

# Village of Hines Creek Council Request for Decision (RFD)

Meeting:	Regular Council Meeting
Meeting Date:	August 27, 2019
Originated By:	Leanne Walmsley, Chief Administrative Officer
Title:	New Business – Number of Councillors for Municipalities
File:	0101

## BACKGROUND/PROPOSAL:

### **Number of councillors for municipalities**

143(1) A Council consists of the number of councillors provided for under this section, one of whom is the chief elected official, but in no case may a council consist of fewer than 3 councillors.

(2) The council of a city or town consists of 7 councillors unless the council passes a bylaw specifying a higher or lower odd number.

(3) The council of a village or summer village consists of 3 councillors unless the council passes a bylaw specifying a higher odd number.

(4) The council of a municipal district or specialized municipality consists of the number of councillors specified in the order forming it unless the council passes a bylaw specifying a higher or lower odd number.

(5) The council of any other type of municipality consists of the number of councillors provided for it by or under the enactment establishing it.

### **Bylaw changing number of councillors**

144(1) a bylaw passed under section 143 must be passed at least 180 days before the general election at which it is to take effect.

(2) If a bylaw is passed less than 180 days before the next general election, it takes effect at the 2<sup>nd</sup> general election after the date on which it is passed.

(3) A bylaw passed under section 143 must be advertised.

Attached is Bylaw #78

A Bylaw of the Village of Hines Creek to form a five man Council.

**Next election is scheduled for October 18, 2020.**

**April 21, 2020 is 180 days prior to general election.**

## DISCUSSION/OPTIONS/BENEFITS/DISADVANTAGES

Village of Hines Creek population 2016 Census was 346

### Division 7 Dissolution

#### Application

129 This Division does not apply to the dissolution of a municipality as a result of an annexation.

#### Viability review

130(1) The Minister must, before a municipality is dissolved.

- a) undertake a viability review, and
  - b) after completing the viability review, hold a vote of the electors of the municipality on the proposed dissolution.
- (2) The Minister may undertake a viability review in respect of a municipality if
- a) The Minister receives a request for a viability review from the council of the municipality.
  - b) The Minister receives a sufficient petition requesting a viability review from electors of the municipality numbering at least 30% of the municipality's population or, in the case of a summer village, a sufficient petition requesting the review from a number of the electors of the summer village equal to at least 50% of the number of summer village residences in the summer village, or
  - c) the Minister believes a viability review is warranted.
- (3) A viability review must be conducted in a manner determined by the Minister.
- (4) If the Minister receives a request in accordance with subsection (2)(a) or a sufficient petition in accordance with subsection (2)(b) and in the Minister's opinion a process other than a viability review is more appropriate, the Minister may require that that process be undertaken instead of undertaking a viability review.

#### Completion of viability review

130.1 After completing a viability review, the Minister may

- a) by order direct the council or the chief administrative officer to take any actions, based on the results of the viability review, that the Minister considers appropriate to ensure the viability of the municipality, or
- b) hold a vote of the electors of the municipality on whether the municipality should
  - i) be dissolved, or
  - ii) not be dissolved, but be required to take any actions, based on the results of the viability review, that the Minister considers appropriate to ensure the viability of the municipality.

### **Vote**

130.2(1) A vote held under section 130.1(b) must be conducted in accordance with the Local Authorities Election Act as modified by directions given by the Minister.

(2) If the electors vote that the municipality should be dissolved, the Minister must recommend to the Lieutenant Governor in Council that the municipality be dissolved in accordance with section 133.

(3) If the electors vote that the municipality should not be dissolved, the Minister must by order direct the council or the chief administrative officer to take the actions referred to in section 130.1(b)(ii).

### **Dismissal**

130.3 If an order of the Minister under section 130.1(a) or 130.2(3) is not carried out to the satisfaction of the Minister, the Minister may dismiss the council or any member of it or the chief administrative officer of the municipality, and section 574(3) to (6) apply in respect of the dismissal.

131 and 132 Repealed 2013 c9s3.

### **Dissolution order**

133(1) The Lieutenant Governor in Council, on the recommendation of the Minister, may be order dissolve a municipality.

(2) A dissolution order

- a) must direct that all or part of the land in the dissolved municipality becomes part of another municipal authority.
- b) may deal with any of the matters referred to in section 89, and
- c) may appoint a liquidator and specify the liquidator's powers, duties and functions.

### **Tax**

134 If the liabilities of the dissolved municipality exceed its assets, the Lieutenant Governor in Council may authorize the successor of the dissolved municipality to impose an additional tax under Part 10 on property located in the area of the dissolved municipality to pay for those excess liabilities.

### **Transitional**

134.1(1) In this section "amending Act" means the Municipal Government Amendment Act 2013.

(2) A dissolution study that was commenced, but not completed, before the coming into force of the amending Act may, as determined by the Minister, be continued.

- a) as a dissolution study under and in conformity with this Act as it read before the coming into force of the amending Act, or

b) as a viability review under and in conformity with this Act as it reads after the coming into force of the amending Act

**Division 8**  
**General Provisions**

**Effect of certain orders**

135(1) When an order under this Part has the effect of including or placing an area of land that was in one municipal authority, called in this section the “old municipal authority”, in another municipal authority, called in this section the “new municipal authority”, as a result of an annexation or the formation, amalgamation or dissolution of a municipal authority, then, unless the order provides otherwise,

a) the new municipal authority becomes the successor of the old municipal authority with respect to the area of land and the old municipal authority ceases to have any jurisdiction with respect to that area of land,

a.1) all taxes due to the old municipal authority are deemed to be arrears of taxes due to the new municipal authority and may be collected and dealt with by the new municipal authority as if it had imposed the taxes,

a.2) all rights of action and actions by or against the old municipal authority that relate to that area of land become rights of action and actions by or against the new municipal authority and cease to be rights of action and actions by or against the old municipal authority.

b) all the assets, liabilities, rights, duties, functions and obligations of the old municipal authority that relate to that area of land automatically pass to the new municipal authority and cease to be those of the old municipal authority.

c) in the case of an amalgamation or an annexation, if at the time of the notice under section 103 or 116 any land or any portion of it is designated or required to be provided as a public utility lot, environmental reserve, conservation reserve, municipal reserve or municipal reserve or municipal and school reserve, under Part 17 or a former Act as defined in Part 17, on the amalgamation or annexation taking effect the ownership of the land becomes vested in the new municipal authority in place of the old municipal authority, and

d) bylaws and resolutions of the old municipal authority that apply specifically to the area of land continue to apply to it until repealed or others are made in their place by the new municipal authority.

(2) If the land referred to in subsection (1)© is sold or money instead of land is received by the old municipal authority after a notice of amalgamation under section 103 or a notice of annexation under section 116 is received, the proceeds of the sale or the money received must be paid to the new municipal authority.

(3) The new municipal authority may only use the proceeds of the sale or the money received for purposes for which the old municipal authority could have used it.

(4) The Lieutenant Governor in Council may

a) authorize the council of the new municipal authority to impose an additional tax under Part 10 on the area of land to meet obligations under a borrowing made by the old municipal authority in respect of that area of land, or

b) make any provisions necessary to protect any rights that any person has in relation to the area of land.

(4.1) The Minister may direct the transfer of assets and liabilities from one municipal authority to another.

(5) This section does not abrogate or affect agreements described in section 30 or 45.

#### **Power to effectuate transfer of land and other property**

136 Where an order under this Division requires the ownership of land or other property to be transferred to a municipal authority, the Minister may do whatever is necessary to give effect to section 135(1) or a direction under section 135(4.1)

#### **Transitional and other matters**

137(1) An order of formation, change of status, amalgamation, annexation or dissolution may, in respect of any municipal authority affected by the order, contain provisions dealing with the following:

a) assessment and taxation

b) property;

c) employees;

d) any matter required to properly effect or deal with the formation, change of status, amalgamation, annexation or dissolution, whether transitional or otherwise;

e) the application, addition, change or substitution of this or another enactment to give effect to the order.

(2) The provisions referred to in subsection (1) may deal with rights, obligations, liabilities, assets and any other thing that the Lieutenant Governor in Council considers is appropriate to be dealt with in the order and may operate dispute a collective agreement.

(3) The Lieutenant Governor in Council may amend or repeal a provision referred to in subsection (1) that is contained in an order of formation, change of status, amalgamation, annexation or dissolution without having to comply with the requirements for passing the original order.

#### **Retroactivity of orders**

138(1) An order of the Lieutenant Governor in Council under this Part may provide.

a) for the retroactive application of the order or any of its provisions, and

b) that the order or any of its provisions come into force on different dates.

(2) An order or any of its provisions may only be made retroactive to a date in the year immediately before the calendar year in which the order is made.

(3) Any error in any order made under this Part may be corrected by subsequent order, and the correcting order may be made effective as of the date of the original order or on some other later date that is specified in the order.

**Orders published**

139(1) An order of the Lieutenant Governor in Council or the Minister made under this Part must be published in The Alberta Gazette.

**Regulations Act.**

140 The Regulations Act does not apply to an order of the Lieutenant Governor in Council or the Minister made under this Part.

Location of boundaries

141(1) In this section,

- a) "survey" means a survey made under the Surveys Act or the Canada Lands Surveys Act (Canada);
- b) "surveyed land" means land that has been surveyed under the Surveys Act or the Canada Lands Surveys Act (Canada).

(2) Where the boundary of a municipality is described by reference to the boundary of a township or section or section of surveyed land along which road allowance runs, the boundary is the side of the road allowance on which monuments or posts are placed under a survey, except in the case of correction lines or where the description otherwise specifies.

(3) In the case of correction lines, the boundary is the south side of the road allowance.

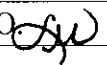
(4) Where a road is the boundary of a municipality and land is acquired to widen the road, the land acquired automatically falls within that boundary.

(5) A road allowance between an Indian reserve and a municipality is in the municipality despite anything to the contrary in this section.

(6) Where a boundary of a municipality is described by reference to a river, the boundary is the right bank of the river facing downstream unless the description otherwise specifies.

COSTS/SOURCE OF FUNDING (if applicable)

RECOMMENDED ACTION

Initials show support- Reviewed by:	Manager:	C.A.O. 
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By-Law #78

A By-Law of The Village of Hines Creek to form a five man Council.

The Council of The Village of Hines Creek, Under Section 42(a) of The Town and Village Act are desirous to put to vote before the proprietary electors By-Law #78 to form a five man Council.

The last Dominion census showed a population of 401 which entitles the Village of Hines Creek to a five man Council.

This By-Law shall take effect on the day of the final passing of the same, and after the same has received the proprietary electors as required by the Town and Village Act.

Received first reading and passed provisionally in council this 15th day of June 1962.

Mayor A. W. Coon

Secretary-Treasurer D. B. Alderson

By-Law #79A

A By-Law of the Village of Hines Creek to authorize the Mayor and the Treasurer to borrow \$3,000.00 to meet current expenditures.

The Council of the Corporation deem it may be necessary to borrow the sum of \$3,000.00 to meet current expenditures of the Corporation this year and that sum does not exceed seventy-five per cent of the taxes levied or to be levied by the Corporation this year 1962 and to expend the sum of \$3,000.00 to meet other expenditures of the Corporation for this, year, until the taxes levied or to be levied therefor can be collected.

The council of the Corporation hereby enacts as follows:

The Corporation hereby pledges to the Bank the whole of the taxes levied by the Corporation for the current year and any taxes levied in preceding years, together with the penalties thereon and taxes and penalties are collected, the secretary-treasurer shall deposit the amounts thereof in a special account with the Bank as