

**SMOKY LAKE COUNTY  
IN THE PROVINCE OF ALBERTA  
BYLAW NO. 1236-11**

**A BYLAW OF THE MUNICIPALITY OF SMOKY LAKE COUNTY IN THE PROVINCE OF ALBERTA BEING A BYLAW OF SMOKY LAKE COUNTY TO ESTABLISH AND GOVERN THE SMOKY LAKE COUNTY REGIONAL HERITAGE BOARD.**

**WHEREAS** the Heritage of Smoky Lake is the tangible expression of the intangible historical, cultural, aesthetic and social values that gives our communities their sense of time and place, and is the cultural expression of what that place is.

**WHEREAS** cultural expression is an anchor for development.

**WHEREAS** the Smoky Lake County Council desires to establish the means to manage the heritage that belongs to the citizens of Smoky Lake County.

**AND WHEREAS**, pursuant to the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, Council may pass by-laws in relation to the establishment, functions, procedures, and conduct of Council committees.

**NOW THEREFORE** the Council of Smoky Lake County, in the Province of Alberta, hereby enacts as follows:

1. The **Smoky Lake County Regional Heritage Board** is hereby established and is referred to as the "Board" in this Bylaw.

**2. DEFINITIONS**

- 2.1 **Advisory:** A function having to do with preparing and disseminating advice, which the recipient is free to accept in part or in whole, or to reject.
- 2.2 **Built Heritage:** Heritage assets/resources in the form of constructed objects including buildings, forts, trails, roadways, ferry landings, cemeteries and fence lines.
- 2.3 **Cultural Heritage:** Artistic expression of values, emotions and entertainment rooted in communities' origins, including but not limited to, visual arts, poetry, prose, dance, music, theatre and other traditions and customs.
- 2.4 **Board:** The Smoky Lake Heritage Board, a committee established to take responsible charge of community interest in a heritage asset or assets (property) distinct from the legal ownership thereof.
- 2.5 **Ecological Heritage:** Ecological relationships among plants, animals, humans, the land, water and wetlands, and forests inherited from earlier generations of humans.
- 2.6 **Heritage:** The tangible expression of the historical, cultural, aesthetic and social values that give communities their sense of time and place, and are the cultural expression of what is that place.

- 2.7 **Heritage Assets/Resources:** Assets or resources whether owned by the public or privately, that express the heritage of a community through historical, cultural, aesthetic and / or social value beyond their material value, whether captured by markets or not.
- 2.8 **Landscape Heritage:** Topography and land use patterns expressed as sight lines and horizons inherited from the land use practices and definitions of property rights of previous generations of people in a locality.

### 3. **PURPOSE AND MANDATE OF THE BOARD**

The purpose and mandate of the Board are:

- 3.1 To manage aspects of the survey, identification, evaluation, designation, preservation, restoration, planning, financing and development of the heritage of Smoky Lake County.
- 3.2 To advise Smoky Lake County Council on all policy and regulatory matters relating to the heritage and heritage resources of the County.
- 3.3 To stimulate in the general public an appreciation and knowledge of heritage and heritage activities, and encourage, promote and advocate for the preservation and safeguarding of the integrity of landscape heritage, ecological heritage, cultural heritage events and built heritage in the Smoky Lake County.

### 4. **FUNCTIONS**

The Board will undertake the following functions, subject to the provisions of this Bylaw and all other County bylaws and Provincial and Federal laws.

- 4.1 Provide services and support, both expert and financial, to historical and heritage organizations and individuals to increase their capacity to contribute and encourage private initiative and investment in the heritage of the Smoky Lake County.
- 4.2 Serve as a focal point for volunteer historical and heritage interests in the Smoky Lake County.
- 4.3 Encourage and assist private owners to protect and restore designated heritage assets through projects, expert advice, recognition of initiative, conservation advice, and advocacy of public policies to provide incentives of all kinds including tax rebates and deferrals, financial inducements, grants, building codes, services of the public works department and infrastructure. The Board shall not, implicitly or explicitly, commit the County to any expenditures.
- 4.4 Work with the private sector to promote economic development based on the heritage resources of the Smoky Lake County.
- 4.5 Act as a resource and advisor to Smoky Lake County Council and may be requested by other municipal councils to advise on all matters relating to heritage. Any efforts provided to other municipal councils shall be at no cost to Smoky Lake County.
- 4.6 Seek out expert talent and skills to apply to heritage issues as they may arise.

- 4.7 On behalf of the Smoky Lake County Regional Heritage Board, and with the full knowledge of the County Council and Administration solicit, apply for and receive grants or donations from foundations, other orders of government, the private sector and individuals to carry out specific projects and to support historical and heritage organizations.
- 4.8 Ensure that any privately donated funds received are applied to the specific purpose designated by the donor.
- 4.9 Assist in defining, identifying, evaluating and designating historical and heritage assets for inclusion in County, Provincial, National and Global inventories of heritage assets.
- 4.10 Publicly acknowledge the efforts of individuals, groups and businesses who have worked on and supported:
  - 4.10.1 The preservation and promotion of the County's heritage.
  - 4.10.2 Significant contributions to the restoration of the heritage of the County.
- 4.11 Serve as an advocate respecting heritage issues within the Smoky Lake County and Province.
- 4.12 Provide advice to increase public knowledge and awareness of the heritage of the Smoky Lake County through education and promotion.
- 4.13 Invite, hear and consider representations by individuals and community groups on matters of the Smoky Lake County heritage.

## 5. STRUCTURE

- 5.1 The Members of the Board, hereafter called the "Members", will consist of not less than three (3) and not more than seven (7) individuals appointed by County Council. Council may engage an independent panel to examine nominations and make recommendations for appointment by County Council.
- 5.2 The selection of appointees shall be from nominations, according to three criteria:
  - 5.2.1 Commitment to Smoky Lake County heritage.
  - 5.2.2 Talents and skills needed to achieve the purpose of the Heritage Board.
  - 5.2.3 Demonstrated ability to be team players.
- 5.3 A Call for Nominations shall be triggered if Board membership falls below five (5) members.
- 5.4 A Call for Nominations shall be advertised by the Smoky Lake County in the local media of the Smoky Lake County at least fourteen (14) days prior to the closing date for nominations.
- 5.5 The Board will be composed of citizens-at-large.
- 5.6 The majority of the Board members must reside in the Smoky Lake County or the urban municipalities within the boundaries of Smoky Lake County.

- 5.7 All appointments are for a term of one (1) year and shall be made at the County's annual Organizational Meeting.
- 5.8 Any number of vacancies on the Board may be filled, at any time, by a resolution of Council. Any members so appointed shall serve out the remainder of the year and then be eligible for reappointment at the next County Organizational Meeting.
- 5.9 The Members of the Board may request that Council terminate the appointment of any member who is absent for more than three consecutive meetings, or who misses three meetings within a six-month period unless such absence has been authorized by resolution of the Board.
- 5.10 Council may terminate any member's appointment at any time.
- 5.11 Every Board Member must uphold and comply with this Bylaw.

**6. EXECUTIVE OFFICERS**

- 6.1 The Election of Executive Officers shall be done at the first meeting following Council's Organizational Meeting.
- 6.2 The Board members will select a Chair, Vice-Chair, Secretary-Treasurer from among their members and these persons shall be known as the Executive Officers of the Board.
- 6.3 The Secretary and Treasurer positions may be held by the same person.
- 6.4 The duties of the Chair will be to:
  - 6.4.1 Call meetings of the Board.
  - 6.4.2 Act as chair at all meetings of the Board.
  - 6.4.3 Enforce the Bylaws
  - 6.4.4 Represent the Heritage Board at meetings of County Council and at public functions.
  - 6.4.5 Be a leader and mediator.
- 6.5 The duties of the Vice-Chair will be to:
  - 6.5.1 Act as Chair in the absence of the Chair.
  - 6.5.2 Oversee the nomination and Board member selection procedure and submit the selected nominees to the Smoky Lake Council for ratification.
- 6.6 The duties of the Secretary will be to:
  - 6.6.1 Conduct the correspondence.
  - 6.6.2 Issue the notice of meetings.
  - 6.6.3 Keep minutes of all meetings.
  - 6.6.4 Have custody of all records and documents.
  - 6.6.5 File documents and records as required by the County, grantors and private and corporate donors.

- 6.7 The duties of the Treasurer will be to:
  - 6.7.1 Keep or oversee the keeping of financial records.
  - 6.7.2 Carry out the banking.
  - 6.7.3 Prepare and sign cheques / cheque vouchers for co-signature.
  - 6.7.4 Report on the financial transactions and status of the Board at every Board meeting.
  - 6.7.5 Ensure that the books of account are audited annually.
  - 6.7.6 Ensure that the Board makes no expenditure that is beyond budgeted limits, unless the prior authorization of the County is obtained.

## **7. PROCEDURES**

- 7.1 All meetings of the Board shall be open to the public, and no person shall be excluded except for disrespectful conduct or unless the Board meets within Executive Session under the conditions and provisions of the *municipal Government Act*.
- 7.2 The Board will meet at least 6 times a year with at least seven (7) days public notice of meetings.
- 7.3 Quorum for the Board is a three (3) member or simple majority of the existing members of the Board, whichever is greater and must be obtained within thirty (30) minutes from the advertised start of a Board meeting.
- 7.4 The Board may solicit input from the public at any time and hold public meetings.
- 7.5 The Board may engage staff and consultants, subject to approval and procedures established by Smoky Lake County.
- 7.6 The Board may not incur deficits or debt on behalf of itself or Smoky Lake County.
- 7.7 The Board shall not own property.

## **8. RELATIONSHIP TO SMOKY LAKE COUNTY COUNCIL**

- 8.1 The County Council appoints members to the Board from an independently generated list.
- 8.2 The County Council may designate heritage assets upon the recommendation of the Board, following identification and evaluation for merit according to provincial and / or national criteria.
- 8.3 The Board reports directly to the Smoky Lake County Council about projects, programs, advice to Council, financial transactions and fund raising on an annual basis.

- 8.4 The County Council may replace the entire Board by instituting a call for nominations if it believes that the Board is not fulfilling its purpose and / or is failing to support and adhere to this Bylaw.
- 8.5 Private and corporate may be made to the Smoky Lake County as a donation to a municipality, and shall in their entirety be credited to the revenue of the Board's budget.

**9. REMUNERATION**

- 9.1 Membership on the Board is voluntary and no remuneration will be paid for serving as a member.
- 9.2 Members will be reimbursed for reasonable out-of pocket expenses and mileage to attend each meeting of the Board and committee meetings in accordance with prevailing County policy.

**10. COMMITTEES**

- 10.1 The Board may establish sub-committees as required, including but not limited to the following:
  - 10.1.1 A panel to review and monitor heritage and historic resources identification, evaluation and designation.
  - 10.1.2 Heritage project and commemorative marker committee.
  - 10.1.3 A restoration, finance and grant review committee.
- 10.2 The Board may appoint persons from outside the Board to a sub-committee and is encouraged to do so.
  - 10.2.1 Sub-committee members will be reimbursed for reasonable out-of pocket expenses and mileage to attend each meeting of the Board and sub-committee meetings in accordance with prevailing County policy.
- 10.3 Sub-committees shall be chaired by a Board member, shall keep a record of meetings and meeting plans, and shall report back to the Board on a regular basis.
- 10.4 Sub-committees may solicit public input at any time and hold public meetings.

**11. BUDGET**

- 11.1 A budget for projected revenue and expenditures for the operations of the Board in the administration of this bylaw will be submitted to Council. The budget for the Board, once approved by the County, shall form part of the normal County budget process.
- 11.2 The revenue side of the Board's budget may include public sector grants, private contributions and any amounts which the County allocates to the Board. The aim is for the Board to establish and sustain financial independence from County tax payers.
- 11.3 Budgeted revenues and expenditures will be administered by the Board and audited by the County auditor according to County policy and practices.

## 12. CODE OF PRACTICES

- 12.1 The following principles shall guide all operations of the Smoky Lake County Regional Heritage Board:
- 12.1.1 Transparency.
  - 12.1.2 Public accountability.
  - 12.1.3 Impartial and ethical relationships.
  - 12.1.4 Approachability.
  - 12.1.5 Companion to organized and individual heritage initiatives, especially those taken by non-governmental organizations (volunteer organizations), to help get their job done.
  - 12.1.6 Respect for private property rights.
  - 12.1.7 Constructive contribution to Board and community cohesion.
  - 12.1.8 Simple processes and practices.
- 12.2 The Smoky Lake County Regional Heritage Board shall not at any time act in a manner that is contrary to or inconsistent with any legal obligation of the County.

## 13. INDEMNIFICATION

- 13.1 The Board shall act in accordance with all provisions of the *Municipal Government Act* that apply to such municipal board.
- 13.2 Subject to the provisions of the *Municipal Government Act*, each officer or member of the Board or committee established by the Board shall be indemnified by the County against expenses reasonably incurred by him or her in connection with any action, suit or proceeding to which he or she may be made a party by reason of his or her being or having been an officer or member of the Board or committee of the Board, except in relation to matters as to which he or she shall be finally adjudged in such action, suit or proceeding to have not acted in good faith in the performance or intended performance of his or her functions and duties as an officer or member. This indemnity does not apply if the claim or action is in
- 13.3 Subject to the provisions of the *Municipal Government Act*, no member or officer for the time being of the Board or Board committee shall be liable for the acts, neglects or defaults of any other member or officer of the Board or for joining in any act for conformity or for any loss, damages or expense happening to the Board through tortuous act of any person, firm, or corporation with whom or which any funds or property of the Board shall be lodged or deposited, or for any other loss, damage or misfortune whatsoever which may happen in the execution of the duties of his or her respective duties in relation thereto, unless all or any of the same shall happen by or through the willful act, default or neglect of such member, officer or committee member.
- 13.4 The County shall apply to the Court for any approval of the Court which may be required to make the indemnities herein effective and enforceable. Each member or officer of the Board or committee member on being appointed shall be deemed to have contracted with the Board upon the terms of the foregoing indemnities. Such indemnities shall continue in effect with regard to actions arising out of the term each member or officer held in such office notwithstanding that he or she no longer continues to hold such office.

13.5 The County shall purchase and maintain insurance for the benefit of any or all members, officers or committee members against personal liability incurred by any such person as a member or officer.

**14. REPEAL AND EFFECTIVE DATE**

14.1 Bylaw No. 1206-10 shall be repealed upon the passing of this Bylaw.

14.2 This Bylaw comes into effect on the date of final passing.

READ A **FIRST TIME** IN COUNCIL THIS 16 day of December, AD 2011.

READ A **SECOND TIME** IN COUNCIL THIS 16 day of December, AD 2011.

READ A **THIRD AND FINAL TIME, WITH THE UNANIMOUS CONSENT OF ALL COUNCILLORS PRESENT, THIS** 16 day of December, AD 2011.

  
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Dareld Cholak  
Reeve

**SEAL**

  
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Cory Olikka  
Chief Administrative Officer