

The Corporation of the Municipality of Brockton



By-Law 2020-104

Being a By-Law to Enter into a Transfer Payment Agreement in Order to Participate in the Municipal Modernization Program

Whereas the *Municipal Act, 2001, S.O. 2001, c. 25*, Section 5(1), as amended, provides that the powers of a municipal corporation are to be exercised by its council;

And Whereas the *Municipal Act, 2001, S.O. 2001, c. 25*, Section 5(3), as amended, provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9; shall be exercised by By-Law;

And Whereas the Municipality of Brockton wishes to amend the Transfer Payment Agreement entered into with Her Majesty the Queen in right of Ontario as represented by the Minister of Municipal Affairs and Housing in order to participate in the Municipal Modernization Program;

Now Therefore the Council of the Corporation of the Municipality of Brockton **Enacts as Follows:**

- 1.0 That the Council of the Corporation of the Municipality of Brockton hereby authorizes entering into an amended transfer payment agreement with the Her Majesty the Queen in right of Ontario as represented by the Minister of Municipal Affairs and Housing in order to participate in the Municipal Modernization Program as contained in the attached Schedule "A" to this By-Law.
- 2.0 That the Mayor and Clerk are hereby authorized to sign the extension of the agreement with Her Majesty the Queen in right of Ontario as represented by the Minister of Municipal Affairs and Housing.
- 3.0 That this By-Law shall come into effect upon final passage.
- 4.0 That By-Law 2020-025 be hereby amended.
- 5.0 This By-Law may be cited as the "Amend Municipal Modernization Program Transfer Payment Agreement By-Law".

Read, Enacted, Signed and Sealed this 22nd day of September, 2020.

Mayor – Chris Peabody

Clerk – Fiona Hamilton

ONTARIO TRANSFER PAYMENT AMENDING AGREEMENT

This Amending Agreement No.1 effective as of the day of , 2020.

B E T W E E N :

**Her Majesty the Queen in right of Ontario
as represented by the Minister of Municipal Affairs and
Housing**

(the “Province”)

- and -

The Corporation of the Municipality of Brockton

(the “Recipient”)

BACKGROUND

1. The Province and the Recipient entered into an agreement effective as of the 22nd day of March, 2020. (the “**Agreement**”).
2. The Parties wish to amend the Agreement in the manner set out in Amending Agreement No.1.

IN CONSIDERATION of the mutual covenants and agreements contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

1. Capitalized terms used but not defined in this amending agreement No.1 (the “**Amending Agreement No.1**”) have the meanings ascribed to them in the Agreement.
2. Schedule “C” (Project Summary) of the Agreement is replaced with Schedule “C” (Project Summary) attached to this Amending Agreement No. 1 as Appendix 1.
3. Schedule “F” (Reports) of the Agreement is amended by
 - (a) Deleting “June 15th, 2020” in the 2nd row and 2nd column of the chart and replacing it with “June 30th, 2020”;

- (b) Deleting "September 18th, 2020" in the 3rd row and 3rd column of the chart and replacing it with "December 4th, 2020";
 - (c) Deleting "June 15th, 2020" in the first paragraph under the subheading "1. Interim Progress Report" and replacing it with "June 30th, 2020";
and
 - (d) Deleting "September 18th, 2020" in the first paragraph under the subheading "2. Final Report" and replacing it with "December 4th, 2020".
4. Amending Agreement No.1 shall be effective as of the date set out at the top of the Amending Agreement No.1.
5. Except for the amendments provided for in Amending Agreement No.1, all provisions in the Agreement shall remain in full force and effect.

The Parties have executed this Amending Agreement No.1 on the dates set out below.

**HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO
as represented by Minister of Municipal Affairs and
Housing**

Date

Name: The Honourable Steve Clark
Title: Minister of Municipal Affairs and Housing

The Corporation of the Municipality of Brockton

Date

Name: Chris Peabody
Title: Mayor
I have authority to bind the Recipient.

Date

Name: Fiona Hamilton
Title: Clerk
I have authority to bind the Recipient.

Appendix “1”

SCHEDULE “C” PROJECT SUMMARY

Objectives
The objective of the Project is to perform a review of the Recipient’s Procurement Policy and Procedure and Land Use Development Process Management.
Description
<p>The Recipient will retain an independent third-party to conduct a service delivery and modernization review of the Recipient’s procurement policy and procedures, alongside its land use development processes.</p> <p>As part of this review, the reviewer will:</p> <ol style="list-style-type: none">1. Review the Recipient’s Purchasing and Procurement Policy, along with its practices and processes with the goals of reducing purchasing costs, determining opportunities to ensure compliance with legislative and trade treaty requirements, streamlining administrative processes amongst various municipal departments and to ensure a fair, transparent and competitive procurement process for all stakeholders.2. Review the Recipient’s Land Use Development Process Management focusing on its current planning approval and development consultation processes; systems and software processes; and current workflows. The goal of this review is to explore opportunities to enhance value to the public, interested parties and local developers and to ensure developments occur in a structured and consistent manner. <p><u>Independent Third-Party Reviewer’s Report</u></p> <p>The Recipient will retain the independent third-party reviewer to compile the findings and recommendations in the Independent Third-Party Reviewer’s Report.</p> <p>The Recipient will submit a draft of the Independent Third-Party Reviewer’s Report to the Province by November 13, 2020. The draft will summarize the reviewer’s preliminary findings and recommendations for cost savings and improved efficiencies.</p> <p>The Recipient will submit the Independent Third-Party Reviewer’s Report to the Province and publish the report on their publicly accessible website by December 4, 2020.</p> <p>The report will summarize the reviewer’s findings and identify specific, actionable recommendations based on the analysis and findings that aim to identify cost savings and improved efficiencies.</p>