THE CORPORATION OF THE
MUNICIPALITY OF MORRIS-TURNBERRY

BY-LAW NO. 17-2015

Being a by-law to authorize the Mayor and Clerk to execute and affix the Corporate Seal to an Amendment No. 1 to a Grant Funding Agreement between the Corporation of the Municipality of Morris-Turnberry and Her Majesty the Queen-In Right of Ontario as represented by the Minister of the Environment and Climate Change

WHEREAS, Section 8 of the Municipal Act, 2001 S.O. 2001 C. 25 as amended, states that; ‘Powers of a natural person – 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 Council of the Municipality of Morris-Turnberry deems it necessary and desirable to amend the grant funding agreement under the Source Protection Municipal Implementation Fund Program, in Ontario, passed the 13th day of November, 2013;

AND WHEREAS, this Amendment No. 1 is attached hereto and forms part of this By-law as Schedule ‘A’;

AND WHEREAS, the Corporation of the Municipality of Morris-Turnberry enacts as follows:

THAT the Mayor and Clerk of the Municipality be and they are hereby authorized to execute and affix the Corporate Seal to sign and execute the Amendment No. 1 to the Grant Funding Agreement between the Corporation of the Municipality of Morris-Turnberry and Her Majesty the Queen-In Right of Ontario for the Source Protection Municipal Implementation Fund Program, in Ontario.

Read a FIRST and SECOND time this 3rd day of March, 2015.

Read a THIRD time and FINALLY PASSED this 3rd day of March, 2015.

Paul Gowing, Mayor

Nancy Michie, Administrator-Clerk-Treasurer
AMENDMENT NO. 1
to a Grant Funding Agreement under the
2013-14 Source Protection Municipal Implementation Fund (SPMIF_1314_037)

THIS AMENDMENT NO. 1 made in duplicate, as of the 20th day of February 2015,

BETWEEN:

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO,

as represented by the Minister of the Environment and Climate Change

(the "Province")

- and -

Corporation of the Municipality of Morris-Turnberry

(the "Municipality")

WHEREAS the Parties entered into a grant funding agreement under the Source Protection Municipal Implementation Fund dated as of December 13, 2013 for the Municipality to build municipal capacity to implement source protection plans and support sustainable, local actions to protect drinking water (the "Agreement");

AND WHEREAS on June 24, 2014, the name of the Ministry of the Environment was changed to the Ministry of the Environment and Climate Change;

AND WHEREAS pursuant to Section 20.2 of the Agreement, the Parties may amend the agreement in writing;

AND WHEREAS the Parties wish to include additional eligible activities;

NOW THEREFORE in consideration of the contractual relationship between the Municipality and the Province referred to above and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by both Parties, the Municipality and the Province hereby acknowledge, agree and undertake as follows:

1. Unless otherwise specified in this Amendment No.1, capitalized words and phrases have their prescribed meaning as set out in the Agreement.

2. The Agreement is amended as follows:

(a) Section 8.1 of Schedule "B" (Eligible Costs and Activities) is deleted in its entirety and replaced with the following:
B.1 Eligible Activities

The Municipality may only spend the Funds on the following eligible activities which are undertaken by the Municipality, or are undertaken on the Municipality's behalf, between December 13, 2013 and December 7, 2015 that are directly related to the following:

Risk management

a) Establishing and enforcing risk management plans under Part IV of the Clean Water Act, 2006;

b) Communication with landowners affected by policies pertaining to Part IV of the Clean Water Act, 2006;

c) Refining the number of threats within the Municipality pertaining to Part IV of the Clean Water Act, 2006;

Land use policies

d) Implementing the Municipality's municipal land-use planning policies related to activities that are identified as significant drinking water threats;

Education and outreach

e) Implementing education and outreach policies to address significant drinking water threats;

Other activities

f) Working with the local source protection authority and local source protection committee to understand the Municipality's requirements under the source protection plan;

g) Developing and/or modifying the Municipality's business processes in order to implement significant drinking water threat policies;

h) Establishing processes for information sharing among municipalities and source protection authorities;

i) Developing a reporting framework for the Municipality that aligns with the collection of data under section 65 of Ontario Regulation 287/07, made under the Clean Water Act, 2006; and

j) Other activities the Municipality undertakes to fulfill its requirements to implement significant drinking water threat policies, including:

   a. Establishing a mandatory septic re-inspection program for vulnerable areas delineated in approved assessment reports.
(b) Section B.2 of Schedule "B" (Eligible Costs and Activities) is deleted in its entirety and replaced with the following:

**B.2 Ineligible Activities**

The following activities are not eligible for funding under the Agreement and the Municipality may not spend the Funds on the following:

a) Refining the number of threats within the Municipality not pertaining to Part IV of the *Clean Water Act, 2006*;

b) Threat refinement work already funded by the Province through source protection authorities;

c) Activities that are already funded through another program, funding body, partners, or other means;

d) Activities that are funded by the Source Protection Municipal Implementation Fund through another municipality;

e) Fulfillment of the Municipality’s responsibilities as a property owner undertaking activities identified as significant drinking water threats;

f) Fulfillment of the Municipality’s responsibilities under other legislation (e.g., Building Code), except as noted in section B.1(i)(a), including:

   a. Establishment of a septic re-inspection program for areas delineated through other legislation (i.e. *Lake Simcoe Protection Act, 2008*);
   
   b. Establishment of a discretionary septic re-inspection program for areas where an activity is not considered a significant drinking water threat under the source protection framework; and

   g) Activities not related to fulfilling the Municipality’s requirements to implement significant drinking water threat policies specified in an approved or proposed source protection plan that has been submitted for approval.

3. This Amendment No. 1 shall be in force from February 20, 2015 and shall have the same expiry or termination date as the amended Agreement.

4. All other terms and conditions of the Agreement shall remain in full force and effect unchanged and unmodified.

5. This Amendment No. 1 shall enure to the benefit of and be binding upon the Municipality and the Province and each of their administrators, permitted successors and permitted assigns, respectively.
6. This Amendment No. 1 may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF the Parties have executed this Amendment No. 1 as of the date first written above.

HER MAJESTY THE QUEEN in Right of Ontario
as represented by the Minister of the Environment and Climate Change

Name: Heather Malcolmson
Title: Director (A)
Source Protection Programs Branch

Pursuant to delegated authority.

Corporation of the Municipality of Morris-Turnberry

Name: Paul Gowing
Title: Mayor

Name: Nancy Michie
Title: Administrator Clerk-Treasurer

I/we have authority to bind the Municipality.