



## Legislation Text

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**TAMRMS#:** B06

### **Humboldt Committee MOU**

Presented by: Diane McMordie, Director, Finance & Assessment

### **RECOMMENDATION(S)**

#### **PURPOSE OF REPORT**

That the Chief Administrative Officer be authorized to enter into an agreement with the former Chair and Treasurer of the Humboldt Remembrance Committee to allow the City to hold funds generated from the activities of the Committee until the St. Albert Community Foundation is legally able to accept the funds for future administration.

#### **ALIGNMENT TO PRIORITIES IN COUNCIL'S STRATEGIC PLAN**

N/A

#### **ALIGNMENT TO LEVELS OF SERVICE DELIVERY**

N/A

#### **ALIGNMENT TO COUNCIL DIRECTION OR MANDATORY STATUTORY PROVISION**

The terms of the agreement contemplated are plausibly construed as falling within a type of agreement which must be approved by Council pursuant to Council Policy C-CAO-01 City Manager Delegations

### **BACKGROUND AND DISCUSSION**

Over the past 7 - 8 months the Humboldt Remembrance Committee (the "Committee") has been active in the community raising money towards permanent memorials in the community along with establishment of scholarships in the names of the young men from St. Albert killed in the tragedy.

The Committee's fundraising efforts culminated in the Jersey Gala which took place on October 26, 2018 at the Enjoy Center in St. Albert. The Committee has successfully raised over \$350,000 towards the scholarship program which will ultimately be administered by the St. Albert Community Foundation (the "Foundation").

As the Committee has officially disbanded, they are now asking the City to hold the money raised

until such time as the Foundation is able to officially accept the donation. The Foundation is not able to accept responsibility for the funds at this time for the following reasons:

1. The Foundation can only accept this large donation from a legal entity which the Committee is not.
2. The Foundation cannot accept the money until legal agreements with regards to the scholarship program are finalized.

It is expected that these conditions will be satisfied within the next couple of months.

To mitigate risk for the City, the Legal Department will prepare an agreement to specify the roles and responsibilities of both the City and the remaining members of the Committee, Nolan Crouse as Chair and Michael Tymko as Treasurer, in respect of the funds the City is being asked to hold pending final disbursement.

As per Council Policy C-CAO-01 City Manager delegations, Section 5.c.1, the City Manager (now known as the Chief Administrative Officer or "CAO") may:

- Approve and enter into revenue contracts (exclusive of grant or rebate type agreements) provided that the anticipated annual revenue to the City does not exceed \$100,000.

Given that the anticipated transfer of funds is expected to be in excess of the \$100,000 defined in the Policy, Council delegation of authority to the CAO to enter into this kind of agreement is recommended, to ensure that the Policy is not breached.

## **STAKEHOLDER COMMUNICATIONS OR ENGAGEMENT**

N/A

## **IMPLICATIONS OF RECOMMENDATION(S)**

Financial:

The City of St. Albert will hold funds raised by the Committee until such time as conditions have been met for release to the Foundation.

Legal / Risk:

An agreement will be executed to ensure that financial and reputational risk to the City is mitigated. Pursuant to the City Manager Delegations Policy, the CAO has the authority to enter into revenue contracts with anticipated annual revenue of \$100,000 or less. Council approval is required in order for the CAO to enter into revenue contracts with a value higher than \$100,000 annually. Since this could be construed as a "revenue contract" within the meaning of the Policy, it is recommended that Council delegate authority to the CAO to enter into this specific agreement to hold funds in excess of \$100,000 until the funds can be disbursed to their ultimate recipient.

Program or Service: None at this time

Organizational: None at this time

## **ALTERNATIVES AND IMPLICATIONS CONSIDERED**

N/A

Report Date: December 3, 2018

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Committee/Department: Finance & Assessment/ Legislative and Legal Services

Deputy Chief Administrative Officer/Chief People Officer: Michelle Bonnici

Chief Administrative Officer: Kevin Scoble