

MUNICIPALITY OF BOISSEVAIN-MORTON
By-Law No. 2021-03

BEING a by-law of the Municipality of Boissevain-Morton for establishing a Parks and Recreation Board, under the provisions of Sections of the Municipal Act, C.C.S.M. c. M225 as follows:

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:
 - (i) a person,
 - (ii) the Government of Canada or one of its agencies,
 - (iii) the Government of Manitoba or one of its agencies,
 - (iv) 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 261 (2) of The Municipal Act provides, in part, as follows:

“A council may make a grant to or otherwise assist

- (a) a charitable or non-profit organization, association or corporation;
- (b) another municipality;
- (c) a local authority; or
- (d) a municipal participation corporation;

“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 only a part of the municipality or only some of the residents may 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, and the safety and protection of property;
- (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 Section 312 of The Municipal Act provides in part as follows:

“If approved by by-law, a municipality may provide, as a special service to all or part of a municipality;

(g) recreation support services”;

AND WHEREAS it is deemed expedient and in the best interest of the residents of the Municipality to establish a Parks and Recreation Board and to establish by by-law the rules and organizational structure of the “Parks and Recreation Board”;

NOW THEREFORE, be it enacted as a by-law, of the Municipality of Boissevain-Morton as follows:

1. THAT there is hereby established, a Parks and Recreation Board, to be known as Boissevain-Morton Parks and Recreation (herein after referred to as the “Board”) and;
2. THAT terms and provisions of the Board shall be in accordance with the hereto attached as Schedule “A”, all of which forms a part of this By-Law. And furthermore, that any revisions to Schedule “A” will require a resolution by Council.
3. THAT all previous recreation by-laws of the Municipality of Boissevain-Morton are hereby rescinded including By-Laws 85-13 and By-Law 92-12

DONE AND PASSED by the Council of Municipality of Boissevain-Morton in regular session assembled at the Council Chambers in Boissevain in the Province of Manitoba, this 20th day of January 2022.

Judy Swanson
Head of Council

Leo Poulin
Chief Administrative Officer

Read a first time this 16th day of December A.D., 2021.
Read a second time this 20th day of January A.D., 2022.
Read a third time this 20th day of January A.D., 2022.

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Schedule “A”

1. The purpose of the established “Board” is to foster and promote recreation programs and leisure opportunities in the area outlined as the Municipality of Boissevain-Morton.
2. The Board shall operate in conjunction with the Municipality of Boissevain-Morton’s Recreation Department and Municipal Council to ensure the delivery of recreation programming and opportunities through the recreation facilities and community parks.
3. The Board will encourage the involvement and support of recreation programming and leisure opportunities, and will liaison with user groups and the public, to ensure that balanced and varied recreation programs and activities exist for the community.
4. Each member of The Board must be appointed and/or approved by council resolution in advance.
5. The Board shall meet regularly, with a minimum of eight (8) meetings per calendar year.
6. The Board shall be comprised of a minimum of seven (7) persons and a maximum of nine (9) persons.
7. Members of the Board shall hold their term of office for two (2) years.
8. 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 unexpired term.
9. A member whose term of office has expired may be re-elected, to a maximum of three (3) consecutive terms.
10. The Board shall elect from its membership; a Chairperson, Vice-Chair, and Finance Chair. The remaining positions shall be board member positions within the Board.

11. The Board members shall serve without remuneration, but each member shall be entitled to receive their actual disbursements for expenses incurred while on Board business as directed by the Board.

12. A member of the Board or Council that has a pecuniary interest directly or indirectly, in any contractor or work relating to the Board will, 1) disclose the general nature of the pecuniary interest, 2) withdraw from the meeting without voting or participating in the discussion, and 3) refrain at all times from attempting to influence the matter.

13. The Board shall adhere to and act in accordance with the Boissevain-Morton Parks and Recreation Board Terms of Reference document. Any changes to the Terms of Reference document must be approved by Municipal Council prior to implementation.

Leo Poulin
Chief Administrative Officer
Municipality of Boissevain-Morton