

Ruth

BY-LAW NO. 1790
R. M. OF DUFFERIN
BEING a by-law for establishing a
Recreation Commission.

WHEREAS Section 250(2) of *The Municipal Act* provides, in part, as follows:

Without limiting the generality of subsection (1), a municipality may for municipal purposes do the following:

- (a) *acquire, establish, maintain and operate services, facilities and utilities;*
- (b) *enter into agreements with one or more of the following regarding anything the municipality has power to do within the municipality;*
 - (iii) *the Government of Manitoba or one of its agencies,*
 - (iv) *a local authority,*
 - (vi) *another municipality in Manitoba or a municipality in another province;*

AND WHEREAS Sections 253(1) of *The Municipal Act* provides, as follows:

The power of a municipality referred to in clause 250(2)(d) to enter into agreements includes the power to enter into agreements pertaining to land, improvements, personal property, works, services, facilities, utilities or private works within or outside the boundaries of the municipality.

AND WHEREAS Sections 253(2) of *The Municipal Act* provides, as follows:

No municipality has the power to enter into an agreement or to use its funds in a manner that is contrary to this or any other Act or a by-law of the municipality.

AND WHEREAS Section 260(1) of *The Municipal Act* provides, as follows:

A municipality that provides a service or other thing within its own boundaries may provide it in or to another municipality, with the agreement of the other municipality.

AND WHEREAS Section 260(2) of *The Municipal Act* provides, as follows:

The municipality providing a service or thing under subsection (1) may set terms and conditions, including fees or other charges, for providing the service or thing, but is not required to apply the same terms and conditions that apply in the municipality.

AND WHEREAS Section 261(1) of *The Municipal Act*, provides, in part, as follows:

A council may make a grant to or otherwise assist

(b) *another municipality;*

(a) *a local authority; or...*

if in its opinion the purpose for which the grant is made is in the interest of or to advantage of the municipality or its residents.

AND WHEREAS Section 261(2) of *The Municipal Act* provides, as follows:

A council may make a grant under this section even though only a part of the municipality or only some of the residents may benefit from the grant.

AND WHEREAS Section 261(3) of *The Municipal Act* provides, as follows:

A council may make a grant under this section even though the recipient, or any of its facilities, program or activities, is primarily or solely located or carried on outside the municipality, if the residents of the municipality or some of them, will or could benefit from the grant.

BY-LAW NO. 1790

AND WHEREAS Section 231 of *The Municipal Act* provides, as follows:

The power given to a council under this Division to pass by-laws is stated in general terms

- (a) to give broad authority to the council and to respect its right to govern the municipality in whatever way the council considers appropriate, within the jurisdiction given to it under this and other Acts; and*
- (b) to enhance the ability of the council to respond to present and future issues in the municipality.*

AND WHEREAS Section 232(1) of *The Municipal Act* provides, in part, as follows:

A council may pass by-laws for municipal purposes respecting the following matters:

- (a) the safety, health, protection and well-being of people...*
- (b) people, activities and things in, on or near a public place or a place open to the public, including parks, municipal roads, recreation centers, restaurants, facilities, retail stores, malls, and private clubs and facilities that are exempt from municipal taxation;*

AND WHEREAS it is deemed expedient and in the best interest of the citizens of the municipality to establish a public Recreation Commission and to establish by by-law the rules and organizational structure of such a Commission.

AND WHEREAS the elected officers of the parties hereto have opted in favour of passing a By-law for the establishment of the Carman Dufferin Regional Recreation Commission.

NOW THEREFORE BE IT ENACTED by Council as a By-law of the R. M. of Dufferin, as follows:

1. THAT there is hereby established a Recreation Commission to be known as the "Carman Dufferin Regional Recreation Commission (hereinafter called the Commission)."
2. THAT Council through appointing representatives to this Board hereby authorize and empower them on behalf of the and in the name of the Corporation of the municipality to negotiate and execute an Agreement with the member corporations for the establishment and operation of a Recreation Commission.
3. THAT within the agreement for the establishment and operation of a Recreation Commission, between the member municipalities, the representation of the Commission Board shall be defined.
4. THAT the Agreement referred to in Section 3 and 4 above shall be attached hereto as Schedule "A" and shall form part of this By-law.
5. THAT Council through appointing representatives to this Board hereby delegates to those appointees, the responsibility to negotiate with Board members, the terms of reference for the operation of the Commission.
6. THAT the terms of reference for the operation of the Commission shall be attached hereto as Schedule "B" and shall form part of this By-law.
7. THAT By-Law No. 1782 of the R. M. of Dufferin be and is hereby repealed.

DONE AND PASSED by the Council of the R. M. of Dufferin, in open meeting duly assembled, this
Day of _____ 2006.

Reeve

CAO

**AGREEMENT AMONG PARTNERS
SCHEDULE "A" TO BY-LAW NO. 1790**

THIS AGREEMENT made this 28th day of Feb. 2006.

BETWEEN:

Rural Municipality of Dufferin (Part of the First Part)
-and-
Town of Carman (Party of the Second Part)
-and-
Rural Municipality of Roland (Party of the Third Part)

WHEREAS the elected officers of the parties hereto have opted in favour of a By-Law for the establishment of the Carman Dufferin Regional Recreation Commission.

NOW THEREFORE THE PARTIES HERETO AGREE AS FOLLOWS:

TITLE

1.0 THAT there is hereby established a Recreation Commission to be known as the Carman Dufferin Regional Recreation Commission (hereinafter called the Commission).

ROLE OF DISTRICT

- 2.0 The purpose of the established Commission will be to foster and promote recreation and programs in the area outlined as the municipalities of the Town of Carman, R.M. of Dufferin and R.M. of Roland. It shall be the recreation-service organization here to service these communities, whether the recreation is sports, social, educational, etc.
- 2.1 Within the municipal area of the Town of Carman and the R.M. of Dufferin, the Commission shall operate, supervise and control the public recreation grounds and facilities in the community, as designated by the councils of the said two municipalities.
- 2.2 The Commission shall strive to establish such recreation grounds and facilities in the municipal area of the Town of Carman and R.M. of Dufferin, which may be deemed necessary by the said Board to carry on a comprehensive recreation program.
- 2.3 Within the wider area of the Town of Carman, the R.M. of Dufferin and the R.M. of Roland, the Commission shall encourage, initiate and supervise the public recreation program, which will include physical recreation, social recreation, artistic and group recreation, intellectual recreation and audience entertainment, continually striving to meet the recreational needs of each individual community.
- 2.4 The Commission will seek:
- To communicate to citizens at all levels the importance and applicability of recreation.
 - To encourage the use of the Commission and recreation facilities as an integral part of community life.
 - To encourage the involvement and support of recreation in all levels of society.
 - To maintain liaison with pertinent recreation groups in order to share access to their resources and personnel.
 - To program and coordinate functions according to the needs of communities.

- To approach universities, Government departments, and other agencies for additional services in the local communities dealing with recreation.
 - To accept gifts, donations, legacies, and bequests devices, endowments and contributions for the purpose of the aims and objectives.
 - To dispense grants to local groups, upon proper application, as a means to promote the aims of the Commission.
- 2.5 The Commission will continue the purpose of the former Carman Dufferin Recreation Commission with respect to facilities within the Town of Carman and R. M. of Dufferin. Widen sphere with respect to public recreation programs to include the R. M. of Roland.

COMPOSITION OF THE COMMISSION BOARD

3.0 The Board for the Commission shall be an eight member board and be composed of the following members:

- Town of Carman shall appoint one member of Council.
- R.M. of Dufferin shall appoint one member of Council.

These members of the respective councils appointed to the Commission shall hold office for a term of one year or until a respective successor is appointed.

- Town of Carman shall appoint three members-at-large and these appointees shall be residents of the said Town.
- R.M. of Dufferin shall appoint three members-at-large and these appointees shall be residents of the said Rural Municipality.

These members-at-large appointments shall be made in each year of the year of a regular municipal election and shall be for the term of four years, coinciding with the terms of the elected members of Council.

3.1 The Rural Municipality of Roland shall appoint one member of Council from each of the respective Councils to serve on the Grant Subcommittee of the Commission. These members of the respective Councils appointed to this Subcommittee shall hold office for the term of one year or until a successor is appointed by the respective Council. Their respective Council may reappoint these committee members.

3.2 The Rural Municipality of Roland shall appoint one volunteer member from its municipality to sit on the Grant Subcommittee of the Commission. These members appointed shall hold office for the term of one year or until a successor is appointed by the respective Council. Their respective Council may reappoint these committee members.

3.3 The members appointed to the said Commission, unless they are disqualified by some reason of place of residence, shall be eligible for reappointment.

3.4 In filling any of the Commission Board members, in the event that a member vacates a position prior to the expiry date of their appointment, the member appointed to fill the vacancy shall hold office for the remainder of the term. A retiring member shall serve until such time as a successor is appointed.

3.5 In the event of a vacancy, a member from the same jurisdiction shall fill the vacancy in order to maintain that jurisdiction's representation.

GENERAL DUTIES OF MEMBERS

3.0 Each member of the Commission has the following duties:

- To consider the well-being and interests of the Commission as a whole and to bring to the Board's attention anything that would promote the well-being or interests of the Commission;

- To participate generally in developing and evaluating the policies and programs of the Commission;
- To participate in the meetings of the Commission and of any committee meetings and other bodies to which the member is appointed by the Commission;
- To perform any other duty or function imposed on the member by the Commission.

COMMITTEES

5.0 The general duties of committees shall be as follows:

- To report from time to time on all matters connected with the duties imposed on the committee and to recommend such action as may be deemed necessary;
- To prepare and introduce to the Commission all such motions or resolutions that may be necessary to give effect to the reports of recommendations that are adopted by the Commission;
- To consider and report respectively on any and all matters referred to them by the Commission.

5.1 The following committees are hereby established as the Standing Committees of the Commission:

- Finance Committee
- Facilities Committee
- Fundraising Committee
- Personnel Committee
- Grant Committee

5.2 The special duties of the Standing Committees, in addition to the aforesaid general duties shall be as follows:

(a) **Finance Committee**

- This committee shall comprise of two representatives from the Town of Carman and two representatives from the Rural Municipality of Dufferin.
- To supervise all contracts, orders, reports, recommendations and proceedings involving the expenditure of Commission funds.
- To supervise all accounts, expenditures and outlay all sums payable under contract before any monies are paid; and no account, claim or demand not expressly authorized to be paid by a statute, by-law or resolution of the Commission, shall be paid by the Executive Director of Recreational Services, or appointee, until the same has been authorized by the Finance Committee and approved by the Commission.
- The committee shall ensure that the Secretary-Treasurer shall keep a proper set of books of account, showing all receipts and disbursements of moneys. All moneys received shall be deposited with all due dispatch in an account in a chartered bank or credit union to the credit of the Commission.
- The committee shall ensure that all disbursements shall be made by cheque thereon signed by the Chairperson or the Assistant Chairperson and the General Manager of Recreation Services or the Secretary-Treasurer.
- The committee shall supply monthly statements to members of the Commission or to member municipalities if requested.
- To have the books and affairs of the Commission audited annually by one of the municipal auditors of either the Town of Carman or the Rural Municipality of Dufferin. Such auditor to be selected annually by the Councils of Carman and Dufferin and the report of such an auditor shall be made available to the member municipalities forthwith upon its receipt.

- To work with the General Manager of Recreation Services in preparing and planning the yearly budget and present this budget for the Commission to the councils of the Town of Carman and the R. M. of Dufferin at a date in each year that is convenient for the purpose of discussing such budget and the means whereby the necessary moneys can be provided. This budget shall be comprised of two sections – capital and operating.
 - Work on any long-term planning of finances.
 - To develop a fee structure for facilities, programs, campground rates, pool rates, arena rates.

- (b) **Facilities Committee**
 - This committee shall comprise of four representatives from the Town of Carman and/or the Rural Municipality of Dufferin.
 - This committee shall work with the General Manager of Recreation Services in planning facility maintenance or renovations.
 - To work on a long-term planning of facilities.

- (c) **Fundraising Committee**
 - This committee shall comprise of four representatives from the Town of Carman and/or the Rural Municipality of Dufferin.
 - This committee shall organize and operate the weekly Bingos at the Carman Arena.
 - Work with other groups who raise money through the Commission.
 - Organize and plan fundraising activities for the Commission.

- (d) **Personnel Committee**
 - This committee shall comprise of two members at large and two council members from the Town of Carman or Rural Municipality of Dufferin.
 - Aid in hiring of full-time and part-time staff for the Commission.
 - Conduct yearly evaluations with the full-time staff.
 - To consider salary and wage negotiations.
 - To develop and review Job Descriptions.
 - To review and consider grievances of employees.
 - Deal with any personnel issues that may arise.
 - Review and update staff policy, as required.

- (e) **Grant Committee**
 - This Committee shall comprise of The Chairperson of the Commission, plus one appointed member from each of the participating municipalities; namely Town of Carman, R.M. of Dufferin and R.M. of Roland and one volunteer from the municipality of Roland as voting delegates on the Committee. The Programmer and the General Manager of Recreation Services will also be members of this committee to provide technical support and information.
 - Members shall attend meetings the 1st Wednesdays of the months of March and November at noon in a place to be determined by the committee members.
 - Members shall make the sole recommendation to the Commission of grants to be made to the member municipalities.
 - This committee shall have the final decision on the distribution of grant money.
 - This committee shall provide a financial statement pertaining to the grant money to all member municipalities on an annual basis.

- This committee shall report (via Programmer, General Manager of Recreation Services or Grant Committee members or any combination thereof) annually to each member municipality by attending a regular meeting of Council.

5.3 The members of the Commission that are appointed by the R.M. of Dufferin shall serve with compensation as established for all committee members at large by resolution of Council. Other members of the Commission shall serve without compensation, but each member shall be entitled to receive his/her actual disbursements for expenses in visiting or superintending recreation facilities in the Town or Municipality when the visit or service is made or rendered by the direction of the Commission.

APPOINTMENT OF CHAIRPERSON AND OTHER OFFICERS

- 6.0 The Commission shall elect from its membership a chairperson in each and every year of operation from those members of the Commission, and this position shall be for no more than a two-year term.
- 6.1 The Commission shall annually appoint a Secretary-Treasurer, who shall hold the office for a term of one year, but shall be eligible for reappointment.
- 6.2 Where the Chairperson or Secretary-Treasurer is absent or unable to act, the Commission may appoint a temporary Chairperson or Secretary-Treasurer.
- 6.3 Any sum greater than \$1,000.00 and not included on the approved budget must be approved by the Chairperson and the Secretary-Treasurer.

EXPECTATIONS OF DISTRICT

- 7.0 That the monies allocated to the Commission from municipal levies and from government grants shall be expended by the board for the recreation district provided, however any donation or gift accepted by the Commission shall be expended and allocated in accordance with the wishes of the donor thereof.
- 7.1 That the said Commission shall adopt rules and regulations governing its procedure, provided such rules and regulations are not inconsistent with the provisions of *The Municipal Act*, any act of Legislature of the Province of Manitoba or any By-law of the municipal corporations.
- 8.0 That any Party to this Agreement may terminate the Agreement by giving notice in writing of the proposed termination at least six (6) months prior to December 31 of any year.
- 9.0 That the terms of this Agreement shall be from the 1st day of January to the 31st day of December in each year, at which time, if no notice has been given, the term shall be extended automatically for a further period of one (1) year and similarly, at the end of each subsequent year.
- 10.0 Time shall be of the essence in this Agreement.

IN WITNESS WHEREOF the member municipalities have caused their respective corporate seals to be hereunder affixed, duly attested by the hands of their respective proper officers in that behalf on the day and date first written above.

R. M. OF DUFFERIN
Party of the First Part

Mayor

CAO

TOWN OF CARMAN
Party of the Second Part

Reeve

CAO

R. M. OF ROLAND
Party of the Third Part

Reeve

CAO