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c 122 District Welfare Administration Boards Act

Ontario

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CHAPTER 122

District Welfare Administration
Boards Act

1. In this Act,

(a) "band" and "council of the band" have the same meaning as in the *Indian Act* (Canada);

Interpre-
tation

R.S.C. 1970,
c. I-6

(b) "board" means a district welfare administration board established under section 3;

(c) "council" means the council of a municipality, and includes the board of trustees of an improvement district;

(d) "district" means an area in that part of Ontario forming the territorial districts as defined by the regulations;

(e) "Minister" means the Minister of Community and Social Services;

(f) "municipality" means a city, town, village, township, improvement district or band to which this Act applies as determined under section 2;

(g) "regulations" means the regulations made under this Act;

(h) "welfare services" means,

(i) any class of assistance administered under the *General Welfare Assistance Act*,

R.S.O. 1980,
c. 188

(ii) the services of a homemaker or nurse that are furnished under the *Homemakers and Nurses Services Act*,

R.S.O. 1980,
c. 200

(iii) the expenditures for the hospitalization of indigent persons,

(iv) expenditures for the operating costs of children's aid societies,

and includes such other welfare services as are designated by the regulations. R.S.O. 1970, c. 132, s. 1; 1973, c. 144, s. 1.

Application **2.**—(1) This Act applies to the towns, villages, townships and improvement districts in each district. R.S.O. 1970, c. 132, s. 2 (1).

City or band in a district (2) Any city or band in a district where a board is established may, at the request of the council of the city or band, as the case may be, and with the approval of the board and the Director of the Income Maintenance Branch of the Ministry of Community and Social Services, be a municipality to which this Act applies. R.S.O. 1970, c. 132, s. 2 (2); 1972, c. 1, s. 19 (3).

Establishment of district welfare administration board **3.**—(1) A district welfare administration board shall be established and maintained for a district by all the towns, villages, townships and improvement districts in the district when by-laws authorizing the establishment of the board have been passed by a majority of all those municipalities in the district.

Transmission of by-law (2) When a by-law is passed under subsection (1), a certified copy thereof shall be transmitted forthwith to the Minister. R.S.O. 1970, c. 132, s. 3 (1, 2).

Board is a corporation (3) A board shall be a corporation.

Composition, etc., of board (4) The composition of each board and the qualifications and term of office of the members thereof shall be as prescribed by the regulations. 1972, c. 25, s. 1.

Powers and duties of boards **4.**—(1) Where a board is established for a district, all the powers, duties and responsibilities that are given by any other Act to the councils of the municipalities in the district in respect of the provision and administration of welfare services are vested in the board.

Welfare administrator (2) Every board shall, with the approval of the Minister, appoint a welfare administrator and such other staff as is necessary. R.S.O. 1970, c. 132, s. 4.

Payments for welfare services made to board **5.** Where a board is established for a district, any contribution that is payable by Ontario for welfare services to a municipality in the district shall be paid instead to the board. R.S.O. 1970, c. 132, s. 5.

6.—(1) For the purposes of this Act, the Ministry of Revenue shall in each year revise and equalize the assessment rolls of the municipalities, other than bands, in each district for which a board is established and in so doing shall, where applicable, add to the valuation of each municipality the amounts credited to the municipality under section 160 of the *Municipal Act*. R.S.O. 1970, c. 132, s. 6 (1); 1972, c. 1, s. 21.

Assessment to be revised and equalized

R.S.O. 1980, c. 302

(2) Any municipality in a district, other than a band, that is not satisfied with the last revised assessment of any municipality in the district, as equalized for the purpose of this Act, may appeal by notice in writing to the Ontario Municipal Board from the decision of the Ministry of Revenue, as varied by any amounts added in accordance with subsection (1), at any time within thirty days after the mailing of the equalized report to the appealing municipality by the Ministry of Revenue. R.S.O. 1970, c. 132, s. 6 (2); 1972, c. 1, s. 21.

Appeal

(3) Every report of an equalization made for the purposes of this Act shall set out the time within which an appeal may be made to the Ontario Municipal Board with respect to such equalization: R.S.O. 1970, c. 132, s. 6 (3).

Idem

(4) Subject to subsections (10) and (11) and to sections 7 and 8, each board shall in each year apportion among the municipalities in the district, in proportion to the amounts of their assessments according to the assessment rolls as revised and equalized in the immediately preceding year, the amounts that it estimates will be required to defray the expenditures for welfare services for that year, including the expenses incurred for the administration of welfare services, and shall on or before the 15th day of March notify the clerk of each such municipality of the amount to be provided by that municipality. R.S.O. 1970; c. 132, s. 6 (4); 1973, c. 144, s. 2 (1).

7 Estimates and apportionment

(5) Subject to sections 7 and 8, where a board, after giving notice of its estimated expenditures under subsection (4), incurs during the year, additional costs for welfare services or for the administration of welfare services that were not anticipated at the time that the said notice was given, such additional costs shall be apportioned among the municipalities in accordance with subsection (4) and the board shall notify the clerk of each such municipality of the additional amount to be provided by that municipality during the year.

Where additional costs incurred

(6) In preparing the estimates, the board may provide for a reserve for working funds, but the amount of the reserve in a year shall not exceed 15 per cent of the total estimates of the board for the year.

Reserve for working funds

Estimates (7) Where the actual expenditures of a board for any year are greater or less than the estimated expenditures for that year, the board shall, in preparing the estimates of the amount required to defray its expenditures for the next following year,

(a) make due allowance for any surplus that will be available from the preceding year; or

(b) provide for any deficit of the preceding year.

Payment by municipalities (8) Each municipality shall pay the amounts required to be provided by it under this section, or determined by agreement under section 7, to the board on demand.

Penalty (9) A board may impose on a municipality a percentage charge as a penalty for non-payment of amounts payable under this section not exceeding 1 per cent on the first day of default and on the first day of each calendar month thereafter in which default continues. R.S.O. 1970, c. 132, s. 6 (5-9).

Where assessments not equalized in time (10) Where in any year the last revised assessment rolls of the municipalities in the district are not equalized by the Ministry of Revenue under subsection (1) before the 10th day of February, the board may apportion the amount that it estimates to be required in proportion to the amounts of their assessments most recently equalized, and in that case shall reapportion the amount and make the necessary adjustments after the equalization is completed. R.S.O. 1970, c. 132, s. 6 (10); 1972, c. 1, s. 21.

Assessment for new municipalities (11) Where any municipality in the district did not exist in the immediately preceding year, the amount that the board estimates will be required from that municipality for the current year shall be in proportion to the amount, estimated by the board, of the assessment of the municipality for the current year, and the board shall in that case reapportion the amount and make the necessary adjustments in accordance with the revised equalized assessment of the municipality for the current year after such revision and equalization is completed. 1973, c. 144, s. 2 (2).

Where equalized assessment appealed (12) Where in any year the last revised assessment rolls of the municipalities in a district are revised and equalized and have been appealed, the board may apportion the amount that it estimates to be required in proportion to the amounts of their assessments as revised and equalized, and in that case shall reapportion the amount and make the necessary adjustments in accordance with the decision of the Ontario

Municipal Board or the judgment of a court. R.S.O. 1970, c. 132, s. 6 (11).

7. Notwithstanding section 6, during the first four years that a city in a district is a municipality to which this Act applies, the apportionment among the municipalities in the district of the amount or any part thereof required in one or more of those years by the board for the provision of welfare services in respect of the municipalities, including the expenses incurred for the administration of such services, may be determined by an agreement in writing approved by the Minister between the board and the city. R.S.O. 1970, c. 132, s. 7. Apportionment may be determined by agreement

8. Notwithstanding sections 6 and 7, where a band in a district is a municipality to which this Act applies, the amount or any part thereof required by the board for the provision of welfare services to the members of the band, including the expenses incurred for the administration of such services, shall not be apportioned among the municipalities in the district in accordance with section 6 or 7, but shall be paid by the council of the band to the board in accordance with an agreement in writing approved by the Minister between the board and the council of the band. R.S.O. 1970, c. 132, s. 8. Expenditures incurred in respect of band to be paid under agreement

9.—(1) Subject to subsection (2), a board may borrow from time to time by way of a promissory note such sums as the board considers necessary to meet the current expenditures of the board until the current revenue is received. Power of board to borrow for current expenditures

(2) The amount that may be borrowed at any one time for the purpose mentioned in subsection (1) together with the total of any similar borrowings that have not been repaid shall not exceed 25 per cent of the estimated current revenue of the board for the current year. Maximum borrowings

(3) Until the estimates of the board for the current year under section 6 have been determined, the limitation upon borrowing prescribed in subsection (2) shall be temporarily calculated upon 25 per cent of the estimates for the board determined for the next preceding year. R.S.O. 1970, c. 132, s. 9. Idem

10. In the first year in which a board is established for a district, the Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, direct payment to the board of a grant in an amount determined in accordance with the regulations to assist the board to carry out the purposes of this Act during the first year. R.S.O. 1970, c. 132, s. 10. Provincial grant for first year

Regulations

11. The Lieutenant Governor in Council may make regulations,

- (a) adding to the welfare services mentioned in clause 1 (*h*);
- (b) defining districts for the purposes of clause 1 (*d*);
- (c) providing for the division of each district into areas, the appointment of members representing the areas to each board having regard to the proportionate distribution amongst the areas of population and equalized assessment and providing for the further appointment by the Lieutenant Governor in Council of members at large, prescribing the qualifications for appointment and fixing the number of members for each board and the terms of office of such members;
- (d) governing applications for grants under section 10, and the method, time and manner of the payment of the grants;
- (e) prescribing the manner of determining the amount of a grant for a district for the purposes of section 10;
- (f) providing for the appointment of a chairman of a board, and fixing the term of office of the chairman;
- (g) prescribing the records that shall be kept under this Act and the returns that shall be made to the Minister;
- (h) prescribing forms and providing for their use;
- (i) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1970, c. 132, s. 11; 1972, c. 25, s. 2.