

2008 Bill 41

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First Session, 27th Legislature, 57 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 41**

**MUNICIPAL GOVERNMENT  
AMENDMENT ACT, 2008 (NO. 2)**

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THE MINISTER OF MUNICIPAL AFFAIRS

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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## BILL 41

2008

### MUNICIPAL GOVERNMENT AMENDMENT ACT, 2008 (NO. 2)

(Assented to \_\_\_\_\_, 2008)

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

#### Amends RSA 2000 cM-26

**1 The *Municipal Government Act* is amended by this Act.**

#### **2 Section 292 is amended**

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

(b) the specifications and characteristics of the linear property

(i) as contained in the records of the Alberta Utilities Commission or the Energy Resources Conservation Board, or both, on October 31 of the year prior to the year in which a tax is imposed under Part 10 in respect of the linear property, or

(ii) on October 31 of the year prior to the year in which a tax is imposed under Part 10 in respect of the linear property, as contained in the report requested by the assessor under subsection (3).

**(b) by repealing subsection (5) and substituting the following:**

## Explanatory Notes

**1** Amends chapter M-26 of the Revised Statutes of Alberta 2000.

**2** Section 292 presently reads:

*292(1) Assessments for linear property must be prepared by the assessor designated by the Minister.*

*(2) Each assessment must reflect*

*(a) the valuation standard set out in the regulations for linear property, and*

*(b) the specifications and characteristics of the linear property on October 31 of the year prior to the year in which a tax is imposed under Part 10 in respect of the linear property, as contained in*

*(i) the records of the Alberta Utilities Commission or the Energy Resources Conservation Board, or*

*(ii) the report requested by the assessor under subsection (3).*

*(3) If the assessor considers it necessary, the assessor may request the operator of linear property to provide a report relating to that property setting out the information requested by the assessor.*

(5) If the operator does not provide the report in accordance with subsection (4) or the assessor has reasonable grounds to believe that the information provided in the report is inaccurate, the assessor must prepare the assessment using the most accurate information available about the linear property.

**3 Section 304(1)(f) is repealed and the following is substituted:**

- (f) a parcel of land, or a part of a parcel of land, and the improvements to it held under a lease, licence or permit from the owner of the land where the land and the improvements are used for
  - (i) drilling, treating, separating, refining or processing of natural gas, oil, coal, salt, brine or any combination, product or by-product of any of them,
  - (ii) pipeline pumping or compressing, or
  - (iii) working, excavating, transporting or storing any minerals in or under the land referred to in the lease, licence or permit or under land in the vicinity of that land.
- (f) the holder of the lease, licence or permit;

*(4) On receiving a request under subsection (3), the operator must provide the report not later than December 31.*

*(5) If the operator does not provide the report in accordance with subsection (4), the assessor must prepare the assessment using whatever information is available about the linear property.*

**3** Repeal and replacement of section 304(1)(f).

**4 Section 616 is amended**

**(a) by adding the following after clause (a.1):**

- (a.2) “community services reserve” means the land designated as community services reserve under Division 9;

**(b) by adding the following after clause (r):**

- (r.1) “non-profit”, in respect of a day care, senior citizens or special needs facility, means that the facility is owned or operated by a corporation or other entity established under a law of Canada or Alberta for a purpose other than to make a profit;

**(c) by repealing clause (bb) and substituting the following:**

- (bb) “school board” means the board of trustees of a school district, school division or regional division;

**(d) by repealing clause (zz) and substituting the following:**

- (z) “reserve land” means environmental reserve, municipal reserve, community services reserve, school reserve or municipal and school reserve;

**5 Section 671 is amended**

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

**(2.1)** Community services reserve may be used by a municipality for any or all of the following purposes:

- (a) a public library;
- (b) a police station, a fire station or an ambulance services facility, or a combination of them;
- (c) a non-profit day care facility;
- (d) a non-profit senior citizens facility;
- (e) a non-profit special needs facility;

**4** Section 616(bb) and (zz) presently read:

*616 In this Part,*

*(bb) “school authority” means the board of trustees of a school district, school division or regional division;*

*(zz) “reserve land” means environmental reserve, municipal reserve, school reserve or municipal and school reserve;*

**5** Section 671(2) presently reads:

*(2) Municipal reserve, school reserve or municipal and school reserve may be used by a municipality or school authority or by them jointly only for any or all of the following purposes:*

*(a) a public park;*

*(b) a public recreation area;*

*(c) school authority purposes;*

*(d) to separate areas of land that are used for different purposes.*

- (f) a municipal facility providing service directly to the public;
- (g) affordable housing.

**(b) by adding the following after subsection (4):**

- (5)** For the purposes of subsection (2)(c), “school board purposes” means those purposes as determined by the Minister of Education under subsection (6).
- (6)** The Minister of Education may, by order, determine school board purposes for the purposes of subsection (5).
- (7)** An order made under subsection (6) is exempt from the application of the *Regulations Act*.
- (8)** The Minister of Education must publish in The Alberta Gazette a notice of any order made under subsection (6) and information about where copies of the order may be obtained or are available to the public.

**6 Section 672 is repealed and the following is substituted:**

**Transfer of school and other reserves  
to municipality**

**672(1)** If a school board holds an interest in a school reserve, municipal and school reserve or municipal reserve under this Part or the former Act and declares that the reserve is surplus to the school board’s needs, the school board must transfer its interest in the land to the municipality where the reserve is located, for the consideration agreed on between them.

**(2)** On the registration in a land titles office of a transfer of land or an interest in land under subsection (1), the Registrar must designate the land as municipal reserve.

**(3)** Despite subsection (2), the council of a municipality may by bylaw require the school building envelope of the school reserve, municipal and school reserve or municipal reserve referred to in subsection (1) to be designated as community services reserve, in which case the Registrar, on receipt of a copy of the bylaw and a survey plan on which the school building envelope is outlined, must



**6** Section 672 presently reads:

*672(1) If a school authority held and continues to hold a school reserve or municipal and school reserve under this Part or the former Act and no longer needs the reserve, the school authority must transfer the land or its interest in the land to the municipality where the reserve is located, for the consideration agreed on between them.*

*(2) On the registration in a land titles office of a transfer of land or an interest in land under subsection (1), the Registrar must designate the land as municipal reserve.*

- (a) issue a new certificate of title for the school building envelope with the designation of community services reserve, which must be identified by a number suffixed by the letters “CSR”, and
- (b) issue a new certificate of title for the remaining land with the designation of municipal reserve, which must be identified in accordance with section 665(2)(a).

**(4)** The certificate of title for a community services reserve or a municipal reserve under this section must be free of all encumbrances as defined in the *Land Titles Act*.

**(5)** In subsection (3), “school building envelope” means

- (a) the portion of the reserve on which a school building and accompanying parking lot is situated, or
- (b) if no school building is situated on the reserve, the area of land on which a school and accompanying parking lot would be located if they had been built as determined by the municipality.

## **7 Section 674 is amended**

- (a) in subsection (1)(a) by adding** “or community services reserve” **after** “municipal reserve”;
- (b) in subsection (2) by adding** “, community services reserve” **after** “municipal reserve”.

**7** Section 674 presently reads:

*674(1) Despite section 70, if*

- (a) a council wishes to sell, lease or otherwise dispose of municipal reserve, or*
- (b) a council and a school authority wish to sell, lease or otherwise dispose of municipal and school reserve,*

*a public hearing must be held in accordance with section 230 and must be advertised in accordance with section 606.*

*(2) In addition to the notice required under subsection (1), notices containing the information required under section 606 must be posted on or near the municipal reserve or municipal and school reserve that is the subject of the hearing.*

**8 Section 675 is amended**

**(a) in subsection (1)**

**(i) by adding** “or community services reserve” **after** “case of municipal reserve”;

**(ii) by adding** “, community services reserve” **after** “designation of municipal reserve”;

**(b) in subsection (3) by adding** “or (2.1)” **after** “section 671(2)”.

**9 Section 692 is amended by adding the following after subsection (6):**

**(6.1)** Subsection (1)(f) does not apply in respect of a proposed bylaw amending a statutory plan or land use bylaw to specify the purposes of a community services reserve.

**8** Section 675 presently reads:

*675(1) A council in the case of municipal reserve or a council and a school authority in the case of municipal and school reserve may, after taking into consideration the representations made at a public hearing under section 674(1), direct a designated officer to notify the Registrar that the provisions of this Division have been complied with and request the Registrar to remove the designation of municipal reserve or municipal and school reserve.*

*(2) If the Registrar is satisfied that this Part has been complied with, the Registrar must remove the designation in accordance with the request made under subsection (1).*

*(3) On removal of the designation, the municipality or the municipality and the school authority may sell, lease or otherwise dispose of the land, but the proceeds from the sale, lease or other disposition may be used only for any or all of the purposes referred to in section 671(2) or for any matter connected to those purposes.*

**9** Section 692(1) presently reads:

*692(1) Before giving second reading to*

- (a) a proposed bylaw to adopt an intermunicipal development plan,*
- (b) a proposed bylaw to adopt a municipal development plan,*
- (c) a proposed bylaw to adopt an area structure plan,*
- (d) a proposed bylaw to adopt an area redevelopment plan,*
- (e) a proposed land use bylaw, or*
- (f) a proposed bylaw amending a statutory plan or land use bylaw referred to in clauses (a) to (e),*

*a council must hold a public hearing with respect to the proposed bylaw in accordance with section 230 after giving notice of it in accordance with section 606.*

**10 In the following provisions, “school authority” is struck out wherever it occurs and “school board” is substituted:**

section 670(1), (2) and (3)(b);  
section 671(2);  
section 673(1);  
section 674(1)(b);  
section 675(1) and (3);  
section 677;  
section 678(1)(d);  
section 679(1)(d).

**11 In the following provisions, “school authorities” is struck out wherever it occurs and “school boards” is substituted:**

section 632(3)(e);  
section 636(1)(c);  
section 647(6);  
section 661(b);  
section 670(1)(a), (2)(a) and (3);  
section 671(3).

**12 Sections 4 to 11 come into force on Proclamation.**

**10** References to school authority replaced with references to school board.

**11** References to school authorities replaced with references to school boards.

**12** Coming into force.

