

1980 BILL PR 2

Second Session, 19th Legislature, 29 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL PR 2

THE EDMONTON RESEARCH AND DEVELOPMENT PARK AUTHORITY ACT

MR. PAHL

First Reading -----

Second Reading -----

Committee of the Whole -----

Third Reading -----

Royal Assent -----

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Bill PR 2
Mr. Pahl

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THE EDMONTON RESEARCH AND DEVELOPMENT PARK AUTHORITY ACT

(*Assented to* , 1980)

WHEREAS a petition has been presented, praying for the incorporation of The Edmonton Research and Development Park Authority, and it is expedient to grant the prayer of the petition:

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

Definitions

1. In this Act,

- (a) "Authority" means The Edmonton Research and Development Park Authority;
- (b) "Chairman" means the Chairman of the Authority;
- (c) "City" means the City of Edmonton;
- (d) "Council" means the municipal council of the City;
- (e) "elector" means a person who is entitled to vote at the municipal elections of the City and who is not a member of the Council;
- (f) "General Manager" means the person who is from time to time appointed as General Manager of the Authority;
- (g) "Mayor" means the mayor of the City;
- (h) "Minister" means the Minister of Housing and Public Works;
- (i) "Vice-Chairman" means the Vice-Chairman of the Authority.

Incorporation

2. (1) There is hereby created a body corporate with the name of "The Edmonton Research and Development Park Authority" composed of members appointed in accordance with the provisions of this Act.

(2) The members of the Authority have direction and control over the conduct of the business and affairs of the Authority.

(3) The Authority is a continuing body notwithstanding any change or vacancy in membership.

General power 3. The Authority shall have power to establish, develop, maintain, manage and operate research and development parks in the City.

Special powers 4. Without limiting the generality of section 3 and subject to section 5, the Authority shall have the power

- (a) to appoint a General Manager who shall have authority to conduct the daily administration and management of the business and affairs of the Authority and shall be responsible to the Authority;
- (b) to acquire and hold any real or personal property or any estate or interest in real or personal property or any rights or privileges of any kind or nature and to alienate, sell, lease or dispose of any property, right or privileges;
- (c) to engage the services of any bank or treasury branch and to enter into agreements with any bank or treasury branch;
- (d) to draw, make, accept, endorse, execute and issue promissory notes, bills of exchange, bills of lading and other negotiable or transferable instruments;
- (e) to delegate in writing any power or powers contained in clauses (c) and (d);
- (f) to buy, sell and deal in any goods;
- (g) to acquire, hold or alienate shares in the capital stock of any corporation;
- (h) to borrow money upon the credit of the Authority and execute evidence of indebtedness;
- (i) to make by-laws for the government and proper administration of the property, affairs and interests of the Authority;
- (j) to enter into, with any government, authority or person, any agreement that the Authority deems necessary or useful to fulfill its general or special powers;
- (k) to construct, improve, maintain, develop, work or manage any and all works necessary or desirable for a research and development park;
- (l) to receive gifts, donations and grants of money and other property from any source for the purpose of enabling the Authority to carry out its general or special powers;
- (m) generally, to do or cause to be done all things, within or without the City, necessary for or incidental to the establishment, development, maintenance, management and operation of research and development parks in the City.

Approval of
council
required

5. Without the approval of the Council the Authority shall not

- (a) acquire or sell real property;

- (b) lease any real property for a period greater than one year;
- (c) acquire or alienate shares in the capital stock of any corporation;
- (d) enter into an agreement requiring an expenditure by the Authority in excess of \$25,000 or such other sum as the Council may from time to time designate by resolution;
- (e) borrow money for the purpose of making capital or expenditure.

Members

6. (1) The Authority shall be composed of

- (a) the Mayor,
- (b) one Commissioner of the City appointed by the Council,
- (c) one member of the Council appointed by the Council,
- (d) 5 electors appointed by the Council, of which at least one shall be a representative of the tenants of a park established by the Authority,
- (e) 2 members recommended by the Minister and appointed by the Council,
- (f) one member recommended by the University of Alberta and appointed by the Council,
- (g) one member recommended by the Edmonton Chamber of Commerce and appointed by the Council.

(2) The Council may appoint up to 7 additional electors to the Authority, and the terms of the additional members shall be determined by the Council at the time of their appointment.

**Appointment
and term of
members**

7. (1) As soon as practically possible after this Act comes into force the first members of the Authority shall be appointed.

(2) The member of the Council who is first appointed as a member of the Authority shall be appointed for a term commencing on the day of his appointment and ending on the day on which the first organizational meeting of the Council following his appointment is held.

(3) The 5 electors who are first appointed as members of the Authority shall be appointed for terms commencing on the day of their appointment and they shall be appointed so that

- (a) the term of 2 members shall be 3 years,
- (b) the term of 2 members shall be 2 years, and
- (c) the term of one member shall be one year.

(4) A member of the Council or an elector appointed to succeed a person appointed pursuant to subsection (2) or (3) shall be appointed for a term of one year, subject to section 8.

(5) The term of an elector appointed pursuant to section 6(2) shall be determined by the Council at the time of his appointment but shall not exceed 3 years.

(6) Notwithstanding the period for which he was appointed as a member of the Authority, a member of the Council may hold office as a member of the Authority only so long as he remains a member of the Council.

(7) A member appointed pursuant to subsections (2), (e), (f) and (g) of section 6 shall be appointed for a term of one year.

(8) Subject to subsection (4) and notwithstanding the period for which he was appointed as a member of the Authority, a member of the Authority shall remain in office until his successor has been appointed, unless disqualified pursuant to section 9.

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

Vacancies

8. Where a vacancy occurs in membership in the Authority by any cause other than expiration of the term for which the member was appointed, the Council shall appoint a successor to fill the vacancy for the remainder of the term.

Qualifications

9. (1) The provisions of sections 29, 30 and 31 of *The Municipal Government Act* applying to members of the council of a municipality shall apply mutatis mutandis to the members of the Authority.

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

Chairman and vice-chairman

10. (1) At each annual meeting the members of the Authority shall elect one of the members to act as Chairman and one of the members to act as Vice-Chairman.

(2) The Chairman shall preside at meetings of the Authority and in his absence, the Vice-Chairman.

(3) In the absence of both the Chairman and the Vice-Chairman, the Authority may elect one of its members to preside over the meeting.

Guarantees

11. The Council may by by-law guarantee the payment of capital and interest of money borrowed by the Authority.

Financing

12. The Council may provide to the Authority whatever money is, in the opinion of the Council, necessary for the operation of the Authority.

Non-profit operation

13. (1) The Authority shall not be carried on for the purpose of gain for its members.

(2) Any profits or other accretions to the Authority shall be used in promoting its objects and no part of the income of the Authority shall be payable to or otherwise available for the personal benefit of any member of the Authority.

City may manage

14. The Council may direct the Authority to turn over the management and operation of any part of a research and development park or other assets of the Authority of the City or its nominees and the Authority shall comply with the direction.

City may
take property

15. The Council may direct the Authority to transfer to the City or its nominees all or any portion of the assets and undertaking of the Authority without payment of consideration and the Authority shall comply with the direction.

Quorum

16. 7 members shall form a quorum of the Authority for the transaction of business.

Seal

17. The Authority shall have a common seal.

Head office

18. The head office of the Authority shall be in the City.

Audit and
statement

19. (1) The Authority shall cause an annual audit of its accounts to be made at least once in every fiscal year by an independent auditor who shall be a chartered accountant and who shall be appointed at the annual meeting of the members of the Authority.

(2) The fiscal year of the Authority shall coincide with the fiscal year of the City and the Authority shall submit its annual audited statement to the Council.

(3) The Authority shall give the auditor such information and permit such inspections as are necessary to enable the audit to be carried out, and shall cause a certified statement of each audit, showing the receipts and expenditures of the Authority for the preceding fiscal year and investments, if any, held by the Authority for the preceding fiscal year and investments, if any, held by the Authority at the time of the audit for that year, to be laid before the first meeting of the members of the Authority held after the completion of the audit, to be published in a newspaper circulated in the City and to be presented to the Council.

Coming into
force

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