

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2018-40

**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**

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**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 That By-law 2017-30 be hereby repealed;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 14<sup>th</sup> day of May, 2018.



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ALDO DICARLO, MAYOR



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PAULA PARKER, CLERK

**MEMORANDUM OF UNDERSTANDING**

**BETWEEN**

**THE CORPORATION OF THE TOWN OF AMHERSTBURG**

**AND**

**INDIGENOUS SERVICES CANADA – 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

Indigenous and Northern Affairs Canada (INAC)  
Jennifer Mortensen, A/Manager Administration  
Ontario Region  
100 Anemki Place, Suite 101  
Fort William First Nation, ON  
P7J 1A5  
Tel: (807) 624-5906  
Fax: (807) 623-3536

**MAXIMUM AMOUNT:**

The maximum payable under this agreement shall not exceed the amount of \$ 4861.76 + HST.

**SCOPE OF WORK:**

Work to commence (weather permitting) April 16, 2018 through to November 24, 2018.

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 16, 2018 to November 24, 2018.

**SCHEDULE AND BASIS FOR PAYMENT:**

INAC's total obligation under this agreement will not exceed \$ 4861.76 + HST. This amount is broken down to \$ 151.93 per week for the period of 32 weeks. If the cost or duration exceeds the 32 weeks or the \$ 4861.76 + HST, or if there is a requirement of any work over and above this agreement, costs must be pre-authorized in writing by, Jennifer Mortensen, A/Manager 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.

**INAC FINANCIAL CODING:**

9404.A045B.ND00.122.54819

**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 Indigenous and Northern Affairs Canada:



Jennifer Mortensen  
A/Manager Administration



Date

On behalf of the Corporation of the Town of Amherstburg:



Aldo DiCarlo  
Mayor



Date



Paula Parker  
Municipal Clerk



Date