



**TOWN OF AMHERSTBURG
CORPORATE POLICY AND PROCEDURES MANUAL**

Last Update April, 2013

Dated Amended:

Policy No. 2013-01-LS

EXECUTION OF AGREEMENTS, LEASES, AND CONTRACTS

1. The initiating department must ensure that all agreements, leases and contracts (including delegated authority agreements) are listed in the "Agreements, Leases and Contracts" listing found on the common drive (k: drive). The department shall specify the date; parties involved; purpose of the agreement, departmental contact person and the staff report number, if applicable.
2. The draft of the agreement, lease or contract shall be circulated to the appropriate departments (by the initiating department) and any outside agencies (if required) for comments and approval prior to it being issued. This allows for any changes to be made to the agreement, contract or deed prior to its presentation to Council (if required).
3. The Deputy Clerk/Risk Manager shall be consulted on all agreements, leases or contracts that include insurance requirements or any indemnification clauses.
4. Any legal consultation, review, opinion shall be obtained by contacting the Director, Legislative Services/Clerk.
5. The Mayor and the Clerk shall be authorized by By-law, to execute all agreements, leases and contracts where Council has not granted delegated authority to another individual to sign on behalf of the Corporation.
6. A Report to Council (RTC) shall be completed by the initiating department outlining the contents of the agreement, lease or contract together with a By-law authorizing the execution of the subject agreement, lease or contract.
7. The initiating department shall create a By-law authorizing the execution of an agreement, lease or contract from the standards template provided by the Clerk or Deputy Clerk.
8. A recommendation shall be included in the staff report, requesting that Council give three readings to the By-law authorizing the execution of the agreement, lease or contract. A copy of the document shall be attached and form an Appendix to the schedule (for confidential attachments, please contact Clerk for direction).
9. Documents requiring execution by the Mayor and Clerk must be submitted to the Deputy Clerk who will arrange for signing.

10. Enough copies must be sent to ensure that two original executed copies remain with the Deputy Clerk.
11. The third party must sign the document before the Mayor and Clerk sign the document.
12. Once the document has been received and confirmed its approval by Council, the Deputy Clerk will submit it to the Mayor and Clerk for execution.
13. The initiating department is responsible in returning a signed copy to the third party.
14. An original copy of every agreement, lease and contract, executed on behalf of the Corporation must be filed in the Clerk's department. This includes agreements, leases and contracts that have been executed by delegated authority. An "Agreement Number" obtained from the "Agreements, Leases and Contracts" listing found on the common drive (k: drive), must be written on the original file copy.
15. Agreements, leases or contracts that have performance bonds, labour bonds and/or insurance certificates attached, must ensure that at least one original copy of these documents is provided to the Deputy Clerk, at the time of execution. The Deputy Clerk shall keep an original of the document with the original agreement. If the department requires an original, they must request it from the other party(ies) involved.
16. The original department/contact is responsible for ensuring that any bonds or insurance certificates reaching expiry are renewed and a copy provided to the Clerk's department for retention.
17. The following are excluded from the requirements of this policy:
 - Employment contracts between an individual and the Corporation
 - Facility Rental Agreements
 - Purchase Orders
18. For those agreements or contracts under \$25,000 that are signed by a Department Head (in accordance with the Purchasing Policies and Procedures Policy dated January 1, 2005), Sections 5, 6, 7, 8, 10, 11 and 12 are not applicable. All other Sections of this Policy are applicable.