

**An Act Respecting
the Public Service Commission
of Bridgewater**

Be it enacted by the Governor and Assembly as follows:

1 (1) In this Act,

(a) "Board" means the Nova Scotia Utility and Review Board;

(b) "Commission" means the Public Service Commission of Bridgewater, continued by this Act;

(c) "Commissioner" means a member of the Commission;

(d) "Council" means the Council of the Town;

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

(f) "Town" means the Town of Bridgewater.

(2) The Commission is a public utility for the purposes of the *Public Utilities Act*.

2 The Public Service Commission of Bridgewater, incorporated by Chapter 138 of the Acts of 1948, is hereby continued as a body corporate.

3 The object of the Commission is to supply the Town with water.

4 (1) The Commission consists of five persons appointed by the Council but no person may be appointed unless that person is a member of the Council or is qualified to be a member of the Council.

(2) Notwithstanding subsection (1), during that period of time commencing with the coming into force of this Act and ending on the appointment of the first Commissioners pursuant to this Act, the Commission consists of those persons who were members of the Commission immediately prior to the coming into force of this Act.

(3) If any person referred to in subsection (2) ceases to be a member of the Commission prior to the appointment of the first Commissioners pursuant to this Act, the Council shall appoint a person who is qualified to be appointed pursuant to subsection (1) as a member of the Commission until the appointment of the first Commissioners pursuant to this Act.

(4) A person appointed pursuant to subsection (3), may be re-appointed pursuant to subsection (1).

5 (1) Subject to subsection (2), the Commission shall convene an annual meeting of its members to be held in the month of June of each year, commencing with the year this Act comes into force.

(2) If this Act does not come into force during that part of a year that is prior to the first day of June of that year, the first annual meeting to be convened pursuant to this Act shall be held within thirty days after this Act comes into force.

6 (1) The Council shall, at or before each annual meeting held pursuant to this Act, appoint five persons to the Commission pursuant to subsection (1) of Section 4 each of whom holds office for a term commencing at the close of that annual meeting and ending at the close of the next succeeding annual meeting held pursuant to this Act.

(2) If the Council does not appoint Commissioners pursuant to subsection (1), the Commissioners then in office continue to hold office until their successors are appointed by the Council and their successors take office at the close of the first annual meeting held after they are appointed by the Council.

(3) A person ceases to be a Commissioner where that person

(a) dies;

(b) is unable to carry out the duties of a Commissioner;

(c) ceases to hold the qualifications that enabled that person to be appointed to the Commission pursuant to this Act; or

(d) is removed by a two-thirds vote of the members of the Council at a meeting especially called for that purpose.

(4) Where a person ceases to be a Commissioner, the Council shall, within two months after that person ceases to be a Commissioner, appoint another person who has the qualifications required by subsection (1) of Section 4 to be a Commissioner for the unexpired portion of the term.

(5) A person may be re-appointed as a Commissioner.

(6) Three Commissioners constitute a quorum.

(7) Subject to subsection (6), a vacancy in the membership of the Commission does not impair the ability of the remaining Commissioners to act or the corporate capacity of the Commission.

7 (1) Immediately following the close of the annual meeting of the Commission at which they are appointed, the Commissioners shall meet and shall select one of their number to be Chair and another of their number to be Vice-chair of the Commission.

(2) Immediately following the election of the Chair and the Vice-chair, each Commissioner shall take an oath of office in a form prescribed by the Commission.

(3) The Chair and Vice-chair and such other person or persons nominated by the Commission at that meeting may, on behalf of the Commission, execute all documents, including deeds, mortgages, leases and contracts, and affix the seal of the Commission thereto.

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- (1) The Clerk of the Town is the Secretary of the Commission.
 - (2) The Town Engineer is the Chief Engineer of the Commission.
 - (3) The Solicitor of the Town is the Solicitor of the Commission.
 - (4) The Auditor of the Town is the Auditor of the Commission.
 - (5) The Treasurer of the Town is the Treasurer of the Commission.

9 (1) The Commission may exercise such powers as are necessary or conducive to achieve its object and, without restricting the generality of the foregoing, may

(a) subject to the approval of the Minister, make such by-laws, rules and regulations not inconsistent with this Act or any other enactment as are necessary or proper for the management of its affairs;

(b) acquire in any manner whatsoever, including purchase, lease, gift, devise, or bequest, real and personal property, with power to hold, use and operate such property for its purposes, and, without restricting the generality of the foregoing, may make all necessary replacements, renewals, betterments, additions, and extensions to the plant and equipment owned and operated by the Commission;

(c) enter into arrangements with any authority, government, municipal, local or otherwise that may be conducive to the attainment of its object, with power to carry on such activities and make such expenditures as may be necessary to carry out any commitment pursuant to such arrangements;

(d) draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading, warrants and other negotiable or transferable instruments;

(e) subject to the *Public Utilities Act* and regulations made pursuant thereto, invest and deal with the moneys of the Commission, not immediately required, in such securities and in such manner as may from time to time be determined by the Commission;

(f) enter into and upon any streets, roads, highways, squares or other places or any lands or premises and make such excavations and do

and perform such other work thereon as the Commission deems necessary or expedient to perform:

(g) perform any obligations pursuant to any agreement entered into by the Commission:

(h) deal with the title to any real or personal property owned by it in any manner whatsoever, and, without restricting the generality of the foregoing, sell, mortgage, lease or convey such real or personal property, including the whole of its undertaking;

(i) borrow such sum or sums of money as may be authorized and approved by the Minister and the Board, with power to secure repayment of such sums borrowed by a mortgage of all or any part of its real or personal property, and with further power to secure repayment of such sums by the issue of debentures that are payable as to principal and interest, if any, at such times and in such manner and over such period of time as the Commission determines.

(2) A certificate signed by the solicitor of the Commission to the effect that all necessary resolutions of the Commission have been duly and regularly passed authorizing a borrowing and that the borrowing has been authorized and approved by the Board and the fund, debentures or other documents securing repayment of the borrowing have been duly authorized, and have been properly executed is *prima facie* evidence of the facts stated therein.

(3) The Town may guarantee payment of principal and interest of each debenture issued by the Commission and the Mayor and the Clerk may execute the guarantee for and on behalf of the Town and affix the corporate seal of the Town thereto.

10 (1) The fiscal year of the Commission is the period from the first day of April in each year to the thirty-first day of March in the next following year.

(2) At or before each annual meeting of the Commission held pursuant to this Act the Treasurer of the Commission shall submit to the Commission a statement audited and signed by the auditor of the Commission showing the financial operations of the Commission for the previous fiscal year, and including statements showing

(a) the income of the Commission from all sources during the previous fiscal year;

(b) the expenditures of the Commission during the previous fiscal year, including provision for reserve for uncollectable accounts receivable and reserve for accounts not collected during the previous fiscal year;

(c) a revenue fund balance sheet as of the thirty-first day of March of the previous fiscal year;

(d) the capital and loan fund balance sheet as of the thirty-first day of March of the previous fiscal year;

(e) a continuity of the surplus or deficit accounts;

(f) such other information and accounts as the Treasurer may wish to submit or as the Commission or Council may request.

(3) The financial statements required by subsection (2) shall contain a certificate by the auditor of the Commission stating whether or not the auditor has obtained all the information and explanations required by the auditor and whether, in the auditor's opinion, the balance sheet and the statement of income and expenditures are properly drawn up so as to exhibit the true and correct financial position of the Commission according to the information and explanations given to the auditor and as shown by the books and records of the Commission.

11 The net profits of the Commission after providing for taxes, bond interest, debenture interest, sinking fund, depreciation and reserves ordered by the Board may, with the consent of the Minister, be paid over by the Commission to the Town for the general purposes of the Town.

12 Salaries, wages and other remuneration of the officers and employees of the Commission and all other expenses of the Commission are chargeable to the Commission's undertaking and shall be paid from the revenue derived therefrom.

13 The books, records and accounts of the Commission and of the Secretary or Treasurer or any officer thereof kept for the purposes of the Commission shall be opened, without fee, to the inspection at all reasonable times of any water user or any officer of the Town.

14 Chapter 109 of the Acts of 1918, An Act to Incorporate Public Service Commission of Bridgewater, is repealed.
