



BILL NO. 41

Local Bill

*1st Session, 63rd General Assembly
Nova Scotia
66 Elizabeth II, 2017*

An Act to Amend Chapter 87 of the Acts of 1948, the Digby Water Commission Act

CHAPTER 18
ACTS OF 2017

**AS ASSENTED TO BY THE ADMINISTRATOR OF THE PROVINCE
OCTOBER 26, 2017**

Gordon Wilson
Clare-Digby

*Halifax, Nova Scotia
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**An Act to Amend Chapter 87
of the Acts of 1948,
the Digby Water Commission Act**

Be it enacted by the Governor and Assembly as follows:

1 Section 2 of Chapter 87 of the Acts of 1948, the *Digby Water Commission Act*, is amended by striking out “Board of Commissioners of Public Utilities of the Province of Nova Scotia” in the fifth, sixth and seventh lines and substituting “Nova Scotia Utility and Review Board”.

2 (1) Subsection 3(1) of Chapter 87, as amended by Chapter 83 of the Acts of 1975 and Chapter 69 of the Acts of 1980, is further amended by

- (a) striking out “seven” in the second line and substituting “five”;**
- (b) striking out “five” in the sixth line and substituting “three”; and**
- (c) adding “or any area within the Municipality of the District of Digby that receives services from The Commission” immediately after “Town” in the seventh line.**

(2) Subsection 3(4) of Chapter 87 is repealed and the following subsections substituted:

(4) Subject to subsection (4A), a person appointed as a member of The Commission shall hold office for a term of four years.

(4A) The terms of office of the four members of The Commission, other than the Mayor of the Town, appointed by the Council immediately after the coming into force of this subsection shall be as follows:

- (a) one member as determined by the Council, other than the member who is also a member of the Council, shall hold office until December 1, 2018;
- (b) two members as determined by the Council, other than the member who is also a member of the Council, shall hold office until December 1, 2019; and
- (c) the member who is also a member of the Council shall hold office until December 1, 2020.

(3) Section 3 of Chapter 87, as amended by Chapter 83 of the Acts of 1975 and Chapter 69 of the Acts of 1980, is further amended by adding immediately after subsection (6) the following subsection:

(6A) The members of the Commission, other than the member who is the Mayor of the Town and the member who is a member of the Town Council, shall receive an annual stipend in an amount determined by the Town Council.

(4) Subsection 3(7) of Chapter 87 is amended by striking out “serve without compensation, but shall” in the second line.

3 (1) Subsection 5(1) of Chapter 87 is repealed and the following subsections substituted:

(1) Subject to subsection (1A), the Chief Administrative Officer of the Town is the Manager of The Commission.

(1A) The Chief Administrative Officer of the Town may designate a person to be the Manager of The Commission.

(2) Subsection 5(3) of Chapter 87 is amended by

(a) striking out “The Towns’ Incorporation” in the first and second lines and substituting “the Municipal Government”;

(b) striking out “the town clerk” in the second line and substituting “, the Chief Administrative Officer”;

(c) striking out “his duties as such town clerk” in the third and fourth lines and substituting “the duties of the Chief Administrative Officer,”; and

(d) striking out “town clerk” in the ninth line and substituting “Chief Administrative Officer”.

4 (1) Subsection 11(1) of Chapter 87 is amended by striking out “Affairs” in the second line and substituting “Government”.

(2) Subsection 11(2) of Chapter 87 is amended by striking out “Affairs” in the first line and substituting “Government”.

5 Section 12 of Chapter 87 is repealed.

6 Section 16 of Chapter 87 is amended by

(a) adding “(1)” immediately after the Section number;

(b) striking out “Accompanying such financial statements The Commission shall in writing, submit to the Council its recommendation of the amount or amounts of money to be paid from the surplus of The Commission’s undertaking or undertakings to the Town for the general purposes of the Town. Final decision of the amount or amounts to be paid by The Commission from the surplus of The Commission’s undertaking to the Town for the general purposes of the Town shall rest with the Town Council.” in the eighth to eighteenth lines; and

(c) adding the following subsection:

(2) The financial statements of The Commission must be consolidated with the audited financial statements of the Town in accordance with the system of accounting prescribed by the Minister of Municipal Affairs under clause 451(1)(c) of The Municipal Government Act.

7 Section 17 of Chapter 87 is repealed and the following subsection substituted:

17 The financial statements of The Commission must be open to public inspection at the office of The Commission upon request during the regular business hours of The Commission.

8 Section 19 of Chapter 87 is amended by striking out “Towns Incorporation” in the first and second lines and substituting “Municipal Government”.

9 Every individual who was a member of the Digby Water Commission immediately before the coming into force of this Act, other than the member who is the Mayor of the Town of Digby, ceases to be a member of the Commission upon the coming into force of this Act.
