

UNEDITED

The Local Government Board (Temporary Special Powers) Act

being

Chapter 150 of *The Revised Statutes of Saskatchewan, 1953*
(effective February 1, 1954).

FOR HISTORICAL REFERENCE ONLY

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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SCHEDULE

CHAPTER 150

An Act to confer Certain Powers upon the Local Government Board

Short title

1 This Act may be cited as *The Local Government Board (Temporary Special Powers) Act*.

R.S.S. 1953, c.150, s.1.

Interpretation

2 In this Act:

“board”

1 “**board**” means the Local Government Board;

“local authority”

2 “**local authority**” means a rural municipality, village, rural school district, village school district, town school district where a portion thereof is situated in a town and in one or more of the rural municipalities or local improvement districts mentioned in schedules A and B, school unit, or rural telephone company.

R.S.S. 1940, c.141, s.2; 1945, c.45, s.2; 1950, c.43, s.2; R.S.S. 1953, c.150, s.2.

Power to make inquiry

3 The board shall have jurisdiction to inquire into the affairs of any local authority:

- (a) when requested by the Minister of Municipal Affairs;
- (b) when the local authority has, by resolution of the council, board of trustees or board of directors, made such a request;
- (c) when the creditors interested in at least twenty-five per cent of the indebtedness of the local authority request an inquiry; or
- (d) without any request, if the board thinks fit.

R.S.S. 1940, c.141, s.3; 1950, c.43, s.3; R.S.S. 1953, c.150, s.3.

Stay of proceedings

4(1) If the board decides that an inquiry shall be held, notice thereof shall be sent by mail to the local authority and a similar notice shall be inserted in *The Saskatchewan Gazette*.

(2) When notice of intention to hold an inquiry has been published in the *Gazette* the publication shall make this Act apply to the local authority mentioned in the notice and shall operate as a stay of all actions or proceedings pending against the local authority, or as a stay of execution, as the authority until the board orders that this section shall no longer apply.

(3) The board may at any time by order provide that no action or other proceeding shall be taken by the local authority to recover any sum due to it unless with the written authority of the board, and shall cause a notice of such order to be inserted in the *Gazette*. The publication of the notice shall operate as a stay of all actions or proceedings instituted or to be instituted by the local authority until the board orders that this subsection shall no longer apply and a notice of the order has been published in the *Gazette*.

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(4) The board may at any time by order provide that no action or other proceeding to acquire title to land by virtue of any tax sale or tax sales or pursuant to *The Tax Enforcement Act* shall be taken or continued by any person or persons and shall cause a notice of the order to be inserted in the *Gazette*. The publication of the notice shall operate as a stay of all actions and proceedings referred to in the order until the board otherwise orders and a notice of the last mentioned order has been published in the *Gazette*.

(5) Where the commencement of an action or the taking of any other proceeding is prevented or delayed by reason of the provisions of this section, the time during which, the prevention or delay continues shall not be computed for the purposes of any statute of limitations or any other Act or law limiting the time within which an action is required to be commenced or proceedings taken; but the person having the right of action or right to take another proceeding shall, upon the removal of the prevention or stay, have the same length of time within which to take action or proceed as he had when such prevention or stay came into operation.

R.S.S. 1940, c.141, s.4; R.S.S. 1953, c.150, s.4.

Power to make recommendations

5 If after inquiry, having regard to all the circumstances, the board is satisfied that it is expedient to do so, it may make such recommendations to the local authority and its creditors or any of them as the board deems fit for the relief of the local authority and for an adjustment of its debts.

R.S.S. 1940, c.141, s.5; R.S.S. 1953, c.150, s.5.

Orders of board

6 In dealing with the affairs of any local authority to which this Act is made to apply the board shall have power, under any one or more of the following clauses, to order:

- (a) the reduction of the whole or any portion of the principal amount of the existing debt;
- (b) the reduction of the whole or any portion of the interest due or accruing on the existing debt;
- (c) the consolidation of the whole or any portion of the existing debt;
- (d) the issue of debentures, notes or other forms of security, securing payment of the whole or any portion of the existing debt;
- (e) the issue of new debentures, notes or other forms of security in substitution and exchange for any outstanding debentures, accounts and any other indebtedness whatsoever;
- (f) the retirement and cancellation of the whole or any portion of outstanding debentures by the issue of new debentures, notes or other forms of security;
- (g) and fix the terms, conditions, places and times for exchange of new debentures, notes or other securities, for outstanding debentures or other securities;
- (h) the postponement of or variation in the terms, times and places of payment of the whole or any portion of the debenture debt and outstanding debentures and other indebtedness;

- (i) the postponement of or variation in the terms, times and places of payment of the whole or any portion of the interest on the whole or any portion of the debenture debt and outstanding debentures and other indebtedness;
- (j) the variation in the rates of interest on the whole or any portion of the debenture debt and outstanding debentures and other indebtedness;
- (k) the cancellation, increase, decrease or other variation in the levy and collection of any levy, rate or tax, rent or charge imposed to meet, pay and discharge any debenture debt, debentures or other indebtedness, and interest thereon, and to vary the basis, terms and times of payment thereof;
- (l) the creation and setting aside of special reserves out of any portion of the revenue of the local authority;
- (m) the ratification and confirmation of any agreement, arrangement or compromise entered into with its creditors or any of them respecting its debenture debt or other indebtedness or any portion thereof, and interest thereon;
- (n) the variation, amendment or cancellation of any order made under this section or of the terms of any agreement, arrangement or compromise ratified or confirmed by the board under this section;
- (o) the issue of debentures, notes or other forms of security without the passing of a bylaw therefor under notes or other forms of security without the passing of a resolution by the directors of the rural telephone company;
- (p) that a local authority shall offset any indebtedness to it by any person or by another local authority, by retention of moneys payable by it to such person or to such other local authority, as the case may require;
- (q) that a local authority may use such portion of its available funds as the board may specify for the purchase of debentures or debenture coupons, or both, heretofore or hereafter issued by another local authority, at such price or within such price limits and upon such conditions as the board directs.

R.S.S. 1940, c.141, s.6; 1945, c.45, s.3; 1950, c.43, s.4; R.S.S. 1953, c.150, s.6.

Submission of annual estimates

7(1) A local authority to which this Act is made to apply shall, while it so continues to apply, if the board so orders, submit annually to the board for revision and approval a statement of the annual estimates of expenditures of the local authority and also the rate or rates proposed to be struck for the then current year, and the board may alter or vary, increase or decrease such estimates or rates.

(2) Such estimates or rates shall not become effective nor shall any bylaw be passed by the local authority with respect thereto until they have been revised and approved by the board, but when so approved they shall be final and binding upon the local authority.

R.S.S. 1940, c.141, s.7; R.S.S. 1953, c.150, s.7.

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8(1) If the local authority applies the funds at its disposal other wise than as authorized by the board, the members of council, trustees or directors who vote for such application shall be jointly and severally liable for the amount diverted and the same may be recovered by the local authority by action in any court of competent jurisdiction.

(2) If the local authority, upon the request in writing of a ratepayer or shareholder or the holder of any of the debentures of the local authority, refuses or neglects for one month to bring an action therefor, the action may be brought either by any ratepayer or shareholder on behalf of himself and other ratepayers or shareholders or by any debenture holder.

(3) The members of council, trustees or directors who vote for such application as is mentioned in subsection (1) shall be disqualified from holding such office f or two years.

R.S.S. 1940, c.141, s.8; 1950, c.43, s.5; R.S.S. 1953, c.150, s.8.

Appointment of administrator

9(1) The board may recommend the removal from office of the council, board of trustees or board of directors of a local authority to which this Act has been made to apply and the appointment of an administrator for the local authority, and the Lieutenant Governor in Council may make an order accordingly and may fix the salary of the person appointed.

(2) An administrator appointed under subsection (1) shall have all the powers and may perform all the duties of the local authority and of all or any of the officials thereof, and shall be responsible for the performance to the board, whose orders and directions from time to time he shall carry out, and he may pay the expenses of administration out of the funds of the local authority.

R.S.S. 1940, c.141, s.9; R.S.S. 1953, c.150, s.9.

Power to adjust liabilities between local authorities

10 The board may by order, subject to such terms and conditions as it deems fit, provide for an adjustment of the liabilities of any local authority to another local authority, or of any person to any local authority, and any adjustment so ordered shall be final and binding upon the local authorities affected.

R.S.S. 1940 c.141, s.10; R.S.S. 1953, c.150, s.10.

Power to order discounts

11(1) The board may, subject to such terms and conditions as it may deem advisable, order any local authority to which this Act has been made to apply to grant a discount on arrears of taxes or current taxes, or both, and no such discount shall be granted by the local authority without the previous order of the board. The provisions of this subsection do not apply to rural telephone taxes.

(2) When a discount ordered under subsection (1) applies to public revenue taxes, wild land taxes or supplementary revenue taxes, or rates due to the Saskatchewan Municipal Hail Insurance Association, or taxes due to any school district or school unit, the local authority may charge to the Provincial Treasurer, hail insurance association or any school district or school unit affected a proportionate share of the amount of the discount.

R.S.S. 1940, c.141, s.11; 1950, c.43, s.6; R.S.S. 1953, c.150, s.11.

Form and contents of securities

12(1) Where debentures, notes or other forms of security are to be issued under this Act, the local authority may issue the same in such form as may be deemed expedient by the board, and the same may contain any special privilege of redemption and surrender.

(2) Subject to the approval of the board and upon such terms and conditions as the board may prescribe, the local authority may at any time give notice of its intention to redeem before maturity all or any of the debentures issued by it and all or any of the coupons thereto attached. The form and contents of such notice and the manner in which the notice shall be given shall be prescribed by the board. Upon the expiration of the time fixed by the notice for redemption of a debenture or coupon the same shall become redeemable by payment of the amount owing at the expiration of the time so fixed. From and after the date fixed for redemption interest on a debenture or coupon so called for redemption on such date shall cease, provided that if the local authority defaults in making such redemption interest shall accrue and be payable on such debenture or coupon as if notice of intention to redeem had not been given.

R.S.S. 1940, c.141, s.12; 1941, c.29, s.2; R.S.S. 1953, c.150, s.12.

Issue of rural telephone debentures

13(1) The board may by order provide for the issue of debentures by a rural telephone company to an amount sufficient to meet the requirements of the company in making payment of the indebtedness as adjusted by the board.

(2) Every such order shall contain an enumeration and description of all parcels of land that are to be charged with payment of the debentures, and any instalment still to accrue of debenture indebtedness outstanding and unpaid.

(3) Every such order shall contain opposite each parcel of land so enumerated the amount of the annual debenture levy to be charged against such parcel.

(4) A copy of such order certified as correct and attested by the signature of a member or the secretary of the board shall be mailed to:

- (a) the secretary of the rural telephone company;
- (b) the secretary treasurer of each of the rural municipalities in which any parcel of land enumerated in the order of the board lies;
- (c) the Department of Telephones.

(5) Where by reason of any charge under subsection (1) of section 10 of *The Drought Area Debt Adjustment Act, 1937*, or under subsection (3) of section 51 of *The Rural Telephone Act*, an obligation from a rural telephone company to a rural municipality has been created, the board may order the rural telephone company to pay to the rural municipality the amount of such obligation on such terms and in such manner as the board may decide, and the provisions of subsections (2), (3) and (4) of this section shall apply *mutatis mutandis* to such obligation and to such order and to levies thereunder.

R.S.S. 1940, c.141, s.13; 1941, c.29, s.3; R.S.S. 1953, c.150, s.13.

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Lands charged with repayment

14 Notwithstanding anything contained in *The Rural Telephone Act*, the lands so enumerated shall be charged with repayment of the debentures to the amount so indicated, and all telephone taxes previously levied may, if the board so orders, be cancelled.

R.S.S. 1940, c.141, s.14; R.S.S. 1953, c.150, s.14.

Debentures not part of debenture debt

15 Debentures ordered by the board to be issued under this Act in retirement of or exchange for outstanding debentures, accounts or any other indebtedness whatsoever shall not form part of the debt of the local authority within the meaning of any Act limiting its borrowing powers.

R.S.S. 1940, c.141, s.15; R.S.S. 1953, c.150, s.15.

Application of certain provisions

16 The provisions of *The Local Government Board Act*, *The Local Government Board (Special Powers) Act* and of any Act relating to a local authority to which this Act has been made to apply are, except in so far as inconsistent herewith, applicable hereto.

R.S.S. 1940, c.141, s.16; R.S.S. 1953, c.150, s.16.

SCHEDULE A

(Section 2)

- The Rural Municipality of Argyle No.1.
- The Rural Municipality of Mount Pleasant No.2.
- The Rural Municipality of Enniskillen No.3.
- The Rural Municipality of Coalfields No.4.
- The Rural Municipality of Estevan No.5.
- The Rural Municipality of Cambria No.6.
- The Rural Municipality of Souris Valley No.7.
- The Rural Municipality of Lake Alma No.8.
- The Rural Municipality of Surprise Valley No.9.
- The Rural Municipality of Happy Valley No.10.
- The Rural Municipality of Hart Butte No.11.
- The Rural Municipality of Poplar Valley No.12.
- The Rural Municipality of Lone Tree No.18.
- The Rural Municipality of Frontier No.19.
- The Rural Municipality of Storthoaks No.31.
- The Rural Municipality of Reciprocity No.32.

The Rural Municipality of Moose Creek No.33.
The Rural Municipality of Browning No.34.
The Rural Municipality of Benson No.35.
The Rural Municipality of Cymri No.36.
The Rural Municipality of Lomond No.37.
The Rural Municipality of Laurier No.38.
The Rural Municipality of the Gap No.39.
The Rural Municipality of Bengough No.40.
The Rural Municipality of Willow Bunch No.42.
The Rural Municipality of Waverley No.44.
The Rural Municipality of Mankota No.45.
The Rural Municipality of Glen McPherson No.46.
The Rural Municipality of White Valley No.49.
The Rural Municipality of Reno No.51.
The Rural Municipality of Antler No.61.
The Rural Municipality of Moose Mountain No.63.
The Rural Municipality of Brock No.64.
The Rural Municipality of Tecumseh No.65.
The Rural Municipality of Griffin No.66.
The Rural Municipality of Weyburn No.67.
The Rural Municipality of Brokenshell No.68.
The Rural Municipality of Norton No.69.
The Rural Municipality of Key West No.70.
The Rural Municipality of Excel No.71.
The Rural Municipality of Lake of the Rivers No.72.
The Rural Municipality of Stonehenge No.73
The Rural Municipality of Wood River No.74.
The Rural Municipality of Pinto Creek No.75.
The Rural Municipality of Auvergne No.76
The Rural Municipality of Wise Creek No.77.
The Rural Municipality of Grassy Creek No.78.
The Rural Municipality of Arlington No.79.
The Rural Municipality of Hazelwood No.94.
The Rural Municipality of Golden West No.95.
The Rural Municipality of Fillmore No.96.

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The Rural Municipality of Wellington No.97.
The Rural Municipality of Elmsthorpe No.100.
The Rural Municipality of Terrell No.101.
The Rural Municipality of Lake Johnstone No.102.
The Rural Municipality of Sutton No.103.
The Rural Municipality of Gravelbourg No.104.
The Rural Municipality of Glen Bain No.105.
The Rural Municipality of Whiska Creek No.106.
The Rural Municipality of Lac Pelletier No.107.
The Rural Municipality of Bone Creek No.108.
The Rural Municipality of Carmichael No.109.
The Rural Municipality of Piapot No.110.
The Rural Municipality of Maple Creek No.111.
The Rural Municipality of Chester No.125.
The Rural Municipality of Montmartre No.126.
The Rural Municipality of Francis No.127.
The Rural Municipality of Baildon No.131.
The Rural Municipality of Hillsborough No.132.
The Rural Municipality of Rodgers No.133.
The Rural Municipality of Shamrock No.134.
The Rural Municipality of Lawtonia No.135
The Rural Municipality of Coulee No.136.
The Rural Municipality of Swift Current No.137.
The Rural Municipality of Webb No.138.
The Rural Municipality of Gull Lake No.139.
The Rural Municipality of Big Stick No.141.
The Rural Municipality of Bitter Lake No.142.
The Rural Municipality of Caron No.162.
The Rural Municipality of Wheatlands No.163
The Rural Municipality of Chaplin No.164.
The Rural Municipality of Morse No.165.
The Rural Municipality of Excelsior No.166.
The Rural Municipality of Saskatchewan Landing No.167.
The Rural Municipality of Riverside No.168.
The Rural Municipality of Pittville No.169.

The Rural Municipality of Fox Valley No.171
 The Rural Municipality of Enterprise No.172.
 The Rural Municipality of Dufferin No.190
 The Rural Municipality of Marquis No.191.
 The Rural Municipality of Eyebrow No.193.
 The Rural Municipality of Enfield No.194.
 The Rural Municipality of Vermilion Hills No.195.
 The Rural Municipality of McKillop No.220.
 The Rural Municipality of Sarnia No.221
 The Rural Municipality of Craik No.222.
 The Rural Municipality of Huron No.223.
 The Rural Municipality of Maple Bush No.224.
 The Rural Municipality of Canaan No.225.
 The Rural Municipality of Victory No.226.
 The Rural Municipality of Miry Creek No.229.
 The Rural Municipality of Clinworth No.230.
 The Rural Municipality of Happyland No.231.
 The Rural Municipality of Deer Forks No.232.
 The Rural Municipality of Last Mountain Valley No.250.
 The Rural Municipality of Big Arm No.251.
 The Rural Municipality of Arm River No.252.
 The Rural Municipality of Willner No.253.
 The Rural Municipality of Lorebum No.254.
 The Rural Municipality of Coteau No.255.
 The Rural Municipality of King George No.256.
 The Rural Municipality of Newcombe No.260.
 The Rural Municipality of Royal Canadian No.261.
 The Rural Municipality of Mantario No.262.
 The Rural Municipality of Wreford No.280.
 The Rural Municipality of Wood Creek No.281.
 The Rural Municipality of McCraney No.282.
 The Rural Municipality of Rosedale No.283.
 The Rural Municipality of Rudy No.284.
 The Rural Municipality of Fertile Valley No.285.
 The Rural Municipality of Hillsburgh No.289.

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The Rural Municipality of Kindersley No.290.
 The Rural Municipality of Elma No.291.
 The Rural Municipality of Milton No.292.
 The Rural Municipality of Dundum No.314.
 The Rural Municipality of Montrose No.315.
 The Rural Municipality of Harris No.316.
 The Rural Municipality of Marriott No.317
 The Rural Municipality of Oakdale No.320.
 The Rural Municipality of Prairiedale No.321.
 The Rural Municipality of Antelope Park No.322.
 The Rural Municipality of Vanscoy No.345.
 The Rural Municipality of Perdue No.346
 The Rural Municipality of Biggar No.347.
 The Rural Municipality of Hearts' Hill No.352.
 The Rural Municipality of Eye Hill No.382.
 Local Improvement Districts Numbers 13, 14, 15, 16, 17, 20, 21, 22, 43, 47, 48, 50,
 52, 80, 81, 82, 112, 140, 170, 227.

SCHEDULE B

(Section 2)

The Rural Municipality of Maryfield No.91.
 The Rural Municipality of Walpole No.92.
 The Rural Municipality of Wawken No.93.
 The Rural Municipality of Caledonia No.99.
 The Rural Municipality of Kinglsey No.124.
 The Rural Municipality of Lacadena No.228.
 The Rural Municipality of Pleasant Valley No.288.
 The Rural Municipality of Lost River No.313.
 The Rural Municipality of Mountain View No.318.
 The Rural Municipality of Blucher No.343.
 The Rural Municipality of Bushville No.348.
 The Rural Municipality of Grandview No.349.
 The Rural Municipality of Mariposa No.350.
 The Rural Municipality of Progress No.351.

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The Rural Municipality of Rosemount No.378.

The Rural Municipality of Reford No.379.

The Rural Municipality of Tramping Lake No.380.

The Rural Municipality of Grass Lake No.381.

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