

REPRINTED BILL

Bill No. 50 of 1950.

A BILL TO PROVIDE FOR THE ESTABLISHMENT OF LOCAL GOVERNMENT UNITS TO BE KNOWN AS COUNTIES.

NOTE.

This Bill enacts a new Act to be known as "*The County Act*".

Section 3 provides that the number of counties to be formed under this Act shall not exceed four. The Lieutenant Governor in Council may proceed to form a county in accordance with the provisions of the Act only after receiving a request from a municipality or from a school division which is in that proposed county. Four years after any county has been established a plebiscite of the electors must be conducted to determine whether they are in favour of the constitution of the county or whether they desire to revert to the previous form of government.

Section 4 enables the Lieutenant Governor in Council to establish in any area of the Province local government units to be known as counties. The order in council may incorporate into any county all or part of any existing municipality, school division or municipal hospital district and alter the boundaries of the areas included for the purpose of providing a common boundary for the county and any municipality, school division or municipal hospital district included in the county. The order in council will also fix the number of councillors to be elected to the county council and establish electoral divisions within the county. The formation of the county is effective on the first day of January following publication of the order in council.

Section 5 provides that upon publication of the order forming a county the Minister of Education in the case of school divisions, or of Municipal Affairs in the case of municipalities, or of Health in the case of municipal hospital districts, shall proceed to divide and apportion the assets and liabilities of any school division, municipality or municipal hospital district that is partly included in the county.

Section 6 provides that the governing body of each county shall be a county council. Upon the formation of the county the Minister fixes the dates for nominations, for elections and for the first meeting of the county council when elected, and does all other things necessary to provide for the conduct of the elections.

Section 7 provides that the provisions relating to elections in *The Municipal District Act* will apply in so far as they are applicable.

Section 8 provides that on the effective date of the establishment of the county each included municipality, school division and municipal hospital district ceases to exist and the county council acquires sole jurisdiction within the county. On this date all powers and duties formerly exercised by any municipality, school division or municipal hospital district which is included are vested in the county council. Also, all property and other assets and liabilities apportioned to the county under the provisions of section 5 are vested in the county.

Sections 9 and 10 provide for the election of a chairman of the county council who is vested with all the rights and powers of the reeve of a municipal district, the chairman of a board of trustees of a school division and the chairman of a board of trustees of a municipal hospital district.

Section 11 vests in the county council all the powers and duties of the council or board of a municipality, school division or municipal hospital district.

Section 12 authorizes the council to appoint a secretary-treasurer who shall be vested with all the rights and powers of the secretary-treasurer of a municipal district, school division or municipal hospital district and to appoint such other officials as may be required to assist the secretary-treasurer and to provide for the efficient conduct of the business of the county council and any of its committees.

Section 13 provides for the appointment of three committees, a municipal committee, a school committee and a hospital committee. Not less than three members of the council are to be appointed to each of these committees.

Section 14 provides that the school committee and the hospital committee may each co-opt the services of not more than three electors who are willing to act as members of the committee.

Section 15 provides that members shall be appointed to the school committee and to the hospital committee to represent towns and villages which are deemed to be included in the county for school purposes or hospital purposes. The total number of members on either of these committees shall not exceed seven including at least three councillors not more than three members representing towns and villages and not more than three co-opted members.

Section 16 provides that where a school division is included in a county and the division contains a school district which includes a town or village, the town or village is deemed to be included in the county for school purposes and is entitled to be represented on the school committee. In the case of such a school district that has been constituted a separate subdivision of the school division pursuant to

the provisions of *The School Act*, it may nominate an elector of the town or village to the school committee of the council. In the case of other school districts containing a town or village which have not been constituted a separate subdivision they are also entitled to representation on the school committee. However, the total number of members on the school committee representing towns and villages is restricted to three. If the number of towns and villages included in a county for school purposes exceeds three those in school districts that have not been constituted separate subdivisions are represented on the school committee in rotation from year to year in such a manner that the total number of such members never exceeds three.

Section 17 makes similar provision for representation on the hospital committee of towns and villages which are included in the county for hospital purposes.

Section 18 provides that a majority of the members of any committee shall be elected members of the county council. On any committee each member cop-opted and each member representing a town or village has the same rights and powers and receives the same remuneration and expenses as other members of the committee.

Sections 19 to 21 set out the powers and duties of the municipal, school and hospital committees. Generally each of these committees exercises all the powers of the county council except the power to borrow money, pass a by-law or to do such other things as may be reserved to the county council either by by-law or by order of the Lieutenant Governor in Council. Each of the committees prepares its estimates and submits them to the county council which finally adopts the budget for the county. The portion of the budget approved for each committee is expended under the jurisdiction of that committee. The school and hospital committees calculate the amount of the requisition to be made upon the council of any town or village which is deemed to be included in the county for school purposes or hospital purposes. The county council submits the requisition to the council of the town or village in the same manner as is provided in *The School Act* or *The Municipal Hospitals Act*, as the case may be, in so far as the said enactments are applicable.

The provisions of *The Municipal District Act*, in so far as they can be made applicable and are not inconsistent with this Act, apply to every county.

The Lieutenant Governor in Council is empowered to make such rules, regulations and orders as he deems necessary to properly carry out the purposes of this Act.

KENNETH A. MCKENZIE,
Acting Legislative Counsel.

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

REPRINTED BILL

BILL

No. 50 of 1950.

An Act to provide for the Establishment of Local Government Units to be Known as Counties.

(Assented to _____, 1950.)

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

Short Title.

1. This Act may be cited as "*The County Act*".

Interpretation.

2. In this Act, unless the context otherwise requires,—
 - (a) "Minister" means the Minister of Municipal Affairs;
 - (b) "municipality" means any municipal district, improvement district or special area;
 - (c) "school division" includes a school district other than a separate school district.

Formation of Counties.

3.—(1) The number of counties to be formed pursuant to the provisions of this Act shall not exceed four.

(2) The Lieutenant Governor in Council may proceed to form a county in any area pursuant to the provisions of section 4 only after receiving a request to do so from a municipality or from a school division which is wholly or partly within the said area.

(3) Immediately after the expiration of four years from the date of the formation of any county the county council shall conduct a plebiscite of the electors to determine whether they are in favour of the continuation of the county or whether they desire to revert to the previous form of government.

(4) The Lieutenant Governor in Council shall make such regulations and orders and shall do all things necessary to give effect to the decision of the electors as determined by the plebiscite.

4.—(1) The Lieutenant Governor in Council from time to time by order may,—

- (a) establish in any area a local government unit to be known as "The County of, No.....," and fix its boundaries;
- (b) incorporate into any county the whole or any part of any existing municipality, school division or municipal hospital district that is within the boundaries of the county;
- (c) alter the area of any municipality, school division or municipal hospital district for the purpose of providing a common boundary for the county and any municipality, school division or municipal hospital district included in the county;
- (d) fix the number of councillors to be elected to the county council, which number shall be an odd number not in excess of eleven;
- (e) establish electoral divisions within the county and define their areas.

(2) Every such order shall be published in *The Alberta Gazette* and shall become effective upon the first day of January in the year following the publication of the order.

(3) The publication of the order shall be conclusive evidence of the legal formation of the county and of the fulfilment of all the conditions precedent thereto.

5.—(1) Upon publication of the order the Minister,—

- (a) of Education in the case of school divisions;
- (b) of Municipal Affairs in the case of municipalities;
- (c) of Health in the case of municipal hospital districts;

shall proceed to divide and apportion the assets and liabilities of any school division, municipality or municipal hospital district that is partly included in a county.

(2) Each such Minister may give such orders and directions as may be necessary to give effect to his decisions.

(3) The decisions of each such Minister shall be final and there shall be no appeal therefrom.

6.—(1) The governing body of each county shall be a county council to be known as "The Council of the County of (naming the same), No.".

(2) Upon the publication of the order and prior to the effective date of the establishment of the county the Minister by written order shall,—

- (a) fix a date on which nomination shall take place for members of the county council;
- (b) fix a date for the elections;
- (c) make all other necessary arrangements for the conduct of the elections;
- (d) fix a date for the first meeting of the county council.

7. At the first election of the county council and at every subsequent election the election of members, the persons entitled to vote, preparation of a voters' list and all other matters or things in connection therewith, shall be governed by the provisions of *The Municipal District Act* in so far as they are applicable.

8. Upon the effective date of the establishment of the county,—

- (a) each municipality, school division and municipal hospital district that is wholly included within the county shall cease to exist and its council or board shall cease to have or exercise any jurisdiction, power, duty or function;
- (b) the council or the board of any municipality, school division or municipal hospital district that is partly included within the county shall cease to exercise any jurisdiction over that part that is included within the county;
- (c) all rights, powers, privileges, duties and functions belonging to or appertaining to or exercised by any municipality, school division or municipal hospital district wholly or partly included or by its board or council shall be deemed to be vested in the county or the county council, as the case may be, and the county council shall have sole jurisdiction within the county;
- (d) all properties and all other assets and liabilities that belong to each municipality, school division and municipal hospital district that is wholly included within the county shall be vested in the county;
- (e) all properties and all other assets and liabilities that have been divided pursuant to the provisions of section 5 and apportioned to the county shall be vested in the county;
- (f) all remedies that were available for the collection of any taxes due a municipality or school district shall be available to the county in all respects as though such taxes and arrears had been due to it.

Powers and Duties of the County Council.

9. The county council at its first meeting in each year shall elect a chairman from among its number.

10. The chairman shall be the chief executive officer of the county and shall be vested with all the rights, duties, privileges and powers of,—

- (a) the reeve of a municipality;
- (b) the chairman of the board of trustees of a school division; and
- (c) the chairman of the board of a municipal hospital district.

11. Except as otherwise provided by this Act the county council shall have and exercise all the rights, powers, privileges, duties and functions conferred on,—

- (a) a council by the provisions of *The Municipal District Act* in respect of municipal matters;
- (b) a board of trustees of a school division by the provisions of *The School Act* in respect of school matters;
- (c) a board by the provisions of *The Municipal Hospitals Act* in respect of municipal hospital matters.

12. The council shall appoint,—

- (a) a secretary-treasurer who shall be vested with all the rights, duties, privileges and powers of,—
 - (i) the secretary-treasurer of a municipal district;
 - (ii) the secretary-treasurer of a school division; and
 - (iii) the secretary-treasurer of a municipal hospital district;
- (b) such other officials as may be required to assist the secretary-treasurer and to provide for the efficient conduct of the business of the county council and any of its committees.

Appointment of Committees.

13.—(1) A county council, at its first meeting in each year, shall appoint not less than three members of the council, one of whom shall be designated as the committee chairman, to each of the following committees,—

- (a) the municipal committee;
- (b) the school committee; and
- (c) if a municipal hospital district has been included, the hospital committee.

(2) A county council may appoint such other committees as are deemed necessary.

14. The school committee and the hospital committee may each co-opt the services of not more than three electors who are willing to act as members of the committee.

15.—(1) Members shall be appointed to the school committee and to the hospital committee to represent towns and villages which are deemed to be included in the county for school purposes or hospital purposes as provided in sections 16 and 17.

(2) The total number of members on the school committee or on the hospital committee shall not in any case exceed seven including,—

- (a) at least three members of the council appointed by the council;

- (b) not more than three members representing towns and villages;
- (c) not more than three members.

16.—(1) In the event that all or part of a school division included in a county contains a school district which includes a town or village such town or village,—

- (a) shall be deemed to be included in the county for school purposes; and
- (b) shall be represented on the school committee in accordance with the following provisions.

(2) On any such school district that has been constituted a separate subdivision of the school division pursuant to the provisions of *The School Act*, the board of trustees of the school district may nominate annually an elector of the town or village who shall be appointed by the county council to be a member of the school committee.

(3) In any such school district, other than a school district mentioned in subsection (2), the board of trustees of the school district may nominate an elector of the town or village annually, subject to the provisions of subsection (4), who shall be appointed by the county council to be a member of the school committee.

(4) In the event that the number of school districts referred to in subsections (2) and (3) exceeds three the county council shall arrange for the representation of the towns or villages included in the school districts referred to in subsection (3) in rotation from year to year in such a manner that the total number of members representing towns and villages appointed under both subsections (2) and (3) does not exceed three.

17.—(1) In the event that all or part of a municipal hospital district included in any county contains a town or village, such town or village,—

- (a) shall be deemed to be included in the county for hospital purposes; and
- (b) shall be represented on the hospital committee in accordance with the following provisions.

(2) The council of the town or village may nominate annually an elector of the town or village who shall be appointed by the county council to be a member of the hospital committee.

(3) Notwithstanding the provisions of subsection (1), in the event that the number of towns and villages referred to in subsection (1) exceeds three the county council shall arrange for the representation of the towns or villages that are deemed to be within the county for hospital purposes in rotation from year to year in such a manner that the total number of members representing towns and villages appointed to the hospital committee does not exceed three.

18.—(1) At all times a majority of the members of any committee shall be elected members of the county council.

(2) Not more than half the members of the county council shall be members of any one committee.

(3) On any committee each member co-opted and each member representing a town or village shall have the same rights, privileges and powers and shall receive the same remuneration and expenses for attendance at meetings of the committee as the other members of the committee.

Powers and Duties of Committees.

19.—(1) The municipal, school and hospital committees shall have and exercise on behalf of the county council all the duties and powers that are conferred upon or exercised by a council or a board under the provisions of *The Municipal District Act*, *The School Act* or *The Municipal Hospitals Act*, as the case may be, except the powers,—

- (a) to borrow money;
- (b) to pass a by-law;
- (c) to do such other things as may be reserved from time to time to the county council by by-law;
- (d) to do such other things as may be designated from time to time by the Lieutenant Governor in Council.

(2) Each committee may exercise or perform its powers and duties in like manner and with the same effect as if the powers were exercised or the duties were performed by the county council.

(3) Subject to the limitations and reservations mentioned in subsection (1), the chairman of each committee may exercise or perform the rights, duties, privileges and powers of,—

- (a) the reeve of a municipality; or
- (b) the chairman of the board of trustees of a school division; or
- (c) the chairman of the board of a municipal hospital district;

as the case may be, in like manner and with the same effect as if the same were exercised or performed by the chairman of the county council.

20.—(1) The municipal, school and hospital committees shall submit their individual estimates to the county council in each year.

(2) The county council shall consider and review the estimates and may reduce or increase the estimates of any committee or may return the estimates to the committee for revision.

(3) The county council shall finally adopt the budget for the county.

(4) The portion of the budget of the county approved for each committee shall be administered and expended under the jurisdiction of that committee.

21.—(1) The school committee and the hospital committee in preparing their estimates shall calculate the amount of the requisition to be made upon the council of any town or village which is deemed to be included in the county for school purposes or hospital purposes, as the case may be.

(2) The provisions of *The School Act* or *The Municipal Hospitals Act*, as the case may be, in so far as they are applicable, shall govern the preparation of the estimates and the calculation and payment of the requisitions.

(3) The county council, when it has adopted the budget for the county, shall send the requisitions to the councils of the towns or villages contributing for school purposes or hospital purposes.

General.

22. Whenever in any Act reference is made to a municipal district, improvement district, special area, school division, municipal hospital district, municipality or local authority, or the board or council of any such district or local authority, in the case of a county it shall be deemed to be a reference to the county or the county council or one of the committees of the county council provided for herein, as the case may be.

23. The provisions of *The Municipal District Act*, in so far as they are not inconsistent with this Act, shall apply in their entirety to every county.

24. The Lieutenant Governor in Council from time to time may make such rules, regulations and orders, not inconsistent with the provisions of this Act, as he deems necessary for the proper carrying out of the purposes thereof.

25. This Act shall come into force on the first day of July, 1950.

REPRINTED BILL

No. 50

THIRD SESSION
ELEVENTH LEGISLATURE
14 GEORGE VI
1950

BILL

An Act to Provide for the Establish-
ment of Local Government Units
to be Known as Counties.

Received and read the

First time

Second time

Third time

HON. MR. GERHART.
