

By-law Number 50-2021
of The Regional Municipality of Durham

Being a by-law to establish a Municipal Services Corporation for the purposes of establishing, creating, and operating a Regional Telecommunications and Broadband Network in the Regional Municipality of Durham.

Whereas under subsection 203 of the *Municipal Act, 2001*, S.O. 2001, c.25 a municipality may establish a municipal services corporation for the purpose of providing a municipal service and may nominate and authorize a person to act as an incorporator, director, officer or member of a municipal services corporation and may acquire securities in such municipal service corporation and exercise powers as the holder of such securities.

And Whereas under Regulation 599/06, a municipality may establish and create a municipal service corporation by following the requirements under Regulation 599/06 including the requirement to pass an enabling by-law for the municipal service corporation.

Now therefore, the Council of The Regional Municipality of Durham hereby enacts as follows:

Municipal Services Corporation

1. That Regional Municipality of Durham be authorized to establish, incorporate and create a municipal services corporation for the purpose of providing a telecommunications and broadband service and network, including the service of installing, maintaining and operating all required infrastructure to operate a telecommunications and broadband network in the Regional Municipality of Durham, and to acquire and hold shares in the capital of the municipal services corporation as the sole shareholder thereof.
2. That Regional Municipality of Durham staff be authorized to prepare all materials and corporate documents and minutes and take all steps necessary to establish a municipal services corporation for the purpose of providing a telecommunications and broadband service and network in the Regional Municipality of Durham, including, without limitation, the completion and filing of Articles of Incorporation for the municipal services corporation, the corporate by laws of the municipal services corporation and the documents necessary or desirable to organize the municipal services corporation to give effect to paragraph 1 above.
3. The Regional Chair is nominated and authorized to act as the incorporator and initial director of the municipal services corporation and to sign (both in the Regional Chair's capacity as the incorporator and initial director of the municipal services corporation and on behalf of Regional Municipality of Durham as shareholder, as required) the Articles of Incorporation of the municipal services corporation, the corporate by laws of the municipal services corporation and initial organizational minutes and proceedings required or desirable to give effect to paragraph 1 above (including those set out in paragraph 2 above) and to elect Elaine Baxter-Trahair, Chief Administrative Officer, as a second director to serve with the Regional Chair on the board of directors of the MSC pending the further constitution of the Board.
4. The Regional Municipality of Durham is authorized to execute and deliver a Shareholder's Direction to the MSC which is to take effect in accordance with and

subject to the terms and conditions of the Shareholder's Direction.

This By-law Read and Passed on the 22nd day of December, 2021.

J. Henry, Regional Chair and CEO

R. Walton, Regional Clerk