

BILL

No. 4 of 1934.

An Act to amend the Acts and Ordinances constituting the Charter of the City of Calgary.

(Assented to

1934.)

WHEREAS the City of Calgary has prayed for certain amendments to Ordinance 33 of 1893 of the North-West Territories and amendments thereto; and

Whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta enacts as follows:

Ordinance 33 of 1893, North-West Territories and amendments thereto is hereby amended as follows:

1. By adding the following as subsection (1a) of section 4 thereof:

“(1a) Notwithstanding anything contained in any other Act or Ordinance or in the Charter of the City of Calgary, no person otherwise qualified or not otherwise disqualified shall be disqualified as a candidate for Mayor, Commissioner or Alderman of the City of Calgary or from taking his seat as Mayor, Commissioner or Alderman of the City of Calgary or from continuing in office as Mayor, Commissioner or Alderman by reason of the fact that such person has been at any time, is or may be an applicant for or a recipient of relief.”

2. By amending section 11 thereof by deleting the words “or absents himself from five consecutive regular meetings of the Council or of any committee of which he is a member without being previously excused by the Council entered upon its minutes” where the same occur in the 6th, 7th, 8th and 9th lines of section 11 thereof, and substituting therefor “or absents himself for a continuous period of ten consecutive weeks from the meetings of the City Council and/or of any committee of the said Council of which he is a member without being previously excused by resolution of the Council entered on its minutes.”

3. By amending section 196 thereof by adding the following words in parenthesis after the word “election” in the 9th line of section 196 thereof: (or in case there was no election for Mayor then the entire vote representing the number of first choice votes cast for Alderman at the last preceding general municipal election).

4. By adding the following as subsection (4) of section 196 thereof:

“(4) In case more than one Alderman or more than one School Trustee is recalled then separate nominations shall be received for the election of a successor to each of the Aldermen or School Trustees so recalled and the ballots for the election of a successor to each of the Aldermen or School Trustees so recalled shall be separately printed and the result or results shall be determined upon the system known as the system of single transferable vote:

“Provided, however, that in the case of the recall of more than one Alderman or more than one School Trustee the election for the successors thereof shall wherever practicable be held on the same day.”

5. By repealing section 213 thereof.

6. By adding the following as section 310 thereof:

“310. (a) By-law Number 2892 of the City of Calgary, being a by-law to amend By-law Number 2838 and to provide for the issue and deposit with His Majesty King George the Fifth in the right of the Province of Alberta of a Treasury Bill of the City of Calgary in the principal amount of \$250,000.00, as security for a loan made by His Majesty King George the Fifth in the right of the Province of Alberta to the City of Calgary in the sum of \$250,000.00, is hereby declared to be valid and binding upon the City of Calgary and the ratepayers thereof notwithstanding any defect or informality in the said by-law or in the passage thereof. All or any Treasury Bills issued pursuant to the said By-law Number 2892 or to By-laws Numbered 2838 and 2839 of the City of Calgary may from time to time be renewed with the consent of His Majesty King George the Fifth in the Right of the Province of Alberta.

“(b) By-law Number 2901 of the City of Calgary, being a by-law to authorize the borrowing of the sum of \$300,000.00 from His Majesty King George the Fifth in the right of the Province of Alberta, and for the issue and deposit with His Majesty King George the Fifth in the right of the Province of Alberta of a Treasury Bill in the principal amount of \$300,000.00, is hereby declared to be valid and binding upon the City of Calgary and the ratepayers thereof notwithstanding any defect or informality in the said by-law or in the passage thereof, and any Treasury Bill or Bills issued pursuant to the said By-law 2901 may be renewed from time to time with the consent of His Majesty King George the Fifth in the right of the Province of Alberta.”

7. By adding the following as section 307 thereto:

“307. Lots 38-39, Block 7, according to a plan of the City of Calgary of record in the Land Titles Office for the South

Alberta Land Registration District as Plan A3, together with the improvements thereon, which said property is used and occupied as a Manse of the St. Andrew's Presbyterian Church in Calgary, and is owned by the said St. Andrew's Presbyterian Church, are hereby declared to be exempt from all general taxes levied by the City of Calgary until the 31st day of December, 1935, and to have been so exempt since the 1st day of January, 1931:

"Provided that until the 31st day of December, 1935, the said lots and improvements thereon are continued to be beneficially owned by the St. Andrew's Presbyterian Church, and on the further condition that the said property is used exclusively for Manse purposes in connection with the said St. Andrew's Presbyterian Church:

"Provided further, that the said exemption shall not extend to or include an exemption from local improvement taxes nor from any other taxes other than the general taxes levied upon the land and improvements."

8. By adding the following as section 308 thereto:

"**308.** (1) Within sixty days of the date of the passage hereof the Council of the City of Calgary shall, in accordance with the following provisions, appoint by by-law a Board to be known as the Calgary Hospitals Board in which Board shall be vested the general management, regulation and control of the Municipal Hospitals of the City of Calgary, provided that it shall have no power to dispose of or deal with any of the property or effects thereof save in the ordinary course of carrying on or conducting the said Hospitals.

"(2) The said 'Calgary Hospitals Board' upon appointment is hereby declared to be a Body Corporate under the name of the Calgary Hospitals Board and by the same name it and its successors shall have perpetual succession with power to receive grants and donations and shall have power to sue and be liable to be sued, implead and be impleaded, answer and be answered unto in all courts, in all actions, causes and suits and they shall have a common seal with power to alter and modify the same at pleasure:

"Provided that the declaration of the said Board to be a Body Corporate shall not give to the said Board any power not directly conferred upon it by the Charter of the City of Calgary as amended hereby and the by-law or by-laws passed pursuant thereto, and notwithstanding any incorporation of the Calgary Hospitals Board the City shall be and remain liable in connection with the operation of the said Hospitals to the same extent and effect as if the said Hospitals Board had not been incorporated."

"(3) The Board shall be composed of nine members as follows: The Mayor of the City of Calgary who shall be *ex-officio* a member of the Board during his term of office; two members of the City Council other than the Mayor, and six resident adult citizens of the City of Calgary, all of whom, other than the Mayor shall be chosen by the Council of the City of Calgary.

"(4) Not more than two members of the Council in addition to the Mayor shall be qualified to be members of the Board.

"(5) The Mayor and Aldermen so appointed shall hold office on the said Hospitals Board during the period of their term of office as Mayor or Aldermen respectively for which they were elected as of the date of their appointment to the said Board.

"(6) Of the remaining six members in respect of their first appointment to the said Board three shall hold office until the date of the first meeting of the Council in the January of the year following their appointment, and the other three shall hold office until the date of the first meeting in the January of the second year following their appointment.

"(7) Thereafter every person appointed other than the Mayor or Aldermen shall hold office for the period of two years.

"(8) Notwithstanding anything to the contrary herein contained every member of the Board shall continue in office until his successor is appointed.

"(9) If any member of the Board is convicted of any offence against the criminal laws of the Dominion of Canada or becomes insane or absents himself from meetings of the Board for three consecutive months without being authorized so to do by resolution entered upon its minutes or ceases to be a resident within the City such member shall *ipso facto* vacate his seat and the remaining members shall declare his seat vacant forthwith and notify the Council accordingly.

"(10) In case of a vacancy by death or resignation or from any cause other than the expiration of the term for which a member of the Board is appointed his successor shall be appointed by the Council to fill such vacancy for the remainder of the term.

"(11) Subject to the provisions for the appointment of the first Board the annual appointment of the members of the Board thereafter shall be made at the first meeting of the Council in January of every year and any vacancy arising from any cause shall be filled within thirty days after any such vacancy occurs.

"(12) The Board shall elect one of its members as Chairman who shall hold office for one year.

"(13) The Chairman shall preside at meetings of the Board when present and in his absence a Chairman may be chosen *pro tempore*.

"(14) The Chairman shall have the same right of voting as other members of the Board.

"(15) The Board shall meet at least once every month and at such other times as may be necessary.

"(16) The Chairman or any two members of the Board may at any time call a special meeting of the Board for any purpose by giving twenty-four hours' notice in writing to the other members.

"(17) No business shall be transacted at any general or special meeting unless five members are present.

“(18) All orders and proceedings of the Board shall be entered in books to be kept for that purpose and shall be signed by the Chairman for the time being.

“(19) No member of the Board shall be entitled to any remuneration whatsoever for services rendered as a member of the Board and no member of the Board, nor any Mayor, Commissioner or Alderman shall contract either directly or indirectly by himself or through his partner or through any company of which he is an officer, or take or possess any share or interest in any contract for the furnishing of any supplies or the performance of any remunerated work to, for, or on behalf of the Board.

“(20) (a) The Board shall not later than the 1st day of February in every year make up or cause to be made up an estimate of the sums required during the ensuing year for the following purposes:

“(i) the amount of principal and interest required for the annual payment of outstanding debentures;

“(ii) the expense in detail of maintaining and managing the Hospitals under its control, and for making the purchases required therefor and such estimates shall be forthwith transmitted to the City Council.

“(b) The Board shall also accompany the estimate of expenditures referred to with an estimate of the revenues derivable from the Hospitals and all collateral activities.

“(c) The Council of the City of Calgary, after consideration, may vary, alter, change, annul, modify or refer back to the said Board the proposed estimates by a majority vote of the members of the Council present and voting.

“(21) The Treasurer of the City of Calgary shall act as Treasurer to the Board and all accounts and books of the Board shall be audited by the Auditors appointed for the said purpose by the Council of the City of Calgary.

“(22) Without restricting the generality of subsection (1) hereof the Board shall have and exercise the powers and duties defined by by-law of the Council which shall in any event include the following:

“(a) To fix fees chargeable by all or any of the Hospitals of the City of Calgary;

“(b) To appoint, dismiss, and suspend officers, servants and nurses employed in connection with the said Hospitals and to fix the wages and salaries thereof;

“(c) To prescribe the duties in connection with the Hospitals of the City of Calgary of the Medical Health Officer or of any medical superintendent, of any nursing superintendent, or any business manager or of any other official or employee of the said City Hospitals;

- “(d) To enter into agreements with individuals or groups of persons for the supply of hospital benefits and accommodation at a fixed annual payment upon such terms and conditions as the Board shall see fit: Provided that the terms and conditions of any such agreement shall be approved by the Council of the City of Calgary;
- “(e) To make contracts for the purchase of supplies as may be deemed advisable;
- “(f) To make regulations for the administration and government of the said Hospitals and generally to do or cause to be done all things necessary for the management, regulation and control of the said Public Hospitals excepting insurance: Provided always that all monies levied or raised for Hospital purposes and all revenues from the said Hospitals shall be received by the Treasurer of the Municipality in the same manner as all other municipal funds, and shall be paid out by him on the order of the Board save as to the amount required to meet the interest and principal due or falling due on any debentures as aforesaid; and provided further that no capital expenditures involving the issue of debentures for the purchase of land or the erection of buildings or any other purpose as requiring the issue of debentures shall be made at any time unless the same are authorized by by-law approved by the Council of the City of Calgary and submitted to the ratepayers of the City of Calgary for their approval in accordance with the provisions with reference thereto that may apply from time to time pursuant to the Charter of the City of Calgary.”

9. By adding the following as section 309 thereto:

“**309.**—(1) Notwithstanding anything contained elsewhere in *The Charter of the City of Calgary* or in any other Act or Ordinance there shall be constituted for the City of Calgary a Board of Police Commissioners hereinafter called The Calgary Police Commission.

“(2) Such Commission shall consist of the Mayor for the time being of the City, the Senior Judge of the District Court of the Judicial District of Calgary, and the Senior Police Magistrate of the City.

“(3) If the office of such Judge or Police Magistrate is vacant or in case of the illness, absence, inability or incapacity of such Judge or such Police Magistrate to sit or act, the Lieutenant Governor in Council shall designate temporarily the other District Court Judge of the Judicial District of Calgary or a Deputy Police Magistrate for the City as the case may be to act instead of such Judge or Police Magistrate.

“(4) In case the Mayor is, owing to illness, absence or other incapacity, unable to act, then his duties shall be temporarily undertaken by the Acting Mayor of the City,

“(5) The Mayor of the City for the time being shall be the Chairman of the Commission and the majority of the members of the Commission shall constitute a quorum and the first meeting of the said Commission shall take place within thirty days from the passage hereof.

“(6) The meetings of the Commission shall be open to the public unless otherwise directed by the Commission.

“(7) The Commission shall have power to summon and examine witnesses on oath in all matters connected with or incidental to the administration of the force, and shall have the same power to enforce the attendance of witnesses and to compel them to give evidence, as is vested in any Court of law in civil cases. A notice to attend before the Commission shall be sufficient if signed by the Chairman of the Commission or any one of the Commissioners, and any such notice shall have the same effect as a subpoena.

“(8) The police force of the City shall consist of a Chief Constable, or Chief of Police, and as many constables and other officers and assistants as the Council of the City may from time to time deem necessary.

“(9) The Chief Constable and all members of such police force shall be appointed by and hold their office during the pleasure of the Commission.

“(10) The Commission shall from time to time make such regulations as it may deem expedient for the control and government of the force, and for preventing neglect or abuse, and for rendering the force efficient in the discharge of its duties.

“(11) The Chief Constable and all constables and members of the Police Force shall obey the lawful directions and be subject to the discipline and government of the Commission; and shall be charged with the special duties of preventing infractions of by-laws of the City, preserving the peace, preventing crime, and apprehending offenders; and shall have, generally, all the powers and privileges, and be liable to all the duties and responsibilities which belong by law to constables.

“(12) The Commission shall fix and determine the remuneration and salaries of all members of the force and assistants, and shall, on or before the first day of February in each year, prepare and submit to the Council for its determination and approval a detailed estimate of all moneys or sums required for the ensuing year to pay such remuneration and salaries, and also such moneys or sums required to provide for offices, arms, accoutrements, clothing and equipment for the accommodation, use and maintenance of the force, gaols, industrial schools, lock-up houses, reformatories and houses of correction, and other necessary or incidental matters or things under the jurisdiction or control of the Commission.

“(13) For the purpose of determining salary and working conditions the Commission may make agreements that shall be valid for not more than one year with any organiza-

tion of the Police Force or representatives of the Police Force duly authorized to act by their fellows on behalf of the said Police Force.

"(14) The City shall provide and maintain a gaol or gaols, and lock-up or lock-ups, for the care and custody of prisoners.

"(15) All gaols, industrial schools, lock-up houses, reformatories and houses of correction established by the City for the detention or imprisonment of persons sentenced to imprisonment or confinement, or detained for examination (except those established pursuant to *The Juvenile Delinquents Act*), shall be under the care, control and supervision of the Board.

"(16) The Council of the City of Calgary, after consideration, may vary, alter, change, annul, modify, or refer back to the said Commission, the proposed estimates by a majority vote of the members of the Council present and voting.

"(17) (a) The jurisdiction of the Commission shall comprehend and relate exclusively to the appointment, control, direction, supervision, discipline and government of the police force, and the care, control and supervision of the gaols, industrial schools, lock-up houses, reformatories and houses of correction referred to in subsection (15) hereof.

"(b) The jurisdiction of the Council shall comprehend and relate exclusively to the business and financial matters or expenditures incident to the establishment, maintenance and upkeep of the police force, including the purchase and sale of any or all accoutrements, equipment, clothing, plant, land or premises, or other necessary matters or things incidental to or for the accommodation and use of the police force, or relating to the making of any contracts, repairs, or alterations, or effecting or placing insurance, or any other business or financial matter or expenditure whatsoever incident or relating to such police force, or any gaol, industrial school, lock-up house, reformatory or other house of correction, or the lands or premises incident thereto or connected therewith.

"(18) Any fees payable in law as incident to the office of Chief Constable or Police Court Clerk or any assistant to such clerk, acting in the capacity of Justice of the Peace or otherwise for any act done, or for the issuance of any information, complaint, summons, bail bond, or otherwise howsoever, shall be payable to and for the use of the City; and a return of all such fees from time to time shall be made to the City Treasurer as may be required by the Council.

"(19) The books of account and all financial transactions of the Commission shall be subject to audit by the City Auditors or by any other auditors appointed by the City

Council for that purpose and the Commission shall at all times allow such City Auditors or other auditors free and complete access to all the records of the Board.

"(20) Nothing herein contained shall interfere with the operation of the Police Pension Fund as heretofore constituted or with the control thereover by the Pension Fund Trustees duly appointed by the City Council and the Commission shall at all times afford to the Pension Fund Trustees such information, access and co-operation as may be necessary to enable the said Pension Fund Trustees to carry out the duties imposed upon them by any by-law of the Council of the City of Calgary.

"(21) No person who is a member of the Council of the City of Calgary or a Mayor or Commissioner of the City of Calgary or a member of the Police Commission shall either for himself or by or through any partner or by or through any company of which he is an officer either directly or indirectly contract or take any share or interest in any contract for the furnishing of any supplies or the performance of any remunerated work to, for, or on behalf of the Commission."

10. By amending section 249(a) thereof by deleting the word "six" where it occurs in the seventh line thereof and substituting therefor the word "twelve."

11. By adding the following as section 311 thereto:

"311.—(1) For the purpose of capitalizing a part of the expenditures incurred or to be incurred by the City of Calgary in the year 1934, on account of direct relief or unemployment relief, which part shall not exceed \$250,000.00, the Council of the City of Calgary may, without the assent of the ratepayers but subject to the consent of the Board of Public Utility Commissioners of the Province of Alberta, by a by-law passed by a majority of the members of the City Council present and voting, provide for the issuance and sale of debentures, bills, notes or other securities of the City in such form, upon such terms as to the place of payment, rate of interest and redemption, and for such period not exceeding five years from the date of issue thereof as may be specified in the by-law.

"(2) A recital in any such by-law that any expenditures specified therein have been incurred or are to be incurred for direct relief or unemployment relief shall be conclusive evidence of the fact.

"(3) Any debentures, bills, notes or other securities issued pursuant to this section shall be a valid and binding charge upon the City of Calgary and the ratepayers thereof, and shall not be open to question in any court on any ground whatsoever."

12. This Act shall come into force on the day upon which it is assented to.

FOURTH SESSION
SEVENTH LEGISLATURE
24 GEORGE V
1934

BILL

An Act to amend the Acts and Ordinances constituting the Charter of the City of Calgary.

Received and read the

First time

Second time.....

Third time.....

MR. FARTHING

EDMONTON:
W. D. McLEAN, KING'S PRINTER
1934