

**AMENDMENT NO. 1**  
**to a Grant Funding Agreement under the**  
**2013-14 Source Protection Municipal Implementation Fund (SPMIF\_1516\_004)**

**THIS AMENDMENT NO. 1** made in duplicate, as of the 16<sup>th</sup> day of March 2017,

**B E T W E E N:**

**HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO**  
as represented by the Minister of the Environment and Climate Change

(the “**Province**”)

- and -

**The Corporation of the Town of Kingsville**

(the “**Municipality**”)

**WHEREAS** the parties entered into a grant funding agreement under the Source Protection Municipal Implementation Fund dated as of February 4, 2016 for the Municipality to build municipal capacity to implement source protection plans and support sustainable, local actions to protect drinking water (the “**Agreement**”);

**AND WHEREAS** pursuant to Section 20.2 of the Agreement, the parties may amend the Agreement in writing;

**NOW THEREFORE** in consideration of the contractual relationship between the Municipality and the Province referred to above and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by both parties, the Municipality and the Province hereby acknowledge, agree and undertake as follows:

1. Unless otherwise specified in this Amendment No. 1, capitalized words and phrases have their prescribed meaning as set out in the Agreement.

2. The Agreement is amended as follows:
- 2.1 The following definitions are added to Section 1.1, Definitions, in alphabetical order:

**“Lower Tier Municipalities”** as defined by the *Municipal Act, 2001* means a municipality that forms part of an upper-tier municipality for municipal purposes. Within regions, they are responsible for providing certain local services that are not provided by the regional municipality. Within counties, they are responsible for providing a wider range of local services since counties as upper-tier municipalities provide less local services than regions.

**“Ministry”** means the Ontario Ministry of the Environment and Climate Change presided over by the Province. When “Ministry” is referred to in this Agreement, the reference is to the “Ministry” as the regulator.

**“RMI”** means a risk management inspector appointed under Part IV of the *Clean Water Act, 2006*.

**“RMO”** means a risk management official appointed under Part IV of the *Clean Water Act, 2006*.

**“SPMIF”** means the Province's Source Protection Municipal Implementation Fund.

**“Upper Tier Municipality”** as defined by the *Municipal Act, 2001* means a municipality of which two or more lower-tier municipalities form part for municipal purposes

- 2.2 Section 2.1 is deleted in its entirety and replaced with the following:

The term of the Agreement shall commence on the Effective Date and shall expire on **March 31, 2018** unless terminated earlier pursuant to Article 9. The Municipality shall, upon expiry or termination of the Agreement, return to the Province any Funds remaining in its possession or under its control.

- 2.3 Section A.2.2 (Project Objectives) is deleted and replaced with the following:

The objectives of the Project are for the Municipality to use the Funds to implement, or prepare to implement, one or more of the significant drinking water threat policies set out below in an approved source protection plan, or proposed source protection plan, that has been submitted to the Ministry for approval, provided that:

- i. The implementation of the policy is the responsibility of the Municipality; or

- ii. The implementation of the policy provides source protection implementation benefits to the Municipality, the Municipality's stakeholders, the Municipality's watershed, and/or the Municipality's Lower Tier Municipalities.

Significant drinking water threat policies are limited to:

- (a) Policies for the purpose of Part IV of the *Clean Water Act, 2006* to address significant drinking water threats;
- (b) Policies that govern *Planning Act* decisions to address significant drinking water threats;
- (c) Policies that establish education and outreach programs to address significant drinking water threats; or
- (d) Policies that specify other types of actions the Municipality is required to take to address significant drinking water threats.

- 2.4 Schedule "B" (Eligible Costs and Activities) is deleted in its entirety and replaced with the following:

## **SCHEDULE "B"**

### **ELIGIBLE COSTS AND ACTIVITIES**

#### **B.1 Eligible Activities**

The Municipality may only spend the Funds on the following eligible activities that are undertaken by the Municipality, or that are undertaken on the Municipality's behalf, between February 4, 2016 and December 4, 2017 that are directly related to the following:

##### Risk management

- a) Establishing and enforcing risk management plans under Part IV of the *Clean Water Act, 2006*;
- b) Communication with landowners affected by policies pertaining to Part IV of the *Clean Water Act, 2006*;
- c) Refining the number of threats within the Municipality pertaining to Part IV of the *Clean Water Act, 2006*;

##### Land use policies

- d) Implementing the Municipality's municipal land-use planning policies related to activities that are identified as significant drinking water threats;

#### Education and outreach

- e) Implementing education and outreach policies to address significant drinking water threats, including:
  - a. Installation of municipal road signs indicating areas of a wellhead protection area or an intake protection zone where significant threat policies apply;

#### Other activities

- f) Working with the local source protection authority and local source protection committee to understand the Municipality's requirements under the source protection plan;
- g) Developing and/or modifying the Municipality's business processes in order to implement significant drinking water threat policies;
- h) Establishing processes for information sharing among municipalities and source protection authorities;
- i) Developing a reporting framework for the Municipality that aligns with the collection of data under Section 65 of Ontario Regulation 287/07, made under the *Clean Water Act, 2006*;
- j) Other activities the Municipality undertakes to fulfill its requirements to implement significant drinking water threat policies, including:
  - a. Establishing a mandatory septic re-inspection program for vulnerable areas delineated in approved assessment reports; and,
  - b. Installation of road signs indicating areas of a wellhead protection area or an intake protection zone where significant threat policies apply.
- k) Activities identified in subsections B.1 (a) through (j) for another municipality with a current agreement under the SPMIF, provided that such activities:
  - a. Will provide source protection implementation benefits to the Municipality, the Municipality's community (Upper Tier Municipality and/or Lower Tier Municipalities), and/or the Municipality's watershed; and
  - b. Are not ineligible under the other municipality's own SPMIF agreement.

## **B.2 Ineligible Activities**

The following activities are not eligible for funding under the Agreement and the Municipality may not spend the Funds on the following:

- a) Refining the number of threats within the Municipality not pertaining to Part IV of the *Clean Water Act, 2006*;
- b) Threat refinement work already funded by the Province through source protection authorities;
- c) Activities that are already funded through another program, funding body, partners, or other means;
- d) Activities that are funded by the SPMIF through an agreement between the Province and another municipality;
- e) Fulfilment of the Municipality's responsibilities as a property owner undertaking activities identified as significant drinking water threats;
- f) Fulfilment of the Municipality's responsibilities under other legislation (e.g., Building Code), except as noted in Section B.1(j)(a), including;
  - a. Establishment of a septic re-inspection program for areas delineated through other legislation (i.e. *Lake Simcoe Protection Act, 2008*);
  - b. Establishment of a discretionary septic re-inspection program for areas where an activity is not considered a significant drinking water threat under the source protection framework; and,
- g) Activities not related to fulfilling the Municipality's requirements to implement significant drinking water threat policies specified in an approved source protection plan, or proposed source protection plan that has been submitted to the Ministry for approval.

### **B.3 Eligible Costs**

The eligible costs listed below must be directly related to the source protection implementation activities outlined in Section B.1:

- a) Municipal staff salaries and benefits for time spent working on the Project (such as hiring or re-assigning Municipal staff to serve as RMOs and RMIs as specified under the *Clean Water Act, 2006*; or administrative support required to establish and/or maintain the Risk Management Office);
- b) Fees incurred for contracted professional services from professionals, technical personnel, consultants, and contractors for work on the Project (such as hiring a consultant to support the RMO in determining appropriate measures the Municipality should include in a risk management plan);
- c) Printing and distribution costs related to education and outreach programs and

activities necessary to implement a source protection plan;

- d) Purchase and/or production costs of municipal road signs indicating areas of a wellhead protection area or an intake protection zone where significant threat policies apply;
- e) Transportation (including mileage), meals and accommodation for an appointed RMO/RMI to attend Ministry legislated RMO/RMI training; and, mileage for an appointed RMO/RMI to undertake negotiating risk management plans;
  - a. The amount from the Funds used for transportation, meals and accommodation must be calculated according to the rates in the Ontario Government's Travel, Meal and Hospitality Expenses Directive (<https://www.ontario.ca/document/travel-meal-and-hospitality-expenses-directive>) that is current as of the date that the expense is incurred;
  - b. Transportation will be by the most practical and economical method; tickets (e.g. train, airplane) purchased must be for economy/coach class and when renting a vehicle, the Funds may only be used for a compact model or its equivalent unless approval for a different model is obtained from the Province prior to rental;
  - c. Accommodation will be in a standard room; the Funds may not be used for hotel suites, executive floors or concierge levels.
  - d. Meals refer to the provision of food or beverages, subject to the limitations below:
    - i. The Municipality may only use the Funds for food and beverage if it is collecting and retaining itemized receipts that verify the expenditure. The Funds may not be used for:
      - 1. non-meal food and beverages;
      - 2. alcohol; or
      - 3. meals when the travel period is less than 5 hours, calculated from the time the appointed RMO/RMI leaves their normal place of business (or reasonable alternative origin) to the time the RMO/RMI or returns to the normal place of business (or reasonable alternative destination);
- f) Equipment purchased for an appointed RMO/RMI to undertake negotiating risk management plans;
  - a. Costs for equipment are limited to a maximum of 10% of the Municipality's Maximum Funds;
  - b. Eligible equipment would include items listed in the Ministry of the Environment and Climate Change legislated RMO/RMI training (i.e. industrial personal property entry equipment and biosecurity protocol equipment)
- g) Training (registration fees for courses) for an appointed RMO/RMI, directly related to negotiating risk management plans (such as training on the *Nutrient Management Act*);

- a. Costs for training are limited to a maximum of 10% of the Municipality's Maximum Funds; and,
- h) Any other expense approved by the Province, for which the Province has provided Notice to the Municipality.

For clarity, should the Municipality collaborate with one or more other municipalities to get a "bulk rate" for a similar expense, the bulk rate does not have to be allocated equally between all municipalities. However, the Municipality's share of the bulk rate cannot be any more than it would have paid for its own expense in the absence of a bulk rate and the Municipality may be required by the Province to verify this cost.

#### **B.4 Ineligible Costs**

The following costs are not eligible for funding under the Agreement and the Municipality may not spend the Funds on the following:

- a) Travel, meals, accommodation and hospitality;
  - a. Penalties incurred for non-cancellation of guaranteed hotel reservations; and
  - b. Except as noted in Section B.3(e);
- b) Overhead (such as rent, utilities, human resources services, office supplies);
- c) Capital (such as vehicles, office furniture, computers, software licenses, etc.) and equipment;
  - a. Except for municipal road signs indicating areas of a wellhead protection area or an intake protection zone where significant threat policies apply as noted in Section B.3(d); and
  - b. Except for equipment as noted in Section B.3(f);
- d) Training (including staff and contracted professional services associated with training);
  - a. Except as noted in Section B.3(g);
- e) Land expropriation or purchase;
- f) Incentives or compensation for property owners; and
- g) Costs for establishing risk management plans if costs have been or will be recovered from property owners.

- END OF ELIGIBLE COSTS AND ACTIVITIES –

- 2.5 The chart in Schedule “D” (Reports) is deleted in its entirety and replaced with the following:

<b>Name of Report</b>	<b>Due Date</b>
Progress Report 1	August 26, 2016
Collaboration Statement	March 5, 2017
Progress Report 2	August 25, 2017
Final Report	December 8, 2017
Other Reports as specified from time to time	On a date or dates specified by the Province.

3. This Amendment No. 1 shall be in force from February 4, 2016 and shall have the same expiry or termination date as the Agreement.
4. All other terms and conditions of the Agreement shall remain in full force and effect unchanged and unmodified.
5. This Amendment No. 1 shall enure to the benefit of and be binding upon the Municipality and the Province and each of their administrators, permitted successors and permitted assigns, respectively.



6. This Amendment No. 1 may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. To evidence its execution of an original counterpart, a party may send a copy of its original signature on the execution page hereof to the other party by facsimile or other means of recorded electronic transmission (including in PDF) and such transmission with an acknowledgement of receipt shall constitute delivery of an executed copy of this Amendment.

**IN WITNESS WHEREOF** the parties have executed this Amendment No. 1 as of the date first written above.

**HER MAJESTY THE QUEEN in Right of Ontario**

as represented by the Minister of the Environment and Climate Change

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Name: Heather Malcolmson  
Title: Director  
Source Protection Programs Branch

Pursuant to delegated authority.

**The Corporation of the Town of Kingsville**

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Name: Nelson Santos  
Title: Mayor

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Name: Jennifer Astrologo  
Title: Director of Corporate Services/Clerk

We have authority to bind the Municipality.