

BYLAW NO. 6/97

**A BYLAW TO ENTER INTO AN AGREEMENT WITH THE
OPTIMIST CLUB OF WILCOX TO ESTABLISH AND
ADMINISTER A DEDICATED COMMUNITY HALL FUND.**

The Council of the Village of Wilcox in the Province of Saskatchewan enacts as follows:

a) That an agreement may be entered into with the Optimist Club of Wilcox for the establishment of a dedicated community hall fund which shall be administered as per the terms and conditions described in the agreement.




Mayor

(SEAL)



Clerk

Certified a true copy of the Bylaw adopted by resolution of council on the
15th day of DEC, 1997



Clerk

AGREEMENT

THIS AGREEMENT MADE IN DUPLICATE THIS 15th DAY
OF DECEMBER, 1997.

BETWEEN:

VILLAGE OF WILCOX,
(hereinafter referred to as "the Village")
OF THE FIRST PART

- and -

THE OPTIMIST CLUB OF WILCOX,
(hereinafter referred to as "the Club")
OF THE SECOND PART

WHEREAS, The Village is an incorporated Urban Municipality of the Province of Saskatchewan, responsible for delivering varied and numerous services to the ratepayers and residents of that municipality;

AND WHEREAS the Club is a volunteer service club/organization operating in Wilcox which raises funds for community projects which benefit the community of Wilcox and its residents and ratepayers;

AND WHEREAS, in 1990, the Club initiated an ongoing fundraising project for the future construction of a community hall for Wilcox;

AND WHEREAS, until recently funds raised for the future construction of a community hall have been held in trust by the Wilcox Hall Board;

AND WHEREAS, the Wilcox Hall Board has wound down its operations and has ceased fundraising for a community hall;

AND WHEREAS, the Club, as the sole remaining fund raising organization in the community, wishes to appoint the Village as trustee for all moneys raised for the purpose of a community hall;

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the mutual covenants and agreements herein, and subject to the terms and conditions set out in this Agreement, the parties agree as follows:

1. The Club will immediately transfer all moneys raised for the purpose of a new community hall directly to the Village and the Village, in turn, will establish a dedicated

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community hall trust fund which will include all moneys formerly held by the Wilcox Hall Board, all personal donations relating thereto and all moneys raised through fundraisers by the Club or any other individual or organization.

2. The Village shall invest the proceeds of the trust fund in any investment and in any manner that Council of the Village of Wilcox deems appropriate in accordance with the requirements for investing funds as detailed in *The Urban Municipality Act, 1984*. A statement of these investments shall be provided to the Club on an annual basis.

3. All interest or proceeds from any investment from this dedicated trust fund shall be added to and remain a part of the dedicated community hall trust fund.

4. The Club or any other person or organization may add to the dedicated community hall fund at any time and in any amount.

5. As long as the Club is operational, the Village shall act only as trustee for the community hall fund. If the Club deems that sufficient funds have become available to develop or construct a community hall for Wilcox, the Village shall, upon written request by the Club, transfer the entire trust fund, together with accumulated interest, back to the Club.

6. If the Club should ever cease operation or dissolve, the Club forever relinquishes all of its interest in the trust fund to the Village. The Village agrees to maintain the trust fund in its entirety, together with accrued interest, for the purpose of constructing a community hall and no funds may be withdrawn for a period of two years after the Club has ceased. This is stipulated in the hope that another group or organization will become involved in fundraising.

7. If there is no active fundraising for a community hall in Wilcox by any service club, organization or individual for a two year period after the Club has dissolved, the Village may appoint a three member committee (hereinafter referred to as "the Committee") to be comprised of the Village Clerk, an appointed representative of Village Council and a member of the community at large as appointed by the Village Council. The two appointed members of the Committee shall be appointed for a two year period.

8. The Committee shall oversee and disperse any portion of the annual interest earned by the trust fund for any purpose the Committee deems necessary for the improvement of the community of Wilcox. The Committee shall act independently of Village Council. Disbursements may be made for, but shall not be restricted to, improvements to or expansion of, new or existing community or recreational facilities and operating grants to community based sports teams or organizations. Members of the Committee shall have signing authority and shall be financially accountable to Village Council and to the Village's appointed auditor at all times.

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9. Subject to Section 10. and 11. herein, the Committee may not disperse in any one year more than the trust fund earns in annual interest in that year.

10. In the event that the Committee or the Village Council recommends dispersing any amount of the trust fund which exceeds the annual interest earned in any one year for any community project or projects (excepting any proposal to develop a community hall for Wilcox) a plebiscite vote must be held on the question. The Village Clerk shall determine the wording of the question for the ballot. The result of the vote shall not be binding on the Committee.

11. In the event that a proposal is made to disperse trust funds for a community hall project, the Committee may consider the hall proposal and is not bound to hold a plebiscite vote as long as all members of the Committee unanimously support the hall project. If the Committee is not unanimous in its support or if the Committee requests a plebiscite, a vote shall be held in accordance with Section 10. herein.

12. The plebiscite vote mentioned in Sections 10. and 11. herein shall follow, as closely as possible, the legislated guidelines for urban municipal elections contained in The Local Government Election Act . All costs of holding such a vote will be paid from the trust fund. Eligibility to vote on any plebiscite question shall be:

- a) 18 years of age and a Canadian citizen as at the date of the vote; and
- b) A resident of Saskatchewan for six months prior to the vote and an owner of assessable property or resident of either the Village of Wilcox, R.M. of Bratt's Lake No. 129 or the R.M. of Caledonia No. 99 for at least three months prior to the vote; and
- c) Receives regular mail in Wilcox and/or regards themselves as a member of the community of Wilcox.

13. IN WITNESS WHEREOF the parties hereto have executed this Agreement as at the day and year first above.

VILLAGE OF WILCOX

Per: 

Per: 

(SEAL)

OPTIMIST CLUB OF WILCOX

Per: 

Per: 

(SEAL)