



MUNICIPALITY OF **West Elgin**

The Corporation of the Municipality of West Elgin

By-Law No. 2021-62

Being a By-Law to Create a Joint Municipal Services Board for the Provision of Water Utility Services

Whereas Section 196 of the *Municipal Act, 2001*, S.O. 2001, c.25, (the “Act”) as amended, permits a municipality to establish a municipal service board; and

Whereas Section 198 of the Act states a municipality may give a municipal service board the control and management of such services and activities of the municipality as the municipality considers appropriate and shall do so by delegating powers and duties of the municipality to the board; and

Whereas Section 202 of the Act authorizes two or more municipalities to enter into an agreement to establish a joint municipal services board and to provide for those matters which, in the opinion of the participating municipalities, are necessary or desirable to facilitate the establishment and operation of the joint municipal services board; and

Whereas The Corporation of the Municipality of West Elgin (“West Elgin”) together with The Corporation of the Municipality of Southwest Middlesex, The Corporation of the Municipality of Dutton Dunwich, The Corporation of the Municipality of Chatham-Kent and The Corporation of the Village of Newbury (the Parties) created a Joint Municipal Service Board (the “Tri-County Water Board”) on July 22, 2014 with the signing of the 2014 Master Agreement, for the provision of water utility services (the services); and

Whereas the parties wish to terminate the July 22, 2014 and replace it with a new Agreement, which is attached hereto;

Now Therefore the Council of the Corporation of the Municipality of West Elgin enacts as follows:

1. That the Corporation of the Municipality of West Elgin hereby delegates to the Tri-County Water Board, all its rights, obligations and responsibilities to provide the Services as contemplated in the Agreement as laid out in Schedule “A”, attached hereto and forming an integral part of this By-law, subject to the limits, procedural requirements and conditions that would apply to the provision of the Services if West Elgin and the Parties had rendered the Services directly.

2. The Tri-County Water Board shall provide all necessary accommodations, equipment, supplies, employees and labour to provide the Services in accordance with the attached Agreement, as may be amended from time to time.
3. The powers delegated to the Tri-County Water Board pursuant to this By-Law and the By-Laws of the Parties to the Tri-County Water Board may be revoked at any time in the sole and absolute discretion of West Elgin and the Parties, subject to obligations in the Agreement.
4. If the Parties to the Agreement revoke all powers of the Tri-County Water Board, West Elgin shall take any and all necessary steps to dissolve the Tri-County Water Board pursuant to Section 216 of the Act.
5. The Mayor and Clerk are hereby authorized to sign the Agreement attached hereto as Schedule "A" and take such further actions that may be required to give effect to the foregoing By-Law.
6. That this By-Law shall come into force and take effect on the later of (i) the date of its final passing; or (ii) the date of all the Parties have passed a By-Law substantially in the form of this By-Law.
7. That By-Law 2014-31, being a by-law to create a Joint Municipal Services Board for the provision of water utility services, is hereby repealed and replaced.

Read a first, second, and third time and passed this 18th day of November, 2021

Duncan McPhail
Mayor

Jana Nethercott
Clerk