

1978 BILL 62

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Fourth Session, 18th Legislature, 27 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 62

THE CROWSNEST PASS MUNICIPAL UNIFICATION ACT

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MR. BRADLEY

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

Bill 62  
Mr. Bradley

## BILL 62

1978

### THE CROWSNEST PASS MUNICIPAL UNIFICATION ACT

(Assented to \_\_\_\_\_, 1978)

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

**1** In this Act,

- (a) "effective date" means January 1, 1979;
- (b) "improvement district area" means that part of Alberta described in the Schedule except the areas of the urban municipalities as those areas existed immediately before the effective date;
- (c) "Minister" means the Minister of Municipal Affairs;
- (d) "Municipality" or "new Municipality" means The Municipality of Crowsnest Pass;
- (e) "new council" means the council of the new Municipality;
- (f) "urban municipalities" means
  - (i) The Town of Blairmore,
  - (ii) The Town of Coleman,
  - (iii) The Village of Bellevue, and
  - (iv) The Village of Frank.

**2(1)** On January 1, 1979, the mayor and councillors elected pursuant to section 3 and all other electors within that part of Alberta described in the Schedule to this Act become a corporation with the name "The Municipality of Crowsnest Pass".

**(2)** Except as provided in this Act, the new Municipality is a town for all purposes as though it had been formed by an order of the Lieutenant Governor in Council under *The Municipal Government Act*.

## **Explanatory Notes**

**1** Definitions.

**2** Creation of The Municipality of Crowsnest Pass.

(3) This Act applies to the new Municipality notwithstanding anything in *The Municipal Government Act*, *The Municipal Election Act*, *The Municipal Taxation Act* or any Act or law relating to municipalities.

(4) Nothing in this Act shall be construed as precluding the annexation of land to, or the removal of land from, the new Municipality after the effective date or a change of corporate status of the new Municipality after the effective date.

**3**(1) Subject to subsection (2), the council of the new Municipality shall consist of a mayor and 9 councillors.

(2) The council of the new Municipality may, by by-law, change the number of councillors of the new Municipality to a number of not less than 6 and not more than 20 but a by-law under this subsection, or any by-law that amends, revokes or replaces that by-law,

(a) does not apply to the general election next following the passing of the by-law unless it is passed before March 1 in the year in which that general election is to be held, and

(b) does not apply to or affect the composition of the council of the Municipality until the date of the next general election to which the by-law applies.

(3) The Minister, by order, shall provide for a general election, before the effective date, of the first council of the new Municipality.

(4) An order under subsection (3) shall provide for the division of the area described in the Schedule into 3 wards.

(5) An order under subsection (3) may provide for

(a) the designation of a day as nomination day;

(b) the designation of a day as polling day;

(c) the division of a ward into polling divisions;

(d) varying or making inapplicable any provision of *The Municipal Election Act*;

(e) conferring or imposing powers and duties on the returning officer or any other person involved in conducting the general election;

(f) any matter that may be provided for by a council, a mayor or a municipal secretary under *The Municipal Election Act*;

(g) any special procedure or matter in connection with or incidental to the general election.

**3** Composition of the council and provisions for the first general election.

(6) For the purposes of the general election of the first council of the new Municipality,

(a) 3 councillors shall be elected from each ward created pursuant to subsection (4), and

(b) a candidate for the office of councillor for a ward must have been a resident of that ward for the 6 consecutive months preceding nomination day to be eligible to become a member of the new council.

(7) Except as provided by or pursuant to this section, *The Municipal Election Act* applies, as far as practicable, to the general election of the first council of the new Municipality.

(8) The terms of office of the members of the first council of the new Municipality commence, and the terms of office of the members of the councils of the urban municipalities expire, on the effective date.

(9) The costs incurred in the general election of the first council of the new Municipality shall be paid by the Minister from money voted by the Legislature for the purpose.

(10) The first organizational meeting of the new council shall be held on or before January 15, 1979.

(11) The 2nd general election of the council of the new Municipality shall be held in 1980 in accordance with *The Municipal Election Act*.

**4**(1) Section 26 of *The Municipal Government Act* applies to the Municipality as though it were a city.

(2) The 3 wards created by the Minister's order under section 3 remain in effect until the council of the Municipality enacts a by-law under section 26 of *The Municipal Government Act*.

(3) A by-law of the council of the Municipality under section 26 of *The Municipal Government Act* may also provide that a candidate for the office of councillor for a ward must have been a resident in that ward for the 6 consecutive months preceding nomination day.

**5**(1) Subject to subsection (2), the Minister shall pay to the new Municipality, during the 5 fiscal years of the Government commencing with the 1979-80 fiscal year, special grants totaling \$2 000 000.

(2) A grant under subsection (1)

(a) shall be paid from money voted by the Legislature for the purpose,

**4** Ward system.

**5** Transitional financial arrangements.

(b) shall be used by the new Municipality only for capital purposes, and

(c) may be withheld in whole or in part until the Minister has approved a budget setting out the capital purposes in respect of which the grant will be expended.

(3) If

(a) the cost of a project is to be shared by the new Municipality and by the Government of Alberta, and

(b) any law in force in Alberta requires that the new Municipality provide its contribution to that cost from money other than money received by it as a grant from the Government of Alberta,

the new Municipality may nevertheless provide its contribution from money received by it under subsection (1).

**6(1)** Where an Act or regulation authorizes the making of a grant to a municipality, a grant under that Act or regulation to the new Municipality shall be not less than the aggregate of the grants that could have been made to the urban municipalities and to the Minister in respect of the improvement district area if

(a) the urban municipalities continued to exist after the effective date with the same boundaries that existed immediately before the effective date, and

(b) the improvement district area had continued as a separate improvement district after the effective date.

(2) An affidavit of the secretary of the new Municipality required to be submitted to the Deputy Minister of Municipal Affairs by section 28(1) of *The Alberta Property Tax Reduction Act* shall also show the populations in

(a) the urban municipalities as they existed immediately before the effective date, and

(b) the remainder of the Municipality.

(3) This section ceases to have effect in respect of grants to the new Municipality payable after a date, not sooner than January 1, 1984, to be fixed by the Lieutenant Governor in Council after consultation by the Minister with the council of the Municipality.



**6** Calculation of grants for the purposes of other grant programs.

**7** Transitional provisions respecting assets, liabilities, by-laws, etc.  
The section is largely an adaption of section 16 of The Municipal Government Act.

7(1) As of the effective date,

(a) the urban municipalities are dissolved and the improvement district area ceases to be part of Improvement District No. 5;

(b) each officer and employee of an urban municipality continues as an officer or employee of the new Municipality until the new council otherwise directs;

(c) all by-laws and resolutions of the council of an urban municipality continue to operate as by-laws and resolutions of the council of the new Municipality insofar as they are not inconsistent with this or any other Act, but only within the area of that urban municipality as it existed immediately before the effective date, until they are repealed or replaced by the council of the new Municipality;

(d) subject to subsection (3), a ministerial order in effect immediately before the effective date continues to be in effect in the improvement district area as though it were a by-law of the new council, until the new council, by by-law, provides that the ministerial order ceases to be in effect in the improvement district area;

(e) all taxes due to an urban municipality or to the Minister in respect of the improvement district area shall be deemed to be arrears of taxes due to the new Municipality and may be collected and dealt with by the new Municipality as if it had imposed the taxes;

(f) all rights of action and actions by or against an urban municipality may be continued or maintained by or against the new Municipality;

(g) all rights of action and actions by or against the Crown in right of Alberta may be continued or maintained by or against the new Municipality if the cause of action arose in the improvement district area and relates to the administration by the Minister of any municipal matter relating solely to the improvement district area;

(h) all property vested in an urban municipality becomes vested in the new Municipality and may be dealt with by the new Municipality in its own name subject to any trusts or other conditions applicable to the property;

(i) all other assets, liabilities, rights, duties, functions and obligations of an urban municipality become vested in the new Municipality and may be dealt with by it in its own name;

(j) subject to subsection (3), any agreement between the Minister and a person other than an urban municipality that



relates to all of Improvement District No. 5 or only to a part of Improvement District No. 5 within the improvement district area is binding on the new Municipality, as far as practicable, as though the new Municipality had replaced the Minister as a party to the agreement;

(k) a reference to an urban municipality in any order, regulation, by-law, certificate of title, agreement or other instrument shall be deemed to be a reference to the new Municipality.

(2) In subsections (1)(d) and (3), “ministerial order” means an order of the Minister made pursuant to any Act or regulation that applies to or relates to all of Improvement District No. 5 or only to a part of Improvement District No. 5 within the improvement district area.

(3) The Minister may exempt any ministerial order from the operation of subsection (1)(d) or any agreement from the operation of subsection (1)(j).

(4) If a question arises as to whether a right of action or action is one to which subsection (1)(g) applies, the Minister shall decide the question.

(5) The Lieutenant Governor in Council may direct that any land owned by the Crown in right of Alberta, other than tax recovery land or other land under the administration of the Minister, be transferred by way of gift to the new Municipality if the land is, in his opinion, required by the new Municipality for municipal purposes.

**8** As of the effective date,

(a) Coleman Light and Water Company, Limited (in this section called the “Company”), a body corporate incorporated under *The Companies Act*, is dissolved,

(b) all rights, property, liabilities and obligations of the Company become the rights, property, liabilities and obligations of the new Municipality, without compensation to any person,

(c) a reference to the Company or its shareholders in any order, regulation, by-law, certificate of title, agreement or other instrument shall be deemed to be a reference to the new Municipality, and

(d) a reference to the board of directors of the Company in any order, regulation, by-law, agreement or other instrument shall be deemed to a reference to the council of the new Municipality.

**8** Transitional provision respecting Coleman Light and Water Company, Limited, a company presently owned by the Town of Coleman.

9(1) In this section,

(a) “Coleman area” means the area of The Town of Coleman as that area existed immediately before the effective date and land in the vicinity of that area;

(b) “Coleman recreational facility” means the first major recreational facility that the council of the new Municipality authorizes to be constructed in the Coleman area after the effective date;

(c) “Coleman gas utility” means the gas utility operated by The Town of Coleman immediately before the effective date and any extensions of that gas utility constructed after the effective date;

(d) the “costs of acquisition” of the Coleman recreational facility means the cost of construction of the facility, the cost of acquiring land for the facility and the cost of all other things and services related to that construction or land acquisition;

(e) “facility debenture” means a debenture referred to in subsection (3)(b);

(f) “Fund” means the Coleman Area Recreational Facility Fund.

(2) The council of the new Municipality shall establish a fund called the “Coleman Area Recreational Facility Fund”.

(3) The following shall be paid into the Fund:

(a) the profits earned from the operation of the Coleman gas utility;

(b) money borrowed under a debenture issued to meet part of the costs of acquisition of the Coleman recreational facility;

(c) the net proceeds received from the sale of the Coleman gas utility, if it is sold and if all of those proceeds are received by the new Municipality before the costs of acquisition of the Coleman recreational facility have been completely paid;

(d) any money received as grants from a government as financial assistance toward meeting the costs of acquisition of the Coleman recreational facility;

(e) any other money that the council of the new Municipality directs to be paid into the Fund.

(4) Income from the Fund accrues to the Fund and any money in the Fund may be invested in any manner that an operating surplus may be invested under section 382.1 of *The Municipal Government Act*.

**9 Coleman Area Recreational Facility Fund.**

- (5) The new Municipality may
- (a) expend money in the Fund only for the purpose of paying the costs of acquisition of the Coleman recreational facility;
  - (b) after the costs of acquisition have been completely paid, transfer from the Fund to its general municipal revenue any money from time to time in the Fund that exceeds an amount that is sufficient to meet the Municipality's outstanding and future obligations under the facility debenture;
  - (c) when clause (b) is complied with, cease to pay any profits of the Coleman gas utility into the Fund pursuant to subsection (3)(a);
  - (d) dissolve the Fund if the costs of acquisition of the Coleman recreational facility are completely paid and the Municipality has no outstanding obligations under the facility debenture.
- (6) If a by-law of the new Municipality is passed authorizing a facility debenture and the amount of the principal indebtedness of the Municipality under the facility debenture does not exceed the market value of the Coleman gas utility determined pursuant to subsection (8),
- (a) the only persons eligible to sign a petition for a vote on the by-law under section 311(3) of *The Municipal Government Act* or to vote on the by-law pursuant to that Act are those persons who are proprietary electors within the boundaries of The Town of Coleman as they existed immediately before the effective date, and
  - (b) any petition received under that section is sufficient as to the number of persons required to sign it if it is signed by at least 10% of the proprietary electors referred to in clause (a).
- (7) Notwithstanding subsection (6),
- (a) the council of the new Municipality may, by by-law, authorize all electors residing within the boundaries of The Town of Coleman as they existed immediately before the effective date to petition for and vote on a by-law referred to in subsection (6), and
  - (b) if a by-law under clause (a) is passed, the references to proprietary electors in subsection (6) shall be deemed to be references to electors.
- (8) The Public Utilities Board shall, upon the application of the new Municipality, determine the market value of the Coleman gas system as an amount that it would fix as the price of the system pursuant to section 272(2)(b) of *The Municipal Govern-*





*ment Act* if it were being purchased but a value so determined is binding on the Municipality only for the purposes of this section.

**10(1)** Except as otherwise provided by an agreement under subsection (2),

(a) the by-laws of the new Municipality under sections 155 and 156 of *The Municipal Government Act* apply only to

(i) the areas of the urban municipalities as they existed immediately before the effective date, and

(ii) those portions of the improvement district area that are, immediately before the effective date, the subject of agreements made between the Minister and any of the urban municipalities and under which an urban municipality agreed to provide fire fighting services in a part of the improvement district area,

and

(b) *The Forest and Prairie Protection Act* applies to the remainder of the new Municipality.

(2) Upon being authorized to do so by by-law, the new Municipality may enter into a fire control agreement with the Minister of Energy and Natural Resources on behalf of the Government of Alberta with respect to the prevention and control of fires within all or part of the improvement district area.

**11** The Lieutenant Governor in Council may make regulations for the purpose of giving effect to this Act.

**12(1)** The Minister may make regulations

(a) prescribing the number of representatives the new Municipality is entitled to have on any board, committee or other body on which any of the urban municipalities or Improvement District No. 5 had representatives immediately before the effective date;

(b) prescribing different levels of value of lands and improvements in different areas of the Municipality for use in determining what constitutes their fair actual value for the purposes of assessment under *The Municipal Taxation Act* and for the use and guidance of assessors in making those assessments.

**10** Forest and prairie fire protection.

**11** Transitional regulations of the Lieutenant Governor in Council.

**12** Transitional regulations by the Minister.

(2) A regulation under subsection (1)(b) may relate to assessments made in 1978 notwithstanding that the regulation comes into force on or after the effective date.

**13**(1) The Minister may make regulations declaring that, for the purposes of any specified provision of this or any other Act or any regulation, a reference to a specified urban municipality or the area of a specified urban municipality shall be deemed to be

(a) the area of that urban municipality as it existed immediately before the effective date, and

(b) an additional contiguous area described in the regulations.

(2) Where a regulation is made under subsection (1), a reference in the provision specified in the regulation to an urban municipality shall, with respect to the urban municipality specified in the regulation, be read as a reference to

(a) the area of that specified urban municipality as it existed immediately before the effective date, and

(b) the additional contiguous area described in the regulation.

**14** An Act to Validate and Confirm By-law Numbers 1 and 2 of the Town of Blairmore, chapter 61 of the Statutes of Alberta, 1911-12, is repealed.

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

**13** Regulations to deem an urban municipality to have an extended area for a particular purpose, e.g., a grant regulation that provides for the calculation of grants to municipalities based on population.

**14** The Act being repealed validated 2 debenture by-laws.

## SCHEDULE

### THE MUNICIPALITY OF CROWSNEST PASS

Area as of January 1, 1979

All the following lands in Alberta lying West of the 5th Meridian:

#### IN TOWNSHIP 7, RANGE 3:

Sections 8, 9 and 10;  
South-east quarter and west half of section 11;  
West half of section 14;  
Sections 15, 16, 17, 18, 19, 20, 21, 22 and 23;  
Sections 27, 28, 29, 30, 31, 32, 33 and 34.

#### IN TOWNSHIP 7, RANGE 4:

Sections 25 and 26;  
Sections 34, 35 and 36.

#### IN TOWNSHIP 8, RANGE 3:

Sections 3, 4, 5, 6, 7 and 8.

#### IN TOWNSHIP 8, RANGE 4:

Sections 1, 2, 3 and 4;  
Sections 7, 8, 9, 10, 11 and 12;  
Sections 15, 16, 17 and 18.

#### IN TOWNSHIP 8, RANGE 5:

North halves of sections 1, 2 and 3;  
All that part of section 7 within Alberta;  
Sections 8, 9, 10, 11, 12, 13, 14, 15 and 16;  
All that part of the south-east quarter of section 18 within Alberta.

#### IN TOWNSHIP 8, RANGE 6:

All that part of section 12 and the south-east quarter of section 13 within Alberta.

All road allowances adjoining the south and west boundaries of the above lands and the intersections adjoining the south-west corners of the above lands.