

**THE CORPORATION OF THE TOWNSHIP OF WILMOT
BY-LAW NO. 2016-44**

**BEING A BY-LAW TO ESTABLISH AND MAINTAIN THE
TRUST FUNDS OF THE TOWNSHIP OF WILMOT**

WHEREAS Section 9(1) of the Charities Accounting Act, RSO 1990, chapter C.10, as amended, allows a municipality to hold real or personal property devised, bequeathed or granted to it for a charitable purpose upon terms expressed in the devise, bequest or grant;

AND WHEREAS Section 9(2) of the Charities Accounting Act, RSO 1990, chapter C.10, as amended, allows a municipality to enter into an agreement with the person devising, bequeathing or granting the property for the holding, management, administration or disposition of the property;

AND WHEREAS the Township of Wilmot is operating a number of trust funds.

AND WHEREAS the authority for such trust funds and the purpose for which they were established is to be clear in all cases.

AND WHEREAS it is deemed expedient to consolidate the authority for all trust funds into one by-law.

NOW THEREFORE the Council of the Corporation of the Township of Wilmot hereby enacts as follows:

Definitions

“Charities Accounting Act” means the Charities Accounting Act, RSO 1990, chapter C.10, as amended.

“Funeral, Burials and Cremation Services Act” means the Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, c. 33

“Legislated Trust Fund” means a trust fund which the Township is required to maintain by government legislation.

“Permanent Trust Fund” means a trust fund for which funds will be held by the Township indefinitely.

“Temporary Trust Fund” means a trust funds for which funds will be held by the Township for a pre-determined amount of time.

“Township” means The Corporation of the Township of Wilmot

“Township Council” means the elected Council of The Corporation of the Township of Wilmot.

“Trustee Act” means the Trustee Act R.S.O. 1990, Chapter T.23

Citation

This by-law shall be known as the “Trust Fund By-Law” of the Township.

Should any by-law or document refer to the Township’s “Trust Fund By-Law”, it shall be interpreted to mean this by-law.

Trust Fund Operations

The Township hereby ratifies and confirms as trust funds, under the provisions of the Charities Accounting Act, the legislated, permanent and temporary trust funds contained within this by-law.

Unless otherwise specified, all trust funds will be consolidated under one operational account within the Township’s designated financial institution.

The Director of Finance, or his/her designate, where the Township is named as trustee, shall invest funds or otherwise operate the trust funds in accordance with the Trustee Act, unless otherwise specified.

The Director of Finance, or his/her designate, is authorized to subdivide or consolidate a trust fund for accounting purposes.

Any disbursement of funds, for expenditures on Township owned property, or for property which the Township has a use/maintenance agreement, that are considered capital in nature,

as determined by the Township's capitalization threshold, shall require the authorization of Township Council prior to the disbursement.

The disbursement of funds shall be authorized in accordance with the criteria outlined under each trust fund, the Township's Procurement By-Law and any terms or agreements in place governing the specific trust fund.

Any creation of a "new" trust fund shall require an amendment to this by-law, outlining the nature of the trust fund (legislated, permanent or temporary), the purpose for which funds will be used and the criteria under which funds will be distributed.

Legislated Trust Funds

Care and Maintenance – Riverside Cemetery Trust Fund

Background

This trust fund was set up in accordance with the Funeral, Burial and Cremation Services Act, C.33 Section 53 (1) which states that every cemetery operator who sells, assigns or transfers interment rights shall have a care and maintenance fund.

Funeral, Burial and Cremation Services Act, C.33 Section 53 (3) states that a care and maintenance fund or account shall be established in a prescribed type of institution

Funeral, Burial and Cremation Services Act, C.33 Section 53 (4) states that the purpose of a care and maintenance fund or account is to generate income for the care and maintenance of the cemetery.

The Township currently allocates 40% on sale of plots and 15% on sale of columbarium niches to this fund.

General Criteria

Under Cemeteries Act C. 4 Section 35(4) an owner receiving money pursuant to subsection (3) shall use the money for the upkeep of the cemetery and the markers and structures therein in the prescribed manner.

Cemetery Act C.4 Section 35(5) states that no trustee of a fund established under this section shall pay out any of the capital portion of the fund.

Earned interest on this fund is transferred annually to cemetery operating revenue to partially offset operating expenditures related to Riverside cemetery.

Distribution of Funds

The Director of Finance will disburse interest earned from this trust fund annually to the cemetery operating account.

Permanent Trust Funds

Castle Kilbride Trust Fund

Background

This trust fund was established in 1994 to assist the Township of Wilmot's efforts to achieve and support the mandate of the Castle Kilbride Advisory Committee. Contribution to this fund can be in the form of donations received or revenues generated from Castle Kilbride functions.

General Criteria

Funds may be used for the following purposes:

- To acquire artifacts original to Castle Kilbride, the Livingston Family or Livingston business endeavors.
- To acquire artifacts to complete the period decorating inside Castle Kilbride
- To support the Castle Kilbride's mandate (interpreting the home, conducting research and educating the public through programming, exhibits and marketing) by use of original, reproduction or educational artifacts.
- To assist Castle Kilbride in fundraising initiatives (e.g. seed money to host fundraising events or to host a gala)

Castle Kilbride Advisory Committee Members shall determine how funds are to be used through a majority vote.

Proof of Castle Kilbride Advisory Committee approval shall be submitted prior to the distribution of funds.

Distribution of Funds

Upon submission of a valid receipt and supporting documentation (i.e. committee approval), funds will be distributed to the appropriate party.

Fairmount Cemetery Trust Fund

Background

In May 2005, Fairmount Cemetery approached the Township to assume trusteeship of their Care and Maintenance Fund. The Care and Maintenance Funds from Fairmount Cemetery were transferred to Township's account in October 2005. The Township would invest funds at the going bank rate. Township will not charge administration for the handling of the fund. The Township will provide a summary of the fund activities to Fairmount Cemetery subsequent to year end.

General Criteria

Funds are to be reinvested annually on behalf of Fairmount Cemetery.

Interest earned on the funds will be transferred to Fairmount Cemetery no later than January 31 of the following year.

Distribution of Funds

The Director of Finance will remit interest earned from the previous year to Fairmount Cemetery.

Financial Assistance Trust Fund

Background

This trust fund was set up to assist children from low-income families to have access to recreational and cultural services within the Township. This trust is funded through annual contributions within the Grants to Community Groups Program. Funds are recommended for approval by Township Council during budget process to replenish an equal amount to what was distributed in the previous year.

General Criteria

To qualify for assistance or subsidization the subject of the application must be under 14 years of age (proof of age required) and have been a resident of the municipality for a period of not less than six months.

Only programs offered in the Township of Wilmot will be eligible for assistance or subsidy.

Participants will be limited to two activities per calendar year and a maximum of \$150.00 per participant per calendar year.

The maximum amount available per family will be \$300.00 in one calendar year.

The funding to be used on a first come first served basis to a maximum of \$2,500.00 per annum

The amount of assistance will be based on total family income and the income range will be indexed annually based on the cost of living adjustment (COLA) in November.

Applications will be reviewed based on these Financial Assistance guidelines and distributed accordingly.

Distribution of Funds

The Director of Finance will disburse trust fund to the appropriate organization on behalf of the applicant.

New Hamburg Festival of Lights Trust Fund

Background

The New Hamburg Festival of Lights is a program established by the former New Hamburg Parks Board in 1998. The objective of the program is to decorate trees along the river in Scott and Kirkpatrick Parks in New Hamburg with Christmas lights for the holiday season. Service Clubs and community volunteers raise funds to purchase, install and maintain the lights in the park areas.

General Criteria

The trust fund will be used for re-lamping purposes. (The trust fund will be used to purchase new lights and/or replace light bulbs on the existing strings of lights, etc.)

Distribution of Funds

Funds will be distributed upon recommendation from the Director of Facilities and Recreation Services with official receipts attached.

Wilmot Recreation Complex – Active Living Centre Trust Fund**Background**

In 2010 the Waterloo-Wellington District Senior Games were held in Wilmot Township. Surplus funds raised by the host committee to operate the Waterloo-Wellington District Seniors Game were donated to the Township to purchase equipment for the Active Living Centre at the Wilmot Recreation Complex. In 2016, an additional donation was made by a private donor to the Wilmot Recreation Complex, which was distributed evenly to the Active Living Centre and Youth Centre Trust Funds.

General Criteria

Funds will be used for equipment purchase for the Active Living Centre at the Wilmot Recreation Complex.

Distribution of Funds

Funds will be distributed upon recommendation from the Director of Facilities and Recreation Services with official receipts attached.

Wilmot Recreation Complex – Youth Centre Trust Fund**Background**

In 2011 the Optimist Club of New Hamburg donated \$5,000 towards the Optimists' Youth Centre at the Wilmot Recreation Complex to assist with the purchase of supplies, equipment and the hiring of instructors for youth programs. The Optimist Club of New Hamburg has also pledged an additional \$5,000 annually for five years to assist with the program. In 2016, an additional donation was made by a private donor to the Wilmot Recreation Complex, which was distributed evenly to the Active Living Centre and Youth Centre Trust Funds.

General Criteria

Funds will be used for the purchase of supplies, equipment and the hiring of instructors for youth programs.

Distribution of Funds

Funds will be distributed upon recommendation from the Director of Facilities and Recreation Services with official receipts attached.

Wilmot Volunteer Firefighters Trust Fund**Background**

Over several years, donations have been made to the three (3) volunteer fire stations to assist in the purchase of equipment for each station. The three (3) legacy trust funds have been consolidated under this by-law.

General Criteria

The trust fund will be used for the purchase of equipment and small tools for the Wilmot Fire Service. Records will be maintained to differentiate any donations specified for a specific station.

Distribution of Funds

Funds will be distributed upon recommendation from the Fire Chief with official receipts attached.

Temporary Trust Funds

Description, criteria and Township designated trustees for the Township's temporary trust funds are outlined in Schedule A to this by-law.

Severability

If a Court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Township Council to pass the remainder of this by-law and it is hereby declared that the remainder of this by-law shall be valid and shall remain in full force and effect.

Coming to Force

This by-law shall come into force on the date of its passage by Township Council, and hereby repeals By-Law No. 2012-29; By-Law No. 2013-04; By-Law No. 2013-08; By-Law No. 2013-36; By-Law No. 2015-03, and all previous by-laws associated with Trust Funds.

READ a first and second time in Open Council this 24th day of October 2016.

READ a third time and finally passed in Open Council this 24th day of October 2016.

Mayor

Clerk

**Schedule "A" To By-law No. 2016-44
TEMPORARY TRUST FUNDS**

Baden Community Centre Trust Fund

Background

In the 1990's, the Township received donations from the late Harold and Enid Schmidt for the construction of a Community Centre in Baden.

General Criteria

Trust fund will be used for the purchase or construction of a Community Centre in Baden.

Disbursement of funds is contingent upon a documented recommendation from the Baden Community Association.

Any disbursement of funds that are considered capital in nature, as determined by the Township's capitalization threshold, shall require the authorization of Township Council prior to the disbursement.

Distribution of Funds

Funds will be distributed upon recommendation from the Baden Community Association.

Trust Fund Termination Date

December 31, 2033.

Funds Remaining at Termination Date

A report will be prepared for Council outlining any remaining funds, and funds will be distributed equally to the Wilmot Recreation Complex Youth Centre and Active Living Centre as per the direction of the Trustee, Enid Schmidt, who survived Harold Schmidt and was the sole beneficiary of the estate.

Wilmot Trails Trust Fund

Background

In January 2013 and January 2015, PAB Holdings Limited donated a combined total of \$100,000 for development of the Wilmot Trails Network. These developments are to include a trail within the 33 acre forest near the Forest Glen School and subdivisions. This trail system could be part of a greater trail system running from the area of Forest Glen Public School to the Wilmot Recreation Complex

General Criteria

PAB Holdings Limited will have input or involvement in the planning of the "Forest Glen Trail". Commemorative markers for the Ritz family and Klassen family will be placed along any trails funded fully or partially by the PAB Holdings Limited donations.

Any disbursement of funds that are considered capital in nature, as determined by the Township's capitalization threshold, shall require the authorization of Township Council prior to the disbursement.

Distribution of Funds

Funds will be distributed upon recommendation from the Township and acknowledgement from PAB Holdings Limited.

Trust Fund Termination Date

December 31, 2020

Funds Remaining at Termination Date

A report will be prepared for Council outlining any remaining funds, and providing options for the dissolution of this trust fund.

Foundry Street Parkette Trust Fund

Background

The development of the Foundry Street Parkette project was adopted by Council on September 22, 2014. The Baden Community Association accumulated funds for the project through grants, fundraising and donations.

General Criteria

This Trust Fund will be used for the labour and material costs for the Foundry Street Parkette development.

Distribution of Funds

Funds will be distributed upon recommendation from the Director of Facilities and Recreation and the Baden Community Association with official receipts attached.

Trust Fund Termination Date

December 31, 2016

Funds Remaining at Termination Date

A report will be prepared for Council outlining any remaining funds, and providing options for the dissolution of this Trust Fund.

Wilmot Splash Pad Trust Fund

Background

The “Bring a Splash Pad to Wilmot” campaign occurred throughout 2014 and 2015, to assist in funding the costs associated with the design and construction of the Wilmot Splash Pad. At the conclusion of the capital project, excess fundraising dollars remained.

General Criteria

This Trust Fund will be used for capital replacement/enhancements of Wilmot Splash Pad elements.

Distribution of Funds

Funds will be distributed upon recommendation from the Director of Facilities and Recreation Services, with official receipts attached.

Trust Fund Termination Date

December 31, 2025

Funds Remaining at Termination Date

A report will be prepared for Council outlining any remaining funds, and providing options for the dissolution of this Trust Fund.