

# BILL

No. 3 of 1940.

An Act to Amend the Acts and Ordinances Constituting the  
Charter of the City of Calgary.

(Assented to \_\_\_\_\_, 1940.)

**W**HEREAS 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 subsection 30*a* to section 117 thereof:

“30*a*. Notwithstanding anything contained in the Charter of the City of Calgary or in any other Act or law to the contrary, to fix and determine the maximum rate of speed at which vehicles shall travel on any street or highway of the City of Calgary, either applicable wholly throughout the City or applicable within a specified zone or district within the City, and to provide that any person driving any vehicle at a rate of speed greater than the maximum when so fixed and determined, shall *prima facie* be taken to be driving at an unreasonable rate of speed or travelling without due care or attention.”

**2.** By adding the following as subsection 101*b* to section 117 thereof:

“101*b*. (A) To enter into any Agreement with each the Board of Trustees of The Calgary School District No. 19 of the Province of Alberta and The Calgary Roman Catholic Separate School District No. 1 to include employees (other than teachers) of the said respective School Boards in the pension scheme known as ‘the Pension Fund for City Employees’ established under By-law No. 3016 and amendments pursuant to a provision for that purpose contained in section 117, subsection 101 of the Charter of the City of Calgary and for the purpose aforesaid,—

“(1) The said school boards are respectively authorized and empowered in their discretion to enter into and perform

such agreement or agreements without submitting the proposal to the ratepayers of the said school district.

"(2) The by-law of the City of Calgary No. 3016 and amendments thereto by By-laws Nos. 3063 and 3152 are hereby declared to be valid and binding on the City of Calgary and its employees within the purview thereof.

"(3) For the purpose only of such proposed agreement or agreements and only to the extent of enabling the employees hereinafter referred to of the said respective school boards to be and become pensionable under the said scheme upon the proposed agreement with either of the said boards being executed by the City of Calgary and that school board, it is declared that as at and from the first day of January, 1940, or any later date stipulated in the agreement, all present employees of that school board and future employees within the age limit prescribed by By-law No. 3016 of the City of Calgary and amendments and on the terms thereof (other than members of its teaching staff) shall be deemed to be employees of the City of Calgary, and regardless of the present respective ages of the then present employees or of their ages when they became employees of that school board shall be included in the said pension scheme and entitled to the benefits thereof, and be subject to the liability as from the first day of January, 1940, or such later date as may be agreed upon in such agreement or agreements, to contribute to the pension fund that percentage respectively of their respective salaries as is set forth in section 4 of By-law No. 3016 based on their respective ages at the first day of January, 1940, or such later date, and each of the said school boards may by the said agreement covenant with the City of Calgary that on each pay day after the first day of January, 1940, or such later date, it will deduct the said percentages from the pay of its employees and pay the aggregate of the deductions to the City of Calgary for the purpose of the pension fund. (If when any agreement entered into pursuant hereto becomes effective, any pay day has passed without such deductions being made which by the agreement should have been made and the amount paid to the city, the amount of the percentage of past pay days shall be deducted, one-third each pay day on the then next three pay days); provided that nothing herein or in the proposed agreement shall be construed so as to entitle future employees of either of the said school boards to participate in or be liable to contribute to the pension fund except within the terms of the said By-law No. 3016 and amendments referring to future employees of the City of Calgary and on the terms thereof as to such future employees.

"(4) Each of the said school boards may by the said agreement undertake to pay to the City of Calgary monthly for the purpose of the pension fund in addition to the contributions deducted from the salaries of employees as directed in the preceding sub-section an amount from the funds of the agreeing school board equal to two and one-half per cent of the pay-roll of the employees of that school board who are pensionable under the proposed agreement, and

also in addition thereto monthly an amount equal to one-twelfth of the annual interest (calculated at four and one-half per cent per annum) on the accrued liability actuarially calculated at the date when the proposed agreement becomes effective with respect to the employees of the school board to be affected by the agreement, and subject to revision quinquennially as the City of Calgary's contributions are subject as stipulated in By-law No. 3016, section 33, and also to pay to the said city a fair proportion of administration expenses based *pro rata* on the number of employees.

"(5) Each employee of the school boards who by this enactment is deemed to be an employee of the City of Calgary shall, when the agreement is executed, from and after the date when the first deduction is made from his or her salary be entitled to the benefits and advantages of The Pension Fund for City Employees on the same basis as actual employees of the said city as stipulated in By-law No. 3016 and amendments above mentioned, saving always the right of the City of Calgary to further amend the said by-law from time to time.

"(6) The City of Calgary shall be entitled to deduct and charge against any moneys payable by it to the agreeing school board all and every sum of money payable by such school board to the City of Calgary pursuant to the said agreement.

"(7) Contributions to be made by the school boards under the said agreement as provided in subsection (4) hereof are declared to be for school purposes within the meaning of section 42 of *The Calgary Charter* and upon the said agreement being entered into, the stipulated contributions shall be annually included in the estimate of the board and the inclusion thereof in the estimate for the year of Our Lord one thousand nine hundred and forty already furnished by the board to the city is declared to be valid and binding on the city when and so soon as the proposed agreement is entered into.

"(8) Nothing in this subsection 101b shall be construed as making it compulsory upon the City of Calgary or either of the said school boards to enter into an agreement as herein authorized, and each the City of Calgary and each of the said school boards shall have uncontrolled discretion in that regard, and if any agreement is so entered into, it may contain any provision or provisions (not inconsistent with this subsection 101b) which may be agreed upon between the parties."

3. By amending section 237 thereof as amended by section 6 of chapter 68, Statutes of Alberta, 1929, by deleting the words "such instructions shall be given by the city council to the city solicitor at its regular meeting immediately preceding the expiration of the term of office of the appointed Trustee", where they occur at the end of the said section 237, and substituting therefore the following: "such instructions shall be given by the city council to the city

solicitor at any meeting of the said council in the month when the term of office of the appointed trustee expires."

4. By adding the following as subsection 11 to section 291 thereof:

"11. The provisions of subsections (1) to (10) inclusive of this section shall apply *mutatis mutandis* to barber schools, barber colleges, and similar institutions within the City of Calgary, and to the proprietor or person in charge of such barber schools, barber colleges and similar institutions, and the proprietors of such barber schools, barber colleges and similar institutions shall be deemed to be 'employing barbers' for the purposes of subsections 7 and 9 of this section."

5. By amending subsection 1 of section 314 thereof by deleting the following words and figures where they occur in the said subsection, "together with that portion of block 1 according to a plan of part of the City of Calgary of record in the Land Titles Office for the South Alberta Land Registration District as Victoria Road, Calgary 6452 A.V., which lies to the north of a line drawn parallel with and perpendicularly distant 100 feet south of the north boundary of said block", and substituting therefor the following: "all block 1, according to a plan of part of the City of Calgary of record in the Land Titles Office for the South Alberta Land Registration District as Victoria Road, Calgary 6452 A.V."

6. By adding the following as subsections 3(a) and (b) to section 314 thereof.

"3(a) Lots thirty-two (32) and thirty-three (33), block four (4) according to a plan of part of the City of Calgary of record in the Land Titles Office for the South Alberta Land Registration District as Plan C. Calgary, together with the improvements thereon, owned by the Calgary Chinese Public School Society, shall be and are hereby declared to be exempt from all general taxes chargeable by the City of Calgary, as long as the said property is owned by the said Calgary Chinese Public School Society, and used for educational purposes only, provided that the said exemption shall not apply to special taxes.

"(b) The cancellation of the general tax arrears for the years 1936, 1937 and 1938 levied by the City of Calgary against the said property of the said Calgary Chinese Public School Society, being lots 32 and 33, block 4, plan C. Calgary, amounting to the sum of \$410.80 is hereby authorized."

7. By amending subsection (b) of section 335 thereof by deleting the words "pursuant to subsection (d) of section 286 of *The Municipal District Act*, being chapter 41, Statutes of Alberta, 1926, and amendments thereto", where they occur at the end of the said subsection (b).

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

NINTH SESSION  
**EIGHTH LEGISLATURE**  
4 GEORGE VI  
1940

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**BILL**

An Act to Amend the Acts and Ordinances Constituting the Charter of the City of Calgary.

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Received and read the

First time.....

Second time.....

Third time.....

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MR. IRWIN.

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EDMONTON:  
A. Shnitka, King's Printer  
1940