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The Corporation of the Municipality of Clarington By-Law 2008-038 Office Consolidation

Being a By-law to establish a Municipal Service Board to operate a Community Hall in Solina in the former Township of Darlington, now in the Municipality of Clarington and to repeal By-law 83 28

Passed, by Council, on: March 3, 2008

Consolidated as of: March 17, 2023

Amendments:

Amending By-law	Date	Amendment Details
2021-030	March 1, 2021	Add section 9.1
2023-003	January 23, 2023	Replace section 2

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THE CORPORATION OF THE MUNICIPALITY OF CLARINGTON

BY-LAW NO. 2008-038

Being a By-law to establish a Municipal Service Board to operate a Community Hall in Solina in the former Township of Darlington, now in the Municipality of Clarington and to repeal By-law 83-28

WHEREAS Section 196 of the Municipal Act, 2001 authorizes a municipality to establish a Municipal Service Board;

AND WHEREAS Section 198 of the Municipal Act, 2001 provides that a municipality may give a Municipal Service Board the control and management of such services and activities of the municipality as the municipality considers appropriate and shall do so by delegating the powers and duties of the municipality to the Board;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF CLARINGTON ENACTS AS FOLLOWS:

1. That the Solina Community Hall located at 1964 Concession Road 6, Hampton, Ontario, be under the management and control of a Municipal Service Board appointed by Council to be called "The Solina Community Hall Board", hereinafter referred to as the "Board".
2. The Board shall be appointed by Clarington Council and be comprised of six persons and one member of whom shall be a Member of Council.
3. The members of the Board shall serve for the term of the appointing council and shall continue until such time as their successors are appointed.
4. The members of the Board shall serve without remuneration.
5. Each member of the Board shall have one vote.
6. The members of the Board are eligible for appointment for more than one term.
7. The Board shall submit their books and records to the Municipality annually for review by the Municipality's auditors and consolidation with the Municipality of Clarington's financial statements.
8. The Board shall meet a minimum of four (4) times annually and all meeting minutes shall be submitted to the Municipality of Clarington.

9. The meetings of the Board shall be open to the public, in accordance with Section 239 of the Municipal Act and no person shall be excluded therefrom except for improper conduct.
 - 9.1. A member of the Board is permitted to participate electronically in a meeting and may be counted in determining whether, or not, a quorum of members is present at any point in time; and

For clarity, a Member of the Board may also participate electronically in a meeting that is closed to the public, if the meeting is properly held in closed session (i.e. the deliberations are permitted to be conducted in closed session, moving from open session to closed session, and then rising and reporting, and maintaining minutes of both the closed and open portions of the meeting).

10. The Board shall not commit or suffer or permit to be committed any waste or damage, disfiguration or injury to the premises or the improvements, installations, fixtures, and equipment thereon and any nuisance in, at or on the premises.
11. The Board shall not do or permit anything to be done that results in the cancellation or threatened cancellation or the reduction of coverage under or threatened reduction of coverage under any insurance policy on the premises or any part of it.
12. The Board at all times throughout the term shall maintain the premises in a satisfactory condition as determined by the Municipality acting reasonably. The Board shall keep the premises in a clean condition and shall obtain at its expense janitorial services. The Board will also be responsible for winter maintenance snow removal.
13. The Board hereby accepts the Community Hall on an "as is" basis. The Board shall maintain and keep the premises and every part thereof in good working order and promptly make all needed maintenance, repairs, and replacements, as would a prudent owner.
14. If structural repairs or replacements to the roof, foundation or load bearing walls, building envelope and/or the mechanical equipment are needed, the Municipality shall be obligated at their expense to affect such repairs or replacements.
15. If the Board desires to make any alterations or additions to the premises, including but not limited to erecting partitions, attaching equipment and installing necessary furnishings or additional equipment of the Board's business, the Board may do so at its own expense, at any time provided before undertaking any alteration or addition, the Board submits to the Municipality a plan showing the proposed alterations or additions and the Board shall not proceed to make any alteration or addition unless the Municipality has approved the Plan. The Municipality shall not unreasonably or arbitrarily withhold approval.
16. The Board shall be responsible for and pay the cost of any alterations, additions or installations, or improvements.

17. No sign, advertisement or notice shall be inscribed, painted, or affixed by the Board or any other person on the Board's behalf or any part inside or outside unless approved by the municipality.
18. All alterations and additions made by or on behalf of the Board shall immediately become property of the Municipality without compensation to the Board.
19. The Board agrees to observe and comply with all applicable governmental laws and regulations including fire, police, health, etc. The Municipality will ensure that the building meets all appropriate codes and regulations.
20. The Board will be responsible for the cost of all utilities for the building.
21. The Board shall promptly notify the Municipality of any accident, defect, damage or deficiency in or on any part of the premises which comes to the attention of the Board.
22. The Municipality will provide the Board with full access to all available areas of the building.
23. The Municipality covenants with the Board for quiet enjoyment.
24. The Board cannot sell, lease or otherwise dispose of the Community Centre, all or part of real or personal property related to the centre.
25. The Board agrees to use the revenue **it** generates from the provision of the municipal service to fund the operation and maintenance of the operation.
26. If the Board determines that it no longer requires an asset for the purpose of providing a municipal community centre, the Board will release **its** interest in the asset to the Municipality.
27. The Board will provide information to the Municipality on the operation and management of the Community Centre and will be required to present to Council a report once during the term of each Council.
28. All agreements that the Board enters into will hold the Municipality of Clarington harmless from any and all claims, actions, damages or lawsuits pertaining to the use of the facility and premises.
29. Any employee of the Board will be considered an employee of the Board and will be subject to the appropriate laws and regulations regarding employment and will not be considered an employee of the Municipality of Clarington under any circumstances.
30. The Municipality agrees to provide property and contents insurance coverage to the Building while this agreement is in place.

31. The Municipality agrees to provide liability insurance coverage under the Municipality's Master Policy.
32. If the Board dissolves, all assets, including bank accounts shall be temporarily turned over to the custody of the Municipality until a replacement Board is established.
33. The Board shall ensure that all financial records are submitted annually for review to the Municipal auditors for consolidation with the Municipality of Clarington financial statements.
34. THAT By-law 83-28 is hereby repealed.

By-law read a first and second time this 3rd day of March 2008

By-law read a third time and finally passed this 3rd day of March 2008

ORIGINAL BY-LAW SIGNED