

## **ORDER OF THE COMMISSION**

MADE UNDER THE MUNICIPAL ACT R.S.O. 1990, c.M. 45

### COUNTY OF VICTORIA

TOWN OF LINDSAY, MUNICIPALITY OF BOBCAYGEON/VERULAM, VILLAGE OF FENELON FALLS, VILLAGE OF OMEMEE, VILLAGE OF STURGEON POINT, VILLAGE OF WOODVILLE, TOWNSHIP OF BEXLEY, TOWNSHIP OF CARDEN/DALTON, TOWNSHIP OF ELDON, TOWNSHIP OF EMILY, TOWNSHIP OF FENELON, TOWNSHIP OF LAXTON, DIGBY AND LONGFORD, TOWNSHIP OF MANVERS, TOWNSHIP OF MARIPOSA, TOWNSHIP OF OPS, TOWNSHIP OF SOMERVILLE

1. In this Order,

“County” means The Corporation of the County of Victoria as it exists prior to January 1, 2001;

“former municipalities” means The Corporation of the County of Victoria, The Corporation of the Town of Lindsay, The Corporation of the Municipality of Bobcaygeon/Verulam, The Corporation of the Village of Fenelon Falls, The Corporation of the Village of Omemee, The Corporation of the Village of Sturgeon Point, The Corporation of the Village of Woodville, The Corporation of the Township of Bexley, The Corporation of the Township of Carden/Dalton, The Corporation of the Township of Eldon, The Corporation of the Township of Emily, The Corporation of the Township of Fenelon, The Corporation of the Townships of Laxton, Digby & Longford, The Corporation of the Township of Manvers, The Corporation of the Township of Mariposa, The Corporation of the Township of Ops, The Corporation of the Township of Somerville, as they exist prior to January 1, 2001.

“former Police Village of Kirkfield” means the Police Village of Kirkfield as it exists prior to January 1, 2001;

“local board” means a local board as defined in Ontario Regulation 143/96, as amended, and;

“new municipality” means The Corporation of the City of Kawartha Lakes as established under section 2.

## 2. MUNICIPAL RESTRUCTURING

(1) On January 1, 2001, the following municipalities are amalgamated under the name “The Corporation of the City of Kawartha Lakes”.

1. The Corporation of the Town of Lindsay
2. The Corporation of the Municipality of Bobcaygeon/Verulam
3. The Corporation of the Village of Fenelon Falls
4. The Corporation of the Village of Omemee
5. The Corporation of the Village of Sturgeon Point

6. The Corporation of the Village of Woodville
  7. The Corporation of the Township of Bexley
  8. The Corporation of the Township of Carden/Dalton
  9. The Corporation of the Township of Eldon
  10. The Corporation of the Township of Emily
  11. The Corporation of the Township of Fenelon
  12. The Corporation of the Townships of Laxton, Digby & Longford
  13. The Corporation of the Township of Manvers
  14. The Corporation of the Township of Mariposa
  15. The Corporation of the Township of Ops
  16. The Corporation of the Township of Somerville.
- (2) The body corporate is a city and a local municipality for all purposes.
  - (3) On January 1, 2001, the County of Victoria is dissolved.
  - (4) The new municipality and its local boards stand in the place of the former municipalities and their local boards for all purposes.

### 3. WARDS

- (1) Effective January 1, 2001, all wards in the former municipalities are dissolved.
- (2) Effective January 1, 2001, the new municipality shall be divided into sixteen wards as set out in Schedule "A", "Ward Descriptions".

### 4. COUNCIL

- (1) The term of office of the members of the councils of the former municipalities is extended until December 31, 2000.
- (2) The council of the new municipality shall be comprised of seventeen members consisting of,
  - (a) the mayor who shall be elected, at large, by general vote; and
  - (b) one member from each of the sixteen wards, to be elected by the eligible voters within the respective ward.
- (3) Each member of council of the new municipality shall have one vote.

5. MUNICIPAL ELECTIONS

- (1) The 2000 regular municipal elections shall be conducted as if the restructuring under section 2 had already occurred.
- (2) For the purpose of subsection (1), the clerk of the Town of Lindsay shall be responsible for conducting the election under the *Municipal Elections Act, 1996*.
- (3) The transition board established under section 18(1) shall exercise the powers of a council for the purpose of holding the 2000 regular municipal election under the *Municipal Elections Act, 1996*.

6. LOCAL BOARDS

- (1) The term of office of the members of any local boards is extended until December 31, 2000.
- (2) The council for the new municipality shall be deemed to be a board of park management under the *Public Parks Act* and a recreation committee under the *Ministry of Tourism and Recreation Act* and a committee of management of a community recreation centre under the *Community Recreation Centres Act* and all such committees and boards of the former municipalities are dissolved on December 31, 2000.
- (3)

7. POLICE SERVICES BOARD

- (1) The police services board of the former Town of Lindsay is dissolved on December 31, 2000.
- (2) A police services board for the new municipality to be known as the “The Police Services Board of the City of Kawartha Lakes” is established on January 1, 2001.
- (3) The operation and composition of the police services board established under subsection (2) shall be in accordance with the *Police Services Act*.
- (4) On January 1, 2001, the police services board established under subsection (2) stands in the place of the police services board dissolved under subsection (1).
- (5) The new municipality stands in the place of the former municipalities for all purposes related to policing.
- (6) The assets and liabilities under the control and management of the police services board dissolved under subsection (1) become assets and liabilities under the control and management of the police services board established under subsection (2).

- (7) On January 1, 2001, all by-laws and resolutions of the police services board dissolved under subsection (1) shall be deemed to be by-laws or resolutions of the police services board established under subsection (2) and shall remain in force in the area of the former municipality until the date that they are amended or repealed.
- (8) Nothing in this section repeals or authorizes the repeal of by-laws or resolutions conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the police services board dissolved under subsection (1).

## 8. LIBRARY BOARD

- (1) The library boards of the former Town of Lindsay and the County of Victoria are dissolved on December 31, 2000.
- (2) A library board for the new municipality bearing the name “The City of Kawartha Lakes Public Library Board” is established on January 1, 2001.
- (3) The composition and operation of the library board established in subsection (2) shall be in accordance with the *Public Libraries Act*.
- (4) The assets and liabilities of the library boards dissolved under subsection (1) shall be deemed to be assets and liabilities of the library board established under subsection (2).
- (5) All by-laws, rules, regulations and fees passed or established by the library boards dissolved under subsection (1) shall be continued and deemed to be by-laws, rules, regulations and fees of the library board established under subsection (2).
- (6) Nothing in this section repeals or authorizes the repeal of by-laws or resolutions conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by a library board dissolved under subsection (1).

## 9. PUBLIC UTILITIES/HYDRO ELECTRIC COMMISSIONS

- (1) Unless earlier dissolved, the public utilities commissions, hydro electric commissions, and all committees of council of the former municipalities responsible for public utilities are dissolved on December 31, 2000.
- (2) The terms of office of the members of the public utility commissions, hydro electric commissions, and the committees of council of the former municipalities responsible for public utilities are continued until December 31, 2000.
- (3) On January 1, 2001, all assets and liabilities, rights and obligations including employees under the control and management of the public utilities commissions, hydro electric commissions, or committees of council of the former municipalities

responsible for public utilities become assets and liabilities, rights and obligations including employees of the new municipality.

- (4) Every by-law and resolution of a public utilities commission, hydro electric commission, or a committee of council of the former municipalities responsible for public utilities which were dissolved under subsection (1) shall be continued and deemed to be a by-law or resolution of the new municipality that is applicable in respect of the geographic area of the former municipality where said by-law or resolution previously applied.
- (5) Nothing in this section has the effect of authorizing the public utilities commissions, hydro electric commissions, or committees of council of the former municipalities responsible for public utilities or the new municipality to generate, transmit, distribute or retail electricity after November 7, 2000, in contravention of section 144 of the *Electricity Act, 1998*.
- (6) In the event of a sale of the assets of a public utilities commission or a hydro electric commission or a committee of council that relates to the distribution and supply of electrical power or if the shares of a corporation as defined in the *Business Corporations Act*, which corporation was created to address the distribution and supply of electrical power are sold the proceeds of such sale shall be placed in a reserve for the benefit of the ratepayers of the former municipality or municipalities, as the case may be, to which the sale of assets or shares relates.
- (7) The hydro reserves of the public utilities commissions and hydro electric commissions of the former municipalities may, upon being transferred to the new municipality under section 11, be used for any purpose that the council of the new municipality considers appropriate but shall only be used for the benefit of the ratepayers of the geographic area of the former municipality which the public utility commissions or hydro electric commissions, respectively, served.
- (8) On January 1, 2001, all assets and liabilities, right and obligations of the former municipalities and of the public utilities commissions of the former municipalities dissolved under subsection (1) that relate to the production, treatment, distribution and supply of water become assets and liabilities, rights and obligations of the new municipality.

#### 10. POLICE VILLAGE

- (1) The Police Village of Kirkfield is dissolved on January 1, 2001.
- (2) The terms of office of the trustees of the former Police Village of Kirkfield expire on December 31, 2000.
- (3) All by-laws or resolutions of the former Police Village of Kirkfield shall be deemed to be by-laws or resolutions of the new municipality.

- (4) The assets and liabilities, rights and obligations including employees, of the former Police Village of Kirkfield become the assets and liabilities, rights and obligations including employees, under the control and management of the new municipality.

11. ASSETS AND LIABILITIES

On January 1, 2001, all assets and liabilities, rights and obligations of the former municipalities and their local boards are vested in and become assets and liabilities, rights and obligations of the new municipality and its local boards.

12. EMPLOYEES

- (1) Employees of the former municipalities or their local boards as of December 31, 2000 shall become employees of the new municipality or its local boards.
- (2) Employees that hold non-bargaining unit positions with an existing municipality or its local boards and who will be employed by the new municipality, in a non-bargaining unit position, will be credited with seniority at a rate of one hundred percent of the employees' length of service.
- (3) Employees that held non-bargaining unit positions with a former municipality or its local boards and who will be employed by the new municipality or its local boards, in a bargaining unit position, will be credited with seniority at a rate of one hundred percent of the employees' length of service as if the position held with the former municipality or its local boards was a bargaining unit position with the new municipality.
- (4) A dispute concerning the application, in determining a right or obligation under a collective agreement under subsection (3) shall be resolved as though the dispute were a dispute concerning the interpretation, application or administration of the collective agreement.

13. BY-LAWS AND RESOLUTIONS

- (1) On January 1, 2001, the by-laws and resolutions of the former municipalities shall become by-laws or resolutions of the new municipality and shall remain in force in the area of the former municipalities until the date that they are amended or repealed.
- (2) Despite subsection (1), any by-law of a former municipality passed under section 34 of the *Planning Act* or a predecessor of that section, and any official plan of a former municipality approved under the *Planning Act*, or a predecessor of that Act, shall be deemed to be a by-law or official plan of the new municipality and shall remain in force until amended or repealed.
- (3) If a former municipality has commenced procedures to enact a by-law under any Act or adopt an official plan or an amendment to it under the *Planning Act*, and that by-law, official plan or amendment applies to a former municipality and is not in force on January 1, 2001, the council of the new municipality may continue the

procedures to enact the by-law or adopt the official plan or amendment to the extent that it applies to the former municipality.

- (4) Nothing in this section repeals or authorizes the amendment or the repeal of,
  - (a) by-laws or resolutions of the former municipalities passed under section 45, 58, and 61 of the *Drainage Act* or a predecessor of those sections;

- (b) by-laws that were passed under the *Highway Traffic Act* or the *Municipal Act* that regulate the use of highways by vehicles and pedestrians and that regulate the encroachment of projection of buildings or any portion thereof upon or over highways; or
- (c) by-laws conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the councils of the former municipalities.

14. TAXES AND CHARGES

- (1) All taxes, charges and rates levied under any general or special Act and uncollected by the former municipalities or their local boards which are due and unpaid on December 31, 2000, shall be deemed to be taxes, charges and rates due and payable to the new municipality and may be collected by the new municipality or its local boards.
- (2) If a former municipality has commenced procedures under the *Municipal Tax Sales Act* and the procedures are not completed by January 1, 2001, the new municipality may continue the procedures.

15. TAX PHASE-INS

- (1) Any increase in the rates of taxation for municipal purposes for the new municipality that would occur solely as a result of this Order may be phased in for the municipal portion of the real property tax bill for a period of up to five years.
- (2) Where there is a phase-in for any increase in the rates of taxation for municipal purposes for the new municipality as referred to in subsection (1), such increase shall be financed by a reduction in the decrease in the rates of taxation over an equivalent period that would occur solely as a result of this Order.

16. RESERVES AND RESERVE FUNDS

- (1) The former municipalities shall not change the purpose for which any municipal reserves and reserve funds designated for specific purposes were established by any of the former municipalities on or before the date this Order comes into effect.
- (2) All reserves and reserve funds of the former municipalities dedicated for special purposes shall become the special reserves and reserve funds of the new municipality, and shall be used only for the benefit of the ratepayers of the area of the former municipality to which they relate, and the purposes dedicated.
- (3) Prior to December 31, 2000, the former municipalities may establish reserve funds for the receipt of donations and bequests that are designated for parks and heritage sites.
- (4) A working fund reserve shall be established by the transition board established under subsection 18(1) or, subsequent to January 1, 2001, by the council of the new

municipality, to be funded by each of the former municipalities in accordance with its proportionate share of the weighted assessment to the total weighted assessment as of December 31, 2000 for the local municipalities comprising the County of Victoria.

- (5) The total amount of each of the former municipalities working capital reserves as of December 31, 2000 shall be increased or decreased, as the case may be, by the amount of any deficit or surplus, respectively, of that local municipality for the fiscal year ending December 31, 2000.
- (6) Where the amount by which the working capital reserve for each of the former local municipalities exceeds its share of the amount to be funded under subsection (4), the new municipality shall provide for a special tax rate adjustment upon the rateable property located in the area of the former local municipality to refund the amount in excess.
- (7) If the amount contributed by a former local municipality towards the working capital reserve of the new municipality is less than that required by subsection (4), the new municipality shall provide for a special tax rate adjustment upon the rateable property located in the area of the former local municipality to pay the balance of the amount it is required to contribute under subsection (4).

17. AREA RATING

- (1) The new municipality shall provide for a special tax rate adjustment upon the rateable property located in the area of the former municipalities to pay for any debts, created prior to January 1, 2001, by that former municipality, excluding the debt attributable to municipal buildings.
- (2) The new municipality shall provide for a special tax rate adjustment upon the rateable property located in the area of the former municipalities for transit and police services.

18. TRANSITION BOARD

- (1) On April 19, 2000, a transition board is established for the new municipality and shall be constituted as a body corporate.
- (2) The board established under subsection (1) ceases to exist on December 31, 2000.
- (3) The board established under subsection (1) shall be composed of the following members:
  1. Hugh Burton
  2. Diane Dalton
  3. Neil Hamilton
  4. John Macklem
  5. David Marsh
  6. Gail Thomassen
  7. Leonard Thornbury
  8. Art Truax
  9. Dennis Zekveld
- (4) Leonard Thornbury shall be the Chair and Hugh Burton shall be the Vice-Chair of the board established under subsection (1).

- (5) Each member of the board shall be paid a per diem of \$300 except for the Chair who shall be paid a per diem of \$350.
- (6) The seat of a member of the transition board becomes vacant if the member
  - (a) has neglected or refused to accept office, or
  - (b) is absent from the meetings of the transition board for three (3) consecutive meetings without being authorized so to do by a resolution of the transition board entered upon its minutes,
  - (c) resigns from the transition board,
  - (d) has his or her seat declared vacant in any judicial proceedings,
  - (e) forfeits his or her seat under any Act,
  - (f) dies whether prior to or subsequent to taking his or her seat.
- (7) Any vacancy on the transition board shall be filled by majority vote of the said transition board at its next meeting and if no majority vote is achieved that day at each successive meeting thereafter until such time as the vacancy is filled.
- (8) Within thirty days of the date of the board's establishment in subsection (1), it shall adopt procedural rules and systems of controls to govern its activities.
- (9) The board established under subsection (1) is subject to the provisions governing the conduct of meetings under section 55 of the *Municipal Act*.
- (10) The first meeting of the board shall be held on or before May 5, 2000 and shall be called by the clerk of the former Town of Lindsay.
- (11) The transition board may exercise the powers specified in subsection (12) that the former municipalities have and the new municipality will have on and after January 1, 2001.
- (12) The board established under subsection (1) may exercise the following powers,
  - (a) establish and adopt transition plans for 2000;
  - (b) second employees, municipal politicians and advisors from the former municipalities and their local boards to assist the transition board;
  - (c) require the production of financial data and other information from each of the former municipalities and their local boards as required;
  - (d) determine the number and location for municipal service centers;
  - (e) determine the number of municipal libraries in which information desks should be located;
  - (f) prepare a report for the consideration of the council of the new municipality regarding the functions, staff complement and equipment needed for the main office for the municipality and for each of the service centers and information desks;

- (g) establish operating and capital budgets, organizational structures, administrative and management systems, staff positions and job descriptions for the new municipality to ensure a fully operational municipal organization that shall on January 1, 2001, become the new municipality and its administration;
- (h) review and approve all financial expenditures for the former municipalities in excess of ten thousand dollars (\$10,000.00) that are not included in the approved municipal operating and capital budgets for the year 2000, including non-cash transactions such as the exchange of assets with external parties and shall further approve all municipal budgets for the year 2000 that have not yet been established and approved as at the date of this order;
- (i) review and approve expenditures of the former municipalities from reserves, reserve funds, financial commitments which extend beyond December 31, 2000 and the acceleration of any project originally scheduled to commence after December 31, 2000;
- (j) establish a human resources transition protocol that provides for uniform policies and mechanisms relating to,
  - (i) the procedures and placement of employees of the former municipalities or their local boards in positions with the new municipality or its local boards;
  - (ii) the termination of employment for employees of the former municipalities and their local boards, including monetary entitlements or other benefits for displaced employees;
- (k) offer employees of the former municipalities employment with the new municipality, as well as negotiate and enter into agreements with employees;
- (l) issue lay-off notices or provide for severance or compensation in lieu of notice, or both notice and compensation, as required, to employees of the former municipalities;
- (m) negotiate with trade unions and pursue applications to the Ontario Labour Relations Board, as required, on matters arising out of those negotiations;
- (n) move staff to other workplaces within the new municipality, providing that their existing compensation and working conditions continue until the workplace is consolidated under the provisions of Bill 136, (*Public Sector Relations Transition Act, 1997*);
- (o) develop a plan for disposing of existing redundant municipal assets of the former municipalities and their local boards for approval of the new council;
- (p) determine the level of compensation for councillors, the mayor and the senior management of the new municipality for the first term of office;

- (q) investigate and prepare a report for approval of the new council on the implementation of alternative service delivery mechanisms including ‘contracting out’ where appropriate;
  - (r) adopt a strategy for completing an inventory and archival appraisal of all municipal records in the municipalities in the County of Victoria to ensure that the history of municipal government is preserved for future generations;
  - (s) prepare a draft procedural by-law to guide the operations of the new council and its administration;
  - (t) exercise the powers of a council for the purpose of holding the 2000 regular municipal election under the *Municipal Elections Act, 1996*;
  - (u) perform the duties of a former municipality or of the former Police Village of Kirkfield under Part XI of the *Electricity Act, 1998* or act as a shareholder of a corporation established under section 142 of the *Electricity Act, 1998*, including the following:
    - (i) may dispose of or otherwise deal with the assets, liabilities, rights and obligations which primarily pertain to or are primarily used in connection with the generation, transmission, distribution or retail of electricity of the former municipality, or of a commission established under the *Public Utilities Act* or any other Act or of any other body, however established, through which the former municipality generates, transmits, distributes or retails electricity; and
    - (ii) may acquire from the corporations designated as Ontario Electricity Generation Corporation or the Ontario Electric Services Corporation, or their subsidiaries, assets, liabilities, rights and obligations for the purpose of generating, transmitting, distributing or retailing electricity for a former municipality; and
  - (v) establish a working fund reserve and the amount of that reserve for the new municipality.
- (13) The councils of the former municipalities shall not exercise the powers specified in clauses 18(12) (h) and (i) without the approval of the transition board.
- (14) The costs of the transition board shall be borne by the former municipalities on a basis proportionate to the percentage that each former municipality’s assessment is of the combined taxable assessment of all former municipalities for the 1999 taxation year.

19. DISPUTE RESOLUTION

- (1) Where a dispute arises with respect to any issue arising out of the interpretation of this Order, any one of the parties may,
  - (a) refer the matter in dispute to arbitration in accordance with the provisions of the *Arbitration Act, 1991*, except as provided herein; or
  - (b) defer the matter to the council of the new municipality, subsequent to January 1, 2001, for resolution.

- (2) Any costs associated with arbitration proceedings under this section shall be shared equally among the former municipalities engaged in the dispute.
- (3) Where a dispute is referred to arbitration, the decision of the arbitrator shall be final.

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Harry Kitchen  
Commissioner

Dated at Lindsay, Ontario, this 19<sup>th</sup> day of April, 2000.