

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2014-37

By-law authorizing the execution of a Memorandum of Understanding between the Corporation of the Town of Amherstburg and the Aboriginal Affairs and Northern Development – Ontario Region regarding Maintenance of Wyandotte Cemetery

WHEREAS under Section 8 of the Municipal Act 2001, S.O., 2001, c. 25, as amended, 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 under Section 9(1) (a) and (b) of the Municipal Act 2001, S.O., 2001, c. 25, as amended, Section 8 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 between the Town of Amherstburg and the Aboriginal Affairs and Northern Development – Ontario Region in order to enter into an MOU regarding Maintenance of the Wyandotte Cemetery;

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 the Memorandum of Understanding as attached hereto as Schedule "A" to this By-law.
2. That the Mayor and Clerk are hereby authorized to sign and seal said agreement on behalf of The Corporation of Town of Amherstburg.
3. That By-law 2013-34 be hereby repealed;
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 5th day of May, 2014.



WAYNE HURST, MAYOR



PAULA PARKER, DEPUTY CLERK

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE CORPORATION OF THE TOWN OF AMHERSTBURG

AND

ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT – ONTARIO REGION

PROJECT TITLE: Maintenance of the Wyandotte Cemetery

CONTACTS: Annette Zahaluk
Manager of Parks and Facilities
The Corporation of the Town of Amherstburg
271 Sandwich St. South
Amherstburg, Ontario N9V 2A5

Aboriginal Affairs and Northern Development Canada (AANDC)
Heather Cullen, Manager of Administration,
100 Anemki Place, Suite 101
Fort William First Nation, Ontario
Tel: (807) 624-1555
Fax: (807) 623-3536

MAXIMUM AMOUNT:

The maximum payable under this agreement shall not exceed the amount of \$4416.00 + HST.

SCOPE OF WORK:

Work to commence (weather permitting) April 14, 2014 through to November 30, 2014.

Work to consist of:

Grass cutting and trimming,
Miscellaneous tree pruning as required,
Litter pick-up and disposal on a weekly basis,
Fertilizing of grass areas twice during the agreement time frame (May and September)

DURATION:

The agreement shall cover 32 weeks of work for the period from April 14, 2014 to November 30, 2014.

SCHEDULE AND BASIS FOR PAYMENT:

AANDC's total obligation under this agreement will not exceed \$4416.00 + HST. This amount is broken down to \$138.00 per week for the period of 32 weeks. If the cost or duration exceeds the 32 weeks or the \$4416.00 + HST, or if there is a requirement of any work over and above this agreement, costs must be pre-authorized in writing by Heather Cullen, Manager of Administration. Failure to obtain pre-authorization will result in non-reimbursement. Payment shall be made monthly, based on the agreed price and receipt of invoice.

AANDC FINANCIAL CODING:

1-120-0455-09770-0000-0000-1563

AMENDMENT:

This agreement may only be amended by the mutual consent of both parties.

CERTIFICATION:

The undersigned have the required delegated signing and spending authorities to accept the agreement on behalf of the Crown and Corporation:

On behalf of the Aboriginal Affairs and Northern Development Canada:

Heather Cullen
Manager, Administration

Date

On behalf of the Corporation of the Town of Amherstburg:

Wayne Hurst
Mayor

Date

Paula Parker
Deputy Clerk

Date