

Bill No. 53 of 1946.

A BILL TO AMEND THE MUNICIPAL DISTRICT ACT

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NOTE.

Section 1 of the Bill amends paragraph (c) of subsection (1) of section 17 of the above Act by the addition thereto of certain words. The present paragraph (c) authorizes the Minister by order to establish electoral divisions and define their areas or alter in any way the area of any division in any municipal district, and the addition proposed extends this authority to authorize the Minister to reduce the number of divisions by merging two divisions or by other changes which may be decided upon.

Section 25 of the Act now requires that the selection of the place where the municipal office is to be situate requires the approval of the Minister; the amendment made by section 2 of the Bill removes this requirement.

Section 3 of the Bill cures an oversight.

Section 4 of the Bill enacts a new section 132. The present section provides that the council shall consist of six councillors or such other number as the Minister may direct. Difficulties have arisen in the conduct of business of some councils where the number of councillors is an even number and the change is made for that reason.

Section 5 of the Bill enacts a new section 146a which provides for a representative of a school division which is included wholly or partially in the municipal district attending meetings of the council and taking part in discussions relating to school matters. As the revenues of school divisions come from requisitions on municipalities which are required to levy the amounts of the requisitions, this amendment is considered desirable and has been agreed upon by both the Departments of Municipal Affairs and Education. A corresponding provision is proposed to be put in *The School Act* enabling a representative of a municipal council to attend meetings of a divisional board.

Section 6 of the Bill adding a new subsection (10) to section 164 enables a council to pay the councillor appointed to attend a divisional board meeting pursuant to the new section 165a the fee and expenses mentioned.

Section 7 of the Bill enacts a new section 165a and provides for the appointment by the council of a member to attend divisional board meetings.

The amendment to section 180 made by section 8 of the Bill adds to the duties of the secretary-treasurer set out in

section 180 the duties set out in three new paragraphs which are all in connection with the interchange of representatives at meetings between municipal districts and school divisions.

Section 9 of the Bill strikes out section 200 and enacts a new section 200. The present section provides that no expenditures under sections 198, 199 and 200 in any one year shall exceed Two Thousand Dollars unless they are authorized by a vote of the proprietary electors. The new section requires that in any case where the proposed expenditure under sections 198, 199 and 200 exceeds Ten Thousand Dollars, the by-law must be submitted to the proprietary electors and approved by a majority of those voting. In other cases the by-law must be advertised and if ten per cent of the proprietary electors ask by petition that it be referred to the proprietary electors, it must be so submitted and be approved by a majority of those voting.

Section 10 of the Bill proposes a new section 250a which authorizes a council to purchase, construct and operate an electric light, heat, power, natural gas or gas plant and to enter into agreements for the transmission and distribution by a municipal plant of electricity, etc. supplied by some other person or corporation. Provision is made for the approval by the Board of Public Utility Commissioners of the by-law and also for the approval of two-thirds of the proprietary electors voting thereon.

Section 251 of the Act which is amended as to subsection (10) by section 11 of the Bill deals with the responsibility of the municipality for the relief of indigents. Subsection (10) deals with cases where a council grants relief to a non-resident and provides for recovery over against the municipality of which the indigent is a resident. Where he is a resident of an improvement district, recovery over is, under the present section, against the Minister of Municipal Affairs. However, the administration of indigent relief in improvement districts is now under the Minister of Public Welfare, and the amendment transfers the responsibility in such cases under subsection (10) to the last mentioned Minister.

Section 12 of the Bill amends subsection (1) of section 321 of the Act. That subsection provides for the imposition by a council subject to the approval of the Minister of Municipal Affairs, of a minimum tax of four dollars for school purposes payable by all residents of the district who are twenty-one years of age. The amendment removes the restriction requiring the approval of the Minister.

Section 13 of the Bill amends the form of oath to be taken at municipal elections by a person whose name is not on the list. Persons not on the assessment roll require a residence of six months in the district to be entitled to vote and the new form added is for the benefit of service men who, while they did not actually lose their residence by joining

the armed forces, might hesitate to take the oath as to six months residence after an absence of sometimes five and six years.

The Order in Council validated by section 14 amended, subject to validation by the Legislature, the form of oath as set out in section 13 and is declared to have been in force since the date of its passing, December 11th, 1945.

W. S. GRAY,  
*Legislative Counsel.*

*(This note does not form any part of the Bill but is offered in explanation of its provisions.)*

# BILL

No. 53 of 1946.

An Act to amend The Municipal District Act.

(Assented to \_\_\_\_\_, 1946.)

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

**1.** *The Municipal District Act*, being chapter 151 of the Revised Statutes of Alberta, 1942, is hereby amended as to section 17 by adding immediately at the end of paragraph (c) of subsection (1) thereof the words "or change the number of electoral divisions by combining any two or more divisions or by adding a portion of a division to another division or divisions or otherwise, and declare that the term of office of any member of the council representing a division which has been merged with another division or divisions shall be deemed to have expired".

**2.** The said Act is further amended as to section 25 by striking out the words "and approved by the Minister" where the same occur therein.

**3.** The said Act is further amended as to section 30 by striking out the words "the assessment roll of the municipal district", and by substituting therefor the words "that portion of the voters' list prepared under the provisions of subsection (1) of section 28".

**4.** The said Act is further amended as to section 132 by striking out the same and by substituting therefor the following:

"**132.** The council of every municipal district shall consist of such number of councillors, being an odd number, as the Minister may by written order from time to time direct, and the members of the council shall be elected in the manner set out in Part III."

**5.** The said Act is further amended by adding immediately after section 146 thereof the following new section:

"**146a.** Notwithstanding any other provisions of this Act, the Board of Trustees of a school division which is included, in whole or in part, in a municipal district may from time to time appoint one of their number to attend council meetings, and any person so appointed shall have the right to

take part in all discussions pertaining to school matters, but shall not have voting privileges and shall receive no remuneration from the municipal district council.”

**6.** The said Act is further amended as to section 164 by adding immediately at the end thereof the following new subsection:

“(10) The council may pass a resolution for paying any member or members of the council who are appointed to represent the municipal district at a meeting or meetings of the Board of Trustees of any school division or school divisions, a sum not exceeding six dollars per diem for each councillor for each such meeting and ten cents for every mile necessarily travelled in coming to and returning from any such meeting, provided, however, that no payment shall be made to any person in respect of more than twelve meetings in any one year.”

**7.** The said Act is further amended by adding immediately after section 165 thereof the following new section:

“**165a.**—(1) The council shall annually as soon as practicable after a first or general election, by resolution appoint a member of the council to represent the municipal district at meetings of the Board of Trustees of each school division which may be in whole or in part within the boundaries of the municipal district, and may by the same resolution appoint another member of the council who may represent the municipal district as aforesaid if the first named member is unable to attend.

“(2) In the event that an administrator has been appointed in the place of the council under any of the provisions of *The Department of Municipal Affairs Act*, the administrator shall represent the municipal district at meetings of the Board of Trustees of any school division, provided, however, that in the event of the administrator being unable to attend any such meeting he may by resolution appoint the secretary-treasurer to attend a meeting or meetings of the Board of Trustees of the school division or school divisions.”

**8.** The said Act is further amended as to section 180 by adding immediately after paragraph (g) thereof the following new paragraphs:

“(g 1) advise the secretary-treasurer of the divisional board as soon as practicable of the names of the members of the council appointed pursuant to section 165a to represent the municipal district at board meetings;

“(g 2) advise the councillor or councillors appointed to attend the meetings of the board of any school division of the date, place and time of each such meeting and of the matters to be dealt with at any such meeting;

“(g 3) advise the secretary-treasurer of the board of any school division situate in whole or in part within the

boundaries of the municipal district, and the representative of any such board appointed pursuant to section 275 (s) of *The School Act*, of the date, time and place of all meetings of the council and of the matters to be dealt with at any such meeting, and shall forward a copy of the minutes of meetings of the council in so far as such minutes deal with matters of interest to the secretary-treasurer of the divisional board;”.

9. The said Act is further amended as to section 200 by striking out the same and by substituting therefor the following:

“200.—(1) Every council may pass a by-law authorizing the acquisition of rights-of-way or easements or other similar interests in land for the use of the municipal district:

“Provided, however, that if it is proposed that an expenditure or liability be made or incurred in any one year under the provisions of this section or of sections 198 and 199 so as to cause the expenditure or liability under those sections in that year to be in excess of Ten Thousand Dollars before the by-law is finally passed it shall be submitted to a vote of the proprietary electors and receive the approval of a majority of the proprietary electors voting thereon, and the provisions of sections 342 to 352, both inclusive, shall *mutatis mutandis* apply to the taking of the vote and the proceedings prior to and subsequent to the taking of the vote.

“(2) If the proposed expenditure or liability under this section and sections 198 and 199 in any one year does not exceed Ten Thousand Dollars, notice of the proposed by-law shall be posted up for a period of not less than thirty days in at least fifteen conspicuous places in the municipal district, one of which shall be the office of the secretary-treasurer of the district, and there shall also be inserted in a newspaper of general circulation in the municipal district a notice to the following or the like effect:

“Public notice is hereby given that there has been introduced in the council of..... a by-law of which the following is a short synopsis: (here insert short synopsis of by-law), and that a copy of the same may be seen in each of the following places: (here insert a list of the places at which the by-law may be seen), and further, that unless within thirty days from the publication of this notice at least ten per cent of the proprietary electors of the municipal district petition the council to submit such by-law to the vote of the proprietary electors of the municipal district, the council will proceed to pass the same.”

“(3) If no such petition as is mentioned in subsection (2) is received by the council or by the secretary-treasurer within thirty days of the publication of the said notice, the council may proceed to finally pass the by-law.

“(4) If such a petition is received within the said period of thirty days from ten per cent of the proprietary electors of the municipal district asking that the by-law be submitted to

a vote of the proprietary electors of the district, it shall be so submitted, and the provisions of sections 342 to 352, both inclusive, shall *mutatis mutandis* apply to the taking of the vote and the proceedings prior to and subsequent to the taking of the vote.

“(5) The by-law referred to in subsection (4) shall not be finally passed by the council until it has been approved by a majority of the proprietary electors voting thereon.”

**10.** The said Act is further amended by adding immediately after section 250 thereof the following new section:

“**250a.**—(1) The council may by by-law authorize the acquisition, purchase, leasing, construction, extension, reconstruction, holding, maintaining and operating within or partly within and partly without the boundaries of the municipal district of any electric light, heat, power, natural gas or gas plant and may by by-law authorize the reeve and secretary-treasurer of the municipal district to enter into an agreement or agreements with any other municipality, person or corporation for the purpose of transmitting or distributing electric light, heat, power, natural gas or gas between a plant operated pursuant to the by-law and a plant of such other municipality, person or corporation carrying on similar operations.

“(2) Any by-law passed pursuant to the provisions of subsection (1) may provide for the distribution within the boundaries of the municipal district of electric light, heat, power, natural gas or gas, and may also provide that the council may bill all persons served thereby and collect all accounts owing for the supply of such utilities as debts owing to the municipal district, and may also make provision for the making of contracts by the council with such persons on such terms as the council may deem proper.

“(3) Immediately after the first reading of any such by-law authorized by subsection (1), it shall be submitted to the Board of Public Utility Commissioners for approval, which approval shall be a condition precedent to the final passing of the by-law.

“(4) If the by-law is approved by the Board of Public Utility Commissioners, it shall before it is finally passed, be submitted to a vote of the proprietary electors and receive the approval of two-thirds of the proprietary electors voting thereon, and the provisions of sections 342 to 352, both inclusive, shall apply to the taking of the vote and the proceedings prior to and subsequent to the taking of the vote.”

**11.** The said Act is further amended as to section 251 by striking out the word “Minister”, where the same occurs in subsection (10) thereof, and by substituting therefor the words “Minister of Public Welfare”.

**12.** The said Act is further amended as to section 321 by striking out the words “Subject to the approval of the Minister” where the same occur at the beginning of subsection (1) thereof.

**13.** The said Act is further amended as to Form R in the Schedule by adding immediately at the end thereof the following:

“Or

“You do swear (or solemnly affirm) that you are a British subject of the full age of twenty-one years; that you are or were (as the case may be) a member of His Majesty’s Forces in the war just concluded; that at the time of joining the said Forces you were a resident of Division No. .... in the Municipal District of ..... No..... and that you are now a resident of the said Division.

SWORN (or affirmed) before }  
me at the..... }  
of..... in the }  
Province of Alberta, this }  
.....day of..... }  
19..... }

.....  
*A Commissioner for Oaths, J.P. or N.P.”*

**14.** A certain Order in Council dated the 11th day of December, 1945, and intituled O.C. 1992-45, is hereby ratified, validated and confirmed.

**15.** This Act shall come into force on the day upon which it is assented to, and upon so coming into force, section 13 shall be deemed to have been in force at all times since the 11th day of December, 1945.



THIRD SESSION  
**TENTH LEGISLATURE**

10 GEORGE VI

1946

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**BILL**

An Act to amend The Municipal  
District Act.

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. GERHART.

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EDMONTON:  
A. Shnitka, King's Printer.  
1946