

**THE CORPORATION OF THE CITY OF PETERBOROUGH**

**BY-LAW NUMBER 05-037**

(Repealed by 05-154)

**BEING A BY-LAW TO AUTHORIZE THE EXECUTION OF AN  
AGREEMENT BETWEEN THE CORPORATION OF THE CITY OF  
PETERBOROUGH AND THE CORPORATION OF THE COUNTY OF  
PETERBOROUGH (Greater Peterborough Area Economic  
Development Corporation)**

THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE COUNCIL  
THEREOF HEREBY ENACTS AS FOLLOWS:

1. That the Mayor and Clerk be hereby authorized to execute an agreement between The Corporation of the City of Peterborough and The Corporation of the County of Peterborough respecting the Greater Peterborough Area Economic Development Corporation, in the form attached hereby as Schedule "A", and to affix the Seal of the Corporation thereto.

By-law read a first and second time this 21<sup>st</sup> day of March, 2005

By-law read a third time and finally passed this 21<sup>st</sup> day of March, 2005

(Sgd.) Sylvia Sutherland, Mayor

(Sgd.) Nancy Wright-Laking, City Clerk

## SCHEDULE "A"

Agreement made this \_\_\_\_ day of \_\_\_\_\_, 2005.

B E T W E E N:

THE CORPORATION OF THE CITY OF PETERBOROUGH  
HEREINAFTER CALLED THE "CITY"

and

THE CORPORATION OF THE COUNTY OF PETERBOROUGH  
HEREINAFTER CALLED THE "COUNTY"

**DIRECTIONS TO AND EXPECTATIONS OF THE  
GREATER PETERBOROUGH AREA ECONOMIC DEVELOPMENT  
CORPORATION**  
HEREINAFTER CALLED THE "GPA EDC"

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Whereas the City and County entered into an agreement on December 6, 1999 with respect to the operations of the GPA EDC which was repealed and replaced with a new agreement signed on May 25, 2001 by the City, and on April 30, 2001 by the County;

And Whereas the City and County now wish to provide further direction to the GPA EDC with respect to their expectations of the Corporation;

NOW THEREFORE THE CITY AND COUNTY HERETO AGREE AS FOLLOWS:

**1.00 New agreement:**

The existing agreement between the City and County with respect to the operations of the GPA EDC signed during 2001 be repealed and replaced with this agreement.

**2.00 GPA EDC Board of Directors:**

2.01 The Board of Directors of the Corporation will be comprised of:

- Two (2) members of City Council
- Two (2) members of County Council
- Four (4) nominees of City Council
- Four (4) nominees of County Council
- Four (4) nominees of the other Directors

2.02 The City and the County will follow their normal process to identify their nominees to the Board, including their process of recruiting interested individuals.

2.03 The GPA EDC Nominating Committee may forward names of individuals interested in becoming Board members for the consideration of the respective Councils.

**3.00 Role of the Board of Directors:**

3.01 The GPA EDC Board of directors shall:

- a) Appoint officers
- b) Hire a CEO/President and evaluate and monitor his/her performance
- c) Cause a five-year Strategic Plan to be created and updated annually

- d) Ensure effective management of the GPA EDC
- e) Establish remuneration levels for all employees
- f) Establish and maintain the annual operating budget
- g) Establish Purchasing Policies
- h) Establish Human Resources Policies

#### **4.00 GPA EDC General Mandate:**

4.01 The GPA EDC general mandate is to promote, facilitate and develop a strong unified economic development presence for the Greater Peterborough area as defined as the geographic region consisting of the townships within the County of Peterborough and the City of Peterborough. As such, the GPA EDC will operate as an umbrella organization working cooperatively with other local organizations and ensuring investment attraction opportunities are shared fairly and equitably. Investment client needs and preferences will drive the decisions with respect to location.

#### **5.00 Specific Services Provided by GPA EDC:**

- 5.01 The GPA EDC will provide the following broadly described economic development services within the City and County of Peterborough:
- a) Act as the primary economic development body of the City and County.
  - b) Identify and support existing and emerging business clusters and skill bases.
  - c) Sustain and support long-term economic development and tourism development activities.
  - d) Develop and assist in the promotion of the tourism and convention trade through operation of the regional Destination Marketing Organization (DMO), Peterborough & the Kawarthas Tourism as a division of the GPA EDC
  - e) Work with existing business, industry and commerce to support expansion and job creation.
  - f) Sustain, develop and assist Agri-Food sector expansion as identified and prioritized in the strategic planning process.
  - g) Inventory industrial land; promote industrial land development and facilitate sales.
  - h) Catalogue existing businesses and promote networking within the Greater Peterborough Area.
  - i) Source and promote external funding sources from both government and private sectors.
  - j) Market and promote the Greater Peterborough Area region.
  - k) Provide Professional Development Training and Business Advisory Services.

- l) Promote economic development in the Greater Peterborough Area with the cooperation and participation of available community resources by encouraging, facilitating and supporting community Strategic Planning and increasing self- reliance, investment and job creation within the community.
- m) Develop partnerships to promote, support and sustain economic growth.
- n) Act as liaison with Federal and Provincial development agencies.
- o) Act as a confidential source for consultants, businesses and agents.
- p) Act as an advocate for regional business concerns and opportunities.
- q) Consider, if appropriate, repositioning the GPA EDC image and create a new brand reflecting the joint economic development commitment between the City and County and positioning the Greater Peterborough Area as the preferred development location within Ontario.

#### **6.00 City-County Economic Development Committee:**

- 6.01 City and County Councils will establish a County-City Economic Development Committee (CCEDC).
- 6.02 The City and County will each appoint four (4) members of their respective Councils, including the Mayor and the Warden. Other than the Mayor and Warden, councilors who are members of the Board of Directors of the GPA EDC shall not be appointed to the CCEDC..
- 6.03 The City and County Chief Administrative Officers and Finance Directors will serve as a resource to the committee.
- 6.04 The GPA EDC Board Chair and CEO will attend meetings at the pleasure of the committee.
- 6.05 The primary responsibility of the CCEDC is to act as the principal communications conduit to both the City and County Councils on the activities, budgets, and performance of the GPA EDC.
- 6.06 The CCEDC will approve and distribute materials produced by the GPA EDC, including the annual operating budgets, for the benefit of the City and County Councils to ensure transparency, accountability, and effective and timely communications.
- 6.07 The CCEDC will advise the GPA EDC Board of any issues for which either Council might require further amplification or clarification.
- 6.08 The committee will meet at least on a quarterly basis or more regularly, if required.
- 6.09 The GPA EDC will provide the following documents to the CCEDC annually:
  - i) The long term (5 year) Strategic Plan (to be updated annually)
  - ii) The annual budget
  - iii) The annual report of the GPA EDC
  - iv) Any special reports requested by the CCEDC

#### **7.00 Accountability:**

7.01 The Board of Directors will be responsible and accountable through the CCEDC to the City and the County councils in the performance of the services provided and for performance standards and expectations as determined in the approved annual operating budget.

#### **8.00 Financial Arrangements:**

8.01 GPA EDC shall have a fiscal year-end of December 31<sup>st</sup>.

8.02 The CCEDC shall secure an appropriate funding commitment for the GPA EDC in order to deliver the economic development services within the City and County of Peterborough as set out in this agreement. The GPA EDC Board will present the annual operating budget, aligned to the strategic plan annually, to the CCEDC for review. Once the CCEDC is satisfied with the annual budget, the CCEDC will recommend the respective Councils adopt the annual budget. Unless extended by CCEDC, the GPA EDC will develop a budget process to ensure the CCEDC can make final budget recommendations to both Councils prior to the end of January in each budget year.

8.03 Conditional upon annual budget recommendations by CCEDC, and the approval of the Councils of the City and County, the funding shall be for a period of three (3) consecutive years commencing January 2005 – with an option to extend for a further two (2) years..

8.04 On the principle the GPA EDC is truly providing regional economical development where any expenditures incurred benefit the region as a whole as opposed to the City or County individually, effective January 1, 2005, the GPA EDC annual net costs shall be allocated to the City and the County in proportion to their permanent population, as established by official census statistics.

8.05 GPA EDC shall actively promote private project funding, and seek to obtain grants, contributions, bequests, gifts and assets from sources other than the City and the County, in furtherance of its objects.

8.06 The City shall provide support services to GPA EDC, with respect to finance, accounting, payroll, human resources, and purchasing. Such services shall be billed to GPA EDC on a reasonable basis. It is understood that the City is providing these services on a fee-per service basis and is not imposing the City's Purchasing Policies and Procedures or Human Resources Policies and Procedures upon the Board.

8.07 Although the City provides basic accounting records, it is the responsibility of the GPA EDC management to produce any monthly or quarterly reports that the Board or CCEDC deems necessary and to seek approval through CCEDC of any budget reallocations that may be proposed after the budget has been established.

8.08 The auditor for the City shall be the auditor for GPA EDC. The Auditor shall audit the GPA EDC books annually and provide a Management Letter, commenting on the financial management of the GPA EDC to the Board. The auditor will also provide a summary of any audit differences that may have been noted during the audit. The Board shall make the Management letter and summary of audit differences available to CCEDC.

#### **9.00 Termination:**

9.01 Either the City or the County may give notice in writing to the other of its desire to terminate this agreement. Such cancellation will be effective at the end of a fiscal year, and in order to be effective, must be given on or before June 30<sup>th</sup> in that fiscal year. Regardless of which party gives notice of termination, the parties shall share in any and all costs arising from the termination, in proportion to the official census permanent population ratio

at the time of the notice of termination. Without limiting the generality of the foregoing, such costs shall include leases, employment contracts, accounts payable, or any other liabilities incurred by the GPA EDC for which the City and the County may be responsible at law.

9.02 In the event of termination of this agreement, each of the City and the County shall use their best efforts to offer employment to the employees of GPA EDC at such time, but shall not be obligated to provide such employment.

**10.00 Dispute Resolution**

10.1 In the event of any dispute about any matter arising out of this agreement between the City and the County, the following shall apply:

- a) The dispute shall be referred initially by the party raising the dispute to the other party in writing for decision, which the latter shall give in writing within a reasonable time.
- b) If the dispute is not satisfactorily settled between the parties, the dispute shall be submitted forthwith to a mediator to be mutually agreed upon by the parties.

**11.00 Enurement:**

11.01 This agreement shall enure to the benefit of and be binding upon the parties hereto and their successors and assigns.

Dated at Peterborough, this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

THE CORPORATION OF THE  
CITY OF PETERBOROUGH

\_\_\_\_\_  
Sylvia Sutherland, Mayor

\_\_\_\_\_  
Nancy Wright-Laking, City Clerk

THE CORPORATION OF THE  
COUNTY OF PETERBOROUGH

\_\_\_\_\_  
Neal Cathcart, Warden

\_\_\_\_\_  
Lynn Clark, County Clerk

THE GREATER PETERBOROUGH AREA  
ECONOMI DEVELOPMENT CORPORATION

\_\_\_\_\_  
Bill Lockington, Chair

\_\_\_\_\_  
Jay Amer, Acting General Manager