



The Rural Municipality of Dufferin
BY-LAW NO. 1874
BEING a by-law of the Rural Municipality of Dufferin
for establishing a Recreation District.

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:

- (C) acquire, establish, maintain and operate services, facilities and utilities;*
- (D) 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,*
 - (v) 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 Section 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;*
- (c) 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 some of the residents may benefit from the grant.”

**RURAL MUNICIPALITY OF DUFFERIN
BY-LAW NO. 1874**

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."

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 centres, 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 of establish a public Recreation District 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 Rural Municipality of Dufferin, as follows:

1. THAT there is hereby established a Recreation District to be known as the "Carman Dufferin Regional Recreation Commission (hereinafter called the "Commission")."
2. THAT Council through appointing representatives to this "Commission" hereby authorize and empower them on behalf of 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.

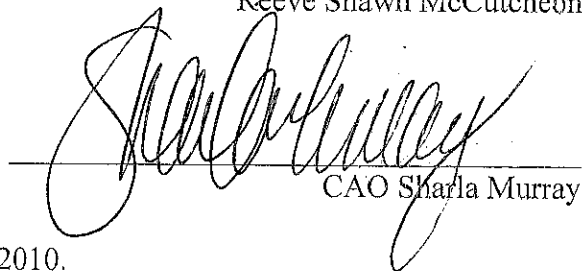
RURAL MUNICIPALITY OF DUFFERIN
BY-LAW NO. 1874

3. THAT within the agreement for the establishment and operation of a Recreation Commission, between the member municipalities, the presentation of the Commission Board shall be defined.
4. THAT the Agreement referred to in Section 2 and 3 above, shall be attached hereto as Schedule "A" and shall form part of this By-law.
5. THAT Council through appointing representatives to this "Commission" hereby delegates to those appointees, the responsibilities 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. 05/1883 of the Rural Municipality of Dufferin be and is hereby repealed.

DONE AND PASSED by the Council of the Rural Municipality of Dufferin, in open Council duly assembled, this 21st day of September 2010.



Reeve Shawn McCutcheon



CAO Sharla Murray

Read a first time this 14th day of September 2010.
Read a second time this 21st day of September 2010.
Read a third time this 21st day of September 2010.