

2013 Bill 17

First Session, 28th Legislature, 62 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 17

MUNICIPAL GOVERNMENT AMENDMENT ACT, 2013

MS KUBINEC

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 17
Ms Kubinec

BILL 17

2013

MUNICIPAL GOVERNMENT AMENDMENT ACT, 2013

(Assented to , 2013)

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2 Section 130 is repealed and the following is substituted:

Viability review

130(1) The Minister must, before a municipality is dissolved,

- (a) undertake a viability review, and
- (b) after completing the viability review, hold a vote of the electors of the municipality on the proposed dissolution.

(2) The Minister may undertake a viability review in respect of a municipality if

- (a) the Minister receives a request for a viability review from the council of the municipality,
- (b) the Minister receives a sufficient petition requesting a viability review from electors of the municipality numbering at least 30% of the municipality's population or, in the case of a summer village, a sufficient petition requesting the review from a majority of the electors of the summer village, or

Explanatory Notes

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

2 Section 130 presently reads:

130(1) The Minister must undertake a dissolution study before a municipality is dissolved.

(2) The Minister must undertake a dissolution study in respect of a municipality if

(a) the Minister receives a request for the study from the council of the municipality, or

(b) the Minister receives a sufficient petition requesting the study from electors of the municipality numbering at least 30% of the municipality's population or, in the case of a summer village, a sufficient petition requesting the study from a majority of the electors of the summer village.

(3) The Minister may undertake a dissolution study in respect of a municipality if the Minister believes that

(a) the municipality cannot balance its revenues with its required expenditures,

(c) the Minister believes a viability review is warranted.

(3) A viability review must be conducted in a manner determined by the Minister.

(4) If the Minister receives a request in accordance with subsection (2)(a) or a sufficient petition in accordance with subsection (2)(b) and in the Minister's opinion a process other than a viability review is more appropriate, the Minister may require that that process be undertaken instead of undertaking a viability review.

Completion of viability review

130.1 After completing a viability review, the Minister may

- (a) by order direct the council or the chief administrative officer to take any actions, based on the results of the viability review, that the Minister considers appropriate to ensure the viability of the municipality, or
- (b) hold a vote of the electors of the municipality on whether the municipality should
 - (i) be dissolved, or
 - (ii) not be dissolved, but be required to take any actions, based on the results of the viability review, that the Minister considers appropriate to ensure the viability of the municipality.

Vote

130.2(1) A vote held under section 130.1(b) must be conducted in accordance with the *Local Authorities Election Act* as modified by directions given by the Minister.

(2) If the electors vote that the municipality should be dissolved, the Minister must recommend to the Lieutenant Governor in Council that the municipality be dissolved in accordance with section 133.

(3) If the electors vote that the municipality should not be dissolved, the Minister must by order direct the council or the chief administrative officer to take the actions referred to in section 130.1(b)(ii).

- (b) the municipality is no longer viable,*
- (c) the municipality does not meet the applicable requirements in sections 78 to 82 or, in the case of a specialized municipality, the reasons for its formation as a specialized municipality no longer exist,*
- (d) vacancies on a council cannot be filled, or*
- (e) the dissolution will lead to more effective or efficient municipal operations.*

Dismissal

130.3 If an order of the Minister under section 130.1(a) or 130.2(3) is not carried out to the satisfaction of the Minister, the Minister may dismiss the council or any member of it or the chief administrative officer of the municipality, and section 574(3) to (6) apply in respect of the dismissal.

3 Sections 131 and 132 are repealed.

4 The following is added after section 134:

Transitional

134.1(1) In this section, “amending Act” means the *Municipal Government Amendment Act, 2013*.

(2) A dissolution study that was commenced, but not completed, before the coming into force of the amending Act may, as determined by the Minister, be continued

3 Sections 131 and 132 presently read:

131 The Minister, before completing a dissolution study,

- (a) must contact all local authorities that the Minister considers would be affected by the dissolution of the municipality and invite them to comment on the proposed dissolution,*
- (b) may conduct a public meeting, which if conducted must be advertised in accordance with section 606, to discuss the implications of the dissolution, and*
- (c) must consider*
 - (i) the effect that the dissolution will have on all local authorities that the Minister considers would be affected by the dissolution, and*
 - (ii) the principles, standards and criteria on dissolution established under section 76.*

132(1) After completing a dissolution study, the Minister may hold a vote on the proposed dissolution.

(2) If the Minister holds a vote, the vote must be conducted in accordance with the Local Authorities Election Act as modified by directions given by the Minister.

4 Transitional provision.

- (a) as a dissolution study under and in conformity with this Act as it read before the coming into force of the amending Act, or
- (b) as a viability review under and in conformity with this Act as it reads after the coming into force of the amending Act.

