

1991 BILL 38

Third Session, 22nd Legislature, 40 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 38

COUNTY AMENDMENT ACT, 1991

MR. LUND

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 38

1991

COUNTY AMENDMENT ACT, 1991

(Assented to _____, 1991)

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 5 is amended*

(a) *in subsection (2)*

(i) *by striking out "petition the county council" and substituting "petition the Minister";*

(ii) *by repealing clause (b) and substituting the following:*

(b) *dissolving the county and forming a municipal district and a school district or division.*

(b) *by repealing subsection (3) and substituting the following:*

(2.1) *A petition under this section has no effect unless the number of electors who have signed the petition equals the lesser of 10% of the population of the county and 2000.*

(3) *When a petition is filed with the Minister, the Minister shall appoint a person to carry out the duties of the municipal secretary under the *Municipal Government Act*, including determining and advising the Minister within 30 days of the appointment whether the petition is sufficient.*

(3.1) *No name shall be added to or removed from a petition after it has been filed with the Minister.*

Explanatory Notes

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

2 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

(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

(3.2) If the petition is determined to be sufficient, the Minister shall

- (a) advise the county council, and
- (b) provide for conducting a vote on the question in accordance with the *Local Authorities Election Act*.
- (c) *in subsection (4) by striking out “of subsection (3)” and substituting “of this section”;*
- (d) *by repealing subsections (5) and (6) and substituting the following:*

(5) If, in a vote held under this section, the majority of the electors voting are not in favour of the continuation of the county, the Lieutenant Governor in Council shall make the regulations and orders necessary to dissolve the county and to form a municipal district under the *Municipal Government Act* and a school district or division under the *School Act*.

(6) If a vote is held under this section and a majority of the electors who vote on the question approve the continuation of the county, a further petition may not be filed with the Minister until after the expiration of 6 years from the date of the vote.

3 *The following is added after section 5:*

5.1(1) In addition to meeting the requirements of a petition under the *Municipal Government Act*, a petition shall include the date of a signature.

(2) The validity of a signature expires 60 days after it was written if the petition has not been filed within that 60-day period.

4 *Section 6(1)(b) is repealed and the following is substituted:*

- (b) the Local Authorities Board or the Lieutenant Governor in Council may by order annex territory
 - (i) from a municipality as defined in the *Municipal Government Act*, an improvement district or a special area to a county, or

(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.

3 Petition requirements.

4 Section 6(1) and (4) presently read:

6(1) After the establishment of a county,

(a) the Minister may by order change the number or areas of the electoral divisions of the county, or

(b) the Local Authorities Board or the Lieutenant Governor in Council may by order change the boundaries of the county

- (ii) from a county to a municipality as defined in the *Municipal Government Act*, an improvement district or a special area.

5 *Section 18(4) is amended by striking out “to become school representatives under section 23(1)” and substituting “to be nominated as candidates in an election for the office of school representative”.*

6 *The following is added after section 18:*

18.1 The Minister may, by order, include a summer village that has a population of less than 150 and is wholly within the boundaries of a county as part of an educational unit of the county.

7 *Section 19 is amended by adding the following after subsection (2):*

(3) A permanent resident of a summer village described in section 18.1 who is an elector

- (a) is eligible to vote in an election for the board of education, and
- (b) if the permanent resident is eligible to be nominated as a candidate pursuant to the *Local Authorities Election Act*, may be nominated as a candidate for and, if elected, may sit as a member of the board of education.

in the same manner as similar changes may be made in a municipal district.

(4) An order made by the Local Authorities Board under subsection (1)(b) does not take effect unless it is approved by the Lieutenant Governor in Council.

5 Sections 18(4) and 23 presently read:

(4) The only persons who may be appointed as school representatives under subsections (2) and (3) are persons who are eligible to become school representatives under section 23(1).

23 The election of a school representative shall be conducted in accordance with the Local Authorities Election Act

(a) by the educational unit if it is a city, town, village or summer village, or

(b) by the county in respect of an educational unit that is not a city, town, village or summer village.

6 Representation of summer villages with a population of less than 150.

7 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.