

THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES

BY-LAW NUMBER 2019-062

A By-law of the Corporation of the Township of Muskoka Lakes, to provide for Community Centre programs and services, and to repeal By-law 2016-110.

WHEREAS, Section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides that the powers of the municipality under the *Municipal Act* or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the *Municipal Act* or any other Act;

AND WHEREAS Section 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides that a lower tier municipality may pass by-laws within the spheres of jurisdiction set out therein;

AND WHEREAS it is deemed desirable, expedient and in the best interest of The Corporation of the Township of Muskoka Lakes for the operation of recreation programs, services and facilities for the Township of Muskoka Lakes to establish and formalize acceptable standards for the operation of its Community Centres;

AND WHEREAS it is deemed desirable, expedient and in the best interest of The Corporation of the Township of Muskoka Lakes to repeal By-law 2010-29 and By-law 2011-80;

NOW THEREFORE, the Council of The Corporation of the Township of Muskoka Lakes in regular session, duly assembled, enacts as follows:

1. **Short Title**

This by-law may be cited as the "Community Centres By-law".

2. **Definitions**

"Community Centre Committee" or "Committee" or "Community Centre Board" or "Hall Board" means an advisory Committee of Council established through By-law and responsible to the Council of the Township of Muskoka Lakes.

"Council" means the Council of the Township of Muskoka Lakes.

"Assigned Township Staff" means the Municipal staff person responsible to oversee the operation and management of the Community Centres and to act in an advisory capacity to the Hall Boards. The designated Staff Member shall be the Director of Public Works or designate.

"Township" means The Corporation of the Township of Muskoka Lakes.

3. **Responsibilities of the Community Centre Boards**

To oversee the operation of designated Community Centres under the authority of the Council.

To assist in setting the annual Community Centre budget as part of the overall Council budgeting process.

4. **Discharge of Responsibility**

To ensure the above responsibilities are properly discharged, Council will appoint "Community Centre Boards" who's Terms of Reference are outlined in "Schedule A" attached to and forming a part of this by-law.

5. Amendments

Council may, where necessary, make amendments to this by-law by passing and amending by-law provided that notice of the amending by-law is given.

6. The By-law 2016-110 be and the same are hereby repealed.

Read a first, second and third time and finally passed this 17th day of May, 2019. .

Mayor Phil Harding

Cheryl Mortimer, Clerk

Schedule "A" To By-Law 2019-062

Township of Muskoka Lakes Community Centre Board Terms of Reference

1. General Responsibility of the Board

The Board shall advise and assist Council with the responsibilities as defined by Community Centres By-law Number.

The authority of the Boards is as granted by Council.

2. Role of the Township

With respect to the Community Centres, the Township shall be responsible for:

- a) Maintenance and custodial costs.
- b) Utility costs.
- c) Policies regarding all aspects of recreation and facility use.
- d) Recommending fees and charges for approval by Council, annually, as part of the budget process.
- e) Scheduling the rental of facilities.
- f) Maintaining accurate rental records.
- g) Collection of fees.
- h) Ensuring that all pertinent documents are in place for all events.
- i) Ensuring that a special occasion permit is in place for all events where alcohol is being served.
- j) Ensuring that proof of liability insurance of a minimum of two million (\$2,000,000.00) dollars, with the Corporation of the Township of Muskoka Lakes named as an additional insured is obtained for:
 - Any event at which alcohol will be served.
 - Any commercial event, being any event at which revenue is being generated or money is changing hands.
- k) Ensuring that all facility renters are aware of:
 - The requirement for event/activity insurance.
 - The requirement for Council approval for exemption to the sign by-law when advertising their event/activity.
 - The requirement for appropriate licensing for all games of chance during their event/activity.
 - The requirement for appropriate licensing and operation including Smart Serve compliance for all liquor related events/activities.
 - The requirements for compliance with Ministry of Health regulations.
- l) Insurance costs associated with the ownership and operation of Community Centres.
- m) Ensuring that the facilities are structurally sound.
- n) Ensuring an adequate level of general maintenance.
- o) Having Township Staff meet with each Board regularly for purposes of :
 - AGM
 - Operations and Capital Budget Planning
 - Preparation of annual budget
 - Other matters as requested by Hall Board Chair
- p) Ensuring capital and operational improvements to buildings and grounds are completed as authorized by Council.
- q) Assisting Boards with special projects as reasonably required.

3. Role of the Board

With respect to the Community Centres, each Board shall be responsible for:

- a) Establishing Community Centre needs, and recommending appropriate actions to Council.
- b) Promoting the benefits of the Community Centre and encouraging use.
- c) Ensure conformance to current policies and procedures passed by Council.
- d) Meeting with Township staff prior to the end of each year to provide input into the operating and capital budget.
- e) Participating in periodic Joint Community Centre Board discussions on amendments and enhancements to the program.
- f) To meet on a regular basis as needed; but no less than twice per year.
- g) Ensuring that minutes are taken at each meeting and submitted to the Township in a timely fashion.

4. Financial Accountability of the Board and Township

- h) The Township will ensure that proper records of revenues and expenditures, if any, are maintained.
- i) The Township will ensure that revenues for Community Centres shall be recorded and coded to the proper account by the Department.
- j) The Assigned Township Staff will be responsible for signing, coding, and recording purchase orders.
- k) The Township Treasurer will include recreation revenues and expenditures (as received) in the quarterly general financial statement and will include all revenues and expenditures in the annual year-end audit of the Township.
- l) Neither the Hall Board nor any member of it shall pledge the credit of nor charge expenditure against the Hall Board, the Community Centre or the Township without proper authorization.
- m) The Hall Board may have a separate bank account held outside of the Township's account for purchases or contributions at the approval of the board. Any capital work or facility improvements undertaken must be approved by the appropriate Township staff.

5. Communications

- a) All communications from the Hall Board shall flow through the Assigned Township Staff.
- b) Except in emergency situations, communications to and from custodians of Community Centres shall be through the Assigned Township Staff.
- c) In an emergency situation, regarding the facility, custodians shall contact the on-call Township maintenance staff through the Townships after hours call service.
- d) Whenever possible, communications shall be in written or electronic form. Each Community Centre Board shall determine which format best suits their needs.

6. Make-Up of the Board

- a) Each Board shall consist of a minimum of three (3) members, one of whom must be a member of Council duly appointed by Council.

- b) The Mayor is not an ex-officio member of all Community Centre Boards.
- c) Members will be appointed at the beginning of the term of Council. Replacement Board members will be appointed as required at any time to fill vacancies. Board members will serve a four-year term concluding all such terms to coincide with the term of Council. Members are eligible for appointment for more than one term.
- d) Custodians are not Board members. Custodians may be invited to attend Board meetings to provide information and updates to the Board.
- e) In the event of a vacancy occurring because of resignation, inability to serve or death, Council shall appoint a replacement, who shall hold office for the remainder of the term.
- f) In the absence of a Hall Board, the assigned Township staff will consult the Councillor Liaison for that facility with respect to Community Centre operations until such time a Hall Board has been appointed.

7. Appointment of Members to the Board

- a) Public notification shall be made by Council, inviting members of the public to apply for appointment to a Community Centre Board. The application is attached as Schedule "B" and forms part of this by-law.
- b) Outgoing Community Centre Boards may provide input to Council with respect to appointments to their Board.
- c) Council has the authority to terminate an appointment as may be required.

8. Roles of Board Members and Assigned Township Staff

- a) Roles of the Chairperson
The Chairperson of the Community Centre Board shall be selected by the members of the Board.
The Chairperson:
 - i) Is in charge of the meetings and sets the tone and pace of the meeting.
 - ii) Makes sure meeting dates and times are set.
 - iii) Organizes the agenda.
 - iv) Calls the meeting to order.
 - v) Follows the agenda.
 - vi) Encourages discussion.
 - vii) Calls for motions and votes.
 - viii) Ensures the meeting runs smoothly and quickly.
 - ix) Summarizes the decisions and closes the meeting.
 - x) Adopted Board minutes, to be signed and provided to the Assigned Township Staff by mail, in person or electric form.
- b) Roles of the Vice Chairperson
The Vice Chairperson shall be selected by members of the Board.
The Vice Chairperson:
 - i) Takes charge of meetings when the Chairperson is absent and works closely with the Chairperson to make the meeting run smoothly.
 - ii) In case of the absence of the Chairperson from the community, or if they are absent through illness or are unable to act, the Vice Chairperson shall fulfill the Chairperson's duties and shall have all the rights, power and authority of the Chairperson of the Committee while doing so.
 - iii) Where both the Chairperson and the Vice Chairperson are absent or unable to act, the Committee may appoint a member to be acting Chairperson and he/she shall have all the rights, power and authority of the Vice Chairperson.
- c) Roles of the Treasurer
The Treasurer shall be selected by members of the Board.
The Treasurer:
 - i) Takes care of all matters related to finances and, if possible, should have some background in accounting or at least be willing to learn.
 - ii) Advises the Board on financial matters.
 - iii) Gives financial reports on revenues and expenditures at each regular meeting of the Board.

- iv) Maintain accurate records of revenues and expenditures to and from the separate bank account held outside of the Township's account.
- d) Roles of the Secretary
The Secretary shall be selected by members of the Board.
The Secretary:
- i) Is responsible for the administration of the Board.
 - ii) Gives notice of each regular and/or special meeting of the Board and where possible and if necessary an agenda of the matters to be considered not later than one working day preceding the day of the meeting.
 - iii) Forwards a copy of the approved minutes of all meetings to the Township.
 - iv) Prepare an agenda for distribution prior to the meeting.
 - v) Keeps a record of the minutes and other proceedings of the Board.
 - vi) Reads all official communications to the Board
 - vii) Writes correspondence as directed by the Board
 - viii) Keeps all correspondence on file and forwards to Township as required.
- e) Roles of Board members
The Board members shall represent the citizens of the community.
Board members shall:
- i) Attend meetings.
 - ii) Participate in discussions.
 - iii) Make motions and vote.
 - iv) If in charge of a sub-committee, report on its progress.
- f) Roles of the Council representative
The Councillor:
- i) Advises the Hall Board about Council decisions.
 - ii) Participates as a regular voting Hall Board member.
 - iii) Where the Councillor Liaison is unable to attend a given scheduled meeting, they shall ensure another member of Council attends on their behalf.
 - iv) Represents the interest of the community centre if no board is appointed.
- g) Role of the Assigned Township Staff
The Assigned Township Staff or designate shall not be a voting member of the Hall Board.
The Assigned Township Staff:
- i) Reports on the progress of various programs and projects, upon request.
 - ii) Raises administrative issues.
 - iii) Provides information and advice.
 - iv) Acts as a resource and advisory person.
 - v) Attend Board meetings on a semi-annually basis regarding operating budget planning and approvals.

9. Meetings and Procedures of the Board

- a) Regular meetings of the Board shall be held at least quarterly. The time and place to be determined by the Board.
- b) The Council representative, or Council representative's designate must be in attendance at all meetings.
- c) Where possible an agenda for meetings shall be made and communicated to all members before the meeting. An agenda format is attached as Schedule "C" and forms part of this By-law.
- d) Special meetings called by the Chairperson require twenty-four hour notice. Such notice shall be provided by telephone or electronically.
- e) The regular meeting in November of each year shall be the budget meeting for recommending budget for the upcoming year. The Assigned Township Staff will present the budget to Council for approval.
- f) A majority of the members of the Hall Board including the Chairperson shall make up a quorum at any regular or special meeting of the Board.

- g) If there is no quorum or the Council representative, the Council representative's designate are not in attendance within thirty (30) minutes after the time appointed for the meeting, the recorder shall call the roll and record the names of the members present and the meeting shall stand adjourned until the next regular meeting or until a special meeting is called. The Hall Board may choose to hold a discussion where notes are kept but no motions or actions can be taken.
- h) The Secretary of the Hall Board shall record minutes of all meetings. Copies of all minutes shall be available for Council and public review. The Board Minutes format is attached as Schedule "D" and forms part of this By-law. A sample Resolution is attached as Schedule "E" and forms part of this By-law.
- i) The Chairperson shall vote in the event of a tie.
- j) All meetings of the Hall Boards shall be open to the public. No closed meetings are permitted.
- k) Items of important or emergent nature may be forwarded to Council through submission on a "Resolution Form" prior to the passing of that meeting's minutes.

10. Conflict of Interest

- a) Member shall disclose a conflict of interest in a matter being considered at a meeting by the Board in such instances he or she is required:
 - i) Disclose the interest and its general nature before any discussion of the matter takes place.
 - ii) Leave the room entirely until the Board has come to its final decision.
 - iii) Not to take part in the discussion of the matter.
 - iv) Not to vote on any question in respect of it.
 - v) Not to try to influence the voting at any time before, during or after the meeting.
- b) The rules contained in this Schedule A shall be observed in all proceedings of the Board and shall be the rules and regulations for the order and dispatch of business of the Board.

11. Agenda Format – see Schedule "C"

The agenda format shall be available from the Township.

The agenda format shall be as follows:

1. Call the meeting to order
2. Agenda review and adoption
3. Disclosures of pecuniary interest and the general nature thereof
4. Delegations
5. Adoption of Minutes
6. Business arising from the minutes
7. Correspondence
8. Reports
9. New Business
10. Summary of actions arising from the meeting
11. Next meeting
12. Adjournment

12. Review and Amendments to By-law

All amendments and repeals to this By-law must have Council approval before they come into force.

13. Protection

For the purpose of due diligence, the protection of Board members and the protection of vulnerable members of the public the following criteria shall apply:

- a) Police Record Checks with a Vulnerable Sector Check will be required for any Board member or Board volunteer dealing with the public (specifically youth and seniors) through programs, events, or activities sponsored by the Board.
- b) Police Record Check with a Vulnerable Sector Check will be required for instructors, volunteers, or hired individuals brought on by the Board to deliver a program, event, or activity.
- c) Police Record Checks and Vulnerable Sector Checks will be done on a yearly basis for program volunteers and instructors.
- d) Limitations may be placed on volunteer involvement as may be required.

14. Records

All Board and Community Centre records shall be deposited in original form with the Township on a timely basis for retention in accordance with Township policies. Copies of records can be made should the Hall Board wish to keep a copy of any records for reference purposes.

Current retention of records of Bylaw 2016-005, Schedule "A" by the Municipality which apply to Community Centre Boards includes but is not limited to:

- a) Original minutes
- b) Documents supporting original minutes
- c) Deeds and other documents under seal
- d) Correspondence, papers, maps, and documents or other records considered to be of historical nature
- e) Receipt summaries
- f) Building records
- g) Legal records
- h) Building plans
- i) Agreements, leases
- j) Tenders, contracts and all related documents including specifications and drawings.
- k) Service reports
- l) Personnel records
- m) Current cheques and invoices
- n) Duplicate deposit slips and supporting receipts
- o) Documentations for Federal and Provincial grants
- p) Correspondence, general and inter-office
- q) Budgets and working papers
- r) Paid miscellaneous accounts, receivable bills

SCHEDULE "C" TO BY-LAW 2019-062

COMMUNITY CENTRE BOARD AGENDA FORMAT



AGENDA
(Name) COMMUNITY CENTRE MEETING
(Date)
(Time)

1. Call the meeting to order
2. Agenda review and adoption
 - a) Consideration of a resolution to adopt the agenda.
3. Disclosures of pecuniary interest and the general nature thereof
4. Delegations
(Name of delegation) – (Reason for attending)
5. Adoption of minutes
 - a) Consideration of a resolution to adopt the (Name) Community Centre Board Meeting minutes held on (Date).
6. Business arising from the minutes
 - a)
7. Correspondence
 - a)
8. Reports
 - a) Financial Report
9. New Business
 - a)
10. Summary of actions arising from the meeting
 - a)
11. Next meeting
(Date, time and place of next meeting)
12. Adjournment
 - a) Consideration of a resolution to adjourn.

SCHEDULE "D" TO BY-LAW 2019-062

COMMUNITY CENTRE BOARD MINUTES FORMAT



MINUTES
(NAME) COMMUNITY CENTRE MEETING
(DATE)

A Regular Meeting of the **(name)** Community Centre Board was held on **(date)**, at **(time)**, at the **(name)** Community Centre.

Present:

Chair: **(name)** Vice Chair: **(name)**
Treasurer: **(name)** Secretary: **(name)**
Members: **(names)**

Others: **(names)**

Regrets: **(names)**

1. Call the meeting to order
The meeting was called to order by Chair **(name)** at **(time)**.

2. Agenda review and adoption

Resolution:
Moved by: **(name)** Seconded by: **(name)**

Be it resolved that the **(name)** Community Centre Board Meeting agenda dated **(date)** be adopted **(as circulated...as amended to include item...)**

Carried.

3. Disclosures of pecuniary interest and the general nature thereof
(name and reason ... or ... none)

4. Delegations
(name and reason for attending)

Discussion:
Action Items:
Resolution:

5. Adoption of minutes
Resolution:
Moved by: **(name)** Seconded by: **(name)**

Be it resolved that the **(name)** Community Centre Board Meeting minutes dated **(date)** be adopted as **(circulated ... distributed ... amended ...)**

Carried.

6. Business arising from the minutes
(item topic)

Discussion:
Action Items:
Resolution:

7. Correspondence
(name of correspondence & topic)

Discussion:
Action items:
Resolution:

8. Reports
(author and topic)

Discussion:
Action Items:
Resolution:

(COMMUNITY CENTRE BOARD MINUTES FORMAT – CONTINUED)

9. New Business
(item topic)
Discussion:
Actions items:
Resolution:

10. Next meeting
The next meeting of the (name) Community Centre Board (will be held on ... date...
or... to be determined).

11. Adjournment
Consideration of a resolution to adjourn.

Resolution:

Moved by: **(name)**

Seconded by: **(name)**

Be it resolved that this meeting adjourn at **(time)**.

Carried.

SCHEDULE “E” TO BY-LAW 2019-062

COMMUNITY CENTRE BOARD RESOLUTION FORM

Where an meeting item is emergent or of significant importance, Community Centre Boards may forward a resolution form to Council immediately following a Board meeting and would not require waiting until the minutes of that meeting are passed.



Agenda Reference:

PARKS, RECREATION & FACILITIES
COMMUNITY CENTRE

DATE:

RESOLUTION NUMBER:

MOVED BY:

SECONDED BY:

BE IT RESOLVED THAT:

RECORDED VOTE:	NAYS	YEAS
CHAIR	_____	_____
MEMBER	_____	_____
MEMBER	_____	_____
MEMBER	_____	_____
MEMBER	_____	_____
TOTALS	_____	_____

MOTION DEFEATED []
MOTION CARRIED []

CHAIR