

CORPORATION OF THE TOWNSHIP OF WHITEWATER REGION

BY-LAW # 13-10-654

Being a By-Law to authorize the Mayor and CAO/Clerk to execute an amending Agreement between the Ontario Clean Water Agency (OCWA) and the Corporation of Township of Whitewater Region

WHEREAS pursuant to the Municipal Act, .S.O. 2001 as amended, a Council may enter into agreements;

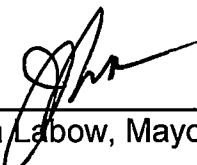
AND WHEREAS the Corporation of the Township of Whitewater Region deems it necessary to enter into an amending agreement with the Ontario Clean Water Agency (OCWA) to act as the "overall responsible operator" (the ORO) of the Township's water distribution and wastewater collection systems on a temporary basis;

NOW THEREFORE the Council of the Corporation of the Township of Whitewater Region enacts that:


1. The Mayor and the CAO/Clerk are hereby authorized to execute this amending Overall Responsible Operator Services Agreement between the Ontario Clean Water Agency and the Township of Whitewater Region as in Schedule "A" attached hereto.

All By-Laws or parts of By-Laws previously passed that are inconsistent with the provisions of By-Law 13-10-654 are hereby repealed.

Passed this 2nd day of October, 2013



Jim Labow, Mayor



Christine FitzSimons, CAO/Clerk

AMENDING AGREEMENT

THIS AMENDING AGREEMENT made as of the 18th day of September, 2013.

B E T W E E N

ONTARIO CLEAN WATER AGENCY/AGENCE ONTARIENNE DES EAUX,
a corporation established under the Capital Investment Plan Act, 1993, c.23, Statutes
of Ontario.

(referred to in this Amending Agreement as “OCWA”)

A N D

THE CORPORATION OF THE TOWNSHIP OF WHITEWATER REGION

(referred to in this Amending Agreement as “the Client”)

(Each a “Party” and together, “the Parties”)

BACKGROUND TO THIS AMENDING AGREEMENT

WHEREAS the Client and OCWA entered into an agreement effective *June 14th, 2013 at 16:00* concerning the *Overall Responsible Operator* of the Client’s Facility (the “Existing Agreement”) attached as Appendix A to this Amending Agreement;

AND WHEREAS the Client and OCWA have agreed to amend the Existing Agreement, as described below;

AND WHEREAS the Council of the Client passed By-Law No. *13-06-628* on the 19th day of June, 2013 authorizing the Client to enter into this Amending Agreement;

NOW, THEREFORE, in consideration of the mutual covenants contained in this Amending Agreement and other good and valuable consideration, the sufficiency of which is hereby irrevocably acknowledged, the Client and OCWA agree to the following amendments to the Existing Agreement:

1. Any capitalized terms not defined herein shall have the meaning ascribed to such term in the Existing Agreement.

2. Section 5.1 of the Existing Agreement is hereby deleted and replaced with the following:

“Section 5.1 - Term of Agreement”

This Agreement shall start on June 14, 2013 at 16:00 and shall continue in effect for a term ending on November 4th, 2013 at 7:59 (the “Term”).”

IN WITNESS WHEREOF the Parties have duly executed this Amending Agreement.

ONTARIO CLEAN WATER AGENCY

Sept 18/13
Date of Signing

By: 
(Authorized Signing Officer)

9/18/2013
Date of Signing

By: 
(Authorized Signing Officer)

**THE CORPORATION OF THE TOWNSHIP
OF WHITEWATER REGION**

Oct 2/13
Date of Signing

By: 
(Authorized Signing Officer)

Oct 2/13
Date of Signing

By: 
(Authorized Signing Officer)

Lorna Gajraj

From: Daragh Slowey
Sent: Wednesday, September 18, 2013 2:44 PM
To: Lorna Gajraj
Cc: John Kingsbury; Karen Visentin
Subject: FW: Extension to Whitewater ORO Agreement - Amendment - Signatures Required
Attachments: Whitewater OCWA - ORO Extension to Nov 4th, 2013 - Amending Agreement.doc

Hi Lorna,

Could you also have this ORO Extension Agreement for Whitewater Region signed please?

Karen Visentin has approved it.

Thank you,

Daragh

From: Karen Visentin
Sent: September-18-13 2:31 PM
To: Daragh Slowey
Cc: John Kingsbury
Subject: RE: Extension to Whitewater ORO Agreement - Amendment - Please review

Hello Daragh. I have had a chance to review the Amending Agreement and it looks fine. I did notice however, that the end time on November 4th is 7:59. I was wondering if this should be 15:59 since the Agreement starts at 16:00 on June 14th.

From: Daragh Slowey
Sent: Wednesday, September 18, 2013 11:21 AM
To: Karen Visentin
Cc: John Kingsbury
Subject: Extension to Whitewater ORO Agreement - Amendment - Please review

Hello Karen,

I hope all is well in Toronto today!

Whitewater is going to council tonight and they asked OCWA to provide an extension letter for the current ORO Agreement we have in place to get both parties to the November 4th, 2013 date when OCWA takes over the complete O&M of Whitewater (that actual draft document Agreement is still in the works, but the O&M service has passed the council by law).

I've attached a copy of the amendment, simply extending the dates, for your review.

I've also attached the original ORO Agreement.

Would you mind reviewing them and giving them your blessing?

Thank you in advance,

Daragh

Daragh JK Slowey

Business Development Manager - Eastern Region | **Ontario Clean Water Agency**

dslowey@ocwa.com

Cell: 613-290-6153

