

Bill 3
Mr. Snelgrove

BILL 3

2005

CITY OF LLOYDMINSTER ACT

(Assented to , 2005)

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

Interpretation

1 In this Act,

- (a) “approved enactment” means an Act or regulation, or part of an Act or regulation, of Alberta or Saskatchewan that is declared pursuant to section 5(b) to apply, with or without modification, to that part of the City located in Alberta, to any approved outlying area located in Alberta, or to both;

- (b) “approved outlying area” means any area of Alberta or Saskatchewan that is approved pursuant to section 5(a) as being part of the City for the purpose of any municipal, school or other local matter;
- (c) “Charter” means the Lloydminster Charter continued or enacted pursuant to section 3;
- (d) “City” means the City of Lloydminster continued pursuant to section 2;
- (e) “complementary order in council” means an order in council issued pursuant to this Act and expressed as being complementary to an order in council issued pursuant to the Saskatchewan Act;
- (f) “Saskatchewan” means the Province of Saskatchewan;
- (g) “Saskatchewan Act” means the *City of Lloydminster Act* (Saskatchewan) or any successor to that Act.

City of Lloydminster continued

2(1) The City of Lloydminster is continued.

(2) The City consists of

- (a) the area
 - (i) designated by paragraph 32 of section 2 of *The Lloydminster Charter* consolidated in 1954 and approved by order in council numbered 1517/54 (Alberta) dated November 10, 1954 and by order in council numbered 2488/54 (Saskatchewan) dated November 9, 1954, and
 - (ii) declared as the area of the City by order in council numbered 2012/57 (Alberta) dated December 31, 1957 and by order in council numbered 2329/57 (Saskatchewan) dated December 17, 1957,

and

- (b) any additional area from time to time lawfully included in the City.

Charter

3(1) By complementary order in council, the Lieutenant Governor in Council may enact a Charter for the City.

(2) The power conferred on the Lieutenant Governor in Council pursuant to subsection (1) includes the power to amend or repeal the Charter by complementary order in council.

(3) Subject to this Act, the Saskatchewan Act and any other complementary order in council, the Charter governs all matters related to

- (a) the administration and governance of the City, and
- (b) the affairs of the Lloydminster Public School Division and the Lloydminster Roman Catholic Separate School Division.

(4) In an Act, regulation or order in council, a citation of or reference to the Charter shall be interpreted as a citation of or reference to the Charter as amended from time to time.

(5) The Charter that was ratified by section 16 of the *Lloydminster Municipal Amalgamation Act* (Alberta) and section 16 of *The Lloydminster Municipal Amalgamation Act, 1930* (Saskatchewan) continues, as amended from time to time, as the Charter for the City until that Charter is repealed and a new Charter is enacted.

Governance of municipal matters

4(1) If the Charter incorporates an approved enactment, any other Act or regulation of Alberta or Saskatchewan or certain provisions governing a particular matter, that enactment or those provisions apply to the City and to any approved outlying area that the Charter may specify.

(2) For the purposes of subsection (1), incorporation may be by

- (a) reference, with or without modifications,
- (b) restatement, with or without modifications, or
- (c) any other means that the Lieutenant Governor in Council considers suitable in the circumstances.

(3) Subject to any other complementary order in council, if the Charter is silent on any matter,

- (a) the law of Alberta governing that matter applies to that part of the City located in Alberta, and
- (b) the law of Saskatchewan governing that matter applies to that part of the City located in Saskatchewan.

Powers of Lieutenant Governor in Council

5 By complementary order in council, the Lieutenant Governor in Council may do all or any of the following:

- (a) approve any area of Alberta or Saskatchewan as being part of the City for the purpose of any municipal, school or other local matter;
- (b) declare that any Act or regulation, or any part of an Act or regulation, of Alberta or Saskatchewan applies, with or without modification, to that part of the City located in Alberta, to any approved outlying area located in Alberta, or to both;
- (c) declare that any Act or regulation, or any part of an Act or regulation, of Alberta or Saskatchewan shall cease to operate with respect to that part of the City located in Alberta, any approved outlying area located in Alberta, or both;
- (d) provide for the substitution of any authority mentioned in any approved enactment that otherwise would have jurisdiction over a matter with respect to that part of the City located in Alberta;
- (e) declare that all or any persons resident in any approved outlying area located in Alberta shall, for the purposes stipulated, be subject to the same laws and liabilities, and possess the same rights and privileges, as if they were resident in that part of the City located in Alberta;
- (f) approve the annexation of any area by the City that is carried out by the City in accordance with the Charter;

- (g) approve the amalgamation of the City with one or more other municipalities that is carried out by the City in accordance with the Charter;
- (h) prescribe the procedure to be followed in any matter required or permitted to be done by this Act, by the Charter or by any other complementary order in council, whether or not another procedure is prescribed by an approved enactment;
- (i) provide for the holding of elections or the doing of any thing, whether or not required by an approved enactment, that in the opinion of the Lieutenant Governor in Council should be done before a day appointed by the Lieutenant Governor in Council;
- (j) establish rules to carry out the intent of this Act.

Reports

6 If an approved enactment directs that a report be made to the Lieutenant Governor in Council of Alberta or to a member of the Executive Council of Alberta, a similar report shall be made to the Lieutenant Governor in Council of Saskatchewan or to the corresponding member of the Executive Council of Saskatchewan, as the case may be.

Retroactive operation of orders

7 Any order in council made pursuant to this Act may be expressed as having retroactive operation.

Delegation of powers

8 The Lieutenant Governor in Council may delegate any of the powers conferred or duties imposed on the Lieutenant Governor in Council by this Act to any member of the Executive Council, other than the power to make regulations pursuant to section 11.

Crown rights not affected

9 This Act does not affect any taxes otherwise payable to the Crown in right of Alberta, the collection of those taxes or any other right of the Crown in right of Alberta.

Paramountcy

10 If there is any conflict between a provision of this Act, the regulations, the Charter or any other order in council made pursuant to this Act and a provision of any other Act or regulation, the provision of this Act, the regulations, the Charter and any other order in council made pursuant to this Act prevails.

Regulations

11 The Lieutenant Governor in Council may make regulations

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) dealing with any difficulty or impossibility resulting from this Act or from the transition to this Act from the *Lloydminster Municipal Amalgamation Act* (Alberta);
- (c) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

Repeal

12 The *Lloydminster Municipal Amalgamation Act* is repealed.