

BILL NO. 32

Local Bill

**1st Session, 53rd General Assembly
Nova Scotia
31 Elizabeth II, 1982**

**An Act to Incorporate
The New Minas
Water Commission**

**The Honourable Harry W. How, Q.C.
Kings South**

**Halifax
Printed by Queen's Printer for Nova Scotia**

An Act to Incorporate
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 Commissioners of the New Minas Water Commission;
 - (b) “Commission” means the New Minas Water Commission;
 - (c) the words “ordinarily resident” have the same meaning as in the Municipal Elections Act;
 - (d) “qualified ratepayer” means any person who is:
 - (i) ordinarily resident in the Village,
 - (ii) rated in respect of property in the Village assessed and not less than three hundred dollars,
 - (iii) A Canadian citizen of the full age of nineteen years;
 - (e) “Village” means the Village of New Minas;
 - (f) “Village Commissioner” means a person who is, pursuant to the Municipal Government Act, a Commissioner of the Village of New Minas;
 - (g) “Water Commissioner” means a member of the Board.
3. There is hereby constituted a body corporate under the name of the New Minas Water Commission.
4. The powers, authority and privileges of the Commission, and the management of its affairs are vested in and may be exercised by the Board of Commissioners of the New Minas Water Commission, and the Board shall perform the duties and functions of the Commission.
5. (1) The Board shall consist 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 shall hold office for a term of three years.
 - (2) Notwithstanding subsection (1), a person shall cease to be a Water Commissioner when he dies, resigns, becomes unable to act as a Water Commissioner, or ceases to be a qualified ratepayer.
 - (3) Notwithstanding subsections (1) and (2), a person appointed pursuant to clause (a) of subsection (1), of Section 5 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 Commission shall, subject to Section 5, appoint a person as a Water Commissioner to fill the vacancy thereby created.
 - (2) Notwithstanding subsection (1) of Section 6, where a person is appointed pursuant to subsection (1), the person shall serve for the unexpired term of the person being replaced.
 - (3) Notwithstanding subsection (2), where a person appointed pursuant to clause (a) of subsection (1) of Section 5 ceases to be a Water Commissioner, the person appointed pursuant to subsection (2) to fill the vacancy created thereby shall be a Village Commissioner.
 - (4) The first Water Commissioners shall be appointed at the first meeting of the New Minas Village Commission held after this Act comes into force.
- 8.
 - (1) A Water Commissioner may be re-appointed after the Water Commissioner's term of office.
 - (2) 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 shall take and subscribe an oath of office before beginning the person's duties as a Water Commissioner.

- (2) The oath shall be in the form set out in the Schedule and may be administered by a Judge of the Supreme Court, the County Court or by a Provincial Magistrate having jurisdiction within the area of which the Village forms a part.
 - (3) A certificate of all oaths administered pursuant to subsection (2) shall be entered in the minute book of the Board by the Secretary-Treasurer of the Commission.
10.
 - (1) The Board shall appoint a Chairman and a Vice-Chairman from amongst its members, and shall also appoint a Secretary-Treasurer.
 - (2) Each of the Chairman and Vice-Chairman appointed pursuant to subsection (1), (4) or (5) shall hold office for a term of one year.
 - (3) Notwithstanding subsection (2), the Chairman or Vice-Chairman shall cease to hold office if the Chairman or Vice-Chairman, as the case may be, ceases to be a Water Commissioner within one year after the Chairman's or Vice-Chairman's appointment.
 - (4) When a person ceases to be Chairman or Vice-Chairman, the Board shall appoint a person from amongst its members to fill the vacancy thereby created.
 - (5) The first Chairman, Vice-Chairman and Secretary-Treasurer shall be appointed at the first meeting of the Board after the coming into force of this Act.
11.
 - (1) The Commission shall pay the Chairman an honorarium of two thousand two hundred and twenty-five for each twelve month period during which the Chairman is Chairman.
 - (2) The Commission shall pay each Water Commissioner, other than the Chairman, an honorarium of one thousand one hundred and twelve, for each twelve month period during which the person is a Water Commissioner.
 - (3) Where a person has not been Chairman or a Water Commissioner during the whole of a twelve month period for which an honorarium is otherwise payable pursuant to subsection (1) or (2), the amount of the honorarium shall be pro-rated over the number of months served.
12. All meetings of the Board shall be open to 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.

13. A majority of the Water Commissioners shall constitute a quorum of the Board.
14. The object of the Commission is to operate, manage and administer, as agent of the Village, a water works or water system owned or beneficially owned by the Village to supply water and water services.
15. The Board may from time to time, by resolution not inconsistent with this Act, provide for the management and operation of the Commission and the Board and, without restricting the generality of the foregoing, may make resolutions in respect of
 - (a) the appointment, functions, duties, remuneration and removal of officers, employees, servants or agents 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;
 - (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.
16. All documents to which the Commission is a party, including all agreements, deeds, mortgages, transfers, assignments, conveyances, releases, and leases in which the Commission is landlord or tenant shall be executed by and on behalf of the Commission under its corporate seal by any two of the Chairman, Vice-Chairman, a Water Commissioner and the Secretary-Treasurer.
17. (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 grant, gift, purchase, bequest, 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 21 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 purposes of exercising any powers or attaining any object of the Commission if the aggregate amount of money borrowed in that year does not exceed fifty percent of the aggregate amount of all water rates which, during that year, become due to the Commission as agent of the Village pursuant to this Act;
- (c) subject to the Public utilities Act, draw, make, accept, endorse, discount, execute and issue any negotiable instruments, including cheques, promissory notes and bills of exchange;
- (d) employ such persons as may be necessary to attain its objects or exercise its powers at such remuneration as determined by the Commission;
- (e) invest money not required for the immediate purposes of the Commission in securities in which trustees are authorized by law to invest trust funds or deposit and keep such moneys deposited in an account at a chartered bank for such periods of time as the Commission determines;
- (f) subject to the Public Utilities Act, sell, lease, convey, dispose of, or deal with personal property, or any interest therein;
- (g) subject to the Public Utilities Act, operate, manage and administer, 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, as agent of the Village, determine rates for the supply of water and water services by the Commission, and as agent of the Village, collect, demand payment of and sue for such rates or any charges imposed by it pursuant to this Act;
- (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 supply in cases of unsatisfactory connections,
 - (iii) subject to the approval of the Nova Scotia Utility and Review Board, prescribe, as agent of the Village, rates for the

restoration of water service discontinued under a resolution passed pursuant to subclause (ii).

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

18. The auditor of the Village Commissioners shall be the auditor of the Commission.
19. 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.
20. (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 books, records and accounts of the Commission.

(2) The Commission is not entitled to any fee or charge for an inspection made pursuant to subsection (1).
21. Notwithstanding the Municipal Government Act or any other enactment, but subject to the approval of the Minister of Service Nova Scotia and Municipal Relations, the Village Commissioners may lend money to the Commission and accept and receive therefrom promissory notes or any other security.