

1983 BILL 72

First Session, 20th Legislature, 32 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 72

COUNTY AMENDMENT ACT, 1983

MR. STILES

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

*Bill 72
Mr. Stiles*

BILL 72

1983

COUNTY AMENDMENT ACT, 1983

(Assented to _____, 1983)

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

- 1 The County Act is amended by this Act.*
- 2 Section 5(1)(a) is amended by striking out "municipal" and substituting "county".*
- 3 Section 6(1)(b) is amended by adding "or the Lieutenant Governor in Council" after "Board".*
- 4 Section 7 is amended*
 - (a) in subsection (1) by renumbering clause (a) as (a.1) and by adding the following before clause (a.1):*
 - (a) a city school district,*
 - (b) in subsection (3) by adding "city," before "town".*

Explanatory Notes

1 This Bill will amend chapter C-27 of the Revised Statutes of Alberta 1980.

2 Section 5(1)(a) presently reads:

5(1) Immediately after the expiration of 4 years from the date of the formation of the county, the county council shall

(a) post up and keep posted for a period of not less than 30 days a notice in the prescribed form in not less than 15 conspicuous places in the county, one of which shall be the office of the municipal secretary, and

3 Section 6(1)(b) presently reads:

6(1) After the establishment of a county,

(b) the Local Authorities Board may by order change the boundaries of the county in the same manner as similar changes may be made in a municipal district.

4 Section 7(1) and (3) presently read:

7(1) This Act does not apply to

(a) a town school district,

(b) a village school district, or

(c) a separate school district,

that is not included in a school division.

(3) When a school district referred to in subsection (1) is included in a county, a town or village included in the school district shall be represented on the board of education in accordance with this Act.

5 *Section 15 is amended*

(a) *in clause (a) by striking out “municipal secretary in” and substituting “county secretary in”;*

(b) *in clause (b) by striking out “municipal” and substituting “county”.*

6 *Section 17 is amended*

(a) *by adding the following after subsection (1):*

(1.1) A person elected in a by-election to fill a vacancy in the office of school representative shall be appointed to the board of education by the county council at its next meeting following the by-election.

(b) *in subsection (5)*

(i) *by striking out “municipal secretary of the county” and substituting “county secretary”;*

(ii) *in clause (a) by adding “city,” before “town” wherever it occurs.*

7 *Section 23 is repealed and the following is substituted:*

23 The election of a school representative shall be conducted in accordance with the *Local Authorities Election Act*

(a) by the educational unit if it is a city, town, village or summer village, or

(b) by the county in respect of an educational unit that is not a city, town, village or summer village.

5 Section 15 presently reads:

15 The council shall appoint

(a) a municipal secretary in whom all the rights, duties, privileges and powers of the municipal secretary of a municipal district and the secretary of a school division are vested, and

(b) any other officials required to assist the municipal secretary and to provide for the efficient conduct of the business of the county council and its committees.

6 Section 17(1) and (5) presently read:

17(1) The county shall, at its organizational meeting in each year, establish a board of education consisting of

(a) not less than 3 members of the county council, and

(b) the school representatives appointed from educational units in accordance with section 18 or sections 19, 20 and 21, as the case may be.

(5) The county council shall, not less than 30 days prior to nomination day for the next general election, determine the number of school representatives to be elected in respect of each educational unit and on making that determination the municipal secretary of the county shall notify

(a) the council of a town or village, if that town or village is an educational unit, of the number of school representatives which the electors of that educational unit are entitled to elect, and

(b) the Minister of Education, if the educational unit is one referred to in section 26, of the number of school representatives which the electors of that educational unit are entitled to elect.

7 Section 23 presently reads:

23(1) To be eligible to become a school representative a person must be

(a) 18 years of age or older,

(b) a Canadian citizen,

(c) resident in Alberta for the 12 consecutive months immediately preceding nomination day,

(d) resident in the educational unit for which he is nominated for the 6 consecutive months immediately preceding nomination day,

(e) eligible to vote as an elector at the election for which he is nominated, and

(f) free from any of the disqualifications that render a person ineligible to remain a trustee under the School Act.

(2) A person is eligible to vote for a school representative if that person

(a) is an elector as defined in the Local Authorities Election Act, and

(b) is resident on nomination day in the educational unit in which the election is to be held.

8 *Section 40 is amended*

(a) in subsection (1) by adding “cities,” before “towns”;

(b) in subsection (2) by striking out “municipal secretary” and substituting “county secretary”.

9 *Section 41 is amended by striking out “municipal secretary of the county” and substituting “county secretary”.*

10 *The following provisions are amended by adding “city,” before “town” wherever it occurs:*

section 1(a)(i) and (ii);
section 18(1)(a) and (2);
section 22(2)(a);
section 25;
section 29;
section 34(1);
section 38(2).

In accordance with section 4(1) of the Interpretation Act, this Bill comes into force on the date it receives Royal Assent.

(3) *The term of office of a person elected as a school representative is the same as that of a councillor as determined under the Municipal Government Act.*

(4) *If an election of a school representative is to be held in respect of an educational unit that is a town or village,*

(a) the nomination and the election for that position shall be conducted in the same manner as that for a trustee under the Local Authorities Election Act, and

(b) the election shall be conducted by the town or village, as the case may be.

(5) *If an election of a school representative is to be held in respect of an educational unit other than one that is a town or village,*

(a) the nomination and the election for that position shall be conducted in the same manner as that for a member of an elected authority under the Local Authorities Election Act, and

(b) the elections shall be conducted by the county.

8 Section 40(1) and (2) presently read:

40(1) Immediately after the election of the chairman at the annual meeting of ratepayers provided for by the Municipal Government Act, the chairman shall provide for a discussion of school affairs, during which time the electors of towns and villages and of rural school districts included in the county for school purposes shall be entitled to participate, to sponsor motions and to vote on any matter or resolution that is brought before the meeting on school affairs.

(2) In lieu of the notice provided for by section 123(2) of the Municipal Government Act, the municipal secretary shall

(a) cause to be issued a notice in the prescribed form, and

(b) publicize the notice as closely as possible in the same manner as provided in the Local Authorities Election Act.

9 Section 41 presently reads:

41 The municipal secretary of the county shall mail a copy of all approved minutes of the board of education meetings to the school representatives representing educational units.

10 Adds reference to "city" in several provisions dealing with the educational unit of a county.