

1985 BILL PR 11

Third Session, 20th Legislature, 34 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL PR 11

THE CALGARY MUNICIPAL HERITAGE PROPERTIES
AUTHORITY ACT

MR. OMAN

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill PR 11
Mr. Oman

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1985

THE CALGARY MUNICIPAL HERITAGE PROPERTIES AUTHORITY ACT

(Assented to , 1985)

WHEREAS a petition has been presented, praying for the incorporation of a body corporate to be known as "The Calgary Municipal Heritage Properties 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 Calgary Municipal Heritage Properties Authority created by this Act;
- (b) "Chairman" means the Chairman of the Authority;
- (c) "City" means the City of Calgary;
- (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 by the Authority;

(g) “heritage resource” means any work of nature or of man, including an area of heritage character, natural site, structure, whether movable or immovable, artifact, document, specimen that is primarily of heritage value for its architectural, historic, cultural, natural, scientific or aesthetic interest;

(h) “Vice-Chairman” means the Vice-Chairman of the Authority.

Incorporation **2(1)** There is hereby created a body corporate with the name of “The Calgary Municipal Heritage Properties 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 to 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 the power to acquire, develop, maintain, manage, operate and dispose of any right or property which, in the opinion of the Authority, is a heritage resource in the City of Calgary.

Special powers **4** Without limiting the generality of section 3, 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 including grants and donations, whether public or private 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, treasury branch or credit union and to enter into agreements with any bank, treasury branch or credit union;

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

(j) to recommend to the Council appropriate expenditures, improvements or acquisitions which would promote the public interest in heritage resources;

(k) to manage on behalf of the Council any heritage resource owned by the City of Calgary;

(l) generally, to do or cause to be done all things, within or without the City of Calgary, necessary for or incidental to the development, maintenance, management and operation of heritage resources in the City of Calgary.

Members

5 The Authority shall be composed of:

(a) 2 members of Council, appointed by resolution of Council,

(b) no less than 3 nor more than 7 electors appointed by resolution of Council.

Appointment and term of members

6(1) As soon as practically possible after this Act comes into force the Council shall appoint the first members of the Authority pursuant to section 5.

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

(3) After the appointment of the first members of the Authority

(a) the members of the Council who are appointed as members of the Authority shall be appointed for a 1-year term, and

(b) the other persons who are appointed as members of the Authority shall be appointed for a term of such duration as the Council may determine.

(4) 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.

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

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

Vacancies

7(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 shall appoint by resolution a successor to fill the vacancy in membership in the Authority until the next organizational meeting of Council, at which time the Council shall appoint by resolution a successor for the remaining term of vacated membership.

(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.

Qualifications of members

8 The provisions of sections 29, 30 and 31 of the *Municipal Government Act*, or any legislation passed in substitution thereof, that to members of the council of a municipality shall apply *mutatis mutandis* to the members of the Authority.

Chairman,
Vice-Chairman

9(1) The members of the Authority shall annually elect one of the members of the Authority to act as Chairman of the Authority and one 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 the case of an equality of votes at a meeting of the Authority, a motion shall be deemed to be decided in the negative.

Annual meeting

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

Quorum

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

Remuneration	12 The members of the Authority shall be reimbursed by the Authority for any expense approved by the Authority in advance and incurred in performing duties on behalf of the Authority.
Head office	13 The head office of the Authority shall be at the City of Calgary in the Province of Alberta.
General Manager and employees	14(1) The Authority shall appoint a person to be the General Manager. (2) The General Manager shall hold office during the pleasure of the Authority. (3) The Authority may employ such other persons as it considers necessary and shall prescribe their duties and salaries or remuneration.
Corporate seal	15 The Authority shall have a corporate seal in the form adopted from time to time by the Authority.
Execution of documents	16 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 advisor and audits	17(1) The Director of Finance of the City or his designate shall act as the financial advisor of the Authority. (2) The Director of Land, if not a member of the Authority, or his designate shall act as an advisor to the Authority on real property matters. (3) All accounts and books of the Authority shall be audited by auditors appointed for the purpose by resolution of the Council.
Budget	18(1) Prior to the 31st day of October in each year the Authority shall make up or cause to be made up a budget estimate of all expenditures and revenues for the next calendar year and a separate budget estimate of funds to be requested from the Council. (2) The budget estimate of expenditures and revenues shall be delivered to the Director of Finance of the City or his equivalent not later than the 31st day of October in each year. (3) The Council may change, annul or refer back to the Authority the budget estimates of expenditures and revenues.

In accordance with section 4(1) of the Interpretation Act,

this Bill comes into force on the date it receives Royal Assent.