

1993 BILL 9

First Session, 23rd Legislature, 42 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 9

MUNICIPAL GOVERNMENT AMENDMENT ACT, 1993

MR. FRIEDEL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 9

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MUNICIPAL GOVERNMENT AMENDMENT ACT, 1993

(Assented to _____, 1993)

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

1 *This Act amends the Municipal Government Act.*

2 *The following is added after section 13:*

Municipal
districts -
transition

13.1(1) In this section,

- (a) “former improvement district” means the improvement district from which a municipal district is formed;
- (b) “ministerial order” means an order made pursuant to any Act or regulation that applies to or relates to the former improvement district of a municipal district that is made by
 - (i) the Minister, or
 - (ii) an advisory council of the former improvement district or other person under authority delegated by the Minister.

(2) When a municipal district is formed under this Part,

- (a) the former improvement district for that municipal district is dissolved;
- (b) each employee of the Government employed in the former improvement district whose salary is paid from money referred to in section 10(1) of the *Improvement Districts Act* continues as an employee

Explanatory Notes

- 1** Amends chapter M-26 of the Revised Statutes of Alberta 1980.
- 2** Transitional matters for new municipal districts.

of the municipal district until its council otherwise directs;

- (c) subject to subsection (3), every ministerial order that is in effect in the former improvement district continues to be in effect in the municipal district 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 municipal district;
- (d) subject to subsection (3), any agreement entered into by the Minister that relates to the former improvement district is binding on the municipal district, as far as practicable, as though the municipal district had replaced the Minister as a party to the agreement;
- (e) all taxes due to the Minister in respect of the former improvement district are deemed to be arrears of taxes due to the municipal district and may be collected and dealt with by the municipal district 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 municipal district if the cause of action arose in the former improvement district and relates to the administration by the Minister of any municipal matter relating solely to the former improvement district;
- (g) all assets, liabilities, whether arising under a debenture or otherwise, rights, duties, functions and obligations of the Minister in respect of the former improvement district are vested in the municipal district and may be dealt with in its name;
- (h) a reference to the former improvement district or to the Minister or the Crown in respect of the former improvement district in any order, regulation, by-law, certificate of title, agreement or other instrument is deemed to be a reference to the municipal district;
- (i) the members of the advisory council for the former improvement district are deemed to be the council of the municipal district until a new council is elected under the *Local Authorities Election Act*.

(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) Notwithstanding section 27 of the *Municipal Taxation Act*, for the purpose of taxation in the year that a municipal district is formed, the council shall adopt the assessed values of property that were used in the former improvement district in the preceding year.

(6) Subject to section 34 of the *Municipal Taxation Act*, the council of a municipal district shall continue to use the values adopted under subsection (5) until a general assessment is carried out in the municipal district.

3 *The following is added after section 15:*

Municipal
district order
of formation

15.1(1) The order forming a municipal district may contain provisions

(a) that deal with transitional matters that are not, in the Minister's opinion, adequately covered by section 13.1 and that operate notwithstanding any provision of this or any other enactment, and

(b) that direct that all or any of the Crown land administered by the Minister that is in the municipal district be transferred by way of gift to the municipal district.

(2) The inclusion of a provision referred to in subsection (1) in an order forming a municipal district does not make the order a regulation under the *Regulations Act*.

4 *The following is added after section 158:*

3 Special provisions that may be included in a municipal district formation order.

4 Forest and Prairie Protection Act.

Forest and
Prairie
Protection Act

158.1(1) This section applies to municipal districts formed after 1993.

(2) Notwithstanding section 158, a municipal district may not pass a by-law in respect of forest or running fires in a hamlet in the municipal district if the hamlet is within a forest protection area designated under section 39 of the *Forest and Prairie Protection Act*.

(3) 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 municipal district that is within the forest protection area.

5 *Section 322(7) is repealed.*

6 *The following is added after section 334:*

Capital costs

334.1(1) The following expenses and costs may be included in a borrowing to finance a capital work by debenture:

- (a) any engineering, surveying, advertising, financing or other expenses incidental to entering on, carrying out or completing the capital work or raising money to pay the costs of the capital work;
- (b) interest on money borrowed in respect of the capital work;
- (c) the cost of discounting any amount borrowed in respect of the capital work;
- (d) the reasonable costs of any retained surpluses or earnings used as a source of financing for the capital work;
- (e) if the Public Utilities Board has jurisdiction, any other costs the Public Utilities Board permits the municipality to capitalize as part of the capital work.

(2) The costs described in subsection (1) may be those incurred during construction of the capital work and after construction until the capital work is used for its intended purpose or, if the Public Utilities Board has jurisdiction,

5 Section 322(7) presently reads:

322(7) The interest charges for a temporary loan borrowed pursuant to subsection (1) may be included in the capital costs for debenture purposes.

6 Capitalization of certain costs for purpose of borrowing for capital works.

during a longer period permitted by the Public Utilities Board.

7 *The Planning Act is amended by adding the following after section 3:*

Crown land in
certain
municipal
districts

3.1(1) In this section,

- (a) “Crown land” means land of the Crown in right of Alberta administered by the Minister responsible for the *Public Lands Act*;
- (b) “municipal district” means a municipal district formed after 1993.

(2) This Act and the regulations do not apply to a designated area of Crown land in a municipal district.

(3) The Minister responsible for the *Public Lands Act* may make regulations designating one or more areas of Crown land in a municipal district for the purposes of subsection (2).

7 Amends chapter P-9 of the Revised Statutes of Alberta 1980.