

1979 BILL 18

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First Session, 19th Legislature, 28 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 18

THE LOCAL AUTHORITIES BOARD  
AMENDMENT ACT, 1979

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THE MINISTER OF MUNICIPAL AFFAIRS

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

## **BILL 18**

1979

### **THE LOCAL AUTHORITIES BOARD AMENDMENT ACT, 1979**

*(Assented to                      , 1979)*

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

*1 The Local Authorities Board Act is amended by this Act.*

*2 Sections 3, 4 and 5 are repealed and the following is substituted:*

**3**(1) The Local Authorities Board is continued.

(2) The Board shall consist of those persons appointed by the Lieutenant Governor in Council as members of the Board.

(3) A member of the Board holds office during pleasure.

(4) The Lieutenant Governor in Council shall designate a member of the Board as chairman.

(5) Subject to the provisions of *The Public Service Act* relating to reappointment and continuance in office, a member of the Board ceases to hold office upon reaching the age of 65.

(6) The members of the Board

(a) shall be paid remuneration for their services at the rates prescribed by the Lieutenant Governor in Council, and

(b) shall be paid their reasonable travelling and living expenses while absent from their ordinary place of residence and in the course of their duties as members of the Board.

**4**(1) Two members constitute a quorum of the Board at a sitting of the Board.

## **Explanatory Notes**

**1** This Bill will amend chapter 218 of the Revised Statutes of Alberta 1970.

**2** Sections 3, 4 and 5 presently read:

*3(1) There shall be a board to be styled the "Local Authorities Board" which shall be composed of not more than three members to be appointed by the Lieutenant Governor in Council, one of whom shall be appointed as chairman and thereupon entitled to hold the position of chairman as long as he continues a member of the Board.*

*(2) Each member of the Board shall hold office during the pleasure of the Lieutenant Governor in Council.*

*4 In the event of the absence of any members of the Board, or of their inability to act, or in the event of any vacancies in the membership of the Board, the member of the Board present may exercise all the jurisdiction and powers of the Board.*

*5(1) Subject to the provisions of The Public Service Pension Act relating to continuance in office, a member shall cease to hold office upon reaching the age of 65 years.*

*(2) The salaries of the members of the Board shall be fixed by the Lieutenant Governor in Council.*

The proposed sections 3 to 5 would replace the present sections 3, 4, 5, 8 and 35(3).

(2) A decision of the Board made or taken at a sitting of the Board at which a quorum is present is the decision of the Board.

(3) The chairman may designate a member to preside at any sitting of the Board at which the chairman is not present.

(4) In the event of the absence or inability to act of the chairman or a vacancy in the office of chairman and in the absence of a designation under subsection (3), the members present at a sitting of the Board, if they constitute a quorum, may elect one of their number to preside at that sitting.

(5) If a hearing, inquiry, investigation or other proceeding is conducted by the Board and one or more members of the Board do not for any reason attend on any day or part of a day, the remaining members present may, if they constitute a quorum, exercise and perform all the powers and duties of the Board.

**5(1)** The Lieutenant Governor in Council may designate any 3 or more members of the Board to sit as a division of the Board and may direct that division to conduct any specified hearing, inquiry or investigation that the Board itself could conduct under this or any other Act.

(2) Two members constitute a quorum at any hearing, inquiry, investigation or other meeting held by a division of the Board.

(3) A decision made or taken at a hearing, inquiry, investigation or other meeting held by a division of the Board at which a quorum is present is the decision of the Board.

(4) A division of the Board may exercise and perform all the powers and duties of the Board under this or any other Act with respect to the hearing, inquiry or investigation it is directed to conduct and for that purpose a reference in this or any other Act to the Board shall be deemed to include a reference to a division of the Board.

(5) The chairman may designate a member of a division of the Board to preside at a sitting of the division at which the chairman is not present.

(6) If a hearing, inquiry or investigation is conducted by a division of the Board and one or more members of the division do not for any reason attend on any day or part of a day, the remaining members present may, if they constitute a quorum, exercise and perform all the powers and duties of the division.



*3 Section 8 is repealed.*

*4 Section 35(3) is repealed.*

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

**3** Section 8 presently reads:

*8(1) The Lieutenant Governor in Council, upon the request of the chairman, may appoint one or more fit and proper persons as acting members of the Board, or a substitute for an acting member to act during the absence or illness of an acting member, for such period and upon such terms and at such remuneration as may be prescribed by the Lieutenant Governor in Council.*

*(2) An acting member of the Board shall assist the chairman in the discharge of the powers and duties of the Board and in the performance of that duty the acting member has and may exercise all the powers and authority that are by this Act conferred upon a member of the Board.*

**4** Section 35(3) presently reads:

*(3) Any application, petition, matter or complaint over which the Board has jurisdiction under this Act or any other Act may be heard by a single member of the Board who, after the hearing, shall report his findings to the Board, and the Board may thereupon deal with the application, petition, matter or complaint as if the hearing had been before the Board.*