

BILL

No. 36 of 1918.

The Municipal Hospitals Act, 1918.

(Assented to , 1918.)

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

TITLE.

1. This Act may be cited as "*The Municipal Hospitals Act, 1918.*"

DEFINITIONS.

2. In this Act unless the context otherwise requires—

- (a) "Municipality" means a Local Improvement District, Rural Municipality, Village or Town, or a City with a population of less than five thousand according to the latest Dominion census, or any part of any such area or any other Municipal District or part thereof;
- (b) "Minister" means the Provincial Secretary;
- (c) "Board" means a Hospital Board created under the provisions of this Act;
- (d) "Municipal Act" means any of the Acts set out in the Schedule hereto;
- (e) "Assessor" means the Secretary-Treasurer or other person or authority authorized by a Municipal Act to assess property and levy or collect taxes in a Municipality;
- (f) "Rateable Property" and "Rateable Land" mean respectively property or land liable to taxation under the provisions of a Municipal Act;
- (g) "Assessed Value" means the value of Rateable Property as arrived at under the provisions of a Municipal Act;
- (h) "Hospital Tax" means the tax imposed by authority of this Act or any part of such tax;
- (i) "Taxed Person" is any person personally liable for the payment of taxes under the provisions of a Municipal Act;
- (j) "Contributing Council" means or includes a council administering any part of a Hospital District or a proposed Hospital District, and in respect to a Large Local Improvement District, the Local Improvement Branch of the Department of Municipal Affairs;
- (k) "Included Areas" means any Municipality or part thereof or any Large Local Improvement District or part thereof included in a Hospital District;
- (l) "Ratepayer" means any person living within an established or proposed Hospital District, and

liable to pay Municipal Local Improvement District or Large Local Improvement District Taxes.

ESTABLISHMENT OF HOSPITAL DISTRICT.

3. The Minister shall divide the province into proposed Hospital Districts convenient for the organization of Hospital Boards under the provisions of this Act, provided, however, that the Minister may at any time establish a Hospital District other than those resulting from the said division.

4. The Minister may establish a Hospital District upon petition from—

- (a) Each Contributing Council therein, or
- (b) Twenty-five Ratepayers in each Included Area, or
- (c) The Contributing Council or Councils of any one or more Included Areas and twenty-five Ratepayers in the other Included Areas or Municipalities:

Provided that any or any portion of a Large Local Improvement District may be added to any Hospital District by order of the Minister either of his own motion or upon petition from twenty-five Ratepayers thereof, and

Provided further that where only part of a Municipality or Large Local Improvement District is included in a Hospital District then the number of signatures of Ratepayers thereof required to any petition shall be three times the number of townships or parts thereof included in the said part of a Municipality or Large Local Improvement District.

5. Upon establishment of a Hospital District the Minister shall fix the number of members on the Board governing such district and shall allocate to each Contributing Council the number of such members to be elected thereby and shall direct the election of such last mentioned members from members of the Contributing Council or other residents of the Municipality in equal numbers or as near thereto as may be:

Provided always that where any members of the Board are allocated to a Large Local Improvement District or part thereof such members shall be appointed by the Minister.

6. Forthwith after such election as aforesaid a meeting of the Board for the purposes of organization and the appointment of officers, as is hereinafter detailed, shall be summoned by such member of the Board as shall be nominated thereunto by the Minister for such time and place as the latter may direct.

PREPARATION AND RATIFICATION OF HOSPITAL SCHEME.

7. The Board shall forthwith upon organization prepare a scheme which shall provide for—

- (a) The situation of the proposed hospital and the purchase of a site therefor;

- (b) The purchase, renting or erection of suitable buildings and the furnishing and equipment of the same as a hospital, including an operating room with necessary appliances; or
- (c) The purchase or renting of any existing hospital; or
- (d) The entering into an agreement with some other Board or with the management of some other hospital for the purpose of providing suitable hospital facilities for the residents of the Hospital District;
- (e) The engagement of duly qualified medical practitioners and registered nurses;
- (f) The amount of fees, if any, to be charged for the services of the Hospital;
- (g) The amount of capital expenditure upon the proposed Hospital and the borrowing of the same by issue of debentures or otherwise, and in the case of debentures, the term thereof and other particulars thereasto;
- (h) The repayment of such capital expenditure by way of instalments or of a sinking fund;
- (i) The proportions and manner in which it is proposed that any expenditure, whether capital or maintenance should be borne by the Included Areas.

(2) For the purpose of the provision last mentioned the Board shall make an estimate of the annual expenditure and probable revenue incident to the carrying on of the hospital.

8. During the preparation of any scheme the Minister shall be consulted from time to time and shall advise the Board on all subjects in connection therewith and shall prepare or cause to be prepared standard maps, plans, specifications and estimates for any proposed hospital, and his endorsement of the architecture and construction of any hospital building and equipment and appliances required in connection therewith shall be requisite.

9. The said scheme shall be advertised in such newspapers published in the Hospital District as the Minister may direct. Within fourteen days of such publication the Minister may, either of his own motion or upon request of any twenty-five Ratepayers of the Hospital District, refer the scheme to the Board of Public Utility Commissioners, who shall have power to re-apportion the proposed expenditure of the Hospital Board amongst the Included Areas.

10. Any twenty-five Ratepayers within the Hospital District may, within fourteen days of the advertisement aforesaid, appeal to the Public Utility Commissioners Board with regard to the situation chosen by the Board for the site of the hospital and such former Board shall, after giving a public hearing to the complaints of the said Ratepayers, forthwith confirm the provision of the scheme as to the said situation or shall substitute a new situation therefor.

11. After the expiration of the said period of fourteen days or forthwith upon such re-apportionment or confirm-

ation or substitution of situation, whichever shall last happen, the Minister shall approve of the scheme.

12. After approval the Minister shall fix a date for taking a poll for the purpose of obtaining a ratification or rejection of the said scheme, and shall appoint a returning officer, who shall divide the Hospital District into polling divisions and name a polling place in and a deputy returning officer for each of the polling places and appoint the time and place when and where the returning officer shall sum up the votes given for and against the scheme. The date fixed for the poll shall be within one month from the date of the approval aforesaid.

13. Such poll shall be conducted in accordance with the provisions hereinafter made with respect thereto.

HOSPITAL FUNDS.

14. The Board shall, upon ratification of the scheme by the Ratepayers of the District, and annually thereafter at its first meeting, divide amongst the Included Areas the amount of capital expenditure and interest thereon proposed to be repaid before the end of the current year and of the estimated expenditure on the maintenance of the hospital, less the estimated revenue (if any) therefrom, and such division shall be made in accordance with the provisions of the scheme aforesaid:

Provided always that the total amount of capital and maintenance expenditure apportioned to any Area shall not be such as to require the levy of a higher rate than three mills in each dollar of the assessed value of the Rateable Property therein or three cents upon each acre of Rateable Land therein; and

Provided that from any such division made by the Hospital Board any twenty-five Ratepayers of an Included Area may appeal to the Board of Public Utility Commissioners, who shall either confirm such division or make a re-division, and their decision thereon shall be final.

15. The Board shall, upon rejection of the scheme by the Ratepayers of the District, estimate the amount of expenditure connected with the petition for the establishment of the Hospital District and the appointment of the Hospital Board, and the poll of Ratepayers as aforesaid, and of all expenses incidental thereof, and shall apportion the same amongst the Contributing Councils in the proportions in which it was proposed in the scheme that expenditure should be borne by the Included Areas, and the Contributing Councils shall thereupon pay the same to the Board, and any such apportioned sums of money shall be deemed a debt due to the Crown and shall be a charge upon the taxes collected by the Contributing Councils, and have priority over all other encumbrances, charges or liens whatsoever.

16. A statement of the amount so fixed for each Included Area shall be forwarded by the secretary-treasurer of the Board to the Contributing Councils and each such Council shall thereupon levy and collect a Hospital Tax for the purpose of making payment of the said amount to the Board.

17. In each Included Area the incidence imposition method of assessment collection, and enforcement of the Hospital Tax against taxable persons or Rateable Property shall follow and be regulated by the provisions of its appropriate Municipal Act (including therein all provisions as to penalties, liens, distress and sale or forfeiture proceedings) or of any Act that may provide alternative or substitutional provisions of a similar nature except in so far as by this Act is otherwise provided:

Provided always that every Taxed Person shall pay a tax of at least ten cents.

18. In every Included Area the amount of the Hospital Taxes shall be in addition to all rates levied therein for municipal purposes and no account shall be taken thereof in calculating the amount of taxation which a Contributing Council is entitled to levy under its appropriate Municipal Act.

19. All moneys received by a Municipality in respect of the Hospital Tax shall be placed in a separate trust account and shall be forwarded each month to the secretary-treasurer of the Hospital District, and a commission shall be paid to each Municipality of five per cent. on the amount collected by it under the provisions of this Act.

(2) The Local Improvement Branch of the Department of Municipal Affairs shall as soon as conveniently may be forward to the secretary-treasurer of each Hospital District all moneys received by it in respect of the Hospital Tax imposed upon such Hospital District.

20. The Board of any Hospital District may after ratification of the scheme by the Ratepayers of the District and from time to time authorize by resolution its Chairman and Secretary-Treasurer to borrow such sums as the Board deems necessary to meet the expenditure of the District until such time as the taxes for the current year are received and the amount so borrowed shall be a charge upon the taxes due to the District and may be secured by the promissory note or notes of the Chairman and Secretary-Treasurer given on behalf of the Board; and the Board may further by like resolution authorize the issue of debentures to secure the amount of any principal borrowed on account of capital expenditure and the interest on such borrowed principal, which debentures when sealed and signed by the Chairman and Secretary-Treasurer shall create a charge or lien against all hospital property or taxes in the District.

BOARD OF HOSPITAL DISTRICT.

21. Upon the ratification of a scheme the Board of any Hospital District shall become a body corporate.

22. At the first meeting of a Hospital Board and afterwards at the first meeting in each year the members of each Board shall elect a Chairman and Vice-Chairman from among their number, who shall remain in office until the next election and shall be eligible for re-election.

(2) The Board may employ a secretary-treasurer and such other officers as may seem to them fit and shall define the duties and fix the remuneration of the same.

(3) Each Contributing Council shall, at its first meeting in each year after the ratification aforesaid elect the members who shall represent it on the said Board.

(4) The members of the Board shall remain in office until the next election of members and shall be eligible for re-election.

(5) The Board shall hold at least six meetings during the year at such times and at such places as may be fixed from time to time by the resolution of the Board; a majority of the members shall form a quorum for the transaction of business and they shall have power to make and adopt rules regulating the transaction of business, and may provide therein for the appointment of committees to whom they may delegate any of their powers and authorities for the purpose of carrying out the work entrusted to them.

(6) After ratification of a scheme the Board may pay its members for each meeting an allowance of twenty cents per mile from their homes to the place of meeting, and also an allowance not exceeding four dollars per day of the time necessarily occupied in attending meetings of the Board:

Provided always that such allowances shall not be paid in respect of more than twelve meetings in any one year.

23. The Board shall at its first meeting choose a name and corporate seal.

(2) In case a name is not chosen as hereinbefore provided, the Minister may give the Board a name, in which case notice thereof shall be published in The Alberta Gazette.

(3) The Minister may from time to time on petition of the Board and upon such notice to the Contributing Councils as he may deem sufficient, change the name of the Board, in which case notice of the alteration shall be published in The Alberta Gazette.

(4) The seal used by the Board before its change of name shall continue to be its seal until another is adopted.

(5) No change in the name of a Board shall affect any obligation, liability, right or right of action existing at the time of the change.

24. The Board may at any time, with the consent of the Contributing Councils, alter the number of the members of the Board or the representation of the Included Areas thereon.

CONDUCT OF POLL TO RATIFY OR REJECT HOSPITAL SCHEME.

25. The Returning Officer shall advertise the date of such poll and the situation of the various polling places in such papers circulating in the Hospital District, and shall post up notices to a like effect in such places, as the Minister shall direct.

26. Such advertisements and notices shall be in a form approved by the Minister and shall be made or posted up at least fourteen clear days before the date of the poll.

27. The ballot papers to be used at the poll shall be in a form approved by the Minister.

28. The poll shall be taken in each polling division of the Hospital District and all proceedings thereat and preliminary and subsequent thereto and for the purposes thereof shall, subject to the provisions of this Act and to any directions given by the Minister, be conducted in the same manner, as nearly as may be, as at an election of the councillors for a Rural Municipal District.

29. Immediately upon adding up the ballots the Returning Officer shall certify to the Minister the fact that the scheme has been ratified by a two-thirds majority of the Ratepayers of the Hospital District voting upon the question, or, if the case be so, that the scheme has been rejected owing to the non-existence of such majority.

30. If it be made to appear to the satisfaction of the Minister within seven days of the date of the certificate aforesaid that a necessity for a recount exists and a deposit, sufficient in the opinion of the Minister to cover the expense of a recount be made by the person requesting the same, then the Minister may direct a recount and the place, time and method of making the same.

31. Upon the receipt by the Minister of a certificate as to the result of a count or of a recount of ballots (if such be directed), the scheme shall stand ratified or rejected as the case may be, and in the former event shall be binding upon the Hospital District and all the Included Areas therein and Contributing Councils and Ratepayers thereof in manner by this Act provided.

MISCELLANEOUS PROVISIONS.

32. Subject to the provisions of this Act and to any regulations made by the Lieutenant Governor in Council as hereinafter provided for, the Board shall do all things that may be necessary for carrying out any hospital scheme and may make such rules and regulations for the maintenance and management of the hospital as it may deem fit.

33. Nothing herein contained shall deprive any hospital of any of the benefits of *The Hospitals Ordinance*, and this Act shall be subject to the provisions of *The Hospitals Ordinance*, *The Public Health Act* and *The Public Utilities Act*.

34. The Lieutenant Governor in Council may make regulations not inconsistent with this Act covering the construction, equipment, maintenance, inspection, supervision, control and management thereof and the auditing and investigation of accounts and affairs of such hospitals and such other matter or matters as may arise out of the operation of this Act.

35. Wherever any act or thing is in this Act directed to be done by a Contributing Council or by a Board or by any officer of such Council or Board, and whether the same is to be done forthwith or within a specified time, and such act or thing is not so done, then the Minister may do such act or thing with the same effect as if it had been done by such council, board or officer.

36. *The Municipal Hospitals Act* is hereby repealed.

SCHEDULE.

1. All Charters, Ordinances or Acts relating to the Cities of Red Deer and Wetaskiwin or any other City with a population less than five thousand persons.
2. The Town Act.
3. The Village Act.
4. The Rural Municipalities Act.
5. The Local Improvement Act.

No. 36.

FIRST SESSION
FOURTH LEGISLATURE
8 GEORGE V
1918

BILL

The Municipal Hospitals Act, 1918.

Received and read the

First time

Second time

Third time

HON. MR. SMITH.

EDMONTON:
J. W. JEFFERY, KING'S PRINTER
A.D. 1918