



2ND SESSION, 36TH LEGISLATURE, ONTARIO  
47 ELIZABETH II, 1998

# **Bill Pr8**

## **An Act to establish the West Lambton Electric Commission**

**Mr. Boushy**

**Private Bill**

1st Reading     June 22, 1998  
2nd Reading  
3rd Reading  
Royal Assent

Printed by the Legislative Assembly of Ontario



EXPLANATORY NOTE

The purpose of the Bill is described in the Preamble.

## An Act to establish the West Lambton Electric Commission

Preamble	<p>The Corporation of the City of Sarnia, the Hydro Electric Commission of the City of Sarnia, the Corporation of the Town of Petrolia, the Public Utilities Commission of the Town of Petrolia, The Corporation of the Township of Moore, the Hydro Electric Commission of the Township of Moore, The Corporation of the Village of Point Edward and the Public Utilities Commission of the Village of Point Edward applied for special legislation. The application is to establish the West Lambton Electric Commission and to dissolve three of the applicant commissions.</p> <p>It is appropriate to grant the application.</p> <p>Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:</p>	<ol style="list-style-type: none"> <li>2. One representative of The Corporation of the Town of Petrolia.</li> <li>3. One representative of The Corporation of the Township of Moore.</li> <li>4. One representative of The Village of Point Edward.</li> </ol>	
		<p>(2) Each municipality may, by by-law, determine the method of selecting its member or members of the commission and shall do so within one year after this Act comes into force.</p> <p>(3) If a municipality decides that its member or members are to be elected, the election must be by general vote at an election held under the <i>Municipal Elections Act</i> in the municipality.</p>	<p>Selection</p> <p>Election</p>
Definitions	<p><b>1.</b> In this Act,</p> <p>“Commission” means the West Lambton Electric Commission;</p> <p>“electrical service area” means the area described in subsection 7 (1);</p> <p>“municipality” means The Corporation of the City of Sarnia, The Corporation of the Town of Petrolia, The Corporation of the Township of Moore or The Corporation of the Village of Point Edward;</p> <p>“predecessor” means the Hydro Electric Commission of the City of Sarnia, the Public Utilities Commission of the Town of Petrolia, the Hydro Electric Commission of the Township of Moore and the Public Utilities Commission of the Village of Point Edward.</p>	<p>(4) If a municipality does not determine the method of selecting its member or members, the municipality shall, by by-law, appoint its member or members at the beginning of the term of office of the municipal council.</p> <p>(5) Parts II (composition of municipal councils) and III (vacancies) of the <i>Municipal Act</i> that apply with respect to members of a municipal council apply, with necessary modifications, with respect to elected members of the commission.</p> <p>(6) The term of office of a members who is appointed expires with the term of office of the municipal council that appoints him or her.</p> <p>(7) Sections 45, 46 and 47 of the <i>Municipal Act</i> apply, with necessary modifications, with respect to a vacancy on the commission.</p>	<p>Appointment</p> <p>Same</p> <p>Term of office</p> <p>Vacancy</p>
Commission established	<p><b>2.</b> (1) The West Lambton Electric Commission is established as a public utility commission.</p>	<p>(8) The remuneration of a member is as determined by the municipality that he or she represents.</p>	<p>Remuneration</p>
Same	<p>(2) The Commission shall be deemed to have been established under Part III of the <i>Public Utilities Act</i>.</p>	<p>(9) The following persons constitute the commission on the day this Act comes into force:</p>	<p>Initial board</p>
Name	<p>(3) The Commission may, by resolution, change its name.</p>		
Composition	<p><b>3.</b> (1) The Commission is composed of the following members:</p> <ol style="list-style-type: none"> <li>1. Two representatives of The Corporation of the City of Sarnia.</li> </ol>	<ol style="list-style-type: none"> <li>1. The persons who, immediately before this Act comes into force, were the chair and the vice-chair of the Hydro Electric Commission of the City of Sarnia. They are the representatives of The Corporation of the City of Sarnia.</li> </ol>	

	2. The person who, immediately before this Act comes into force, was the chair of the Public Utilities Commission of the Town of Petrolia. He or she is the representative of The Corporation of the Town of Petrolia.	(2) The municipalities may, by resolution, jointly appoint one or more persons to audit the accounts of the Commission each year.	Audit
	3. The person who, immediately before this Act comes into force, was the chair of the Hydro Electric Commission of the Township of Moore. He or she is the representative of The Corporation of the Township of Moore.	6. (1) The Commission may exercise the powers, rights, authorities and privileges with respect to electrical power and electrical energy that are conferred upon the municipalities by the <i>Public Utilities Act</i> .	Powers, etc.
	4. The person who, immediately before this Act comes into force, was the chair of the Public Utilities Commission of the Village of Point Edward. He or she is the representative of The Corporation of the Village of Point Edward.	(2) The municipalities shall not exercise the powers described in subsection (1) except through the Commission.	Municipalities
Same	(10) The term of office of the members appointed by subsection (9) expires with the term of the applicable municipal council in office on the day this Act comes into force.	7. (1) The geographic area of the municipalities shall be deemed to be an area established by the municipalities under clause 83 (1) (a) of the <i>Power Corporation Act</i> .	Electrical service area
Same	(11) The remuneration of each member appointed by subsection (9) shall not exceed the amount of the salary that is payable immediately before this Act comes into force to the person earning the highest salary in a position described in subsection (8).	(2) The municipalities shall be deemed to have entrusted the construction of the works and the control and management thereof to the Commission under subsection 83 (4) of the <i>Power Corporation Act</i> .	Hydro-electric commission
Amending mechanism	4. (1) In this section, "initiating by-law" means the by-law described in subsection (3).	(3) The Commission may contract with Ontario Hydro for the transmission and supply to the Commission of electrical power and electrical energy to be distributed and sold within the electrical service area, may do so without the assent of the electors in the municipalities and without any other authorization or approval.	Power to contract
Same	(2) The composition of the Commission, the method of selecting the members and the term of office of the members may be amended in accordance with this section.	(4) A contract described in subsection (3) shall be deemed to be an agreement within the meaning of clause 147 (1) (o) of the <i>Municipal Act</i> .	Same
Initiating by-law	(3) A municipality may, by by-law, recommend amendments relating to a matter described in subsection (2) and the date on which the amendments are to come into effect.	(5) For the purposes of the <i>Power Corporation Act</i> , the Commission shall be deemed to be a municipal corporation that has entered into a contract with Ontario Hydro for the supply of electrical power and electrical energy within the electrical service area.	Status under the <i>Power Corporation Act</i>
Notice	(4) The municipality shall give the other municipalities notice that the initiating by-law has been made.	8. (1) The Commission may borrow money if it receives the approvals described in this section.	Borrowing
Assent	(5) The recommended amendments come into effect on the date specified in the initiating by-law if the other municipalities assent to the recommended amendments and to the date on which the amendments come into effect.	(2) With the approval of Ontario Hydro, the Commission may request the municipalities to approve the borrowing of money and the municipal councils shall approve or disapprove the borrowing within 30 days after the request is made.	Municipal approval
Same	(6) The assent of the other municipalities must be given, by by-law, within 60 days after the initiating by-law is made.	(3) If one or more municipalities whose equalized assessment is, in the aggregate, more than 50 per cent of the equalized assessment of the geographic area of all of the municipalities approves the borrowing, those municipalities shall apply to the Ontario Municipal Board for approval of the proposed borrowing on behalf of all the municipalities. They shall do so	O.M.B. approval
Annual report	5. (1) Each year, the Commission shall give each municipality a report on its affairs during the preceding year and its capital borrowing forecast.		

even if another municipality has not approved the borrowing.

Apportionment

(4) Even though one or more municipalities has not approved the borrowing, each municipality is liable for such proportion of the payments required to be made on account of any borrowing authorized under this section as the equalized assessment of the municipality bears to the equalized assessment of the geographic area of all of the municipalities.

Powers re development charges

9. (1) The Commission may exercise the powers of a municipality under sections 2 and 44 of the *Development Charges Act, 1997* with respect to land in the electricity service area.

Same

(2) Part III of the *Development Charges Act, 1997* applies with respect to a front-ending agreement the Commission enters into under section 44 of that Act.

Other powers

(3) The Commission may exercise the powers of a municipality under subsections 51 (25) and 53 (12) of the *Planning Act* with respect to land in the geographic area of the municipalities.

Same

(4) Subsection 51 (43) of the *Planning Act* applies with respect to the imposition of conditions under subsection 51 (25) of that Act, and subsection 53 (19) applies with respect to the imposition of conditions under subsection 53 (12).

Effect on municipality

(5) If the Commission exercises the powers described in subsection (1) or (3), the municipality is not entitled to exercise its powers under those provisions in respect of the same lands for the same purpose.

Development charge by-laws

10. (1) Development charge by-laws enacted by the municipalities under the *Development Charges Act*, as it existed before March 1, 1998, are continued as by-laws of the Commission.

Reserves

(2) Each municipality shall transfer to the Commission the reserve funds under a development charge by-law described in subsection (1).

Powers

(3) The Commission may exercise the powers of a municipality under Part V of the *Development Charges Act, 1997* with respect to a development charge by-law and a reserve fund described in this section.

Transfers re Petrolia P.U.C.

11. (1) On the day this Act comes into force, the powers and duties of the Public Utilities Commission of the Town of Petrolia with

respect to the supply and distribution of power that are established by a municipal resolution or by-law become the powers and duties of the Commission instead.

(2) On the day this Act comes into force, assets that are under the control and management of the Public Utilities Commission of the Town of Petrolia immediately before this Act comes into force become assets under the control and management of the Commission.

(3) The by-laws and resolutions of the Public Utilities Commission of the Town of Petrolia continue in force with respect to the Town of Petrolia, until they are amended or revoked by the Commission.

12. (1) The Hydro Electric Commission of the City of Sarnia, the Hydro Electric Commission of the Township of Moore and the Public Utilities Commission of the Village of Point Edward are hereby dissolved.

(2) Upon the dissolution of those predecessors,

- (a) their assets and liabilities become the assets and liabilities of the Commission;
- (b) their powers and duties under any municipal by-law or resolution become the powers and duties of the Commission;
- (c) assets that were under their control and management immediately before this Act comes into force become assets under the control and management of the Commission.

(3) Claims that, immediately before this Act comes into force, could have been made by or against any of those predecessors may be made by or against the Commission in their place when this Act comes into force.

(4) On the day this Act comes into force, the Commission replaces each of those predecessors as a party in any ongoing proceeding.

(5) The by-laws and resolutions of those predecessors continue in force with respect to the geographic area in which each predecessor carried on activities, until they are amended or revoked by the Commission.

**13. This Act comes into force on the day it receives Royal Assent.**

**14. The short title of this Act is the *West Lambton Electric Commission Act, 1998*.**

Same

By-laws, etc.

Certain predecessors dissolved

Transfers

Claims

Proceedings

By-laws, etc.

Commencement

Short title