

**AFFIRMATION AND AMENDMENT OF 2012 MEMORANDUM OF UNDERSTANDING
BETWEEN HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO AS REPRESENTED BY THE
MINISTER OF THE ENVIRONMENT
THE ONTARIO CLEAN WATER AGENCY**

(“2021 AFFIRMATION AND AMENDMENT”)

WHEREAS Her Majesty the Queen in right of Ontario as represented by the Minister of the Environment (as it then was) and the Ontario Clean Water Agency as represented by the Chair entered into a Memorandum of Understanding effective April 17, 2012 (“**MOU**”);

AND WHEREAS on June 24, 2014, the name of the Ministry of the Environment was changed to the Ministry of the Environment and Climate Change;

AND WHEREAS on June 29, 2018, the name of the Ministry of the Environment and Climate Change was changed to the Ministry of the Environment, Conservation and Parks;

AND WHEREAS the Agencies & Appointments Directive indicates that upon a change in one of the parties to a memorandum of understanding, the memorandum of understanding must be affirmed by all of the parties within six months of the change;

AND WHEREAS Section 8.5 of the MOU states that if a new Minister or Chair takes office before the MOU expires, the Minister and Chair will affirm in writing that the MOU will continue in force without a review, or alternatively, they may agree to revise the MOU;

AND WHEREAS there has been a change in either the Minister or the Chair and the Minister and the Chair have been provided with a copy of the MOU which is attached to this 2021 Affirmation and Amendment as Appendix A;

AND WHEREAS an amendment is required to make an addition to subsection 5.1 (Policy Direction and Implementation) of the MOU and to add associated definitions.

THEREFORE

1. Both parties have reviewed and are familiar with the MOU.
2. Both parties have reviewed and agree to the amendment to the MOU set out in Appendix B to this 2021 Affirmation and Amendment.
3. Both parties affirm the contents and the continued use of the MOU, which includes the addition of the amendment set out in Appendix B

4. This 2021 Affirmation and Amendment is effective on the date the Minister executes it.
5. Each of the undersigned acknowledge that in providing their name on the applicable line below in electronic form will constitute a signature for the purposes of the *Electronic Commerce Act, 2000* S.O. 2000, c. 17.

IN WITNESS WHEREOF the parties have executed this 2021 Affirmation and Amendment on the dates set out below.



The Honourable David Piccini
Minister of the Environment, Conservation and Parks

December 21, 2021

Date



Joseph Pennachetti
Chair, Ontario Clean Water Agency

December 17, 2021

Date

APPENDIX A

AFFIRMATION AND AMENDMENT OF 2012 MEMORANDUM OF UNDERSTANDING BETWEEN HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO AS REPRESENTED BY THE MINISTER OF THE ENVIRONMENT THE ONTARIO CLEAN WATER AGENCY

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MEMORANDUM OF UNDERSTANDING

APPENDIX B

AFFIRMATION AND AMENDMENT OF 2012 MEMORANDUM OF UNDERSTANDING BETWEEN HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO AS REPRESENTED BY THE MINISTER OF THE ENVIRONMENT THE ONTARIO CLEAN WATER AGENCY

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AMENDMENTS

The MOU is amended as follows:

- A. New definitions are added in alphabetical order to section 2.1 as follows:

“**First Nations Advisory Circle**” means an advisory group of individuals, created by OCWA, who provides advice and recommendations on how OCWA can enhance its partnerships with First Nations communities and better support their water and wastewater needs and concerns, and may also advise on the integration of First Nations perspectives into OCWA’s strategies. Advice and recommendations are provided by the Circle to OCWA’s Board of Directors through OCWA’s First Nations Committee

“**First Nations Committee**” means a sub-committee comprised of OCWA Board members which meets a minimum of four times annually.

- B. Subsection 5.1.3 and subsection 5.1.4 are added to Article 5, Policy Direction and Implementation, as follows:

5.1.3 The parties to this MOU are dedicated to providing beneficial services to all communities in Ontario, including First Nations communities.

5.1.4 OCWA must maintain a First Nations Advisory Circle which may not direct the Agency but may make recommendations that will go to Board of Directors through the First Nations Committee. The Board may or may not accept these recommendations but will ensure that it collaborates with the Advisory Circle and communicate on how the Agency plans to act on its advice while maintaining the Board’s responsibility and discretion under CIPA.