

**THE CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2014-29**

By-law to enter into a Memorandum of Understanding between Her Majesty the Queen in Right of Ontario (the Ministry of Municipal Affairs and Housing - the "Ministry") and the Corporation of the Town of Amherstburg

WHEREAS Section 9 of the Municipal Act 2001, S.O., 2001, c. 25, as amended, states a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Section 10 (1) of the Municipal Act 2001, S.O., 2001, c. 25, as amended, shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

AND WHEREAS the Council of The Corporation of the Town of Amherstburg deems it expedient to enter into an agreement with Her Majesty the Queen in Right of Ontario;

NOW THEREFORE the Council of The Corporation of the Town of Amherstburg enacts as follows:

1. That the Council of The Corporation of the Town of Amherstburg agrees to enter into a Memorandum of Understanding with Her Majesty the Queen in Right of Ontario for a financial management and practices review, with costs borne by the Town;
2. That the said Memorandum of Understanding is attached hereto as Schedule "A" and forms part of this By-law;
3. That the Mayor and Clerk are hereby authorized to sign and seal said Memorandum of Understanding on behalf of The Corporation of Town of Amherstburg;
4. This By-law shall come into force and take effect immediately upon the final passing thereof.

Read a first, second and third time and finally passed this 7th day of April, 2014.



WAYNE HURST, MAYOR



BRENDA M. PERCY, CLERK

Paula Parker, Deputy Clerk

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING made as of the 4 day of April, 2014.

BETWEEN:

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO
as represented by the Minister of Municipal Affairs and Housing
(referred to as the "Ministry")

AND:

THE CORPORATION OF THE TOWN OF AMHERSTBURG
(referred to as the "Town")

WHEREAS the Town of Amherstburg, at the council meeting of March 24, 2014, passed a motion to move forward with a financial management and practices review for the Town, with the costs of the review being borne by the Town;

AND WHEREAS the council of the Town of Amherstburg authorized the mayor and the clerk to execute an agreement with the Ministry of Municipal Affairs and Housing that secures unfettered access to Town staff and municipal financial and other records by the Ministry and a third party vendor chosen under a request for services (RFS) selection process, for the purposes of conducting the review;

AND WHEREAS the Ministry of Municipal Affairs and Housing has undertaken an RFS process for the purpose of retaining a third party vendor to conduct an independent financial management and practices review for the Town of Amherstburg and expects to retain a vendor to provide that service for the benefit of the Town;

NOW THEREFORE in consideration of the mutual covenants and agreements contained herein, the parties agree as follows:

1. The scope of the independent financial management and practices review of the Town of Amherstburg will include, but not be limited to, a review of the governance, controllership, accountability and sound business practices of the Town. The review will cover the calendar years of 2009-2013 and until June 30, 2014 and any prior years if found relevant.
2. The financial management and practices review of the Town will examine, among other things, the following elements: matching revenues and expenses; stewardship of all municipal assets; reserves and reserve funds; communication with council on financial matters; agreements, policies, procedures and by-laws; and financial practices and policies.
3. The financial management and practices review for the Town may include examination of any books, reports, accounts, registers, records, vouchers, receipts, funds, money or financial transactions relevant in the opinion of the Ministry or the third party vendor selected to undertake the review.
4. The Town will make any of the municipal financial documents referred to in section 3 or any other document or information requested by the Ministry or the third party vendor in relation to the review available to the Ministry or the third party vendor.
5. The Town will make its staff, agents and members of council available to the Ministry or third party vendor for the purpose of conducting the review and the Town's staff, agents and members of council agree to cooperate fully with the requests of the Ministry or vendor in relation to the review, including and without limitation, reasonable requests for information or materials made by the Ministry or the third party vendor.
6. The Ministry or the third party vendor is not required to provide notice of any request made under section 4 or 5 and the Town will make every effort to respond expeditiously to the request.

- 7. Within 30 days of a request for payment made by the Ministry upon the completion of the financial management and practices review for the Town, the Town will pay to the Minister of Finance all amounts paid by the Ministry of Municipal Affairs and Housing to the third party vendor.
- 8. The Ministry agrees to provide the Town with a copy of the financial management and practices review as completed by the third party vendor.
- 9. This Memorandum takes effect on the date this Memorandum is executed by the parties and shall remain in effect until December 31, 2014 or the performance of section 7, whichever is later.

IN WITNESS WHEREOF to adhere to the terms contained herein, the parties have executed this Memorandum.

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO as represented by the Minister of Municipal Affairs and Housing

Laurie LeBlanc
 Laurie LeBlanc, Deputy Minister
 Date: April 17/2014

THE CORPORATION OF THE TOWN OF AMHERSTBURG

Wayne Hurst
 Name: _____
 Title: Mayor
 Date: Wayne Hurst
 I have authority to bind the corporation

Paula Parker
 Name: _____
 Title: Clerk (Deputy)
 Date: _____
 I have authority to bind the corporation