



Request for Decision

Council Meeting: March 12, 2019

8.6 Waste Transfer and Recycling Station Joint Capital and Operating Agreement

Request

The five-year Waste Transfer and Recycling Station Joint Capital and Operating Agreement expired March 1, 2019. Administration has updated the agreement with the following changes:

Capital and Operating Costs addition -

3. For any unbudgeted operational and/or capital purchases under \$30,000, we will need approval from both the Town and County Councils, and the cost sharing arrangement will be negotiated on an individual basis.

Force Majeure Clause section has been added -

8. Failure of performance by either party under this Agreement shall not constitute default hereunder or give rise to any claim for damages if and to the extent it is caused by occurrences beyond the control of the party affected, including, but not limited to decrees or orders of government (Federal and/or Provincial) acts of God, inability to procure materials or labor, fires, floods, explosions, riots, war, rebellion, sabotage and atomic or nuclear incidents (herein called "Force Majeure"). If performance of this agreement in the reasonable opinion of either party is made impossible by Force Majeure, then either party shall so notify the other in writing, and either:
 - a. The agreement shall be deemed to have been terminated immediately; or
 - b. Require the completion of the performance of this agreement with such adjustments as required by the existence of the Force Majeure and as are agreed upon by both parties. Upon the termination of the Force Majeure the parties shall resume their obligations in accordance with the terms of this agreement.



Length of Agreement/Renewal additions -

10. Either party may terminate this agreement prior to the expiration date by providing the other party one (1) year notice in writing of its intention to terminate.
11. Either party will have the right to amend the agreement from time to time with proper notice in writing to the other party with said amendments subject to approval by both parties.

This agreement has been reviewed by the St. Paul Transfer Station Committee.

Alternatives

Recommendation

Administration is recommending to approve the five-year Waste Transfer and Recycling Station Joint Capital and Operating Agreement with the Town of St. Paul, effective April 1, 2019.

Submitted by: Tim Mahdiuk, Director of Community Services