THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 12-107

BEING A BY-LAW TO AMEND THE OPERATING AGREEMENT, DATED JUNE 2, 2003, SUBSEQUENTLY AMENDED BY AN AMENDING AGREEMENT DATED SEPTEMBER 10, 2007 AND SEPTEMBER 13, 2010, OF THE PETERBOROUGH SPORT & WELLNESS CENTRE

THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE COUNCIL THEREOF HEREBY ENACTS AS FOLLOWS:

That the Mayor and Clerk be hereby authorized to execute an agreement between The Corporation of the City of Peterborough and the Sir Sandford Fleming College of Applied Arts and Technology in the form attached hereby as Schedule “A”, and to affix the Seal of the Corporation thereto.

By-law read a first, second and third time this 30th day of July, 2012.

(Sgd.) Daryl Bennett, Mayor

(Sgd.) Natalie Garnett, Deputy Clerk
AMENDING AGREEMENT
TO THE OPERATING AGREEMENT MADE 2 JUNE 2003

THIS AMENDING AGREEMENT made this ___ day of __________ 2012

BETWEEN:

THE SIR SANDFORD FLEMING COLLEGE OF APPLIED ARTS AND TECHNOLOGY
(the “College”)

and

THE CORPORATION OF THE CITY OF PETERBOROUGH
(the “City”)

WHEREAS the College and the City entered into a Lease Agreement dated 16 September 2002, in order to jointly develop a recreation centre to be known as the Peterborough Sport and Wellness Centre at Fleming;

AND WHEREAS the College and the City entered into an Operating Agreement, dated 2 June 2003, which was subsequently amended by an amending agreement, dated 10 September 2007, and September 13, 2010 (collectively, the “Operating Agreement”);

AND WHEREAS the College and the City desire to further amend the Operating Agreement in accordance with the provisions contained herein;

NOW THEREFORE in consideration of the mutual covenants herein contained and the provision of good and valuable consideration by each party to the other, the receipt and sufficiency which is mutually acknowledged, the parties now agree as follows:

1. Article 1.06, defining the term “Steering Committee” is to be deleted in its entirety.

2. The following definition is to be added:

“Administrative Committee” means the Steering Committee for the Peterborough Sport and Wellness Centre, consisting of the Director of Community Services for the City of Peterborough, the Manager of the Peterborough Sport and Wellness Centre, and the Executive Director of Student Services for Fleming College, to address operational matters.

3. Article 3.01 is amended by deleting the phrase “Steering Committee” and replacing it with the phrase “Administrative Committee”.
4. Article 6.01 is amended by deleting the phrase “Steering Committee” and replacing it with the phrase “Administrative Committee”.

5. Article 8.01 is amended by deleting the phrase “Steering Committee” and replacing it with the phrase “Administrative Committee”.

6. Except as specifically altered or amended herein, the provisions of the Operating Agreement entered into on 2 June 2003 and amended on 10 September 2007, and 13 September, 2010 shall continue without alteration or amendment.

IN WITNESS WHEREOF, the parties have executed this Amending Agreement, as of the date first written above.

SIGNED, SEALED AND DELIVERED

THE CORPORATION OF THE CITY OF PETERBOROUGH

________________________
Daryl Bennett, Mayor

________________________
John Kennedy, City Clerk

THE SIR SANFORD FLEMING COLLEGE OF APPLIED ARTS AND TECHNOLOGY

________________________
G. A. Tilly, Ph.D., President

________________________
Murray C. Rodd
Chair, Board of Governors