

1970

c 159 The City of Orillia Act, 1970

Ontario

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CHAPTER 159

An Act respecting the City of Orillia

Assented to May 4th, 1970
Session Prorogued November 13th, 1970

WHEREAS The Corporation of the City of Orillia by its ^{Preamble} petition has represented that it is desirous of establishing a Parks, Community Centres and Recreation Commission for the better development and supervision of its public parks, its recreation facilities and its community centre or centres and for such purposes to charge the Commission with the duties and responsibilities and give it the powers and privileges of the recently constituted Orillia Board of Park Management, Orillia Community Centre Board and Orillia Recreation Commission as established under *The Public Parks Act*, *The Community Centres Act* and *The Department of Education Act* respectively; and whereas the petitioner has prayed for special legislation in respect of such matters; and whereas it is expedient to grant the prayer of the petition;

R.S.O. 1960,
cc. 320, 60,
94

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

1. In this Act,

Inter-
pretation

- (a) "City" means The Corporation of the City of Orillia;
- (b) "Commission" means The Orillia Parks, Community Centres and Recreation Commission;
- (c) "Council" means the council of the City of Orillia.

2.—(1) Notwithstanding *The Department of Education Act*, *The Public Parks Act* and *The Community Centres Act*, there shall be a commission which shall be known as The Orillia Parks, Community Centres and Recreation Commission, and shall be composed of,

Parks,
Community
Centres and
Recreation
Commission

- (a) the head of the Council;
- (b) two members of Council to be appointed by the Council; and

(c)

- (c) six other persons appointed by the Council who shall be residents of the City but not members of Council.

Substitute
for head of
Council

(2) The head of the Council, with the approval of Council, may appoint a substitute, who is a member of the Council, to act for him from time to time.

Term of
office

(3) The members of the Commission who are not members of the Council shall hold office for three years, provided that, on the first appointment, the Council shall designate which member shall hold office,

(a) until the 1st day of January of the year next following the date of his appointment;

(b) until the 1st day of January of the second year next following the date of his appointment; and

(c) until the 1st day of January of the third year next following the date of his appointment,

respectively, so that one-third of such members shall retire each year.

Idem

(4) The members of the Commission who are members of Council shall be appointed annually.

Idem

(5) The members of the Commission shall hold office until their successors are appointed, and are eligible for appointment for two full three-year terms.

Vacancies

(6) Where a member ceases to be a member of the Commission before the expiration of his term of office, the Council shall appoint another eligible person for the unexpired portion of that term.

When
appoint-
ments
to be made

(7) The first appointments of members of the Commission shall be made by the Council immediately upon the coming into force of this Act, and thereafter the appointments shall be made annually at the first meeting of the Council in any year, and any vacancy arising from any cause other than the expiration of the term for which the member was appointed shall be filled at the first meeting of the Council held after the vacancy occurs.

Quorum

(8) A majority of the members of the Commission constitutes a quorum.

Chairman,
vice-
chairman,
etc.

(9) At its first meeting in every year, the Commission shall elect a chairman and a vice-chairman from among the members of the Commission, and in the absence of the chairman, the

vice-chairman

vice-chairman shall preside and shall appoint a secretary, who may, but need not, be a member of the Commission.

(10) The chairman, vice-chairman and secretary shall hold office at the pleasure of the Commission or for such a period as the Commission may prescribe. ^{Term of office}

(11) When the chairman, vice-chairman or secretary is absent or unable to act, the Commission may appoint a chairman or secretary *pro tempore*. ^{Temporary chairman}

(12) The Commission may engage such employees and consultants as it deems expedient. ^{Staff}

(13) The Treasurer of the City shall be the treasurer of the Commission. ^{Treasurer}

3. Except as otherwise provided in this Act, *The Department of Education Act* and the regulations made thereunder, *The Community Centres Act* and the regulations made thereunder and *The Public Parks Act*, except the provisions constituting a Board of Park Management as a corporation and authorizing such a Board to acquire and hold land, apply to the Commission as if it had been established in accordance with such Acts and regulations. ^{Powers and duties of Commission R.S.O. 1960, cc. 94, 60, 329}

4.—(1) When the first members of the Commission have been appointed, The Orillia Community Centre Board, The Orillia Recreation Commission and The Orillia Board of Park Management are dissolved, and the assets and liabilities thereof become the assets and liabilities of the City. ^{Assets and liabilities of former Boards and Commission}

(2) All by-laws hereinbefore passed in so far as they are inconsistent with the provisions of this Act are hereby repealed or amended so as to give full force and effect to this Act. ^{Prior by-laws}

5. The Commission may contract and may sue and be sued in its own name, and the members thereof are not personally liable for torts committed by other members of the Commission or its servants or agents or on any contract made by the Commission. ^{Powers of Commission, etc.}

6.—(1) The Commission shall, on or before the 15th day of February in each year, submit to the Council an itemized estimate of its financial requirements for the year, and, subject to the provisions of *The Public Parks Act*, the Council may amend such estimate and shall pay out of the moneys appropriated for the Commission such amounts as may be requisitioned from time to time by the Commission. ^{Estimates R.S.O. 1960, c. 329}

Use of
moneys

(2) Where any moneys have been included in the estimates of the Commission for a designated purpose, they shall be used by the Commission only for such designated purpose and not otherwise.

Duties of
Commission

7. The Commission shall operate, maintain, manage and develop on behalf of the City all recreational centres, parks, playgrounds and other real property of a like nature vested in or leased by the City and used or designed for recreational purposes and shall be in charge of, manage and make available for recreational purposes all recreational equipment, recreational facilities and other personal property belonging to the City and used or designed for recreational purposes.

Commission
to operate,
etc.,
properties

8. The Commission shall operate, maintain and manage on behalf of the City all properties which are now or which may hereafter be established as community centres pursuant to *The Community Centres Act*, or the regulations made thereunder.

R.S.O. 1960,
c. 60

Commence-
ment

9. This Act shall be deemed to have come into force on the 7th day of July, 1969.

Short title

10. This Act may be cited as *The City of Orillia Act, 1970*.