

THE CORPORATION OF THE TOWNSHIP OF CENTRAL MANITOULIN

BY-LAW # 98-38

Being a by-law to authorize the carrying on of a community program of recreation, to provide for the operation, maintenance and management of parks, and to provide for the operation and maintenance of community centres.

WHEREAS community life in Central Manitoulin is enriched immeasurably by the time and care contributed by volunteers to the management of Central Manitoulin community centres, parks and recreation activities;

AND WHEREAS the Corporation of the Township of Central Manitoulin is legally responsible for acts of commission or omission by its Council, its employees and agents;

AND WHEREAS the Council of the Corporation of the Township of Manitoulin is accountable for the use of all funds expended by the Township;

AND WHEREAS there are the following classes of recreational facilities in Central Manitoulin, as listed in the attached schedule;

DIRECTLY OPERATED facilities which are administered by township staff supervised by the Clerk Treasurer under the general guidance of Council;

SUBSIDIZED facilities administered by boards appointed by Council and acting as its agent;

LEASED facilities operated by private organizations which are not agents of the Corporation of the Township of Central Manitoulin and which receive no ongoing municipal financial support other than some degree of municipally-funded insurance;

AND WHEREAS Section 207(58)(b) of the Municipal Act empowers a Municipality to pass By-laws for the purpose of carrying on of a community program of recreation, to provide for the operation, maintenance and management of parks, and to provide for the operation and maintenance of community centres;

THEREFORE BE IT RESOLVED that a bylaw be enacted as follows:

- (1) The following arrangements govern the operation, maintenance and leasing of the recreational facilities of the Corporation of Central Manitoulin.

- (2) By-law Number 77-11 of the former Township of Carnarvon shall remain in force in the Township of Central Manitoulin (except for any of its provisions that conflict with this by-law) and applies for the Township of Central Manitoulin.
- (3) SUBSIDIZED FACILITIES:
 - (a) Subsidized facilities shall be administered by boards whose appointments to the board may be made or revoked at any time by the Council of the Corporation of Central Manitoulin. The attached schedule lists the various boards and the facilities assigned to them for administration.
 - (b) Each board shall be composed of eight or more persons, of whom at least two shall be elected members of the Council of Central Manitoulin.
 - (c) Each board will select its own chairman and such other officers as it determines are necessary, except that each board shall have a secretary appointed by the Clerk Treasurer of the Corporation of Central Manitoulin and who shall be a member of the staff of the Corporation.
 - (d) Each board will submit a proposed annual budget, when asked by the Clerk Treasurer, for consideration by Council, and will undertake to manage within whatever budgets are approved by Council, except that it may from time to time request additional funding by council for specific purposes unforeseen at the time of the annual budget proposal;
 - (e) Each Board may request routine maintenance and repairs to be performed by Township staff as resources permit;
 - (f) Boards shall meet on a regular basis, usually monthly, and at least eight times a year.
 - (g) Boards shall establish a requirement for a quorum and shall follow ordinary rules of procedure, using Robert's Rules of Order in case of procedural dispute, and shall take decisions through motions duly moved, seconded and voted upon;
 - (h) The secretary of the board shall maintain minutes of meetings, and at the earliest opportunity shall forward to Council all resolutions requesting action or funding by Council;

- (l) The board shall provide such annual reports as are required by Council and minutes of its meetings shall be presented to Council for its information and approval as required.
- (j) Each board may cause a separate recreation association to be formed made up of board members or of other members as the recreation association sees fit which may solicit or receive any gifts or bequests of money or of services or any donations to be applied, principal or income, for either the temporary or permanent use of facilities, equipment, program or other recreation purposes associated with the facilities administered by the board.
- (k) The board shall not have its own bank account, and will provide all funds received in the course of administering its facilities to the Clerk Treasurer, who shall make deposits and payments as regulated by the Municipal Act.
- (l) A board may use donations from a recreation association for improvements to the facilities it administers, provided that formal permission is granted, in advance of work, by Council for any structural changes to the facilities the board administers, and provided that no unfunded liability is created.
- (m) The board shall observe in every respect any general policies and procedures decided by resolution of the Council of Central Manitoulin regarding use of recreational facilities, particularly including any policies regarding the service of alcohol on premises owned and operated by the Township or boards appointed to operate recreational facilities.
- (n) In carrying out the provision of this by-law, the Committee shall at all times be the agent of the Municipality of Central Manitoulin and while acting bona fide within the limits of the authority of this bylaw neither the board nor any member of it shall incur any liability by reasons of any thing done or left undone by the he board, provided that it has not knowingly ignored formally approved policies or directions of the Corporation of the Township of Central Manitoulin; provided, however that nothing in this paragraph contained shall authorize or empower the board to incur any debt, liability or obligation for which the Municipality of Central Manitoulin shall become liable without having previously obtained the consent of Council.

- (4) LEASED FACILITIES:
- (a) Terms for the lease of recreational property owned by the Corporation of Central Manitoulin shall be governed by formal lease agreements;
 - (b) Leases will not be entered into or renewed by the Township if Township funds are requested or required for the ongoing operation and maintenance of the facilities leased.
 - (c) Any leaseholder requesting funding for operation and maintenance of its leased facility shall surrender its lease.
 - (d) Leaseholders are not agents of the municipality, and although the facilities they have leased, and some use of it, may be afforded some protection by insurance purchased by the municipality, plaintiffs may name leaseholders, jointly or severally, in suits for damages; lessees are therefore strongly urged to obtain liability insurance to protect their board, directors and association.
 - (e) Leaseholders are not required to observe the policies of the Township of Central Manitoulin regarding the use of the facilities leased, and are wholly responsible for any damages incurred by themselves or third parties in respect of any matter, including any matter which is the subject of municipal policies.

This by-law shall come into force and effect on the day of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 2ND DAY OF DECEMBER, 1998.

Reeve

Clerk

I, M.A. McCutcheon, Clerk of the Township of Central Manitoulin do hereby certify that the foregoing is a true copy of By-law # 98-38.

Clerk

SCHEDULE

Directly operated facilities include:

Providence Bay Harbour Centre Building (except for Interpretive Centre space)

Providence Bay Marina

Wagg Park

Big Lake Park

Pavilion at Government Dock

Old School Park

Ball Fields/Parks - informally administered by clubs

Subsidized facilities include:

1. Interpretive Centre space at Providence Bay Interpretive Centre.
2. Mindemoya Community Centre Board;
community centre
arena
3. Providence Bay Community Centre Board
community centre
arena
public change/rest rooms at Providence Bay beach
4. Spring Bay Community Centre Board
community centre & playground

Leased facilities include:

Big Lake Community Centre
Sandfield Community Centre

Historical Society & Pioneer Park
buildings owned by Historical Society
Twp. owns land