



To: Mayor and Council

From: Jason Barlow, Manager of Water & Wastewater

Date: April 11, 2024

Committee of the Whole Date: April 22, 2024

Title: Source Protection Plan IV Enforcement Transfer Agreement

☒ For Direction

☐ For Information

☒ For Adoption

☒ Attachment (15 pages)

Recommendation: THAT Council of the Corporation of the Town of Smiths Falls appoint the Mississippi-Rideau Valley Conservation Authority as Risk Management Official and Risk Management Inspector as per Part IV Enforcement Authority under the Clean Water Act, 2006;

AND THAT Council of the Corporation of the Town of Smiths Falls pass the necessary By-law authorizing the execution of an agreement associated with transfer Part IV Enforcement Authority under the Clean Water Act, 2006, for the Mississippi-Rideau Source Protection Plan (MRSWPP).

Purpose:

The purpose of this report is to extend the existing contract agreement with the Mississippi-Rideau Valley Conservation Authority for Part IV Enforcement Authority services under the Clean Water Act, 2006.

Background:

The Mississippi-Rideau Source Water Protection Plan (MRSWPP) had been approved and in place since January 1, 2015.

The Town of Smiths Falls has been an active participant in the preparation of the MRSWPP and its policies to address “significant drinking water threats” as defined under the Clean Water Act, 2006; including the management of prohibition of certain land use activities. These policies include notice that a Risk Management Official (RMO) / Risk Management Inspector (RMI) approval is required prior to the approval of planning and building applications located in a vulnerable source water area. (Attachment 2 - Part IV - Schedule 'A')

Under Part IV of the Clean Water Act, 2006, any single, upper or lower tier municipality that has the authority to pass By-laws under the Municipal Act for the production, treatment and storage of water is the enforcement authority. As such, the Town must appoint a trained RMO and RMI with appropriate qualifications to implement and enforce the policies included in the Source Water Protection Plan.

The Town of Smiths Falls passed By-law #10197-2020 (Attachment 1 - Part IV -Bylaw #10197-2020) authorizing the municipality to enter into an agreement with the Mississippi-Rideau Valley for the provision of RMO/RMI services within the Town of Smiths Falls. That agreement expired December 2023.

Analysis and Options:

Under the legislative framework of the Clean Water Act, 2006, the Town of Smiths Falls must provide the services of an appropriately trained Risk Management Official (RMO) and Risk Management Inspector (RMI). Municipalities have the option to provide these services internally or to contract these services.

Conservation Authorities employ qualified and trained staff with extensive experience with resource protection along with a thorough knowledge of the Clean Water Act and the Mississippi-Rideau Source Protection Plan. The liability and risk associated with the delivery of the program is otherwise assumed by the Conservation Authorities when services are delivered through their office. The Conservation Authority also maintains Liability Insurance coverage for these professional services as well.

The Mississippi-Rideau Valley Conservation Authority does have staff that are well versed in Source Water Protection to ensure a multi-barrier approach is met to protect the Town's water resources. Historically, the Town has considered it beneficial to contract the Mississippi-Rideau Conservation Authority to deliver these services on behalf of the Town, as they are resourced to handle issues that arise across the watershed. This external outsourcing approach for RMO/RMI services ensures that land use impacts are consistently applied and enforced across the entire watershed.

Staff are recommending that the Town extend the agreement with the Mississippi-Rideau Conservation Authority for an additional three years. The Part IV Fee Schedule (Attachment 3 - Part IV - 2023_FeeScheduleF_SWPpart4) and draft Part IV Agreement Extension (Attachment 4 - Part IV - Agreement Extension draft__SmithsFalls2024 Extension) and are attached for review.

Budget/Financial Implications:

Due to limited development activity in the Source Water Protection zones, the municipality has not been required to pay for any RMO/RMI services within the municipality since the original agreement was signed on November 20th, 2017. If and when services are called upon, the Town would be obliged by the agreement to pay the Conservation Authority for any costs that are otherwise not recovered through user fees at the Building Permit/Planning stages.

Link to Strategic Plan:

None

Existing Policy:

By-Law No. 10197-2020, Bylaw to Appoint the Mississippi Valley and Rideau Valley Conservation Authority to Carry Out All Work Required to Address the Municipal Responsibilities under Part IV of the Clean Water Act

Consultations:

Director of Public Works & Utilities, WTP & WPCP Compliance Coordinator, Director of Corporate Services/Treasurer, Manager of Development Services

Attachments:

Attachment 1 - Part IV -Bylaw #10197-2020

Attachment 2 - Part IV - Schedule 'A'

Attachment 3 - Part IV - 2023_FeeScheduleF_SWPpart4

Attachment 4 - Part IV - Agreement Extension draft__SmithsFalls2024 Extension

Notes/Action (space for Council Member's notes):

Respectfully Submitted:

Approved for Agenda by CAO:

Original Copy Signed
Jason Barlow, C.Tech. CAPM.
Manager of Water and Wastewater

Original Copy Signed
Malcolm Morris, CMO

THE CORPORATION OF THE TOWN OF SMITHS FALLS

BY-LAW NO. 10197-2020

*BY-LAW TO APPOINT THE MISSISSIPPI VALLEY AND RIDEAU VALLEY CONSERVATION
AUTHORITY TO CARRY OUT ALL WORK REQUIRED TO ADDRESS THE MUNICIPAL
RESPONSIBILITIES UNDER PART IV OF THE CLEAN WATER ACT*

WHEREAS Section 8 of the Municipal Act, SO 2001, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Section 9 of the Municipal Act, SO 2001, provides that Section 8 shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

AND WHEREAS the Council of the Corporation of the Town of Smiths Falls deems it appropriate to appoint the Mississippi Valley and Rideau Valley Conservation Authority to carry out all work to address municipal responsibilities under Part IV of the Clean Water Act;

NOW THEREFORE the Council of the Corporation of the Town of Smiths Falls enacts as follows:

1. THAT the Mississippi Valley and Rideau Valley Conservation Authority be appointed to carry out all work to address municipal responsibilities under Part IV of the Clean Water Act;
2. THAT the Mississippi Valley Conservation Proposal for Part IV Enforcement Authority (Schedule A) attached form part of this By-law;
3. THAT By-law 8732-2014 is hereby rescinded.
4. THAT the provisions of this by-law shall come into force and take effect upon the passing thereof.

Read a first and second time this 7th day of December, 2020

Read a third time and passed this 7th day of December, 2020

Mayor

Clerk



SMITHS FALLS

RISE AT THE FALLS

December 15, 2020

Rideau Valley Conservation Authority
Attention Marika Livingston
3889 Rideau Valley Drive
PO Box 599 Manotick, ON
K4M 1A5

Enclosed, please find three signed copies of the Source Protection Plan Part IV Enforcement Transfer Agreement between The Corporation of the Town of Smiths Falls and the Mississippi Valley Conservation Authority and Rideau Valley Conservation Authority.

Please sign all three copies of the agreement and return one fully executed copy to my attention for our records and retention.

Should you require further information, please do not hesitate the undersigned.

Sincerely,

Nadine Bennett
Deputy Clerk

Sent by courier
Dec 15/20

AMENDMENT NO. 2

**AGREEMENT TO AMEND "SOURCE PROTECTION PLAN PART IV
ENFORCEMENT TRANSFER AGREEMENT"**

THIS AMENDMENT MADE IN DUPLICATE THIS 7 DAY OF December, 2020

THE CORPORATION OF THE TOWN OF SMITHS FALLS

(hereinafter called 'the Municipality')

OF THE FIRST PART

and

**MISSISSIPPI VALLEY CONSERVATION AUTHORITY and
RIDEAU VALLEY CONSERVATION AUTHORITY**

(hereinafter called 'the Authorities')

OF THE SECOND PART

WHEREAS the Municipality entered into an agreement to delegate enforcement of Part IV of the Clean Water Act to the Authorities effective September 1st, 2014 through August 31st, 2017;

AND WHEREAS pursuant to Section 7.04 of the Agreement, amendments may be made by mutual agreement from time to time;

AND WHEREAS both parties have reviewed the agreement and mutually agree to extend the agreement for a period of three years commencing on December 7, 2020 and ending on December 7, 2023

NOW THEREFORE in consideration of the contractual relationship between the Authorities and the Municipality referred to above, the Authorities and the Municipality hereby acknowledge and agree to undertake as follows:

1. The Agreement is amended as follows:

- a. The reference to 'Schedule "A" – Proposal for Part IV Enforcement Authority' and 'Schedule "B" – Communication Protocol' in Section 1.03 are replaced by 'Schedule "A" – Background for Part IV Enforcement Agreement between Municipalities and Conservation Authorities & Communications Protocol'
- b. The Schedules "A" and "B" are deleted in their entirety and replaced by 'Schedule "A" – Background for Part IV Enforcement Agreement between Municipalities and Conservation Authorities & Communications Protocol'
- c. Section 3.01 items (ix) and (x) are deleted and replaced with the following:

(ix) Exercise its jurisdiction in accordance with and follow the communication protocol established in Schedule "A"

The remaining items on the list shall be renumbered accordingly.

- d. The reference to 'Schedule "B"' in Section 4.04 be changed to 'attached as Section 3.0 of Schedule "A"'
- e. Section 7.01 is deleted in its entirety and replaced by the following:
 - i. Section 7.01: Term
This Agreement shall continue in force for a period of three years, commencing on the **December 7, 2020**.

The remaining sections shall be renumbered accordingly.

- 2. This Amendment No. 1 shall be in force from **December 7, 2020** and shall have the same expiry or termination date as the Agreement.
- 3. All other terms and conditions of the Agreement shall remain in full force and effect unchanged and unmodified.

IN WITNESS WHEREOF the parties hereto have executed this Amendment No. 1 as of the day of and year first written above.

THE CORPORATION OF THE TOWN OF SMITHS FALLS

Reeve

Dec 7/20
Date

Kerry Astello
Clerk Administrator

Dec 7/20
Date

MISSISSIPPI VALLEY CONSERVATION AUTHORITY

Chair

Date

General Manager

Date

RIDEAU VALLEY CONSERVATION AUTHORITY

Chair

Date

General Manager

Date

Schedule 'A'

Background for Part IV Enforcement Agreement between
Municipalities and Conservation Authorities &
Communications Protocol

1.0 Background

Under the *Clean Water Act* a municipality may transfer its enforcement authority to another body such as a "Source Protection Authority" (which is a Conservation Authority serving in its legislated role under the *Clean Water Act*). The Conservation Authority (in its capacity as a Source Protection Authority) perform the duties and enforcement responsibilities of Part IV of the *Clean Water Act* on behalf of the Municipality on all lands located in the Municipality.

1.1 Part IV Policies

The Mississippi-Rideau Source Protection Plan must address "significant drinking water threat" activities as defined under the *Clean Water Act*. Among other types of policies, the Source Protection Plan contains policies that:

- **prohibit** some drinking water threat activities under Part IV, Section 57 of the *Clean Water Act* (note that no existing activities are prohibited);
- **manage** certain other drinking water threat activities through Risk Management Plans under Part IV, Section 58 of the *Clean Water Act*; and
- **require a notice** from a Risk Management Official under Part IV, Section 59 of the *Clean Water Act* (before Planning or Building applications may proceed within certain vulnerable drinking water areas).

These sections of the Act appear in Part IV: *Regulation of Drinking Water Threats*. Under Part IV, any single, upper or lower tier municipality that has the authority to pass by-laws under the *Municipal Act* for the production, treatment and storage of water is the enforcement authority. This means that the municipality is the enforcement authority for these policies on lands within its municipal boundaries even if it does not have or operate the drinking water system.

The Conservation Authority provides the Part IV enforcement service at minimal cost to municipalities. The liability and risk associated with delivery of the program is assumed by the Conservation Authority and assured by employing competent, qualified staff with extensive experience with resource protection and a thorough understanding of the *Clean Water Act* and the Mississippi-Rideau Source Protection Plan and maintaining adequate liability insurance coverage. The Conservation Authority is committed to providing this service in a responsive, knowledgeable and courteous manner.

2.0 Details

2.1 Part IV Enforcement Responsibilities

The Part IV Enforcement Authority is responsible for appointing appropriately trained Risk Management Official(s) / Inspector(s), setting up, and maintaining all logistical and procedural aspects (such as administrative and communication materials, fee schedule, inspection procedures and information management system). The Risk Management Official and Inspector implement the policies which involves issuing notices, negotiating Risk Management Plans, reviewing Risk Assessments and exercising various powers under the *Clean Water Act* to deal with non-compliance / enforcement issues. There are also prescribed requirements for record keeping, an annual report to the MOECC and the possibility of Environmental Review Tribunal proceedings.

Table 1 summarizes these responsibilities.

2.2 Tasks and Cost Recovery

Continue to provide the service which will involve the following tasks:

1. Complete Risk Management Plans and review of Risk Assessments for existing drinking water threats.
2. Review planning and building applications and issue clearance notices on an as needed basis.
3. Negotiate Risk Management Plans and review Risk Assessments for new proposed drinking water threat activities on an as needed basis.
4. Conduct compliance and tribunal related activities on an as needed basis.
5. Prepare and submit annual reporting to the MOECC.

Ongoing Cost Recovery – MUNICIPALITY TO PAY ANY EXTRAORDINARY COSTS

Addressing new (future) proposed drinking water threats – user fees

Extraordinary costs – municipalities to cover the cost of occasional, non-routine enforcement related work such as issuing warrants and attending tribunal hearings (Conservation Authority will consult with the municipality prior to these expenditures)

Annual reporting – Conservation Authority (as part of overall source protection reporting, for policies not related to Part IV)

Table 1

Part IV Enforcement Responsibilities

Responsibility	Clean Water Act Pt. IV Reference	Associated Tasks	Explanation
General program needs	Sections 47 and 55	<ul style="list-style-type: none"> • Monitor staffing needs, select and send staff for MOECC training • Appoint Risk Management Officials (RMO) and Inspectors (RMI) and issue certificates as needed • Fee schedule under Section 55 • Prepare administrative material (forms, inspection checklists, standard notices, etc.) • Maintain application screening protocol with municipal Planning / Building departments 	Maintaining a regulatory program requires some decision making, effort, and ongoing maintenance.
Review applications and issue notices	Sections 57 and 59	<ul style="list-style-type: none"> • RMO reviews planning or building applications sent to him/her by municipal staff • RMO issues a notice under Section 59 if the application may proceed • RMO does not issue a Section 59 notice if the proposal involves an activity that is prohibited under Section 57 	The Section 59 policy helps municipalities avoid inadvertently approving an application without complying with source protection policies first. The policy allows for municipal staff to "screen out" simple applications that clearly do not involve a drinking water threat activity. An application screening procedure is agreed on with municipal staff and can be modified at any time.
Risk Management Plans	Section 58	<ul style="list-style-type: none"> • RMO / RMI negotiates Risk Management Plans 	A Risk Management Plan is a document that outlines the actions required to address an activity that has the potential to contaminate drinking water. It is a customized, site-specific plan developed in consultation with the person engaging in the activity.
Risk Assessments	Section 60	<ul style="list-style-type: none"> • RMO reviews and, if appropriate, accepts Risk Assessments 	A person whose activities are affected by Part IV policies has the option to prepare and submit a Risk Assessment concluding that the activity is not a significant drinking water threat.
Compliance activities Tribunal	Sections 61-80	<ul style="list-style-type: none"> • RMO / RMI may exercise various powers and follow various procedures related to compliance with Part IV policies • RMO will notify the affected person of their right of appeal to the Environmental Review Tribunal • RMO/RMI will prepare documentation and attend Environmental Review Tribunal hearings 	The RMO and RMI have various powers and options related to compliance. Affected people have Environmental Review Tribunal rights.
Record keeping Reporting	Sections 53, 54, 81	<ul style="list-style-type: none"> • RMO maintains records and files annual reports to the MOECC. 	There are Part IV record keeping and reporting requirements in the <i>Clean Water Act</i>

2.3 Implications for Municipal Staff / Application Screening Procedure

Municipal staff have an important role in the implementation of Part IV policies, specifically to ensure that applications under the *Planning Act* or *Building Code Act* within certain vulnerable drinking water areas do not proceed without first ensuring that source protection requirements are met (including a Section 59 notice from the Risk Management Official in some cases).

The wording of the Section 59 policy allows for municipal staff to use their discretion to **screen out** applications that clearly do not involve a drinking water threat activity so that in many cases a referral to the Risk Management Official for a Section 59 notice will not be needed. Alternatively, the municipality may choose to refer all planning and building applications in the vulnerable drinking water areas to the Risk Management Official as a standard practice.

The agreed upon screening procedure should reflect the needs, wishes and comfort level of the municipal staff and can be flexible to ensure that applications are dealt with efficiently, effectively and fairly.

2.4 Anticipated Workload

Over time, there may be some additional work created by re-negotiating Risk Management Plans due to change of property ownership. This is because Risk Management Plans are not transferable between owners; they must be negotiated between the Risk Management Official and the person engaging in the drinking water threat activity. Some additional work may also be created as a result of verification activities.

The number of future proposed drinking water threat activities subject to Part IV policies is anticipated to be low. This is because the areas with the highest vulnerability scores where the majority of the Part IV policies apply are small and/or are in areas where land use changes are infrequent and/or development pressure is low.

2.5 Customer Service

The Conservation Authority will endeavor to make the process of complying with Part IV policies straight-forward, non-threatening and fair. Specifically, affected people are provided with:

- Communication material that simply and clearly outlines their rights and responsibilities under the *Clean Water Act*
- A clear explanation of the process and options including information on various risk mitigation measures, project alternatives and funding programs (if any)
- Advice and discussion opportunity provided on-site as required
- Prompt, courteous and knowledgeable service
- No permit fee for Risk Management Plans for existing activities

The Conservation Authority will provide over the counter, drop-in service for people affected by Part IV policies. Communication material and forms will be made available at the Conservation Authority office, on the source water protection website as well as from the Risk Management Inspector during site visits.

2.6 Information Management

The Conservation Authority will maintain records containing information on the review of Planning and Building applications, inspections, approvals, violations and enforcement activities. This information will be made available to the public (when required by legislation to do so) and to the municipality upon request.

If desired by the municipality, links could be created over time between the Part IV enforcement files and the municipality's permit / approvals record system. The Conservation Authority will endeavor to meet the municipality's specific needs in terms of data attributes and formats.

3.0 Communications Protocol

3.1 Direct Notification

- a) The Authorities shall provide notice and communications to the Municipality regarding the administration and enforcement of Part IV of the Act for the following matters, in the following form and within the following timelines:

	Class/Type of Matter	Form	Timeline
i	<u>RISK MANAGEMENT PLAN TO BE DEVELOPED/AMENDED</u> – existing or future activity requires a risk management plan and one is to be developed and/or amended	Email	Within 10 days of requirement for a Risk Management Plan/Amendment being identified and 10 days preceding its approval
ii	<u>EXISTING ACTIVITY</u> : Notice that a Risk Management Plan is in place (or is not needed due to a Risk Assessment that has been accepted by the Risk Management Official or a Prescribed Instrument that already regulates the activity)	Email	10 days from date Risk Management Plan is completed or deemed unnecessary
iii	<u>FUTURE ACTIVITY</u> : Section 59 notice: (a) Planning or building application may proceed – Notice will indicate if: a. Activity is not prohibited and does not require a Risk Management Plan; or b. Activity requires a Risk Management Plan and the Plan is in place (b) Notification that Section 59 notice cannot be issued – planning or building application cannot proceed (because activity is prohibited)	Email	When issued

- b) The content of notices shall be in compliance with the *Clean Water Act* and regulations and mutually agreed upon by the Authorities and the Municipality.
- c) Notices shall be provided in the form indicated, unless otherwise requested by the Municipality.

3.2 Third Party Municipal Notification

- a) The Authorities shall provide a copy of the notification related to the items above, within the same timeline, to third party municipalities as follows:

Notice related to:	Located Within:	A copy will be provided to:
Drummond North Elmsley	Perth IPZ	Town of Perth
	Smiths Falls IPZ	Town of Smiths Falls
Montague	Smiths Falls IPZ	Town of Smiths Falls
	Merrickville-Wolford WHPA	Village of Merrickville-Wolford
Tay Valley	Perth IPZ	Town of Perth
Rideau Lakes	Smiths Falls IPZ	Town of Smiths Falls
	Westport WHPA	Village of Westport
Beckwith	Carleton Place IPZ	Town of Carleton Place
Mississippi Mills	Carleton Place IPZ	Town of Carleton Place
Smiths Falls	Merrickville-Wolford WHPA	Village of Merrickville-Wolford

3.3 Enforcement Consultation

- a) Before the following enforcement actions are undertaken by the Authorities, the Authorities shall contact the designated Municipal staff person, by telephone to explain the purpose, process and possible cost of the action.
- b) Applicable enforcement actions:
- Order under section 58 establishing or amending a Risk Management Plan
 - Orders under Section 61 (to provide a report on activity), 63 (enforcement order), 67 (order to pay) or 80 (order to permit access)
 - Notice requiring hearing by Tribunal (served by a person who has received an order listed in i) or ii) above)
 - Prosecution for an offence under Part IV

3.4 Municipal Contacts

- a) A list of contacts shall be maintained for each Municipality to provide notification as indicated above, with the Municipality being responsible to ensure updates and/or changes to the contact information is provided to the Authorities without delay.



Schedule F: Source Water Protection Part 4

Municipal Costs	Fee
Risk Management Plan for existing activity	
Fuel Storage	\$650* per plan
Agricultural (simple) ¹	\$940* per plan
Agricultural (complex) ¹	\$2110* per plan
Chemical	\$1120* per plan
Extraordinary Costs	Fee
(including but not limited to enforcement orders, warrants, Environmental Review Tribunal hearings)	The Authorities will provide a fair accounting of professional time and expenses to be reimbursed by the Municipality. <i>The Authorities will consult with the Municipality prior to any expenditure for an extraordinary cost as per Section 4.04 of the Part IV Enforcement Transfer Agreement.</i>

User Fees*	Fee
Risk Management Plan for new activity	
Fuel Storage	\$650* per plan
Agricultural (simple) ¹	\$650* per plan
Agricultural (complex) ¹	\$940* per plan
Chemical	\$650* per plan
Risk Management Plan Update (simple) ²	\$185
Risk Management Plan Update (complex) ³	Same as RMP costs above
Additional Inspection	\$185
Additional Hourly Rate	\$87
Section 59 Notice that activity is not prohibited under Section 57 and does not need a Risk Management Plan under Section 58 (i.e. clearance to proceed)	\$225
Section 59 Notice that activity requires a Risk Management Plan under Section 58 and is in place (i.e. clearance to proceed)	Included in Risk Management Plan fee
File Search (a formal written response about all applicable Source Protection Plan policies)	\$225
Property Inquiry (staff responding to phone call, email or in-person inquiries about a property or policy)	No charge
Risk Assessment Review	Under consideration (will mirror Technical Report Review Fees)
*The Authorities reserve the right to charge additional fees in the event that Risk Management Plan development requires a substantially greater level of effort than the norm, additional site visits etc.	
†The Clean Water Act requires that all applicable fees be paid prior to the issuing of a notice under Section 59 or acceptance of a Risk Assessment under Section 60 of the Clean Water Act. A reactivation fee applies for files which have been left dormant by the applicant for one year or more.	
¹ The Risk Management Official/Inspection will use his/her discretion to determine whether an operation is 'simple' or 'complex' based on size/complexity of operation and time required to complete RMP. ² Risk Management Plan Update (simple) refers to a Risk Management Plan update whereby the property has changed ownership, and there is no change in activity and existing Risk Management measures apply. ³ Risk Management Plan Update (complex) refers to a Risk Management Plan update whereby the property has changed ownership, and there is a change in activity and/or existing Risk Management measures do not apply.	

AMENDMENT NO. 3

**AGREEMENT TO AMEND “SOURCE PROTECTION PLAN PART IV
ENFORCEMENT TRANSFER AGREEMENT”**

THIS AMENDMENT MADE IN DUPLICATE THIS ____ DAY OF ____, 2024

THE CORPORATION OF THE TOWN OF SMITHS FALLS

(hereinafter called ‘the Municipality’)

OF THE FIRST PART

and

**MISSISSIPPI VALLEY CONSERVATION AUTHORITY and
RIDEAU VALLEY CONSERVATION AUTHORITY**

(hereinafter called ‘the Authorities’)

OF THE SECOND PART

WHEREAS the Municipality entered into an agreement to delegate enforcement of Part IV of the Clean Water Act to the Authorities effective September 1st, 2014 through August 31st, 2017;

WHEREAS pursuant to Section 7.04 of the Agreement, amendments may be made by mutual agreement from time to time;

WHEREAS the Municipality amended the agreement (Amendment No. 1) to extend from November 20, 2017 through November 20, 2020;

WHEREAS the Municipality amended the agreement (Amendment No. 2) to extend from December 7, 2020 through December 7, 2023 and to amend the following:

- a. The reference to ‘Schedule “A” – Proposal for Part Iv Enforcement Authority’ and ‘Schedule “B” – Communication Protocol’ in Section 1.03 are replaced by ‘Schedule “A” – Background for Part IV Enforcement Agreement between Municipalities and Conservation Authorities & Communications Protocol’
- b. The Schedules “A” and “B” are deleted in their entirety and replaced by ‘Schedule “A” – Background for Part IV Enforcement Agreement between Municipalities and Conservation Authorities & Communications Protocol’
- c. Section 3.01 items (ix) and (x) are deleted and replaced with the following:

(ix) Exercise its jurisdiction in accordance with and follow the communication protocol established in Schedule “A”

The remaining items on the list shall be renumbered accordingly.

- d. The reference to ‘Schedule “B”’ in Section 4.04 be changed to ‘attached as Section 3.0 of Schedule “A”’

AND WHEREAS both parties have reviewed the agreement and mutually agree to extend the termination date indefinitely. The termination date of the agreement is now determined by either party with a minimum of 180 days written notice;

NOW THEREFORE in consideration of the contractual relationship between the Authorities and the Municipality referred to above, the Authorities and the Municipality hereby acknowledge and agree to undertake as follows:

2. The Agreement is amended as follows:

a. Section 7.01 and 7.02 are deleted in their entirety and replaced by the following:

i. Section 7.01: Term

This Agreement shall continue in force indefinitely, commencing on the **March 1, 2024**.

The remaining sections shall be renumbered accordingly.

3. This Amendment No. 3 shall be in force from **March 1, 2024** 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.

IN WITNESS WHEREOF the parties hereto have executed this Amendment No. 3 as of the day of and year first written above.

THE CORPORATION OF THE TOWN OF SMITHS FALLS

_____	_____
Mayor	Date

_____	_____
Chief Administrative Officer	Date

MISSISSIPPI VALLEY CONSERVATION AUTHORITY

_____	_____
Chair	Date

_____	_____
General Manager	Date

RIDEAU VALLEY CONSERVATION AUTHORITY

Chair

Date

General Manager

Date