

## Report to Civic Works Committee

**To:** Chair and Members  
Civic Works Committee

**From:** Scott Mathers, MPA, P.Eng.  
Director, Water, Wastewater, and Stormwater

**Subject:** Revised Joint Occupancy and Use Agreement for the Elgin-Middlesex Pumping Station

**Date:** November 23, 2021

## Recommendation

That, on the recommendation of the Director, Water, Wastewater and Stormwater, the following actions **BE TAKEN** with respect to a revised Joint Occupancy and Use Agreement between Partner Municipalities and the Elgin Area Primary Water Supply System with respect to the Elgin-Middlesex Pumping Station:

- (a) the attached proposed By-law (Appendix 'A') **BE INTRODUCED** at the Municipal Council Meeting of December 7, 2021, to approve a revised Joint Occupancy and Use Agreement between the Corporation of the City of London, the Elgin Area Primary Water Supply System, the Aylmer Area Secondary Water Supply System, and the St. Thomas Secondary Water Supply System with respect to the Elgin-Middlesex Pumping Station;
- (b) the Mayor and City Clerk **BE AUTHORIZED** to execute the Agreement, substantially in the form attached to this by-law, and satisfactory to the City Solicitor, and all documents required to fulfill its conditions; and,
- (c) the Civic Administration **BE AUTHORIZED** to undertake all the administrative acts that are necessary in connection with this Agreement.

It **BEING NOTED** that the Boards of Management for the Elgin Area Primary Water Supply System and both Secondary Water Supply Systems are concurrently undertaking similar actions to enter into this Joint Occupancy and Use Agreement.

## Executive Summary

### Purpose

The purpose of this report is to approve and execute a revised version of the Joint Occupancy and Use Agreement for the Elgin-Middlesex Pumping Station that was approved by Council on October 27, 2020, but not executed.

### Context

The Elgin-Middlesex Pumping Station and Reservoir facility (EMPS) is located at 490 South Edgeware Road, St. Thomas. The Elgin Area Primary Water Supply System pumps treated water from the Lake Erie Treatment Facility into a reservoir at the EMPS. The pumping station draws water from this reservoir for distribution to the three receiving municipalities. There are eight pumps within EMPS; three pumps provide water solely to London, three pumps provide water to the St. Thomas Secondary Water Supply System, and two pumps provide water to the Aylmer Area Secondary Water Supply System. The Ontario Clean Water Agency is the contracted operator for EMPS.

## Linkage to the Corporate Strategic Plan

The following report supports the 2019–2023 Strategic Plan through the strategic focus area of Leading in Public Service, by demonstrating leadership and accountability in the management and provision of quality programs and services.

# Analysis

## 1.0 Background Information

### 1.1 Previous Reports Related to this Matter

- “Services Agreement between Partner Municipalities and the Ontario Clean Water Agency for Contracted Operations at the Elgin-Middlesex Pumping Station”, Civic Works Committee, May 24, 2017, Agenda item #2.
- “Joint Occupancy and Use Agreement Elgin-Middlesex Pumping Station”, Civic Works Committee, October 20, 2020, Agenda item #2.6.

## 2.0 Discussion and Considerations

### 2.1 Joint Occupancy and Use Agreement

On October 27, 2020, a by-law was passed in London City Council to approve a Joint Occupancy and Use Agreement between the Corporation of the City of London, the Elgin Area Primary Water Supply System (EAPWSS), the Aylmer Area Secondary Water Supply System, and the St. Thomas Secondary Water Supply System with respect to the Elgin-Middlesex Pumping Station (EMPS).

The agreement defined the ownership of the various facility components, and clarified issues related to operations and maintenance.

Subsequent discussions between the parties to the agreement delayed its execution, and have resulted in minor revisions as follows:

- Effective date changed to January 1, 2022,
- Acknowledgement that the suction header within the building is owned by the EAPWSS, up to and including the first isolation valve prior to the pumps owned by St. Thomas Secondary, Aylmer Secondary, or London,
- Update of reference drawings, and
- Addition of an estimate of gross occupancy of the suction header within the building, with corresponding changes to the occupancy by London, St. Thomas Secondary, and Aylmer Secondary.

The revised Joint Occupancy and Use Agreement for the EMPS, is attached as Appendix ‘B’.

## Conclusion

The Joint Occupancy and Use Agreement for the Elgin-Middlesex Pumping Station that was approved by Council on October 27, 2020, has been updated to include revisions agreeable to all affected parties, and is attached as Appendix ‘B’.

This agreement will ensure the continued harmonious relationship between the owners of the EMPS, and provide clear delineation of ownership and operational responsibilities, which is particularly important for regulatory purposes and annual Ministry inspections.

**Prepared by:** John Simon, P.Eng.  
Division Manager, Water Operations

**Submitted by:** Scott Mathers, MPA, P.Eng.  
Director, Water, Wastewater and Stormwater

**Recommended by:** Kelly Scherr, P. Eng., MBA, FEC  
Deputy City Manager, Environment and Infrastructure

cc: Lynne Livingstone – City Manager  
Andrew Henry – Director – Regional Water Supply  
Matt Sweetland – Aylmer Secondary Water Supply System  
Justin Lawrence – St. Thomas Secondary Water Supply System  
Dan Huggins – Water Quality Manager, Water Operations  
Aaron Rozentals – Division Manager, Water Engineering  
Blair Tully – Ontario Clean Water Agency, General Manager Huron and Elgin

Appendix 'A' - By-law to approve a Joint Occupancy and Use Agreement between the Corporation of the City of London, the Elgin Area Primary Water Supply System, the Aylmer Area Secondary Water Supply System, and the St. Thomas Secondary Water Supply System with respect to the Elgin-Middlesex Pumping Station.

Appendix 'B' – Joint Occupancy and Use Agreement, Elgin–Middlesex Pumping Station

**APPENDIX 'A'**

Bill No.  
2021

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

A By-law to approve a Joint Occupancy and Use Agreement between the Corporation of the City of London, the Elgin Area Primary Water Supply System, the Aylmer Area Secondary Water Supply System, and the St. Thomas Secondary Water Supply System with respect to the Elgin-Middlesex Pumping Station.

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* 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 expedient for The Corporation of the City of London (the "City") to enter into a Joint Occupancy and Use Agreement between the Corporation of the City of London, the Elgin Area Primary Water Supply System, the Aylmer Area Secondary Water Supply System, and the St. Thomas Secondary Water Supply System with respect to the Elgin-Middlesex Pumping Station (the "Agreement");

AND WHEREAS it is appropriate to authorize the Mayor and 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 attached as Schedule "1" to this By-law, between The Corporation of the City of London, the Elgin Area Primary Water Supply System, the Aylmer Area Secondary Water Supply System, and the St. Thomas Secondary Water Supply System with respect to the joint ownership and occupancy of the Elgin-Middlesex Pumping Station is hereby AUTHORIZED AND APPROVED.
2. The Mayor and City Clerk BE AUTHORIZED to execute the Agreement, substantially in the form attached to this by-law, and satisfactory to the City Solicitor, and all documents required to fulfill its conditions.
3. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council December 7, 2021

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First reading – December 7, 2021  
Second reading – December 7, 2021  
Third reading – December 7, 2021