

THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE

BY-LAW NO. 26/2022

*Being A By-Law to Authorize the Execution of an Agreement for the purposes of dissolving the Joint Animal Control Municipal Services Board and the Sale of Real Property*

WHEREAS section 8 of the Municipal Act, 2001, SO 2001, c. 25, as amended (the "Municipal Act, 2001") provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority to enable it to govern its affairs as it considers appropriate and enhance its ability to respond to municipal issues;

AND WHEREAS section 9 of the Municipal Act, 2001 provides in part that a Municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS subsection 10(2) of the Municipal Act, 2001 authorizes a municipality to pass by-laws with respect to matters within its jurisdiction including the financial management of the municipality;

AND WHEREAS section 23.1 of the Municipal Act, 2001, SO 2001, c. 25, as amended, authorizes Council to delegate its powers and duties subject to certain restrictions;

AND WHEREAS in 2013 the Corporation of the Municipality of Port Hope; the Corporation of the Town of Cobourg; the Corporation of the Township of Alnwick/Haldimand and the Corporation of the Township of Hamilton entered into an agreement to establish a Joint Municipal Services Board for the purposes of domestic animal control in accordance with Section 202 of the Municipal Act 2001, as amended;

AND WHEREAS in February 2020 the Town of Cobourg withdrew and terminated participation as a member municipality in accordance with the terms of the establishing agreement;

AND WHEREAS each Council of the member municipalities (Alnwick/Haldimand, Port Hope and Hamilton) are in support of a new service model for animal control services and each have deemed it desirable to dissolve the Joint Animal Control Municipal Services Board;

AND WHEREAS Council deems it desirable to enter into an agreement between the Joint Animal Control Municipal Services Board; Northumberland Humane Society and the Corporation of the Municipality of Port Hope; the Corporation of the Township of Alnwick/Haldimand and the Corporation of The Township of Hamilton for the purposes of selling the assets of the Board, the real property of Hamilton Township and closing operations of Municipal Animal Services;.

AND WHEREAS Northumberland Humane Society and the Joint Animal Control Municipal Service Board have considered the potential purchase of property by the Northumberland Humane Society, staff from member municipalities have, at Council's direction, engaged in confidential negotiations with respect to the potential purchase and sale and have agreed to terms within a conditional agreement of purchase and sale which is subject to Council's final approval as generally described in CS-07-22 report dated April 26, 2022.

AND WHEREAS Council is satisfied that the required due diligence has been performed and wishes to proceed with the disposition of the lands as described herein;

NOW THEREFORE the Council of the Corporation of the Municipality of Port Hope enacts as follows:

1. THAT the Corporation of the Municipality of Port Hope supports the sale of the property by the Township of Hamilton;
2. THAT the Corporation of the Municipality of Port Hope jointly with The Corporation of the Township of Hope, The Corporation of the Township of Alnwick/Haldimand, as member municipalities of the Joint Animal Control Municipal Services Board, does hereby agree to sell the building located on the property described in Schedule A and authorizes the Mayor and Clerk to execute all agreements necessary for that sale; and
3. THAT the Mayor and Clerk be hereby authorized and directed to execute any agreements and any other documents as may be necessary to facilitate the transactions contemplated in this by-law; and
4. THAT this By-law and associated agreement shall come into effect upon the upon ratification by all the current member municipalities described above in accordance with Section 216(6) of the Municipal Act; and
5. THAT the establishing By-law passed in 2013 by each member municipality of the Joint Animal Control Municipal Services Board is hereby repealed and the Board dissolved.

READ a FIRST, SECOND and THIRD time and finally passed in Open Council this 26<sup>th</sup> day of April, 2022.

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Bob Sanderson, Mayor

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Brian Gilmer, Clerk