

1973 Bill Pr. 5

Second Session, 17th Legislature, 21 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL Pr. 5

An Act to amend The Calgary Foundation Act

MR. GHITTER

First Reading

Second Reading

Third Reading

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AN ACT TO AMEND THE CALGARY COMMUNITY FOUNDATION ACT

(Assented to , 1973)

Preamble

WHEREAS certain citizens of the City of Calgary have by their Petition prayed for the enactment of an Act to amend *The Calgary Community Foundation Act*; and

WHEREAS it is expedient to grant the prayer of the said Petition:

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

1955, c. 81

1. The Calgary Community Foundation Act, being chapter 81 of the Statutes of Alberta, 1955, is hereby amended.

Amends s. 1

2. Section 1 is struck out and the following section is substituted:

Short title

*1. This Act may be cited as *The Calgary and District Foundation Act*.*

Amends s. 2

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

(a) "Foundation" means the Calgary and District Foundation incorporated by this Act;

Amends s. 3

4. Section 3 is amended by striking out the words "Calgary Community Foundation" and by substituting the words "Calgary and District Foundation".

Amends s. 6

5. Section 6, subsection (1) is amended by striking out clause (d).

Amends s. 8

6. Section 8, subsection (1) is amended by inserting after the words "Chairman of the Board" the words "or the President".

Explanatory Notes

1. This Bill will amend chapter 81 of the Statutes of Alberta, 1955.

2. Section 1 presently reads:

1. This Act may be cited as "The Calgary Community Foundation Act".

3. Section 2, clause (a) presently reads:

2. In this Act,

(a) "Foundation" means the Calgary Community Foundation incorporated by this Act;

4. Section 3 presently reads in part:

3. J. W. Grant MacEwan, Alderman, Vernon L. Hawkes Realtor, and Edward M. Bredin, Solicitor, all of the City of Calgary, in the Province of Alberta, and such other persons as are from time to time appointed members of the Board are hereby constituted and established a body corporate and politic, under the name of the "Calgary Community Foundation", and by that name shall have perpetual succession and a common seal with power to change, alter, break and renew the same when and so often as it shall think proper, for and with the following objects, powers and purposes, namely:

5. Section 6(1)(d) presently reads:

6. (1) The Board of the Foundation shall be nominated and appointed, in conformance with the provisions of this Act, by a Committee of Nominators, which shall be the persons from time to time holding the following offices:

(d) the President of the Council of Social Agencies of Calgary; and

6. Section 8(1) presently reads:

8. (1) The Committee of Nominators shall meet thereafter at least once in each calendar year, on the call of the Chairman of the Board, and during the quarter within which the anniversary of their first meeting shall fall, for the purpose of nominating and appointing such number of persons as are required to fill vacancies and to succeed members whose terms expire.

- Amends s. 9 7. Section 9, subsection (1) is amended by striking out the word "nine" and by substituting the figure "21".
- Amends s. 10 8. Section 10 is amended
- (a) by striking out subsection (1) and by substituting the following:
- Tenure of office **10.** (1) Each member of the Board shall serve as as a member for a term of four years from the date of his or her appointment, except that when a member has been nominated and appointed to complete the unexpired portion of a previously serving member's term, he shall serve only for as many years as are required to complete such term.
- (b) by striking out subsection (2),
- (c) by striking out subsection (3) and by substituting the following:
- (3) Any member of the Board may serve two consecutive four-year terms, which having served, he may not be renominated until the expiry of one year from the end of the second consecutive four-year term of membership on the Board.
- (d) by striking out subsection (4),
- (e) as to subsection (5), clause (b) by striking out the words "ten" and "fifteen" and substituting the words "eight" and "sixteen" respectively,
- (f) as to subsection (6) by inserting after the words "Chairman of the Board" the words "or the President".
- Amends s. 11 9. Section 11, subsection (2) is amended by striking out the words "unless a majority of the Board are present" and by substituting the words "unless a quorum comprising seven members of the Board is present".
- Amends s. 12 10. Section 12, clause (a) is amended by inserting after the words "elect its own" the words "Chairman,".
- Amends s. 13 11. Section 13, subsection (1) is amended
- (a) by striking out the words "in each quarter" and "from the preceding quarter", and
- (b) by inserting after the word "distribute" the words "before the thirteenth day of June in each year".
- Commence-ment 12. This Act comes into force on the day upon which it is assented to.

7. Section 9(1) presently reads:

9. (1) The Foundation shall, subject to the provisions of this Act, be managed and administered by a governing board of not less than five and not more than nine members, nominated and appointed by the Committee of Nominators from among men and women who in the opinion of such Nominators have evinced an interest in the welfare of the community, which shall be known as the Board of Directors of the Foundation.

8. Section 10(1) to (6) presently read:

10. (1) Each member of the Board shall with the exception of the members of the first board serve for as many years as there are members for the time being of the Board, except that when a member has been nominated and appointed to complete the unexpired portion of a previously serving member's term, he shall serve only for as many years as are required to complete such term.

(2) In the event that the number of members of the Board is increased or decreased, the terms of all continuing serving members of the Board shall be increased or decreased by a like number of years, so that at all times the term of at least one member of the Board shall expire in each year.

(3) No member of the Board shall serve for more than ten continuous years; but any member who has so served shall be eligible for re-nomination and re-appointment after one year's absence from the Board, for a further period of five years.

(4) The term of office of members of the Board shall begin on the first day of May of the year of their appointment, and shall terminate on the last day of April of the year in which their term expires.

(5) The term of office of any member of the Board shall immediately terminate:

- (a) upon his death, resignation, or removal from the Calgary district;
- (b) upon his having served ten continuous years, or a total of fifteen years as a member of the Board;
- (c) in the event of his absence without excuse acceptable to the Board from three consecutive meetings of the Board; or
- (d) by resolution of the Board, when in the opinion of the Board, a member is guilty of gross misconduct; or
- (e) by resolution of the Board, because of incapacity for any cause which in the opinion of the Board may prevent him from discharging his duties for nine months or more.

(6) Upon any vacancy occurring in the Board the Chairman of the Board shall notify the Chairman of the Committee of Nominators.

9. Section 11(2) presently reads:

(2) The Board shall act by a majority of its members present at a meeting, but shall not act unless a majority of the Board are present.

10. Section 12(a) presently reads:

12. The powers of the Foundation are vested in and shall be exercised by the Board, and without restricting the generality of the foregoing, the Board may:

- (a) elect its own President and Vice-President, and appoint a Treasurer, and a Secretary, or a Secretary-Treasurer, and such other officers and employees of the Foundation as it deems expedient, and may prescribe their respective duties, powers and authority and may determine the tenure of each such office or the period of employment of each such employee; and such officers and employees, other than the President and Vice-President of the Board, need not be members of the Board;

11. Section 13(1) presently reads:

13. (1) The Board is empowered subject to the provisions of this Act, to use and distribute in each quarter such portions of the funds available to the Foundation from the preceding quarter, as it may deem proper, to advance the objects of the Foundation.