

Bill No. 279
2022

By-law No. A.- _____ - _____

A by-law to authorize the Deputy City Manager, Environment & Infrastructure to respond to requests for proposals, negotiate and enter into any new service agreements or amending existing City of London service agreements with any Producer Responsibility Organization(s) registered with the Resource Productivity Recovery Authority, and/or their designate.

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 section 10 of the *Municipal Act, 2001* provides that (1) a municipality may provide any service or thing that the municipality considers necessary or desirable for the public, and (2) that a municipality may pass by-laws respecting: 5. Economic, social and environmental well-being of the municipality, including respecting climate change; 6. Health, safety and well-being of persons; 7. Services and things the municipality is authorized to provide under subsection (1); 8. Protection of persons and property;

AND WHEREAS the Province of Ontario passed the *Resource Recovery and Circular Economy Act, 2016* and the *Waste Diversion Transition Act, 2016*, that authorized the transition of the financial and operational responsibility for managing designated packaging, paper and packaging-like products from municipalities to the producers of such products and packaging;

AND WHEREAS the Province of Ontario on June 3, 2021, adopted Ontario Regulation 391/21: Blue Box, which stipulated the transition timeline and schedule, designated materials, eligible and non-eligible sources, management targets, and detailed the transition of the Blue Box Program to producers. Subsequently, this Regulation was amended with Ontario Regulation 349/22: Blue Box on April 14, 2022;

AND WHEREAS the Resource Productivity and Recovery Authority is the regulator mandated by the Province of Ontario to enforce the province's circular economy laws. Established in November 2016 to support the transition to a waste-free Ontario, the Authority administers the *Resource Recovery and Circular Economy Act, 2016* and the *Waste Diversion Transition Act, 2016*, and their associated regulations;

AND WHEREAS a producer responsibility organization, or PRO, is a business established to contract with producers to provide collection, management and administrative services to help producers meet their regulatory obligations under the Blue Box Regulation, including; arranging, establishing or operating a collection or management system; arranging, establishing or operating promotion and education system; preparing and submitting reports; and representing a producer for any purpose under the regulation. A producer responsibility organization must register with the Resource Productivity and Recovery Authority;

AND WHEREAS sections 9 and 10 and 23.1 through 23.5 of the *Municipal Act, 2001* authorize a municipality to delegate its powers and duties under this or any other Act to a person or body;

AND WHEREAS section 23.1 of the *Municipal Act, 2001* enables a municipality to delegate certain powers and duties any Act, to a person or body, subject to restrictions set out in the *Municipal Act, 2001*;

AND WHEREAS nothing in subsection 23.1 of the *Municipal Act, 2001* restricts a municipality from delegating its administrative powers;

AND WHEREAS the Municipal Council has adopted a “Delegation of Powers and Duties Policy” for establishing guidelines to consider when delegating its powers and duties to a person;

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

1. The Deputy City Manager, Environment & Infrastructure, or designate, is hereby delegated the power to respond to requests for proposals, negotiate and enter into any new service agreements or amend existing City of London service agreements with any Producer Responsibility Organization(s) registered with the Resource Productivity Recovery Authority, and/or their designate.
2. The authority of the Deputy City Manager, Environment & Infrastructure to act under section 1 of this by-law, is subject to the following:
 - i. such actions and agreements are consistent with the current Blue Box collection contract approved by Municipal Council in August 27, 2019 and the current Blue Box processing contract approved by Municipal Council in July 21, 2020;
 - ii. such actions and agreements shall be for the purposes of facilitating an orderly transition of the City’s recycling operations in a manner consistent with O. Reg. 391/21 and O. Reg. 349/22: Blue Box;
 - iii. such actions and agreements are acceptable to the Deputy City Manager, Finance Supports;
 - iv. such agreements are in a form satisfactory to the Deputy City Manager, Legal Services;
 - v. such actions and agreements do not require additional funding or are provided for in the City’s current budget;
 - vi. such actions or agreements do not contain any financial arrangement, guarantee, indemnity or similar commitment that would increase, directly or indirectly, the indebtedness or contingent liabilities of The Corporation of the City of London; and
 - vii. this delegation shall not supersede the applicability of any contract approval requirements contained in the City’s Procurement of Goods and Services Policy.
3. The powers delegated in section 1 above may be exercised by both the delegate and the municipality.
4. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on July 5, 2022.

Ed Holder
Mayor

Michael Schulthess
City Clerk

First Reading – July 5, 2022
Second Reading – July 5, 2022
Third Reading – July 5, 2022