



# **BILL NO. 38**

*Local Bill*

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*1st Session, 64th General Assembly  
Nova Scotia  
70 Elizabeth II, 2021*

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## **An Act to Continue the New Minas Water Commission**

CHAPTER 37  
ACTS OF 2021

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
NOVEMBER 5, 2021**

The Honourable Keith Irving  
*Kings South*

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

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## **An Act to Continue the New Minas Water Commission**

Be it enacted by the Governor and Assembly as follows:

**1** This Act may be cited as the *New Minas Water Commission Act*.

**2** In this Act,

- (a) “Board” means the Board of Water Commissioners of the Commission;
- (b) “Commission” means the New Minas Water Commission;
- (c) “former Act” means Chapter 89 of the Acts of 1982, the *New Minas Water Commission Act*;
- (d) “ordinarily resident” has the same meaning as in the *Municipal Elections Act*;
- (e) “qualified ratepayer” means any person who is
  - (i) ordinarily resident in the Village,
  - (ii) rated in respect of property in the Village assessed at not less than \$300, and
  - (iii) a Canadian citizen of the full age of 19 years;
- (f) “Secretary-treasurer” means a person appointed pursuant to Section 11;
- (g) “Village” means the Village of New Minas;
- (h) “village commissioner” means a person who is, pursuant to the *Municipal Government Act*, a commissioner of the Village;
- (i) “water commissioner” means a member of the Board.

**3** The New Minas Water Commission constituted by the former Act is hereby continued as a body corporate.

**4** The authority, powers and privileges of the Commission and the management of its affairs are vested in and may be exercised by the Board, and the Board shall perform the duties and functions of the Commission.

**5** **(1)** The Board consists of

- (a) three village commissioners appointed by the village commissioners; and
- (b) two qualified ratepayers appointed by the village commissioners.

**(2)** Notwithstanding any provision of this Act, no person may be appointed a water commissioner unless the person has continuously been rated in respect of property in the Village and has been ordinarily resident in the Village continuously for at least three years immediately before the person’s appointment.

**6 (1)** Each water commissioner holds office for a term of three years and may be reappointed.

**(2)** Notwithstanding subsection (1), a person ceases to be a water commissioner upon death, resignation, being unable to act as a water commissioner or ceasing to be a qualified ratepayer.

**(3)** Notwithstanding subsections (1) and (2), a person appointed pursuant to clause 5(1)(a) ceases to be a water commissioner when the person ceases to be a village commissioner.

**7 (1)** Where a person ceases to be a water commissioner, the village commissioners shall, subject to Section 5, appoint a person as a water commissioner to fill the vacancy thereby created.

**(2)** Notwithstanding subsection 6(1), where a person is appointed pursuant to subsection (1), the person shall serve for the unexpired term of the person being replaced.

**(3)** Where a person appointed pursuant to clause 5(1)(a) ceases to be a water commissioner, the person appointed pursuant to subsection (1) to fill the vacancy created thereby must be a village commissioner.

**8** A vacancy on the Board does not impair the ability of the remainder of the Board to act or the corporate status and capacity of the Commission.

**9 (1)** Every person appointed as a water commissioner shall, before beginning the person's duties as a water commissioner, take and subscribe an oath or affirmation of office in the form determined by the Commission.

**(2)** The oath or affirmation may be administered by a judge of the Supreme Court of Nova Scotia, a judge of the Provincial Court of Nova Scotia, a notary public or a commissioner of oaths for the Province.

**(3)** A certificate of all oaths or affirmations administered pursuant to subsection (2) must be entered in the minute book of the Board by the Secretary-treasurer.

**10 (1)** The Board shall appoint a Chair and a Vice-chair from amongst its members.

**(2)** The Chair and Vice-chair appointed pursuant to subsection (1) or (4) each holds office for a term of one year and may be reappointed.

**(3)** Notwithstanding subsection (2), the Chair or Vice-chair ceases to hold office if the Chair or Vice-chair, as the case may be, ceases to be a water commissioner within one year of the Chair's or Vice-chair's appointment.

**(4)** When a person ceases to be Chair or Vice-chair, the Board shall appoint a person from amongst its members to fill the vacancy thereby created.

**11** The Board shall appoint an employee of the Commission to act as Secretary-treasurer of the Board.

**12 (1)** The Commission shall pay the Chair an honorarium to be determined from time to time by the Board for each 12-month period during which the person is Chair.

**(2)** The Commission shall pay each water commissioner, other than the Chair, an honorarium to be determined from time to time by the Board for each 12-month period during which the person is a water commissioner.

**(3)** Where a person has not been Chair or a water commissioner during the whole of a 12-month period for which an honorarium is otherwise payable pursuant to subsection (1) or (2), the amount of the honorarium is pro-rated over the number of months served.

**13** Subject to any resolutions passed by the Board pursuant to clause 17(c) that relate to the conduct of a meeting or the ability of the Board to consider matters in camera, all meetings of the Board must be open meetings and may be attended by any person who is

- (a) ordinarily resident in the Village or in any area serviced by the water works or water system owned or beneficially owned by the Village; and
- (b) entitled to vote at a municipal election.

**14** A majority of the water commissioners constitutes a quorum of the Board.

**15** The object of the Commission is to administer, manage and operate, as agent of the Village, a water works or water system owned or beneficially owned by the Village to supply water and water services.

**16** The Commission has the capacity, rights, powers and privileges of a natural person necessary to carry out its objects in accordance with this Act.

**17** The Board may from time to time, by resolution not inconsistent with this Act, provide for the management and operation of the Commission and, without restricting the generality of the foregoing, make resolutions in respect of

- (a) the appointment, duties, functions, remuneration and removal of agents, employees, officers or servants of the Commission;
- (b) the fiscal year of the Commission;
- (c) the method of calling meetings of the Board, the time and place of the meetings, the order and proceedings at the meetings and conduct of the meetings;
- (d) the appointment and functions of any standing or special committee of the Board;
- (e) the adoption of a common seal of the Commission; and
- (f) any matter relating to the exercise of the powers of the Commission as is necessary or incidental to the attainment of the objects or powers of the Commission.

**18** All documents to which the Commission is a party, including all agreements, assignments, conveyances, deeds, leases, mortgages, transfers and releases in which the Commission is landlord or tenant must be executed by and on behalf of the Commission under its corporate seal by any two of the Chair, Vice-chair, a water commissioner or the Secretary-treasurer.

**19 (1)** The Commission may do such acts or things as may be necessary for, incidental or conducive to or consequential upon the exercise of its powers or attainment of its objects and, without restricting the generality of the foregoing, may

(a) subject to the *Public Utilities Act*, acquire by way of bequest, devise, gift, grant, lease, purchase or otherwise, real and personal property, including money, and any interest therein;

(b) from time to time borrow money from any chartered bank in the Province or, subject to Section 23, from the Village for the purpose of defraying the current expenditures of the Commission paid or incurred during a fiscal year of the Commission for the purpose of exercising any powers or attaining any object of the Commission if the aggregate amount of money borrowed in that year does not exceed 50% of the aggregate amount of all water rates that, during that year, become due to the Commission as agent of the Village pursuant to this Act;

(c) subject to the *Public Utilities Act*, accept, draw, discount, endorse, execute, issue and make any negotiable instruments, including bills of exchange, cheques and promissory notes;

(d) employ such persons as may be necessary to attain its objects or exercise its powers at such remuneration as determined by the Board;

(e) invest money not required for the immediate purpose of the Commission in securities in which trustees are authorized by law to invest trust funds or deposit and keep such money deposited in an account at a chartered bank for such periods of time as the Board determines;

(f) subject to the *Public Utilities Act*, convey, deal with, dispose of, lease or sell personal property, or any interest therein;

(g) subject to the *Public Utilities Act*, administer, manage and operate, as agent of the Village, a water works or water system owned or beneficially owned by the Village, inside and outside the boundaries of the Village to supply water;

(h) subject to the approval of the Nova Scotia Utility and Review Board, from time to time and as agent of the Village, determine rates for the supply of water and water services by the Commission and collect, demand payment of and sue for such rates or any charges imposed by it pursuant to this Act; and

(i) by resolution and as agent of the Village,

(i) provide for the inspection of water connections and meter services provided by the Commission,

(ii) provide for the discontinuance of water service and supply in cases of unsatisfactory connections, and

(iii) subject to the approval of the Nova Scotia Utility and Review Board, prescribe rates for the restoration of water service and supply discontinued under a resolution passed pursuant to subclause (ii).

(2) Any interest that, during any fiscal year of the Commission, becomes due and payable by the Commission on money borrowed by the Commission pursuant to clause (1)(b) to defray current expenditures paid or incurred during that year must be added to the current expenses of the Commission for that year.

**20** The auditor of the village commissioners is the auditor of the Commission.

**21** The Commission shall, at each annual meeting of the electors of the Village held pursuant to the *Municipal Government Act*, present an audited financial statement setting forth the assets and liabilities of the Commission and the receipts and expenditures of the Commission for the immediately preceding year.

**22 (1)** Any person who is ordinarily resident in the Village or in any area serviced by the water works or water system and entitled to vote at a municipal election may, at all reasonable times, inspect the accounts, books and records of the Commission.

**(2)** The Commission is not entitled to any fee or charge for an inspection made pursuant to subsection (1).

**23** Notwithstanding the *Municipal Government Act* or any other enactment, but subject to the approval of the Minister of Municipal Affairs and Housing, the village commissioners may lend money to the Commission and accept and receive therefrom promissory notes or any other security.

**24** The former Act is repealed.

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