

Bill No. 64 of 1947.

A BILL TO INCORPORATE THE BANFF  
FOUNDATION

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NOTE.

This Bill proposes to create a corporation distinct from the University whose objects are set out in detail in section 6. The Foundation is to be governed by Trustees (section 4), who shall be the President of the University, the Chairman of the Board of Governors and the Chancellor of the University, together with such persons as may be appointed or elected as provided in the Act (section 5).

Section 7 provides as follows: The Trustees for the time being (at first only the *ex officio* trustees) shall from time to time appoint additional trustees until six are appointed. These hold office for a term of three years and shall be eligible for another such term but after that will not be eligible until after the expiration of a year. After the first term of office has expired all trustees, other than the *ex officio* trustees, shall be elected by a majority vote of the trustees present at a duly called meeting.

Section 12 authorizes the Board of Governors of the University to guarantee the performance by the Foundation of any contract entered into by it and to pay the reasonable expenses of the Foundation.

By section 13 it is provided that no action may be brought against the trustees or any of them without the consent of the Attorney General.

Section 14 exempts the property of the Foundation from taxation.

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. 64 of 1947.

An Act to Incorporate the Banff Foundation.

(Assented to , 1947).

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

1. This Act may be cited as "*The Banff Foundation Act*."

2. In this Act unless the context otherwise requires,—

- (a) "Foundation" means the Banff Foundation;
- (b) "Governors" means the Board of Governors of the University of Alberta;
- (c) "Property" means real and personal property;
- (d) "University" means the University of Alberta.

3. There is hereby created under the name of "The Banff Foundation" a corporation which shall be a body politic and corporate having perpetual succession and the right to use a common seal.

4. The Foundation shall be governed and managed by its trustees hereinafter called "the Trustees" who shall comprise the members of the Corporation.

5. The trustees shall be the following persons holding office by virtue of their respective offices and during their tenure thereof;

- (a) The President of the University;
- (b) The Chairman of the Board of Governors of the University;
- (c) The Chancellor of the University;

together with such persons as may be appointed or elected trustees as hereinafter provided.

6. The objects of the Foundation shall be,—

- (a) to receive and hold by gift, devise, transfer or otherwise, property for any object or purpose of the Banff School of Fine Arts of the University of Alberta upon such trusts and conditions as to the trustees may seem proper and as may be approved by the Governors, and to administer any such property in accordance with such trusts and conditions;

- (b) to transfer any of its property whether real or personal to the Governors upon such terms not inconsistent with such trusts and conditions as it may deem expedient;
- (c) subject to the trusts and conditions upon which they are held, to invest and reinvest any funds of the Foundation in securities authorized by law for the investment of trust funds or as may be directed by the donor;
- (d) to apply any property of the Foundation to or expend the income therefrom for any purpose or object of the University subject to the trusts and conditions upon which such property and the income therefrom may be held;
- (e) to enter into such contracts as may be necessary, desirable or expedient to give effect to such trusts and conditions.

7.—(1) The Chairman of the Board of Governors of the University shall be the chairman of the trustees and shall call a meeting of the *ex officio* trustees within three months after the coming into force of this Act.

(2) The trustees for the time being shall from time to time appoint additional trustees until six such trustees have been appointed.

(3) Such trustees shall hold office for a term of three years from the date of their appointment or until their successors are elected.

(4) Thereafter all trustees other than the *ex officio* trustees shall be elected for a term of three years by majority vote of those present at a duly called meeting of the trustees.

(5) No trustee elected or appointed other than the *ex officio* trustees who has held office for six consecutive years shall be eligible for re-election until after the expiration of one year.

(6) Vacancies caused by death, resignation or otherwise among the trustees other than the *ex officio* trustees shall be filled by elections in similar manner, for the unexpired term of office of the persons dying, resigning or otherwise ceasing to be members.

(7) No person who is a member of the full time academic staff of the University shall be eligible for appointment or election as a trustee.

8. A majority of the trustees for the time being shall constitute the quorum required for a meeting of the trustees.

9. The trustees shall have power to make by-laws, rules or regulations for,—

- (a) the adoption of a common seal;
- (b) the appointment, functions, duties and removal of all agents, officers and servants and their remuneration;

- (c) the time and place for the meetings of the trustees, and the procedure to be followed at such meetings;
- (d) the general conduct in every particular of the affairs of the Foundation;
- (e) the amendment or repeal of any such by-laws, rules or regulations.

**10.—**(1) The trustees may, at any time, delegate any of their powers to committees consisting of such of the trustees, and of such other persons, as the trustees deem advisable, and may from time to time withdraw such delegated powers.

(2) Any committee so formed shall, in the exercise of the powers so delegated, conform and be subject to such directions, restrictions, and regulations, if any, as are from time to time imposed upon it by the trustees.

**11.** The principal office of the Foundation shall be located at the City of Edmonton, in the Province of Alberta.

**12.** The Governors shall pay the reasonable expenses of and incidental to the conduct and administration of the Foundation.

**13.** No action shall be brought against the trustees or any of them on account of anything done or omitted in the execution of their office nor against the Foundation without the consent of the Attorney General for Alberta first had and obtained.

**14.** The property vested in the Foundation shall not be liable to taxation for provincial, municipal or school purposes but shall be exempt from every description of taxation.

**15.** This Act shall come into force on the day upon which it is assented to.

No. 64

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FOURTH SESSION  
TENTH LEGISLATURE

11 GEORGE VI

1947

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**BILL**

An Act to Incorporate The Banff  
Foundation.

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. MANNING.

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EDMONTON:  
A. Shnitka, King's Printer  
1947