

The Corporation of the Township of Whitewater Region

By-law Number 17-12-1016

Being a by-law to authorize the execution of a New Building Canada Fund (NBCF) – Small Communities Fund (SCF) First Amending Agreement with the Ministry of Agriculture, Food and Rural Affairs

Whereas, Section 9 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority; and,

Whereas, the Council of Whitewater Region enacted By-law 15-08-810 on the 19th day of August, 2015 to authorize the Mayor and CAO to execute a New Building Canada Fund (NBCF) – Small Communities Fund (SCF) Agreement with the Ministry of Agriculture, Food and Rural Affairs; and,

Whereas, the Council of Whitewater Region deems it necessary to enter into the first amending agreement for the Cobden Sewer Plant Upgrade with a revised project completion date;

The Council of The Corporation of the Township of Whitewater Region enacts as follows:

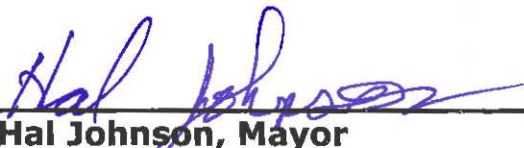
1. That Mayor Hal Johnson and CAO/Clerk Robert H.A. Tremblay are authorized to execute the first amending agreement for project number SCF-0223:

Clause B.1.4 Project Completion Date of Schedule "B" of the Agreement is revoked and replaced with the following:

B.1.4 Project Completion Date: The project completion date be amended to October 31, 2021.

2. The first amending agreement is attached hereto and forms part of this by-law.
3. That this by-law shall come into force and take effect upon being passed by Council.

Read a first, second and third time and finally passed this 6th day of December, 2017.



Hal Johnson, Mayor



Robert H.A. Tremblay, Clerk

This Amendment is effective as of the date of the Province's signature.

AMENDING AGREEMENT

BETWEEN:

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO
as represented by the Minister of Agriculture, Food and Rural Affairs
(the "Province")

AND

THE CORPORATION OF THE TOWNSHIP OF WHITEWATER REGION
(the "Recipient")

I. BACKGROUND

The Province and the Recipient (the "Parties") entered into an agreement (the "Agreement") with an Effective Date of October 19, 2015 under the New Building Canada Fund – Small Communities Fund;

The Parties wish to amend the Agreement;

Part V of the Agreement allows the Parties to make amendments to the Agreement, provided such amendments are in writing agreed upon and signed by the Parties;

II. CONSIDERATION

In consideration of the mutual covenants and agreements contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is expressly acknowledged, the Parties agree to amend the Agreement under this amending agreement (the "Amendment") as follows:

- 1. Revocation And Replacement Of Clause B.1.4 Project Completion Date of Schedule "B" Of The Agreement.** Clause B.1.4 Project Completion Date of Schedule "B" of the Agreement is revoked and replaced with the following:
B.1.4 Project Completion Date. The Project Completion Date is October 31, 2021.
- 2. Referential Incorporation Of Certain Provisions Of Agreement Into Amendment.** Sections 1.1, 1.2, 1.4, 2.1 and 2.2 as well as Articles 19 to 23, 25 and 30 of Schedule "A" of the Agreement are referentially incorporated into this Amendment with any and all necessary modifications to make them applicable to this Amendment.
- 3. Defined Terms.** Any capitalized term used in this Amendment but not defined herein shall have the same meaning given to it in the Agreement.

III. THE AGREEMENT

The Parties acknowledge that the Agreement continues as a valid and binding agreement, subject only to this Amendment and that all other terms and conditions of the Agreement apply.

IV. COUNTERPARTS

This Amendment may be signed in any number of counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument.

V. ACKNOWLEDGEMENT

The Recipient:

- (a) Acknowledges that it has read and understands the provisions contained in the entire Amendment; and
- (b) Agrees to be bound by the terms and conditions in the entire Amendment.

IN WITNESS WHEREOF the Parties have respectfully signed this Amendment as of the dates indicated below:

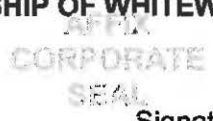
HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO
as represented by the Minister of Agriculture, Food and Rural Affairs

Name: Randy Jackiw
Title: Assistant Deputy Minister

Date

I have the authority to bind the Province pursuant to delegated authority.

THE CORPORATION OF THE TOWNSHIP OF WHITEWATER REGION



Signature: *Hal Johnson*
 Name: HAL JOHNSON
 Title: Mayor
 Date: DEC 6, 2017

Signature: *Robert Trethewey*
 Name: ROBERT TRETHEWEY
 Title: CAO/CLEK
 Date: DEC 6, 2017

I/We have the authority to bind the Recipient.