



Essex-Windsor Solid Waste Authority Regular Board Meeting Agenda

Meeting Date: Tuesday, May 7, 2024
Time: 4:00PM
Location and: Essex County Civic Centre
Council Chambers, 2nd Floor
360 Fairview Avenue West
Essex, Ontario N8M 1Y6

Meeting will be held in person for Board Members and staff. Media representatives and interested members of the general public are invited to attend in person.

<u>LIST OF BUSINESS</u>	<u>PAGE NUMBERS</u>
1. Call to Order	
2. Declaration of Pecuniary Interest	
3. Approval of the Minutes	
A. April 10, 2024 Regular Meeting Minutes	1-11
4. Business Arising from the Minutes	
5. Correspondence	
A. Call2Recycle – 2023 Leader in Sustainability Award	12-13
6. Waste Diversion	
A. 2023 Residential Waste Diversion Report	14-16
7. Finance & Administration	
A. Request for Tenders for Rental and Use of Vacant Land	17-21
B. 2024 EWSWA Asset Management Plan	22-36
C. 2023 Financial Statements and Auditor’s Report	37-62
D. January to March 2024-Three-month Operations Financial Review	63-67

8. New Business

9. Other Items

10. By-Laws

A. By-Law 6-2024 68
Being a By-Law to Authorize the Execution of an Agreement
between the Essex-Windsor Solid Waste Authority, the Corporation
of the County of Essex and Christopher Malott Farming Enterprises
Inc. for the Rental and Use of Vacant Land

B. By-Law 7-2024 69
Being a By-Law to Confirm the Proceedings of the Meeting of the
Board of the Essex-Windsor Solid Waste Authority for May 7, 2024.

11. Next Meeting Dates

Tuesday, June 4, 2024

Wednesday, July 10, 2024

Wednesday, August 14, 2024 – Note: This meeting will start at 3:00PM

Wednesday, September 11, 2024

Wednesday, October 9, 2024

Tuesday, November 5, 2024

Tuesday, December 3, 2024

12. Adjournment



Essex-Windsor Solid Waste Authority Regular Board Meeting MINUTES

Meeting Date: Wednesday, April 10, 2024

Time: 3:00 PM

Location: Essex County Civic Centre
Council Chambers, 2nd Floor
360 Fairview Avenue West
Essex, Ontario N8M 1Y6

Attendance

Board Members:

Gary Kaschak –Chair	City of Windsor
Kieran McKenzie	City of Windsor
Jim Morrison	City of Windsor
Mark McKenzie	City of Windsor
Fred Francis	City of Windsor
Gary McNamara – Vice Chair	County of Essex
Hilda MacDonald	County of Essex
Michael Akpata	County of Essex
Rob Shepley	County of Essex

EWSWA Staff:

Michelle Bishop	General Manager
Steffan Brisebois	Manager of Finance & Administration
Cathy Copot-Nepszy	Manager of Waste Diversion
Tom Marentette	Manager of Waste Disposal
Madison Mantha	Project Lead
Teresa Policella	Executive Assistant

City of Windsor Staff:

Anne-Marie Albidone	Manager of Environmental Services
Shawna Boakes	Executive Director of Operations
Jim Leather	Manager of Environmental Services
Mark Spizzirri	Manager of Performance Management and Business Case Development

County of Essex Staff:

Melissa Ryan	Director of Financial Services/Treasurer
David Sundin	Solicitor/Interim Director, Legislative and Community Services
Sandra Zwiers	Chief Administrative Officer

Absent:

Drew Dilkens
Tony Ardovini

City of Windsor (Ex-Officio)
Deputy Treasurer Financial Planning

1. Call to Order

The Chair called the meeting to order at 3:02PM.

2. Motion to Move In-Camera

Moved by Fred Francis
Seconded by Gary McNamara

THAT the Board moved into a closed meeting pursuant to Section 239 (2) (k) of the Municipal Act, 2001, as amended for the following reason:

- (k) A position, plan, procedure, criteria, or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipally or local board.

**18-2024
Carried**

Moved by Fred Francis
Seconded by Hilda MacDonald

THAT the EWSWA Board rise from the Closed Meeting at 3:18PM.

**21-2024
Carried**

3. Declaration of Pecuniary Interest

The Chair called for any declarations of pecuniary interest and none were noted. He further expressed that should a conflict of a pecuniary nature or other arise at any time during the course of the meeting that it would be noted at that time.

4. Approval of the Minutes

Moved by Rob Shepley
Seconded by Fred Francis

THAT the minutes from the Essex-Windsor Solid Waste Authority Regular Meeting, dated February 6, 2024, be approved and adopted.

**22-2024
Carried**

5. Business Arising from the Minutes

No items were raised for discussion.

6. Waste Diversion

A. Results of Request for Proposal for Curbside Collection of Source Separated Organics for the Green Bin Program in the County of Essex

The Manager of Waste Diversion provided a summary of the report and highlighted the process that Administration followed to evaluate the Request for Proposal (RFP) submissions.

Two (2) submissions were received, Environmental 360 Solutions and Miller Waste Systems Inc. Both proposals achieved the minimum Technical Score and proceeded to the Financial Evaluation. Miller Waste Systems Inc. achieved the highest overall score and was identified as the Preferred Proponent.

Miller Waste Systems Inc. holds 31 municipal contracts in Ontario and 18 of these contracts are for source separated organics (SSO) similar to this contract.

Proponents were required to submit pricing for collection in urban settlement areas only, rural settlement areas only and provisional services which included the collection of multi-residential facilities and primary and secondary schools in both the urban and rural settlement areas in the County municipalities.

Miller Waste Systems Inc. submitted a price of \$2.02 per week, per stop for urban settlement areas only which results in an estimated total cost of \$5.99 million in Year 1 of the contract. Their price for rural settlement areas only was \$3.30 per week, per stop. The Authority requested the provisional pricing so these services could be brought on during the contract or if there are legislative changes.

Miller Waste Systems Inc. also noted in their proposal that a discount would be provided if the collection for both urban settlement areas and rural settlement areas could commence at the same time.

There is no direct or immediate impact on the 2024 Budget. Any financial implications will be presented for approval as part of the annual budget process in the appropriate year.

The Chair asked if there were any questions.

Kieran McKenzie requested clarification on the contract extension price.

The General Manager explained that any extension beyond 5 years would be under the same terms and conditions with the exception of the price per stop, which would be negotiated.

Kieran McKenzie asked where the County would land on the decision to include rural households.

The General Manager stated that we now have a fulsome cost and will provide County Council with all the information and best practices that EXP brought forward. The direction from the County was urban settlement areas, at a minimum. This is an enhanced service.

Kieran McKenzie asked questions regarding how the collection contract aligned with the processing of the material.

The General Manager stated that the short-term processing contract is a five-year contract with a number of extensions. The processing contract will be aligned with the collection contract. The contract extensions with Seaclyff Energy are at the Authority's discretion.

Kieran McKenzie asked why the evaluation committee thought that Miller's start-up plan is strong. He noted that we are absorbing a lot of the costs for public communication. He asked to what extent is Miller going to participate in the public communication.

The Manager of Waste Diversion noted that it is not a requirement of the collector to provide public education but they do have to comply with the Authority's campaigns. Both proponents had strong start-up plans but Miller had more systems in place in regards to quality control and an extensive recruitment process. They also have 18 SSO collection contracts in Ontario in the last 10 years and some of these contracts have been extended. She noted that in their submission, Miller explained typical collection issues encountered at curbside and how they deal with these issues.

Kieran McKenzie asked if Miller is operating in Southwestern Ontario.

The Manager of Waste Diversion confirmed that Miller has collection contracts in London, the Region of Waterloo and many others. She noted they have a lot of capacity and would be able to support this region.

The Chair asked if there were any other questions. There were no further questions.

The General Manager noted that the word "organics" was inadvertently omitted after the word "separated" in Recommendation number 2.

Moved by Fred Francis

Seconded by Kieran McKenzie

1. **THAT** the Authority Board award the Request for Proposals RFP 2024-02-07 for the curbside collection of source separated organics for the Green Bin Program in the County of Essex to the preferred proponent Miller Waste Systems Inc.
2. **THAT** the Authority Board authorize the Chair and General Manager to execute the Contract with Miller Waste Systems Inc. for the curbside collection of source separated organics in urban settlement areas for a

seven (7) year period with the anticipated commencement date of fall 2025. Where, the Authority reserves the right to extend the contract for two additional one-year extensions or portions of a year subject to the following process: any such extension shall be under the same terms and conditions excluding price which will be mutually agreed upon.

3. **THAT** the Authority Board authorize the General Manager to attend Essex County Council to request that the County provide a resolution by May 31, 2024 regarding the collection of processing of organic waste for households in rural settlement areas in all County Municipalities, AND
4. **THAT** the General Manager report back to the Authority Board on the Essex County Council's resolution to expand the collection and processing of organic waste to include households in rural settlement areas.

**23-2024
Carried**

B. Windsor Source Separated Organics Transfer Station Preferred Option

The General Manager referred to the presentation on the screen and described the layout and operations of the Windsor site and deferred to the Manager of Waste Diversion to review the Stantec report.

The Manager of Waste Diversion provided a summary of the report and stated that Stantec first had to confirm the capacity required at the Windsor site. Stantec did a scan of 14 municipal Green Bin programs in Ontario and noted that the longer the program, the more SSO was received or captured. Stantec used this information to establish the capacity for the Windsor Transfer Station over a 20-year period. At start up, the Authority should reach 6,200 tonnes per year and up to 17,000 tonnes per year over the long range.

Stantec reviewed the four options for the Fibre Material Recovery Facility (MRF) included in the Stantec report including the benefits and constraints of each option.

In Option 1 and Option 2, Stantec noted that these scenarios would not be feasible due to capacity.

It was noted by the consultant that Options 3 and 4 were both feasible but Option 4 was recommended. This option has several benefits and would also support the Authority's long-term needs for the site.

The Manager of Waste Diversion further noted that by occupying the Fibre MRF the Authority would not have a stranded asset in the middle of the site. As a result of this exercise, it was determined that Option 4 is the preferred option.

The Manager of Waste Diversion also noted that depending on the outcome of the Board on this decision, Administration would also be looking to issue an RFP to decommission the Fibre MRF equipment.

The cost for Option 4 is estimated at \$4.2 million. After reviewing the estimate, Administration requested Stantec to do a review of the estimate provided by EXP. to repurpose the Container MRF and provide an opinion of probable cost review Technical Memo.

Administration also requested Stantec to look at a phased-in approach. Stantec determined that while staging was feasible from a cost standpoint it would not be the preferred option as we would reach our capacity within seven (7) years as well as potentially be exposed to higher construction costs and the inconvenience of reconstruction.

The General Manager stated that Authority Administration had met with the MECP on three occasions. The MECP has been clear that the Authority would not require a new Environmental Compliance Approval (ECA) but would require an amendment to the existing ECA. An amendment could take approximately one year. The MECP noted that they could expedite the process if the Authority submits the application as soon as possible. Since it is critical to have a transfer location in place prior to the program start up, in consultation with County Procurement, the Authority identified using Stantec for the next phase. This aligns with the Authority's procurement policy and the Canadian Free Trade Agreement (CFTA) and the urgency to get this work completed. The Authority would be meeting with Stantec to identify the staff that would be working on this project and have Stantec provide a cost.

The General Manager presented the financial implications of the project and the proposed funding.

The General Manager asked if there were any questions.

The Chair noted the report was well explained and thought out.

Mr. Morrison asked what is the comprehensive plan for leachate.

The Manager of Waste Diversion stated that the Authority is looking to handle the leachate inside the transfer station and pre-treat the leachate. She referred to the Manager of Waste Disposal.

The Manager of Waste Disposal stated that currently it is collected in an oil/grit separator, pre-treated and dumped into the municipal sanitary sewer.

Ms. Albidone noted that not a lot of leachate would be coming from this material. The intent is to clear out the material every day. The organics would not be sitting for 2-3 days and producing leachate. There won't be a lot of leachate being collected.

Kieran McKenzie asked if residents in close proximity will notice odours.

The Manager of Waste Diversion stated that odours should not be a problem. The material will be delivered daily to Seacliff Energy. The floors will be washed down. This Transfer Station will be unique in that the doors will be required to be closed when material is being dumped and the wheels of the trucks will be washed. Equipment will not be allowed to leave the area unless it is cleaned. The building will be cleaned regularly. She noted that the current Transfer Station is wide open all day and all night and is closer to residents than the new site.

Moved by Kieran McKenzie

Seconded by Jim Morrison

THAT the Board APPROVE Administration's recommendation to proceed with utilizing the Fibre MRF for the purpose of a TS-SSO for the new Green Bin Program in fall 2025.

Further, **THAT** the Board APPROVE Administration's recommendation to engage Stantec Consulting Ltd. For engineering services for detailed design and approvals to construct a TS-SSO at the Authority's Windsor site.

**24-2024
Carried**

C. Promotion and Education (P&E) Plan – Blue Box Transition to Producers

The Manager of Waste Diversion provided an update on the promotion and education (P&E) plan that was developed to prepare for Essex-Windsor's transition to Producers on August 28, 2024. She noted that Circular Materials indicated that P&E was not necessary for the Authority to do prior to them taking over the blue box program. Administration believes that P&E efforts should be undertaken to prepare residents for changes to their collection.

The Manager of Waste Diversion displayed the various tactics and outlined and explained each of the tactics. She noted the Authority is hosting monthly meetings with the Municipal Working Group with representatives from each of the seven County municipalities and the City of Windsor to keep them informed and provide updates on the program. The P&E plan will be promoted on the EWSWA website, social media and in the Envirotips newsletter.

The Manager of Waste Diversion stated that the tactics described had been included in the 2024 budget.

The Chair asked if there were any questions.

Mr. Francis asked if the reports could be just open to questions from the Board instead of a presentation of every report due to the reports being very thorough.

The Chair stated that he will consult with Administration regarding Mr. Francis' request about the reports.

Mr. McNamara noted that there was a news article circulating regarding a pushback by the Producers and reducing their responsibility. With the start date of transition getting closer, should be concerned about this.

The General Manager stated that the article was published by CBC. She noted that she would forward the article to the Board. She stated that they have been hearing at the various subcommittees that she and Ms. Albidone attend that the Producers are unhappy. She stated that the Producers are strongly lobbying the Province regarding the cost of the program. She provided a summary of what led to the transition of the program and how it is being conducted under the new Producer model. She does not think that our transition is in jeopardy. A significant concern is that the targets will not be reached. Circular Materials is lobbying to be the only organization that will manage the common collection system. The Authority is monitoring this and it is something that we are involved with our working groups.

Kieran McKenzie commented he is not surprised that the Producers are complaining about costs.

Moved by Fred Francis

Seconded by Gary McNamara

THAT the Board receive the report as information.

**25-2024
Carried**

7. Waste Disposal

- A. Contract with Triple M LP. to Supply Auto Shredder Residue for Daily Cover at the Essex-Windsor Regional Landfill June 1, 2024 to May 31, 2029

Moved by Kieran McKenzie

Seconded by Fred Francis

THAT the Board approve an agreement between the EWSWA and Triple M Metal LP. (TMM) for the provision of Auto Shredder Residue for a five (5) year period commencing June 1, 2024 to May 31, 2029, at a price of \$10.00 per metric tonne for a minimum of 50,000 tonnes per year to a maximum of 90,000 tonnes per year. Further, the Chair and General Manager be authorized to sign said agreement.

**26-2024
Carried**

8. New Business

The Board met in closed session pursuant to Section 239 (2) (k) of the Municipal Act, 2001, as amended for the following reason:

- (k) A position, plan, procedure, criteria, or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipally or local board.

Discussion took place in closed session regarding the collection of blue box materials from non-eligible sources during transition of the blue box program to Producers. As a result, the following resolution was brought forward in regards to the collection of blue box materials from non-eligible sources beginning August 28, 2024 through December 31, 2025.

Moved by Fred Francis
Seconded by Hilda MacDonald

THAT the Board **APPROVE** Administration to accept the bi-weekly price of \$14.43 per stop per month price from Green for Life Environmental Inc. and enter into discussions to finalize the number of stops and agreement for curbside collection of blue box materials from bi-weekly non-eligible sources beginning August 28, 2024 through December 31, 2025.

THAT the Board **APPROVE** Administration to enter into discussions with the Corporation of the City of Windsor to finalize the number of stops and agreement for curbside collection of blue box materials from weekly and night-collected non-eligible sources beginning August 28, 2024 through December 31, 2025.

**27-2024
Carried**

9. Other Items

The Chair commented that the new EWSWA website looks great.

10. By-Laws

- A. By-Law 3-2024

Moved by Fred Francis
Seconded by Rob Shepley

THAT By-Law 3-2024, being a By-Law to Authorize the Execution of an Agreement with Miller Waste Systems Inc. for the Curbside Collection of Source Separated Organics for the Green Bin Program in the County of Essex in Urban Settlement Areas for a seven (7) year period with the anticipated commencement date of fall 2025, with the option to extend the Contract for two (2) additional, one-year extensions or portions of a year, any such

extension shall be under the same terms and conditions excluding price which will be mutually agreed upon.

**28-2024
Carried**

B. By-Law 4-2024

Moved by Gary McNamara
Seconded by Mark McKenzie

THAT By-Law 4-2024, being a By-Law to Authorize the Execution of an Agreement between the Essex-Windsor Solid Waste Authority and Triple M Metal LP for the Disposal of Auto Shredder Residue at the Essex-Windsor Regional Landfill.

**29-2024
Carried**

C. By-Law 5-2024

Moved by Rob Shepley
Seconded by Michael Akpata

THAT By-Law 5-2024, being a By-law to Confirm the Proceedings of the Board of the Essex-Windsor Solid Waste Authority be given three readings and be adopted this 10th day of April, 2024.

**30-2024
Carried**

11. Next Meeting Dates

Tuesday, May 7, 2024

Tuesday, June 4, 2024

Wednesday, July 10, 2024

Wednesday August 14, 2024 – Note: This meeting will start at 3:00PM

Wednesday, September 11, 2024

Wednesday, October 9, 2024

Tuesday, November 5, 2024

Tuesday, December 3, 2024

12. Adjournment

Moved by Rob Shepley
Seconded by Fred Francis

THAT the Board stand adjourned at 4:39PM.

**31-2024
Carried**

All of which is respectfully submitted.

Gary Kaschak
Chair

Michelle Bishop
General Manager

Essex-Windsor Solid Waste Authority

February 12, 2024

Dear Valued Collection Partner,



I am delighted to inform you that Call2Recycle® has selected Essex-Windsor Solid Waste Authority as a recipient of our Leader in Sustainability Award for 2023, in recognition of your outstanding collection results in 2023.

In 2023, Essex-Windsor Solid Waste Authority collected 20,266 kilograms of batteries, contributing to a record-breaking year at Call2Recycle.

Thanks to your contributions and support of valued partners like you, Call2Recycle increased collections by 32% in 2023, diverting almost 6 million kilograms of batteries from landfill!

Since inception in 1997, the Call2Recycle program has now collected and recycled more than 45 million kilograms of batteries from across Canada!

We value your contribution and thank you for helping us advance our mission of maximizing the diversion of batteries from landfill.

Looking ahead in 2024, Call2Recycle remains committed to operating the highest quality battery recycling program in Canada, as evidenced by our certification in the most rigorous and globally respected standards, including R2v3, ISO 14001, ISO 45001, ISO 9001 as well as exclusively contracting with an ISO 27001 certified supplier for our IT infrastructure management.

Thank you again for your support in 2023. We look forward to working with you to achieve even greater results in 2024.

Sincerely,

A handwritten signature in black ink, appearing to be 'Joseph Chung'.

Joseph Chung
Vice President, Account Management
Call2Recycle Canada, Inc.



LEADER IN SUSTAINABILITY

Essex - Windsor Solid Waste Authority

is hereby recognized as a 2023 Leader in Sustainability for diverting 20,266 kilograms of batteries through the Call2Recycle battery collection and recycling program. We applaud your commitment to the environment and responsible battery management.

Joe Zenobio

President
Call2Recycle Canada





Essex-Windsor Solid Waste Authority Administrative Report

April 24, 2024

To: The Chair and Board of the Essex-Windsor Solid Waste Authority
From: Catharine Copot-Nepszy, Manager of Waste Diversion
Meeting Date: Tuesday, May 07, 2024
Subject: **2023 Residential Waste Diversion Report**

Purpose

To present a summary of key findings included in the 2023 Residential Waste Diversion Report (attached separately).

Background

Annually, the Authority produces a Waste Diversion Report which contains information on the various waste diversion programs and the related residential waste diversion rate. Besides fulfilling Condition 5.2 of the Environmental Assessment Approval for the Regional Landfill, the report also provides the Authority with a source of information on its waste diversion programs.

Discussion

The major highlights of the Waste Diversion Report are listed below:

- 32.4% was the overall waste diversion rate in 2023. This figure represents the number of residential tonnes diverted from the landfill versus residential refuse collected at the curb. While tonnes of recycling residuals and residential refuse increased in 2023, tonnes diverted also increased (54,100 tonnes in 2023 versus 51,435 tonnes in 2022), creating a favourable increase in the 2023 Residential Diversion Rate. This was due to increases in yard waste diverted, more Municipal Hazardous and Special Waste (MHSW) waste diverted, and the addition

of a few new diversion programs (e.g., FoodCycler, wood pallet recycling, and shingle/road-base reuse).

- Residential recycling collection (21,623 tonnes in 2023) was similar to 2022 (21,978 tonnes), however, decreases were noted in the amount of materials marketed; where in 2023, 18,251 tonnes were marketed and in 2022, 20,123 tonnes were marketed. This is a result of decreased end-market availability for lower grade materials (e.g., residuals - 1,560 tonnes in 2023) that were available in the favourable 2022 exceptional markets. Further, as markets normalized in 2023, the basket-of-goods sale of recyclable material revenue in 2023 (\$140/tonne) was lower than the exceptionally high revenue seen in 2022 (\$225/tonne).
- The intake of other recyclables including white goods, used tires, metal, bikes, election signs and electronics were similar in 2023 (6,335 tonnes) and 2022 (6,314 tonnes) as a result of slight decreases in existing markets, due to market changes (e.g., lighter electronics, metals) and increases from new markets that the Authority piloted in late 2023. The diversion of wood pallets and shingles/road base materials through a pilot project in the fourth quarter increased diversion efforts for 2023.
- Total residential organics like leaf and yard waste received by the Authority increased significantly in 2023 (23,440 tonnes) as compared to 2022 (19,009 tonnes) due to increases in materials delivered by both the municipal and residential sectors. This increase may have resulted from inclement weather that was experienced in 2023 in the region. Further, Garden Gold Compost sales continue to increase in 2023 (\$267,477); where 2022 revenue equated to \$239,327. Program sales include: bulk sales, residentially delivered compost, bag-your-own compost, and prepackaged compost.
- Similarly, residential organic waste reduction in 2023 saw an increase (28,883 tonnes) as compared to 2022 (24,377 tonnes) as a result of the new FoodCycler Program that was initiated mid-year in 2023 and the increases noted above with yard waste.
- In 2023, the Recycle Coach App continued to attract users, which in turn increased interactions with Essex-Windsor residents to 3.4M versus 2.92M in 2022. Interactions include: reminders sent on collection schedules and/or changes, materials searches (what goes where function), page and calendar views. Similarly, significant reaches through the EWSWA's 2023 "What Goes Where?" campaign increased awareness on ways to divert valuable resources.

- This report highlighted that since the inception of the Gold Star Recycler Program in 2016, 2,869 homes had registered, been inspected and awarded a Gold Box because of their excellent recycling habits. To further expand this program, the Authority expanded the program to include elementary schools for them to champion this program amongst classrooms in their school who exhibited excellent recycling habits.
- Finally, Reuse Centre visitors for the MHSW program increased in 2023 (2,023 visitors) as a result of increased promotion of this program as compared to 2022 (1,403 visitors). This program also saw a slight increase in 2023 diversion (640 tonnes versus 621 tonnes in 2022).

Financial Implications

There are no financial implications of this report.

Recommendation

THAT the Board receive this report as information.

Submitted By



Catharine Copot-Nepszy, Manager of Waste Diversion

Attachment: 2023 Residential Waste Diversion Report (separate cover)



Essex-Windsor Solid Waste Authority

Administrative Report

April 23, 2024

To: The Chair and Board of the Essex-Windsor Solid Waste Authority

From: Michelle Bishop, General Manager

Meeting Date: Tuesday, May 07, 2024

Subject: **Request for Tenders for Rental and Use of Vacant Farmlands**

Purpose

The purpose of this report is to advise the Board of the outcome of the Request for Tenders (RFT) for Rental and Use of Vacant Land and to recommend that the lands be leased to Christopher Malott Farming Enterprises Inc. (CMFE) for an amount of \$425 per acre for the current available acreage of 813 acres. Total annual rent would therefore be \$345,525. The term would be for five years for the period November 1, 2024 – October 31, 2029, with three (3) optional one-year extensions, if mutually agreed upon by all parties, under the same terms and conditions set out in the Contract.

Background

Since 1995 with the construction of the Regional Landfill, the Authority along with the County of Essex (the County) has purchased several properties in the vicinity of the Regional Landfill. In total ten (10) properties purchased are able to be farmed and range in size from 31 acres to 370 acres. The total number of acres available for farming is 813.

The County is a party to the agreement because, under the conditions of the 1994 agreement between the County of Essex and the City of Windsor that created the Authority, the Authority cannot have title to a property. For properties located in the County that the Authority is required to manage as part of delivering waste disposal and waste diversion services to Essex-Windsor, the property title is in the

name of the County. Examples of this would include the Regional Landfill, Transfer Station #2 (located in Kingsville), and the farmland properties which are the subject of this report. Similarly, for property located in Windsor, Windsor would have title to those lands. An example would be the land on which the two recycling centres, transfer station and public drop-off are situated.

The subject lands are in the vicinity of the Essex-Windsor Regional Landfill (see attached). They are currently being leased to the same successful respondent at a rate of \$276 per acre (\$224,388 per year) and have been since November 1, 2016. The current lease expires on October 31, 2024.

Discussion

An RFT was issued on March 5, 2024 with submissions due on April 22, 2024. In order to receive as much of a response as possible to the RFT, the document was advertised as follows: EWSWA website, MERX, Biddingo, Windsor Star, County newspapers, area farmers, EWSWA website, and Ontario Greenhouse Vegetable Growers. There were three responses, all from local area farmers.

The price proposed by Christopher Malott Farming Enterprises Inc. of \$425 per acre was the highest of the three submissions received by the Authority.

CMFE has been the successful proponent of the last two procurements and has farmed the properties since 2011. Mr. Malott has complied with all terms and conditions of the agreements and has made investments to enhance the condition of the soil of the various parcels of land.

Since the County of Essex is technically the owner of the subject lands the County will also be party to the lease agreement.

Financial Implications

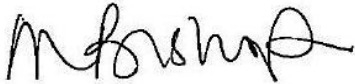
Rental Revenue will increase in 2025 to \$345,525 from the 2024 Rental Revenue amount of \$244,388.

Recommendation

1. THAT the Board accept Administration's recommendation to enter into an agreement with Christopher Malott Farming Enterprises Inc. for a five-year term commencing on November 1, 2024 and ending on October 31, 2029 at a rate of \$425 per acre, with three (3) optional one-year extensions, if mutually agreed upon by all parties, under the same terms and conditions as set out in the Contract.

2. THAT since the County of Essex is the owner of the subject lands, that a report be brought before Essex County Council recommending that the County of Essex be a party to the lease between the Authority and Christopher Malott Farming Enterprises Inc.

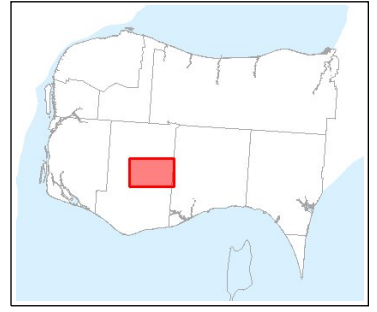
Submitted By



Michelle Bishop, General Manager

Attachments: EWSWA Vacant Land Map
Property List

EWSWA Vacant Land Map



Legend

- Trails
- Streets
- Rivers
- County Assessment Parcel
- 2004 Airphoto 50cm
- Municipal Boundary
- Windsor
- Essex Municipalities



Map center: 345510, 4661727

Scale: 1:24,947

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Notes: Areas in yellow denote "Farmed Areas". All numbers shown represent the approximate area of that lot in acres.

PROPERTY LIST FOR 2024 REQUEST FOR PROPOSALS (UPDATED FEBRUARY 26, 2024)

Properties are located in close proximity to the Essex-Windsor Regional Landfill in the Town of Essex (Formerly the Townships of Colchester North and Colchester South)

PARCEL	ADDRESS	DESCRIPTION	ROLL	PARCEL KNOWN AS	APPROXIMATE ACREAGE
1	North of Concession 6 South of County Road 18 East of Coulter (2 Parcels Take Up Block)	All of Lots 13 & 14, Concession 6, in the former Township of Colchester South	37-54-840-000-03000-0000 & 37-54-840-000-03900-0000	AFF Farms	370 Acres
2	7847 County Road 18	East One-Half of The North One-Half of Lot 16, Concession 6, In the former Township of Colchester South	37-54-840-000-04200-0000	Wirag	42 Acres
3	First Property East of Ferris North of County Road 18	West Half of The South Half of Lot 17, Concession 7, in the former Township of Colchester North	37-54-350-000-00600-0000	Brockman	42 Acres
4	Approximately 7800 County Road 18	East Half of the South Half of Lot 17, Concession 7, in the former Township of Colchester North	37-54-350-000-00500-0000	Arnold Vincent	50 Acres
5	7700 County Road 18	West Half of the North Half of Lot 14, Concession 7, in the former Township of Colchester North	*37-54-360-000-00300-0000	Brotto	44 Acres
6	7700 County Road 18	East Half of The North Half of Lot 14, Concession 7, in the former Township of Colchester North	*37-54-360-000-00300-0000	Nicodemo	50 Acres
7	7879 County Road 18	Part of Lot 17, Concession 6, in the former Township of Colchester South	37-54-840-000-01300-0000	Curry	44 Acres
8	7025 Coulter Sideroad	Part of Lot 13, Concession 7, in the former Township of Colchester North	37-54-360-000-00400-0000	Glos	96 Acres
9	8782 Concession 8	Part of Lot 16, Concession 8, in the former Township of Colchester North	37-54-360-000-02200-0000	Fick	44 Acres
10	8803 Concession 8	Concession 7 N Pt Lot 16 in the former Township of Colchester North	37-54-360-000-04200-0000	McBeth	31 Acres
					Total 813 Acres

* Roll # for Parcels 5 & 6 are the same. Parcels were consolidated with roll # used for actual active landfill which is 37-54-360-000-00300-0000



Essex-Windsor Solid Waste Authority

Administrative Report

April 24, 2024

To: The Chair and Board of the Essex-Windsor Solid Waste Authority

From: Steffan Brisebois, Manager of Finance and Administration

Meeting Date: Tuesday, May 07, 2024

Subject: **2024 EWSWA Asset Management Plan**

Purpose

The purpose of this report is to request that the Board approve the 2024 EWSWA Asset Management Plan ("AMP") per the direction of O. Reg. 588/17. The Authority's AMP will form part of the City of Windsor (the "City") and County of Essex's (the "County") 2024 AMP.

Background

Per O. Reg. 588/17 "*Asset Management Planning for Municipal Infrastructure*", the City and County are required to prepare an asset management plan which includes all of its municipal infrastructure assets. The AMP is required to be endorsed by each of the City and County Boards via a resolution on or before July 1, 2024, O. Reg. 193/21, s.1. The City and County are required to report on all assets including those managed by Agencies, Boards, and Commissions ("ABC"). Given that the Authority is an ABC of both the City and County the Authority is required to prepare an AMP which will form part of the City and County's respective AMP.

Per the O. Reg. 588/17, the AMP must include the following:

- 1) For each asset category, the AMP must highlight its current levels of service including a qualitative description and provide technical metrics which are established by the Authority;
- 2) For each asset category, the AMP needs to include:
 - A summary of the assets in the category;
 - The replacement cost of the assets in the category;
 - The average age of the assets in the category;
 - The information available on the condition of the assets in the category; and
 - A description of the Authority's approach to assessing the condition of the assets in the category;
- 3) An estimated capital expenditure amount and significant operating costs relating to the lifecycle activities required to maintain the current levels of service over a 10-year period; and
- 4) How the AMP background information and reports will be made available to the public.

Discussion

The Authority Administration has included the 2024 AMP as an attachment to this report. The AMP includes all the requirements outlined by O. Reg 588/17 and O. Reg. 193/21. The AMP was created with the oversight of the City of Windsor and County of Essex Administration and ultimately presented to the Technical Staff Committee for their review and consideration. This Board report provides a summary of the 2024 AMP.

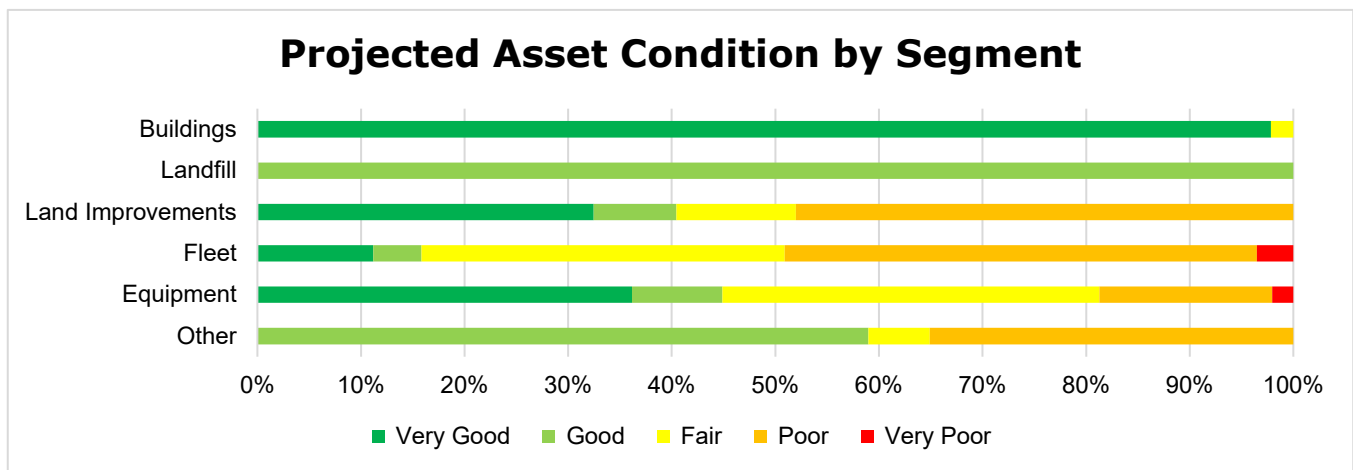
Asset Portfolio Summary and State of the Local Infrastructure

In summary, the Authority has 86 uniquely identifiable assets that in total have an estimated replacement cost of \$69,943,600. The bulk of the total replacement costs pertains to the Buildings and the Landfill assets. The building's total replacement costs were calculated using the County's Citywide software system which used the initial capitalized costs and the anticipated useful life and forecasted the costs using the Consumer Price Index (CPI) tables. In the absence of a third-party evaluation, the Authority followed the practices used by County Administration to derive the total replacement costs.

Overall, the average age of the Authority's assets varies from 4 years to 26 years with 86% of the Authority's assets categorized as being in Good to Very Good condition. The Good condition rating of the assets is a result of regular repairs and

maintenance, and periodic replacement. The Authority’s strategies as they relate to managing the lifecycle of its assets have aided in prolonging the overall life of the assets. Some of the strategies implemented include but are not limited to, performing regular repair and maintenance activities, cleaning, monitoring, inspecting, holding service maintenance contracts for critical pieces of equipment and ensuring that the Authority remains in compliance with its Environmental Compliance Approvals (“ECA”).

The graph which has been extracted from the AMP highlights the asset segments and their average condition. To determine the asset's condition, the County of Essex’s methodology was used which follows the Pavement Condition Index (PCI) rating system.



The Authority’s buildings are assessed as being in very good condition due to the Authority staff's regular maintenance and the major repairs performed over the years which include but not limited to: replacement of HVAC systems, Transfer Station 1 building retrofit and the fibre building expansion.

Levels of Service: Community and Technical

The Authority’s core values relating to its community levels of service are included in Table 1 with the technical levels of service highlighted in Table 2:

Table 1: Community Levels of Service

Core Values	Community Levels of Service
Environmental Stewardship	Solid waste services are provided in a manner that has a minimal impact on the environment.

Core Values	Community Levels of Service
Reliable	The provision of solid waste disposal and recycling collection services are reliable and meet the public needs.
Efficiency	Solid waste and diversion services are provided in a cost-efficient manner to maximize the value of the taxpayers' dollars.

Table 2: Technical Levels of Service

Core Values	Key Performance Indicator	Current LOS
Environmental Stewardship	% of facilities operating within Environmental Compliance Approval ("ECA")	100%
Environmental Stewardship	% of residential waste diverted from the Landfill	32.4%
Reliability	% of assets in Good to Very Good condition	86%
Reliability	Average tonnes of per household waste landfilled	0.758

The Authority's AMP is not required as of July 1, 2024, to include a proposed level of services. Administration has confirmed with both the City and County Administration that their respective municipal AMP's will not include a proposed level of service until July 1, 2025 per O. Reg 193/21, s.2.

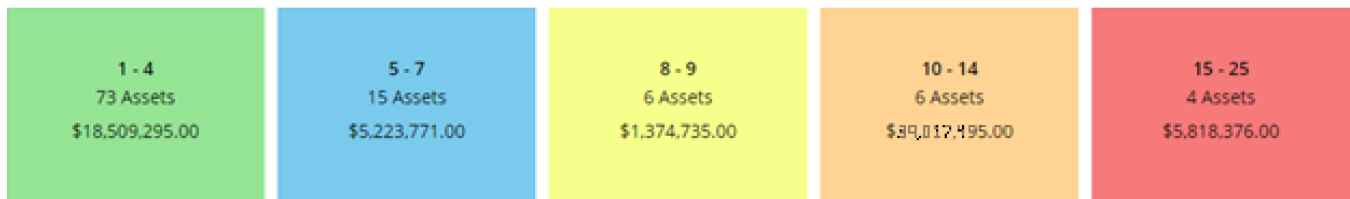
10-Year Forecasted Capital and Operational Cost Requirements – Lifecycle Activities

Included in the AMP are the 10-year forecasted capital and operating costs to maintain the current levels of service and significant operating costs related to new construction or upgrading of existing Authority infrastructure assets. In

summary, the estimated annual capital spending excluding the Landfill requirement equals \$1,648,800 and the estimated annual operating spending requirements equal \$3,274,600. The Authority is underspending as it relates to the annual capital requirements needed to fund the development of future Cells since recent estimates show that the construction costs will cost the Authority substantially more than in past years. Administration will provide more information to the Board on the costs to construct Cell 5 South once the Request for Tender ("RFT") closes in May of this year. The new annual capital funding requirement for the Regional Landfill will form part of the Authority's 2025 Operational Plan and Budget and will be presented in November 2024 for the Board's consideration.

Risk Management

Included in the AMP is a risk matrix table that measures each asset's likelihood of failure and the impact it might have on the Authority's operation. Risk is determined by an assets age and the overall dollar amount. The table is included below:



The four (4) assets that have a high-risk profile are the site roadways of the Public Drop-off, the Transfer Station 1 Push pits and compactors and two landfilling heavy equipment.

Financial Implications

There are currently no financial implications to the 2024 Budget.

Recommendation

THAT the Board approve the 2024 Essex-Windsor Solid Waste Asset Management Plan.

Submitted By

Steffan Brisebois, Manager of Finance and Administration

Attachment: EWSWA 2024 Asset Management Plan

Essex-Windsor Solid Waste Authority

2024 Asset Management Plan



May 7, 2024

1.0 Essex Windsor Solid Waste Authority

1.1 Asset Portfolio: Segment, Quantity and Replacement Cost

The Essex-Windsor Solid Waste Authority (“EWSWA”) is the governmental agency charged with the responsibility of providing an economical and environmentally conscious integrated solid waste management system for the seven local communities of the County of Essex and the City of Windsor. EWSWA provides programs to manage the solid non-hazardous waste generated in the County of Essex and the City of Windsor in an environmentally sound manner through processes which include, but are not necessarily limited to reduction, reuse, recycling, composting, and landfilling.

The EWSWA owns and operates an array of solid waste disposal and diversion assets. The Table below highlights the key attributes of the EWSWA assets, including quantity, current replacement cost and the method used to estimate replacement cost by segment.

The EWSWA owns and operates the Essex-Regional Landfill (“Landfill”). The Landfill is subdivided into 10 approximately equal-sized Cells. The Table below only includes the replacement costs of the three (3) remaining unconstructed Cells (Cell 4 South, Cell 5 North and South). The replacement costs do not consider the costs of siting and building an entirely new Landfill, such as procuring land, environmental studies, engineering and construction costs, constructing the leachate system, lagoons, cell development, etc.

Equipment is further broken down into 2 sub-segments: Heavy Machinery and Other. Each of these sub-segments has different estimated useful lives, and therefore the timing of the replacement cost varies. The “Other” segment includes assets such as furniture, servers and information technology equipment.

Table 1-1: EWSWA Asset Portfolio Summary

Asset Segment	Quantity	Replacement Cost	Replacement Cost Method
Building	13	\$16,741,900	CPI Tables
Landfill (Note 1)	1	\$37,294,200	User-Defined
Land Improvements	18	\$7,393,900	CPI Tables

Asset Segment	Quantity	Replacement Cost	Replacement Cost Method
Fleet	11	\$706,300	CPI Tables
Equipment – Heavy Machinery	11	\$5,376,500	CPI Tables
Equipment – Other	23	\$2,257,600	CPI Tables
Other	9	\$173,200	CPI Tables
Total	86	\$69,943,600	

Note 1 - The Replacement Cost provided for the Regional Landfill for the development of the remaining waste cells was calculated based on the EWSWA environmental consultants' proposed estimate for the construction and engineering of Cell 5 North. The EWSWA management estimates that Cell 4 South and Cell 5 South will cost the same as Cell 5 North since the overall size is approximately the same.

1.2 State of the Local Infrastructure

The Table below identifies the average age (weighted average by replacement cost), useful life and the average condition of the EWSWA assets.

Table 1-2: EWSWA Asset Age, Useful Life and Condition

Asset Segment	Average Age	Useful Life	Average Condition (%)
Building	17 years	20 years	87% (Very Good)
Landfill	26 years	43 years	65% (Good)
Land Improvements	18 years	20 years	52% (Fair)
Fleet	11 years	10-25 years	51% (Fair)
Equipment – Heavy Machinery	4 years	5-10 years	67% (Good)

Asset Segment	Average Age	Useful Life	Average Condition (%)
Equipment – Other	10 years	10 years	49% (Fair)
Other	8 years	3 years	47.0% (Fair)

Asset conditions are assessed by management and based on professional judgement and knowledge of the asset’s repair history, performance and reliability, regular maintenance activities and expectations for remaining service life. The Landfill’s condition has been set to 65% (Good) based on professional judgement. The condition accounts for all assets which include but are not limited to: leachate management system, leachate lagoons, pumps, leachate aerators, gas management system & leachate land application systems.

Figure 1-1: Projected EWSWA Asset Conditions

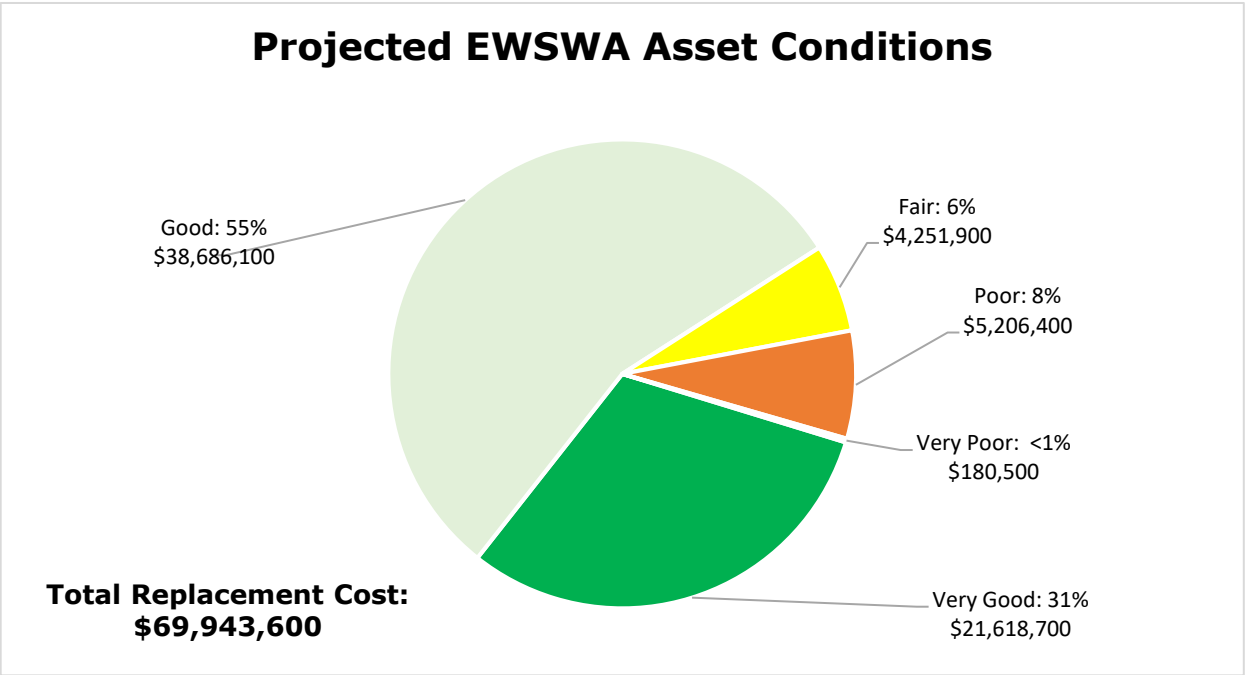
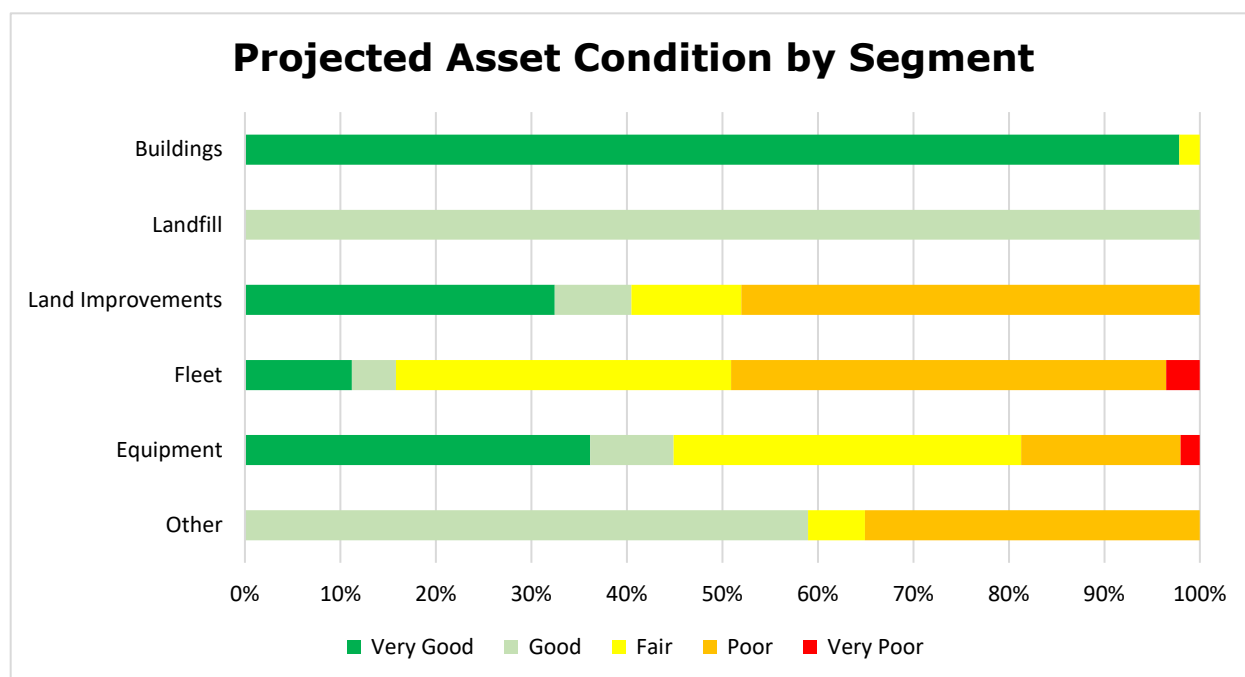


Figure 1-2: Projected EWSWA Asset Conditions by Segment



Overall, 86% of EWSWA’s assets are in Good to Very Good condition which includes the Landfill and 70% of EWSWA’s assets are in Good to Very Good condition if the Landfill was exclude. The Good condition rating of the assets is a result of regular repairs and maintenance, and periodic replacement.

1.3 Levels of Service Statement

The EWSWA is committed to operating an integrated solid waste management system in the most economical and environmentally-conscious manner possible.

The following tables illustrate the current level of services for the assets used by the EWSWA. These metrics include performance measures established by EWSWA that are relevant and reflective of the risk associated with the asset.

1.3.1 Community Levels of Service

The following Table outlines the qualitative descriptions that determine the community levels of service provided by the EWSWA.

Table 1-3: EWSWA Community Levels of Service

Core Values	Community Levels of Service
Environmental Stewardship	Solid waste services are provided in a manner that has a minimal impact on the environment.
Reliable	The provision of solid waste disposal and recycling collection services are reliable and meet the public needs.
Efficiency	Solid waste and diversion services are provided in a cost-efficient manner to maximize the value of the taxpayers' dollars.

1.3.2 Technical Levels of Service

The following Table outlines the qualitative descriptions that determine the technical levels of service provided by EWSWA.

Table 1-4: EWSWA Technical Levels of Service

Core Values	Key Performance Indicator	Current LOS
Environmental Stewardship	% of facilities operating within Environmental Compliance Approval ("ECA")	100%
Environmental Stewardship	% of residential waste diverted from the Landfill	32.4%
Reliability	% of assets in Good to Very Good condition	86%
Reliability	Average tonnes of per household waste landfilled	0.758

1.4 Lifecycle Management Strategy

In order to maximize the estimated useful life of an asset, a lifecycle management strategy must be adopted to proactively maintain an asset's condition, and prevent accelerated deterioration. The following lifecycle strategy was developed to provide timely repairs and enhancements to the asset, and extend its service life at a lower total lifecycle cost.

Table 1-5: EWSWA Lifecycle Activities

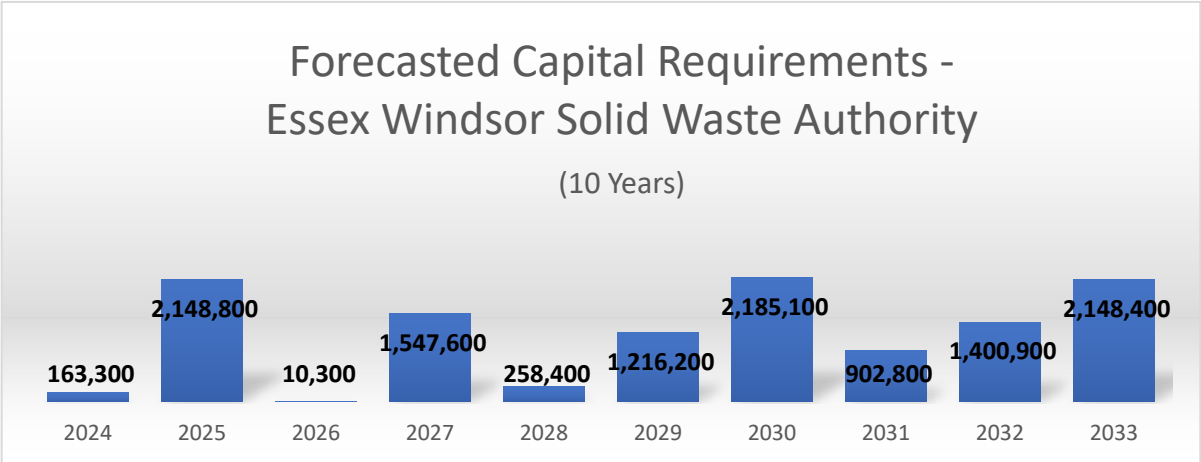
Activity Type	Description of Strategy
Inspection & Monitoring	Inspection of buildings and equipment are performed regularly by EWSWA staff. The EWSWA scales and fire suppression systems require regular inspection and are performed by licensed inspectors. The Landfill requires regular monitoring and maintenance per its ECA. The monitoring and reporting requirement of the Landfill are conducted by contracted environment engineers. Heavy equipment used at the Landfill are inspected daily by EWSWA's contracted operators. Fleet vehicles are inspected by EWSWA staff and major repairs are performed by their respective dealers.
Maintenance	General repairs and maintenance are completed as necessary by EWSWA staff or contracted staff while significant repairs are completed by equipment manufacturers, or third-party contractors. Maintenance procedures at the Landfill are conducted by third-party contractors which would be as a result of EWSWA's staff inspection processes or through the recommendations made by EWSWA's contracted environmental engineers. Some maintenance tasks performed at the Landfill include, but are not limited to, the cleaning and scraping of roads, performing litter and dust control and maintaining the leachate collection system. Fleet vehicles are serviced regularly by their EWSWA staff and major repairs are performed by their respective dealers.

Activity Type	Description of Strategy
Replacement / Construction Activities	Heavy equipment is generally held until end of its service maintenance contract, and replaced with new equipment. The equipment manufacturers regularly service the heavy equipment and perform all major repairs per their contract. The Landfill Cells have a finite amount of space in which waste can be disposed. Once a Cell is nearing capacity, a new Cell is designed using EWSWA’s environmental engineer and construction is conducted by a third-party contractor.

1.5 Forecasted Capital Requirements

The forecasted capital requirements for EWSWA assets, excluding the landfill, for the next 10 years are outlined in the following Chart. The annual capital requirements represent the average amount of funding per year that the EWSWA should allocate towards future rehabilitation and replacement needs. The figures presented do not consider any funds held in Reserve. In addition, the metrics do not include the forecasted capital requirements of the Landfill as it is addressed separately in the following section.

Figure 1-3a: 10-year Forecasted Capital Requirements (excluding Landfill)– EWSWA



Annual Capital Requirement: \$1,648,800 per year
Target Reinvestment Rate: 2.87%
Actual Reinvestment Rate: 2.86%
Funding Deficit: \$5,700

The forecasted capital requirements for the Landfill are unique as unlike many other EWSWA assets, a new Cell construction is only required once the previous Cell reaches capacity. The funding requirements typically transpired over a 1 to 2-year period. The Table below illustrates the estimated funding requirements needed to build Cell 4 South, 5 North and 5 South using the estimated costs provided by EWSWA environmental engineers to build Cell 5 North. The EWSWA uses a combination of internally borrowed funds and reserves to fund the purchase of a new Cell.

Figure 1-3b: 10-year Forecasted Capital Requirements of the Landfill– EWSWA



In addition, EWSWA has forecasted that \$3,729,420 per year will be required over the next 10 years to finance the significant operating costs relating to the lifecycle activities identified in Section 11-1. This estimate assumes an annual inflation rate of 3% for R&M type activities and 1.5% for Fuel.

The post-closure costs have not been captured in the capital funding requirements as it is anticipated that the need for funds extends beyond 10 years as the anticipated Landfill closure date is set to be 2038.

1.6 Risk Management

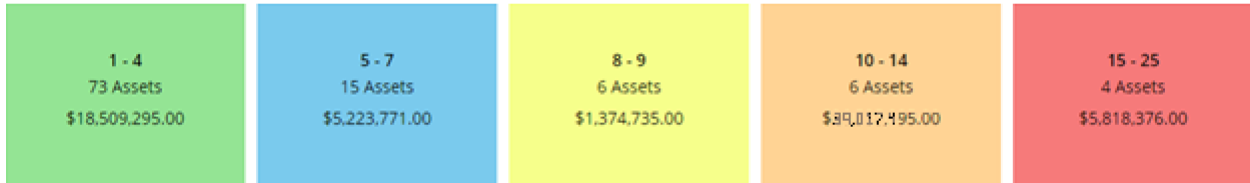
The assessment of risk is determined based on the asset segment, with consideration for the asset’s criticality to operations. In all cases, the probability of failure is based 100% on the condition of the asset, on a scale of 1 to 5, where 1 is a rare likelihood of failure and 5 represents an almost certain failure. The consequence of failure is based 100% on the replacement cost of the asset, on a scale of 1 to 5, where 1 is an insignificant consequence of failure and 5 represents severe consequences.

The assessment is determined by multiplying the probability of failure by the consequences of failure.

The Figure on the following page summarizes the overall risk assessment for each asset, and categorizes them according to the level of risk they carry.

Assets identified as carrying the most risk include 4 pieces of heavy equipment used in Landfill and Transfer Station operations, the roadways at the Windsor Depot (due to their age), and the Landfill itself

Figure 1-4: Essex Windsor Solid Waste Authority Risk Matrix



1.7 Recommendations

The Administrations recommendation is to contract a third-party evaluator to assess the EWSWA's buildings in order to determine a replacement cost and provide a conditional assessment. The EWSWA Windsor Depot roadways should be reviewed as part of the EWSWA updated Master Site Plan to determine an optimal site design and determine future infrastructure needs.



Essex-Windsor Solid Waste Authority

Administrative Report

April 25, 2024

To: The Chair and Board of the Essex-Windsor Solid Waste Authority

From: Steffan Brisebois, Manager of Finance and Administration

Meeting Date: Tuesday, May 07, 2024

Subject: 2023 Financial Statements and Auditors' Report

Purpose

The purpose of this report is to present the Authority's 2023 audited financial statements as well as KPMG's Auditors' Report.

Discussion

KPMG has issued an "unmodified" audit opinion regarding the 2023 financial statements meaning that the statements "...present fairly, in all material respects, the financial position of the Authority as at December 31, 2023 and the results of its operations and changes in net debt and cash flows for the year then ended.

2023 Financial Statements

The following is a presentation of the major figures included in the 2023 financial statements.

Statement of Financial Position

Due from City of Windsor

The balance of \$5,090,907 (2022 - \$4,899,791) represents the December 31, 2023 market value of proceeds from the settlement of the MFP suit. These proceeds were made payable to the City of Windsor and these funds were invested

and held in trust on the Authority's behalf. The investment instruments are Government of Canada and Province of Ontario stripped coupon bonds. At maturity dated December 1, 2024, the funds will be used to finance the construction of Cell 5 North at the Regional Landfill.

Regional Landfill Asset Retirement Obligation

Effective January 1, 2023, the Authority was required to adopt the new PS 3280 Asset Retirement Obligation ("ARO") standards which replaced PS 3270 Post Closure Liability standards. Under the new standards, the Authority is required to recognize an asset retirement obligation liability and capitalize the costs in the Authority's Tangible Capital Asset ("TCA") listings if the following criteria are met:

- There is a legal obligation to incur retirement costs in relation to a tangible capital asset;
- The past transaction or event giving rise to the liability has occurred;
- It is expected that future economic benefits will be given up; and
- A reasonable estimate of the amount can be made.

As at the day the Regional Landfill started accepting waste on June 30, 1997, the Authority became legally obligated to incur retirement costs as per Environmental Compliance Approval ("ECA") A011101 issued November 16, 2020 (replacing previous ECA's). The result of the new standards required the Authority to restate the December 31, 2022 comparative figures. The table below shows the changes:

	2022 as previously reported	Adjustments	2022 as restated
Statement of Financial Position:			
TCA	\$27,333,541	\$4,471,208	\$31,804,749
ARO liability	\$16,812,232	\$15,510,202	\$32,322,434
Accumulated Surplus (Deficit)	\$293,024	\$(11,038,994)	\$(10,745,970)
Statement of Operations:			
Amortization of TCA	\$3,857,329	\$319,254	\$4,176,583
Accretion expense	-	\$1,311,752	\$1,311,752
Post closure costs	\$(1,429,995)	\$1,429,995	-
Surplus for the year	\$4,596,894	\$(3,061,001)	\$1,535,893
Statement of Change in Net Debt:			
Annual Surplus	\$4,596,894	\$(3,061,001)	\$1,535,893
Amortization of TCA (including TCA-ARO)	\$3,857,329	\$319,254	\$4,176,583

Under the previous standards, the Authority adjusted the post-closure liability annually and prorated the total liability by the Landfill's site usage to date over the Landfill's site's total capacity. The result was that the full liability would be recognized at the end of the Landfill's site's life.

The new standards require that the ARO liability includes costs directly attributable to asset retirement activities. Costs include post-retirement operation, maintenance, and monitoring which are an integral part of the retirement of the TCA. When recording an asset retirement obligation, the estimated retirement costs are capitalized to the carrying value of the associated assets and amortized over the asset's estimated useful life or service life as it relates to the Regional Landfill. The costs are estimated as at December 31, 2023. The calculation resulted in an ARO liability balance equal to \$33,689,673 (2022 Restated Value - \$32,322,434).

The Authority maintains a Regional Landfill Perpetual Care Reserve that has a balance as at December 31, 2023 of \$2,638,536 (2022 - \$2,547,390). The reserve balance is the result of the Authority's 2011 Business Review. The consultant recommended that based on the current projection of available landfill capacity the \$500,000 annual contribution to the Regional Landfill Perpetual Care Reserve be suspended until the Sunlife debenture payment period is complete in 2031. At that time contributions to the Perpetual Care Reserve will be resumed. Also, that the Authority cap the current Regional Landfill Perpetual Care Reserve balance at \$2,000,000 plus interest earned until the debenture has been repaid and the balance in the reserve be transferred to the Rate Stabilization Reserve. The Authority board adopted these recommendations at the November 2011 Board meeting.

Net Long-Term Liability

The balance of \$48,759,165 represents a debenture due to Sun Life Assurance Company Limited on account of the Regional Landfill. The City of Windsor and the County of Essex are jointly liable for this debenture. The last payment is scheduled for 2031.

Reserve Funds

The nature of the Reserves as well as their December 31, 2023 balances are shown in the following table. The \$49,399,849 in total reserves forms part of the calculation of the (\$11,292,595) Accumulated Deficit as found on the Statement of Financial Position and Note 9 of the financial statements.

Reserve Name	Description	Balance as at December 31, 2023
Rate Stabilization	To manage future years' tipping fees	\$10,448,289
Waste Reduction	To assist with potential organics program implementation	\$1,817,003
Recycling	To assist with increased program delivery costs relating to the Blue Box Program	\$114,584
Working Capital	To manage cash flow	\$650,000
Insurance	To fund potential deductible costs	\$250,000
Recycling and Landfill Equipment Replacement	Equipment replacement	\$10,050,682
Regional Landfill Debt Retirement	To pay Sun Life Debenture for Regional Landfill	\$7,128,101
Regional Landfill	To be used for Reg. LF related property matters	\$3,044,088
Regional Landfill Perpetual Care	To be used once the landfill is closed	\$2,638,536
Regional Landfill Future Cell Construction	For Cells 4S, and 5 (including strip bonds as indicated above)	\$12,772,237
Landfill #2 Perpetual Care Accumulated Surplus	These monies will be used to finance 2024 expenses	\$81,562
Landfill #3 Perpetual Care Accumulated Surplus	These monies will be used to finance 2024 expenses	\$404,767
As of December 31, 2023	Total	\$49,399,849

Tangible Capital Assets

The balance of \$27,532,828 represents the net book value of Authority assets. This figure is comprised of \$94,817,905 in historical costs of the assets less accumulated depreciation of \$67,285,077. Assets include such items as buildings, machinery, heavy equipment, vehicles, land, Asset Retirement Obligation and the Regional Landfill.

Statement of Operations and Accumulated Deficit

2023 Accumulated Deficit

The Accumulated Deficit totalling (\$11,292,595) as at December 31, 2023, represents the Authority's equity or retained earnings and is a function of the net investment in capital, unfunded liabilities, long-term debt and reserve balances.

Highlighted in the chart below is a summary comparison of the Authority's Accumulated Surplus for 2023:

Description	(Restated)	
	2023 Accumulated Deficit	2022 Accumulated Deficit
Invested in tangible capital assets (net)	\$22,065,808	\$25,258,552
Long term debt	(48,759,165)	(52,488,076)
RL ARO & employee benefit liabilities	(33,999,087)	(32,604,366)
Reserves	49,399,849	49,087,920
Total	(\$11,292,595)	(\$10,745,970)

2023 Operating Deficit and Rate Stabilization Reserve Changes

The following table provides a summary of specific revenues and expenditures where actual results differed materially from what was presented in the 2023 projection figures in the 2024 Operational Plan and Budget which was approved November 7, 2023, and those that had not been discussed in length at the February 6, 2024 Board meeting.

Increase (Decrease) to the Rate Stabilization Reserve	
Description	Variance
Higher than projected interest income	\$140,200
Higher than projected other revenue	\$22,549
Lower than projected leachate hauling and treatment cost	\$106,552
Higher than projected City of Windsor Blue Box County Collection program cost	(\$248,759)
Higher yard waste screening costs at the Regional Landfill	(\$114,440)

Increase (Decrease) to the Rate Stabilization Reserve	
Description	Variance
Higher than projected other expenditures	(\$37,878)
Total	(\$131,776)

Notes to The Financial Statements

Note 8 Accumulated Deficit

Note 8 includes disclosure of \$22,996,427 pertaining to the net book value of tangible capital assets. This figure is derived from the figure shown on the Statement of Financial Position of \$27,532,828 less \$5,467,020. The \$5,467,020 figure represents the amount that must be raised by the Authority in future years to retire the debt associated with the acquisition and construction of capital items from prior years. The funds required to finance the acquisition of these capital items came from internal borrowing from various Authority reserves. This was done so that external borrowing wouldn't take place. The Authority can borrow from its own reserves at a better rate of interest than from an external source such as a bank. The \$5,467,020 figure is not shown as a separate schedule within the financial statements and is therefore presented within this report:

Description	Unfinanced Capital
Regional Landfill Heavy Equipment (2020 - 2024)	\$419,026
Regional Landfill Cell #3 South & Cell #4 North (2016 - 2027)	3,983,257
Windsor Transfer Station (2008 - 2027)	317,448
Recycling Centre Building (2008 - 2027)	747,289
Total Unfinanced Capital	\$5,467,020

Financial Implications

The 2023 operating deficit of \$1,245,109 has been transferred from the Rate Stabilization Reserve.

Recommendation

THAT the Board approve this report, the 2023 financial statements and the associated auditors' report.

Submitted By

Steffan Brisebois

Steffan Brisebois, Manager of Finance and Administration

Attachment(s):

- 2023 Auditors' Report & Financial Statements

Financial Statements of

**ESSEX-WINDSOR SOLID
WASTE AUTHORITY**

And Independent Auditors' Report thereon

Year ended December 31, 2023

DRAFT



KPMG LLP
618 Greenwood Centre
3200 Deziel Drive
Windsor ON N8W 5K8
Canada
Tel 519-251-3500
Fax 519-251-3530

INDEPENDENT AUDITORS' REPORT

To the Members of the Essex-Windsor Solid Waste Authority

We have audited the financial statements of Essex-Windsor Solid Waste Authority (the Entity), which comprise:

- the statement of financial position as at December 31, 2023
- the statement of operations and accumulated deficit for the year then ended
- the statement of change in net debt for the year then ended
- the statement of cash flows for the year then ended
- and notes to the financial statements, including a summary of significant accounting policies

(Hereinafter referred to as the “financial statements”).

In our opinion, the accompanying financial statements present fairly, in all material respects, the financial position of the Entity as at end of December 31, 2023, and its results of operations, its changes in net debt and its cash flows for the year then ended in accordance with Canadian public sector accounting standards.

Basis for Opinion

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the “Auditors’ Responsibilities for the Audit of the Financial Statements” section of our auditors’ report.

We are independent of the Entity in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada and we have fulfilled our other ethical responsibilities in accordance with these requirements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.



Page 2

Emphasis of Matter – Comparative Information

We draw attention to Note 2 to the financial statements, which explains that certain comparative information presented for the year ended December 31, 2022 has been restated.

Note 2 explains the reason for the restatement and also explains the adjustments that were applied to restate certain comparative information.

Our opinion is not modified in respect of this matter.

Other Matter – Comparative Information

As part of our audit of the financial statements for the year ended December 31, 2023, we also audited the adjustments that were applied to restate certain comparative information presented for the year ended December 31, 2022. In our opinion, such adjustments are appropriate and have been properly applied.

Responsibilities of Management and Those Charged with Governance for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with Canadian public sector accounting standards and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing the Entity's ability to continue as a going concern, disclosing as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Entity or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Entity's financial reporting process.

Auditors' Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditors' report that includes our opinion.

Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists.

Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgment and maintain professional skepticism throughout the audit.

We also:



Page 3

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion.

The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.

- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Entity's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Entity's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditors' report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditors' report. However, future events or conditions may cause the Entity to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Chartered Professional Accountants, Licensed Public Accountants

Windsor, Canada

Approval Date

ESSEX - WINDSOR SOLID WASTE AUTHORITY

STATEMENT OF FINANCIAL POSITION DECEMBER 31, 2023, WITH COMPARATIVE INFORMATION FOR 2022

	2023 \$	(Restated) 2022 \$ (Note 2)
FINANCIAL ASSETS		
Cash and temporary investments	38,950,387	38,259,509
Accounts receivable	6,579,898	5,203,538
Due from City of Windsor (Note 3)	5,090,907	4,899,791
Other current assets	1,282	1,282
TOTAL FINANCIAL ASSETS	50,622,474	48,364,120
FINANCIAL LIABILITIES		
Due to County of Essex	1,129,586	496,194
Accounts payable and accrued liabilities	5,870,886	5,700,437
Holdbacks payable	2,531	-
Employee benefits payable (Note 5)	309,414	281,932
Regional landfill asset retirement obligation (Note 6)	33,689,673	32,322,434
Net long term liability (Note 7)	48,759,165	52,488,076
TOTAL FINANCIAL LIABILITIES	89,761,255	91,289,073
NET DEBT	(39,138,781)	(42,924,953)
NON-FINANCIAL ASSETS		
Tangible capital assets (Note 8)	27,532,828	31,804,749
Prepaid expenses and deposit	313,358	374,234
TOTAL NON-FINANCIAL ASSETS	27,846,186	32,178,983
ACCUMULATED DEFICIT (Note 9)	(11,292,595)	(10,745,970)
CONTINGENCY (Note 12)		
COMMITMENT (Note 13)		

The accompanying notes are an integral part of this financial statement.

ESSEX - WINDSOR SOLID WASTE AUTHORITY

STATEMENT OF OPERATIONS AND ACCUMULATED DEFICIT FOR THE YEAR ENDED DECEMBER 31, 2023, WITH COMPARATIVE INFORMATION FOR 2022

	Budget 2023 \$ (Note 10)	Actual 2023 \$	(Restated) Actual 2022 \$ (Note 2)
Revenue			
Tipping fees	24,307,400	27,173,008	25,333,518
Sale of recyclable materials	2,360,110	2,645,290	4,681,932
Recovery of perpetual care costs	885,650	885,650	912,660
Rent	224,400	224,388	224,388
Interest income	1,680,000	2,185,507	736,982
Sale of scrap metal - public drop-off depots	165,000	96,583	149,995
Other	550,500	603,780	520,013
Stewardship Funding - recycling operating funding	2,910,000	2,942,508	3,660,426
Stewardship Funding - municipal household or special waste	153,000	150,821	149,946
Sale of electronics	71,000	61,378	62,413
Sale of blue boxes	36,500	35,050	32,943
Sale of organic material	225,000	267,477	239,237
Gain on sale of tangible capital assets	-	-	150,263
Total revenue	<u>33,568,560</u>	<u>37,271,440</u>	<u>36,854,716</u>
Expenses			
Administration	2,170,360	2,088,006	1,850,776
Realty	26,850	16,026	15,587
Recycling	10,054,150	10,326,812	10,213,801
Municipal Hazardous or Special Waste	482,300	471,349	502,404
Waste Reduction and Reuse	1,381,300	1,415,378	1,056,678
Advertising and Public Education	386,920	313,052	268,250
Perpetual Care - Landfill Site # 2	362,300	264,574	295,267
Perpetual Care - Landfill Site # 3	754,000	414,375	659,623
Regional landfill	4,482,070	4,429,148	3,986,262
Regional landfill - initial construction and future cell development	-	(3,728,912)	(3,247,337)
Windsor Transfer Station #1	2,198,830	2,240,982	1,889,797
Kingsville Transfer Station #2	802,790	803,846	759,028
Windsor Public Depot	1,572,340	1,449,578	1,409,247
Regional landfill debenture payments	5,879,400	6,841,704	6,584,087
Town of Essex compensation	3,284,500	3,994,909	3,500,229
Residents compensation	104,900	92,560	76,074
Post employment/retirement employee benefits	-	27,483	10,715
Regional landfill asset retirement obligation (Note 6)	-	1,367,239	1,311,752
Amortization of tangible capital assets	4,989,956	4,989,956	4,176,583
Total expenses	<u>38,932,966</u>	<u>37,818,065</u>	<u>35,318,823</u>
Annual surplus (deficit)	<u>(5,364,406)</u>	<u>(546,625)</u>	<u>1,535,893</u>
Accumulated deficit, beginning of year		<u>(10,745,970)</u>	<u>(12,281,863)</u>
Accumulated deficit, end of year		<u>(11,292,595)</u>	<u>(10,745,970)</u>

The accompanying notes are an integral part of this financial statement.

ESSEX - WINDSOR SOLID WASTE AUTHORITY

**STATEMENT OF CHANGE IN NET DEBT
FOR THE YEAR ENDED DECEMBER 31, 2023, WITH COMPARATIVE INFORMATION FOR 2022**

	Budget 2023	Actual 2023	(Restated) Actual 2022
	\$	\$	\$
	<small>(Note 10)</small>		<small>(Note 2)</small>
Annual surplus (deficit)	(5,364,406)	(546,625)	1,535,893
Acquisition of tangible capital assets	(1,663,400)	(718,035)	(2,475,099)
Amortization of tangible capital assets	4,989,956	4,989,956	4,176,583
Gain on sale of tangible capital assets	-	-	(150,263)
Proceeds on sale of tangible capital assets	-	-	557,997
	<u>(2,037,850)</u>	<u>3,725,296</u>	<u>3,645,111</u>
Acquisition of prepaid expenses and deposits	-	(313,358)	(374,234)
Use of prepaid expenses and deposits	-	374,234	268,340
Change in net debt	(2,037,850)	3,786,172	3,539,217
Net debt, beginning of year	<u>(42,924,953)</u>	<u>(42,924,953)</u>	<u>(46,464,170)</u>
Net debt, end of year	<u><u>(44,962,803)</u></u>	<u><u>(39,138,781)</u></u>	<u><u>(42,924,953)</u></u>

The accompanying notes are an integral part of this financial statement.

ESSEX - WINDSOR SOLID WASTE AUTHORITY

STATEMENT OF CASH FLOWS

FOR THE YEAR ENDED DECEMBER 31, 2023, WITH COMPARATIVE INFORMATION FOR 2022

	2023	(Restated) 2022
	\$	\$
		(Note 2)
Cash provided by (used in):		
Operation Activities		
Annual surplus (deficit)	(546,625)	1,535,893
Items not involving cash:		
Amortization of tangible capital assets	4,989,956	4,176,583
Gain on sale of tangible capital assets	-	(150,263)
Change in employee benefits payable	27,482	10,715
Regional landfill asset retirement obligation	1,367,239	1,311,751
Change in non-cash assets and liabilities:		
Accounts receivable	(1,376,360)	633,578
Due from City of Windsor	(191,116)	211,270
Due from municipalities	-	229,188
Prepaid expenses and deposits	60,876	(105,894)
Due to County of Essex	633,392	33,619
Accounts payable and accrued liabilities	170,449	1,223,485
Holdbacks payable	2,531	(7,910)
Net change in cash from operating activities	5,137,824	9,102,015
Capital Activities		
Proceeds on sale of tangible capital assets	-	557,997
Cash used to acquire tangible capital assets	(718,035)	(2,475,099)
Net change in cash from capital activities	(718,035)	(1,917,102)
Financing Activities		
Decrease in net long term liability	(3,728,911)	(3,247,337)
Net change in cash from financing activities	(3,728,911)	(3,247,337)
Net change in cash and temporary investments	690,878	3,937,576
Cash and temporary investments, beginning of year	38,259,509	34,321,933
Cash and temporary investments, end of year	38,950,387	38,259,509

The accompanying notes are an integral part of this financial statement.

Essex-Windsor Solid Waste Authority
Notes to the Financial Statements
For the Year Ended December 31, 2023

The Essex-Windsor Solid Waste Authority (the "Authority") is a Joint Board of Management created by the Corporation of the County of Essex (the "County") and the Corporation of the City of Windsor (the "City") pursuant to an agreement dated May 18, 1994, (the "EWSWA Agreement") to establish, operate and manage, among other things, the Regional Landfill, recycling and waste diversion programs.

1. Summary of Significant Accounting Policies and Reporting Practices:

The financial statements of the Authority are prepared in accordance with accounting policies prescribed by the Public Sector Accounting Board of the Canadian Institute of Chartered Accountants.

Basis of accounting:

(i) **Accrual:**

The accrual basis of accounting recognizes revenue as it is earned and is measurable. Expenses are recognized as they are incurred and are measurable as a result of the receipt of goods or services and the creation of a legal obligation to pay.

(ii) **Non-financial Assets:**

Non-financial assets are not available to discharge existing liabilities and are held for use in the provision of services. They generally have useful lives extending beyond the current year and are not intended for sale in the ordinary course of operations.

(iii) **Tangible Capital Assets:**

Tangible Capital Assets ("TCA") are recorded at cost which includes amounts that are directly attributable to acquisition, construction, development or betterment of the asset. The cost, less residual value, of the tangible capital assets, excluding land and landfill sites, are amortized on a straight-line basis over their estimated useful lives as follows:

Asset Classification & Amortization Schedule

Classification	Useful Life (Years)
Buildings	15-20
Machinery & Equipment	5-15
Vehicles	7-10
Land Improvements	10-20
Heavy Machinery	7-10
Office Equipment	10

The Regional Landfill and its asset retirement obligation has an estimated service capacity of 12,200,000 tonnes and is being amortized using the units of production method based on capacity used during the year.

Land has an infinite life and accordingly is not amortized.

(iv) **Asset Retirement Obligations:**

An asset retirement obligation is recognized when, as at the financial reporting date, all of the following criteria are met:

- There is a legal obligation to incur retirement costs in relation to a tangible capital asset;
- The past transaction or event giving rise to the liability has occurred;
- It is expected that future economic benefits will be given up; and
- A reasonable estimate of the amount can be made

1. Summary of Significant Accounting Policies and Reporting Practices (continued):

The liability for closure of operational sites and post-closure care relating to landfill sites has been recognized based on estimated future expenses. Under the modified retroactive method, the discount rate and assumptions used on initial recognition are those as of the date of adoption of the standard. Assumptions used in the subsequent calculations are revised yearly.

The Authority recognized the liability for the asset retirement obligations of the Regional Landfill as at January 1, 1997, the day the Landfill started accepting waste. This was the year the Authority became legally obligated to incur retirement costs.

It is estimated that by the time the Regional Landfill ceases operating, December 31, 2037, the Authority will be obligated to pay for the post-closure care costs for a period of 40 years after its closure, which is management's current best estimate of the period such care will be necessary. It is estimated that the post-closure care costs will amount to \$152,527,913.

The liability is equal to the sum of future cash flows for a period of 40 years commencing in 2038 which is subsequently discounted back to January 1, 1997, at a rate of 4.23%. The liability includes costs which are directly attributable to the asset retirement which includes but are not limited to post-retirement operation, maintenance, hauling and the treatment of leachate and monitoring.

The Authority also monitors two closed landfills. Under agreements with five local municipalities, the Authority is recovering the post-closure care costs from the local municipalities based on their respective proportion of waste deposited in their respective closed landfills. The local municipalities bear the cost of the operation, maintenance and monitoring of the closed landfills and therefore the liability for asset retirement obligation has not been included in the liability for Landfill. No other assets met the PS 3280 recognition criteria as at December 31, 2023.

(v) **Employee future benefit obligations:**

The Authority has adopted the accrued method of accounting for employee future benefits as required by the Canadian Institute of Chartered Accountants. The cost of future benefits earned by employees is actuarially determined using the projected benefit method prorated on service and assumptions of mortality and termination rates, retirement age and expected inflation rate. Actuarial gains and losses on the accrued benefit obligation arise from differences between actual and expected experience and from changes in the actuarial assumptions used to determine the accrued benefit obligation. Actuarial gains and losses for non-pension post-retirement benefits are amortized over the average remaining service period of active employees, which is 13 years. Actuarial gains and losses for post-employment benefits are fully recognized in the year they arise.

(vi) **Investments:**

Investments are recorded at costs or amortized costs. Investment earnings are accounted for on an accrual basis. Premiums and discounts are amortized over the life of the investment. When there has been a loss of value that is other than a temporary decline in value, the respective investment is written down to recognize the loss in the statement of operations and accumulated surplus.

1. Summary of Significant Accounting Policies and Reporting Practices (continued):

(vii) Use of estimates:

The preparation of the financial statements in conformity with Canadian public sector accounting standards requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the dates of the financial statements and the reported amounts of revenues and expenses during the reporting periods. Significant items subject to such estimates and assumptions include the valuation of accounts receivable, the valuation of employee benefits, the carrying value of the Regional Landfill's asset retirement obligation costs and the carrying value of tangible capital assets. Actual results could differ from those estimates.

2. Change in Accounting Policy – Adoption of New Accounting Standards:

The Authority considered the adoption of the following standards concurrently beginning January 1, 2023: PS 1201 Financial Statement Presentation, PS 2601 Foreign Currency Translation, PS 3041 Portfolio Investments and PS 3450 Financial Instruments.

PS 1201 Financial Statement Presentation replaces PS 1200 Financial Statement Presentation. This standard establishes general reporting principles and standards for the disclosure of information in government financial statements. The standard introduces the Statement of Remeasurement Gains and Losses separate from the Statement of Operations. Requirements in PS 2601 Foreign Currency Translation, PS 3450 Financial Instruments, and PS 3041 Portfolio Investments, which are required to be adopted at the same time, can give rise to the presentation of gains and losses as remeasurement gains and losses. A Statement of Remeasurement Gains and Losses has not been prepared, as there is no activity to present.

PS 2601 Foreign Currency Translation replaces PS 2600 Foreign Currency Translation. The standard requires monetary assets and liabilities denominated in a foreign currency and non-monetary items denominated in a foreign currency that are reported as fair value, to be adjusted to reflect the exchange rates in effect at the financial statement date. There were no unrealized gains or losses arising from foreign currency changes.

PS 3041 Portfolio Investments replaces PS 3040 Portfolio Investments. The standard provides revised guidance on accounting for, and presentation and disclosure of, portfolio investments to conform to PS 3450 Financial Instruments. The distinction between temporary and portfolio investments has been removed in the new standard, and upon adoption, PS 3030 Temporary Investments no longer applies.

PS 3280 Asset Retirement Obligations (ARO) standard was adopted on January 1, 2023 on a modified retroactive basis with prior period restatement. The standard establishes the accounting and reporting requirements for public sector entities which have the legal obligations associated with the retirement of a TCA that are in productive use and those that are no longer in productive use. The new standards resulted in the withdrawal of the existing Accounting Standard PS 3270 Contaminated Sites.

In the past, the Authority reported its post-closure obligations under PSAB section 3270 which called for the Regional Landfills retirement liability to be recognized based on the site's usage to date over the site's total capacity. This resulted in the full liability of the costs being recognized at the end of the site's life. The PS 3280 standard requires the recognition of a liability for legal obligations that exist as a result of the acquisition, construction or development of a TCA. The liability includes costs directly attributable to asset retirement activities. Costs include post-retirement operation, maintenance, and monitoring which are an integral part of the retirement of the TCA. When recording an asset retirement obligation, the estimated retirement costs are capitalized to the carrying value of the associated assets and amortized over the asset's estimated useful life or service life as it relates to the Regional Landfill. The amortization of the asset retirement costs follows the same method of amortization as the associated TCA.

2. Change in Accounting Policy – Adoption of New Accounting Standards (continued):

The asset retirement obligation is a result of the Authority's legal obligation to manage the post-closure care activities of the Regional Landfill. No other assets met the PS 3280 recognition criteria as at December 31, 2023.

The Authority's ongoing efforts to assess the extent to which designated substances exist in Authority assets, and new information obtained through regular maintenance and renewal of Authority assets may result in additional asset retirement obligations from better information on the nature and extent the substance exists or from changes to in the estimated cost to fulfil the obligation. The measurement of asset retirement obligations is also impacted by activities that occurred to settle all or part of the obligation, or any changes in the legal obligation. Revisions to the estimated cost of the obligation will result in to the carrying amount of the associated assets that are in productive use and amortized as part of the asset on an ongoing basis.

As a result of applying this accounting standard, an asset retirement obligation of \$33,689,673 (2022 – \$32,322,434) was recognized as a liability in the Statement of Financial Position. These obligations represent estimated retirement costs for the Authority owned Regional Landfill. The Authority has restated the prior period based on a simplified approach, using the ARO liabilities, ARO assets and the associated ARO accumulated amortization, amortization expense and accretion expense for the period January 1, 2023 to December 31, 2023 as a proxy for January 1, 2022 to December 31, 2022 information. The adoption of PS 3280 ARO was applied to the comparative period as follows:

	2022 as previously reported	Adjustments	2022 as restated
Statement of Financial Position:			
TCA	\$ 27,333,541	\$ 4,471,208	\$ 31,804,749
ARO liability	\$ 16,812,232	\$ 15,510,202	\$ 32,322,434
Accumulated Surplus (Deficit)	\$ 293,024	\$ (11,038,994)	\$ (10,745,970)
Statement of Operations:			
Amortization of TCA	\$ 3,857,329	\$ 319,254	\$ 4,176,583
Accretion expense	\$ -	\$ 1,311,752	\$ 1,311,752
Post closure costs	\$ (1,429,995)	\$ 1,429,995	\$ -
Surplus for the year	\$ 4,596,894	\$ (3,061,001)	\$ 1,535,893
Statement of Change in Net Debt:			
Annual Surplus	\$ 4,596,894	\$ (3,061,001)	\$ 1,535,893
Amortization of TCA (including TCA-ARO)	\$ 3,857,329	\$ 319,254	\$ 4,176,583

PS 3450 Financial Instruments establishes accounting and reporting requirements for all types of financial instruments including derivatives. The standard requires fair value measurement of derivatives and portfolio investments in equity instruments that are quoted in an active market. All other financial instruments will generally be measured at cost or amortized cost. There were no unrealized gains or losses arising from changes in fair value.

3. Due from City of Windsor:

As more fully described in note 7, the Authority received certain proceeds and investments in settlement of certain litigation. These investments are held in trust by the City on behalf of the Authority and consist of the following:

	Amortized costs 2023	Amortized costs 2022
	\$	\$
Government of Canada Stripped Coupon Bond Maturing December 1, 2024 - \$5,317,650	5,090,799	4,899,683
RBC Dominion Securities - Cash	108	108
	<u>\$5,090,907</u>	<u>\$4,899,791</u>

4. Pension Agreements:

The Authority contributes to the Ontario Municipal Employees Retirement System (OMERS) on behalf of 31 employees. OMERS is a multi-employer, defined benefit plan which specifies the amount of the retirement benefit to be received by employees based on their length of service and earnings. However, as OMERS does not segregate its pension assets and liabilities information by individual employer, there is not sufficient information to enable the Authority to account for the plan as a defined benefit plan. The plan has been accounted for as a defined contribution plan.

The amount contributed to OMERS for 2023 was \$211,917 (2022 - \$190,567) for current service. Contributions in the current year have been included as an expense within the statement of operations and accumulated deficit.

5. Employee Benefits Payable:

Employee future benefit obligations are future liabilities of the Authority to its employees and retirees for benefits earned but not taken as at December 31, 2023 and consists of the following:

	2023	2022
	\$	\$
Post retirement benefits	157,349	163,626
WSIB future benefits	152,065	118,306
	<u>\$309,414</u>	<u>\$281,932</u>

The Authority measures its post retirement and post employment benefit obligation for accounting purposes as at December 31 each year and consists of the following:

	2023	2022
Discount rate	5.00%	3.75%
Medical trend rate		
Initial	6.00%	6.75%
Ultimate	4.00%	3.75%
Dental trend rate	4.00%	3.75%

5. Employee Benefits Payable (continued):

The medical trend rate has an initial rate of 6.00% but reduces by 0.3333% per year to 4.00% in 2029 and 4.00% thereafter. Information about the Authority's future obligation with respect to post retirement and employment benefits are as follows:

	2023	2022
	\$	\$
Accrued benefit liability at the beginning of the year	281,932	271,217
Current service cost	38,630	39,724
Interest	11,283	16,346
Amortization of actuarial loss	5,337	16,685
Expected benefit payments	(27,768)	(62,040)
Accrued benefit liability at the end of the year	309,414	281,932
Unamortized net actuarial gains	(230,622)	(100,487)
Obligation for benefits	<u>78,792</u>	<u>181,445</u>

6. Regional Landfill Asset Retirement Obligation Costs:

The Authority has recorded ARO as of the January 1, 2023 implementation date on a modified retroactive basis, with a simplified restatement of prior year amounts. The Statement of Financial Position reflects a balance of \$33,689,673 (2021 - \$32,322,434) for the Regional Landfill asset retirement obligation care expenses.

A reconciliation of the beginning and ending aggregate carrying amount of the ARO liability is below:

	2023	2022
		(Restated)
Liabilities for ARO at Beginning of Year		
Opening Balance	\$ 32,322,434	\$ 31,010,682
Accretion Expense Incurred During the Year	1,367,239	1,311,752
Liabilities for ARO at end of year	<u>\$ 33,689,673</u>	<u>\$ 32,322,434</u>

The site has an approximate capacity of 12.2 million cubic metres, of which 7.55 million has been consumed to December 31, 2023. Based on past and projected waste levels it is estimated that the Regional Landfill will reach capacity in 14 years.

The Authority has established a reserve to help fund these future expenses, and at December 31, 2023, the balance in this reserve fund approximated \$2,638,536 (2022 – \$2,547,390).

7. Net Long-Term Liability:

In July 2005, the County, City and Authority (the "Plaintiff") settled a legal action commenced in the Ontario Superior Court of Justice against MFP Financial Services, Leasing-Infrastructure Financing Trust 1 ("LIFT") and others in which the Plaintiffs had alleged that certain of the defendants had fraudulently and negligently misrepresented the rate of interest payable by the Plaintiffs in respect of a head lease and sublease intended to be a loan to finance certain costs incurred by the Authority to develop the Regional Landfill and pay the costs of future landfill expansions.

7. Net Long-Term Liability (continued):

Under the terms of the mediated and Court approved settlement, LIFT assigned its rights under the original head lease which the Court ruled was a loan from LIFT to the County and City, to Sun Life Assurance Company Limited ("Sun Life"). Sun Life restructured the loan, in favour of the debenture in the amount of \$62,808,331, bearing interest at 6.427% per annum, issued by the County, on behalf of the County and the Authority. The County and the City are jointly liable for the debenture, which provided for principal and interest payments on January 15 and July 15 of each year, commencing January 15, 2006 and maturing on July 31, 2031. Total interest over the term of the debenture will aggregate \$88,454,959. Other significant terms and conditions of the settlement are as follows:

- (a) Cash proceeds of \$5,728,000 held by LIFT on account of a payment previously owing under the head lease were distributed to the County and City and used to retire certain indebtedness incurred in prior years by the Authority with respect to Regional Landfill expenses.
- (b) Investments held by another defendant with a book value of \$10,195,743 at the date of settlement were distributed to the County and the Authority. At their respective maturity dates, these investments will be considered as further advances by LIFT as provided under the original head lease agreement.
- (c) Payment of \$7,146,880 by LIFT to the County and City, which was used, along with interest earned thereon, towards payments otherwise due with respect to the Sun Life debenture during the period commencing January 15, 2006 and ended on January 15, 2008. Those proceeds were intended to effectively reduce the original cost of borrowing included in the head lease and sub-lease during this period. As part of the agreement, no other payments with respect to the debenture are payable during this timeframe.

The investments noted in paragraph (b) above are currently being held by the City in trust for the Authority.

- (d) Payment of \$2,400,000 by MFP Financial Services Limited on account of costs of the legal action incurred by the Plaintiffs.

Net Long-term liability consists of:

	2023	2022
	\$	\$
Debenture payable	47,350,125	50,971,277
Accrued Interest	1,409,040	1,516,799
	<u>\$48,759,165</u>	<u>\$52,488,076</u>

Under the terms of the debenture agreement, no principal repayments were required until 2013 and the excess of interest otherwise payable over the actual amount of the debenture payments due annually was capitalized as part of the debenture payable. Principal repayments began in 2013.

Principal payments due over the next five years and thereafter are as follows:

	\$
2024	3,938,176
2025	3,692,677
2026	3,498,841
2027	3,768,779
2028	4,028,442
2029 and thereafter	28,423,210

8. Tangible Capital Assets:

Costs	(Note 2) (Restated) Balance at			Balance at December 31, 2023
	December 31, 2022	Additions	Disposals	
Asset Retirement Obligations	\$ 11,007,606	\$ -	\$ -	\$ 11,007,606
Regional Landfill Construction	46,950,933	-	-	46,950,933
Land	4,450,709	-	-	4,450,709
Land Improvement	5,325,372	-	-	5,325,372
Building and Improvements	12,665,911	160,573	-	12,826,484
Vehicles	508,091	-	-	508,091
Heavy Machinery	5,039,059	-	-	5,039,059
Machinery and Equipment	8,003,052	210,142	-	8,213,194
Office Furniture & Equipment	21,396	-	-	21,396
Computer Systems	127,741	-	-	127,741
Assets under construction	-	347,320	-	347,320
Total	\$ 94,099,870	\$ 718,035	\$ -	\$ 94,817,905

Accumulated amortization	(Note 2) (Restated) Balance at			Balance at December 31, 2023
	December 31, 2022	Disposals	Amortization expense	
Asset Retirement Obligations	\$ 6,536,398	\$ -	\$ 282,342	\$ 6,818,740
Regional Landfill Construction	33,649,410	-	3,091,541	36,740,951
Land	-	-	-	-
Land Improvement	3,277,953	-	168,005	3,445,958
Building and Improvements	10,782,667	-	488,437	11,271,104
Vehicles	400,267	-	26,029	426,296
Heavy Machinery	1,215,133	-	663,973	1,879,106
Machinery and Equipment	6,288,172	-	268,156	6,556,328
Office Furniture & Equipment	17,380	-	1,473	18,853
Computer Systems	127,741	-	-	127,741
Total	\$ 62,295,121	\$ -	\$ 4,989,956	\$ 67,285,077

Net book value	(Note 2) (Restated) Balance at		Balance at December 31, 2023
	December 31, 2022		
Asset Retirement Obligations	\$ 4,471,208		\$ 4,188,866
Regional Landfill Construction	13,301,523		10,209,982
Land	4,450,709		4,450,709
Land Improvement	2,047,419		1,879,414
Building and Improvements	1,883,244		1,555,380
Vehicles	107,824		81,795
Heavy Machinery	3,823,926		3,159,953
Machinery and Equipment	1,714,880		1,656,866
Office Furniture & Equipment	4,016		2,543
Computer Systems	-		-
Assets under construction	-		347,320
Total	\$ 31,804,749		\$ 27,532,828

8. Tangible Capital Assets (continued):

Costs	(Note 2) (Restated) Balance at December 31, 2021	Additions	Disposals	(Note 2) (Restated) Balance at December 31, 2022
Asset Retirement Obligations	\$ 11,007,606	\$ -	\$ -	\$ 11,007,606
Regional Landfill Construction	46,950,933	-	-	46,950,933
Land	4,450,709	-	-	4,450,709
Land Improvement	5,325,372	-	-	5,325,372
Building and Improvements	12,574,556	91,355	-	12,665,911
Vehicles	484,143	42,888	(18,940)	508,091
Heavy Machinery	4,502,537	2,340,856	(1,804,334)	5,039,059
Machinery and Equipment	8,025,388	-	(22,336)	8,003,052
Office Furniture & Equipment	21,396	-	-	21,396
Computer Systems	127,741	-	-	127,741
Assets under construction	-	-	-	-
Total	\$ 93,470,381	\$ 2,475,099	\$ (1,845,610)	\$ 94,099,870

Accumulated amortization	(Note 2) (Restated) Balance at December 31, 2021	Disposals	Amortization expense	(Note 2) (Restated) Balance at December 31, 2022
Asset Retirement Obligations	\$ 6,217,144	\$ -	\$ 319,254	\$ 6,536,398
Regional Landfill Construction	31,289,269	-	2,360,141	33,649,410
Land	-	-	-	-
Land Improvement	3,109,948	-	168,005	3,277,953
Building and Improvements	10,296,941	-	485,726	10,782,667
Vehicles	395,323	(18,940)	23,884	400,267
Heavy Machinery	2,078,756	(1,402,184)	538,561	1,215,133
Machinery and Equipment	6,034,020	(16,752)	270,904	6,288,172
Office Furniture & Equipment	15,240	-	2,140	17,380
Computer Systems	119,773	-	7,968	127,741
Total	\$ 59,556,414	\$ (1,437,876)	\$ 4,176,583	\$ 62,295,121

Net book value	(Note 2) (Restated) Balance at December 31, 2021	(Note 2) (Restated) Balance at December 31, 2022
Asset Retirement Obligations	\$ 4,790,462	\$ 4,471,208
Regional Landfill Construction	15,661,664	13,301,523
Land	4,450,709	4,450,709
Land Improvement	2,215,424	2,047,419
Building and Improvements	2,277,615	1,883,244
Vehicles	88,820	107,824
Heavy Machinery	2,423,781	3,823,926
Machinery and Equipment	1,991,368	1,714,880
Office Furniture & Equipment	6,156	4,016
Computer Systems	7,968	-
Total	\$ 33,913,967	\$ 31,804,749

9. Accumulated Deficit:

Accumulated Deficit consists of individual fund deficits and reserves as follows:

	2023	(Note 2) (Restated) 2022
DEFICIT	\$	\$
Invested in tangible capital assets	22,065,808	25,258,552
Unfunded		
Net long-term liability	(48,759,165)	(52,488,076)
Landfill asset retirement obligation costs	(33,689,673)	(32,322,434)
Employee benefits	(309,414)	(281,932)
Total deficit	<u>(60,692,444)</u>	<u>(59,833,890)</u>
RESERVES		
Equipment Replacement	10,050,682	8,438,340
Rate Stabilization	10,448,289	11,511,913
Working Capital	650,000	650,000
Regional Landfill	3,044,088	2,923,437
Regional Landfill Perpetual Care	2,638,536	2,547,390
Regional Landfill Debt Retirement	7,128,101	7,822,413
Regional Landfill Future Cell Construction	12,772,237	12,525,508
Landfill 2 Perpetual Care	81,562	15,126
Landfill 3 Perpetual Care	404,767	264,502
Waste Diversion	1,817,003	1,862,831
Recycling	114,584	276,460
Insurance	250,000	250,000
Total reserves	<u>49,399,849</u>	<u>49,087,920</u>
Total accumulated deficit	<u><u>(11,292,595)</u></u>	<u><u>(10,745,970)</u></u>

10. Budget Data:

The audited budget data presented in these financial statements is based upon the 2023 operating and capital budgets approved by the Authority on November 7, 2023. Amortization was not contemplated on development of the budget and, as such, has been included based on the actual 2023 figure. The chart below reconciles the approved budget to the budget figures reported in these consolidated financial statements.

	Budget Amount
Revenue:	
Operating Budget	\$ 33,943,010
Capital Budget	1,663,400
Add:	
Transfers from other funds	(2,037,850)
Total Revenue	\$ 33,568,560
Expenses:	
Operating Budget	\$ 38,932,966
Capital Budget	1,663,400
Less:	
Capital Expenses	(1,663,400)
Total Expenses	\$38,932,966
Annual Deficit	(\$5,364,406)

11. Expenses by Object:

	2023	(Note 2) (Restated)
	\$	2022
		\$
Operating goods and services	18,824,515	18,053,896
Regional Landfill financing costs	6,841,704	6,584,087
Municipal and residential compensation	4,087,469	3,576,303
Salaries, wages and employees benefits	3,074,421	2,927,954
Amortization	4,989,956	4,176,583
	<u>37,818,065</u>	<u>35,318,823</u>

12. Contingency:

During the normal course of operations, the Authority may be subject to various legal actions. The settlement of these actions, if any, is not expected to have a material effect on the financial statements of the Authority.

13. Commitment:

During the year, the Authority committed to a total of \$1,180,332 (USD \$874,320) for an equipment rental which is expected to be delivered in 2024. The Authority will fund this commitment through a contribution from the Regional Landfill Reserve and through operations.



Essex-Windsor Solid Waste Authority Administrative Report

April 26, 2024

To: The Chair and Board of the Essex-Windsor Solid Waste Authority

From: Steffan Brisebois, Manager of Finance and Administration

Meeting Date: Tuesday, May 07, 2024

Subject: January to March 2024 – Three-Month Operating Financial Review

Purpose

The purpose of this report is to present a three-month financial review of the Authority's operating costs and revenues for the period January to March 2024.

Background

Section 5(I) of the Agreement between the City of Windsor and County of Essex that created the Essex-Windsor Solid Waste Authority states: "The Authority shall receive operating statements and reports on a quarterly basis, or more frequently if desired by the Authority and/or City or County Council."

Discussion

Historically the delivery of material for disposal at the Authority depots is much lower during the period of January to March than in other months of the year. This creates a challenge for Administration to compare actual first-quarter results to budget estimates. Administration has therefore only included in this report items that have a material variance to budget or are significant in nature such as Municipal and Industrial/Commercial/Institutional delivered refuse revenue and the quarterly recycling material sales revenue.

Operating Revenue

Municipal Tip Fee Revenue – Refuse

Municipal tip fee revenue increased marginally due to the increase in tonnes and tipping fee rate when compared to the same period in 2023. The revenue increase amounted to \$40,575 (\$1,072,750 in 2024 vs \$1,032,175 in 2023). In the first three months of 2024, a total of 25,540 tonnes was received for disposal compared to 25,175 tonnes delivered during the same period in 2023.

Municipal Tip Fee Revenue – Organics

Most municipal organic programs do not operate in the winter months. In the first three months the Authority received 205 tonnes (2023 - 767 tonnes) of organic waste.

Industrial/Commercial/Institutional (IC&I) Tip Fee Revenue – Landfilled Material

IC&I customer tonnages are lower in the first quarter when compared to the same period in 2023 however earnings have increased as a result of the increase in the tipping fee rate. The tables below show the changes in tonnages and changes in earnings for the first quarter.

IC&I Landfillable Tonnages

Description	2024 Tonnes	2023 Tonnes	Variance
Industrial, Commercial or Institutional Waste	21,715	19,753	1,962
Greenhouse Vines and Growing Medium	13,022	14,585	(1,563)
Contaminated Soil	1,857	2,482	(625)
Total Tonnes	36,594	36,820	(226)

IC&I Landfillable Earnings

Description	2024 Revenue	2023 Revenue	Variance
Industrial, Commercial or Institutional Waste including Vine Material	\$1,643,191	\$1,594,508	\$48,683
Contaminated Soil	\$74,295	89,355	(\$15,060)

Description	2024 Revenue	2023 Revenue	Variance
Less: Host Compensation (2024 - \$11.01/tonne; 2023 - \$10.73/tonne)	(\$402,900)	(\$395,263)	(\$7,637)
January – March 2024 Projected Earnings	\$1,314,586	\$1,288,600	\$25,986

Industrial/Commercial/Institutional Tip Fee Revenue – Non-Landfilled Material

The bulk of ICI Non-Landfilled Material primarily consists of daily cover material (i.e. Auto Shredder Fluff). Additional cover material was received in the first three months of 2024 when compared to the same period in 2023. The variance amounted to 4,139 tonnes of additional cover material than during the same period in 2023 (27,163 tonnes in 2024 vs. 23,024 tonnes in 2023). The increase is a result of the increase in the need for Auto Shredder Material at the Regional Landfill due to the increasing size of the tip face.

Sale of Recyclable Goods

Recyclable material commodity prices on average are higher than budgeted in the first three months of 2024. The average commodity price was \$62 per tonne more than budget (\$195 vs. \$133) while the average total marketed tonnes equaled the budget 4,862 tonnes. The result is a \$301,557 positive variance in the first quarter (\$946,970 Actual vs. \$645,413 Budget).

Commodity prices fluctuate as a result of the global market’s needs and conditions. Some commodity prices have recovered from a downward trend in 2023. The commodities that have aided towards the positive variance in the first quarter of 2024 were: OCC, newspaper, box board, aluminum, HDPE and PET.

The following table contains the 2024 budget figures, year to date and current prices per tonne for each recyclable material.

Material	2024 Budget Price Per Tonne	January to March Average Price	April 2024 Sales Price
Newspaper	\$88	\$146	\$172
OCC (Cardboard)	\$90	\$181	\$198
Boxboard/Hardpack	\$35	\$113	\$125
Clear Glass	\$29	\$15	\$30

Material	2024 Budget Price Per Tonne	January to March Average Price	April 2024 Sales Price
Tin/Steel	\$350	\$411	\$360
Fine Paper	\$124	\$124	\$148
Aluminum	\$2,100	\$2,127	\$2,418
PET – Plastic	\$250	\$384	\$458
HDPE – Plastic	\$349	\$605	\$650
Polycoat	\$0	\$0	\$0
Mixed Plastics	\$35	\$53	\$65
Mixed Metals	\$238	\$350	\$350
Mixed Fibre	\$10	\$32	\$34
Container Residual	\$0	\$0	\$0

Operating Expenditures

The hauling and treatment of leachate volumes are less than budgeted due to restrictions imposed by City of Windsor Pollution Control. The restrictions were on the number of leachate loads the Authority could transport to the City’s pollution control facilities. This resulted in fewer loads hauled and less leachate treated in the first quarter than anticipated.

Due to delays in the start-up of the reverse osmosis treatment plant no significant consumable materials were used in the first quarter. The rental payments have been delayed until the second quarter.

No other significant expenditure variances have been identified in the first three months of 2024.

Financial Implications

Both the increase in revenues and decrease in expenditures will be monitored and further updates will be presented to the Board as part of the January to June 2024 six-month financial report.

Recommendation

THAT the Board receive this report as information.

Submitted By

A handwritten signature in blue ink that reads "Steffen Brisebois". The signature is written in a cursive, flowing style.

Steffan Brisebois, Manager of Finance and Administration

Essex-Windsor Solid Waste Authority

By-Law Number 6-2024

Being a By-Law to Authorize the Execution of an Agreement between the Essex-Windsor Solid Waste Authority, the Corporation of the County of Essex and Christopher Malott Farming Enterprises Inc. for the Rental and Use of Vacant Land

Whereas the Essex-Windsor Solid Waste Authority has approved entering into an Agreement with the Corporation of the County of Essex (hereinafter referred to as the County) and Christopher Malott Farming Enterprises Inc. (hereinafter referred to as the Tenant) dated May 7, 2024 for the purpose of a lease agreement for lands owned by the Corporation of the County of Essex.

Now Therefore the Essex-Windsor Solid Waste Authority enacts as follows:

1. THAT EWSWA hereby approves Christopher Malott Farming Enterprises Inc. upon and subject to the terms, covenants and conditions contained in the Lease Agreement.
2. THAT the term of this Lease Agreement shall be for a five-year term commencing on the 1st day of November, 2024 and expiring on the 31st day of October 31, 2029, at a rate of \$425 per acre, with three (3) optional one-year extensions, if mutually agreed upon by all parties, under the same terms and conditions set out in the Agreement;

THIS By-Law shall take effect upon the final passing thereof.

ESSEX-WINDSOR SOLID WASTE AUTHORITY

Gary Kaschak
EWSWA Board Chair

Michelle Bishop
General Manager

**Read a First, Second and Third Time, Enacted and Passed
this 7th Day of May, 2024.**

Essex-Windsor Solid Waste Authority

By-Law Number 7-2024

Being a By-law to Confirm the Proceedings of the Meeting of the Board of the Essex-Windsor Solid Waste Authority

WHEREAS by Agreement dated 18 May 1994, made between the Corporation of the County of Essex and the Corporation of the City of Windsor, the Essex-Windsor Solid Waste Authority (The Authority) was created as a joint board of management pursuant to Sections 207.5 and 209.19 of the *Municipal Act, RSO 1990, Chapter M.45* and;

WHEREAS Subsection 5.(3) of the Municipal Act, RSO 2001, Chapter 25, provides that the powers of a municipality shall be exercised by By-Law and;

WHEREAS Section 1 of the Municipal Act RSO 1990, Chapter M 46 defines a municipality as including a board, commission or other local authority exercising any power with respect to municipal affairs or purposes and;

WHEREAS it is deemed expedient that the proceedings of the Authority at this meeting be confirmed and adopted by By-Law

NOW THEREFORE the members of the Authority enact as follows:

- 1) The action of the members of the Authority in respect to each recommendation contained in the Report/Reports of the Committees and each motion and resolution passed and other action taken by the members of the Authority at this meeting is hereby adopted and confirmed as if all such proceedings were expressly set out in this by-law.
- 2) The Chair and the proper officials of the Authority are hereby authorized and directed to do all things necessary to give effect to the action of the members of the Authority referred to in the preceding section hereof.
- 3) The Chair and the General Manager of the Authority are authorized and directed to execute all documents necessary in that behalf.

ESSEX-WINDSOR SOLID WASTE AUTHORITY

Gary Kaschak
EWSWA Board Chair

Michelle Bishop
General Manager

**Read a First, Second and Third Time, Enacted and Passed This
7th Day of May, 2024**