

# NANAIMO AND SOUTH WEST WATER SUPPLY ACT

## CHAPTER 25

*Assented to April 29, 2004*

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

### **Definitions**

**1** In this Act:

“**Nanaimo**” means the Corporation of the City of Nanaimo;

“**South West**” means the geographic area of the water district outside the geographic area of Nanaimo immediately before the dissolution of the water district;

“**water district**” means the Greater Nanaimo Water District incorporated under the *Greater Nanaimo Water District Act*.

### **Repeal of the *Greater Nanaimo Water District Act***

- 2** The *Greater Nanaimo Water District Act*, S.B.C. 1953 (2nd Session), c. 41, is repealed by regulation of the Lieutenant Governor in Council.

### **Transfer of service, assets and liabilities of the water district**

- 3** (1) On the date on which the *Greater Nanaimo Water District Act* is repealed,
- (a) the water supply service established under the *Greater Nanaimo Water District Act* is continued as a water supply service of Nanaimo,
  - (b) the water district is dissolved,

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- (c) the appointment of each member of the Administration Board and of each Commissioner, under the *Greater Nanaimo Water District Act*, is rescinded,
  - (d) all of the rights, real property and other assets of the water district are transferred to and vested in Nanaimo, and
  - (e) Nanaimo assumes all obligations and liabilities of the water district.
- (2) On the transfer under subsection (1) of the capital reserve fund established by the water district under section 44 of the *Municipalities Enabling and Validating Act (No. 2)*, Nanaimo
- (a) must place the assets of that capital reserve fund into a reserve fund of Nanaimo, and
  - (b) may use the reserve fund referred to in paragraph (a) only to acquire real property for the purposes of a park.
- (3) On and after the date on which the *Greater Nanaimo Water District Act* is repealed, a reference to the water district in any commercial paper, contract, lease, licence, permit or other instrument or document is deemed to be a reference to Nanaimo.

**Changes to Nanaimo's water supply service**

- 4** As a limitation on Nanaimo's authority under the *Community Charter*, Nanaimo may change the water supply service, continued under section 3 (1) (a) of this Act, in relation to the provision of bulk water in and to South West only in accordance with the regulations under this Act.

**Body to advise Nanaimo on water supply service**

- 5** (1) Unless, on or before the date on which the *Greater Nanaimo Water District Act* is repealed, Nanaimo has established a committee, commission or other body under the *Community Charter* that has as its primary purpose the purpose described in subsection (3) of this section, a body is deemed established under the *Community Charter* on the date of that repeal, composed of the members of the Administration Board under the *Greater Nanaimo Water District Act* whose appointments are rescinded under section 3 (1) (c) of this Act.
- (2) The application of the *Community Charter* to a body described in subsection (1), however established, is subject to this Act and the regulations under this Act.
- (3) If a body is deemed established under subsection (1), the primary purpose of the body is to provide advice to Nanaimo on the water supply service continued under section 3 (1) (a).
- (4) Section 287 (1) (q) of the *Local Government Act* applies in relation to a body described in subsection (1) of this section, however established, and its members.

**Power to make regulations**

- 6** (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.
- (2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:
- (a) establishing the conditions under which Nanaimo may make changes to the water supply service continued under section 3 (1) (a) in relation to the provision of bulk water in and to South West;
  - (b) respecting a body described in section 5 (1), however established, including, without limitation,
    - (i) the composition of the body and the manner of appointing its members,
    - (ii) prescribing purposes in addition to the purpose under section 5 (3) that the body must have, and
    - (iii) specifying powers, duties and functions that Nanaimo must delegate to the body;
  - (c) modifying or making an exception to any power or requirement under the *Community Charter* in relation to the water supply service continued under section 3 (1) (a) of this Act.
- (3) A regulation under this section may delegate a matter to and confer discretion on Nanaimo.
- (4) In the event of an inconsistency or conflict between a provision of this Act or its regulations and a provision of the *Community Charter* or the *Local Government Act* or their regulations, this Act and its regulations prevail.

**Transitional – power to grant certain powers under repealed Act**

- 7** (1) Without limiting section 6, the Lieutenant Governor in Council may make regulations conferring on Nanaimo for the purposes of this Act powers within the scope of the powers that the water district had under the *Greater Nanaimo Water District Act* immediately before its repeal.
- (2) Subsection (1) is repealed on the date that is 2 years after the date on which the *Greater Nanaimo Water District Act* is repealed.
- (3) Despite the repeal of subsection (1), regulations enacted under it continue in force until repealed by the Lieutenant Governor in Council.

**Transitional – water district bylaws deemed to be bylaws of Nanaimo**

- 8** The bylaws of the water district in force on the date that the *Greater Nanaimo Water District Act* is repealed are deemed to be bylaws of Nanaimo and, subject to this Act and the regulations, may be amended or repealed by Nanaimo in the same manner as other bylaws of Nanaimo dealing with the same subject matter.

**Consequential Amendments*****Municipal Finance Authority Act***

- 9** *The Municipal Finance Authority Act, R.S.B.C. 1996, c. 325, is amended*
- (a) in section 1 by repealing paragraph (a) of the definition of “regional district”, and*
- (b) by repealing section 25 (a).*

***Water Act***

- 10** *Section 7 (f) of the Water Act, R.S.B.C. 1996, c. 483, is amended by striking out “or the Greater Nanaimo Water District,”.*

**Commencement**

- 11** The provisions of this Act referred to in column 1 of the following table come into force as set out in column 2 of the table:

| Item | Column 1<br><b>Provisions of Act</b>         | Column 2<br><b>Commencement</b>                         |
|------|--|---|
| 1    | Anything not elsewhere covered by this table | The date of Royal Assent                                |
| 2    | Sections 9 and 10                            | The date that a regulation under section 2 takes effect |