

BYLAW NO. 005-2021
TOWN OF SMOKY LAKE
IN THE PROVINCE OF ALBERTA

BEING A BYLAW OF THE TOWN OF SMOKY LAKE IN THE PROVINCE OF ALBERTA TO ESTABLISH AND GOVERN THE SMOKY LAKE 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 culture and art expression is an anchor for development.

WHEREAS the municipalities of the Smoky Lake Region enjoy a positive record of successful cooperation in Heritage Management Planning.

WHEREAS the Smoky Lake County Council is the Managing Partner, and the Member Municipalities of the Smoky Lake Region each desire to establish the means to manage the heritage that belongs to the citizens of Smoky Lake Region.

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 the Town of Smoky Lake, in the Province of Alberta, hereby enacts as follows:

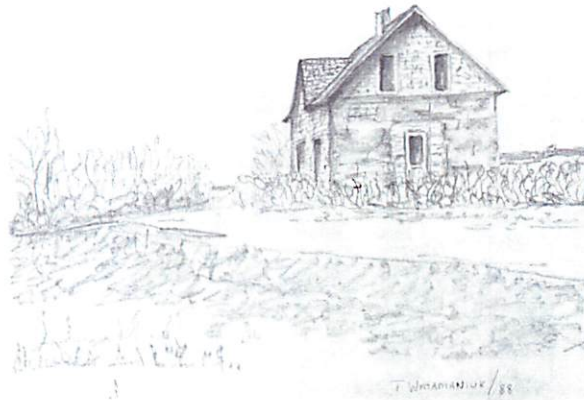
1. NAME & ESTABLISHMENT

- a. The **Smoky Lake Regional Heritage Board** is hereby established and is referred to as the "Board" or the "SLRHB" within in this Bylaw.

2. BRANDING & LOGO

- a. The Logo of the SLRHB appears as follows:

A handwritten signature in blue ink, consisting of a stylized 'A' followed by a flourish.



The design is based on a drawing found on page 8 of *Between River and Lake*. Warspite Victoria Trail Historical Society, 1989., and depicts the distinctive 'House in the Middle of the Road' (HITMOR, or Anderson House) Municipal Historic Resource.

- b. The SLCRHB may vary, modify, or create such branding as it deems necessary from time to time.

3. DEFINITIONS

- a. **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.
- b. **Built Heritage:** Heritage assets/resources in the form of constructed objects including buildings, forts, trails, roadways, ferry landings, cemeteries, and fence lines.
- c. **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.
- d. **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.
- e. **Ecological Heritage:** Ecological relationships among plants, animals, humans, the land, water and wetlands, and forests inherited from earlier generations of humans.

- f. **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.
- g. **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.
- h. **Landscape Heritage:** Topographic 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. This may also be referred to as a 'Cultural Landscape"
- i. **Managing Partner:** Smoky Lake County shall be the Managing Partner for the Smoky Lake Regional Heritage Board.
- j. **Member Municipalities:** Those municipalities within the Smoky Lake Region which have adopted this bylaw.
- k. **Smoky Lake Region:** Encompasses all municipalities within the Smoky Lake area, including Smoky Lake County, the Town of Smoky Lake, the Village of Vilna, and the Village of Waskatenau.

4. PURPOSE AND MANDATE OF THE BOARD

The purpose and mandate of the Board are:

- a. To manage aspects of the survey, identification, evaluation, designation, preservation, restoration, planning, financing, and development of the heritage of Smoky Lake Region.
- b. To advise the Member Municipality Councils on any policy and regulatory matters relating to the heritage and heritage resources of the Region, including the 20-Year Heritage Management Plan.
- c. To stimulate public interest and 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 Region.
- d. To collaborate with any other partners, agencies, boards, commissions,



departments, and municipalities, in the delivery of the aforementioned purposes.

5. FUNCTIONS

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

- a. 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 Region.
- b. Serve as a focal point for volunteer historical and heritage interests in the Smoky Lake Region.
- c. 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 Member Municipalities to any expenditures.
- d. Work with the private sector to promote economic development based on the heritage resources of the Smoky Lake Region.
- e. Act as a resource and advisor to Member Municipality Councils 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.
- f. Seek out expert talent and skills related to heritage issues as they may arise.
- g. On behalf of the Smoky Lake Regional Heritage Board, and with the full knowledge of the Member Municipality Councils, 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.



- h. Ensure that any privately donated funds received are applied to the specific purpose designated by the donor.
- i. Assist in defining, identifying, evaluating and designating historical and heritage assets for inclusion in Member Municipality, Provincial, National and Global inventories of heritage assets.
- j. Publicly acknowledge the efforts of individuals, groups and businesses who have worked on and supported:
 - i. The preservation and promotion of the Region's heritage.
 - ii. Significant contributions to the restoration of the heritage of the Smoky Lake Region.
- k. Serve as an advocate respecting heritage issues within the Smoky Lake Region and Province.
- l. Provide advice to increase public knowledge and awareness of the heritage of the Smoky Lake Region through education and promotion.
- m. Invite, hear and consider representations by individuals and community groups on matters of the Smoky Lake Region's heritage.

6. STRUCTURE

- a. The Members of the Board, hereafter called the "Members", will consist of not less than three (3) and not more than nine (9) individuals appointed by Member Municipality Councils.
- b. Member Municipality Councils may engage an independent panel to examine nominations and make recommendations for appointment.
 - i. The Member Municipalities shall collaboratively share the membership of the Board as follows:
 1. Smoky Lake County: up to five (5) members
 2. Town of Smoky Lake: up to two (2) members
 3. Village of Waskatenau: up to one (1) member
 4. Village of Vilna: up to one (1) member



- c. Nothing shall prevent a Member Municipality from appointing one or more Councillors to the Board, if deemed appropriate.
 - i. Board membership with respect to Elected Officials and Members-at-Large with Elected Official membership less than 50% and not a requirement to receive the benefits of heritage management.
- d. The selection of appointees shall be from nominations, according to three criteria:
 - i. Commitment to the Smoky Lake Region's heritage.
 - ii. Talents and skills needed to achieve the purpose of the Heritage Board.
 - iii. Demonstrated ability to be team players.
- e. A Call for Nominations shall be triggered if Board membership falls below five (5) members.
- f. A Call for Nominations shall be advertised in the local media at least fourteen (14) days prior to the closing date for nominations.
- g. The Board will be composed of citizens-at-large.
- h. The majority of Board members must reside in the Smoky Lake Region.
- i. All appointments are for a term of one (1) year and shall be made at the Member Municipalities' Annual Organizational Meetings, or as required from time-to-time.
- j. Any number of vacancies on the Board may be filled, at any time, by a resolution of a Member Municipality Council. Any members so appointed shall serve out the remainder of the year and then be eligible for reappointment at the next Annual Organizational Meeting.
- k. 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.

- I. A Member Municipality Council may terminate any of its member's appointment at any time.

- m. Every Board Member must uphold and comply with this Bylaw.

7. EXECUTIVE OFFICERS

- a. The Election of Executive Officers shall be done at the first meeting following Council's Organizational Meeting.

- b. 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.

- c. The Secretary and Treasurer positions may be held by the same person.

- d. The duties of the Chair will be to:
 - i. Call meetings of the Board.
 - ii. Act as chair at all meetings of the Board.
 - iii. Enforce the Bylaws.
 - iv. Represent the Heritage Board at meetings of Member Municipalities and at public functions.
 - v. Be a leader and mediator.

- e. The duties of the Vice-Chair will be to:
 - i. Act as Chair in the absence of the Chair.
 - ii. Oversee the nomination and Board member selection procedure and submit the selected nominees to the Smoky Lake Council for ratification.

- f. The duties of the Secretary will be to:
 - i. Conduct the correspondence.
 - ii. Issue the notice of meetings.
 - iii. Keep minutes of all meetings.
 - iv. Have custody of all records and documents.



- v. File documents and records as required by the County, grantors and private and corporate donors.
- g. The duties of the Treasurer will be to:
 - i. Keep or oversee the keeping of financial records.
 - ii. Carry out the banking.
 - iii. Prepare and sign cheques / cheque vouchers for co-signature.
 - iv. Report on the financial transactions and status of the Board at every Board meeting.
 - v. Ensure that the books of account are audited annually.
 - vi. Ensure that the Board makes no expenditure that is beyond budgeted limits, unless the prior authorization of the County is obtained.

7. PROCEDURES

- a. 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 a Closed Session under the conditions and provisions of the *Municipal Government Act* and the *Freedom and Protection of Information (FOIP) Act*.
- b. The Board will meet at least quarterly, with at least seven (7) days public notice of meetings.
- c. 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.
- d. The Board may solicit input from the public at any time and hold public meetings.
- e. The Board may engage staff and consultants, subject to approval and procedures established by Smoky Lake County.
- f. The Board may not incur deficits or debt on behalf of itself or the Member Municipalities.
- g. The Board shall not own property.

8. RELATIONSHIP TO MEMBER MUNICIPALITY COUNCILS



- a. Member Municipality Councils appoints members to the Board.
- b. A Member Municipality Council may designate heritage assets upon the recommendation of the Board, following identification and evaluation for merit according to provincial and / or national criteria.
- c. The Board shall report to Joint Municipalities on at least an annual basis about projects, programs, advice to Member Municipality Councils, financial transactions, and fund raising on an annual basis.

9. REMUNERATION

- a. Membership on the Board is primarily voluntary. Except by resolution of individual member municipalities, no remuneration will be paid for service as a member.
- b. Board Members shall be reimbursed for reasonable out-of pocket expenses and mileage to attend each meeting of the Board and committee meetings in accordance with prevailing Member Municipality policies.

10. COMMITTEES

- a. The Board may establish sub-committees as required, including but not limited to the following:
 - i. A panel to review and monitor heritage and historic resources identification, evaluation and designation.
 - ii. Heritage project and commemorative marker committee.
 - iii. A restoration, finance and grant review committee.
- b. The Board may appoint persons from outside the Board to a sub-committee and is encouraged to do so.
 - i. 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 Member Municipality policies.
- c. 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.

- d. Sub-committees may solicit public input at any time and hold public meetings.

11. BUDGET

- a. A budget for projected revenue and expenditures for the operations of the Board in the administration of this bylaw will be submitted to Member Municipality Councils.
- b. The revenue side of the Board's budget may include public sector grants, private contributions, and any amounts which the Member Municipalities allocate to the Board.
- c. The aim is for wherever possible, that the Board establish and sustain financial independence from Member Municipalities.
- d. Budgeted revenues and expenditures will be administered by the Board and audited by the Member Municipality auditors according to municipal policies and practices.
- e. Monies contributed to the annual budget by Member Municipalities towards expenditures on projects, signage, etc., are to be allocated to projects located within that Member Municipality's boundaries.

12. CODE OF PRACTICES

- a. The following principles shall guide all operations of the Smoky Lake Regional Heritage Board:
 - i. Transparency.
 - ii. Public accountability.
 - iii. Impartial and ethical relationships.
 - iv. Approachability.
 - v. Companion to organized and individual heritage initiatives, especially those taken by non-governmental organizations (volunteer organizations), to help get their job done.
 - vi. Respect for private property rights.
 - vii. Constructive contribution to Board and community cohesion.
 - viii. Simple processes and practices.
- b. The Smoky Lake Regional Heritage Board shall not at any time act in a manner that is contrary to or inconsistent with any legal obligation(s) of



the Member Municipalities.

13. INDEMNIFICATION

- a. The Board shall act in accordance with all provisions of the *Municipal Government Act* that apply to such municipal board.
- b. Subject to the provisions of the *Municipal Government Act*, each member of the Board or committee established by the Board shall be indemnified by the Member Municipality Council 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 Private and corporate may be made to the Member Municipality as a donation to a municipality and shall in their entirety be credited to the revenue of the Board's budget.
- c. 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.
- d. The Member Municipalities 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.
- e. The Member Municipalities 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.

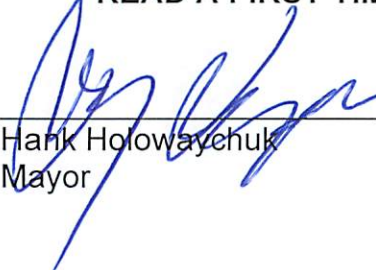
14. SEVERABILITY

- a. If any portion or section of this Bylaw is found to be invalid, the remaining portions remain in force.

15. REPEAL AND EFFECTIVE DATE

- a. Any previous bylaw be repealed upon the passing of this Bylaw.
- b. This Bylaw comes into effect on the date of Third Reading.

READ A FIRST TIME THIS 15th DAY OF JUNE, 2021.



Hank Holowaychuk
Mayor



Adam Kozakiewicz
Chief Administrative Officer

READ A SECOND TIME THIS 20th DAY OF JULY, 2021.



Hank Holowaychuk
Mayor



Adam Kozakiewicz
Chief Administrative Officer

READ A THIRD AND FINAL TIME THIS 20th DAY OF JULY, 2021.



Hank Holowaychuk
Mayor



Adam Kozakiewicz
Chief Administrative Officer



IN WITNESS WHEREOF this bylaw is executed on behalf of the participating Municipalities, by the hands of their officers duly authorized in that behalf and under each municipal seal affixed:

Smoky Lake County

Reeve
Smoky Lake County

Chief Administrative Officer
Smoky Lake County

DATE: _____

DATE: _____

Village of Waskatenau

Mayor
Village of Waskatenau

Chief Administrative Officer
Village of Waskatenau

DATE: _____

DATE: _____

Village of Vilna

Mayor
Village of Vilna

Chief Administrative Officer
Village of Vilna

DATE: _____

DATE: _____

