

EC2020-485

**MUNICIPAL GOVERNMENT ACT  
RURAL MUNICIPALITY OF AFTON  
AND  
RURAL MUNICIPALITY OF BONSHAW  
AND  
RURAL MUNICIPALITY OF MEADOW BANK  
AND  
RURAL MUNICIPALITY OF NEW HAVEN-RIVERDALE  
AND  
RURAL MUNICIPALITY OF WEST RIVER  
RESTRUCTURING**

Having under consideration a proposal to restructure from the Rural Municipalities of Afton, Bonshaw, Meadow Bank, New Haven-Riverdale and West River made pursuant to subsection 15(2) of the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12 (hereinafter referring to as “the Act”);

AND having under consideration the report of the Island Regulatory and Appeals Commission issued under the authority of subsection 19(1) of the aforesaid Act;

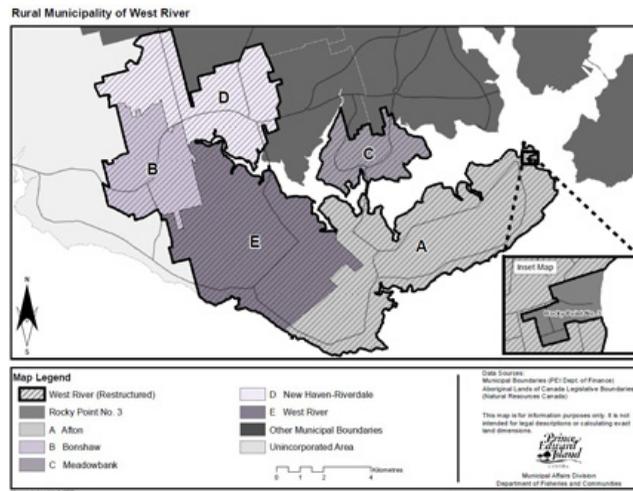
AND having under consideration the recommendation from the Minister of Fisheries and Communities made under the authority of section 20 of the aforesaid Act;

AND pursuant to section 21(1) of the aforesaid Act, Council ordered:

- 1) That the Rural Municipality of Afton, the Rural Municipality of Bonshaw, the Rural Municipality of Meadow Bank, the Rural Municipality of New Haven-Riverdale and the Rural Municipality of West River, with the exception of the whole extent of Rocky Point Indian Reserve No. 3 (as legally defined in the 1913 deed registered in the Indian Lands Registry System as No. X014587), be restructured to form one new municipality, effective September 1, 2020.
- 2) That the municipal boundaries of the restructured Rural Municipality of West River be the perimeter boundaries of the Rural Municipality of Afton, the Rural Municipality of Bonshaw, the Rural Municipality of Meadow Bank, the Rural Municipality of New Haven-Riverdale and the Rural Municipality of West River, with said boundaries being as originally described in a proclamation pursuant to:
  - a. The *Community Improvement Act* of 1968 concerning:
    - i. the establishment of the Rural Municipality of Afton effective July 11, 1974 with the exception of Rocky Point Indian Reserve No. 3 as mentioned in section 1;
    - ii. the establishment of the Rural Municipality of Meadow Bank effective July 25, 1974;
    - iii. the establishment of the Rural Municipality of New Haven-Riverdale effective October 3, 1974; and
    - iv. the establishment of the Rural Municipality of West River effective May 23, 1974.
  - b. The *Community Improvement Act* of 1974, concerning:
    - i. the establishment of the Rural Municipality of Bonshaw effective May 26, 1977.

- c. And as amended from time to time as shown in Figure 1.

Figure 1



- 3) That the restructured municipality be named the Rural Municipality of West River.
- 4) That the restructured Rural Municipality of West River is in the class of municipalities known as a rural municipality.
- 5) That this Order be filed in the Registry Office for Queens County by the Minister of Fisheries and Communities pursuant to subsection 21(3) of the Act.
- 6) That the Interim Council of the restructured Rural Municipality of West River shall consist of one mayor and 10 councillors pursuant to clause 21(2)(b) of the Act, selected from currently elected mayors and councillors.
- 7) That the Interim Council appointed pursuant to clause 21(2)(a) of the Act, shall be Helen Smith-MacPhail as mayor and Lori Ashley, Pam Baglole, Robert Clow, Stephen Gould, Sabrina Loughran, Shaun MacArthur, Aaron MacEachern, Sharon Slauenwhite, Chad Stretch, John Yeo as the 10 members of Council for the new Rural Municipality of West River and that this Interim Council shall serve until the next general municipal election in November 2022.
- 8) That pursuant to clause 22(1)(a) of the Act, any members of council of the former Rural Municipalities of Afton, Bonshaw, Meadow Bank, New Haven-Riverdale and West River who continue to reside in the restructured Rural Municipality of West River and who are not named as interim mayor or member of the Interim Council pursuant to paragraph 7, shall not continue on the Council of the restructured Rural Municipality of West River.
- 9) That the Interim Council shall determine the future size of council, then appoint an Electoral Boundaries Commission to recommend by August 2021, whether an open ward or population proportionate wards, is the best solution for the new Rural Municipality of West River. Following this report, the Interim Council for the municipality shall make a determination, by November 2021, with respect to the size of council under subsection 78(1) of the Act.
- 10) That the Interim Chief Administrative Officer shall be Kevin McCarville, and will serve until the Interim Council of the restructured Rural Municipality of West River appoints a Chief Administrative

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Officer in accordance with clause 86(2)(c) of the Act.

- 11) That each employee of the former Rural Municipality of Afton, Rural Municipality of Bonshaw, Rural Municipality of Meadow Bank, Rural Municipality of New Haven-Riverdale and Rural Municipality of West River shall continue on an “as needed” basis until December 31, 2020 to support the Interim Chief Administrative Officer.
- 12) That the restructured Rural Municipality of West River shall possess all the property, rights, privileges and franchises and is subject to all liabilities, contracts, disabilities and debts of each of the former Rural Municipality of Afton, Rural Municipality of Bonshaw, Rural Municipality of Meadow Bank, Rural Municipality of New Haven-Riverdale and Rural Municipality of West River.
- 13) That pursuant to clause 21(2)(d) of the Act, the following provisions apply to the restructured Rural Municipality of West River:
  - a. Until such time as the first elected Council of the restructured Rural Municipality of West River takes office, the Interim Council shall not act in respect of the following matters without the Chief Administrative Officer first obtaining written approval from the Minister of Fisheries and Communities:
    - i. the establishment and amendment of tax rates;
    - ii. the establishment and amendments of financial estimates;
    - iii. the establishment and amendment of capital and operating budgets;
    - iv. the sale and purchase of capital assets;
    - v. the approval and amendment of contracts;
    - vi. the establishment, amendment and repeal of bylaws under the Act; and
    - vii. the assumption of new liabilities.
  - b. Except where otherwise stated in this Order, the mandatory bylaws of the former Rural Municipality of Bonshaw shall apply to the entirety of the Rural Municipality of West River until such time as Council (interim or elected) amends or repeals said bylaws.
  - c. That the mandatory bylaws required under the Act adopted by the Rural Municipalities of Afton, Meadow Bank, New Haven-Riverdale and West River are repealed.
  - d. Except where otherwise stated in this Order, all discretionary bylaws continued or adopted pursuant to the Act shall remain in effect for each of the following former municipalities in which those bylaws were continued or adopted:
    - i. the former rural municipality of Afton;
    - ii. the former rural municipality of Bonshaw;
    - iii. the former rural municipality of Meadow Bank;
    - iv. the former rural municipality of New Haven-Riverdale; and
    - v. the former rural municipality of West River.

- e. Until such time as the Council for the Rural Municipality of West River adopts a remuneration bylaw pursuant to section 82 of the Act:
  - i. Interim councillors shall be entitled to \$750 and the interim mayor shall be entitled to \$1,000. This entitlement shall be paid annually by fiscal year and prorated as needed.
  - ii. The Rural Municipality of New Haven-Riverdale remuneration bylaw is repealed
  - iii. Elected members from the former Rural Municipalities of Afton, Bonshaw, Meadow Bank, New Haven-Riverdale and West River not continuing on the Interim Council shall be entitled to compensation under any respective bylaws adopted by those former municipalities up to and including August 31, 2020.
- f. That the Interim Council for the restructured Rural Municipality of West River shall comply with the requirements for a municipal emergency measures plan and program pursuant to subsection 14(c) of the *Municipal Government Act* by October 2022, subject to any extension issued under section 8 of the Act.
- g. That the elected council for the restructured Rural Municipality of West River shall comply with the requirement for a municipal planning services program pursuant to subsection 14(b) of the *Municipal Government Act* by December 2023, subject to any extension issued under section 8 of the Act.
- h. The Official Plan and Bylaws adopted pursuant to the *Planning Act* R.S.P.E.I 1988, Cap. P-8 within the boundaries of the Rural Municipality of New Haven-Riverdale shall remain in effect only within the boundaries to which they apply and the authority of the Minister of Agriculture and Land for land use planning and development control on the lands within the boundaries of the restructured Rural Municipality of West River that are not subject to the aforesaid Official Plan and Bylaws shall also continue to apply until such time as the new Official Plan and Bylaws are approved pursuant to the *Planning Act* by the Minister of Agriculture and Land.
- i. That at such time as a new Official Plan and Bylaws for the restructured Rural Municipality of West River are approved pursuant to the *Planning Act* by the Minister of Agriculture and Land, the authority for land use planning and development control on lands that rest with the Minister shall be transferred to the Rural Municipality of West River.
- j. If the need to conduct a by-election arises prior to the first general election in November 2022, this by-election will be conducted in accordance with the election bylaw of the Rural Municipality of Bonshaw. If the vacancy is for a councillor, the new member for the vacant seat will be elected from the population boundary of the former municipality of the vacated seat, so as to respect the initial formation of the Interim Council. If the vacancy is for the mayor, this election shall be conducted at large.
- k. That operation of the Afton Community Centre continue in accordance with the requirements set in the incorporating documents for the Afton Community Centre Board of Directors until such time as the Council for the restructured municipality decides otherwise.
- l. That operation of the Bonshaw Community Hall continue in accordance with the requirements set in the incorporating documents for the Bonshaw Community Hall Board of Directors until such time as the Council for the restructured municipality decides otherwise.

This Order-in-Council comes into force on September 1, 2020.