

1985 BILL PR 10

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Third Session, 20th Legislature, 34 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL PR 10

WESTCASTLE DEVELOPMENT AUTHORITY ACT

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MR. GOGO

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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*Bill PR 10*  
*Mr. Gogo*

## **BILL PR 10**

1985

### **WESTCASTLE DEVELOPMENT AUTHORITY ACT**

*(Assented to , 1985)*

WHEREAS a petition has been presented by the Town of Pincher Creek and the Municipal District of Pincher Creek No. 9, praying for the incorporation of a body corporate to be known as the "Westcastle Development Authority", and it is expedient to grant the prayer of the petition;

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 Westcastle Development Authority created by this Act;
- (b) "Chairman" means the Chairman of the Authority;
- (c) "Councils" means the municipal councils of the Town of Pincher Creek and the Municipal District of Pincher Creek No. 9;
- (d) "elector" means a person who is entitled to a vote at the municipal elections of the Town of Pincher Creek or the Municipal District of Pincher Creek No. 9 and who is not a member of one of the Councils;

(e) “General Manager” means the person who is from time to time appointed as General Manager of the Authority by the Authority;

(f) “Mayor” means the Mayor of the Town of Pincher Creek;

(g) “Municipal District” means the Municipal District of Pincher Creek No. 9;

(h) “Reeve” means the Reeve of the Municipal District of Pincher Creek No. 9;

(i) “Town” means the Town of Pincher Creek;

(j) “Vice-Chairman” means the Vice-Chairman of the Authority;

(k) “Westcastle Park” means those lands encompassed in Recreation Lease No. REC 780041 dated February 22, 1979, Licence of Occupation No. LOC 781448 dated December 22, 1978 and Licence of Occupation No. LOC 781449 dated April 10, 1979 all granted by Her Majesty as represented by the Associate Minister of Energy and Natural Resources together with such further lands as are transferred or leased to the Authority by the Province of Alberta.

Incorporation

**2(1)** There is hereby created a body corporate with the name of “Westcastle Development Authority” composed of members determined 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 and the General Manager is responsible for the Authority for the daily administration and management of such business and affairs.

(3) The Authority is a continuing body notwithstanding any election or appointment or any vacancy or vacancies occurring from time to time.

General powers

**3** The Authority shall have power to establish, develop, sell, lease, maintain, manage and operate Westcastle Park with all related facilities including but not limited to housing, recreation, and commercial requirements.

Special powers

**4** Without limiting the generality of section 3 and subject to section 5 the Authority shall have the power:

(a) to appoint the General Manager who shall have authority to conduct the daily administration and management of the business and affairs of 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, as the Authority considers necessary or convenient, and to alienate, sell, lease or dispose of any property, right or privilege;

(c) to engage the services of any bank, credit union or treasury branch and to enter into agreements with any bank, credit union 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 to any person or persons any power or powers contained in clauses (c) and (d);

(f) to buy, sell and deal in any goods, wares or merchandise either by wholesale or retail or both;

(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 such evidences of indebtedness as the Authority may deem expedient;

(i) to distribute funds to the Town of Pincher Creek and the Municipal District of Pincher Creek No. 9 as the Authority may deem appropriate;

(j) to make by-laws, rules, orders and regulations for the government and proper administration of the property, affairs and interests of the Authority;

(k) generally, to do or cause to be done all things, within or without Westcastle Park necessary for or incidental to the establishment, development, maintenance, management and operation of the Westcastle Development.

Approval of  
Councils required

**5** Without the approval of the Councils the Authority shall not:

(a) sell real property designated for recreational use;

(b) lease real property designated for recreational use for a period in excess of 1 year;

(c) acquire or alienate shares in the capital stock of any corporation;

(d) enter into any agreement requiring an expenditure by the Authority in excess of \$50 000;

(e) borrow any sum in excess of \$50 000 for the purpose of making a capital expenditure;

Funds distributed **6** No funds may be distributed other than pursuant to section 4(i) and no profit, funds or other assets of the Authority shall accrue to any member of the Authority except pursuant to section 14.

Members **7** The Authority shall be composed of:

- (a) The Mayor;
- (b) the Reeve;
- (c) 1 member of the Town of Pincher Creek Council appointed by resolution of the Council;
- (d) 1 member of the Municipal District of Pincher Creek No. 9 appointed by resolution of the Council;
- (e) 1 elector of the Town of Pincher Creek appointed by resolution of the Town of Pincher Creek;
- (f) 1 elector of the Municipal District of Pincher Creek No. 9 appointed by resolution of the Municipal District of Pincher Creek No. 9;
- (g) the Councils may, if it is deemed appropriate, appoint by joint resolution not more than 4 additional persons who are residents of Alberta as members.

Appointment and terms of members **8(1)** As soon as practically possible after this Act comes into force the Councils shall appoint the first members of the Authority pursuant to section 7(c), (d), (e) and (f).

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

(3) The 2 electors who are first appointed as members of the Authority shall be appointed for terms commencing on the day of their appointment and shall terminate on the date on which the second organizational meeting of the Councils following their appointments are held.

(4) In the event that the Councils appoint members pursuant to section 7(g), such appointments shall be for a term of 2 years from the date of appointment.

(5) After the appointment of the first members of the Authority the members of the Councils who are appointed as members of the Authority shall be appointed for 1 year terms.

(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) Subject to subsection (6), notwithstanding the period for which he was appointed as a member of the Authority, unless disqualified pursuant to section 10, a member of the Authority shall remain in office until his successor has been appointed.

(8) A former member of the Authority is eligible for reappointment as a member of the Authority.

Vacancies

**9(1)** Where a vacancy occurs in membership in the Authority by reason of death or resignation of a member or from any other cause other than expiration of the term for which the member of the Authority is appointed, the Council responsible for the original appointment shall appoint by Resolution a successor to fill the vacancy in membership in the Authority for the remainder of the term.

(2) Where a vacancy occurs in membership in the Authority for any cause, the vacancy shall be filled within 60 days after the vacancy occurs.

Qualification and disqualification of members

**10** 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.

Chairman and Vice-Chairman and meetings

**11(1)** The members of the Authority shall annually elect 1 of the members of the Authority to act as Chairman of the Authority and 1 of the members of the Authority to act as Vice-Chairman of the Authority.

(2) The Chairman shall preside at meetings of the Authority.

(3) In the absence of the Chairman at a meeting of the Authority, the Vice-Chairman shall preside at such meeting.

(4) The Chairman and the Vice-Chairman shall have the same right of voting as other members of the Authority.

(5) In case of an equality of votes at a meeting of the Authority, the Chairman, or the Vice-Chairman in his absence, shall not have a second or casting vote.

Annual meeting

**12** The members of the Authority shall meet at least once a year and at such other times as might be necessary.

Quorum

**13** No business shall be transacted at a general or special meeting of the members of the Authority unless a majority of the members are present.

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| Remuneration<br>for members         | <b>14</b> The members of the Authority shall be paid by the Authority such remuneration for their services and remuneration of expenses incurred on the business of the Authority as may be prescribed from time to time by resolution of the Councils.  |
| Head office                         | <b>15</b> The head office of the Authority shall be in the Town of Pincher Creek, in the Province of Alberta.  |
| General<br>Manager and<br>employees | <b>16(1)</b> The Authority shall appoint a person to be the General Manager and, subject to the approval of the Councils given by resolution, shall fix his remuneration.<br><br><b>(2)</b> The General Manager shall hold office during the pleasure of the Authority.<br><br><b>(3)</b> The Authority shall employ such persons as it considers necessary and subject to subsection (1), may prescribe their duties and salaries or remuneration.                                      |
| Corporate seal                      | <b>17</b> The Authority shall have a corporate seal in the form which is from time to time adopted by the Authority.   |
| Execution of<br>documents           | <b>18</b> The Chairman, Vice-Chairman and the General Manager, or any 2 of them, are hereby authorized to sign in the name of and on behalf of the Authority and to affix the corporate seal of the Authority to documents and such execution is binding upon the Authority without any further authorization or formality.  |
| Financial<br>advisor and<br>audits  | <b>19</b> All accounts and books of the Authority shall be audited by auditors appointed for the purpose by resolution of the Authority.   |
| Budget                              | <b>20(1)</b> Prior to June 30 in each year the Authority shall make up or cause to be made up an estimate of expenditures and revenues for the next fiscal year.<br><br><b>(2)</b> The estimate of expenditures and revenues shall be delivered to the Town Manager of the Town of Pincher Creek and the Municipal Secretary of the Municipal District of Pincher Creek No. 9 not later than June 30 in each and every year for the information and approval of the respective Councils. |

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