

(1) \$2,196,000 plus HST for each twelve-month period ending December 31, 2020, 2021, 2022, and 2023, and, subject to the City of London Budget approval, in the amount of \$2,196,000 shall be adjusted by either the percentage beginning in 2020 and thereafter annually during the term of this Purchase of Service change over calendar 12 months in the Labour Index (Statistics Canada. Table 14-10-0213-01 Fixed weight index of average hourly earnings for all employees by industry, monthly, Industrial aggregate excluding unclassified businesses) or by the percentage change over calendar 12 months (December) in the Consumer Price Index for Canada (Statistics Canada. Table 18-10-0004-01 Consumer Price Index, monthly, not seasonally adjusted, All Items), whichever of the two is lower, but in any event no adjustment shall be made if either or both the percentage changes are less than 0; and

(2) an additional \$300,000 per year (inclusive of HST, and not adjusted annually), subject to City of London annual budget approval, for the period ending December 31, 2021, and thereafter for each twelve-month period ending December 31, 2022 and 2023 related to the services outlined in subsection 3 g;

and payments are subject to the below and the parameters contained in Sections 3 and 4:

- a. the actual amount paid by the Corporation to the LEDC for services rendered during the period is subject to Municipal Council's approval of the Corporation's budget;
- b. one-twelfth of the amount mentioned thereafter, or such other proportion as may be agreed upon, shall be paid monthly based on an invoice for payment submitted by the LEDC to the Corporation containing such particulars or accompanied by such supporting information as the Corporation may require;
- c. amounts paid by the Corporation shall be for the services specifically purchased by the Corporation consistent with the Corporation's Strategic Plan and/or Multi-Year Budget; and,
- d. the amounts mentioned above shall be adjusted to reflect the addition, elimination, transfer or variance to the economic development services agreed upon from time to time by the Corporation and the LEDC."

## **2.0 AGREEMENT BINDING**

- 2.1 Except as amended by this Amending Agreement, the Agreement shall remain binding and in full force and effect.
- 2.2 This Amending Agreement shall be binding on the parties and their respective permitted successors and assigns.

## **3.0 EXECUTION**

- 3.1 The City and the LEDC acknowledge that it has each read this Amending Agreement, understands it and agrees to be bound by its terms and conditions.
- 3.2 This Amending Agreement 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.
- 3.3 (a) This Amending Agreement may:
  - (i) be executed and delivered by scanning the manually signed Amending Agreement as a PDF and delivering it by email to the other party; or
  - (ii) subject to the City's prior written consent, be executed and delivered electronically by the other party.
- (b) The respective electronic signature of the parties is the legal equivalent of a manual signature.

**IN WITNESS WHEREOF** the City and LEDC have signed this Amending Agreement by their authorized representatives.

**SIGNED, SEALED AND DELIVERED**

**THE CORPORATION OF THE CITY OF LONDON**

Date:

\_\_\_\_\_  
Ed Holder, Mayor

\_\_\_\_\_  
Catharine Saunders, City Clerk

**LONDON ECONOMIC DEVELOPMENT CORPORATION**

Date:

\_\_\_\_\_  
\*Per:  
Name:  
Title:

Date:

\_\_\_\_\_  
\*Per:  
Name:  
Title:  
\*I/We have authority to bind the corporation