



BY-LAW 622-2021 regarding local heritage council

Explanatory note

This by-law decrees the constitution of the Municipality's local heritage council in accordance to the competencies allotted to municipalities as per the Cultural heritage Act.

It allows, in so doing, for the Municipality to fully exercise its competency as per this same Act and act as council's advisory committee with matters of cultural heritage.

It stipulates the composition of a five (5) member council named by the municipal council formed by one of its members.

As for other existing committees, local heritage council members are not remunerated as such for accomplishing their mandate.

It sets a few basic operating rules while having to the authority to determine the internal management regulations.

CONSIDERING the provisions of Articles 152 and following of the Cultural heritage Act (RLRQ, ch. P-9.002);

WHEREAS THAT Articles 117 and following of this same Act provides many municipal powers that Council intends on exercising in order to constitute, protect and highlight the local heritage council;

WHEREAS a notice of motion was given by Councillor Peter MacLaurin at the regular meeting of June 9th, 2021;

WHEREAS THAT the draft by-law was presented at the regular meeting of June 9th, 2021 and published on the Municipality's website;

WHEREAS the brief presentation of the draft by-law by the Director general;

CONSEQUENTLY, the municipal council decrees the following:

CHAPTER 1: INTRODUCTORY PROVISIONS

1. **Preamble** - The preamble forms an integral part of the by-law.
2. **Goal** - The present by-law is intended to establish a legal framework for the constitution of a local heritage council in order to enable the council to exercise its powers under the Cultural Heritage Act (RLRQ, c. P-9.002).

CHAPTER 2 : COMPOSITION DU COMITÉ

3. **Nomination of members** – The local heritage council is comprised of three (3) to five (5) permanent members, each having the right to vote, of which one council member and two (2) to four (4) residents of the Town, named by municipal council's resolution.
4. **President** – The committee elects a president by the majority of members.

5. **Assistant members** – Each inspector of the Urbanism and environment department is an assistant member who assists the local heritage council with the studying and submitting all presented requests and dossiers to the local heritage council.

6. **Additional members** – Along with permanent members and above-mentioned assistants, Council may name, if needed, other assistant members for the proper operation of activities and committee meetings.

CHAPTER 3 : NOMINATION AND DURATION OF MANDATE

7. **Duration** – Local heritage council members are named for a period of two (2) years.

The mandates are renewable for an identical term.

8. **Call for candidacies** – Council names the members after having published a public notice for candidacies.

9. **Bank of candidates** – It may also constitute a bank of candidates from which it may eventually draw from.

10. **Dismissal** – Council may dismiss a member's mandate when it is deemed not being properly carried out.

11. **Replacement** – In the case of a dismissal or resignation, Council may designate by resolution, a new member in order to fill the vacant position for the remaining duration of the mandate.

12. **Rotation** – In order to preserve a minimum number of experienced members, a two-year (2) rotation may be made from the date of entering into effect of the present by-law.

A raffle may determine the first two members whose mandate has come to an end, after one year following the nomination.

12.1 **Members' remuneration** – Members of council who are not elected members of the municipal council shall receive a remuneration determined from time to time by resolution of the council.

CHAPTER 4 : LOCAL COUNCIL'S MANDATES

13. **Briefs and recommendations** – At Council's request, the LHC studies and submits, by way of formal resolution, briefs and recommendations regarding any question pertaining to cultural heritage and the application of the Cultural heritage Act, within the areas of expertise allotted to municipalities.

14. **Representations by the public** – The LHC must receive and hear representations presented by anyone interested following the notices given as per Articles 123, 129 and 130 of the Cultural heritage Act (RLRQ, ch. P-9.002).

It may also receive and hear requests and suggestions from anyone or any group regarding any question of its competency.

15. **Recommendation obligation** – Members of the LHC are required to decide on each mandate entrusted by Council.

At no time, are they able to abstain on or refuse to vote, unless in the case of a conflict of interest, as stipulated in Chapter 6.

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Should a situation occur and persist over a period of ninety (90) days pursuant to the taking into consideration of a request or project, the LHC is reputed having issued a notice and having taken a decision regarding the given mandate.

CHAPTER 5 : COMMITTEE'S AUTHORITY

16. ***Internal management*** – The local heritage council may establish internal management regulations.

17. ***Sub-committees*** – It may create and form study sub-committees whose members are chosen amongst those from the local heritage council.

18. ***Resources*** - The LHC may consult any of the Town's employees and recommend that Council study or work deemed useful in accomplishing its mandate.

It may, with Council's authorization, consult any expert, if needed.

CHAPTER 6 : CONFLICTS OF INTERETS AND CONFIDENTIALITY

19. ***General rule*** – Every member directly or indirectly implicated or linked to a matter being studied must withdraw from the discussions and abstain from voting on the subject.

20. ***Ethic and professional conduct*** – The By-law regarding municipal employees' ethics and professional conduct applies to the local council members following to the necessary adjustments.

21. ***Recommendations confidentiality*** - Deliberations, recommendations and resolutions by the local heritage council are strictly confidential until they are presented to Council.

CHAPTER 7 : FINAL PROVISIONS

22. ***Quorum*** – The local council quorum is comprised of the majority of its members.

23. ***Indemnity*** – The local heritage council's permanent members and assistants are not remunerated as such to carry-out their mandate.

24. ***Budget*** – Council may vote annually and make sufficient budgetary credits available to the local council.

25. ***Report regarding notices and recommendations*** – Local council's studies, recommendations and notices are submitted to Council by resolution.

The council's notes may, for all intents and purposes, if deemed sufficient, serve as written reports.

26. ***Entering into effect*** - The present by-law enters into effect on the day of its publication.



Timothy Watchorn
Mayor



Hugo Lépine
Director general - Secretary-treasurer