1976

c 73 The County of Oxford Amendment Act, 1976

Ontario
CHAPTER 73

An Act to amend
The County of Oxford Act, 1974

Assented to December 7th, 1976

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of The County of Oxford Act, 1974, being chapter 57, is amended by adding thereto the following subsection:

   (4a) Notwithstanding the provisions of this or any other Act, upon the application of an area municipality authorized by a by-law of the council thereof, or upon the petition of electors in accordance with the provisions of section 13 of The Municipal Act, the Municipal Board may, by order,

   (a) divide or redivide the area municipality into wards, and shall designate the name or number each ward shall bear and shall declare the date when the division or redivision shall take effect;

   (b) alter or dissolve any or all of the wards in the area municipality and shall declare the date when such alterations or dissolutions shall take effect; or

   (c) vary the composition of the council of the area municipality,

provided that,

   (d) no order made under this section shall alter the total number of members who represent the area municipality on the County Council as provided for in this Act; and

   (e) the mayor of the area municipality shall continue to be elected by a general vote of the electors of the area municipality, and shall be the head of council of the area municipality, and shall be a member of the County Council, as provided for in this Act.
2. Subsection 3 of section 13 of the said Act is amended by striking out "thirty" in the fourth line and inserting in lieu thereof "sixty".

3. Subsection 3 of section 26 of the said Act is amended by striking out "as an auditor, but this provision shall not apply in the year 1975" in the ninth and tenth lines and inserting in lieu thereof "for services within his professional capacity".

4. — (1) Subsection 1 of section 41 of the said Act is amended by striking out "before it is submitted for approval under The Highway Traffic Act" in the fifth and sixth lines.

(2) The said section 41 is amended by adding thereto the following subsections:

   (1a) A by-law submitted for approval of the County Council in compliance with subsection 1 may be approved in whole or in part and, where part only of a by-law is approved, that part only shall become operative.

   (1b) The County Council may withdraw its approval to any by-law or any part thereof by notice sent by registered mail to the clerk of the area municipality and such by-law or part thereof shall be deemed to be repealed twenty-one days after the sending of the notice.

5. Section 52 of the said Act is repealed and the following substituted therefor:

52. Subsection 1 of section 43 of The Public Transportation and Highway Improvement Act does not apply to the County.

6. The said Act is amended by adding thereto the following section:

91a. — (1) Where the County has entered into an agreement under The Ontario Water Resources Act whereby the County is entitled to receive moneys from the Crown, the County Council pending the receipt of such moneys may, in order to meet expenditures incurred in carrying out the agreement, agree with a bank or a person for temporary advances from time to time.

(2) The proceeds of every advance under this section shall be applied to the expenditures incurred in carrying out the agreement made by the County under The Ontario Water Resources Act, but the lender shall not be bound to see to the application of the proceeds and, when the
County has received the moneys to which it is entitled from the Crown under the said agreement, such moneys shall be applied first in repayment of the advances.

7.—(1) Subsection 11 of section 95 of the said Act is amended by striking out "at one time and" in the first line.

(2) Subsection 25 of the said section 95 is repealed and the following substituted therefor:

(25) The County Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the County, such remuneration as the County Council determines.

(3) Subsection 32 of the said section 95 is amended by adding thereto the following clauses:

(c) in securities issued or unconditionally guaranteed as to principal and interest by the United States of America;

(f) in such other securities as are authorized by the Lieutenant Governor in Council.

(4) Subsection 46 of the said section 95 is amended by striking out "25 to 41" in the fourth and fifth lines and inserting in lieu thereof "23 to 43".

(5) The said section 95 is amended by adding thereto the following subsection:

(47) Notwithstanding the provisions of any general or special Act or any differences in date of issue or maturity, every debenture issued shall rank concurrently and pari passu in respect of payment of principal and interest thereon with all other debentures of the County, except as to the availability of any sinking funds applicable to any particular issue of debentures.

8. The said Act is further amended by adding thereto the following section:

95a. Notwithstanding any other provision of this Act,

(a) a money by-law of the County Council may provide that all or a portion of the debentures to
be issued thereunder shall be payable on a fixed date, subject to the obligation of the County to redeem by lot annually on each anniversary of the date of such debentures a specified principal amount of such debentures upon payment by the County of such principal amount plus accrued interest to the date of redemption and upon giving notice as provided in this section;

(b) the principal amount of every debenture that is called for redemption shall become due and payable on the date set for the redemption thereof and, after such date, interest ceases to accrue thereon where provision is duly made by the County for the payment of the principal amount thereof;

(c) the debentures to be redeemed on each anniversary of the date of such debentures shall be selected by lot by the treasurer of the County at a public meeting of the County Council and when redeemed shall be cancelled and shall not be reissued, provided always that the principal amount of the debentures to be redeemed in any year may be reduced by the principal amount of any debentures purchased by the County, at a price or prices not exceeding the principal amount thereof, and surrendered for cancellation on the date fixed for redemption;

(d) notice of intention to redeem any debenture shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person, if any, in whose name the debenture may be registered at the address shown in the Debenture Registry Book;

(e) notice of intention to redeem any debenture shall be published at least thirty days prior to the date set for such redemption in such manner as the by-law may provide;

(f) where only a portion of the debentures issued under a by-law is payable on a fixed date, the obligation of the County to redeem by lot annually a specified principal amount of such debentures does not apply in any year in which an instalment of principal of the remaining debentures issued under such by-law becomes due and payable; and
(g) the aggregate amounts of principal and interest, or the amounts of principal, payable in each year during the currency of debentures issued under this section shall be approximately equal.

9. Subsection 1 of section 96 of the said Act is repealed and the following substituted therefor:

(1) Subsection 1 of section 296 of The Municipal Act applies mutatis mutandis to the County Council.

10. Section 103 of the said Act is amended by adding thereto the following subsection:

(5) Where debentures are payable in a currency other than that of Canada, the County Council may provide that the Debenture Registry Book of the County in respect of such debentures be maintained outside Canada by a corporation or person other than the treasurer and may make such other provisions for the registration and transfer of such debentures as the County Council considers appropriate.

11. Subsection 1 of section 114 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 118, section 3, is repealed and the following substituted therefor:

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237; sections 238, 239, 242a, 245, 248a, 249, 250, 254, 308 and 333 and paragraphs 3, 9, 10, 11, 12, 24, 44, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of The Municipal Act apply mutatis mutandis to the County.

12. Subsection 1 of section 116 of the said Act is repealed and the following substituted therefor:

(1) The County may make expenditures for the purpose of diffusing information respecting the advantages of the County as an industrial, business, educational, residential or vacation centre.

13. Section 117 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 118, section 4, is repealed.

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

15. This Act may be cited as The County of Oxford Amendment Act, 1976.