

No. 133

1st Session, 15th Legislature, Alberta
12 Elizabeth II

BILL 133

A Bill to amend The County Act

HON. MR. HOOKE

Explanatory Note

1. The County Act, chapter 64 of the Revised Statutes, is amended.

2. Sections 3 and 4, which deal with the formation of counties are revised to provide a better sequence of events—see clause 3.

3. The new section 4 replaces the present section 3, subsection (1) which reads:

“3. (1) The Lieutenant Governor in Council may proceed under section 4 to form a county in any area only after receiving a resolution requesting him to do so from the council of a municipality or from the board of a school division that comprises the major part in extent of the said area.”.

The new section 4a is the remainder of present section 3, unchanged.

BILL

No. 133 of 1964

An Act to amend The County Act

(Assented to _____, 1964)

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

1. *The County Act* is hereby amended.
2. Section 3 is struck out and section 4 is renumbered as section 3.
3. The following sections are added after the renumbered section 3:
 4. No order shall be issued by the Lieutenant Governor in Council until either the Minister of Municipal Affairs or the Minister of Education has received a copy of a resolution requesting the establishment of a county in a specified area from and passed by the council of a municipality or the board of a school division which, in either case, comprises the major part of that area.
 - 4a. (1) 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.
 - (2) If, within the period during which under subsection (1) 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

4. Section 16, which provides for the composition of the school committee is amended to add reference to representatives appointed pursuant to section 16a.

5. Section 16a, which provides for the appointment of the town and village representatives on the first school committee of a new county is amended. Section 16a, subsection (4) presently reads:

"(4) A representative appointed under this section may attend the first meeting of the county council and if the town or village or the rural school district or group of districts, which he represents is or becomes, pursuant to subsection (4) of section 17, entitled to a representative on the school committee, he shall be appointed to it by the county council."

6. Sections 17 and 17a provide for the election of representatives of towns, villages and rural school districts included in a county for school purposes. If the number of these representatives exceeds three only a limited number of them can sit on the school committee at any one time. The new section 16b will provide a method for choosing the representatives to sit on the committee.

of the electors, the county council shall immediately notify the Minister thereof and shall conduct a plebiscite to determine the question.

(3) 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. Section 16, subsection (1) is amended by striking out clause (b) and by substituting the following:

(b) the representatives to be appointed to the school committee pursuant to sections 16a, 17 and 17a.

5. Section 16a is amended

(a) as to subsection (4) by striking out the words "or becomes, pursuant to subsection (4) of section 17,"

(b) by adding the following subsections after subsection (4):

(5) If the number of school districts referred to in subsections (2) and (3) exceeds three,

(a) the representative of a town or village referred to in subsection (2) of section 17, and

(b) the representatives of towns or villages referred to in subsection (3) of section 17 and who were chosen pursuant to section 16b,

shall be appointed to the school committee.

(6) The term of office of the representatives appointed pursuant to subsection (5) shall be for the period commencing with the date of the first meeting of the county council and ending on the following fourth Monday following the fourth Wednesday in September or until their successors have been elected.

6. The following section is added after section 16a:

16b. (1) Where the number of school districts referred to in subsections (2) and (3) of section 17 exceed three, the representatives of the towns and villages included in the district referred to in subsection (3) of section 17 shall

(a) determine the system of representation of their towns and villages on the school committee, and

(b) choose from among themselves, up to the maximum number permitted under section 17, the representatives to be appointed by the county council to the school committee.

(2) The representatives shall from among their number appoint a chairman and a recording secretary.

7. Section 17, subsections (3a), (4) and (4b) presently read:

"(3a) The term of office of a person elected pursuant to this section shall be for a period of two years commencing on the fifth Monday following the fourth Wednesday in September and the county council shall appoint him to the school committee at its first regular meeting held after the date of such election.

(4) If 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.

(4b) Notwithstanding subsection (4), the towns and villages given representation on the school committee during the first year after the formation of the county shall be entitled to representation on the school committee until the fifth Monday following the fourth Wednesday in September during that year and for two years more."

Subsection (7) deals with the appointment of representatives in the first year after the establishment of a county. This is now dealt with in section 16a.

(3) The chairman or any two members may call a meeting of the representatives at any convenient time and place.

(4) The representatives appointed to the school committee shall attend the meeting.

(5) At least two meetings shall be convened by the chairman during each calendar year.

(6) The council of each town and village may by by-law provide for the payment of an allowance and reasonable provision for travelling, subsistence and out of pocket expenses incurred by its representative in attending meetings called pursuant to this section and section 16a, in the manner provided for by section 60 of *The Town and Village Act* except that no vote of the proprietary electors is required to the approval of the by-law.

(7) No payment shall be made under the authority of subsection (6) to pay any person in respect of more than six meetings during any one year.

(8) Before the expiry of the terms of office of the representatives appointed to the school committee, all the representatives shall meet and reconsider their system of representation on the school committee and may decide that the representatives to be appointed to the school committee after the next following election are to be chosen pursuant to that system or pursuant to a different system.

(9) This section does not apply to the representative of a town or village referred to in subsection (2) of section 17.

7. Section 17 is amended

(a) by striking out subsection (3a) and by substituting the following:

(3a) The term of office of a person elected pursuant to this section shall be for a period of two years commencing on the fourth Monday following the fourth Wednesday in September or until his successor is sworn into office.

(3a1) Where a person elected pursuant to this section is entitled to be appointed to the school committee, the county council shall appoint him to the school committee at its first regular meeting held after the date of such election.

(b) as to subsection (4) by adding after the words "exceeds three" the words "and if the representatives have not been chosen pursuant to section 16b",

(c) by striking out subsection (4b),

(d) by striking out subsection (7) and by substituting the following:

(7) A representative of a town or village appointed or elected pursuant to section 16a or this section may be a member of the council of the town or village.

8. By section 17b the word "village" in sections 16 and 17 does not include a summer village.

9. Section 18 presently reads:

"18. A person is not eligible to be elected under section 17 or 17a and is not entitled to sit or vote as a representative who has himself or by or with or through another an interest in any contract with the council or with any person or persons acting for the council, or in any contract under which any money of the county is to be paid for any service, work, matter or thing, except as provided in section 87 of The Municipal District Act."

10. A reference to section 16a is added.

11. A reference to section 16a is added.

12. Self-explanatory.

13. See clause 12.

8. Section 17b is amended by adding after the word and figure "sections 16" the figures ", 16a, 16b".

9. Section 18 is amended by striking out the words "elected under section 17 or 17a" and by substituting the words "appointed or elected under section 16a, 17 or 17a".

10. Section 19, subsection (2) is amended by adding after the word "sections" the figure "16a,".

11. Section 22, subsection (2) is amended by adding after the word "section" the figure "16a,".

12. The following sections are added after section 28:

28a. (1) Immediately after the election of the chairman at the annual meeting of ratepayers provided for by subsection (6) of section 96 of *The Municipal District Act*, the chairman shall provide for a discussion of school affairs, during which time the electors of towns and villages and of rural school districts included in the county for school purposes shall be entitled to participate, to sponsor motions and vote on any matter or resolution that is brought before the meeting on school affairs.

(2) In lieu of the notice provided for by subsection (6a) of section 96 of *The Municipal District Act*, the secretary-treasurer shall

(a) cause to be issued a notice in Form 2 in the Schedule, and

(b) publicize the notice as closely as possible in the same manner as provided in subsection (2) of section 97 of *The Municipal District Act*, provided that in any event the provisions of clause (c) of subsection (2) of section 97 of *The Municipal District Act* be carried out in all weekly newspapers circulating in the county.

28b. The secretary-treasurer shall mail a copy of all approved minutes of the school committee meetings to the representatives elected or appointed pursuant to sections 16a and 17.

13. The Schedule is amended by adding the following form:

14. Commencement of Act.

FORM 2

(Section 28a)

NOTICE OF ANNUAL MEETING

Notice is hereby given that a meeting of the electors of the County of....., No..... will be held at.....at.....o'clock in the.....noon, the.....day of March, 19....., for the discussion of the affairs of the county.

The electors of towns and villages and of rural school districts included in the county for school purposes are entitled to attend to participate in the discussion of school affairs, which will be held immediately after the election of a chairman to conduct the meeting.

Dated this.....day of....., 19.....

.....
Secretary-Treasurer

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

No. 133

FIRST SESSION
FIFTEENTH LEGISLATURE
12 ELIZABETH II
1964

BILL

An Act to amend The County Act

Received and read the

First time

Second time

Third time

HON. MR. HOOKE
