

BY-LAW NUMBER 245-80

A BY-LAW TO AUTHORIZE THE BOARD MEMBERS OF THE NEW TOWN OF FOX CREEK TO ENTER INTO AGREEMENTS WITH HER MAJESTY, THE QUEEN, IN THE RIGHT OF ALBERTA (REPRESENTED BY THE MINISTER OF THE ENVIRONMENT).

WHEREAS under the provisions of Section 119 of the Municipal Government Act, being Chapter 246 of the Revised Statutes of Alberta, 1979, (as amended), the Council may pass a By-Law authorizing the making of an agreement with the Province of Alberta, or its agents, for the performance of any matter or thing considered by the Council and the Province or its agents to be a benefit to both parties; and

WHEREAS under the Environment Grant Regulations the Minister of the Environment may enter into an agreement with a local authority to provide for any work or undertakings; and

WHEREAS the Board Members of the New Town of Fox Creek has made application to the Minister of the Environment under the Alberta Municipal Water Supply and Sewage Treatment Grant Program and the Community Services Program - Municipal Infrastructure Grant, for financial assistance for a project relating to the installation of a Lift Station, Mains, Lagoon in the New Town of Fox Creek.

NOW THEREFORE THE New Town of Fox Creek Board Members DULY ASSEMBLED ENACTS AS FOLLOWS:

That the Chairman and Secretary-Manager of the New Town of Fox Creek be and is hereby empowered to execute agreements similar to the form attached and marked Exhibit "A", between the said Town and the Minister of the Environment relating to the Alberta Municipal Water Supply and Sewage Treatment Grant Program, and the Community Services Program - Municipal Infrastructure Grant.

READ a FIRST time this 10th day of June, 1980 A.D.

READ a SECOND time this 10th day of June, 1980 A.D.

READ a THIRD and FINAL time this 10th day of June, 1980 A.D.


CHAIRMAN


SECRETARY-MANAGER

GOVERNMENT OF THE PROVINCE OF ALBERTA
DEPARTMENT OF THE ENVIRONMENT

Agreement

ALBERTA MUNICIPAL WATER SUPPLY AND SEWAGE TREATMENT GRANT PROGRAM

and

COMMUNITY SERVICES PROGRAM - MUNICIPAL INFRASTRUCTURE GRANT

THIS AGREEMENT made in duplicate this 11TH day of JUNE, 1980

BETWEEN the Parties:

HER MAJESTY THE QUEEN, in right of Alberta,
as represented by the Minister of the Environment,
hereinafter called the "Minister",

- and -

NEW TOWN OF FOX CREEK
in the Province of Alberta, hereinafter
referred to as the "Local Authority".

RECITALS:

The Local Authority is the holder of a permit to construct works and to improve its water supply/sewage treatment system, and has requested the Minister to assist the Local Authority by providing funds under the Alberta Municipal Water Supply and Sewage Treatment Grant Program and the Government of Canada Community Services Program - Municipal Infrastructure Grant.

3. This Agreement continues in effect from its date of execution until the date of the final grant payment or such other date as the Minister may agree to in writing.
4. This Agreement inures to the benefit of and is binding upon the Parties to this Agreement and their respective successors and approved assigns.

THIS AGREEMENT is executed by the Parties as of the date shown on the first page of the Agreement.

HER MAJESTY THE QUEEN
IN RIGHT OF ALBERTA

Witness

Minister of the Environment
(Name of Local Authority) (seal)

Witness

Man 43.00

(Indicate signing authority)

Witness

Paul Peroff

(Indicate signing authority)

SCHEDULE OF TERMS AND CONDITIONS

TO

Agreement

ALBERTA MUNICIPAL WATER SUPPLY & SEWAGE TREATMENT GRANT PROGRAM

COMMUNITY SERVICES PROGRAM - MUNICIPAL INFRASTRUCTURE GRANT

BETWEEN: The Minister of the Environment - and - the NEW TOWN OF FOX CREEK
dated JUNE 11TH, 1980

1. The Local Authority hereby agrees to:

- (a) finance the entire cost of design and construction of the Approved Project,
 - (b) construct the "Approved Project" and all parts or portions thereof at its sole risk in a proper and workman-like manner, complete in all respects in accordance with the plans and specifications for the "Approved Project" and as prescribed in the Permit granted to the Local Authority for construction of the "Approved Project" under The Clean Water Act and shall pay all costs and expenses relating thereto;
 - (c) assume all liability for all damages of any nature whatsoever caused by the Local Authority, its servants, workmen, or agents, in the construction, use, operation, maintenance, repair and replacement of the "Approved Project", or any part thereof, and will indemnify and save harmless Her Majesty in respect of all claims or demands or actions of whatever kind and nature that may be made against the Minister or his employees, workmen, or agents by reason of the financial assistance given to the Local Authority for the construction of the "Approved Project" under this Agreement,
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SCHEDULE OF PAYMENTS

TO

AGREEMENT

ALBERTA MUNICIPAL WATER SUPPLY & SEWAGE TREATMENT GRANT PROGRAM
COMMUNITY SERVICES PROGRAM - MUNICIPAL INFRASTRUCTURE GRANT

BETWEEN: The Minister of the Environment - and - the NEW TOWN OF FOX CREEK
dated JUNE 11TH, 1980

1. The Local Authority shall:

- (a) submit to a professional accountant, either employed by the Local Authority in the official function of internal auditors or a firm of public accountants authorized by the Local Authority, a statement of costs incurred on approved projects, and the professional accountant shall attest in accordance with Generally Accepted Auditing Standards that the expenditures so submitted are for Approved Projects, are reasonable, and within the provisions as set out in this Agreement,
 - (b) agree to allow the Province or its agents, including but not limited to, the Auditor General of Alberta, and representatives of Alberta Environment access to the project site; any engineering drawings or documents; any books of accounts relating to expenditures claimed under this Agreement, and other such project related documents as deemed necessary by the Province in performing an audit of the projects undertaken under this program.
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2. The Minister shall:

- (a) upon receipt of a completed application form and evidence that the local authority has accepted a tender and has commenced construction, issue a grant of 50 per cent of the total grant estimated;
 - (b) upon notification that 80 per cent of the construction has been completed, issue a further payment of 30 per cent of the total grant estimated;
 - (c) upon receipt of a statement of final costs, attested to by a professional accountant, issue a final payment under this program.
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