

BRITISH COLUMBIA'S NEW MUNICIPAL ACT

Bill Prepared for Submission to Legislature Provides for More Rigid Supervision of Municipalities

FOLLOWING upon the convention of British Columbia municipalities, which was held some weeks ago, and at which important resolutions were drawn up with reference to municipal government in the provinces, an act has been prepared under the direction of Mr. R. Baird, inspector of municipalities for British Columbia, regarding municipal government. The act provides that all of the municipalities of the province shall come under its jurisdiction and be supervised by a local government board which shall be appointed by the lieutenant-governor in council, and shall consist of three persons who shall hold office during the pleasure of the Crown. The position of inspector of municipalities will be maintained, and he shall also act as secretary of the board. The present methods of certification of money by-laws shall be maintained as at present.

The act goes on to describe the constitution and government of municipalities, extension and limits of same, disincorporation and governmental procedure of municipal councils whose duties and powers are variously abridged or extended according to best modern practice. The duties of municipal councils are minutely set out with powers and procedure definitely stated.

A new feature of the act calls for the creation of a board of control in municipalities having a population of 15,000 or more, consisting of the reeve or mayor and two controllers, elected by the municipality at large. The powers and duties of the board of control are specified and from a cursory examination of this part of the act the municipal council seems to have some control over this board of control, where it is acting in the opinion of the council against public interest. The powers of the municipal council, or in case the citizens choose to operate under the board of control, are specifically stated in close detail, commencing with the collection, appropriation, expenditure, management and accounting of municipal revenue and proceeding to section 120, being the power to regulate the position of roads and sidewalks to be constructed within the municipal area by and with the consent of local government board. With its powers, the municipal council may, by by-law, grant various aids; and deal with parks, ferries, highways, execution of judgment, epidemics, administration of justice, with coroners, fair wages, collections under distress act, poor, compensation to owners of properties, etc.

Municipal Finance

No municipal council shall have power to incur any liability beyond the amount of the municipal revenue for the current year which at the time remains unexpended, nor may municipal moneys be expended without conforming to the formalities prescribed in the act. The council may borrow money without submitting the by-law to the electorate to meet and pay interest falling due and payable during the current year, to meet and invest any payment of sinking funds authorized to be raised or invested during the current year, to meet and pay any requisition for ordinary expenditure made by the board of school trustees, to meet and pay any other lawful expenditure during the current year provided that the by-law shall specify amount, rate of interest, debt within current year for payment of principal and interest, and that the total of liability so incurred shall not exceed the amount of taxes due at the end of the previous year and provided that the ascertained amount shall not be more than 75 per cent. of the whole levy in the next preceding year. All current municipal borrowings must be submitted to the local government board and receive its approval and authority. By-laws submitted to electors shall set out the amount of the debt intended to create, the terms and objects for which it is to be created, and the number of years it is to be in existence. The proposed obligation may be consolidated with other indebtedness and the authorization of the local government board must be obtained. The act calls for the treasurer keeping books of account which shall definitely set out in

particulars the condition and state of every debt with account of sinking funds or instalments payable on principal.

Sinking Funds

In regard to sinking funds the act says:—

"The sinking funds of every municipality and all securities held on behalf of such sinking funds shall be by each municipality paid over to the local government board, who shall be trustees of such funds and securities, and shall have the right to maintain an action against any municipality to recover the amount due from the municipality in respect of such sinking funds.

"Pending investment, the local government board may deposit any moneys so coming into their possession in a chartered bank, and such deposit shall be made in the name of his Majesty in the right of his province of British Columbia, and such moneys deposited may be withdrawn on the order of the local government board by cheque signed by such persons as the lieutenant-governor in council may by order-in-council designate.

"The local government board may from time to time realize upon any securities held on behalf of such sinking funds, and may invest any moneys in its hands and the proceeds of the sale of any securities in such manner as the board, with the consent of the lieutenant-governor in council, may deem wise.

"All moneys and securities coming into the hands of the local government board as aforesaid, shall be deemed to be a debt due by his Majesty in the right of his province of British Columbia to the municipality, repayable on the tenth day before the maturity of the security for which said sinking fund is held or raised by the municipality.

"Interest shall be allowed on such sinking funds and securities compounded from time to time at such rate, not less than 4 per cent. per annum, as the lieutenant-governor in council shall from time to time fix."

The act continues to state that on January 31st in every year the treasurer of every municipality shall transmit to the local government board, a complete statement of the condition of the sinking funds. The financial powers of the municipalities are set out under trade licenses, general licenses, statute labor and commutations, and the manner of ascent of electors. The municipal council shall have power to assess for purpose of taxation railways and public utilities within the jurisdiction of the municipality and shall exempt from taxation churches, burying grounds, hospitals, orphan asylums, property of agricultural societies not exceeding five acres, municipal properties, crown properties and land and improvements by act of the legislature. The act provides for the method of valuation and assessment which is precisely drawn up and defined, appeals to courts of revision, operations of courts of revision and estimates of expenditures on or before November 20th in each year.

Taxation

In regard to taxation the act provides that municipal tax shall take precedence over every other claim against the property taxed. That it provides for method of collection and revision of taxes, and states that taxes shall be considered as in arrears when not paid for by December 31st of the following year. It also provides for percentage additions and specifies that on July 1st in each year the collector shall add to the current taxes 10 per cent. of the amount thereof and shall make a further addition on October 1st in each year of 5 per cent. The council is given the power to vary the dates but not the total amount of the addition which shall be 15 per cent. of the taxes imposed. The taxes on land and improvements, with percentages added, shall bear 8 per cent. interest per annum. The act further provides for pro rating of taxes on sub-divisions which have been cancelled, and on taxes of crown lands, the title of which inheres in the crown subject to agreements of sale which have defaulted.

The act provides the remedy for the non-payment of taxes and contains the right of action by the municipality in any court of competent jurisdiction against the owner. This