

REPORT OF SELECT COMMITTEE

—ON—

MUNICIPAL MATTERS.

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LEGISLATIVE COMMITTEE ROOM,

May 6th, 1897.

MR. SPEAKER :

Your Select Standing Committee on Municipal matters beg leave to report as follows :—
Ward System (section 24).—That the Act remain unchanged so far as regards Rural Municipalities, but to be amended so as to leave it optional to adopt the system by City Municipalities. That the property owners be entitled to vote thereon.

By-Laws (section 50).—That power be given to Corporations to aid smelters, dry dock, or marine railway, within a limit of five miles beyond the boundaries of the municipality.

That power be granted to impose a fire insurance tax not exceeding \$200, and not otherwise authorised.

Sub-section (158).—In cities, for regulating the hours during which children under years of age being in the streets without their parents or guardians.

Your Committee is of the opinion that the proposed Bill of "Government by Commissioners" (submitted herewith) should be printed and distributed amongst the members of the Legislative Assembly. Your Committee express no opinion as to the advisability or desirability of adopting the said proposed Bill as part of the municipal system.

J. P. BOOTH,

Chairman.

(To follow section 296 of the "Municipal Clauses Act.")

PART III.

GOVERNMENT BY COMMISSIONERS.

297. This Part shall apply only to cities heretofore incorporated under any general Municipal Act, or under a special Act, or which may hereafter be incorporated under the "Municipalities Incorporation Act, 1896," or under a special Act.

298. This Part is divided into two sub-divisions :—

The first sub-division relating to proceedings for bringing the second sub-division of this Act into force and for afterwards revoking it :

The second sub-division relating to the appointment of and the government of cities or towns by a Board of Commissioners.

The First Sub-division.

299. The provisions of the second sub-division of this Part shall come in force in such municipalities as shall declare it in force by a majority vote passed in the manner provided by the next succeeding sections.

300. Upon a petition to the Lieutenant-Governor signed by not less than fifty voters, praying for the holding of an election upon the question whether the municipality shall be governed under the provisions of the second sub-division of this Act, the Lieutenant-Governor shall, by Order in Council, direct the taking of a vote within the municipality, to be taken upon the following question :—"Shall the second sub-division of Part III. of the 'Municipal Clauses Act' be brought into force in this municipality?" and by the same or by any other

Order in Council, the Lieutenant-Governor in Council may appoint a Returning Officer, and may direct how and when such vote shall be taken, and may make such other regulations for the purpose of taking such vote, as may be deemed necessary and advisable, and it shall be the duty of the Council of the municipality to carry out such regulations.

301. Every person, and no other, who is entitled to vote in the municipality where the vote is being taken shall be entitled to vote upon such question, and the voting thereon shall be "aye" or "nay," and if the ayes are in the majority the question shall be deemed to have been carried in the affirmative, and if the nays are in the majority the question shall be deemed to have been negatived.

302. If the question be resolved in the affirmative, then the Lieutenant-Governor may, at any time after the expiration of fourteen days from the taking of the poll upon such question, by Order in Council, order that the provisions of the second sub-division of this Part shall apply to and be in force in the municipality passing such affirmative vote.

303. If within such period of fourteen days it shall be made to appear to the Lieutenant-Governor in Council that the said vote has not been properly taken, or that any serious irregularity has occurred in connection with the taking of the same, or that it is doubtful whether the same has passed in the affirmative or negative, or if for any other reason he shall see fit to do so, the Lieutenant-Governor in Council may either direct the taking of a new vote, or may refer any question as to the regularity or result of the vote, or any other question touching the election, in a summary way, to a Judge of the Supreme Court of British Columbia, who shall thereupon inquire into the same and report his conclusions to the Lieutenant-Governor in Council, who may then either declare the result of the polling or order a new poll, or act therein in such manner as he may see fit.

304. If the question be resolved in the negative no similar petition shall be put to the vote of the electors of such municipality for a period of twelve months from the day on which such vote was taken.

305. No Order in Council issued under this Part shall be revoked until after the expiration of three years from the day of the coming into force under it of the second sub-division of this Part, nor until a petition to the Lieutenant-Governor in Council praying for such revocation and complying with the requirements of the former petition has been presented, and such proceedings have been had thereon as are by this Part required to be had on a petition for the bringing of the second sub-division of this part into force, and the question, "Shall the second sub-division of Part III. of the 'Municipal Clauses Act' remain in force in this municipality?" has been resolved in the negative by a majority of the votes duly cast by voters qualified as above; and each and all of the preceding sections of this part shall apply, mutatis mutandis, to every case of a petition for the revocation of an Order in Council under this section, and to the proceedings to be had and taken thereon, and in respect of the powers to be exercised in connection with such proceedings. If the question be resolved in the negative, the question contained in section 300 hereof shall not be put to the vote of the electors until the expiration of one year from the date of the revocation of the Order in Council bringing the second sub-division hereof into force.

306. In case the Lieutenant-Governor in Council shall, by Order in Council, direct that the provisions of the second sub-division of this Part shall be in force in the municipality, then the Lieutenant-Governor shall issue his Proclamation thereof, and from and after a convenient day to be named in such Proclamation, and publication thereof in three consecutive issues of the British Columbia Gazette, the following provisions of this Act shall govern such municipality.

The Second Sub-division.

307. Notwithstanding anything to the contrary in the "Municipal Clauses Act, 1896," the "Municipal Elections Act, 1896," or the "Municipalities Incorporation Act, 1896," or amendments, or in any other Statute, general or special, the offices, functions and powers of the Aldermen holding office in the municipality shall forthwith cease, determine, and be void, and there shall henceforth be no further proceedings taken for the election of Aldermen.

308. Nothing in this Part shall, except as expressly provided, be construed as affecting the office or status of the Mayor who shall be holding or elected to office at the time this Part takes effect, nor of any future Mayor to be hereafter elected pursuant to the municipal law governing the municipality.

309. From and after the coming into force of this sub-division, all powers and duties connected with and incident to the government and discipline of the municipality shall hence-

forth be vested in and exercised by a Board of Commissioners, consisting of the Mayor, ex-officio, and not less than two nor more than four Commissioners, one of whom in the event of the number of Commissioners being two, and two of whom in the event of the number being four, shall be elected by the voters entitled to vote for Mayor, and the other Commissioner or Commissioners are to be appointed from time to time by the Lieutenant-Governor in Council, and the majority of the Commissioners shall constitute a quorum.

310. The official term of such Commissioners, subject to the power of the Lieutenant-Governor to remove any or all of them at pleasure, shall be three years, and until their successors are appointed and qualified, or for the unexpired balance of their predecessors' term, but retiring Commissioners shall be eligible for re-appointment.

311. The statute law governing the municipality immediately before the coming into force of this sub-division shall, subject to its being changed, altered, modified and repealed, from time to time, by competent authority, continue, subject to the provisions of this Act, to be the law of the municipality, but the Commissioners shall take the place of the Mayor and Aldermen, and shall have all the authority, powers, duties, and obligations of the Council, as defined by law, and shall be the Council of the municipality, and all Acts referring to or vesting powers in or imposing duties or functions on the Mayor and Council shall be deemed to refer to the Mayor and Commissioners.

312. The Mayor shall be deemed the head of the Corporation, and shall be elected in manner pointed out by the municipal law governing the municipality.

313. No person shall be appointed a Commissioner who is subject to any of the disqualifications mentioned in the "Municipal Elections Act, 1896," or amendments, and if during his holding office any of such disqualifications, or any other disqualifications, arising by law, which would be such in the case of an Alderman, shall attach to him, his office shall, ipso facto, become void, and if any Commissioner shall enter into, or obtain any interest, directly or indirectly, in any contract entered into by or with the Corporation, he shall be liable, upon summary conviction before two Justices of the Peace, to imprisonment, with or without hard labour, for any term not exceeding one year, nor less than three months, and to a fine not to exceed one thousand dollars. No prosecution for an offence against this section shall be commenced after the expiration of two years from the time of its commission.

314. Each Commissioner, other than the Mayor, shall receive an annual salary not exceeding four thousand dollars, to be paid out of the municipal revenue, and shall devote his whole time to the concerns of the Corporation, and shall not be actively engaged in any profession, business or trade, other than the concerns of the Corporation. The Mayor shall receive such salary, not exceeding two thousand dollars, as the Commissioners, other than himself, shall fix, but shall be at liberty to pursue any separate calling he may choose.

315. Each Commissioner, other than the Mayor, shall give security to the satisfaction of the Lieutenant-Governor in Council in the sum of not less than five thousand dollars for the faithful discharge of his duties.

316. Every person who shall have been appointed a Commissioner under this Part shall, before acting in his office, make and subscribe the following declaration before some Judge of the Supreme Court of British Columbia, or of a County Court, and shall procure from such Judge a certificate of the same having been duly made and subscribed:—

"I, A. B., a Commissioner appointed for the (City or Town) of _____, do declare that I am a British subject, and that I am not in any way disqualified from holding the office of Commissioner, and I have not, nor will have while holding office, any interest, whether directly or indirectly, in any contract or services (other than my remuneration as Commissioner by law appointed) connected with the corporation. I will faithfully perform the duties of my office, and will devote my whole time and energies thereto, and will not allow any private interest to influence my conduct in public matters."

317. Such certificate shall, after being presented when the Commissioner takes his seat on the Board, be forwarded by the Clerk of the municipality to the Provincial Secretary to be filed of record.

318. When and so often as vacancies caused by the death, resignation, disqualification, dismissal, or expiration of the term of office of a Commissioner shall occur, the Lieutenant-Governor in Council shall fill the same.

319. Notwithstanding any provision of the municipal law applicable to the municipality requiring for any specified act a greater proportion of the Council, all questions within the powers of the Council shall be decided by a majority of the Board of Commissioners.

320. The Board of Commissioners may allot to the individual members thereof such portions of the affairs of the municipality as the Board may consider would be best regulated and managed in such manner, but the affairs of each such department shall nevertheless be under the control of the Board, and no debt may be contracted or money expended by the authority of or at the direction of any Commissioner in excess of fifty dollars at a time, unless first sanctioned by the Board in manner provided by law. The Commissioner in charge of any department shall have control of and may, if he thinks fit, suspend from duty any of the officers and employees of his department, but all such suspensions shall be reported to and dealt with by the Board.

321. The power of the Mayor under section 12 of the "Municipal Clauses Act, 1896," or any similar enactment, to return for reconsideration, or to veto a by-law, shall not be exercised where the provisions of this Act apply.

322. In case the city or town for which the Commissioners have been appointed has been theretofore divided into wards, such division shall, during the time this Part is applied thereto, be of no effect, but the Commissioners may, if they deem fit, adopt such divisions for any administrative purpose, or may make any other divisions they think fit.

323. The provisions of the municipal law respecting meetings of the Council shall not apply to the Commissioners who may, by by-law or otherwise as they deem advisable, regulate the meetings of the Board, the calling of the same, and the procedure thereat.

324. The provisions of section 94 of the "Municipal Clauses Act, 1896," shall be in constant force in any Municipality governed by Commissioners appointed under this Act.

325. The Board of Commissioners shall be the Court of Revision for the Municipality.

326. Any Commissioner shall be eligible for appointment as a member of the Board of Licence Commissioners or of the Board of Commissioners of Police.

327. The Commissioners shall annually report their official doings, in detail, to the Lieutenant-Governor in Council, on or before the 15th day of February.

General.

328. The Lieutenant-Governor in Council may from time to time make and repeal rules and regulations to meet cases or emergencies not provided for by this Act, provided that such rules and regulations do not conflict with the general scope and meaning of this Act. Every such rule and regulation shall have the force and effect of law, and shall be published in the British Columbia Gazette.

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