

Bill No. 16 of 1935.

A BILL TO AMEND THE DEPARTMENT OF MUNICIPAL AFFAIRS ACT.

NOTE.

This Bill amends the provisions of section 15 of *The Department of Municipal Affairs Act* by amplifying the powers thereby conferred on the Minister to dismiss councillors and other municipal officers and to require municipal councils to take any action which may be required in the public interest.

It further empowers the Minister to appoint a Controller with a power of control over the activities of councils of municipalities.

R. ANDREW SMITH,
Legislative Counsel.

(This note does not form any part of the Bill and is offered merely as a partial explanation of some of its provisions.)

BILL

No. 16 of 1935.

An Act to amend The Department of Municipal Affairs Act.

(Assented to _____, 1935.)

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

1. This Act may be cited as "*The Department of Municipal Affairs Act Amendment Act, 1935.*"

2. *The Department of Municipal Affairs Act*, being chapter 17 of the Revised Statutes of Alberta, 1922, is hereby amended as to section 15 thereof by striking out the same and by substituting therefor the following:

"**15.**—(1) Upon it being made to appear to the Minister by the report of an inspector or upon the Minister being satisfied in any other manner that the affairs of a municipality are in such a state or are being conducted in such a manner that immediate action by the council or any officer of the municipality is necessary in the public interest, the Minister may from time to time by order under his hand direct the council or any officer to take such action as he may in the circumstances deem proper.

"(2) In case any such directions of the Minister are not carried out to the satisfaction of the Minister, he may in his discretion by order under his hand dismiss the council, or any designated members thereof, or any officers of the municipality.

"(3) In the case of the dismissal of the council or of any members thereof, the Minister may at any time in his discretion by order under his hand direct the election of a new council or of members to take the place of any members so dismissed, as the case may be, and in the case of the dismissal of an officer, he may appoint another officer in his stead and prescribe the remuneration which shall be payable to him by the municipality.

"(4) The Minister may upon the dismissal of any council or in the event of the failure to nominate and elect a council for the municipality, or persons to fill vacancies in the council, appoint by order under his hand an official administrator who shall have all the powers belonging to the council, who shall be paid such remuneration by the municipality as may be from time to time fixed by the Minister.

"(5) Every order of the Minister made pursuant to this section shall take effect upon the service of a copy thereof upon either the mayor, reeve, secretary or secretary-treas-

urer of the municipality, and such service may be effected either personally or by sending a copy of the order by registered mail, and if so sent, shall be deemed to be served upon the expiration of the third day after the date of mailing; and any members of any council and any officers thereof dismissed by any such order shall cease to be members of the council or officers thereof, as the case may be, upon the order so taking effect.

"(6) The Minister may at any time in his discretion appoint a Controller of the affairs and business of the municipality who shall have the supervision of the council or the official administrator in the management of the affairs and business of the municipality, and so long as the appointment of the Controller continues, no by-law or resolution whereby any liability is incurred or any disposition is made of the money or property of the municipality shall have any force or effect unless and until it has been approved in writing by the Controller; and in case the Controller at any time within thirty days after the passing of any by-law or resolution disallows the same, the by-law or resolution so disallowed shall become and shall be deemed to have been always null, void and of no effect."

3. This Act shall come into force on the day upon which it is assented to, and upon so coming into force shall be deemed to have been in force at all times from and after the first day of July, 1934.

FIFTH SESSION
SEVENTH LEGISLATURE
25 GEORGE V
1935

B I L L

An Act to amend The Department of
Municipal Affairs Act.

Received and read the

First time

Second time

Third time

HON. MR. ALLEN.

EDMONTON:
W. D. McLEAN, KING'S PRINTER
1935