

BY-LAW NO. 199-95  
OF THE  
CORPORATION OF THE CITY OF CAMBRIDGE

Being a by-law of the Corporation of the City of  
Cambridge for establishing and maintaining  
Trust Funds

WHEREAS Section 9(2) of the Charities Accounting Act R.S.O. 1990, Chapter C.10 and amendments thereto, allows a municipality to provide for the establishment or maintenance for trust funds for any purpose for which it is authorized to spend funds.

AND WHEREAS the City of Cambridge 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 MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF CAMBRIDGE ENACTS AS FOLLOWS:

- 1) That the following separate and distinct trust funds as set out in Schedule "A" attached hereto are hereby ratified and confirmed as trust funds under the provisions of Section 9(2) of the Charities Accounting Act R.S.O. 1990, Chapter C.10.
- 2) That the operation of a consolidated bank account for the trust funds, unless otherwise specified in any trust deed or agreement, is hereby authorized.
- 3) That the specified trustees re: investment, or the City Treasurer or his/her designate where the Corporation of the City of Cambridge is named as trustee, shall invest funds or otherwise operate the trust funds in accordance with the Trustee Act R.S.O. 1990 Chapter T.23, as amended, unless otherwise specified in the trust deed or agreement.
- 4) That the Treasurer or his/her designate of the Corporation of the City of Cambridge be authorized to subdivide a Trust Fund into separate components for accounting purposes.

READ A FIRST, SECOND AND THIRD TIME

ENACTED AND PASSED THIS 13TH DAY OF NOVEMBER, 1995

  
MAYOR

  
CLERK

**SCHEDULE "A"**

**TO BY-LAW NO. 199-95**

**OF THE CORPORATION OF THE CITY OF CAMBRIDGE**

**LEGISLATED**

1. Cemetery -Care and Maintenance
2. Cemetery-Care and Maintenance Monuments
3. Cemetery Charges Prepaid
4. Election Surplus
5. Ontario Home Renewal Program Homeowners
6. Prepaid Rent

**OTHER-PERMANENT**

7. Archives
8. Arthur White Scholarship
9. Arthur White Sports Bursary
10. Bernice Adams Memorial Award
11. Cambridge Training Committee-"Training Cambridge"
12. CITC-Mayor's Award For Excellence in Workplace Training
13. Heritage River Trail
14. Library Donation Trust
15. Library-Art Acquisition
16. Natural Heritage
17. Scott Thompson

**OTHER-TEMPORARY**

18. Cambridge Rowing Club-Riverbluffs Park Boat Storage Facility
19. Horticulture
20. Lions Can-Amera

**LEGISLATED**

**CEMETERY**

**CARE AND MAINTENANCE**

**History**

Subject to Cemetery Act C.4 subsection 35(2), the owner shall make the deposit into the Care and Maintenance Fund within sixty days after receiving payment for in-ground grave for burial, a crypt in a mausoleum or a niche / compartment in a columbarium

45% of sale of interment rights is put into this fund. Earned interest on this trust fund is transferred annually to operating revenue to partially offset operational expenditures relating to the City cemeteries.

**Trustees Re: Investment**

The Corporation of the City of Cambridge shall act as Trustee to receive, invest and to acknowledge receipt of all funds forming the capital and accumulated income of this Fund.

## **CARE AND MAINTENANCE-MONUMENTS**

### **History**

In July 1992, the Ontario Government introduced a new provision for a contribution to the care and maintenance fund for every monument and marker sold.

Under Cemeteries Act C.4 subsections (3), (4) and (5), of Section 35(2) income from the care and maintenance fund can be used to maintain, secure and preserve the cemetery, its grounds and buildings and the equipment used for purposes of maintenance, security and preservation.

### **Trustees Re: Investment**

The Corporation of the City of Cambridge shall act as Trustee to receive, invest and to acknowledge receipt of all funds forming the capital and accumulated income of this Fund.

## **CEMETERY CHARGES PREPAID**

The purpose of this trust fund is to account for prepayment for burial opening charges. As individual prepayments are obtained, the fund is credited with the amount received. As burial openings occur, the trust fund is decreased by the current opening charge with the revenue being recognized in the current operating account.

### **Trustees Re: Investment**

The Corporation of the City of Cambridge shall act as Trustee to receive, invest and to acknowledge receipt of all funds forming the capital and accumulated income of this Fund.

## **ELECTION SURPLUS**

This fund is required by the Municipal Election Act, Section R.S.O. 1990, as amended, which stipulates that the Clerk shall hold any election surplus in an account for the registered candidate for use in whole or in part by the registered candidate in the next regular election or turned over to the general funds of the municipality or other appropriate body.

### **Trustees Re: Investment**

The Clerk of the City of Cambridge shall act as Trustee to receive, invest and to acknowledge receipt of all funds forming the capital and accumulated income of this Fund and shall disburse such funds in accordance with the above noted act.

## **ONTARIO HOME RENEWAL PROGRAM HOMEOWNERS**

### **History**

Since provincial inception in 1974, the program provide grants to municipalities to assist owner/occupants to repair dwellings to locally developed standards acceptable to the Ministry.

Effective July 16, 1993, the Ontario Home Renewal Program ended and no further loans were made and the balance of the trust funds will be returned to the Ministry when the loan payment is received from the homeowner. It is expected that the last loan will be repaid in 1997.

### **Trustees Re: Investment**

The Corporation of the City of Cambridge shall act as Trustee to receive, invest and to acknowledge receipt of all funds forming the capital and accumulated income of this Fund.

## **PREPAID RENT**

### **History**

This fund is required by The Landlord and Tenant Act R.S.O. 1990, as amended, which stipulates that The City of Cambridge may require security deposits for one rent period not exceeding one month rent and shall pay interest at 6% annually on the security deposit from new tenants.

### **Trustees Re: Investment**

The Corporation of the City of Cambridge shall act as Trustee to receive, invest and to acknowledge receipt of all funds forming the capital and accumulated income of this Fund and to pay out such funds in accordance with the provisions of the above noted legislation.

## **OTHER PERMANENT TRUST FUNDS**

### **ARCHIVES TRUST FUND**

#### **History**

In May 1995, the Cambridge Museum of the Environment, Science and Industry requested that the balance of the trust fund from Omnimax be transferred to the City's Archives trust funds.

#### **Trustees Re: Investment**

The Corporation of the City of Cambridge shall act as Trustee to receive, invest and to acknowledge receipt of all funds forming the capital and accumulated income of this Fund.

#### **Trustee Re: Distribution**

Trustee of the fund for distribution shall be Council of the City of Cambridge

#### **General Criteria**

This trust fund is to be used to pay for part of the cost of a researcher to verify the accuracy of the information at hand for the production of the book "Who's Who in the History of Cambridge" and to cover part or all of the costs of publishing the results.

### **ARTHUR WHITE SCHOLARSHIP FUND**

#### **History**

Upon the death of Mr. Arthur White in 1973, a bequest was made by the estate to establish a scholarship fund in the amount of \$5,000.00

#### **Trustees Re: Investment**

The City Treasurer and City Clerk of The City of Cambridge are named as Trustees of the funds. The Trustees are authorized to invest the money in any investment which they deem reasonably secure and likely to return a fair annual income and the Trustees are exonerated from any responsibility for any loss which may be occasioned by reason of any investment made by them in good faith.

#### **Trustees Re: Distribution**

The adjudicators shall be the elected representatives from the City of Cambridge on the Waterloo County Board of Education or any other regional Board of Education which may replace it in the future. The adjudicators shall select the award recipient annually and advise the Trustees.

#### **General Criteria**

An award, in an amount to be determined by the investment trustees, from the income of the Trust fund, shall be paid annually to the High School student (male or female) in The City of Cambridge who is adjudged to be the best athlete with the highest academic standing.

Student attending both public or separate high schools are qualified for consideration of this scholarship.

## **ARTHUR WHITE SPORTS BURSARY FUND**

### **History**

The purpose of this fund is to provide financial assistance to deserving and qualified individual athletes, teams or athletic groups representing the City of Cambridge at Provincial, National or International level of competition.

The fund was established as a tribute to the late Arthur White (1908-1973), an alderman and Mayor of the former City of Galt and M.P. for South Waterloo from 1953 to 1957.

A campaign was launched to companies and organizations throughout the community requesting donations. In 1973, a contribution of \$5,000 was made by the City of Cambridge.

### **Trustees Re: Investment**

The Corporation of the City of Cambridge shall act as Trustee to receive, invest and to acknowledge receipt of all funds forming the capital and accumulated income of this Bursary Fund.

### **Trustee Re: Distribution**

Trustees, to act as adjudicators of awards, shall be appointed by the Council of The City of Cambridge for a term, such term to coincide with the term of the office of the said Council.

Trustees shall represent a cross-section of the citizens of Cambridge and such Trustees shall have complete discretion in distributing the income of the said fund for partial or full support of deserving persons or teams as defined above, in any worthwhile athletic endeavor concerning the City of Cambridge.

The Trustees shall make an Annual Report to City Council and shall ensure that such report comes to the knowledge of the residents of The City of Cambridge by publishing same in the usual news media.

The Trustees may consider the distribution of capital from the fund according to the terms set out below.

### **General Criteria**

A quorum for the distribution of the income of the fund shall require the presence of a majority of the trustees, and in the event that an encroachment on capital is being considered, a quorum shall be 75% of the appointed Trustees and further, such encroachment shall require the consent of the Council of the City of Cambridge and shall not exceed 25% of the total funds in any one year.

Upon appointment of the Trustees, they shall elect from amongst their members a Chairperson and a vice-chairperson to act for the duration of their term of appointment. A member of the staff of the Community Services Department shall act as Secretary to the said Distribution Trustees for the stated term.

Changes in the criteria of the Art White Sports Bursary Fund shall be recommended by the Trustees of the said fund to the City of Cambridge Council for approval.

Fund expenses including administration, advertising and distribution costs shall be approved by the Trustees from time to time.

## **BERNICE ADAMS MEMORIAL AWARD FUND**

### **History**

The fund was initiated in 1980, in recognition of contributions made by the late Alderman Bernice Adams to the City of Cambridge and the Regional Municipality of Waterloo.

The purpose of this fund is to provide assistance and/or recognition of deserving and qualified persons, groups or organizations in the areas of communications, arts and/or culture in the City of Cambridge.

The initial contribution of \$1,500 was made by the City from current revenue.

### **Trustees Re: Investment**

The Corporation of the City of Cambridge shall act as Trustee to receive, invest and to acknowledge receipt of all funds forming the capital and accumulated income of this Fund.

## **BERNICE ADAMS MEMORIAL AWARD FUND (cont'd)**

### **Trustee Re: Distribution**

Eight Trustees shall be appointed for staggered terms of two or three years by the Council of the City of Cambridge.

Each January the Trustees shall from amongst their members, appoint a Chairperson and a vice-chairperson to act for the term of one year. A member of staff of the Community Services Department shall act as liaison to the said Trustees for the stated term. The Treasurer of the City of Cambridge, or designate, shall act as Treasurer.

### **General Criteria**

A quorum for the purpose of distribution of the income of the fund shall be five of the eight Trustees, and in the event that an encroachment on capital is being considered, a quorum shall be five of the eight appointed Trustees, and further, such encroachment shall require the consent of The Council of the City of Cambridge and will not exceed 25% of the total funds in any one year.

Fund expenses including administration, advertising and distribution costs shall be approved by the Trustees from time to time, when such funds relate to bursary distribution or attempts to secure further Monies for the Memorial Fund.

## **CAMBRIDGE INDUSTRIAL TRAINING COMMITTEE-TRAINING CAMBRIDGE**

### **History**

The Directors of the Cambridge Industrial Training Committee Inc. requested the City of Cambridge to hold a trust fund for "Training Cambridge" community networking group.

An initial contribution of \$8,500 was given to the City on May 23, 1995.

### **Trustees Re: Investment**

The Corporation of the City of Cambridge shall act as Trustee to receive, invest and to acknowledge receipt of all funds forming the capital and accumulated income of this Fund.

### **Trustees Re: Distribution**

Training Cambridge, upon submission of a request for monies with supporting documentation, will receive requested sum, or portion thereof, to cover expenses in support of training-related activities and research in the City of Cambridge.

### **General Criteria**

In the event that Training Cambridge ceases to exist, the remaining monies shall be directed to a similar training support group or activity that will benefit the citizens and employers of Cambridge, as deemed appropriate by Training Cambridge or failing its determination, by the Council of the Corporation of the City of Cambridge.

## **CITC -MAYOR'S AWARD FOR EXCELLENCE IN WORKPLACE TRAINING**

### **History**

The Directors of Cambridge Industrial Training Committee Inc requested the creation of a CITC Training Contribution towards the Annual Mayor's Award for Excellence in workplace training.

An initial contribution of \$1,500.00 was made by Cambridge Industrial Training Committee.

### **Trustees Re: Investment**

The Corporation of the City of Cambridge shall act as Trustee to receive, invest and to acknowledge receipt of all funds forming the capital and accumulated income of this Fund.

### **Trustees Re: Distribution**

Trustees of the fund shall be Council of the City of Cambridge.

### **General Criteria**

Each year, a \$200.00 contribution is to be withdrawn to assist with media recognition of the Annual Mayor's Award for Excellence in Workplace Training.

If the Annual Mayor's Award for Excellence in Workplace Training ceased, the monies shall be re-directed to a similar employer training recognition activity.

## **HERITAGE RIVER TRAIL**

### **History**

This trust fund is derived from donations from the public and the fund is used for the development and maintenance of an integrated trail system for the community as generally outlined in the "Riverbank Long Range Concept Development Plans for the Preston and Hespeler Communities" and "The Living Levee Master Plan" for the Galt Community.

If the Riverbank Development Advisory Committee is disbanded, all funds remaining in the Trust Fund are to be disbursed on Riverbank Trail Improvements and maintenance as prioritized in the final Riverbank Development Advisory Committee recommendations.

### **Trustees Re: Investment**

The Treasurer of the City of Cambridge shall act as Trustee to receive, invest and acknowledge receipt of all funds forming the capital and accumulated income of this Trust Fund. The Treasurer shall report on an annual basis, to Riverbank Development Advisory Committee and City Council, the status of the Trust Fund including accounting and disbursement of funds in accordance with the Trustees' direction.

### **Trustees Re: Distribution**

Trustees, other than the Treasurer of the City of Cambridge shall determine how funds in the Trust are to be used and distributed through a majority vote. Voting Trustees shall be comprised as follows:

Two members of the Riverbank Development Advisory Committee Fundraising Subcommittee other than the Chair and the Vice-chair of the Advisory Committee;

The Chair and the Vice-chair of the Riverbank Development Advisory Committee;

The Councillor appointed by City Council as their representative on the Riverbank Development Advisory Committee of the City of Cambridge.

### **General Criteria**

An application for disbursement of funds has to be submitted and approved by the Riverbank Development Advisory Committee prior to consideration by Trustees.

Any approval for disbursement of funds by Trustees, for expenditure on City owned lands or for lands which the City has a use/maintenance agreement or easement thereon, shall require subsequent authorization of the City of Cambridge Council prior to disbursement.

## **LIBRARY-DONATION TRUST**

### **History**

This fund is derived from donations from individuals, organizations and estates with the understanding that these donations are to be used to purchase items or undertake projects above and beyond those that are permitted by its normal operating revenues.

The interest accumulated from the donations will be used to fund projects as authorized by the Library Board. This fund is also designed to use both the interest accumulated and the principal of the donations for a major project if and when required.

### **Trustees Re: Investment**

The Corporation of the City of Cambridge shall act as Trustee to hold and invest all funds forming the capital and accumulated income of this Fund.

## **LIBRARY-DONATION TRUST (cont'd)**

### **Trustees Re: Distribution**

All trust and donation funds will be administered directly by the Library Board

Usage of trust and donation funds will be made only on the approval of the Library Board through a motion of the Board.

-Regular projects funded from the accumulated interest revenue of the Fund require a motion of approval supported by the simple majority of the appointed Library Board

-Major projects funded from the Principal of the Fund require the approval of a two thirds majority of the appointed Library Board members.

All individual donations will be administered together as one fund, although where required by the terms of a particular trust or donation, a separate record will be kept by the Library Board, listing principal amount, interest earned, expenditures to date, purchases made and current balance.

When a project is to be undertaken or a purchase made from the Fund, the required amount will be transferred out of the library's trust fund into one of the library's operating revenue accounts. Following this, all expenditures relating to the project will be made from one of the Library's operating expenditure accounts or from a new expenditure account set up specifically for the special project.

All activities involving trust and donation funds will be audited and accounted for in the Annual Audited Statement.

The object of this fund is to allow the Library Board the opportunity to undertake special projects and make purchases which would not be possible through the use of regular operating revenue.

These funds are not to be used in place of funds which are regularly available from the Library's normal sources of funding nor should these funds be used to finance expenditures which would, in the view of the Library Board, be financed through the Library's normal source funding.

The projects financed through the Fund would tend to be one time projects or seed projects which would, if successful, be funded on an ongoing basis from another source of funding.

The Library Board will attempt to alternate projects or purchases between various library services and service points, rather than focus on one particular service or programme.

Regular projects are to be funded from the interest revenue of the Fund and, therefore, no project can be considered which exceeds the accumulated interest unspent to date. Projects requiring larger amounts may be approved pending sufficient accumulation of interest to fund the project.

Projects receiving additional other funding support apart from regular library funding sources will be given propriety consideration.

All proposals received from donors, the public, the Gallery Volunteers and the library staff will be forwarded to the Library Board. The Chief Librarian's recommendations to the Library Board will be included with each proposal.

Upon a motion of approval by a two thirds majority of the appointed Board members, a portion, or all of the fund if not restricted, may be used for a major project.

## **LIBRARY-ART ACQUISITION**

### **History**

This fund is held in trust for the purchase of art work for the Gallery's permanent collection. This fund is generally raised by Gallery Members and Volunteers.

### **Trustees Re: Investment**

The Corporation of the City of Cambridge shall act as Trustee to hold and invest all funds forming the capital and accumulated income of this Fund.

### **Trustee Re: Distribution**

Trustee of the fund for distribution shall be Cambridge Library Board.

## **NATURAL HERITAGE TRUST FUND**

### **History**

This fund was set up to allow City of Cambridge to receive donations which would be “earmarked” for natural areas acquisition and this fund is to assist not-for profit organizations in natural heritage area acquisition in the City of Cambridge thereby advancing the conservation of Cambridge’s natural heritage.

### **Trustees Re: Investment**

The Treasurer of the City of Cambridge shall act as Trustee to receive, invest and to acknowledge receipt of all funds forming the capital on accumulated income of the fund.

### **Trustees Re: Distribution**

Trustees of the fund for distribution shall be Council of the City of Cambridge

The Cambridge Environmental Advisory Committee shall provide recommendations to the Trustees on the distribution of the said fund for partial or full support of not-for-profit organizations proposing the purchase lands for natural heritage protection as described above. Consideration will also be given to grants these groups for natural area maintenance and management.

The annual report of the Cambridge Environmental Advisory Committee (CEAC) will include reporting on the activity of the Natural Heritage Trust Fund for the same year.

### **General Criteria**

For the purpose of this trust fund, the boundaries of the City of Cambridge are those boundaries as defined by the Government of the Province of Ontario.

Changes to the criteria of the Natural Heritage Trust Fund may be recommended by CEAC to the Trustees for approval.

Fund expenses including administration, advertising and distribution costs shall be recommended by CEAC to the Trustees from time to time.

Grants will be distributed from the fund based on written application from a not-for-profit incorporated organization to purchase natural heritage property for protection or to properly manage properties.

The lands to be purchased or managed must be identified as one or more of the following in the City of Cambridge:

- designated as part of a Class 1 to 7 Wetland (as evaluated by the Ministry of Natural Resources);
- part of an Area of Natural and Scientific Interest (as identified by the Ministry of Natural Resources);
- located within a Regional Environmentally Sensitive Policy Area (as designated in the Regional Official Policies Plan);
- within a High Quality Woodlot (as identified in the City of Cambridge 1979 Woodlot Evaluation);
- designated as Class One Open Space Lands (in the Cambridge Official Plan) and correspondingly zone OS1;
- an area which, in the opinion of Council, is necessary or desirable to maintain as a natural area.

The applicant must indicate the level of threat to the property proposed for acquisition.

If the lands are not currently designated Class One Open Space and zoned OS1, the applicant must agree to apply for official plan amendment and zoning by-law amendments to have the land placed in these land use categories.

## **NATURAL HERITAGE TRUST FUND (cont'd)**

A management plan for the property to be purchased must accompany the grant application indicating how the plan will be implemented, using resources available to the applicant group. The applicant group must show that it is able to properly care for the property to be purchased without the ongoing assistance, financial otherwise, of the City of Cambridge.

The City of Cambridge will not be eligible for grants from the Natural Heritage Trust Fund until such time as acquisition priorities are established through a study to integrate natural areas into the City's open space system.

### **SCOTT THOMPSON**

#### **History**

The original donation in the amount of \$1,500.00 was given to the City to set up a fund to be named after two former Mayors of the City of Galt, Mr. F. Stewart Scott (1912-1913) and Dr. Adam Thompson (1906-1907), to assist athletes of exceptional ability who are deemed to have the potential to be Canadian or International Champions. The original trustees re distribution were selected by the anonymous donor, now deceased, and subsequently changed with the concurrence to those noted below.

#### **Trustees re: Investment**

The Treasurer of the City of Galt (Cambridge) was to be trustee of the capital of the fund and was to be paid for his services annually by way of a bottle of the "best spirits of his choice".

#### **Trustees Re: Distribution**

Trustees of the Art White Sports Bursary Fund to determine recipients and amount of awards. Total awards shall not exceed net interest income of the fund.

#### **General Criteria**

The fund would be available to residents of the City of Cambridge. Awards are limited to individuals of exceptional ability as noted above.

## **OTHER-TEMPORARY TRUST FUNDS**

### **CAMBRIDGE ROWING CLUBS-RIVERBLUFFS PARK-BOAT STORAGE FACILITY**

#### **History**

In July 1994, City of Cambridge Council agreed to entered into partnership with the Cambridge Rowing Club with respect to the construction of the Boat Storage Facility in Riverbluffs Park.

The City of Cambridge will accept ownership of the facility for \$1.00, upon completion, and license the use of the facility to the Cambridge Rowing Club for a period of twenty-five years at annual rate of \$1.00 with the extensions for further period(s) of five years.

#### **Trustees Re: Investment**

The Corporation of the City of Cambridge shall act as Trustee to receive, invest and to acknowledge receipt of all funds forming the capital and accumulated income of this Fund.

Construction for the Boat Storage Facility is scheduled to be completed in 1996 and this trust fund will be closed upon distribution of the funds for the project.

## **HORTICULTURE**

### **History**

In 1978, the City of Cambridge hosted the Ontario Parks Association Conference. Subsequent to payment of all expenditures, a residual balance remained. The Association agreed that this amount could be retained by the City, subject to the condition that the funds be expended for related purposes.

The City of Cambridge has been sponsoring an annual Flower Bed Competition in the co-operation with the City's Horticulture Societies. Awards for the best floral display are funded from this trust.

### **Trustees Re: Investment**

The Corporation of the City of Cambridge shall act as Trustee to receive, invest and to acknowledge receipt of all funds forming the capital and accumulated income of this Fund.

### **Trustees Re: Distribution**

Trustees of the fund shall be Council of the City of Cambridge. The fund may be terminated upon disbursement of all monies in accordance with City Council's approval for a horticulture related project.

## **LIONS CAN-AMERA TRUST**

### **History**

This trust was set up in 1991 by the Lions Club of Galt. The Lions Club agreed to financially commit to the development of parkland in the amount of \$25,000.00 annually over six years for a total of \$150,000.00

The Corporation of the City of Cambridge will name the parkland "Lions Can-Amera Park" in recognition of the contribution of the Lions Club and the 20th anniversary of the Can-Amera Games.

### **Trustees Re: Investment**

The Corporation of the City of Cambridge shall act as Trustees to receive, invest and to acknowledge receipt of all funds forming the capital and accumulated income of this Fund.

### **Trustees Re: Distribution**

Trustees of the fund shall be Council of the City of Cambridge.

Note: The third phase of the Lions Can-Amera Park is scheduled to take place in 1996 and this fund will be closed upon disbursement of all the committed funds.