



2ND SESSION, 36TH LEGISLATURE, ONTARIO  
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# **Bill Pr22**

## **An Act respecting The City of Kingston**

**Mr. Gerretsen**

**Private Bill**

1st Reading      December 2, 1998  
2nd Reading  
3rd Reading  
Royal Assent

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#### EXPLANATORY NOTE

In 1997, the composition of the City of Kingston was changed by a restructuring order made under the *Municipal Act*. This Bill makes some changes to the financial powers of the City set out in the restructuring order. Particular changes affect the City's 1998 budget. The cap on the City's 1998 budget is removed, and the City is required to achieve a specified level of savings in 1998.

The City is authorized to establish corporations and to delegate powers and duties to them. Certain restrictions are set out.

The City is authorized to appoint, select or reinstate municipal employees on a majority vote of council. The *Municipal Act* now requires a two-thirds vote of council.

**An Act respecting the City of Kingston**

Preamble	<p>The Corporation of the City of Kingston has applied for special legislation in respect of the matters set out in this Act.</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>	<p><b>4.</b> (1) The council shall reduce the 1998 budget of the City and its local boards, as determined without reference to paragraph 7.5 (a) of the restructuring order, by the amount described in subsection (2).</p> <p>(2) The amount of the reduction must be at least 15 per cent of the amount of the discretionary expenditures in 1996 for each of the former municipalities, as they existed on December 31, 1997, that constituted the City on January 1, 1998.</p> <p>(3) On the day this Act receives Royal Assent, paragraph 7.5 (a) of the restructuring order ceases to apply to the City.</p>	<p>Reduction in 1998 budget</p> <p>Amount of reduction</p> <p>Restructuring order</p>
INTERPRETATION			
Definitions	<p><b>1.</b> In this Act,</p> <p>“City” means The Corporation of the City of Kingston;</p> <p>“council” means the council of The Corporation of the City of Kingston;</p> <p>“restructuring order” means the order restructuring the County of Frontenac, its constituent municipalities and the City of Kingston that was made on January 7, 1997 by the Minister of Municipal Affairs and Housing under section 25.2 of the <i>Municipal Act</i>, as the order appears in <i>The Ontario Gazette</i> dated February 15, 1997;</p> <p>“transitional costs” has the same meaning as in the restructuring order.</p>	<p><b>CORPORATIONS AND DELEGATION BY THE CITY</b></p> <p><b>5.</b> (1) The council may pass by-laws authorizing the City to incorporate one or more business corporations under the <i>Business Corporations Act</i> and to acquire and hold shares in them.</p> <p>(2) The council may pass by-laws authorizing the City to incorporate one or more corporations under the <i>Corporations Act</i>.</p> <p>(3) A corporation incorporated by the City under this section shall be deemed not to be a local board or a public utilities commission for the purposes of any Act.</p> <p>(4) A transfer of assets or liabilities by the City to such a corporation shall be deemed not to constitute a bonus within the meaning of section 111 of the <i>Municipal Act</i>.</p> <p><b>6.</b> (1) In the circumstances described in this section, the council may, by by-law, delegate to a corporation established under this Act any of the City’s or the council’s powers or duties relating to the provision of a municipal service.</p> <p>(2) The council may make a delegation to a business corporation (the “first corporation”) only if the City or another business corporation incorporated by the City has subscribed for all the initial shares issued by the first corporation that are voting shares.</p> <p>(3) The council may make a delegation to a corporation incorporated under the <i>Corporations Act</i> only if the members of the corporation and of its board are chosen by the council and are employees or agents of the City.</p>	<p>Business corporations</p> <p>Other corporations</p> <p>Deeming, local board, etc.</p> <p>Same, bonusing</p> <p>Delegation to corporations</p> <p>Restriction, business corporations</p> <p>Restriction, other corporations</p>
FINANCIAL POWERS			
Appropriations and expenditures	<p><b>2.</b> (1) Despite subsection 68 (3) of the <i>Municipal Act</i>, council may, by a majority vote of council members present at the applicable meeting, appropriate or expend a sum not provided for by the estimates or by a special or supplementary estimate certified by the board of control to the council.</p>	<p>(2) On the day this Act comes into force, subclause 5.1 (d) i) 2 of the restructuring order ceases to apply with respect to the authorization by council of an appropriation or expenditure that is not provided for by the estimates or by a special or supplementary estimate.</p>	
Same, restructuring order	<p><b>3.</b> (1) The council may issue debentures for some or all transitional costs, and the debentures must expire not later than the tenth anniversary of the day on which this Act receives Royal Assent.</p>	<p>(2) The council may amortize some or all transitional costs, and the amortization period must expire not later than the tenth anniversary of the day on which this Act receives Royal Assent.</p>	
Financial powers re restructuring	<p>(2) The council may amortize some or all transitional costs, and the amortization period must expire not later than the tenth anniversary of the day on which this Act receives Royal Assent.</p>		

“Municipal service”

(4) For the purposes of subsection (1), “municipal service” includes public utilities, public highways and municipal property.

(6) A transfer authorized by this section may be made despite sections 146 and 163, paragraph 55 of section 207 and section 218 of the *Municipal Act*, sections 35 and 63 of the *Development Charges Act, 1997* and section 35 of the *Public Utilities Act*.

Conflict

Transfer of reserve funds

7. (1) This section applies if the City transfers assets or liabilities to a corporation established under this Act and delegates to the corporation powers or duties relating to the provision of a municipal service.

MUNICIPAL EMPLOYEES

8. (1) Despite subsection 68 (7) of the *Municipal Act*, the head of a department or sub-department or other permanent officer, clerk or assistant may be appointed or selected by the council (in the absence of the nomination of the board of control as provided by clause 68 (1) (d) of that Act) by a majority vote of council members present at the applicable meeting.

Appointments, etc., of staff

Same, development charges

(2) The City may transfer to the corporation that portion of any reserve fund established under section 33 of the *Development Charges Act, 1997* that relates to development charges in respect of the municipal service.

(2) Despite subsection 68 (8) of the *Municipal Act*, a head of a department who has been dismissed by the board of control may be reappointed or reinstated by the council by a majority vote of council members present at the applicable meeting.

Reinstatement

Same

(3) The City may transfer to the corporation that portion of any reserve fund to which section 63 of the *Development Charges Act, 1997* applies, that relates to development charges in respect of the municipal service.

Same, *Public Utilities Act*

(4) The City may transfer to the corporation that portion of any reserve fund established under subsection 35 (2) of the *Public Utilities Act* in respect of the municipal service.

COMMENCEMENT AND SHORT TITLE

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

Commencement

Same, other reserve funds

(5) The City may transfer to the corporation that portion of any other reserve fund established under any Act in respect of the municipal service.

10. **The short title of this Act is the *City of Kingston Act, 1998*.**

Short title