

1988 BILL 17

Third Session, 21st Legislature, 37 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 17

**MUNICIPAL DISTRICT OF BRAZEAU
NO. 77 INCORPORATION ACT**

THE MINISTER OF MUNICIPAL AFFAIRS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 17

1988

MUNICIPAL DISTRICT OF BRAZEAU NO. 77 INCORPORATION ACT

(Assented to _____, 1988)

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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 the Municipality;
- (b) "Minister" means the Minister of Municipal Affairs;
- (c) "Municipality" means The Municipal District of Brazeau No. 77.

Creation of
Municipality

2(1) The reeve and councillors and all other electors within the Municipality are a corporation with the name "The Municipal District of Brazeau No. 77".

(2) Except as provided in this Act, the Municipality is a municipal district for all purposes as though it had been formed by an order of the Lieutenant Governor in Council under the *Municipal Government Act*.

(3) This Act applies to the Municipality notwithstanding anything in the *Local Authorities Election Act*, *Municipal Government Act*, *Municipal Taxation Act* or any other Act or law relating to municipalities.

(4) The boundaries of the Municipality are the same as the boundaries of Improvement District No. 222 prior to its dissolution on the coming into force of this Act.

(5) Nothing in this Act shall be construed as precluding the annexation of land to, or the removal of land from, the Municipality, or a change of corporate status of the Municipality.

Change in status

3(1) In subsections (2)(c) and (3), “ministerial order” means an order of the Minister made pursuant to any Act or regulation that applies to or relates to Improvement District No. 222.

(2) When this Act comes into force,

(a) Improvement District No. 222 is dissolved;

(b) the following persons are employees of the Municipality until the council otherwise directs:

(i) each employee of the Government employed in Improvement District No. 222 whose salary is paid from money referred to in section 10(1) of the *Improvement Districts Act*, and

(ii) each person identified in Schedule B to the Employee and Tax Arrears Payment Agreement between The County of Parkland No. 31 and Her Majesty the Queen in right of Alberta as represented by the Minister of Municipal Affairs, dated December 31, 1987;

(c) subject to subsection (3), a ministerial order in effect in Improvement District No. 222 immediately before the commencement of this Act continues to be in effect in the Municipality as though it were a by-law of the council, until the council, by by-law, provides that the ministerial order ceases to be in effect in the Municipality;

(d) subject to subsection (3), any agreement entered into by the Minister that relates to Improvement District No. 222 is binding on the Municipality, as far as practicable, as though the Municipality had replaced the Minister as a party to the agreement;

(e) all taxes due to the Minister in respect of Improvement District No. 222 shall be deemed to be arrears of taxes due to the Municipality and may be collected and dealt with by the Municipality as if it had imposed the taxes;

(f) subject to the *Limitation of Actions Act*, all rights of action and actions by or against the Crown in right of Alberta may be continued or maintained by or against the Municipality if the cause of action arose in Improvement District No. 222 and relates to the administration by the Minister of any municipal matter relating solely to the Improvement District;

(g) all assets, liabilities, whether arising under a debenture or otherwise, rights, duties, functions and obligations of the Minister in respect of Improvement District No. 222 are vested in the Municipality and may be dealt with in its own name;

(h) a reference to Improvement District No. 222 or to the Minister or the Crown in respect of Improvement District No. 222 in any order, regulation, by-law, certificate of title, agreement or other instrument shall be deemed to be a reference to the Municipality;

(i) a reference to Improvement District No. 222 in an order of the Lieutenant Governor in Council that annexes land to Improvement District No. 222 after July 1, 1988 shall be deemed to be a reference to the Municipality.

(3) The Minister may, by order, exempt any ministerial order from the operation of subsection (2)(c) or any agreement from the operation of subsection (2)(d).

(4) If a question arises as to whether

(a) a right of action or action is one to which subsection (2)(f) applies, or

(b) an asset, liability, right, duty, function or obligation is one to which subsection (2)(g) applies.

the Minister shall decide the question.

(5) The Lieutenant Governor in Council may direct that any land in the Municipality under the administration of the Minister and owned by the Crown in right of Alberta be transferred by way of gift to the Municipality.

(6) The Municipality shall, prior to December 31, 1988, repay to the Provincial Treasurer any money received by Improvement District No. 222 from the Consolidated Cash Investment Trust Fund on or after January 1, 1988.

Forest fire
protection

4(1) In this section, "forest protection area" means the forest protection area designated under section 39 of the *Forest and Prairie Protection Act*.

(2) Subject to subsection (3), the council may not make by-laws with respect to fires in the part of the Municipality that is within the forest protection area.

(3) The council may make by-laws with respect to fires other than forest or running fires in hamlet areas within the forest protection area.

(4) Sections 4(2) and (3), 7 and 19(2) of the *Forest and Prairie Protection Act* do not apply to the council with respect to that part of the Municipality that is within the forest protection area.

Land use

5(1) Notwithstanding section 3(2)(c) and the *Planning Act*, the *Planning Act* does not apply to the use of Crown land located in that portion of the Municipality within the area described in an order under subsection (2).

(2) The Lieutenant Governor in Council may by order describe the area referred to in subsection (1).

(3) An order under subsection (2) shall be published in The Alberta Gazette.

Assessment
and taxation

6(1) Notwithstanding section 27 of the *Municipal Taxation Act*, for the purpose of taxation in 1988, the council shall adopt the assessed values of the property within the Municipality as made for 1988 by the assessor for Improvement District No. 222.

(2) Subject to section 34 of the *Municipal Taxation Act*, the council shall continue to use the values adopted under subsection (1) until a general assessment is carried out in the Municipality.

Transitional

7(1) *Notwithstanding the Municipal Government Act, on the coming into force of this Act the council of the Municipality shall be composed of*

(a) those persons appointed to the advisory committee for Improvement District No. 222 by order of the Minister prior to the coming into force of this Act, and

(b) those persons elected as members of council in an election directed by the Minister pursuant to this section.

(2) The persons described in subsection (1) shall be deemed to be the council of the Municipality until a new council is elected in the general election in 1992, except for a person who resigns or is otherwise disqualified from remaining in office.

(3) Notwithstanding the Municipal Government Act and the Local Authorities Election Act, if the Lieutenant Governor in Council makes an order to annex land to the Municipality prior to the general election in 1992, the Minister may by order, prior to the date on which the order of the Lieutenant Governor comes into force,

(a) change the number or boundaries of electoral divisions of land subject to the order, and

(b) direct the election of additional members of council with respect to that land.

(4) The Local Authorities Election Act applies to an election under this section and the Minister may direct that the provisions of the Local Authorities Election Act are modified as required for the purpose of holding an election pursuant to this section.

(5) In this section, "general election" has the same meaning as in the Local Authorities Election Act.

Coming
into force

8 *This Act comes into force on July 1, 1988.*