

1986 BILL 51

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First Session, 21st Legislature, 35 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 51**

**MUNICIPAL STATUTES AMENDMENT ACT, 1986**

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THE MINISTER OF MUNICIPAL AFFAIRS

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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## BILL 51

1986

### MUNICIPAL STATUTES AMENDMENT ACT, 1986

(Assented to \_\_\_\_\_, 1986)

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

#### City Transportation Act

*1(1) The City Transportation Act is amended by this section.*

*(2) Section 4 is amended*

*(a) by adding the following after subsection (2):*

(2.1) The city council shall, prior to 2nd reading, publish notice of the proposed by-law

(a) establishing a transportation system, or

(b) amending an existing transportation system by-law

at least once a week for 2 consecutive weeks in 1 or more newspapers having general circulation within the city, the last of the publications to be at least 14 days before the date fixed for 2nd reading of the by-law.

(2.2) The council, after considering the representations made to it concerning the proposed by-law, may

(a) pass the proposed by-law,

(b) make the amendments that it considers necessary to the proposed by-law and pass the proposed by-law as amended, or

(c) defeat the proposed by-law.

(2.3) A member of council is eligible to vote on a proposed by-law notwithstanding that the member of council was not present at the public hearing held with respect to that proposed by-law.

*(b) by repealing subsection (6).*

## Explanatory Notes

### City Transportation Act

1(1) This section will amend chapter C-10 of the Revised Statutes of Alberta 1980.

(2) Section 4 presently reads:

*4(1) The city council shall by by-law establish a transportation system in accordance with the transportation study report and the by-law shall designate the transportation system.*

*(2) The by-law shall include a map showing the approximate location of the transportation facilities and any other items required by the regulations.*

*(3) The city council shall submit the by-law to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may vary or approve the by-law in whole or in part and if the by-law is varied or approved in part only, it shall be enforced and take effect as approved.*

*(4) It is not necessary for the city council to pass a further by-law amending the by-law submitted pursuant to subsection (3) to conform with the by-law as approved by the Lieutenant Governor in Council but it shall be deemed to be amended as approved.*

*(5) Subject to the approval of the Lieutenant Governor in Council, the city may amend the by-law from time to time by the addition or deletion of transportation facilities or in any other manner.*

*(6) The city council shall, after 2nd reading, publish notice of the proposed by-law establishing a transportation system, or an amendment to it, at least once a week for 2 consecutive weeks in one or more newspapers having general circulation within the city, the last of the publications to be at least 14 days before the date fixed for the 3rd reading of the by-law.*

### **Regional Municipal Services Act**

*2(1) The Regional Municipal Services Act is amended by this section.*

*(2) Section 6(1), (2) and (3) are repealed and the following is substituted:*

**6(1)** The chairman of the board of a regional services commission shall be elected by the board from among its own members.

*(3) Section 10(2) is amended*

*(a) by striking out “include” and substituting “be prepared before the end of February and shall include”;*

*(b) in clause (a) by adding “, in the form prescribed in the regulations,” after “statement”.*

*(4) Section 11 is amended*

*(a) in subsection (2) by adding the following after clause (e):*

**(f)** declaring that all rights of action or actions or other proceedings by or against a municipality with respect to a municipal utility may be continued or maintained by or against a regional services commission that acquires the municipal utility.

*(b) by adding the following after subsection (2):*

**(3)** The Minister may make regulations prescribing forms for the purposes of this Act.

### **Regional Municipal Services Act**

- 2(1) This section will amend chapter R-9.1 of the Statutes of Alberta, 1981.
- (2) Section 6(1), (2) and (3) presently read:
- 6(1) The Lieutenant Governor in Council may appoint a person to be chairman of the board of a regional services commission.*
  - (2) The chairman is a member of the board.*
  - (3) The remuneration, travelling and other expenses of the chairman of the board shall be determined by the Lieutenant Governor in Council and paid by the regional services commission.*
- (3) Section 10 presently reads:
- 10(1) The regional services commission shall at the end of each fiscal year provide an annual report of its affairs to*
    - (a) each municipality that is a member of the regional services commission, and*
    - (b) the Minister.*
  - (2) An annual report provided under subsection (1) shall include*
    - (a) an audited financial statement for the immediately preceding fiscal year,*
    - (b) a summary of the affairs of the regional services commission for the immediately preceding fiscal year,*
    - (c) a summary of the next year's projected activities, and*
    - (d) any other information that the Minister requests.*
- (4) Section 11(2) presently reads:
- (2) The Lieutenant Governor in Council may make regulations*
    - (a) governing the acquisition by expropriation or otherwise by a regional services commission of land, buildings and personal property used in the operation of a municipal utility;*
    - (b) prescribing the terms and conditions to which an acquisition under clause (a) is subject;*
    - (c) authorizing the Public Utilities Board to determine the amount that a regional services commission must pay the municipalities from which it acquires municipal utilities;*
    - (d) declaring any debt or liability incurred by a municipality with respect to a municipal utility to be a debt or liability of the regional services commission that acquires the municipal utility;*
    - (e) providing for the continuance of services to customers and for any other transitional matter with respect to the acquisition of a municipal utility.*