



2ND SESSION, 37TH LEGISLATURE, ONTARIO
50 ELIZABETH II, 2001

Bill Pr1

An Act respecting the Tilbury Area Public School and the William J. Miller Trust

Mr. Hoy

Private Bill

1st Reading November 26, 2001
2nd Reading
3rd Reading
Royal Assent

Printed by the Legislative Assembly of Ontario



EXPLANATORY NOTE

The William J. Miller Trust was established by statute in 1966 for the benefit of students at the Tilbury Area Public School and residents of the Town of Tilbury.

Until recently, the school was located in the Town of Tilbury and was under the jurisdiction of the Kent County Board of Education. As a result of municipal and school board restructuring, the school is now located in the Municipality of Chatham-Kent and is under the jurisdiction of the Lambton-Kent District School Board.

Currently, the trustees of the Miller Trust are to be appointed by the Kent County Board of Education. The Bill provides that the trustees are to be appointed by the Municipality of Chatham-Kent, instead. Only persons who are public school supporters and residents of the former geographic Town of Tilbury are eligible to hold office as trustees.

The Bill also makes changes to the trustees' powers to use the income and capital of the trust.

Currently, a maximum of \$300 per year is payable to the principal of the school to defray the expenses of the annual William J. Miller Day activities for grade 7 and 8 students at the school. The remaining income is payable to the treasurer of Tilbury to reduce the amount levied by the town for public school purposes.

Under the Bill, the income of the trust can be used to purchase or lease goods and services and to pay for programs at the school that are not usually paid for by the school board. The income may also be used for scholarships, bursaries and prizes for students and former students of the school. With the consent of the school board, the capital of the trust can be used for capital projects at the school and to purchase equipment for the school.

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Preamble

Howard Herman, John Fantin and Douglas Edwards, who are the trustees for the William J. Miller Trust (the “Miller Trust”), and the Municipality of Chatham-Kent have applied for special legislation respecting the trust. The Miller Trust was established by *The Tilbury Public School Board Act, 1966* for the benefit of Tilbury Public School. Since then, municipal and school board restructuring has rendered some of the existing terms of the trust ambiguous. The applicants wish to amend the provision governing the appointment of trustees and to clarify the purposes for which the capital and income of the trust can be used.

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:

Trust continued

1. (1) The William J. Miller Trust, established by section 1 of *The Tilbury Public School Board Act, 1966*, is hereby continued.

Use of income

(2) Every year, the trustees may use all or part of the income from the trust,

- (a) to purchase or lease goods and services for and provide programs at the Tilbury Area Public School that are not usually paid for by the school board; and
- (b) to provide scholarships, bursaries and prizes for students and former students of the Tilbury Area Public School.

Same

(3) Income from the trust that is not used in one year may be used in a subsequent year for the purposes described in subsection (2).

Use of capital

(4) With the consent of the Lambton-Kent District School Board, the trustees may use all or part of the capital from the trust to pay for a capital project, or part of one, at the Tilbury Area Public School or to purchase equipment for the school.

Trustees

2. (1) The Municipality of Chatham-Kent shall appoint three persons to act as trustees of the Miller Trust.

Eligibility

(2) Only persons who are public school supporters (within the meaning of the *Education Act*) and who are residents of the former geographic Town of Tilbury are eligible to hold office as trustees of the Miller Trust.

Term

(3) Each trustee is appointed for a term of three years and may be reappointed.

Vacancy

(4) If a trustee ceases to hold office before his or her term expires, the municipality may appoint a replacement for the remainder of the unexpired term.

Transition

(5) Despite subsections (1) and (2), the trustees who are in office when this Act comes into force continue in office until the expiry of their term.

Annual audit

3. (1) The trustees shall ensure that the Miller Trust is audited each year by a public accountant licensed under the *Public Accountancy Act*.

Same

(2) The trustees shall give the auditor such information and documents as the auditor may request in order to perform the audit.

Same

(3) The trustees shall give a copy of every auditor's report to the Lambton-Kent District School Board.

Repeal

4. The following are repealed:

1. *The Tilbury Public School Board Act, 1966.*
2. *The Tilbury Public School Board Act, 1968-69.*

Commencement

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

Short title

6. **The short title of this Act is the *Tilbury Area Public School Act (William J. Miller Trust), 2001.***