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50 ELIZABETH II, 2001

Bill Pr4

An Act respecting the City of Elliot Lake

Mr. Brown

Private Bill

1st Reading April 25, 2001
2nd Reading
3rd Reading
Royal Assent



EXPLANATORY NOTE

The purpose of the Bill is set out in the Preamble.

An Act respecting the City of Elliot Lake

Preamble

The Corporation of the City of Elliot Lake has applied for special legislation to permit it to develop shoreline and other land in the City of Elliot Lake for residential purposes and to use the net proceeds of residential development projects for the economic development of the City of Elliot Lake. The applicant represents that its economic situation is unique among Ontario municipalities in that its sole industry from its incorporation until 1996 was uranium mining and that, since the last uranium mine in the City of Elliot Lake closed in 1996, it is dependent for revenue on its residential/farm and commercial tax base, resulting in residential/farm and commercial tax rates that are higher than the average tax rates in other municipalities in northern Ontario. The applicant further represents that the purpose of this application is to allow it to develop residential property without providing municipal services in order to expand its residential/farm tax base and consequently reduce the tax burden on its residents.

It is appropriate to grant the application.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1. In this Act,

“Commission” means the Elliot Lake Residential Development Commission;

“Corporation” means The Corporation of the City of Elliot Lake;

“council” means the council of the Corporation.

Corporation may develop land for residential purposes

2. (1) Despite any general or special Act, the council may by by-law undertake one or more projects to develop land in the City of Elliot Lake for residential purposes.

Same

(2) Without limiting the generality of subsection (1), the Corporation may,

- (a) acquire land or an interest in land by purchase, lease or otherwise from the Province of Ontario and enter into any agreement necessary for that purpose;
- (b) hold the land acquired under clause (a);
- (c) carry out all the acts necessary to develop the land acquired under clause (a), including surveying, constructing access roads, constructing docks and other facilities to provide access to the land by

water and preparing and submitting applications under the *Planning Act* and the *Environmental Assessment Act*;

- (d) retain consultants and agents necessary to carry out any act described in clause (c);
- (e) market the developed land;
- (f) sell the developed land.

By-law required

(3) The Corporation shall not exercise any power under subsection (2) except under the authority of a by-law passed by the council.

Non-application of ss. 191-193 of *Municipal Act*

(4) Sections 191, 192 and 193 of the *Municipal Act* do not apply to the activities authorized by this section.

Elliot Lake Residential Development Commission

3. (1) A corporation without share capital is hereby established under the name Elliot Lake Residential Development Commission.

Composition

(2) The Commission shall be composed of the following members, who shall also constitute the board of directors of the Commission:

1. Two members of the council appointed by the council.
2. Five persons, appointed by the council, who live in the City of Elliot Lake and who each represents a part of the community living in the City of Elliot Lake.

Same

(3) If there is a recognized environmental organization within the City of Elliot Lake, the persons appointed to the Commission under paragraph 2 of subsection (2) shall include one person who is a member of and represents that organization.

Objects and powers

(4) The object of the Commission is to manage the development of land for residential purposes as the Corporation's agent and, for the purpose of carrying out such object, the Corporation may, under the authority of a by-law passed by the council, delegate to the Commission any of the Corporation's powers under clauses 2 (2) (c), (d) and (e), subject to any conditions or restrictions set out in the by-law.

Restriction

(5) The Commission shall not at any time own or hold any interest in land that is determined by the Corpo-

ration to be included in a development project authorized by subsection 2 (1).

Term of office

(6) The members of the Commission shall hold office until the end of the term of office of the council that appointed them or until the appointment of their successors.

Reappointment

(7) The members of the Commission are eligible for reappointment to the Commission.

Disqualification to hold office

(8) If a member of the Commission ceases to qualify under the paragraph of subsection (2) under which he or she was appointed to the Commission, he or she ceases to be a member of the Commission.

Vacancy

(9) If a member of the Commission ceases to be a member under subsection (8), resigns or is unable for any reason to continue to serve, the council shall appoint another person to replace the member and to hold office for the remainder of that member's term of office.

Quorum

(10) A majority of the members of the Commission holding office at any time constitutes a quorum at that time.

Remuneration

(11) The members of the Commission appointed under paragraph 2 of subsection (2) shall receive the remuneration that is established by the council by by-law.

Application of *Municipal Conflict of Interest Act*

(12) The *Municipal Conflict of Interest Act* applies to the Commission.

Commission staff, chief executive officer

4. (1) The Commission may appoint such employees as it considers necessary and shall appoint a chief executive officer who shall have general control and management of the administration of the Commission.

Duties of CEO

(2) The chief executive officer shall attend all meetings of the Commission and shall perform such other duties that the Commission assigns to him or her from time to time.

Meetings of Commission

(3) The chief executive officer of the Commission shall call the first meeting of the Commission in each new term within one month after the beginning of the term and thereafter the Commission shall meet regularly at least once a month.

Chair, vice-chair

(4) The Commission shall elect a chair and vice-chair from among its members at its first meeting in a new term.

Meetings open to the public

(5) The Commission's meetings shall be open to the public except as provided in subsection (6).

Exception

(6) Where the Commission is of the opinion that intimate financial or personal matters may be disclosed at a meeting and that the desirability of protecting against the consequences of their public disclosure outweighs the desirability of holding the meeting in public, the Commission may hold that meeting in the absence of the public.

Estimates

5. (1) The Commission shall submit to the council, annually on or before the date and in the form specified by the council, estimates of all sums required during the subsequent year for the purposes of the Commission.

Approval of estimates

(2) The council shall approve or amend and approve the estimates submitted by the Commission and the Corporation shall pay to the Commission the approved amount in one or more payments and at the time or times as determined by the council.

Application of funding

(3) The Commission shall apply the money paid to it by the Corporation in accordance with the approved estimates.

Audited financial statements

(4) The Commission shall submit its annual financial statements audited by a person appointed under section 86 of the *Municipal Act* to the council annually on or before the date specified by the council.

Trust account

6. (1) The Corporation shall establish and maintain a trust account for the deposit of the proceeds of all the transactions authorized by clause 2 (2) (f) and shall deposit all the money paid to the Corporation under such transactions into the trust account.

Same

(2) The trust account shall be administered by the Treasurer of the Corporation and shall be audited annually by the auditor appointed by the Corporation under the *Municipal Act*.

Payment of Corporation's expenses

7. (1) The Corporation shall be reimbursed out of the trust account for all the expenses it incurred in carrying out a residential development project authorized by section 2.

Net proceeds transferred to special account

(2) After payment of the Corporation's expenses of a residential development project, the Corporation shall transfer the net proceeds from the project from the trust account to a special account established by the Corporation.

Restrictions on uses for net proceeds

(3) The money in the special account may be used solely for the following purposes:

1. To provide financial or other assistance under section 112.1 of the *Municipal Act* to community economic development corporations for projects that, in the opinion of the council, will help create, attract, expand or stabilize sustainable and viable businesses that will create or maintain jobs in the City of Elliot Lake.
2. To provide financial or other assistance under section 112.2 of the *Municipal Act* to community development corporations for projects that, in the opinion of the council, will help create, attract, expand or stabilize sustainable and viable businesses that will create or maintain jobs in the City of Elliot Lake.

3. To make grants under section 113 of the *Municipal Act* for projects that, in the opinion of the council, will help create, attract, expand or stabilize sustainable and viable businesses that will create or maintain jobs in the City of Elliot Lake.

Commencement

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

Short title

9. The short title of this Act is the *City of Elliot Lake Act, 2001*.