

1981 BILL 79

Third Session, 19th Legislature, 30 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 79

REGIONAL MUNICIPAL SERVICES ACT

THE MINISTER OF MUNICIPAL AFFAIRS

First Reading
Second Reading
Committee of the Whole
Third Reading
Royal Assent

BILL 79

1981

REGIONAL MUNICIPAL SERVICES ACT

(Assented to _____, 1981)

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

Definitions

1 In this Act,

- (a) "board" means a board of directors of a regional services commission;
- (b) "Minister" means the Minister of Municipal Affairs;
- (c) "municipality" means a city, town, new town, village, summer village, municipal district, county, improvement district, special area, Indian reserve or armed forces base;
- (d) "regional services commission" means a regional services commission established under section 2.

Establishment of a regional services commission

2(1) The Lieutenant Governor in Council may make regulations

- (a) establishing a regional services commission,
- (b) prescribing the name of the regional services commission,
- (c) governing the services to be provided by the regional services commission,
- (d) designating the municipalities that are to be the members of the regional services commission, and
- (e) governing the fees to be charged by a regional services commission to its customers or any class of its customers.

(2) A regional services commission established under this Act is a corporation.

(3) If the Lieutenant Governor in Council considers that the financial or administrative condition of a regional services commission warrants the making of regulations under this subsection, he may make regulations

(a) appointing and governing the duties of an official trustee to conduct the affairs of the board of a regional services commission;

(b) requiring and governing the winding-up of a regional services commission.

Objects of a regional services commission

3 The objects of a regional services commission are to provide water, sanitary and storm sewerage and waste management services, or any of them, with respect to more than 1 municipality.

Board of Directors

4 The affairs of a regional services commission shall be conducted by a board of directors appointed pursuant to section 5.

Members of the board of a regional services commission

5(1) On the establishment of a regional services commission, the Minister shall

(a) designate those councils of the municipalities that are members of the regional services commission that are to appoint the members of the board of directors of the commission pursuant to clause (b) and subsection (4),

(b) specify the number of members of councils designated under clause (a) that are to be appointed by the councils as members of the board of directors of the commission, and

(c) in the case where a regional services commission provides more than 1 service, specifying the service with respect to which each member of the board of directors is eligible to vote.

(2) The Minister may, with respect to an improvement district or special area that is a member of the regional services commission, appoint 1 or more residents of the improvement district or special area, as the case may be,

(a) as members of the board of the regional services commission, and

(b) as alternate members of the board of the regional services commission, and, if 2 or more alternate members are appointed in an improvement district or special area, the Minister shall rank them in the order they are permitted to act as alternate members.

(3) The Minister may, with respect to an Indian reserve or armed forces base that is a member of the regional services commission, appoint 1 or more persons

(a) as members of the board of the regional services commission, and

(b) as alternate members of the board of the regional services commission, and, if 2 or more alternate members are appointed for an Indian reserve or armed forces base, the Minister shall rank them in the order they are permitted to act as alternate members.

(4) If a council is designated under subsection (1), it shall forthwith appoint from its members the number of members of the board required to be appointed by it and may specify the term of office of each person so appointed.

(5) For each person appointed by it under subsection (4) a council may appoint 1 or more of its members to act as alternate members of the board and if 2 or more alternate members are appointed, the council shall rank them in the order in which they are permitted to act as alternate members.

(6) When a council appoints a member or alternate member to the board under subsection (4) or (5) it shall forward the name of the person so appointed to the Minister and the chairman of the board.

(7) An alternate member of the board of a regional services commission is entitled to act in place of the member in respect of whom he is named as alternate when the original member is absent or unable to attend a meeting of the commission.

(8) When an alternate member of the board of a regional services commission acts in place of a member of the board the alternate member is a member of the board for all purposes.

(9) The regional services commission may pay remuneration to members or alternate members of the board and may compensate them for reasonable travelling and other expenses incurred in the course of their duties as members of the board.

Chairman

6(1) The Lieutenant Governor in Council may appoint a person to be chairman of the board of a regional services commission.

(2) The chairman is a member of the board.

(3) The remuneration, travelling and other expenses of the chairman of the board shall be determined by the Lieutenant Governor in Council and paid by the regional services commission.

(4) The board shall meet as directed by the chairman or requested by a majority of the persons sitting on the board.

(5) When the chairman is absent from a meeting of the board, the members present may elect one of their number to preside as chairman at the meeting.

Powers of a regional services commission

7(1) A regional services commission for the purpose of achieving its objects may

- (a) acquire and finance, construct, operate and dispose of water lines, sanitary or storm sewer lines, and water, waste and sanitary or storm sewerage plants and facilities;
- (b) employ persons necessary to carry out its operations and terminate the employment of persons employed by it;
- (c) subject to section 11, acquire by purchase, expropriation or otherwise and dispose of any estate or interest in real property;
- (d) engage the services of a bank, trust company, treasury branch, credit union or other financial institution;
- (e) borrow money on its credit;
- (f) issue notes, bonds, debentures or other evidence of indebtedness;
- (g) draw, make, accept, endorse, execute and issue promissory notes, bills of exchange or other negotiable or transferable instruments;
- (h) enter into agreements with the Government of Alberta, the Government of Canada, the government of a province of Canada, an agency of any of those governments, a municipal authority in Alberta or any other person;
- (i) invest its funds that are not immediately required by it in authorized trustee investments;
- (j) charge for its services.

By-laws **8** A board may make by-laws governing the administration of the regional services commission.

Fiscal year **9** The fiscal year of a regional services commission is the calendar year.

Annual report **10(1)** The regional services commission shall at the end of each fiscal year provide an annual report of its affairs to

- (a) each municipality that is a member of the regional services commission, and
- (b) the Minister.

(2) An annual report provided under subsection (1) shall include

- (a) an audited financial statement for the immediately preceding fiscal year,
- (b) a summary of the affairs of the regional services commission for the immediately preceding fiscal year,

- (c) a summary of the next year's projected activities, and
- (d) any other information that the Minister requests.

Regulations

11(1) In this section, "municipal utility" means any water lines, sanitary or storm sewer lines, or water, waste management or sanitary or storm sewerage plants or facilities that are owned by a municipality or jointly owned by 2 or more municipalities.

(2) The Lieutenant Governor in Council may make regulations

- (a) governing the acquisition by expropriation or otherwise by a regional services commission of land, buildings and personal property used in the operation of a municipal utility;
- (b) prescribing the terms and conditions to which an acquisition under clause (a) is subject;
- (c) authorizing the Public Utilities Board to determine the amount that a regional services commission must pay the municipalities from which it acquires municipal utilities;
- (d) declaring any debt or liability incurred by a municipality with respect to a municipal utility to be a debt or liability of the regional services commission that acquires the municipal utility;
- (e) providing for the continuance of services to customers and for any other transitional matter with respect to the acquisition of a municipal utility.

Current and capital expenditures

12(1) The Lieutenant Governor in Council may, upon the establishment of a regional services commission and from time to time thereafter, pay to the board of the regional services commission out of money voted by the Legislature for the purpose those sums that will enable the board to meet all authorized current and capital expenditures that the Lieutenant Governor in Council considers to be required for development and operation of the services and facilities of the regional services commission.

(2) The sums paid under subsection (1) may be

- (a) by grant,
- (b) by advance or loan, or
- (c) by the purchase of debentures of the regional services commission.

(3) Any sum advanced or loaned by the Government is a debt due by the regional services commission to the Government and shall be repaid by the regional services commission.

(4) The Lieutenant Governor in Council may specify the terms of

repayment or retirement of money advanced or loaned under this section.

Settlement of
disputes by Public
Utilities Board

13 If there is a dispute between a regional services commission and a municipality or another regional services commission with respect to

(a) rates, tolls or charges for water, sewerage or waste disposal services,

(b) compensation for the acquisition of water, sewerage or waste disposal facilities by the regional services commission, or

(c) the use of any road, street, square, bridge, subway or watercourse by the regional services commission

the dispute may be submitted to the Public Utilities Board for an order on any terms and conditions that the Public Utilities Board may impose.

Application of Act

14 In the event of a conflict between this Act and the *Municipal Government Act*, this Act prevails.

Amends chapter 27
of the Statutes of
Alberta, 1974

15 *The Expropriation Act* is amended in Schedule 1 by adding the following after section 2:

2.1 The Regional Acquisitions of a
Municipal Services municipal utility under
Act section 11

Amends chapter
218 of the Revised
Statutes of Alberta
1970.

16 *The Local Authorities Board Act* is amended in section 2(d) by adding “a regional commission established under the *Regional Municipal Services Act*” after “irrigation district,”.

Amends chapter
219 of the Revised
Statutes of Alberta
1970.

17 *The Local Authorities Pension Act* is amended in section 2(b) by adding the following after subclause (iv):

(iv.1) a regional services commission established under the *Regional Municipal Services Act*,

Amends chapter 14
of the Revised
Statutes of Alberta
1970

18 *The Alberta Municipal Financing Corporation Act* is amended

(a) in section 2

(i) in clause (g) by adding “, regional services commission” after “drainage district”, and

(ii) by adding the following after clause (g):

(g.1) “regional services commission” means a regional services commission established under the *Regional Municipal Services Act*;

(b) in section 10(1)

(i) by adding “, regional services commissions” after “drainage districts” wherever it occurs, and

(ii) by adding “, commission” after “hospital, district”.

Amends chapter
246 of the Revised
Statutes of Alberta
1970

19 *The Municipal Government Act is amended by adding the following after section 271:*

271.1 A council and a regional services commission established under the *Regional Municipal Services Act* may enter into contracts with respect to water, sanitary or storm sewerage or waste management services without the approval of the Public Utilities Board under section 271.

Amends chapter
251 of the Revised
Statutes of Alberta
1970

20 *The Municipal Taxation Act is amended in section 25(1)*

(a) in clause 2 by striking out “or” at the end of subclause (i) and by adding the following after subclause (i):

(i.1) owned by a regional services commission established under the *Regional Municipal Services Act*, or

(b) by adding the following after clause 29:

30. land and improvements owned by a regional services commission established under the *Regional Municipal Services Act*.

Amends chapter 89
of the Statutes of
Alberta. 1977

21 *The Planning Act, 1977 is amended in section 1, clause 16 by adding the following after subclause (v):*

(v.1) a regional services commission established under the *Regional Municipal Services Act*, or

Amends chapter
302 of the Revised
Statutes of Alberta
1970

22(1) *The Public Utilities Board Act is amended by this section.*

(2) *Section 2 is amended*

(a) in clause (i) by repealing subclause (ii) and substituting the following:

(ii) does not include

(A) a municipality that does not voluntarily come under this Act in the manner provided in this Act, or

(B) a regional services commission;

(b) by adding the following after clause (j):

(j.01) “regional services commission” means a regional

services commission established under the *Regional Municipal Services Act*.

(3) *Section 103 is repealed and the following is substituted:*

103 Section 104 applies

(a) to those areas of Alberta that are defined and described by an order of the Board made on the recommendation of the Provincial Planning Board, or

(b) with respect to a regional services commission, to the area within the boundaries of the municipalities that are members of the regional services commission.

(4) *Section 104 is amended*

(a) *in subsection (1)*

(i) *by renumbering clause (a) as clause (a.1) and by adding the following before clause (a.1):*

(a) “proprietor commission” means a regional services commission that owns, operates, manages or controls a public utility;

(ii) *in clause (b) by adding “or waste management” after “sewerage”;*

(b) *in subsection (2)*

(i) *by adding “, a regional services commission” after “a municipality”;*

(ii) *by adding “or proprietor commission” after “proprietor municipality”, wherever it occurs, and*

(iii) *in clause (b)*

(A) *by adding “, regional services commission” after “the municipality”;*

(B) *by adding “or waste management facilities” after “facilities”;*

(c) *in subsection (3) by adding “and (6)” after “subsection (5)”;*

(d) *by adding the following after subsection (5):*

(6) Subsection (3) does not apply to a public utility that is owned, operated, managed or controlled by a proprietor commission.

(6) *Section 105 is amended*

(a) *in subsection (1) by adding “or a regional services commission” after “a municipality”, and*

(b) *in subsection (2)*

(i) *by adding “, regional services commission” after “any municipality” wherever it occurs,*

(ii) *by adding “or proprietor commission” after “proprietor municipality” wherever it occurs,*

(iii) *by adding “or applying regional services commission” after “applying municipality” wherever it occurs, and*

(iv) *in clause (a) by adding “or regional services commission” after “other municipality”;*

(c) *in subsection (3) by adding “, regional services commissions” after “municipalities”.*

Coming into force **23** This Act comes into force on Proclamation.