

# 2004

## CHAPTER C-11.2

### An Act respecting the City of Lloydminster

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(Assented to June 17, 2004)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

#### Short title

1 This Act may be cited as *The City of Lloydminster Act*.

#### Interpretation

2 In this Act:

- (a) “**Alberta**” means the Province of Alberta;
- (b) “**Alberta Act**” means the *Lloydminster Municipal Amalgamation Act* (Alberta) or any successor to that Act;
- (c) “**approved enactment**” means an Act or regulation, or part of an Act or regulation, of Saskatchewan or Alberta that is declared pursuant to clause 6(b) to apply, with or without modification, to that part of the City located in Saskatchewan, to any approved outlying area located in Saskatchewan, or to both;
- (d) “**approved outlying area**” means any area of Saskatchewan or Alberta that is approved pursuant to clause 6(a) as being part of the City for the purpose of any municipal, school or other local matter;

- (e) **“Charter”** means the Lloydminster Charter continued or enacted pursuant to section 4;
- (f) **“City”** means the City of Lloydminster continued pursuant to section 3;
- (g) **“complementary order in council”** means an order in council issued pursuant to this Act and expressed as being complementary to an order in council issued pursuant to the Alberta Act;
- (h) **“Saskatchewan”** means the Province of Saskatchewan.

**City of Lloydminster continued**

3(1) The City of Lloydminster is continued.

(2) The City consists of:

- (a) the area:
  - (i) designated by paragraph 32 of section 2 of the Lloydminster Charter consolidated in 1954 and approved by order in council number 2488/54 (Saskatchewan) dated November 9, 1954 and by order in council number 1517/54 (Alberta) dated November 10, 1954; and
  - (ii) declared as the area of the City by order in council number 2329/57 (Saskatchewan) dated December 17, 1957 and by order in council number 2012/57 (Alberta) dated December 31, 1957; and
- (b) any additional area from time to time lawfully included in the City.

**Charter**

4(1) By complementary order in council, the Lieutenant Governor in Council may enact a Charter for the City.

(2) The power conferred on the Lieutenant Governor in Council pursuant to subsection (1) includes the power to amend or repeal the Charter by complementary order in council.

(3) Subject to this Act, the Alberta Act and any other complementary order in council, the Charter shall govern all matters related to:

- (a) the administration and governance of the City; and
- (b) the affairs of the Lloydminster Public School Division and the Lloydminster Roman Catholic Separate School Division.

(4) In an Act, regulation or order in council, a citation of or reference to the Charter shall be interpreted as a citation of or reference to the Charter as amended from time to time.

(5) Judicial notice shall be taken of the Charter as amended from time to time.

(6) The Charter that was ratified by section 16 of *The Lloydminster Municipal Amalgamation Act, 1930* (Saskatchewan) and section 16 of the *Lloydminster Municipal Amalgamation Act* (Alberta), continues, as amended from time to time, as the Charter for the City until that Charter is repealed and a new Charter is enacted.

**Governance of municipal matters**

- 5(1)** If the Charter incorporates an approved enactment, any other Act or regulation of Saskatchewan or Alberta, or certain provisions governing a particular matter, that enactment or those provisions apply to the City and to any approved outlying area that the Charter may specify.
- (2) For the purposes of subsection (1), incorporation may be by:
- (a) reference, with or without modifications;
  - (b) restatement, with or without modifications; or
  - (c) any other means that the Lieutenant Governor in Council considers suitable in the circumstances.
- (3) Subject to any other complementary order in council, if the Charter is silent on any matter:
- (a) the law of Saskatchewan governing that matter shall apply to that part of the City located in Saskatchewan; and
  - (b) the law of Alberta governing that matter shall apply to that part of the City located in Alberta.

**Powers of Lieutenant Governor in Council**

- 6** By complementary order in council, the Lieutenant Governor in Council may do all or any of the following:
- (a) approve any area of Saskatchewan or Alberta as being part of the City for the purpose of any municipal, school or other local matter;
  - (b) declare that any Act or regulation, or any part of an Act or regulation, of Saskatchewan or Alberta applies, with or without modification, to that part of the City located in Saskatchewan, to any approved outlying area located in Saskatchewan, or to both;
  - (c) declare that any Act or regulation, or any part of an Act or regulation, of Saskatchewan or Alberta shall cease to operate with respect to that part of the City located in Saskatchewan, any approved outlying area located in Saskatchewan, or both;
  - (d) provide for the substitution of any authority mentioned in any approved enactment that otherwise would have jurisdiction over a matter with respect to that part of the City located in Saskatchewan;
  - (e) declare that all or any persons resident in any approved outlying area located in Saskatchewan shall, for the purposes stipulated, be subject to the same laws and liabilities, and possess the same rights and privileges, as if they were resident in that part of the City located in Saskatchewan;
  - (f) approve the annexation of any area by the City that is carried out by the City in accordance with the Charter;

- (g) approve the amalgamation of the City with one or more other municipalities that is carried out by the City in accordance with the Charter;
- (h) prescribe the procedure to be followed in any matter required or permitted to be done by this Act, by the Charter or by any other complementary order in council, whether or not another procedure is prescribed by an approved enactment;
- (i) provide for the holding of elections or the doing of any thing, whether or not required by an approved enactment, that in the opinion of the Lieutenant Governor in Council should be done before a day appointed by the Lieutenant Governor in Council;
- (j) establish rules to carry out the intent of this Act.

**Reports**

**7** If an approved enactment directs that a report be made to the Lieutenant Governor in Council of Saskatchewan or to a member of the Executive Council of Saskatchewan, a similar report shall be made to the Lieutenant Governor in Council of Alberta or to the corresponding member of the Executive Council of Alberta, as the case may be.

**Retroactive operation of orders**

**8** Any order in council made pursuant to this Act may be expressed as having retroactive operation.

**Delegation of powers**

**9** The Lieutenant Governor in Council may delegate any of the powers conferred or duties imposed on the Lieutenant Governor in Council by this Act to any member of the Executive Council, other than the power to make regulations pursuant to section 12.

**Crown rights not affected**

**10** This Act does not affect any taxes otherwise payable to the Crown in right of Saskatchewan, nor the collection of those taxes, nor any other right of the Crown in right of Saskatchewan.

**Paramountcy**

**11** If there is any conflict between a provision of this Act, the regulations, the Charter or any other order in council made pursuant to this Act and a provision of any other Act, the provision of this Act, the regulations, the Charter and any other order in council made pursuant to this Act prevails.

**Regulations**

**12** The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) authorizing one or more members of the Executive Council to pay grants to the City and prescribing any terms and conditions respecting the payment of those grants;

(c) dealing with any difficulty or impossibility resulting from this Act or from the transition to this Act from *The Lloydminster Municipal Amalgamation Act, 1930*;

(d) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

**S.S. 1930, c.94 repealed**

**13** *The Lloydminster Municipal Amalgamation Act, 1930* is repealed.

**S.S. 1984-85-86, c.B-7.1, section 2 amended**

**14** Paragraph 2(1)(d)(iii)(E) of *The Builders' Lien Act* is repealed and the following substituted:

“(E) *The City of Lloydminster Act*”.

**S.S. 2002, c.R-8.2 amended**

**15(1)** *The Regional Health Services Act* is amended in the manner set forth in this section.

**(2)** Subsection 62(1) is amended in the portion preceding clause (a) by striking out “, or *The Lloydminster Municipal Amalgamation Act, 1930*” and substituting “or *The City of Lloydminster Act*”.

**(3)** Subsection 63(1) is amended in the portion preceding clause (a) by striking out “*The Lloydminster Municipal Amalgamation Act, 1930*” and substituting “*The City of Lloydminster Act*”.

**(4)** Subsection 63(2) is amended by striking out “*The Lloydminster Municipal Amalgamation Act, 1930*” and substituting “*The City of Lloydminster Act*”.

**Coming into force**

**16** This Act comes into force on January 1, 2005.

