

2021 Bill 57

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Second Session, 30th Legislature, 70 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 57**

## **METIS SETTLEMENTS AMENDMENT ACT, 2021**

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THE MINISTER OF INDIGENOUS RELATIONS

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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*Bill 57*

## **BILL 57**

2021

### **METIS SETTLEMENTS AMENDMENT ACT, 2021**

*(Assented to , 2021)*

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

**Amends RSA 2000 cM-14**

**1 The *Metis Settlements Act* is amended by this Act.**

**2 Section 1 is amended by adding the following after  
clause (d):**

- (d.1) “essential services” means
- (i) the collection, treatment and distribution of potable water,
  - (ii) the collection, treatment and disposal of sewage, wastewater and solid waste, and
  - (iii) road maintenance, including maintenance of bridges and culverts;

## Explanatory Notes

**1** Amends chapter M-14 of the Revised Statutes of Alberta 2000.

**2** Section 1 presently reads in part:

*1 In this Act,*

- (d) “councillor” means a member of a settlement council, including a settlement chair;*
- (e) “Existing Leases Land Access Panel” means the Metis Settlements Appeal Tribunal Existing Leases Land Access Panel;*

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

(3) The settlements are not Provincial corporations under the *Financial Administration Act* or the *Auditor General Act*.

**4 Section 8 is amended**

(a) **in subsection (1) by adding** “at least 3 and not more than” **after** “composed of”;

(b) **by adding the following after subsection (1):**

(1.1) Each settlement council shall, at least 6 months prior to each general election, pass a resolution that establishes the size of the settlement council that will be elected in that general election.

(1.2) If a settlement council does not pass a resolution in accordance with subsection (1.1), the settlement council that will be elected in the general election shall consist of 3 members.

(1.3) A settlement council may not change its own size during the term of that settlement council.

**5 Section 10 is repealed and the following is substituted:**

**Settlement chair**

**10(1)** The councillors must appoint a settlement chair from among themselves

(a) after each general election, at the organizational meeting of the settlement council, and

(b) annually thereafter, on the anniversary of the organizational meeting or within 30 days after that anniversary date.

(2) The term of office of a settlement chair ends

(a) when that settlement chair is reappointed for a new term or a successor is appointed under subsection (1)(b),

**3** Section 2(2) presently reads:

*(2) Each settlement consists of the persons who are settlement members of that settlement.*

**4** Section 8(1) presently reads:

*(1) Each settlement has a settlement council composed of 5 councillors.*

**5** Section 10 presently reads:

*10(1) If there is no applicable bylaw made under subsection (2), the councillors must appoint a settlement chair from among themselves at the organizational meeting of the settlement council after a general election.*

*(2) A settlement council may make a bylaw providing for the settlement chair to be elected.*

*(3) A bylaw made under subsection (2) does not apply*

*(a) in respect of the 2013 general election unless the bylaw comes into effect at least 90 days before the general election,  
or*

- (b) when the successful candidates at the next general election for the settlement council are declared to be elected, or
- (c) the office of settlement chair becomes vacant,

whichever occurs first.

**(3)** If the office of settlement chair becomes vacant, but the former settlement chair remains a councillor, the councillors must appoint a settlement chair from among themselves to hold office for the balance of the former settlement chair's term.

**(4)** If the office of settlement chair becomes vacant and the former settlement chair is no longer a councillor,

- (a) the councillors must appoint an interim settlement chair from among themselves to hold office until a new settlement chair is appointed, and
- (b) a new settlement chair shall be appointed from among themselves to hold office for the balance of the former settlement chair's term at the first settlement council meeting after a by-election is held to fill the vacant settlement council position.

**(5)** A settlement chair may be removed from the office of settlement chair by a vote at a special meeting of the settlement council called to consider the matter in which

- (a) in the case of a council consisting of 3 members, 2 councillors vote in favour of removing the settlement chair, and
- (b) in the case of a council consisting of 4 or 5 members, at least 3 councillors vote in favour of removing the settlement chair.

**(6)** For greater certainty, a settlement chair who

- (a) is removed from office as settlement chair, or
- (b) resigns as settlement chair,

*(b) in respect of a subsequent general election unless the bylaw comes into effect at least 180 days before the general election.*

*(4) If a bylaw made under subsection (2) is repealed, it continues to apply as though it were not repealed*

*(a) in respect of the 2013 general election unless the repeal comes into effect at least 90 days before that general election, and*

*(b) in respect of a subsequent general election unless the repeal comes into effect at least 180 days before that general election.*

*(5) The term of office of a settlement chair ends when the successful candidates at the next general election are declared elected, unless the office becomes vacant earlier.*

*(6) A settlement chair appointed by councillors from among themselves may be removed from the office of chair by a vote at a special meeting of the settlement council called to consider the matter in which at least 3 councillors vote in favour of removing the chair.*

*(7) If a vacancy occurs*

*(a) in the office of a settlement chair appointed by the councillors from among themselves, or*

*(b) within the 180-day period before the next general election, in the office of an elected settlement chair,*

*the councillors must appoint a settlement chair from among themselves to hold office for the balance of the term.*

*(8) A settlement chair appointed by councillors from among themselves who*

*(a) is removed from office as chair, or*

*(b) resigns as chair,*

*continues on the settlement council as a councillor.*

continues on the settlement council as a councillor unless his or her position as a councillor is vacated for other reasons.

**6 Section 11(3) is repealed.**

**7 The following is added after section 11:**

**Remuneration**

**11.1(1)** A settlement council shall determine any remuneration, honoraria, benefits or expenses to be paid to councillors for serving as a councillor by bylaw.

**(2)** A bylaw made pursuant to subsection (1) must set out the remuneration to be paid as follows:

- (a) the amount to be paid to the settlement chair;
- (b) the amount to be paid to the councillors who are not the settlement chair, which amount must not exceed 50% of the settlement chair's remuneration.

**8 Section 38(1) is repealed and the following is substituted:**

**Procedure at meetings**

**38(1)** The quorum for a settlement council meeting is

- (a) 2 councillors, if the settlement council consists of 3 councillors, or
- (b) 3 councillors, if the settlement council consists of 4 or 5 councillors.



*(9) For greater certainty, an elected settlement chair who resigns or otherwise ceases to hold office ceases to be a member of the settlement council.*

**6** Section 11(3) presently reads:

*(3) For greater certainty, an elected settlement chair may resign in accordance with section 24.*

**7** Remuneration.

**8** Section 38(1) presently reads:

*(1) Three councillors must be present at settlement council meetings to form a quorum.*

**9 Section 41 is amended by striking out** “at least 3 councillors remain in office” **and substituting** “the remaining councillors would form a quorum of the settlement council as if the settlement council had no vacancies”.

**10 Section 44 is amended**

**(a) in subsection (1) by adding the following after clause (g):**

(h) the Report of Councillor Remuneration and Expenses, after it has been prepared pursuant to section 159.2.

**(b) in subsection (2) by striking out** “A settlement council” **and substituting** “Subject to subsection (2.1), a settlement council”;

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

**(2.1)** Subsection (2) does not apply to bylaws or proposed bylaws made pursuant to section 11.1 or to the Report of Councillor Remuneration and Expenses prepared pursuant to section 159.2.

**11 Section 47(1) is amended by striking out** “3 councillors” **and substituting** “the number of councillors that constitute a quorum”.

**12 Section 47.2 is amended**

**(a) in subsection (1) by striking out** “or determined in accordance with General Council Policy” **and substituting** “bylaw”;

**(b) in subsection (2) by striking out** “General Council Policy” **and substituting** “a settlement bylaw”.

**9** Section 41 presently reads:

*41 Proceedings of a settlement council are not invalid because of a vacancy on the council if at least 3 councillors remain in office.*

**10** Section 44 presently reads in part:

*44(1) The following documents must be posted in the settlement office for at least 15 consecutive days unless the settlement council makes an exception under subsection (2):*

*(g) business plans after they have been established under section 156.1.*

*(2) A settlement council may decide that subsection (1) does not apply to a specified portion of a document*

*(a) that contains technical, commercial or confidential information the release of which could prejudice or be damaging to the settlement or any other person, or*

*(b) the release of which would breach information held in confidence.*

**11** Section 47(1) presently reads:

*47(1) A resolution of a settlement council is valid only if at least 3 councillors vote in favour of it at a council meeting, except when this Act or other enactment permits otherwise.*

**12** Section 47.2 presently reads in part:

*47.2(1) No settlement council or councillor shall authorize a payment to a councillor for serving as a councillor, including, without limitation, a payment of remuneration or honoraria or benefits or expenses, in an amount that exceeds the amount prescribed by or determined in accordance with General Council Policy.*

**13 Section 51 is amended by adding the following after clause (a):**

- (a.1) fees, dues, charges or levies payable for the purposes of providing recreation and community services and facilities to residents, and may provide for the charging of admissions or the raising of funds as the council may decide;
- (a.2) fees, dues, charges or levies payable for anything provided or done by or on behalf of the settlement or for any service or assistance;
- (a.3) the method by which fees, dues, charges or levies, or the cost of services or assistance, are to be calculated or assessed and collected, the persons by whom and when they are to be paid, penalties or interest for non-payment or late payment of money payable and discounts or other benefits for early payment;

**14 The following is added after section 51:**

**Essential services bylaw**

**51.1(1)** A settlement council must adopt an essential services bylaw

- (a) providing for fees that will be charged to and payable by residents occupying property connected to the water distribution and sewerage system of the settlement, or connected to settlement roads, for the essential services provided by the settlement, and
- (b) providing for the method by which the fees payable for the essential services provided by the settlement are to be calculated or assessed and collected, the persons by

*(2) A councillor shall not accept a payment for serving as a councillor, including, without limitation, a payment of remuneration or honoraria or benefits or expenses, in an amount that exceeds the amount prescribed by or determined in accordance with General Council Policy.*

**13** Section 51 presently reads in part:

*51 A settlement council may make bylaws respecting*

*(a) the matters set out in Schedule 1;*

**14** Essential services bylaw.

whom and when they are to be paid, any penalties or interest for non-payment or late payment of money payable and any discounts or other benefits for early payment.

(2) The essential services bylaw must separately set out the method by which the fees payable for each of the following essential services are to be calculated or assessed and collected, the persons by whom and when each fee is to be paid, the penalties or interest for non-payment or late payment that apply to each fee, if any, and the discounts or other benefits that apply to each fee, if any:

- (a) the collection, treatment and distribution of potable water;
- (b) the collection, treatment and disposal of sewage, wastewater and solid waste;
- (c) road maintenance, including maintenance of bridges and culverts.

(3) A fee that is charged under subsection (1) must be charged for the purpose of covering the cost of providing the essential service that the fee relates to, and the fee must not exceed the reasonably anticipated cost of providing that essential service to the residents of the settlement.

(4) Each settlement must pass the essential services bylaw referred to in subsection (1) within one year of the coming into force of this section.

**15 Section 52(4) is amended by striking out “3 councillors” and substituting “the number of councillors that constitute a quorum”.**

**16 Section 55.1 is amended by adding “made under section 157, a bylaw concerning councillor remuneration made under section 11.1 or an essential services bylaw made under section 51.1” after “bylaw”.**

**15** Section 52(4) presently reads:

*(4) Following each reading and debate, if any, of a proposed bylaw, a vote of the councillors must be taken and the proposed bylaw can be given the next reading only if at least 3 councillors vote in favour of the bylaw.*

**16** Section 55.1 presently reads:

*55.1 Sections 54 and 55 do not apply to a budget bylaw.*

**17 Section 57(1) is amended by adding “51.1 or” after “section”.**

**18 Section 63(3) is amended by striking out “\$2500” wherever it occurs and substituting “\$5000”.**

**19 Section 140(1)(e) and (2)(a) are repealed.**

**20 Section 142(2)(d) is amended by striking out “after March 31, 2007,”.**



**17** Section 57(1) presently reads:

*57(1) Settlement members may petition the settlement council for a bylaw about any matter, other than a matter referred to in section 157, within the bylaw making authority of the settlement council.*

**18** Section 63(3) presently reads:

*(3) The penalties that can be included in bylaws are:*

- (a) a fine not exceeding \$2500;*
- (b) a minimum and maximum fine applicable to first, 2nd or subsequent offences, but the maximum fine for each offence must not exceed \$2500;*
- (c) imprisonment for any period up to 6 months if a fine is not paid.*

**19** Section 140 presently reads in part:

*140(1) There must be paid into Part 1 of the Consolidated Fund*

- (e) the ten \$10 000 000 annual payments paid to the General Council in accordance with section 3 of the Metis Settlements Accord Implementation Act,*

*(2) There must be paid into Part 2 of the Consolidated Fund*

- (a) the annual payments of \$5 000 000 paid to the Commissioner in accordance with section 3 of the Metis Settlements Accord Implementation Act,*

**20** Section 142(2) presently reads in part:

*(2) No money is to be paid out of Part 2 of the Consolidated Fund except*

- (d) after March 31, 2007, in accordance with a General Council Policy.*

**21 Section 154(1)(e) is repealed.**

**22 Section 157 is amended**

**(a) in subsection (1) by repealing clause (c) and substituting the following:**

- (c) separately stating
  - (i) the expenditures proposed for capital development projects,
  - (ii) the money available for and expenditures proposed for operations, maintenance and other non-capital purposes, and
  - (iii) the amount, if any, that has been set aside to address a prior budget deficit, as described in section 158.1.

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

**(2.1)** For greater certainty, any amendment to a budget bylaw must be in compliance with the requirement found in section 158.1.

**23 The following is added after section 158:**

**Budget deficiencies**

**158.1** If the total expenditures of a settlement for operations, maintenance and other non-capital purposes exceed the money available for operations, maintenance and other non-capital purposes in a financial year, the resulting deficit must be addressed in one or more of the budget bylaws for the settlement that are adopted in the 3 years after the deficit arose so that, at the end of the 3rd year, the deficit has been fully covered.

**21** Section 154(1) presently reads in part:

*154(1) There must be paid into settlement funds*

- (e) the matching grants paid to settlements in accordance with sections 5 and 6 of the Metis Settlements Accord Implementation Act,*

**22** Section 157 presently reads in part:

*157(1) A settlement council must adopt a budget bylaw for each financial year*

*(c) stating the expenditures proposed for*

*(i) capital development projects, and*

*(ii) operations, maintenance and other purposes.*

*(2) A settlement council may amend a budget bylaw during a financial year to change or add to a previous budget bylaw.*

**23** Budget deficiencies.

**24 The following is added after section 159.1:**

**Report of Councillor Remuneration and Expenses**

**159.2(1)** On or before September 30 of every year, each settlement council must prepare a document titled “Report of Councillor Remuneration and Expenses” that sets out, separately,

- (a) the remuneration paid, and
- (b) the expenses reimbursed

to each councillor, acting in his or her capacity as such, by the settlement council during the prior financial year, in accordance with generally accepted accounting principles.

**(2)** Remuneration referred to in subsection (1) includes any salaries, wages, commissions, bonuses, fees, honoraria and dividends and any other monetary or non-monetary benefit other than reimbursement of expenses.

**(3)** Expenses referred to in subsection (1) include the cost of transportation, accommodation, meals, hospitality and incidental expenses.

**25 Section 214 is amended by adding the following after subsection (3):**

**(4)** The General Council is not a Provincial corporation under the *Financial Administration Act* or the *Auditor General Act*.

**26 Section 216 is amended**

- (a) by repealing subsection (1) and substituting the following:**

**24** Report of Councillor Remuneration and Expenses.

**25** Section 214(3) presently reads:

*(3) The Minister may, in accordance with section 239, make regulations*

*(a) reducing the number of councillors that make up the General Council, so long as each settlement has the same number of councillors on the General Council;*

*(b) dealing with any matter the Minister considers necessary to implement a reduction under clause (a).*

**26** Section 216(1) presently reads:

*216(1) The officers of the General Council are the President, Vice-president, Secretary and Treasurer.*

**Officers of General Council**

**216(1)** The General Council shall have a minimum of one and a maximum of 2 officers who must fulfill the functions of President, Vice-president, Secretary and Treasurer.

**(b) by adding the following after subsection (1):**

**(1.1)** The General Council may, prior to the deadline for nominations, pass an ordinary resolution that establishes whether there will be one or 2 officers of the General Council elected in the next election of the officers of the General Council.

**(1.2)** A resolution that is passed under subsection (1.1) continues to apply to future elections of the officers of the General Council unless the General Council passes a subsequent ordinary resolution that establishes the number of officers of the General Council that will be elected in the next election of the officers of the General Council.

**(1.3)** The General Council may not pass a resolution to change the number of officers of the General Council during the term of an officer.

**27 Section 219 is amended**

**(a) in subsection (1) by striking out “or” at the end of clause (b), by adding “or” at the end of clause (c) and by adding the following after clause (c):**

(d) a unanimous resolution, being a resolution approved by 8 settlement councils.

**(b) in subsection (2) by adding “, unless this Act or any other enactment provides otherwise,” after “must”;**

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

**(2.1)** A financial allocation policy made pursuant to section 142(1)(a) must be approved by special resolution.

**(2.2)** A General Council Policy made pursuant to section 142(2)(d) must be approved by unanimous resolution.

**27** Section 219 presently reads in part:

*219(1) The General Council can make decisions only by*

*(b) a special resolution, being a resolution approved by at least 6 settlement councils, or*

*(c) an ordinary resolution, being a resolution approved by at least 5 settlement councils.*

*(2) General Council Policies must be approved by a special resolution.*

**28 Section 222 is amended**

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

**(i) by repealing clause (x) and substituting the following:**

- (x) providing for fees, dues, charges or levies that may be imposed by settlement bylaw for any permit, approval, licence or other authorization, and providing for the administration and collection of the fees, dues, charges or levies;

**(ii) by repealing clauses (bb.2) and (bb.3);**

**(b) in subsection (2)**

- (i) in clause (a) by adding “, unless this Act or any other enactment provides otherwise,” **after** “must”;
- (ii) in clause (b) by adding “, unless this Act or any other enactment provides otherwise” **after** “224”;

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

**(2.1)** A General Council Policy made under subsection (1)(d) is not subject to veto by the Minister under section 224.

**(2.2)** A General Council Policy or portion of a General Council Policy made pursuant to section 142(2)(d) that allows money to be paid out of Part 2 of the Consolidated Fund is not subject to veto by the Minister under section 224.

**29 Section 222.1 is repealed.**



**28** Section 222 presently reads in part:

*222(1) The General Council, after consultation with the Minister, may make, amend or repeal General Council Policies*

- (x) providing for fees, dues, charges or levies that may be imposed by settlement bylaw for*
  - (i) anything provided or done by or on behalf of a settlement or for any service or assistance, or*
  - (ii) any permit, approval, licence or other authorization,*  
*and providing for the administration and collection of the fees, dues, charges or levies;*
- (bb.2) establishing a Councillor Remuneration and Benefits Committee consisting of the persons appointed from time to time by the General Council who are not members or officers of the General Council;*
- (bb.3) after the report of the Councillor Remuneration and Benefits Committee has been made public and after considering the report, prescribing or establishing a method for determining maximum amounts that may be payable to a councillor for serving as a councillor, including, without limitation, amounts of remuneration and honoraria and benefits and expenses;*
- (2) General Council Policies under subsection (1) or an amendment or repeal of them*
  - (a) must be approved by special resolution, and*
  - (b) are subject to a veto by the Minister under section 224.*

**29** Section 222.1 presently reads:

*222.1(1) The Councillor Remuneration and Benefits Committee established under section 222(1)(bb.2) shall, on or before a date prescribed by the Minister, and after that date, from time to time as directed by the General Council,*

**30 Section 224 is amended**

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

**(i) in the portion before clause (a) by adding “, unless this Act or any other enactment provides otherwise,” after “must”;**

**(ii) in clause (b) by striking out “the President of”;**

**(b) by adding the following after subsection (1):**

**(1.1)** A General Council Policy that is not subject to veto by the Minister pursuant to section 222(2.1) or (2.2) does not need to be sent to the Minister and comes into effect immediately upon being approved by the General Council or on any later date specified in the Policy.

**(1.2)** For greater certainty, subsection (1.1) does not apply to a General Council Policy if any portion of that Policy is subject to veto by the Minister.

**31 Section 243(1) is amended by striking out “\$2500” and substituting “\$5000”.**

(a) *consider what amounts are appropriate to pay to councillors, including, without limitation, amounts of remuneration and honoraria and benefits and expenses, and*

(b) *report and make recommendations to the General Council.*

(2) *The General Council shall make the report under subsection (1) public within 60 days after receiving the report by posting the report in each settlement office for 15 consecutive days.*

**30** Section 224(1) presently reads:

*224(1) General Council Policies made under section 222 or an amendment or repeal of those Policies must be sent to the Minister and come into effect 90 days after they are received by the Minister, or any other period to which the General Council and the Minister agree, unless*

(a) *the Minister by order approves the Policy in writing at an earlier date, in which case the Policy comes into effect when it is approved, or on any later date specified in the Policy, or*

(b) *the Minister vetoes the Policy or any portion of it by notice in writing to the President of the General Council.*

**31** Section 243(1) presently reads:

*243(1) A person who*

(a) *contravenes any provision of this Act or the regulations;*

(b) *contravenes a notice under section 68;*

(c) *contravenes a permit, licence, approval or other authorization, or a condition of any of them;*

**32 Section 246.1(3) is repealed.**

**33 Section 248(1) is repealed.**

- (d) obstructs or hinders any person in the exercise or performance of that person's powers or duties under this Act, the regulations or a settlement bylaw,*

*is guilty of an offence and liable on summary conviction to a fine of not more than \$2500.*

**32** Section 246.1(3) presently reads:

- (3) The Joint Review Committee shall, on or before December 31, 2013 or a date agreed on by the Minister and the General Council,*
  - (a) consider measures that should be provided for to protect the public interest with respect to matters dealt with in this Act,*
  - (b) consider measures that should be provided for to ensure that settlement councils and councillors are accountable to settlement members,*
  - (c) review the provisions of this Act and General Council Policies respecting the matters referred to in clauses (a) and (b),*
  - (d) review the enforcement provisions of this Act and consider any additional measures that should be provided for, and*
  - (e) provide a report to the Minister and the General Council that includes any recommendations of the Joint Review Committee regarding amendments to this Act or General Council Policies.*

**33** Section 248(1) presently reads:

*248(1) The Minister may, despite anything in this Act, make regulations governing the first annual election of councillors under this Act including the date of the election, the eligibility of candidates, who may vote for them, their term of office, the procedure before, during and after the election and for any difficulty arising by the application of the Local Authorities Election Act.*

**34 Section 251 is repealed.**

**35 Section 252 is repealed.**

**34** Section 251 presently reads:

*251(1) As soon as reasonably possible after October 31, 1990, the Minister must appoint, for each settlement council, 5 persons as interim councillors.*

*(2) The interim councillors of each settlement council*

- (a) constitute the settlement council for the settlement in respect of which they are appointed,*
- (b) are councillors for all purposes, and*
- (c) must hold an organizational meeting within 14 days of their appointment and appoint a settlement chair at that meeting.*

*(3) The interim councillors hold office*

- (a) for 6 months, or*
- (b) until the organizational meeting of a settlement council is held following the first election of councillors,*

*whichever comes first.*

*(4) The settlements are not Provincial corporations under the Financial Administration Act or the Auditor General Act.*

**35** Section 252 presently reads:

*252(1) As soon as reasonably possible after November 1, 1990, the Minister must appoint the first officers of the General Council, who hold office until officers are elected under subsection (2).*

*(2) As soon as reasonably possible after November 1, 1990, the settlement councils must elect the officers of the General Council in accordance with section 216.*

*(3) The officers elected under subsection (2) hold office*

- (a) for 9 months, or*
- (b) until their successors are elected under subsection (4),*

*whichever comes first.*

**36 Section 255 is repealed.**

**37 The following is added after section 262:**

**Division 3.1  
Composition of  
Settlement Councils**

**Composition of settlement council**

**262.1(1)** Despite anything in this Act, the first general election that occurs after the coming into force of this section shall proceed, with necessary modification, as if section 4 of the *Metis Settlements Amendment Act, 2021* were in effect.

**(2)** Each settlement council shall pass a resolution by no later than July 4, 2021 that establishes the size of the settlement council that will be elected in the first general election that occurs after the coming into force of this section.

**(3)** If a settlement council does not pass a resolution in accordance with subsection (2), the settlement council that will be elected in the general election shall consist of 3 members.

**(4)** The Minister may, despite anything in this Act, make regulations governing the first general election of councillors after the coming into force of this section, including the procedure before the election and for any difficulty arising by the application of the *Local Authorities Election Act*.



*(4) The settlement councils must elect the officers of the General Council within 60 days of the completion of all the first annual elections for councillors.*

*(5) The General Council is not a Provincial corporation under the Financial Administration Act or the Auditor General Act.*

**36** Section 255 presently reads:

*255 As soon as reasonably possible after November 1, 1990, the Minister of Municipal Affairs must amend the boundaries of those improvement districts in which the settlement areas are located so that the settlement areas cease to be part of the geographic area of the improvement districts.*

**37** Division 3.1; division 3.2.

## **Division 3.2 Election of General Council Officers**

### **Election of General Council officers**

**262.2(1)** Despite anything in this Act, the first election of the officers of the General Council that occurs after the coming into force of this section shall proceed, with necessary modification, as if section 26 of the *Metis Settlements Amendment Act, 2021* were in effect.

**(2)** The General Council shall pass an ordinary resolution by no later than September 27, 2021 that establishes whether there will be one or 2 officers of the General Council elected in the first election of the General Council that occurs after the coming into force of this section.

**(3)** Despite any resolution passed under subsection (2), the General Council as composed after the first general election of settlement councillors that occurs after the coming into force of this section may pass a resolution, prior to the deadline for nominations, that establishes whether there will be one or 2 officers of the General Council elected in the first election of the officers of the General Council that occurs after the coming into force of this section.

**(4)** If the General Council does not pass a resolution in accordance with subsection (2), the General Council as composed after the first general election of settlement councillors that occurs after the coming into force of this section may pass a resolution, prior to the deadline for nominations, that establishes whether there will be one or 2 officers of the General Council elected in the first election of the officers of the General Council that occurs after the coming into force of this section.

**(5)** The most recent resolution that is passed under subsection (2), (3) or (4) continues to apply to future elections of the officers of the General Council unless the General Council passes a subsequent ordinary resolution in accordance with this Act that establishes the number of officers of the General Council that will be elected in the next election of the officers of the General Council.

**(6)** If the General Council does not pass a resolution in accordance with subsection (2) or (4), the General Council shall elect one



officer in each election of the officers of the General Council until an ordinary resolution is passed in accordance with this Act that establishes the number of officers that will be elected in the next election of the officers of the General Council.

(7) The Minister may, despite anything in this Act, make regulations governing the first election of the officers of the General Council that occurs after the coming into force of this section, including the procedure before the election.

**38 Division 5 of Part 12 is repealed.**

**39 Schedule 1 is amended by repealing sections 16, 17 and 21(1)(f) and (g).**

**38** Division 5 of Part 12 presently reads:

*Division 5  
Election Review*

*264 In 1994 the Minister and the General Council must review and make a report about*

- (a) the election process, system and legislation for the election of councillors, and*
- (b) the election system for officers of the General Council.*

**39** Schedule 1 presently reads in part:

*16(1) A settlement council may by bylaw impose a service charge payable by all persons occupying property connected to the sewerage system of the settlement.*

*(2) The service charge is to be levied having regard to the cost of the sewerage system and to the cost of treatment and disposal of sewage and the services respectively rendered with respect to properties connected to the sewerage system.*

*17 A settlement council may by bylaw impose special levies for the purposes of providing recreation and community services and facilities to residents, and may provide for the charging of admissions or the raising of funds as the council may decide.*

*21(1) Settlement bylaws made under this Act or any other enactment may include*

**40(1) Sections 2, 4 to 17, 24, 28(a), 29 and 39 have effect on October 4, 2021.**

**(2) Section 26 has effect on January 27, 2022.**

**(3) Sections 22 and 23 have effect on April 1, 2023.**

- (f) the fees, dues, charges or levies payable for anything provided or done by or on behalf of the settlement or for any service or assistance;*
- (g) the method by which fees, dues, charges or levies or the cost of services or assistance are to be calculated or assessed and collected, the persons by whom and when they are to be paid, penalties or interest for non-payment or late payment of money payable and discounts or other benefits for early payment;*

**40** Coming into force.

**RECORD OF DEBATE**

Stage	Date	Member	From	To
		<b>Questions and Comments</b>	<b>From</b>	<b>To</b>
Stage	Date	Member	From	To
		<b>Questions and Comments</b>	<b>From</b>	<b>To</b>
Stage	Date	Member	From	To
		<b>Questions and Comments</b>	<b>From</b>	<b>To</b>
Stage	Date	Member	From	To
		<b>Questions and Comments</b>	<b>From</b>	<b>To</b>
Stage	Date	Member	From	To
		<b>Questions and Comments</b>	<b>From</b>	<b>To</b>