



## **The Corporation of the County of Essex**

### **By-Law Number 2020-33**

#### **A By-law to Authorize the Execution of Standby Generator Operation and Maintenance Agreements.**

**Whereas** in or about 2007 the Corporation of the County of Essex acquired certain Embedded Distributed Electrical Generation Systems (the "**Systems**") at the Sun Parlor Home and Essex County Civic Centre;

**And whereas** the Systems provide backup power to allow continued operation of the Sun Parlor Home and Essex County Civic Centre, in the event of a power outage, as well as generate and sell surplus electrical power back into the power grid;

**And whereas** since in or about 2007 the Corporation of the County of Essex contracted with Genset Resource Management Inc. to operate and maintain the Systems;

**And whereas** the agreement the Corporation of the County of Essex had with Genset Management Inc. to operate and maintain the Systems will be terminated effective as of September 30, 2020;

**And whereas** the Corporation of the County of Essex deems it necessary to continue to have a third party continue to operate and maintain the Systems;

**And whereas** the Corporation of the County of Essex deems it expedient to enter into a five (5) year agreement with Essex Energy Corporation to continue to operate and maintain the Systems;

**Now therefore the Council of the Corporation of the County of Essex hereby enacts as follows:**

1. That the Warden and the Clerk of the Corporation of the County of Essex be and they are hereby authorized to execute a Standby Generator Operation and Maintenance Agreement with respect to the System located at the Sun Parlor Home, a copy of which is attached hereto as **Schedule "A"**.

2. That the Warden and the Clerk of the Corporation of the County of Essex be and they are hereby authorized to execute a Standby Generator Operation and Maintenance Agreement with respect to the operation and maintenance of the System located at the Essex County Civic Centre, a copy of which is attached hereto as **Schedule "B"**.

3. That the Warden and the Clerk of the Corporation of the County of Essex be and they are hereby authorized to execute any and all documents that may be necessary to give effect to the provisions of this By-law.

4. THIS By-law shall come into force and take effect on the final passing thereof.

**Read a first and second time and FINALLY PASSED this 16<sup>th</sup> day of September, 2020.**

1<sup>st</sup> Reading – September 16, 2020

\_\_\_\_\_  
WARDEN - GARY McNAMARA

2<sup>nd</sup> Reading – September 16, 2020

3<sup>rd</sup> Reading – September 16, 2020

\_\_\_\_\_  
CLERK – MARY S. BIRCH

Clerk's Certificate

I, Mary S. Birch, Clerk of The Corporation of the County of Essex, do hereby certify that the foregoing is a true and correct copy of **By-law Number 2020-33** passed by the Council of the said Corporation on the **16<sup>th</sup>** day of **September, 2020**.

\_\_\_\_\_  
Mary S. Birch, Clerk  
The Corporation of the County of Essex

## SCHEDULE "A"

### ESSEX ENERGY CORPORATION

#### STANDBY GENERATOR OPERATION AND MAINTENANCE AGREEMENT

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1. → Host: → → → → The Corporation of the County of Essex (the "Host") → ¶
2. → Site: → → → → Sun Parlor Home (the "Site"), → → → → ¶
3. → Generator Description: → Kohler 1000 REOZM (the "Generator") → → → ¶
4. → Term: → → → → The term of this Agreement shall commence on the Effective  
→ → → → Date of this Agreement and end on September 30, 2025 →  
→ → → → (subject to any written agreement to extend or modify the →  
→ → → → term and subject to early termination as provided for in the →  
→ → → → Standard Terms and Conditions annexed hereto) (the →  
→ → → → "Term"). → → → → → → → → ¶

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The Host and Essex Energy Corporation ("Essex Energy") agree to the foregoing and the Standard Terms and Conditions annexed hereto as Schedule "A". ¶

Dated this 1<sup>st</sup> day of October, 2020 (the "Effective Date") ¶

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THE CORPORATION OF → → → ESSEX ENERGY CORPORATION  
THE COUNTY OF ESSEX ¶

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\_\_\_\_ → → \_\_\_\_\_  
Per: Gary McNamara → → → Per: ¶  
Title: Warden → → → → Title: ¶

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→ → → → → → I have authority to bind Essex Energy. ¶

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Per: Mary Birch ¶

Title: Clerk ¶

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We have authority to bind the County. ¶

## SCHEDULE "B"

### ESSEX ENERGY CORPORATION

#### STANDBY GENERATOR OPERATION AND MAINTENANCE AGREEMENT

1. → Host: → → → → The Corporation of the County of Essex (the "Host") → ¶
2. → Site: → → → → Essex County Civic Centre (the "Site") → → → ¶
3. → Generator Description: → Kohler 1000 REOZM (the "Generator") → → → ¶
4. → Term: → → → → The term of this Agreement shall commence on the Effective  
→ → → → Date of this Agreement and end on September 30, 2025 →  
→ → → → (subject to any written agreement to extend or modify the →  
→ → → → term and subject to early termination as provided for in the →  
→ → → → Standard Terms and Conditions annexed hereto) (the →  
→ → → → "Term") → → → → → ¶

The Host and Essex Energy Corporation ("Essex Energy") agree to the foregoing and the Standard Terms and Conditions annexed hereto as Schedule "A".

Dated this 1<sup>st</sup> day of October, 2020 (the "Effective Date")

THE CORPORATION OF → → → ESSEX ENERGY CORPORATION  
THE COUNTY OF ESSEX

Per: Gary McNamara → → → Per: \_\_\_\_\_  
Title: Warden → → → Title: \_\_\_\_\_

→ → → → → I have authority to bind Essex Energy.

Per: Mary Birch  
Title: Clerk

We have authority to bind the County.