

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE MUNICIPALITY OF THE DISTRICT OF ARGYLE
AND THE ARGYLE MUNICIPALITY HISTORICAL &
GENEALOGICAL SOCIETY
IN RELATION TO THE OWNERSHIP AND OPERATIONS OF THE
THE ARGYLE TOWNSHIP COURT HOUSE,
THE ARGYLE TOWNSHIP COURT HOUSE ARCHIVES AND
THE ARCHIVES BUILDING**

PURPOSE

The purpose of this memorandum is to clarify the roles of the above cited parties in relation to the ownership, governance and operations of the Argyle Township Court House & Gaol, the Argyle Township Court House Archives and the archives building, and to foster a spirit of cooperation between both organizations.

Note: Within this document, when the terms “Municipality” or “Municipality of Argyle” are used on their own it is understood to mean the Municipality of the District of Argyle. When the terms Society, or AMHGS are used, they are understood to mean the Argyle Municipality Historical & Genealogical Society.

HISTORICAL BACKGROUND

The Argyle Township Court House, Canada’s oldest standing courthouse, has always been owned by the Municipality of the District of Argyle, or by its predecessors in the form of local or municipal government. This property, which also served as our local Municipal Offices from 1945-1976, was restored and reopened as a museum, historic site and archives in 1983. Municipal Council has financed the operations of this facility to varying degrees since 1983.

In 1990 the Municipality of Argyle also purchased the former Ulysses Doucet house and property, immediately to the south of the Court House, in order to protect its own property, and to deal with ongoing unsightly premise issues in the centre of Tusket. The house was demolished and this lot of land now forms part of the Court House property.

In 1989 the Argyle Municipality Historical & Genealogical Society was incorporated. In the words of the first President of the Society, in the first issue of the Society’s newsletter, “The Argyle Municipality Historical & Genealogical Society has been formed to act as a support group for the Argyle Township Court House, and as a group that will actively collect, preserve and promote all aspects of the history of this part of Yarmouth County.”

In 1990 the Municipality of Argyle, at the request of the Society, established the permanent paid position of Municipal Historian & Archivist. This employee’s main function was to oversee the operations of both the museum and archives (Argyle Township Court House & Archives).

At the same time, in the same minutes (Personnel Committee Minutes, Municipality of Argyle, 16 October 1990) “It was further recommended by the Personnel Committee that Council recognize the Argyle Municipality Historical & Genealogical Society as the official historical society for the entire Municipality of Argyle and that the executive Board of Directors of the Society be the directing body responsible for the Municipal Historian and Archivist and for the administration of the Argyle Township Court House and Gaol and for the Argyle Township Court House Archives.”

These are the only terms of reference under which the Society has operated in relation to its activities with, and its support of, the Argyle Township Court House and the Argyle Township Court House Archives.

Many changes have taken place within both the Municipality and the Society since 1990. This Memorandum of Understanding is designed to recognize these changes and provide clarity for both organizations. This document is also meant to supersede those terms of reference established in 1990.

The intent of this Memorandum of Understanding is to clarify ownership, governance and cost-sharing issues in relation to the Argyle Township Court House, the Argyle Township Court House Archives and archives building, and to establish clear parameters for continued cooperation between the Municipality of Argyle and the Argyle Municipality Historical & Genealogical Society, both of which share an investment in the continued success and prosperity of these important cultural and heritage resources.

PROPERTY OWNERSHIP

General

The Municipality of Argyle is the legal owner of the Argyle Township Court House and the Argyle Township Court House Archives.

The Argyle Municipality Historical & Genealogical Society is the legal owner of the building that currently houses the archives.

Real Estate

The Municipality of the District of Argyle is the legal owner of the Argyle Township Court House and the adjacent lot to the south and the metes and bounds description of those properties are found on a surveyed plan by Gerald Pottier, dated 25 September 1992, which combines the original Court House lot with the lot to the south of the Court House acquired by the Municipality of Argyle in 1990 (Yar. Co. Deed Bk.453, p.959).

The Argyle Municipality Historical & Genealogical Society is the legal owner of the lot of land that borders on the south of the above mentioned lots of the Municipality, and contains the building formerly known as the Seventh-Day Adventist Church, and which now houses the Argyle Township Court House Archives. The archives were transferred into this building from the Argyle Township Court House in November 2006. (Note:- The current archives building lot consists of three lots combined to form the property: original church lot; a five foot wide lot of land to the north acquired from George Abel Warner; and a 30 ft. wide right-of-way, on the south side of the church building conveyed to the Society free of charge by the Municipality of Argyle.)

(Deeds & Plans related to both properties will be found in Appendix #1.)

Furnishings

Argyle Township Court House: the museum artifacts, interpretive props and other furniture within the Court House remains the property of the Municipality of Argyle.

Exceptions to this will be found with some pieces of furniture in what is now known as the “Cell Gift Shop”. These exceptions are pieces of furniture that have been purchased by or donated to the Argyle Municipality Historical & Genealogical Society.

Another exception is a number of interpretive props/artifacts currently on loan from the Yarmouth County Museum.

Argyle Township Court House Archives Building: the majority of the movable office furniture, including computers and other electronic equipment in the Argyle Township Court House Archives building has been purchased by, and is owned by the Municipality of Argyle.

Exceptions to this will be those pieces of furniture and equipment that have been purchased by or donated to the Argyle Municipality Historical & Genealogical Society.

The Argyle Municipality Historical & Genealogical Society is also the owner of all permanent fixtures and mechanical and electrical systems within their building.

For insurance and other purposes both parties agree to maintain a proper inventory and video record of furniture & equipment housed in one another's buildings.

(Compiled lists of the furniture, etc. held in one another's buildings will be found in Appendix #2.)

Cultural & Intellectual Property

The ownership and custodial care of the holdings of the Argyle Township Court House as a museum, and the Argyle Township Court House Archives as an archives are somewhat complex, and both parties recognize their shared roles both in terms of ownership and stewardship of these heritage resources.

In general terms ownership and care of these resources break down as follows:

1. The largest and most important artifact is the Court House itself, being Canada's oldest courthouse. The building and the majority of the artifacts and interpretive props held within the building are the property of the Municipality of Argyle. The Municipality recognizes and appreciates the ways in which the Argyle Municipality Historical & Genealogical Society have contributed to the upkeep of this property at different times, such as the replacement of the roof in the 1990's. Artifacts or interpretive props within the Court House, may in some cases, have been donated to the Society and be their property. In 2009 a number of interpretive props and artifacts are also on long-term loan to the museum by the Yarmouth County Historical Society.
2. The archival records held in the Argyle Township Court House Archives building are understood in general terms to be owned by both parties. The records of municipal government are understood to remain the property of the Municipality, while in general terms all private sector records are understood to be the property of the Society.
3. Stewardship of artifacts and records are deemed to be the responsibility of both parties. The Society recognizes that the Municipality makes a substantial contribution to the acquisition and care of all artifacts and records through the annual budget for their Dept. of Archives & Records Management. The Municipality recognizes the major contribution of the Society in building and maintaining the new archival facility that was opened in 2006.
4. When new materials are donated to either the Society or the Municipality the Municipal Historian & Archivist will insure that clear "Deeds of Gift" are completed and that ownership of the said acquisitions are made clear.

GOVERNANCE & FINANCING OF THE ARGYLE TOWNSHIP COURT HOUSE & ARGYLE TOWNSHIP COURT HOUSE ARCHIVES & THE ARCHIVES BUILDING

GOVERNANCE

General

Municipality: The Municipality of Argyle, being the legal owner of the Argyle Township Court House and the Argyle Township Court House Archives, expects the operations of these two organizations to be the responsibility of the Dept. of Archives &

Records Management of the Municipality, and the Heritage Development Officer, who heads this department.

Society: The role of the Society and its Board of Directors in terms of the operations of the Museum and Archives is to provide direction and support. The Board's advice and input in regard to these operations is essential.

The Society and its Board of Directors is fully responsible for the management of their property, the building that houses the Argyle Township Court House Archives, the management of the Gift Shop that is currently located in the Municipality's Court House, and management of all its own financial affairs.

The Board of AMHGS shall require the assistance of the staff in the collection and archival needs of the Society and in the daily operations, and therefore shall commit to a financial contribution offsetting the services provided by the Municipality (see appendix for further breakdown).

Reporting

The Municipal Archivist reports to the Heritage Development Officer of the Municipality, and the Heritage Development Officer reports to the CAO of Municipality and through that position to Municipal Council.

The Heritage Development Officer will attend the meetings of the Society's Board of Directors and will report to the Board on the operations of the museum and archives, and will insure that all matters related to these operations, that can or will impact on the activities of the Society, are brought to the Board's attention.

In the past, the Board of Directors of the Society, have submitted copies of their annual reports to Municipal Council, often with a Board member or members coming before Council to present and speak to the reports. This tradition should be carried out annually.

Hiring, Training & Supervision

Museum & Archives: All hiring, training and supervision of staff for the museum operations and the archives operations is the responsibility of the Heritage Development Officer. Normally hiring interviews will be conducted by a panel of three people that will include the Municipal Archivist, the Heritage Development Officer and a member of the AMHGS Board of Directors.

When employees perform duties for the Society, such as manning the Cell gift shop, training for gift shop duties will be the responsibility of the Society's gift shop committee. Supervision remains the responsibility of the Heritage Development Officer.

Society: The Board of Directors of AMHGS will be responsible for hiring, training and supervising any staff they hire to work for the Society, in whatever capacity. This does not include staffing for either the archives or museum.

The Society has jurisdiction for hiring in such areas as pertain to their own operations. This includes such things as persons hired to work in jobs related to their newsletter, fundraising, custodial care of their property or anyone hired exclusively to work in their gift shop, special projects of the Society, etc.

Conflict of Interest

It is expected that both parties will adhere to normal conflict of interest guidelines in hiring practices.

Grant Applications/Project Proposals

Grant applications or project proposals prepared for submission to outside agencies of government, or other organizations when pertaining to museum or archives operations will be prepared and submitted by the Heritage Development Officer.

Only grant applications and project proposals for special or capital projects (not involving museum or archives operations) will be the responsibility of the AMHGS Board.

By mutual agreement, both parties may agree to work on any grant or project application together, when it is of benefit to both parties and furthers long-term heritage objectives. When joint projects are to be undertaken, a request regarding same will be made in writing by AMHGS to the CAO of the Municipality, outlining the level of engagement required from the Municipal Archivist and/or the Heritage Development Officer.

Policy Development

Policies relating to the operations of the museum and archives will be developed by the Municipal Archivist, with input and direction from the AMHGS Board of Directors. The approval of such policies will be the responsibility of Municipal Council.

Policies relating to the activities and operations of the AMHGS will be the sole responsibility of their Board of Directors.

PROPERTY STEWARDSHIP

Court House: Repairs, maintenance and any future development of the Court House property will be the responsibility of the Court House Property Committee, established by the Municipality of Argyle in 2007.

Archives Building & Property: Repairs, maintenance and any future development of the archives building and its property is the responsibility of the Archives Building Committee of AMHGS and/or its Board of Directors.

Shared Use: - It is expected that both the Municipality and AMHGS will make use of one another's buildings. When the Municipality wishes to make use of the archives building for public events or when the Society wishes to make use of the courtroom for meetings or public events, proper protocols for requesting use of one another's buildings will be developed, to avoid misunderstandings or scheduling conflicts.

Insurance: - Insurance for the Argyle Township Court House is responsibility of the Municipality. Insurance for the archives building is the responsibility of the Society. Both parties will review their policies on a regular basis to insure property owned by both parties, but located in the other party's building will be adequately covered.

FINANCIAL

General

The Municipality of the District of Argyle provides the core funding for the operations of the Argyle Township Court House & the Argyle Township Court House Archives, and as such, expects financial accountability through its paid employee, responsible for the operations of this facility.

This financing is directed by the Department of Archives and Records Management of the Municipality, and the employee responsible for this department is the Heritage Development Officer. Budgets for the core operations of the museum and the archives, as provided by the Municipality of Argyle, are set by the Heritage Development Officer, the CAO of the Municipality and the Director of Finance. These budgets are then subject to revision and approval by Municipal Council.

The Board of Directors of AMHGS is free to make requests and suggestions to the Heritage Development Officer in regard to the municipal budget, and such requests or suggestions should be put forward by the Board before the end of February in any given year, in order to coincide with budgeting practices of the Municipality.

It is understood, that the Argyle Municipality Historical & Genealogical Society, as a corporate body, sets its own budgets and keeps its own set of financial records in relation to the organization's operations, which involves amongst other things the operating costs of the building which houses the archives, and the operations of the "Cell Gift Shop", currently housed in the Argyle Township Court House, and all their other activities.

The Municipality of Argyle has made a substantial financial contribution toward the construction of the building that now houses the Argyle Township Court House Archives, a project that was taken on by the Argyle Municipality Historical & Genealogical Society.

It is the intention of the Municipality of Argyle to contribute to the operating costs of the building that now houses the archives, at what it deems to be an appropriate level. Much of the operating budget that has always been provided to the Court House and Archives has been and continues to be directed towards the operation of both museum and archival functions. The financial contribution of the Municipality of Argyle towards these operating costs will be set forth in the annual budget for the Dept. of Archives & Records Management.

Like any other charitable community organization, the AMHGS is entitled to approach Municipal Council on its own behalf for funding requests for special projects. When this is done the guidelines and application policy and procedures found on the Municipality's website should be followed.

The budget provided annually by the Municipality for the operations of its Department of Archives & Records Management, like all other departmental budgets, will be influenced by the overall priorities established by the Municipality and annual revenues.

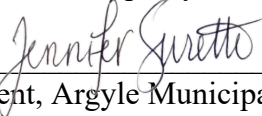
REVISION

This document and its appendices will be subject to timely revision, and will be revisited from time to time by both parties, for the purposes of revising and clarifying the memorandum. The original Memorandum of Understanding was established in 2009, and revised in February 2017.

This Memorandum of Understanding agreed to by both parties, on the 10 day
of May in the year 2021 .



Warden, Municipality of the District of Argyle



President, Argyle Municipality Historical & Genealogical Society

Witnesses:



