

No. 75

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

BILL 75

A Bill to Provide for Assistance to Municipalities

HON. MR. HOOKE

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Edmonton, Alberta, 1958

Explanatory Note

General. This Bill will repeal and replace *The Municipal Assistance Act*, being chapter 212 of *The Revised Statutes of Alberta, 1955*. The present Act provides for a municipal assistance fund created from one-half of the annual revenue from the fuel oil tax for the preceding year, and for that fund to be divided into two separate funds, an urban fund and a rural fund in the proportion that the urban and rural population bear to the total population of all municipalities in the Province as determined by the latest Dominion census returns. The present Act is felt to be defective in three respects:

There is a five-year interval between census returns and the population figures used tend to become inaccurate in the intervening years.

With the rapid growth of urban areas and decline in population of rural areas, the allotment of grants tends to become less equitable.

The largest shares of the fund tend to go to the larger urban municipality measured by population and the larger rural area measured by assessments without regard to their need or to their ability to pay their way.

Under this Bill the limitation on the fund is abolished and the Bill provides for an appropriation to the fund created hereunder. There will be no division of the fund between urban and rural municipalities as each municipality would receive a portion of the total amount available as a grant based on the need and on the ability of the municipality to pay its way as determined by population and per capita assessment.

Under this Act no municipality would receive less than it received in 1957 until such time as it is able to qualify for that amount or more under the new formula. But however, should there be a decrease in the fund generally in these years, the guaranteed minimum would be reduced proportionately so that other municipalities would not be subsidizing the guaranteed municipalities.

BILL

No. 75 of 1958

An Act to Provide for Assistance to Municipalities

(Assented to , 1958)

HER 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 Municipalities Assistance Act*".

2. In this Act,

- (a) "fund" means the Municipal Assistance Fund established under this Act;
- (b) "Minster" means Minister of Municipal Affairs;
- (c) "municipality" means a city, town, village, county, municipal district, improvement district, and special area and includes a school district situate in a national park;
- (d) "proper officer" means any official of a municipality designated by the council of a municipality and in the case of an improvement district or special area, any official designated by the Minister.

3. (1) The Provincial Treasurer shall establish a fund to be known as the Municipal Assistance Fund.

(2) In each year the Provincial Treasurer shall pay into the fund the amount appropriated therefor by the Legislature.

4. (1) On or before the fifteenth day of May in each year the proper officer of each municipality shall forward by registered mail to the Minister an affidavit setting out the population, the assessment and such other relevant information pertaining to the municipality as may be required by the Minister.

(2) The population figure shall be compiled from population figures obtained by any one of the following methods:

- (a) by the taking of an actual census of the municipality before the tenth day of May in the year in which the census return is submitted to the Minister;

- (b) by stating the population figure obtained as the result of an actual census having been taken by the municipality in any year following the year 1956 and before the year in which the census return is submitted; or
- (c) by adopting the population figure of the municipality according to the 1956 Dominion census.

(3) The assessment figures submitted shall be the assessment of land, buildings and improvements for taxation purposes of the municipality as listed in the assessment roll at the thirty-first day of December of the preceding year.

(4) If in any year a municipality neglects or refuses to submit to the Minister a return before the fifteenth day of May giving the required information, then for the purpose of the distribution of the fund the population for that municipality shall be deemed to be the population as shown in the 1956 Dominion census, the assessments shall be deemed to be the assessment as shown in the audited financial statement of the municipality for the preceding year as submitted to the Minister and the other relevant information shall be obtained from the records of the Department of Municipal Affairs.

(5) The provisions of clauses (b) and (c) of subsection (2) and subsections (3) and (4) shall not be applied to any municipality in respect of which the Minister has reason to believe that an appreciable decline in population or assessment has occurred before the calculation of the grants from the fund in any year and, in any such case, not later than the fifteenth day of April in any year, the Minister shall notify the municipality

- (a) that he requires either the municipality to comply with clause (a) of subsection (2) or to submit an affidavit of the proper officer of the municipality in support of the assessment figures submitted to him, or he may require both compliance with clause (a) of subsection (2) and the submission of the affidavit aforesaid, and
- (b) that if clause (a) of subsection (5) is not complied with, the municipality shall not participate nor be entitled to participate in the distribution of grants under this Act.

(6) Where a municipality has been incorporated after the distribution of the grants of the preceding year and before the calculation of the grants of the current year and the population figures for the municipality do not appear in the 1956 Dominion census,

- (a) the population of the municipality shall be determined in accordance with clauses (a) or (b) of subsection (2) or, in the case of counties, municipal districts, improvement districts or spe-

cial areas may be determined by the Minister in accordance with the township populations as listed in the 1956 Dominion census,

- (b) the assessment applicable to the calculation of the grant in the first year for municipalities as provided for by this subsection shall be the assessment of lands, buildings and improvements as transferred to it and as shown on the assessment roll of the municipality or municipalities of which it formerly was a part, and
- (c) at the discretion of the Minister, the population and assessment figures applicable to the calculation of the grant to any municipality shall in all cases be subject to adjustment in accordance with the addition or withdrawal of lands.

(7) The population figures that are to be used in calculating the grant to a summer village shall be one-quarter of the figure produced by multiplying the number of taxable parcels of land on which buildings are situate by the average size of Alberta families according to the 1956 Dominion census.

(8) The population figures and assessment figures that are to be used in calculating the grant to the city of Lloydminster shall be the figures applicable to that portion of the city within the boundaries of Alberta.

5. (1) In each year the Provincial Treasurer shall pay out of the fund to municipalities grants in the amounts established in accordance with a formula prepared pursuant to this section.

(2) The Minister may, for the purposes of grants under this Act, prepare a formula which may be based on such factors as he considers necessary to establish in an equitable manner the need of each municipality for economic assistance and without limiting the generality of the foregoing, the Minister in preparing a formula may take into consideration the area, population, the assessments of land, buildings and improvements in the municipality, and such other facts as he may deem relevant.

(3) The formula as prepared under subsection (2) shall be in a form that will assure to each municipality at least the amount of grant received by the municipality in the year 1957 under the terms of *The Municipal Assistance Act*.

(4) Where the appropriation for the fund is more or less than the appropriation for the previous year, the amount assured under subsection (3) shall be adjusted in the same proportion as the appropriation differs from the appropriation of the preceding year, but in no case shall the amount of a grant to a municipality assured of a minimum grant under subsection (3) be increased by reason merely of the adjustment.

(5) The assured amount provided for by subsections (3) and (4) shall be applicable to a municipality until such time as the grant, as determined by the formula, is equal to or in excess of the assured amount, whereupon and thereafter the provisions of subsections (3) and (4) do not apply to that municipality.

6. The Lieutenant Governor in Council may make regulations

- (a) governing matters relating to the administration of this Act, and
- (b) providing for any matter or thing deemed necessary or advisable to facilitate the carrying out of the provisions of this Act according to their intent.

7. A grant made pursuant to this Act is unconditional as to its use and the council of the municipality in its discretion,

- (a) may utilize it for the reduction of municipal, school or hospital taxes, or
- (b) may expend it for any other purpose within the powers of the municipality.

8. *The Municipal Assistance Act*, being chapter 212 of The Revised Statutes of Alberta, 1955, is hereby repealed.

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

No. 75

FOURTH SESSION

THIRTEENTH LEGISLATURE

6 ELIZABETH II

1958

BILL

An Act to Provide for Assistance to
Municipalities

Received and read the

First time

Second time

Third time

HON. MR. HOOKE
