



**THE CORPORATION OF THE CITY OF PORT COLBORNE
AND
THE CORPORATION OF THE TOWNSHIP OF WAINFLEET**

SPECIAL JOINT MEETING OF COUNCIL AGENDA

OCTOBER 16, 2023 – 6:30 P.M.

**ROSELAWN CENTRE
296 FIELDEN AVE, PORT COLBORNE**

*This is a Joint Special Council Meeting of the Councils of:
The City of Port Colborne and the Township of Wainfleet.
This Joint Special Council Meeting will include a closed
session meeting and will not be live streamed.*

C023/23

- 1. Call to Order**
- 2. National Anthem**
- 3. Land Acknowledgement Statement**
- 4. Disclosures of Interest and the General Nature Thereof**
- 5. Motions to Adopt of Memorandum of Understanding**
 - a) City of Port Colborne Re: Memorandum of Understanding for Shared Services
 - b) Township of Wainfleet Re: Memorandum of Understanding for Shared Services
- 6. Closed Meeting**

Port Colborne

 - a) Pursuant to the Municipal Act, Section 239 (3.1) for the purpose of education or training – 1 item (a matter pertaining to Shared Services)

Wainfleet

 - a) Pursuant to the Municipal Act, Section 239 (3.1) for the purpose of education or training – 1 item (a matter pertaining to Shared Services)
- 7. Rise & Report**

8. By-laws

Port Colborne

- a) By-law No. 7152/94/23 being a by-law to adopt a Shared Services Agreement with the Township of Wainfleet

Wainfleet

- a) By-law No. 040-2023 being a by-law to adopt a Shared Services Agreement with the City of Port Colborne

9. By-law to Confirm the Proceedings of Council

Port Colborne

- a) By-law No. 7153/95/23 being a by-law to adopt, ratify and confirm the actions of the Council at its special joint meeting held on the 16th day of October, 2023

Wainfleet

- a) By-law No. 041-2023 being a by-law to adopt, ratify and confirm the actions of the Council at its special joint meeting held on the 16th day of October, 2023

10. Adjournment

MEMORANDUM OF UNDERSTANDING

Between

THE CORPORATION OF THE CITY OF PORT COLBORNE

AND

THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

This Memorandum of Understanding (hereinafter referred to as "MOU") is entered into by and between the Corporation of the City of Port Colborne, located at 66 Charlotte Street in Port Colborne, Ontario, and the Corporation of the Township of Wainfleet, located at 31940 Highway 3 in Wainfleet, Ontario, collectively referred to as the "Parties."

WHEREAS the Parties recognize the potential benefits and efficiencies that can be achieved through the sharing of services and resources; and

WHEREAS the Parties desire to establish a framework for considering shared services arrangements when the opportunity presents itself;

NOW, THEREFORE, the Parties hereby agree as follows:

Purpose and Scope

1.1 The purpose of this MOU is to establish a framework for the Parties to consider and explore shared services arrangements that can result in improved service delivery, cost savings, and increased efficiency for the municipalities.

1.2 This MOU does not create any binding obligations or commitments on either Party. It solely serves as a guiding document for cooperative efforts in exploring shared services opportunities.

Definitions

2.1 "Shared Services" refers to the provision of services, facilities, or resources jointly or by one municipality to another municipality, with the goal of achieving mutual benefits.

Principles of Cooperation

3.1 The Parties agree to cooperate in a spirit of mutual trust and respect and shall collaborate in good faith to identify and evaluate potential shared services opportunities that align with their respective needs, resources, and legal obligations.

3.2 The Parties shall consider the following principles when assessing shared services arrangements:

- a) Alignment with the strategic objectives and priorities of each municipality;
- b) Compatibility of existing infrastructure, systems, and operations;
- c) Potential cost savings and efficiencies;
- d) Maintenance or enhancement of service quality and customer satisfaction;

- e) Compliance with applicable laws, regulations, and policies;
- f) Protection of the interests of each municipality and its residents.

Process for Considering Shared Services

4.1 When a shared services opportunity arises, the Parties shall undertake the following steps:

- a) Identification: Either Party may propose a shared services arrangement to the other, outlining the specific services, resources, or facilities to be shared.
- b) Point of Contact: Each municipality will designate a point of contact responsible for coordinating and facilitating discussions related to shared services arrangements.
- c) Assessment: The Parties shall work cooperatively in the assessment of each proposal to determine the feasibility, benefits, risks, and costs associated with the proposed shared services arrangement.
- d) Joint Committee: The Parties will establish a joint committee comprising representatives from both municipalities to oversee the assessment, evaluation, planning, and implementation of shared services arrangements. The committee's composition and terms of reference will be determined on a case-by-case basis depending upon the services proposed to be shared and through a separate agreement. The joint committee will conduct assessments, feasibility studies, and cost-benefit analyses for proposed shared services initiatives, and provide recommendations to the respective municipal councils.
- e) Decision-Making: The Parties shall engage in a collaborative decision-making process, considering the results of the assessment, and each Party will make a determination regarding participation in the shared services arrangement.
- f) Agreement: If the Parties decide to proceed, the Parties will collaborate to develop and execute any necessary legal agreements or contracts to govern shared services arrangements, ensuring compliance with all applicable legislation and regulations and specifying the terms, responsibilities, and any necessary financial arrangements.

Autonomy and Confidentiality

5.1 The Parties commit to maintaining the autonomy and identity of each municipality while seeking opportunities for collaboration in shared services.

5.2 The Parties shall maintain the confidentiality of any proprietary, financial, or sensitive information exchanged during the process of exploring shared services opportunities, subject to applicable laws and regulations.

Legal and Financial Considerations

6.1 The Parties acknowledge that any shared services arrangement will require the development of legal agreements and may involve financial commitments. The specifics of such agreements and commitments will be determined on a case-by-case basis, subject to the approval of the municipal councils.

6.2 The Parties agree to share the costs associated with the assessment, evaluation, implementation, and ongoing operation of any shared services arrangement, as may be mutually agreed upon.

Duration and Amendment

7.1 This MOU shall come into effect on the date of its execution and shall remain in effect until either Party provides written notice of termination to the other Party.

7.2 This MOU may be amended, modified, or terminated by mutual written agreement of the Parties.

7.3 Termination of this MOU will not affect any shared services arrangements that have been implemented or are under consideration at the time of termination.

Governing Law and Jurisdiction

8.1 This MOU shall be governed by and construed in accordance with the laws of the Province of Ontario.

IN WITNESS WHEREOF, the Parties have executed this Memorandum of Understanding as of this _____ day of _____, 2023.

City of Port Colborne

Township of Wainfleet

Scott Luey, CAO
City of Port Colborne

William Kolasa, CAO
Township of Wainfleet

The Corporation of the City of Port Colborne

By-Law No. 7152/94/23

Being a By-law to adopt a Shared Services Agreement with the
Township of Wainfleet

Whereas the *Municipal Act, 2001*, Section 20(1) provides that a municipality may enter into an agreement with one or more municipalities or local bodies, as defined in Section 19, or a combination of both to jointly provide, for their joint benefit, any matter which all of them have the power to provide within their own boundaries;

Whereas the *Municipal Act, 2001* S.O. 2001, c.25, as amended, confers broad authority on municipalities to enter into such agreements;

Whereas Council is desirous of entering into a Shared Agreement with the Town of Wainfleet; and

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. That The Corporation of the City of Port Colborne enters into a Shared Agreement with the Township of Wainfleet.
2. That the Chief Administrative Officers from the City of Port Colborne, is hereby authorized and directed to sign the said shared agreement, attached hereto as Schedule "A", together with any documents necessary to complete the conditions of the said shared agreement, and the City Clerk is hereby authorized to affix the Corporate Seal thereto.

Enacted and passed this 16th day of October, 2023

William C. Steele
Mayor

Saima Tufail
Acting City Clerk

THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

BY-LAW NO. 040-2023

Being a By-law to adopt a Shared Services Agreement with the
City of Port Colborne

Whereas the *Municipal Act, 2001*, Section 20(1) provides that a municipality may enter into an agreement with one or more municipalities or local bodies, as defined in Section 19, or a combination of both to jointly provide, for their joint benefit, any matter which all of them have the power to provide within their own boundaries;

Whereas the *Municipal Act, 2001* S.O. 2001, c.25, as amended, confers broad authority on municipalities to enter into such agreements;

Whereas Council is desirous of entering into a Shared Agreement with the City of Port Colborne; and

Now therefore the Council of The Corporation of the Township of Wainfleet enacts as follows:

1. That the Corporation of the Township of Wainfleet enters into a Shared Agreement with the City of Port Colborne.
2. That the Chief Administrative Officer from the Township of Wainfleet, is hereby authorized and directed to sign the said shared agreement, attached hereto as Schedule "A", together with any documents necessary to complete the conditions of the said shared agreement, and the Township Clerk is hereby authorized to affix the Corporate Seal thereto.

Read and passed this 16th day of October, 2023

B. Grant, MAYOR

M. Kirkham, DEPUTY CLERK

The Corporation of the City of Port Colborne

By-Law No. 7153/95/23

Being a by-law to adopt, ratify and confirm
the proceedings of the Council of The
Corporation of the City of Port Colborne at
its Special Joint Meeting of October 16, 2023

Whereas Section 5(1) of the *Municipal Act, 2001*, provides that the powers of a municipality shall be exercised by its council; and

Whereas Section 5(3) of the *Municipal Act, 2001*, provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

Whereas it is deemed expedient that the proceedings of the Council of The Corporation of the City of Port Colborne be confirmed and adopted by by-law;

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. Every action of the Council of The Corporation of the City of Port Colborne taken at its Special Joint Meeting of October 16, 2023, upon which a vote was taken and passed whether a resolution, recommendations, adoption by reference, or other means, is hereby enacted as a by-law of the City to take effect upon the passing hereof; and further
2. That the Mayor and City Clerk are authorized to execute any documents required on behalf of the City and affix the corporate seal of the City and the Mayor and City Clerk, and such other persons as the action directs, are authorized and directed to take the necessary steps to implement the action.

Enacted and passed this 16th day of October, 2023

William C. Steele
Mayor

Saima Tufail
Acting City Clerk

THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

BY-LAW NO. 041-2023

Being a by-law to adopt, ratify and confirm the proceedings of the Council of the Corporation of the Township of Wainfleet its Special Joint Meeting of October 16, 2023

WHEREAS Subsection 5 (1) of the *Municipal Act, 2001*, S.O. 2001, Chapter M.25, as amended, provides that the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS section 5 (3) of the *Municipal Act 2001*, S.O. 2001, Chapter M.25, as amended, provides that, except if otherwise authorized, the powers of Council shall be exercised by by-law;

AND WHEREAS it is deemed desirable and expedient that the actions of the Council as herein set forth be adopted, ratified and confirmed by by-law;

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS AS FOLLOWS:**

1. (a) The actions of the Council at its Joint Special Meeting held October 16, 2023, including all resolutions or motions approved, are hereby adopted, ratified and confirmed as if they were expressly embodied in this by-law.

(b) The above-mentioned actions shall not include:
 - (i) any actions required by law to be taken by resolution, or
 - (ii) any actions for which prior Ontario Municipal Board approval is required, until such approval is obtained.
2. The Mayor and proper officials of the Corporation of the Township of Wainfleet are hereby authorized and directed to do all things necessary to give effect to the above-mentioned actions and to obtain approvals where required.
3. Unless otherwise provided, the Mayor and Clerk are hereby authorized and directed to execute and the Clerk to affix the seal of the corporation of the Township of Wainfleet to all documents necessary to give effect to the above-mentioned actions.
4. This by-law shall come into force on the day upon which it is passed.

READ AND PASSED THIS 16TH DAY OF OCTOBER, 2023

B. Grant, MAYOR

M. Kirkham, DEPUTY CLERK