

1979 BILL 36

First Session, 19th Legislature, 28 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 36

**THE MUNICIPAL AND SCHOOL ADMINISTRATION
AMENDMENT ACT, 1979**

THE MINISTER OF MUNICIPAL AFFAIRS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 36

1979

THE MUNICIPAL AND SCHOOL ADMINISTRATION 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 Municipal and School Administration Act is amended by
this Act.*

2 Section 3(1)(a) is repealed and the following is substituted:

(a) shall, on receipt of a petition so requesting, signed by
electors representing at least 5% of the population of the city
or town as calculated pursuant to section 17.1(3),

3 The following is added after section 17:

17.1(1) At least one year after a vote is held under section
17 at which a majority of the electors voting voted in favour
of continuing a merged form of municipal and school
administration, the council of a city or town that has a
merged form of municipal and school administration,

(a) on receipt of a petition signed by electors represent-
ing at least 5% of the population of the city or town
requesting that the city or town revert to the form of
administration that existed immediately prior to the
merged form of municipal and school administration,
shall, or

(b) on its own resolution, may

submit to the vote of the electors of the city or town a
question in the following form:

Are you in favour of the continuation of the
merged form of municipal and school admin-
istration that is in effect in the City (or Town) of
.....?

Explanatory Notes

1 This Bill will amend chapter 249 of the Revised Statutes of Alberta 1970.

2 Section 3(1) presently reads in part:

3(1) The council of a city or town,

(a) shall, upon receipt of a petition so requesting and signed by whichever is the lessor of 5 per cent or 500 of the proprietary electors,

3 Section 17 presently reads:

17 Immediately after the expiration of four years from the effective date of an order issued under section 5, a council shall submit to the vote of the electors of the city or town a question in the following form:

Are you in favour of the continuation of the merged form of municipal and school administration which has been in effect in the City (or Town) of since the first day of January 19.?

The Act allows for the merger of the municipal and school administrations in cities and towns. Presently section 17 allows for one vote after the original merger to determine the wishes of the electors as to the continuation of the merger. The proposed section 17.1 will allow a subsequent vote to occur at a later stage.

(2) The council shall notify the Minister if it receives a petition under subsection (1)(a) or if it passes a resolution under subsection (1)(b).

(3) For the purposes of subsection (1) and section 3(1)(a), the population of a city or town shall be calculated by using

(a) the last population census taken by the city or town pursuant to *The Alberta Property Tax Reduction Act*, or

(b) the latest population census taken under the *Statistics Act* (Canada),

whichever census is the more recent.

(4) Only one vote pursuant to this section may be taken within a 12-month period.

4 Section 18(1) is repealed and the following is substituted:

18(1) If the majority of the electors voting pursuant to section 17 or 17.1 vote against the continuation of the merged form of municipal and school administration, the Lieutenant Governor in Council shall, by order, rescind the order made under section 5.

(1.1) An order made under subsection (1) has effect on January 1 immediately following the year in which the vote was held or at such other date prescribed by the Lieutenant Governor in Council that is not earlier than the date of the vote.

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

4 Section 18(1) presently reads:

18(1) Where the majority of the electors voting pursuant to section 17 vote against the continuation of the merged form of municipal and school administration, the Lieutenant Governor in Council shall rescind the order made under section 5.