

1983 BILL 95

First Session, 20th Legislature, 32 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 95

**MUNICIPAL GOVERNMENT AMENDMENT ACT,
1983 (NO. 2)**

MR. BATIUK

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 95
Mr. Batiuk

BILL 95

1983

MUNICIPAL GOVERNMENT AMENDMENT ACT, 1983 (NO. 2)

(Assented to _____, 1983)

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

1 The Municipal Government Act is amended by this Act.

2 The following is added after section 27:

27.1(1) The mayor of a city or town shall be elected by the vote of the electors of the entire municipality.

(2) The mayor of a village and the reeve of a municipal district shall, not later than 2 weeks after the 3rd Monday in October, be elected annually by the councillors from among their own number.

(3) The mayor of a summer village shall, not later than August 31, be elected annually by the councillors from among their own number.

3 Section 39 is repealed and the following is substituted:

39(1) The organizational meeting of a council shall be held annually, no later than 2 weeks after the 3rd Monday of October, at a time and place to be fixed by the municipal secretary.

(2) The municipal secretary shall give written notice of the day, time and place of the organizational meeting to each member of the council in the manner prescribed by section 43(4).

Explanatory Notes

1 This Bill will amend chapter M-26 of the Revised Statutes of Alberta 1980.

2 Election of mayor and reeve.

3 Consequential to the Local Authorities Election Act. Section 39 presently reads:

39 The organizational meeting of a council shall be held annually, but no later than 6 weeks following the date specified in the Local Authorities Election Act

(a) for the receiving of nominations for councillor in a general election, or

(b) in any year in which a general election is not required to be held, the date specified for receiving nominations if a general election were held that year,

at a time and place to be fixed by the municipal secretary and the secretary shall give written notice of the day, time and place of the meeting to each member of the council in the manner prescribed by section 43(4).

4 *Section 349(3) is repealed.*

5 *Section 414 is amended*

(a) in subsection (1) by striking out “Any” and substituting “Subject to subsection (11), any”;

(b) by adding the following after subsection (10):

(11) This section does not apply to a by-law passed under Part 7.

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

4 Section 349(3) presently reads:

(3) No certificate shall be granted while any action or proceeding in which the validity of the by-law is called in question or by which it is sought to quash it is pending, nor until 2 months after the final passing of the by-law unless notice of the application is given in the manner and to the persons, if any, that the Board may direct.

5 Section 414(1) presently reads:

414(1) Any elector of the municipality may, by notice of motion, apply to the Court of Queen's Bench to quash any by-law, order or resolution of the council in whole or in part for illegality.