

THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 05-154

BEING A BY-LAW TO AUTHORIZE THE EXECUTION OF AN AGREEMENT BETWEEN THE CORPORATION OF THE CITY OF PETERBOROUGH, THE CORPORATION OF THE COUNTY OF PETERBOROUGH AND THE 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, The Corporation of the County of Peterborough and the Greater Peterborough Area Economic Development Corporation for the provision of economic development and tourism services, in the form attached hereby as Schedule "A", and to affix the Seal of the Corporation thereto.
2. By-law Number 05-037 is hereby repealed.

By-law read a first and second time this 28th day of July, 2005

By-law read a third time and finally passed this 28th day of July, 2005

(sgd) Henry Clarke, Deputy Mayor

(sgd) Nancy Wright-Laking, City Clerk

SCHEDULE "A"

Agreement made this 28th day of July, 2005.

A M O N G :

THE CORPORATION OF THE CITY OF PETERBOROUGH

hereinafter called the "City" of the FIRST PART

- and -

THE CORPORATION OF THE COUNTY OF PETERBOROUGH

hereinafter called the "County" of the SECOND PART

- and -

**GREATER PETERBOROUGH AREA ECONOMIC
DEVELOPMENT CORPORATION**

hereinafter called "GPA EDC" of the THIRD PART

WHEREAS the City and County entered into an agreement on December 6, 1999 with respect to the operations of the GPA EDC, which was replaced with a subsequent agreement dated May 25, 2001;

AND WHEREAS the City, County and GPA EDC wish to enter into a new agreement, in order to redefine the relationship between the City and County and the GPA EDC, by delegating to GPA EDC the responsibility for the delivery of economic development and tourism services, upon the terms and conditions hereinafter contained;

NOW THEREFORE the parties hereto agree as follows:

1.00 Governance of the GPA EDC

1.01 GPA EDC shall cause its Letters Patent to be amended, by Supplementary Letters Patent, to provide that the Board of Directors of the Corporation will be comprised of fourteen (14) Directors, which shall include the Chief Administrative Officers of each of the City and the County.

1.02 The first Board of Directors following the execution of this agreement shall be comprised of:

- Six (6) nominees of the County
- Six (6) nominees of the City
- The Chief Administrative Officer of the County
- The Chief Administrative Officer of the City

1.03 The first Directors shall be elected for the following terms:

- a) The Chief Administrative Officers of the County and the City shall hold office during their term of office;
- b) Four (4) Directors shall serve for a term of one (1) year;
- c) Four (4) Directors shall serve for a term of two (2) years; and
- d) Four (4) Directors shall serve for a term of three (3) years.

Thereafter, at each annual meeting of members, four (4) Directors shall be elected for a term of three (3) years, so that the Board shall be elected and shall retire on a three year rotation.

- 1.04 Directors are eligible for reappointment, and shall serve as such without remuneration. No Director shall directly or indirectly receive any profits from his or her position as such, provided that a Director may be reimbursed by GPA EDC for reasonable expenses incurred by him or her in the performance of their duties.
- 1.05 For the purpose of electing Directors in each year after the first Board is elected, the following recruitment process shall be followed to fill pending Director vacancies on the GPA EDC Board:
 - a) The Nominating Committee of the Board shall annually and publicly solicit and advertise pending vacancies on the GPA EDC Board.
 - b) In December of each year, the Nominating Committee of the Board shall submit the full slate of individuals having expressed an interest in a GPA EDC Board Director position to County and City Councils for information. At the same time, the Nominating Committee shall, from the slate of individuals so submitted, recommend the names of two (2) proposed new or returning Directors to County Council and two (2) proposed new or returning Directors to City Council for consideration and approval.
 - c) Should County and City Council not approve of the names so recommended, the Nominating Committee of the Board shall advance any proposed additional names for consideration until such time as approval has been given by County or City Council. Only individuals so approved for Director appointment by the respective Councils may be elected to the Board at the annual general meeting of the Members.
 - d) For purposes of this section, the membership of GPA EDC shall consist of the Directors.

2.00 GPA EDC General Mandate:

- 2.01 The parties acknowledge and agree, for the purposes of this agreement, that the GPA EDC general mandate is to promote, facilitate and develop a strong unified economic development presence for the Greater Peterborough area (being the entire geographic region consisting of the County of Peterborough and the City of Peterborough). As such, the GPA EDC will operate as an umbrella organization working cooperatively with local municipalities and other organizations to ensure that investment attraction opportunities are shared fairly and equitably. Decisions with respect to location will reflect investment client needs and preferences.

3.00 Services to be provided by GPA EDC

- 3.01 The parties hereby agree that GPA EDC shall have responsibility for the provision of the following broadly described economic development and tourism services within the City and County of Peterborough:
 - a) Act as the primary economic development organization 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) Support business retention and expansion, through communication and co-ordination.
- 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.

3.02 In carrying out the economic development services, the Board of Directors shall cause a five (5) year strategic plan to be created and updated annually, and shall cause an operating budget to be created annually.

3.03 GPA EDC will establish written policies and procedures, including internal systems to ensure compliance, for Human Resources, Purchasing and Procurement, and Financial Management, which will adhere as closely as possible to the City's policies and procedures.

4.00 Reporting and Accountability

4.01 The Board of Directors will be responsible and accountable to the Councils of the City and the County, through the Joint Services Steering Committee, in the performance of the services provided, and for

performance standards and expectations as determined in the approved annual operating budget.

- 4.02 The Board of Directors shall communicate with the City and the County as follows:
- a) Annually, in a joint presentation to the combined Councils;
 - b) Annually, by way of a report to each Council individually; and
 - c) To the Joint Services Steering Committee, as required by the Committee. Specifically, the draft budget and update to the five (5) year strategic plan shall be presented to the Joint Services Steering Committee on or before December 1st in each year.

5.00 Financial Arrangements

- 5.01 GPA EDC shall have a fiscal year end of December 31st.
- 5.02 The City and the County agree to provide funding to GPA EDC in an amount that is at least equal to the approved 2005 budget, for at least the fiscal years 2006, 2007 and 2008.
- 5.03 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.
- 5.04 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.
- 5.05 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.
- 5.06 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 the Joint Services Steering Committee.

6.00 Termination

- 6.01 Effective for any fiscal year after 2008, either the City or the County may give notice to the other of its desire to terminate this agreement. Such cancellation shall be effective at the end of the fiscal year, and, in order to be effective, shall be given on or before June 30th in such fiscal year. Regardless of which party gives notice of termination, the parties shall share in any reasonable costs arising from the termination, in proportion to the official census permanent population ratio at the time of the notice of termination. The City and the County agree that such reasonable costs shall include leases, employment contracts, accounts payable, or any other reasonable liabilities incurred by the GPA EDC for which the City and the County may be responsible at law.
- 6.02 The City and the County hereby specifically agree to indemnify and save harmless the Board of Directors of GPA EDC in respect of any costs provided for in Section 6.01 hereof.

7.00 Enurement

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

Dated at Peterborough, this 28th day of July, 2005.

**THE CORPORATION OF THE
CITY OF PETERBOROUGH**

Henry Clarke, Deputy Mayor

Nancy Wright-Laking, City Clerk

**THE CORPORATION OF THE
COUNTY OF PETERBOROUGH**

Neal Cathcart, Warden

Lynn Clark, County Clerk

**THE GREATER PETERBOROUGH AREA
ECONOMIC DEVELOPMENT
CORPORATION**

Bill Lockington, Chair

Jay Amer, Acting General Manager

COUNTY OF PETERBOROUGH

BY-LAW # 44 – 2005

A BY-LAW TO AUTHORIZE THE EXECUTION OF AN AGREEMENT BETWEEN THE CORPORATION OF THE COUNTY OF PETERBOROUGH AND THE CORPORATION OF THE CITY OF PETERBOROUGH TO AMEND THE CONSOLIDATED MUNICIPAL SERVICES MANAGEMENT AGREEMENT.

WHEREAS By-law 50-2003 authorized the execution of a Consolidated Municipal Services Management Agreement between The Corporation of the County of Peterborough and The Corporation of the City of Peterborough, which agreement has a term commencing January 1, 2004 and expiring December 31, 2008;

AND WHEREAS the City and the County have agreed that the mandate of the Joint Services Steering Committee shall be expanded to include overseeing of economic development and tourism services delivered by the Greater Peterborough Area Economic Development Corporation;

NOW THEREFORE, THE CORPORATION OF THE COUNTY OF PETERBOROUGH BY THE COUNCIL THEREOF HEREBY ENACTS AS FOLLOWS:

- 1. That the Warden and Clerk be hereby authorized to execute an agreement between The Corporation of the County of Peterborough and The Corporation of the City of Peterborough to amend the Consolidated Municipal Services Management Agreement, in the form attached hereto as Schedule "A", and to affix the Seal of the Corporation thereto.

READ A FIRST, SECOND AND THIRD TIME AND PASSED IN OPEN COUNCIL THIS 28th DAY OF JULY, 2005.

Neal Cathcart

Neal Cathcart Warden

c/s

Lynn Clark

Lynn Clark Clerk

I certify the above to be a true copy of by-law number 44-2005 of the County of Peterborough passed on the 28th day of July, 2005.
[Signature]

Clerk, County of Peterborough