

1976 Bill 6

Second Session, 18th Legislature, 25 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 6

THE CALGARY GENERAL HOSPITAL BOARD ACT

HON. MR. MCCRAE

First Reading

Second Reading

Third Reading

BILL 6

1976

THE CALGARY GENERAL HOSPITAL BOARD ACT

(Assented to _____, 1976)

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

1. In this Act,

- (a) "Board" means The Calgary General Hospital Board;
- (b) "City" means the City of Calgary;
- (c) "Council" means the council of the City;
- (d) "elector" means a person who
 - (i) resides in the City, and
 - (ii) is qualified to vote at the municipal elections of the City;
- (e) "Hospital" means the Calgary General Hospital;
- (f) "Mayor" means the Mayor of the City.

2. (1) The Calgary Hospitals Board heretofore incorporated is hereby further continued as a body corporate under the name of "The Calgary General Hospital Board".

(2) A reference to The Calgary Hospital Board in any certificate of title, agreement, pleading, document or instrument shall be deemed to be a reference to The Calgary General Hospital Board.

3. (1) The Board shall be composed of the following members:

- (a) the Mayor, and
- (b) eight electors appointed by resolution of the Council.

(2) Not more than two members of the Council shall be appointed under subsection (1), clause (b) to hold office at any one time.

4. (1) Of the electors appointed to the Board pursuant to section 3, subsection (1), clause (b),

Explanatory Notes

General. This Bill will replace the Calgary Hospitals Board Act, chapter 7 of the Statutes of Alberta, 1954. The existing Board will be continued with the new name "The Calgary General Hospital Board" and with a new constitution. The Bill will also repeal legislation pertaining to the Board and its hospital that preceded the 1954 Act.

1. Definitions.

2. Continuation of the Board as a body corporate by its new name.

3. Composition of the Board.

4. Terms of office.

- (a) three shall be appointed for a term of three years,
- (b) three shall be appointed for a term of two years, and
- (c) two shall be appointed for a term of one year.

(2) After the appointment of the first Board following the commencement of this Act, electors shall be appointed for terms of three years on the Board to fill those vacancies which annually occur by reason of the expiration of the terms for which members of the Board were appointed.

(3) Notwithstanding the period for which he was appointed to the Board, a member of the Council who is appointed as a member of the Board ceases to hold office as a member of the Board if he ceases to be a member of the Council.

(4) Notwithstanding any other provision of this Act, a member of the Board may, unless sooner disqualified pursuant to section 8, remain in office until his successor on the Board has been appointed.

(5) A former member of the Board is eligible for re-appointment as a member of the Board.

5. (1) Where a vacancy occurs on the Board by reason of a death or a resignation or from any other cause other than the expiration of the term for which a member of the Board is appointed, the Council shall appoint an elector to fill the vacancy on the Board for the remainder of the term.

(2) Where a vacancy occurs on the Board for any cause, the vacancy shall be filled within 60 days after the vacancy occurs.

6. (1) Sections 29 to 33 of *The Municipal Government Act* apply to the members of the Board to the same extent as though reference in those sections to a council were references to the Board.

(2) Notwithstanding subsection (1), the provisions of section 29, subsection (1), clause (b) of *The Municipal Government Act* do not apply to the Mayor in his capacity as a member of the Board.

(3) An elector is not qualified to be appointed or to remain as a member of the Board if the elector is a member of the medical or dental staff of the Hospital.

7. (1) The Board shall annually elect one of its members as chairman of the Board and one of its members as deputy chairman of the Board.

5. Filling vacancies.

6. Disqualification of members.

7. Elections.

(2) The Board may elect or appoint such other officers as the Board considers necessary and those officers hold office during the pleasure of the Board.

(3) An officer appointed pursuant to subsection (2) need not be a member of the Board.

(4) The chairman shall preside at meetings of the Board.

(5) In the absence of the chairman at a meeting of the Board, the deputy chairman shall preside at that meeting.

(6) In the absence of the chairman and the deputy chairman at a meeting of the Board, a member chosen by a vote of the members present shall preside at that meeting.

(7) The person presiding at a meeting of the Board has the same right of voting as other members of the Board.

8. The Board may make by-laws respecting the calling of meetings of the Board, the quorum required for meetings of the Board and the conduct of business thereat, the duties and conduct of members and generally as to the conduct of the business and affairs of the Board.

9. The members of the Board shall be paid by the Board such remuneration for their services as may be prescribed from time to time by resolution of the Board.

10. The Board has, with respect to the Hospital, all the powers and duties conferred or imposed by law on the board of an approved hospital (as defined in *The Alberta Hospitals Act*).

11. (1) Without limiting the generality of section 10, the Board has, in addition to the powers given to it by section 14 of *The Interpretation Act*, the power

- (a) subject to subsection (2), to purchase any estate or interest in real property required for its purposes and to hold and alienate any estate or interest so purchased;
- (b) subject to subsection (2), to acquire by gift or devise any estate or interest in real property and to hold and alienate it, subject to the terms of any trust upon which it may be held;
- (c) to borrow moneys from time to time for any purpose related to the management, maintenance or operation of the Hospital or for the purpose of financing capital costs;

8. By-laws re meetings, quorum, etc.

9. Remuneration of Board members.

10. General powers and duties of the Board.

11. Powers of the Board.

- (d) to mortgage its property for the purpose of securing the repayment of the principal or interest or both of moneys borrowed by the Board;
 - (e) to make such banking arrangements as are necessary for the carrying out of its powers and duties;
 - (f) draw, make, accept, endorse, execute and issue promissory notes, bills of exchange and other negotiable or transferable instruments;
 - (g) subject to the terms of any trust upon which it may be held, invest in such manner as the Board considers proper, all moneys that come into the hands of the Board and that are not then required to be expended;
 - (h) to act as trustee of any moneys or property given or bequeathed to it;
 - (i) generally, to do or cause to be done all things necessary for or incidental to the management, maintenance and operation of the Hospital.
- (2) The Board shall not
- (a) acquire or sell any estate or interest in real property, or
 - (b) enter into a lease of real property for a term of more than one year,
- without first obtaining the approval of the Council given by resolution.

12. Section 431 of *The Municipal Government Act* does not apply to the Board.

13. (1) Not later than the first organizational meeting of the Council following the commencement of this Act, the Council shall appoint members of the Board pursuant to section 3, subsection (1), clause (b).

(2) The Mayor and the persons who were, immediately before the commencement of this Act, members of the Board, shall be the members of the Board under this Act only until such time as the appointment of members to the Board under subsection (1) is made.

14. The following enactments are hereby repealed:

- (a) An Ordinance to Incorporate a General Hospital at Calgary, being chapter 22 of the Ordinances of the North-West Territories, 1890, as amended by chapter 30 of the Ordinances of the North-West Territories, 1895;
- (b) An Act to incorporate the Calgary Hospitals' Board, being chapter 46 of the Statutes of Alberta, 1914;

12. Section 431 of The Municipal Government Act reads:

431. A body corporate that is incorporated or continued as a body corporate by the provisions of any city charter or any Act for the purpose of operating or administering a sinking fund, hospital, exhibition, or for any purpose shall continue to be a body corporate and to have the same constitution and to perform and exercise the same duties and powers that were conferred upon it by or pursuant to the city charter or Act.

13. Transitional.

14. Repeal of old enactments. The present Board operates under the 1954 Act but was originally incorporated in 1934 under section 308 of the Calgary Charter (Ordinance 33 of 1898).

The enactments enumerated in clauses (a), (b) and (c) are repealed as they have been obsolete for many years. The original corporation of 1890 called "The Calgary General Hospital" was superceded in 1914 by the "Calgary Hospitals' Board" which then operated the City's municipal hospital and the Calgary General Hospital as trustee for the owners of both. This "Joint Hospitals Board" of 1914 was rendered inoperative when the 1919 Act vested all property held by it as trustee in the City of Calgary exclusively. This left the original 1890 corporation with no property although it remained in existence in law but not in fact since.

- (c) An Act respecting an Act to incorporate the Calgary Hospitals Board, being chapter 46 of the Statutes of Alberta, 1914;
- (d) section 308 of chapter 33 of the Ordinances of the North-West Territories of 1893, as enacted by chapter 72 of the Statutes of Alberta, 1934;
- (e) *The Calgary Hospitals Board Act*, being chapter 7 of the Statutes of Alberta, 1954.

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