

No. 57

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4th Session, 13th Legislature, Alberta  
6 Elizabeth II, 1958

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**BILL 57**

A Bill to amend The County Act

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HON. MR. HOOKE

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Printed by L. S. WALL, Printer to the Queen's Most Excellent Majesty,  
Edmonton, Alberta, 1958

## Explanatory Note

**2.** It is now required by the Act that a plebiscite of the electors of the county be held four years after the formation of a county to determine whether the electors favour the continuation of the county form of government or not. This amendment will dispense with the need to hold such a plebiscite unless the vote is required by petition of ten per cent or more of the electors. Subsection (2) presently reads:

"(2) Immediately after the expiration of four years from the date of the formation of a 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."

**3.** In some areas of the Province the boundaries of a proposed county and school districts within school divisions are not co-terminous. This amendment is to permit a county to include within it rural school districts lying outside the county. Subsection (1) of section 4 begins:

"4. (1) The Lieutenant Governor in Council from time to time by order may establish in any area a local government unit to be known as "The County of ..... No. ....", may fix its boundaries and by the order establishing the county may,".

# BILL

No. 57 of 1958

An Act to amend The County Act

(Assented to \_\_\_\_\_, 1958)

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

**1.** *The County Act*, being chapter 64 of The Revised Statutes of Alberta, 1955, is hereby amended.

**2.** Section 3 is amended by striking out subsection (2) and by substituting the following:

“(2) Immediately after the expiration of four years from the date of the formation of the county, the county council shall

“(a) post up and keep posted for a period of not less than thirty days a notice in Form 1 in the Schedule or to the like effect in not less than fifteen conspicuous places in the county, one of which shall be the office of the secretary-treasurer, and

“(b) insert in a newspaper of general circulation in the county at least once during the period in which the notice is required to be kept posted under clause (a) a notice in Form 1 in the Schedule or to the like effect.

“(2a) If, within the period during which under subsection (2) the notice in Form 1 is required to be kept posted, a petition is received from at least ten per cent of the proprietary electors of the county requesting that the question of whether the electors of the county are in favour of the continuation of the county or are in favour of reverting to the previous form of government be submitted to a vote of the electors, the county council shall immediately notify the Minister thereof and shall conduct a plebiscite to determine the question.”.

**3.** Section 4, subsection (1) is amended by inserting immediately after clause (a) the following clause:

“(a1) incorporate into any county for school administrative purposes only one or more rural school districts situate wholly or partly outside the boundaries of the county,”.

**4.** The purpose of this amendment is to permit the election of councillors for a proposed county before the county actually comes into existence so that upon the county being established there would be a council available to run the county immediately without the need for an administrator for the period from the establishment of the county to the election of councillors, as at present.

**5.** Ordinarily, after the formation of a county, the next election for councillors in a town or village within the county area would be in October, at which time the town and village representatives on the county school committee would be elected. This amendment will permit representatives to be appointed until the annual town and village elections are held so that there will be no need for either a special election or a vacancy in respect of the representation of towns and villages on school committees.

**6.** "17a". This amendment makes provision for the case of a municipal district and school division, whose boundaries are not co-terminous, being formed into a county following in boundaries the area of the municipal district. In such a case, the area of the school division outside the county area would have representation on the county school committee as here provided.

4. Section 8 is amended by adding immediately after subsection (2) the following:

“(3) When the order of the establishment of the county is published before the tenth day of October in any year and becomes effective on the first day of January of the year next following, the Minister may by order in writing make or authorize the making of all necessary arrangements for the holding and conducting of an election of members of the council of the proposed county before the date of the actual establishment of the county.

“(4) The councillors elected pursuant to an order under subsection (3) shall not be sworn into office before the date of the actual establishment of the county.

“(5) Notwithstanding the provisions of any other Act, the councillors elected pursuant to an order under subsection (3) shall, for the purposes of determining their term of office, be deemed to have been elected on the date they are sworn into office pursuant to subsection (4).”.

5. Section 17 is amended by adding immediately after subsection (6) the following subsection:

“(7) Where the electors of a town or village are empowered by subsection (2), (3) or (4) to elect a representative to the school committee of the county, the council of the town or village may, in the first year after the formation of the county, or in the year 1958 if the county had been established before the year 1958, appoint a person with the qualifications required by subsection (5) to be the representative of the town or village on the school committee until a representative has been duly nominated and elected under subsection (2), (3) or (4) at the next regular election held in the town or village for members of the town or village council pursuant to *The Town and Village Act*.”.

6. The following sections are added immediately after section 17:

“17a. (1) Where a school division that has been incorporated into a county does not have a common boundary with the county so that an area of the school division lies outside the boundaries of the county, that area of the school division lying outside the county boundaries shall for the purposes of section 17, be deemed to be a town and entitled to representation on the school committee of the county in accordance with subsection (2), (3) or (4) of section 17, as the case may be.

“(2) Notwithstanding subsection (1), the election of representatives to the school committee for an area of a school division lying outside the boundaries of the county shall be held and conducted under and pursuant to sections 132 to 145 of *The School Act*, and not under or pursuant to *The Town and Village Act*.

"17b". The purpose of this clause is to remove the need to appoint representatives of summer villages to the school committee.

**7.** In some cases a school district situated within an improvement district may be included in a county for school administration purposes. This amendment will provide for requisitions for school estimates being sent to the Minister of Municipal Affairs in such cases. Subsection (1) presently reads:

"23. (1) The school committee in preparing its estimates shall calculate the amount of the requisition to be made upon the council of a town or village that is deemed to be included in the county for school purposes."

Subsection (3) presently reads:

"(3) When the county council has adopted the budget for the county it shall send the requisition to the council of the towns or villages contributing for school purposes."

**8.** This amendment will permit a county to purchase, erect and equip an administrative office without recourse to money by-laws. At the present time a county is limited for such purposes to ten thousand dollars or five mills on the net total assessment of the county for an office. Beyond that amount the approval of the electors is required. This power and limitation arises under The Municipal District Act. Also, at present, for school administrative offices the county need not refer to the electors but must, under The School Act obtain the approval of the Minister of Education. Since the county offices will be in one central administrative building, it is required to give a county power without reference to other Acts, to expend moneys for such purpose.

**9.** This form required because of the amendment to be made to the Act by clause 2 of this Bill.

**10.** Commencement of Act.

**“17b.** In sections 16 and 17 the term “villages” or “village” does not include a summer village created under authority of section 23 of *The Town and Village Act.*”.

**7.** Section 23 is amended

- (a) as to subsection (1) by adding at the end thereof the words “and upon the Minister of Municipal Affairs in the case of all or any part of an improvement district that is deemed to be included in the county for school purposes”,
- (b) as to subsection (3) by adding at the end thereof the words “and to the Minister of Municipal Affairs in the case of an improvement district contributing for school purposes”.

**8.** The following section is added immediately after section 27:

**“27a.** If authorized by a by-law in that behalf, a council of a county may, without the approval of the proprietary electors, acquire land for the purpose of erecting thereon a county administrative office and acquire or build and furnish and equip a county administrative office, and the council may defray the costs thereof from the general revenues of the county.”.

**9.** The following Schedule is added immediately after section 29:

SCHEDULE

FORM 1

(Section 3)

PUBLIC NOTICE

Public notice is hereby given that the county of..... No. .... was erected as at January 1st, 19..... and has now been operative for a period of four years, and further that unless within thirty days from the first publication of this Notice at least ten per cent of the proprietary electors of the County petition the council to 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, the County system of government will continue in effect in the County of.....No.....

**10.** This Act comes into force on the day upon which it is assented to.

FOURTH SESSION

THIRTEENTH LEGISLATURE

6 ELIZABETH II

1958

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**BILL**

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. HOOKE

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