

No. 40

2nd Session, 15th Legislature, Alberta
13 Elizabeth II

BILL 40

A Bill to amend The Municipal District Act

HON. MR. HOOKE

Explanatory Note

1. The Municipal District Act (chapter 215 of the Revised Statutes) is amended by this Bill.

2. Section 5, subsection (1) presently reads:

5. (1) Where a thing to be done within a number of days or at a time fixed by or under this Act cannot be or is not so done, the Minister by order, may appoint a further or other time for doing it, whether the time at or within which it ought to have been done has or has not arrived or expired, as the case may be.

3. Section 55 is revised to permit the council to determine the rates of pay and mileage to be made to councillors for attendance at meetings, supervision, etc. and to determine the limits, if any, as to the number of days and miles to be paid for.

BILL

No. 40 of 1965

An Act to amend The Municipal District Act

(Assented to _____, 1965)

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

1. This Act amends *The Municipal District Act*.

2. Section 5, subsection (1) is amended by adding after the words "Where a thing to be done" the words "by a council or an official or employee of a municipal district".

3. Section 55 is struck out and the following is substituted:

55. (1) The council may pass a resolution for paying the members of the council a *per diem* or annual sum for each councillor attending meetings of the council and mileage for every mile necessarily travelled in coming to and returning from meetings of the council.

(2) The council may pass a resolution for paying members of the council

(a) a subsistence allowance for each full day spent in attendance at meetings, or

(b) mileage for every mile necessarily travelled each day in coming to and returning from the meeting of the council,

whenever a meeting of the council continues for more than one day.

(3) The council may pass a resolution for paying the reeve a *per diem* sum for each day necessarily spent in the discharge of his duties as reeve, other than attendance at council meetings and mileage for every mile necessarily travelled in the discharge of his duties as reeve.

(4) A council may pass a resolution for paying the members thereof mileage for every mile necessarily travelled in, and a *per diem* sum for the time necessarily occupied in laying out or inspecting work performed or to be performed for the benefit of the municipal district.

4. Section 61, subsection (1), clauses (p) and (s) presently read:

61. (1) The secretary-treasurer

.....

(p) shall deposit to the credit of the municipal district daily, or as often as the council directs, in a treasury branch or chartered bank designated by the council, all moneys received by him,

.....

(s) shall make all payments on behalf of the municipal district by cheque signed by himself and countersigned by the reeve or by the deputy reeve and drawn on the treasury branch or chartered bank in which the moneys of the municipal district are deposited,

5. Section 96, subsection (6) presently reads:

(6) Prior to the thirty-first day of December in each year the council shall provide for holding an annual meeting upon the first Saturday in March in the next following year for the discussion of municipal affairs, which shall commence not earlier than ten o'clock in the forenoon nor later than one o'clock in the afternoon.

(5) The work so performed or to be performed shall be authorized by a resolution of the council, except where the work is of an urgent nature in which case the payment of the councillors' fees for laying out and inspecting the work shall be in the discretion of the council.

(6) A report setting forth the work performed by the members of the council and the remuneration received therefor under the provisions of this section shall be prepared and submitted to the electors of the municipal district at the next annual meeting and a copy of the report shall be incorporated in the auditor's financial statement.

(7) The council of a municipal district, in place of inspecting and laying out work itself, may appoint a competent foreman or engineer to do so.

(8) The council may pass a resolution for paying the members of the council who are members of a committee appointed by resolution of the council to attend to matters affecting the municipal district, the necessary expenses incurred in attending to such matters and a *per diem* sum for each day during which the member is necessarily engaged in attending to such matters.

(9) The council may pass a resolution for paying a councillor or an officer or employee of the council appointed a delegate by resolution of the council to attend a convention or conference, reasonable expenses incurred and a *per diem* sum for each day during which the councillor, officer or employee is necessarily absent from his place of residence.

(10) The council may pass a resolution for paying a member or members of the council who are appointed to represent the municipal district at a meeting or meetings of the board of trustees of a school division or divisions, a *per diem* sum for each councillor for each such meeting and mileage for every mile necessarily travelled in coming to and returning from such meeting.

4. Section 61, subsection (1) is amended

- (a) as to clause (p) by adding after the words "chartered bank" the words "or other similar institution",
- (b) as to clause (s) by adding after the words "chartered bank" the words "or other similar institution".

5. Section 96, subsection (6) is amended by striking out the words ", which shall commence not earlier than ten o'clock in the forenoon nor later than one o'clock in the afternoon".

6. Section 102, subsections (1) and (3) presently read:

102. (1) At an hour not earlier than ten o'clock in the forenoon nor later than one o'clock in the afternoon the reeve or secretary-treasurer shall declare the annual meeting open and shall hold an election of a chairman who shall conduct the discussion of municipal affairs.

(3) Prior to the hour of three o'clock in the afternoon the reeve shall cause to be read to the meeting the latest municipal inspector's report on the affairs of the municipal district.

7. Section 104 reads:

104. On the day fixed for nomination at a first or special election the returning officer shall receive nominations from three o'clock to four o'clock in the afternoon.

The section is repealed as an unnecessary duplication of section 103.

8. Section 106 presently reads:

106. At the hour of four o'clock in the afternoon, in the case of each electoral division with respect to which not more than one person has been nominated, the returning officer

(a) shall declare duly elected as councillor the person nominated in respect of such division, and

(b) shall send to the secretary-treasurer, if any, a signed statement giving the full name and address of the councillor declared elected.

The amendment is similar to provisions presently in The City Act and The Town and Village Act.

9. A reference to a repealed section is removed. Section 251, subsection (1) presently reads in part:

251. (1) When it is proposed by by-law that an expenditure or a liability be made or incurred under section 248, 249, or 250 and the expenditure or assumption of a liability under any of these sections is to be in excess of ten thousand dollars or five mills on the net total assessment of land, buildings and improvements of the municipal district, whichever is the greater, then before the by-law is finally voted on by the council,

10. Section 294, subsection (9) presently reads:

(9) A member of the council and the secretary-treasurer of the council may sign and issue any of the written orders mentioned in this section on behalf of the council of which he is a member or by which he is employed.

11. Section 297, subsection (5) presently reads:

(5) If the by-law is approved by the Board it shall before it is finally passed be submitted to a vote of the proprietary electors and receive the approval of two-thirds of the proprietary electors voting thereon, and the provisions of Part V apply to the taking of the vote.

The amendment would result in a vote being required only when a petition signed by 10% of the proprietary electors is received.

6. Section 102 is amended

- (a) as to subsection (1) by striking out the words "At an hour not earlier than ten o'clock in the forenoon nor later than one o'clock in the afternoon the" and by substituting the word "The",
- (b) as to subsection (3) by striking out the words "Prior to the hour of three o'clock in the afternoon the" and by substituting the word "The".

7. Section 104 is repealed.

8. Section 106 is amended by renumbering the section as subsection (1) and by adding the following subsections:

(2) When the number of persons nominated for an office is less than the required number for any electoral division, the meeting shall stand adjourned to the next day at the same place at the hour of three o'clock in the afternoon and the adjourned meeting shall remain open until four o'clock in the afternoon for the purpose of receiving further nominations for the office in respect of that electoral division for which the requisite number of nominations have not been received.

(3) So long as the number of persons nominated for an office in any electoral division are less than the required number, the meeting shall be adjourned from day to day at the same place and hour and each adjourned meeting shall remain open until four o'clock in the afternoon.

9. Section 251, subsection (1) is amended by striking out the words ", 249, or 250" and by substituting the words "or 249".

10. Section 294 is amended by striking out subsection (9) and by substituting the following:

(9) Any person appointed by the council to do so, may sign and issue any of the written orders mentioned in this section, on behalf of the council.

11. Section 297 is amended by striking out subsection (5) and by substituting the following:

(5) If the by-law is approved by the Board it shall be proceeded with in the same manner as set out in section 251, except that the ten thousand dollar or five mill limit referred to in subsection (1) of section 251 does not apply.

12. Section 323a, subsection (3) presently reads:

(3) Where the council of a municipal district has passed a by-law for the licensing of mobile homes, then as soon as a mobile home is used as a residence in the municipal district the full amount of the licence fee for that portion of the licensing year then unexpired thereupon becomes due and payable unless the municipal district and the owner of the mobile home have entered into an agreement whereby the licence fee is made payable on a monthly basis.

13. Section 326 presently reads:

326. A council may pass by-laws

- (a) for taking the census of the municipal district or a part thereof,
- (b) providing for the planting and protection of trees on highways and for the embellishment of cemeteries and other public places,
- (c) establishing and maintaining public scales within the municipal district or within a town or village situate wholly or partly within the boundaries of the municipal district or adjacent thereto for weighing or measuring anything sold by weight or measurement, and
- (d) imposing penalties for light weight and short measurement.

14. Section 326a reads:

326a. A council may by by-law provide authority for the council to enter into agreements with farmers' organizations providing for the collection of dues on a voluntary basis by the municipal district from members of the organizations on such terms as the council may deem necessary and for the remittance of the net amount so collected to the organizations.

15. Section 326c presently reads:

326c. The council by by-law may provide for the taking of a plebiscite of the electors or of the proprietary electors upon any matter, question or thing.

16. Section 331, subsection (1) reads in part as follows:

331. (1) The council shall, as soon as practicable in each year, prepare a detailed estimate in the prescribed form of the probable expenditures of the municipal district for the year, and the estimate shall include the following:

Subsections (4) and (7) presently read:

(4) The council shall, by by-law, authorize the secretary-treasurer to levy upon the assessed value of all assessed property shown on the assessment roll, a tax at such uniform rate on the dollar as the council deems sufficient to produce the amount of the expenditures as are estimated by the council or as are annually requisitioned upon the council, to produce the sums necessary to meet

- (a) debenture instalments, interest or sinking fund payments falling due during the year,
- (b) ordinary municipal expenses,
- (c) the requisition by the board of any school division or school district,
- (d) the requisition by the board of any hospital district,
- (e) the requisition of the Province pursuant to The Alberta Hospitals Act,
- (f) the requisition of the Province pursuant to The School Act, and

12. Section 323a is amended

- (a) as to subsection (3) by striking out the words "on a monthly basis" and by substituting the words "by instalments in advance",
- (b) by adding the following subsection after subsection (5):

(5a) A licence shall not be required in respect of a mobile home while it is occupied as a residence on farm lands by a *bona fide* farmer.

13. Section 326 is struck out and the following is substituted:

326. A council may authorize

- (a) the taking of a census of the municipal district or a part thereof,
- (b) the planting and protection of trees on highways and the embellishment of cemeteries and other public places, and
- (c) the establishment and maintenance of public scales within the municipal district or within a town or village situated wholly or partly within the boundaries of the municipal district or adjacent thereto for weighing or measuring anything sold by weight or measurement.

14. Section 326a is repealed.

15. Section 326c is amended by striking out the words "by by-law".

16. Section 331 is amended

- (a) as to subsection (4) by adding after the words "The council shall" the words "in every year",
- (b) as to subsection (7) by adding after the words "the council shall" the words "in every year".

(g) any other sums for which the municipal district may become liable to pay by virtue of the provisions of any statute of the Province.

(7) When a by-law has been passed providing for a business tax in accordance with The Assessment Act, 1960, the council shall by by-law authorize the secretary-treasurer to levy a business tax at such uniform rate on the dollar as the council deems sufficient, but in no case shall the rate be greater than the combined rates levied on the assessed value of the land forming the site of the business.

17. Section 429, subsections (1), (2) and (3) presently read:

429. (1) The council may pass a by-law for the purpose of entering into an agreement with any person for the provision of weather modification services to the municipal district or to a part or parts of the municipal district.

(2) No agreement made pursuant to subsection (1) is operative until the by-law authorizing the agreement has received the assent of two-thirds of the proprietary electors of the municipal district or part thereof voting thereon in the manner provided in Part V.

(3) The expenses incurred under the agreement pursuant to subsection (1) shall be met by the levy and collection of a mill rate tax upon the physical land liable to assessment and taxation in that part or parts of the municipal district covered by the agreement.

18. The month of the annual meeting has been changed to March and the form of notice is amended accordingly.

19. The alternative part of the oath for the purpose of getting on the list of electors reads:

or

You do swear (or solemnly affirm) that you are a Canadian citizen or a British subject, that you are of the full age of twenty-one years, and that you have resided in Division No.....in the Municipal District of.....for a continuous period of six months immediately preceding the first Saturday in November, 19...., and that you now reside in said division.

20. Item 7 of Form 17 presently reads:

7. That you are a Canadian citizen.

The form is amended to conform to the other provisions of the Act.

21. Commencement of Act.

17. Section 429 is amended

- (a) by striking out subsection (1) and by substituting the following:

429. (1) The council may pass a by-law for the purpose of entering into an agreement with any person for the provision of weather modification services to the whole of the municipal district.

- (b) as to subsection (2) by striking out the words “or part thereof”,
- (c) as to subsection (3) by striking out the words “that part or parts of the municipal district covered by the agreement” and by substituting the words “the municipal district”.

18. Form 1 in Schedule A is amended by striking out the word “February” and by substituting the word “March”.

19. Form 16 in Schedule A is amended by adding after the words “in said division” in the alternative part of the form the words “and that I am not otherwise disqualified from voting”.

20. Form 17 in Schedule A is amended as to item 7 by adding at the end thereof the words “or a British subject”.

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

No. 40

SECOND SESSION
FIFTEENTH LEGISLATURE
13 ELIZABETH II
1965

BILL

An Act to amend
The Municipal District Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HOOKE
