

1986 BILL 53

First Session, 21st Legislature, 35 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 53

COUNTY AMENDMENT ACT, 1986

THE MINISTER OF MUNICIPAL AFFAIRS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 53

1986

COUNTY AMENDMENT ACT, 1986

(Assented to _____, 1986)

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

1 *The County Act is amended by this Act.*

2 *Section 1 is amended*

(a) *by renumbering it as section 1(1);*

(b) *in subsection (1)*

(i) *by adding the following after clause (a):*

(a.1) "elected authority", with respect to an educational unit, means

(i) the council of a city, town, village or summer village referred to in clause (a)(i), (ii) or (iv),

(ii) the Minister of Education in the case of a school district or part of a school district referred to in clause (a)(iii), or

(iii) the county council in the case of a hamlet referred to in clause (a)(v);

(ii) *in clause (d) by striking out "or 20";*

(c) *by adding the following after subsection (1):*

(2) Any election, plebiscite or vote on a by-law or question required under this Act shall be carried out in accordance with the *Local Authorities Election Act*.

(3) A reference in this Act to "population" means the population as determined pursuant to the *Property Tax Reduction Act* except that in the case of an educational unit the number of separate school supporters in that educational unit shall be deducted from the population as determined under that Act.

3 *Section 5 is amended*

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

(2.1) In addition to the requirements of the *Municipal Government Act* with respect to petitions, a petition under subsection (2) shall include the date of signature by the elector.

Explanatory Notes

1 This Bill will amend chapter C-27 of the Revised Statutes of Alberta 1980.

2 Section 1 presently reads:

1 In this Act,

(a) "educational unit" means

(i) a city, town or village, other than a summer village, included in a county for school purposes under section 7,

(ii) a city, town or village, other than a summer village, included in a county for school purposes under section 25,

(iii) those school districts or parts of them included in a county for school purposes only under section 26,

(iv) a summer village included in the county for school purposes that has a population of 150 or more persons, or

(v) a hamlet (as defined in the Municipal Government Act) that has a population of 5000 or more persons;

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

(c) "municipality" means a municipal district, improvement district or special area;

(d) "school representative" means a person appointed under section 18 or elected under section 19 or 20 to represent an educational unit.

3 Section 5 presently reads:

5(1) Immediately after the expiration of 4 years from the date of the formation of the county, the county council shall

(a) post up and keep posted for a period of not less than 30 days a notice in the prescribed form in not less than 15 conspicuous places in the county, one of which shall be the office of the county secretary, and

and the validity of the signature expires 120 days after it was made unless the petition is filed with the county secretary before the end of that 120-day period.

(b) by repealing subsection (4).

4 *Section 10 is repealed.*

5 *Section 13(2) is repealed and the following is substituted:*

(2) The reeve has all the rights, duties, privileges and powers of

(a) the reeve of a municipality, and

(b) the chairman of the board of trustees of a school division with respect to those matters under the *School Act* that by section 14 of this Act are reserved to the council.

6 *Section 14(b) is repealed and the following is substituted:*

(b) a board of trustees of a school division by the *Local Authorities Election Act* and by the *School Act* in respect of

(i) the appointment of a secretary, treasurer or auditor,

(ii) borrowing money, and

(iii) passing by-laws.

(b) publish the notice in a newspaper of general circulation in the county at least once during the period in which the notice is required to be kept posted under clause (a).

(2) At any time after a notice is posted under subsection (1), the electors of the county may petition the county council to conduct a vote on the question of whether the electors of the county are in favour of

(a) the continuation of the county, or

(b) reverting to the form of government existing immediately prior to the formation of the county.

(3) If the county council receives a petition under subsection (2) signed by electors of the county making up not less than 5% of the population of the county, it shall

(a) notify the Minister of the receipt of the petition by the county council, and

(b) conduct a vote to determine the question.

(4) For the purposes of subsection (3), the population of a county shall be derived from

(a) the last census taken by the county between April 1 and June 30 in any year, or

(b) the latest population census taken under the Statistics Act (Canada),

whichever census is the more recent.

(5) If a vote is held under this section, the reversion to the previous form of government shall not be proceeded with unless the reversion is approved of by a majority of the electors who voted on the question.

(6) The Lieutenant Governor in Council shall make those regulations and orders and do all things necessary to give effect to the decision of the electors as determined by the vote.

4 Consequential to section 2 of this Bill. Section 10 presently reads:

10 At an election for members of the county council the method of election, the eligibility of persons to vote, the preparation of the list of electors and all other matters connected with the election shall be governed by the provisions of the Local Authorities Election Act in so far as they are applicable.

5 Section 13(2) presently reads:

(2) The reeve is the chief executive officer of the county and all the rights, duties, privileges and powers of the reeve of a municipality and the chairman of the board of trustees of a school division are vested in him.

6 Section 14 presently reads:

14 Subject to this Act, the county council has and shall exercise all the rights, powers, privileges, duties and functions conferred on

(a) a council by the Municipal Government Act and the Local Authorities Election Act in respect of municipal matters, and

(b) a board of trustees of a school division by the School Act in respect of school matters.

7 *Section 15 is repealed and the following is substituted:*

15(1) The council shall by by-law appoint and describe the duties of

(a) a county secretary, in whom are vested all the rights, duties, privileges and powers of the municipal secretary of a municipal district and the secretary of a school division,

(b) a county treasurer, in whom are vested all the rights, duties, privileges and powers of the municipal treasurer of a municipal district and the treasurer of a school division, and

(c) any other officials required to assist the county secretary and the county treasurer in carrying out the duties of a secretary and a treasurer as described in the *Municipal Government Act* and the *School Act*.

(2) The council may by by-law provide that the offices of the county secretary and the county treasurer be combined into 1 office to be designated county administrator.

(3) A person appointed as county administrator has all the rights, duties, privileges and powers of a county secretary and a county treasurer.

(4) The council shall appoint a county auditor, who shall have all the rights, duties, privileges and powers of an auditor under the *Municipal Government Act* and the *School Act*.

8 *Sections 16 and 17 are repealed and the following is substituted:*

16(1) A county council may, at its organizational meeting, appoint a municipal committee, which shall consist only of not fewer than 3 members of the council.

(2) The municipal committee has and shall exercise and perform on behalf of the county the powers and duties the council delegates to it and may exercise or perform the powers and duties delegated to it in like manner and with the same effect as if the powers and duties were exercised or performed by the council.

(3) Notwithstanding subsection (2) the county council may not delegate any of the following powers to a municipal committee:

(a) the power to appoint a secretary, treasurer or auditor;

(b) the power to borrow money;

(c) the power to pass by-laws.

(4) The municipal committee at its first meeting held subsequent to the organizational meeting of the county council in each year shall elect a chairman from among its members.

(5) If a county council does not appoint a municipal committee, a reference in this Act to a municipal committee shall be deemed to be a reference to the county council.

16.1(1) A county council shall appoint the boards and committees that the council of a municipal district is required to appoint by any other Act.

7 Section 15 presently reads:

15 The council shall appoint

(a) a county secretary in whom all the rights, duties, privileges and powers of the municipal secretary of a municipal district and the secretary of a school division are vested, and

(b) any other officials required to assist the county secretary and to provide for the efficient conduct of the business of the county council and its committees.

8 Sections 16 and 17 presently read:

16(1) The county council shall, at its organizational meeting in each year, appoint a municipal committee that shall consist of not less than 3 members of the council, one of whom shall be designated as the committee chairman.

(1.1) A county council may appoint an agricultural committee under the Agricultural Service Board Act.

(2) In addition to the municipal committee a county council may appoint other committees as it considers necessary.

17(1) The county shall, at its organizational meeting in each year, establish a board of education consisting of

(a) not less than 3 members of the county council, and

(b) the school representatives appointed from educational units in accordance with section 18 or sections 19, 20 and 21, as the case may be.

(1.1) A person elected in a by-election to fill a vacancy in the office of school representative shall be appointed to the board of education by the county council at its next meeting following the by-election.

(2) The number of school representatives appointed to the board of education shall not exceed the number of electoral divisions that exist within the county.

(3) Notwithstanding anything in this or any other Act, a person who is an elector of a school district that is not included in the county for school purposes is not eligible to be a member of the board of education.

(2) A county council may appoint and describe the terms of reference of any additional board or committee that it considers necessary, composed of members of the council or other persons, or both.

17(1) The county council shall, at its organizational meeting in each year, establish a board of education consisting only of

(a) not fewer than 3 members of the county council appointed by the council at its organizational meeting, and

(b) the school representatives elected from educational units in accordance with this Act or appointed pursuant to section 18.

(2) Notwithstanding anything in this or any other Act, a councillor who

(a) is an elector of a school district that is not included in the county for school purposes, or

(b) is not qualified to be a member of a board of trustees under the *School Act*

is not eligible to be a member of the board of education.

(3) The board of education at its first meeting held subsequent to the organizational meeting of the county council in each year shall elect a chairman from among its members.

9 *Section 18 is amended*

(a) *in subsections (2) and (3) by striking out “or 20 if an election were held under those sections” and substituting “if an election were held under that section”;*

(b) *in subsection (5) by striking out “or 20, as the case may be”.*

10 *Section 19 is amended*

(a) *in subsection (1)(a) by striking out “greater than 1000 persons but”;*

(b) *by repealing subsection (2) and substituting the following:*

(2) Notwithstanding this or any other Act, the resident electors of a summer village that is not an educational unit who would otherwise be eligible to vote in the election of a school representative are eligible to vote at the election for the county councillor for the electoral division within which the summer village is located.

(4) The board of education at its first meeting held subsequent to the organizational meeting of the county council shall elect a chairman from among its members.

(5) The county council shall, not less than 30 days prior to nomination day for the next general election, determine the number of school representatives to be elected in respect of each educational unit and on making that determination the county secretary shall notify

(a) the council of a city, town or village, if that city, town or village is an educational unit, of the number of school representatives which the electors of that educational unit are entitled to elect, and

(b) the Minister of Education, if the educational unit is one referred to in section 26, of the number of school representatives which the electors of that educational unit are entitled to elect.

9 Section 18(2), (3) and (5) presently read:

(2) The council of each city, town and village referred to in subsection (1)(a) shall appoint as many school representatives as the electors of that city, town or village would be entitled to elect under section 19 or 20 if an election were held under those sections.

(3) The Minister of Education shall, with respect to the school districts or parts of them referred to in subsection (1)(b), appoint as many school representatives as the electors of that educational unit would be entitled to elect under section 19 or 20 if an election were held under those sections.

(5) The school representatives appointed under subsections (2) and (3) shall be appointed by the county council to the board of education in the same manner as if they had been elected under section 19 or 20, as the case may be.

10 Section 19 presently reads:

19(1) The electors of an educational unit may elect

(a) one school representative if the population of the educational unit is greater than 1000 persons but not greater than 2000 persons;

(b) 2 school representatives if the population of the educational unit is greater than 2000 persons but not greater than 4000 persons;

(c) 3 school representatives if the population of the educational unit is greater than 4000 persons.

(2) Subject to section 21, the county council shall appoint the school representatives elected under this section to the board of education.

11 Sections 20, 21 and 22 are repealed.

11 Sections 20, 21 and 22 presently read:

20(1) If an educational unit has a population of 1000 persons or less, the electors of the educational unit may elect one school representative.

(2) The county council shall appoint the school representatives elected under this section to the positions on the board of education that

(a) are eligible to be filled by school representatives, and

(b) remain vacant following the appointments to the board of education under section 19.

(3) Notwithstanding section 19, if

(a) one or more school representatives are elected under subsection (1), and

(b) the number of school representatives elected under section 19(1) is equal to or greater than the number of electoral divisions in the county,

the number of positions on the board of education that may be filled by school representatives elected under section 19 shall be decreased to one less than the number of electoral divisions in the county and the county council shall appoint to that vacant position on the board of education a school representative elected under subsection (1).

(4) If the number of school representatives elected under subsection (1) exceeds the number of positions on the board of education that may be filled by those school representatives under subsection (2) or (3), the county council shall meet with those school representatives at the organizational meeting of the county council and determine a system of rotation that will permit those positions on the board of education to be filled.

(5) When a system of rotation is determined under subsection (4), the county council shall appoint school representatives elected under subsection (1) to the board of education in accordance with that system of rotation.

21(1) If the number of school representatives elected under section 19(1) is greater than the number of positions on the board of education to which those school representatives may be appointed, the county council shall meet with those school representatives at the organizational meeting of the county council and determine a system of rotation that will permit those positions on the board of education to be filled.

(2) When a system of rotation is determined under subsection (1), the county council shall appoint school representatives elected under section 19(1) to the board of education in accordance with the system of rotation.

22(1) For the purposes of this Act, the population of an educational unit shall be determined by deducting the number of separate school supporters in the educational unit from the population of the educational unit that is derived from

(a) the last census taken in respect of that educational unit between April 1 and June 30 in any year, or

(b) the latest population census under the Statistics Act (Canada),

whichever census is the more recent.

(2) Not less than 45 days before nomination day for the election of school representatives,

(a) the council of the city, town or village, if the city, town or village is an educational unit, and

(b) the Minister of Education, if the educational unit is one referred to in section 26,

shall advise the county council of the population of the educational unit.

12 *Section 24 is repealed and the following is substituted:*

24 If the office of school representative becomes vacant before the term of office expires, the elected authority of the educational unit

(a) shall hold a by-election if the remaining portion of the term of office is more than 18 months, and

(b) may hold a by-election if the remaining portion of the term of office is 18 months or less,

except that a by-election shall not be held if the population of the educational unit is no longer sufficient to permit the electors of the educational unit to elect a person to that office.

13 *Sections 28, 29 and 30 are repealed and the following is substituted:*

28(1) A person who is elected as a school representative is a member of the board of education and has the same rights, duties, privileges and powers as do the members of the county council who are appointed to the board of education.

(2) If, pursuant to the *Municipal Government Act*, the county has a pension plan for the members of the council, the members of the board of education who are school representatives are eligible to participate in the plan.

(3) In addition to the duties prescribed in subsection (1), a school representative shall make a report on the activities of the board of education at the annual meeting of the educational unit if one is held in any year.

29(1) The board of education shall establish the remuneration and expenses payable by it to a member for service on the board of education.

(2) The rates established under subsection (1) are the rates payable to members of the county council and to school representatives for service on the board of education.

(3) When pursuant to section 33 a school representative is attending a meeting of the county council, that person shall be paid remuneration and expenses at the rates established by the council for service as a member of the council.

30(1) A board of education has and shall exercise and perform on behalf of the county all the powers and duties that are conferred on or exercised or performed by a board of trustees under the *School Act* and may exercise or perform its powers and duties in like manner and with the same effect as if the powers and duties were exercised or performed by the county council.

(2) Notwithstanding subsection (1), the board of education does not have any of the following powers:

(a) the power to appoint a secretary, treasurer or auditor;

(b) the power to borrow money;

(c) the power to pass by-laws.

12 Section 24 presently reads:

24 If the office of school representative of an educational unit becomes vacant before the term of office expires, a by-election shall not be held to fill the office if, according to the more recent census determined under section 22(1), the population of the educational unit is no longer sufficient to permit the electors of the educational unit to elect a person to that office.

13 Sections 28, 29 and 30 presently read:

28 A school representative sitting on the board of education has the same rights, privileges and powers and shall receive the same remuneration and expenses for attendance at meetings of the board of education as do the members of the county council who sit on the board of education.

29 When a school representative who is not sitting on the board of education attends a meeting of the board of education,

(a) the council of the city, town or village, if that city, town or village is the educational unit, or

(b) the Minister, if the educational unit is one referred to in section 26,

may pay to that school representative an allowance and reasonable travelling and subsistence expenses in respect of his attendance at that meeting.

30(1) The municipal committee and the board of education have and shall exercise and perform on behalf of the county all the powers and duties that are conferred on or exercised by a council or a board of trustees under the Municipal Government Act or the School Act respectively, except the power

(a) to borrow money, or

(b) to pass a by-law.

(2) The municipal committee and the board of education may each exercise or perform its powers and duties in like manner and with the same effect as if the powers were exercised or the duties were performed by the county council.

(3) Subject to subsection (1), the chairman of the municipal committee and the chairman of the board of education may each exercise or perform the rights, duties, privileges and powers of the reeve of a municipality or the chairman of the board of trustees of a school division, as the case may be, in like manner and with the same effect as if they were exercised or performed by the reeve of the county council.

(3) The chairman of the board of education has all the rights, duties, privileges and powers of the chairman of the board of trustees of a school division with respect to matters that are within the jurisdiction of the board of education pursuant to this Act.

14 *Section 42 is repealed and the following is substituted:*

42(1) On the request of the county council and

(a) the board of education, or

(b) a 2/3 majority of the elected authorities for the educational units in the county,

the Minister may make regulations

(c) prescribing a system of representation on the board of education of a county that is not provided for in this Act or that is a modification of the system under this Act;

(d) with respect to a system prescribed by regulations under this subsection, providing for anything not provided for or insufficiently provided for in this or any other Act.

(2) A regulation made under subsection (1) applies notwithstanding anything in this or any other Act.

(3) The Minister may make regulations prescribing forms to be used for any purpose under this Act.

15 *The system of representation on a county board of education provided for in the County Act as it read immediately before the coming into force of this Act continues in effect until the organizational meeting of the board of education following the 1986 general election under the Local Authorities Election Act.*

14 Section 42 presently reads:

42 The Lieutenant Governor in Council may make regulations and orders, not inconsistent with this Act, as he considers necessary for the proper carrying out of the Act's purposes and, without restricting the generality of the foregoing may make regulations prescribing forms for the purposes of this Act.

15 Transitional.