

1986 BILL 44

First Session, 21st Legislature, 35 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 44

DEPARTMENT OF MUNICIPAL AFFAIRS ACT

THE MINISTER OF MUNICIPAL AFFAIRS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 44

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DEPARTMENT OF MUNICIPAL AFFAIRS ACT

(Assented to , 1986)

Table of Contents

Definitions	1
Establishment of Department	2
Staff	3
Services of experts	4
Delegation of functions	5
Advisory boards, committees or councils	6
Grants	7
Loans and guarantees	8
Regulations	9
Intermunicipal questions	10
Inspection of municipal books, etc.	11
Bank accounts	12
Irregularity in management	13
Comptroller	14
Official administrator for new village, etc.	15
Audit	16
Agreements	17
Acquisition of property	18
Disposition of property	19
Grant to Metis settlements	20
Consequential	21
Repeal	22

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

Definitions

1 In this Act,

- (a) "council" means the council of a municipality or, in the case of a new town, the board of administrators;
- (b) "Department" means the Department of Municipal Affairs;
- (c) "housing" means
 - (i) buildings or structures suitable and adequate for human habitation that are or are to be used primarily for that purpose, or
 - (ii) projects for the provision, construction or rehabilitation of those buildings or structures,

and includes the infrastructure of, or the provision or construction of infrastructure for, those buildings, structures or projects;

(d) "Minister" means the Minister of Municipal Affairs;

(e) "municipality" means a city, town, new town, village, summer village, municipal district or county.

Establishment of Department **2** There shall be a department of the Government called the Department of Municipal Affairs, over which shall preside the member of the Executive Council appointed by the Lieutenant Governor under the Great Seal of the Province as Minister of Municipal Affairs.

Staff **3** In accordance with the *Public Service Act* there may be appointed a Deputy Minister of Municipal Affairs and any other employees required to conduct the business of the Department.

Services of experts **4(1)** The Minister may engage the services of experts or persons having special, technical or other knowledge to advise him or to inquire into and report to him on matters under the Minister's administration.

(2) A person whose services are engaged under this section may be paid the remuneration and expenses that the Minister prescribes.

Delegation of functions **5(1)** The Minister may delegate in writing to any person any power or duty conferred or imposed on him by this Act or any other enactment under his administration.

(2) Subsection (1) does not apply to any power or duty of the Minister to make regulations.

Advisory boards, committees or councils **6(1)** The Minister may establish any boards, committees or councils he considers necessary or desirable to act in an advisory or administrative capacity in connection with any of the policies, programs, services or other matters under his administration.

(2) The Minister may, with respect to any board, committee or council established under this section,

(a) appoint or provide for the manner of the appointment of its members,

(b) prescribe the term of office of any member,

(c) designate or provide for the designation of a chairman, vice-chairman and secretary, and

(d) authorize, fix and provide for the payment of remuneration and expenses to its members.

(3) A board, committee or council established under this section may, with the approval of the Minister, make rules governing the calling of its meetings, the procedure to be used at its meetings, the conduct of business at its meetings, reporting and any other matters as required.

(4) A board, committee or council established under this section may exercise the powers and shall perform the duties and functions that the Minister confers or imposes on it.

Grants

7(1) The Minister may make grants if

(a) he is authorized to do so by regulations made under subsection (2), and

(b) there is authority available in a supply vote for the purpose for which the grant is to be made.

(2) The Lieutenant Governor in Council may make regulations

(a) authorizing the Minister to make grants;

(b) respecting the purposes for which grants may be made;

(c) governing applications for grants;

(d) respecting the persons or organizations or classes of persons or organizations eligible for grants;

(e) respecting the conditions required to be met by any applicant for a grant to render that person eligible for the grant;

(f) respecting the conditions on which a grant is made and requiring the repayment of the grant to the Government if the conditions are not met;

(g) providing for the payment of a grant in a lump sum or by instalments and prescribing the time or times at which the lump sum or the instalments may be paid;

(h) limiting the amount of a grant or class of grant;

(i) authorizing the Minister to delegate in writing to any employee or agent of the Government any duty or power respecting the payment of a grant;

(j) requiring the recipient to account for the way in which the grant is spent in whole or in part;

(k) authorizing the Minister to enter into an agreement with respect to any matter relating to the payment of a grant.

(3) Regulations made under subsection (2) may be specific or general in their application.

(4) Notwithstanding subsection (2)(f), the Minister may impose further conditions not prescribed in the regulations on the making of a particular grant.

Loans and
guarantees

8(1) The Minister, when authorized by regulations under subsection (2), may

(a) make loans for, or authorize the provision of guarantees by the Government of the repayment of principal and the payment of interest in respect of loans made for, the following:

(i) the cost of acquiring land for housing;

(ii) the cost of clearing or breaking land for housing;

(iii) the cost of sloping, levelling or otherwise preparing land for housing;

- (iv) the cost of improving or developing land for housing;
 - (v) the cost of designing, constructing, maintaining or improving housing;
 - (vi) the cost of providing sewer, water and other utilities in respect of housing;
 - (vii) the cost of landscaping or otherwise improving the appearance of housing;
 - (viii) any other purpose that the Minister considers incidental to or proper, necessary or desirable in connection with housing;
- (b) authorize the provision of guarantees by the Government of the repayment of principal and the payment of interest in respect of loans made for the following:
- (i) the Alberta Urban Municipalities Association,
 - (ii) the Alberta Association of Municipal Districts and Counties, or
 - (iii) a regional planning commission as defined in the *Planning Act*.

(2) The Lieutenant Governor in Council may make regulations

- (a) authorizing the Minister to make loans or to authorize the provision of guarantees in accordance with and for the purposes mentioned in subsection (1);
- (b) respecting the purposes for which loans may be made or guarantees given;
- (c) governing applications for loans or guarantees;
- (d) respecting the persons or organizations or classes of persons or organizations eligible for loans or guarantees;
- (e) respecting the conditions required to be met by any applicant for a loan or guarantee to render that person eligible for it;
- (f) respecting the conditions on which a loan is made or a guarantee is given and the obligations of a person to whom a loan is made or whose loan is guaranteed;
- (g) respecting the class of security that the Minister may require to be given by applicants respecting a loan or guarantee;
- (h) limiting the amount of a loan or guarantee or class of loan or guarantee;
- (i) authorizing the Minister to delegate in writing to any employee or agent of the Government any duty or power respecting the making of a loan or the giving of a guarantee;
- (j) requiring a recipient to account for the way in which a loan made or guaranteed by the Government is spent in whole or in part;

(k) authorizing the Minister to enter into an agreement with respect to any matter relating to the making of a loan or giving of a guarantee.

(3) Regulations made under subsection (2) may be specific or general in their application.

(4) Notwithstanding subsection (2)(f), the Minister may impose further conditions not prescribed in the regulations on the making of a particular loan or the giving of a particular guarantee.

(5) A guarantee under this section must

(a) be in the form approved by the Provincial Treasurer, and

(b) be executed on behalf of the Government by the Provincial Treasurer, the Deputy Provincial Treasurer or another person designated by an order of the Provincial Treasurer,

and the signature on the guarantee of a person referred to in clause (b) is conclusive proof that this section has been complied with.

Regulations

9 Subject to any other Acts governing municipalities, the Minister may

(a) make regulations governing the methods of bookkeeping, accounting, recording and auditing to be used by municipalities, and

(b) issue to municipalities sample sets of books and forms that he considers necessary for the proper carrying out of the regulations.

Intermunicipal questions

10 The Minister may settle, adjust and decide any question arising between the councils of different municipalities respecting any rights, powers or duties conferred on them by or under any Act in force in Alberta.

Inspection of municipal books, etc.

11(1) There shall be attached to the Department 1 or more inspectors, who shall from time to time as required by the Minister examine and inspect the books and records belonging to any municipality.

(2) In addition to the inspection under subsection (1), the Minister may order a special inspection in the case of any municipality whenever he considers it advisable, or on petition of the council of the municipality setting out clearly the reason why in the opinion of the council the special inspection is necessary.

(3) An inspector

(a) may require the attendance of any official of the municipality or of any other person whose presence he considers necessary during the course of his inspection, and

(b) has the same powers, privileges and immunities as a commissioner under the *Public Inquiries Act*.

(4) When required to do so by an inspector, every official of a municipality shall produce for examination and inspection all books and records of the municipality in his possession.

(5) After the completion of the inspection of the books and records of a municipality, the inspector shall make a report thereon to the Minister and to the chief officer of the municipality.

Bank accounts

12 A bank or an agency of any bank or any other financial institution carrying on business in Alberta shall on request of the Minister furnish him with a statement showing the balance or condition of the accounts of any municipality having an account with the bank or agency, together with any particulars of the accounts that may be required.

Irregularity in management

13(1) If, because of the report of an inspector or for any other reason, the Minister considers that the affairs of a municipality are managed in an irregular, improper or improvident manner, he may either

(a) dismiss the council or any designated members of it or any official of the municipality, or

(b) direct the council or any official of the municipality to take any action that the Minister considers proper in the circumstances.

(2) If a direction of the Minister under this section is not carried out to the satisfaction of the Minister, he may by order dismiss the council or any designated members of it or any officials of the municipality.

(3) On the dismissal of the council or of any member of it, the Minister may by order direct the election of a new council, or of a member to take the place of any member so dismissed, as the case may be.

(4) On the dismissal of an official, the Minister may appoint another official in his stead and prescribe the remuneration payable to that official by the municipality.

(5) The Minister may

(a) on the dismissal of a council, or

(b) in the event of failure to nominate and elect a council for the municipality, or persons to fill vacancies in the council,

appoint by order an official administrator, who thereupon has all the powers of the council, and who shall be paid remuneration by the municipality as fixed by the Minister.

(6) An order of the Minister under this section takes effect on the service of a copy of it on either

(a) the chief officer of a municipality, or

(b) in the case of a city, the city clerk or, in the case of any other municipality, the secretary or secretary-treasurer,

and the service may be effected either personally or by sending a copy of the order by registered mail, and if so sent, shall be deemed to be served on the expiration of the 7th day after the date of mailing.

(7) A member of a council or an official of a municipality dismissed by an order of the Minister ceases to be a member of the council or

an official of the municipality, as the case may be, on the order's taking effect.

Comptroller **14(1)** The Minister may appoint a comptroller of the affairs and business of the municipality.

(2) A comptroller has the supervision of the council or the official administrator in the management of the affairs and business of the municipality, and so long as the appointment of the comptroller continues,

(a) no by-law or resolution whereby a liability is incurred or a disposition is made of the money or property of the municipality has any effect until it has been approved in writing by the comptroller, and

(b) the comptroller may at any time within 30 days after the passing of any by-law or resolution disallow it, and the by-law or resolution so disallowed becomes and is deemed to have always been void.

Official administrator for new village, etc. **15** When a new village, municipal district or county is formed or a municipal district is created by merger, the Minister may by order appoint an official administrator who has all the powers and duties of a council of the municipality concerned until the first council of the municipality is sworn into office.

Audit **16(1)** The Minister may on his own motion or on the petition of

(a) the council,

(b) not less than $\frac{1}{3}$ of the members of the council,

(c) in the case of a municipal district, county or village, 25 proprietary electors, or

(d) in the case of a town or city, 100 proprietary electors,

appoint 1 or more persons to audit the books and accounts of the treasurer of the municipality for any particular period, and the cost of the audit shall be fixed by the Minister and be paid by the municipality.

(2) In this section "proprietary electors" means proprietary electors as defined in the *Municipal Government Act*.

Agreements **17(1)** The Minister may enter into agreements on or in connection with any policies, programs, services or other matters under his administration.

(2) Without limiting subsection (1), agreements may be made under that subsection with a municipality or the Government of Canada or the government of a province or any agency of the Government of Canada or of the government of a province.

Acquisition of property **18** The Minister may acquire any estate or interest in land and any personal property in conjunction with that land for the purpose of implementing any of the policies, programs or services under his administration.

- Disposition of property **19** The Minister may sell, lease or otherwise dispose of any estate or interest in land under his administration and any personal property acquired by him under this Act.
- Grant to Metis settlements **20(1)** The Metis Settlements Trust Fund referred to in the *Department of Municipal Affairs Act*, RSA 1980 cD-25, is hereby continued and shall be held and administered by the Minister.
- (2) The Minister shall
- (a) keep and maintain a separate accounting record of the Metis Settlements Trust Fund, and
- (b) maintain a separate account in the Fund in respect of each Metis settlement to which the payment under section 19 of the *Municipal Debt Reduction Act* is credited in respect of that settlement.
- (3) The Minister may expend money in the account in the Metis Settlements Trust Fund in respect of a Metis settlement for any purpose that is a direct benefit to the Metis settlement and its residents.
- (4) The income of the Metis Settlements Trust Fund accrues to that Fund.
- (5) The Minister shall apportion the income or losses of the Metis Settlements Trust Fund among the accounts in the Fund in proportion to the net credits of those accounts, and the amounts so apportioned shall be added to or deducted from the respective amounts previously credited to those accounts.
- (6) The Minister shall, as soon as practicable after the end of each fiscal year of the Crown, prepare a report summarizing the operation of the Metis Settlements Trust Fund in the preceding fiscal year and containing financial statements showing, in respect of that fiscal year, the financial position, the results of operations and changes in the financial position of the Fund.
- (7) On preparing a report under subsection (6), the Minister shall lay a copy of it before the Legislative Assembly if it is then sitting or, if not, within 15 days after the commencement of the next ensuing sitting.
- (8) In this section, “Metis settlement” means an area of public land set aside under section 6 of *The Metis Betterment Act* for the settlement of or occupation by members of a settlement association.
- Consequential **21(1)** *The Alberta Corporate Income Tax Act* is amended
- (a) in section 26.5
- (i) in subsection (1)(d)(i) and (ii) by adding “or the Department of Municipal Affairs, as the case may be,” after “Housing”;
- (ii) in subsection (2) by striking out “Housing” and substituting “Municipal Affairs”;
- (iii) in subsection (7) by adding “or the Department of Municipal Affairs, as the case may be,” after “Housing”;

(b) in section 77(2.1)(b) by striking out “Department of Housing Act” and substituting “Department of Municipal Affairs Act”.

(2) The Alberta Mortgage and Housing Corporation Act is amended

(a) in section 1(1)(f) and (k) by striking out “Housing” and substituting “Municipal Affairs”;

(b) in section 29 by striking out “section 7(2)(i) of the Department of Housing Act” and substituting “section 9(2)(i) of the Department of Municipal Affairs Act”.

(3) The Metis Betterment Act is amended in section 4(3) by striking out “Metis Rehabilitation Branch of the Department of Social Services and Community Health” and substituting “Minister of Municipal Affairs”.

Repeal

22 *The Department of Municipal Affairs Act, RSA 1980 cD-25, and the Department of Housing Act, SA 1983, cD-23.1, are repealed.*