



Administrative Report

Office of the County Solicitor

To: Warden MacDonald and Members of Essex County Council

From: David Sundin, BA (Hons), LL.B.
County Solicitor

Date: Wednesday, August 16, 2023

Subject: Regional Waste Management Initiative

Report #: 2023-0816-LCS-R12-DMS

Purpose

The purpose of this Administrative Report (the "**Report**") is to provide Council of the Corporation of the County of Essex (the "**County**") with an update on the regional waste management initiative and to provide County Council with the necessary information to discuss and vote on a By-law to upload the collection and delivery of waste from the local municipalities to the County.

Background

A detailed summary of what has occurred to date was provided to County Council at its Regular Council Meeting held on July 19, 2023 in Report # 2023-0719-LCS-R11-DMS (the "**July Report**"), a copy of which is appended to this Report as **Appendix "A"**.

When the July Report was presented to County Council, the Town of Kingsville, the Town of LaSalle, and the Municipality of Lakeshore had not yet been able to schedule presentations from the County and the Essex Windsor Solid Waste Authority ("**EWSWA**") to their respective Councils. As such, the recommendation at the time of the July Report was that County Council receive the "July Report for information purposes and background information in considering, discussing, and future voting on the necessary By-law should County Council choose to initiate the process to upload waste collection and delivery to the County from the local municipalities".

During the discussions related to the July Report some members of County Council raised concerns about whether a charge to the local municipalities on

the basis of (a) the general levy, (b) a user fee model, or (c) some hybrid combination of general levy and user fee would be recommended.

Recognizing the barrier this aspect of the uploading decision was creating, the County CAO/Director of Financial Services/Treasurer prepared a hybrid option for CAO's, Treasurers and the Regional Working Group to consider. The funding model proposal is detailed further below in this Report.

Since the July Report, the County and EWSWA were able to present to the Town of LaSalle on July 25, 2023. As of the time of the writing of this Report, the presentations to the Town of Kingsville and the Municipality of Lakeshore have not yet occurred but are scheduled for August 14 and 15 respectively.

Of the local municipalities that have received presentations to the date of this Report, all have voted in support of exploring the Regional Waste Initiative further. A verbal reporting of the results in Kingsville and Lakeshore will be made to County Council during the August 16 regular meeting of council.

Discussion

As the general consensus, subject to selection of the funding model, appears to be that the County proceed to make the collection and delivery of waste a regional service, with the power to be exercised by the upper tier, and not by the lower tier, County Administration recommends that County Council initiate the process to upload the service by passing the required By-law. A copy of the draft By-law is appended to this Report as **Appendix "B"**.

Again, County Council passing the By-law tonight does not in and of itself upload the service from the local municipalities to the County. It only starts the process. The *Municipal Act, 2001*, requirements are that at least 4 of the 7 local municipalities, comprising at least 50% of the electors in the County pass resolutions in support of the County's By-law before the service is uploaded.

Financial Implications

As per all previous Administrative Reports on this matter, there are no anticipated direct financial implications to the County. The financial impacts to the local municipalities depend on the funding model that is ultimately agreed to and implemented. Regardless of the funding model that is put in place, it is expected that there will be cost savings and administrative efficiencies that will benefit all the County's local municipalities by going to

market as a larger group and managing the collection of waste in a coordinated fashion on a regional basis.

As noted earlier in this Report, a hybrid funding model was proposed to the CAO's, Treasurers and Regional Municipal Working Group. The aim of the hybrid model is to recognize differing viewpoints on how local municipalities should contribute to the cost of the regional service. Factors influencing the differences in local viewpoints include:

- Existing contract pricing – some locals are currently enjoying below market pricing for waste collection services and prefer to continue to enjoy that pricing than risk moving to a regional contract that may see pricing increase.
- Existing service levels – while the majority of services in existing contracts are uniform, some locals offer elevated service levels that there is a preference to maintain (eg. Additional leaf and yard waste collections).
- Subsidization concerns – a straight general levy funding model would shift the payment of the regional service onto municipalities with higher weighted assessment and off of municipalities with lower weighted assessment irrespective of the actual use of the service.
- Existing catchment areas – while the majority of residents enjoy waste collection services, there are some residents in rural areas of the County that currently do not have waste collection services. Unless services were expanded, a general levy model would charge residents for services they are not able to participate in.
- Authority and decision making – there is a varying degree of support for moving the authority for decision making to the County even though there seems to be unanimous consensus that the cost for regional waste services can move to the County.

Proposed Hybrid Funding Model

The proposed hybrid funding model is based on a number of foundational assumptions which include:

- Assumes the triple majority of locals transfer authority for waste collection to the County (preferable by the end of September: County to take first step in Aug, locals to vote in favour as soon as possible after that in September).
- Assumes all residents of Essex County will receive organic collection services (not just urban settlement areas) and waste collection

services. This is the direction the Regional Waste Working Group has voiced approval for.

- The County would assume all current waste collection contracts and associated costs (at a date to be determined – suggest Jan 1, 2024 to align with the next budget).
- The County would engage EWSWA to manage all existing waste contracts and take on responsibility to coordinate a combined procurement on a go forward basis at a date/time that is most advantageous to existing contract expiry and compliance requirements with ministry organics legislation.
- Service Levels would remain as established under local existing contracts until it is feasible and financially appropriate to move to a greater standardized service level. Continued working group meetings would be held to establish the standardized service level and associated RFT for collection services that would go to market in the future. Any services a local may wish to obtain in excess of the established regional standard could be billed to that municipality on a full cost recovery basis. (NOTE: The goal would be to reduce exceptions from the standard service level to increase the consistency of the customer experience across the region and the likelihood of contract savings. The more complex the RFT for services, the higher the cost will be. The higher the deviation from the standard service level, the more that municipality's residents would pay for waste services.)
- After the triple majority is passed, EWSWA would engage in a robust and collaborative education campaign. The goal of the campaign would be to raise awareness of the upcoming organics roll out, explain the need to implement waste best practices and prepare residents for collection frequency changes. The campaign would roll out during 2024 in anticipation of a regional standardized service roll out into 2025.
- The initial transfer of authority for waste collection to the County would afford an element of local municipal influence in that existing service levels would be maintained as outlined in existing contracts, for a time. Ultimately, the County, as the authority for the service, would move toward a future "standardized" residential service level. The Regional Waste Working Group is currently recommending that future standardized service level include:
 - Bi-weekly garbage collection (Change from weekly to make room for weekly organic collection)
 - Maintaining of bulk/large item collection

- Weekly organic collection (NEW – enhanced service level)
- Bi-weekly leaf/yard waste (from April to November)
- Monthly White Good Pick Up

On the basis of the above assumptions, the hybrid funding model would be calculated as follows:

- 1) Tonnages, household and population count data would be maintained for each local as they are now under EWSWA's existing billing model.
- 2) The cost for local existing collection contracts would form part of the County's Budget (proposing this begin for the 2024 Budget cycle). The County Budget would be amended to create a separate department/cost centre to transparently capture all regional waste program costs it now manages.
- 3) EWSWA would bill the County based on its existing billing model and provide sufficient detail to identify each local's tonnage/population. The County would pay EWSWA for these billings.
- 4) In preparing the 2024 Budget, the County would estimate the total cost of each local's waste collection contract.
- 5) When calculating the County Annual Tax Rate, **two tax rate calculations** would be made:
 - a) County Services (Not Including Waste Services) – calculated as normal based on global weighted assessment
 - b) County Waste Services – calculated as a separate special area rate that establishes a tax rate by the local municipality for only its share of the regional cost based on its own tonnage/households in relation to only its weighted assessment (not the share of global weighted assessment).

A homeowner would see four tax rates on their bill:

1. Local Municipal Rate
2. County General Levy Rate
3. County Waste Levy Rate
4. Education Rate

The hybrid model acknowledges the cost for the service is linked to usage (tonnage/households) and incentives environmentally friendly resident behaviours. The model also has the improved benefit of more transparently billing residents for the use of the regional waste service. At present, with the exception of a small number of residents who are currently charged a special area rate for garbage collection, no other residents are billed directly for waste services. The cost of waste collection is rolled into the general local

municipal rate. As education campaigns roll out and resident awareness increases related to waste program best practices, the visibility of the cost of the program will be even more important. Often behaviours can be changed when there is a connection between one's actions and the price one must pay. The hybrid billing model will create a separate charge on the tax bill to achieve this transparency.

From a service level perspective, the Regional Waste Working Group has reached a consensus that residential waste services should move to every other week garbage collection and weekly organics collection to achieve waste diversion targets and maximize total program savings. The group recognizes education and transition time will be critical to onboarding residents and achieving engagement. The most efficient way to manage the change is at the regional level. Burdening each local municipality with developing education campaigns and ensuring messaging across seven locals is consistent will be challenging and inefficient. Uploading the service prior to initiating any change will achieve the greatest level of efficiency and lowest level of cost/effort.

Consultations

In drafting this Report, the County Solicitor has consulted with EWSWA and the County's Finance Department directly, and has been involved in conversations being held with the local municipalities through the Regional Waste Working Group and through attendance on the presentations to the Councils of the local municipalities.

Recommendation

That Essex County Council receive this Report for information purposes and initiate the process of uploading the collection and delivery of waste from the local municipalities to the County by discussing and passing the By-law appended as **Appendix "B"** to this Report.

Approvals

Respectfully Submitted,

David M. Sundin

David Sundin, BA (Hons), LL.B., County Solicitor

Concurred With,

Sandra Zwiers

Sandra Zwiers, MAcc, CPA, CA, Chief Administrative Officer and Director,
Financial Services/Treasurer

Appendix Number	Title
"A"	Report # 2023-0719-LCS-R11-DMS
"B"	Draft By-law



Administrative Report

Office of the County Solicitor

To: Warden MacDonald and Members of Essex County Council

From: David Sundin, BA (Hons), LL.B.
County Solicitor

Date: Wednesday, July 19, 2023

Subject: Regional Waste Management Initiative

Report #: 2023-0719-LCS-R11-DMS

Purpose

The purpose of this Administrative Report (the "**Report**") is to provide County Council with an update regarding, and to comply with, the April 19, 2023 Resolution of County Council, being Resolution # 085-2023 (the "**2023 Resolution**"), in which County Council (1) reconfirmed its commitment to exploring a regional approach to both organic waste and traditional waste collection and (2) directed County Administration to report back at a future meeting of County Council with any further feedback received from local municipalities and to present the necessary By-law to upload the collection of waste to the County.

Background

Summary of Timeline

To assist County Council, the following is a summary of what has occurred to date with respect to the Regional Waste Management Initiative that was commenced by the previous County Council, and which has been recommitted to by this County Council is provided below. A more detailed summary is provided in an Administrative Report provided to County Council on April 19, 2023, being Report # 2023-0419-LCS-R04-DMS.

- (1) On October 20, 2021, County Council was provided with a report and delegation from the Essex Windsor Solid Waste Authority ("**EWSWA**") regarding EWSWA's Regional Food and Organics Waste Management Program (the "**Organics Program**"). County Council

was advised at that time that the primary purpose for the Organics Program was to ensure compliance with Ontario's Food and Organic Waste Policy Statement, which requires the City of Windsor, the Town of Amherstburg, the Town of LaSalle, the Municipality of Leamington, and the Town of Tecumseh, to provide for certain levels of collection and diversion of organic waste.

- (2) At the conclusion of the October 20, 2021 meeting of County Council, County Council adopted the following resolution:

THAT Essex County Council consider a Regional approach to the [Organics Program] as it relates to participation from municipalities and report its decision back to [EWSWA] no later than December 31, 2021.

- (3) On February 28, 2022, the Corporation of the City of Windsor (the "**City**") made the following decision (the "**City Resolution**"):

That City Council AGREE IN PRINCIPLE to participate in an EWSWA led Regional [Organics Program]; and further, That Administration BE DIRECTED to advise EWSWA of this decision prior to March 31, 2022.

- (4) On March 16, 2022, County Council made the following decision (the "**County Resolution**"):

And further that County Council advise EWSWA prior to March 31, 2022, that all Essex County municipalities will participate in a regional solution for the collection and processing of organic waste material from urban settlement areas, at a minimum, as part of the short-term processing contract commencing January 1, 2025 or immediately upon the expiration of a municipality's existing waste collection contract, whichever is later.

- (5) On June 1, 2022, members of County Council from the Town of Essex and the Town of Kingsville, whose Towns are not currently required to meet certain collection and diversion targets brought 2 similar Motions, seeking support for a Regional approach to all waste collection with the cost becoming part of the County's tax levy.

- (6) Those 2 similar Motions were further considered at a meeting of County Council held on June 15, 2022, at which time County Council unanimously resolved (the "**2022 County Resolution**") the following:

That Essex County Council direct Administration to work with [EWSWA] to prepare a report on potential cost savings to be realized by transferring the jurisdiction of garbage collection from local municipalities to the County and ultimately EWSWA, to manage garbage collection services for the County municipalities.

That Essex County Council direct Administration to conduct consultations and seek formal concurrence from each local municipality, in accordance with Section 189(2) of the Municipal Act, 2001, to transfer the jurisdiction of garbage collection, and examine the individual potential impacts of recovering fees for all waste and/or organic collection and disposal from a user fee pay system to a tax levy billing system

- (7) Further to the 2022 County Resolution:
- (a) County Administration and EWSWA consulted with the CAOs of the local municipalities to confirm there is broad administrative support for pursuing a Regional approach to waste collection;
 - (b) EWSWA retained a consultant to conduct a fulsome "Waste Collection Review", with part of the scope being the completion of an analysis of the potential cost savings to be realized by transferring the jurisdiction of waste collection to the County. The results of that consultant's report are described in more detail below;
 - (c) County Administration reported back to County Council on April 19, 2023, which resulted in the 2023 County Resolution;
 - (d) Meetings have been, or will be held, with the local municipalities to provide information and to seek feedback prior to this Report and the related By-law being presented to County Council. The details of the meetings held to date, or that will be held, are outlined in more detail below;

- (e) The draft By-law to upload the collection and delivery of waste to the County has been drafted and circulated to the local municipalities for comment, but with no comments being provided to date; and
- (f) County Administration and EWSWA have initiated a working group to explore, among other things, (1) setting a base service level, (2) discussing how enhanced services can be added on to the base service level by a local municipality, and (3) beginning to discuss whether the Regional program should be funded from (a) the general levy, (b) a user fee system, or (c) a combination of general levy and user fee.

Meetings with Local Municipalities

County Administration and EWSWA have jointly made the following presentations to the local municipalities:

- (1) Town of Tecumseh – March 14, 2023 – Following the presentation to Council for the Town of Tecumseh, Town Council made a resolution in support of the concept of a regional approach to waste management.
- (2) Town of Essex – May 1, 2023 – Following the presentation to Council for the Town of Essex, Town Council made a resolution in support of the concept of a regional approach to waste management.
- (3) Municipality of Leamington – May 31, 2023 – Following the presentation to Council for the Municipality of Leamington, the Council for the Municipality endorsed the concept of a regional approach to waste management.
- (4) Town of Amherstburg – June 26, 2023 – Following the presentation to Town Council, Town Council endorsed the concept of a regional approach to waste management for further exploration.

County Administration and EWSWA have recently been invited to make a presentation to LaSalle Council, which presentation is expected to be made on July 25, 2023.

EXP Report

As mentioned above, EWSWA retained a consultant, namely EXP Services Inc. ("**EXP**"), to, among other things, assist in a broad waste collection

review. The final Report of EXP was provided to EWSWA on May 23, 2023 (the "**EXP Report**"), and was formally provided to the Board of EWSWA on July 12, 2023. A copy of the EXP Report is appended to this Report as **Schedule "A"**.

The EXP Report included a number of conclusions and recommendations. The following is a summary of the conclusions and recommendations contained in the EXP Report:

General Conclusions

- (1) The municipal experience in Ontario and elsewhere indicates *Every Other Week* ("**EOW**") garbage collection is a best practice waste management policy that supports effective waste diversion behaviours, especially in Source Separated Organic Waste ("**SSO**") programs.
- (2) EOW garbage collection may provide potential garbage collection cost savings.
- (3) Bag limits are not an effective means of encouraging the diversion of SSO from garbage unless the bag limits are extremely low. However, this can lead to complaints of discrimination from households that legitimately generate garbage that cannot be otherwise diverted (e.g., multi-generational households, households that use diapers).
- (4) Clear bag garbage policies have been shown to be effective at diverting SSO and Blue Box material from the garbage stream and is becoming increasingly common across Ontario municipalities.
- (5) Concerns about clear bag programs are well understood and can be managed through careful program design, implementation, and communications. Implementation of clear bag policies require the updating of municipal waste management by-laws to ensure applicability and enforceability.

General Recommendations

- (1) Implementation of a County wide SSO program should be done through both urban and rural areas. This approach will provide equitable service delivery and better position the County for when the proposed provincial landfill ban on SSO is implemented.

- (2) EOW garbage collection should be implemented concurrently in areas where curbside SSO collection is introduced.
- (3) Clear bags for garbage should be adopted to motivate residents to only throw garbage in these bags and not SSO or recyclables.
- (4) A By-law review should be undertaken once curbside collection programs and policies are confirmed, to ensure By-laws support the new programming.

Collection, Transfer, and Haulage Design Conclusions

- (1) Use of dedicated collection vehicles for the collection of each stream (garbage and SSO) is a more reasonable approach for EWSWA, the City, and the County than co-collection because:
 - (a) There are few, if any, applicable examples of co-collection of garbage with SSO in Ontario, and so it is an untested practice that poses risk;
 - (b) The anticipated SSO tonnage collected is uncertain at this time as it is a new program, and this potential variance could lead to collection inefficiencies; and
 - (c) Introducing co-collection in a weekly SSO / EOW garbage collection program could increase routing and scheduling complexities and thereby increase program risk.
- (2) Implementing a SSO collection program across the Essex-Windsor Region in both rural and urban areas would provide a number of additional benefits, including:
 - (a) Program consistency across service areas, which will reduce the likelihood of conflicting and confusing messaging;
 - (b) Reducing the complexity of program logistics when implementing the new SSO collection / EOW garbage collection, thereby minimizing organizational and planning-related risks;

- (c) Allowing for a less complicated bidding process, which may encourage more accurate and competitive pricing through a less onerous tender process;
 - (d) Maintaining a consistent and equitable level of service to all participating municipalities and their residents;
 - (e) Reducing the potential for acrimony by residents that may feel they are not receiving an equitable level of service;
 - (f) Placing the County and its residents in an advanced state of readiness should the province implement its proposed provincial landfill ban on SSO in 2030; and
 - (g) Avoiding potential confusion and contractual changes that may arise if the rural areas are brought into the program at a later date in response to pressures imposed by the planned provincial SSO landfill ban.
- (3) Consolidation of waste and shipping in larger quantities reduces the number of trips required, resulting in several economic, environmental, and social benefits, including:
- (a) Cost savings;
 - (b) Reduced greenhouse gas and other emissions; and
 - (c) Fewer trucks on local roads.
- (4) SSO transfer and hauling costs are most economical under the EXP Report's SSO Scenario 3. In this scenario, collected SSO is delivered to SSO transfer stations located at EWSWA's Transfer Station Site #1 and the Regional Landfill or SSO direct hauled to the Seaciff facility, depending on the collection origin of SSO. Regionalization of garbage collection does not have a significant impact on the transfer and hauling costs.

Collection, Transfer, and Haulage Design Recommendations

- (1) EWSWA should undertake the next steps toward developing the required SSO transfer stations at Transfer Station Site #1 and the Regional Landfill. Regarding SSO transfer facilities at Transfer Station Site #1, EWSWA has two options available; this includes

- either the construction of a new SSO transfer station next to the existing Transfer Station # 1 that consolidates garbage, or retrofit the transitioning Blue Box Containers Material Recovery Facility ("**MRF**"). While not costed for this study, the EXP team notes that, based on its visual inspection of the site, the Fibre MRF could also potentially be retrofitted as a SSO transfer station; however, this would not be the preferable choice for a SSO transfer station.
- (2) While the use of split trucks for co-collection is not included as a recommendation in this study, it should still be considered as an option when developing the collection tender, particularly if the Board of EWSWA opt for EOW garbage collection. EOW garbage collection may increase the quantities of SSO diverted (and reduce the quantities of garbage collected), therefore making the option of co-collection more feasible. The RFP process should include the option of co-collection of either yard waste or SSO with garbage, which would then allow bidders to determine its suitability and costing.
- (3) SSO collected in Kingsville and Leamington should be directly hauled to Seaclyff Energy in Leamington.

Regionalization Conclusions

- (1) Regionalization (including municipal joint procurement) of waste collection services is an accepted best practice and is well established in Ontario.
- (2) Regionalization can potentially provide not just economic benefits, but also environmental and social benefits, including:
- (a) Cost savings due to increased competition, administrative efficiencies, and improved public participation due to consistency of services and communications across the County;
 - (b) Reduced greenhouse gas and other emissions due to optimized collection routes; and
 - (c) Increased customer satisfaction due to equity in service and better oversight of quality management.

- (3) Regionalization does not appear to have a significant impact on transfer and hauling costs for either garbage or SSO. Rather, potential cost savings with regionalization would most likely be due to increased competition on collection tenders, less travel time due to optimized routing, and operational efficiencies for the Authority and its municipal partners.

Regionalization Recommendations

- (1) It is recommended that EWSWA initiate necessary discussions with the County, its local municipalities, and the City of Windsor, to take steps to have EWSWA collecting waste for the entire Essex-Windsor Region.

Discussion

In light of the above summary of the steps taken to date to implement a Regional Waste Collection Program, and what appears to be support from the local municipalities who have received presentations, a draft By-law has been prepared for County Council's review and consideration. Given one local municipal presentation for the Town of LaSalle remains outstanding (to be conducted on July 25th), Administration intends to seek County Council's approval of the By-law at its August 16th regular meeting. The draft By-law is appended to this Report as **Schedule "B"**.

Once the By-law is passed by County Council, it will then be up to at least 4 of the Councils of the local municipalities, comprising at least 50% of the electors within the County, to pass resolutions consenting to the County's By-law in accordance with the provisions of Section 189(2) of the *Municipal Act, 2001*.

Financial Implications

There are currently no anticipated direct financial implications to the County. Should the collection and delivery of waste be uploaded to the County, the County will recover funds from each local municipality for the new Regional service. It is expected that there will be cost savings and administrative efficiencies for the County municipalities by going to market as a larger group and managing the services regionally.

The potential for cost savings has been highlighted in the EXP Report, as outlined above.

Consultations

In drafting this report, consultations were held with Michelle Bishop, Manager of EWSWA and the County's Finance Department.

Recommendation

That Essex County Council receive this Report for information purposes and background information in considering, discussing, and future voting on the necessary By-law should County Council choose to initiate the process to upload waste collection and delivery to the County from the local municipalities.

Approvals

Respectfully Submitted,

David M. Sundin

David Sundin, BA (Hons), LL.B., County Solicitor

Concurred With,

Sandra Zwiers

Sandra Zwiers, MAcc, CPA, CA, Chief Administrative Officer and Director,
Financial Services/Treasurer

Appendix Number	Title
Schedule A	EXP Report (To be E-mailed to Council)
Schedule B	Draft By-law



The Corporation of the County of Essex

By-Law Number 2023-XX

A By-law to transfer all power of the lower-tier municipalities of the County of Essex with respect to the collection of waste and the delivery of such waste in the County of Essex, pursuant to the provisions of Sections 189 and 190 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

Whereas, on or about September 19, 1990, pursuant to the provisions of Section 209(a) of the *Municipal Act*, R.S.O. 1980, c. 302, by way of By-law No. 2847 all waste management functions, except the collection of waste, the delivery of waste, and the treatment of sewage sludge, were transferred from the lower-tier municipalities of the County of Essex to the upper-tier County of Essex;

And whereas Section 188 of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that both "lower-tier power" and "upper-tier power" means a power that may be exercised, among other things, with respect to "waste management";

And whereas Section 189 of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that "[a]n upper-tier municipality may pass a by-law to provide for, (a) the transfer of all or part of a lower-tier power to the upper-tier municipality from one or more of its lower-tier municipalities which are specified in the by-law; and (b) transitional matters to facilitate the assumption of the lower-tier power";

And whereas Council for the Corporation of the County of Essex deems it expedient to transfer the powers of the lower-tier municipalities of the County of Essex with respect to the collection of waste and the delivery of such waste to the County of Essex;

And whereas this By-law Number 2023-XX is related to By-law No. 2847 (a copy of which is appended hereto as **Schedule "A"**), By-law No. 2866 (a copy of which is appended hereto as **Schedule "B"**), By-law No.

3201-95 (a copy of which is appended hereto as **Schedule "C"**), and By-law No. 3272-97 (a copy of which is appended hereto as **Schedule "D"**).

Now therefore the Council of the Corporation of the County of Essex hereby enacts as follows:

- 1) Section 3(c) of By-law No. 2847 be and is hereby repealed, but with all other provisions of By-law No. 2847 remaining in full force and effect;
- 2) The Corporation of the County of Essex hereby assumes all powers and transfers all powers from its lower-tier municipalities with respect to the collection of waste and the delivery of such waste;
- 3) Nothing in this By-law Number 2023-XX shall be deemed to include the storage, processing, and/or treatment of sewage sludge, which power is expressly preserved for the lower-tier municipalities of the County of Essex;
- 4) This By-law Number 2023-XX shall come into force and take effect after:
 - i. the final passing of this By-law 2023-XX by Council for the Corporation of the County of Essex; and
 - ii. a majority of the councils of the lower-tier municipalities forming part of the County of Essex for municipal purposes have passed resolutions giving their consent to this By-law Number 2023-XX, with the total number of electors in the lower-tier municipalities that have passed resolutions giving their consent to this By-law Number 2023-XX forming a majority of all electors in the County of Essex.
- 5) Following this By-law Number 2023-XX coming into force and taking effect:
 - i. the Corporation of the County of Essex may exercise the transferred lower-tier power specified in this By-law 2023-XX;
 - ii. the lower-tier municipalities of the County of Essex are bound by the By-law Number 2023-XX and no longer have the power to exercise the transferred lower-tier power;

- iii. any existing by-law or resolution of a lower-tier municipality that relates to the transferred lower-tier power specified in this By-law 2023-XX shall, to the extent it applies in any part of the affected lower-tier municipality, be deemed to be a By-law or resolution of the County of Essex; and
- iv. any existing by-law or resolution referred to in clause iii. above shall remain in force in the affected lower-tier municipality, or the affected part of the said lower-tier municipality, until the earlier of:
 - a) two years after this By-law Number 2023-XX comes into force; and
 - b) the day the existing lower tier by-law or resolution is repealed by the County of Essex.
- 6) Further, following this By-law Number 2023-XX coming into force and taking effect, the County of Essex may continue anything that any of its lower-tier municipalities began under the transferred lower-tier power specified by this By-law Number 2023-XX but did not complete.
- 7) Further, following this By-law Number 2023-XX coming into force and taking effect, no lower-tier municipality of the County of Essex may exercise any power related to the collection of waste and the delivery of such waste, without the consent of the Corporation of the County of Essex, which consent may be provided by the Corporation of the County of Essex on such terms and conditions as may be deemed expedient during the transition of the power of collection of waste and the delivery of such waste from the lower-tier municipalities of the County of Essex to the Corporation of the County of Essex.
- 8) Council for the Corporation of the County of Essex specifically authorize the Warden and Clerk of the Corporation of the County of Essex to execute such further and other documents as may be required to give effect to this By-law Number 2023-XX, including, but not limited to, for the assignment of contracts related to the collection of waste and the delivery of such waste from the lower-tier municipalities to the Corporation of the County of Essex.

Read a first, second and third time and Finally Passed this Choose an item. **day of** Choose an item., **2023.**

Hilda MacDonald, Warden

Mary S. Birch, Clerk

Clerk's Certificate

I, Mary S. Birch, Clerk of the Corporation of the County of Essex, do hereby certify that the foregoing is a true and correct copy, of **By-law Number 20XX-XX** passed by the Council of the said Corporation on this Choose an item. **day of** Choose an item., **2023.**

Mary S. Birch, Clerk
Corporation of the County of Essex