

REPRINTED BILL

No. 30

4th Session, 14th Legislature, Alberta
10 Elizabeth II

BILL 30

A Bill to Provide for the Merger of Municipal and School
Administration in Cities and Towns

HON. MR. HOOKE

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No. 30 of 1962

An Act to Provide for the Merger of Municipal and School Administration in Cities and Towns

(Assented to _____, 1962)

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 Municipal and School Administration Act*".

2. (1) Subject to the approval of the electors, the municipal and school administration in a city or town may be merged in the manner hereinafter provided.

(2) This Act does not apply with respect to

- (a) a separate school district, or
- (b) a consolidated school district, or
- (c) a city or town school district that is included within a county or a school division.

3. (1) The council of a city or town,

- (a) shall, upon receipt of a petition so requesting and signed by whichever is the lesser of five per cent or five hundred of the proprietary electors,
- (b) shall, upon receipt of a resolution so requesting from the board of trustees of the city or town school district, and
- (c) may, upon its own resolution, submit to the vote of the electors of the city or town a question in the following form:

Are you in favour of merging the municipal administration of the City of..... (or the Town of.....) with the school administration of the..... Public School District No. for a trial period of four years, after which a further plebiscite will be taken to decide whether the merged form of administration is to continue?

(2) The question shall be submitted to the vote of the electors on the day determined under *The City Act* or *The Town and Village Act*, as the case may be, for the next annual or general election in the city or town, or if

- (a) the request pursuant to clause (a) or (b) of subsection (1) is received, or
- (b) the resolution under clause (c) of subsection (1) is passed,

less than thirty days before the date for the next annual or general election, then on the date for the annual or general election in the next following year.

- (3) The vote on the question shall be held,
 - (a) in the case of a city, in accordance with Part V of *The City Act*, and
 - (b) in the case of a town, in accordance with Part VI of *The Town and Village Act*.

4. (1) If a majority of the electors voting vote in favour of the merger, the council shall apply to the Lieutenant Governor in Council for an order merging the administration of the city or town with the administration of the school district.

(2) An application under subsection (1) shall be made before the first day of December in the year in which the vote is held.

5. (1) Upon receipt of an application under section 4, the Lieutenant Governor in Council may merge the functions of the board of trustees of the school district with the functions of the council of the city or town.

(2) An order under this section is effective on the first day of January of the year following the date of the order.

(3) An order under this section shall be published in the *Gazette*.

6. (1) Upon the effective date of the order,

- (a) the members of the council together with the members of the board of trustees holding office immediately before such date become and constitute the council of the city or town,
- (b) the mayor of the city or town continues to hold the office of mayor, and
- (c) the chairman of the board of trustees becomes and holds the office of chairman of the school committee,

until the first meeting of the council elected pursuant to section 8, notwithstanding that the terms of office for which they were elected have not elapsed.

(2) The members of the council who were school trustees immediately before the effective date of the order shall constitute the school committee of the council until such time as their successors are appointed.

(3) The first meeting of the council shall be held on the third day of January following the effective date of the order.

7. (1) Upon the effective date of the order

- (a) all the property and all other assets and liabilities of the school district become vested in the city or town,
- (b) the board of trustees of the school district ceases to exist, and
- (c) except as otherwise provided by this Act, the council of the city or town has and shall exercise in respect of school matters all the rights, privileges and powers, duties and functions conferred by *The School Act* on the board of trustees of a school district.

(2) The city or town continues to be a corporate body and to be governed in municipal matters by *The City Act* or *The Town and Village Act*, as the case may be, with the same boundaries and with the same name.

(3) After the effective date of the order, no election for school trustees shall be held under *The School Act* until such time as an order is made under section 18 re-establishing a board of trustees for the city or town school district.

(4) Where the municipal and school administration in a city are merged pursuant to this Act,

- (a) a ward system as provided in Part IV. A of *The City Act* may not be established in the city, and
- (b) if the ward system is in effect in the city at the time of the merger, the by-law establishing the system is suspended,

until such time as an order is made under section 18 re-establishing the forms of local government existing in the city before the merger.

8. (1) On the day determined under *The City Act* or *The Town and Village Act*, as the case may be, for the first annual or general election after the effective date of the order, the council shall proceed to hold an election,

- (a) in the case of a city, for a mayor and for the full number of aldermen authorized for the city, as determined under section 21 of *The City Act*, and
- (b) in the case of a town, for a mayor and for the full number of councillors authorized for the town, as determined under section 41 of *The Town and Village Act* or section 9 of this Act.

(2) The dates of nomination and election, the method of election, the eligibility of persons to vote, the preparation of the list of electors, and all other matters connected with the election shall be governed by the provisions of *The City Act* or *The Town and Village Act*, as the case may be, in so far as they are applicable.

(3) An election held pursuant to this section shall be deemed to be an annual or general election, but the deter-

mination of the terms of office of the elected aldermen or councillors,

- (a) in the case of a city, shall be as provided in sections 93 and 94 of *The City Act*, and
- (b) in the case of a town, shall be as provided in section 102 of *The Town and Village Act*, unless a by-law has been passed pursuant to section 9 of this Act, in which case the terms of office shall be determined as therein provided.

9. (1) Where the municipal and school administration in a town are merged pursuant to this Act, the council may by by-law increase the number of councillors to an even number not exceeding ten, and may by by-law decrease the number of councillors to an even number not less than six.

(2) Every by-law passed under this section takes effect so as to be applicable to the next ensuing general election for councillors, and the councillors in office on the date the by-law is passed hold office only until the new council meets, notwithstanding that the terms of office for which they were elected have not elapsed.

(3) Where the number of councillors is increased to eight,

- (a) the three candidates first in order of nomination in case no poll is held or the three candidates who stand first, second and third in the voting in the event of a poll being held, shall hold office for three years,
- (b) the three candidates next in order of nomination in case no poll is held or the three candidates who are fourth, fifth and sixth in the voting in the event of a poll being held, shall hold office for two years, and
- (c) the remaining candidates shall hold office for one year.

(4) Where the number of councillors is increased to ten,

- (a) the four candidates first in order of nomination in case no poll is held or the four candidates who stand first, second, third, and fourth in the voting in the event of a poll being held, shall hold office for three years,
- (b) the three candidates next in order of nomination in case no poll is held or the three candidates who are fifth, sixth and seventh in the voting in the event of a poll being held, shall hold office for two years, and
- (c) the remaining candidates shall hold office for one year.

10. (1) Any areas that are within the boundaries of the school district but are not within the boundaries of the city or town, are part of the city or town for the pur-

poses of school administration only, and the whole area, except as this Act otherwise provides, shall be governed by *The School Act*.

(2) If the number of pupils resident in such areas outside the boundaries of the city or town comprise five per cent or more of the total number of resident pupils of the school district, the electors of the public school district in all those areas, combined, may elect one representative to be appointed to the school committee pursuant to section 11.

(3) The nomination and election of a representative shall be held at the same time and place and by the same returning officer and conducted in the same manner as the nomination and election of council members, except as to the qualifications for nomination and for voting which shall be as provided in section 110 of *The School Act*.

(4) The restrictions, and the exceptions thereto, set out in

(a) sections 97 and 98 of *The City Act*, or

(b) sections 108 and 109 of *The Town and Village Act*, as the case may be, apply to the eligibility for election and the right to sit and vote as a representative.

(5) The term of office of a representative shall be for a period of two years commencing,

(a) in the case of a city, on the fourth Monday following nomination day, and

(b) in the case of a town, on the fifth Monday following the fourth Wednesday in September.

(6) A representative

(a) has the same rights, duties, responsibilities, privileges and powers as the other members of the school committee in school matters,

(b) may attend the meetings of the council when the business before the council is the annual estimates of the school committee and in so doing may exercise the rights, duties, responsibilities, privileges and powers of a member of the council, and

(c) shall receive the same remuneration and expenses as the other members of the school committee for attendance at meetings of the school committee and for attendance at any meetings of the council that he is entitled to attend.

(7) Where a representative is elected chairman of the school committee he

(a) may attend the meetings of the council, and

(b) may exercise the rights, privileges and powers of a member of the council,

when the business before the council lies within the school committee portion of the budget or concerns a matter governed by *The School Act*.

11. (1) At its first meeting following an annual or general election, a council shall appoint a school committee which shall consist of

- (a) not less than three members of the council, and
- (b) the representative, if any, elected pursuant to section 10.

(2) A person who is an elector of a separate school district is not eligible to be appointed and shall not be appointed to a school committee.

(3) Subsection (2) does not apply to an elector of a separate school district who holds the office of mayor in the city or town.

12. (1) A school committee shall, at its first meeting following its appointment, elect a chairman from among its number.

(2) A school committee shall exercise on behalf of the council all the duties and powers that are conferred upon or exercised by a board of trustees under *The School Act*, except that

- (a) is may not borrow money,
- (b) it may not pass a by-law, and
- (c) it may not exercise any other duty or power of a board of trustees that the council, by by-law, reserves to itself.

(3) A school committee may exercise and 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 a council.

(4) Subject to the restrictions contained in subsection (2), the chairman of a school committee may exercise and perform the rights, duties, privileges and powers of the chairman of a board of trustees of a city or town school district.

(5) A member of a council, other than the mayor, who is a separate school supporter may not vote on any matter before the council,

- (a) within the powers reserved to the council under subsection (2), or
- (b) arising under subsection (2) of section 13.

13. (1) A school committee shall submit its estimates to the council in each year.

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

(3) The council shall finally determine and adopt the budget for the city or town, as the case may be.

(4) The portion of the budget approved for the school committee shall be administered and expended under the supervision of that committee.

(5) Any expenditures made by the city or the town for or on behalf of any matter that would come under the jurisdiction of the school committee shall be charged to that portion of the budget allocated to the school committee.

(6) In the case of a borrowing by a city or town for school purposes, the provisions of Part VIII of *The School Act* apply, the necessary changes being made.

14. Except as provided in *The School Act*, a council has no power to modify any requisition made upon it by the board of a separate school district.

15. (1) Where one or more commissioners have been appointed by a city pursuant to Part III of *The City Act*, the council may designate the superintendent of schools appointed pursuant to *The School Act* to be a commissioner.

(2) Where a superintendent of schools is designated a commissioner,

(a) the superintendent is entitled to attend and shall, subject to such direction as may be given by the council, attend the meetings of the commissioners, and

(b) the superintendent is a member of the Commissioners of the City as designated under section 49 of *The City Act*.

(3) Notwithstanding the merger of the municipal and school administration, a superintendent of school shall continue to perform the functions prescribed for him by *The School Act*.

16. (1) The council of a city or town may enter into an agreement with the board of the separate school district of the city or town,

(a) for the inclusion of the district in the city or town, or

(b) for the provision by the city or town to the separate school district of specific services to be paid for by the district,

upon such terms as may be agreed upon.

(2) The agreement becomes effective upon its approval by the Lieutenant Governor in Council.

17. (1) Immediately after the expiration of four years from the effective date of an order issued under section 5, a council shall submit to the vote of the electors of the city or town a question in the following form:

Are you in favour of the continuation of the merged form of municipal and school administration which has been in effect in the City (or Town) of _____ since the first day of January 19_____?

- (2) The vote on the question shall be held,
 - (a) in the case of a city, in accordance with Part V of *The City Act*, and
 - (b) in the case of a town, in accordance with Part VI of *The Town and Village Act*.

18. If a majority of the electors voting vote against the continuation of the merged form of municipal and school administration, the Lieutenant Governor in Council shall make such orders and regulations and do all things necessary to re-establish the forms of local government existing in the city or town before the merger, including the re-vesting of property and the division of assets and liabilities.

19. The Lieutenant Governor in Council may make such rules, regulations and orders not inconsistent with this Act as he deems necessary for the proper carrying out of its purposes, or to supply any deficiency herein.

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

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No. 30

FOURTH SESSION

FOURTEENTH LEGISLATURE

10 ELIZABETH II

1962

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Received and read the

First time

Second time

Third time

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