

**THE CORPORATION OF THE
TOWNSHIP OF EDWARDSBURGH CARDINAL
BY-LAW NO. 2018-70**

**“A BY-LAW TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH
THE UNITED COUNTIES OF LEEDS AND GRENVILLE TO PERFORM THIRD
ALTERNATE OVERALL RESPONSIBLE OPERATOR DUTIES”**

WHEREAS the Municipal Act 2001, SO 2001, Chapter 25, Section 8(1) states that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues; and

WHEREAS the Municipal Act 2001, SO 2001, Chapter 25, Section 8(2) states that in the event of ambiguity, the ambiguity shall be resolved so as to include, rather than exclude, municipal powers that existed before the Municipal Act, 2001 came into force; and

WHEREAS the Municipal Act 2001, SO 2001, Chapter 25, Section 9 gives the municipality the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this Act; and

WHEREAS the Municipal Act 2001, SO 2001, Chapter 25, Section 11(2) provides that Municipal Councils may pass by-laws for the economic, social and environmental well-being of the inhabitants of the municipality;

AND WHEREAS the Council of the Corporation of the Township of Edwardsburgh/Cardinal deems it advisable to enter into a Memorandum of Understanding with the United Counties of Leeds and Grenville to perform third alternate Overall Responsible Operator duties for the Bennett Street Well Supply;

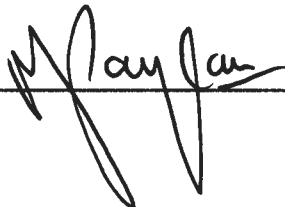
NOW THEREFORE the Council of the Corporation of the Township of Edwardsburgh Cardinal enacts as follows:

1. That the CAO/Clerk is hereby authorized to execute the Memorandum of Understanding on behalf of the Township of Edwardsburgh/Cardinal attached hereto as Schedule “A”.
2. That this by-law shall come into force and take effect upon passing.

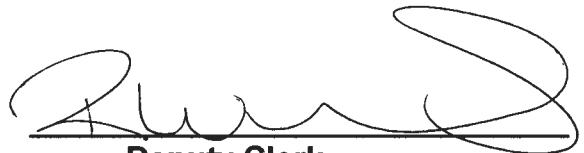
Read a first and second time in open Council this 29th day of October, 2018.

Read a third and final time, passed, signed and sealed in open Council this 29th day of October, 2018.

Mayor



Deputy Clerk



MEMORANUM OF UNDERSTANDING

BETWEEN

THE UNITED COUNTIES OF LEEDS AND GRENVILLE (UCLG)

AND

THE TOWNSHIP OF EDWARDSBURGH CARDINAL (TWPEC)

The purpose of this agreement is to provide UCLG with a contingency to cover such times when the Spencerville water systems designated Overall Responsible Operator and alternate Overall Responsible Operator are not available. For the purposes of this agreement, should this situation arise it will be deemed an emergency.

The MOU is only applicable to the water system located at 33 Bennett Street in Spencerville also referred to as "The Maples".

1. In the event of an emergency, the UCLG may request that TWPEC perform 3rd alternate Overall Responsible Operator duties and responsibilities for a specified period of assistance. The request can be made orally or in writing. If orally, as soon as practical the request should be followed up with a request prepared and submitted in writing.
2. Execution of this agreement does not create any duty to respond to the request. The TWPEC shall have sole and absolute discretion as to whether to respond based on availability of personnel and this decision will be final.
3. UCLG will reimburse TWPEC for personnel costs as well as any out-of-pocket expenses incurred for work performed during the specified period of assistance.
4. UCLG shall assume the defense of, fully indemnify and hold harmless, TWPEC, it's officers and employees, from all claims, loss, damage, injury and liability of every kind, nature and description, directly or indirectly arising from TWPEC work during a specified period of assistance.
5. Either party may withdraw from this agreement by providing 30 days written notice of its intent to withdraw to the other party.

Now, therefore, in consideration of the covenants and obligations set forth in this agreement, the United Counties of Leeds and Grenville and the Township of Edwardsburgh Cardinal execute this agreement on this 3 day of October, 2018.

United Counties of Leeds and Grenville

Name: Alison Tuttle
Sign: [Signature]
Title: DIRECTOR

Township of Edwardsburgh Cardinal

Name: Debra McKinstry
Sign: [Signature]
Title: CAO/Clerk