



BILL NO. 92

Government Bill

*2nd Session, 63rd General Assembly
Nova Scotia
68 Elizabeth II, 2019*

**An Act to Amend Chapter 18
of the Acts of 1998,
the Municipal Government Act,
and Chapter 39 of the Acts of 2008,
the Halifax Regional Municipality Charter**

CHAPTER 19
ACTS OF 2019

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
APRIL 12, 2019**

The Honourable Chuck Porter
Minister of Municipal Affairs

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

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**An Act to Amend Chapter 18
of the Acts of 1998,
the Municipal Government Act,
and Chapter 39 of the Acts of 2008,
the Halifax Regional Municipality Charter**

Be it enacted by the Governor and Assembly as follows:

MUNICIPAL GOVERNMENT ACT

1 Section 2 of Chapter 18 of the Acts of 1998, the *Municipal Government Act*, is amended by striking out clause (c) and substituting the following clause:

(c) recognize the purposes of a municipality set out in Section 9A.

2 Chapter 18 is further amended by adding immediately after Section 9 the following Section:

9A The purposes of a municipality are to

- (a) provide good government;
- (b) provide services, facilities and other things that, in the opinion of the council, are necessary or desirable for all or part of the municipality; and
- (c) develop and maintain safe and viable communities.

3 Chapter 18 is further amended by adding immediately after Section 14 the following Section:

14A The powers conferred on a municipality and its council by this Act must be interpreted broadly in accordance with the purpose of this Act as set out in Section 2 and in accordance with the purposes of a municipality as set out in Section 9A.

4 Subsection 31(1) of Chapter 18 is amended by

- (a) striking out “budget is” in the first line of clause (b) and substituting “operating and capital budgets are”; and
- (b) striking out “budget” in the second line of clause (c) and substituting “budgets”.

5 Section 65 of Chapter 18 is repealed and the following Sections substituted:

65 The council shall adopt an operating budget and a capital budget for each fiscal year.

65A (1) Subject to subsections (2) to (4), the municipality may only spend money for municipal purposes if

(a) the expenditure is included in the municipality's operating budget or capital budget or is otherwise authorized by the municipality;

(b) the expenditure is in respect of an emergency under the *Emergency Management Act*; or

(c) the expenditure is legally required to be paid.

(2) The municipality may expend money provided for in an operating budget or capital budget for a purpose other than that set out in the operating budget or capital budget for that fiscal year if the expenditure does not affect the total of the amounts estimated for the operating budget and the capital budget.

(3) The municipality may authorize expenditures from its operating budget or transfer money from the operating budget to its capital budget if the total amount of such expenditures and transfers for the fiscal year does not exceed the total amount of estimated revenue from all sources in excess of the amount estimated for those sources in the operating budget for that fiscal year.

(4) The municipality may authorize capital expenditures that are not provided for in its capital budget if the total of such expenditures does not exceed the greater of

(a) the amount authorized to be transferred from the operating budget to the capital budget under subsection (3);

(b) the borrowing limits established for the municipality under Section 86; or

(c) the amount withdrawn from a capital reserve fund under subsection 99(4).

(5) In the event of ambiguity in whether or not the municipality has the authority under this or any other Act to spend money or to take any other action, the ambiguity may be resolved so as to include, rather than exclude, powers the municipality had on the day before this Section came into force.

65B The council shall establish procedures to authorize and verify expenditures that are not included in an operating budget or capital budget.

65C (1) The council shall adopt a policy that requires the municipality to disclose to the public a list of recipients of grants made by the municipality and the amounts of those grants.

(2) A policy adopted under subsection (1) must include the

(a) frequency and timing of disclosure;

(b) content to be included in a disclosure; and

(c) form in which the disclosure must be made.

(3) A policy adopted under subsection (1) may include any other matter that the council considers necessary or advisable to carry out effectively the intent and purpose of the policy.

6 Subsection 66(4) of Chapter 18, as amended by Chapter 35 of the Acts of 2001, Chapter 7 of the Acts of 2004 and Chapter 55 of the Acts of 2005, is further amended by adding immediately after clause (da) the following clause:

(db) to contribute a capital grant to a hospital to which the *Hospitals Act* applies;

7 Section 75 of Chapter 18, as amended by Chapter 9 of the Acts of 2005, is further amended by adding immediately after subsection (1) the following subsection:

(1A) For greater certainty, an expenditure under subsection (1) may include a contribution to a hospital to which the *Hospitals Act* applies.

8 Subsection 81A(1) of Chapter 18, as enacted by Chapter 25 of the Acts of 2016, is amended by repealing clauses (a) and (b) and substituting the following clauses:

- (a) energy-efficiency equipment;
- (b) renewable energy equipment; and
- (c) equipment for the supply, use, storage or conservation of water.

9 Subsection 172A(6) of Chapter 18 is repealed.

HALIFAX REGIONAL MUNICIPALITY CHARTER

10 Section 2 of Chapter 39 of the Acts of 2008, the *Halifax Regional Municipality Charter*, is amended by striking out clause (c) and substituting the following clause:

- (c) recognize the purposes of the Municipality set out in Section 7A.

11 Chapter 39 is further amended by adding immediately after Section 7 the following Section:

- 7A The purposes of the Municipality are to
- (a) provide good government;
 - (b) provide services, facilities and other things that, in the opinion of the Council, are necessary or desirable for all or part of the Municipality; and
 - (c) develop and maintain safe and viable communities.

12 Chapter 39 is further amended by adding immediately after Section 11 the following Section:

11A The powers conferred on the Municipality and its Council by this Act must be interpreted broadly in accordance with the purpose of this Act as set out in Section 2 and in accordance with the purposes of the Municipality as set out in Section 7A.

13 Subsection 35(1) of Chapter 39 is amended by

- (a) striking out “budget is” in the first line of clause (b) and substituting “operating and capital budgets are”; and
- (b) striking out “budget” in the first line of clause (c) and substituting “budgets”.

14 Subsection 62(6) of Chapter 18 is repealed.

15 Section 79 of Chapter 39 is repealed and the following Sections substituted:

79 The Council shall adopt an operating budget and a capital budget for each fiscal year.

79A (1) Subject to subsections (2) to (4), the Municipality may only spend money for municipal purposes if

- (a) the expenditure is included in the Municipality’s operating budget or capital budget or is otherwise authorized by the Municipality;
- (b) the expenditure is in respect of an emergency under the *Emergency Management Act*; or
- (c) the expenditure is legally required to be paid.

(2) The Municipality may expend money provided for in an operating budget or capital budget for a purpose other than that set out in the operating budget or capital budget for that fiscal year if the expenditure does not affect the total of the amounts estimated for the operating budget and the capital budget.

(3) The Municipality may authorize expenditures from its operating budget or transfer money from the operating budget to its capital budget if the total amount of such expenditures and transfers for the fiscal year does not exceed the total amount of estimated revenue from all sources in excess of the amount estimated for those sources in the operating budget for that fiscal year.

(4) The Municipality may authorize capital expenditures that are not provided for in its capital budget if the total of such expenditures does not exceed the greater of

- (a) the amount authorized to be transferred from the operating budget to the capital budget under subsection (3);
- (b) the borrowing limits established for the Municipality under Section 109; or
- (c) the amount withdrawn from a capital reserve fund under subsection 120(4).

(5) In the event of ambiguity in whether or not the Municipality has the authority under this or any other Act to spend money or to take any other action, the ambiguity may be resolved so as to include, rather than exclude, powers the Municipality had on the day before this Section came into force.

79B The Council shall establish procedures to authorize and verify expenditures that are not included in an operating budget or capital budget.

79C (1) The Council shall adopt a policy that requires the Municipality to disclose to the public a list of recipients of grants made by the Municipality and the amounts of those grants.

(2) A policy adopted under subsection (1) must include the

- (a) frequency and timing of disclosure;
- (b) content to be included in a disclosure; and
- (c) form in which the disclosure must be made.

(3) A policy adopted under subsection (1) may include any other matter that the Council considers necessary or advisable to carry out effectively the intent and purpose of the policy.

16 Subsection 83(4) of Chapter 39 is amended by adding immediately after clause (da) the following clause:

(da) to contribute a capital grant to a hospital to which the *Hospitals Act* applies;

17 Section 96 of Chapter 18 is amended by adding immediately after subsection (1) the following subsection:

(1A) For greater certainty, an expenditure under subsection (1) may include a contribution to a hospital to which the *Hospitals Act* applies.

18 Subsection 104A(1) of Chapter 39, as enacted by Chapter 25 of the Acts of 2016 and amended by Chapter 9 of the Acts of 2018, is further amended by repealing clauses (a) to (b) and substituting the following clauses:

- (a) equipment installed in respect of a district energy system within the Cogswell District Energy Boundary;
 - (b) energy-efficiency equipment;
 - (c) renewable energy equipment; and
 - (d) equipment for the supply, use, storage or conservation of water.
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