BILL NO. 55

Government Bill

2nd Session, 63rd General Assembly
Nova Scotia
67 Elizabeth II, 2018

An Act to Incorporate the Region of Windsor and West Hants Municipality

CHAPTER 26
ACTS OF 2018

AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
OCTOBER 11, 2018

The Honourable Chuck Porter
Minister of Municipal Affairs

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An Act to Incorporate the Region of Windsor and West Hants Municipality

Be it enacted by the Governor and Assembly as follows:

1   This Act may be cited as the *Region of Windsor and West Hants Municipality Act*.

2   In this Act,

(a)   "Chief Administrative Officer" means the Chief Administrative Officer of the Regional Municipality appointed under Section 8;

(b)   "Co-ordinating Committee" means the Co-ordinating Committee established under Section 5;

(c)   "Co-ordinator" means the Co-ordinator of the Regional Municipality appointed under Section 4;

(d)   "Council" means the Council of the Regional Municipality;

(e)   "incorporation date" means April 1, 2020;

(f)   "Minister" means the Minister of Municipal Affairs;

(g)   "municipal government" means

(i)   a municipal unit,

(ii)   a service commission in the area of a municipal unit,

(iii)   an authority, board, commission, corporation or other entity of a municipal unit, and

(iv)   a joint authority, board, commission, committee or other entity involving a municipal unit;

(h)   "municipal unit" means Windsor or West Hants;

(i)   "Regional Municipality" means the Region of Windsor and West Hants Municipality;

(j)   "West Hants" means the Municipality of the District of West Hants;

(k)   "Windsor" means the Town of Windsor.

3   On and after April 1, 2020, the inhabitants of West Hants and Windsor are a body corporate under the name the Region of Windsor and West Hants Municipality.

4   **(1)**   The Governor in Council shall appoint a person to be the Co-ordinator of the Regional Municipality for such term as the Governor in Council determines.

(2)   The Co-ordinator has all the powers of a commissioner appointed pursuant to the *Public Inquiries Act*.

5   **(1)**   A Co-ordinating Committee is established consisting of the Mayor and Deputy Mayor of Windsor, the Warden and Deputy Warden of West Hants, and the Co-ordinator.

(2) Windsor and West Hants, by a motion of council, shall each designate an alternate to attend meetings of the Co-ordinating Committee where a member of the Co-ordinating Committee from that municipal unit is unable to attend.

(3) The Co-ordinator is the Chair of the Co-ordinating Committee and may only vote on questions considered by the Committee in the case of a tie.

(4) Three members of the Co-ordinating Committee, including the Co-ordinator and at least one member from each municipal unit, constitute a quorum of the Co-ordinating Committee.

(5) All decisions of the Co-ordinating Committee shall be determined by majority vote.

6 **(1)** The Co-ordinating Committee is responsible for designing and implementing the administrative structure of the Regional Municipality.

(2) Where the Co-ordinating Committee is unable to decide any question concerning the design and implementation of the administrative structure of the Regional Municipality by majority vote, the Co-ordinator may determine the question, and the decision of the Co-ordinator is final and binding.

7 **(1)** The Co-ordinating Committee has all the powers of the Council of the Regional Municipality and of its police advisory board until the Council first takes office pursuant to this Act.

(2) The Co-ordinating Committee may contract and be contracted with, sue and be sued, acquire real and personal property, engage officers and employees, prescribe a seal and do such things and make such expenditures as are required for the orderly establishment of the Regional Municipality.

(3) All acts of the Co-ordinating Committee have, upon the incorporation of the Regional Municipality, full force and effect, and are and are deemed to have been exercised by the Regional Municipality.

(4) The officers and employees of a municipal government shall render assistance and furnish all information and perform all acts as requested by the Co-ordinating Committee.

8 **(1)** The Co-ordinating Committee shall appoint a Chief Administrative Officer of the Regional Municipality by January 1, 2020.

(2) The Chief Administrative Officer, in consultation with the Co-ordinator, shall appoint the heads of the departments of the Regional Municipality.

(3) The Council shall ratify the appointment of the Chief Administrative Officer as soon as practicable after the incorporation of the Regional Municipality.

9 **(1)** The Chief Administrative Officer, in consultation with the heads of departments, shall employ all other employees of the Regional Municipality, effective on the incorporation date, or such earlier date as the Chief Administrative Officer deems expedient.

(2) Preference in employment by the Regional Municipality shall be given to an employee of a municipal government where that employee meets the basic requirements for a position.

(3) On or before the incorporation date, the Co-ordinating Committee shall establish a pension plan or a successor pension plan in accordance with the *Pension Benefits Act* to replace any pension plan established by a municipal government.

10 **(1)** The Co-ordinator shall apply to the Nova Scotia Utility and Review Board for a determination of, and the Board shall determine, the number of councillors and the boundaries of the polling districts in the Regional Municipality.

(2) Notwithstanding the *Municipal Elections Act*,

(a) ordinary polling day for the first election of the Mayor and councillors of the Regional Municipality must be held on the first Saturday in March 2020;

(b) no election shall be held for Mayor and councillors of the Regional Municipality in October 2020; and

(c) the term of office of the members of the council elected in 2020 ends at the first meeting of the Council after the municipal election in 2024.

(3) Elections after the first election shall be held in the year 2024 and thereafter in accordance with the *Municipal Elections Act*.

(4) A nomination for the first election of the Mayor and councillors of the Regional Municipality must be filed at the office of the returning officer by February 12, 2020.

(5) For the purpose of the first election, the Co-ordinator may abridge any time period contained in the *Municipal Elections Act*.

(6) The Co-ordinator shall, with the assistance of employees of the municipal governments, provide for the first election of the Mayor and councillors of the Regional Municipality.

(7) Notwithstanding clause 18(1)(c) of the *Municipal Elections Act,* a member of the council of Windsor or West Hants is eligible to be elected to the Council.

(8) Qualifications for nomination as a member of the Council shall be determined as if the municipal units had been merged into the Regional Municipality six months prior to nomination day.

(9) The Council takes office on the incorporation date.

11 **(1)** Upon the new Council taking office, the new Council shall choose a new name for the Regional Municipality and submit the chosen name to the Governor in Council.

(2) Where the new Council submits a name for the Regional Municipality under subsection (1), the Governor in Council may, by proclamation, change the name of the Regional Municipality to that name.

12   Before the incorporation date, a municipal government shall not

     (a)   replace an employee who retires, resigns, is laid off or is dismissed, convert an employee from part-time to full-time status or promote an employee or hire a new employee, except in the case of term appointments that will expire before the incorporation date;

     (b)   enter into any lease, contract or other commitment that has effect after, or a term extending beyond, March 31, 2020;

     (c)   dispose of a capital asset;

     (d)   provide early retirement, pre-retirement, termination or severance benefits for any employee, except as required by the terms of an employment contract; or

     (e)   expend any funds from an operating or capital reserve fund, and after the incorporation date the council shall apply any reserve funds of a municipal government for the benefit of the residents of the area of the former municipal government,

except as authorized by the Co-ordinating Committee.

13   (1)   The Regional Municipality may provide early retirement, pre-retirement, termination or severance benefits for any employee of a municipal government who is not employed by the Regional Municipality because of the consolidation of the municipal units.

     (2)   An early retirement program may be limited to the incumbents of positions that the Chief Administrative Officer considers to be unnecessary for the Regional Municipality.

     (3)   The cost of severance benefits provided by the Regional Municipality shall be borne by the Regional Municipality and not be charged to the municipal government that formerly employed the employee, and the sums required may be borrowed by the Regional Municipality and must be repaid by the Regional Municipality in not more than 10 annual instalments, as determined by the Council.

14   The Minister may, by order, provide for anything necessary or incidental to the incorporation and effective government of the Regional Municipality.

15   (1)   Upon the incorporation of the Regional Municipality, West Hants and Windsor, together with all service commissions in West Hants and Windsor, are dissolved, and the assets and liabilities of them are vested in the Regional Municipality.

     (2)   Upon the incorporation of the Regional Municipality, every authority, board, commission, corporation or other entity of a municipal government in the area to be incorporated as the Regional Municipality and every joint authority, board, commission, committee or other joint entity involving a municipal government in the area to be incorporated as a Regional Municipality is dissolved and their assets and liabilities are vested in the Regional Municipality.

     (3)   Subject to any collective agreement, upon the incorporation of the Regional Municipality, the *Labour Standards Code* governs the treatment of all employee benefits and entitlements.

     (4)   The vesting of an asset of a municipal government in the Regional Municipality does not void any policy of insurance with respect to the asset, including public liability policies, and the Regional Municipality is deemed to be the insured party for the purpose of any such policy.

(5) Nothing in this Act dissolves any authority, board, commission, committee or other entity that includes representatives of municipalities outside the Regional Municipality.

(6) The Regional Municipality shall continue to pay any pension or annuity being paid by a municipal government on the day preceding the incorporation date according to its terms.

(7) The Regional Municipality is a successor employer for the purpose of the *Pension Benefits Act*.

16 **(1)** In this Section, "employee" means an employee as defined in Section 2 of the *Trade Union Act*, excluding those described in subsection 2(2) of that Act.

(2) The Regional Municipality is a transferee for the purpose of Section 31 of the *Trade Union Act* and, for greater certainty,

    (a) the Regional Municipality is bound by successor rights as determined pursuant to the *Trade Union Act*; and

    (b) subject to the *Trade Union Act*, the Regional Municipality and the employees, who are covered by collective agreements, of a municipal government are bound by the collective agreements as if the Regional Municipality were a party to them.

(3) Where an employee of a municipal government is employed by the Regional Municipality, the period of employment and seniority of that employee with the municipal government at the time of the incorporation of the Regional Municipality is deemed to have been employment and seniority with the Regional Municipality and the continuity of employment and seniority is not broken.

(4) Where an employee of a municipal government is employed by the Regional Municipality in a position which becomes a bargaining unit position, the employee's right to employment in the position is not affected by whether that employee was previously employed pursuant to a collective agreement and the employee is deemed to have seniority credits with the Regional Municipality equal to the employee's service with that municipal government.

(5) No provision of a collective agreement with a municipal government that purports to favour the employees of one municipal government in obtaining employment with the Regional Municipality over those of another municipal government has any force or effect.

17 **(1)** A reference in an enactment, deed, will or other document to a municipal government is deemed to be a reference to the Regional Municipality.

(2) A reference in an enactment, deed, will or other document to the mayor or warden of a municipal unit is and is deemed to be a reference to the Mayor of the Regional Municipality.

(3) The by-laws, orders, policies and resolutions in force in a municipal government immediately prior to the incorporation of the Regional Municipality continue in force in the area over which that municipal government had jurisdiction to the extent that they are authorized by this or another Act, until amended or repealed by the Council.

18　(1)　Clause 3(be) of Chapter 18 of the Acts of 1998, the *Municipal Government Act*, is repealed and the following clause substituted:

(be)　"regional municipality" means a regional municipality established by or continued by an enactment and includes

(i)　the Cape Breton Regional Municipality,

(ii)　the Halifax Regional Municipality,

(iii)　the Region of Queens Municipality, and

(iv)　the Region of Windsor and West Hants Municipality,

and the area over which each of those bodies corporate has jurisdiction.

(2)　Subclause 3(be)(iv) of Chapter 18 is amended by striking out "the Region of Windsor and West Hants Municipality" and substituting the name chosen by the Council under Section 9.

19　(1)　Subsection 18(1) has effect on and after April 1, 2020.

(2)　Subsection 18(2) comes into force on such day as the Governor in Council orders and declares by proclamation.

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